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TERRITORIAL DISPUTE OVER THE KURIL ISLANDS IN THE CONTEXT OF CONSTITUTIONAL LAW OF JAPAN AND RUSSIA

The article analyzes the territorial dispute between Japan and the Russian Federation over the Kuril Islands. The Kuril dispute is one of the post-war issues of XIX-XXI centuries. On the basis of a comprehensive analysis of normative legal acts and scientific and theoretical basis, it was determined that the territorial dispute between states (in this case between Japan and Russia as the successor of the former Soviet Union) is tightly connected with the problem of legal affiliation of island territories to the defendants. It is proved that the search for a new effective model for resolving territorial disputes involves the use of not only existing methods of international legal settlement but also decisive political and diplomatic steps on the part of heads of states. The resolution of the territorial dispute over the Kuril Islands depends, first of all, on the position of the leaders of both states. However, taking into account the Russian side's not about the peaceful resolution of territorial disputes, the involvement of the international community is now being actualized.

Keywords: territorial dispute, Kuril Islands, constitution, Japan, Russia, international law.

One of the "obsolete" post-war issues of XIX-XXI centuries is the Kuril territorial dispute between Japan and Russia. In this context, it should be noted that territorial disputes belong to the most dangerous international disputes, as they can lead to armed conflicts. At the same time, the resolution of territorial disputes through political and diplomatic methods is not always effective. Taking into account the above-mentioned, studying the nature of territorial disputes and the prerequisites for their emergence in order to search for new effective methods of resolving such conflicts becomes relevant.

Many scientists investigating territorial disputes devoted their research to the problem of the dispute over the Kuril Islands (G. Antselevych, V. Butkevych, V.Denysov, I. Dmytrychenko, V. Koretsky, V. Kopolovych, B. Klymenko, S. Melnyk, O. Pokreshchuk, V. Repetsky, N. Sevostianova, L. Tymchenko, T. Tsymbrivsky, M. Cherkes, A. Kh. Abashydze, V.N. Alekseeva, Sh. M. Aliyeva, S. N. Baburina, K. A. Bekyasheva, V. I. Blyshchenko, A.N. Vylegzhanin, E. G. Hashymov, S. V. Guzey, V. I. Evintov, A. N. Zherebtsov, V.I. Kazakov, R. A. Kalamkaryan, A. M. Canalat, Yu. M. Kolosov, E.S. Kryvchykova, V. I. Kuznetsov, I. A. Kulagina, M. Kulyk, G.I. Kurdyukov, I.V. Lexin, I. I. Lukashuk; J. Best, Ya. Brownley, V.G.Vitsum, R. A. Müllerson, D. O'Connel, L. Oppenheim, R. J. Feltham, G. Fitsmoris, H.C. Hyde). At the same time, the nature of territorial disputes and the prerequisites for their occurrence remain insufficiently studied.

As it is widely known, the territory, state, territorial sovereignty, independence, territorial integrity and equality of independent states are interrelated concepts and play an important role in the development and support of international legal order. Territorial sovereignty, together with the concept of equality of sovereign states, is the basis for further support and improvement of the world order as a whole[1].

The territorial dispute between states raises the issue of legal affiliation of a certain territory (in this case – the four Kuril Islands – Iturup, Kunashir, Shikotan, Habomai Group) to one or both states that are parties to such a dispute. Disputes over territories belong to those that are most often associated with severe consequences and complex character[2]. Moreover, among all international disputes, territorial disputes are twice more likely to lead to armed conflicts[3].

[1] Shaw, M. (1986). *Title to Territory in Africa: International Legal Issues*. Oxford University Press, 320.
[2] Gibler, D. (2014). The *Territorial Peace. Borders, State development, and International Conflict*. Cambridge University Press, 189.
[3] Hensel, P. (1999). *Charting a Course to Conflict: Territorial Issues an Interstate Conflict 1816-1992*. Nashville: TN, Vanderbilt University Press, 115-148.

