

# **Problems and Progress - Defining the Limits of Oceans and Seas**

**Adams Kerr**

**(President, Private Consultant / Former Director of IHO, United Kingdom)**

## **INTRODUCTION**

Perhaps the title to this paper should be “Defining the names and limits of Oceans and Seas” because although there is much international agreement there are several maritime areas that have been the source of contention both in reaching agreement on the name and in some cases on their geographic limits. The International Hydrographic Organisation has had an interest in the nomenclature from the very beginning of its existence in 1921, although it was not until 1929 that it produced Special Publication No.23 “The Limits of Oceans and Seas.” The origin of this idea can be traced back to the International Hydrographic Conference of 1919 in which it was agreed desirable that the limits of enclosed seas should be laid down and it might be stated to what sea or ocean a strait connecting two of them should be reckoned.(ref.). It is clear that the need for S 23 arose from the altruistic wish to assist the cartographers producing nautical charts in using some internationally agreed name. Unfortunately, with the politicising of the oceans, largely as a result of the various Law of the Sea Conferences, the names given to maritime areas has also become of political interest. Even though the IHO’s Convention stresses that the organisation is technical and not political, some element of politics comes in to the matter of deciding what names that will appear on charts.

With the ongoing exploration of the seas hydrographers, oceanographers and other scientists have steadily increased our knowledge of the submarine topography and with this has become a need to name these newly discovered undersea features. Much of this exploration was focussed on producing the General Bathymetric Chart of the Oceans (GEBCO) and in 1983 it was decided to prepare a Gazetteer on these undersea names. This was to lead to a consistent approach to these names appearing on maps and charts of the oceans.

It may be questioned under whose authority does the IHO publish these names. It appears to have so far filled a vacuum in which no other international organisation was carrying out the task. Besides which, the work was done primarily for the IHO to satisfy its own needs. However the matter does touch upon the authority of the United Nations and certainly on the authority of individual states. The former has a body responsible for geographic place names and in many cases countries have their own bodies. So far though most of the interest of these bodies has been in nomenclature of dry land features. though not exclusively. It should be stressed here that the IHO does not attempt to name or define limits of maritime features itself but attempts to bring together national opinions where they exist or in the case of undersea features, brings together scientific opinions.

One of the more obvious difficulties of establishing international nomenclature is the matter of language. The most difficult occurs when different alphabets are used and for western literature and maps it is usual to use the Romanised form. This then leads to the difficulty of transliteration, a particularly difficult matter when it comes to transliteration from various oriental languages.

However even the straightforward translation from one language using Arabic script to another is not without difficulty. While at one time it was common practice to use the language of the publisher for the generic part of place names, it now is the practice to use the

national language of the location of the name for its generic part. This practice is now followed by the IHO in its publications (ref.)

It seems likely that with the increasing uses of computers, the introduction of digital maps and charts and print-on-demand technology that the different forms of names can be held in a database and provided in whatever form the user wishes. This is clearly a possibility for the future of electronic navigational charts.

### **Publication S 23 – The Limits of Oceans and Seas**

The intention of this paper is not to delve, yet again, into the difficulties of reaching international agreement on the naming of the body of water between the Korea peninsular, Russia and Japan, but to relate some of the problems and progress that the IHO has made globally in producing a new edition of its publication S 23 – Limits of Oceans and Seas. Perhaps it would have been more positive to talk first about the progress before the problems, because the new draft, which has yet to be approved by the Members of the organisation, is in my opinion, greatly improved from the previous one. Also the number of problems have really been quite limited, apart from the overall difficulties of dealing with names in different languages.

Going back to 1972 the Conference of the IHO decided that there should be a new edition of the publication, to replace the Third Edition published in 1953. Regional Working Groups were established and a set of Guidelines were agreed. A planned difference from the 3<sup>rd</sup>.Edition was to have a hierarchal structure, in which the publication was divided into nine chapters and within those chapters there were seas, gulfs, bays etc. Unfortunately several of the chapters were named after parts of the major oceans and this has resulted in some countries voicing concern that a sub-body was not in the correct ocean. e.g. there are arguments that the Malacca Straits are part of the Pacific and not the Indian Ocean. This, in

my interpretation, was not the intention of the original drafting group. Rather, the chapters were more for administrative convenience. Therefore while we have North Atlantic and South Atlantic as separate chapter headings, we also have the Mediterranean and Black Sea for a chapter. It is unfortunate that in establishing the layout for the fourth edition the matter of a hierarchal structure was not taken further so that all seas had to fit into oceans and all gulfs and bays had to fit into seas. This practice has not been followed consistently.

