

In the Name of Identity: the East Sea, not the Sea of Japan

KIM, Yong Hwan (Northeast Asian History Foundation)

For the purpose of this presentation, it appears that it is not necessary to analyze the competing claims in detail and to view the facts through legal standards that would be applied by an international tribunal. While this presentation addresses the identity of Korea and its name of the sea surrounding Northeast Asia, it seeks together to assess what it takes to be 'equitable solution' between Korea and Japan on the nomenclature of the Sea area shared by those two countries.

Northeast Asian seas were introduced to the Europeans as the sub-divisions of the North Pacific Ocean embracing the Korean peninsula and the Japanese archipelago. The name appertaining to the eastern sea area of the Northeast Asia began to appear on world maps in the 16th century. Until the early 20th century, the sea area was called by various names; the Sea of Korea, Gulf of Korea, the Eastern Sea, the Oriental Sea, and the Sea of Japan. As there was not any authoritative international organization to designate standardized geographical names at that time, many old Western maps, not only 19th century Japanese maps, did not even mark a name for the sea area. Therefore, this demonstrates that the sea name of the area was not internationally established till the end of 19th century.

Japanese influence in East Asia began to rise rapidly in the 19th century, and in 1910, Japan coercively annexed Korea. The Japanese colonizers instituted a "cultural distinction" policy of the Koreans. This extended to forcibly stamping out the Korean language, changing the Korean names to Japanese, as well as converting geographical names to Japanese. In 1939 the Koreans were compelled to adopt Japanese names and in 1940 all Korean language newspapers were closed down.¹

Under the circumstances, the first edition of "Limits of Oceans and Seas" published by the International Hydrographic Bureau (IHB) in 1929 used only the name Japan sea. At that time, Korea was under Japanese colonial rule and had no representation at the International Hydrographic conference. The third and latest edition was published in 1953 when Korea was in the midst of turmoil with the Korean War and not yet an IHO member. Accordingly, the 1953 edition retained the Japanese name, and the name prevailed in many maps today.

¹ Tsuneo Akaha(ed.), Politics and Economics in Northeast Asia: Nationalism and Regionalism in Contention, St.Martin's Press, 1999, New York, p.16.

Korea has made continuous efforts to restore the original name, "Donghae" which means "East Sea" for decades and has never recognized the name of Sea of Japan; furthermore, joining the United Nations in 1991, Korea raised this issue actively in the relevant international meetings, including the UN and IHO conferences. In addition, resolutions adopted by the IHO (1974) and the UN (1977) even recommend that when countries sharing a given geographical feature fail to agree on a common name, competing names should be concurrently used. Therefore, both "East Sea" and "Sea of Japan" should be used concurrently in accordance with the established general rule of international cartography.

Japan argues that IHO resolution A.4.2.6 cannot be applied to the concerned sea area as it is not a "unified geographical feature" such as a bay, channel, or archipelago and since there is no dispute regarding the sea area. This argument cannot be sustained because, "geographical feature" as mentioned in the resolution includes all areas on the surface of the earth, including sea areas; bay, channel, and archipelago were cited only as examples. At the same time, 75 million Koreans plus an increasing number of prominent publishers and media worldwide are using "East Sea" when referring with the area concerned and it would be misleading to say that there is no dispute at all regarding the sea area.

Japan also argues that since the UN resolution on the standardization of geographical names III/20 applies only to geographical features under sovereignty of two or more countries, it cannot be applied to East Sea.

East Sea, however, is actually comprised of territorial waters and EEZs² of the ROK, the DPRK, Japan and Russia, i.e. several countries share its jurisdiction. Accordingly, "Sovereignty" as in the III/20 includes the notion of "sovereign rights" in the 1982 United Nations Convention on the Law of the Sea (hereinafter referred to as UNCLOS). Hence the UN Resolution does apply to the concerned sea area.

Historically, the sea area between the Korean Peninsula and the Japanese Archipelago has been called "East Sea" in Korea for the past 2000 years. The name "East Sea" was inscribed on the stele of King Gwanggaeto in A.D. 414 and used in numerous references, such as History of the Three Kingdoms (1145) and Map of Eight Provinces of Korea (1531). Even the very first words of the

² The Exclusive Economic Zone is a concept under the United Nations Convention on the Law of the Sea. It is a zone that extends from the baseline from which the territorial sea is measured, out to 200 miles.

Korea national anthem are "East Sea".

The "East Sea" is very important to Korea because much part of it concerns the nation's jurisdiction. Korea and Japan have some maritime delimitation issues concerning sovereign rights in the Sea. There are also islands-Dokdo, Ulleungdo and Oki-situated in the center of the Sea area. Since the UNCLOS came into enforce, it resulted in overlapped areas of EEZ between Korea and Japan in East Sea. This raised the issue of how to delimit these overlapping claims and how to define the line that would be the maritime boundary for the States concerned. They had been in maritime boundary negotiation on a regular basis ever since the effectuation of UNCLOS. However, the negotiations between the two countries have been in a predicament. The circumstances have become a point where a compromise must be made. In 1998, Korea and Japan entered into a new fisheries agreement which introduced two "provisional zones" or "intermediate zones" in the Sea area. This agreement has been seen as a "provisional arrangement" as called for in Article 74(3) of the 1982 UNCLOS pending final determination of the maritime boundary. Thus, it should not have any effect one way or the other on the final delimitation of the boundary between the two countries in the East Sea.

The international law on offer to resolve a dispute is itself part of the problems which created the disputes in the first place. Instead of the international law, the neighboring states should admit the openness of a moral order that was relational rather than disjunctive. Geographical names are part of cultural heritage and a reflection of people's identity and history. Japan's past behavior has become a nationalist issue for Korea, and the issue has been aggravated by the Japanese unwillingness to come to terms with history. While "East Sea" is not well known today due to Korea's tragic historical circumstances of the late 19th and early 20th centuries, its legitimacy is fairly enough to restore its name today. Thus, it is very crucial to boil this case down to a model of international cooperation for the peace and prosperity in East Asia.