It is generally accepted that all issues of domestic and foreign policy of any country, including the state system, sovereignty, territory within the existing border, which is integral and untouched, are regulated by the basic law – the Constitution. This, in turn, makes it expedient to consider the dispute over the Kuril Islands in Japanese-Russian relations through the prism of the constitutional principles of both states.

First of all, it should be noted that after the Second World War, the project of the Japanese Constitution was almost unanimously adopted by both Houses of Parliament (the House of Representatives and the House of Peers) on October 6, 1946. Subsequently, on November 3, 1946, the Japanese Constitution was adopted by the Secret Council and promulgated by the Emperor Hirohito (1901-1989) [1] .

On May 3, 1947 the Constitution came into force. As it was correctly mentioned by V. Molodyakov, it was "the foundation of political and legal reforms of the post-war years as well as the moral and legal basis for the existence of the Japanese state for more than half a century[2]."

It should be noted that at least three variants of the Japan Constitution drafts are known nowadays. The first draft, starting in October 1946, was developed by the group led by the Minister of Internal Affairs Konoe Fumimaro. Subsequently, its development was continued under the chairmanship of Prime Minister Sidehara Kijuro (1872-1951). It should be noted that the Japanese side suggested reforming the well-known Meiji constitution on February 11, 1889[3].

The second version of the draft Constitution of Japan, questioning the need to revise the Constitution, was prepared by a group headed by Minister of State Matsumoto Sodzi. After translating the suggested draft into English, on February 1, 1946, Matsumoto sends documents with an explanatory note to the Headquarters of the Occupational Troops (hereinafter – HOT) of Commander-in-Chief General Douglas MacArthur (1880-1964). On February 3 of the same year, D. MacArthur instructs a group of American lawyers of the administrative department of the HOT (under the leadership of General K.Whitney) to prepare a new draft of the Japan Constitution of Japan, taking into account his personal written recommendations.

Subsequently, on February 10, 1946, the draft Constitution was ready, on February 12 it was approved by MacArthur, and on February 13 it was passed to representatives of the Japanese government. A phrase became known, by which Douglas MacArthur summed up the work on the document: "I report on the Constitution, which by the decision of the Emperor, the government, and with my approval is offered to the people"[4]. In this respect, it seems quite logical that in the United States of America and in Western European scientific literature the Japanese Constitution of 1947 is called the "MacArthur Code"[5].

A systematic analysis of Japan Constitution provisions shows that out of its 103 articles, in fact, only one article contains the word "territory". This refers to Article 93 of the eighth section "Local Self-Government", which states: "... are elected by the population living in the territory of corresponding local public authorities". At the same time, it should be noted that Japan is fully located on the islands (four large islands – Honshu, Hokkaido, Kyushu, Shikoku and more than 4 thousand small islands).

At the same time, according to the provisions of the Constitution of Ukraine of June 28, 1996: "The earth, its subsoil, atmospheric air, water and other natural resources that are within the territory of Ukraine, the natural resources of its continental shelf, the exclusive (marine) economic zone are the objects of law property of the Ukrainian people "(st.13)[6]. Although, Ukraine, unlike Japan, has a much more favorable location in the context of territorial certainty.

According to this, the approach of the Japanese legislator seems debatable. In particular, it is not natural that the basic law of the country, which is fully located on the islands (four major islands – Honshu, Hokkaido, Kyushu, Shikoku and more than 4 thousand small islands) does not regulate and does not even fix territorial sovereignty, integrity and inviolability of the state's existing borders. Perhaps this is the unknown 15th stone of the Rooandzi garden?

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[1] Молодяков, В. Э., Молодякова, Э. В., Маркарьян, С. Б. (2007). *История Японии*. XX век. Москва: ИВ РАН; Крафт+, 528.

