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**Transcript of the Discussions at the Meeting of the
Working Group on the Peace Treaty, Tokyo**

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Summary:

Transcript of the discussions at the meeting of the Working Group on the Peace Treaty, Tokyo, regarding ownership of the Kurile islands and Japanese and Soviet claims of these islands

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Russian

Contents:

Translation - English

Tokyo, 21 March 1989

The following persons took part in the negotiations:

for the Soviet side: coms. I.A. Rogachev, deputy minister of foreign affairs of the USSR...

for the Japanese side: T. Kuriyama, deputy minister of foreign affairs of Japan ...

Evening session

Kuriyama. We will begin the evening session. According to our agreement, we will listen to Mr. Rogachev.

Rogachev. I would like to touch on the international-legal aspects of the ownership of the Kurile islands.

Our position and arguments about the Soviet Union's ownership of the islands of Iturup, Kunashir and Lesser Kurile chain (Habomai and Shikotan), just as with all of the Kurile islands, as well as the southern part of Sakhalin island, have been put forward by us already more than once. Nevertheless, today again I would like, more broadly than before, to touch on some of the aspects which, in our view, bear principal importance....

[Rogachev then expatiates on the following issues: the Yalta agreement, the San Francisco peace treaty, the Russian discovery and annexation of the Kuriles reaching back into the 17th century, and the definition of "Kurile islands."]

Now permit me to move on to the next issue.

Today you referred to the Joint Declaration of 1956 and the letters which were exchanged between Gromyko and Matsumoto. It seems to us that there arises a need to dwell on the contents of these documents, and also on their interconnections. It is well known that they were composed at different times and reflected the level of understanding between the sides of problems connected with the normalization of Soviet-Japanese relations and with the conclusion of a peace treaty. In December of last year we already spoke about this, and I want once again to direct attention to the circumstance that the exchanged letters between A.A. Gromyko and S. Matsumoto were signed during the intermediate stage of Soviet-Japanese negotiations when the sides were operating on the understanding that bilateral relations would be normalized as of yet without signing the peace treaty and that in the concluding document of the negotiations-the Joint Declaration-the territorial issue would not be touched upon, but would be discussed in the framework of negotiations on concluding a peace agreement after the establishment of diplomatic relations between the two countries.

However at the last stage of the negotiations the Japanese side stated an insistent request that the territorial theme must be reflected in the text of the Joint Declaration. The Soviet side acceded to the request (*poshla navstrechu*) and gave its agreement to the inclusion in the Joint Declaration of the well-known point.

This, however, did not signify the recognition by the Soviet side of the justice of Japanese territorial claims. It was a gesture of good will, which the Soviet Union undertook, acceding to Japan's desires and taking into account the interests of the Japanese state. And by doing this it was meant that it was the final position on the territorial issue upon which the USSR was ready to conclude a peace treaty with Japan.

In other words, the "territorial issue" which was spoken about in the letters exchanged between Gromyko and Matsumoto, was actually the formulation in a final form in the Joint Declaration of the Soviet Union's agreement to transfer Habomai and Shikotan to Japan. This is confirmed in the text itself of Point 9 of the Declaration, in which it speaks only about the continuation of the negotiations relative to the conclusion of a peace treaty and does not at all mention the territorial issue.

This is tangentially confirmed in the clause contained in the given agreement about the fact that the actual transfer of the mentioned islands will take place after the conclusion of the peace treaty between the USSR and Japan.

It is impossible not to mention as well that the expression "territorial issue" is not present in any of the subsequent Soviet-Japanese documents.

Afterwards, however, Japan did not make use of any of the available opportunities and refused to conclude a peace treaty on the terms of the 1956 Declaration, having put forward additional territorial claims toward the USSR. Moreover, the Japanese government began to conduct a policy toward the Soviet Union which contradicted the spirit of the Joint Declaration and the peaceful intentions expressed in the course of the negotiations on the normalization of Soviet-Japanese relations. The conclusion of the Japanese-American security treaty in 1960, directed essentially against the Soviet Union, changed the situation and confronted our country with the necessity of taking appropriate steps to defend its interests.

As is known, the law on international treaties (art. 44 of the Vienna convention on the law on international treaties of 1969) permits a unilateral refusal to observe a part of a treaty in case the treaty is violated by the other side or the situation fundamentally changes.

Now for several words on the character of the Japanese-American Treaty on mutual cooperation and security guarantees. Today, you, Mr. Kuriyama, tried to convince us that it has an exclusively defensive character....

[A short disquisition on the Japanese-American Treaty follows.]

It must be said that the destabilizing influence of the Treaty on the situation in this part of the world continues up until now and even into the future. The fact is that in keeping with the Treaty, more than 120 US military bases and establishments are located on Japanese territory, including means for delivering offensive nuclear weapons. We have in mind, in particular, F-16 fighter-bombers at the Misawa base, the cruiser "Bunker Hill" and the destroyer "Fife," which are equipped with "Tomahawk" cruise missiles [and are] assigned to the port of Yokosuka. These are all realities which cannot be ignored.

