GEOGRAPHIC NAMES AND UNCLOS

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Abstract

The topic of geographic names is never mentioned in the United Nations Convention on the Law of the Sea (UNCLOS). However, any discussion of delimitation of ocean space and sovereignty carries with it implication of naming rights. For the marine scientific research community, geographic names are an important part of effectively communicating information about discoveries. Additionally, the various jurisdictions established in UNCLOS have become referenced "limits" for geographic names authority as well as other activities actually specified by UNCLOS.

As many Law of the Sea experts are aware, the United Nations is also involved in the field of geographic names, or toponymy, primarily through its Group of Experts on Geographic Names (UNGEGN). Additionally, and also well-known to many, the International Hydrographic Organization (IHO) and Intergovernmental Oceanic Commission (IOC) are involved in undersea feature names through the activities of the General Bathymetric Chart of the Oceans (GEBCO) Sub-Committee on Undersea Feature Names (SCUFN). An increasing number of nations are becoming involved with and paying more attention to the subject of undersea feature names. This is often directly related to the subject nation's ratification of UNCLOS.

In researching the topics of maritime boundaries and maritime nomenclature, the inter-relationship between the two has become evident. This paper will seek to address a variety of issues where geographic names issues arise as part of activities under the purview of UNCLOS. The subject discussion will range from heated disputes over certain geographic names to the effects of UNCLOS on geographic names databasing.

1 Introduction

The topic of geographic names is never mentioned in the United Nations Convention on the Law of the Sea (UNCLOS). Despite its silence, UNCLOS has a bearing upon both the activities of those who work in the field of geographic name standardization and the users of the names. There is indeed a history of integral involvement of both the United Nations (UN) and the International Hydrographic Organization (IHO), two pivotal bodies in relation to UNCLOS, in geographic name standardization. The objective of this paper is not to delve into the basic purpose or history of geographic name standardization, but rather to make some observations about the relationship with UNCLOS and to encourage discussion of the subject. For the purpose of this paper, attention will be given primarily upon the names of undersea features and, to a lesser extent, oceans and seas beyond a single sovereignty. The reason for the narrow focus is not only space constraints but also the closer relationship of the marine scientific research community with these types of geographic features. This paper will explore how the UNCLOS contains concepts that could apply to geographic names, how UNCLOS has impacted geographic names activities, what the UN and IHO have done in this arena, and the vital role of the marine scientific research community. But first, this paper will

discuss the concepts of the right to name geographic features and geographic names standardization.

2 Naming Rights

Throughout history, as man explored new territory, an idea was generally held that the "newly found" land became part of the sovereignty of the nation of the claimant (or perhaps the claimant's benefactor). The practice of planting a national flag upon the spot has become ingrained in the practice of explorers even today. There may not be that actual claim to national sovereignty anymore, but the action contains profound symbolism.

Associated with a claim to sovereignty came the useful practice of naming the newly discovered features. As cities, regions and countries change hands, a subsequent change in the toponymic landscape is almost a given. There would be little argument about a national geographic names authority having the right to standardize the names within its own territory. What the present study deals with, however, is areas of the high seas where there is no sovereignty or the area is beyond a single sovereignty. In terms of UNCLOS, this implies those areas outside the territorial seas of the nations. It is not the claim of this paper that these are yet an un-discussed subject. In fact, name standardization of undersea features and the high seas is well-established. In later sections, some of these precedent-setting activities will be mentioned. In the US Department of State's "Sovereignty of the Sea" the following statement is found: "The major problems of offshore sovereignty reduce to a single, though complex question: 'What state holds jurisdiction over what part of the seas and to what degree'" (5)? UNCLOS, though not without vigorous debate, seeks to answer this question. To take it further, what are the rights of the states to name geographic features falling under the various jurisdictions of the offshore environment?

3 Geographic Name Standardization

There is perhaps a need to clarify the difference between the actual naming of features and name standardization. The two activities are certainly not the same. There are several bodies which have been established expressly to become authorities in geographic names standardization. For the United States, this is the United States Board on Geographic Names (BGN), which was created in 1890. In 1947 Congress passed Public Law 242-80 establishing BGN in its present form (Randall 3). In 1963 the BGN Advisory Committee on Undersea Features (ACUF) was established to better deal with the increasing interest in naming of seafloor features. ACUF was not established to name newly discovered features. Its role is to establish the undersea feature name standardization policies for the United States Government.

The United Nations Group of Experts on Geographical Names (UNGEGN) was established by ECOSOC Resolution 715A (XXVII) in 1959 for the purpose of encouraging nations to become involved in geographic names standardization. UNGEGN has since 1960 met biennially in order for those involved in the same field of work to cooperate and share experiences. Additionally, there have been United Nations Conferences on the Standardization of Geographical Names (UNCSGN) held every five years, beginning in 1967. Since then, UNSCGN has issued eight resolutions which relate directly to the naming of undersea and maritime features beyond a single sovereignty. The UNGEGN is not a geographic names decision making body, nor an arbiter of disputes.