[2] Молодяков, В. Э., Молодякова, Э. В., Маркарьян, С. Б. (2007). *История Японии*. XX век. Москва: ИВ РАН; Крафт+, 528.

[3] Пронь, С.В. (2010). *Історія Японії (від реставрації Мейдзі до сучасності: 1868-2009 рр.).* Миколаїв: Вид.-во ЧДУ ім. Петра Могили, 560.

[4] Кузнецов, Л.М. (1990). *Стопроцентный американец: Исторический портрет генерала Макартура*. Москва: Молодая гвардия, 334.

[5] Henretta, J.A., Brody, D., Dumenil, L. (1999). *America. A Concise History*. New York: Bedford / St.Matrin's, 920.

[6] *Конституція України, ст. 113, р. 6. 1996* (Верховна Рада України). *Офіційний сайт Верховної Ради України.* <https://zakon.rada.gov.ua/laws/show/254к/96-вр#Text> (2020, September, 19).

Regarding the above, it is quite logical that the final version of the Constitution was presented to the public as created independently by the Japanese government. It should be noted that in the new basic law it was possible to find the echo of the 1889 Constitution, but in general, it was a completely new document. First of all, its novelty was to consolidate the principle of democracy according to which "the people are the bearer of sovereign power." At the same time, as in the old constitution, the first section defined the status of the Emperor, although from a fundamentally new point of view: "The emperor is a symbol of the state and unity of the people, his status is determined by the will of all people, which owns sovereign power".

As mentioned above, there are no constitutional territorial restrictions in the legal norms within the Japan basic law of 1947. At the same time, taking into account the above-mentioned scientific problems of the article, part of the preamble and content of three articles of the Constitution – 9, 73, 98 deserve special attention.

Thus, in particular, the Preamble states: "We (that is, the Japanese people – D.P.) are convinced that none of the countries should be guided only by their own interests, while ignoring the interests of other states, that the principles of political morality are common and that observance of these principles is a duty for all States that retain their own sovereignty and maintain equal relations with other states[1]."

As it is known, as early as May 22, 1969, the so-called "Association of northern territories' problems" (referring to the territory of the four disputed islands – D.P.), which was subordinated to the government of Japan, was instructed on this issue to carry out "educational propaganda". Moreover, on May 13, 1972, according to the amendment introduced by the government to the Law on the Office of the Prime Minister as a special body of this office, a "Headquarters for Measures for Northern Territories" was created[2]. January 6, 1981, the Japanese government decided to proclaim February 7 "Day of Northern Territories"[3].

It should be noted that the most controversial in Japanese constitutional law is still Art. 9 of the Constitution (Chapter 2. Refusal of war), which states: "Sincerely seeking international peace based on justice and order, the Japanese people for eternal times refuse war as a sovereign law of the nation, as well as from the threat or use of armed force as a means of resolving international disputes. In order to achieve the goal specified in the previous paragraph, land, naval and air forces will never be created in the future, just like other means of war. The right to conduct war by the state is not recognized"[4]. Probably, Russian scientists will focus on the existence of the Self-Defense Forces, as a contradiction to the above principle. However, in our opinion, there is every reason to conclude that Japan has not violated Art. 9 The Constitution since the post-war period.

Let us note that for a long time the opinion that Douglas MacArthur personally insisted on the legislative consolidation of this article dominated in the scientific literature. However, it should be noted that in his memoirs the general mentions that this idea belonged to the Prime Minister of Japan Sidehara Kijuro[5].

In turn, Article 73 of the Japanese Constitution states that the Cabinet of Ministers of Japan, which according to Article 66 consisted of the Prime Minister and other state ministers, "governs foreign policy".

As for Art. 98, its provisions establish that: "the agreements signed by Japan and established norms of international law must be conscientiously respected".

