

Panel Discussion

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1. The *East Sea/Sea of Japan* issue is part of history involving the two countries, Korea and Japan. The issue should be looked at from the perspective of past unhappy history. In this regard peaceful resolution of the issue at an early date is important in opening up the new era of relations between the two countries based on mutual trust and reconciliation. At the same time, the two countries should work together to settle all other pending history-related issues that obstruct smooth bilateral relations for mutual benefits.

2. The name *East Sea* is an inherent name of the Korean nation. Therefore, the name *East Sea*, deeply rooted in the lives of Korean people, can be part of intangible cultural heritage, which is an expression of values, traditions, oral history, beliefs, and lifestyles developed by a community and passed on from generation to generation. As an intangible cultural heritage, the name *East Sea* deserves to be respected and protected by the international community.

3. In giving geographical names, the first and foremost principle is to respect the inherent, traditional and local name used by the people living in the region concerned. It is a simple truth and generally accepted practice transcending law and theory. Even the International Court of Justice has established the practice of using both names when the two parties use different names as in the case of Falklands/ Malvinas, Pedra Blanca/ Pulau Batu, etc. If a case involving *East Sea/Sea of Japan* would be brought before the Court, it will use both names based on well-established practice.

4. The name *East Sea* can be justified by many historical facts, old maps and documents of the two countries. But what is more important is that the name *East Sea*

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has been being used by many countries and cartographers. Professor Dormels has conducted a very comprehensive survey and researches on the frequency of the use of the name *East Sea* through maps, atlases including internet resources. As a result he reached a conclusion that the name *East Sea* has long been used in many maps and deserves to be treated as a just name to designate the sea area between Korea and Japan. He suggested that the more international community uses both names, the better chance for the solution. People will soon get used to using the two names. Judging from the fact that the name *East Sea* is now in wider use, it is quite natural that it should be used along with the name *Sea of Japan* internationally. Although there are three other East Seas, East China Sea, East Sea in Vietnam and Ostsee in Europe, there will be no confusion among them, because it is self-evident that *East Sea* means the body of water between Korea and Japan in the context. And unlike Japan's claim, the concurrent use of both names will further enhance safety at sea.

5. It is imperative that the 4th edition of the S-23 should use both names. Idealistically it is suggested that *East Sea* be used for the sea area adjacent to Korea and *Sea of Japan* be used for the sea area adjacent to Japan without delimiting the EEZ based on the median line. In this regard, it is noteworthy that the Philippines has its own name for the EEZ portion of the South China Sea. Korean government needs to give serious consideration to such idea. The East Sea area is a semi enclosed sea. According to the United Nations Convention on the Law of the Sea, surrounding countries are requested to cooperate for the semi-enclosed sea area. It is very awkward and absurd that the sea area concerned should be named after one of surrounding countries. In this regard, we ask Russia, one of the surrounding countries, to do something to redress the situation. But it seems to me that Russia does not want to create another conflict while it has territorial dispute involving Japan.

6. The *East Sea* issue can be solved relatively easily as compared with other issues such as Dokdo issue and comfort women issue. It can be solved through negotiation based on rules and principles governing geographical names if Korea and Japan agree. But we are of the view that this issue will not be solved without the intervention of the United States. The United States is the only countries that can put pressure on Japan to move in right direction. In my opinion, if the situation permits, it will be

necessary for the United Nations or IHO to host the meeting between Korea and Japan to discuss the issue based on rules and principles governing geographical names under the auspices of the United States. It should be brought home to the United States that the early resolution of the issue will be in the best interest of the United States because good relations between Korea and Japan as the two security allies of the United States will contribute to the promotion of peace and stability in the region.

7. It is very unclear if a naming dispute is a legal question that can be solved through a judicial decision, more specifically through arbitration by the PCA (Permanent Court of Arbitration). Naming disputes partly involves a legal aspect because it is to some extent related to the interpretation of the Convention establishing the IHO including its decisions and resolutions. In this regard the PCA may play a certain role to solve this issue. When I was ambassador to the Netherlands, I met the President of the PCA and he suggested the possible referral by the Korean government of the issue to the PCA. The Korean government will not rule out the possibility of referring the issue to the PCA for arbitration if agreed between the two countries. Through this gesture, we will be able to send a strong message not only to Japan but also to all member countries of the IHO that (1) IHO is incapable of solving dispute between its members; (2) Korean government's position on the naming dispute will be objectively justified; (3) Korean government will not give up its effort to put the right name on the right place in world maps; (4) Japan is to blame for the stalled talks between Korea and Japan; (5) Korean government will be able to increase the awareness of the international community about the issue.