

5th International Conference

Beyond the San Francisco System

December 15, 2023, 9.30 a.m-7 p.m

SK Future Hall's Choi Jong-hyeon Hall, Korea University

Organizers Asiatic Research Institute, Korea University
The Northeast Asia Peace Center
Ocean Law and Policy Institute, KIOST
The Development of International Law in Asia-Korea
Dodam Cultural Foundation

Sponsor Northeast Asian History Foundation



이 발표자료집은 2023년도 동북아역사재단의 지원을 받아 발간되었음.

Invitation

The Korea University Asiatic Research Center and Northeast Asia Peace Center proudly present this international symposium on the theme 'Beyond the San Francisco System.'

The San Francisco System refers to the post-war regime that formed in East Asia under the Treaty of San Francisco. Signed in 1952, this treaty began from the stance of imposing strict punitive measures on Japan as the vanquished nation in World War II, but was significantly altered by Cold War dynamics due to the Korean War and the communization of China. Korea was not involved in the conclusion of the Treaty of San Francisco, but has been greatly affected by the constraints in agreements modeled upon this treaty, including the Treaty on Basic Relations between Japan and the Republic of Korea and the Korea-Japan Agreement on Settlement of Claims. We currently live in an important time for moving beyond the San Francisco System and shifting toward a system of peace and cooperation in East Asia.

Today's symposium is our fifth conference, after meetings held in Columbia University, the University of Pennsylvania, Wuhan University and the Koreana Hotel. This event will feature presentations and discussions among scholars from Korea, the US, Japan, China, Australia and Canada, so we hope to see you there.

December 15 2023

The Asiatic Reserch Institute, Korea Univ. Director, Lee Jinhan

The Northeast Asia Peace Center, chairman, YoungHo Kim

5th International Conference

Beyond the San Francisco System

General Moderator	· Kang, Pyoung-Keun (Professor, Korea University)
Opening Speech	· Lee, Jin-Han (Director, The Asiatic Research Institute, Korea University)
Congratulatory Speech	· Lee, Young Ho (Chairman, Northeast Asia History Foundation)
Keynote Speech: How to go beyond the San Francisco System: The Problem Revisited	09:50-10:20
	· Wada, Haruki (Emeritus Professor, University of Tokyo)
Session 1: Historical approach	10:20-12:10
Moderator	· Lee, Jang Hie (Emeritus Professor, Hankuk University of Foreign Studies)
Paper	· Yi, Tae-Jin (Emeritus Professor, Seoul National University) "The Political Situation Surrounding the 'Transwar Phenomenon' in Post-War: Japan and the San Francisco Peace Treaty" · Xu, Yong (Professor, Peking University) "A Study of the Restorationism around Rebuilding the Nation in Okinawa" · Alexis Dudden (Professor, University of Connecticut) "Questions of Sovereignty through Critical Anniversaries" · Kimie Hara (Professor, University of Waterloo) "Beyond the San Francisco System: Exploring Keys for Fair Settlement and Reconciliation"
Panel	· Lee, Jong-Guk (Special Professor, Dong Kook University) · Jung, Byung-Joon (Professor, Ewha Womans University)
Lunch Time	12:10-13:10
Session 2: International Legal and political Economic Approach	13:10-15:50
Moderator	· Yi, Tae-Jin (Emeritus Professor, Seoul National University)
Invited zoom speech	· Gavan MacCormack (Emeritus Professor Australian National University) "Contemplating the San Francisco Treaty Settlement 72 years On" 
Video Speech	· Hu, Dekun (Chair Professor, Wuhan University) "Towards How to go beyond the SF system in the Northeast Asia-Some thoughts on whether to move toward cooperative development-" 
Paper	· Totsuka, Etsuro (Professor, Ryukoku Univ) "Unlawfulness of Japan's Colonization of Korean Peninsula -Korea's Declaration of January 21, 1904 and Japan's Violation of International Law" · Tae-Ung Baik (Professor, Hawaii University) "Comport Women and Enforced Disappearances during the Pacific War" · Lee, Jong Won (Professor, Waseda University) "Community' versus the 'New Cold War' in East Asia: Dynamics of Korea-China-Japan and Korea-US-Japan Triangles"
Panel	· Yang, Hee Cheol (Director General, Ocean Law and Policy Institute, KIOST) · Son, Key-Young (Professor, Korea University)
Lunch Time	15:50-16:00
Session 3: Roundtable Discussion	16:00-18:00
Moderator	· Alexis Dudden (Professor, University of Connecticut)
Panel	· Totsuka, Etsuro (Emeritus Professor, Ryukoku University) · Tae-Ung Baik (Professor, Hawaii University) · Lee, Chulwoo (Professor, Yonsei University) · Xu, Yong (Professor, Peking University) · Lee, Seok Woo (Professor, Inha University Law School; Chairman, DILA-KOREA) · Lee, Jong Won (Professor, Waseda University) · Koh, Myung Sup (Senior Reporter, The Hankyoreh Newspaper) · Kim, Chang Rok (Professor, Kyungbook National University) · Kang, Pyoung-Keun (Professor, Korea University)
Closing Paper	18:00-18:30
	· Kim, Young Ho (Chairman, Northeast Asia Peace Center) "From the Joint statement of Intellectuals between Korea and Japan to the fifth Conference of the San Francisco System: Aiming for East Asian Intellectual Version of 'Durban Declaration'"

Keynote Speech



“How to go beyond the San Francisco System: The Problem Revisited”

· Wada, Haruki (Emeritus Professor, University of Tokyo)

How to Go Beyond the San Francisco System: the Problem Revisited

Wada Haruki

Professor emeritus, University of Tokyo

The SF system is an international state system, which continued the Korean war. From the beginning of the war, Japan had been a quasi-belligerent country by providing land and services to the warring UN forces, virtually the US forces which had occupied Japan. When Japan became a sovereign state with conclusion of the SF peace treaty, it took up the duty of a quasi-belligerent country by concluding at the same time the Japan-US Security Act and exchanging letters between State Secretary Dean Acheson and Prime Minister Yoshida. Further, on February 19, 1954 Japan concluded with the United States and other countries an agreement regarding facilities and areas and the status of the UN armed forces in Japan. While existing in this system Japan started aggressive posture toward North Korea from 2006, with suspending all normalization talks and economic trade and taking several sanctions and conducting antagonistic campaigns against human rights violation in North Korea. Japan waged a cold war against North Korea. Now the SF system is expanding to cover a new war in Japan Sea. In the last May the United States, ROK and Japan issued a so-called Camp David manifest, in which they declared that “We support a unified Korean Peninsula that is free and at peace.” It is an ominous token of the “roll back” strategy. If one wishes to resist to this persisting and expanding SF system, he or she cannot but enter the gate of Japan-DPRK normalization talk. It is an only one exit, leading us to another Northeast Asia, that is friendly and at peace.

1

The signature ceremony for the Japanese Peace Treaty took place at the San Francisco Opera House on the morning of September 8, 1951. Signatories were forty nine countries, including Japan. Of these nations, the key signatories to the treaty were six western nations (the United States, the United Kingdom, Australia, New Zealand, the Netherlands, and France) and five South-East Asian nations (Indonesia, the Philippines, South Vietnam, Cambodia, and Laos). The Soviet Union had already left the conference, rejecting signing the treaty. Four North-East Asian nations (The PRC, the DPRK, the Republic of Korea, and the ROC) were not invited to the conference. Therefore this treaty as a peace treaty with defeated Japan proved to be partial and imperfect. But together with two other US-Japanese agreements signed on the same day the San Francisco Treaty as a whole re-established the Korean War States System, which can be called as the San Francisco System.

In the afternoon of this very day Dean Acheson, State Secretary of the United States and Yoshida Shigeru, Prime Minister of Japan, moved to Presidio Army base in San Francisco, and signed the US-Japan Security Treaty and the Notes exchanged between them.

The US-Japan Security Treaty authorized the United States to dispose its land, air and sea forces in and about Japan. Such forces may be utilized to contribute to the maintenance of international peace and security in the Far East and to the security of Japan against armed attack from without. But this was not enough for the US forces to continue free use of the air fields and naval ports in Japan for the Korean War. This

should be secured further specially by the second document, that is the notes exchanged on that day by Acheson and Yoshida.

In these notes Acheson requested that Japan will continuously permit and facilitate the support in and about Japan, by the member or members, of the forces engaged in such United Nations action in the Korean War. Acheson stated as follows; “Upon the coming into force of the Treaty of Peace signed today, Japan will assume obligations expressed in Article 2 of the Charter of the United Nations which requires the giving to the United Nations of "every assistance in any action it takes in accordance with the present Charter". As we know, armed aggression has occurred in Korea, against which the United Nations and its members are taking action. There has been established a unified command of the United Nations under the United States pursuant to Security Council Resolution of July 7, 1950, and the General Assembly, by Resolution of February 1, 1951, has called upon all states and authorities to lend every assistance to the United Nations action and to refrain from giving any assistance to the aggressor. With the approval of SCAP, Japan has been and now is rendering important assistance to the United Nations action in the form of facilities and services made available to the members of the United Nations, the Armed Forces of which are participating in the United Nations action. Since the future is unsettled and it may unhappily be that the occasion for facilities and services in Japan in support of United Nations action will continue or recur, I would appreciate confirmation, on behalf of your Government, that if and when the forces of a member or members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the member or members, of the forces engaged in such United Nations action.”

Yoshida repeated verbally above cited Acheson’s sentences and replied full consent. “Excellency I have the honor to acknowledge the receipt of Your Excellency's Note of to-day's date... With full cognizance of the contents of Your Excellency’s Note, I have the honor, on my Government, to confirm that if and when the forces of a Member or Members of the United Nations are engaged in any United Nations action in the Far East after the Treaty of Peace comes into force, Japan will permit and facilitate the support in and about Japan, by the member or members, of the forces engaged in such United Nations action.”

Notwithstanding, the San Francisco Treaty, together with the US-Japan Security Pact, signed by John Foster Dulles and Yoshida Shigeru on the same day, and the exchanged letters of Dean Acheson and Yoshida, signed at the same time, served as the settlement constituting the US camp for continuing the Korean War and defining Japan’s position in it. This system we can name as the San Francisco System.

The SF system is an international state system, which did not close a war, but which did continue a war. The enemy camp of the SF system consisted of the DPRK and Red China, and finally, latently the Soviet Union. The US camp, the United Nations forces consisted of the US forces and the ROK forces, other 14 countries and Japan and

Taiwan. Its Headquarters and main US forces were located in Japan and Okinawa with their strategical and logistic bases. The SF system embraced the whole Japanese archipelago including Okinawa and secured its integrity and safety. Inside this system Japan played a key role as the main rear supporter of the US forces.

In fact, the SF system enabled the US camp to wage war further against Chinese and North Koreans in 1952 and 1953. And after the conclusion of the armistice this system played a vital role to keep eternal hostilities in the DMZ area between South and North Korea.

2

Living in the San Francisco System, in 1965 Japan concluded the Fundamental Treaty with the ROK, article 2 of which defined the Treaty of annexation is null and void, and established diplomatic relation, never expressing any apology toward its colonial rule over Korea. On the other side, the ROK joined the US Vietnam War from 1965, sending 50,000 men.

Against this dirty and cruel war a huge wave of people's protest rose all over the world in 1968 and after. The United States finally gave in and fled from Vietnam in 1975. The South Korean government, whose honor was disgraced together with the United States by this miserable defeat, was overthrown by honorable struggles of the people in 1987. Japanese people learned from South Korean people and came to recognize the necessity of national apology toward the colonial rule over Korea. In 1984 Japanese citizens with church people began to process for parliament resolution of apology toward the colonial rule over Korea. Only after the victory of the South Korean democratic revolution Japan knocked the North Korean door to ask for normalization talks with apology toward the colonial rule. These talks started in 1991, but were suspended by the influence of the abduction problem and nuclear problem, and the pressure from the United States.

The abduction problem, which came up to the fore of public attention in Japan only in 1988, originally started in 1977, when North Korean agents abducted Japanese citizens Kume Yutaka and Yokota Megumi. At that time Yokota Megumi was a girl of 13 years old, a pupil of lower middle school. So when her case was discovered by Sato Katsumi at the end of 1996, Japanese people, showing true empathy toward Megumi's parents, began to demand a solution of Megumi's case to North Korea.

When Japanese government resumed the normalization talks with North Korea in 2000, abduction problem proved to be a means to promote the normalization talks between two countries. But on September 17, 2002 Prime Minister Koizumi paid one-day visit to Pyongyang and met Kim Jongil, signing the Pyongyang declaration and accepting the report of North Korean investigation about the abduction problem. Koizumi was told that North Koreans abducted 13 Japanese in 1977—1982 and that 8

persons were dead and 5 alive. Further North Koreans conveyed that another 2 did not enter their territory.

At this moment Sato Katsumi, chairman of Sukuukai (National Council of Association “Rescue Japanese Abducted by North Korea”) raised voice and protested against Prime Minister Koizumi who promised to re-open normalization talks with North Korea without getting survivors back to Japan. Sato had been working against normalization talks with North Korea since 1995. Now he overtly attacked North Korean leader Kim Jongil who dared to commit crimes of abduction and began to claim that North Korea’s information of the abductees is absolutely baseless. Since the government of Japan has not confirmed the reports there are strong grounds for suspecting that the eight said to have died might still be alive. Sato elaborated basic slogan of his Association to be “All Abductees are alive-- Return All Abductees Immediately”. This was a devilishly shrewd slogan, with which you can continue your fighting against North Korea eternally.

North Korea returned 5 surviving abductees to Japan in October 2002 on a brief visit. But Japanese government under pressure from various spheres broke its promise and did force the 5 to remain in Japan. Indignant North Korea made the reopened normalization talks be suspended with just one day meeting.

At the end of this year, Mr. Sato triumphantly stated in a book published by his association : Sukuukai will continue activities aimed at the return of all abductees to Japan. It may seem that because negotiations between Japan and North Korea are frozen clarification of the abduction situation is also frozen. But so long as the Kim Jong-il regime exists any resolution of the abduction problem will be difficult. Overthrow of the Kim Jong-il regime is the absolutely necessary pre-condition.”

In 2002 Sato’s hope was totally laid on Vice-cabinet secretary Abe Shinzo. In 2006, with Abe Shinzo as Prime Minister, the Sato Katsumi line was formally adopted by the Japanese government. Hostility to the DPRK was fundamental. Prime Minister Abe declared in a 26 September policy speech, “Without resolution of the abduction problem there can be no normalization of relations with North Korea. In order to advance comprehensive measures concerning the abduction issue, I have set up the "Headquarters on the Abduction Issue," with a full-time secretariat.”

The content of the abduction problem campaign of the Abe government may be summarized under three heads, first, that the abduction problem is the biggest problem Japan faces, second, that without resolution of the abduction problem there can be no normalization of relations with North Korea, third, that all the abductees are still alive and must be returned.

It means that because North Korea could not confirm that eight abductees had died the eight must be still alive and must be returned. When one country declares, without evidence, that all those declared by the other country to have died are still alive, it means that one is calling the other a liar. Negotiations between the two in that case are meaningless. It is tantamount to a declaration of hostility and demand for the other’s surrender.

Concrete measures implemented by the Abe government on basis of these principles include: establishment of an Abduction Special Measures Headquarters under the Cabinet, annual organizing of a week-long national campaign to expose North Korea's abuses of human rights; launch of radio broadcasts directed at North Korea, propaganda on North Korean abuses of human rights directed to the US and the member countries of the UN, publication and circulation of books and videos on the abductions directed at middle and high school level students in Japan, severance of trade (imports and exports) with North Korea (following its nuclear tests), banning of North Korean shipping to and from Japanese ports, harassment of Zainichi Korean residents and organizations, exclusion of North Korean high schools and university in Japan from otherwise comprehensive free text provision.

Abe resigned from the Premiership in September 2007. But Abe's line remained to be Japanese official line. Especially it was the case after a change of government in 2009. Though temporarily in 2012 and 2013 a new tide for negotiation with North Korea appeared in the Foreign Ministry, Abe Shinzo, in his second Premier term, pulled back to revive his line in 2015.

The result of these policies and "special measures" include tense confrontation between Japan and nuclear-armed North Korea. And we know in the high time of severe confrontation between the United States and the DPRK that North Korea's official newsagency issued a chilling warning on March 7, 2017. "This time the launch of missiles was performed by our artillery unit whose task is to attack the US imperialist enemy's bases in Japan on the occasion of unexpected turn of events".

Besides, on the occasion of war danger, North Korean headquarters will not distinguish between nuclear-headed and conventional weapons. And because the US is too distant a target and South Korea too close the best target for North Korean nuclear weapons will be Japan (Tokyo and Okinawa). There are many nuclear power plants along the Japan Sea coast which, if struck by an ordinary missile would produce the same devastating effect as a nuclear-armed missile.

The most important security principle for Japan therefore has to be to prevent any Japan Sea war (one that might begin with the launch of hundreds of missiles at North Korea from a US warship entering the Japan Sea on exercises, or one started by a North Korea that became convinced it was under such an attack). A war involving Japan, North Korea and South Korea would be catastrophic.

3

In February 2022 a war broke out between Russia and Ukraine. Russia gathered a huge amount of forces at the boundary and invaded Ukraine which became independent of the Soviet Russia thirty years ago. The United States and EU countries rushed to give arms, ammunitions and intelligence to Ukraine. The war has been raging for nineteen months. G7 countries attempted to give Russia pressure from her back side, from Northeast Asia. In May this year G7 Summit was held at Hiroshima, inviting Ukrainian President Zelensky. The G7 Summit issued a joint statement, which expressed seven nations' decision to support Ukrainians' fighting against the Russian invasion "as long as it takes". It was a general statement of their posture.

The DPRK now behave itself as a friend of Putin's Russia and is shooting a number of missiles defiantly. As a result, the United States, the ROK and Japan came to be united to express hostilities toward the DPRK. Three months later, at Camp David on August 17 to 19, 2023, the US-Japan-

South Korea Leaders Conference addressed inter alia the North Korean matter, adopting what became known as the Camp David Principles. Within the overarching framework of policy alignment to ensure “a free and open Indo-Pacific“. The three countries declared “Camp David Principles”.

“We stand united in our commitment to the complete denuclearization of the Democratic People’s Republic of Korea(DPRK) in accordance with relevant United Nations Security council resolutions. We remain committed to dialogue with the DPRK with no preconditions. We seek to address human rights and humanitarian issues, including the immediate resolution of the issues of abductees, detainees, and unrepatiated prisoners of war. We support a unified Korean Peninsula that is free and at peace.”

This last sentence frightened me, reminding of the UN General Assembly’s resolution dated October 7, 1950, which authorized UN forces to enter North Korea in order to establish “a unified, independent and democratic Korea”. Three days after, General MacArthur, Commander of UN forces, broadcast a new surrender demand to North Korea, calling upon “all north Koreans to cooperate with the United Nations in establishing a unified, independent and democratic government of Korea”. Then the United Nations was on a course to replace a communist administration in North and unify Korea by force.

Of course, Camp David Statement of today can not be a declaration of war against the DPRK, but this tone and feeling is ominous enough to make us on the alert. We cannot but say that the Camp David declaration of three countries is a declaration of total hostilities and another cold war against the DPRK.

4

In front of this declaration it is very strange that Japanese Prime Ministers repeated in their parliamentary policy speeches the verbally same appeal toward North Korean leader Kim Jong Un for four years. It was initiated by late Prime Minister Abe himself. He said in his last parliamentary address on January 28, 2019,

“As for North Korean nuclear=missile problem and the most important abduction problem I am willing to act audaciously , break through the shackless of mutual mistrust and face leader Kim Jong-il directly, never losing every chance. I will liquidate the unhappy past in relation with North Korea and seek for normalization of relation with that country”.

His successor Prime Minister Suga Yoshihide repeated these sentences in his first parliamentary address on October 26, 2020 and the third successor Prime Minister Kishida Fumio spoke such words on October 8, 2022, verbally repeating Suga’s address. All utterings were hollow promise without any practice. But Kishida went on, finally saying in a rally of activists for taking back all victims of North Korean abduction on May 27,

2023. “In particular, based on the view that the family members of the victims abducted by North Koreans are now too old to wait for their sons and daughters to return and that the abduction problem is one of unshakable human rights I shall devote my every effort to implementing the earliest possible return of all the abductees . . . I am personally committed to direct high-level negotiations to this effect and will neglect no opportunity to convey my resolve to Kim Jong-un and to realize a summit talk with him.”

Two days later (May 29, 2023), the North Korean Deputy Foreign Minister, Park San-Gil, responded in remarkable way. “Currently, Japan talks of a leaders’ summit without preconditions, but they refer to problems already settled such as the abduction issue and the right of our country to its national defense as matters yet to be resolved. If they are trying to settle impossible demands by the same means as previous administrations, making no fresh proposal and showing no readiness to change the course of history, then they are mistaken, because there can be no way forward by clinging to the past, which would be just a waste of time. It is the position of the DPRK that, if Japan can make a proposal not tied to the past but responding to changes in the situation and the age, accepting our different paths and seeking improved relations, there is no reason why DPRK and Japan should not meet. Japan has to show its resolve to settle the problem by deeds, not just by words.”

In this quasi dialogue we can discern a fragment of vague hope. North Korea is keeping its attitude of desire for normalization of relation with Japan. If Japanese government’s posture changes, North Korean government can open its gate for negotiation on official base. Here is only one route which leads to a true détente of our Northeast Asian security crisis.

4

The only way to prevent war in Northeast Asia is by a peace and cooperation diplomacy that involves improvement of relations between Japan and North Korea and the establishment of diplomatic relations between the two countries. To that end following steps might be necessary:

1. We have to make publicly clear that the Japanese state and the people who live in Japan no longer support the Sato line that all the abductee victims are alive and all must be immediately returned, The government must announce publicly that it has abandoned the three Abe principles.
2. Matters to be addressed in future to include economic cooperation after establishment of diplomatic relations, security, including the nuclear and missile problem, the abduction issue.
3. Japan to make clear that it does not seek denuclearization of DPRK beforehand.
4. Once normalization is achieved, cultural exchanges and steps to improve the conditions of Zainichi Korean residents in Japan to follow.

People long talked about various plans of regional community. In July 1990, I proposed first my idea “A Common House where peoples of the world live together” at the Seoul symposium hosted by Dong-A Ilbo. In February 2003 new South Korean President Roh Moo Hyun announced that he wish to construct a “Northeast Asian

community, a “community of peace and prosperity” . Encouraged by President Roh’s proposal, I dared to publish a book “Common House of Northeast Asia: a New Regionalist Manifest” in Tokyo in that year. All these plans were sheer products of speculation.

Later my friend Professor Umebayashi Hiromichi propounded his long cherished idea of “Northeast Asia Nuclear-Weapon-Free Zone” from 1996. According to him, Japan, South and North Korea can avow that they would neither produce nor introduce nuclear weapons in their own countries, and the United States, Russia, and China can avow that they would not attack above three countries with nuclear weapons. This was also a product of speculation.

Now our situation changed drastically. North Korea has its own nuclear weapons. Nuclear weapons are the symbol of North Korean independent defense. On the other hand, Japan and South Korea are as before protected by the US forces stationed in their countries and the US nuclear umbrellas. North Korea redeems Japan and South Korea as a sort of the US’ protectrate or dependency. But however disagreeable North Korean glances toward us are, if such different and antagonistic three countries might enter into a state of peaceful co-existence, no doubt peace in our Northeast Asia can be secured basically. In front of such partnership three countries the United States, China and Russia cannot wage a war in this region. Normalization of Japan-DPRK relation can be a gate which open a route toward such partnership.

This is my vision , which enables me to look for our region beyond the San Francisco System,

Session 1

Historical approach



“The Political Situation Surrounding the ‘Transwar Phenomenon’ in Post-War: Japan and the San Francisco Peace Treaty”

· Yi, Tae-Jin (Emeritus Professor, Seoul National University)

“A Study of the Restorationism around Rebuilding the Nation in Okinawa”

· Xu, Yong (Professor, Peking University)

“Questions of Sovereignty through Critical Anniversaries”

· Alexis Dudden (Professor, University of Connecticut)

“Beyond the San Francisco System: Exploring Keys for Fair Settlement and Reconciliation”

· Kimie Hara (Professor, University of Waterloo)

The Political Situation Surrounding the 'Transwar Phenomenon' in Post-War Japan and the San Francisco Peace Treaty

Tae-Jin Yi

(Professor Emeritus of Seoul National University)

This paper examines the following: the process of establishing a new Asia, 'Toyo (東洋),' dominated by the Japanese emperor as a national objective of Japan, using Yoshida Shōin's "preoccupation of neighboring countries" as the basis for making a nationalist system after the Meiji Restoration in 1868; the process of realizing its objective through a series of wars; the decline of Taishō Democracy due to the civil rights movements; and the remnants of absolute emperorism in the postwar era, especially after Japan's defeat in the "Great East Asian War". I found that the aftereffect of imperial fascism, which runs counter to the realization of liberal democracy suggested by the GHQ(General Headquarters), was surprisingly strong in the postwar political situation in Japan. Against this backdrop, it seems questionable to me whether the San Francisco Peace Treaty signed in September 1951 could serve as a milestone of building a peace regime in postwar East Asia.

President Franklin Roosevelt declared 'Anti-colonialism' as the biggest cause and task of the United States' participation in World War II, and it became solid with the outbreak of the Pacific War, the "Great East Asian War," provoked by the Japanese Empire. In the postwar era, the US government considered the colonial issues incurred by Japanese imperial fascism one of the top priorities to be solved. The only way to justify the first nuclear bombing in human history was to implement policies to deal with problems that the former colonies of the Japanese Empire suffered due to their colonial experiences. However, a lack of understanding of the Emperor system, coupled with the urgency to establish a system against the Communist Bloc in the face of the Cold War, resulted in the US government and GHQ to lost sight of the challenges they set in the aftermath of the Pacific War.

For the US, the crisis caused by the expansion of the Communist Bloc in East Asia was indeed a key concern, which had been visible since the end of 1948. Even so, it could not serve as an excuse for the US to discontinue its historical task. After declaring 'Anti-colonialism' in the Atlantic Charter in 1941, President Roosevelt proposed the establishment of the United Nations (UN), and its headquarters were set up in New York after his death. Liquidating the colonial legacies and responding to the Communist Bloc were by no means in a substitute relationship but dual challenges to be dealt with altogether. The absence of a

political leader in postwar Japan like Konrad Adenauer, who fought against Nazi fascism in Germany, was another reason for the US to present the inappropriate answer of forming the San Francisco system. Even so, wasn't it the responsibility of the US government and GHQ to immediately grasp these limitations of postwar Japan and take necessary measures?

The Political Situation Surrounding the “Trans-war Phenomenon” in Postwar Japan and the San Francisco Peace Treaty

Tae-Jin YI

1. Preface

2. The Political Landscapes of Prewar Imperial Japan and the Emperor-System Fascism

- 1) Establishment of the Emperor-Centered Nationalism during the Meiji Era (1868-1912)
- 2) The Limits of “Democracy” and “International Cooperative Diplomacy” in the Taishō Era (1912-1926)
- 3) “Imperial Way” Fascism in the Prewar Shōwa Era (1926–1945)

3. The “Transwar Phenomenon” in Postwar Japan

- 1) “End of War Protocol” Without Mentioning ‘Unconditional Surrender’
- 2) Passivity of the “Emperor’s Humanity Declaration”
- 3) Establishment of the Supreme Command of the Allied Powers (SCAP) and the “Constitution of Japan”
- 4) The Light and Shade of the Liberal Democratic Party, the First Postwar Conservative Party

4. The Yoshida Shigeru Cabinet and the San Francisco Peace Treaty

- 1) Yoshida Shigeru’s Emperor-Centrism
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6. Closing Remarks: Japanese Bureaucrats’ “Rants” after the San Francisco Peace Treaty

1. Preface

At the 2019 Seoul Conference, I presented my research on the obstruction of South Korean representatives from attending the September 1951 San Francisco Peace Treaty with Japan. While it was generally believed to be the will of the U.S. government, an analysis of the “Dulles Document” revealed that it was the United Kingdom. Dulles was sent to the Far East by President Truman as an advisor to the U.S. Secretary of State and met with officials from South Korea and Japan. Dulles took it for granted from the outset that the Korean representative would attend the conference. Dulles even made such a statement five times on formal occasions. Per contra the U.K. government opposed this from the beginning considering the relationship with the People’s Republic of China.

The U.K., having expended much of its power in World War II, sought to leverage the economic networks established in Southeast Asia and China during its colonial era to restore its post-war economic strength. From the adoption of the “Atlantic Charter” in 1941, Prime Minister Churchill clashed with President Franklin Roosevelt’s desire to eliminate all colonies in the post-war period. In talks with Dulles, the U.K. officials were firm on the opinion that it was beneficial for the Allies to maintain some ties with Communist China as a means of checking Soviet strength within the communist camp.

Dulles asserted that South Korea's position on the front lines in the Korean War against communism alone justified its inclusion in the peace treaty conference. However, this situation changed in the lead-up to the July 1951 armistice talks. Starting from May, Dulles began to align with the views of the U.K., possibly due to the perceived urgency of reaching an amicable conclusion, particularly with Communist China becoming a party to the armistice talks as a combatant nation. After meeting with his U.K. counterpart, Dulles traveled to Japan, where Japanese Prime Minister Shigeru Yoshida strongly opposed South Korea's participation to the San Francisco Peace Treaty Conference. Yoshida argued that Japan's post-war economic recovery would be impossible if the issue of reparations to Koreans in Japan became a reality. Since then, Dulles remained silent on South Korea's participation.

While examining such landscapes of international relations, I recognized the need to examine Japan's internal affairs. I could not overlook the influence of the imperial consciousness of the emperor system ingrained in prewar Japanese bureaucrats on key figures at the Supreme Command of the Allied Powers (SCAP) in Tokyo, as revealed in Prime Minister Shigeru's remarks to Secretary of State Dulles, and the possible extended influence it may have had on the U.S. government in Washington. This awareness of the issue stemmed from my last six-year research on the development of "Tōyoshi (東洋史)" or "Oriental History" and "Tohōgaku(東方學)" or "Eastern Studies" in the Japanese Empire, projects I initiated in 2016.¹ Recently, I was introduced to Harvard professor Andrew Gordon's concept of the "interwar phenomenon," and it provided me with the confidence to write this article.²

2. The Political Landscapes of Prewar Imperial Japan and the Emperor-System Fascism

1) Establishment of the Emperor-Centered Nationalism during the Meiji Era (1868-1912)

The arrival of Perry's fleet in 1853 divided Japanese national opinion into proponents of the Tokugawa shogunate and advocates of restoring imperial rule. The supporters of restoration were primarily from the western domains that had lost to the eastern army under Tokugawa Ieyasu at the Battle of Sekigahara in 1600, focusing on Chōshū, Satsuma, and Tosa. In December 1867, they justified the overthrow of the Tokugawa shogunate through the "Great Proclamation of the Restoration of the Imperial Rule." The Boshin War, which began in January 1868, resulted in the defeat of the shogunate-supporting forces, paving the way for the Meiji era of monarchy. People from Chōshū, Satsuma, and Tosa became the core of the new government, and socially, the Westernization movement rapidly gained

¹ I examined the formative process of the emperor-system fascism in the Meiji era in *The Development of "Oriental History" in the Japanese Empire and the Emperor-System Fascism* 『일본제국의 '동양사' 개발과 천황제 파시즘』 (Social Criticism Academy, 2022), published as part of the collaborative research for the publication of the eight-volume *General Critique of Japanese Colonial History*; in Vol. 8 *Foreign Invasions and the Transformation of Eastern Classic Studies in the Japanese Empire*, 『일본제국의 대외침략과 동방학 변천』 (as above). I strongly felt the limitations of Taishō democracy and the government-patronized imperial historical science amid the development of imperial-metropolis fascism in the Shōwa era. I examined the lack of process of overcoming such criticism in the post-war period

² *History of Modern Japan: From the Tokugawa Era to 2001* on p. 636. *A Modern History of Japan: From Tokugawa Times to the Present*, Oxford University Press, 2002.

momentum.

Meanwhile, samurais from various regions who had supported the Tokugawa shogunate and lost the “Boshin War” came together in the 1870s to form the “Free Civil Right Movement,” advocating for the establishment of a national assembly. In 1881, after defeating the British-style cabinet system proposed by Saga-ken councilor Ōkuma Shigenobu, a House of Councilors member, Itō Hirobumi was tasked by the emperor to establish the national constitution and traveled to Europe to gather data. During this period, he persuaded the emperor to commit to realizing the Free Civil Right Movement’s demand for a national assembly within 10 years. This led to the establishment of the Liberal Party (1881), the Constitutional Progressive Party (1882), the Constitutional Enactment Party (1882), and so on. In 1885, Itō Hirobumi introduced a cabinet system and became the first prime minister. In 1889, he accomplished the long-standing task of enacting the “Constitution of the Empire of Japan.” The Constitution aimed to establish a strong emperor-system state, with all power deriving from the emperor. It also declared that State Shinto, emphasizing the sanctity of a line of emperors unbroken for ages eternal, is not a religion, allowing it to reign supreme over all religions. The following year, the “the Imperial Edict on Education” were promulgated as the foundation for the education of subjects to perpetuate emperor-centered nationalism.

In 1890, the National Assembly was established as promised. However, the National Assembly was not a branch of the separation of the three powers but was convened by the emperor, the source of all power. In practice, its sole function was to annually review the government budget. Socially, it perpetuated the class system of *kazoku*, *shizoku*, and commoners, restricting the right to vote and be elected to the hereditary class. In the cabinet system, the prime minister was appointed by a small group of *genro* from Chōshū and Satsuma, who nominated candidates for the emperor’s consideration. While political parties elected representatives, they operated outside the cabinet system. Although the Imperial Constitution had no provision for political parties, Chapter 4, which specified the roles of “Minister of State and Privy Counselor”, stipulates that the Minister of State is to assist the emperor (Article 55), and the Privy Counselor is to deliberate on state affairs following consultations with the emperor under the “Privy Counselor Control.” As per these provisions, it became customary for the emperor to appoint a prime minister based on the recommendation of the Privy Counselor.

Under the guidance of Itō Hirobumi, emperor-centered nationalism aimed to exert dominance over neighboring countries. The Chōshū faction, led by Itō Hirobumi and Yamagata Aritomo, mainly comprised individuals from the Shōka Village School in Hagi, the center of Chōshū Domain. The teacher, Yoshida Shōin (1830–1859), a military scholar, was executed at 30 for advocating the overthrow of the Tokugawa shogunate. His disciples, who dominated the Meiji government’s bureaucracy and military (land forces) from around 1890, established Shōin Shrine next to Shōka Village School. They published his writings and utilized the “Shōin spirit” as a guiding principle for the education of subjects.

In his 1854 book, *A Record of Imprisonment*, Yoshida Shōin outlined Japan’s future as follows: to avoid becoming a colony of the Western powers, Japan should quickly learn their technological civilization and occupy the surrounding countries before them. He proposed a plan of action that called for the occupying and developing Hokkaido, annexation of the Ryukyu, followed by the occupation of Taiwan, Chosŏn, Manchuria, Mongolia, and China. The ultimate goal was to multiply Japan’s power, extending influence to the Pacific Ocean and reaching as far as Australia

and California. Surprisingly, Shōin's concept of "occupying neighboring countries" in *A Record of Imprisonment* was systematically implemented in this order by his disciples and followers.

The execution of the "occupying neighboring countries" required a military build-up. Yamagata Aritomo, a prominent military authority, successfully established a national army system and a division system capable of overseas deployment. This approach differed from the defensive national defense system of the late Tokugawa shogunate, which, under the guidance of French advisors, established Jintai or the defense bases in coastal areas. The Tokugawa shogunate, aspiring to be a maritime trading nation, had adopted a defensive national system.

The 1894 Sino-Japanese War marked a significant advancement in Japan's policy of "occupying neighboring countries" aimed at the continent. Despite Japan's victory in the war, U.S. intervention and the "Triple Intervention" prevented the Japanese empire from achieving its goals. Japan touted the war as one in which the "civilization" of the Japanese empire would rescue Chosŏn from the influence of the "barbaric" Qing dynasty. The empire planned to use the war to turn Chosŏn into a protectorate. However, Chosŏn's monarch, Gojong, resisted Japanese military pressure, and the Chosŏn legation in the U.S. requested intervention from President Cleveland based on the Treaty of Amity and Commerce Between the United States of America and Korea in 1882. President Cleveland issued a warning to Itō Hirobumi's cabinet, creating a barrier that the Itō cabinet failed to overcome. Russia, France, and Germany compelled Japan to abandon the Liaodong Peninsula, acquired from the Qing empire as booty. At that time, Japan was bound by an "unequal treaty" with the Western powers, restricting its freedom to invade its neighbors' territories.

However, the Japanese empire persisted in its policy of "occupying neighboring countries." Over the following decade, Japan significantly increased its armaments and successfully shed the constraints of the "unequal treaties" in 1899. Through persuading President Theodore Roosevelt to align with them, Japan avoided repeating the mistakes made with President Cleveland. In the war with Russia that erupted in February 1904, Japan achieved its intended goals with the active cooperation of the U.S. president. This conflict resulted in the containment of Russian influence in the Far East and forced a "protectorate treaty" with wartime troops stationed in the Korean Empire or *Daehan Jeguk*. In June 1907, the Korean emperor dispatched three envoys to the International Peace Conference in Hague to inform the delegates of each country that he had never authorized a "protectorate treaty." However, they were unable to penetrate the diplomatic barriers erected by Japan.

The Korean emperor supported the Korean Independent Army (*Taehanūigun*), which had gained ground in the Russian Maritime Province. The emperor observed that An Jung-geun, the leader of the commando unit formed by the army, shot Itō Hirobumi, the chairman of the Privy Counselor, to death at the Harbin railroad station. This incident lent credence to the "Korean annexation theory," which the Imperial Japanese military advocated in contrast to Itō Hirobumi's protectorate policy. In March 1910, following the conclusion of the trial of the commandos, Terauchi Masatake was appointed as the third resident general of Korea in May. In August of the same year, he forcibly "annexed" Korea to the Japanese Empire. //

2) The Limits of "Democracy" and "International Cooperative Diplomacy" in the Taishō Era(1912-1926)

From the inception of the cabinet system in 1885 until Emperor Taishō's ascension to the throne in July 1912, the cabinet changed 15 times. Chōshū's cabinets totaled 8 (4 in Itō Hirobumi's cabinet and 2 each in Yamagata

Aritomo's and Katsura Tarō's cabinets), while Satsuma's cabinets totaled 4 (2 each in Kuroda Kiyotaka's and Matsukata Masayoshi's cabinets). The remaining one was Ōkuma Shigenobu's cabinet (June 30–November 8, 1898), representing the Saga **clan**. This period illustrates that the 44-year Meiji era was dominated by the two domain cliques of Chōshū and Satsuma. Notably, Ōkuma Shigenobu's cabinet is the only one labeled a “party cabinet.” He referred to it as the “Constitutional Party Cabinet,” aligning with the Constitutional Party he founded in September 1898. This did not necessarily imply that he assumed the role of prime minister as the leader of the parliamentary majority. As a non-mainstream figure, it was a means of expressing his critical awareness of the domain clique forces. To address this challenge, Itō Hirobumi, the founder of the Imperial Constitution, organized the Association of Friends of Constitutional Government in 1900 and formed the fourth cabinet the following year in 1901, leading to the “Association of Friends Cabinet.” The emperor continued to appoint the candidate recommended by the Privy Counselor elders after discussion as the prime minister. The Meiji era cabinet was often characterized as a “non-party policy” because of its intended distance from political parties.³ This situation persisted during the “Taishō Democracy Era.”

After the death of Itō Hirobumi, the chairman of the Privy Counselor, on October 26, 1909, factions opposed to the Association of Friends of Constitutional Government, which he had organized, came together to establish the “Constitutional Nationalist Party” on March 14, 1910. This party emerged in response to the Association of Friends of Constitutional Government's perceived compromise with the domain clique forces. On December 21, 1912, Katsura's third cabinet was inaugurated as the first cabinet of the Taishō Era. At the suggestion of Yamagata Aritomo, Katsura's third cabinet aimed to increase the military expansion budget in preparation for the future “preemption” of Manchuria, Mongolia, and China. This move prompted the Constitutional Protection Movement, advocating for the overthrow of the **clans**. with leadership from Ozaki Yukio (1858–1954) of the Association of Friends of Constitutional Government and Inukai Tsuyoshi (1855–1932) of the Constitutionalist Nationalist Party.

Despite being a member of the Association of Friends of Constitutional Government, Ozaki was a liberal-leaning politician who championed party-centered politics. He and Inukai shared common ground at newspapers and magazines offices, as well as in political parties, developing a mutual determination to overcome domain clique politics. In particular, Ozaki aligned with Ōkuma Shigenobu's British-style cabinet system. He devoted his entire life to the constitutional movement, earning the titles of the “God of Constitutional Government” and the “Father of Parliamentary Politics.” Inukai, as described subsequently, was sacrificed in the May 15, 1932 incident during his tenure as the cabinet's prime minister. The Constitution of the Empire of Japan does not contain any provision specifying a cabinet system of party politics. This absence might explain the challenges faced by the Constitutional Protection Movement.

In April 1914, Ōkuma Shigenobu's second cabinet was formed, representing an achievement of the

³ Yamada Eiko 山田央子, 1999, 『History of the Political Party During Meiji Period(明治政黨史)』, 創文社, pp. 194~195 [History of the Ming Dynasty Party]

“Constitutional Protection Movement.” However, with the outbreak of World War in June of the same year, the movement’s momentum inevitably subsided. The war presented an opportunity to expand the policy of “preempting neighboring countries,” which had emerged a decade after the victory in the Russo-Japanese War. Chōshū elder Yamagata Aritomo capitalized on the wartime situation to recommend Chosŏn Governor Terauchi Masatake to the emperor, leading to the formation of Terauchi’s cabinet in October 1916. Terauchi was a junior under Yamagata Aritomo in the Chōshū domain clique. The momentum of the Constitutional Protection Movement was unable to suppress the rising tide of emperor-system nationalism amidst World War I. However, the resources of the Privy Counselor elders, by this time, had dwindled considerably. As a result, Terauchi’s cabinet was characterized as a “non-party cabinet,” avoiding the pressure of the Constitutional Protection Movement.

