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THE KURIL ISLANDS DISPUTE: A LEGAL AND HISTORICAL ANALYSIS AS SEEN FROM THE JAPANESE PERSPECTIVE

(北方領土問題—日本側から見た法的および歴史的 analysis)

I. Kuril Islands: geographical profile and significance

The Kuril Islands, known in Japan as Kuriru Rettō (クリル列島) or, more traditionally, Chishima Rettō (千島列島), are a group of 56 major and many more minor islands with a total area of 10,502 square kilometres, stretching from Hokkaidō to the Kamchatka Peninsula. They form an 1,800-mile arc separating the Sea of Okhotsk from the North Pacific Ocean. Since the end of World War II in the Pacific, they have been under Soviet and then Russian administration as a part of the Sakhalin Oblast. According to the most recent data from 2023, the population of the Kuril Islands is just under 21,000 people.¹

The Kuril Islands are divided into two distinct parts – the Greater Kuril Chain, which constitutes the main arc, and the much smaller Lesser Kuril Chain, located at the southwest end, parallel to the Greater Chain. Iturup (Etorofu-tō 択捉島), Paramushir (Paramushiru-tō 幌筵島), Kunashir (Kunashiri-tō 国後島) and Urup (Uruppu-tō 得撫島) are the four largest and most distinct islands in the chain with the two most populous towns –

¹ Data from 1 January 2023, based on Rosstat.gov.ru: Chislennost' naseleniya Rossiyskoy Federatsii po munitsipal'nyy obrazovaniyam.

Severo-Kurilsk (Kawashibara 柏原) in Paramushir inhabited by about 2,500 people and Kurilsk (Shana-mura 紗那村) in Iturup inhabited by about 2,100 people.² Due to their volcanic origin, the Kuril Islands do not have valuable mineral resources or economic significance, except for the natural extension of the fishing zone. However, the main motive for control of the chain is to secure strategically important positions for both sides of the dispute. For Russia, the Kuril Islands are a bridge between Sakhalin (Karafuto 樺太) and the open Pacific Ocean, and thus the only exit route from the Sea of Okhotsk. The Russians see it as a natural barrier to approaches to the Maritime Province and the strategic nuclear fleet based there.³ Additionally, after the establishment of effective Soviet control over the entire chain, Moscow used this position to exert political and occasionally military pressure on the Japanese government.⁴

For Japan, the Kuril Islands are considered to some extent a part of the national sphere of influence, which includes historical, economic, social, and military factors. Despite losing the Kuril Islands as a result of World War II, the Japanese Cabinet officially claims that the four islands of the chain called the “Northern Territory” (Hoppō Ryōdo 北方領土) are legally part of Japan, and states, among other points, that Cape Koritsky (Kamoiwakka-misaki カモイワッカ岬) in Etorofu Island is the northernmost point of Japan and part of Hokkaidō. According to the cabinet’s official website, it is possible to establish that Japanese claims include Kunashiri, Etorofu, Shikotan, and the Habomai Islands. The total area of disputed islands is 5,003 square kilometres (50% of the chain), inhabited by about 18,000 people (90%). Residents, in the vast majority, are of Russian nationality.⁵

The Soviet/Russian governments have rejected Japanese claims and arguments for almost seventy years. Moscow, however, has approached Tokyo several times to settle the dispute by submitting formal offers to hand over the less significant part of the disputed land. For successive Japanese cabinets, accepting the Russian proposition is considered to be against national interests, and thus the dispute is unlikely to be solved by reaching a compromise. On its official website, the Japanese Ministry of Foreign Affairs states that “Russia has been illegally occupying” (“Roshia ni yoru fuhō senkyo ga tsuzuite imasu”) the Northern Territory.⁶

II. Historical background of the dispute

2.1. Early rivalry over the Kuril Islands

Due to the geographical proximity of the Northern Territory and present-day Japan, it is impossible to unequivocally state when the Japanese people landed on the Kuril Islands for the first time. The chain’s indigenous tribe, the Ainu people, also inhabited the

² Ibid.

³ H.S. Yon, “The Russian Security Interests in Northeast Asia” in *The Korean Journal of Defense Analysis*, vol. 6 (1994), p. 168.

⁴ H. Kimura and M. Ealey, *The Kurillian Knot: A History of Japanese-Russian Border Negotiations*, Stanford: Stanford University Press, 2008, p. 86.

⁵ “Hoppō Ryōdo no Sugata,” Japanese Cabinet website, <https://www8.cao.go.jp/hoppo/sugata/01.html> (accessed 25 September 2023).

⁶ “Hoppō Ryōdo Mondai to wa?” website of the Ministry of Foreign Affairs of Japan, <https://mofa.go.jp/mofaj/area/hoppo/hoppo.html> (accessed 25 September 2023).

greater part of Hokkaidō, where the border between them and the Japanese people and their sphere of influence existed from early medieval times. It is also unknown when the Japanese and Ainu people established stable relationships. However, one cannot deny that the Japanese enjoyed technological and numerical superiority, which resulted in natural expansion at the expense of indigenous groups, who were slowly pushed northward. Until the establishment of the Tokugawa shogunate, Japanese activities in the Kuril Islands were poorly documented. This situation suddenly changed in the early seventeenth century with the formation of the independent Matsumae clan in southern Hokkaido (Oshima Peninsula), which became responsible for trade with the Ainu people in Ezochi.⁷ Thanks to Matsumae clan records from the Genna era (1615–1624), historians know that the Japanese mostly traded sea otter furs and eagle feathers with the Ainu people, who came on small boats from the northern part of Hokkaido (present-day Nemuro city).⁸

In December 1644, soon after imposing the *sakoku*⁹ policy in Japan, the Tokugawa shogunate passed an order to conduct a national census based on the information obtained from all clans, so as to publish a detailed map of Japan.¹⁰ Since the Matsumae clan had carried out the expedition in Ezochi and had gathered valuable data on the local people in 1635, the final version of the map, named the Shōhō Nihon Sōzu, included part of the Northern Territory, in particular, Kunashiri and Etorofu.¹¹

In 1715, the Matsumae clan submitted a report on accessible land for cultivation in its domain to the *bakufu* (military government). This gave the information that Hokkaidō (described as the “Main Ezo”), the Kuril Islands, Karafuto, and the Kamchatka Peninsula were under the Matsumae general administration.¹² However, the above-mentioned areas were to have local autonomy, which meant that the Ainu people kept their tribal system and were not subjected to any central power. The Matsumae clan also recorded limited trade from its local centre in Akkeshi with Ainu people from Kunashiri and Etorofu. In the following years, trade activities expanded through the opening of new facilities at Kiritappu and Nemuro in Hokkaidō. In 1754, the Japanese opened their first trading post (*basho*) in Kunashiri, which soon engaged with people from Etorofu.¹³

The late eighteenth century also marked the beginning of the rivalry between Japan and the Russian Empire over the Kuril Islands. Russian explorers, merchants, and missionaries expanded their activities into the Sea of Okhotsk, moving into the chain from Paramushiru. The Ainu people informed the Matsumae clan about the European newcomers. The Japanese soon realised they needed support from the Edo government. However, the Matsumae clan and the Tokugawa family still lacked the most current data on Ezochi. Following this, in 1786, the *bakufu* dispatched an exploration party led by Tokunai Mogami. The field study group first moved from Kunashiri to Etorofu. On the

⁷ Ezo (Ezochi in Japanese) was traditionally land north of Honshū, inhabited mainly by non-Japanese people.

⁸ K. Matsumae, *Shinra no Kiroku*, vol. 1–2, published in 1646.

⁹ Sakoku in Japanese means the “isolated country.”

¹⁰ K. Isonaga, “Shōhō Nihon Sōzu no Chōsa to ‘Mura sa Shutsuchō’ Yamajiro Kuni Sagami Kuni o Chūshin ni,” *Oryō Shigaku*, vol. 22 (1996), p. 62.

¹¹ Hokkaidō University, Hoppō Shiryō Dētabēsu: 0D000150000000000: Shōhōdo Nihon Sōzu Hokubu.

¹² K. Ōzaki, “Tenmeiki no Ezo Chizu to Bakufu no Hokkaidō Nōkō Tekichi Menseki no Mitsumori,” *Hokkaidō Daigaku Nōkei Rongryō*, vol. 43 (1987), pp. 184–185.

¹³ Hoppō Ryōdo Mondai Taisaku Kyōkai official website, “Hoppō Ryōdo Modai no Rekishi,” <https://hoppou.go.jp/problem-info/know/islands-history.html> (accessed 25 September 2023).

latter island, they met three Russian settlers. Using the Ainu people as intermediaries, the Japanese initiated direct contact with the Russians and learned they were only engaged in trade. Mogami's group also observed that the Ainu people were practising Orthodox Christianity, which meant that the Russians had brought a new religion. Finally, Mogami's party landed on Uruppu, and then returned to mainland Japan to submit a report to the *bakufu*, proving Ezochi's importance for Japan.¹⁴

Since the Russians had settled four families in Uruppu (totalling about sixty people) and established a settlement on the island in 1793, the *bakufu* decided to secure its position in Ezochi to avoid ambiguity in territorial rights. In the summer of 1798, a Japanese party in Etorofu, led by Morishige Kondō, set up a stone pillar with the sign "Japanese Etorofu" (*Dai Nippon Etorofu*) with the date and signatures of several people.¹⁵ Two years later, in August 1800, the same sign was erected in the island's northern part at Kamoiwakka Cape. As well as this fact, the Japanese cabinet website also mentions that at the time, the *bakufu* formally extended the mainland's administration system over all the islands south of Etorofu by establishing permanent government outposts and seventeen fishing zones.¹⁶ Additionally, the Nambu and Tsugaru clans were ordered to dispatch their soldiers to defend the area north of Hokkaidō.¹⁷

The shogunate's bold moves to protect its territorial claims did not bring peace to the region, as the Russians tried to break Japan's policy of isolation in the following years. All attempts to establish trade or political relations, including negotiations in Nagasaki, were unsuccessful. As for the Kuril Islands, the Japanese garrison in Kunashiri captured the warship *Diana* during a survey mission around the archipelago and imprisoned her crew under Lieutenant Commander Vasily M. Golovnin. In revenge, the Russians shelled the Japanese ships near their part of the chain and arrested Kahee Takataya, a *bakufu* merchant and official. Both incidents ended with an exchange of prisoners by September 1813.¹⁸ The fictions however initiated the first border negotiations between Russia and Japan. According to the Northern Territory Restoration Association's educational papers, in 1813, both sides agreed that the chain below Etorofu would belong to Japan and the part above Shumushu would become Russian territory. Uruppu was to remain a neutral island where the Russians and the Japanese would have the right to station their administrations and troops. The official treaty was to be signed the following year, but the promised Russian legation never appeared in Japan.¹⁹ Since border tensions between Edo and St. Petersburg decreased in the following years and most of the incidents involved individual Russian attempts to establish trade relations, delimitation became a problem of secondary importance, though not without significance.²⁰

¹⁴ T. Kawaga, *Nihon no Reikishi 11: Kuzureyuku Sakoku*, Tokyo, 1992, pp. 115–126.

