

Legal status and activities of international organizations concerning geographical names

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This presentation is going to examine the legal status and activities of the International Hydrographic Organization (IHO) on the basis of its relevant documents. It will find what the IHO is obliged, recommended or advised to do to what extent in particular for the geographical names by browsing the relevant documents of the IHO.

1. Introduction

(1) Brief history of the creation of the IHO: from the Bureau to the IHO¹⁾.

International cooperation in the field of hydrography²⁾ began with a conference held in Washington, D.C. in 1899, followed by two others in St. Petersburg in 1908 and 1912. In 1919, twenty-four countries met in London for a hydrographic conference. A creation of a permanent body on hydrography was decided in that conference. The resulting International Hydrographic Bureau began its activity on 21 June 1921 with the participation of nineteen Member States. At the invitation of H.S.H. Prince Albert I of Monaco, the Bureau was provided with headquarters in the Principality of Monaco. The 'Convention on the International Hydrographic Organization' (hereinafter 'IHO Convention') was

1) The following is mainly based on the website of the IHO

(<http://www.iho-ohi.net/english/home/about-the-iho/history---general.html>)

2) Hydrography is the branch of applied sciences which deals with the measurement and description of the physical features of oceans, seas, coastal areas, lakes and rivers, as well as with the prediction of their evolution, for the primary purpose of safety of navigation and all other marine purposes and activities, including economic development, security and defence, scientific research, and environmental protection.

See <http://www.iho-ohi.net/english/home/about-the-iho/history---general.html>.

adopted on 3 May 1967 and entered into force in September 1970 by creating the IHO with its headquarters permanently established in Monaco.

(2) Rationale for the IHO³⁾

National hydrographic offices provide services to assist the safe and efficient navigation of ships. The principal service is the provision of nautical information, including nautical charts, notices to mariners, sailing directions, data for integrated navigation systems and other products and services. The provision of accurate and up to date charts offers significant economic and commercial benefits through facilitation of maritime trade and other marine activities. It also helps to prevent accidents which may result in the loss of life and property and in pollution of the marine environment. Because navigation is an international activity it is necessary to have a means of co-ordinating the work of national agencies and of standardizing products and services, in order to provide an effective world-wide service for mariners. The Governments Parties to the IHO Convention desire to pursue on an intergovernmental basis their cooperation in hydrography⁴⁾.

(3) Basic instruments for the IHO

In addition to the IHO Convention, the functioning of the IHO is set forth in detail in the General Regulations and Financial Regulations. They are annexed to the IHO Convention, but they do not form an integral part thereof⁵⁾. General Regulations are intended to supplement the provisions of the IHO Convention⁶⁾. General Regulations were registered with the U.N. Secretariat along with the IHO Convention in 1970⁷⁾. Considering that treaties and international agreements are allowed to be registered with the U.N. Secretariat, it is interesting to see that the General Regulations, which are not an integral

3) IHO, Yearbook of 2009, p.ix.

4) IHO Convention, preamble.

5) IHO Convention, Art. XI.

6) The 1967 International Hydrographic Conference approved the text of a set of General Regulations. See Q3.3 General Regulations of the IHO.

7) The IHO Convention was required to be registered by the Government of the Principality of Monaco with the U.N. Secretariat in accordance with Article 102 of the U.N. Charter. IHO Convention, Art. XXIII. Article 102(2) of the U.N. Charter provides that "No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations."

part of the IHO Convention, were so registered. The General Regulations along with the IHO Convention may be invoked by its Government Parties before any organ of the U.N. such as the United Nations Conference on Standardization of Geographical Names (UNCSGN). Resolutions adopted by the IHO may not be invoked before U.N. organs in the same way.

2. The characteristics of the IHO

The IHO is an intergovernmental organization in that its Members are the Governments Parties to the IHO Convention⁸⁾. There are 84 Members as of August 2009.