In September 1918, Prime Minister Terauchi resigned due to rice riots, and Hara Takashi (1856–1921), a native of Morioka Domain in the Tōhoku region, was appointed as his successor. Hara Takashi was the first prime minister to be selected by political parties in the House of Representatives rather than by the Privy Counselor and presented to the emperor for appointment. By 1918, only three elders of the Privy Counselor remained: 80-year-old Yamagata Aritomo (died February 1922), 66-year-old Terauchi Masatake (died November 1919), and Saionji Kinmochi (1849–1940). Saionji came from an official family of Tokugawa shogunate and rarely showed factional colors. The weakening of the Privy Counselor allowed the Constitutional Protection Movement to realize its dream of party politics. Hara Takashi’s political career was shaped through the Association of Friends of Constitutional Government. However, he was hailed as a “commoner chancellor” when he became prime minister, refusing to accept the service of attendance for his title of nobility from the imperial aristocracy *kazoku*. He was historically significant as the first party-nominated prime minister. He was attacked and killed at Tokyo Station by a young station attendant on November 4, 1921. This incident was linked to a complaint about the differential treatment the Empire of Japan received at the Washington Disarmament Conference. Hara Takashi stood for Taishō democracy, essentially demonstrating both the possibilities and limitations of liberal democracy.

In 1920, the League of Nations, proposed by U.S. President Woodrow Wilson, was established. The Empire of Japan became one of the four permanent members, elevating its international profile. However, the internal administration did not easily recover from the shock of Prime Minister Hara Takashi’s assassination. Takahashi Korekiyo’s cabinet (November 1921–June 1922) was formed from the Association of Friends of Constitutional Government. Subsequent cabinets, including those of Kato Tomosaburo (June 1922–August 1923), Yamamoto Gonnohyoe (September 1923–January 1924), and Kiyoura Keigo (January 1924–June 1924), were all labeled as “non-party cabinet.” Under Kiyoura’s cabinet, the Second Constitutional Protection Movement unfolded. Criticizing previous cabinets as privileged and unconstitutional cabinets, the three factions of the Constitutional Protection Movement (Constitutional Association, Association of Friends of Constitutional Government, and Innovation Party) formed the Second Constitutional Advocacy Association. In the May 1924 general election, the Constitutional Advocacy Association secured a landslide victory, capturing 61% of the House of Representatives. Katō Takaaki’s cabinet (June 1924–January 1926) was launched in June, marking the establishment of a true “party cabinet.” However, the “regular constitutional way” came to an end on May 15, 1932, when naval officers murdered Inukai Kiyoshi, the prime minister of the cabinet, in the May 15th Incident. This incident marked the conclusion of an eight-year period

since the establishment of a political party cabinet.

After the establishment of the League of Nations, Kato Takaaki's cabinet pursued "international cooperative diplomacy" in line with its status as a permanent member. Shidehara Kijuro was appointed foreign minister and promoted "the international cooperative diplomacy", including a policy of non-interference in the internal affairs of China, cooperation with the U.K. and the U.S., and the restoration of diplomatic relations with the Soviet Union. He served as acting foreign minister on four occasions, including Wakatsuki Reijiro's first cabinet (January 1926–April 1927) and second cabinet (April–December 1931), as well as Hamaguchi Osachi's cabinet (July 1929–April 1931). His cooperative diplomacy earned him the nickname of "Shidehara Diplomacy." This diplomacy of international cooperation shared a similar fate to the end of the party cabinet.

3) "Imperial Way" Fascism in the Prewar Shōwa Era (1926–1945)

In December 1926, Emperor Shōwa was enthroned. The Meiji and Taishō emperors rarely revealed themselves to the public. This was the result of displaying the emperor's dignity. Emperor Meiji was even nicknamed the "Silent Emperor." By contrast, Emperor Shōwa often appeared before cheering crowds on a white horse in the plaza in front of the *Goko*, the imperial residence. There were numerous local patrols. Emperor Shōwa traveled to Europe in 1921 as a crown prince at the age of 20 (before he was crowned). The trip, which was associated with the Japanese empire becoming a permanent member of the League of Nations, received a great welcome from the royal families and governments of Europe. On his return, the crown prince stood before a crowd and waved, greatly impressed by the sight of the kings of European kingdoms standing on the second-floor verandas of buildings and waving to the citizens crowded in the square.⁴ This unprecedented practice set the stage for the "direct politics" of the emperor after his ascension to the throne, paving the way for "Imperial Way"(皇道) fascism.

Immediately after Emperor Shōwa's ascension, the government maintained a form of party politics. The first acting prime minister nominated was Tanaka Giichi (1864–1929), the first prime minister to be a reserve army captain from Chōshū Domain since Terauchi Masatake in the Taishō Era. His nomination as the cabinet prime minister was in the capacity of party leader. His cabinet, which lasted 805 days from April 1927 to July 1929, marked a return to domain-centered politics from party politics. Prime Minister Tanaka did not appoint a foreign minister but served the post himself. This was the end of "Shidehara Diplomacy." Subsequently, in Hamaguchi's cabinet and Wakatsuki's second cabinet, Shidehara was reinstated, but that was short-lived. Following the Manchurian Incident in September 1931, the Japanese empire distanced itself from the League of Nations, initiating the process of secession.

In April 1930, Prime Minister Hamaguchi Osachi (July 1929–April 1931) was seriously wounded in a right-wing sniper attack at Tokyo Station and died the following year. The prime minister was seen as a violator, undermining the emperor's supreme command. This act was considered radical partisan political misconduct. Wakatsuki Reiji's second cabinet followed, but the Kwantung Army's presence in Manchuria, regardless of the wishes of the central government at home, led to the Manchurian Incident. In December 1931, Inukai Tsuyoshi, president of the Association

⁴ Yi Tae-jin, Volume 8, pp. 298-303

of Friends of Constitutional Government, became prime minister and formed a cabinet. Inukai was the spearhead of the Constitutional Protection Movement in the early 1910s. In the initial days of the new cabinet, in February 1932, the Blood Brotherhood's assassination of business leaders led to the declaration of Manchukuo under the leadership of the Manchukuo Kwantung Army. The central government had largely lost control of the military. In May of the same year, a group of young naval officers broke into the prime minister's residence and killed him (May 15th Incident).

In May 1932, Saito Makoto, a former naval captain, became prime minister and formed a new cabinet. Since then, the cabinet changed five times until Konoe Fumimaro's first cabinet launched in June 1937. All five cabinets were labeled "grand coalition cabinets" instead of being identified by the prime minister's party of origin. This marked the complete end of Taishō Democracy. It became common for an army or navy captain to be nominated prime minister. Konoe Fumimaro, a civilian nominated as prime minister, was an anomaly in this trend (June 1937–January 1939). He was a high-ranking kazoku and a vanguard of imperial metropolis that prioritized warring families as much as the military. His father, Konoe Atsumaro, was a leading proponent of Asiacentrism, envisioning an Asia dominated by the Japanese emperor.⁵

Konoe Fumimaro actively implemented Emperor Shōwa's policy of foreign expansion. In his first cabinet, he led the "Great Unity Cabinet," which led to the opening of the Sino-Japanese War in July, the promulgation of the "National Mobilization Law" in April of the following year, and the announcement of the "Statement of Construction of a New Order in East Asia" in November. This envisaged an East Asian world order dominated by the Japanese emperor. In July 1940, he was again named prime minister and formed Konoe's second cabinet (July 1940–July 1941). In accordance with Emperor Shōwa's wishes, he issued a decree dissolving all political parties and formed the Imperial Rule Assistance Association as a national organization. In November of the same year, under the Imperial Rule Assistance Association, the Industrial Patriotic Council of Great Japan was formed, and all labor unions were disbanded. In March 1941, primary school was renamed "national school," and the "Maintenance of the Public Order Act" was revised in March.

During his second cabinet, Konoe Hiromaru pushed troops through the Northern French Indochinese Islands and formed a "triple alliance" with Germany and Italy. The re-entry of troops into French Indochina with the launch of the third cabinet in July 1941 marked the actual beginning of the Pacific War. Emperor Shōwa took on the appearance of a commander-in-chief of a war effort, issuing "imperial instructions" to specific fleet commanders. After all political parties were dissolved, instead of a prime minister who led the Imperial Rule Assistance Association, a national mobilization organization of all subjects, he served as the hand and feet of Emperor Shōwa's direct politics.

In October 1941, following Konoe's third cabinet, the cabinet of Army Chief Tojo Hideki (September 1941–July 1944) was launched. With the front expanding in all directions, the emperor needed an active-duty captain. Tojo

⁵ Konoe Fumimaro was the 30th head of the Konoe family of the Five Regent Houses (Go-sekke: Fujiwara's main lineage and includes Konoe, Takatsukasa, Kujo, Ichijo, and Nijo) and the 12th oldest son of the crown prince of Emperor Koyozei (reigned: 1571–1617). Fumimaro became the heir to the family dukedom, a member of the noble council, and president of the Touadoubunka. He was a member of the study group in the House of Aristocrats and formed the Hwayokai, a social and bargaining group, and served as vice chairman and chairman of the House of Aristocrats before becoming prime minister. He was a key player in the imperialist, or "imperial way" system.

Hideki, as prime minister, followed Emperor Shōwa's lead and made an amphibious raid in Peninsular Malaysia in December, followed shortly thereafter by an attack on Pearl Harbor in the U.S. state of Hawaii, launching the "Greater East Asia War" or Pacific War in earnest. On December 16, 1938, Konoe's first cabinet renamed the cabinet to *Kōain* (East Asia Development Board), as the Sino-Japanese War broke out, and worked to control the administration of the occupied territories. In November 1941, Tojo Hideki's cabinet changed the name of the *Kōain* to *Daitōashō* (Ministry of Greater East Asia) due to the expansion of the front, and he himself served as foreign minister, internal affairs minister, land minister, culture minister, etc. The cabinet's operating system was adapted for wartime, and the Pacific War began.

In 1853, Yoshida Shōin, a samurai of the Chōshū domain, wrote in *A Record of Imprisonment* that for the Japan Archipelagic State to avoid becoming a colony of the great powers of Europe and America, it must learn the advanced technological civilization of the West as early as possible and take over its peripheral countries before the great powers. They were to take Taiwan, Chosŏn, Manchuria, Mongolia, and China, then head out to the Pacific Ocean to California, the rich land of the U.S., and then on to Australia, which the British held only one-tenth of. Sixty-eight biographical books about the policy's founder, Yoshida Shōin, were published in the 77 years before the end of the war in August 1945. Of the 68 books, 57 were published in the Shōwa 20-year period, at a rate of 2.9 books per year. During the Pacific War period of 1941–43, there were 9 to 10 books per year. Yoshida Shōin became the subject of urging soldiers to fight vigorously. One of the most popular of these books featured the following battle song:

Renounce individualism, disregard ego.

Our bodies are not our own; they belong to the emperor and our country.

Move with all your might, as far as your strength will take you.

This is the life of Shōinism and the path of the Japanese subjects.

If you don't embrace this principle, this spirit of being pro-Japanese while doing best in your job,

then the practice of Shinto will be incomplete.

Embrace Shōinism. And witness the revival of the original Japanese spirit.

-Everydaylife of the Shōinism (The Headquarter of the Shōinism Disseminatin, 1942)-

3. The "Trans-war Phenomenon" in Postwar Japan

1) "End of War Protocol" Without Mentioning 'Unconditional Surrender'

There are many existing studies on postwar Japanese democracy or a 'peace system'. Many scholars, including John Dower and Haruki Wada, discussed the problems of postwar Japan. I would like to conclude by surveying the historical trajectory of Japan from the Meiji period to the Shōwa period, during which the emperor-centered nationalism caused unprecedented wars in world history. My focus is on Japan's task of realizing liberal democracy that was thrown from the outside after the defeat and its political identity as a nation in the signing of the San Francisco Treaty, which marks the beginning of a 'peace system'. Let us begin with what Emperor Shōwa, who is said to be the reality of the Japanese Empire, looked like in the history of defeat.

In November 1943, the three leaders, Franklin Roosevelt, Winston Churchill, and Chiang Kai-shek, met in Cairo and decided to fight until Japan surrendered unconditionally. A year and a half later, in February 1945, when the three leaders met in Yalta to discuss the handling of the war with Germany, they pledged to cede the Japanese-held South Sakhalin and Chishima (Kuril Islands) to the Soviet Union. In July of the same year, the leaders of these countries met again in Potsdam. On July 26, Soviet General Secretary Stalin, British Prime Minister Clement Attlee, and U.S. President Harry S. Truman issued the Potsdam Declaration in the name of the U.S., the U.K., and China, with the consent of China's Chiang Kai-shek. It recommended the unconditional surrender of Japan's armed forces and the postwar handling policy of Japan. The Soviet Union became a signatory to this declaration with the proclamation of war against Japan.⁶

The situation of the Pacific War turned on April 1, 1945, when U.S. forces landed on Okinawa, significantly narrowing the front lines. However, the island was not completely captured until June 23. In the mainland of the Japanese Empire, the theory of desperate resistance emerged, and the construction of a tunnel in the mountains of Nagano as a resistance headquarters began. The U.S. government, fearing the loss of both sides due to a protracted war on the Japanese mainland, proceeded to drop the atomic bombs on Hiroshima on August 6 and Nagasaki on August 9. Emperor Shōwa, who had been commanding the front hitherto, recorded an "End of War Declaration" on August 14 and broadcast it the next day. Commonly known as the "Jewel Voice Broadcast," it was named the "Protocol of the End of the Great East Asian War" (hereafter, the "End of War Protocol").

Emperor Shōwa's "End of War Protocol" reads, "I have directed the Imperial Government to notify of its acceptance of the joint declaration made by the four nations of the United States, Great Britain, China, and the Soviet Union. To promote the well-being of the subjects of the empire and to share in the enjoyment of the common good of all the people is an example set by our imperial ancestors, and I have not held back from it. In fact, the reason for the early declaration of war against the United States and Great Britain was based on imperial pride and a desire for stability in the East, and it was not my intention to reject the sovereignty of other countries and invade their territories." The sentences consistently avoid taking responsibility for the war.

Even for the reason of declaring the end of war, he stated, "The enemy has repeatedly killed innocent people by using new and cruel bombs, the effects of which are truly incalculable, and if we continue to engage, it will lead not only to the destruction of our people but also to the destruction of human civilization. In this case, what can I do to preserve the hundreds of millions of young people and apologize to the spirits of our imperial ancestors? It is for this reason that I have pushed the Imperial Government to respond to the Joint Declaration." He unilaterally attributed the reason for ending the war to the dropping of the atomic bombs by the U.S.

As it has already been pointed out, the phrase "unconditional surrender" does not appear in Emperor Shōwa's "End of War Protocol." If it was to be looked for notwithstanding, "unconditional surrender" was indirectly indicated by the Emperor's instructions to comply with the "joint declaration" of the Potsdam Conference. The Potsdam Declaration stipulated in Article 13 the "unconditional surrender of the armed forces of Japan" and directed that it be

⁶ The Potsdam Declaration stipulated (1) the elimination of militarists (Article 6), (2) the occupation of Japan by the Allies (Article 7), (3) the territory of Japan limited to Honshu, Hokkaido, Kyushu, and Shikoku (Article 8), and (4) the unconditional surrender of Japan's armed forces (Article 13).

accepted. Even so, the “End of War Protocol” is a serious distortion of the history of war accountability. For example, these were problematic expressions that the Japanese Emperor’s decades-long aggression to build the (Great) East Asia was “to share in the enjoyment of the common good of all people” and “it was not my intention to reject the sovereignty of other countries and invade their territories.” Isn’t this a deception that should be condemned in the name of humanity?

What was the situation when the Emperor’s “End of the War Protocol” was delivered to the people of the Empire? The issue of the Asahi Shimbun on August 15, 1945, carried the following subheadings under the large headline “The Great Announcement of the End of the War Spreads Through the World”: “The Emperor’s Great Decision on the Havoc of the New Bomb,” “The Empire Accepts the Declaration of the Four Powers,” and “Fear Brings Peace for a Long Life.” It also included a photo of the subjects kneeling on the street to listen to the “Jewel Voice Broadcast.” What is important is the comment, “There was neither a mentioning of the ‘end of the war’ nor ‘defeat.’” Rather than a reference to an error or a puzzlement in the “End of War Protocol,” it could have been read as a statement that the Emperor had not surrendered. The “trans-war phenomenon” in postwar Japan is a testament to this.

2) Passivity of the “Emperor’s Humanity Declaration”

On January 1, 1946, the “Emperor’s Humanity Declaration” was issued at the request of the General Headquarters (GHQ) of the Allied Powers. Even if Emperor Shōwa rode by on foot, rather than on a white horse, in front of the crowd with this declaration, it would not change the perception that the emperor was the ruler of the country. The Japanese people’s worship of emperors, instilled in them by the “Imperial Constitution” of 1889 and the “Education Code” of 1890, was not something that could be changed overnight.

In accepting the Potsdam Declaration, the Japanese government demanded “national polity protection” or the condition that no changes be made to the constitutional status of the Emperor. This consciousness did not easily disappear in the postwar political reorganization either, and the “abolition of the emperor system” was eventually accomplished passively by the Allies. “Strengthening the revival of democratic tendencies” and “establishing respect for fundamental human rights” (Clause 10 above) and “establishing responsible governments with peaceful tendencies” (Clause 12) were defined in the Potsdam Declaration. In the realization of these points, the Japanese government remained passive until the end.

In accordance with the “Declaration of End of War,” the surrender document was signed on September 2 of the same year aboard the U.S. battleship Missouri in Tokyo Bay by Imperial Japanese Foreign Minister Mamoru Shigemitsu and Chief of Staff Yoshijirō Umezū. Shigemitsu, the foreign minister, signed the document “by and in the name of His Imperial Majesty the Emperor and the Government of Japan,” and Umezū, the chief of staff, signed it “by and in the name of the Imperial General Headquarters of Japan.” The document reads, “Declaring the unconditional surrender of all the armed forces of the Japanese Empire and the allies of all the armed forces under the control of the Japanese Empire.” It was signed by Douglas MacArthur, the Supreme Commander of the Allied Forces, and nine other representatives of each country to signify their acceptance. However, in Article 1, the document states that “All commanders of the Japanese armed forces, regardless of where they are currently stationed or where they are located, unconditionally surrender to the Allies and to military organizations cooperating with the Allies.”

Technically, this was an “unconditional surrender” of the Japanese military organization and cannot be seen as a surrender of the Japanese Empire. Article 4 reads, “The authority of the Cabinet of Japan and of the Japanese Emperor to govern the country shall be subject to the control and limitation of the Supreme Commander for the Allied Powers (SCAP) only as may be deemed suitable for the purpose of carrying into effect this treaty of surrender.” Amid the taboo on the sanctity of the emperor, the question was whether the content of the future “Constitution of the Japanese Nation” could be prepared with the voluntary will to realize liberal democracy to some extent.

In the case of Germany, there was Konrad Adenauer, the former mayor of Köln, who opposed Nazism from 1933. He was imprisoned under the Nazi regime and only released in 1944, where he was a leading figure in the creation of the Christian Democratic Union and became the first chancellor of the postwar Federal Republic of Germany, a key figure in the construction of a liberal Germany. The only history of liberalism advocated in postwar Japan is the Constitution Protection Movement of the 1910s and 1920s. However, Tsuyoshi Inukai and Yukio Ozaki, who led this history, did not exist in the postwar period. Inukai was murdered by militaristic young officers on May 15, 1932, while serving as prime minister, and Ozaki was 87 years old at the time of defeat in 1945. Ozaki was elected to the House of Representatives as many as 25 times between 1889 and 1952 and held the honorary position for 63 years. In his old age, he was losing followers under the shackles of being a “god of constitutional government.” In the absence of an impetus to abolish the emperor system that had regulated the entire political structure, as in postwar Japan, the Emperor’s “Humanity Declaration” could never mean the true realization of liberal democracy. Article 1 of the Constitution of Japan, which was promulgated in November 1946 after the Emperor’s “Humanity Declaration,” stipulates, “The Emperor shall be the symbol of the State and of the unity of the People, deriving his position from the will of the people with whom resides sovereign power.” It indicates that the Emperor remains the subject of sovereignty even in postwar Japan.

As a historian of a neighboring country, it is both strange and surprising to look at the list of Japanese cabinets or prime ministers and see that the sequence of cabinets that began in December 1885 (Meiji 18) remained unchanged after the war. Naruhiko Higashikuni, who was sworn in on August 17 in the aftermath of the “End of War Protocol,” is listed as the 30th prime minister and the 43rd head of cabinet. It followed the 29th cabinet of Kantarō Suzuki, who had replaced the 29th prime minister just before the war. The “Shōwa era” was also continued to be used, increasing the number of years each year. Wasn’t it the reality of postwar Japan, where even if the emperor system may have been removed outwardly, the worship of the emperor was still deeply embedded in their consciousness?

3) Establishment of the Supreme Command of the Allied Powers (SCAP) and the “Constitution of Japan”

The Allies, led by the U.S., managed Japan for six years and six months, from August 14, 1945, to April 27, 1952. The Allied governing structure was organized so that the Far Eastern Commission (FEC) set basic policy, and under it was the U.S. government, which established the SCAP and its GHQ for command leadership. The FEC was headquartered in Washington, D.C., chaired by the U.S. and comprised 11 war-participating countries. In accordance with the basic policy set by the FEC, the U.S. government established the SCAP and GHQ in Tokyo to direct or recommend FEC policy to the Japanese government and to implement various measures against the Japanese people after the war. The four nations at the center of the Alliance—the U.S., the U.K., China, and the Soviet Union—

separately formed the Allied Council for Japan as an advisory body to the SCAP and GHQ, headquartered in Tokyo. The U.S. chaired this council as well. It was a postwar Japanese administration centered on the U.S.

What was the state of internal affairs management on the Japanese side before and after the defeat? From the Pacific War to defeat, there were three successive cabinets: the 40th Prime Minister Hideki Tojo's cabinet (October 18, 1941, to July 22, 1944; 1009 days), the 41st Prime Minister Kuniaki Koiso's cabinet (July 22, 1944, to April 7, 1945; 260 days), and the 42nd Prime Minister Kantarō Suzuki's cabinet (April 7, 1945, to August 17, 1945; 133 days). Every prime minister has been an army or navy captain. With Emperor Shōwa's "Jewel Voice" Broadcast on August 15, 1945, the cabinet of Imperial Prime Minister Kantarō Suzuki concluded. It was on August 17 that the emperor named his successor, Naruhiko Higashikuni, an imperial family member with the status of an army commander, as prime minister. There was a two-day gap in the nomination of Japan's next prime minister.

On August 30, Supreme Commander MacArthur arrived in Tokyo. He entered through the Atsugi Naval Air Station. It was 13 days after the inauguration of the Naruhiko Higashikuni cabinet. The signing of the "Surrender Document" took place aboard the battleship Missouri in Tokyo Bay on September 2. On the same day, MacArthur, the U.S. army Pacific supreme command, was sworn in as the SCAP and given full authority to administer the occupation under the Potsdam Declaration. This was followed by the establishment of the SCAP's GHQ in Tokyo on October 2. Within the GHQ was the Civil Affairs Bureau, which led Japan's democratization efforts. On October 4, the Higashikuni cabinet resigned after less than two months in office, citing the so-called "Order on Liberty" (English version) from GHQ as a major milestone, and on October 9, Kijūrō Shidehara was appointed as the 44th prime minister and formed the 31st cabinet.

The newly appointed Kijūrō Shidehara was a foreign minister who had practiced "international cooperation diplomacy" in the first decade of the Shōwa Era. Considering the plethora of diplomatic matters coming down from the GHQ in the immediate aftermath of the defeat, he was the best person for the job. The Shidehara cabinet lasted only 226 days, from its inauguration on October 24 when the United Nations was established, to the start of the International Military Tribunal for the Far East on May 3 of the following year. The enactment of the "Constitution of the Japan" was the crowning achievement of the cabinet, and the general election under the new constitution resulted in the resignation of the Shidehara cabinet and the formation of the first Shigeru Yoshida cabinet.

On the evening of October 9, when the Shidehara cabinet was sworn in, Supreme Commander MacArthur met with Fumimaro Konoe, a minister without a portfolio in the former Higashikuni cabinet, to explain the need for constitutional revision. Konoe was a powerful politician of the high-ranking noble or Hwa clan who had served as prime minister thrice before the end of the war, and in the Higashikuni cabinet, he held the position of the Lord Keeper of the Privy Seal for the imperial office. Supreme Commander MacArthur first approached him because the most important issue in the constitutional revision was how to deal with Article 1, Section 1 of the Imperial Constitution, which stated that "The Empire of Japan shall be ruled by the Emperor for ever and ever." In other words, the measure was conscious of the importance of imperial approval. In response, Konoe, along with former Kyoto Imperial University professor Sōichi Sasaki⁷, launched an investigation into the constitutional amendment on the issue of

⁷ Graduated from the Law School of Kyoto Imperial University in 1903; assistant professor at the university in 1906 and professor

government-patronizing. However, their work came out in two pieces: “Outline of Possible Results of the Examination on the Revision of the Imperial Constitution” on November 22, under the name of Fumimaro Konoe, and “Necessity of Revising the Imperial Constitution (Sasaki Constitution Draft)” on November 24. Two of the proposals had undergone the Emperor’s reply process, but neither was acceptable to the GHQ. Sasaki, a constitutionalist, was known as a follower of Taishō Democracy’s “constitutionalism,” but he did not touch Articles 1–4 of the Imperial Constitution on the Emperor. Konoe’s proposal was a revision within the framework of the constitution of the Meiji Empire. The 100-article amendment focused on the right to life, the establishment of a constitutional court, and local governance.

Meanwhile, two days later, on October 11, MacArthur met with Kijūrō Shidehara, the new Prime Minister of Japan, and mentioned the “liberalization of the constitution.” On October 13, the Cabinet formally launched a constitutional research study as a government, in opposition to the Konoe and Sasaki’s research projects on constitutional revision. On October 26, the Committee to Investigate Constitutional Issues (also known as the Matsumoto Committee), was organized with Secretary of State Jōji Matsumoto⁸ as its head. On February 8, 1946, the Shidehara Cabinet submitted the “Matsumoto Proposal” prepared by this committee to the GHQ. However, this proposal also recognized the emperor’s right to rule, so the GHQ rejected it. Instead, the GHQ drafted a “GHQ Constitution Draft” and presented it to the Shidehara cabinet on February 13. Based on this draft, the Shidehara cabinet prepared a “Constitutional Amendment Bill” and presented it following approval from Supreme Commander MacArthur. The fact that multiple proposals to amend the Meiji Empire Constitution were rejected by the GHQ means that the abolition of the emperor system was not possible within the Japanese political system itself.

4) The Light and Shade of the Liberal Democratic Party, the First Postwar Conservative Party

On April 10, 1946, the 22nd general election to the House of Representatives was held under the “New Election Act.” Since the defeat, the election marked the first establishment of a new government through the parliamentary system. Party politics, which had disappeared after Taishō Democracy waned in the early 1930s, returned, with the head of the ruling party becoming the prime minister. It was also the first time women’s suffrage was allowed, making it the first universal election with both men and women as voters. The Japan Cooperative Party (Dec. 1945, Party leader: Takeo Miki), Japan Progressive Party (formerly Democratic Justice Party, Nov. 1945, Machida Chūji), Liberal Party of Japan (Nov. 1945, Ichirō Hatoyama, Shigeru Yoshida), Japan Socialist Party (formerly Proletarian Party, Nov.

in 1913; conducted administrative law lectures; in charge of constitutional law since 1927; served as dean of the Law School twice since 1921. With a constitutional theory that combined strict literary interpretation with constitutionalism, he served as the theoretical leader of the Taishō Democracy alongside Minobe of the Tokyo Imperial University and established the Kyoto school in constitutional study. Resigned in 1933 in protest of the Takigawa Incident, an incident of suppression of thought. He worked to advocate for university autonomy, including serving as the center of a protest movement by the Law School faculty.

⁸ After graduating from the Law School of Tokyo Imperial University, he became a counselor at the Ministry of Agriculture and Commerce, then returned to the university in 1903 as an assistant professor. He studied abroad in Europe from 1906–1909 and returned to Japan in 1910 and became a professor at Tokyo Imperial University. He also became a director of the Manchurian Railway Company in 1919, became its vice president, and in 1923, became the Minister of the Legal Affairs Bureau in the second Yamamoto cabinet. He was elected to the House of Peers by the Emperor in January 1924 and appointed as a member to the Imperial Academy. He served as president of Kansai University until 1928; a minister of commerce and trade in the Saitō cabinet in 1934; and drafted the constitution in 1945 in the Shidehara cabinet as minister of state. He was expelled from public office in 1946 for holding the office for inspecting Mantetsu (South Manchuria Railway).

1945, Tetsu Katayama), and four other parties participated in the general election, and the Liberal Party became the majority party. However, the subsequent parties repeatedly reorganized themselves because there was no majority party.

Prime Minister Kijūrō Shidehara, who oversaw the general election, joined the Japan Progressive Party seemingly trying to keep the cabinet together. In response, all other political parties rebelled, initiating a movement to unseat the cabinet, and there was so much opposition within the cabinet as well that the entirety of the Shidehara Cabinet resigned on May 22, 1946. Thus, Ichirō Hatoyama, the leader of the majority Liberal Party, prepared to form a new cabinet, but GHQ ordered him to be “purged from public office” for being a “militarist who collaborated with the rise of the military” with the cabinet organization ahead.⁹ Shigeru Yoshida, the second in seniority within the Liberal Democratic Party, became prime minister, and the First Yoshida Cabinet was sworn in on May 22, 1946. Yoshida was a foreign minister in the previous Shidehara Cabinet who had formed the Liberal Party of Japan with Hatoyama in preparation for the general election.

The First Shigeru Yoshida Cabinet existed for 368 days until May 22, 1947, and proceeded to revise the “Constitution of the Empire of Japan.” In October 1946, the House of Representatives agreed to a House of Peers amendment to the Constitutional Amendment Bill, and the “Constitution of Japan” was established. Thus, “the Empire of Japan” eventually became “Japan.” The House of Peers is disbanded at the end of this mission and replaced by the House of Councilors. The First Yoshida Cabinet, which began with a new constitution under GHQ’s guidance, was unable to end the imperial era on its own. Yoshida was, as stated by himself, a man imbued with an emperor-first mentality. And no politician or bureaucrat at the time was immune to the emperor system or militarism, as when Ichirō Hatoyama, the first president of the Liberal Party, was suddenly “expelled from office.” In 1941, more than 380 politicians, who had become members of the Imperial Rule Assistance Association by the Third Fumimaro Konoe Cabinet, were targeted for the “purge from public office”.

Ichirō Hatoyama (1883–1959) graduated from the Law School of Tokyo Imperial University in 1907 and entered politics in 1915, when he was elected to the House of Representatives after being recognized officially by the Association of Friends of Constitutional Government. His entry into politics during the Taisho Democracy was not without liberal orientation. However, in 1927, he served as cabinet secretary in the Tanaka Giichi Cabinet, who was far from the Democracy trend. Meanwhile, in 1931, he was appointed as the minister of culture and education when Tsuyoshi Inukai, who was at the center of the Constitution Protection Movement, formed a cabinet. After the Inukai Cabinet fell apart in the wake of the May 15 Incident and the end of the Taishō Democracy, he again became the minister of culture and education in the Saitō Makoto Cabinet, which was launched in 1932. Rather than leading the Constitution Protection Movement like Inukai, he played to the political status quo.

⁹ In the later years of the Second Wakatsuki Cabinet (Apr.–Dec. 1931), Teijirō Yamamoto, Kaku Mori, and others, along with army chiefs such as Tetsuzan Nagata, Hitoshi Imamura, and Hideki Tojo, discussed overthrowing the cabinet, an extremely problematic behavior for parliamentarians. The proposal was reportedly rejected by the army as well. (Kiyotada Tsutsui,《昭和前期の政黨政治》, 2012, Chikuma Shinsyo 237). Other reasons cited for the expulsion included the statement that Adolf Hitler's administrative policies in Nazi Germany were successful when Wakatsuki was president of the Association of Friends prewar and criticizing the U.S. military's atomic bombing after the war.

In 1939, Hatoyama belonged to the orthodox faction when the Association of Friends split in response to the rise of the military power in politics. In July 1940, the Second Fumimaro Konoe Cabinet was launched, dissolving all political parties in the name of national unity and forming a single party called the Imperial Rule Assistance Association. On April 30, 1942, in the 21st general election of the House of Representatives, the “Assistance Political System Council” was formed and nominated 466 candidates (same number as the quota), and 381 were elected, representing 81.8% of all seats. At this time, Hatoyama was not nominated by the council, so he ran as an “unnominated” candidate and won. However, the “unnominated” never meant being opposed to the totalitarianism of the Assistance Council. He was close to Fumimaro Konoe, who was named prime minister thrice in 1937, 1940, and 1941. He was never a champion of liberal democracy.

In October 1941 the army chief Hideki Tojo, representing the armed forces, was nominated as the prime minister. A three-time cabinet member, Konoe’s family was one of the five regent houses that had been able to ascend to the highest levels of government, including regent, chief advisor, and grand minister of state, since the Kamakura Era¹⁰ and was at the top of the Kazoku clan during the Meiji Era. His father, Atsumaro Konoe, was a leading advocate of Asianism. The gathering of bureaucrats like Hatoyama around Konoe was motivated by dissatisfaction with the fact that the cabinet had been handed over to the military power, not by any sense of criticism of the emperor system’s fascistization. If it is true that Hatoyama was guilty of “the problem of interference with the prerogative of supreme command” (May 7, 1946), in which he proposed to overthrow the civilian cabinet to the military power before the war, as GHQ pointed out, it would surely be an unacceptable duplicity for a politician.

Hideki Tojo, who became the prime minister as an active-duty army captain, was the executor of the expanding front of the “Great East Asian War” spearheaded by Emperor Showa. In 1943, Hatoyama could no longer stay in politics, criticized the Tojo Cabinet, and retreated to the villa of a businessman (石橋正二郎) in the resort town Kawaizawa(耕井澤). If GHQ’s earlier assumption on his proposal to the military power to form the cabinet is true, this escape was a bit of a cop-out. On August 15, 1945, Hatoyama broke down in tears as he listened to the “Jewel Voice Broadcast” at the villa and said, “The days of the military are over. This is our time” (*Autobiography*), and he left the cabin at dawn the next day and headed for Tokyo.

In October 1945, Ichirō Hatoyama formed the Liberal Party of Japan with his comrades Ichirō Kōno and Hitoshi Ashida, both from the orthodox faction of the former Association of Friends of Constitutional Government, and Bukichi Miki of the former Constitutional Democratic Justice Party. The tendencies of “comrades” Hatoyama met at his return to Tokyo did not differ too much from his.

Ichirō Kōno (1898–1965) entered politics in 1931 as secretary to the Minister of Agriculture and Forestry in the Inukai Cabinet and ran for and won the 18th House of Representatives general election the following year. After being elected, he joined the Association of Friends of Constitutional Government and got to know Hatoyama. Like

¹⁰ Yi, Tae-Jin, *Foreign Invasions and the Transformation of Eastern Classic Studies in the Japanese Empire*, Academy of Social Criticism, 2022. P.155. The five regent houses (go-sekke) are Konoe, Takatsukasa, Gujo, Ichijo, and Nijo.

Hatoyama, he was also elected as an “unnominated” in the 1942 Imperial Rule Assistance Association member election. Hitoshi Ashida (1887–1959) was a former diplomat who entered politics and served as a conduit to the Ministry of Foreign Affairs by joining the Association of Friends of Constitutional Government. Although he served as a “liberal” in the parliament during the rise of militarism, like Hatoyama, he showed no signs of a fighter. Liberal politicians of this era were liberals in the limited sense of opposing military rule, not in the sense of fundamental opposition to the emperor system.

Bukichi Miki (1884–1956) of the Constitutional Democratic Justice Party was Hatoyama’s sworn friend and is credited the most with preventing the rise of the Japan Socialist Party in 1955, leading to a coalition of Liberal and Democratic parties. In June 1922, he entered politics when he was elected to the Tokyo Metropolitan Assembly, where he campaigned to clean up the municipal administration of the city. During this time, Hatoyama was on the opposite side of the political spectrum when it came to confronting the Association of Friends of Constitutional Government over the cleanup movement. After winning the election to the House of Representatives in 1924, Bukichi Miki was elected secretary-general of the Constituent Assembly at the age of 39. Spearheading the Constituent Assembly, he led the party to become the primary opposition in the year’s general election in May. In June, the three factions of the constitution protection were formed (the Constituent Assembly, Association of Friends, and Innovation Club) and the First Takaaki Katō Cabinet was inaugurated. Miki left politics in 1928 after being involved in the “Suspicion around the Keisei Electric Railway” and became president of the Hoji Shimbun in 1939 after completing his sentence. In 1942, he ran as an “unnominated” candidate in the Imperial Rule Assistance Association election and won, returning to politics; the “unnomination” in the Imperial Rule Assistance Association election is a common element of Hatoyama Ichiro’s “comrades” after the defeat in the war.

The Liberal Party of Japan, centered around Hatoyama, was the first postwar conservative party to emerge from the ranks of conservative politicians or businessmen. The party claimed to overthrow militarism, establish a democratically accountable political system, rebuild a free economy, ensure freedom of thought and scholarship, and promote culture as its platform, with the code of implementing the Potsdam Declaration, eradicating militaristic elements, and promoting free economic activity. It is clear that the Liberal Party is a party that is seeking a liberal democratic path in postwar Japan. However, as we have seen, in postwar Japan, conservative politicians advocating liberalism were limited in their ability to overturn the constitution of the emperor system on their own. True liberals would have stood up to the Taishō Democracy trend when it was being overthrown by young officers of the imperial metropolis school. Liberalism was not tolerated by the holders of the imperial absolutism spirit thought as it was too seen as a conduit for socialist ideas. They did not challenge this line of thinking. When the Third Konoe Cabinet dissolved all political parties in favor of the Emperor’s totalitarian system and held the Imperial Rule Assistance as a collective association of subjects to select members of parliament, they could not deny this system and participated as the “unnominated.” Were they afraid of having it pointed out to them that they were not the Emperor’s subjects?

Hatoyama’s discourse was published in the September 15, 1945 edition of the Asahi Shimbun. It stated that dropping the atomic bomb was a war crime in violation of international law. In all likelihood, this was in response to the Emperor’s reference to the U.S. military’s atomic bomb as “the enemy’s new and cruel bombs” in the “End of War Protocol.” The GHQ ordered Asahi Shimbun to suspend publication for 48 hours and blocked the way with a

“public office purge decree” when Hatoyama won the first cabinet organization as the president of the ruling party in the general election the following year. (May 7, 1946) Hatoyama then named Shigeru Yoshida as his successor, and the First Yoshida Cabinet was formed on May 22.

This disruptive situation in the run-up to the inauguration of the first cabinet under the New Constitution was due to the limitations of human resources in the postwar political situation. The postwar political situation began in 1941 with the dissolution of the Imperial Rule Assistance Association, which was created as a mega-state organization after dissolving all political parties. More than 400 Assistance Association candidates were nominated to the people, and 381 were elected, making the Assistance Association mainstream. However, these nominees became prime targets for postwar “purges from public service.” Thus, the “unnominated” became central figures in the resurgence party. It was similar to starting over from scratch with only a partial cut of the prewar base. In this regard, calling this the “trans-war phenomenon” is not incorrect.

4. The Yoshida Cabinet and the San Francisco Peace Treaty

1) Shigeru Yoshida’s Emperor-Centrism

From the inauguration of the First Yoshida Cabinet under the New Constitution in May 1946 until the San Francisco Peace Treaty in September 1951, the cabinet changed five times: from Tetsu Katayama of the Japan Socialist Party from May 1947 and Hitoshi Ashida Cabinet (1887–1959) of the Democratic Party from March 1948 to the Second Yoshida Cabinet from October 1948, etc. The postwar cabinets changed parties composing the cabinet after their inauguration. The First Yoshida Cabinet switched from the Liberal Party to a coalition of a Progressive Party and a Progressive Party, the Katayama Cabinet switched from the Socialist Party to a Coalition of Social, Democratic, and National Cooperative Parties, and the Ashida Cabinet switched from the Democratic Party to a coalition of Democratic, Social, and National Cooperative Parties. The Second Yoshida Cabinet even changed its name from the Progressive Party to the Democratic Liberal Party.

The Socialist Party of Prime Minister Tetsu Katayama (1887–1978) was the first progressive party. The following Liberal Party of Japan under Prime Minister Ashida was a conservative party formed in 1947 around the Japan Progressive Party. The two cabinets were short-lived, lasting only 292 days and 220 days, respectively, for a total of 2 years and 5 months. The Democratic Liberal Party of the Second Yoshida Cabinet was a coalition of the Comrade Club, the Democratic Club, and the opposition Liberal Party of Japan, made up of former Democratic Party members who opposed and broke away from the 1948 coalition government of the Japan Socialist Party. The San Francisco Peace Treaty was all done in the Second and Third Yoshida Cabinets. Yoshida was a mainstay of postwar Japanese politics, serving as prime minister for a whopping six years (2,415 days) on three separate occasions. It was Yoshida who created the San Francisco system. The frequent changes in the parties that make up the cabinet indicate how weak the foundations of party politics were in the postwar period. The fact that Yoshida formed the cabinet as prime minister on three separate occasions suggests that postwar Japanese politics had virtually one orientation. Then, who was Shigeru Yoshida as an individual?

Shigeru Yoshida (1878–1967) was a diplomat-turned-politician. He was a big name politician who served as the Minister of Agriculture one time, the Minister of Foreign Affairs five times, and the Prime Minister of the cabinet five

times. He also served as Minister of the First and Second Restoration Ministries, which reorganized the Army and Navy after the war. He was also a member of the House of Representatives (7th term) and a member of the House of Peers, which qualifies him as a parliamentary politician.