¹⁵ H. Kimura, *Nichiro Kokkyō Kōshōshi*, Tokyo, 1993, pp. 38–39.

¹⁶ "Hoppō Ryōdō Mondai to wa? Reikishi," Japanese Cabinet website, <https://www8.cao.go.jp/hoppo/mondai/02.html> (accessed 25 September 2023).

¹⁷ Nihon Koku Gaimushō and Roshia Rempō Gaimushō, *Nichirō Ryōdō Mondai no Rekishi ni kansuru Kyōdō Sakusei Shiryōshū*, Historical Documents Set published in 1992, p. 10.

¹⁸ M. Ikuta, *Takataya Kahee*, Tokyo, 2012, p. 281.

¹⁹ "Hoppō Ryōdō Fukki Kiseidōmei," *Watashitachi no Hoppō Ryōdō*, 3. *Hoppō Ryōdō no Rekishi*, p. 24, https://hoppou-d.or.jp/cms/cgi-bin/index.pl?page=contents&view_category_lang=1&view_category=1022 (accessed 25 September 2023).

²⁰ Gaimushō Seimukyaku, *Nichiro Kōshōshi*, Tokyo, 1969, p. 43.

2.2. Towards treaties and a stormy neighbourhood

In August 1853, Russian Tsar Nikolay I sent his special envoy, Yevfimiy Putyatin, to Nagasaki to establish trade relations with the shogunate. Putyatin also raised the border issue and presented the claim that Karafuto and all the Kuril Islands up to (including) Etorofu belonged to Russia, based on historical settlement records.²¹ The Edo government representative, Toshiakira Kawaji, replied that the Northern Territory and the Kuril Islands were Japanese lands successfully explored and reclaimed. This statement led to a stalemate in the negotiations.²² As H. Wada argues, the issue of the Japanese claims towards the southern part of Karafuto was the main point of disagreement. At the time, the *bakufu* was already aware that a potential territorial conflict might arise.²³

However, a sudden shift in relations between Russia and Japan would soon happen. It would not have been possible without the unprecedented action of Commodore Matthew Perry against the shogunate, breaking the *sakoku* policy in 1853 with the threat of using military power. In the wake of the collapse of the centuries-old isolation, confirmed by the Japan-US Treaty of Kawagawa, the Russians also secured their unilateral rights in the Treaty of Commerce and Navigation between Japan and Russia. Signed on 7 February 1855, it is known as the Treaty of Shimoda (*Shimoda Jōyaku*), which constituted one of five of the so-called Ansei Treaties (*Ansei Jōyaku*) – disparate treaties violating Japanese sovereignty up to 1911.²⁴ Due to past controversies around the status of southern Karafuto, the Treaty of Shimoda intentionally avoided this subject, leaving it as a matter regulated by “existing custom” (*shikitaru no tsūtaru*). In detail, the part related to the Japan-Russia border was governed by Article 2:

第二條

今より後日本國と魯西亞國との境「エトロフ」島と「ウルップ」島との間に在るへし「エトロフ」全島は日本に屬し「ウルップ」全島夫より北の方「クリル」諸島は魯西亞に屬す「カラフト」島に至りては日本國と魯西亞國との間に於て界を分たす是まで仕來の通たるへし²⁵

Article 2

Henceforth, the boundary of Japan and Russia shall be between the islands of Etorofu and Uruppu, leaving the entire island of Etorofu to Japan and Uruppu island to Russia. From that point, the northern part, the Kuril Islands shall belong to Russia. As for Karafuto, which is in the possession of Russia and Japan, there shall not be any boundary, and (the matter) shall be left as it has been.²⁶

²¹ Ibid.; Nihon Koku Gaimushō and Roshia Rempō Gaimushō, *Nichirō Ryōdo Mondai*..., p. 12.

²² “Hoppō Ryōdo Fukki Kiseidōmei,” *Watashitachi no...*, p. 24.

²³ H. Wada, *Kaikoku: Nichiro Kokkyō Kōsho*, Tokyo, 1991, p. 121.

²⁴ For more about the provisions of all five Ansei Treaties, see T. Totsugoshi, “Bakumatsu no Jōyaku ni tsuite” in *Hirosaki Daigaku Kokushi Kenkyū*, vol. 141 (2016), pp. 67–70.

²⁵ Original handwritten copy of the Treaty in Japanese at the National Diet Library website: Nichiro Washin Jōyaku Utsushi, p. 4, <https://dl.ndl.go.jp/pid/11125297/1/4> (accessed 23 September 2023). The original Japanese version was lost in a fire during the Great Kantō earthquake in 1923.

²⁶ Author’s translation.

The negotiations were conducted in Dutch due to significant linguistic discrepancies between Russian and Japanese. The treaty was first drafted in Dutch and Russian, and both versions were assessed uniformly. Later, they were translated into Japanese and Chinese, yet all four texts were considered authentic. The main discrepancy resulting from the translation was reflected in Article 2, in which the Japanese did not use the word “the remaining” (*nokori*). Therefore, the Kuril Islands acquired a specific geographical definition in Japan, namely islands north of Etorofu (starting with Uruppu). On the contrary, in the Russian and Dutch versions, the Kuril Islands are not limited to Uruppu from the south but include those islands constituting the present-day Northern Territory. Since the Japanese version is as equally authentic as the Dutch and Russian versions, and the Japanese interpretation has a clear grammatical sense, H. Kimura argues that the Japanese government interprets this provision correctly. However, according to him, the alternative interpretation of the Kuril Islands as an entire chain should also be recognised.²⁷

In the following years, Japan witnessed the collapse of the shogunate and the Meiji Restoration. Despite radical changes in the system of government, the Japanese border issues with Russia remained the same – the status of Karafuto was left open. Soon after the Treaty of Shimoda, tensions between the two nations started to arise as Japanese settlers, especially the Ainu people, crossed the provisional zones in Karafuto, and Russian fishing boats entered Japanese economic zones in the chain. To remove the ambiguity from the territorial rights, the sides signed the Treaty of Saint Petersburg (*Saharin Kuriru Kōkan Jōyaku*) on 7 May 1875, after protracted negotiations and the search for provisional solutions.²⁸ The treaty eventually established an exchange of the disputed lands – the Japanese ceded the southern part of Karafuto to Russia and in return, possessed the Kuril Islands up to Shumushu. Consequently, the Russians gained control over the whole of Karafuto and the Japanese over the entire chain.²⁹

The border issue was solved, but the Treaty of Saint Petersburg introduced even more ambiguities in interpreting geographical names than the Treaty of Shimoda. This time an authentic text was drafted in French, and it contained the following provision in Article 1: “(...) cède à Sa Majesté l'Empereur du Japon le groupe des Îles dites Kouriles qu'Elle possède actuellement (...)” In practice, the linguistic interpretation of this passage led to the conclusion that there was a particular group of islands called the Kuril Islands and the Russian tsar had ceded his part to the Empire of Japan. The Japanese, who translated the treaty into Japanese, bearing in mind that their text would not be authentic, used a different passage. They claimed that the Kuril Islands were part of the chain that belonged to the Russian Empire and began from Etorofu. Article 2 also listed all eighteen Russian islands ceded to Japan, and the Japanese interpretation was that they constituted the Kuril Islands mentioned in Article 1. Still, despite this argument, the French version of the treaty remains the only authentic one, and thus, opinions on the legal definition of the Kuril Islands are divided. Supposing the treaty drafters had been more cautious about the terminology in French, the Kuril Islands would not have been legally defined as all the islands under Japanese administration from 1875.³⁰

²⁷ H. Kimura, *Nichiro Kokkyō*..., p. 54–57.

²⁸ Gaimushō Seimukyaku, *Nichiro Kōshōshi*, Tokyo, 1969, p. 83–99.

²⁹ Full Japanese text of the treaty: Karafuto Chishima Kōkan Jōyaku, <https://dl.ndl.go.jp/pid/787955/1/177> (accessed 23 September 2023).

³⁰ T. Hasegawa, *Hoppō Ryōdo Mondai to Nichiro Kankei*, Tokyo, 2000, p. 54–56.