The IHO must have 'a consultative and purely technical nature'⁹⁾. The IHO is a consultative agency¹⁰⁾. The activities of the IHO are of a scientific or technical nature, and must not include matters involving questions of international policy¹¹⁾. Two of the four objects of the IHO reflect the consultative and technical nature of the IHO. An object to bring about 'the co-ordination of the activities of national hydrographic offices' is related to the IHO's consultative nature¹²⁾. Such a coordination would lead to a greater degree of standardization of charts and nautical documents and considerably improve the theory and practice of the science of hydrography¹³⁾. Another object to bring about 'the greatest possible uniformity in nautical charts and documents' is related to the IHO's technical nature¹⁴⁾.

Here the meaning of the term 'technical' would clarify the nature of the IHO and its scope of activities. First, the literal meaning of the term 'technical' is "relating to the knowledge, machines or methods used in science and industry" and "relating to the knowledge and methods of a particular subject or job."¹⁵⁾ Second, the term 'technical' may show a close relationship between

8) IHO Convention, Art. III.

9) IHO Convention, Art. II.

10) IHO General Regulations, Art. 1.

11) IHO General Regulations, Art. 2.

12) IHO Convention, Art. II(a).

13) T2.2 Membership in IHO and Co-ordination of Hydrographic Services throughout the World, para.1.

14) IHO Convention, Art. II(b). This object is further discussed later in the paper.

15) Cambridge Advanced Learner's Dictionary,
<http://dictionary.cambridge.org/define.asp?key=81641&dict=CALD>.

science and technique as found from the common use of the term 'scientific-technical' elements. For example, Article 76 of the 1982 U.N. Convention on the Law of the Sea governs the extent of continental shelf. In order to establish the width and location of the continent-ocean transition zone (COT), this provision incorporates scientific-technical elements such as geological, geomorphological and geophysical ones¹⁶). Third, the term 'technical' may show an opposing relationship between law and technique. In this respect, the term 'technical' may imply facts which are separated from law relating to obligations and rights. The activities of the IHO are not related to law but to facts. Thus, the activities of the IHO may not include questions of international 'policy' which may require value-judgement, which is separated from facts-finding.

Being a consultative agency, the IHO has no authority over the hydrographic offices of the Governments Parties to the IHO Convention¹⁷). The IHO provides a forum for the improvement of services to marine navigation through the discussion and resolution of hydrographic issues at the international level, and assists Member Governments to deliver these services in the most cost effective way through their national hydrographic offices¹⁸). On the other hand, the Bureau, the IHO's arm, must bring to the notice of the hydrographic or other competent offices of the Member Governments any hydrographic work of an international character and problems of general interest that it might be useful to study or to undertake¹⁹). The Bureau must strive for the solution of such problems or the undertaking of such work by seeking the necessary collaboration between Member Governments²⁰). The Bureau, between sessions of the Conference, may consult the Member Governments by correspondence on questions concerning the technical functioning of the IHO²¹). The Bureau is also expected to deal with matters which may not be dealt with directly between the Member Governments²²).

16) The Commission on the Limits of the Continental Shelf (CLCS) is constituted by experts in the area of geology, geophysics or hydrography. UNCLOS, Art. 2 of Annex II.

17) IHO General Regulations, Art. 1.

18) IHO, Yearbook of 2009, p.ix.

19) IHO General Regulations, Art. 18.

20) IHO General Regulations, Art. 18.

21) IHO Convention, Art. VI(6).

22) IHO General Regulations, Art. 20.

3. Structure of the IHO

The IHO comprises the International Hydrographic Conference (hereinafter 'Conference') and the International Hydrographic Bureau (hereinafter 'Bureau')²³⁾. The Bureau is administrated by and composed of the Directing Committee²⁴⁾.

(1) Conference

The Conference is the primary organ in that it functions to give general directives on the functioning and work of the IHO²⁵⁾. In particular, it examines the reports submitted to it by the Bureau²⁶⁾; makes decisions in respect of all proposals of a technical or administrative nature submitted by Member Governments or by the Bureau²⁷⁾; and adopts, by a two-thirds majority of the Member Governments, amendments to the General Regulations and Financial Regulations²⁸⁾.