He was born in 1878 in Kochi Prefecture, the fifth son of Tsuna Takenouchi. His father, Takeuchi, spent a long time in prison for participating in anti-government conspiracies as a revenge for the death of Daisuke Itagaki, a leading liberal civil rights activist of the time. His son, Shigeru Yoshida, became his adopted son in 1881 after being assisted by his father's close friend, Yoshida Kenzo, who was a wealthy merchant. Yoshida dropped out of Keio Gijuku and entered Gakushuin in 1897, graduating four years later. Gakushuin was the educational institution for children of the Kazoku clan, and at this time, it established a "university department" to train diplomats, and Yoshida enrolled in this department to pursue his dream of becoming a diplomat. In 1904, the department was abolished, so he transferred to Law School at Tokyo Imperial University without examination. Upon graduation in 1906, he passed the consular examination and entered the Ministry of Foreign Affairs. The fact that Yoshida began his higher education at Gakushuin likely played a role in making him an absolute believer in the emperor system.

In 1918, he served as consul in Jinan, Shantung Province, and attended the Paris Peace Conference in 1919 as a member of the delegation. His father-in-law, Nobuaki Makino, was named ambassador plenipotentiary and became a member of the delegation. Yoshida spent most of his 20 years in the Foreign Ministry in China, rather than being posted to Europe or the U.S., as many diplomats of the time would have liked. Yoshida's views on imperial Japan's expansion into China, especially in Manchuria, were stronger than those of the military.

Yoshida's insistence on entering Manchuria was so extreme that he was restrained by Prime Minister Giichi Tanaka and the army in late 1927. He supported the so-called "Manchuria–Mongolia separatism" in solidarity with another hardliner, Gaku Mori.¹¹ In the Tanaka Cabinet in 1928, Mori was named the vice-minister of foreign and political affairs and Yoshida the vice-minister of foreign affairs, respectively. To stop Kijūrō Shidehara's "international cooperative diplomacy" in line with the Taishō Democracy trend, Tanaka appointed himself foreign minister as well and appointed Mori and Yoshida as vice-ministers. It was the reactivation of Yoshida Shoin's "pre-emption of neighboring countries" policy, which had been dormant since the Russo-Japanese War, creating an outlet for the military's hardline approach to Manchuria–Mongolia and the Far North, including the Kwantung Army.

In the 1930s, Yoshida moved his workplace to Europe. He became ambassador to Italy in 1931 and to the U.K. in 1936. Diplomatically, he appeared to be a "pro-U.K.-U.S." faction that valued its relationship with the U.K. and the U.S. He was close friends with Fumimaro Konoe, who formed the cabinet as prime minister on three occasions in 1937, 1940, and 1941. In the formation of the Kōki Hirota Cabinet in March 1936, he was slated to be the foreign minister and cabinet secretary as Konoe's "messenger," but he failed to join the cabinet due to opposition from the army, including Hisaichi Terauchi¹². His confrontation with the military made him the center of attention at GHQ after the war.

¹¹ The argument for independence of Manchuria and Mongolia from the Republic of China was to facilitate Japanese expansion or subordination to Japan. This is similar to the arguments made during the Qing-Japanese War to separate Korea from the Qing Empire and use Korea as a bridgehead for Japan's expansion into the continent.

¹² The son of Terauchi Masadake, the first governor general of Chosen Korea and the 18th prime minister.

In the run-up to the start of the Pacific War, he met frequently with U.S. Ambassador Joseph C. Grew and Foreign Minister Shigenori Tōgō in an unsuccessful attempt to prevent the outbreak of war. After the war, he served as a liaison for anti-war groups such as his father-in-law Nobuaki Makino and former Prime Minister Konoe and engaged in peacemaking. He saw the Japanese defeat at the Battle of Midway as an opportunity for peace negotiations and traveled with Konoe to Switzerland, home of the League of Nations, to try to spark peace talks. However, the U.S. military's advance was so rapid that they gave up. In 1945, as Japan's defeat loomed large, he and Shunkichi Ueda, Konoe's henchman, were working on the "Konoe's address to the throne" to review end-of-war measures when they were arrested and detained by the military police. The imprisonment also became a postwar badge of honor for "opposition to the military," a crucial factor in GHQ's credibility. However, when politicians rallied around Konoe after the military took power, it was only to oppose the military's rise to power and expansion, not for liberal democracy. There was no difference in consciousness between the two in the construction of the emperor-dominated "Tōyo (East)" and "East Asia(Tōa)." It was the same conflict composition that Itō Hirobumi's protectorate policy was faced with the immediate annexation policy by army force.

After the end of the war, when Emperor Shōwa tried to abdicate to take responsibility for the war, it was reportedly Yoshida who stopped him. When Emperor Shōwa tried to apologize to the people, Yoshida actively discouraged him. Yoshida seemed to think that if the emperor abdicated or atoned, Japan would fall apart. When Emperor Akihito was crowned in November 1952, the prime minister, Yoshida, reportedly referred to himself as "Vassal Shigeru." He was so obsessed with the sanctity of the imperial family that even the media at the time criticized it as an "anachronism."

In 1882 (Meiji 15), Kogakan was founded by Prince Kuni Asahiko, a master of religious rites for the Ise Shrine. It was established for the purpose of training teachers for the priesthood or Shinto. It was when Itō Hirobumi was working on the Imperial Constitution and national Shinto. After being a government vocational school in 1903, Kogakan became a government university under the Ministry of Education in 1940, growing into a major institution in the promotion of national Shinto. Thus, after the defeat, it was closed by edict in March 1946. Then, in September 1951, the Kogakan University Revival Movement took place in the festive atmosphere of the signing of the San Francisco Peace Treaty and the inauguration of Japan as a "truly independent nation." In the same year, a foundation called The Isuzukai(五十鈴會) was founded, and the following year, the "Shrine Imperial Academy Revival School-Supporting Association" was formed. It opened in September 1955 as Shrine Imperial Academy and was renamed Imperial Academy University in 1962. Shigeru Yoshida, a three-time prime minister, was inaugurated as the university's first president.

The San Francisco Peace Treaty was an international event in which the postwar "nation of Japan" erased its image as a defeated nation. The fact that Yoshida, who had served as prime minister and ambassador plenipotentiary at the event, was appointed as the first president of the Imperial Academy University, which was revived in the wake of the peace treaty, symbolizes his staunch devotion to the emperor system.

2) The Cabinet's Focus on Economic Issues in Negotiating the Peace Treaty

In April 1947, at the end of the First Yoshida Cabinet, the 23rd general election was held. The new constitution

(Article 67, paragraph 1) made a member of the National Diet a requirement for the prime minister, and Yoshida ran for office in Kochi Prefecture, his biological father's hometown. He was elected, but the ruling Liberal Party of Japan lost its place as the dominant party to the Japan Socialist Party. Socialist Party leader Suehiro Nishio¹³ was thrilled by the unexpected victory but felt the party was unprepared to take charge of the government. Hence, the Prime Minister attempted to form a cabinet with a non-socialist prime minister and its majority of members from the Socialist Party. Specifically, they wanted Yoshida to continue as prime minister instead of the Liberal Party's current prime minister. However, Yoshida detested the pro-communist leftists within the Socialist Party and demanded that party leader Nishio exclude the left. When this proposal was not accepted, the First Yoshida Cabinet resigned on May 24.

The House of Representatives, which was formed by the 23rd general election, did not have an absolute majority party and thus held a nomination election for the head of a cabinet. The election was won by Tetsu Katayama, a former secretary-general of the Japan Socialist Party. On May 24, the Katayama Cabinet was sworn in as the first Socialist Party Cabinet in Japanese history. As mentioned earlier, the Katayama Cabinet was dismissed only after 292 days, and the cabinet of Hitoshi Ashida of the Democratic Party was sworn in on March 10, 1948. The Democratic Party's political base was also highly unstable. After the end of the war in 1945, a group of relatively progressive figures came together to form the Liberal Party of Japan, but with many of its cadres bound by the "purge from public service," the Liberal Party formed the Democratic Party in 1947 in alliance with factions within the Liberal Party that were unhappy with its president, Yoshida, and Ashida became the president. However, the Ashida Cabinet also dissolved the following year on October 15, 1948, after mere 220 days.

The Second Yoshida Cabinet, formed on October 15, 1948, was also formed amid a new reorganization of political parties and factions. The Ashida Cabinet fell apart due to a corruption scandal. In the meantime, former prime ministers Kijūrō Shidehara and Kakuei Tanaka, who were members of this party, and the "Democratic Club" merged with the Liberal Party to form the Democratic Liberal Party, with Yoshida as its president. In October 1948, Yoshida formed his second cabinet, but early the following year, a motion of no-confidence in the cabinet submitted by the Socialist Party and other opposition parties was passed, forcing Yoshida to dissolve the House of Representatives.

In the 24th House of Representatives general election held on January 23, 1949, Yoshida's Democratic Liberal Party won by a mile and formed a new third cabinet. The Third Yoshida Cabinet, which lasted from February 16, 1949, to October 30, 1952, had such an unstable party base that it had to undergo three "cabinet reshuffles" during its existence. Although the postwar political situation was largely a one-man show for Shigeru Yoshida's Cabinet, the three "reshuffled cabinets" in the third cabinet indicate that there was a great deal of political unrest. The large number of politicians tied to GHQ's "purge from public office" list was also a major cause.

The postwar Japanese political landscape, centered on Yoshida, was soon dominated by conservative politics, and its conservatism was not a conscious departure from the emperor system nationalism and thus far from the liberal democratic politics sought by the Allies. The San Francisco Peace Treaty with Japan of September 1951 was signed

¹³ Suehiro Nishio (1891–1981) was elected as "unnominated" in the 1942 Imperial Rule Assistance Association election. He distanced himself from the Assistance Political Society and secretly joined the movement to overthrow the Tojo Cabinet. This career history kept him from the "purge from public office" after the war. In November 1945, he formed the Japan Socialist Party and distinguished himself as a right-wing socialist.

amid the Japanese regime's unwillingness to abandon its imperialist emperor-first mentality. It is an irony of the times that the U.S. government, a symbol of liberal democracy, would allow an emperor system devotee like Yoshida to negotiate a peace treaty with Japan that would define the course of postwar East Asia.

The San Francisco Peace Treaty was almost entirely driven by the U.S. government. Yoshida Shigeru, the prime minister, did not have much more to ask for politically, having succeeded in relegating the issue of abolishing the emperor system to a "humanity declaration" by the emperor. It was foolish to provoke GHQ and the U.S. government with unreasonable demands. In reality, it was a wise posture to seek cooperation for the Japanese economy, which was suffering from severe inflation. Prime Minister Yoshida was optimistic for Ikeda Hayato, the minister of treasury.

The Japanese plenipotentiary delegation that traveled to the San Francisco Peace Treaty site in September 1951 was composed of Shigeru Yoshida, chief plenipotentiary; Hayato Ikeda, minister of treasury; Gizō Tomabechi, supreme chairman of the National Democratic Party; Nirō Hoshijima of the Liberal Party; and Muneyoshi Tokugawa, president of the "Green Breeze Society". The prime minister and the minister of treasury represented the government, whereas the other three represented the House of Representatives and the House of Councilors. Tomabechi and Hoshijima represented the opposition and ruling parties in the House of Representatives, while Tokugawa, the chairman of the "Green Breeze Society", represented the House of Councilors.¹⁴ One representative from opposition and ruling parties on each side of the House of Councilors and the House of Representatives traveled to San Francisco, along with other two, the prime minister and minister of treasury of the cabinet. The fact that the prime minister participated with assistance by the minister of treasury rather than the foreign minister indicates the importance of economic issues to the Japanese government.

Hayato Ikeda (1899–1965) was a longtime bureaucrat who entered politics after the war and served as the right-hand man of Shigeru Yoshida, involved in the foreign, security, and economic policies of the Yoshida Cabinet. Along with Eisaku Satō (1901–1975), he was a leading figure in the "Yoshida School." Yoshida was a master of diplomacy because he was committed to building trust with Supreme Commander MacArthur, but he needed a trustworthy expert on whom he could rely regarding finance and economics. Yoshida asked Seijirō Miyajima (1879–1963), an accomplished businessman, to become the new minister of treasury in his cabinet, but he declined and recommended Hayato Ikeda instead. The banking and finance sector was also experiencing a shortage of talent, with many people targeted for the purge from public office. Ikeda was a graduate of Kyoto Imperial University and was the first person to join the cabinet from Kyoto Imperial University before, during and after the war.

Ikeda graduated from Law School of Kyoto Imperial University's in 1924, and after passing the Higher Civil Service Examination, he entered the Ministry of Treasury. He was outside the mainstream as the core of graduates of the ministry was from Tokyo Imperial University. However, he soon left the ministry due to an incurable disease but was miraculously cured in 1934 and returned to the ministry after working in a general company. During the 1941 expansion, he worked on military financing as head of the State Taxation Bureau, where he successfully introduced an advertising tax to pay for temporary military expenses. After the war, he worked in postwar compensation, dealing

¹⁴ When the first House of Councilors convened on May 20, 1949, a group of members of the House of Councilors formed the "Green Breeze Society(緑風会)" to symbolize the start of the new National Assembly.

with many munition companies and civilians. In September 1945, he briefed GHQ on Japan's tax system, which led him to begin working on postwar tax reform with GHQ. He excelled in the field of finance, including tax reform, due to his excellent memorization of numerals, and was selected as a minister of treasury in the Third Yoshida Cabinet. Ikeda was entrusted with the economy by Yoshida in the form of a plenipotentiary delegation and remained in office even through three "cabinet reshuffles," serving as minister of trade and industry (the Third Yoshida Cabinet) and minister of the economic council board (the Fourth Yoshida Cabinet).

In February 1949, Joseph Morrell Dodge, a special envoy of U.S. President Truman, came to Japan. He successfully addressed the problem of inflation in the German economy under Allied occupation. He then traveled to Japan at the behest of the Truman administration to learn about the country's economic problems. He often met with Ikeda, the minister of treasury, to discuss and recommend the implementation of the "Dodge Line." Ikeda originally planned to establish an active fiscal policy to revitalize the economy through tax cuts and public investment. However, Dodge and GHQ called for an ultra-balanced fiscal policy according to the "Dodge Line." As a result of the demand, a strict tight-money policy was implemented, and from April to June 1949, the Japanese economy plunged into a severe financial crisis. In 1950, as people of all classes faced increasing pressure to make ends meet, there were increasing calls for a relaxation of the "Dodge Line." Prime Minister Yoshida, concerned that negative public opinion was escalating, sent Ikeda to the U.S. to explore the intention of Dodge. However, Ikeda was being assigned more tasks.

Dodge and William Frederic Marquat, GHQ's Director of Economic and Scientific Affairs, had worked with Ikeda over the years and had seen his competence and had invited him to participate in intensified negotiations with the U.S. On April 25, 1951, Ikeda traveled to the U.S. as Prime Minister Yoshida's special envoy, accompanied by Jirō Shirasu, Minister of Trade and Industry (now the Ministry of Economy, Trade and Industry), and Kiichi Miyazawa, Secretary of the Ministry of Treasury. It was his first trip to the U.S. as a postwar Japanese cabinet minister. On May 3, he visited the State Department to request a relaxation of the "Dodge Line" and verbally conveyed Prime Minister Yoshida's message: the Japanese government hopes for early strengthening, and if the U.S. military presence in Japan is necessary to ensure the safety of Japan and the Asian region after strengthening, the Japanese government is willing to sign a treaty to that end. The U.S. government responded with an offer of independence for Japan and a request for full cooperation in the Korean War. In effect, it was the moment when the framework for the San Francisco Peace Treaty was being formulated.

The "San Francisco Peace Treaty with Japan" of September 8, 1951, pursued the simultaneous realization of three complex tasks: to recognize Japan as an independent nation on the losing side of the Pacific War, to revive its economy to reduce the economic burden on the U.S. in East Asia, and to ensure that Japan would serve as an anti-communist bulwark in the impending war against communism through the signing of the U.S.–Japan Security Treaty. The proactivity of the Japanese government in this process was a welcome change for the U.S. administration at the time. The U.S. government was happy enough to forget the complete liquidation of colonialism as a historical task when they demanded Japan's "unconditional surrender."

On August 14, 1941, U.S. President Franklin Roosevelt, upon entering World War II, demanded that the U.K.'s Prime Minister Churchill agree to an "Anti-Colonialism" pledge that there can should be no colonies on earth after

the war was over. Roosevelt's beliefs were reaffirmed at the Cairo Conference and then developed into a proposal to create the United Nations. Upon his death in February 1945, the Truman administration was faced with the simultaneous challenge of Anti-Communism as postwar international relations quickly developed into the Cold War. Although the terms of the San Francisco Peace Treaty were to adequately coordinate two tasks, "Anti-Colonialism" was nearly forgotten. If this conclusion was the result of a deliberate inducement by the leading members of the Japanese government, imbued with the imperialist consciousness of the emperor system, then the Peace Treaty should be reconsidered for the sake of the honor of the U.S.

6. Closing: Japanese Bureaucrats' 'Absurd Remarks' after the San Francisco Peace Treaty

So far, we have covered how the Japanese Empire, after the Meiji Restoration in 1868, established the construction of a new "East Asia" ruled by the Emperor of Japan as a national goal, using Yoshida Shōin's "idea of preempting neighboring countries" as the basis for the establishment of the emperor-centered nationalist system. Further, we have looked at how this goal was realized through the major and minor wars, and the details of the disappearance of the Taishō Democracy as an aspiration of the domestic liberal civil rights movement by the uprising of the idea of Yoshida's preemption in the early Shōwa period, and the remnants of imperial absolutism in the postwar Japanese political scenario after the final defeat of the Greater East Asia War, which was the culmination of the implementation of Yoshida's preemption of peripheral countries policy. The postwar Japanese political landscape revealed surprisingly strong remnants of fascism lingering from the prewar emperor system that ran counter to the liberal democratization envisioned by GHQ. Considering these limitations, it is highly doubtful that the San Francisco Peace Treaty of September 1951 could have functioned as a milestone in the realization of a postwar peace regime in East Asia.

President Franklin Roosevelt's "anti-colonialism" was the primary rationale for the United States' entry into World War II. The Pacific War, provoked by the Japanese Empire, made this cause and task solid. In its postwar dealings, the U.S. government saw itself as having a *zeitgeist* mission to prioritize the colonial problems created by fascism under the Japanese emperor system above all else. Only the realization of the policy of liquidating the various damages suffered by the countries colonized by the Japanese Empire could justify the first atomic bombing in human history.

However, the U.S. government and GHQ's lack of understanding of the emperor system defer the realization of this task, and the rush to establish a system to counter it in the face of the emerging Cold War resulted in the loss of the timely imperative task of the Pacific War. Clearing up the colonial liability issue was an essential part of the postwar transformation of Japan into a full-fledged liberal democracy. It was the emperor system's nationalist mentality that served as a pillar of the Japanese Empire's colonization of its neighbors. The first priority was the eradication of the aggressionist idea of the grace and glory of being ruled by the only imperial family "unbroken for ages eternal" in human history. After experiencing defeat, Emperor Shōwa even went so far as to consider abdication as a necessary next step. Nevertheless, the GHQ and the U.S. government were satisfied with the Emperor's "Humanity Declaration," allowing an emperor-worshipping consciousness to survive in postwar Japan. Allowing the man most responsible for maintaining and defending the emperor-system consciousness to become acting prime minister three times was a testament to GHQ's anti-colonial work. The credit goes to Shigeru Yoshida, who helped

create the framework for the San Francisco Peace Conference in September 1951 and attended it himself as the head of Japan's plenipotentiary delegation, signing a peace treaty that focused on reviving the Japanese economy and securing a U.S.–Japan security system.

The sense of urgency resulting from the expansion of communist power in East Asia since late 1948 was undeniable. Even so, it was no excuse for adopting a historical “wrong answer”. President Franklin Roosevelt highlighted the aim of anti-colonialism in the Atlantic Charter and proposed the creation of the United Nations (UN) with the goal of realizing it. After his death, the UN's headquarters was established in New York. Ending colonialism and countering the Cold War were goals that had to be realized together—one could not be a substitute for the other. The absence of a political leader like Konrad Adenauer of Germany, who had fought Nazi fascism, in postwar Japan was also a factor for the United States' wrong call in the San Francisco system.

Even so, the U.S. government and GHQ should have immediately recognized these limitations of postwar Japan and taken steps to address them. In other words, the San Francisco system is rightfully criticized as a “wrong answer” that resulted from a lack of understanding of the reality of the Japanese Empire's fascism under the emperor system. Even if the policy of using Japan as an anti-communist bulwark was acceptable in the face of the reality of a communist invasion, it was an irreparable mistake on the part of the Truman administration to lose sight of another historical task. The so-called rants of Japanese politicians, which was a secondary act of aggression against Korea after the San Francisco Peace Treaty was finalized as a system, prove that it was a mistake.

After the San Francisco Peace Conference in September 1951, the U.S. government urged Korea and Japan to normalize diplomatic relations. Thus, on October 20, 1951, representatives of the two countries met in Tokyo for preliminary talks, and on February 15, 1952, the first round of (full-dress) talks began. The talks were held seven times over a 14-year period, but after a series of stalemates and ruptures, they finally ended in June 1965 with the signing of the Treaty on Basic Relations between the Republic of Korea and Japan. The repeated ruptures were all due to rants by Japanese representatives. Their remarks, premised on the legitimacy of annexing Korea, reveal Japanese politicians' mind in the postwar scenario and call into question the basic conditions of the San Francisco Peace Treaty. The “Record of Historical Remarks by the Japanese Government and Politicians, etc.,” dated November 15, 1995, released by the Ministry of Foreign Affairs of the Republic of Korea, lists a total of 26 cases. Of these, we present only a few examples from the signing of the San Francisco Peace Treaty in September 1951 to the conclusion of the Korea–Japan talks in June 1965 to conclude this article.

In September 1951, with the first preliminary Korea–Japan talks ahead, Prime Minister Shigeru Yoshida addressed the Japanese Diet and said, “The most important issue in these talks is not to grant Japanese citizenship to Koreans in Japan, and the purpose of the talks is to prevent Japan from having immigrant ethnic minorities as worms in its stomach.” This is a severely racist statement. In the third Korea–Japan talks on October 15, 1953, Kan'ichirō Kubota, the Japanese representative said, “The Cairo Declaration, which referred to the enslavement of the Korean people, was an expression of the Allies' wartime hysteria. Japan's 36 years of rule was a favor to the Koreans, and if Japan had not gone to Korea, the Chinese Communists or the Soviet Union would have gone in.”

The Japanese side rejected Korea's demand for a retraction and an apology, and the two countries did not hold talks for four-and-a-half years thereafter. On July 28, 1958, Banboku Ōno, vice president of the Liberal Democratic

Party, said, “Ultimately, Japanese diplomacy should focus on close cooperation with the U.S., and in order to do this, Korea and Taiwan should be in close relations, and if possible, a United States of Japan should be formed with Korea and Taiwan.” These words reflect an imperialist consciousness that sought to recreate the glory of imperial Japan. On July 21, 1961, Masuo Araki, Japan’s Minister of Education, said, “Japanese people should take pride in the fact that they were fortunate not to be born as Africans or Koreans,” revealing a deep-seated racist consciousness. The UN Commission on Human Rights should take action against such remarks. On October 5, 1962, Hayato Ikeda, Japan’s Prime Minister, who had prioritized solving Japan’s economic problems in the drafting of the San Francisco Treaty, had said, “Following the example of Itō Hirobumi, Japan should dig into Korea,” indicating his intention to re-colonize Korea.

On January 7, 1965, Shinichi Takasaki, the head of the Korea–Japan talks, made a series of statements at a press conference that will make one’s ears perk up, as follows: “Japan dominated Korea, but it was for the good of Korea”; “Japan’s efforts were thwarted by the war, but it would have been nice to have had Korea for another 20 years or so”; and “The ‘change of name’ alone was a measure taken to assimilate Koreans and treat them like Japanese, and it cannot be said that it was a bad thing.” These comments made one wonder whether the era of Japanese Empire persisted in 1965. On February 15, 1965, at a meeting of the House of Representatives of the Japanese Diet, a member of the Socialist Party exposed Foreign Minister Etsusaburo Shiina’s remarks in his new book *Assimilation and Politics* that “if the management of Taiwan, the annexation of Korea, and the dream of cooperation and peace among the five tribes in Manchuria are called Japanese imperialism, it is glorious imperialism.” Even other members of the same House of Representatives could not tolerate the colonialist postwar Japanese politics represented in such consciousness; this was the face of Japan in the San Francisco System.

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近代琉球复国主义概论

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摘要：

原本近代民族解放运动之琉球国主权问题，迄今仍是国际性未决课题。应该继续在处置日本军国主义战争、东亚殖民主义遗留问题的范围内，加以认识和解决。

第二次世界大战末期，美军伤亡 7 万余人攻占琉球，其后却仓促缔结旧金山和约，再于 1972 年单方面放弃其行政权，造成当今琉球主权未定的复杂局势。中国政府曾在开罗会议上提出了琉球与朝鲜半岛同列处置的政治原则，在此后的东亚历史过程中发挥过重要作用，也应该在现今乃至今后继续发挥其独特作用。

关键词：琉球，复国主义，开罗会议，旧金山和约，东亚殖民主义

琉球复国主义概论

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近代东亚军国主义扩张并殖民统治的起点，发生于 1879 年日本吞灭琉球王国。在军国主义日本战败投降前后，琉球国问题成为了国际社会正式处置的议题之一。但是，二战结束已经 78 年了，琉球群岛在开罗会议讨论，美军军事占领以及旧金山委托管制等历程之后，现今仍由日本管制。其北部奄美岛等约 1/3 领土被划入九州岛政区，中南部约 2/3 领土变成为冲绳县，琉球人民及其土地被置于日本的分割控制的新的“殖民地”状态。¹

不过，该问题并没有被忽略，相关研究成果连绵迭出，致使该问题的历史因果、包涵国际法等多维角度考察日渐清晰。从广域角度看 20 世纪以来的民族解放运动，已经达成其民族独立和建国任务的，在东亚有朝鲜民族独立运动、南亚有印度非暴力抵抗运动、还有西亚的犹太复国主义等。相比较之下，在琉球灭国以来的长达一个半世纪的思想与运动过程中，琉球人提出了并实际推进“琉球复国”、“琉球独立”、“主权再议”、“自主决定权”等等政治吁求，²现今其“救国”或“复国”目标尚未实现，但是建构有学术化的思想基础，凝聚有可观的社会力量，具有显然的发展前景。

笔者认为，作为近代东亚地域的军国主义、殖民主义造成的遗留问题，琉球主权归属问题至今并未解决。琉球复国主义的存在和发展，正在直接影响着琉球群岛的民生与社会政治，波及到亚太地区国家关系。值此旧金山会议 71 年之际，

¹ 殖民地概念，可追溯 20 世纪前半纪琉球学者伊波普猷以及日本本土民权思想家论述，战后及新世纪以来用法，可参考冲绳地区学者后田多敦、波平恒男、又吉盛清、松岛泰胜等的大批著作。

² 有关战后琉球人争取“独立”、“自立”、“自主”决定权运动的研究，请参考琉球新报社、新垣毅『冲縄の自己決定権』高文研出版 2015 年。松岛泰胜『帝國の島』明石書店 2020 年。以及后田多敦《琉球复国独立运动研究》，波平恒男的《近代东亚史中的琉球合并》，新城俊昭《琉球·冲绳史》等等学术类著作。另有大批激进的主张琉球复国独立的论述暂略。

需要各方面进行新的思考与研究。为此，本文试图梳理现有研究成果，考察琉球复国主义的内生因素与境外关系，进一步分析认识琉球人的独立复国之梦。敬请各位方家批评指正。

一、琉球复国主义的内生发展及其问题实质

琉球列岛线状分布于亚洲东端、太平洋西部海域，南北绵延上千公里。关于岛上居民源流，目前尚无定论，但可考的古人如“港川人”历史长达 22000 年以上。正如多数研究者指出，琉球群岛的地缘物产诸多自然条件，诞生了独具特色的琉球文明，“不单提供了文化与历史形成的场所、舞台，还是规定其文化与历史存在方式的基本条件。”³古琉球人在先古村落的分散性城寨（グスク）国家基础上，至 15 世纪前后由尚氏王朝实现统一，开始了琉球国历史上“自为一国”历史。其时之社会意识文化，直接表现于 1458 年尚氏王朝正殿礼器“万国津梁钟”，其汉字铭文“琉球国者，南海胜地也。钟三韩之秀，以大明为辅车，以日域为唇齿，在此二中间涌出之蓬莱岛也。”而今，该铭文被写入冲绳县厅屏风。“万国津梁”之谓，成为了琉球群岛人民身份认同、以及琉球历史文化存在的表征用语。

按琉球史家的研究，统一后的 16 世纪曾是琉球国对外关系的黄金年代。但进入 17 世纪首先是 1609 年萨摩藩藩主岛津家久的“萨摩入侵”，琉球国王被俘，不愿投降的大臣郑炯等人被杀害。在其后二百年间，琉球国受到萨摩掠夺，不过还是保住了对于“大和”（日本）的独立国地位。18 世纪日本兵学家林子平的《海国兵谈》，以朝鲜、琉球、虾夷地（今北海道）为“日本的三邻国”。19 世纪中叶的琉球国，先后与美国、法国、荷兰缔结三份国际条约，表现出国际社会对于琉球国的政治主权地位的承认。

琉球历史的根本性突变发生在 19 世纪后期。日本在 1868 年明治维新确立军国主义体制，连绵不断对外扩张，于 1872 年着手吞并琉球改设琉球藩。作为一个非武装的岛国，琉球一再派出使臣前往东京，请愿保存王国旧制，1878 年的请愿书写到：“窃琉球小国自明洪武五年（1372）入贡中国，永乐二年（1404）我前王武宁受册封为中山王，相承至今，向列外藩。遵用中国年号、历朔、文字，惟国内政令，许其自治……自列中国外藩以来，至今五百余年不改。”明确宣叙

³ [日] 高良倉吉：『琉球王国史の課題』、（那覇）ひるぎ社、1989年，第10页。

琉球人“敝国虽小，自为一国”政治地位，呼吁各国斡旋：“今事处危急，唯有仰仗大国劝谕日本，使琉球国一切照旧。”另派使节向清政府求助，使臣林世功在北京自杀殉职，遗下绝命诗：“一死犹期存社稷，高堂专赖弟兄贤”。琉球王国的努力没能挡住日本军警的铁蹄，“自为一国”的琉球群岛，成为了日本军国主义海外扩张的第一块殖民地。

日本吞并琉球国后改称为冲绳县，按其“皇纪”官史模式，编纂《琉球藩史》及《冲绳志》等史书，否定冲绳（琉球）人之民族个性，宣传冲绳人是为日本（大和）人之一部分，日本是一个单一民族国家。再宣称冲绳（琉球）历史是日本历史之组成部分，是地方史与全国史之关系等。总之是论证其吞并的合法性，推进其思想文化的殖民同化政策，并实施社会经济多方向的掠夺与压榨。

琉球王室拒绝承认日本的吞并，没有同日本签定有关国家主权的条约，一部分王室成员流落福建、北京坚持寻求援助。王国士族曾发动“琉球复旧运动”，⁴“琉球救国运动”，⁵坚守琉球国人身份认识与国家认同，是为“琉球史像”的顽强表现。⁶琉球复旧运动获得了日本本土的一批宪政派、民权派人士的同情与援助。如柳田国男将琉球状况描写为“地狱”、“破灭”、“饿死”。自由民权运动思想家小野梓等人反对合并琉球。社会主义者河上肇等反对帝国主义在琉球的殖民主义政治。1925年《中央公论》发表广津和郎的文章，指出世界各国关注了朝鲜等殖民地的悲惨遭遇，可是“谁也没有关注”琉球人的悲苦。⁷支持了琉球人抵抗吞并、保存“社稷”，实现民族主权自决的正当的合法要求。

归纳上述，作为19、20世纪以来的、世界民族解放运动之一环的琉球国的存灭问题，是世界近现代政治问题中一大未决课题。琉球群岛主权归属问题的产生，源自近代日本军国主义的膨胀与扩张，所以应该与处置日本军国主义历史问题连接起来，纳入亚太地区的殖民主义、军国主义战争遗留问题的范围，加以重新认识与解决。

二、战后琉球人的身份认识与史观重建

琉球人要实现自己的复国梦想，即林世功所期望的“存社稷”，必须依据自

⁴ 有多家叙述，参见赤嶺守「琉球復旧運動の一考察」载地方史研究協議會『琉球・沖繩—その歴史と日本史像』雄山閣昭和62年；比屋根照夫『自由民権思想と沖繩』研文出版1982年。等等。

⁵ [日] 後田多敦：『琉球救国運動——抗日の思想と行動』、（那覇）出版舎Mugen 2010年。

⁶ 参见高良倉吉：『琉球王国史の課題』章、（那覇）ひるぎ社1989年，第1页。

⁷ 转见[日]比屋根照夫：『自由民権思想と序沖繩』（东京）研文出版1982年，第245页。

身历史的真实，打破殖民主义的大和民族论及其历史观，澄清并坚持琉球人的身份认同。而灭国后的琉球知识人也确实做到了前赴后继，为“存社稷”书写自身的“忧国哀史”。即便是身处于在殖民主义统治的“苏铁地狱”（伊波普猷）时代，也坚持了朝向复国的努力。最为成功的是在琉球文化保存、琉球史学发展诸方面，汇合日本国内社会民权派人士的同情因素与研究成果，建构出丰富完整的学术体系，形成了琉球叙事之“琉球学”。

形成于殖民时代的“琉球学”，其代表性人物有伊波普猷、被称为“冲绳（琉球）学之父”。⁸伊波著有《古琉球》（1911年）、以及“记录琉球一千年孤岛苦”的《孤岛苦的琉球史》⁹等一大批著作。伊波使用“琉球民族”概念，强调了“琉球人是为纯然自主之民”。¹⁰伊波坚持批判萨摩与日本政府的先后暴政：“我想说的是南岛今日的穷困状况——世人谓之苏铁地狱——其原因，可以说古有岛津氏所为，近是中央的榨取政策。反正，从岛津的奴隶状态下解放出来的南岛人，现今犹在疲劳竞争于濒死状态。”¹¹近代殖民时期的琉球人在学术领域的坚持，为此后绵延不绝的社会复国运动提供了思想理论上的认知保证。

琉球人命运最为惨烈的悲剧，是在被殖民统治近70年之后，仍被视为异国人并被作为异邦间谍防范对象，在1945年春冲绳战役期间或被日军剥夺口粮，或被推置战壕之外抵挡美军火力，还有野蛮的强迫琉球人集团自杀，以断绝美军占领之后的人力资源。冲绳战后，琉球人口锐减四分之一，主要原因在于日军的强迫与直接屠杀。日本殖民主义的非人道罪责，在琉球人心中植下了永久的伤痛，也促成了战后琉球人的在战后身份认同方面的加速觉醒。

在日本战败投降之初，伊波曾在在“苏铁地狱”批判论基础上，引用占领军总司令麦克阿瑟的说法：“冲绳人不是日本人。”并提出了“冲绳之归属问题”的新思考。伊波希望走出“半殖民地化”地位，实现琉球人的终极愿望：“从‘不幸时代’中解放出来，在‘幸福时代’的充分快乐中发展其个性，并能够为世界文化做出贡献。”¹²两年后伊波去世，未能继续观察琉球人的战后命运。

至1952年旧金山和会将琉球群岛委托美国统治，美军一度加速在琉球群岛推进脱日本化、脱殖民化的改革，进一步促成了战后琉球人复国主义的发展，特

⁸ 参见徐勇《伊波普猷的琉球民族和政治问题研究》，中国社会科学院日本研究所《日本文论》2021年第一集，社会科学文献出版社2021年8月。

⁹ 伊波「孤島苦の琉球」收入『琉球古今記』（刀江書院大正15年10月），「孤島苦の琉球史」由东京春阳堂于大正15年10月23日出版，战后收入全集第2卷。参见『伊波普猷全集』第二卷解题、平凡社1974年印刷，第560-562页。

¹⁰ [日]伊波普猷：「琉球人の解放」，『伊波普猷全集』第一卷、平凡社1980年印刷，第491页。

¹¹ [日]伊波普猷：「南島史考・序に代へて」，『伊波普猷全集』第二卷、平凡社1974印刷，第11页。

¹²伊波普猷「沖繩歴史物語」、『伊波普猷全集』第二卷、457頁。

别是在琉球人身份认同方面，有了真正意义的变化。50年代的金城朝永指出，前近代江户时期的“冲绳人既不是中国人，也不是日本人，而是不属于任何一方的、有着正式装扮的一个民族‘琉球人’”。60年代的“港川人”古人化石发现等考古学成果，支持了日、琉人种对等的新观点。

大量的优秀的琉球历史著作不断涌现，其代表性著作有80年版的宫城荣昌、高宫广卫等编着的《冲绳历史地图》全二卷，列举前近代日本地图资料，证实了琉球国与日本国之间是国与国关系而非国家中央和地方关系。

笔者特别推举在上世纪由20余位专家的《新琉球史》全四卷。其编撰宗旨十分明确：“旧有的历史形象、历史观已经被大幅度地改写，必须要编纂新的琉球史 冲绳史，这一时刻可以说已经开始了。”¹³全书坚守了琉球史的基本概念，即便是日本吞并琉球之后的“冲绳县”统治时段，全书也摒弃了《冲绳志》之命名模式，径直题为“《新琉球史》（近代·现代编）”，保证了总书名的统一性。¹⁴《新琉球史》在历史分期以及全书的内容表述方面，也不遵守明治初年《琉球藩史》及《冲绳志》等官史模式，突破了日本史学《古事记》和《日本书纪》的“记纪”、或“皇纪”体裁。该著作出版后影响巨大，其中的近世编（上）至1999年发行了7版。《新琉球史》的历史分期思想内容及以体裁与方法，成为当地教科书以及纪念馆、博物馆通用的叙事框架。

再是新世纪前后，表述琉球复国意愿的“琉球史”成果更有井喷式的涌现。民间刊物继续发行有《うるまネシア》（可译为《琉球之弧》）、以及《琉球》、《琉球独立学研究》（2014）等。学术著作方面有后田多敦《琉球复国独立运动研究》，波平恒男的“琉球合并”研究，高良倉吉的多部著作直接以“琉球”作为题名，还有梅卓木人的《新琉球国的历史》，又吉盛清的东亚的殖民主义体系研究，松岛泰胜的有关琉球独立之路，友知政树的美军基地经济分析等系列论著。大多秉持琉球文明与大和文明并列的观点，强烈批判1879年“琉球处分”强制性改变琉球历史轨迹，明确追求琉球人对于群岛主权地位的自主决定权。

客观说来，迄今琉球复国主义的思想主张，业已达到理论化、体系化、普及化境界。其口号和论点主要有：“恢复自我决定权”、“琉球独立”、“1879年琉球处分非法”、“1972年美日协定未解决主权归属”、“不做军事殖民地”、“1863的美琉等三条约证明琉球是独立国家”等等。其追求与期望的集中表述，犹如《琉球新报》发表《道标》系列文章指出，是批判“‘琉球处分’不具备国际法效力”，琉球“现今仍有恢复主权之可能”。¹⁵

面对琉球人复国主义的蓬勃生长蔚为大观，日本右翼势力诬称《琉球新报》《冲绳时报》，以及“冲绳和平纪念馆”等为“反日”大本营。日本右翼的出版

¹³ [日] 琉球新報社：『新琉球史』近世編上、1989年9月版，第3頁。

¹⁴ [日] 高良倉吉：「近代現代への誘い」、琉球新報社『新琉球史』近現代編、1997年12月版，第15頁。

¹⁵ 『琉球新報』2014年7月11日。

物数量不少，但是对比双方发表的论著数量与讨论深度，可以看出右翼多是回避与独立复国主义的正面论战，在理论宣传上表现相当被动。琉球复国主义在学术论著与社会舆论方面多有攻势，颇占上风。

以“新琉球史”为代表的琉球学学术体系的成熟发展，是琉球灭国以来，琉球人在思想学术领域的一场革命，也是琉球人的自我身份辨识与认同之学的完成。从 19 世纪后期林世功的“存社稷”绝唱，到 20 世纪初伊波普猷的琉球学建构，再至新世纪前后的“新琉球史”的勃兴，近代殖民主义的冲绳官史之权势逐渐衰败。由于琉球人代代相传的坚韧，琉球文明的生命力不可遏制。经由灭国之困，终有战后涅槃。琉球学凭民族之力“继绝学”，已经屹立于世界学术之林。

三、新世纪琉球复国主义之社会与政治发展

琉球复国主义之社会基础，在于当地经济界、大学、媒体等上层精英，以及市民社会的认同与支持。2007 年的一场集会人数高达 11 万人，即每 10 人中即有 1 人上街抗议。如此、在当地屡屡出现的动辄数万、十余万民众参与的各类抗议活动，业已显示了独立复国、自立运动的深刻的民意基础。

复国梦想扎根在各社会阶层，也获得当地高层政治的明确而具体的支持。“复国”和“琉球独立”，还有“争取自己决定权”，以及“自立”“自决”等主张，促成了多社会阶层人士的不同程度不同方式的团结协作。他们依托古琉球国的历史文化基础，坚守住反殖民统治的政治与道义的制高点，捍卫琉球历史文化。批评日本政府在冲绳县的民族差别政策，质疑近代日本合并琉球国的合法性。

作为杰出的现代琉球人物，著名政治家、学者大田昌秀先生，原为琉球大学教授，撰有《丑陋的日本人》等多部著作，后连任县知事、成为了在全日本也富有声望的政治家。大田先生公开肯定琉球各界倡导琉球复国、自立运动的合理性。2014 年北京大学琉球问题学术研讨会，大田先生不顾 89 岁的高龄应邀出席，白天为大会作报告，晚间为学生做学术演讲。大田先生报告书题为《关于冲绳的分离问题》，指出“如今的趋势是，回归后的冲绳早已厌倦了日本政府拙劣至极的对冲绳政策，特别是冲绳成为了永久的军事基地。如今，冲绳应当独立的言论已经公开提出，而且也就该问题展开了学术活动，大学的老师们甚至成立了‘琉球