T. Mormanne presented an interpretation of the geographical names based on the treaty's title in Japanese. The treaty was straightforward about the exchange of Chishima for Karafuto, and thus the Japanese naturally understood the Kuril Islands as a group of islands acquired from Russia in 1875. However, as T. Mormanne argued in the next paragraph, the situation was more complex. For him, based on historical and linguistic arguments, the Japanese had exchanged part of Karafuto for part of the Kuril Islands. Additionally, contrary to the Russians, who had developed a consistent definition of the Kuril Islands, the Japanese tended to use the name "Chishima" rather than "Kuril Islands," and the meaning of both terms was not identical. It is almost certain that the treaty signatory from the Japanese side, Takeaki Enomoto, did not have the same thing in mind as the Russian signatory, Alexander Gorchakov.³¹

The confusion about the term "Chishima" is even more profound regarding two different geographical denotations in Japanese – Chishima no Kuni and Chishima Rettō. The first one, described as an old province within the bigger Hokkaidō district (under the *ritsuryō* system), consisted initially of Kunashiri and Etorofu and was later enlarged, first when administrative jurisdiction over Shikotan was confirmed, and later when Japan acquired the rest of the chain in 1875. Therefore, the term "Chishima" as part of the territorial division was firmly established after the Treaty of Saint Petersburg.³² The second term, Chishima Rettō, remains a purely geographical name which describes the chain of islands from Nemuro Strait to Kuril Strait.

The linguistic and historical analysis naturally led to the question – why did the Japanese use the term "Chishima" in their version of the Treaty of Saint Petersburg, which negatively impacted their argumentation in international law? H. Wada gave a possible answer to this. T. Enomoto went to Russia with the Japanese concept of the Kuril Islands as a chain beginning from Uruppu. However, while reading the Russian documents during the preparatory session, he probably discovered the discrepancies in terminology, yet he decided to keep his Japanese translation for purely political reasons. Exchanging only a part of Karafuto for the whole of Chishima sounded more compelling to the public and for the prestige of the Meiji government.³³ As T. Mormanne argues, the Empire of Japan relinquished Karafuto's 76,000 km² for 15,600 km² of islands without any natural resources apart from the fishing industry, which was still to be developed in the coming years.³⁴ Present-day Japanese sources also confirm that exchanging Karafuto for the Kuril Islands was an unfavourable arrangement.³⁵

The Treaty of Saint Petersburg solved the territorial ambiguities between Japan and Russia, but it did not stop both sides from political and military rivalry in East Asia. Tensions regarding the status of Korea and Manchuria led to the Russo-Japanese War in 1904, which resulted in a decisive victory by the Empire of Japan. Under Article 9 of the Portsmouth Peace Treaty (*Nichiro Kōwa Jōyaku*), the Japanese acquired full sovereignty over the southern half of Karafuto along the fiftieth degree

³¹ T. Mormanne, "Le problème des Kouriles: pour un retour à Saint-Petersbourg," *Cipango*, No. 1 (1992), online version pp. 7–9.

³² If we exclude the additional corrections when Shikotan and Habomai became part of the newly established Hokkaidō province (*Hokkaidō-chō*) in January 1886.

³³ H. Wada, *Hoppō Ryōdo Mondai o Kangaeru*, Tokyo, 1990, p. 55.

³⁴ T. Mormanne, "Le problème des Kouriles...", pp. 9–10.

³⁵ "Hoppō Ryōdo Fukki Kiseidōmei," *Watashitachi no...*, p. 26.

of north latitude.³⁶ The war's end seemed a turning point for the region. After more than a hundred years of competition in the Sea of Okhotsk, the Japanese secured all their territorial claims against Russia. The legal distinctions between various terms became insignificant for the state, and for people, who quickly got used to the name Chishima as relating to the entire chain, forgot that those islands had also been named the Kuril Islands.³⁷

2.3. World War II and the forfeit of the Kuril Islands

The first half of the twentieth century abounded in momentous changes in East Asia. In the latter part of the Great War, the Russian Empire collapsed and was replaced by the Soviet Union. The Empire of Japan pressed forward on building a colonial empire at the expense of its Asian neighbours and European powers. Despite the tumultuous events in China, which included the Japanese conquest of Manchuria in 1931, the outbreak of the Second Sino-Japanese War in 1937, and the Soviet-Japanese border clashes in 1938–1939, the Kuril Islands remained a safe and secure region. In January 1925, both sides agreed that the Treaty of Portsmouth was effective and they had no territorial claims against each other.³⁸

In April 1941, Tokyo and Moscow signed the Neutrality Pact (*Nichiso Chūritsu Jōyaku*), which would last for the next five years.³⁹ When the Japanese decided to refrain from open conflict with Stalin and adopt a more secure stance, they already knew from the Germans about their plans to invade the Soviet Union in the next two months.⁴⁰ Although Joachim von Ribbentrop, minister of foreign affairs for Nazi Germany, promoted the extension the Tripartite Pact to the Soviet Union and the continuation of the crusade against the Allied powers, Hitler's ultimate vision to destroy his ideological enemy prevailed.⁴¹

The rapid advance of German forces into the Soviet Union and the Red Army's massive losses in the first months of the campaign did not encourage the Japanese to join Hitler in the war. Tokyo had already been struggling with its own problems from late July 1941, namely the Allied embargo on oil supply, which led to a desperate move against the United Kingdom, the Dutch East Indies, and the United States. Additionally, owing to the spy ring built around Richard Sorge, who had close personal links to an associate of Prime Minister F. Konoe, Stalin and his generals were almost sure that Japan did not plan to attack the Soviet Union from the east.⁴² The surprise attack on Pearl Harbor in December 1941 and the series of offensive operations in Malaya and the Philippines confirmed that the Japanese were committed to the war against the Western powers and were unwilling to open a new front in Siberia.⁴³

³⁶ Publicly released version of the treaty: JACAR A01200226500: Nichiro Kōwa Jōyaku. The provisions regulating the status of Karafuto are covered on p. 6.

³⁷ T. Mormanne, "Le problème des Kouriles...", p. 10.

³⁸ Nihon Koku Gaimushō and Roshia Rempō Gaimushō, *Nichirō Ryōdo Mondai...*, p. 18.

³⁹ JACAR C12120377200: S16.04.14, Nichiso Chūritsu Jōyaku Seiritsu.

⁴⁰ F. Konoe, *Ushinaware Seiji: Konoe Fumimaro Ōyake no Shuki*, Tokyo, 1946, p. 38.

⁴¹ B. Martin, *Japan and Germany in the Modern World*, Oxford, 2015, p. 252.

⁴² T. Mitamura, *Sensō to Kyōsan Shugi: Shōwa Seiji Hiroku*, Tokyo, 1950, pp. 49–50.

⁴³ A formal decision on the advance into the south against the Allied powers had been made already in July 1941. JACAR C12120249400: 26.06, 33. Renraku Kodankai, Jōsei no Suii ni Tomonafu Teikoku Kokusaku Yōkō no Ken.

During the early months of the war, besides operations in Southeast Asia and the Central Pacific, the Japanese Navy was forced to stretch the defensive perimeter into the North Pacific to secure the approach to the homeland islands. Japanese leaders feared that the US Navy would use its aircraft carriers to unexpectedly strike Tokyo, unprepared for air defence. The early days of June 1942 marked the beginning of the campaign in the Aleutian Islands – the Japanese hit the American base in Dutch Harbor and conquered Attu and Kiska Islands. Opening a new front in the North Pacific also influenced the Kuril Islands, which became directly involved in naval operations. The Japanese Navy constantly used Paramushiru, the most developed naval and air base in the North Pacific, to check the American advance in the second part of 1942 and the first half of 1943. However, the Aleutian Islands campaign resulted in a decisive American victory and the reconquest of Attu and Kiska.⁴⁴

In June 1943, the Americans launched an aerial war of attrition against the Kuril Islands. The Attu airfield became the main base of the 11th Air Force, which mostly targeted military facilities and forces gathered in Paramushiru and Shumushu.⁴⁵ Information about enemy strikes against Chishima was announced in August 1943.⁴⁶ In the following months, the US Navy did not decide on launching an offensive in the North Pacific towards the Kuril Islands and mainland Japan. Still, Tokyo's military situation rapidly deteriorated in other areas. After the crushing American victory in the battle of the Philippine Sea in July 1944, followed by the battle for the Leyte Gulf in October 1944, the ultimate defeat of Japan was a matter of time. However, behind the scenes of the military struggle, a crucial political game became the foundation of the present-day territorial dispute between Japan and Russia.

To adopt a uniform policy towards Japan, based on the Atlantic Charter ideas, President Franklin Roosevelt, Prime Minister Winston Churchill, and Generalissimo Chiang Kai-shek signed the Cairo Declaration on 27 November 1943. It was broadcast on 1 December and called for Japan's unconditional surrender as the main precept. As for territorial issues, it stated that Japan should be stripped of all the islands in the Pacific which she had seized or occupied from the beginning of World War I in 1914, including Manchuria, Taiwan, and the Pescadores. Additionally, Japan would be expelled from all other territories she had taken by violence and greed.⁴⁷

The declaration did not explicitly touch the Kuril Islands and Southern Sakhalin's post-war status. Japan was not at war with the Soviet Union and only the latter island had been acquired by force in 1905. However, at the end of 1943, the United States began pressing the Soviet Union to join the war against Japan, after the eventual defeat of Nazi Germany in Europe. Japanese historians argue that Soviet participation in the final campaign against Tokyo was secured by May 1944. Later, in mid-December 1944, Stalin submitted his demand to William A. Harriman, American ambassador in

⁴⁴ For more about the Aleutian Islands campaign and the role of the Kuril Islands in the struggle in the North Pacific, see M.A. Piegzik, *Aleuty 1942–1943*, Warsaw, 2022.

⁴⁵ Examples of Chishima Area Special Base Force reports covering the American air raids on the islands: JACAR C08030277900, C08030278000: S18.08.01–S18.08.31: Chishima Hōmen Tokubetsu Kon-yochitai Senji Nisshi (1–2).

⁴⁶ JACAR C13032374200: Chishima Bakugeki Shōhō Kamon Hōsō S18.08.17.

⁴⁷ Cairo Communiqué, 1 December 1943, https://ndl.go.jp/constitution/e/shiryo/01/002_46shoshi.html (accessed 09 October 2023).