Conference decisions are taken by a simple majority of the Member Governments represented at the Conference, except where the IHO Convention provides otherwise²⁹⁾. In the case of resolutions to be inserted in the Repertory of Technical Resolutions, the majority must in any event include the affirmative votes of not less than one third of the Member Governments³⁰⁾.

(2) Bureau

The Bureau was originally established in June 1921 to contribute to making navigation easier and safer throughout the world by improving nautical charts and documents³¹⁾.

23) IHO Convention, Art. IV.

24) IHO Convention, Art. IX.

25) IHO Convention, Art. V(a).

26) IHO Convention, Art. V(c).

27) IHO Convention, Art. V(d).

28) IHO Convention, Art. V(f).

29) IHO Convention, Art. VI(5). The Conference adopts, by a two-thirds majority of the Member Governments, amendments to the General Regulations and Financial Regulations. IHO Convention, Art. V(f).

30) IHO Convention, Art. VI(5).

31) IHO Convention, preamble.

The Bureau must undertake the scientific and technical activities necessary for the attainment of the objectives of the IHO³²). The responsibility of the Bureau includes bringing about a close and permanent association between national hydrographic offices³³); studying any matters relating to hydrography and the allied sciences and techniques, and collecting the necessary papers³⁴); furthering the exchange of nautical charts and documents between hydrographic offices of Member Governments³⁵); encouraging co-ordination of hydrographic surveys with relevant oceanographic activities³⁶); extending and facilitating the application of oceanographic knowledge for the benefit of navigators³⁷); cooperating with international organizations and scientific institutions which have related objectives³⁸).

The Bureau must keep in close communication with the hydrographic offices of Member Governments³⁹). It may also correspond with related scientific organizations of Member Governments, if it informs the official representative of the Government concerned⁴⁰). Furthermore it may correspond with similar bodies of other Governments and with international organizations⁴¹). Thus, the Bureau may communicate with the UNCSGN in pursuing its activities.

The Bureau must bring to the notice of the hydrographic or other competent offices of the Member Governments any hydrographic work of an international character and problems of general interest that it might be useful to study or to undertake⁴²). It must strive for the solution of such problems or

32) IHO General Regulations, Art. 15.

33) IHO Convention, Art. VIII(a).

34) IHO Convention, Art. VIII(b).

35) IHO Convention, Art. VIII(c).

36) IHO Convention, Art. VIII(f).

37) IHO Convention, Art. VIII(g).

38) IHO Convention, Art. VIII(h).

39) IHO General Regulations, Art. 17.

40) IHO General Regulations, Art. 17. For its relations with the Bureau, each Member Government must designate an official representative, preferably the head of its hydrographic office. IHO General Regulations, Art. 16.

41) IHO General Regulations, Art. 17. The IHO has been cooperating with the following governmental and non-governmental international organizations: the International Maritime Organization (IMO), the Intergovernmental Oceanographic Commission (IOC), the International Federation of Surveyors (FIG), Antarctic Related Organizations such as the Antarctic Treaty Consultative Meeting (ATCM), the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA), the United Nations Environment Programme (UNEP). See IHO, Yearbook of 2008. The FIG and the IALA are NGOs.

42) IHO General Regulations, Art. 18.

the undertaking of such work by seeking the necessary collaboration between Member Governments⁴³). Here, an important activity is expected for the Bureau. It must bring to the notice of Member Governments 'any hydrographic work of an international character and problems of general interest that it might be useful to study or to undertake.' And then it is required to 'try very hard to' solve such problems of general interest or undertake such hydrographic work of an international character by seeking the necessary collaboration between Member Governments⁴⁴). Although it depends on concrete situations what the necessary collaboration between Member Governments to be sought by the Bureau is, it is clear that the Bureau must seek such necessary collaboration. It is hoped that the Bureau has been really doing so for such problems and work in accordance with this provision. Although it is not required to solve or undertake actually, the Bureau must at least try very hard to do so.

