Is the *East Sea* a shared feature?

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The issue of the name *East Sea* was first raised at the 6th United Nations Conference on the Standardization of Geographical Names held in New York in 1992. Objections by the Japanese delegation to the international use of this name were addressed by taking recourse to resolution 20 of the 3rd UN Conference on the Standardization of Geographical Names, which is based on the premise of two or more countries sharing a geographical feature. Disagreement on what constitutes a shared feature, and on whether the maritime feature in question is indeed a shared feature, has resulted in the name *East Sea* remaining an issue of contention for the ensuing twenty-one years. The solution to the dilemma may be found in the United Nations Convention on the Law of the Sea (UNCLOS), which recognizes the sovereign right of each country to standardize the geographical names in the territories under its jurisdiction. Territories over which sovereign countries have jurisdiction include the territorial sea and the exclusive economic zone, and sovereign rights over these waters may include the right to name them. Not only the names in the languages and scripts of the countries concerned may be treated in this way, but English equivalents that are essential for navigational safety in the respective waters.

Key words: East Sea, maritime feature names, sovereignty, jurisdiction, coastal states, United Nations resolutions, shared features.

Background

The question of whether the East Sea is a shared feature became relevant at the 6th UN Conference on the Standardization of Geographical Names in New York in 1992. Ambassador Suh Dae-Won, who was then the Ambassador of the Republic of Korea to the United Nations, informed the Conference that *East Sea* is the name preferred for international use by the Republic of Korea for the sea between the Korean Peninsula and the Japanese Archipelago. *East Sea* is the English translation of *Donghae*, a name

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that has been used for at least 2,000 years for the body of water under discussion. As LI (2010: 65) states, the name has been "used since antiquity in Korea, for the sea known as the *Sea of Japan*".

Ambassador Suh's statement was met with protest from the Japanese delegation, and the Chairman of the United Nations Group of Experts on Geographical Names (UNGEGN) at that time took recourse to a United Nations resolution that was considered to be relevant. That resolution is Resolution 20 of the 3rd UN Conference on the Standardization of Geographical Names, frequently referred to resolution III/20. This resolution reads as follows:

"*The Conference*,

"*Considering* the need for international standardization of names of geographical features that are under the sovereignty of more than one country or are divided among two or more countries,

"1. *Recommends* that countries sharing a given geographical feature under different names should endeavour, as far as possible, to reach agreement on fixing a single name for the feature concerned;

"2. *Further recommends* that when countries sharing a given geographical feature do not succeed in agreeing on a common name, it should be a general rule of international cartography that the name used by each of the countries concerned will be accepted. A policy of accepting only one or some of such names while excluding the rest would be inconsistent in principle as well as inexpedient in practice. Only technical reasons may sometimes make it necessary, especially in the case of small-scale maps, to dispense with the use of certain names belonging to one language or another."

United Nations resolution III/20 is similar in essence to Paragraph 6 of Technical Resolution 1/1972 (A4.2) of the International Hydrographic Organization (IHO), which reads as follows:

"It is recommended that where two or more countries share a given geographical feature (such as, for example, a bay, strait, channel or archipelago) under a different name form, they should endeavour to reach agreement on fixing a single name for the feature concerned. If they have different official languages and cannot agree on a common name form, it is recommended that the name forms of each of the languages in question should be accepted for charts and publications unless technical reasons prevent this

practice on small scale charts, e.g. English Channel/La Manche."

For the past twenty-one years the Republic of Korea has implemented the recommendation of the resolution and has promoted the use of both names, *East Sea* and *Sea of Japan*, for the feature in question, which according to Chung (2010) signifies this country's commitment to "a trust and cooperation that transcends aggression and conflict". However, the Ministry of Japan has stated that *Sea of Japan* is the "one and only name familiar to the International Community". The lack of agreement after so long a period, and the need to find an amicable solution to the disagreement, has prompted further discussions.