民族独立综合研究学会’。恢复和平和人类尊严的活动也搞得有声有色。”¹⁶三年之后大田先生去世，对于这位广受尊重的琉球政治家，《琉球新报》于6月13日发表悼词，要继承大田先生的“遗志”。

需要指出，琉球群岛的复国与自立运动，也获得了“大和”族和平人士和开明政治家，如诺贝尔文学奖得主大江健三郎、前首相鸠山由纪夫等人的同情与支持。并获得国际社会支持，呈现出了国际化趋向。据龙谷大学松岛泰胜教授的研究资料，近20余年有80余人次，赴联合国人权会议等各类会议，以控告日本政府践踏琉球人权利。联合国人权组织与国际社会多次发函予日本政府，表示关注。最近一次是最近的一次是今年7月上旬在那霸访问的美国人类学会6人访问团，再度支持了当地琉球人要求的归还“琉球人遗骨”等正当诉求。

我们可以得出一个基本结论，近代日本军国主义所宣传的合并琉球的合法性，在琉球各界的反复批判之下，已经失去了社会信任。琉球复国主义的政治主张已经站稳了道义与学术的高度，在舆论宣传的社会领域也同样占据了上风。

四、琉球复国主义与境外关系

近代以来日本推行殖民同化政策，较大幅度地改变了当地人口比例，日本“大和”族势力一直控制着琉球群岛的政治与经济等方方面面。琉球人的复国梦想直接针对着“大和”行政控制权，日本右翼政治当然不会退让。琉球人复国之梦能否实现，琉日之间的道义与力量对比是决定性因素。这一问题的根本解决离不开和境外力量之关联。

美军自攻占琉球之后，长期驻留冲绳本岛和各离岛，是“大和”族之外又一个支配琉球群岛的统治力量。不过，从近现代以来的历史研究着眼，美国的因素，对于琉球群岛以及日本国家政治的走向，也是一个兼有扶持与制约的、具有二重性的国际力量。简言之，美国在19世纪的曾同情并支持过琉球王国保持独立，在战后近30年的直接占领与托管时期，也曾推行过分割琉球脱离日本政治的政策，今后，也不应该排除协商、或争取美国重新支持琉球独立的选项。¹⁷

美国在19世纪崛起之后，曾迫使中、日两国订立不平等条约。其间美军舰

¹⁶ 《战略与管理》（内部版）2014年第5/6期合编本。

¹⁷ 参见徐勇《1854年〈琉美条约〉与近代美琉关系演变》，载汪朝光主编《再认识与再评价：二战中的中国与亚洲民族解放运动》，社科文献出版社2018年11月。

队进入琉球群岛并迫使琉球王国于 1954 年 7 月 11 日签订《美琉条约》。其正文采用汉、英两种文字，美方签署者头衔记为：“合众国全权钦差大臣兼水师提督被里”。琉球方签署是“琉球国中山府总理大臣尚宏勳、布政大夫马良才。”文件时间并用美国的公元纪年和琉球的宗主国咸丰年号，即“纪年一千八百五十四年七月十一日，咸丰四年六月十七日”。¹⁸琉方的签署表现了琉球和中国的藩属关系，合乎清廷礼制。

该条约是琉球王国在传统东亚格局之外、和欧美国家的第一份外交条约。琉球国其后还同法兰西、荷兰两个国家签约，于是就有了 19 世纪中叶琉球王国的对外“三大条约”之说。总之，《琉美条约》连同另外和法兰西、荷兰等国的条约一道，在客观上表现了琉球国不受日本政治外交约束的独立国地位，也揭示了美国等国际社 会对于当时琉球独立地位的政治认同。在后来的各时期，美国对于琉球及其相关问题的政策走向，均与《美琉条约》具有连续性与相关性。表现如下：

第一阶段，日本吞并琉球的“琉球处分”前后，美国应琉球王国的请求，在美日之间进行调解。1872 年驻日美国公使致信日本外务卿福岛种臣，叙述过去的“1854 年 7 月 11 日美利坚合众国与琉球王国缔结的规约”，用语是 Kingdom of Lew Chew and the United States of America，对于琉球的称谓是全称 Kingdom of Lew Chew。福岛的回函称“关于 1854 年 7 月 11 日贵国与琉球之间决定的规约”¹⁹，将琉球国一方的简称为琉球 Lew Chew，不附加美方所用的 Kingdom（国、王国）一词，极力淡化琉球历史上曾经实际拥有的独立国地位。显然，美方从《美琉条约》至其后的对日交涉，一直是认同琉球所拥有的“国”（Kingdom）的政治地位。

该时期最为重要的外交事情，有如前述美国卸任总统格兰特参与调停。当时清政府的“存球祀”方针，与格兰特调停目标多有一致，故而两国在对日交涉中多有配合。有意思的是，在后来的访美旅程中，李鸿章专程去了格氏墓前凭吊。所以，李鸿章和格兰特合作的、美中两国历史上的共同的“存球祀”外交，是一份极富研究价值的历史性遗产。

第二阶段，1941 年 12 月 7 日太平洋战争爆发，翌年 1 月 1 日由美、英、苏、中四国领衔，26 个国家签署《联合国家共同宣言》，国际反法西斯统一战线正式形成，奠定了处置包括琉球在内的日本问题的国际法政治基础。1943 年开罗会议期间，中美会谈事项共 18 条，第 8 条为“香港·琉球事项”，据记会议期

¹⁸ 外務省條約局『舊條約彙纂・第三卷（朝鮮・琉球）』昭和九年三月，第 651、653 页。

¹⁹ 外務省條約局『舊條約彙纂・第三卷（朝鮮・琉球）』昭和九年三月，第 662、663 页。

间“罗斯福再三询问，中国是否欲得琉球，蒋主席答称愿将琉球先由中美占领，再按国际托管办法，交由中美共同管理”。其后“罗斯福自德黑兰会议散后，归至华府，则在太平洋战事会议上宣称，琉球应归中国，已得史太林完全同意”。²⁰而蒋之对琉球政策认识基点在于：“琉球乃一王国，其地位与朝鲜相等。”²¹显然，中国政府支持琉球取得与朝鲜相同的独立国地位的构想是完整的。

至《开罗宣言》发表，规定“三国之宗旨在剥夺日本自从一九一四年第一次世界大战开始后，在太平洋上所夺得或占领之一切岛屿；在使日本所窃取于中国之领土，例如东北四省、台湾、澎湖群岛等，归还中华民国；其他日本以武力或贪欲攫取之土地，亦务将日本驱逐出境。”²²再是1945年7月26日发表了《波茨坦公告》，重申“开罗宣言之条件必将实施，而日本之主权必将限于本州、北海道、九州、四国及吾人所决定其他小岛之内”。²³1945年8月15日日皇裕仁发表广播讲话，宣布接受盟军公告投降。1947年6月19日，远东委员会制定《远东委员会对投降后日本之基本政策的决议》，强调“日本之主权必将限于本州、北海道、九州、四国及可能决定之附近岛屿”。²⁴又一次明确剥夺日本殖民地并重新划定其领土的基本原则，琉球群岛主权属于再议的范围。

第三阶段、占领日本及托管琉球的“美治”时期。战后盟军进占日本，在美国主导之下，1951年9月4日旧金山《对日和约》决定将琉球交由美国托管。美国在占领及20年的托管时期，管制琉球的政府称为“琉球列島美國政府”，即United States Civil Administration of the Ryukyu Islands，简称USCAR；政府最高首长称“琉球列島高等弁務官”，即The High Commissioner of the Ryukyu Islands。两职官名中均采用传统“琉球”二字，其读音亦为传统读法Ryukyu。²⁵还先后建立琉球大学，创办《琉球新报》。

美国在托管时期推进的“脱日本化”以及回归“琉球化”诸多措施，配合其铲除军国主义与殖民主义的政治需求，取得了相当程度的成效。美国在托管时期为琉球“正名”，与19世纪《美琉条约》签订与实施时期所使用的琉球概念，具有相通的政治认同意义。

第四阶段，日本恢复琉球治权时期。战后美国对于琉球主权归属的总体认识，曾有美军方面的“军部理论”，还有曾任国务院政策企划部长的乔治·凯南的“凯

²⁰ 梁敬錚：《开罗会议》，（台）商务印书馆，民国63年第二版，第112、149页。

²¹ 梁敬錚：《开罗会议》，（台）商务印书馆，民国63年第二版，第148页。

²² 《国际条约集》（1934—1944），世界知识出版社1961年，第407页。

²³ 《国际条约集（1945-1947）》，世界知识出版社1961年版，第77-78页。

²⁴ 《日本问题文件汇编》，世界知识出版社，1955年，第13页。

²⁵ 冲繩県平和記念資料館《冲繩県平和記念資料館総合案内》2006年，第116-117頁。

南理论”，明确要求排除日本影响，树立美国在当地完全的统治权（事实上的主权）。按麦克阿瑟所说：“冲绳人不是日本人，可以通过美军基地得到收入过愉快的生活”，凯南则强调“冲绳并非日本所固有之一部”。²⁶如同罗斯福在战时提出的将琉球交予中国等主张一样，美军要求从地缘政治方面消除和限制日本在琉球的存在与作用。

但是，美军在朝鲜战争、东南亚战场上叠遭挫折，美国急需假手日本等国，试图发挥多边力量以对抗苏联、中国。而日本方面通过战后的“军需景气”，增加了对美外交筹码。美军政策最终转向，1972年5月15日美日双方关于群岛行政协定生效，日本废除美军的“琉球列島美國政府”等管制名称，再度设置冲绳县，任命县知事，获得了对于整个琉球群岛的实际控制权。

按台湾学者的分析，美国之所谓移交琉球行政权，“不特与开罗会议、德黑兰会议之了解不同，且亦非罗斯福之本意”。²⁷《美日冲绳协议》不过是美日之间的双边行为，美日私自相授的行政权不能解决其主权归属问题。没有联合国和相关国际会议的认同，琉球主权归属问题依旧是悬而未决的国际议题。

本来，日美两国作为亚太战场的对手，美国方面不仅握有国力与兵力优势，更拥有绝对的反击日军偷袭侵略的道义优势。但美军在主导战后日本民主改革的过程中急于媾和，为应对苏联与中国问题，美国抬高了实用策略的比重而消减了道义原则成分，放纵日本右翼以为自己所用。随着道义之光的日益黯淡，在日美军基地被视为“外来”的霸道势力，不断受到日方巧妙而实在的、越来越大的挑战。美国原拟分离琉球或琉球非日本化的战略目标，在实际上已经被放弃；战败国日本反客为主，扮演的是被占领、被强暴的哀兵角色。在目前，还看不出美军对琉球群岛政策和对日政策的变化态势。

当然，与琉球相关之界外关系的另一面，是日本政府压制琉球人权益的相关状况，也受到了国际社会、包括美国社会的广泛关注。世界人权组织多次批评了日本政府压制琉球人和阿依努人的行为，而最近一次是今年7月上旬，在那霸访问的美国人类学会6人访问团，再度支持了当地琉球人要求的归还“琉球人遗骨”等正当诉求。

无论如何，梳理数十年来的学界研究论著，“琉球地位并未确定”²⁸这样的结论已经获得越来越多的认同，依然存在着琉球问题再议的政治空间。应该在尊

²⁶ 参考宫里政玄著：《日美關係と沖繩》，（東京）岩波書店，第6页。

²⁷ 梁敬鎔：《开罗会议》，（台）商务印书馆，民国63年第二版，第149页。

²⁸ 徐勇《琉球谜案》，载《世界知识》2005年第15期（2005-8-1）。此文吸收两岸研究成果，在大陆学界第一次提出“琉球地位未定”论，由日本共同社、时事通讯社及《产经新闻》等摘要介绍，或发表评论。

重琉球人的自主决定权基础上,借鉴 20 世纪为解决东亚问题而召开华盛顿会议、太平洋会议、开罗会议、旧金山和会等会议的历史经验,适时联络相关国家、或经过联合国相关机构,倡导召开新的国际会议,以处置远东军国主义时代的遗留问题。重新讨论琉球主权问题,这不仅有必要性,也具有可能性。这是一个兼具历史学术与国际政治价值的值得追求的重要课题。

五、琉球复国主义与传统中琉关系再造

琉球群岛的上千年文化发展,与中国息息相关。对比日本侵略并掠夺琉球的之史实,中琉关系则是一部没有战争、唯有和平交流发展的亲善历史。而近代以来中国中央政府,从未承认过殖民主义对于琉球群岛的统治。琉球复国主义的思想与学术文化发展,符合传统的中琉关系,有助于重建近代以来失衡的中琉日关系格局。

对于中琉日三边关系的考证与比较,按琉球学之父伊波的考察,自 1609 年萨摩入侵之后的全面掠夺,琉球人面临灭绝危机,幸亏从中国引种甘薯成功,甘薯产量大而不利萨摩的掠夺运输保存,故“可以说甘薯作为奴隶的食粮最为适当”。伊波强调中国甘薯免除了琉球人全面“饿死的恐怖”。²⁹

伊波的比较结论是:“在萨摩方面是无穷尽的榨取,从中国来的总是恩惠,岛民的中国崇拜热逐渐高涨。”³⁰伊波还说过“冲绳醉心于中国文明之说,并非无理”。³¹在官生中出现了伊波称道的“国民英雄”郑廻、“义士”林世功等。在私费“勤学生”,有著名学者程顺则、大政治家蔡温等杰出人物。按伊波分析,中国培养琉球学生的“教育方针”,是为“尊重人格的教育”,结果是“历代官生醉心中国不足为怪”。

日本吞并琉球直接冲击到中琉友好宗藩关系,琉球王廷派多批使臣向清廷求援。使臣林世功为“存社稷”,于 1880 年“血谏”京师自杀殉职。这是一部惨烈的现代版的楚臣申包胥哭秦庭以请兵救国的故事。其间,1879 年卸任美国总统格兰特访问中国和日本,也曾居中调停,提出过三分琉球的方案,即将南部小岛归中国,中部归琉球王复国,其北岛屿归日本等方案,至 1880 年日本方面又提出了“分岛、改约”的协议案。均无正式结果。

²⁹伊波普猷「孤島苦の琉球」、『琉球古今記』、22 頁。

³⁰伊波普猷「沖繩歴史物語」、『伊波普猷全集』第二卷、424 頁。

³¹伊波普猷「南島史考」、『伊波普猷全集』第二卷、54 頁。

琉球使臣的努力、加上美国政策、格兰特调停，促成了清廷确立“存球祀”方针，并试图引渡琉球国王，未果。期间李鸿章向格兰特说明了中国方面的道义立场，表明清廷是基于“公法”以解决琉球主权问题，琉球对中国“贡之有无，无足计较。惟琉王向来受封中国，今日本无故废灭之，违背公法，是为各国所无之事”。格兰特亦表示：“琉球自为一国，日本乃欲吞灭以自广，中国所争者土地，不专为朝贡，此甚有理，将来能另立专条才好”。

格兰特和李鸿章之间有共识，二人也结下了相当程度的信任和友谊，但对日调停未果。格兰特归国后，清日双方继续交涉。作为宗主国一方，清廷先后有过“出兵”、或弃琉保朝等多种主张。第二任驻日公使黎庶昌曾以重议琉球案为目标，双方议琉球案 10 余年，直到 1894 年甲午战争，清廷战败，最终失去了继续交涉琉球问题的基本条件。

综观琉球沦陷全程，清廷没有直接派兵扶持琉球王室，但也坚持了世界公法与道义原则，确立并推进“存球祀”外交政策，始终没有签署过日方所要求的条约，没有承认日本吞并琉球。晚清“存球祀”原则之制定与传承，为当今琉球主权归属再议提供了历史依据。

其后在甲午战争之后的国家艰难时期，中国方面对于琉球群岛的归属问题也有持续性坚守。特别是在 1943 年开罗会议时期，中国联合国际反法西斯国家共同反击日本军国主义的侵略扩张，共同发表开罗会议宣言，共同制定了剥夺日本殖民地的战后法规原则。其中，对于如何解决琉球群岛主权问题，中国政府也提出了琉球与朝鲜应该同列的给予政治承认的基本原则，这不仅在此后的琉球群岛的托管过程中发挥过作用，也能在现今乃至今后的琉球人复国“再议”之中，继续发挥其独特作用。

进至上世纪后半纪特别是改革开放之后，在大陆学界有关琉球、琉球人、琉球历史文化的学术研究重展雄风。随着一批沉睡的史料发掘和研究型论著面世，在福建地区率先出现了对于明清时期琉文化研究等专题的高水平发展，并陆续出现上海、山东和北京等多区域的研究成果，逐渐改变了近代国难时期的琉球话语沉寂现象，推动了琉球学术在当代中国复兴。

新世纪以来的中国海峡两岸琉球学的开创性发展，是在古琉球文化研究的基础上，对于琉球主权归属等近现代政治史领域，做出了新的开拓。琉球学不仅在史料发掘方面取得了显著成果，还发表了一批富有影响力的研究论著，研究涵盖古典琉球学问、以及现当代琉球政治史诸多领域，古典琉球学传承，成长为与汉学、日本学、朝鲜史等并立的学问。

中方学界对于琉球问题的研究，其影响作用已经跨越国界，达到了一个新

的共同研究境界。2005年徐勇等人“琉球地位未定”论等研究论文出台，受到中日两国政界、学界和媒体的重视。随之，“中日共同历史研究”（2006—2009）以“琉球”为关键词，将其灭国问题纳入考察范围。中方执笔者指出日本是“暴力侵占琉球”，日方则辩称琉球与日本合并具有必然性。双方的论点都被写进了报告书，如此跨国界的直接对话，这在琉球学术发展史上具有标志性意义。

再是，北京大学连续召开琉球学术国际讨论会，其中在2016年5月的第二届会议，与会琉球学者捎带冲绳县副知事署名的关于开发张家湾琉球人墓地遗址、重建纪念建筑的请求函，转交给了北京市政府。这里还有一个值得永远记忆的场景，是高龄89岁的著名政治家、学者大田昌秀先生出席了2014年第一届琉球国际学术会议并发表两场演说。大田先生在生命最后阶段的大陆之行，落脚点在北京大学。大田先生在北京大学的两场演讲，表达了对于琉球复国运动的坚决支持，以及对于琉球群岛作为和平之岛的深切愿望。这是在中外学术与社会各界的具有永恒纪念意义的史实。

六、结语

新世纪前后有关琉球主权归属问题颇受关注，论著渐多。近期又出现有一种“打牌”论，其出现或者是源于外交策略研究，但是我们需要强调，不可以将“博弈”策术绝对化，要防止“打牌”论以其机会主义色彩抹煞琉球主权问题研究的大义所在。

讨论琉球复国主义问题，即是思考琉球民族的生存与发展问题，应该是基于道义与和平原则而非追求特殊利益，是传统的历史大局观念而非投机取巧。我们希望学界与社会各界共同携手，从过往中思考未来，从历史中研究现实，真正解决近代军国主义、殖民主义在东亚的遗留问题。

琉球国的灭国是近代东亚军国主义殖民主义膨胀的起点，那么琉球问题的解决就应该纳入处置军国主义殖民主义的范围。继琉球之绝学，开万国之太平。琉球复国主义的命运，承接着上千年的东亚文明脉络，其走向对于现今和未来构建亚太格局的和平友好发展的平衡格局，必然是具有学术与现实的重大意义。

Beyond the San Francisco System: Questions of Sovereignty Through Critical Anniversaries

Alexis Dudden

2022 and 2023 marked numerous, momentous historical anniversaries in and for Northeast Asia. Cementing the region's architecture, 2022 witnessed the 70th anniversary of the San Francisco Treaty's coming into effect. No less important in the mix was the 70th anniversary of the US-Japan Mutual Security Treaty's coming into being, the 50th anniversary of US President Richard Nixon's visit to the People's Republic of China, and the 50th anniversary of Okinawa's reversion to Japan's control. 2023 was not to be outdone, however, observing the 70th anniversary of the of the Korean Armistice Agreement, the 70th anniversary of the US' decision to keep Okinawa under direct American control — not the UN trusteeship explicitly outlined in the San Francisco Treaty — and, finally, the 70th anniversary of the signing of the Mutual Defense Treaty between the United States and the Republic of Korea.

At present, the United States appears attempting to reorient its security structures in the region, seeming to somersault from Beijing back to Taipei as “China” and making increasingly militaristic requests of regional allies even at the expense of domestic constitutional proscriptions against American demands. As such, Washington's latest visions for the United States' continued dominance in Northeast Asia bring into stark relief critical questions of the nature of sovereignty throughout the region. This paper will examine these issues through the significant recent anniversary moments involved.

Beyond the San Francisco System: Questions of Sovereignty Through Critical Anniversaries
Alexis Dudden

So Many Anniversaries. One Treaty.

2022 and 2023 marked numerous, momentous historical anniversaries in and for Northeast Asia. Cementing the region's architecture, 2022 witnessed the 70th anniversary of the San Francisco Treaty's coming into effect. No less important in the mix was the 70th anniversary of the US-Japan Mutual Security Treaty, the 50th anniversary of US President Richard Nixon's visit to the People's Republic of China, and the 50th anniversary of Okinawa's reversion to Japanese control. 2023 was not to be outdone, however, observing the 70th anniversary of the of the US-ROK Armistice Agreement, the 70th anniversary of the US decision to keep Okinawa under direct American control, and, finally, the 70th anniversary of the signing of the Mutual Defense Treaty between the United States and the Republic of Korea.

Let us begin, however, with the 75th anniversary of the 1948 Jeju Massacre, which, like these other deeply divisive moments originating within the San Francisco Treaty historical "moment" in essence encases the entire crafting the treaty itself. As we have discussed in previous gatherings, the intentionally ambiguous language in the treaty's Chapter II concerning the territorial reordering of the former area of the Japanese empire has created and sustained ongoing conflicts that ultimately each require determination from Washington for their resolution (thus highlighting the tenuous nature of Japanese sovereignty from the start).

To be sure, Jeju is explicitly denoted in the treaty (still, however, referred to as "Quelpart"), yet there could be no doubt that the already active American complicity with encouraging the ongoing massacre of so many of Jeju's civilians would mean a continued and expanding American military presence there to this day (as well as obdurate refusals by US officials to atone for the United States' role despite overt calls from survivors' families and their supporters for an apology).

We see this pattern in response to the violent events before June 25, 1950 with the Jeju massacres being the largest in terms of number of mass death together also with what was taking place in Taiwan at the time also with American blessings and encouragement, making the United States' first massacre of civilians during the Korean War at No Gun Ri part and parcel of this broader tapestry of violence and damage control: not reflective atonement. Fast forward to 1999 at which time the Associated Press' September story about No Gun Ri propelled Washington to take public action because of South Korean outcry—and won a Pulitzer Prize for Choe Sang-Hun for re-introducing this history to public consideration—and the Pentagon conducted its first review of the well-known yet still covered up horrors from the summer of 1950. Noticeable was not so much that President Bill Clinton refused to give the full apology Koreans requested for the massacre at No Gun Ri, but rather was the justification that then Secretary of Defense William Cohen explained to Secretary of the Army Louis Caldera for conducting the investigation at all. On September 30, 1999, Cohen wrote Caldera: “This review is important to the active and retired members of our armed forces, the confidence of the American people in the finest armed forces around the world, and our relationship with the people of the Republic of Korea.”

There is no mention of why or how American responsibility would matter to the victims of the massacre itself. After all, if the San Francisco Treaty eschewed legal responsibility for Japan how and why could or would its framework accommodate post-1945 US atrocities?

It does not mean we should not try on behalf of Jeju's victims and survivors—and others—yet we need new strategies, and we need to ask our leaders to be more accountable. As citizens in democracies, we have the privilege to do so. Personally, I do not believe democracy as such is in crisis; rather, there is a crisis of official accountability, and therein lies our duty to continue to demand that leaders reflect on behalf of national histories and not simply propel us all into the next war—or, rather, as Professor Wada Haruki has observed the continuation of the never ended war.

It is common now to view Washington's determination to shape the future of Pax Americana in Asia as a bulwark against communism. In fact, one can view the entire geography of post-1945 Japan as a permanent US military base to stem the spread of communist regimes that established themselves throughout the collapsed terrain of Japan's former empire. Beginning with America's

assault against Okinawa beginning in late March 1945, Washington started to craft a vision for the region that would seek to deny and or to erase voices of those long oppressed under Japanese rule and prior aristocratic dynasties throughout the region. Thus, regardless of the United States strong endorsement of the 1945 United Nations charter calling for an end to colonial rule through a phased trusteeship system, the US would act as an occupying colonial power in both Japan and South Korea from the start. Therefore, as Professor Wada Haruki noted in his brilliant paper at our last in person gathering in November 2019, the San Francisco Peace Treaty should not be viewed as a means of ending hostilities but rather as a legal instrument designed to continue the war in perpetuity.

Nowhere is this more clearly apparent than through the ever-expanding presence of the US military in Okinawa. The United States occupied Okinawa until 1972, twenty years after it restored sovereignty to mainland Japan. Okinawans continue to this day to be frustrated by Tokyo's forfeiture of them and their territory to Washington's desires. During the May 15, 2022, fiftieth anniversary ceremonies of reversion to Japanese administration, an overwhelming majority of Okinawans agreed it was good to be a Japanese citizen (94 percent), yet an equally close number expressed displeasure with the disproportional presence of American military bases on the islands compared to the rest of Japan (83 percent). The gap raises a host of issues, not in the least Okinawa's relationship to mainland Japan as well as the nature of Okinawan and Japanese sovereignty itself.

On May 15, 2022, Okinawans commemorated the fiftieth anniversary of their territory's liberation from American occupation and its return to Japanese sovereign control. It was as fraught as the moment remembered. Fifty years ago, Japan was reeling from various "Nixon shocks." For Tokyo, these centered on President Richard Nixon's abrupt withdrawal of the United States from international monetary standards, coupled with Washington's sudden replacement of one China with another: Taiwan for the mainland. Fast-forward to the present, and Washington has somersaulted Beijing for Taipei. In Japan, collective anxiety about Chinese aggrandizement helps smooth this latest shift for Tokyo as its leaders simultaneously restructure their nation's relations with Russia in the wake of Moscow's invasion of Ukraine. In the mix, Japan and Russia have never formally ended World War II, and American policy planners persist

with a collective view of Asian history as mere background music to the present. Okinawans are again caught in the middle, bringing memory and unease to the fore in the East China Sea.

Today, Okinawans embrace their constitutional rights as equal Japanese citizens above all. In May 1972, they gained these rights and privileges together with their territory's transfer from American occupation to Japanese control. This significant transformation took place twenty years after mainland Japan's recovery of sovereignty, and twenty-five years after other Japanese began to exercise their own postwar constitutional guarantees: citizenship over subjectivity, women's suffrage, and national commitment to universal norms, among the many legal changes that came with new definitions of being Japanese.

Equally important, since 1972, Okinawans have also increasingly and publicly held mainland Japan's World War II leaders as accountable as American invaders for the collective trauma inflicted on the islands during the war. In 1945, Tokyo's high command intentionally forestalled American troops' arrival to the mainland by sacrificing Okinawa outright: one-fourth of the civilian population was killed in the fighting (roughly 120,000 people). Okinawans now openly recall how their relatives died by incineration or crossfire, or by blowing themselves up with grenades under Japanese military orders. Others share stories of family members who leaped to their deaths from the islands' steep cliffs, clutching children with them.

With these living memories present, since the early 2000s, like Jeju Islanders, Okinawans have organized new local movements to hold the central Japanese government equally responsible for the unequal burden Okinawan territory continues to bear vis-à-vis American military basing arrangements. Over 70 percent of the land in all of Japan designated exclusively for US military use is in Okinawa, a prefecture that composes just 0.6 percent of the entire country.

Notwithstanding reversion in 1972, the US government still controls 20 percent of Okinawa's total surface area. More than half of the fifty-four thousand American troops based in Japan, together with their forty-five thousand dependents and an additional eight thousand civilian contractors attached to the US military, live in these small islands. Accidental military plane and helicopter crashes into schools and residential areas, toxic chemical spills, drunk-driving hit-and-runs, and sex crimes by American troops against locals are disproportionately high compared to other parts of Japan—all made more complicated because the violence is woven into daily life.

Taken together, Okinawan territory has become as much a monument to the islanders' modern experience as the many important commemorative statues and structures there.

In 2010, the joint US-Japan Security Consultative Committee finalized plans for a V-shaped runway in the bay's emerald waters. With construction underway, soil took on a leading role. The committee announced that the new "V-shaped facility (will) be approximately 205 hectares in size and approximately 160 hectares of sea area would be reclaimed, requiring 21.0 million cubic meters of fill; approximately 78.1 hectares of marine plants and approximately 6.9 hectares of coral would be impacted." With no apparent irony, the Security Consultative Committee further explained that "the loss of some animal and plant habitat" would occur. Matters grew more tense shortly thereafter, when several US Marine veterans publicly recalled America's storage and use of Agent Orange at Camp Schwab during the height of America's campaign against Vietnam. One veteran, Scott Parton, showed reporters photographs of himself on-site from 1971 with used and damaged barrels of the lethal herbicide and remembered with other vets burying the toxic chemical in the ground as well as dumping it into the bay at the center of today's dispute. The US government denies the allegations despite the veterans' evidence and suffering—Parton died in 2013 from a disease known to be related to handling Agent Orange—as well as corroborating evidence from Okinawa-based Welsh journalist Jon Mitchell. For its part, the Japanese government refuses to investigate despite locals' requests as well as their own personal accounts.

Collectively, Okinawans remain exasperated that the Henoko base project complicates closure of the Futenma base and occludes daily-life violence. Local elections introduce national and international speculation about a candidate's stance on construction, yet increasingly even politicians aligned with the national government avoid its mention altogether. The territory's soil is at the heart of the issue, now with tragedy and farce combined. In late November 2021, a Japanese government report determined that the seabed could not sustain the planned runways because of its "mayonnaise-like" consistency. Frustrated that Tokyo ignores its own findings—let alone Okinawan requests to publicize them—on February 2, 2022, the Okinawan prefectural government took the unusual measure of appealing directly to members of the US Senate and House. In a letter to American representatives, Okinawan governor Denny Tamaki criticizes the Japanese government for failing to convey his territory's concerns to Washington. The clarity of

this direct action merits quoting it at length: “I request that the United States Congress fully exert its authority to direct the US Department of Defense, the US Department of State, and the US Government Accountability Office, through the National Defense Authorization Act to (a) review the feasibility of the Futenma Replacement Facility (FRF) construction plan, (b) temporarily halt all construction work at the FRF reflecting the disapproval, and (c) coordinate with the Japanese government to swiftly stop the operation of Marine Corps Air Station Futenma and remove the dangers associated with the base.” Tamaki explains further by quoting from the Japanese government’s own report: “The construction of the FRF requires large- scale reclamation work, but the seabed of the proposed site in Oura Bay is sloped and composed of both soft and hard foundation. Therefore, even if the construction is completed, the seabed would unevenly sink. According to the Japanese government, the seabed would subside more than 50 years after Marines start operations ... Furthermore, experts in geology warn the high possibility that there are active fault lines in the construction area possibly leading to fault lines ashore, which could cause earthquakes.” Okinawa’s challenge now to American and Japanese politicians and military planners is to grasp their opposition as neither anti- American nor anti-Japanese: it is a waste of taxpayer money all around.

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These are difficult times for peace – or, perhaps as Professor Wada Haruki might teach us to create a real peace.

America’s so-called nuclear football—the 20-kilogram aluminum briefcase carrying mobile communications systems should the US president authorize a nuclear strike—visited the Hiroshima Peace Park in May 2023 with President Joe Biden. No one said, “I’m sorry” about anything, not the nearly 80-year-old history of intentional slaughter of hundreds of thousands of civilian lives there and in Nagasaki nor for this recent action of returning with the means to do it again (thus further compounding survivors’ suffering).

So let me close with a haiku written last spring by my brilliant colleague, Professor Steve Rabson (Professor Emeritus at Brown University).

広島に  
平和を言うが  
戦争企て

히로시마에서

지도자들은 평화를 이야기하고  
전쟁 계획 세우기

In Hiroshima  
the leaders talk of peace while  
making plans for war

ラブソン作  
Steve Rabson, May 20, 2023

## **Beyond the San Francisco System: Exploring Path to Equitable Settlement and Reconciliation\***

Kimie Hara

### **Summary**

The 1951 San Francisco Peace Treaty, along with the US security alliances, profoundly shaped the post-World War II regional international order in the Asia-Pacific. The “San Francisco System” ensured US military presence and dominant influence in the region, fostering democracy and economic prosperity in Japan. However, it came at the cost of enduring conflicts and divisions among peoples and nations – over politics, history, and unsettled borders.

The region has gone through substantial transformations over the years. Economic interdependence has deepened, leading to the evolution of various mechanisms of multilateral cooperation and dialogue. Nevertheless, the persistent structure of the regional Cold War confrontation continues to be a source of instability and disruption. In the 21st century, a significant difference from the past is China’s empowerment, North Korea’s acquisition of nuclear arms, and the expansion of US frameworks of alliances and cooperation beyond the region. Consequently, East Asia has become a more perilous region than the Cold War era of the 20<sup>th</sup> century.

As witnessed repeatedly, as long as the sources of conflicts remain unchanged, there is always the possibility that tension will resurge, and conflicts will escalate. Ensuring stability and peace in the region necessitates addressing the root causes of this vicious cycle. The paper suggests that akin to successful conflict resolution in Europe, recent development in historical reconciliation of Canada warrant attention. This ongoing initiative provides inspiration for considering dispute settlement and reconciliation in East Asia, where territorial issues are also deeply intertwined with history.



## Beyond the San Francisco System: Exploring Path to Equitable Settlement and Reconciliation\*

Kimie Hara

### The San Francisco System: The Cold War and US Dominance in the Post–World War II Order in the Asia-Pacific

The Cold War structure of the post-World War II was often attributed to the Yalta System, originating from the US-UK-USSR agreements over the construction of the postwar international order made at Yalta in February 1945. However, with respect to the regional international order in East Asia and the Western Pacific, the Yalta blueprint gave way to the San Francisco System. Following a series of East–West tensions, notably those centered on the communization of Eastern Europe, the Yalta System was consolidated in Europe. The status quo received international recognition in the 1975 Helsinki Agreement. By the early 1990s, however, the Yalta System had collapsed, accompanied by significant changes such as the democratization of Eastern Europe, the independence of the Baltic states, the reunification of Germany, and the demise of the Soviet Union. Since then, many have viewed the collapse of the Yalta System as synonymous with the end of the Cold War.

The Yalta System, however, was never established as an international order in the Asia-Pacific. The post-war international order was discussed and some secret agreements affecting Japan were concluded at Yalta. The terms “Yalta System” and “East Asian Yalta System” are sometimes used to refer to a regional post-war order based on those agreements.<sup>1</sup> But it was a blueprint that would have taken effect only if such agreements had been faithfully implemented. By 1951, when the peace treaty with Japan was signed in San Francisco, the Yalta agreements had been distorted or made equivocal. Under the new circumstances of escalating East–West confrontation that had begun in Europe, post-war Asia took a profoundly different path from that originally planned.

The San Francisco Peace Treaty was an international agreement that in significant ways shaped the post–World War II international order in the Asia-Pacific. With its associated security arrangements, it laid the foundation for the regional structure of Cold War confrontation: the San Francisco System fully reflected the strategic interests and the policy priorities of the peace conference’s host nation, the United States. The System assured the dominant influence and lasting presence of the United States, or “Pax Americana”, and brought Japan democracy and economic prosperity along with its peace constitution, but at the expense of lasting divisions among peoples and countries in East Asia.

The Cold War developed differently between the Atlantic and Pacific sides of the Eurasian continent. While falling short of “hot” war, it was “Cold War” in Europe and the US-USSR context. By contrast, in Asia it was “hot” in places, and more complex. After the Japanese withdrawal, the postwar liberation and independence movements in some parts of the region turned to civil war over the

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#### Notes:

\*This paper builds on the author’s earlier work and contains overlapping content, particularly from the following publication. *The San Francisco System and Its Legacies: Continuation, transformation and historical reconciliation in the Asia-Pacific* (Routledge, 2015), *Cold War Frontiers in the Asia-Pacific: Divided Territories in the San Francisco System* (Routledge, 2007); “The San Francisco Peace Treaty and Frontier Problems in the Regional Order in East Asia: A Sixty Year Perspective,” *The Asia-Pacific Journal* 10, issue 17, no. 1 (2012).

<sup>1</sup> For example, see Akira Iriye, *The Cold War in Asia: A Historical Introduction* (Englewood Cliffs, NJ: Prentice Hall, 1974), 93–97, and Yoshihide Soeya, *Nihon gaiko to chugoku 1945–1972* [Japanese diplomacy and China 1945–1972] (Tokyo: Keiko gijuku daigaku shuppan-kai, 1995), 33–38.

governing principles for the new states, where competition over spheres of influence between the superpowers supervened. Instead of a direct clash between the US and the USSR, Asian lands became surrogate battlefields between Capitalism and Socialism. In 1951, while failing to form a multilateral regional alliance like NATO in Asia, the United States signed a mutual defense treaty with the Philippines on August 30, a tripartite security treaty with Australia and New Zealand (ANZUS) on September 1, and a security treaty with Japan on September 8 on the same day as the peace treaty. The “San Francisco Alliance System” of US hub-and-spoke military alliances came into being then.<sup>2</sup>

Along with political and military conflicts, significant elements within the Cold War structure in the Asia-Pacific are the regional conflicts among its major players. Confrontation over national boundaries and territorial sovereignty emerged from the disposition of the defeated Axis countries. Whereas Germany was the only divided nation in Europe, several Cold War frontiers emerged to divide nations and peoples in East Asia. The San Francisco Peace Treaty played a critical role in creating or mounting many of these frontier problems. Vast territories that Japan once ruled or advanced into, extending from the Kurile Islands to Antarctica, and from Micronesia to the Spratlys, were disposed of in the treaty. The treaty, however, specified neither their final disposition nor their precise geographical limits, thereby sowing the seeds of multiple “unresolved problems” throughout the region.

Table 1 shows the relationship between the San Francisco Peace Treaty and the major regional conflicts in East Asia, indicating the states that are party to these conflicts. The regional conflicts derived from the post-war territorial disposition of the former Japanese empire may be classified into three kinds: (1) insular territorial disputes such as those pertaining to the Northern Territories/Southern Kuriles, Dokdo/Takeshima, Senkaku/Diaoyu, Spratly/Nansha and Paracel/Xisha Islands; (2) divided nations as seen in the Korean Peninsula and cross-Taiwan Strait problem;<sup>3</sup> and (3) status of the territories concerning Okinawa and Taiwan.<sup>4</sup> These problems did not necessarily originate solely in the San Francisco Peace Treaty. For example, a secret agreement to transfer the Kuriles and Southern Sakhalin from Japan to the USSR was reached at the Yalta Conference in February 1945. However, the problem emerged at San Francisco, since the peace treaty specified neither final designation nor precise boundaries of the territories that Japan renounced.<sup>5</sup> There is neither a post-WW II peace treaty nor a resolution to the territorial or border problem between Japan and Russia/USSR.

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<sup>2</sup> The United States made similar arrangements with South Korea in 1953, Taiwan in 1954 and Thailand in 1961. For details on the San Francisco Alliance System, see William T. Tow, T Russell B. Trood, Toshiya Hosono eds., *Bilateralism in a Multilateral Era: The Future of the San Francisco Alliance System in the Asia-Pacific* (Tokyo: Japan Institute of International Affairs, 1997).

<sup>3</sup> The peace treaty alone did not divide China and Taiwan (Formosa). However, by leaving the status of the island undecided, it left various options open for its future, including possession by the People’s Republic of China (PRC) or the Republic of China (ROC), or even its independence. The peace treaty also left the final designation of “Korea” unclear. Although Japan renounced “Korea” and recognized its independence in the treaty, no reference was made to the existence of two governments in the divided peninsula, then at war with each other. There was then, and still is, no state or country called “Korea,” but two states, the Republic of Korea (ROK) in the south and the Democratic People’s Republic of Korea (DPRK) in the north.

<sup>4</sup> Okinawa (the Ryukyus), together with other Japanese islands in the Pacific, was disposed of in the treaty’s Article 3 (See APPENDIX). This article neither confirmed nor denied Japanese sovereignty, but guaranteed sole U.S. control—until such time that the United States would propose and affirm a UN trusteeship arrangement over these islands. “Administrative rights,” if not full sovereignty, of all the territories specified in this article were returned to Japan by the early 1970s, without having been placed in UN trusteeship. Yet, long after the “return,” the majority of US forces and bases in Japan remain concentrated in Okinawa.

<sup>5</sup> Hara, “The San Francisco Peace Treaty and Frontier Problems in the Regional Order in East Asia: A Sixty Year Perspective.”