The Bureau must satisfy as far as possible all requests from representatives of Member Governments for information or advice related to its work. However, matters which can be dealt with directly between two national hydrographic offices are not normally referred to the Bureau⁴⁵). The Bureau is expected to deal with matters which may not be dealt with directly between the Member Governments. This function of the Bureau seems to correspond to the consultative nature of the IHO and the Bureau's duty to seek the necessary collaboration between Member Governments above⁴⁶).

The Bureau must issue special publications on technical subjects of interest to hydrographic offices⁴⁷). Special publications on technical subjects of interest to hydrographic offices are part of the scientific and technical activities necessary for the attainment of the IHO objectives to be undertaken by the Bureau⁴⁸). Although there is no time limit for issuing such special publications and such special nature may not require issuing of certain publications, the Bureau is bound to issue such special publications as 'Special Publication 23 – Limits of Oceans and Seas.' It was resolved in the XIth Conference in 1977 that

43) IHO General Regulations, Art. 18.

44) The word 'strive' is defined as "to try very hard to do something or to make something happen, especially for a long time or against difficulties" in Cambridge Advanced Learner's Dictionary (<http://dictionary.cambridge.org/define.asp?key=78988&dict=CALD>).

45) IHO General Regulations, Art. 20.

46) See Art. 18 of the IHO General Regulations.

47) IHO General Regulations, Art. 35.

48) IHO General Regulations, Art. 15.

the Bureau must undertake a revision of S-23 "Limits of Oceans and Seas" in order to update its content in view of the increasing use being made by cartographers, national institutions and commercial agencies⁴⁹). It is interesting to find that this resolution requires the Bureau to revise S-23 "Limits of Oceans and Seas", although resolutions are not normally obligatory. S-23 must be one of those special publications on technical subjects of interest to hydrographic offices necessary for the attainment of the IHO objectives. To accomplish this task the Bureau is asked to solicit representatives for an ad hoc Working Group to carry out a review of this publication and to provide guidelines for its updating and revision⁵⁰).

(3) Directing Committee

The Directing Committee must administer the Bureau in accordance with the provisions of the IHO Convention and the Regulations such as General Regulations and with directives given by the Conference⁵¹). It must be responsible for the carrying out the scientific and technical assignments entrusted to it by the Bureau⁵²).

In the period between two Conferences, the Directing Committee must make any administrative or technical decisions which may be necessary, if there is no appropriate provision in the IHO Convention or the Regulations⁵³). Those decisions must be referred to the next Conference.

If the Directing Committee considers that any questions should be referred to the Member Governments for solution, it must send a circular letter to their representatives by requesting them to notify the Bureau of the opinion of their respective Governments⁵⁴).

If the Directing Committee may not observe the procedure prescribed in the Regulations in certain circumstances, it must make the necessary decisions and give Member Governments an immediate account of the fact⁵⁵). Thus, the

49) K3.2 Limits of Oceans and Seas (S-23), para.4.

50) K3.2 Limits of Oceans and Seas (S-23), para.4(a).

51) IHO General Regulations, Art. 23(a).

52) IHO General Regulations, Art. 23(b).

53) IHO General Regulations, Art. 24(a).

54) IHO General Regulations, Art. 25(a).

55) IHO General Regulations, Art. 26.

Directing Committee has an extraordinary power to make necessary decisions without observing the rules of procedure in the General Regulations. Of course, however, its decisions must be within the objectives of the IHO.

