

- the Soviet Union had acted "illegally" in declaring war on Japan and occupying Japanese territory, since the 1941 Soviet-Japan Neutrality Pact could not be abrogated before April 1946;
- the Soviet Union had, in 1942 as a member of the United Nations, subscribed to the Atlantic Charter thereby committing itself not to seek aggrandizement of its territory as a result of the war;
- the Cairo Declaration of November 27, 1943 (in which Allied intentions regarding the disposition of Japanese territories following the termination of hostilities were outlined) enumerated various areas such as Manchuria, Formosa, the Pescadores and Korea which would be removed from Japanese control, but did not mention the Northern Territories per se;
- the residual clause of the Cairo Declaration stated that "Japan will be expelled from all other territories which she has taken by violence and greed"; as the Northern Territories did not fall into that category, they presumably were intended to remain under Japanese sovereignty;<sup>7</sup>
- the Yalta agreement had no legal status as it was a "secret understanding" among three leaders rather than their governments, with Japan under no obligation to abide by its terms as it neither agreed with the terms nor knew about them when they were drawn up.<sup>8</sup>

These early arguments, of varying conviction, were effectively rebuffed by the Soviets and were unsuccessful in garnering international support, and Tokyo soon shifted its argument from the Yalta agreement to concentrate on the legality of the terms of the San Francisco peace treaty.

By the mid-1950s, the Japanese focus was on the question of whether Etorofu, Kunashiri, Shikotan and the Habomais group should in fact have been considered as belonging to the Kuriles. Both Tokyo and Moscow resurrected historical claims in support of their positions. The Japanese argued that none of the disputed islands were part of the Kuriles as defined in the 1821 Edict of Czar Alexander I, and both sides argued that the wording of the Shimoda Treaty of 1855 and the St. Petersburg Treaty of 1875 lent support to their claims. Under the former, the boundary between the two countries was established between the islands of Etorofu and Uruppu. The further clarification that

"L'Ouroup ainsi que les autres îles Kouriles situées au nord de cette île appartiennent à la Russie",

however, was ambiguous as to whether Etorofu and the other islands to the south were also considered to be part of the Kuriles. Nor did the St. Petersburg Treaty, under which the