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Japan-Russia Peace Treaty Negotiations – Past Developments and Future Points

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A summit meeting between Japan and Russia took place on January 22. At the press conference following the meeting, Prime Minister Abe and President Putin emphasized that they are aiming for a mutually acceptable solution regarding the territorial issue and intend to further deepen cooperative relations between the two countries, mainly in economic areas.

Since Prime Minister Abe announced at the Japan-Russia Summit Meeting held in Singapore on November 14, 2018 that he had reached an agreement with President Putin to accelerate negotiations on a peace treaty based on the Japanese-Soviet Joint Declaration signed in 1956, the two leaders have met in three straight months and have accelerated negotiations on a peace treaty as indicated in the Prime Minister's comments. This column looks back at previous negotiations between Japan and Russia and addresses a few points regarding how negotiations might proceed.

1 Background to the territorial problem

The primary reason that Japan and Russia have not concluded a peace treaty more than 70 years after the war ended is the lack of a solution to the territorial problem between the two countries. Let's start by briefly reviewing the background of the territorial problem between Japan and Russia.

The Soviet Union's entry into the fight against Japan at the end of the Second World War was the primary cause of the territorial problem between Japan and Russia. The United States, the United Kingdom, and the Soviet Union concluded the Yalta Conference Agreement in February 1945 as the outcome of combat on the European front was becoming evident, and the Soviet Union agreed to enter the battle against Japan within 2-3 months after Germany's defeat on the condition that it acquire the southern half of Sakhalin, which was lost in the Russo-Japanese War, and the Kuril Islands (the Treaty of Commerce and Navigation between Japan and Russia in 1855 put the national boundary for Japan and Russia between Etorofu and Uruppu islands and the Treaty of Saint Petersburg (Karafuto-Chishima Exchange Treaty) in 1875 gave all of the Kurils through northernmost Shumshu island to Japan). Additionally, the United States, the United Kingdom, and the Soviet Union met in Potsdam in July 1945 and issued the Potsdam Declaration signed by the US, the UK, and the Republic of China (the Soviet Union signed the the Declaration on August 8, 1945) that called on Japan to surrender. However, since Japan did not respond to the Potsdam Declaration, the Soviet Union ignored the Soviet-Japanese Neutrality Pact, which was still valid at that time, and declared war against Japan. It started attacking Manchuria and the Kuril Islands on August 9. The Soviet Union continued its attack even after Japan accepted the Potsdam Declaration and occupied the Kuril Islands, including the four islands just north of

Hokkaido between August 28 and September 5. It absorbed these islands as its own territory in February 1946. These events led to the Northern Territories problem that continues to the present.

2 Developments related to peace treaty negotiations (Soviet period)

The territorial problem between Japan and the Soviet Union became even more complicated in the process of postwar adjustments following the Second World War. The Potsdam Declaration stipulated limiting Japan's land area following the war to Honshu, Hokkaido, Shikoku, Kyushu, and other islands decided by the Allied Powers, but the three Allied Powers were unable to reach an agreement on which islands would be Japanese territory. At the San Francisco Conference, which took place in 1951 during the Cold War, Japan abandoned all rights to the Korean Peninsula, Taiwan, the Penghu Islands, the Kuril Islands, Southern Sakhalin, and the Spratly Islands. The US delegation claimed at the Conference that the Kuril Islands abandoned by Japan did not include the Habomai Islands. However, the Soviet Union strongly disagreed, and since the Conference did not accept the Soviet Union's proposed revisions to the Peace Treaty, it refused to sign the Treaty draft prepared mainly by the United States and the United Kingdom. This outcome left ambiguity about the scope of the Kuril Islands abandoned by Japan and to whom they were transferred.

Conclusion of the San Francisco Peace Treaty ended the state of war between Japan and the Allied Powers and restored diplomatic ties with the Western countries, but left restoration of relations with the Soviet Union and other socialist countries that rejected signing the Peace Treaty unresolved as a matter for individual negotiations. Amid the thawing in relations between the United States and Soviet Union after Stalin's death, the Japanese government began negotiations to restore diplomatic ties with the Soviet Union and signed the Japanese-Soviet Joint Declaration in October 1956. As is generally known, this Declaration stipulated the transfer of Habomai and Shikotan islands to Japan after the conclusion of a peace treaty, but did not say anything about the handling of Etorofu and Kunashiri. Nevertheless, the Japanese government put priority on the restoration of national ties with the Soviet Union because of its interest in arranging an early return of Japanese nationals detained in Siberia. Since signing the Japanese-Soviet Joint Declaration, the Japanese side pursued negotiations for a peace treaty with the Soviet Union, calling for the return of four islands, including Etorofu and Kunashiri, that had continuously been Japanese territory since the Treaty of Commerce and Navigation between Japan and Russia in 1855.