**Table 1 The San Francisco Peace Treaty and Regional Conflicts in East Asia**

| <b>Regional Conflicts</b>                             | <b>San Francisco Peace Treaty (relevant articles)</b>        | <b>Concerned States</b>                             |
|-------------------------------------------------------|--------------------------------------------------------------|-----------------------------------------------------|
| <b><i>Territorial Disputes</i></b><br>Dokdo/Takeshima | Article 2 (a) Korea                                          | Japan, ROK                                          |
| Senkaku/Diaoyu                                        | Article 2 (b) Formosa (Taiwan)<br>Article 3 (Ryukyu Islands) | Japan, PRC, ROC                                     |
| Northern Territories/<br>Southern Kuriles             | Article 2 (c) Kurile Islands/<br>Southern Sakhalin           | Japan, Russia/USSR                                  |
| Spratlys & Paracels                                   | Article 2 (f) Spratlys & Paracels                            | PRC, ROC, Vietnam,<br>Philippines, Malaysia, Brunei |
| <b><i>Divided Nations</i></b><br>Korean Peninsula     | Article 2 (a) Korea                                          | ROK, DPRK                                           |
| China-Taiwan                                          | Article 2 (b) Formosa                                        | PRC, ROC                                            |
| <b><i>Status</i></b><br>Okinawa                       | Article 3                                                    | Japan, USA                                          |
| Taiwan                                                | Article 2 (b)                                                | PRC, ROC                                            |

Source: Hara (2012)

### **“Unresolved Problems” in the San Francisco System**

Close examination of the Allies’ documents, particularly those of the United States (the main drafter of the peace treaty), reveals key links between the regional Cold War and the ambiguity of the Japanese peace settlement, particularly the equivocal wording about designation of territory; it suggests the necessity for a broader approach that goes beyond the framework of the direct disputant states as a key to better understanding and conceptualizing approaches conducive to the future resolution of these problems.<sup>6</sup>

Prior to the final draft of the San Francisco Peace Treaty, completed in 1951 (six years after the Japanese surrender), multiple treaty drafts were prepared. Early drafts were, on the whole, based on the United States’ wartime studies, and were consistent with the Yalta spirit of inter-Allied cooperation.<sup>7</sup> They reflected the “punitive” and “rigid” policy of the Allied Powers toward Japan, which was an enemy to be deprived of its conquered territories and weakened militarily and economically. As for the disposition of territories, those early drafts were long and detailed, providing

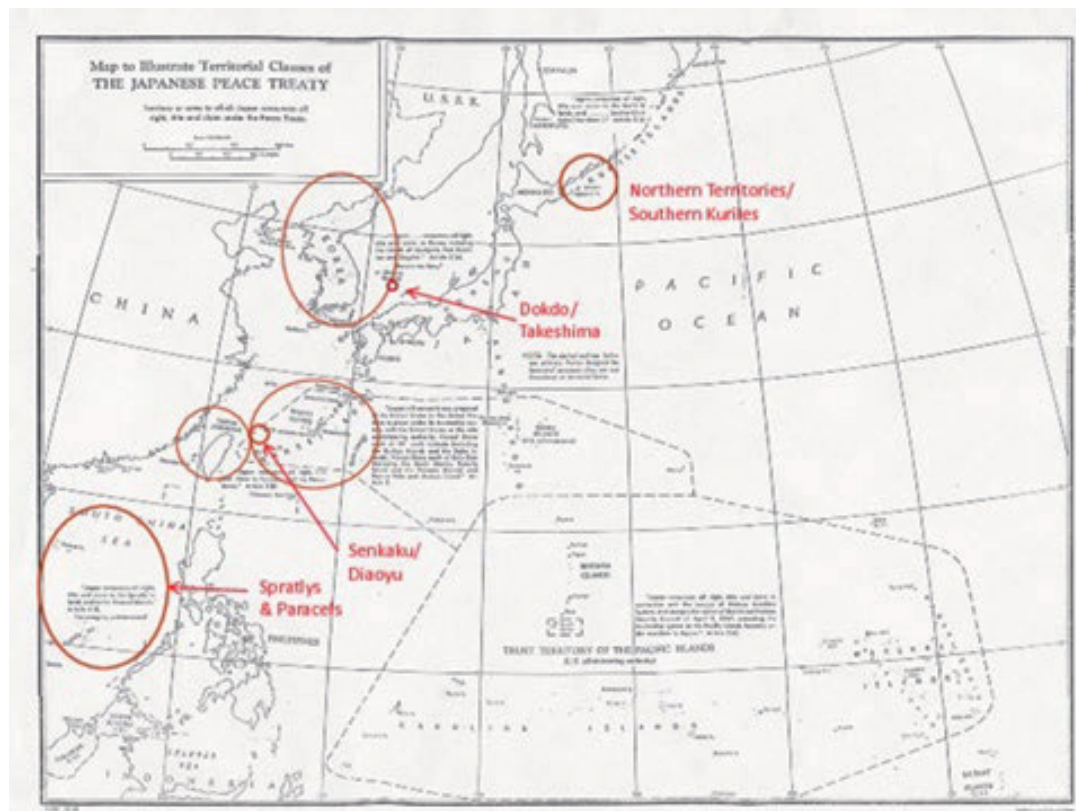
<sup>6</sup> Hara, *Cold War Frontiers in the Asia-Pacific: Divided Territories in the San Francisco System*.

<sup>7</sup> Hara, “The San Francisco Peace Treaty and Frontier Problems.”

clear border demarcations and specifying the names of small islands near the borders of post-war Japan, such as Takeshima, Habomai, and Shikotan, specifically to avoid future territorial conflicts.

However, against the background of the intensifying Cold War, which became “hot” in Asia with the outbreak of the Korean War in June 1950, the peace terms with Japan changed in sync with the new strategic interests of the United States. Specifically, Japan and the Philippines, soon to be the most important U.S. allies in East Asia, were to be secured for the non-communist West with pro-U.S. governments, whereas the communist states were to be contained.

**Figure 1 Map to Illustrate Territorial Clauses of the Japanese Peace Treaty**



Source: United States, 82nd session, SENATE, Executive Report No.2, Japanese Peace Treaty and Other Treaties relating to Security in the Pacific/Report of the Committee on Foreign Relations on Executives, A, B, C and D. Washington: United States Government Printing Office, 1952), with related regional conflicts in East Asia marked in red by K. Hara (2012).

In this context, drafts of the Japanese peace treaty went through various changes, eventually becoming simplified. The names of the countries that were intended to receive such islands as Formosa (Taiwan), the Kuriles, and other territories disappeared from the text, leaving various “unresolved problems” among the regional neighbors. The equivocal wording of the peace treaty was the result neither of inadvertence nor of error; instead, issues were deliberately left unresolved.<sup>8</sup> It is no coincidence that the territorial disputes derived from the San Francisco Peace Treaty—the Northern Territories/Southern Kuriles, Takeshima/Dokdo, Senkaku/Diaoyu (Okinawa), Spratly/Nansha, and Paracel/Xisha problems—all line up along the “Acheson Line,” the United States’ Cold War defense perimeter of the western Pacific, announced in January 1950. (The

<sup>8</sup> Hara, *Cold War Frontiers in the Asia-Pacific*.

territorial problem between Japan and China originally centered on Okinawa/the Ryukyus,<sup>9</sup> as part of which the Sankakus were placed under U.S. control, but after the reversion of administrative rights to Japan in 1972, the focus of the dispute shifted to the Senkakus.) With the outbreak of the Korean War, the United States altered its policy toward Korea and China, which it had once written off as “lost” or “abandoned,” intervening in both nations’ civil wars. However, in order to avoid further escalation of these regional wars, which could possibly lead to a nuclear war or the next total war, the “containment line” came to be fixed at the thirty-eighth parallel and Taiwan Strait, respectively.

## THE SAN FRANCISCO PEACE TREATY

### CHAPTER II

#### Territory

##### Article 2

- (a) Japan, recognizing the independence of Korea, renounces all right, title and claim to Korea, including the islands of Quelpart, Port Hamilton and Dagelet.
- (b) Japan renounces all right, title and claim to Formosa and the Pescadores.
- (c) Japan renounces all right, title and claim to the Kurile Islands, and to that portion of Sakhalin and the islands adjacent to it over which Japan acquired sovereignty as a consequence of the Treaty of Portsmouth of September 5, 1905.
- (d) Japan renounces all right, title and claim in connection with the League of Nations Mandate System, and accepts the action of the United Nations Security Council of April 2, 1947, extending the trusteeship system to the Pacific Islands formerly under mandate to Japan.
- (e) Japan renounces all claim to any right or title to or interest in connection with any part of the Antarctic area, whether deriving from the activities of Japanese nationals or otherwise.
- (f) Japan renounces all right, title and claim to the Spratly Islands and to the Paracel Islands.

##### Article 3

Japan will concur in 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° 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. Pending the making of such a proposal and affirmative action thereon, the United States will have the right to exercise all and any powers of administration, legislation and jurisdiction over the territory and inhabitants of these islands, including their territorial waters.

Source: *Conference for the Conclusion and Signature of the Treaty of Peace with Japan, San Francisco, California, September 4-8, 1951, Record of Proceedings*, Department of State Publication 4392, International Organization and Conference Series II, Far Eastern 3, December 1951, Division of Publications, Office of Public Affairs, p.314.

<sup>9</sup> Chiang Kai-shek’s Republic of China (ROC), representing “China” at the UN, was actively demanding the “recovery” of Ryukyus/Okinawa up to the early post-war years. (Hara 2007, p.161)

As for the Spratlys and Paracels, disposed of in Article 2(f) of the peace treaty and located in the South China Sea at the southwest end of the Acheson Line, to varying degrees, Chinese ownership was considered for these territories in US wartime preparations for a post-war settlement. Their final designation was not specified in the San Francisco Treaty, not simply because it was unclear, but, more importantly, to prevent them from falling into the hands of China. Disputes over the sovereignty of these islands in the South China Sea existed before the war. However, the pre- and post-war disputes differ in terms of the countries involved and the nature of the disputes—that is, pre-war colonial frontiers were reborn as Cold War frontiers in Southeast Asia.<sup>10</sup>

Meanwhile, the United States tactically negotiated the terms of UN trusteeship for its advantage and secured exclusive control of its occupied islands, making the Pacific north of the Equator “an American Lake.”<sup>11</sup> Among those islands, Micronesia, disposed of in the peace treaty’s Article 2(d), was used for US nuclear testing, whereas Okinawa became one of the most important US military bases in the region.<sup>12</sup>

Besides the handling of territories, the US Cold War strategy was also reflected in other aspects of the peace settlement with Japan. For instance, the peace treaty specified Japan’s acceptance of the judgments of the International Military Tribunal for the Far East, the so-called Tokyo Tribunal (1946–1948). However, the tribunal overlooked the responsibility of the Japanese government for the torture and abuse of Chinese and Koreans, in such matters as the Nanjing massacre, the use of Korean and Chinese forced labor in Japanese mines and factories, and the forced prostitution of Korean, Chinese and other nations’ “comfort women” by the Japanese military.<sup>13</sup>

To transform Japan as a pro-US nation, the peace terms to be presented by the United States had to be more attractive to Japan than those by the communist nations, which would attempt to estrange Japan from the United States. Consequently, the peace terms with Japan became “generous” rather than punitive, with the focus placed on democratization and economic recovery of post-war Japan. This “reverse course” led to the eventual return of conservative politicians, who were purged or prosecuted as war criminals during the occupations period.

With regard to the conflicts that stemmed from the Japanese peace settlement, it is noteworthy that there was no consensus among the states directly concerned. Neither of the governments of China (PRC or ROC) nor Korea (ROK or DPRK) was invited to the peace conference. The Soviet Union participated in the peace conference but did not sign the treaty. The Japanese peace treaty was prepared and signed multilaterally, making the forty-nine signatories the “concerned states.” Except for Japan, however, none of the major states involved in the conflicts participated in the treaty. The

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<sup>10</sup> Before World War II, the countries involved in disputes in the South China Sea were China and two colonial powers, Japan and France. After the war, Japan and France withdrew; the islands came to be disputed by the two Chinas and the newly independent neighboring Southeast Asian countries. For details on the disposition of the Spratlys and Paracels in the San Francisco Peace Treaty, see Hara, *Cold War Frontiers in the Asia-Pacific*, chapter 6.

<sup>11</sup> John W. Dower, “Occupied Japan and the American Lake” in *America’s Asia*, edited by Edward Friedman and Mark Selden (New York: Vintage, 1971), 146–97. For Western imperial powers’ control of the world’s oceans, see Peter Nolan, “Imperial Archipelago,” *New Left Review* 80 (March–April 2013).

<sup>12</sup> For details see Chapters 4 (Micronesia) and 7 (The Ryukyus) in Hara, *Cold War Frontiers in the Asia-Pacific*.

<sup>13</sup> Gi-Wook Shin, “Historical Disputes and Reconciliation in Northeast Asia: The RUS Role,” *Pacific Affairs* 83, no. 4 (December 2010), 664.

result was to bequeath multiple unresolved conflicts to the countries directly concerned and to the region.<sup>14</sup>

The post-war peace treaty with Japan should have been a definite resolution, concluding the Pacific War and initiating a “post-war” era. However, before the war could be so ended, Japan and the entire Asia-Pacific region became embroiled in the Cold War, of which the Japanese peace treaty emerged as a by-product. The persistent “unresolved problems” that share this common foundation were destined to continue to divide countries and peoples in East Asia, i.e., a new form of “divide and rule” scheme came into play under the San Francisco System.

### **Transformation and Contemporary Legacy of the San Francisco System**

More than seventy years since the San Francisco agreement, the world has undergone profound transformations. Following periods of East–West tensions and subsequent relaxation, including the Cold War thaw of the 1950s and the *détente* of the 1970s, the Cold War was widely perceived to have concluded by the early 1990s.

In the Asia-Pacific, the Cold War unfolded differently from the bipolar system in the Euro-Atlantic region. A tri-polar system emerged with the US–China–USSR dynamic, particularly after the Sino–Soviet split in the early 1960s. China had been a target of the US containment strategy since its intervention in the Korean War. With its nuclear development in 1964 and participation in the Indochina Wars, China gained a larger role in the Asian Cold War. Similar to how the emergence of nuclear weapons fundamentally altered the character of post–World War II international relations and played a major role in defining the US–Soviet Cold War, the US–China confrontation evolved into a true “Cold War” without direct military conflict. Instead, surrogate wars were fought in the civil wars on China’s periphery. Despite a series of Sino–US rapprochements and the normalization of relations in the 1970s, the United States maintained its security commitment to Taiwan through the introduction of the Taiwan Relations Act, even after severing official diplomatic relations.

As the echoes of the “end of the Cold War” resonated globally from the late 1980s to the early 1990s, both U.S.–Soviet and Sino–Soviet rapprochements were achieved. A remarkable relaxation of tension occurred in East Asia, raising expectations for solutions to some of the most intractable frontier problems. In the late 1980s, serious deliberations began in Sino–Soviet/Russian border negotiations. The two countries eventually completed their border demarcation through mutual concessions in the 2000s. However, none of the unresolved problems, rooted in the San Francisco Peace Treaty, reached a fundamental settlement. In contrast to the Euro-Atlantic region, where the wall dividing East and West collapsed entirely, the changes in the Asia-Pacific region left fundamental divisions intact. Except for the demise of the Soviet Union, the fundamental structure of regional Cold War confrontation in this region persists.

As of today, the San Francisco system continues to define the region's political and security relations. Along the military demarcation line of the Korean Peninsula and the Taiwan Strait, as well as over the insular territorial problems lining up along the Acheson Line -- the US defense line of the Western Pacific drawn more than seventy years ago – the seeds of conflicts continue to smolder, dividing peoples and nations in the region. In China, which emerged as one of the poles of the Cold War in Asia, the communist regime endured despite the introduction of capitalism and the progress of the

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<sup>14</sup> Hara, “The San Francisco Peace Treaty and Frontier Problems.”

market economy. Surpassing Japan to become the world's second-largest economic power in the 21st century, China has embodied a modern version of 'rich nation, strong military' (富国強兵), reminiscent of the Japanese Empire in the past but on a significantly larger scale. This transformation is perceived by the United States and its allies as a more substantial security threat than ever before.

The relaxation of tensions witnessed during the Cold War thaw in the 1950s and détente in the 1970s, in both instances, eventually led to a subsequent deterioration of East–West relations. Similar patterns have emerged in East Asia, such as the US–China conflicts following the 1989 Tiananmen incident and more recently in response to China's economic and military ascent. Other examples include military tensions across the Taiwan Strait and the Korean Peninsula, disruptions in negotiations between Japan and North Korea for normalizing diplomatic relations, and political tensions involving Japan and its neighbors, as well as China and its neighbors, revolving around territorial and maritime disputes and interpretations of history. Nevertheless, considering that the 1975 Helsinki Accords recognized the political status quo including the existing borders in Europe, the political status quo in East Asia, marked by ongoing disputes over national borders, may not have attained the level of the 1970s détente in Europe.<sup>9</sup>

### Economic Interdependence and Other Relations

Whereas countries and peoples in East Asia have been divided by politics, history, and unsettled borders, they nevertheless have become closely connected and have deepened their interdependence in economic, cultural, and other relations. With China's economic reform, it may be possible to consider that regional Cold War confrontation began to dissolve partially in the late 1970s.<sup>10</sup> The economic recovery and transformation of East Asian countries for the last seven decades from the ruins of war are in fact remarkable. Beginning with Japan in the 1950s, followed by the so-called newly industrializing economies (NIEs)<sup>11</sup> in the 1970s and 1980s, and with China's rise in the 21<sup>st</sup> century, East Asia, with the exception of North Korea, has become one of the most expansive center in the world economy.

Economic-driven multilateral cooperation and multilateral institution-building have also developed in East Asia, especially since the 1990s. Inspired by the end of the Cold War and regional integration in Europe, regionalism and multilateral cooperation became active leading to the development of a broad regional framework, the Asia-Pacific, building on such foundations as the Pacific Economic Cooperation Council (PECC), Asia-Pacific Economic Cooperation (APEC), and the Association of Southeast Asian Nations (ASEAN). In the wake of the global economic crises of 1997 and 2008, additional multilateral forums involving China (PRC), Japan, and South Korea (ROK) have emerged, such as ASEAN+3 (ASEAN plus the PRC, Japan, and the ROK) and the PRC–Japan–ROK Trilateral Summit, adding new dimensions to an emerging regionalism. Russia joined APEC in 1998 and hosted its meetings in 2012 in Vladivostok, where it has been hosting the Eastern Economic Forum every year since 2015.<sup>15</sup> Economic relations have indeed become the glue connecting regional states – what Stein Tonnesson calls “East Asia's Developmental Peace”<sup>16</sup>.

While activities have multiplied, however, the depth of integration pales compared with that in Europe. While the European Community (EC) of the Cold War era has long since evolved into the

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<sup>15</sup> Russia and China are also the core members of the Shanghai Cooperation Organization (SCO), a Eurasian security organization that started as the Shanghai Five in 1996.

<sup>16</sup> Stein Tonnesson (2015), “Explaining East Asia's Developmental Peace: The Dividends of Economic Growth”, *Global Asia* 10, no.4 (Winter), pp.10-15.



European Union (EU), even the idea of an “East Asian Community” (not an “East Asian Union”) is still a mere future aspiration. In this new era, when the world is more closely connected by advanced technologies and deepened economic interdependence, the political and security situation of the region evokes the conflicts embedded in the San Francisco System nearly seven decades ago. Conversely, these conflicts have contributed to sustaining the structural framework of the San Francisco System.

Today, however, a significant departure from the past is that China has grown powerful, and North Korea has acquired nuclear arms. Meanwhile, the continuing US regional security system, the San Francisco Alliance System, including the US-Japan alliance, has been complemented with additional frameworks of alliances and cooperation, such as AUKUS (Australia, UK, and the US) and QUAD (Japan, US, Australia, and India), in the context of its “Indo-Pacific” strategy. These measures aim to ensure the continual US presence and influence, while fostering collaboration with other like-minded Western allies, thereby heightening political and military tensions. Furthermore, following outbreak of the Russia-Ukraine war in 2022, the unified and confrontational stance of the West, particularly the US and its G7 allies, towards Russia has strengthened the ties between Russia and its strategic partnership with China and North Korea, intensifying tensions in the region. Consequently, East Asia has evolved into a more perilous region than during the Cold War era of the 20th century.

### **Beyond the San Francisco System: An Inspiration from Canada**

Interpretations of the “Cold War” and the “end of the Cold War” vary, as do those of the San Francisco System.<sup>17</sup> Regardless of these interpretations, as long as these sources of conflict remain unresolved, many possibilities continue to exist for the resurgence of conflicts. Tensions over these conflicts have intensified periodically and will likely intensify again. Furthermore, as seen with the Japan-Korea and Japan-China territorial disputes, tangible conflicts have often been associated with other intangible conflicts of their unsettled past, or differing interpretations of history, and can lead to the exacerbation of nationalism and further deterioration of neighboring relations.

While efforts to enhance Confidence-Building Measures (CBMs) and prevent the escalation of conflicts are undoubtedly important, CBMs and conflict prevention alone may not necessarily lead to fundamental solutions. In order to break the continuing vicious cycle, to stop these negative legacies from passing further onto future generations, and to secure peace and stability in the region, the principal sources of conflict need to be removed. Complex threads of international relations cannot be easily disentangled. Yet, while the disentangling might be difficult, solutions to these problems should not be discounted as impossible. Indeed, there are clues to solutions.

With its major focus on their common foundation of the San Francisco Peace Treaty, the author’s earlier studies elucidated the regional Cold War, linkage among frontier problems, and the disputes’ origin in multilateral negotiations as critical aspects of these contentious issues.<sup>18</sup> Achieved in multilateral frameworks, historical precedents in Europe, such as the Åland settlement (1921) and

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<sup>17</sup> For relevant discussions, please see “Introduction: Rethinking the ‘Cold War’ in the Asia-Pacific” in Hara, *Cold War Frontiers in the Asia-Pacific*, 2–13. For the “San Francisco System,” some use the term to indicate Japan’s position in the post-war world based on the San Francisco Peace Treaty and the US-Japan bilateral security alliance, whereas others see it in a broader context of the US-led post-war regional and Cold War order in the Asia-Pacific, as also seen in this volume. The term has also, but to a lesser degree, been used to refer to the US security alliance system in the region, the “San Francisco Alliance System” mentioned earlier in this chapter.

<sup>18</sup> Hara, 2005, 2007.

the Helsinki Accords/the Helsinki Final Act (1975), are also noteworthy, as they provide successful models in considering potential solutions to some of those regional conflicts.<sup>19</sup>

In addition to Europe, it is also worth paying attention to Canada, particularly for its recent reconciliation efforts with its First Nations. For Canada, engagement with these conflicts is not without precedent. Canada bears historical responsibility, as it proposed that the post-war Japanese peace treaty not specify final designation of the territories, thus contributing to sow the seeds of various disputes.<sup>20</sup> Canada is both a Pacific and Atlantic nation, and a CSCE/OSCE member that participated in the Helsinki Accord. While always paying careful consideration to its relations with its neighboring superpower, the United States, Canada has historically tended to pursue its own diplomatic path of internationalism and multilateralism, and built an international profile as a peace-builder with multi-culturalism as its national policy.

Despite its relatively positive international profile, however, Canada also has a long colonial history. Early relationships between indigenous peoples and colonial governments were forged through treaties as well as trade and military alliances. Over many centuries these relationships were eroded by colonial and paternalistic policies that were enacted into laws. Meanwhile, the indigenous people were deprived of their land, traditional languages and culture. Their children were removed from families and placed in so-called Residential Schools to be assimilated with the White settlers and abused in various ways for many years even after World War II.

Back in the 1990s, recommendations were made by the Royal Commission on Aboriginal Peoples and a dispute resolution plan was launched, but far short of the expectation of the Indigenous Peoples of Canada. Later in 2007, the Indian Residential Schools Settlement Agreement, the largest class-action settlement in Canadian history, began to be implemented. One of the elements of the agreement was the establishment of the Truth and Reconciliation Commission (TRC), which in 2015 produced the final report after its multiple-year inquiries across Canada with 94 “calls to action” (recommendations) to further reconciliation between Canadians and Indigenous peoples in wide ranging areas.<sup>21</sup> Prime Minister Justin Trudeau accepted the report on behalf of Canada, and there have since then a renewed emphasis on rectifying past injustices and achieving historical reconciliation dating back to the era of colonialism.

Including the “Territorial Acknowledgment” or “Land Acknowledgment”<sup>22</sup> that has become familiar to all Canadians, there have been remarkable developments at various levels of Canadian society, including the federal, provincial, territorial, and municipal governments and private sectors.

Some may argue that these are now domestic issues within Canada and not relevant to international

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<sup>19</sup> For details, see Hara and Jukes, 2009; Hara 2012.

<sup>20</sup> Hara, 2015.

<sup>21</sup> The “calls to action” include those in child welfare, language and culture, health, justice, adoption and implementation of the United Nations Declaration on the Rights of Indigenous People, development of a Royal Proclamation of Reconciliation to be issued by the Crown, equity for aboriginal people in the legal system, establishment of the National Council for Reconciliation, professional development and training for public servant, church apologies and reconciliation, education for reconciliation, youth programs, museums and archives, investigation of missing children and burial information, commemoration, media, sports, business, and new comers to Canada.

<sup>22</sup> This practice involves recognizing and paying respect to the ancestral lands of specific indigenous groups or nations where actions occur. It is commonly observed during various events, meetings, and in public documents as a gesture of acknowledgment and honor. Similar practices have been observed in other settler colonial countries, such as New Zealand, Australia, and the United States.

reconciliation. Yet, their history began with nation-to-nation relations based on agreements and treaties. The ground work toward the *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*, an important component of the TRC “calls for action”, began one century ago in 1923 with the work of Haudenosaunee (commonly referred to as Iroquois or Six Nations) Chief Deskaheh, who attempted to bring issues of Canada’s failure to uphold treaties to the League of Nations, United Nations’ precursor. Deskaheh then travelled to Europe with a passport of the Six Nations, not of Canada. This was when both Korea and Taiwan were under Japanese colonial rule.

In 2007 when the *UNDRIP* was adopted by a vast majority of 144 in favor (4 against, 11 abstained), Canada opposed. However, in 2016, a year after the government acceptance of the TRC report and its 94 calls to action, Canada officially withdrew its objector status to *UNDRIP*. (As of 2019, Australia, New Zealand, and the United States, who also voted against have reversed their positions and expressed support.) In 2021, the *United Nations Declaration on the Rights of Indigenous Peoples Act*, known as Bill C-15, became law in Canada.

Furthermore, in June 2022, Canada peacefully resolved a territorial dispute with Denmark over Hans Island or *Tartupaluk*, a small uninhabited island in the Arctic. The agreement on the island’s sovereignty followed consultation with the indigenous Inuit people from both Nunavut and Greenland. They will retain hunting rights and freedom of movement on the island which has been part of their hunting grounds for centuries. This resolution ensures the protection of the rights of indigenous people, allowing them to maintain their traditional way of life.<sup>23</sup> This conflict resolution is particularly noteworthy because it respects and reflects the interests and voices of the indigenous Inuit, or the people who have historically been living in the area, not simply a bilateral agreement between the central governments in Ottawa and Copenhagen. This may serve as an important precedent for settling territorial disputes in the 21<sup>st</sup> century, while there are still wars and conflicts over territory in other parts of the world.

Despite facing strong resistance and challenges from time to time, there have been strong forces to move the reconciliation efforts forward. This on-going journey of reconciliation in Canada could serve as an inspiration for contemplating dispute settlement and reconciliation in East Asia.

Indeed, the political and security environment in East Asia is also profoundly influenced by its historical evolution, dating back to the 19th century when the region became incorporated into the West-led world order, marked primarily by imperialism and colonialism. In this historical context, Japan, uniquely among Asian nations, joined the ranks of Western powers. As a consequence of its expansion into the Asia-Pacific War, or World War II, Japan ended up losing most of the territories that it had acquired or advanced into, as determined in the San Francisco Peace Treaty. The Cold War further molded the region’s political and security landscape. Throughout these processes, the roles and impacts of the West, particularly the United States, were significant, although they tend to be overlooked.

Asia is in many ways different. However, just as the concepts of modern international relations spread from the West, the experience, wisdom, lessons, and/or efforts to overcome their challenges or negative legacies may also be relevant.

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<sup>23</sup> [“‘Whiskey war’ with Denmark over tiny Arctic island ends peacefully with deal”](#), CTV News, June 14, 2022.

Please visit the University of Waterloo's [Office of Indigenous Relations](#) for the latest initiatives.

## About territorial acknowledgement

Public acknowledgement of the traditional territory upon which we all live is an important step toward reconciliation. The [Truth and Reconciliation Commission of Canada](#)'s final report calls for 94 actions toward restoring a balanced relationship between Indigenous peoples and settler communities in this country. Lori ACR Campbell, director of the Waterloo Indigenous Student Centre, says

“It is so important to know who you are and where you come from, and to know who the original inhabitants are of the territory that we currently have the privilege to live, work and play on. Our relationship to place contributes to positive sense of culture and identity both as Indigenous peoples and as settler nations.”

### Universities and reconciliation

Commitment to reconciliation actions is growing among post-secondary institutions and associations. The Canadian Association of University Teachers (CAUT) published a [guide to territorial acknowledgment for Canadian universities](#), which includes the following: “[...] acknowledging territory is only the beginning of cultivating strong relationships with the First Peoples of Canada. CAUT encourages academic staff associations to reach out to local Aboriginal communities to open pathways for dialogue.”

Related links: [Universities Canada](#), [Federation for the Humanities and Social Sciences](#).

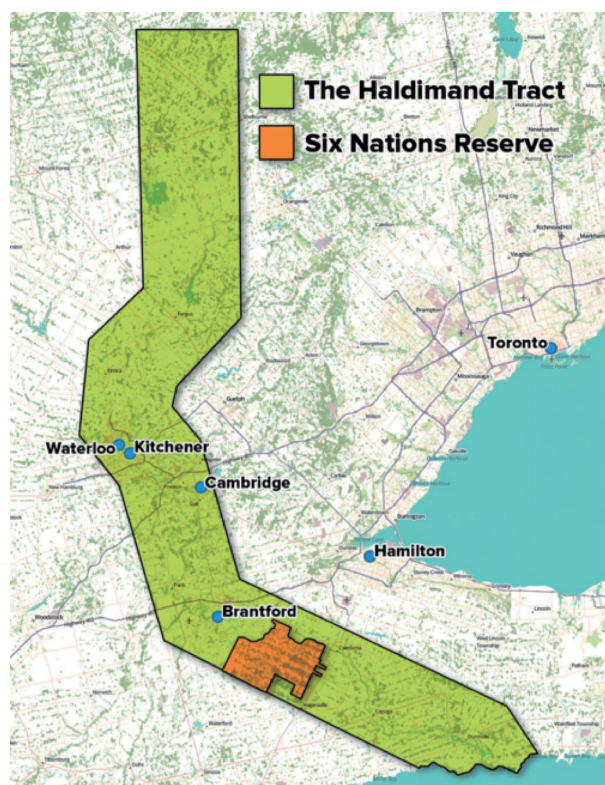
### University of Waterloo acknowledgment

*We (or unit name) acknowledge that we live and work on the traditional territory of the Neutral, Anishinaabeg and Haudenosaunee peoples. The University of Waterloo is situated on the Haldimand Tract, the land promised to the Six Nations that includes six miles on each side of the Grand River.*

### Where and when we make the acknowledgment

Departments, offices and individual members of the University are strongly encouraged to acknowledge the land we occupy in any or all of the following ways:

- Post the acknowledgement statement on our websites: on the homepage, on the *About* page, or in the site footer.
- Add the acknowledgement statement to UWaterloo email signature.
- Add the acknowledgement statement to course syllabi.
- Make the acknowledgement statement at commencement of courses, meetings, conferences, and presentations.



### About the Haldimand Tract

On 25 October 1784, Sir Frederick Haldimand, the governor of Québec, signed a decree that granted a tract of land to the Haudenosaunee (Iroquois), also known as the Six Nations, for their alliance with British forces during the American Revolution (1775-83). The Haldimand Tract extends by 10 kilometers on both sides of the Grand River, from its source in Dundalk Township to its mouth at Lake Erie. Originally, 950,000 acres was designated for the Haldimand Tract, today approximately 48,000 acres remain. Read more about the history and ongoing negotiations: [Six Nations Lands and Resources](#).

Map source: Adam Lewis, “Living on Stolen Land,” *Alternatives Journal* December 2015

Source: University of Waterloo, Truth and Reconciliation Response Project <https://uwaterloo.ca/truth-and-reconciliation-response-projects/about-truth-and-reconciliation-response-projects/about-territorial-acknowledgement>

# Session 2

## International Legal and political Economic Approach



### Invited zoom speech

**“Comtemplating the San Francisco Treaty Settlement 72 years On”**

· Gavan MacCormack (Emeritus Professor Astralian National University)

### Video Speech

**“Towards How to goes beyond the SF system in the Northeast Asia-Some thoughts on wheth-  
er to move toward cooperative development-”**

· Hu, Dekun (Chair Professor, Wuhan University)

### Paper

**“Unlawfulness of Japan’s Colonization of Korean Peninsulla -Korea’s Declaration of January  
21, 1904 and Japan’s Violation of International Law”**

· Totsuka, Etsuro (Professor, Ryukoku Univ)

**“Comport Women and Enforced Disappearances during the Pacific War”**

· Tae-Ung Baik (Professor, Hawaii University)

**“‘Community’ versus the ‘New Cold War’ in East Asia: Dynamics of Korea-China-Japan and  
Korea-US-Japan Triangles”**

· Lee, Jong Won (Professor, Waseda University)



## Contemplating the San Francisco Treaty Settlement 72 years On

Northeast Asia/Yonsei University Conference,  
Seoul, Zoom, December 2023

Gavan McCormack  
Emeritus Professor, Australian National University

### 1. 72 Years

Ours is a troubled time. Humanity in our generation contemplates something it has not previously known: the threat of extinction, on two fronts – nuclear and climate. The hands of the nuclear Doomsday Clock were set early this year at ninety-seconds to midnight, and the gap to midnight is likely only to narrow further in 2024. Meanwhile the ecological crisis deepens: carbon dioxide levels in the atmosphere rise to their highest level in three million years (421 ppm in 2022); the oceans rise, acidify, and groan from the spread of plastics and other types of pollution; the glacial and polar ice shrink; forests burn; deserts spread; storms rage; and multiple species are lost. The nuclear and climate crises are exacerbated by geopolitical tensions as Palestine and Ukraine are laid waste and military build-up and war preparation continue on many other fronts, including the East and South China Seas.

Facing these multiple crises, the frame of inter-state relationships in early 21<sup>st</sup> century East Asia remains as it was set more than 70-years ago by the San Francisco Treaty in the wake of World War 2. The US then was undisputed master of the world, accounting for about half its GDP, China was divided, enfeebled and excluded, Korea divided and at war, and Russia (the Soviet Union) excluded. In Japan, the apparatus of occupation, bases, and US hegemony was unquestioned and seen as crucial to maintaining regional and global security, linchpin of the system. This overarching framework became known as the “San Francisco Treaty system.”<sup>1</sup>

Though after 72-years that system remains intact, its economic underpinnings are rudely shaken. The United States share of global GDP, about half at the time of San Francisco is about 16 per cent today, and is expected to decline further, to around 12 per cent by 2050. China, insignificant as it reached the nadir of its civil conflict at the time of San Francisco, grew then, by an astounding fifteen times in the two decades from 1995, reaching today’s 18 per cent and expected by the OECD to continue to about 27 per cent during the 2030s before slowly declining to around 20 per cent in 2060.”<sup>2</sup>

As for Japan, under the San Francisco formula, like Korea and China, it too was divided. It comprised a war state under US absolute control (Okinawa) and a nominal “peace state,” mainland Japan, which was also semi-occupied at the time of San Francisco. Constituting a mere three per cent of global GDP at time of San Francisco, Japan rose by 1994 to 18 per

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<sup>1</sup>Kimie Hara, ed., *The San Francisco System and Its Legacies: Continuation, Transformation, and Historical Reconciliation in the Asia-Pacific*, New York and London, Routledge, 2014. See also John W. Dower, “The San Francisco System: Past, Present, Future in U.S.-Japan-China Relations,” *Asia-Pacific Journal: Japan Focus*, 23 February 2014. <https://apjff.org/2014/12/8/John-W.-Dower/4079/article.html/>

<sup>2</sup> OECD, “The Long View: Scenarios for the World Economy to 2060,” <http://www.oecd.org/economy/growth/scenarios-for-the-world-economy-to-2060.html/>

cent but then, as Japanese political economist Terashima Jitsuro recently observed, began a slow but steady decline, so that by the early 2020s it was back, remarkably, to its 1950 level, about three percent once again.<sup>3</sup>

China, excluded altogether in 1951, by 2022 had become the world's biggest economy. In 2023 the CIA calculates that it accounted for \$24.2 trillion of the global economy as against the US's \$20.8 trillion.<sup>4</sup> Chinese GDP, one-quarter that of Japan in 1991, surpassed it in 2001, trebled (and probably quadrupled) it by 2018, with the gap continuing to widen.<sup>5</sup> Provided broad continuance of current trends, China by 2035 might be as much as *eight* (sic) times greater than Japan.<sup>6</sup> The shift in relative weight constitutes a major challenge for Japan.

When "sovereignty" was restored to Japan at San Francisco, it came at a price. As John Foster Dulles put it when arriving in Tokyo to negotiate the deal:

"Do we get the right to station as many troops in Japan as we want, where we want and for as long as we want? That is the principle question."<sup>7</sup>

Provision of a chain of military bases throughout the Japanese archipelago may have seemed a modest price to pay for Japan's privileged position within the US-dominated world system but the price gets heavier as time passes. The chain of bases on which Dulles insisted then played a key role in wars from Korea in the 1950s and Vietnam in the 1960s to the Middle East and North Africa since then, and now prepare for the ultimate conflict, against China. Today, Japan is seen by some as being again in a "pre-war" phase.

However, the San Francisco system was predicated on a unipolar US-dominated global system, such as has long ceased to exist. The incongruity is plain. Yet if there is an underlying keynote to US policy, it would be that China's rise must be stopped, or even reversed.

The US has to be the primary power. Its "grand strategy," since its founding, has been to acquire and maintain preeminent power over any rivals, anywhere in the world.<sup>8</sup> Its "National Security Doctrine" from 2017 insists on global "full-spectrum [land, sea, air, space] dominance." But its global footprint has steadily shrunk, and the sometime scion of the free and democratic world morphed gradually into a lawless or outlaw state. As renowned British literary figure, Harold Pinter, put it in accepting the 2005 Nobel Prize,

"The United States supported and in many cases engendered every right-wing military dictatorship in the world after the end of the Second World War. I refer to Indonesia, Greece, Uruguay, Brazil, Paraguay, Haiti, Turkey, the Philippines, Guatemala, El

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<sup>3</sup> Terashima Jitsuro, "Noryoku no ressun," No 258, "Nijuichi seiki, miraizu no Nihon saisei e no kozo," *Sekai*, December 2023, pp. 125-130

<sup>4</sup> CIA, *World Factbook*, 2023.

<sup>5</sup> Terashima Jitsuro, "Noryoku no ressun," No 192, "Chugoku no kyodaika kyokenka o seishi suru, Nihon no kakugo," *Sekai*, April 2018, pp. 42-47 at p. 42. .

<sup>6</sup> Australian government estimates, see Hugh White, "Sleepwalk to war: Australia's unthinking alliance with America," *Quarterly Essay*, No. 86, 2022, p. 62.

<sup>7</sup> Minutes, Dulles Mission Staff Meeting, 26 January 1951, Department of State, *Foreign Relations of the United States*, 1951, vol. 6, p. 812.

<sup>8</sup> For one statement of this principle, Robert A. Blackwill and Ashley J. Tellis, "Revising U.S. Grand Strategy towards China," Council on Foreign Relations, Special Report No 72, March 2015, p. 3, 19.



Salvador, and of course Chile ... [to which list must now be added, at least, Iraq, Afghanistan, Yemen, Syria] the crimes of the United States have been systematic, constant, vicious, remorseless...”<sup>9</sup>

Furthermore, the US alone can ignore or defy international law and the United Nations, scrapping major multilateral or treaty commitments such as the Paris Accord on Climate Change, the Trans-Pacific Partnership (TPP) trade agreement, the Treaty of Rome (1999) and the International Criminal Court, the Joint Comprehensive Plan of Action (JCPOA) Iran nuclear deal and the INF intermediate range missile agreement, while stepping up nuclear weapon development.

Retiring in 2023 from 20 years as president of the prestigious Council on Foreign Relations, Richard Haass saw “the most serious danger to the security of the world” as none other than the United States. “It’s us,” he said.<sup>10</sup> Today, as we speak, the US is complicit in what looks increasingly like the “crime of crimes,” genocide, by Israel against the people of Palestine.<sup>11</sup>

Meanwhile, China is seen as challenge, or threat, that must be put down. As the walls of containment designed to accomplish that goal grow higher, so the tighter does it insist on enveloping its San Francisco camp dependent states into containment (potentially rollback) roles. The insistence on US global hegemony and determination to put China down was of course counter to the principles of the United Nations;<sup>12</sup> strictly speaking, illegal. Still, Japan today (and other dependent states) swallows pride and principle and prepares for a potentially catastrophic military clash with China, in effect entrusting its national destiny to The Pentagon.

Apart from the US military chain of bases strung out along the Japanese archipelago, especially Okinawa, over time Japan’s own armed forces grew to be larger than those of the UK, Germany, or France, while it also subsidized the Pentagon and its war machine to the tune of multi-billions of dollars each year.<sup>13</sup> Despite its constitutional commitment to pacifism, Japan came to be a major military power, possessing latest generation fighter aircraft, battleships and submarines, even an aircraft carrier, and cooperating not only in “conventional” US military programs but also in those designed to establish hegemonic control over space and cyber-space.

This process of militarising Japan gathers pace. Kishida Fumio’s government in 2022 legislated to *double* defence expenditure to the (nominal) NATO level of 2 per cent of GDP. It is to spend 43 trillion yen (\$330 billion) on its military over the five years to 2027. It would thereby become world No 3 military power (after only the US and China).

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<sup>9</sup> Harold Pinter – Nobel Lecture. 7 December 2005.

<https://www.nobelprize.org/prizes/literature/2005/pinter/lecture/>

<sup>10</sup> Peter Baker, “To foreign policy veteran, the real danger is at home,” *New York Times*, 1 July 2023.

<https://www.nytimes.com/2023/07/01/us/politics/richard-haass-biden-trump-foreign-policy.html/>

<sup>11</sup> Complicity in genocide is proscribed under Article 3 of the 1948 (1951) Genocide Convention.

<sup>12</sup> Jeffrey Sachs, for one, points this out. (“The need for a new US foreign policy,” *The New World Economy*, 13 April 2023. <https://www.jeffsachs.org/newspaper-articles/the-need-for-a-new-us-foreign-policy/>) bvv

<sup>13</sup> For details, Gavan McCormack, *The State of the Japanese State: Contested Identity, Direction and Role*, Folkstone, Kent, Renaissance Press, 2018.

The shift in relative weight vis-à-vis the US and China disturbs and challenges Japan. Following San Francisco, successive governments accepted the status of subordinate/protectorate and/or national division. Okinawa at the time of San Francisco was a spoil of war, occupied and controlled by the US military and not returned to Japan for the next two decades and then within the frame of an American military colony. Ever since that *faux* reversion Okinawans have struggled against the militarized and colonial status assigned their islands.