The comments of the famous lawyer, professor of the International Center for Japanese Studies in Kyoto and First Vice President of the International Council for Central and Eastern European Studies (ICCEES) Kimura Hiroshi seem very relevant here. He states that "there is no border, laid on the legal grounds between Japan and Russia, because the current border, laid between the four northern islands and Hokkaido, was unilaterally illegally held by Stalin in conditions of general chaos that arose after World War II, and is not recognized neither by Japan, nor by international law. Only the border established as a result of the conclusion of a peace treaty with full coordination of decisions of the Japanese and Russian governments, will be the final and legitimate state border"[6].

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[1] Маклаков, В. (2003). *Конституции зарубежных государств*. 4.-е изд., перераб. и доп. Москва: Волтерс Клувер, 593.

[2] Андреев, К., Черевко, В. (1983). Выдумка и правда о «северных территориях». *Международная жизнь, 3,* 114-120.

[3] Прохоров, Э.М., Шевчук, Л.Л. (1989). О территориальных претензиях Японии и СССР. *Международная жизнь, 1,* 47-52.

[4] Федоров, К.Г. (1994). *Історія держави і права зарубіжних країн*. Київ: Вища школа.

[5] Кузнецов, Л.М. (1990). *Стопроцентный американец: Исторический портрет генерала Макартура*. Москва: Молодая гвардия, 334.

[6] Кимура, Х. (1996). *Курильская проблема: история японо-российских переговоров по пограничным вопросам*. Киев: Юринком, 240.

In the context of the topic under study, it seems expedient to analyze constitutional, legal and international legal aspects of Russian-Japanese relations (referring to the Constitution of Russia) through the prism of a territorial dispute over the Kuril Islands.

First of all, we would like to note that the territorial issues of the Russian Federation, according to the Constitution of December 12, 1993, are described in the Article 4, 9, 27, 66, 67, 71, 106, 131[1].

It is expedient to analyze a number of documents from the report of MP O.G. Rumyantsev proclaimed at the meeting of the Constitutional Commission of the Russian Federation of July 9, 1992 "Russian-Japanese relations and the problem of territorial integrity of the Russian Federation" on the eve of the parliamentary hearings on July 28, 1992 on topical problems of the Russian-Japanese relations and recommendations of the parliamentary hearings of the State Duma of the Russian Federation of March 18, 2002 on the topic: "Southern Kurils: problems of economy, politics and security".

In particular, we are talking about "international legal" and "constitutional and legal" aspects. The author of the report O. G. Rumyantsev argues that "international legal analysis shows that Russia's positions... are not weak at all. They can be shaken only by unilateral concessions from our (that is, Russian – D.P.) part, or by unfair interpretation of normative acts"[2].

To justify such conclusions O. G. Rumyantsev provides some arguments. First is the Yalta Agreement of February 11, 1945. He tries to link it with Articles 77, 80, 107 of the UN Charter on the withdrawal of territories from the aggressor state. It should be noted that the UN Charter was adopted at a conference in San Francisco, which was held from April 25 to June 26, 1945, that is much later than the Yalta Conference of Heads of Three Countries – the USA, the USSR, Great Britain[3].

Second is the Treaty of San Francisco of March 8, 1951, under which Japan refused "all rights and claims to the Kuril Islands...". But in section 2 "Territory", in Article 2, paragraph c, referred to by the MP of the Russian Federation, no specification is given in favor of which state Japan refuses these islands[4]. Moreover, the delegation of the USSR led by A. A. Gromyko, at the direction of Y.V.Stalin, left the meeting hall without signing the Treaty of San Francisco. However, the above argument is rather directed against the Russian Federation, as the successor of the USSR, rather than on its support. We consider this step of the USSR in San Francisco a strategic mistake that has damaged the post-war normalization of relations between the two countries.