Implementation

Several conditions apply in the implementation of these resolutions. The preamble to the UN resolution III/20 refers to "geographical features that are under the sovereignty of more than one country or are divided among two or more countries", while the recommendatory or operative clauses refer to "countries sharing a given geographical feature". The IHO resolution also refers to situations "where two or more countries share a given geographical feature". The salient question is whether the sea between Korea and Japan is under the sovereignty of more than one country, or is divided among two or more countries, and whether the countries share the feature. As Franckx *et al.* (2010: 13-14) have pointed out, implementation of these resolutions is dependent on two factors, namely whether the feature in question is indeed a shared feature, and whether the countries concerned are bound by the resolutions. A third factor is whether the cited resolutions are relevant to the sea in question.

As far as the first of these issues is concerned, namely whether the sea in question is indeed a shared feature, depends on what is meant by "a shared feature", that is, whether it is a geographically shared feature, or whether the feature is considered to be under the sovereignty of two or more countries.

Park (2010: 3-4) provides arguments to show that the sea between Korea and Japan is indeed a shared feature. Referring to Article 122 of the United Nations Convention on the Law of the Sea (UNCLOS), in which an "enclosed sea" is defined as "a gulf, basin or sea surrounded by two or more States and connected to another sea or the ocean by a

narrow outlet or consisting entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States", he explains: "The sea area between the Korean Peninsula and the Japanese Archipelago is surrounded by Japan, Korea (Republic of Korea), and North Korea; it is connected to another ocean in the south; it is a given geographical feature, because it is an enclosed sea". In addition, it does indeed consist "entirely or primarily of the territorial seas and exclusive economic zones of two or more coastal States".

It may therefore be accepted that the sea between the Korean Peninsula and the Japanese Archipelago is a geographically shared feature. However, the water body under discussion is not "under the sovereignty of more than one country" as defined in the preamble to resolution III/20. Korea and Japan are both sovereign countries, and there is no agreement between these two countries that they share sovereignty over the sea between them.

Enforceability of resolutions

The second question is whether the countries concerned are bound by the resolutions, and the enforceability of the resolutions. As regards United Nations resolutions, Franckx *et al.* (2010: 13-14) pointed out that "The word 'recommendation' signifies the non-obligatory character of the resolution and these are thus not binding upon the member states", and that "[t]he Resolutions adopted by the Conference have a non-binding and recommendatory character." On the other hand, United Nations resolutions "are not devoid of all legal value. It has often been argued that the addressees of UN recommendations have a duty to consider their content in good faith. Thus, if a state does not wish to comply with the recommendation, it must give its reasons" (Conforti 2005: 292-293; Franckx *et al.* 2010: 12).

With reference to the International Hydrographic Organization (IHO), Franckx *et al.* (2010: 21-22) indicate that this body "has no authority whatsoever over hydrographic offices of the Member Governments"; that "the technical recommendations, which constituted the bulk of the agenda, are not binding upon the member states", that the resolutions of the IHO are "only of a recommendatory nature for national hydrographic offices to follow", and that "whether the recommendatory powers of the IHO can lead to legal effects beyond that organization ... seems highly unlikely. The conclusion to be

reached about the binding nature of the resolutions adopted by the IHO must consequently be that they are not legally binding on member states."

However, they do indicate that the resolutions of the IHO "probably nevertheless substantially affect the behaviour of states in practice" (Franckx *et al.* 2010: 22), since "experience has shown that they will be put into practice in nearly all instances and thereby preserve and extend a high degree of uniformity in the nautical charts and books that must, in many instances, serve the mariners of all nations" (Glover and Cobert 1947: 1204; Franckx *et al.* 2010: 22).

Referring to the IHO Technical Resolution 1/1972, quoted above, Park (2010: 5) points out that "If the IHO and its Member States do not follow the second recommendation, then they are violating the rule as provided in para. 6 of the Resolution 1/1972 (A4.2), which was adopted by them. Even if para. 6 of the Resolution 1/1972 (A4.2) itself does not bind the IHO and its Member States, it should be respected and implemented in good faith by them."

Relevance of resolutions

Another question raised is whether the cited resolutions are relevant to the dispute over the names *East Sea* and *Sea of Japan* or *Japan Sea*. UN resolution III/20 recommends that, where agreement on a name acceptable to both parties cannot be reached, "the name *used by each of the countries concerned* will be accepted" (my italics). As Park (2010: 5) points out, the names *used* by each of the countries concerned are *Donghae* and *Nihonkai* respectively. On the other hand, the IHO resolution recommends that "the **name forms** *of each of the languages in question* should be accepted". Here again the *name forms* of each of the languages in question are the Korean script form of *Donghae*, namely *동해*, and the Japanese script form of *Nihonkai*.