4. Uniform Policy for Handling Geographical Names of the IHO

One of the objects of the IHO is to bring about 'the greatest possible uniformity in nautical charts and documents'⁵⁶⁾. For this purpose, A4.1 Uniform Policy for Handling Geographical Names, a technical resolution, was adopted. In order to obtain approximate uniformity in the geographical names appearing on its charts and other nautical documents, each national Hydrographic Office of maritime countries is recommended to do the following. This resolution finds five occasions where approximate uniformity in the geographical names appearing on the nautical documents of maritime countries is obtained: i). on its charts and other nautical documents of its own coasts; ii). on its charts and other nautical documents of foreign coasts where the Roman alphabet is officially used by the sovereign country; iii). on its charts and other nautical documents of foreign coasts where the script of the sovereign country is other than the Roman alphabet; iv). on its charts and other nautical documents of all foreign coasts for the generic part of complex geographical names; and v). on all its charts and other nautical documents for international sea areas. Resolution A4.1 is on the assumption that geographical names are for those coasts of sovereign countries.

First, with respect to its own coasts, each national Hydrographic Office is recommended to show names that are in exact agreement with the forms prescribed by the most authoritative source in the country concerned⁵⁷⁾. The geographical name is provided in its own official script, whether Roman or non-Roman⁵⁸⁾. Complete and authoritative name coverage is used by all other Hydrographic Offices for the same area⁵⁹⁾. It is to be noted that there must be the forms prescribed by the most authoritative source in a country for geographical names to be shown on its charts and other documents of its own coasts. Without the forms prescribed by the most authoritative source in a country or such authoritative source there would be no complete and

56) IHO Convention, Art. II(b).

57) A4.1 Uniform Policy for Handling Geographical Names, para.(a).

58) A4.1 Uniform Policy for Handling Geographical Names, para.(a).

59) A4.1 Uniform Policy for Handling Geographical Names, para.(a).

authoritative geographical name coverage to be used in that country.

Second, with respect to foreign coasts, each national Hydrographic Office, where the Roman alphabet is officially used by the sovereign country of foreign coasts, is recommended to show names that are in exact agreement with the most authoritative usage of the country having sovereignty⁶⁰). Those geographical names are advised to be obtained directly from new and revised editions of the nautical charts and other documents of the country having sovereignty or confirmed by correspondence with that country⁶¹). It is to be noted that geographical names of foreign coasts of the sovereign country only are respected.

Third, with respect to foreign coasts, each national Hydrographic Office, where the script of the sovereign country is other than the Roman alphabet, is recommended to show names that are obtained by applying the various international systems for romanization approved by the U.N. to the names appearing on the most authoritative sources of the country having sovereignty or confirmed by correspondence with that country⁶²). It is to be noted that geographical names of foreign coasts of the sovereign country only are respected.

Fourth, with respect to all foreign coasts for the generic part of complex geographical names, each national Hydrographic Office is recommended to use the word (in its Roman-alphabet form) used by the country having sovereignty⁶³). By following this practice, the geographical generic term will not be translated but will appear, in its Roman-alphabet form, on the charts of all nations⁶⁴).

Fifth, with respect to names of countries, major territorial divisions and boundary features, and to the oceans and international subdivisions thereof, each national Hydrographic Office is recommended to apply its conventional

60) A4.1 Uniform Policy for Handling Geographical Names, para.(b).

61) A4.1 Uniform Policy for Handling Geographical Names, para.(b).

62) A4.1 Uniform Policy for Handling Geographical Names, para.(c).

63) A4.1 Uniform Policy for Handling Geographical Names, para.(d). Such an example is Falsterborev (55°20'N., 12°50'E.) which extends up to about 6 miles SW and 5 miles S of the SW end of the Skanor Peninsula and may best be seen on the chart. This extensive reef is formed of sand and gravel. It has depths of less than 2m and is marked by buoys. Maklappen, a low and sandy islet, lies on the reef, 1.3 miles S of Falsterbo Udde Light. See NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY of the U.S., PUB. 194 (ENROUTE) SAILING DIRECTIONS BALTIC SEA (SOUTHERN PART), p.121 (2007, 12th ed.).