In 1986 a Draft 4<sup>th</sup> Edition was put to the Member States of the IHO but it failed to win approval. The exact reasons for its rejection are hard to understand because it appears to have won a sufficient majority in voting for its approval. From 1986 onwards various people, including two of the Presidents of the organisation, have attempted to produce a Fourth Edition that would be acceptable to Member States but increasing political awareness of the political importance of the oceans appears to have been one of the reasons why the task proved so difficult. Following the 1997 Conference it was decided that the work could be progressed more rapidly if it was contracted externally. The author of this paper was given this task. This proved to be a cooperative venture, involving both the consultant and staff at the International Hydrographic Bureau.

In once again tackling the Fourth Edition some recommendations made by Member States in 1986 were reviewed. These included the possibility having a tenth chapter discussing the ocean surrounding Antarctica and the possibility of using less precision in describing the geographic coordinates of boundary and reference points. It was also decided to follow an IHO Technical Resolution, which required that in using place names on shore as reference points they would be referred to by their proper name but the generic part of the name would be in the national languages of the country in which they were situated. This proved to be a much greater task than had originally been thought. While these sort of changes were mainly to be the source of painstaking drafting, the actual names and limits of a few areas

proved to have strong political overtones, which in spite of the apolitical nature of the IHO, had to be dealt with.

## The Southern Ocean

Rather naturally those countries that directly face Antarctica have a significant interest in its geography and the geography of the sea around it, including the matter of nomenclature. However some other countries have been equally active in the exploration of the Antarctic and consequently in the naming of features, both on land and on sea. In the Third Edition the Arctic Ocean was identified but there was no Antarctic or Southern Ocean. In fact the reference map went no further than 60 degrees South and the South Atlantic Ocean, South Pacific Ocean and India Ocean extended southwards to this limit. During the work on the 1986 Draft of the Fourth Edition voices were raised in favour of identifying an area around Antarctica but although the Antarctic land mass was shown on the graphics, the main existing oceans were shown extending right to the Antarctic coast. Letters subsequent to the review of the 1986 draft indicated that there remained interest in identifying the Antarctic or Southern Ocean.

One of the first tasks undertaken by the consultant was to review the correspondence associated with the 1986 draft and in particular to examine the matter of having an additional chapter. This work was carried out by correspondence and there was a general view in favour of the name Southern Ocean. However there was less harmony on what should be its northern limits. Various possibilities were proposed. These included 50 degrees and 60 degrees South latitude, the Antarctic Convergence and a line that passed along the southern coasts of Australia, New Zealand and South America. The Antarctic Convergence line was looked on favourably by several scientists as it marks an important physical and biological boundary but it is mobile during the year. While this would be satisfactory for scientific studies it could not be acceptable for nautical charting which required a static limit. Whether it should be 50 or 60 degrees South was contentious but it was perhaps the fact that the Antarctic Treaty limit of 60 degrees South, which argued in favour of that limit. The limit that

brought the Southern Ocean to the shores of Australia was argued for strongly by that country and in fact it is now incorporated in its national legislation as such but the Member States of the IHO at large, voted for the 60 degree South limit.

Concerning the names of areas within the Southern Ocean there is considerable historical attachment to these. Russia which has taken a strong interest in the area over many years provided a long list of names. Australia and the UK also contributed to this list, as did Norway and France. Although the South American countries have also been active in the Antarctic, notably around the Antarctic Peninsular, they did not offer any new names but instead had Spanish versions of some existing names. The principle of having the generic part of names be in the national language came up against a problem in Antarctica because according to the Antarctic Treaty, no country actually “owns” any part of Antarctica, although there are several claims. It was decided that the Antarctic chapter should be the exception to the rule and that English generic names should be used.

### **Post Colonial Practices.**

During the colonial period geographic names often related to towns and people's names. Thus we can find numerous examples of names of towns and cities in the previous colonies that are the same as those in the country of the original colonial masters. We can also find examples of place names named after a king or queen of the previous colonial power. With independence of these previous colonies usually comes a determination to erase these links with the past and you find towns and cities having their names changed to something that is more relevant to their present political situation. We can find this process also taking place on marine names. The more obvious one here is in the wish of the Republic of Korea to change the name of the body of water lying between its own shores and those of Japan. However this is not unique because the channel between Iceland and Greenland is known to most mariners as the Denmark Strait. This name is contested by Iceland as having been imposed during the period that Denmark was the colonial master of both Iceland Greenland. Iceland's preference is for the channel to be called Greenland Strait. In the case of S 23 we are left with two choices. One is to use Technical Resolution A 4.2.6, which allows in the case of

dispute for the two names to be put side by side. The other choice is simply not to identify this feature, on the grounds that it is relatively small in area. This latter choice has been made.