As regards the implementation of the IHO resolution 1 (A 4.2) paragraph 6, Park points out that the first part of the recommendation, namely "*that ... two or more countries ... should endeavour to reach agreement on fixing a single name ...*", applies to the countries concerned; and that the second part of the recommendation, namely "*that the name forms of each of the languages in question should be accepted for charts and publications*", applies to member countries of the International Hydrographic Organization (IHO). In the United Nations resolution, on the other hand, the second part of the rec-

ommendation, namely "*that the name used by each of the countries concerned will be accepted*", refers to cartographers universally. The implication is that the names in the respective scripts of Korea and Japan are to be used by the countries concerned, and the Romanized forms of the names by cartographers and other users of the names universally.

The conclusion to be reached is that although both UN resolution III/20 and IHO resolution 1/1972 (A.4.2) paragraph 6 are relevant to the names *Donghae* and *Nohonkai*, neither of these resolutions is relevant to the names *East Sea* or *Sea of Japan.* A solution to the dispute around those two names will need to be sought elsewhere.

The United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS) is an international agreement that defines the rights and responsibilities of nations in the utilization of the oceans of the world. It was signed on 10 December 1982 and came into force on 16 November 1994, and enjoys the membership of 164 countries and the European Union. The Convention provides guidelines for the management and preservation of the environment, the management of marine natural resources, and businesses.

The solution to the dispute over the name of the sea between Korea and Japan may be found in this Convention, and in the fundamental attribute of sovereignty. In terms of international law, *sovereignty* means that a government possesses full control, or supreme independent authority, over its own affairs within a territorial or geographical area or limit. The powers that states enjoy by dint of sovereignty are "tantamount to freedom of action within the strictures of the law" (Franckx *et al.* 2010: 2). However, the area over which a state has sovereignty is confined to the geographical area or territory over which it has jurisdiction. From the perspective of international law, the territory of a state not only includes the land but "extends to the internal waters and territorial sea of every State and to the air space above its territory" (*Military and Paramilitary Activities* 1986, 111).

The United Nations recognizes the sovereign prerogative of each Member State to standardize the geographical names within the territory over which it has jurisdiction. Each State can thus authoritatively give names to areas within the territory over which it has jurisdiction, which include the names of maritime features. Kadmon (2010: 96)

points out that "According to the Law of the Sea (1982, 1994) '….jurisdiction refers to the power of a state to affect persons, property and circumstances within its territory', which includes its maritime zones. Over those parts of the sea which come under the definition of territorial waters, the respective states have authority of conferring maritime names – which comes under the term 'circumstances' mentioned above."

Compartmentalization

Franckx *et al.* (2010: 3) point out that "The modern law of the sea has brought about a compartmentalization of the seas and other maritime features. The 1982 Convention (The United Nations Convention on the Law of the Sea (UNCLOS)) acknowledges a variety of zones in which certain rights devolve to coastal states." These zones are the territorial sea (UNCLOS Part II), the exclusive economic zone (EEZ) (UNCLOS Part V) and the continental shelf (UNCLOS Part VI). The UNCLOS indicates the extent of jurisdiction of each coastal State over each of these zones, and the sovereignty, sovereign rights, jurisdiction, exclusive and other rights each coastal State has over these zones. These are elucidated as follows:

The Territorial Sea

Part II, Section 1, Article 2 of the United Nations Convention on the Law of the Sea (UNCLOS) defines the legal status of the waters under the jurisdiction of a coastal State as follows:

"1. The sovereignty of a coastal State extends, beyond its land territory and internal waters ... to an adjacent belt of sea, described as the territorial sea.
2. This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil.
3. The sovereignty over the territorial sea is exercised subject to this Convention and to other rules of international law."

As regards the limits of the Territorial Sea, Article 3 specifies that

"Every State has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined in accordance

with this Convention." Article 5 determines that "the normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast as marked on large-scale charts officially recognized by the coastal State".

Exclusive Economic Zone

Part V, Article 57, specifies that

"The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured."