Third is a joint Russian-Japanese Declaration on October 19, 1956. Taking into account the fact that the territorial dispute between Japan and Russia, including at Yalta, Potsdam, San Francis Conferences of 1945-1951, as well as the above-mentioned Declaration, have been repeatedly the subject of scientific research of the author of the article[5], we will agree with the conclusion of Mr. Rumyantsev: "since the Declaration does not define specific terms and forms of transfer to Japan of these islands after the signing of the agreement, this aspect of the document must be discussed in Parliament"[6].

Fourthly, at least, the speaker's reference to the letter of the First Deputy Foreign Minister A. A. Gromyko of September 29, 1956 and speech of the Chairman of the Council of Ministers of the USSR M.S.Khrushchev on the resumption of diplomatic negotiations on the conclusion of a peace treaty between Japan and the Soviet Union, which would include territorial issues truly deserve attention of researchers.

Fifthly, the attempt by O. G. Rumyantsev to consider the problem of "legal force and continuity of previous Russia-Japan treaties" is, in our opinion, a means of distraction from the main topic, because the historical aspect of the Japanese-Russian negotiations is, according to the author of the article, the most confusing and contradictory, since it is based on the broad source basis of Europe, USA, Japan, Russia.

Quite interesting is the argument of the MP regarding the interpretation of the concept of "The Kuril Islands". Criticizing the Japanese side and "part of the leadership of the Russian Foreign Ministry", which

[1] *Конституция Российской Федерации*, ст. 4, 9, 27, 66, 67, 71, 106, 131, 1993. (Государственная дума федерального собрания Российской Федерации). *Официальный сайт Государственной думы федерального собрания Российской Федерации.* <http://duma.gov.ru/news/48953/> (2020, September, 19).

[2] *Специальное приложение № 2 к бюллетеню* (1992). *Конституционный вестник,* 79-111.

[3] *«ООН і Україна» (до 50-річного ювілею від дня заснування)*. (1995). Миколаїв: РВГ МРЦСД, 68.

[4] Пронь, С.В. (1992). *Сан-Францисская система и страны азиатско-тихоокеанского региона (Япония, Китай, Корея). 1951 – 1991 годы*. Москва: Изд-во НТЦ «Информтехника», 108.

[5] Пронь, Д.С. (2012). «Правовий кут» територіального питання між Японією та СРСР на Ялтинській і Потсдамській конференціях 1945 року. *Університетські наукові записки. Часопис Івано-Франківського університету права імені короля Данила Галицького*, *6*, 202-208.

[6] *Специальное приложение № 2 к бюллетеню* (1992). *Конституционный вестник,* 79-111.

consider the Minor Kuril Ridge as a geographical extension of Hokkaido island, he accuses them of trying to put forward territorial demands on Russia on the basis of the concept of "historical justice", which "does not take into account the current international treaties and agreements, as well as the behavior of the parties on their implementation to life (the principle of Estopel, i.e. deprivation of the right to objection, which is enshrined in Art. 45 of the Vienna Convention of 1969)"[1]. Summing up, he concludes: "The legal title is, but it is not finally issued."

As for the constitutional and legal aspect of the report by O. G. Rumyantsev, then its essence goes down to the following. The MP states that "the islands are administratively included in the Sakhalin region, on their territory there are "public authorities and management of Russia". He rightly emphasizes: "Habomai, Shikotan, Kunashir and Iturup in accordance with the administrative division are considered part of the Kuril ridge. Therefore, the agreement on the transfer of Habomai, Shikotan, Kunashir and Iturupu without official changes in the administrative composition of the Sakhalin region and the Kuril Islands, which became an independent subject of the Russian Federation, creates a contradiction between domestic law and international treaties..."[2].

It should only be added that, indeed, according to the Constitution of Russia (section 3 "Federal System", paragraph 1 of Article 65), within the Russian Federation there are subjects of the Russian Federation, including the Sakhalin Region.

