Chapter III

Disputes Over Islands and Maritime Boundaries in East Asia¹

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I. Introduction

A surprisingly large number of maritime boundaries remain unresolved around the globe, and East Asia has some particularly difficult disputes. According to one recent estimate, 259 of the planet’s 427 boundary disputes have not yet been delimited.² About half of the unresolved maritime boundaries are linked in some ways to islands and 30 or 40 of these involve sovereignty disputes over territory.

In East Asia, disputes over sovereignty continue at present between Japan and Russia over the Northern Territories; between Korea and Japan over Dokdo (Takeshima); between Japan, China, and Taiwan over Daioyudao/Senkakus; between China and Vietnam over the Paracel Islands; and between China, Taiwan, the Philippines, Vietnam, Malaysia, and Brunei over the Spratly Islands. Each of these disputes over islands affects the maritime delimitation of the region. Disputes also continue in East Asia over the proper drawing of straight baselines, historical claims to bays, the breadth of the territorial sea, and the principles that should govern maritime delimitation. This paper provides an overview of these disputes, with some recommendations regarding how some of them might be addressed.


² Clive Schofield, The Trouble with Islands, this volume, at 31.
II. The Sea of Okhotsk

The Soviet Union, and now Russia, has occasionally suggested that the Sea of Okhotsk consists of internal waters and has drawn aggressive baselines along certain coastal areas within the Sea. The United States and other maritime countries reject Russia’s view and characterize Okhotsk as a “semi-enclosed sea” governed by Articles 122 and 123 of the 1982 United Nations Law of the Sea Convention. According to this view, although much of the Sea is covered by Russia’s exclusive economic zones (EEZs), a “peanut hole” of high seas exists in the middle of the Sea, which is governed by the high seas provisions of the Convention.

III. Peter the Great Bay

The Soviet Union, and now Russia, has claimed that Peter the Great Bay, near Vladivostok just north of Korea, is a “historic bay” under Article 10(6) of the Law of the Sea Convention and thus that the Bay consists of internal waters. The Bay, as defined by Russia, does not meet the “semi-circle” test required by Article 10(2) and has an entrance longer than 24 nautical miles (n.m.), and the United States has protested this claim.

IV. The Northern Territories

One of the most contentious and festering of Northeast Asia’s disputes concerns the small islands north of Hokkaido controlled by Russia but claimed by Japan as an essential part of its national territory. These islands – usually called the “Northern Territories” – include the Habomai group, Shikotan, Kunashir (Kunashiri in Japanese), and Iturup (Etorufu), and they contain a combined land area of 5,000 square kilometers. The Soviet Union took these islands from Japan after World War II, and expelled the 17,000 Japanese residents. Russia now claims title based on the language in the 1951 San Francisco Peace Treaty, in which Japan “renounces all right, title and claim to the Kurile Islands.” But Japan argues that these islands are not covered by this phrase, because they were not among the islands Japan had acquired in 1875 in exchange for Sakhalin, and that, historically, they had


4 According to Article 2 of the Peace Treaty of 1951, Japan renounced all claims to the Kurile Islands and to that part of Sakhalin and its adjacent islands that it had obtained in 1905.