Continental shelf

Part VI, Article 76 (1) describes the continental shelf as follows:

"The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, **or** to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance."

Paragraph 5 of Article 76 specifies the extent of the continental shelf:

"The fixed points comprising the line of the outer limits of the continental shelf on the seabed ... either shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured or shall not exceed 100 nautical miles from the 2,500 metre isobath, which is a line connecting the depth of 2,500 metres."

Paragraph 6 of Article 76 specifies that

"Notwithstanding the provisions of paragraph 5, on submarine ridges, the outer limit of the continental shelf shall not exceed 350 nautical miles from the baselines from which the breadth of the territorial sea is measured."

Sovereignty, sovereign rights, etc.

Territorial Sea

As noted above, Part II, Section 1, Article 2 of the United Nations Convention on the Law of the Sea (UNCLOS) states that "The **sovereignty** of a coastal State extends, beyond its land territory and internal waters, ... to an adjacent belt of sea, described as the territorial sea", and that "This sovereignty extends to the air space over the territorial sea as well as to its bed and subsoil."

Exclusive Economic Zone

In addition to sovereignty over the territorial sea, the coastal State has sovereign and other rights over the exclusive economic zone and the continental shelf. Article 56 determines that "In the exclusive economic zone, the coastal State has:

(a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the natural resources, whether living or non-living, of the waters superjacent to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;

(b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:

(i) the establishment and use of artificial islands, installations and structures;

(ii) marine scientific research;

(iii) the protection and preservation of the marine environment;

(c) other rights and duties provided for in this Convention."

Also in connection with the exclusive economic zone, **Article 60** determines that:

"1. In the exclusive economic zone the coastal State shall have the **exclusive right** to construct and to authorize and regulate the construction, operation and use of:

(a) artificial islands;

(b) installations and structures for the purposes provided for in article 56 and other economic purposes;

(c) installations and structures which may interfere with the exercise of the rights of the coastal State in the zone.

2. The coastal State shall have **exclusive jurisdiction** over such artificial islands, installations and structures, including jurisdiction with regard to customs, fiscal, health, safety and immigration laws and regulations."

Continental shelf

Part V, Article 77 specifies the sovereign rights that a coastal State has over the continental shelf, and reads as follows:

"1. The coastal State exercises over the continental shelf **sovereign rights** for the purpose of exploring it and exploiting its natural resources.
2. The **rights** referred to in paragraph 1 are **exclusive** in the sense that if the coastal State does not explore the continental shelf or exploit its natural resources, no one may undertake these activities without the express consent of the coastal State.
3. The rights of the coastal State over the continental shelf do not depend on occupation, effective or notional, or on any express proclamation.

Article 80 determines that Article 60, which refers to artificial islands, installations and structures in the exclusive economic zone, applies *mutatis mutandis* to these features on the continental shelf.

Article 81 determines that "The coastal State shall have the **exclusive right** to authorize and regulate drilling on the continental shelf for all purposes."

States with opposite coasts

Territorial Sea

In instances where two coastal States are situated in such close proximity to each other that their territorial seas overlap, *Article 15, Delimitation of the territorial sea*

between States with opposite or adjacent coasts, is applicable. This Article reads as follows:

"Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The above provision does not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance therewith".

Exclusive Economic Zone

In the case of two coastal States where the greater part of the intervening sea is covered by, or falls within, their respective exclusive economic zones, Article 74 of the UNCLOS, *Delimitation of the exclusive economic zone between States with opposite or adjacent coasts*, is applicable. This Article reads as follows:

1. The delimitation of the exclusive economic zone between States with opposite or adjacent coasts shall be effected by agreement on the basis of international law, as referred to in Article 38 of the Statute of the International Court of Justice, in order to achieve an equitable solution.
2. If no agreement can be reached within a reasonable period of time, the States concerned shall resort to the procedures provided for in Part XV.
3. Pending agreement as provided for in paragraph 1, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature and, during this transitional period, not to jeopardize or hamper the reaching of the final agreement. Such arrangements shall be without prejudice to the final delimitation.
4. Where there is an agreement in force between the States concerned, questions relating to the delimitation of the exclusive economic zone shall be determined in accordance with the provisions of that agreement.