64) A4.1 Uniform Policy for Handling Geographical Names, para.(d).

national usage to them⁶⁵). Thus, it may show geographical names of the oceans and their international subdivisions by applying its conventional national usage. If there are internationally used names for the same area, each national Hydrographic Office may also show them but in a subordinate manner⁶⁶). Thus the geographical names of those international sea areas may be shown in accordance with its conventional national usage or in accordance with both its conventional national usage and international usage. This system of handling geographical names will be applied until an international convention by the U.N. on standardization of internationally recognized names has been adopted⁶⁷).

5. International Standardization of Geographical Names in the IHO

One of the objects of the IHO is to bring about 'the greatest possible uniformity in nautical charts and documents'⁶⁸). For this purpose the IHO has been involved with international standardization of geographical names on its own and in cooperation with other relevant organizations. First, the Bureau is recommended to co-operate with the United Nations Group of Experts on Geographical Names (UNGEGN) with the object of achieving international standardization of names of maritime and undersea features⁶⁹). Second, the Bureau is also recommended to co-operate with the United Nations Group of Experts in the study of existing national and international practices concerning the delineation and naming of oceans and seas, including their integral subdivisions, beyond the limits of national jurisdiction, with a view to recommending improvements in current nomenclatural practices and procedures⁷⁰). It is to be noted that international practices concerning the naming of oceans and seas, including their integral subdivisions, beyond the limits of national jurisdiction, are not fixed but to be improved. Thus, the Bureau, after the cooperation with the UNGEGN, is asked to recommend improvements in current nomenclatural practices and procedures. Third, there might be a case where two or more countries share a given geographical feature such as, for example, a bay, strait, channel or archipelago under a different name form⁷¹). In this case, the

65) A4.1 Uniform Policy for Handling Geographical Names, para.(e).

66) A4.1 Uniform Policy for Handling Geographical Names, para.(e).

67) A4.1 Uniform Policy for Handling Geographical Names, para.(e).

68) IHO Convention, Art. II(b).

69) A4.2 International Standardization of Geographical Names, para.3.

70) A4.2 International Standardization of Geographical Names, para.3.

71) A geographical feature shared by two or more countries, such as a bay, strait, channel or archipelago here refers to the 'oceans and international subdivisions thereof' as

following set of processes is recommended for those countries. In the first place, they are asked to endeavour to reach agreement on fixing a single name for the feature concerned⁷²⁾. Thus, they may have to enter into negotiations for agreeing to a single name. In the second place where they have different official languages and cannot agree on a common name form, the name forms of each of the languages in question are recommended to be accepted for charts and publications unless technical reasons prevent this practice on small scale charts⁷³⁾. Thus, they may have to accept the name forms of each of the languages in question for charts and publications if this practice is not prevented on small scale charts for technical reasons as with English Channel/La Manche⁷⁴⁾.

6. Resolutions of the IHO

Certain rules on technical and administrative activities of the IHO are found in resolutions adopted by the IHO. Thus, resolutions of the IHO are very important for the working of the IHO. However, there is no particular provision on the status of resolutions in the basic documents including the IHO Convention, although there are some provisions mentioning resolutions. For example, the Bureau must circulate to Members all reports, resolutions, recommendations and other documents of the Conference and its subsidiary bodies⁷⁵⁾. Certain rules on resolutions are also found in relevant resolutions. First, all resolutions adopted by International Hydrographic Conferences must be compiled in one volume which is called the Repertory of Resolutions⁷⁶⁾. Second, the amendments to existing resolutions or new resolutions may be proposed either by a Member State or the Bureau⁷⁷⁾. Third, when a technical proposal is not accepted by Member States, it will be included in the Inactive

covered in the Technical Resolution A4.1 Uniform Policy for Handling Geographical Names, para.(e). Each national Hydrographic Office is recommended to apply its conventional national usage to them. If there are internationally used names for the same area, each national Hydrographic Office may also show them but in a subordinate manner.

72) A4.2 International Standardization of Geographical Names, para.6.

73) A4.2 International Standardization of Geographical Names, para.6.