Moscow, to seize Southern Sakhalin and the Kuril Islands.⁴⁸ On 11 February 1945, the United States, the United Kingdom, and the Soviet Union signed the Yalta Agreement (*Yaruta Kyōtei*), which secretly stipulated in Articles 2 and 3 that Southern Sakhalin and the Kuril Islands would be “handed over” to the Soviets.⁴⁹ However, T. Hasegawa claims that before the Yalta Conference, the Americans recommended that Japan would retain the southern islands of the chain, but the northern and central parts should be placed under Soviet trusteeship.⁵⁰ Thus, the United States and the Soviet Union did not precisely determine the Kuril Islands’ status, and future events, as the text will show, led to severe tensions.

On 26 July 1945, in the war’s final weeks, the United States, the United Kingdom, and the Republic of China announced the Potsdam Declaration, which disclosed the terms for Japan’s surrender. Besides confirming the unconditional surrender principle and post-war policies concerning Japan, Article 8 stipulated that Japanese sovereignty would be limited to the islands of Honshu, Hokkaidō, Kyūshū, Shikoku, and **such minor islands determined by Allied powers**.⁵¹ The future status of the Kuril Islands needed to be indicated, yet the interpretation of Article 8 under the Cairo Declaration could conclude that they were considered the rightful territory of the Japanese – at least a part of the chain.

In the afternoon of 8 August, the Soviet Union declared war on Japan by passing a note to the Japanese ambassador in Moscow, Naotake Satō. Due to communication problems, the message did not reach Japan until the early hours of 9 August.⁵² The Japanese political and military leadership, planning to avoid unconditional surrender through Moscow’s mediation, was shocked by this decision. The Red Army launched a full-scale invasion of Manchuria, followed by the 56th Rifle Corps and the Pacific Fleet’s attack on Southern Sakhalin on 11 August. Karafuto was defended by a 20,000-man force commanded by Lt. Gen. Junichirō Mineki, with the 88th Infantry Division as its core. Despite their numerical superiority, the Soviets were not easily able to break through enemy positions.⁵³

In the late hours of 14 August, Kantarō Suzuki’s cabinet announced the acceptance of the Potsdam Conference and Japan’s unconditional surrender to the Allied powers. The following day, Japanese society learned about the ultimate defeat from Emperor Hirohito’s speech, better known as the “Jewel Voice Broadcast” (*Gyokuon Hōsō*). Despite this move, the Soviet Union continued the military operation against Karafuto, which was conquered on 25 August. In the meantime on 18 August, the Red Army landed on Shumushu and by 23 August, occupied the island after a bloody battle with the local garrison.⁵⁴ The entire chain was seized, island by island, until 5 September, when the

⁴⁸ Early American-Soviet talks on participation in the war against Japan were described in detail by T. Hasegawa, *Antō: Stārin, Torūman to Nihon Kōfuku*, Tokyo, 2006, pp. 43–55.

⁴⁹ Nihon Koku Gaimushō and Roshia Rempō Gaimushō, *Nichirō Ryōdo Mondai...*, pp. 2, 24; H. Yanagi, “Nichiso Heiwa Jōyaku to Hoppō Ryōdo no Mondai,” *Hōsei Kenkyū*, vol. 35(5) (1969), p. 73.

⁵⁰ T. Hasegawa, “Soviet Policy Toward Japan During World War II,” *Cahiers du Monde russe*, vol. 52 No 2/3 (2011), p. 248.

⁵¹ Potsdamu Sengen, <https://ndl.go.jp/constitution/etc/j06.html> (accessed 9 October 2023).

⁵² Nihon Koku Gaimushō and Roshia Rempō Gaimushō, *Nichirō Ryōdo Mondai...*, pp. 3, 30.

⁵³ Regarding the border clashes, see “Bōei Kenkyūsho Kenkyūshitsu,” *Senshi Sōsho* vol. 44, *Hoppō Hōmen Kaigun Sakusen (2) Chishima, Karafuto, Hokkaidō no Bōei*, Tokyo, 1968, pp. 443–465.

⁵⁴ “Bōei Kenkyūsho Kenkyūshitsu,” *Senshi Sōsho* vol. 44..., pp. 538–581.

Soviets reported securing Etorofu, Kunashiri, Shikotan, and the Habomai Islands, all defended by 9,440 soldiers.⁵⁵ Part of the Soviet offensive was conducted after Japan adopted the Potsdam Declaration, agreed to disarm its forces (23 August), and signed the surrender documents (2 September). Notably, Moscow's plans were not limited to Karafuto and the Kuril Islands, as it was also preparing to launch a landing operation in Hokkaidō in the last week of August. This idea, however, was suddenly abandoned by Stalin on 22 August after President Truman adamantly opposed dividing the island into two spheres of interest.⁵⁶

The uncertain status of the entire Kuril Islands under the Yalta Agreement also impacted Soviet-American relations during the first two weeks after Japan accepted the Potsdam Declaration. As T. Hasegawa mentioned, on 18 August, Truman sent a letter to Stalin and confirmed that he had modified General Order No. 1 to include all the Kuril Islands in the Soviet occupation zone. However, Truman also requested "air base rights for military and commercial purposes," preferably in the central part of the chain. When the US President clearly stated that Hokkaidō was part of the Japanese mainland and no Soviet occupation zone would be created in Tokyo, tensions between American and Soviet leaders deepened, as Stalin replied that the Kuril Islands rightfully belonged to the Soviet Union. Finally, both of them agreed not to escalate the argument. Despite some discrepancies in the Kuril Islands interpretation, the chain was entirely conceded to Stalin to reassert the Yalta Agreement. At that time, the US policymakers were reluctant to challenge Soviet rule over the Kuril Islands as the airbase rights were not considered worth sacrificing the lives of American soldiers. Therefore, the United States silently agreed to the Soviet domination of the entire chain without any further discussion on territorial rights.⁵⁷

2.4. Under effective Soviet control

The Soviet occupation of the Kuril Islands reverted the strategic situation in the region once more. The entire area of the Sea of Okhotsk, north of Hokkaidō, became effectively controlled by Moscow, and the future borders between Japan and the Soviet Union were to be drawn up in a peace treaty, according to international law. Japan could not demand anything from the Allied powers in the first months after the surrender. However, ordinary Japanese people, fishermen represented by Ishisuke Andō, the Murane village mayor, took the first steps towards reclaiming the lost part of the chain. In December 1945, the expelled residents of the Northern Territory submitted a petition to the Supreme Commander of Allied Powers in Japan (SCAP), Gen. Douglas MacArthur, to seek the return of four islands from the Soviet occupation, described as the inherent territory of Japan (*Nihon koyū no ryōdo*).⁵⁸

However, on 29 January 1946, based on Article 8 of the Potsdam Declaration, the General Headquarters issued the SCAPIN-677 directive, ordering "the cessation of exercising, or attempting to exercise, governmental or administrative authority over any area outside of Japan." Article 3 of the directive set up the borders of Japan, excluding the

⁵⁵ "Hoppō Ryōdo Fukki Kiseidōmei," *Watashitachi no...*, p. 29.

⁵⁶ T. Hasegawa, *Soviet Policy...*, pp. 267–268.

⁵⁷ *Ibid.*, p. 267.

⁵⁸ "Muraneshi to Hoppō Ryōdo," <https://city.nemuro.hokkaido.jp/lifeinfo/kakuka/hoppouryoudotaisakubu/hoppouryoudotaisakuka/8392.html> (accessed 10 October 2023).

Kuril Islands from Japanese jurisdiction, as well as the Habomai Islands and Shikotan.⁵⁹ The document confirmed the American view regarding the annexation of the entire chain by the Soviet Union, which was already treated in Moscow as a legally inherent territory from September 1945 and became part of the Khabarovsk Krai (with Southern Sakhalin) in February 1946.⁶⁰ In addition, in the following years, the Soviet presence in the Kuril Islands and the Northern Territory was affirmed through radical demographical changes.

According to Japanese cabinet statistics, on 15 August 1945, the population of the Northern Territory was 17,291 people in 3,124 households.⁶¹ The administration of Etorofu was organised into three villages (Rubetsu-mura, Shana-mura, and Shibetoru-mura), Kunashiri into two villages (Tomari-mura and Ruya-mura), and Shikotan and Habomai into one village each with the same name as the island (Shikotan-mura and Habomai-mura). The Northern Territory had public offices and facilities such as the Forestry District Office, the Marine Products Inspection Station, a post office, and a police station. In Shana-mura, there was also a weather station and a customs office. Each village had a school and the local education system operated through a total of thirty-nine teaching centres.⁶²

The residency in the Northern Territory strongly depended on high-cost supplies imported from the mainland. Additionally, frozen ports and extremely low temperatures limited transportation during the winter. The greatest challenge however, was providing medical care to people. There were few doctors, paramedics, and medical facilities; the latter also lacked proper equipment. Gravely ill patients were transported by boat to the hospital in Nemuro (Hokkaidō), but the transfer usually took a long time. Despite all the inconveniences, the residents enjoyed a peaceful life with seasonal festivals, sports and cultural events, and a mobile cinema.⁶³

Based on the American-Soviet agreement of December 1946, all Japanese residents of the Northern Territory were repatriated to Japan in several organised and individual evacuations by October 1948.⁶⁴ Most people experienced hardship during the journey, resulting from the extended transit periods through Sakhalin and the loss of personal property. Two Japanese in Kunashiri were shot by Soviet soldiers when they openly opposed the looting. Travelling by small and unsteerable boats under the cover of darkness was no less dangerous. Soviet patrols repeatedly opened fire on vessels they came across, in the process, killing some refugees.⁶⁵ Most of the Northern Territory's former residents settled in Nemuro, where they already had relatives, friends, or other existing ties.⁶⁶

⁵⁹ AG 091 (29 January 1946) GS, SCAPIN-677.