The terms *sovereignty* and *sovereign rights*

The Articles quoted above thus clarify the authority that the coastal State has in the different zones. As noted, a coastal State has *sovereignty* over the territorial sea and *sovereign rights* over its exclusive economic zone (EZZ) and continental shelf. There seems to be unanimity that a coastal State has the sovereign right to bestow names within its territorial waters. However, the question of whether the right to name also applies in the exclusive economic zone and the continental shelf is debatable. On the one hand, Franckx *et al.* (2010: 24) refer to a distinction between "sovereignty" and "sovereign rights", and point out that "The wording used to describe the rights connected to the contiguous zone and the exclusive economic zone enumerated in Art. 56(1) (b) and in pursuance of Art. 56(1) (c) of the 1982 Convention are clearly limited in scope. Therefore, they cannot be reasonably interpreted as encompassing an entitlement to authoritatively impose toponymic choices on other states. The sovereign rights coastal states enjoy in the exclusive economic zone (Art. 56(1) (a)) and the continental shelf are broader in scope, especially the continental shelf, which respect to which the sovereign rights of the coastal state are 'exclusive' (art. 77(2)). Nonetheless, these rights are meant to serve a certain purpose, namely exploration and exploitation, which does not seem to include the power to attribute names" (Franckx *et al.* 2010: 3).

On the other hand it may be argued that "sovereignty" is the attribute that empowers the state to exercise its sovereign rights over the territory under its jurisdiction; that "sovereignty" is the collective noun for all of the rights which are incorporated under the concept of *sovereignty*, and that there is no real distinction between the concepts of sovereignty and sovereign rights. These rights may perhaps include the power to attribute names. It has been argued that the right to name in the exclusive economic zone and continental shelf is not automatically assumed, because that right is not explicitly stated for those zones. On the other hand, the right to name is not explicitly stated for the territorial sea either.

In addition to "sovereignty" and "sovereign rights", the relevant Articles of the UNCLOS refer to "jurisdiction", "exclusive rights" and "other rights", which would include cultural rights. The right to give names should reasonably be included in these rights.

The need to name

Dealings with other states necessitate communication with those states. In order to refer to the features within the maritime zones, and to the sea itself, names are required, and the features to which those names refer fall under the jurisdiction of the coastal State concerned. The rights of the coastal State may thus *ipso facto* include the right to name the features concerned, including the sea area under the jurisdiction of the State. In terms of paragraphs 5 and 6 of Article 76, that area extends from the low water baseline to a distance of at least 200 nautical miles, and to a distance of 350 nautical miles where the outer edge of the continental margin allows it. If a State has sovereign rights over a territory, those sovereign rights may reasonably include the right to name the territory or parts of it. Since all sovereign States enjoy equal sovereignty, each coastal State has the same sovereign right to bestow names in the zones under its jurisdiction, and recognition of the names preferred by each State would be in accordance with the primary objective of the United Nations, namely to keep peace and avoid conflict between nations.

International cooperation

Referring to the promotion of international cooperation, Article 242 of Section 2 of the United Nations Convention on the Law of the Sea specifies that:

"1. States and competent international organizations shall, in accordance with the principle of respect for sovereignty and jurisdiction and on the basis of mutual benefit, promote international cooperation in marine scientific research for peaceful purposes.
2. In this context, without prejudice to the rights and duties of States under this Convention, a State, in the application of this Part, shall provide, as appropriate, other States with a reasonable opportunity to obtain from it, or with its cooperation, information necessary to prevent and control damage to the health and safety of persons and to the marine environment."

This information necessarily includes the names of the various maritime features in the territory under the sovereignty of the coastal State, and of the body of water in question. Without these names reference to the features in question is impossible, and communication is impossible.

Publication and dissemination of information and knowledge

Having recognized the sovereignty and sovereign rights of the coastal State over the territorial sea, the exclusive economic zone and the continental shelf, the UNCLOS requires that relevant information relating to these respective zones be made known and disseminated. Thus Article 84 specifies that:

"1. Subject to this Part, the outer limit lines of the continental shelf and the lines of delimitation drawn in accordance with article 83 shall be shown on charts of a scale or scales adequate for ascertaining their position. Where appropriate, lists of geographical coordinates of points, specifying the geodetic datum, may be substituted for such outer limit lines or lines of delimitation.