The Soviet Union (Russian) side, meanwhile, criticized the renewal of the Japan-US Security Treaty in 1960 as a violation by Japan of obligations under the Japanese-Soviet Joint Declaration and unilaterally notified Japan that it would not transfer Habomai and Shikotan islands unless all foreign military forces left Japanese soil. The Soviet Union maintained the stance that there is no territorial problem between Japan and the Soviet Union from that point until President Gorbachev's visit in April 1991.

3 Developments related to peace treaty negotiations under the Yeltsin Government (1992-2000)

In April of 1991, the year when the Soviet Union collapsed, the two sides announced the Japanese-Soviet Joint Communiqué on a visit by President Gorbachev to Japan. This was a major turning point in the Japanese-Soviet negotiations because it specifically listed the names of the four islands that comprise

the Northern Territories and was the first written acknowledgement by the Soviet Union of the existence of a territorial problem between Japan and the Soviet Union. However, the Soviet Union fell apart in December 1991 and negotiations for concluding a peace treaty passed to Russia, the successor to the Soviet Union.

The Tokyo Declaration, which was signed on a visit to Japan by President Yeltsin in October 1993, provided a major premise for Japan-Russia negotiations after the collapse of the Soviet Union. In the Tokyo Declaration, the two sides acknowledged Etorofu, Kunashiri, Habomai, and Shikotan as the four contended islands between Japan and Russia and presented a policy of resolving the issue of the affiliation of the four islands based on law and justice and then concluding a peace treaty. Japan achieved a major success with the Tokyo Declaration because the Russian side confirmed that territorial negotiations also included Etorofu and Kunashiri, which had not been mentioned in the Japanese-Soviet Joint Declaration. Jumping ahead some, the two countries would engage in fierce contentions regarding the Tokyo Declaration in peace negotiations under the Putin Government.

The Yeltsin government, which placed top priority on settling the Soviet Union's negative legacies, adopted a collaborative approach to foreign policy with Western countries and sought assistance for the transition to a market economy and other reforms. It put emphasis on improving relations with Japan (in other words, concluding a peace treaty) to help secure assistance from Japan, the second largest economic power after the United States. After the Tokyo Declaration, Japanese and Russian leaders met in Krasnojarsk (November 1997), Kawana (April 1998), and Moscow (November 1998) and confirmed their intent to resolve the issue of the four islands' affiliation and conclude a peace treaty as outlined in the Tokyo Declaration.

4 Developments related to peace treaty negotiations under the Putin Government (since 2000)

President Putin visited Japan for the first time in September 2000. The statement regarding the peace treaty issued by the leaders of the two countries at that time confirmed that they would continue negotiations to settle the issue of the four islands' affiliation and formulate a peace treaty taking into account all previous agreements (including the Japanese-Soviet Joint Declaration of 1956 and the Tokyo Declaration of 1993). At the time, President Putin made statements confirming the validity of the Japanese-Soviet Joint Declaration and this stance is the basis for the Russian side's current call for seeking resolution of the issue in line with the Japanese-Soviet Joint Declaration. The Russian side also overtly acknowledged the validity of the Tokyo Declaration. For example, at the summit meeting held in Irkutsk in March 2001, the two sides issued a statement that confirmed positioning the Japanese-Soviet Joint Declaration of 1956 as the starting point for the negotiations process and cited its legal legitimacy and reaffirmed the approach of resolving the issue of the four islands' affiliation based on the Tokyo Declaration and then concluding a peace treaty. The Japan-Russia Action Plan announced on Prime Minister Koizumi's trip to Russia in January 2003 specifically listed the Japanese-Soviet Joint Declaration, the Tokyo Declaration, and the Irkutsk Statement, and indicated that they would be the foundation of future peace treaty negotiations.

Over time, however, the Putin government has been taking a stance of not overtly confirming the validity of the Tokyo Declaration. Since Prime Minister Koizumi's visit to Russia in 2003 mentioned above, various

statements between Japan and Russia have stopped making clear references to the Tokyo Declaration. For example, when Prime Minister Abe visited Russia in 2013, the statement cited the Joint Statement and Action Plan of 2003 from the Koizumi government, but did not directly mention the Tokyo Declaration (though it could be argued that the Russian side indirectly acknowledged the validity of the Tokyo Declaration because it is specified in the Japan-Russia Action Plan). The press statement released during President Putin's visit to Japan in 2016 simply mentioned that the Japanese and Russian sides mutually understand that "starting discussions regarding joint economic activities on Etorofu, Kunashiri, Shikotan, and Habomai by Japan and Russia could be an important step toward conclusion of a peace treaty" and removed mention of the Tokyo Declaration and past documents that approved its validity.