In Resolution II/26 (1972) the UNGEGN recommended that it work in cooperation with various organizations, specifically mentioning the IHO, to draw up a "system for naming undersea features beyond a single sovereignty...." The reference to the International Hydrographic Organization was made because it and its predecessors have also been involved with geographic name standardization (Carpine-Lancre). In 1974 the Sub-committee on Geographical Names and Nomenclature of Ocean Bottom Features (SCGN) was formed to oversee seafloor terminology for General Bathymetric Chart of the Ocean (GEBCO) charts. The work involved in establishing SCUFN and extensive work at the Third UNCSGN (1977) laid much of the groundwork for the established set of terminology, guidelines and policies used today. Today the committee still fills this role but is known as the Sub-committee on Undersea Feature Names (SCUFN).

4 What UNCLOS Does Say

Though UNCLOS does not contain the phrase "geographic names" there are sections of the document that potentially emphasize concepts and themes applicable to geographic names. Two articles, among other potential candidates, relate to marine scientific research and pollution.

4.1 Marine Scientific Research

Part XIII, Article 246 of UNCLOS states the following: "Coastal States, in the exercise of their jurisdiction, have the right to regulate, authorize and conduct marine scientific research in their exclusive economic zone (EEZ) and on their continental shelf in accordance with the relevant provisions of this Convention." This article makes some points which may be applied to the naming of features such as that the state holds certain rights in its exclusive economic zone. However, there is no exclusion from other nations conducting research in another nation's EEZ. In fact, this principle is generally followed in the naming of undersea features. A coastal state is generally deferred to for the "first dibs" in naming of undersea features in their EEZ. This is almost by default where the coastal state is the primary party involved in the marine scientific research in the area. Standardization policy usually recognizes exceptions based on long-standing use. The current model, however, is to encourage the coastal state to be the lead for the naming of features in their own EEZ.

4.2 Pollution

Part XII, Article 200 relates to the protection and preservation of the marine environment and states the following: "States shall cooperate, directly or through competent international organizations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment." This sharing and cooperation would indeed be beneficial in light of the naming of undersea features subject to marine scientific research. In fact, UNCSGN Resolution I/8 (1967) encourages such in order to "facilitate the exchange of scientific oceanographic data." This idea hearkens back to the basic need and purpose of naming places. International cooperation is occurring through the United Nations and the IHO. This reference is simply being made to underline the importance of standardized geographic names in the exchange of marine scientific data.

5 The Impact of UNCLOS

Two ways in which UNCLOS affects geographic name standardization activities are by increasing the interest in the subject and, more mundanely, by affecting databasing. These identified impacts both affect those involved in both authority and standardization of

geographic names. In the view of one coming from the authority side, it is hoped that the increased interest will encourage more cooperation and discussion with the marine scientific research community.

5.1 Increased interest in undersea features name standardization

There are a handful of countries that have existing national programs of geographic names standardization which select undersea features/maritime features for special attention. A list of these nations includes, but is not limited to, Australia, Canada, Japan and the United States. More recently, and often as a direct result of UNCLOS-related activities (e.g., preparation for Article 76 submissions), additional nations are expressing interest in establishing undersea feature names standardization programs. One example is New Zealand; from the "Review of the New Zealand Geographic Board Act 1946" comes this quote: "New Zealand's increasing 'offshore' involvement has resulted in a need to extend the Board's jurisdiction to include undersea features within the continental shelf…." New Zealand has produced a gazetteer of undersea features, but the activity was not under the purview of the nation's geographic names authority. At recent UNGEGN and SCUFN Meetings the author has learned of similar intentions of Indonesia, Iran, Mexico and the Republic of Korea. The existing framework of policy guidelines that are in use by the IHO/IOC's GEBCO SCUFN and national authorities are available to assist those who are looking towards greater involvement.

5.2 Databasing

The following case study is most likely an isolated example. The BGN is the only national authority that has taken into its scope to standardize and maintain a database of worldwide geographic names. For the particular focus of undersea features, BGN's policy guidelines over the years have changed as a result of developments which culminated in UNCLOS. The first ACUF policy statement from 1953 discussed the approach to handling undersea features names outside US waters, which indeed was the purview of the committee. The BGN Domestic Names Committee is responsible for the standardization of all feature names in US waters. In general, then and today, the specific element of the name (e.g., *Mariana,* as in Mariana Trench) is retained according to its use by the relevant coastal state, or perhaps by historical precedent. However, since the BGN's role is to serve the US Government, the generic term (e.g., trench) would be translated into English, if necessary. What is not explicitly stated, but was the reality, is that undersea features, commonly reefs or banks, which were located within what would become the territorial seas of coastal state under UNCLOS were handled according to this same principle. The end result would be that a database record for the feature was placed solely in the undersea feature file or in addition to a record in the country file.