⁶⁰ R. Burdelski. "Spór terytorialny w stosunkach rosyjsko-japońskich o przynależność południowych Wysp Kurylskich," *Gdańskie Studia Azji Wschodniej*, 03 (2013), p. 84; K. Szydywar, "Wyspy Kurylskie: małe wyspy – duży problem," *Rocznik Bezpieczeństwa Międzynarodowego*, 2, 2007, p. 205; Nihon Koku Gaimushō and Roshia Rempō Gaimushō, *Nichirō Ryōdo Mondai...*, p. 32.

⁶¹ "Hoppō Ryōdo no Gaiyō: Zensen no Sugata," <https://www8.cao.go.jp/hoppo/sugata/02.html> (accessed 10 October 2023).

⁶² "Hoppō Ryōdo Fukki Kiseidōmei," *Watashitachi no...*, pp. 26–27.

⁶³ Ibid.

⁶⁴ Source mentioning the agreement: *Reports of General MacArthur, MacArthur in Japan: The Occupation: Military Phase, Vol. 1 Supplement*, Washington, 1994, p. 149. Japanese sources are inconsistent regarding the last people repatriated to the mainland.

⁶⁵ T. Murai, "Hoppō Ryōdo Mondai o Kangaeru," *Shijonawate Gakuen Tanki Daigaku Kiyō*, vol. 40 (2007), p. 2.

⁶⁶ "Hoppō Ryōdo Fukki Kiseidōmei," *Watashitachi no...*, p. 29.

The Northern Territory issue returned during the San Francisco Peace Treaty (*Nihonkoku to no Heiwa Jōyaku*) of 1951, establishing Japan's present-day borders. Under Article 2c, Japan renounced all rights, titles, and claims to the Kuril Islands, described in the Japanese version of the treaty as *Chishima Rettō*.⁶⁷ However, on 7 September 1951, Prime Minister Shigeru Yoshida, in his address to the Diet, highlighted that in the mid-nineteenth century, when Japan opened up contact with the world, Russia did not question the fact that the Kunashiri and Etorofu were part of Japanese national territory, for Yoshida, Karafuto and the northern part of the chain, starting from Uruppu, were areas of shared interest. They became the subject of further rivalry and a point of disagreement for both countries. He also underlined that Shikotan and the Habomai Islands were part of Hokkaidō and thus had been illegally occupied by the Soviet Union since 1945.⁶⁸

Despite the favourable conditions for Moscow in the San Francisco Peace Treaty, the Soviets adamantly opposed it. A.A. Gromyko, First Deputy Minister of Foreign Affairs, presented a lengthy statement explaining the reasons for rejecting the formal peace with Japan.⁶⁹

In the early 1950s, the Cold War also marked its presence in Japanese-Soviet relations in the Northern Territory. In October 1953, the United States Intelligence Bureau sent two Japanese spies to secretly investigate the Kunashiri airfield. The Soviet guards discovered their presence, killed one spy in a short gunfight, and captured the second one. He was soon convicted by the Soviet military court and sentenced to twenty-five years of imprisonment, but was released after three years. That decision was one of the consequences of the Soviet-Japanese normalisation of relations in 1955–1956, which resulted in the signing in Moscow of the Japanese-Soviet Joint Declaration (*Nichiso Kyōdō Sengen*) on 19 October 1956. Japanese Prime Minister Ichirō Hatoyama and Soviet Premier N.A. Bulganin agreed to end the state of war and restore diplomatic relations between the two countries. The most crucial issue, a peace treaty, remained an open question requiring more detailed negotiations. However, the Soviet Union agreed to transfer the Habomai Islands and Shikotan to Japan after concluding a peace treaty between the two states.⁷⁰ To normalise relations, Tokyo and Moscow explicitly avoided mentioning the territorial dispute over the Northern Territory, which was supposed to be resolved in a future peace treaty. The treaty with the Soviet Union was ratified in Japan by the end of the year, right after submitting the Ministry of Foreign Affairs explanation before the Diet.⁷¹

After ratifying the Joint Declaration, Japan witnessed a sudden change in American policy, since Washington feared that a normalisation of relations with Communist China

⁶⁷ JACAR A15060487700: Heiwa Jōyaku (*Nihonkoku to no Heiwa Jōyaku*), p. 6.

⁶⁸ *Nihon Koku Gaimushō and Roshia Rempō Gaimushō, Nichirō Ryōdo Mondai...*, p. 36.

⁶⁹ Part of A.A. Gromyko's official statement translated into English on the Ministry of Foreign Affairs of Japan website: <https://mofa.go.jp/region/europe/russia/territory/edition92/period4.html> (accessed 12 October 2023).

⁷⁰ The Declaration was drafted in Russian and Japanese, and both versions have the same provision: UNION OF SOVIET SOCIALIST REPUBLICS and JAPAN, Joint Declaration. Signed in Moscow on 19 October 1956, <https://treaties.un.org/doc/Publication/UNTS/Volume%20263/v263.pdf>, pp. 100, 106 (accessed 12 October 2023). The negotiations were depicted by Y. Wakamiya, *Dokumento Hoppō Ryōdo Mondai no Uchimaku: Kuremurin, Tōkyō, Washinton*, Tokyo, 2006.

⁷¹ JACAR A21100031500: Saikin no Shūsan Ryōgi'in Kaigi ni oite Gaimu Daijin ga 'Nishiso Kyōdō Sengen nado ni kansuru Shushisetsumei ni tsuite' no Happyō no Tsūkoku ni tsuite.

could follow the rapprochement of Tokyo with Moscow. Therefore, the United States adopted a policy of discrete support for Japan, especially for her territorial claims in the North Pacific.⁷² This American policy was successful, as in January 1960, the Japanese government concluded the Treaty of Mutual Cooperation and Security (*Ampō Jōyaku*) with the United States, which replaced the existing Security Treaty of 1951 and established a new framework for the US-Japan military alliance. The continuation of an American military presence in Japan was severely criticised by Moscow and thwarted work on the peace treaty. The Soviet diplomats stated in the memorandum that the Japan-America treaty undermined the essence of the Joint Declaration, which was no longer effective. Shikotan and the Habomai Islands were to be returned to Japan, solely based on the presumption that all foreign military forces would leave Japan, so Moscow declared that it wanted to reframe the treaty.⁷³ On the contrary, the Japanese government stated it had the right to conclude an international treaty, and the Joint Declaration could not be unilaterally changed.⁷⁴

The lack of progress in establishing a peace treaty and the visible Soviet reluctance to hand over even Shikotan and the Habomai Islands resulted in a resolution passed by the House of Representatives (*Shūgi'in*) regarding the return of the Northern Territory, described as the “inherent territory of Japan.”⁷⁵ In July 1966, Japanese territorial claims were unexpectedly supported by Mao Zedong, who expressed his concern about the situation of the Kuril Islands during a meeting with the Japanese Social Democratic Party of Japan (*Nihon Shakai-tō*). However, this international backing could not change the unfavourable situation of the Japanese concerning the recovery of the Northern Territory. In the following decades, Tokyo and Moscow witnessed a stalemate in peace negotiations, sporadically intertwined with minor incidents involving fishing activities near the islands.

III. Japanese-Russian negotiations in the last thirty years

Relations between Japan and the Soviet Union returned to a conciliatory path in the final years of the Cold War.⁷⁶ In April 1991, President Mikhail Gorbachev visited Japan and signed the Japanese-Soviet Joint Statement (*Nichiso Kyōdō Seimei*), which officially acknowledged that a territorial dispute between Tokyo and Moscow should be resolved as part of a peace treaty.⁷⁷

When the Soviet Union collapsed in December 1991, the Russian Federation, as the country effectively controlling the chain, became the legal successor state to the Kuril Islands dispute. In October 1993, Prime Minister Morihiro Hosokawa invited President Boris Yeltsin to Japan to normalise relations with Russia. The visit resulted in

⁷² T. Tanaka, “The Soviet-Japanese Normalization in 1955-6 and US-Japanese Relations,” *Hitotsu-bashi Journal of Law and Politics*, vol. 21 (1993), p. 92.

⁷³ Nihon Koku Gaimushō and Roshia Rempō Gaimushō, *Nichirō Ryōdo Mondai...*, p. 41.

⁷⁴ *Nichiso • Nichiro aida no Heiwa Jōyaku Teiketsu Kōshō*, Ministry of Foreign Affairs of Japan website, https://mofa.go.jp/mofaj/area/hoppo/hoppo_rekishi.html (accessed 25 October 2023).

⁷⁵ JACAR A22101629100: Nihon Kōyū no Hoppō Ryōdo Kaifuku ni kansuru Ketsugi.

⁷⁶ K. Serita, *The Territory of Japan: Its History and Legal Basis*, Singapore, 2023, pp. 49–50.