So, 72 years after San Francisco, it is astonishing that a design to preserve US hegemony as it was in the 1950s – should still be in place. The incongruity is plain. The system is ripe for comprehensive rejigging.<sup>14</sup> But is it happening?

## 2. Client States

From 2006, I have been employing the “client state” (*zokkoku*) concept to understand Japan.<sup>15</sup> By “client state” I mean one that adopts a posture of structured submissiveness [to the United States], one that *chooses* servitude.<sup>16</sup> For Japan alliance with the US has *de facto* priority over the constitution and the US military presence in Japan (especially Okinawa) is absolutely privileged.

Post-1945 leaders from Hirohito (emperor 1926-1989) to the three successive 21<sup>st</sup> century Prime Ministers, Abe (2006-7 and 2012-2020), Suga Yoshihide (2020-2021) and Kishida Fumio (2021-) fudged national sovereignty by adopting submission to the United States as core national policy. Submission to the global super-power sat uneasily with Japanese pride but made some sense on the assumption that the US global dominance of 1951 would continue, and that the US would maintain a benevolent disposition towards Japan.

Being only semi-sovereign, the number one priority of national policy is to follow the United States, at whatever the cost. The country therefore rests on unstable foundations and heads in an un- or anti-democratic direction. This structural deformity, commonly neglected in the Western literature or media reporting on Japan, is at odds with the image presented by Japan’s leaders to multiple audiences, including the United Nations and the US Congress, of a democratic, law-governed, constitutional state. Not coincidentally, Japan’s militarisation exacts a growing price on the rest of the economy. National debt, at more than twice GDP, is far and away world No 1. Henceforth, taxes must be raised, and health, education and welfare budgets cut to cover the costs of militarization.

US “client states” (Japan and Australia prominent among them) are at least morally responsible for multiple wars, 11 since 2000 (one every two years and commonly without UN authorization),<sup>17</sup> and crimes (including torture and assassination) for which the US itself refuses to be held responsible. US client states stand with, and support, the arch-criminal United States.

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<sup>14</sup> Gavan McCormack, “Japan, Australia, and the rejigging of Asia-Pacific alliances,” *The Asia-Pacific Journal – Japan Focus*, 15 November 2021. <https://apjif.org/2020/22/McCormack.html/>

<sup>15</sup> *Client State: Japan in the American Embrace*, London and New York, Verso, 2006 (Japanese Korean, and Chinese editions in 2007/2008); *The State of the Japanese State: Contested Identity, Direction and Role*, Folkestone, Kent: Renaissance Books, 2018.

<sup>16</sup> Nishitani Osamu, “Jihatsuteki reiju o koeyo – jiritsuteki seiji no ippo,” *Sekai*, February 2010, pp. 126.

<sup>17</sup> Joseph Camilleri, “Australia adrift and a foreign minister all at sea,” *Pearls and Irritations*, 20 April 2023. <https://johnmenadue.com/australia-adrift-and-a-foreign-minister-all-at-sea/>

Within a burgeoning Japanese dystopian literature there is a significant stream that adopts the Client State (*zokkoku*) category to refer to Japan. Subsequent to my 2006 book (which I revisited in 2018)<sup>18</sup> others have employed a similar framework, with works by Nishitani Osamu (2010)<sup>19</sup>, Magosaki Ukeru (2012),<sup>20</sup> Shirai Satoshi and Uchida Tatsuru (2016),<sup>21</sup> Shirai Satoshi (2018),<sup>22</sup> Nakano Koichi (2018),<sup>23</sup> Koseki Shoichi (2020),<sup>24</sup> and Matsuda Takeshi (2022).<sup>25</sup> Such terms, and such a way of thinking of Japan, no longer shock.

Prominent public intellectuals refer to contemporary Japan as an “extreme rightist” country,<sup>26</sup> subject to a “fascism of indifference” in which the Japanese voters are like frogs in slowly heating fascist water,<sup>27</sup> no longer law-governed or democratic but moving towards becoming “a dark society and a fascist state,”<sup>28</sup> where a “fundamental corruption of politics” spreads through every nook and cranny of Japanese society,<sup>29</sup> as it begins the “steep decline towards civilizational collapse.”<sup>30</sup> One scholar argues that there is a close correlation between the emperor-centred *Kokutai* or national polity of pre-war (fascist) Japan and today’s US-dominated Japan, both polities absolutist and in time becoming exhausted, plunging Japan into existential crisis.<sup>31</sup> Former diplomat Amaki Naoto sees the country as being in the grasp of a cabal of US neocons.<sup>32</sup> Critic Aoki Osamu, even more savagely, refers to Japan’s leaders as sticking to their US masters like a trail of faeces behind a goldfish.<sup>33</sup>

The Client State phenomenon is not confined to Japan. Australia likewise fits the bill,<sup>34</sup> probably the UK likewise.<sup>35</sup> Both Russia and China have their own dependent ring of satellite

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<sup>18</sup> McCormack, *The State of the Japanese State*, op. cit.

<sup>19</sup> Nishitani, op. cit.

<sup>20</sup> Magosaki Ukeru, *Sengoshi no shotai, 1945-2012*, Sogensha, 2012.

<sup>21</sup> Uchida Tatsuru and Shirai Satoshi, *Zokkoku minshushugi, Zokkoku minshushugi* (Client State Democracy), Tokyo, Toyo keizai, 2016.

<sup>22</sup> Shirai Satoshi, *Kokutai-ron – Kiku to seijoki*, Tokyo, Shueisha shinsho, 2018. And for a short statement of his thesis, “Okinawa to kokutai,” *Days Japan*, vol. 15, No. 10, October 2018, pp. 4-11.

<sup>23</sup> Nakano refers to Japan’s as an “appropriated” (or “privatised” *shibutsuka*) state, *Shibutsuka sareru kokka: Shihai to fukuju no Nihon seiji*, Kadokawa, 2018.

<sup>24</sup> Koseki Shoichi, *Taibei juzoku no kozo*, Misuzu, 2020.

<sup>25</sup> Matsuda Takeshi, *Jihatsuteki reiju no Nichibei kankeishi*, Iwanami, 2022.

<sup>26</sup> Takahashi Tetsuya [Tokyo University philosopher], “Kyokuu ka suru seiji,” *Sekai*, January 2015, pp. 150-161.

<sup>27</sup> Soda Kazuhiro [film-maker and journalist], *Nekkyo-naki fuashizumu – Nippon no mukanshin o kansatsu suru*, Kawade shobo shinsha, 2014. Also, “Nekkyo-naki fuashizumu e no shohosen,” *Sekai*, February 2015, pp 81-95, at p. 89.

<sup>28</sup> Kimura Akira [Kagoshima University], “Hatoyama seiken hokai to Higashi Ajia kyodotai koso – atarashii Ajia gaiko to ampo, kichi seisaku o chushin ni,” in Kimura Akira and Shindo Eiichi, *Okinawa jiritsu to Higashi Ajia kyodotai*, Kadensha, 2016, pp. 202-230, at p. 230.

<sup>29</sup> Yamaguchi Izumi [author], “Matsurowanu kuni kara no tegami,” *Ryukyu shimpo*, 21 October 2016.

<sup>30</sup> Yamaguchi Jiro [Hosei University], “Bunmei no owari?” *Tokyo shimbun*, 22 May 2016.

<sup>31</sup> Shirai Satoshi [Kyoto Seika University], *Kokutairon – Kiku to Seijoki*, Tokyo: Shueisha shinsho (2018).

<sup>32</sup> Amaki Naoto, “Amaki Naoto no meru magajin,” 13 November 2023.

<sup>33</sup> Aoki Osamu, TBS “Sande moningu,” 19 November 2023.

<sup>34</sup> One former Prime Minister (1975-1983) who in retirement became deeply concerned at Australian dependence on the US was Malcolm Fraser, *Dangerous Allies*, Melbourne University Press, 2014. Malaysia leader Mahathir Mohammed was blunt: “Malaysian labels Australia a US puppet,” ABC (Australia) News, 16 October 2003. <https://www.abc.net.au/news/2003-10-17/malaysian-labels-australia-a-us-puppet/1494508/>

<sup>35</sup> David Leigh and Richard Norton-Taylor, “We are now a ‘client state’,” *The Guardian*, 17 July 2003, <https://www.theguardian.com/politics/2003/jul/17/usa.world/> and Seumas Milne, “70 years of foreign

states that function in similar way, mirroring the San Francisco states, and French president Emmanuel Macron's recent call for Europe to assert its strategic autonomy and avoid becoming a "vassal" in the confrontation between US and China showed that he thought of clientelism in like terms (but as something to be avoided at all cost).<sup>36</sup>

As for Korea, like Japan its basic institutions were set in place to serve US interest at a time when they both were occupied by US forces. While the defeated enemy, Japan, was treated to a soft peace and granted a privileged position as US subordinate within the San Francisco Treaty system, Korea, the former Japanese colony, was no sooner "liberated" than divided and subjected to harsh suppression of its incipient democratic movement. While Japan thereafter gradually deepened its character as a client state, South Korea as divided state went through successive mass uprisings, in 1960, 1980, 1987, and 2016-7, rejecting military dictatorships imposed and maintained by the US (and aided by Japan) for four and a half decades, culminating with the democratic mass movement known as the "candlelight revolution" of 2016-17).<sup>37</sup>

Consent on the part of its "clients" to US regional and global policy and strategic direction within the San Francisco framework was *sine qua non* to US action, including its successive wars, "Client States" were complicit states.

### 3. Beyond Clientelism?

Since the end of the Cold War, an awareness has spread in Japan on the part of both "conservatives" and "progressives," and much of civil society, that it is inappropriate for Japan, as a democracy and great economic power to remain locked in servility to its erstwhile conqueror and occupier, that it is time to move from subservience to autonomy.<sup>38</sup>

Clientelism in Japan is not uncontested. Its most committed proponents, such as former Prime Minister Abe Shinzo (2006-7, 2012-20) well illustrate the phenomenon and its inherent contradictions. First seated in the Diet in 1993, just after the "end" of the Cold War, Abe began to call for an end to the "post-war regime" and for fundamental revision of the US-imposed post-war system. What Shintoist proponents of the "beautiful" or "new" Japan, Abe prominent among them, found most offensive about the post-war Japanese state was its democratic, citizen-based, anti-militarist qualities and its admission of responsibility for war and crimes of war by the pre-war and wartime state. Shinto-ists cannot tolerate the stain on Japanese history of crimes such as the mass abduction and rape of women throughout Asia, the so-called "comfort women" system, in the 1930s and 1940s.

Critical of the post-war state's liberal democracy, Abe preferred instead a blend of neo-nationalism, historical revisionism, and neo-Shinto, rooted in the *kokutai* or national polity of pre-war and wartime Japan (though preferring to call it *kunigara*). He imagined Japan, beneath the emperor, as a unique, superior, "beautiful country."

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troops? We should close the bases," *The Guardian*, 23 January 2014.

<https://www.theguardian.com/commentisfree/2014/jan/23/seventy-years-time-close-us-bases/>

<sup>36</sup> "Macron sparks anger by saying Europe should not be 'vassal' in US-China clash," *The Guardian*, 10 April 2023.

<sup>37</sup> Paik Nak-chung, "South Korea's candlelight revolution and the future of the Korean peninsula," *The Asia-Pacific Journal – Japan Focus*, 1 December 2018. See also Kim Ho-gi, "Kankoku ni rosoku kakumei o rekishi ni ijizukeru," *Sekai*, February 2019, pp. 150-156.

<sup>38</sup> See my "Zokkoku-ron maku 2," in Kimura Akira, ed., *Okinawa kara tou higashi Ajia kyodotai – gunji no kaname kara heiwa no kaname e*, Kadensha, 2019, pp. 144-163.

When, in his first term of office, he spoke of “taking Japan back” (*Nihon o torimodosu*) or when he denied or equivocated about war responsibility, Comfort Women and Nanjing, and insisted on rewriting Japanese history to make people proud, he appears to have believed it possible to “cast off” post-war strictures and become a “normal” state (with a fresh constitution and unshackled armed forces) while yet somehow continuing Japan’s “client state” relationship to the United States.

Nationalism, however, may not be simultaneously affirmed and negated.

Whether or not he was conscious of the contradiction, Abe’s early agenda was at odds with that of Washington’s “Japan handlers” (as they came to be known). For them, Japan’s submission outweighed all else. In his later career Abe tailored his message more carefully to US admonition. He *wished* for a pristine, independent Japan but came to realize in his first term as Prime Minister (2006-7) that the United States would not permit it. There was no alternative to clientelism.

Because it did not make sense to think, like Abe, of liquidating the post-war, American-granted regime and comprehensively revising the constitution to reflect the Shintoist, “beautiful,” “new” and emperor-centred Japan while also declaring unqualified support (“100% *shiji*”) for the Trump (or Biden) “America First” agenda, during the years of government that remained Abe abandoned his radical constitutional agenda and neo-nationalist principles to perform a purer form of submission. He concentrated instead on widening state prerogatives, circumscribing citizen rights, and reinforcing national security. The sometime nationalist fire-brand intent on remaking the state in accord with a grand post-Cold War, post-servile programme morphed during his later years in office into a faithful servant of the US cause.

If Abe’s early post-Cold War project to equivocate the Client State was a reordering from the right, significant challenges also arose from the left (or centre-left). The Hosokawa Morihiro government of 1993-4, and the Hatoyama Yukio government of 2009-2010 were part of the quest for a Japan-US relationship based on equality and a shift in the country’s axis from US-centred uni-polarism towards multi-polarism.

Washington’s response to such challenges, from left and right, was unequivocally negative. In a 1995 Centre for Strategic and International Studies (CSIS) report, commonly known after its primary author (Joseph Nye) as the “Nye Report,” it spelled out the principles appropriate to a Japanese client state. Any diminution of US military hegemony was unthinkable since East Asian security depended on the “oxygen” of US military presence and therefore on preservation of the bases, retaining 100,000 US soldiers in Japan and Korea. It meant denial of full sovereignty to both East Asian countries. The essence of the San Francisco system as redefined by Nye and Armitage was that the US retained the right to dictate policy.

CSIS followed that 1995 report by others in 2000, 2007, 2012, and 2018, on the US-Japan relationship and the stance required of Japan,<sup>39</sup> spelling out the legal and institutional reforms

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<sup>39</sup> Richard L. Armitage and Joseph S. Nye, eds, “More Important than Ever: Renewing the US-Japan Alliance for the 21<sup>st</sup> Century,” Washington, CSIS, October 2018, <https://www.csis.org/analysis/more-important-ever/>

required to reinforce the Alliance and consolidate Japan's servility. I know of no parallel in inter-state relations of such a determined charter of submission periodically proclaimed by one state to another.

The third in this series of "Reports" (actually statements of demand rather than reports) was issued in 2012 just months before Abe's return to office. It cautioned Japan to think carefully as to whether or not it wanted to remain a "tier-one" nation. By that it meant was Japan ready to do what was required of it by the US, to "stand shoulder-to-shoulder," send naval groups to the Persian Gulf and the South China Sea, relax its restrictions on arms exports, increase its defence budget and military personnel numbers, maintain/increase its annual subsidy to the Pentagon, press ahead with construction of new base facilities in Okinawa, Guam, and the Mariana Islands, and revise either its constitution or the way it is interpreted so as to facilitate "collective self-defence." If Japan balked at any of this, Washington intimated, it would simply slide into "tier-two" status, and that, clearly, would be beneath contempt.

Abe did not balk. Following his December 2012 electoral triumph, he hastened to Washington to assure the CSIS "Japan handlers" that he and his government would do as they were told. Thereafter, Japan's defence expenditure rose steadily, the ban on arms exports was relaxed and major security and secrecy legislation adopted making it possible to despatch the Self-Defense Forces to aid the United States or other friendly nations in case of an armed attack against them, even if not itself directly under attack. Thus, Abe's signature cause of constitutional revision, often viewed as a mark of his nationalism, was actually the opposite: a policy of servility demanded by Japan's American masters.

On 28 May 2019, as the culmination of President Donald Trump's four-day visit to Japan, Trump and Abe stood on the deck of the Japanese helicopter carrier, Kaga, to declare the alliance "more robust than ever." It was in essence an act of ritual submission by Japan's government and armed forces to their American Commander-in-Chief, calling to mind the "other" Japanese surrender, 74 years earlier, on the US Battleship Missouri. The country's constitutional scholars overwhelmingly declared the 2015 security bills unconstitutional.<sup>40</sup>

During the years of his government that followed, Abe abandoned his radical constitutional agenda and neo-nationalist principles. No more did he talk of "taking Japan back" or of "going beyond the post-war system." Instead, he deepened Japan's submission, adopting a revised form of clientelism (Clientelism Mark 2). His popularity in the US rose steadily.

Any "beyond clientelism" agenda for Japan will have to wait for a future Prime Minister prepared to take the risk of dissenting from the US and articulating a "Japanese" (rather than American) national interest.

#### **4. League of Clients – Quad and AUKUS**

From around the turn of century, Japan and Australia became the US's pre-eminent client states. Australia cooperated with Japan in UN Peacekeeping operations in Cambodia and East Timor in the 1990s and in in the 2000s the Australian Navy and the Japanese Maritime Self

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<sup>40</sup> *Asahi shimbun* on 11 July reported that 104 of 122 constitutional scholars saw the Abe security legislation package as unconstitutional, while just two defended it. ("Ampo hoan 'iken' 104 nin, 'goken' futari kempogakusha tachi ra," *Asahi shimbun*, 11 July 2015. <https://www.asahi.com/articles/ASH797JM79ULZU01W.html>)

Defense Forces (MSDF) cooperated in US-led South China Sea and Persian Gulf patrols, while the Australian Air Force cooperated with the USAF out of Kadena base in Okinawa on so-called “UN-patrols” to enforce UN-imposed sanctions on North Korea.<sup>41</sup>

In March of 2007 Australian Prime Minister John Howard signed with his Japanese counterpart (Abe Shinzo) a “Joint Declaration on Security Cooperation” that endorsed their shared “democratic values, a commitment to human rights, freedom and the rule of law.”<sup>42</sup> Abe adopted with enthusiasm the idea of an Asia-Pacific Democratic League or “Strategic Dialogue” in which India too would be included. Although he proclaimed that vision before the Indian parliament in August 2007,<sup>43</sup> it was to take another decade to come to fruition. Meanwhile Australia’s Tony Abbott (Prime Minister 2013-2015) and Japan’s Abe Shinzo (Prime Minister 2006-7, 2012-20) in 2014 elevated the bilateral relationship to the unique category of “special strategic partnership” (a hair’s breadth short of full alliance).

Turning a blind eye to the US’s violent, lawless, and war-addicted character, Australia and Japan, as US “allies” (read: client states) would join it in an “Arc of Freedom and Prosperity,” dealing with challenges to US hegemony in the Asia-Pacific region and encircling and constraining China.

The loose 2007 grouping inclusive of India took time to take shape, not till 2019 becoming a “quadrilateral [US-Japan-Australia-India] security dialogue.” US Secretary of State Mike Pompeo confirmed the US intent to consolidate the Quad into “a true security framework.” The Quad would be a struggle against the Chinese Communist Party’s “exploitation, corruption, and coercion ... in the south, in the East China Sea, the Mekong, the Himalayas, the Taiwan straits.”<sup>44</sup> It would be a struggle “for the soul of the world,” no less.<sup>45</sup> An expanded “Quad-plus” grouping soon came to include a second tier of countries such as (from March 2000) South Korea, New Zealand, and Vietnam, an even, from May 2021 Brazil and Israel.<sup>46</sup>

A (potentially) momentous alliance was thus negotiated at a high state level with zero participation on the part of the people who stood to be affected by it. The exclusive bilateral US security relationships in the Asia-Pacific that had existed since the San Francisco Treaty settlement of 1951 (and the US-Australia ANZUS of the same year) and through the Cold War were thus renegotiated and transformed into a multinational alliance system. Australia and Japan (along with South Korea and New Zealand) both well-established NATO

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<sup>41</sup> “Monitoring and surveillance activities by Australia against illicit maritime activities including ship-to-ship transfers,” Department of Foreign Affairs, 17 September 2020.

[https://www.mofa.go.jp/press/release/press4e\\_002905.html/](https://www.mofa.go.jp/press/release/press4e_002905.html/)

<sup>42</sup> “Australia-Japan Joint Declaration on Security Cooperation,” Australian Government, Department of Foreign Affairs and Trade, 13 March 2007, [http://www.dfat.gov.au/geo/japan/aus\\_jap\\_securitydec.html/](http://www.dfat.gov.au/geo/japan/aus_jap_securitydec.html/)

<sup>43</sup> Shinzo Abe, “Confluence of the Two Seas,” speech to the parliament of the Republic of India, 22 August 2007. <https://www.mofa.go.jp/region/asia-paci/pmv0708/speech-2.html/>

<sup>44</sup> Kyodo, “‘Quad’ nations vow to step up coordination for free and open Indo-Pacific,” <https://www.japantimes.co.jp/news/2020/10/06/national/politics-diplomacy/quad-free-open-indo-pacific-china/>

<sup>45</sup> Ibid.

<sup>46</sup> Wikipedia, “Quadrilateral Security Dialogue,” [https://en.wikipedia.org/wiki/Quadrilateral\\_security\\_dialogue/](https://en.wikipedia.org/wiki/Quadrilateral_security_dialogue/)

“partners” (implicitly accepting its nuclear character) and from 2022 participants in annual NATO Conferences.

Former Australian Prime Minister, Paul Keating (1991-1996) spoke sarcastically of Australia’s role in the Quad as one of “a reliable bunch of Deputy Sheriffs, Japan, Korea, Australia and India” that would “contain” China and keep it in its place.”<sup>47</sup>

Military planning and coordination and regular war “games” became common. From 2016 the US Marine Corps rotated its Pacific forces through northern Australia on a regular basis, effectively adding Darwin to its global empire of bases, a mini-Okinawa (minus a pesky anti-base movement). From 2023, Tindal, near Darwin in Australia’s Northern Territory, was to become host to a squadron of nuclear-capable B-52 bombers, ready, if required, to take off for China. In 2019 Australian Air Force crews cooperated in combat drill exercises with Japan’s Self Defense Forces in northern Hokkaido.<sup>48</sup> In 2023, Japan’s F-35s were deployed to Australia and Australia’s F-35s to Japan.<sup>49</sup> Under the “Japan-Australia Reciprocal Access Agreement (RAA) the two forces were slowly merging, Command Center for both was the Pentagon.

Japan, Australia and India were thus assigned (and claimed) a key role in a NATO-esque military alliance designed to shore up US hegemony in the Asia-Pacific.<sup>50</sup> Rather than the pacifist Japan of its constitution, Australia clearly preferred a fully “normalized” military great power Japan. Together, Canberra and Tokyo would promote the “rules-based international order,” serving the US alliance and multinational, China-containing coalitions. As for Japan, while proclaiming democracy, human rights, and rule of law as values supposedly shared with the US, Australia, and India, the Japanese governments of Abe, Suga and Kishida were simultaneously committed to revision of the basic instruments (including the “peace” constitution) that underpinned those same principles.

Paralleling the Quad, late in 2021 AUKUS (the Australia-UK-US Trilateral Security Partnership) emerged.<sup>51</sup> It was a strictly “white” grouping that spanned the world’s oceans and promised merger of Australian military with the global projection capacities of the UK and US. Australia would pay a humungous sum (at least \$A368 billion) for eight nuclear-powered submarines. Most would be second-hand US “Virginia” models but at least one was

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<sup>47</sup> “AUKUS Statement by PJ Keating,” National Pres Club, 15 March 2023.

<https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/13/fact-sheet-trilateral-Australia-Uk-US-partnership-on-nuclear-powered-submarines/>

<sup>48</sup> “Japan’s first air combat drills with Australia contribute to peace, says Defense Minister Taro Kono,” *Japan Times*, 25 September 2019, <https://www.japantimes.co.jp/news/2019/09/25/national/japan-says-first-air-combat-drill-australia-contributes-peace/#.XZFcd4VOKUI>  
<https://www.stripes.com/news/surveillance-planes-from-australia-and-new-zealand-to-help-enforce-n-korea-sanctions-1.546371/>).

<sup>49</sup> Government of Australia, Ministry of Defence, “Australia and Japan deepen defence ties,” 14 August 2023. <https://www.minister.defence.gov.au/media-releases/2023-08-14/australia-and-japan-deepen-defence-ties/>

<sup>50</sup> Emma Chanlett-Avery, Caitlin Campbell, and Joshua A. Williams, “The US-Japan Alliance,” Congressional Research Service (CRS), June 13, 2019, CRS RL33740, p., 17

<sup>51</sup> For an official three-sided Statement as of 13 March 2023, “FACT SHEET: Trilateral Australia-UK-US Partnership on Nuclear-Powered Submarines,” <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/13/fact-sheet-trilateral-australia-uk-us-partnership-on-nuclear-powered-submarines/>



to be newly built to a design that is yet to be drawn and will most likely not be ready for delivery till the late 2030s at the earliest.

## Okinawa and the East China Sea

As the US-led agenda of China containment gathered momentum, over and under the East China Sea battleships and aircraft carriers, missile and counter-missile systems, fighter jets and submarines – not only Japanese and American but also British, French, Australian, Canadian, German – proliferate and rehearse a possible future war between a US-led coalition of the willing and China.

The tempo of militarization in and around the East China Sea quickened and the loosely-knit San Francisco frame was gradually tightened and shaped by US direction around hostility to China. Far from there being any transcendence of the San Francisco frame, its basic principle of US hegemony was refined and concentrated. Servility to the US was the deepest value of both countries and obstacle to any democratic kind of regional alliance re-organization. The Quad (from 2020) and AUKUS (from 2021) were markers of this new phase, and the Camp David Declaration (2023) a statement of common purpose.<sup>52</sup> China must be brought down, its wings clipped, the US believe. When or if the need arises, Chinese forces can be “bottled up” and denied access or egress to or from the Pacific Ocean by militarising the chain of Japan’s Southwest frontier islands, strung like a giant maritime great wall along the East China Sea from Kagoshima City (Kyushu) to Taiwan via Mage, Amami, Okinawa, Miyako, Ishigaki, and Yonaguni Islands. Over the past decade, therefore, Japan has steadily expanded its military (Self Defence Force) presence on these less-known islands, deploying missile and counter-missile units in a series of new or under construction bases, decisively changing the character of the island chain.

Mage Island may be seen as key to the overall project. Construction of this unprecedented facility, projected to take four years, commenced in January 2023.<sup>53</sup> It is to accommodate all three of Japan’s military (Ground, Sea and Air Self Defence Forces) together with unspecified numbers of their US counterparts, the sharing arrangement ensuring ultimate Pentagon coordination, control, and command of Japanese military operations throughout the adjacent seas.

For Washington and Tokyo, the key *raison d’être* for these Okinawa islands has to be as a joint US-Japan bastion projecting force where required for the regional and global hegemonic project, ultimately for “containing” China and addressing any “Taiwan Contingency” or war over Taiwan. The Government of Japan has attached increasing importance over the past decade to constructing and manning Self-Defence Force installations (basically missile and anti-missile and intelligence gathering electronics), on the Southwestern Islands.<sup>54</sup> Should

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<sup>52</sup> The White House, The Spirit of Camp David: Joint Statement of Japan, the Republic of Korea, and the United States,” 18 August 2023, <https://www.whitehouse.gov/briefing-room/statements-releases/2023/08/18/the-spirit-of-camp-david-joint-statement-of-japan-the-republic-of-korea-and-the-united-states/>

<sup>53</sup> For background and early stages of this project, Gavan McCormack, *The State of the Japanese State*, pp. 155-157.

<sup>54</sup> Gavan McCormack, “Japan on the path to becoming a military great(er) power,” *Pearls and Irritations* (John Menadue’s Public Policy Journal), 24 April 2023, <https://johnmenadue.com/japan-on-the-path-to-becoming-a-military-greater-power/>

circumstances require it, these missiles (fighters, submarines, etc) would be called on to cooperate with US Airforce and Marine units from Okinawa main-island in blocking Chinese naval entry or egress to the Pacific via the international waters of Miyako Strait (between Okinawa Island and Miyako Island). That of course would be an act of war.

Missile and anti-missile units are now being rushed to the chain of Southwest islands, including 400 “off the shelf” Tomahawk Land Attack Missiles (capable of attack on targets within 1,500-kilometre radius (including major centres in Russia, China, and North Korea) for which Japan suddenly placed an order late in 2022. Far from offering reassurance to people living on these islands, however, they promise inclusion on potential target lists on the other side of the East China Sea.

As this war preparedness proceeds, it pays to recall the early years of US occupation when, under complete US military control, up to 1,300 nuclear weapons were stored in Okinawa and other US bases and Pentagon planners contemplated scenarios involving the destruction of *all* major cities in the then Soviet Union and China, killing around 600 million people (sic) and very possibly bringing human civilization itself to an end.<sup>55</sup>

While Prime Minister Abe insisted that Japan was a country governed by law, the militarisation of these islands that his government was enforcing was a trampling on law and constitution. Okinawan Governor Onaga Takeshi (in office 2014-2018) was acclaimed by Okinawans when he berated the national government as “condescending,” “outrageous,” “childish,” “depraved,” [*rifujin, otonagenai, daraku shita*] and “ignoring the people’s will.”<sup>56</sup>

The long-sustained Okinawan anti-base struggle is at the forefront of the global movement for a non-war future. If a peaceful East Asian community of nations is to be constructed, certain it is that Okinawa will be its centre, and if it cannot be constructed, Okinawa, together with much of the world, is doomed.

Okinawa has to find a path from its Cold War role as “keystone” in US military strategy to “bridge stone” linking Japan and its neighbours. In place of the role assigned Okinawa under successive national defence plans since 2010 calling for steady military build-up and confrontation with China, Okinawans therefore talk of an Okinawa-centered demilitarized “livelihood zone,” of “a space for co-existence, co-living by Japan, China and Taiwan, and a symbol of goodwill.” They would turn Okinawa itself into a “peace hub for Asia,”<sup>57</sup> extending the Okinawan principle of grassroots democracy so as to negotiate a new kind of future for the East China Sea communities.

## 5. Korea North

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<sup>55</sup> Daniel Ellsberg, *The Doomsday Machine: Confessions of a nuclear war planner*, London, Bloomsbury Publications, 2017, and Ellsberg in conversation with Peter Hannam, “Setting the world alight,” *Sydney Morning Herald*, 9 March 2018.

<sup>56</sup> For sources, Gavan McCormack and Satoko Norimatsu, *Resistant Islands: Okinawa Confronts Japan and the United States*, 2012, pp. 278-9. (Japanese, Korean, and Chinese translations of this book in 2013, 2014, and 2015 respectively).

<sup>57</sup> “Urgent Appeal: To Transform Senkaku islands into a Shared Livelihood Zone for Japan, China, and Taiwan,” by the Okinawa-based “Committee of One Hundred,” 10 January 2013, see <http://peacephilosophy.blogspot.ca/2013/02/an-urgent-appealfrom-Okinawa-to-turn.html/>

North Korea, not represented at San Francisco, has for 70 years been the “other” to the US and its San Francisco allies.<sup>58</sup> For 70 years peace on the peninsula has rested on the fragile ceasefire of 1953.

For any resolution of the “Korean problem” (division), the UN will have to play a role. As an organization it bears a peculiar responsibility for creating the problem in the first place, by dividing the country and establishing an anti-communist bastion in the south in 1947-48,<sup>59</sup> and then by going to war against North Korea in 1950 (entrusting military and political control to the United States), allowing the slaughter of 100,000 people by “our” (i.e., US, South Korean and other) forces under the UN flag just in the first year of war, and many other victims of incidents likely constituting war crimes.<sup>60</sup> Some of the most horrendous incidents of massacre, which were then simply blamed on the “communists,” were revealed much later to have been committed by forces on the UN side.<sup>61</sup> Carpet bombing and the destruction of the infrastructure of daily life, including dams, dykes and power stations, were all evident war crimes. Then, after the war and in breach of the Armistice agreement, the US refused to engage in peace talks and (1958) introduced nuclear weapons to South Korea in an attempt to intimidate and compel North Korea to submit. Thereafter, the US refused to take seriously its obligations under the Non-Proliferation Treaty of 1968 to “negotiate in good faith to achieve a precise result – nuclear disarmament in all its aspects,” and included North Korea on its nuclear target list, also in breach of the Treaty. It persisted in unremitting nuclear intimidation of North Korea thereafter.

The UN has never repeated its Korean experience of waging war, but neither has it ever acknowledged responsibility for war crimes committed both during and after this conflict.

North Korea has been a kind of pariah state for almost the entirety (since 1948) of its existence. It may be the most reviled country in modern history, the ultimate “other” to which the word “evil” has commonly and unquestioningly been applied. Yet for virtually the entire period from San Francisco 1951 to today North Korea has been a nuclear *victim* state (subject to nuclear intimidation). If anything might be calculated to drive a people “mad,” feeding an obsession with security, it would surely be prolonged exposure to existential nuclear threat such as North Korea has faced. But so long as the threat was directed *at* North Korea, not *from* it, the world showed no interest. Only when North Korea succeeded in developing its own deterrent, signalled by a flurry of tests in 2017 (continuing to this day), would the world pay attention.

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<sup>58</sup> For my general perspective, see *Target North Korea: Pushing North Korea to the Brink of Nuclear Catastrophe*, New York and Sydney, 2004, Japanese translation from Heibonsha 2004, Korean translation from Icarus Media 2006. For two more recent essays: “Human rights and humanitarian Intervention: The North Korean Case,” *Journal of Political Criticism* (Seoul: the Korean Association for Political Criticism), Vol. 16, May 2015, pp. 151-171, and “Storm Clouds over Korea,” *Journal of Political Criticism*, Vol. 18, June 2016, pp. 193-200.

<sup>59</sup> The UN could only do this because two countries on the UN Temporary Commission for Korea (UNTCOK), Australia and Canada, reversed their position and bowed to US pressure to endorse separate elections in South Korea. See my *Cold War Hot War – An Australian Perspective on the Korean War*, Sydney, Hale and Iremonger, 1983.

<sup>60</sup> Truth and Reconciliation Commission, Republic of Korea, Comprehensive Report, Vol 1, 2010.

<sup>61</sup> Kim Dong-choon, The Truth and Reconciliation Commission of Korea: Uncovering the hidden history of the Korean War,” *The Asia-Pacific Journal – Japan Focus*, March 1, 2010. <http://apjpf.org/-kim-dong-choon/3314/article.html/> For a full study of these grim events, see Su-Kyoung Hwang, *Korea’s Grievous War*, University of Pennsylvania Press, 2016.

There is a second reason for including this brief reference to Korea. It is because the extraordinary events of 2018 showed a way beyond San Francisco, an alternative future. President Trump, responding to North Korean overtures, began to treat it with respect, endorsing the need for a treaty to end the Korean War. The Koreas of North and South, together with US President Trump, agreed on a shared strategic objective – peace, denuclearization, and comprehensive cooperation for the Koreas. The outcome, ever so briefly, was the spectacle of two Korean leaders chatting in the spring sunshine at Panmunjom, ushering each other back and forth across the line dividing their two zones.<sup>62</sup> Shortly after meeting with Kim Jong-un in Singapore, Trump declared, “We will be stopping the war games, which will save us a tremendous amount of money ... Plus, I think it’s very provocative.”<sup>63</sup> He went on in terms of unusual eloquence:

“The past does not have to define the future. Yesterday’s conflict does not have to be tomorrow’s war. And as history has proven over and over again, adversaries can indeed become friends. We can honor the sacrifice of our forefathers by replacing the horrors of battle with the blessings of peace. And that’s what we’re doing and that’s what we have done.”<sup>64</sup>

Sadly, the blessings of peace were no sooner glimpsed than they disappeared again.

The series of high-level international conferences in 2018 addressing Korean issues demonstrated just how suddenly war preparation could give way to peace cooperation and long-frozen diplomatic logjams break-up. If a peace treaty to end the Korean War can be put onto the bargaining table (as for a time under Trump it was), so can the closure and return of the American bases in Okinawa, and the liquidation of the dominance of Japan and Korea by the United States.<sup>65</sup> Clientelism need not be forever.

While the condition of human rights in North Korea may be deplorable, and the threat of its nuclear and missile systems to the region and the world real and serious, these are essentially the symptoms of the underlying problem: Korean division. World citizens and scholars, and indeed the United Nations, must pay attention to the essential justice of the demand that North Korea makes of the world: for a peace treaty to end the Korean War, the “normalization” of relations with Japan and the United States, and a lifting of the multiple punitive sanctions under which it labours. These are necessary, even urgent, demands. Yet in the three-sided Camp David Declaration of 2023 there was no sign of readiness to meet them. Hostility was palpable, scarcely concealed by the periodic calls by Kishida and Yoon for a summit meeting with North Korean Chair Kim Jong-un.<sup>66</sup>

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<sup>62</sup> President Moon handed Chairman Kim a USB containing multiple plans and suggestions for a united future, something unthinkable at any time in the past seven decades. Equally unthinkable, Kim Jong-un accepted it and it presumably informed subsequent South-North discussions.

<sup>63</sup> Press Conference by President Trump, Singapore, June 12, 2018, <https://www.whitehouse.gov/briefings-statements/press-conference-president-trump/>

<sup>64</sup> For the remarkable you-tube coverage of this speech, 30 September 2018, see <https://www.bing.com/videos/search?q=trump%2c+kim+jong-un%2c+%22love%22&view=detail&mid=2C5079B1CC64334C9DB02C5079B1CC64334C9DB0&FORM=VIRE>

<sup>65</sup> On 1947 and 1995, McCormack and Norimatsu, *Resistant Islands*, pp. 6, 64-5.

<sup>66</sup> See discussion in Wada Haruki, “Normalization of relations between Japan and North Korea: why is it necessary and how could it be accomplished,” translated by Gavan McCormack, unpublished, 2023.

## 6. Conclusion

Though nominally aimed to preserve peace and the “rules-based” international order, the structure of confronting alliances – US-Japan-South Korea versus China-Russia-North Korea – threatens to spiral into conflict, like the early 20<sup>th</sup> century alliances that were supposed to guarantee peace but instead brought Europe to disaster in 1914.

Though the Abe-Suga-Kishida state’s oxymoronic America-First blend of national glory and national abasement has no room for climate change or civilizational sustainability, the likelihood of global warming by at least two, perhaps even three, degrees celsius by the end of the century grows. As the collapse of the ice-sheets gathers momentum, rising sea-levels will come to threaten Japan’s ocean-front cities from Niigata to Naha, and regional waterways to clog with environmental refugees fleeing sinking cities in the great conurbations of Korea and China. The real costs of prolonged abdication and clientelism will then be apparent, missiles, aircraft and submarines a useless irrelevance.

Kishida Fumio, Japan’s fourth Prime Minister of this 21<sup>st</sup> century, now in his third year of office, faces catastrophically slumping poll figures, multiple scandals, and a generally unhappy country. His government’s major commitment is to continue doing whatever is demanded of him by his US superiors. At huge cost (including the literal cost of sinking the country deeper into debt) he will turn the country into the world’s number three military force. He shows no sign of understanding that the deep problem Japan faces is the one held over from San Francisco 72 years ago: to be sovereign or dependent.

Till the early 21<sup>st</sup> century, submission to the global super-power made sense for Japan on the understanding that US global dominance and benevolence towards its clients would continue. As the 21<sup>st</sup> century evolves, that logic no longer held sway. The erratic and war-prone United States is a thin reed upon which for countries such as Japan, Australia, and South Korea to be (as Korea’s Moon Chung-in puts it) “betting the house.”<sup>67</sup>

In Australia, the country’s 7<sup>th</sup> Prime Minister of this century, Anthony Albanese, like Kishida is clear that his government’s number one priority is to serve the US. His commitment to the Quad and AUKUS is absolute. He appears to relish the role that one of his forerunners as Prime Minister had referred to contemptuously as that of [US] “Deputy Sheriff.” Under Albanese, the major state project for his and succeeding governments will be the construction of nuclear-powered submarines, signifying Australian commitment to hostility for the emerging superpower of China through at least mid-21<sup>st</sup> century.

For the Cold War knots tied by the San Francisco settlement around East Asia – especially tightly around the Korean peninsula and the Okinawan archipelago – to be untied, foreign troop occupations will one day have to be ended. Only by doing so can the door be opened to a comprehensive, post-San Francisco Treaty regional order. That will have to be a post-US hegemony order. Only if this happens are the nuclear and climate change challenges with which this paper began likely to be met.