The research by S. A. Ponomarev also deserves attention. He not only analyzes the Decree of the Presidium of the Supreme Soviet of the USSR from February 2, 1946 "On the creation of the Yuzhno-Sakhalinsk region within the Khabarovsk Territory of the RSFSR" (it turns out that the Decree was signed not only by M. Kalinin – Chairman of the Presidium and A.Gorkin – Secretary of the Presidium; the text was also vised by representatives of executive power Stalin – Chairman of the Council of People's Commissars of the USSR and Managing Affairs of the RNA – Ya.Chadaev), but also notes that "Sakhalin region, as an independent one, first appeared in the Constitution of the USSR, and only then in the Constitution of Russia"[3].

S. A. Ponomarev states that first of all, in the Constitutions of the USSR of 1936 (Article 22) and the RSFSR of 1937, all independent territories and regions that were part of the RSFSR were listed. But none of the many areas that were part of the Far Eastern region, including of course Sakhalin, were listed. The first after the separation of Sakhalin region from Khabarovsk Krai took place regular (third) session of the Supreme Soviet of the second convocation from 20 to 25 February 1947. On February 25, 1947, the Law "On Amendments and Addition of the Text of the Constitution (Basic Law) of the USSR" was adopted. In particular, in Art. 22, which lists all the regions, areas, autonomous republics and autonomous regions of the RSFSR, a number of newly created regions was introduced. Including Kaliningrad and Sakhalin ones[4].

An interesting question in the context of the study is Art. 67 of the Constitution of the Russian Federation, which states that: firstly, the territory of the Russian Federation includes the territories of its subjects, inland waters and territorial sea, the airspace above them; secondly, the Russian Federation has sovereign rights and carries out jurisdiction in the continental shelf and in the exclusively economic zone of the Russian Federation in the manner prescribed by federal law and norms of international law; thirdly, the boundaries between the subjects of the Russian Federation may be changed with their mutual consent[5].

One cannot ignore the provision of Art. 86 of the Constitution of Russia of December 12, 1993 according to which the President of the Russian Federation governs foreign policy of the Russian Federation[6].

Thus, the statement of the Russian deputy about the feeling that the officials of the Russian Foreign Ministry mixed the Russian Constitution with the Japanese, Article 73 of which determines that the Cabinet of Ministers of Japan is governing foreign policy, simply does not correspond to reality.

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[1] *Специальное приложение № 2 к бюллетеню* (1992). *Конституционный вестник,* 79-111.

[2] *Специальное приложение № 2 к бюллетеню* (1992). *Конституционный вестник,* 79-111.

[3] Пономарев, С.А. (2006). Некоторые вопросы государственного строительства на Южном Сахалине и Курильских островах в 1945-1948 гг. *Вестник Сахалинского музея*, *13,* 195-205.

[4] Пономарев, С.А. (2006). Некоторые вопросы государственного строительства на Южном Сахалине и Курильских островах в 1945-1948 гг. *Вестник Сахалинского музея*, *13,* 195-205.

[5] *Конституция Российской Федерации*, ст. 4, 9, 27, 66, 67, 71, 106, 131, 1993. (Государственная дума федерального собрания Российской Федерации). *Официальный сайт Государственной думы федерального собрания Российской Федерации.* < http://duma.gov.ru/news/48953/> (2020, September, 19).

[6] *Конституция Российской Федерации*, ст. 4, 9, 27, 66, 67, 71, 106, 131, 1993. (Государственная дума федерального собрания Российской Федерации). *Официальный сайт Государственной думы федерального собрания Российской Федерации.* < http://duma.gov.ru/news/48953/> (2020, September, 19).

At the same time, a statement of O. G. Rumyantsev that the provisions of domestic law of particular importance should be taken into account directly in the negotiations on the islands in accordance with Articles 46 and 47 of the Vienna Convention "On the Law of International Treaties" (1969)[1] also should be considered. It should be noted that Russia was a party to the Convention[2].