The ACUF policy from 1978 onward has been to acknowledge the UNCLOS-endorsed 12 nautical mile territorial sea limit as the boundary of its purview. Within the territorial sea, the US BGN Foreign Names Committee (FNC) becomes the responsible authority. The FNC takes the position that geographic name spellings used officially by the coastal state are the most valid names. Some English conventional names are necessary for major features, country names, etc. Today, having to proceed through the database of names and identify those features which are the remnant from an earlier policy and those un-rectified duplicate records, the responsible analyst is provided with a sizeable rainy-day project. Obviously, the task of resolving these issues is greatly simplified with the advent of geographic information systems, but the task remains something to be worked in the queue of an already short-resourced office.

6 The Power of Geographic Names

Thus far the discussion has centered upon the names of undersea features. Generally, though there are differences concerning certain undersea feature names, no single difference generates the attention and fervor as certain names of high seas water bodies. Two such cases come quickly to mind, the Sea of Japan and the Persian Gulf, to use the US BGN-approved names of those features. Informative and detailed discussions of these name disputes may be found elsewhere. To take advantage of the opportunity however, the point must be made that each national naming authority is given the responsibility to standardize geographic names to serve its customers, which should be the nation's government and citizens. What the BGN determines approves as the spelling for a geographic feature name only has bearing on US Government products. The BGN is keeping up-to-date with worldwide toponymic activities in order to better serve its customers.

One indicator of the power of geographic names has occurred in the recent past, with the withdrawal from Member State vote on the draft fourth edition of IHO Special Publication S-23, Names and Limits of Oceans and Seas. Due to the contentious nature of a few geographic names and their political implications, the most recent approved version of this publication remains the third edition of 1953. Related to these disagreements, another point must be emphasized: the role of bodies such as UNGEGN and the IHO. UNGEGN has not been established to make or enforce name decisions, nor to demand compliance. The role of UNGEGN is the promotion of "consistent use worldwide of accurate place names." The IHO Convention establishes that body to have a consultative and purely technical nature (Kerr 153).

7 Marine Scientific Research

The ABLOS Conference provides a great opportunity to get the message out about geographic names standardization activities. To many, this information is not new. Perhaps it will be at least informative or a fresh reminder to others. At certain levels, it appears that over the past several decades, the discussion and interest in maritime and undersea feature naming has seemed to wane a bit. Speaking from experience with the US BGN, the interaction and involvement with the marine scientific research community has been nearly dormant. The UNGEGN Maritime and Undersea Feature Working Group, active for about a decade, was disbanded in 1984. The last United Nations resolution regarding maritime or undersea feature names was issued in 1982.

However, there are signs that interest is high and dialogue is active. As has been discussed, the last few years have indeed seen increased attention by individual nations in establishing programs of undersea feature name standardization. There is also the international attention to a few volatile extant name disputes. The IHO, and SCUFN in particular, has positioned itself to handle the geographic name standardization needs of the community. It has been so successful in establishing the framework of policy, terminology, guidelines and a gazetteer, that the system seems to be operating smoothly. SCUFN began its existence based on an earlier international toponymic foundation with additional involvement from the US BGN and the Geographical Names Board of Canada's, to name two. Today, the cooperation between SCUFN and the US BGN is very close. Any new name proposal submitted to one body will in time be considered by the other. Ways to improve the coordination and diminish the difference between the two bodies are being sought. Any other national name standardization

committee seeking to become more closely involved with the SCUFN would most assuredly be welcome.

It is true that both SCUFN and ACUF would like to see more business come their way from the marine scientific research community. Speaking for the US BGN, we want to make the process less burdensome for the scientist. Those involved "on the front lines" in marine scientific research have a great opportunity to expand and enhance the knowledge base about undersea features. With discovery comes the need to identify features with names. Fisher (1987) states that "the unregulated or offhand naming of undersea features in manuscripts or charts can lead to unnecessary confusion, such as usage of the same name for different features, multiple naming of the same feature by different institutes, countries or languages, or an unsuitable combination of words" (583). The research community should take advantage of the standardization process to benefit the future of the science. The standardization authority community needs also to learn some lessons about how to better serve the research community.

8 Conclusion

The marine scientific research community must perform its mission with an appreciation and understanding of the implications of UNCLOS. It is hoped that this paper has been able to illustrate in a number of ways how important is the role of geographic names. Though UNCLOS never mentions the subject, organizations vital to UNCLOS, the UN itself and the IHO, are both involved in the promotion of national toponymic standardization and international dialogue. UNCLOS has made an impact on geographic names issues. Just as more nations seek to claim their rights according to UNCLOS, it is hoped that the interest in marine scientific research and the standardization of names of maritime and undersea features will also increase.

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