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<sup>67</sup> Moon Chung-in “America: the biggest danger to the security of the world,” Asia-Pacific Leadership Conference, 5 September 2023. [https://www.apln.network/news/member\\_activities/america-the-biggest-danger-to-the-security-of-the-world](https://www.apln.network/news/member_activities/america-the-biggest-danger-to-the-security-of-the-world)



# 东北亚如何超越旧金山体制走向合作发展的 若干思考

一、旧金山体制是东北亚走向合作的重大障碍

二、超越旧金山体制需要统一“三个认知”

三、超越旧金山体制需要东北亚各国的共同努力

武汉大学中国边界与海洋研究院

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## 东北亚如何超越旧金山体制走向合作发展的 若干思考

- 1951年旧金山和约的签订标志着美国主导的旧金山体制的建立。旧金山体制违背了战时盟国大国一致原则的约定，本质上是美国主导的亚洲冷战体制，东北亚则是亚洲冷战的重心。旧金山体制构建已72年了，它的存在严重制约了东北亚各国的合作与发展。对此，早在1951年，中国政府就宣布旧金山和约是非法的、无效的。国际社会的有识之士早已有清醒的认知。换言之，东北亚若要超越旧金山体制，首先要深刻认识其本质，找到根治的良方，才能探索出一条如何摆脱旧金山体制束缚走上合作与发展的新路。

## 一、旧金山体制造成了东北亚合作的“三大障碍”

第一，旧金山体制造成东北亚处于长期分裂对峙状态。美国出于称霸世界的需要，将战时盟国中国、苏联变成敌国，而将战时敌国日本变成了盟国。自此，东北亚地区历史陷入长期分裂对峙状态：隶属社会主义阵营的中国、朝鲜与隶属资本主义阵营的日本、韩国，长期对峙对抗。在旧金山体制下，中国、朝鲜半岛、日本呈现各自独立发展的态势。现在，冷战结束30余年了，但冷战造成的隔阂、冷战思维仍在起作用，是影响东北亚走向合作发展的重要障碍。

## 一、旧金山体制造成了东北亚合作的“三大障碍”

- 第二，旧金山体制造成东北亚长期存在领土争端。领土归属问题是战后国际秩序的核心和基石。战时盟国的开罗会议宣言和波茨坦公告确定了战后对日本领土处置的基本原则方针，规定战后剥夺日本以殖民侵略攫取的中国及其他国家的领土，日本领土限定于四个主要岛屿和邻近岛屿组成，钓鱼岛、千岛群岛、独岛、琉球群岛、小笠原群岛、硫磺岛等都不是日本的领土。但旧金山和约签订后，日本与美国密谋不仅重新占有琉球群岛、小笠原群岛、硫磺岛等，还觊觎中国的钓鱼岛、韩国的独岛、俄罗斯(苏联)的南千岛群岛，使领土海洋争端贯穿于整个东北亚国际关系，是东北亚走向合作发展的另一重要障碍。



## 一、旧金山体制造成了东北亚合作的“三大障碍”

- 第三，旧金山体制造成日本对侵略战争未能彻底反省，严重伤害了中韩及其他被侵略国人民的感情。战后，对日本实施单独占领的美国，对日本法西斯战犯的处理不彻底，使许多战犯逃脱了惩罚重新登上政治舞台，而被远东军事法庭处死的战犯骨灰堂而皇之地供奉于靖国神社，导致为法西斯翻案的皇国史观盛行。同时，日本政府拒不对中韩等国对战时日本强征的慰安妇、劳工等进行赔偿，日本右翼势力公然对南京大屠杀进行否定，日军遗留在中国的毒气弹至今还未完全销毁。如此等等，对中韩及其他被侵略国民众的感情是严重伤害，是东北亚走向合作发展的又一重要障碍。

## 一、旧金山体制造成了东北亚合作的“三大障碍”

- 可见，旧金山体制造成的东北亚处于长期分裂对峙状态、日本同东北亚国家长期存在领土争端、日本对侵略战争未能彻底反省等，是东北亚走向合作发展的三大障碍。

## 二、超越旧金山体制需要统一“三个认知”

- 第一，要树立合作共赢发展理念。发展是每个国家永恒的主题，保持可持续发展是各国的共同任务。在近代，由于西方资本主义的兴起，以炮舰加商品为武器，对全世界所有国家进行了剑与火的征服掠夺，形成了侵略发展模式，使殖民地半殖民地国家饱受欺凌剥削。二次大战后，殖民地的民族解放运动风起云湧，推翻了殖民统治获得了国家解放，走上独立发展之路。由于殖民地的消失，侵略发展模式行不通了，于是，各国都采用了自我发展模式，极大地促进了世界经济的发展。进入21世纪，由于经济全球化浪潮席卷全世界，世界各国各地区更加紧密地联系成为你中有我我中有你、一损俱损一荣俱荣的“地球村”，自我发展模式已经不适应发展需求了，于是，合作共赢发展模式便脱颖而出，成为顺应经济全球化的新型发展模式。这就需要东北亚各国相向而行，在合作共赢新型发展模式下，构建东北亚命运共同体，以走向共同发展。

## 二、超越旧金山体制需要统一“三个认知”

- 第二，彻底清除殖民主义思想余毒。二战结束已78年了，绝大多数殖民地半殖民地国家都已获得民族独立，但原有的殖民宗主国并没有进行彻底反省，也没有完全放弃殖民主义思维，仍然以殖民主义思维和眼光看待殖民地半殖民地国家。例如，日本同中国、韩国的钓鱼岛、独岛领土争端，日本在美国支持下非法占领琉球等等，都是日本极力维护殖民扩张攫取的他国领土，是殖民主义思维的反映。又例如，日本对侵略战争的反省严重不足，也是殖民主义思维在作怪。因此，我们应以《开罗宣言》《波茨坦公告》的基本准则为指导，继续清算殖民主义思维，这是东北亚各国的共同任务。

## 二、超越旧金山体制需要统一“三个认知”

- 第三，摒弃冷战思维。二次大战是反法西斯盟国的共同胜利。在人类历史上，从来没有象世界反法西斯战争那样，将世界各国和人民动员得如此广泛、如此彻底，将世界各国和人民联系得如此紧密、如此牢固，共同的使命使人类超越了社会主义和资本主义两大对立社会制度间的障碍，打破了宗主国和殖民地半殖民地之间的界限，克服了不同宗教、不同信仰之间的差异，在反法西斯统一战线的旗帜下，求同存异，团结战斗，使世界各国在政治、经济、军事、外交、科技等方面的交流深度和广度，达到了前所未有的程度，人类的相互依赖、相互依存、相互交往、相互支援，进入了全新时期。战后，各国理应团结合作共同医治战争创伤，但以美国为首的西方阵营为了一己私利，发动长达半个世纪的冷战，成为世界不安宁的根源，严重滞缓了各国尤其是发展中国家的的发展。现在，冷战虽然结束了，但冷战思维仍在起作用。因此，只有彻底摒弃冷战思维，东北亚才能走向合作发展。

## 二、超越旧金山体制需要统一“三个认知”

- 以上可见，东北亚要超越旧金山体制就必须在认知上树立合作共赢发展理念、彻底清除殖民主义思想余毒、坚决摒弃冷战思维，才能走向合作共赢发展。

### 三、超越旧金山体制需要东北亚各国的共同努力

- 第一，要树立东北亚命运共同体发展观。世界之大，容得下各国共同发展。东北亚之大，容得下东北亚各国共同发展。西欧曾是两次世界大战的主战场，在历史上相互厮杀数百年，战后在德、法和解的基础上促进了西欧的联合，建立了欧洲共同体，促进了欧洲的发展。战后的东南亚地区也曾是冷战的焦点，但自2002年东南亚联盟成立以来，发展迅速，已成功取代了美国成为我国第一大贸易体。即然西欧、东盟都能建立共同体，那么，东北亚为什么就不能建立共同体呢？

### 三、超越旧金山体制需要东北亚各国的共同努力

- 第二，树立大局观，努力化解或搁置争端，为东北亚合作创造良好的氛围。东北亚国家不多，却充满了冷战对峙、领土争端、历史观对立等种种矛盾，无论是哪种矛盾爆发，都足以影响东北亚全局。为此，东北亚各国都应树立大局观，努力化解争端而不是激化矛盾，争端双方都会淡化或搁置争端，将争端控制在不影响国家间合作的范围内，一时解决不了时应采取断然措施将争端搁置起来，就能为东北亚合作创造良好的氛围。

### 三、超越旧金山体制需要东北亚各国的共同努力

- 第三，东北亚有着合作的良好基础。1972年9月中日双方签署《中日联合声明》，实现了两国邦交正常化，1978年8月两国缔结了《中日和平友好条约》，开启了中日合作新的一页。1992年中韩建交，两国经济交流迅猛发展。此后，中日韩三国相互之间联系趋向紧密。2002年，中日韩领导人会议上提出了建立中日韩自由贸易区构想。2012年5月，中日韩三国在北京签署《关于促进、便利和保护投资的协定》。同年11月，三国正式启动中日韩自由贸易协定（FTA）谈判，但由于美国以围堵中国为目标的亚太再平衡战略的推行，鼓动日方挑起钓鱼岛争端，使中日关系迅速恶化，导致中日韩自由贸易协定（FTA）谈判中止。

### 三、超越旧金山体制需要东北亚各国的共同努力

- 2018年5月9日，在东京举行了第七次中日韩领导人会议，一致同意推进三国经贸合作，推动东亚经济共同体建设和区域一体化进程，实现地区持续稳定的经济增长。但此后，由于美国对华采取“脱钩断链”等制裁打压政策，使中日韩的经贸合作止步不前。如果能排除域外因素的影响，中日韩能实现三国经贸合作，将会极大地推动东北亚走向合作共赢的命运共同体。
- 以上可见，东北亚要超越旧金山体制就必须树立东北亚命运共同体发展理念；树立大局观，努力化解或搁置争端，为东北亚合作创造良好的氛围；东北亚有着合作的良好基础，中日韩若能率先实现三国经贸合作，将会极大地推动东北亚走向合作共赢命运共同体的进程，各国也就能在构建东北亚命运共同体的进程中实现各自的梦想，就能共同创造东北亚更加美好的未来。

### 三、超越旧金山体制需要东北亚各国的共同努力

- 需要说明的是，我的这些想法只是“书生议政”、“纸上谈兵”，仅仅算是学界的呼声，而东北亚要走向合作发展，有待于各国政府和民间的共同努力。
- 最后，我和王佳佳博士衷心预祝会议的圆满召开，祝心祝愿金泳镐先生等各位老朋友身体健康！

• 谢谢

12/15/2023 Seoul abstract

## Unlawfulness of Japan's Colonization of Korean Peninsula

--Korea's Declaration of January 21, 1904 and Japan's Violation of International Law—

Etsuro Totsuka

The Judgment of the Republic of Korea's Supreme Court of October 30, 2018 ruled that the Japan's military occupation of the Korean Peninsula was illegal and that the colonization of Korea was unlawful. This ruling was based on the Constitution of the ROK. One may ask, then, what about under then international law? Was the Japan's occupation of the Korean Peninsula illegal under international law?

The large troops of the Japanese Empire landed at Incheon, which was the territory of the Korean Empire, on February 8, 1904 and continued its military occupation of the Korean Peninsula till August 15, 1945. It took place, however, before wars were generally banned by the Paris Treaty of 1928. Even so, was this military invasion by Japan against Korea illegal under any international law?

The speaker considers that it was serious violation of then customary wartime international law of neutrality, which guaranteed inviolability of the territory of a neutral country. One must not forget that the Korean Empire made the declaration of neutrality on January 21, 1904, which the Japanese Empire completely ignored.

## The Fifth Conference on the “Beyond the San Francisco System”

December 15, 2023

The venue: Choi Jong-Hyun Hall, Korea University

### Unlawfulness of Japan’s Colonization of Korean Peninsula

--Korea’s Declaration of January 21, 1904 and Japan’s Violation of International Law—

Etsuro Totsuka, Bengoshi

The Judgment of the Republic of Korea’s Supreme Court of October 30, 2018 ruled that the Japan’s military occupation of the Korean Peninsula was illegal and that the colonization of Korea was unlawful<sup>1</sup>. This ruling was based on the Constitution of the ROK. One may ask, then, what about under then international law? Was the Japan’s occupation of the Korean Peninsula illegal under international law?

The large troops of the Japanese Empire landed at Incheon, which was the territory of the Korean Empire, on February 8, 1904 and continued its military occupation of the Korean Peninsula till August 15, 1945. It took place, however, before wars were generally banned by the Kellogg-Briand Pact of 1928<sup>2</sup>. Even so, was this military invasion by Japan against Korea illegal under any international law?

“Yes, it was”, thinks this speaker.

He considers that it was a serious violation of then customary wartime international law of neutrality,<sup>3</sup> which guaranteed inviolability of the territory of a neutral country. One

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<sup>1</sup> 金昌禄『韓国大法院強制動員判決、核心は「不法強占」である』参照。著者が2022年8月に韓国の知識産業社を通じて出版した「大法院の強制動員判決、核心は『不法強占』である」を日本語に翻訳し、「法律事務所の資料棚アーカイブ」に掲載したものである。  
<http://justice.skr.jp/documents/nocciolo.pdf> 2023年5月14日閲覧。

<sup>2</sup> The Kellogg-Briand Pact was an agreement to outlaw war signed on August 27, 1928.

<sup>3</sup> Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land. The Hague, 18 October 1907. Article 1. The territory of neutral Powers is



must not forget that the Korean Empire made the declaration of neutrality on January 21, 1904, which the Japanese Empire completely ignored.

It is essential to understand this Japan's military invasion against Korea was "WAR" under wartime international law. This speaker presented the following views in Daegu lately at AAS-Asia Conference.<sup>4</sup>

### **The Judgment of An Chunggun case**

The Judgment (February 14, 1910) by the Regional Court of the Kwantung of the Empire of Japan (Lushun) was published in the Diplomatic Bulletin, by MOFA of Japan<sup>5</sup>.

The main text said, "Defendant An Chunggun shall be executed." Lieutenant General An Chunggun of the Korean Voluntary Corp, did not appeal the ruling. He was executed by hanging in Lushun Prison on March 26, 1910, five months after the date of the shooting death of Duke Hirobumi Ito in Haolbin (October 26, 1909).

What were the findings? The part of the judgment in the reasons for the judgment related to the act of Lieutenant General An Chunggun of the Voluntary Corp is as follows.

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inviolable. This principle had already existed as customary international law, which was confirmed by the 1907 Hague Peace Conference. It was known before 1904 by the Japanese scholars, who published academic works. See: 戸塚悦朗「韓半島植民地支配の不法性（その4——1904年1月21日大韓帝国中立宣言と「不法強占」」龍谷法学 56 卷 4 号 2024 (in print)。

<sup>4</sup> Etsuro Totsuka, "Violence and Anti-Violence in Early Twentieth-Century China, Japan, and Korea, On the Judgment of the Trial of Lieutenant General An Chunggun of the Voluntary Corp.", The 8<sup>th</sup> AAS-in-Asia Conference, 2023 AAS-in-Asia, June 24-27, 2-23, Daegu, Korea, Session Id: 3344, Session Title: Violence and Anti-Violence in Early Twentieth-Century China, Japan, and Korea, Date: Sunday, June 25, 2023, Time: 2:00 PM - 3:50 PM.

<sup>5</sup> 関東都督府地方法院判官真鍋十蔵「安重根外三名に対する判決」明治 43 年 2 月 14 日、外交要報第 12 号明治 43 年 3 月 31 日外務大臣官房、101-113 頁。  
<https://www.jacar.archives.go.jp/aj/meta/listPhoto?LANG=default&BID=F2013090216110010414&ID=M2013090216110110424&REFCODE=B13080611200> 2022 年 12 月 5 日 閲覧。

"On October 26, 1909, shortly after 9:00 AM at the Haolbin Station of the Dongshing Railway in Russia, the defendant, An Chunggun, aimed at the Chairperson of the Privy Council, Duke Hirobumi Ito, and his entourage with the intention of killing them, and fired a series of pistols that belonged to him, three of which fell on the Duke and killed him."

Although An Chunggun asserted that the court should apply wartime international law, as he was fighting to defend his own county as Korean Voluntary Corp against war waged by Japan, the court completely ignored his arguments, instead the judge wrongly applied the Japanese domestic criminal code (art.199) instead of wartime international law.

We need to give a thorough thought to the hidden reason, why the court avoided to apply wartime international law. This speaker speculates that Japan might have thought that it was vital to let peoples of the world give no attention to wartime international law, which could reveal the real nature of Japan's illegal invasion against Korea under wartime international law.

Recently, President Park Geun Hye of the ROK welcomed the decision of China to erect a monument of An in Haolbin. Then, the Japanese government protested, and that the government of Japan labeled An Chunggun as a "criminal" and "terrorist"<sup>6</sup>. Is this legally right?

There were only very few research on the legal aspects on An Chunggun vs. Ito Hirobumi case in Japan or elsewhere<sup>7</sup>. The speaker will explore the reasons, why An Chunggun shot Ito and the legal nature of the An Chunggun trial by Japan, as an example of an anti-violence case made by the people defending his own country from unlawful huge systematic military violence, namely war.

### **Why did An Chunggun shoot Ito?**

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<sup>6</sup> Japan protest over Korean assassin Ahn Jung-geun, 20 January 2014 BBC <https://www.bbc.com/news/world-asia-25808437> visited on 4 June 2023.

<sup>7</sup> TOTSUKA, Etsuro, The An Chunggun Trial and Peace in the East, in Yi Tae-Jin et al. (ed.) Peace in the East: An Chunggun's Vision for Asia in the Age of Japanese Imperialism, Lexington Books, 2017, pp. 85-109.

Having been arrested shortly after he shot Hirobumi Ito on October 26, 1909, An was interrogated by prosecutor Mizobuchi, who was a Japanese, about the reason why he shot Ito. In response, he wrote 15 articles of Hirobumi Ito's guilt in Chinese at Lushun Prison. It contained a brief description of important events of violence that symbolized the extremely violent process of Japanese colonization of Korea. Taken together, this clearly showed that Ito's idea of peace in the East was based on constant and systematic military violences against An's country, the Korean Empire.

Were such military violences accused by An Chunggun lawful under wartime international law?

### **Unlawfulness of Japan's occupation of Korea: 'Korean War' (1904-1945)**

This speaker wishes to focus on the historical fact that the invasion and occupation by the military forces of Imperial Japan against Korea constituted of serious violation of international law of neutrality.

Professor Emeritus Haruki Wada, in his article "The Russo-Japanese War and the Annexation of Korea: Thinking from the Russia Factor," states that the Chosun War existed alongside the Russo-Japanese War<sup>8</sup>.

Russia did not think of occupying Korea and supported the Korean Empire's policy of neutrality. If a neutral Korean Empire were realized, it would have provided a buffer zone and greatly reduced Russia's threat to Japan. It was a rational foreign policy, considering Switzerland's permanent neutrality policy in Europe and later Sweden's.

Philosophers had already unveiled their vision for peace, and it was a major international challenge whether the international community of the 20th century could achieve world peace by curbing imperialist wars that had taken territorial competition for granted. This issue was discussed at the First international conference in the Hague held in 1899, which was followed by the Second in 1907. The first Hague Peace Conference, held immediately after Gojong declared the establishment of the Korean Empire, failed to decide on a general ban on war. However, the First conference succeeded in adopting important treaties that codified the laws of war and institutionalized the rules for the peaceful settlement of international disputes, and the Second Conference in 1907 made many treaties including

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<sup>8</sup> 和田春樹「日露戦争と韓国併合——ロシアという要因から考える」笹川紀勝監修＝邊英浩・都時煥編著『国際共同研究韓国強制併合一〇〇年：歴史と課題』明石書店 2013 年、81-101 頁。

one for law of neutrality. The conferences basically confirmed and codified preexisting customary wartime international law.

According to Article 1 of the Hague Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land, the Hague, October 18, 1907, signed at the Second Hague Peace Conference, "The territory of neutral Powers is inviolable."<sup>9</sup>

Therefore, it was not unreasonable for Gojong, who became the Emperor of the Korean Empire, and the people of Korea to hope that in the 20th century, international law might guarantee world peace, and to survive peacefully by adopting a policy of neutrality. It is necessary to recall that it was such a new era.

According to the Wada's essay, "At this time, the Korean Emperor, Gojong, was the first to formally lay out the line that Korea could be seen as a neutral country and asked the Japanese government for its approval. In August of nineteen hundred, Cho Byung-shik was sent to Japan as Minister. In response, the Russian Minister to Japan, Isvolsky, strongly supported the idea, and he persuaded both the Russian foreign minister, Lamsdorff, and the Emperor to support it. . . . When Isvolsky formally made a proposal to the Japanese government in January 1901, Kato firmly rejected the proposal, also after hearing the opinion of Komura, the Japanese Minister to Qing. . . . It can be seen that the confrontation between Japan and Russia became decisive from this moment."

The world powers supported the Korean Empire's policy of neutrality. "On January 21, (1904) external neutrality was actually declared. . . . The United Kingdom and Germany sent their acceptance responses to the declaration on January 22, France on the 25th, and Italy on the 29th." said Professor Emeritus Yi Tae-jin<sup>10</sup>.

Had they succeeded in such a shift at this time in the early 20th century, there was a good chance that Japan could have avoided becoming engulfed in a violent and disastrous foreign policy that would then lead to the Manchurian Incident, the Sino-Japanese War, and the Asia-Pacific War.

Japanese leaders, however, adhered to the teachings of Shoin Yoshida and never abandoned their aggressive policy of attempting to rule the Korean Empire by force. Hirobumi

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<sup>9</sup> Convention (V) respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land. The Hague, 18 October 1907. <https://ihl-databases.icrc.org/en/ihl-treaties/hague-conv-v-1907> visited on June 4, 2023.

<sup>10</sup> 李泰鎮「一九〇四～一九一〇年、韓国国権侵奪条約の手続き上の不法性」笹川紀勝＝李泰鎮（共編著）『国際共同研究・韓国併合と現代——歴史と国際法からの再検討』明石書店、2008年、122頁。

Ito was one of its key leaders. The Wada's essay describes the situation just before the outbreak of the Russo-Japanese War as follows: "This is where the negotiations between Japan and Russia begin. The basic point of conflict in these negotiations is that Japan sought recognition for having "superior interests" in Korea and recognition for making Korea a protectorate, while Russia refused to recognize Japan's unrestricted control over Korea. This was expressed in the Russian provision that "no part of Korean territory is used for strategic purposes". The Japanese finally did not accept the clause, and the Russians did not lower it. Russia did not claim sovereignty over Korea itself."

The Russo-Japanese War was preceded by the start of the Korean War, an invasion by the Empire of Japan against the Korean Empire, which had declared itself war-time neutrality, and the subsequent military action by the Empire of Japan against Korea in violation of international law, thus illegal 'forced occupation' continued until August 15, 1945.

On February 6, 1904, Japan notified the Russian government of the end of negotiations, the severance of diplomatic relations and declared that it reserved the right to act independently."

The Wada's essay continues.

"The war known as the Russo-Japanese War began with the Japanese Navy's occupation of Chinhae Bay and the Masan City Telegraph Office on February 6, 1904. The Japanese landed at Incheon in the evening of February 8 and advanced to Seoul the next morning. The above can be seen as an act of open aggression against the Korean Empire, which declared its wartime neutrality, and the start of the Korean War. ... The Japanese occupation extended to Pyongyang, and in March, the occupation forces were given the name resident army in Korea. The size was two divisions."

### **The Protocol of February 23, 1904 was *null and void ab initio***

The policy of neutrality as the major foreign policy established by Emperor Gojong has been given some attention in research on Korean modern history<sup>11</sup>. In Japan, neutrality of

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<sup>11</sup> 엄찬호 「高宗의對外政策研究」 (A Study on the Foreign Policy of King Kojong)

한글로보기 <http://www.riss.kr/link?id=T8052535>

韓国語の研究 (英文サマリーあり) = 博士論文を参照 (URL は、

[http://www.riss.kr/search/detail/DetailView.do?p\\_mat\\_type=be54d9b8bc7cdb09&control\\_no=05a19e321d27fd24](http://www.riss.kr/search/detail/DetailView.do?p_mat_type=be54d9b8bc7cdb09&control_no=05a19e321d27fd24) 2023年10月11日閲覧。

Korea was also researched by Japanese historians<sup>12</sup>. However, more rigorous works are welcome, as it has decisive legal importance, when we scrutinize unlawfulness of Japan's colonization of the Korea Peninsula.

The Korean Empire made the declaration of neutrality on January 21, 1904. Although the territory of the neutral independent state, namely Korean Empire was inviolable under then customary wartime international law, having ignored the rule of international law, the large troops of the Japanese Empire invaded at Incheon on February 8, 1904 and they soon occupied the whole Korean Peninsula.

On February 22, 1904, Russia severely accused of this illegal aggression by Japan<sup>13</sup>.

The Japanese Empire had to act quickly in addressing to its violation of international law and that, on the next day, they demanded then Foreign Minister of the Korean Empire to sign Protocol of February 23, 1904<sup>14</sup>. The Protocol included a provision that the Japanese military could use any Korean territory for strategic purposes. If this Protocol had been legally effective, the Korean Empire would have been regarded as an allied state of Japan, then Korea's neutrality to be finished on the day<sup>15</sup>. As a result, the question, whether this Protocol legally effective or not, has significant meaning of our research, whether Japan's occupation of the Korea Peninsula illegal or not.

Besides serious defects in the process of the procedure of treaty making, such as

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<sup>12</sup> 大澤博明「明治外交と朝鮮永世中立化構想の展開：一八八二～八四年」熊本法学 83 巻 1995 年、289-341 頁。 <https://kumadai.repo.nii.ac.jp/records/26183> 2023 年 10 月 9 日閲覧。

<sup>13</sup> 和田春樹「日露戦争と韓国併合——ロシアという要因から考える」前掲笹川ほか『国際共同研究韓国強制併合一〇〇年』81-101 頁。なお、この論文の基礎になる研究としては、和田春樹『日露戦争：起源と開戦（上）』岩波書店 2009 年 12 月及び同『日露戦争：起源と開戦（下）』岩波書店 2010 年 2 月がある。

<sup>14</sup> 総督府編纂『韓国条約彙纂』（明治四十一年十月、1908 年）「日韓議定書（明治三十七年二月二十三日調印）」

<https://lab.ndl.go.jp/dl/book/798123?page=10> 2023 年 10 月 14 日閲覧。

<sup>15</sup> 遠藤源六『日露戦役国際法論全』明治大学出版部、明 41 年（1908 年）7 月、438 頁は、「然ルニ二月二十三日ニ至リ日韓議定書成立シ韓國皇室ノ安寧又ハ領土ノ保全ニ危険アルトキハ我國カ臨機必要ナル措置ヲ取ルヘク韓國ハ我國ノ行動ヲ容易ナラシムル為メ十分便宜ヲ興フルコト竝此ノ目的ヲ達スル為メ軍略上必要ナル地點ヲ臨機取用スルノ權ヲ我國ニ興フルコトヲ約シタリ故ニ韓國ノ地位ハ該議定書ニ因リテ一變シ我攻守同盟國トナレリ・・・」としている。

bribery and violences<sup>16</sup>, it had similar problems as same as other old treaties between the Japanese Empire and the Korean Empire as follows. The full power of Emperor Gojong was not issued to the foreign minister, who signed the Protocol as the representative of the Korean Imperial Government, and the treaty was not ratified by Gojong, who had the authority to conclude the treaty. It must therefore be considered that the Protocol of February 23, 1904 did not enter into force and was not legally concluded<sup>17</sup>.

As a result, this Protocol, legally speaking, was *null and void ab initio*. and that neutrality of the Korean Empire must have been continuing even after February 23, 1904.

Thus, the Korean War by the Empire of Japan continued even after that.

### Illegality of the Nikkan-Kyoyaku of November 17, 1905

What took place in the midst of this war was the military occupation of the royal palace by Duke Hirobumi Ito in order to press for the compulsory conclusion of the Protectorate Treaty, dated November 17, 1905, referred to as the 'Nikkan-Kyoyaku' (日韓協約) according to the Book of Treaties published by the Ministry of Foreign Affairs.

An Chunggun was one of the members of the Korean Voluntary Corp, who tried to defend their own country against such unlawful huge systematic military violences inflicted by Japan.

The speaker has been studying since 1992 the illegality of the Nikkan-Kyoyaku of November 17, 1905 and the illegality of the trial of An Chunggun.

The conclusions are summarized as follows.

- ① Both the League of Nations study (the Harvard draft) and the 1963 report to the General Assembly of the United Nations International Law Commission (ILC) stated the 1905 treaty (the so-called "Protectorate Treaty") absolutely *null and void* because of threats against individual representatives of the Korean Empire.
- ② There exists no original copy of the "Nikkan-Kyoyaku" dated November 17, 1905. The existing document is only a draft treaty with a blank line instead of the title. Therefore, the existence of a treaty with this title cannot be proven.

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<sup>16</sup> 李泰鎮「一九〇四～一九一〇年、韓国国権侵奪条約の手續き上の不法性」笹川紀勝＝李泰鎮（共編著）『国際共同研究・韓国併合と現代——歴史と国際法からの再検討』明石書店、2008年、113-124頁。

<sup>17</sup> 白忠鉉「日本の韓国併合に対する国際法的考察」前掲『国際共同研究・韓国併合と現代』、389頁。

- ③ The full power of Emperor Gojong was not issued to the foreign minister, Park Sai-jun, who signed the treaty as the representative of the Korean Imperial Government, and the treaty was not ratified by Emperor Gojong, who had the authority to conclude the treaty. It must therefore be considered that the treaty did not enter into force and was not legally concluded.

Therefore, we must conclude that the trial by the court, which found the jurisdiction to try a Korean subject, An Chunggun citing the "Nikkan-Kyoyaku" (日韓協約) dated November 17, 1905 was unlawful, namely *null and void*, as the court had no legal basis for legitimate jurisdiction.

It was the same as a mock trial.

As a result, the execution of An Chunggun (March 26, 1910, at Lushun Prison) due to the death sentence imposed by an unlawful trial that lacked a legitimate legal jurisdiction and that it was an unlawful killing of a person by the state.

On top of that, the Empire of Japan failed in legally making the Empire of Korea a protectorate state and that its independence was unchanged. Further, the treaty of Annexation of the Korean Empire to the Japanese Empire of August 22, 1910 didn't take any effect, as it was made on the basis of Nikkan-Kyoyaku of November 17, 1905, which doesn't exist.

For details, please refer to the literature in the list of articles this speaker made at the end of this paper.

## **Conclusion**

These legal judgments make the Japan's military occupation of the Korean Peninsula was illegal and that the colonization of Korea was unlawful under international law. This conclusion supports the Judgment of the Republic of Korea's Supreme Court of October 30, 2018.



## 戸塚悦朗著文献リスト

### 1905年11月17日付日韓協約の不存在及び安重根義軍参謀中将裁判の不法性

2022年11月17日現在

#### (論文)

1. 「統監府設置 100 年と乙巳保護条約の不法性——1963 年国連国際法委員会報告書をめぐって——」『龍谷法学』39 卷 1 号、2006 年 6 月、15-42 頁。

2. 「安重根裁判の不法性と東洋平和」龍谷法学42巻2号、2009年、1-27頁。

<https://mylibrary.ryukoku.ac.jp/iwjs0005opc/TD00069008>

3. 「最終講義に代えて--「韓国併合」100年の原点を振り返る--1905年「韓国保護条約(?)」は捏造されたのか」龍谷法学 42 卷 3 号、2010 年、311-336 頁。(「韓国併合」100 年市民ネットワーク編『今、「韓国併合」を問う～強制と暴力・植民地支配の原点～』アジェンダプロジェクト、2010 年、45-65 頁に、「1905 年「韓国保護条約(?)」は捏造だったのか)として転載)

<https://mylibrary.ryukoku.ac.jp/iwjs0005opc/TD00070024>

4. 「東アジアの平和と歴史認識—安重根東洋平和論宣揚の必要性をめぐって」龍谷法学、45 卷 3 号、2012 年 12 月、957-993 頁。

<https://mylibrary.ryukoku.ac.jp/iwjs0005opc/TD00373001>

5. 「龍谷大学における安重根東洋平和論研究の歩み：100年の眠りからさめた遺墨(上)」、龍谷大学社会科学研究所社会科学年報第 44 号、2014 年 5 月、57-66 頁。

<https://mylibrary.ryukoku.ac.jp/iwjs0005opc/TD00493015>

6. 「龍谷大学における安重根東洋平和論研究の歩み：100年の眠りからさめた遺墨(下)」、龍谷大学社会科学研究所社会科学年報第 44 号、2014 年 5 月、67-78 頁。

<https://mylibrary.ryukoku.ac.jp/iwjs0005opc/TD00493010>

#### (著書)

7. 『「徴用工問題」とは何か？——韓国大法院判決が問うもの』明石書店、2019 年 10 月、1-209 頁。

8. 『歴史認識と日韓の「和解」への道——徴用工問題と韓国大法院判決を理解するために』日本評論社、2019 年 11 月、1-248 頁。

9. 『日韓関係の危機をどう乗り越えるか？——植民地支配責任のとりかた』アジェンダプロジェクト、2021 年 4 月、1-69 頁。



## Comfort Women and Enforced Disappearances during the Pacific War

(일본군 위안부와 태평양전쟁기의 강제실종)

Tae-Ung Baik (백태웅)

### [Abstracts]

On November 6, 2018, the United Nation Committee on Enforced Disappearances considered the initial state-party report of Japan on its implementation of the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance (CED). During the review, the Government of Japan again denied Japan's responsibility. The delegation of Japan asserted: "Although Japan had conducted full-scale fact-finding studies on the issue of comfort women [.....], forceful taking away of comfort women by the military and Government authorities could not be confirmed in any of the documents in those studies." However, the Committee, in its Concluding Observation issued on December 8, 2018, expressed its concern about the lack of statistical information on the number of so-called comfort women who may have been subjected to enforced disappearance, and about the absence of investigations, prosecutions and convictions of perpetrators of these cases. The Committee also expressed concerns about the lack of adequate reparation for the victims and about the State party's position that the issue "is resolved finally and irreversibly." This paper reviews the nature of enforced disappearances in the context of Comfort Women and discusses Japan's obligation under the International Convention for the Protection of All Persons from Enforced Disappearance concerning.



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# Comfort Women and Enforced Disappearances during the Pacific War

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1

## “Comfort Women”



2

## “Comfort Women” and Enforced Disappearances

- On November 6, 2018, the United Nation Committee on Enforced Disappearances considered the initial state-party report of Japan on its implementation of the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance (CED).

3

## Definition of Enforced Disappearances



“Enforced disappearances occur  
when persons are arrested, detained or abducted against their will or otherwise  
deprived of their liberty  
by officials of different branches or levels of Government or by organized groups or  
private individuals acting on behalf of, or with the support, direct or indirect, consent  
or acquiescence of, the Government,  
followed by a refusal to disclose the fate or whereabouts of the persons concerned or a  
refusal to acknowledge the deprivation of their liberty, which places such persons  
outside the protection of the law.”

(Methods of work of the Working Group on Enforced or Involuntary Disappearances,  
A/HRC/WGEID/102/2)

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## “Comfort Women” and Enforced Disappearances

- During the review, the Government of Japan denied Japan’s responsibility.

- The delegation of Japan asserted:

“Although Japan had conducted full-scale fact-finding studies on the issue of comfort women [.....], forceful taking away of comfort women by the military and Government authorities could not be confirmed in any of the documents in those studies.”

5

## “Comfort Women” and Enforced Disappearances

- However, the Committee on ED, in its Concluding Observation issued on December 8, 2018, expressed its concern:

- about the lack of statistical information on the number of so-called comfort women who may have been subjected to enforced disappearance, and

- about the absence of investigations, prosecutions and convictions of perpetrators of these cases.

6

## “Comfort Women” and Enforced Disappearances

- The CED also expressed concerns about the lack of adequate reparation for the victims and about the State party’s position that the issue “is resolved finally and irreversibly.”

7

## Military Sexual Slavery by Japan

- Kim, Hak-Sun, the first woman at the age of 64 stood up to reveal the truth on August 14, 1991.
- Asian Women's Solidarity Conference in 1991.
- Japan’s Denial until 1992
- CW Acknowledged by Japan for the first time in 1993.
  - “Japanese military authorities were in constant control of women forced to provide sex for soldiers before and during WWII.”
  - Official apologies to the heads of South and North Korea, Philippines during diplomatic visits, and to the international community in the UN in 1993
  - Compensation refused arguing that the cases were settled by post-WWII treaties; time-barred; results of the nature of wars; too many victims to compensate.
- “Asian Women's Fund” in 1995: private fund offered but did not work.

8

# The Constitutional Court of Korea, 2011

2006 Hun-Ma 788, Aug. 30, 2011 (23-2(A) KCCR, 366) (S. Kor.).

- On August 30, 2011, the Constitutional Court of the Republic of Korea found that the omission of South Korean government to resolve the sufferings of so-called Japanese military comfort women by seeking a dispute settlement with Japan was against the Constitution.
- It urged the government to take diplomatic steps to provide remedies for the harm done to the comfort women under the Article 3 of the 1965 Treaty on Basic Relations between Korea and Japan and Agreement on the Settlement.
- In September 2011, South Korean Government established a Task Force for the issue in the Ministry of Foreign Affairs and sent a *note verbale* to Japan requesting a bilateral diplomatic consultation on the claims of the Comfort Women victims.

9

## Follow-up of the 2011 Constitutional Court Decision

- On March 25, 2014, Korea and Japan agreed to start a director-level meetings in confidence.
- On December 28, 2015, after the eighth high level meeting, Ministers Yoon Byungse of ROK and Kisida Fumio of Japan held a joint press conference announcing that they reached an agreement to resolve the comfort women issue “finally and irreversibly.” Japan expressed an apology to the victims of comfort women jointly establishing a Foundation to support the comfort women victims.
- The agreement failed to reflect the demands for justice from the CW victims, and the outcry from the comfort women victims continues.

10



## Forced Labor case: The Supreme Court of Korea, 2012

- The Supreme Court of the Republic of Korea concluded in its decision, on May 24, 2012, that the individual torts claims of the victims of forced labor drafted by Japan during the Japanese occupation were not extinguished by the 1965 Agreement, and that the Japanese companies should be responsible for the compensation for the damages.

11

## Forced Labor Victims, The Supreme Court of Korea, 2018

- The Supreme Court found that Japanese firm, Nippon Steel & Sumitomo Metal Corp must pay 100 million Korean Won (roughly \$88,000) in damages per person for the four plaintiffs, forced labor victims on October 30, 2018.
- Abe Shinzo, Prime Minister of Japan denounced the decision by saying that it was unacceptable under the international law, and Japan considers the claims had been settled “completely and finally” by the 1965 Treaty on Basic Relations between Korea and Japan and the 1965 Agreement Concerning the Settlement of Problems in regard to Property and Claims and Economic Cooperation.
- After the court decision, both governments exchanged thorny remarks along with trade restrictions. Boycott campaign against purchase of products and some hostility had grown among the civilians as well. The relationship between the two governments was viewed at the lowest point, but another spark was added recently.

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## Court Proceedings in South Korea concerning the “Comfort Women” and Forced Labor cases

- CW- Jan. 8, 2021: Bae, Choonhee et al. v. Japan, 34<sup>th</sup> Civil Chamber, Seoul District Court, 2016 GaHap 505092
  - awarded 100 million KRW (roughly \$88,000) each to 12 Korean women forced into sexual slavery for Japan’s military for the illegal acts and extreme psychological and physical pain and suffering.
  - The Japan government responded that the Korean court had no jurisdiction over Japan and that it would not accept the order.
  - The article of Professor Ramseyer considering the Comfort Women as voluntary prostitutes for the Japanese military triggered another huge disputes.
- CW- April 21, 2021: Lee, Yongsu, Gwak, Yenam, et al. v. Japan, 15<sup>th</sup> Civil Chamber, Seoul District Court, 2016 GaHap 580239
  - dismissed (*gakha*- sovereign immunity- no jurisdiction).
- CW- June 9, 2021: Bae, Choonhee et al. v. Japan, 51<sup>st</sup> Civil Chamber, Seoul District Court, 2021 KaMyung 391
  - ordered to submit a list of property list by the submission due date.
- Forced Labor, June 7, 2021: 34<sup>th</sup> Civil Chamber, Seoul District Court
  - dismissed (*gakha* - no jurisdiction because of the 1965 Agreement).
- CW – December 11, 2023, Lee, Yongsu, Gwak, Yenam, et al. v. Japan, 15th Civil Chamber, Seoul High Court, 2021na2017165 Decision
  - Changed Seoul District Court’s Decision. It decided that customary international law should be the ground for the decision, and sovereign immunity is not applicable for Japan concerning the comfort women case.

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## South Korea Ratified the UN Convention for the Protection of All Persons from Enforced Disappearance (CED) on December 8, 2022.



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## South Korea's ratification of human rights treaties

| Treaties                                                                                                                       | Ratification/Accession | Effective  |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|
| ICCPR: International Covenant on Civil and Political Rights 16 Dec 1966                                                        | 1990.4.10              | 1990.7.10  |
| - OPT 1 [individual communication]                                                                                             | 1990.4.10              | 1990.7.10  |
| - OPT 2 [death penalty]                                                                                                        | Not ratified           |            |
| ICESCR: International Covenant on Economic, Social and Cultural Rights 16 Dec 1966                                             | 1990.4.10              | 1990.7.10  |
| - OPT                                                                                                                          | Not ratified           |            |
| CERD: International Convention on the Elimination of All Forms of Racial Discrimination 21 Dec 1965                            | 1978.12.5              | 1979.1.4   |
| CEDAW: Convention on the Elimination of All Forms of Discrimination against Women 18 Dec 1979                                  | 1984.12.27             | 1985.1.26  |
| - OPT                                                                                                                          | 2006.10.18             | 2007.1.18  |
| CAT: Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 10 Dec 1984                      | 1995.1.9               | 1995.2.8   |
| - OPT                                                                                                                          | Not ratified           |            |
| CRC: Convention on the Rights of the Child 20 Nov 1989                                                                         | 1991.11.20             | 1991.12.20 |
| - OPT 1 [Child soldier]                                                                                                        | 2004.9.24              | 2004.10.24 |
| - OPT 2 [child pornography]                                                                                                    | 2004.9.24              | 2004.10.24 |
| - OPT 3 [individual communication]                                                                                             | Not ratified           |            |
| CRPD: Convention on the Rights of Persons with Disabilities 13 Dec 2006                                                        | 2008.12.11             | 2009.1.10  |
| - OPT                                                                                                                          | 2022. 12.8             |            |
| ICED: International Convention for the Protection of All Persons from Enforced Disappearance 20 Dec 2006                       | 2022. 12.8             |            |
| CMW: International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families 18 Dec 1990 | Not ratified           |            |

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## Process

- May 30, 2022 Ruling party law maker Kihyun Kim introduced a bill for the “punishment of the crime of enforced disappearance, protection from enforced disappearance, and remedies for the victims of enforced disappearances.
- June 21, 2022, The 28<sup>th</sup> State Council Meeting passes the ratification bill.
  - The Government (the Ministry Justice and the Ministry of Foreign Affairs) released a joint news briefing that reiterated the State’s intention to work on the ratification of the treaty.
- December 8, 2022, South Korean National Assembly passes the ratification bill.
- On January 4, 2023, South Korea deposited the bill to the UN, which is effective as of February 3, 2023.