As statements by Japan and Russia in recent years indicate, the Russian side seems reluctant to acknowledge the validity of the Tokyo Declaration. From the Russian perspective, it signed the Tokyo Declaration when its national strength was significantly weaker and this resulted in content that compromised with Japan more than necessary. The Putin government, which has utilized a slogan of rebuilding a "strong Russia," also has a motive to correct negative results from the "weak Russia" period. With improved confidence in Russia's national strength against a backdrop of rapid economic growth since the mid-2000s, it has been taking a hardline stance against the US and Europe, as seen in the Munich speech of 2007. Similarly, Russia shifted to a stronger emphasis on orthodoxy in its dealings with Japan (for example, the comment that the starting point for negotiation of a peace treaty between Japan and Russia is Japanese acceptance that the affiliation of the four northern islands had moved to the Soviet Union and Russia as a result of the Second World War).

5 Key points for peace treaty negotiations between Japan and Russia

The Russian side has recently been repeating comments that caution the Japanese side. For example, President Putin asserted in June 2017 that Russia absolutely could not accept the installation of US military bases or missile defense systems after a transfer of the Northern Territories and commented after the Japan-Russia Summit Meeting in Singapore in November 2018, despite acknowledging the obligation to transfer Habomai and Shikotan contained in the Japanese-Soviet Joint Declaration, that the Declaration "did not indicate the sovereignty of the islands (between Japan and Russia) after a transfer." At the Japan-Russia Foreign Ministers' Meeting held on January 14, 2019, Russian Foreign Minister Lavrov stated that "the first step (for peace treaty negotiations) is the Japanese side acknowledging the outcome of the Second World War, including the sovereignty of Russian's Southern Kurils (the Russian name for the Northern Territories)."

It is evident from these comments that the Russian side has set some conditions for peace treaty negotiations: 1) Japan sharing the historical recognition that sovereignty of the Kuril Islands, including the four islands in the Northern Territories, moved from Japan to Russia as a result of the Second World War, 2) the transfer of just the two islands of Habomai and Shikotan after completion of a peace treaty and review of the status of the islands after a transfer (such as only giving administrative powers to Japan), and 3) receiving assurances that Japan would not permit US military bases and missile defense systems on the islands after the transfer.

While these conditions from the Russian side might seem hardline and tough at first glance, they simply

repeat what it has been saying since the Soviet era. It is important to understand that the Russian side is not rejecting dialogue with Japan and Japan's response should be levelheaded. Next, we briefly review the three conditions mentioned above.

The first point fundamentally overturns Japan's claims for many years since the war that a territorial problem exists, and the Japanese government is unlikely to accept it. The Russian side sufficiently understands this contradiction and appears to be raising the hurdle in order to obtain an advantage in the negotiations. The second point seems difficult to justify because a fair reading of the Joint Declaration shows that the transfer of the islands naturally means a shift in sovereignty to the Japanese side. Nevertheless, the Japanese government has held to a policy of "being flexible in the timing and nature of the actual return as long as Russia acknowledges affiliation of the Northern Territories with Japan" since the Japanese-Soviet Joint Statement of 1991, and President Putin's mention of the "nature of the transfer" of the islands suggests that room might exist for compromise. The third point is a concern repeatedly stated by the Russian side in recent years. Russia has become more sensitive than ever to national security matters since increased tension with the US following the 'annexation' of Crimea. From Russia's standpoint, after not being able to stop NATO from expanding eastward due to the Western countries breaking a promise following the collapse of the Soviet Union that they would not expand NATO, it is essential for the Japanese side to guarantee in a binding manner that US forces stationed in Japan do not deploy on Habomai and Shikotan. While it is likely to be difficult for Japan to accept this Russian demand, there is a possibility of defusing Russian concerns in the process of fostering trust between the two countries. It should be recognized that US-Russian relations and the state of the Japan-US alliance, which Russia hopes to weaken, are likely to affect how this matter is resolved.

6 Future prospects for a peace treaty

Prime Minister Abe and President Putin have repeatedly cited the very unusual state of Japan and Russia not having concluded a peace treaty. For the Abe government, which wants to "move beyond the postwar regime," the conclusion of a peace treaty (and the resulting confirmation of the national border) is a top priority in settling postwar matters between Japan and Russia. For President Putin, too, concluding a peace treaty with Japan could be a historic accomplishment as a resolution of all border issues with neighbors, other than the situation with Ukraine regarding Crimea's affiliation. Furthermore, improved ties with Japan, a G7 member, could be a major achievement that serves as a catalyst for better relations with the West that are currently at loggerheads. Political leadership by the heads of Japan and Russia has driven relations between the two countries in recent years.

However, some observers are not optimistic about the prospects in light of the conditions presented by the Russian side (described above) and of public opinion trends in the two countries. There have been multiple demonstrations in Russia against the transfer of the Northern Territories after the conclusion of a peace treaty since the summit meeting between Japan and Russia in Singapore, and opinion polls in Japan show a cautious stance toward "the return of just two islands" and "the conclusion of a peace treaty before the territorial issue is resolved." The Japanese and Russian governments need to carefully explain their vision of how the relationship between the two countries is likely to change and how they intend to

cooperate after the settlement of the territorial problem and conclusion of a peace treaty.
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