### **United Nations Authority.**

While nations are sovereign in deciding upon names in their own territory, the United Nations Board of Geographical Place Names appears to have had some role in reaching agreement for names that may be in dispute. Normally this does not seem to have affected maritime areas and it appears to be accepted that although the IHO is under its Convention, a consultative organisation only, it appears to have gained some recognition and authority in registering the names and limits of features offshore. It must be noted that under the Law of the Sea Convention states are responsible for managing their own Economic Zone and although the Convention is silent on the matter of place names, this might be inferred as the right to name areas within that zone. The international organisations only seem to have a role when there is some dispute. The IHO appears happy to defer to the United Nations if the latter has actually made some ruling. This is the case in the Persian Gulf and although some of the Arab countries would prefer this body be called Arabian Gulf the IHO defers to a ruling of the UN.

### **Contention on Limits.**

While such disputes that exist in reaching agreement between countries in S 23 are mainly concerned with the name, there are some cases where the dispute may involve the limits. We have already discussed the potential for dispute on the northern limit of the Southern Ocean. Another dispute exists between Russia and the USA on the seaward limit of several areas along the north coast of Siberia. These include the Chukchi Sea, the Laptev Sea and the East Siberian Sea. The Russian view is that these seas extends to the edge of the continental shelf but this is disputed by the USA which is of the opinion that they should be limited by a line joining the northernmost offshore islands. Presumably the USA feels this is

a sort of invasion of the “common heritage” area of the Arctic Ocean, although in fact the coastal state is sovereign on various matters for its own continental shelf. This raises a more general issue. When the IHO goes to its Member States to seek their support the decision making process through the “Circular Letters” is governed by Article VI paragraph 6 of its Convention. This requires a simple majority of its total membership. While this may be an effective way to make decisions of a general technical nature, it does have some shortcomings when it is required to making decisions of a specific geographic location, as in the case of S 23. It may be asked why should states located thousands of miles away have some say in the name or limits of an area that directly concerns the states adjacent to the area in question? It seems that the coastal states should have the greatest say when it comes to decisions on place names in their adjacent waters. It seems therefore that in the case of these seas immediately adjacent to the north coast of Siberia, that Russian persuasion should rule. However, in the case of the Chukchi Sea, which lies to the north of both Russia and the USA (Alaska) the voices should be equally heard.

### Inclusion of islands within maritime areas

The 1986 Draft of S 23 was not explicit in the figures whether an island on the perimeter of an area was or was not included in the area. In most cases, the text remedied this matter and explained the situation by saying that the limit followed along the north or south side or east or west side of an island. In the latest draft an attempt has been made to overcome this ambiguity. In both the text and in the graphics the limits are drawn to exclude any island around the perimeter. For instance, in the case of the Philippine Islands, they are bordered on the west by the South China Sea and on the east by the Philippine Sea. The islands themselves are neither in one sea or the other. This is made very clear in the graphics, which unlike the 1986 draft have a solid magenta line surrounding every area defined

### **Approval by Member States.**

The work of drafting a new Fourth edition of S 23 has lasted over four years. It has involved considerable consultation with individual countries. A final draft is now about to be released and the Directing Committee of the IH Bureau is anxious to gain the approval of the Member States. As far as possible the advice of the Member States has been considered and the publication amended. Nevertheless there may remain certain compromises that had to be made. There is considerable public demand for a new edition of the publication as the edition in force at the moment dates to 1953. In urging the Member States to look favourably on this new edition it has been decided that they will be asked to approve the publication as a whole and if they have any specific reservations on a name or a limit that directly concerns them they will register that such reservations will be published in an annex. This is the procedure used in various international conventions and is thought to be applicable in the case of S 23.

### **English/French Versions**

Under Article XII of its Convention, the official languages are English and French. This places upon it a requirement to produce its publication in those two languages. However with a relatively small staff it is not possible to produce publications in the two languages simultaneously and in fact there is sometimes a considerable delay before some publications appear in both languages. As a measure of good will the organisations occasionally produces publications in other languages, mainly Spanish, but there is no regulation requiring such action. In the case of the new Fourth Edition for S 23 the work has so far been all carried out in English, although the use of different national languages for the generic part of names has already received comment. In preparing the English version thought has been given to the future preparation of a French version. The contention over the naming of the area between

the United Kingdom and France has been referred to in Technical Resolution A 4.2.6 in which it allows two names to be used, namely English Channel and La Manche. It may be noted that this is not a straightforward translation but a completely different name but also in a different language. Having opened that issue other possibilities appear, such as the Dover Strait and the Pas de Calais and the Bay of Biscay and the Golfe de Gascoyne. How exactly this matter will be handled in the end is still uncertain but it has been decided that there will be an annex providing the translation of all names from English to French in the English version and vice versa in the French version.