## Legislation of the Implementation Law of CED

- On May 30, 2022, Rep. Kim Ki-hyun of the People Power Party proposed to enact an CED implementation law, ‘Act on Prevention of Crimes and Relief for Victims.’
- Ratification bill passed by the National Assembly of the Republic of Korea on December 8, 2022;
- Currently, two bills to implement the Convention on the Prevention of Enforced Disappearances (Kim Ki-hyun, Jeon Yong-gi) are pending before the Legislative and Judiciary Committee.

## Implementation Legislation

- The implementation bill submitted to the Legislative and Judiciary Committee includes the major contents necessary to implement the Convention on the Prevention of Enforced Disappearances.
- The distinction between the crimes of enforced disappearance under Article 2 of the Convention and the crime of enforced disappearance committed by non-state actors
- In addition to punishment for the crime of enforced disappearance, the details of victims' human rights remedies should be further improved.
- Other issues, e.g. statute of limitations

## Implementation law in Japan

- Japan refers to the preexisting laws such as Article 31 of the Constitution related to the guarantee of life and liberty, Article 33 of the Constitution dealing with due process, Article 220 of the Criminal Act, illegal arrest and detention provisions, and Articles 224 to 228 of the Kidnapping Act.
- The provisions on human trafficking, concealment of criminals in Article 103, provisions on destruction of evidence in Article 104, and various provisions of the Criminal Procedure Act (Articles 189, 191, and 247) are regarded as implementing laws of the Convention on the Prevention of Enforced Disappearances.
- Individual petitions under Article 30 of CED has not yet been permitted, and the international community is still criticizing its implementation of its obligations.

## Obligations of States parties under the CED

- Right not to be subjected to enforced disappearance
- Obligation to respect
- Obligation to protect
- Obligation to fulfill
- Obligations to cooperate
- Obligation to prevent

## Judicial procedure and cooperation in criminal matters

- Jurisdiction
- Obligation to extradite or Prosecute
- Procedural safeguards for those prosecuted for enforced disappearance
- Procedural guarantees during the investigation phase
- Extradition
- Mutual legal assistance
- International cooperation to assist victims

## Measures to prevent enforced disappearance

- Non-refoulement
- Prohibition of secret detention and rights of persons deprived of liberty
- Access to information on persons deprived of liberty
- Protection of personal information and data of persons deprived of liberty
- Exceptional restriction on access to information on persons deprived of liberty
- Release of persons deprived of liberty
- Criminalization of conduct related to enforced disappearance
- Training of personnel

## Basic perspectives

The victims of international crimes such as crimes against humanity and war crimes hold rights to demand truth-seeking, restitution, proper reparation, and non-recurrence of the violations, while the perpetrator states owe international and domestic obligations to provide effective remedies to the victims for their sufferings.

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## Right to an effective remedy

- Universal Declaration of Human Rights, 1948  
Art 8. Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.
- International Covenant on Civil and Political Rights, 1966 Art 2.3.  
Each State Party to the present Covenant undertakes:  
(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

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## Victims' rights and state's obligations

- A victim shall have an equal access to an effective judicial remedy;
- A state shall provide adequate, effective and prompt reparation for harm suffered;
  - restitution, compensation, rehabilitation, satisfaction and guarantees of non-repetition.
- A state should provide access to relevant information concerning violations and reparation mechanisms.



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## Claims of victims of crimes against humanity and war crimes

- Comforts women
- Forced labor
  - ➔ Victims claims based on the crimes against humanity have never been discussed and settled.
- State responsibility still exist.
- The responsibility of the private tortfeasers has never been cleared.
- The trend of international law is opening a way for victims to take legal relief through litigation and other transitional justice measures rather than claiming sovereign immunity.
- 1965 Treaty and Agreement should not be interpreted to denounce the duty to provide effective remedies to the victims!

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## Conclusion

- Comfort women case is one of the most serious violations of human rights during the Pacific War.
- Transitional Justice should be given the victims
- The enforced disappearance of the so-called comfort women is an important issue that should be addressed and resolved urgently.

Thank you!

Professor Tae-Ung Baik



The Fifth Conference on “Beyond the San Francisco System”

December 15, 2023, Korea University

Abstract

“Community” versus the “New Cold War” in East Asia:

Dynamics of Korea-China-Japan and Korea-US-Japan Triangles

LEE Jong Won (Waseda University)

The region of East Asia is at a historic crossroads. The momentum toward an East Asian Community has been waning, while the emerging New Cold War is dividing the region into two competing groups of nations. East Asia is about to be torn between the two rival geopolitical frameworks: Indo-Pacific and Eurasia. Two triangles have played important roles in both community-building and the New Cold War in East Asia. The trilateral cooperation among the ROK, the US and Japan was born out of the process towards the vision of the East Asian Community. The Korea-US-Japan triangle was expected to be a central pillar of the regional community. However, it is now being eclipsed by the reinvigorated triangle of Korea-US-Japan in recent years. The consummation of the triangle to a solid trilateral alliance has been a consistent policy goal of the United States in its quest for an “Asian NATO” in postwar and in post-Cold War East Asia. During the Obama administration, significant steps were taken toward institutionalization of the trilateral security cooperation: regular summit and ministerial meetings, permanent secretariat etc. The Biden administration took further initiative in upgrading the cooperation into a virtual security alliance at the Camp David in August 2023. However, differences of national interests also surfaced in the process. Though declining in its presence, the triangle of Korea-China-Japan still has important potential to maintain the momentum of regional community-building.

The Fifth Conference on the San Francisco System  
December 15, 2023

## Community vs New Cold War in East Asia: Dynamics of the Two Triangles, K-C-J and K-US-J

LEE Jong Won  
Graduate School of Asia-Pacific Studies

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### A new age of war?

1. “Hot” war in Europe and
  - Russian invasion of Ukraine:  
Historic challenge to the “Obsolescence of Major War”
  - Becoming protracted war: Korean War model?
2. Still “cold” war in East Asia
  - Increasing tension in Taiwan and Korea, yet remain “cold”  
with efforts to manage strategic competition btw C and US/J
3. Reversal of Old CW which was cold in Europe and hot in Asia
  - Differences in degree of integration/inclusion?
  - Russia pushed out of expanding Europe,  
while China integrated into emerging East Asia

## “Managing” the New Cold War

1. From Trump to Biden: institutionalization of the New CW
  - Systematic attempts to contain and “de-couple” China
  - Upgrading FOIP: QUAD/ AUKUS (to JAUUKUS?)/ IPEF/ K-US-J
2. Increasing burden of intensifying tension on both sides
  - Breakdown of US-China military dialogue → risk of collision
  - Failure of de-coupling: shock of Huawei’s success in 7-nm chip
  - America’s “multi-front” wars: Ukraine, Taiwan, Palestine,,
  - Deep inter-dependence: record high trade of \$ 690 b in 2022
  - China: concern over domestic economic downturn
3. US: change from “de-coupling” to “de-risking”

## Biden-Xi summit in San Francisco (Nov. 15, 2023)

1. Mutual overture for reducing tension
  - Biden: “competition, but avoiding conflict”
  - Xi: “turning their back on each other is not an option”  
“Planet Earth is big enough for the two countries to succeed”
2. Agreed to restore bilateral military dialogues
  - To continue communication on Ukraine, Taiwan, ME, Korea,,
  - China tried to show the image of “stabilizer” in int’l issues.
3. Not so many high-profile agreements,  
but important step for “stabilizing” the regional tension
4. Ripple effect?: improving China-Australia relations  
Xi meeting with Kishida, Marcos: but not with Yoon

## Beyond the San Francisco System

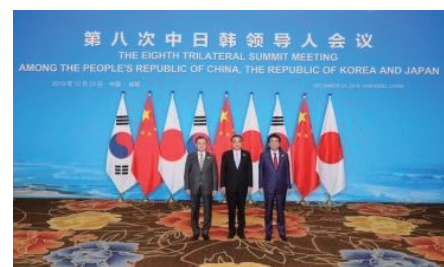
1. The San Francisco System in East Asia
  - Synonymous with the Cold War division, coupled with post-colonial regional hierarchy
  - “SF System was not to end a war, but to begin a new war.”  
To fight the Korean War, and to prepare for the Cold War
2. Region-building as a road to go “beyond the SF System”
  - China-US (Japan) rapprochement: de facto end of CW in Asia
  - Economic development followed by socio-political progress
  - Emerging “East Asia” as new region: from Mahatir to Kim DJ
  - Role of “middle powers” such as ASEAN, Japan, ROK

## East Asia at a historic crossroads

1. Weakening momentum for regional community
  - Kim Dae-jung’s initiative for the East Asian Community based on ASEAN+3 (Korea, Japan, China) in late 1990s
  - Establishment of the East Asia Summit in 2005
  - Fall from the peak to decline: little talk on the community
2. Intensifying regional division:
  - US-Japan: upgrading Asia-Pacific to Indo-Pacific
  - China: losing interest in East Asia, shifting to Eurasia and beyond  
Belt and Road Initiatives/ expansion of SCO and BRICS  
Proposing Community of Common Destiny for Mankind
3. East Asia torn apart between rival mega-regions

## Eclipse of the two triangles

1. Waxing triangle of K-US-J
  - “Historic” Camp David Summit
  - Reinforcing the trilateral quasi-alliance
  - Stimulating the revival of “Northern Triangle”?
  
2. Waning triangle of K-C-J
  - Not working since 2019
  - Wang Yi’s speech (July 3, 2023) “C-J-K Cooperation Needs to Repack Its Gear and Start Again”
  - Rugged road to the trilateral summit

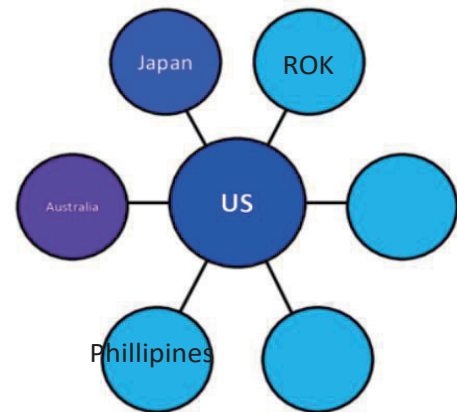


## Birth of C-J-K Trilateral Cooperation

1. ASEAN’s contribution to C-J-K trilateral
  - First C-J-K summit meeting in 1999
  - Began as “breakfast meeting” at ASEAN+3 summit
  - Close cooperation between Kim DJ and Obuchi
  - Became annual since 2000 at margin of ASEAN+3 meetings
  
2. Separate C-J-K Summit since 2008
  - Initiatives by ROK presidents: Roh Moo-hyun, Lee Myung-bak
  - Supported by Japanese PMs: Fukuda, Hatoyama
  - Trilateral Cooperation Secretariat in Seoul in 2011
  
3. However, frequent stop-and-go due to diplomatic clashes
  - 8 Summit meetings in 15 years since 2008
  - Not yet agreed to resume summit in ROK

## J-K-US triangle: Pillar for emerging New Cold War?

1. US alliances in the Asia-Pacific
  - Began as Hub-and-Spoke system
  - “History” frustrated “Asian NATO”
2. From Hub to Web of alliances
  - 2006 Japan-US-Australia
  - 2007 QUAD (Japan-US-Aus-NZ)
  - 2016 Free and Open Indo-Pacific (FIOP)
  - 2021 AUKUS (replacing/augmenting ANZUS?)
  - 2022 NATO Asia-Pacific Partners (AP4): J-K-Aus-NZ
  - 2023 J-K-US Summit at Camp David



## Long history of US yearning for trilateral alliance

1. Repeated attempts by US to upgrade the triangle
  - US pressure on successive ROK administrations since Rhee
2. First institutionalization by North Korean nuclearization
  - First J-K-US Summit in Nov 1994  
to implement US-DPRK agreement in Geneva
  - 1999 Trilateral Coordination and Oversight Group (TCOG)
3. Obama’s “Pivot to Asia” and officializing J-K-US triangle
  - Since 2010: regularization of FM meetings
  - 2012: setting up working-level steering group in Washington



## “Historic” Camp David trilateral summit

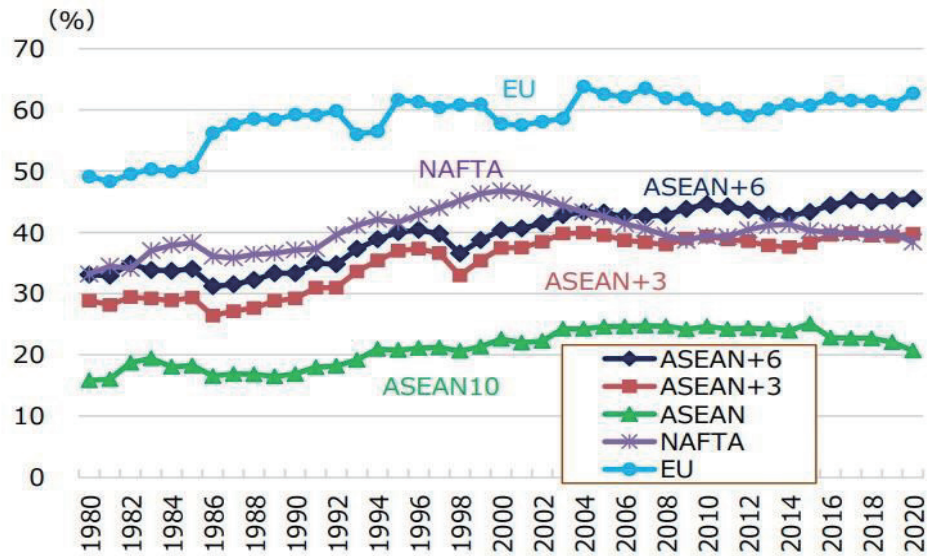
1. “Epoch-making”
  - Expansion of scope: into Taiwan Straits and South China Sea
  - Militarization: trilateral military exercises/ military information
  - Regularization of high-level trilateral security consultations
  - “Lock-in”: emphasized unchanging commitment
2. Different tones in statements, media, etc.
  - Biden: most forward leaning/ benefited most
  - Yun: seeking diplomatic feat as conservative/ little benefit
  - Kishida: relatively cautious/ “downplay” by MOFA
3. A little rift in the allies’ lute?
  - “Denuclearization of DPRK”/ “dialogue with DPRK”/ no mention of “hotline”/ reservation on “tri. ext. deterrence”

## What is to be done go beyond the SF System?

1. Counter-currents prevailing regionally and globally
  - From community to new cold war division
  - Rising nationalism/statism weakening regional cooperation
  - Intensifying tension in the Korean Peninsula
2. Importance of C-J-K triangle
  - Weight of C-J-K in regional economic integration
  - Leading socio-cultural “fusion” in East Asia
3. Still, functional approach is inevitable in East Asia
  - RCEP/ expansion of CPTPP / ASEAN+3 and C-J-K mechanisms

## Comparison of intra-regional trade ratio (METI WP 2022)

### 主要地域の域内貿易比率の推移



備考：1. 域内貿易比率 = 各国の域内諸国との貿易総額 / 各国の貿易総額  
 2. EUは当該年に加盟している加盟国ベースで集計  
 資料：世銀「World Integrated Trade Solution」database から作成

# Session 3

## Roundtable Discussion





From the Joint Statement by Korean and Japanese Intellectuals  
to the End of the San Francisco System Evaluation Conferences  
- Toward a Durban Conference of East Asian Intellectuals

YoungHo kim

Summary

West Europe has served as comparative model for dealing with history and atoning for the legacy of colonization. In partnership with the UN, Africa and South America are making every effort to implement reparatory justice for slavery and colonialism through the Durban Declaration since 2001. How can it be that post-war East Asia has been forced to endure the legacy of San Francisco System, a system that wholeheartedly rejects the UN's values and the Universal Declaration of Human Rights, And this system is being perpetuated through the San Francisco System 2.0?

From the Joint Statement by Korean and Japanese Intellectuals  
to the End of the San Francisco System Evaluation Conferences  
– Toward a Durban Conference of East-Asian Intellectuals

KIM Young Ho

1. Framing the Issue

Although my paper was written as a closing speech for the conference, it is being delivered now to serve as a potential reference for the general discussion. The panelists may also choose not to refer to our paper if they see fit.

When this conference was held for the first time at Columbia University in 2016, China proposed making it a continuing meeting instead of a one-off event. Many of the participants supported this idea, and the second meeting was subsequently held at UPenn, the third at Wuhan University in China, and the fourth at the Koreana Hotel in Seoul. The conference could not be held for the next three years due to COVID-19. This year's conference was originally scheduled to be held at the University of Waterloo in Canada, but Prof. Hara Kimie fell ill from excessive work while preparing for the event. Accordingly, the fifth and final meeting of this conference is being held here thanks to hastily organized collaboration with the Korea University Asiatic Research Center.

Most of today's participants have attended at least two prior conferences, and I would like to extend my gratitude to Prof. Haruki Wada, Prof. Lee Tae-jin, Prof. Alexis Dudden and Prof. Xu Yong for having been with us all the way since the beginning. I would also like to propose to give a big round of applause for the Northeast Asian History Foundation, who have generously provided us with financial support for all five conferences.

Although this conference began in 2016, there are efforts that predate its inception. Following on from the signing of the Joint Statement by Korean and Japanese Intellectuals in 2010, a series of five meetings were held between Seoul and Tokyo under the joint theme 'The Promise of 2010 and Hope for 2015.' These meetings sought to overturn the system established under the 1965 Treaty on Basic Relations Between Japan and the Republic of Korea (Basic Treaty). However, the rise of Prime Minister Abe Shinzo led to a resurgence of imperialism in Japan, and the dream embodied in the joint statement grew more distant.

With a view to tackling more fundamental issues, we chose 'Beyond the San Francisco System' as the theme at that time. Accordingly, today we are holding the fifth and final conference. As the hosting group,

the concept of an East Asian Durban Conference is a theme that runs through both of these issues. While the original African Durban World Conference was held in partnership with the UN and a number of national governments, we sought to hold an East Asian Durban Conference centered around ordinary citizens, and intellectuals in particular.

## 2. The Durban Conference and a Durban Conference for East Asian NGOs

From August to September 2001, the UN hosted a groundbreaking meeting in Durban, South Africa called the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance. This meeting stipulated that slavery and the xenophobia of colonialism were “crimes against humanity “ and that colonialism should be subject to censure and prevented from occurring again. The conference adopted the Durban Declaration and Program of Action that called for an historic end to colonialism. It is well known that the concept of a crime against humanity was born out of the process of overcoming the Nazi holocaust. This concept has now been expanded to include slavery and colonialism. The Durban Declaration is perhaps the most ‘UN-like’ statement adopted since the inception of the United Nations. On the 20th anniversary of the declaration in 2021, the UN General Assembly adopted a statement that reaffirmed the original declaration. In 2014, the Caribbean Community (CARICOM) released the Ten Point Plan for Reparatory Justice based on the Durban Declaration, and 59 nations reaffirmed their support for the concept of reparatory justice at the third EU-CELAC Summit 2023. The Durban Declaration is alive and kicking and is actively spreading the concept of reparatory justice.

But what about East Asia?

The 2010 Joint Statement by Korean and Japanese Intellectuals was signed by 1,139 scholars<sup>1</sup> and declared that the treaties leading up to the Japanese colonization of Korea were null and void. In particular, the fact that this statement was jointly signed by historians and filled the headlines in Korea for several days straight made it a monumental event that caused changes in the public perception of these issues. Even in China, up to 400 scholars of Korean and Japanese studies released a statement in support of the joint statement. The Naoto Statement was released directly after the joint statement. The Naoto Statement went further than the partnership between Korea and Japan proclaimed in the Murayama Statement of 1995 signed by Kim Dae-jung and Keizo Obuchi. This was followed by Constitutional Court of Korea rulings on wartime sex slavery (2011) and forced conscription (2012 and November 2018).

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<sup>1</sup> Although more potential signatories to the statement continued to come forward, online signatures were closed at some point through consultation with Haruki Wada. If the statement had been left open, the number of signatures would have risen by several hundred.

According to one study<sup>2</sup> cases on sex slavery and forced conscription had followed the established rulings by the Supreme Court of Japan up until the release of the joint statement. Even directly prior to the statement's release in February and July of 2009, the Korean High Court followed the ruling set out in a 2007 case from the Supreme Court of Japan. However, in a 2011 case, the Constitutional Court of Korea held in a case on sex slavery that the state's nonfeasance was unconstitutional, and in 2012 the Supreme Court quashed and remanded a case on forced conscription after stipulating that colonial rule was illegal.

A ruling on the illegality of Japan's colonial rule subsequently came out in 2018. The Supreme Court held that the Agreement Between Japan and the Republic of Korea Concerning the Settlement of Problems in Regard to Property and Claims and Economic Cooperation (Settlement Agreement) signed as part of the 1965 system was "not concluded for the purpose of seeking compensation over Japan's illegal colonial rule, but for resolving the issue of civil debt claims between Korea and Japan through political agreement based on Article 4 of the Treaty of San Francisco. The Treaty of San Francisco and the ensuing Basic Treaty and Settlement Agreement were agreements aimed at resolving financial and civil disputes stemming from the division of Korea's territory. The Supreme Court's decision affirmed the long-held Korean view that the issue of crimes committed during the colonial period still remained to be solved. The fact that groups of extreme right-wing Japanese protesters held frequent protests denouncing Haruki Wada, who had played a central role on the Japanese side in the signing of the joint statement, was a testament to the statement's destructive power.

According to my knowledge, 70 or so statements were released around this time. Several of these left a strong impression on us. There was the 2015 Joint Statement by Intellectuals of Korea, Japan and the World that was facilitated by a group of the same name at a lecture on the tenth anniversary of Article 9 of the Japanese Constitution in September 2014. Later that year, Prof. Alexis Dudden led 187 world historians in releasing a joint statement. In 2018, 170 Japanese lawyers expressed support for this statement, including Prof. Totsuka Etsuro who had been involved in the Supreme Court case on forced conscription. During the 100th anniversary of the March 1st Movement in 2019, Japan's largest NGO the "Abolish War, Save Article 9 Action Coalition" released a statement in partnership with a collection of Korean civic groups including the People's Solidarity for Participatory Democracy and YMCAs. Titled the 'Korean and Japanese People's Joint Declaration of Peace,' this statement expressed support for the

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<sup>2</sup> Do Si-hwan, *The 2010 Joint Statement by Korean and Japanese Intellectuals and the Issue of Historical Justice*, Northeast Asian History Foundation, Aug. 2020.



2010 Joint Statement by Korean and Japanese Intellectuals and was read aloud by Korean and Japanese representatives at a ceremony attended by 50,000 to commemorate the 100th anniversary of the March 1st Movement. A citizens' platform between the two countries was subsequently created in accordance with the statement and has been held every year since then in Seoul and Tokyo. That same year, a joint statement titled 'Is Korea the Enemy?' was released by 78 Japanese civilian scholars including Prof. Haruki Wada.

We dreamed of an East Asian Durban Declaration 'rainbow' that would link all these pieces together, from the initial Joint Statement by Korean and Japanese Intellectuals to the Naoto Statement, the Supreme Court's decision on forced conscription, and the Korean and Japanese People's Joint Declaration of Peace. This was a rainbow that went beyond both the Basic Treaty (1965) system and the San Francisco System that served as its inspiration. To borrow a metaphor from poet Yi Yuk-sa, it was a "steel rainbow" in history.

### 3. The San Francisco System 2.0

The counter-currents of history were strong. At the second conference on 'Beyond the San Francisco System,' I compared the San Francisco Treaty with the Treaty of Versailles, noting that the sanctions imposed on Germany as the vanquished nation after World War I were so severe that they incited the backlash of Nazism. While national reflection on Nazism has led to atonement for the past in Germany, the treatment of war criminals in the Treaty of San Francisco was so lenient that it caused an almost complete revival of the pre-war ruling class in Japan. I concluded that this had undermined historic atonement and caused East Asia to become entangled in the San Francisco System in an area not covered by the Durban Declaration.

Over the last five conferences, we shared the perception that the nature of the Treaty of San Francisco has changed from atonement for World War II to being more akin to an East Asian Anti-Communist war treaty. However, there was a lot of space that could not be explained purely through the establishment of a war against Communism, and it came out that alliances, corruption, conspiracy and ignorance on the part of Japanese fascists and pro-Japan Americans were rampant in this space.

To paint a vivid picture of this, Prof. Jeong Byeong-jun played a video during the Columbia University conference that depicted those involved at the time holding a kimono party.<sup>3</sup> Professor Dudden called this

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<sup>3</sup> Jeong Byeong-jun, *The Treaty of San Francisco and Territory Issues – A Collection of Japanese Ministry of Foreign Affairs Data on Land Issues and its Influence*, Beyond the San Francisco System, Medici Media 2022.

the dirty secret of American diplomacy.<sup>4</sup> It has also been pointed out that this encouraged and even took advantage of Japan's 'Datsu-A Ron' (Goodbye Asia) ethos of discrimination against Asia. A study by Prof. Hara Kimie found that this created points of conflict between Japan and the Soviet Union, Japan and China, and Japan and Korea, thereby 'intentionally' hindering the formation of an East Asian community in the future.<sup>5</sup> The issue of land restitution, often mentioned as the unsolved problem of the Treaty of San Francisco, faced great criticism from the Chinese delegation, who claimed it was a violation of the Cairo Declaration and Potsdam Declaration.

In Korea, Prof. Lee Tae-jin was at the center of accumulated research claiming that the treaties signed with Japan in the late Joseon period were invalid as they failed to satisfy the necessary conditions of a treaty.<sup>6</sup> Pioneers of international law with no relation to Korea, including French PhD Francis Ray and Manley Ottmer Hudson of Harvard, have stated that the Japan–Korea Protectorate Treaty of 1905 should be considered null and void under the pure logic of international law. It has been confirmed that this argument was acknowledged at a League of Nations General Assembly in 1935 and at UN General Assembly in 1963.

It was an unforgettable moment of excitement at the Muhan Conference when Prof. Totsuka Etsuro reported that an actual copy of the 1905 treaty did not exist even in Japan, according to his research following on from the research of Prof. Lee Tae-jin.<sup>7</sup> It was also noteworthy that on the issue of the Korean and Japanese government's differing interpretations of the word 'already' in Article 2 of the Basic Treaty, Prof. Wada found in favor of the Korean government's view.

Rooted purely in academics and international law, the outcry from foreign scholars including Ray, Hudson, Wada and Totsuka was like a sound of thunder that roared in the East Asian sky. This went beyond the realm of academic research and become a diplomatic incident. As one of the main premises of the Treaty of San Francisco collapsed, this lent weight to the Durban Declaration for East Asian intellectuals.

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<sup>4</sup> Alexis Dudden, *Trouble Among East Asian Allies? Washington's Dirty Secret*, ibid

<sup>5</sup> Hara Kimie, *The Keys to a Proper Solution and Reconciliation*, ibid

<sup>6</sup> Lee Tae-jin, *The Movement to Nullify the Annexation of Korea and Trends in European and American Media and Academia 1907-1936*, ibid

<sup>7</sup> Totsuka Etsuro,  
*For the Sake of Unfreezing Japan's Post-Colonial Process*, ibid

We believe the Korean Supreme Court decision in the forced conscription case represents the peak for an East Asian Durban Declaration that spans intellectuals and NGOs. At the fourth conference in 2019, Prof. Baek Tae-ung spoke highly of the Supreme Court's decision to set a precedent of upholding human rights, noting that the ruling and similar precedents from district courts were similar in nature to human rights cases in Europe. On the other side, the Abe administration that grew unabated through the San Francisco System was one of the peaks for Japanese fascists. The 'Abe regime' consisted of the 2015 Abe Statement released on the 70th anniversary of the end of World War II, as well as the 'coup d'etat' of establishing the right of collective self-defense that neutralized Article 9 of Japan's peace constitution.<sup>8</sup> Japan's military power shifted from a defensive to an offensive system, and this was topped off through policies of faithful cooperation with America's strategy of confronting China. These two peaks clashed with one another, and the dramatic conflict between Korea and China reached a pinnacle during the COVID pandemic of the past few years. The San Francisco System 2.0 has been gradually extended through the Quad alliance between the US, India, Australia and Japan formed in the Asia Pacific region and the signing of the US-led Indo-Pacific Economic Framework for Prosperity (IPE) decoupling agreement with China.

However, there was one important caveat for the establishment of the San Francisco System 2.0. A dramatic diplomatic measure had to be implemented at the height of the diplomatic spat between Korea and Japan. Bilateral relations needed to become closer, which required a resolution to historical issues. To resolve such issues required either Japanese atonement for the past in a manner akin to Germany, or for Korea to set these historical issues aside.

Something very dramatic happened at this peak. The crux of the Supreme Court's decision revolved around the illegality of colonial rule. However, the newly elected Yoon Suk-yeol administration completely ignored the accumulated achievements of intellectuals through our version of the Durban Conference and chose to take issue only with the reimbursement model of direct compensation paid by Japanese companies. The government ultimately decided to adopt a system of third-party reimbursement. This was akin to a historical coup d'etat in which a clause in the Korean Civil Code stating that 'debts may be repaid by a third party' was used to legally change the nature of a Supreme Court decision. The third-party reimbursement system is designed to include Japanese companies in the process, but the Japanese government has completely ignored the system and the companies concerned have yet to pay a cent of compensation. The only company to have actually reimbursed victims through the system is the Korean firm POSCO.

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<sup>8</sup> Masatoshi Uchida, *The Armitage Reports that Encouraged Abe's Constitutional Reforms – The Exercise of a Right to Collective Self-defense Alters Article 9 of the Constitution*, *ibid*

This process has led to human rights violations on two fronts, with the Korean government ignoring the spirit of the Supreme Court's decision that colonial rule was illegal and victims must be compensated, and the Japanese government continuing to ignore the right to individual claims that it previously acknowledged. As a result, although the ideals embodied in the Supreme Court's ruling on forced conscription opened a new horizon beyond the 1965 system and the San Francisco System, it has ended as nothing more than a summer night's dream. The 2015 Abe Statement represented a regression from the progress shown in Japan's stance through the 1995 Murayama Statement, the 1998 Japan–South Korea Joint Declaration between Kim Dae-jung and Keizo Obuchi, the 2002 Japan–North Korea Pyongyang Declaration and the 2010 Naoto Statement, and it feels as if this momentum has been lost ever since.

The illegality of Japanese colonial rule as recognized by the Supreme Court has reverted to the stance that colonial rule was legal. The reparatory justice for victims of forced conscription and sex slavery has been relegated to the level of civil debt claims, and the victim-centered approach has regressed to a perpetrator-centered approach. In this sense, the 1965 system has almost been fully reinstated. Directly after the precedent set by the Supreme Court, the US State Department noted that the ruling went against international law. I believe this statement was made in reference to the Treaty of San Francisco. When linked with analysis by attorney Masatoshi Uchida, who has looked into the close relationship between developments in the US Armitage Reports and changes to Japan's military and security policy, it offers a glimpse into the dark side of the hawkish triangular alliance between the US, Korea and Japan.<sup>9</sup>

The Camp David US-Japan-Korea trilateral summit held in May this year led to what has been dubbed the Camp David Manifesto. During our fourth conference in Seoul, Prof. Lee Jong-won noted this was a sign of the San Francisco System 2.0. Three years later, this can be viewed as the birth of a system that runs completely counter our East Asian Durban Declaration for NGOs.

Western Europe has served as comparative model for dealing with history and atoning for the legacy of colonization. In partnership with the UN, Africa and the South American empires are making every effort to implement reparatory justice for slavery and colonialism through the Durban Declaration. How can it be that post-war East Asia has been forced to endure the legacy of the San Francisco System, a system

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<sup>9</sup> *ibid*

that wholeheartedly rejects the UN's values, and that this system is being perpetuated through the San Francisco System 2.0?

In an appellate decision on a case brought by victims of sex slavery against the Japanese government, Seoul High Court recently followed the customary international law of leading European nations in human rights. The court ruled that under the premise that Japanese colonial rule was illegal, compensation had to be paid by the Japanese government, and any reimbursement from the Korean government could not be recognized. This was a moving judgment that affirmed the human rights and right to life of women violated by the illegal war of aggression should be championed above state sovereignty.

Similar to the 2018 Supreme Court ruling on forced conscription, there is a high likelihood that this decision will ultimately become embroiled in diplomatic conflict, but we cannot expect to see any solution that is aligned with the Durban Declaration and moves beyond the San Francisco System.

#### 4. Moving Toward 'Beyond'

"The path to paradise begins in hell." – John Wick: Chapter 3

More rigorous research is needed into the relationship between East Asia's San Francisco System and economic development in the post-war period. What is clear is that a Japanese version of America's Marshall Plan was implemented under the San Francisco System at the time, and growth in the Japanese economy took off as a result of the benefits of special procurement from the Korean War. The East Asian empire formed from the areas surrounding the Japanese revival, and Japanese assets frozen within the empire combined with aid and loan grants from the US to lay a foundation for dependent rapid growth in East Asia. The unlimited supply of labor that enabled agricultural reforms in each country, the unlimited supply of US and Japanese capital and the unfettered opening of the American import market for industrial goods to prevent domestic inflation all came together to create an economic miracle in East Asia. Newly industrializing countries emerged during these two decades of rapid growth, and this period saw budding developed nations appear that were home to mature civic societies and flourishing democracy.

As a democracy matures, people become more sensitive to human rights issues, and human rights issues in the present tend to bring up related issues from the past. This is how the issues of sex slavery and forced conscription came to the fore in Korea, along with the problems of the 1965 system and the need to move past the San Francisco System. In addition, the level of regional trade coupling surpassed 50% and financial coupling became more advanced. We saw the launch of the Chiang Mai Initiative and the establishment of the ASEAN +3 community and the Trilateral Cooperation Secretariat, which paved the

way for discussions on an East Asian community.

Things appeared to be progressing in accordance with Karl Deutch's theory that more frequent interpersonal and interstate relations between countries led to greater integration. The world talked about the East Asian era, and we dreamed of a Civil Asia. These trends were pushing us beyond the San Francisco System. "The path to paradise begins in hell" is a famous line in the film John Wick: Chapter 3. The path to moving beyond the San Francisco System began from within that very system. If the system had been fairer, the path would have opened up in a healthier way. We define the reactionaries who sought to conquer the post-war regime and revive the regime of the pre-war ruling class that remained intact in Japan as making a 'leap backward' to the San Francisco System. If this is the case, the Civil Asia trends that sought to move beyond this system represent a 'leap forward.' In this contest, the US ultimately chose to side with those who sought to leap backward. That is the identity of the San Francisco System 2.0 – thwarting those who sought to move beyond the San Francisco System from within the system itself.

During the Columbia University conference, the Helsinki Process was considered as a means of moving beyond the San Francisco System. The Philadelphia Process, which refers to democratic reforms to the San Francisco System, was subsequently raised during the UPenn conference, and Prof. Haruki Wada stressed that the process of establishing diplomatic relations between Japan and North Korea could also offer a breakthrough. During the Seoul conference, Prof. Kevin McCormick and Prof. Haruki Wada pointed out that North Korea's denuclearization was intrinsically linked to the denuclearization process under the San Francisco System as a whole (including the Okinawa base).

The revitalization of the Trilateral Cooperation Secretariat in Seoul and the contentious issue of the trilateral summit meeting between Korea, China and Japan could be part of a leap forward, and I believe the disarmament movement and anti-nuclear and peace movements in Northeast Asia could also be part of that process. To move beyond the San Francisco System, there are a surprisingly large number of forces under the system that must be brought into a coalition.

This leads to the so-called East Asian paradox that has put paid to any talk of an East Asian community. Japan was the first East Asian nation to achieve advanced industrialization, but Japan's civil society has matured at a slower pace and democracy has become distorted. China has caught up to Japan in GNP while moving even further away from democracy. The level of trade and financial coupling in the region is on the rise, absolute mutual dependence is growing and there is more exchange and cooperation than ever, but integration is becoming more distant. The US-China conflict, the demonization of neighboring countries and the expansion of armaments are intensifying day by day, turning East Asia into

the stage for an advanced weaponry contest and a region where it would not be surprising if war broke out at any moment. The path to paradise may begin in hell, but there are still forces remaining in hell that seek to demolish that path.

I once had the opportunity to speak alongside Prof. Kenzaburo Oe at a public rally of 50,000 people gathered to protect Article 9 of the Japanese constitution. I said that if the Japanese people succeeded in defending the peace constitution, it would be the first people's revolution to take place in Japan, and the success of the people's revolution in Japan would expedite the creation of a Civil Asia. I believe there is a path toward a forward leap beyond the San Francisco System by defending Japan's peace constitution.

The Korean government has distorted the Supreme Court's ruling into a system of third-party reimbursement, while the Japanese government is effectively ignoring the system altogether. Some Japanese citizens may have welcomed this as a victory for Japanese diplomacy, but how many more were concerned that the country has missed out on an opportunity to atone for the country's history of aggression and colonialism? I am curious how many were worried about the future of a country that embraces the past and allows the past to dominate the future.

Has the establishment of the San Francisco System 2.0 as a return to the 1965 system truly put an end to the situation? We believe the situation has not ended, but rather shifted from a diplomatic matter to a public issue regarding the history of civilization in East Asia. I frequently spoke at gatherings of Tokyo citizens seeking to uphold Article 9 of the constitution and was impressed by the level of civilizational capacity shown by the Japanese people. On one occasion I exclaimed that Japan's movement to defend Article 9 should advance in partnership with the candlelight vigils taking place in Korea at the time. I noted that even if Japan claims to be a war victim due to the bombing of Hiroshima, there is no way this will be universally accepted, and I established the 'Hapcheon process' based on Hapcheon, the county where the majority of innocent Korean victims of the bombing were from. However, this is evolving into a unified Hiroshima/Hapcheon process thanks to a joint visit to Hiroshima Peace Park during the latest summit meeting between Korea and Japan.

Linking Hiroshima with Hapcheon would allow the movement to obtain greater legitimacy, and Hapcheon could gain strength from an alliance with Hiroshima. It is believed that the Hapcheon/Hiroshima process was activated to some degree during a forum on global nuclear victims in a recent Treaty on the Prohibition of Nuclear Weapons meeting held at UN Headquarters. I hope to see a 'dove alliance' between those in Japan who seek to protect Article 9 of the constitution, Koreans who took part in the candlelight vigil protests, Hong Kong nationals from the yellow umbrella protests, and Chinese citizens from Tiananmen Square. This dove alliance could dream of a path toward the Durban

system rather than the San Francisco System 2.0 perpetuated through the hawkish alliance between the US, Japan and Korea.

In a recent appellate case brought against the Japanese government by victims of sex slavery, Seoul High Court followed the customary international law of leading European nations in human rights. The court held that based on the premise that Japanese colonial rule was illegal, compensation had to be paid by the Japanese government, and any reimbursement from the Korean government could not be recognized. This was a thundering statement affirming that the human rights and right to life of women violated in Japan's illegal war of aggression should take precedent over state sovereignty.

In East Asia, the Japanese have already established grounds for individual claims in the process of seeking redress for the bombing of Nagasaki in lawsuits brought against the US, and the Chinese established the same right in the trial process. For Koreans, the Japanese Ministry of Foreign Affairs has confirmed on multiple occasions that individual claims are still valid and separate from a nation's right to diplomatic protection. This is a fundamental verification of relative autonomy from the state for East Asian peoples, and I have always believed it speaks to the possibility of a Civil Asia. However, the individual rights of claim for Korean victims of sex slavery and forced conscription have been effectively ignored, and the San Francisco System 2.0 has come about as a result of this. This is a dramatic illustration of the difference in the level of human rights under the Durban system and the San Francisco System 2.0.

I once referred to Japan as a 'whale inside a well' as opposed to a 'frog inside a well,' an expression for a person with a narrow view of the world. This refers to the fact that Japan is a whale-sized economic powerhouse yet remains confined to the narrowness of a well in terms of worldview. One of the frames Japan remains trapped in is the frame of historical perceptions. The whale needs to leave the well and find its way to the sea. In other words, atoning for the past is not simply an issue of the history of Japan's civilization, but a matter of economic growth. If we fail to connect the variety of possibilities that could overcome the San Francisco System, we will fail to get off the ground.

##### 5. The UN and the San Francisco System

The Treaty of San Francisco consists of a full text, seven chapters and 27 articles in total, with the signatures of the 48 nations invited to the meeting affixed at the end. As the greatest victims of Japan's policy of aggression, Korea and China were excluded from this process. Korea was not a signatory to the treaty yet remains confined within the system, while China refuses to acknowledge the treaty at all.

The main text of the treaty states "In all circumstances to conform to the principles of the Charter of the



United Nations and strive to realize the objectives of the Universal Declaration of Human Rights.” The full text stipulates that the UN Charter and the objectives of the Universal Declaration of Human Rights must be respected, and that the subsequently established victim-centered approach should follow the same principles.

The UN gave rise to the idea of atoning for colonialism from the perspective of Lenin and Wilson’s principle of national self-determination. In this respect, the Treaty of San Francisco is not only completely silent on the issue of colonial crimes, but the San Francisco System that effectively prohibits such crimes violates the treaty’s own provision about conforming to UN principles as laid out in the full text.

Furthermore, the Settlement Agreement is limited to the issue of civil property claims stemming from the geographical division of Korean and Japanese territory as a result of World War II, which is diametrically opposed to the objectives of the Universal Declaration of Human Rights. This treaty failed to establish a historical or legal basis for human rights violations stemming from colonial crimes, including sex slavery and forced conscription. Accordingly, the Basic Treaty and Settlement Agreement that serve as the basis for the 1965 system left the issue of colonial crimes to be resolved at a later date. From this perspective, the Treaty of San Francisco prevents further examination of colonial human rights violations and has effectively provided an international law basis for not recognizing individual rights of claim.

In this respect, the treaty blatantly violates the principle of conforming to the objectives of the Universal Declaration of Human Rights and runs counter to the Vienna Convention. The victim-centered approach is an important principle that was unanimously passed at a UN General Assembly in 2005 and is diametrically opposed to the Treaty of San Francisco. What should be done with a treaty that goes against the principles stated in its own full text? In the same way that the UN General Assembly decided in 1963 that international treaties which cannot be recognized as such were null and void, would it not be possible for us to bring the Treaty of San Francisco before the UN for censure and use statements signed by intellectuals around the world to call for an East Asian Durban system to replace the San Francisco one?

In this sense, although today marks the end of our time together, I hope this conference will continue in one form or another. (End)