74) The English Channel (La Manche), the Danish Straits, the Turkish Straits, the Strait of Gibraltar and the Sicilian Narrows have been regarded as 'narrow seas' in the military meaning. Milan N. Vego, *Naval Strategy and Operations in Narrow Seas* (1999), p.7.

75) Rules of Procedure for International Hydrographic Conferences, Rule 36.

76) Q3.1 Repertory of Resolutions, para.1. The 'Repertory of Technical and Administrative Resolutions of the IHO' is also mentioned otherwise. IHO, Annual Report 2008, P.48, <http://www.iho.shom.fr/publicat/free/files/P708ENG.pdf>.

77) Q3.1 Repertory of Resolutions, para.2(a).

Resolutions section of the Repertory of Technical Resolutions as a matter of record for future reference⁷⁸⁾. Fourth, when the Bureau deals with technical or administrative questions by correspondence, in principle, a resolution may be adopted when it has received the required majority of votes in favour⁷⁹⁾. If it does not obtain that majority, the question shall be closed and Member States informed of the fact⁸⁰⁾.

Technical and administrative resolutions are particularly classified in the IHO. Technical resolutions are concerned with nautical documents, geographical names, charts, sailing directions, and work of the Bureau, etc. Administrative resolutions are concerned with publications, financial administration, international hydrographic conferences, and administration of the Bureau, etc. In order for resolutions to be inserted in the Repertory of Technical Resolutions, the majority must in any event include the affirmative votes of not less than one third of the Members of the IHO⁸¹⁾.

Resolutions of international organizations such as the IHO are called institutional acts which govern their activities. Resolutions may be binding or nonbinding, and normative or procedural⁸²⁾. There is no provision on the legal nature of resolutions in the IHO Convention. General principles of international law would apply to resolutions in the IHO with respect to their legal nature. For example, the legal consequences of these resolutions may depend on the substance and form of the resolution concerned. It seems that IHO resolutions are not normally binding in that they do not normally require Member Governments to do something but just suggest or recommend so⁸³⁾.

78) Q3.1 Repertory of Resolutions, para.2(b).

79) T2.1 Questions Dealt with by the Bureau by Correspondence, para.2(e).

80) T2.1 Questions Dealt with by the Bureau by Correspondence, para.2(e). The question may be raised anew before an International Hydrographic Conference on the initiative of the Bureau or any Member State.

81) Rules of Procedure for International Hydrographic Conferences, Rule 52. Conference decisions in principle must be made by a simple majority of the Members represented at the Conference. Rules of Procedure for International Hydrographic Conferences, Rule 50.

82) For example, Security Council resolutions of the U.N. are formally binding, but General Assembly resolutions of the U.N. are not binding.

83) However, there are some resolutions with binding effect. For example, the technical resolution K3.2 Limits of Oceans and Seas (S-23) adopted in 1977 required the Bureau to undertake a revision of S-23 "Limits of Oceans and Seas."

7. External relations of the IHO

The IHO, as an international organization, has to work in cooperation with its own Member States as well other relevant international organizations. In this regard, the Bureau may correspond with similar bodies of other Governments and with international organizations⁸⁴). The Directing Committee normally conducts the relations of the IHO with other organizations, and it may delegate this function to a Member State⁸⁵).

(1) Relations with U.N. Bodies

The IHO is particularly advised to cooperate with the relevant U.N. bodies in the areas of its activities. First, the Bureau is asked to maintain continuous contact with the U.N. and specifically with the United Nations Group of Experts on Geographical Names (UNGEGN) for all studies or actions relating to geographical names involving or affecting hydrographic publications⁸⁶). Second, the Bureau is asked to insure that actions previously taken on hydrographic matters, with respect to names, within the IHO are brought to the attention of appropriate United Nations Conferences or working groups⁸⁷). Third, Hydrographic Offices are recommended to encourage and support the establishment of national names authorities, following the principles and procedures recommended by the resolutions on this subject adopted by the U.N. Conferences on Geographical Names⁸⁸). Fourth, the Bureau is recommended to co-operate with the UNGEGN with the object of achieving international standardization of names of maritime and undersea features⁸⁹). Fifth, the Bureau is recommended to cooperate with the U.N. Group of Experts in the study of existing national and international practices concerning the delineation and naming of oceans and seas, including their integral subdivisions, beyond the

