

**Twentieth Session
New York, 17 – 28 January 2000**

Item 18
of the Provisional Agenda

**IMPLEMENTATION OF RESOLUTIONS AND THE AIMS AND FUNCTIONS OF
THE UNITED NATIONS GROUP OF EXPERTS ON GEOGRAPHICAL NAMES**

**Implementation of Resolution III/20 on
Geographical Features beyond a Single Sovereignty**

Implementation of Resolution III/20 on Geographical Features beyond a Single Sovereignty

1. With regard to the application of resolution III/20 on geographical features beyond a single sovereignty, divergent views have been registered. In order to get clarity on the scope of application of resolution III/20, the participants of the 7th Conference on Standardization of Geographical Names held in January 1998 drafted a text potentially serving as a resolution on the standardization of names of maritime features beyond any sovereignty. The text was brought forward to the plenary, but due to the strong objection of one Member State, was not adopted. The Chairman, however, urged the Parties concerned to take previous resolutions of the Conference applicable to features beyond any sovereignty or beyond national sovereignty, and in light of those resolutions and according to those resolutions, try to reach an agreement.¹

2. Given these developments, efforts should be made to have a clear interpretation of resolution III/20 to avoid confusion and to contribute to the work of UNGEGN. To this end, the following two issues need to be reviewed:
 - Interpretation of phrases in the chapeau of resolution III/20; that is, “*geographical features that are under the sovereignty of more than one country or geographical features that are divided by two or more countries*”;
 - Whether the concepts of “*sovereign rights*” and “*jurisdiction*” are applicable to resolution III/20. It should be taken into account that the concepts had already emerged as customary law at the time of the adoption of the resolution, and that the UN Convention on the Law of the Sea (UNCLOS) adopted in 1982 simply incorporated them.

3. With regard to the first issue on the interpretation of the chapeau of the resolution III/20:
 - The phrase, “*geographical features that are under the sovereignty of more than one country,*” is self-explanatory;
 - The phrase, “*geographical features that are divided by two or more countries,*” should include terrestrial features like mountains and rivers, as well as maritime features that are divided by sovereignties and/or *jurisdictions* of two or more countries.

¹ E/CONF.91/3/Corr.1 (1999), paragraph 104b.

4. With regard to the second issue on the applicability of the concepts incorporated in UNCLOS:

- It is a principle of law that law does not apply retroactively, but those concepts which affect a law and are recognized afterwards are applicable to the law, unless the law explicitly prohibits such application;
- The concept of “*jurisdiction*” provided for in UNCLOS in 1982 has significant implications for the scope of resolution III/20. Given the fact that neither UNGEGN nor UNCDSG has taken action not to recognize the new concept, we have to interpret that resolution III/20 allows the concept in question.

5. The Republic of Korea is of the view that resolution III/20 is applicable to the maritime features under [*national*] *jurisdiction*. As there are different views, it is proposed that UNGEGN hold discussions on the matter. If divergent views persist, UNGEGN may be requested to adopt a resolution on the “standardization of names of maritime features beyond any sovereignty” with a view to advancing the standardization of geographical names.