⁷⁷ *Nichiso Kyōdō Seimei*, 18 April 1991, signed in Tokyo, document available in Japanese on the Ministry of Foreign Affairs of Japan website, <https://www8.cao.go.jp/hoppo/shiryō/pdf/gaikou35.pdf> (accessed 25 October 2023).

the signing of the Tokyo Declaration (*Tōkyō Sengen*), which confirmed that all postwar treaties concluded between the Soviet Union and Japan were effective, including the Joint Declaration of 1956. The Japanese and the Russians agreed to delineate the Northern Territory issue, described as the dispute regarding the territorial affiliation of four islands. Both parties stated that it should be addressed by a peace treaty, leading to the complete normalisation of relations (*ryōkoku kankei o kanzen ni seijōka*). The territorial dispute was to be resolved based on historical and legal facts, documents drafted and approved by both countries and principles of legality and justice. Additionally, Japan openly declared its support for the transformation of the Russian Federation and its aspiration to become a member of the democratic world, interested in the peace and safety of East Asia and the Pacific Ocean.⁷⁸

In November 1997, during a conference of state leaders in Krasnoyarsk, Japan and Russia established the so-called “Hashimoto-Yeltsin Plan” (*Hashimoto-Erittsuin Puran*) concerning economic and energy policies. As a part of this agreement, both countries acknowledged that they should enter the twenty-first century with good and sincere diplomatic relations and, based on the Tokyo Declaration, should sign a peace treaty by the year 2000.⁷⁹ This declaration was followed by a joint proclamation signed in Kawana in April 1998, which stated that the peace treaty should resolve the Northern Territory dispute in order to promote good relations between Japan and Russia in the upcoming twenty-first century.⁸⁰ The President of the Russian Federation *de facto* accepted Japanese sovereignty over the islands, but the Japanese were aware that his declaration didn’t entail the transfer of possession, which relied on the formal conclusion of the peace treaty. Tokyo believed that only the final legal settlement would initiate the process of handing over the disputed territory to Japan in two steps – the immediate return of Habomai and Shikotan and the later return of Kunashiri and Etorofu.⁸¹ The last declaration during Boris Yeltsin’s leadership was announced in November 1998, when Prime Minister Keizō Obuchi visited Moscow and confirmed the past commitments. In comparison to past negotiations, the Japanese and the Russians agreed to establish a Border Demarcation Committee and a Joint Economic Activity Committee as part of the peace treaty. They also declared close cooperation on various levels, including a cultural exchange to promote friendship between nations.⁸²

Despite the visibly delineated desire to conclude a peace treaty and resolve the Northern Territory dispute, there were no serious attempts to solve this matter in the following years. When Vladimir Putin became President of the Russian Federation, he

⁷⁸ Tōkyō Sengen, 13 October 1993, signed in Tokyo, document available in Japanese on the Ministry of Foreign Affairs of Japan website, <https://www8.cao.go.jp/hoppo/shiryuu/pdf/gaikou46.pdf> (accessed 29 October 2023).

⁷⁹ Kurasunoyarusuku Nichiro Shunō Kaidan no Gaiyō, 2 November 1997, signed in Krasnoyarsk, document available in Japanese on the Ministry of Foreign Affairs of Japan website, https://mofa.go.jp/mofaj/kaidan/kiroku/s_hashi/arc_97/russia97/hyoka.html (accessed 29 October 2023).

⁸⁰ Kawana Shunō Kaidan, 28 April 1998, signed in Kawana, document available in Japanese on the Ministry of Foreign Affairs of Japan website, https://mofa.go.jp/mofaj/kaidan/kiroku/s_hashi/arc_98/nichiro/kawana.html (accessed 29 October 2023).

⁸¹ R. Jakimowicz, “Spór o Wyspy Kurylskie w okresie prezydentury Władimira Putina,” eds. M. Pietrasiak and D. Mierzejewski, *Chiny i Japonia. Dylematy mocarstw w Azji Wschodniej*, Łódź, 2009, p. 48.

⁸² “Kobuchi Sōri no Kōshiki Hōro ni tsuite,” 14 November 1998 report from Moscow, document available in Japanese on the Ministry of Foreign Affairs of Japan website, https://mofa.go.jp/mofaj/kaidan/kiroku/s_obuchi/arc_98/russia98/homon.html (accessed 29 October 2023).

initially acknowledged the will to uphold past commitments. However, even after the summit in Irkutsk in March 2001, which confirmed efforts toward the conclusion of a peace treaty, the negotiations should have focused on presenting specific solutions. It was not until April 2013, when Prime Minister Shinzō Abe pointed out that sixty-seven years had passed since the end of the war, but Japan and Russia still had not concluded a peace treaty and resolved their territorial dispute. He also mentioned that both countries' ministers of foreign affairs had expressed a uniform desire to accelerate the negotiations to draft the solution to the "peace treaty issue" (*heiwa jōyaku mondai*). In 2016, Abe openly stated that talks had been in a severe stalemate for years and that a new approach was highly desired. In December, Putin was invited to Japan and, during the summit at Nagato, agreed with Abe that both countries should establish a special policy to facilitate joint economic activities and improve the situation for people visiting the graves of their relatives.⁸³

A change in the Northern Territory dispute occurred unexpectedly during the Eastern Economic Forum in Vladivostok in September 2018 when Putin suddenly proposed that Abe conclude the peace treaty without prerequisites by the end of the year. Two months later, during a summit in Singapore, both leaders agreed to speed up negotiations to sign a peace treaty based on the Joint Declaration. According to Japanese researchers, Abe, for the first time, adopted a different policy towards Russia by reshaping the Japanese demand – he insisted on the return of two (Shikotan and Habomai) rather than four islands.⁸⁴ This strategic change was reflected during the National Rally to Demand the Return of the Northern Territories in February 2019, when Japanese politicians, notably Abe and Minister of Foreign Affairs Tarō Kōno, avoided using statements that Russia should return four islands and discontinue the illegal occupation of inherent Japanese territory. The Convention was later commented on in Russian media, which noted that the Japanese had made a considerable compromise (*ōkii na jōho*).⁸⁵ However, Abe's declaration also rapidly impacted the domestic political stage. The next day, Hiroyuki Konishi, a House of Representatives member, asked him whether the Northern Territory was Japanese territory, but he did not get a clear answer as the government was concerned the relentless opposition to the Northern Territory occupation could hinder the negotiations with Russia. Still, the government stated that the uniform view on the four islands' territorial affiliation dispute was subject to negotiation.⁸⁶

The new Japanese policy did not conceive any practicable Russian concessions. During the G20 summit in Osaka in June 2019, Vladimir Putin said in an interview that there were no plans to hand over the Northern Territory to Japan. Nevertheless, three months later, Shinzō Abe again promoted the vision of a peace treaty with Russia,

⁸³ *Nichiso • Nichiro aida no Heiwa Jōyaku Teiketsu Kōshō*, Ministry of Foreign Affairs of Japan website, https://mofa.go.jp/mofaj/area/hoppo/hoppo_rekishi.html (accessed 25 October 2023).

⁸⁴ H. Yoshida, "Hoppō Ryōdo Mondai o Rekishiteki ni Kangaeru – Abe Moto Shushō ni yoru Seisaku Henkō o megutte," *Okayama Daigaku Bungakubu Kiyō*, vol. 74 (2021), p. 11.

⁸⁵ *Asahi* newspaper article, <https://asahi.com/articles/ASP5N5HHGP4NUTFK00N.html> (accessed 29 October 2023).

⁸⁶ NHK article, 8 February 2019, <https://nhk.or.jp/politics/articles/statement/14035.html> (accessed 29 October 2023).

despite the existing obstacles. Additionally, in February 2020, he maintained his conciliatory strategy and did not mention the illegal occupation of the Northern Territory by Russia.⁸⁷ Despite Abe's intentions, in July 2020, the Russian Federation revised its constitution and added a provision prohibiting the ceding of national territory under a penalty of ten years imprisonment. This revision made further negotiations regarding the return of the Northern Territory to be against Russian law and, thus, practicably impossible. Hostile moves in foreign policy towards Japan followed the change in national policy. For example, in December 2020, the Russians announced the deployment of a medium-range (up to 400 km) S-300VM anti-ballistic missile system in Etorofu. Some Japanese specialists called this decision 'fortifying' the Northern Territory an unexpected answer to Abe's struggle to improve relations.⁸⁸

The Russian decision to strengthen its military presence in the Northern Territory did not conform to Vladimir Putin's official declarations. In February 2021, he said he wanted to improve relations with Japan, but that nothing could be done against the constitution.⁸⁹ His statement suddenly resulted in the reversal of the Japanese cabinet's foreign policy, which again started to describe the Russian possession of the Northern Territory as "illegal occupation" (*fuho ni senkyo*) during the National Rally to Demand the Return of the Northern Territories.⁹⁰

The most recent events concerning Japanese-Russian relations regarding the Kuril Islands include an incident from 18 August 2021. A Russian citizen, Vaas Feniks Nokard, who unexpectedly landed in Shibetsu on Hokkaidō, was arrested by the local police. As the man explained, he had swum for twenty-three hours from Kunashiri to Japan (about 24 kilometres) to escape the oppressive Russian political system. After detention, he applied for refugee status and was released from custody in the next two months.⁹¹ From December 2021, Nokard's whereabouts in Japan remain unknown due to concerns about his personal safety.

After the Russian invasion of Ukraine in February 2022, Japanese-Russian relations concerning the peace treaty and the Northern Territory status deteriorated to the level previous to Abe's conciliatory policy. Even before the war in Ukraine, in February 2022, the United States officially supported the Japanese territorial claims against Russia as a part of the yearly National Rally to Demand the Return of the Northern Territories.⁹² Despite the Russian failure to bring a conclusive victory over Kyiv and Moscow's deteriorating internal and international situation, Putin's position on negotiating the Northern Territory issue with Japan remained unyielding in 2023.

⁸⁷ Prime Minister Abe's speech during the National Rally to Demand the Return of the Northern Territories, 7 February 2020, on the website of the Prime Minister's Office of Japan, https://kantei.go.jp/jp/98_abe/actions/202002/07hoppou.html (accessed 29 October 2023).

⁸⁸ K. Nagori, article from *President Online*, <https://president.jp/articles/-/42927?page=1> (accessed 20 October 2023).

⁸⁹ H. Yoshida, *Hoppō Ryōdo Mondai...*, p. 12.

⁹⁰ *The Sankei News*, 7 February 2021, <https://sankei.com/article/20210207-X5BS4CSQ-TZIQHDVGPUPIMNAAOU> (accessed 29 October 2023).

⁹¹ *Courrier Japon*, 8 June 2022, <https://courrier.jp/news/archives/290682> (accessed 29 October 2023).

⁹² *The Sankei News*, 7 February 2022, <https://sankei.com/article/20220207-YHF26LCLJJM-PLAPIKXUNXDGPY> (accessed 29 October 2023).

IV. The Japanese position and arguments in recent years

There is no doubt that Prime Minister Abe's shift in Japanese policy to resolve the Northern Territory dispute and conclude a peace treaty with Russia failed. From July 2020, any territorial change in the Russian Federation would be considered a criminal offence under the current constitution. Therefore, even if the Japanese cabinet wanted to sign a peace treaty and reclaim at least Shikotan and the Habomai Islands, based on the Joint Declaration of 1956, and discuss the possible solutions around the status of Kunashiri and Etorofu, this scenario has become highly improbable in the nearest future.