84) IHO General Regulations, Art. 17. The IHO has been cooperating with the following governmental and non-governmental international organizations: the International Maritime Organization (IMO), the Intergovernmental Oceanographic Commission (IOC), the International Federation of Surveyors (FIG), Antarctic Related Organizations such as the Antarctic Treaty Consultative Meeting (ATCM), the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA), the United Nations Environment Programme (UNEP). See IHO, Yearbook of 2008.

85) T1.2 IHO Relations with Other Organizations, para.1.

86) A4.2 International Standardization of Geographical Names, para.1.

87) A4.2 International Standardization of Geographical Names, para.1.

88) A4.2 International Standardization of Geographical Names, para.2.

89) A4.2 International Standardization of Geographical Names, para.3.

limits of national jurisdiction, with a view to recommending improvements in current nomenclatural practices and procedures⁹⁰). Sixth, when Hydrographic Offices produce gazetteers or geographical dictionaries, these publications are recommended to be standardized as far as possible in accordance with U.N. resolutions on the subject.⁹¹)

The IHO was granted observer status at the U.N. General Assembly⁹²). The IHO is allowed to attend the meetings of the U.N. General Assembly, but not to take part in voting.

(2) Relations with Non-governmental International Organizations

The relationship between the IHO and other organizations is mainly found in the administrative resolution T1.2 Relations with other Organizations. First, the IHO may grant observer status to any non-governmental international organization which is able to make a substantial contribution to the work of the IHO⁹³). For example, the International Federation of Surveyors (FIG) and the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) are granted observer status. Second, observer status may not be granted to any non-governmental international organization unless it has a permanent headquarters, a governing body and an executive officer⁹⁴). Third, the non-governmental international organization with observer status is offered the right to submit written statements on items of the Agenda of the Conference and subsidiary bodies which are of interest to it, after appropriate consultation with the Directing Committee⁹⁵). Fourth, any non-governmental international organization with observer status must keep the Bureau informed of those aspects of its own activities which are likely to be of interest to the IHO⁹⁶).

90) A4.2 International Standardization of Geographical Names, para.4(a). Cooperation is also recommended for drawing up of a system for naming undersea features beyond a single sovereignty and proposing it as a basis for preparing an international convention on the subject. A4.2 International Standardization of Geographical Names, para.4(b).

91) A4.2 International Standardization of Geographical Names, para.5.

92) Resolution A/C.6/56/L.2 of 13 December 2001.

93) T1.2 IHO Relations with Other Organizations, para.4.

94) T1.2 IHO Relations with Other Organizations, para.4.

95) T1.2 IHO Relations with Other Organizations, para.4.

96) T1.2 IHO Relations with Other Organizations, para.4.

8. Dispute settlement in the IHO

There is any possibility of disputes over the IHO Convention which is the constituent document of the IHO. Any dispute concerning the interpretation or application of the IHO Convention is first to be settled by negotiation or by the good offices of the Directing Committee⁹⁷⁾. Although dispute settlement by negotiation and good offices is common in international law, it may be more appropriate for the IHO because of its consultative nature. If this fails, then, at the request of one of the parties to the dispute the dispute must be referred to an arbitrator designated by the President of the International Court of Justice⁹⁸⁾. The arbitral finding is legally binding the disputing parties. This process of dispute settlement may not apply to a dispute concerning resolutions adopted by the IHO because it is concerned only with the IHO Convention. Any dispute concerning resolutions, which are effectively working rules for the IHO, may be appropriately discussed ultimately in the Conference.

97) IHO Convention, Art. XVII.

98) IHO Convention, Art. XVII.