I want once again to say that we recognize the right of each country to individual and collective self-defense, but we cannot but assess the Japanese-American "Security Treaty" as a military alliance having in addition an anti-Soviet direction....

[A presentation on the Portsmouth Treaty of 1905, its precedents and results, follows.]

Now one more thought in connection with today's discussion.

The Japanese side asserts that the islands of Iturup, Kunashir, Habomai, and Shikotan were not seized by Japan "by force and as a result of avarice" and for that reason the relevant clause of the Cairo declaration does not apply to them.

It is well known that in the course of a long period of time Japan used these islands

as bases for aggression, including for the attack by a [naval] aviation formation on Pearl Harbor and attacks on peaceful Soviet vessels. For this reason, the confiscation of these islands from Japan after the war cannot be seen as a "territorial expansion" on the part of the victor, but should be seen as a measure taken in order to "halt and punish Japan's aggression," that is, in keeping with the principle of responsibility for aggression as was voiced in the very same Cairo declaration.

We have already explained our assessment of the environment in which the neutrality pact between the USSR and Japan was annulled. It is incontrovertible that responsibility for the outbreak of World War Two belongs to Hitlerist fascism together with Japanese militarism. Germany's attack on the Soviet Union and Japan's on the United States, as well as subsequent events, fundamentally changed the environment in which the neutrality pact between the USSR and Japan was made. The Soviet Union's entrance into the war against Japan at the request of the Allies was a logical consequence of these changes and was dictated by the interests of ridding [all] peoples, including Japan's, of death and suffering, [and of] restoring the foundations of peace throughout the whole world.

In your statement, you again refer to the Soviet-Japanese statement of 1973, in which unresolved issues are mentioned. I want once again to repeat that, as we have said more than once, the Japanese side is committing a one-sided, false interpretation of the sense of the formulas contained therein.

On that, permit me to finish my "short" statement.

Kuriyama. Today at the meetings of the working group on the peace treaty, the Soviet side in a comprehensive and detailed manner made an exposition of its position on each concrete aspect of the territorial issue which was raised by the Japanese side. I think that in the course of the negotiations which have taken place up until now, the Soviet side has never before given such a detailed exposition of its views. I express my sincere recognition for the comprehensive elucidation. At the same time I express a feeling of respect for the fact that the Soviet side in the process of preparation undertook very detailed research and study of the territorial issue in clarifying its position. I have materials on the table which have been prepared by my colleagues, which contain many points elucidating our position on the points you have put forward. However, insofar as today the Soviet side presented us with new arguments, I consider it expedient that we must make additional preparations for the discussion of the territorial issue and to clarify our position in the course of the following session of the working group on the peace treaty. In keeping with today's explanations by the Soviet side of its position we again see that the positions of the Japanese and Soviet sides on this issue diverge widely, which I regret. But on the other hand, during the morning session, Mr. Rogachev touched on geographical aspects which should be included in the contents of the peace treaty, and in doing so, if I am not mistaken, he said that the Soviet and Japanese sides have their views, but that it is necessary to apply effort to eliminating differences in our approaches, and that the Soviet side, in its turn, is ready to do so. I highly appreciate the given statement, and, making use of the opportunity, want to note that we share this opinion.

I think that the discussion which has taken place today is far from futile in the prospect for the continuation of the efforts of both sides. Today Mr. Rogachev stated the Soviet side's conception about the contents of the peace treaty. We would like to put forward our own thoughts on the contents of the peace treaty at the next meeting of the working group.

Mr. Rogachev said that the Soviet side does not adhere to a severe approach to the issues, but takes a businesslike and flexible position. At the same time the hope for an analogous approach from our side was stated. We are ready to display a similar

approach within the framework of the working group on the peace treaty.

However, I want to dwell on one point connected with the statement which was made this morning by the Soviet side. You made reference to the islands of Takeshima, Senkaku and Okinawa as an example of Japan's flexible approach to other countries in cases when it wants to.

First, on the Senkaku islands. We received the impression that a definite misunderstanding exists on the Soviet side. The islands of Senkaku after the return of administrative rights over Okinawa were under the administrative control of Japan, as our original territory. We never agreed to a settlement of this issue by way of putting it on the "slow burner" (putem otkladyvaniia ego v dolgii iashchik).

Secondly, about Okinawa. The character of the given issue is essentially different from the character of the issue of the northern territories. After the conclusion of the San Francisco Treaty, administrative rights were recognized for the USA. The essence of the issue consisted in the return to Japan of the administrative rights on Okinawa.

And, finally, on Takeshima. In contacts with the Korean Republic we consistently speak out against putting this issue aside. According to the principle that the given issue should be resolved by peaceful means, Japan consistently states, even at the ministerial level, that the Korean side has no juridical basis for ruling these islands.