2. The coastal State shall give due publicity to such charts or lists of geographical coordinates and shall deposit a copy of each such chart or list with the Secretary-General of the United Nations and, in the case of those showing the outer limit lines of the continental shelf, with the Secretary-General of the Authority."

In respect of paragraph 1 above, the demarcation is also applicable to the limits of the respective seas. In the process of giving due publicity to this information, these charts or maps may also be circulated to all cartographic publishers, including those of electronic maps and other publications, *inter alia* Bartholomew, Collins, Demart, Encyclopaedia Britannica Online, GeoHack, Google, Philips, Wikipedia, and so forth.

Article 244 of the United Nations Convention on the Law of the Sea determines that:

"1. States and competent international organizations shall, in accordance with this Convention, make available by publication and dissemination through appropriate channels information on proposed major programmes and their objectives as well as knowledge resulting from marine scientific research.

2. For this purpose, States, both individually and in cooperation with other States and with competent international organizations, shall actively promote the flow of scientific data and information and the transfer of knowledge resulting from marine scientific research, especially to developing States, as well as the strengthening of the autonomous marine scientific research capabilities of developing States through, *inter alia*, programmes to provide adequate education and training of their technical and scientific personnel."

Without geographical names it is impossible to refer to the maritime features, whereas geographical names facilitate effective communication. The scientific data and information that must be promoted, and the information and knowledge that must be published and disseminated through appropriate channels, should therefore also include geographical names.

English names

Recourse to the United Nations Convention on the Law of the Sea thus provides a sound foundation for each sovereign State to bestow the geographical names of its choice for maritime features under its jurisdiction. However, it is generally taken for granted that the relevant names will be those in the languages of the countries concerned, and the question that still remains is that of the English names *East Sea* and *Sea of Japan*.

Since the UNCLOS makes provision, as detailed in the relevant Articles, for international co-operation and communication, and since English is the language of which the names are in dispute, the prerogative of each sovereign and equal country to determine the English name to be used for the waters under its jurisdiction may be recognized. *East Sea* is the English translation of *동해*, and *Japan Sea* is the English equivalent of *Nihonkai*, and these English names are the names preferred by the respective countries for international use. As justification it may be argued that translations, in the same way as Romanizations of non-Roman scripts, constitute endonyms, and that each sovereign State thus has the right to promote their use.

Should the English names be regarded as exonyms, however, they may nevertheless be applied to the respective water bodies in question, since speakers of any language may use the exonyms in their own language to refer to names of any feature elsewhere, including the official endonyms from which they differ in form.

Promotion of sea names

To which extent the English names of seas may be promoted will depend on a number of factors. Ambassador Suh (2012) has warned that confrontation between countries

should be avoided at all costs, a policy that is also in line with the primary UN objectives of keeping peace and avoiding conflict. However, when the equal sovereignty of each country is acknowledged and respected, and the prerogative of according its own preferred name by each country is acknowledged, the potential for conflict is perhaps minimized, and the requirements for dissemination of knowledge as determined by the United Nations Convention on the Law of the Sea may be fulfilled.

Conclusion

The sea between Korea and Japan is physically a shared feature, but sovereignty is not shared. Relevant Articles of the United Nations Convention on the Law of the Sea (UNCLOS) determine that each independent coastal State has sovereignty over the territorial sea under its jurisdiction, and sovereign and other rights over the exclusive economic zone and continental shelf over which it has jurisdiction. These rights may include the right to give and standardize names, including the name of the maritime feature. In the case of the Republic of Korea, the limits of the continental shelf are not applicable, since these extend only some 30 nautical miles. The currently applicable UNCLOS Article for the delimitation of the sea between Korea and Japan is Article 74, but this is problematic in the light of a lack of the necessary agreement between the countries concerned.

In accordance with the primary objective of the United Nations of maintaining international peace and security and of taking appropriate measures to strengthen universal peace, a draft resolution that recognizes the sovereign equality of all Member States and the prerogative of each Member State to standardize the names of terrestrial and maritime features under its jurisdiction, including the English forms or translations preferred by each Member State for international use, may be considered for submission to the 11th UN Conference on the Standardization of Geographical Names to be held in 2017.

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