At the conclusion of the justification of the constitutional and legal aspect of the territorial dispute, O. G. Rumyantsev stressed: "If once in the constitutional and legal sense Kuril Islands were a disenfranchised margin", today the Sakhalin region is endowed with "great powers of the subject of the Federation" and "the business of prosperity of the region... is in its own hands". It is hardly possible to agree with such statements.

Regarding the parliamentary hearings of Russian Federation State Duma and the Recommendations adopted on March 18, 2002 on the topic: "Southern Kurils: problems of economy, politics and security", they clearly state that in the case of preparation and discussion of the Treaty on territorial demarcation with Japan one must proceed from the fact that territorial concessions from Russia's part are unacceptable and that in such a treaty only the current existing internationally recognized Russian-Japanese border can be certified[3].

Of course, the current resolution of the territorial dispute over the Kuril Islands depends, first of all, on the position of the leaders of the two states – the President of the Russian Federation (according to constitutional duties, Article 86 of the Constitution) and the Prime Minister of Japan as head of the Cabinet of Ministers (Article 66, 73 of the Constitution).

However, in this context, the remark of the President of the Tokyo Institute for Foreign Policy, Professor Miyake Kuni seems quite appropriate, who writes: "Now... not the period when Russia is ready to return our islands, given the situation with the Crimea. But our strategy is somewhat similar to the strategy of Ukraine – to constantly update the issue of its territories and remind the international community about it"[4].

There is confidence that after the events with the Ukrainian Crimea, Donetsk region, Luhansk region in 2014, Russia, unfortunately, is not interested in resolving the territorial dispute over the Kuril Islands, nor in signing a peace treaty with Japan and preserving peace and security in the Far East.

In this aspect, it should be taken into account that on July 4, 2020, on the basis of the Law of the Russian Federation No. 1-FCC of 14.03.2020 "On Improving the Regulation of Certain Issues of the Organization and Functioning of Public Authority" and the Presidential Decree No. 445 of 03.07.2020, the amendments to Constitutions of the Russian Federation came into force, according to which amendments were made to the norms regulating the issues of the territory of the state. In particular, Article 67 of the Constitution is amended with Part 2 paragraph 1 (in the original language): "The Russian Federation provides for the protection of its sovereignty and territorial integrity. Actions (for exclusion of separation, demarcation, redemarcation of the state border of the Russian Federation with common states), directed to the exile of part of the territory of the Russian Federation, as well as the access to such actions are not allowed"[5].

We believe that the inclusion of this norm does not establish legislative restrictions for the Russian Federation to resolve a territorial dispute with Japan, since, according to the existence of a dispute, the issue of delimitation of the territory around the Kuril Islands is just such an exception. Establishing the state border, resolving territorial issues in order to maintain international peace and security should take place only bilaterally, as agreed by the two parties – Japan and Russia.

Thus, the territorial dispute between states (in this case between Japan and Russia as the successor of the former Soviet Union) is tightly connected with the problem of legal affiliation of island territories to the defendants.

The search for a new effective model for resolving territorial disputes involves the use of not only existing methods of international legal settlement, but also decisive political and diplomatic steps on the part of heads of states.

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[1] *Специальное приложение № 2 к бюллетеню* (1992). *Конституционный вестник,* 79-111.

[2] Блатова, Н.Т., Мелков, Г.М. (2000). *Международное право в документах*. 3-е изд., перераб. и доп. Москва: МЦУПЛ.

[3] Латышев, И. (2002). Россия-Япония. Госдума ставит точку в территориальном споре? *Азия и Африка сегодня, 7 (540)*, 40-42.

[4] Азиатская кухня (2017). *Новое время, 43*, 50-53.

[5] *Конституция Российской Федерации*, ст. 4, 9, 27, 66, 67, 71, 106, 131, 1993. (Государственная дума федерального собрания Российской Федерации). *Официальный сайт Государственной думы федерального собрания Российской Федерации.* < http://duma.gov.ru/news/48953/> (2020, September, 19).

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