Your phrase about a flexible approach misses the mark. We would like the Soviet side to understand: from the political point of view there can not be the same approach to the northern territories which before the war were inhabited by 16 thousand Japanese, and which have an area of five thousand square kilometers, and to the Takeshima islands, which are uninhabited. If the Soviet Union considers it possible to adhere to the aforementioned approach, it thereby ignores political realities and the political significance of the issue of the northern territories, on the one side, and of the issue of the Takeshima islands, on the other hand.

Finally, one request. Mr. Rogachev, you said that you can give us a list of the sources which were referred to during the exposition of your position. We will probably make a request about this in the course of working procedure.

Rogachev. We will do so.

Kuriyama. If the Soviet side has no further questions, I would like to consult relative to the press briefing. Insofar as the attention of journalists is focused on the content of the discussion in the course of the meeting of the working group, I want to consult about the contents of the briefing with the goal of avoiding unnecessary misunderstandings. Up until now such a practice has existed.

Rogachev. We had the impression that yesterday we consulted, although, judging by the Japanese newspapers, the results of our conversation were unexpected. We showed our text, which we intended to publish, and you said that in principle you agreed [to it]. We sent the text to Moscow, but something entirely different appeared in the Japanese press. I do not know by whose recommendation the message that the Soviet delegation was bargaining (vedet torg) appeared: six agreements for a high-level visit. That will never be. That is a risible thesis. We will conduct no negotiations, if we see that the Japanese side shows no interest. And you have no interest. I do not object to a consultation on the briefing, but I have doubts as to the results.

Kuriyama. If there are no more questions, I want thereby to finish the work of our

committee. Several words in conclusion. In the course of two days we have held consultations, and today there was a meeting of the working group on the peace treaty. Although difficult problems exist between Japan and the Soviet Union, we were able to conduct a more detailed discussion of the issues, and our work benefited from a deepening of mutual understanding. During Mr. Uno's visit to the Soviet Union in May of this year, we will have to exert even more efforts to move forward our bilateral relations in the direction of realizing M.S. Gorbachev's visit to Japan. In conclusion I thank you for the Soviet side's cooperation with us over the course of these three days. I also express our recognition of the translators. I wish you, Mr. Rogachev, pleasant travels in Japan.

Rogachev. Permit me to say a few words. We are finishing the meeting of the working group on a peace treaty. I want once again to emphasize that the Soviet Union is conducting an honest, principled, open policy in all areas of the world, in relation to all countries and, in particular, in relation to its close neighbor, Japan. At the end of last year, following the conception of new political thinking, we took on an active role in improving our relations with Japan. After the meeting of our Minister of Foreign Affairs with Japanese leaders in December of last year there were hopes that perhaps a new stage in the history of Soviet-Japanese relations was beginning. An understanding was reached between the ministers of foreign affairs on the creation of a working mechanism to prepare a summit meeting and a working group on a peace treaty, and it was approved by the Prime Minister of Japan and the Soviet leadership. The Soviet side honestly fulfilled the obligations it had taken upon itself, seriously preparing for the meeting of the working group in Tokyo and made a statement on all of the issues which constitute the concept (poniatie) of a peace treaty. We counted on the same approach from the Japanese side.

Unfortunately, I am obliged to state that from you we heard only a statement on the so-called "territorial issue." I am left with the impression that you are avoiding the use of the term "peace treaty." We also did not hear what the Japanese conception is, [that is] your understanding of a peace treaty. We consider that this will be a serious study, and hope that the Japanese side will make its answer at the next session of the working group.

Of course, there still remains the meeting with Mr. Uno. This is the high point of our entire work here, I mean both the consultations and the meeting of the working group. So far we have nothing about which to inform Moscow, aside from the fact that we heard the old Japanese theses on the "territorial issue." The question arises: how has the preparation for the meeting of the Ministers of Foreign Affairs benefited, let alone a summit meeting? It seems to me that our Japanese colleagues themselves will make their own assessment of the scale of this benefit. [Ed. note: The May 1989 Uno-Gorbachev meeting is covered in A.S. Cherniaev's memoirs, excerpted in CWIHP Bulletin 10.]

I want to assure you that the Soviet side will make efforts toward normalizing relations with Japan. I agree that as a result of the meetings we have begun to understand each other's positions better and in this sense have deepened our mutual understanding.

Deep differences remain on the issue which you call "territorial." We will await your thoughts on the subject of our statement today after you study it.

On behalf of my comrades I want to thank you sincerely for your attention, for your hospitality, for organizing our trip around the country, and finally, for creating [good] work conditions. And on the subject of when I will meet with you, Mr. Kuriyama, we will agree separately. I mean the next meeting of the working group on the peace treaty.

Kuriyama. I agree.