H. Yoshida argues that the Japanese-Russian dispute over the Northern Territory and, thus, a final peace between both countries must be resolved in many spheres – political, economic, legal, diplomatic, military, and cultural. However, most of these issues ultimately rely on political decisions.⁹³ Looking at the past and recent events, it is hard not to agree with this statement. Diplomatic goodwill, repeated occasionally in declarations and statements between the two states, was not enough to transcend from neutral coexistence to peaceful relations after the collapse of the Soviet Union. The legal framework, carefully developed over the last sixty-five years, was supposed to create a middle ground of acceptable territorial concessions, even if handing over Shikotan and the Habomai Islands to Japan would not be enough to resolve the dispute.⁹⁴ Again, past legal commitments were jeopardised by the political decision to revise the constitution of the Russian Federation. As the Russian military presence in Etorofu was strengthened in 2020, one cannot deny that Japan would consider the effective Russian control of the Northern Territory as a threat to its national security. Economic and cultural relations, which were meticulously discussed and developed during the 1990s and 2000s, are also in danger due to the shift in the political approach in Moscow. The war in Ukraine and the sanctions imposed on Russia pushed Putin to jettison the idea of a joint economic zone in the Northern Territory, which in March 2022, was replaced by a “special economic zone” (*keizai tokku*) with general tax exemptions for the next twenty years. Although this move was designed to attract investors from abroad, it was no less contrary to the past treaties with Japan and Tokyo's interests.⁹⁵

From 2018 to 2020, the world witnessed an unexpected change in Japanese rhetoric regarding the Northern Territory dispute. The Abe cabinet abandoned the tenacious claim of four islands to normalise relations with Russia and reclaim at least part of the disputed territory based on the recognised agreements. Japan never publicly renounced its rights to Kunashiri and Etorofu, yet demonstrated that the most crucial step, namely a peace treaty, should be concluded against the odds. Contrary to expectations, Vladimir Putin exacerbated policy towards Japan and made a possible peace treaty under the Joint Declaration of 1956 (and the successive treaties) highly unfavourable to Tokyo. There is no evidence that preparations for the war against Ukraine dictated Russian policy. Still, since Japan has openly supported Kyiv in this conflict, advocating relations promoting neutralisation and concluding a peace treaty with Moscow became a valid question.

⁹³ H. Yoshida, *Hoppō Ryōdo Mondai...*, p. 11.

⁹⁴ A. Iwashita, *Hoppō Ryōdo Mondai: 4 de mo 0 de mo, 2 de mo naku*, Tokyo, 2005.

⁹⁵ *The Sankei News*, 9 March 2022, <https://sankei.com/article/20220309JUDHGKNXAZNP3M6PJAVADIRER4> (accessed 29 October 2023).

After the failure of a conciliatory policy, the Japanese cabinet returned to its traditional narrative in the Northern Territory dispute. The Japanese arguments focus on the statement about the Russian “illegal occupation” and can be summarised as follows in chronological order⁹⁶:

1) From the eighteenth century, Japan extended its jurisdiction over the Northern Territory. Russia had never established effective control of islands south of Uruppu and had no administrative influence on Kunashiri, Etorofu, Shikotan, and Habomai.

2) The Shimoda Treaty of 1855 confirmed the above fact. The Russians voluntarily recognised Japanese territorial rights to the four islands and did not present their claims.

3) In the following years, subsequent treaties with Russia and the Soviet Union confirmed the Japanese possession of the Northern Territory.

4) In April 1945, the Soviet Union violated the Neutrality Pact and illegally invaded Japan in the following months, including the Northern Territory.

5) In February 1946, the Soviet Union unilaterally integrated the Northern Territory as part of the Khabarovsk Krai.



Figure 1. Map of the Northern Territory dispute, based on the Ministry of Foreign Affairs of Japan website.

⁹⁶ “Hoppō Ryōdo Mondai to wa?” website of the Ministry of Foreign Affairs of Japan, <https://mofa.go.jp/mofaj/area/hoppo/hoppo.html> (accessed 25 September 2023).

6) When the Red Army conquered the entire chain, there were no Russian residents in the Northern Territory, and its population was Japanese. The Soviets forcefully removed the Japanese residents and illegally settled their citizens by 1948.

7) In 1956, the Soviet Union voluntarily signed the Joint Declaration and committed to return Shikotan and the Habomai Islands to Japan after concluding a peace treaty and did not deny Japanese rights to Kunashiri and Etorofu; this can be discussed in the future.

8) Subsequent treaties with the Soviet Union and the Russian Federation confirmed the above-mentioned obligation.

9) The Soviets and Russians have been effectively controlling the Northern Territory since 1945 and Japan has always claimed that it was an illegal occupation.

The last two years have shown that international politics can still be full of surprises and unexpected turns. Japan and Russia, who slowly developed a plan to resolve the Northern Territory dispute and conclude a peace treaty almost seventy years after the end of World War II, are now facing the difficulty of establishing uniform views on most aspects of their relations. Despite generational changes in both countries, the collective memory of past grievances is still visible in the discussion. The compromise, at least a partial solution to this dispute, which seemed plausible before the outbreak of the COVID-19 pandemic, is now in more significant jeopardy than before 1956. Vladimir Putin has undermined the conciliation process, and the next few years will likely determine the new long-term strategies of Tokyo and Moscow.⁹⁷

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ABSTRACT

This article presents the Japanese legal and historical perspective on the Kuril Islands dispute. Undoubtedly, the conflict between Japan and Russia about this group of islands north of Hokkaidō is one of the most significant territorial issues in present-day international relations. Despite many attempts to find a middle ground, the dispute has not been resolved in over sixty-eight years. It also affects the diplomatic stalemate, namely the unsettled question of a peace treaty between Tokyo and Moscow. Successive Japanese cabinets have claimed that the southern part of the Kuril Islands (called the “Northern Territory” in Japanese) has been illegally occupied by Russia since the end of the Pacific War. To comprehend this statement and thus understand the Japanese position, it is necessary to analyse the Japanese arguments based on legal acts, historical documents, and research.

Since the article only outlines the Japanese perspective on this matter, the geographical terminology used is from Japanese, in order to comprehensively introduce the position of that side.

Keywords: Kuril Islands dispute, Japanese-Russian relations, Northern Territory.

STRESZCZENIE

Artykuł przedstawia japońskie prawno-historyczne zapatrywania na spór o Wyspy Kurylskie. Konflikt o archipelag na północ od Hokkaido jest niewątpliwie jednym z najważniejszych antagonizmów terytorialnych we współczesnych relacjach międzynarodowych. Pomimo wielu prób znalezienia kompromisu pozostaje on nierozwiązany od niemal 70 lat. Przyczynia się on również do impasu dyplomatycznego, tj. braku traktatu pokojowego pomiędzy Tokio i Moskwą. Japoński rząd stoi na stanowisku, że południowa część Wysp Kurylskich (nazywana po japońsku „Ziemiąmi Północnymi”, ewentualnie „Terytorium Północnym”) jest bezprawnie okupowana przez Rosję od zakończenia II wojny światowej na Pacyfiku. Aby zrozumieć tę narrację, zwłaszcza japońskie stanowisko prawne, niezbędne jest przytoczenie argumentów na poparcie tego stanowiska, wywiedzionych z dokumentów, traktatów, aktów prawnych i prac badawczych historyków oraz prawników. Z racji tego, że tekst koncentruje się na punkcie widzenia Tokio, zostały w nim użyte japońskie nazwy geograficzne.

Początków japońskich związków z Wyspami Kurylskimi można doszukiwać się już w XVII w., kiedy to klan Matsumae na polecenie szogunatu zorganizował ekspedycję do ziem położonych na północ od Hokkaido w celach administracyjnych i handlowych. W 1715 r. ród ten potwierdził zwierzchność administracyjną nad Hokkaido, Kuryłami, Karafuto i częścią Kameczatki. Sytuacja uległa zmianie pod koniec XVIII w. wraz z pojawieniem się Rosjan na Dalekim Wschodzie i stopniowym ustanawianiem przez nich placówek handlowych, a także z działalnością misjonarską w północnej części archipelagu. W tym okresie szogunat zdecydował się postawić słupy graniczne na Etorofu, doszło też do pierwszych starć z europejskimi przybyszami. W 1813 r. obie strony uzgodniły, że wyspy na południe od Etorofu (włącznie z nią) będą częścią japońskiego terytorium. Jednak w następnych latach – mimo zapowiedzi – nie doszło do podpisania traktatu regulującego tę sprawę.

Kolejny wiek na północnym Pacyfiku obfitował w liczne wydarzenia, które doprowadziły do rozpostarcia przez Japonię władzy nad całym archipelagiem Wysp Kurylskich, a także południową częścią Karafuto. Po pokonaniu Imperium Rosyjskiego w wojnie z lat 1904–1905, jak również rewolucji październikowej i interwencji syberyjskiej, japońskie interesy na Morzu Ochockim wydawały się trwale zabezpieczone, zarówno pod kątem prawnym, jak i politycznym. Co więcej, Sowieci nie zgłaszali żadnych pretensji terytorialnych do utraconych ziem. Sytuacja ta uległa zmianie po wybuchu II wojny światowej na Pacyfiku. Kuryle były bowiem ważnym elementem obrony wysp macierzystych z kierunku północnego podejścia wzdłuż archipelagu aleuckiego. W oczach japońskich decydentów politycznych i wojskowych silna obecność armii na Kuryłach i Aleutach była niezbędna do udaremnienia amerykańsko-sowieckiego porozumienia skierowanego przeciwko północnym rubieżom Japonii.

