

Japan Should Bring Takeshima Issue to ICJ

Tsutomu Nishioka

The Noda administration has effectively withdrawn its plan to unilaterally bring Japan's territorial dispute with South Korea over the Takeshima Islands to the International Court of Justice. While preparations for filing a suit with the ICJ over the territorial dispute have been completed, the Noda administration has reportedly chosen to refrain from taking the action while watching South Korea's attitude for the immediate future.

This is a wrong choice that could lead South Korea and the international community to misunderstand Japan's territorial claim to the Takeshimas. The Noda administration filed a protest against South Korean President Lee Myung-bak's visit to the Takeshimas trampling on the spirit of Japan-South Korea friendship. The choice to refrain from bringing the issue to the ICJ runs counter to the protest, weakening Japan's just claim to oppose South Korea's illegal occupation of the Takeshimas.

Government officials say they would like to use the possible suit as a diplomatic bargaining card by threatening to file the suit if a South Korean president visits the Takeshimas again. This policy is also wrong. In order to prevent a South Korean president from landing on the Takeshimas again, the Japanese government must take measures that would lead South Korea to suspect that President Lee's landing on the island group was a mistake. This means Japan should take advantage of the suit to domestically and externally assert the presence of the Japan-South Korea territorial dispute over the Takeshimas. In this sense, the government should immediately file the suit with the ICJ over the territorial dispute.

Overly conciliatory diplomacy toward S. Korea

On August 21, the Japanese government proposed that Japan and South Korea file a joint suit with the International Court of Justice over the Takeshima problem. But South Korea rejected the proposal. Japan proposed such joint suit in 1954 and 1962 before the two countries restored diplomatic

relations. Then, Japan refrained from filing any unilateral suit.

The Takeshima problem was still pending when Japan and South Korea normalized their relations in 1965. Finally, their then foreign ministers signed an exchange of notes on dispute resolution, confirming that the two governments would first try to resolve their disputes through diplomatic channels. If any dispute were not resolved through diplomatic channels, the governments would resort to a resolution through mediation in accordance with procedures to which they would agree, it said.

Since the 1990s, however, South Korea has illegally constructed buildings on the Takeshima Islands, repeated military drills around the islets, sent national lawmakers to the islands regularly and mobilized several hundreds of thousands of tourists for landing there. In response, the Japanese government has maintained an overly conciliatory stance toward Seoul, refraining even from seeking third-party mediation under the exchange of notes.

Action should be taken by February

As far as South Korean President Lee has taken the outrageous action of landing on the Takeshimas, the Japanese government should switch from its overly conciliatory stance toward South Korea over the Takeshima problem and take every opportunity to assert South Korea's occupation of the Takeshimas as illegal toward the international community. In this sense, the government should immediately file the unilateral suit with the ICJ, instead of delaying the action. Given that President Lee's term is set to expire next February, Japan should file the suit by the month in protest to President Lee's outrageous action.

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