W wyniku niekorzystnego przebiegu konfliktu i utraty pozycji Tokio na Aleutach działania wojenne już latem 1943 r. bezpośrednio dotknęły Kuryłów. Największe zmiany miały jednak przyjąć wraz z sowiecko-amerykańskim układem w sprawie włączenia się Moskwy do wojny z Japonią. W lutym 1945 r. w ramach porozumień jałtańskich Związek Sowiecki otrzymał od aliantów zgodę na aneksję południowego Karafuto i Wysp Kurylskich. Strona japońska do dzisiaj zdecydowanie podnosi, że umowa ta była pogwałceniem prawa międzynarodowego, ponieważ jej ustalenia dotyczyły kwestii terytorialnych państwa trzeciego. Niemniej zapowiedź poważnych rewizji w tej materii zawierała już deklaracja kairska z 1943 r., której postulaty rozwijała deklaracja poczdamska z 26 lipca 1945 r. Jej artykuł 8 za sprawą zapisu o zachowaniu przez Tokio „pomniejszych wysp wskazanych przez aliantów” nie precyzował jednak, w jakim zakresie Wyspy Kurylskie pozostaną częścią Japonii.

Ostatecznie w sierpniu 1945 r. doszło do sowieckiej inwazji na Japonię – w pierwszej kolejności na Mandżurię i południowe Karafuto, a później także na Wyspy Kurylskie. Pomimo przyjęcia deklaracji poczdamskiej przez gabinet Kantarō Suzukiego 14 sierpnia wojska sowieckie kontynuowały działania zbrojne przeciwko Japonii. Zakończyły je 5 września, kiedy armia zaraportowała o zabezpieczeniu całego łańcucha wysp. Wraz z pojawieniem się wojsk okupacyjnych doszło do exodusu ludności japońskiej: część zdołała samodzielnie uciec na Hokkaido, większość zaś została repatriowana w tragicznych warunkach.

Wbrew rosnącemu napięciu w relacjach między USA i ZSRS amerykańskie władze okupacyjne w Japonii 29 stycznia 1946 r. na mocy artykułu 8 deklaracji poczdamskiej wydały dyrektywę SCAPIN-677, która wyłączała spod japońskiej jurysdykcji całość Wysp Kurylskich. Artykuł 3 ww. dokumentu jednostronnie ustalał *de facto* i *de iure* powojenne granice Japonii, uznając aneksję całości Kuryłów przez Związek Sowiecki, łącznie z wyspami Shikotan, Habomai, Kunashiri i Etorofu. Również w Moskwie nowe nabytki terytorialne zostały potwierdzone poprzez akty administracyjne, tj. włączenie w lutym 1946 r. łańcucha do Kraju Chabarowskiego.

W traktacie pokojowym z San Francisco z 1951 r. Tokio potwierdziło zrzeczenie się Wysp Kurylskich, które w japońskiej wersji dokumentu zostały określone jako *Chishima Rettō*. Wydarzenie to otworzyło nowy rozdział w sporze, ponieważ japoński gabinet podniósł kwestię konieczności rozróżnienia tzw. Ziemi Północnych od Wysp Kurylskich. Zdaniem Japończyków Rosja nigdy w historii nie negowała japońskiej zwierzchności nad Kunashiri, Etorofu, Shikotan i Habomai, a aneksja całości Kuryłów bez wcześniejszego określenia ich zakresu terytorialnego była nielegalna na gruncie prawa międzynarodowego. Sowietci w odpowiedzi odmówili podpisania traktatu pokojowego z San Francisco, choć zdaniem większości badaczy był on korzystny dla państw walczących z Japonią.

W połowie lat pięćdziesiątych stosunki sowiecko-japońskie zostały znormalizowane. Dziewiętnastego października 1956 r. podpisano w Moskwie tzw. wspólną deklarację, w której premierzy Japonii Ichirō Hatoyama i ZSRS Nikołaj Bułganin zgodzili się na zakończenie stanu wojny i przywrócenie relacji dyplomatycznych. Poruszono wtedy również kwestię podjęcia szczegółowych negocjacji zmierzających do traktatu pokojowego. Co istotne, Związek Sowiecki zgodził się wówczas na przekazanie – po podpisaniu traktatu pokojowego – stronie japońskiej wysp Habomai i Shikotan. Na znak dobrej woli i dążenia do przezwyciężenia kryzysu dyplomatycznego japoński parlament ratyfikował „wspólną deklarację” bez wspominania o sporze terytorialnym, licząc na rozwiązanie go w traktacie pokojowym.

Zbliżenie sowiecko-japońskie przyczyniło się do zaktywizowania projapońskiej polityki zagranicznej Stanów Zjednoczonych, które obawiały się o swoje interesy strategiczne w regionie. Podpisanie nowych traktatów gwarancyjno-sojuszniczych przez Tokio i Waszyngton w 1960 r. miało wpływ na zmianę stanowiska Moskwy w sprawie Wysp Kurylskich i postanowień „wspólnej deklaracji”. Od tej pory Sowietci uzależniali zwrot Habomai i Shikotan od wycofania obcych sił zbrojnych z Japonii, co z kolei stało się przedmiotem gorących debat w japońskim parlamencie, chroniącym suwerenność i swobodę kształtowania przez kraj stosunków międzynarodowych. Jednym z efektów zaostrenia retoryki przez zwaśnione strony było przyjęcie przez japońską Izbę Reprezentantów rezolucji nawołującej do zwrotu „Ziemi Północnych” jako „nieodłącznej części japońskiego

terytorium”. Roszczenia terytorialne Tokio nieoczekiwanie zostały poparte przez komunistyczne Chiny, szukające politycznej i ideologicznej równowagi przeciwko Związkowi Sowieckiemu.

Lata sześćdziesiąte, siedemdziesiąte i osiemdziesiąte upłynęły pod znakiem impasu. Głównym problemem w relacjach Tokio–Moskwa była w tamtym czasie kwestia nielegalnych japońskich połowów na sowieckich wodach terytorialnych, które doprowadziły do kilku incydentów. Żadna ze stron nie zamierzała wówczas wyjść z inicjatywą negocjacji traktatu pokojowego, uzależniając swoje decyzje od dobrej woli adwersarza. Dopiero pod koniec zimnej wojny – u progu rozpadu ZSRS – prezydent Michaił Gorbaczow w kwietniu 1991 r. porozumiał się z Tokio w kwestii podpisania wspólnego oświadczenia, w którym oficjalnie przyznano o istnieniu sporu terytorialnego o Wyspy Kurylskie oraz konieczności jego rozwiązania w formie traktatu pokojowego. Rosja, będąca sukcesorką prawną Związku Sowieckiego, kontynuowała rozmowy zmierzające do ostatecznego unormowania relacji z Japonią. Podpisana w październiku 1993 r. tzw. deklaracja tokijska potwierdzała wszystkie traktaty zawarte pomiędzy Japonią i ZSRS po zakończeniu II wojny światowej, jak również ustalała wspólną definicję konfliktu o Wyspy Kurylskie i podkreślała konieczność jego rozwiązania poprzez podpisanie traktatu pokojowego opartego na zasadach legalności, faktów historycznych i sprawiedliwości. Ponadto Tokio wyraziło poparcie dla transformacji ustrojowej Federacji Rosyjskiej i jej aspiracji do stania się częścią demokratycznego świata.

Widoczna poprawa stosunków rosyjsko-japońskich – rozszerzanych o kolejne wątki gospodarcze, polityczne i kulturalne – dawała nadzieję na podpisanie traktatu pokojowego do 2000 r., w myśl „wejścia przez oba kraje w nowe stulecie w dobrych relacjach dyplomatycznych”. Za optymistycznymi oświadczeniami nie podążały jednak konkretne czyny, a po objęciu przez Władimira Putina stanowiska prezydenta Federacji Rosyjskiej nie dążono do rozwiązania punktów spornych poza pustym stwierdzeniem o potrzebie zawarcia traktatu pokojowego.

W 2013 r. premier Shinzō Abe ponownie publicznie poruszył problem braku traktatu pokojowego z Rosją, wzywając Moskwę do przyspieszenia procesu negocjacyjnego. Putin odpowiedział pozytywnie na ten apel i wyraził chęć poszerzenia obszarów współpracy jako wyraz dobrej woli ze strony Rosji. Do stołu negocjacyjnego powróciła także kwestia „wspólnej deklaracji” z 1956 r., a zwłaszcza jej postanowień terytorialnych. Po raz pierwszy od czasu podpisania traktatu pokojowego w San Francisco Japonia zwróciła się do Rosjan o zwrot jedynie Habomai i Shikotan. Również w sferze wewnętrznej zrezygnowano z używania terminologii określającej Rosję jako bezprawnego okupanta. Polityka ta jednak nie doprowadziła do obiecanego zwrotu wspomnianych wysp, ponieważ w lipcu 2020 r. doszło do zmiany Konstytucji Federacji Rosyjskiej polegającej na dodaniu zakazu dokonywania niekorzystnych cesji terytorialnych. W ślad za reformą konstytucyjną Rosjanie w grudniu tego roku ogłosili rozmieszczenie systemów rakietowych średniego zasięgu (400 km) na Etorofu, co japońscy specjaliści postrzegali jako celowe fortyfikowanie spornej części Wysp Kurylskich.

Ostatnie odsłony sporu są ściśle powiązane z wybuchem pełnoskalowej wojny rosyjsko-ukraińskiej i kontynuacją linii politycznej byłego premiera Abe (zamordowanego w czasie wiecu politycznego w lipcu 2022 r.) przez szefa rządu Fumio Kishidę. Pomimo odniesionych na przełomie pierwszej i drugiej dekady XXI w. pewnych sukcesów zmierzających do przynajmniej częściowego rozwiązania kryzysu dyplomatycznego na linii Moskwa–Tokio obecnie trudno jest spodziewać się ustępstw którejkolwiek ze stron.

Słowa kluczowe: spór o Wyspy Kurylskie, stosunki japońsko-rosyjskie, Terytorium Północne.