

LEGAL STATUS OF NAMES

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Introduction

Standardization of geographical names is the process of choosing preferred name(s) and linking them to specific geographical features. But full stability of the standardized names is achieved when the names are granted official status. By this act geographical names would be protected by law and cannot be changed or tampered with.

According to the Glossary of Toponymic Terminology (cited here from Version 4 as published in KADMON, 2000: 299–326) an **official name** is a „toponym sanctioned by a legally constituted (e.g. national) names authority and applied within its jurisdiction“.

In this definition one should note that a names authority is needed to approve official geographical names, and also that these names are applied in certain jurisdiction. This would mean that only those names can be given the official status that are under the sovereignty of the authority in question. A national names authority cannot approve official names to places beyond the national sovereignty although it can give recommendations on how to use these (foreign) names within its jurisdiction.

In reality, however, the national names authority might not exist, or otherwise it would be difficult to determine what is the official name of any given place.

Different notions of ‘officiality’

There is no uniformity in defining what would constitute an official name. Names might be given the official status by:

- a special name decision, or naming act, issued by an authorized agency;
- another legal act that would, *inter alia*, approve an official name to the place in question;
- mentioning the name(s) in official acts and documents;
- being published in official maps;
- being written on road signs, public signboards, etc.;
- the established usage.

Obviously, these methods are not equally clear and efficient. For example, names mentioned in official acts might too often be contradictory and varying in their

spelling. Road signs seem to be universally the least trustworthy sources for any names, not to speak of official ones. The “established usage” is also vague as there should be an authority to define what is meant by that. Even name decisions might be contradictory if it is not clear who exactly is authorized to name a certain feature, for example, different agencies might name the same feature differently.

Basic questions that should be answered, though, in each case, are:

- who has the naming power?
- how is the official status granted to names?

Naming competence

In most countries there is a legal framework in place that would define the structure of government and the responsibilities of its agencies. Administering and responsibility over certain features would usually also include the power to name these features. Names of administrative units are approved in most cases by the central government or parliament, only rarely may the representatives of the units themselves decide upon their names.

Fairly common seems to be also the practice of allowing local municipalities to approve names to features within their area, such as streets, parks, municipal buildings and sites, etc.

In between those two categories there is a vast number of features that appear on maps typically with names but for which there are no universal rules on who is entitled to approve official names. These include populated places, natural features (lakes, rivers, mountains, capes, islands, etc.), artificial features (roads, bridges, junctions, buildings, railway stations, etc.) and the like.

In some countries the power to approve names for the features rests with ministries or government agencies, in some others this is a task of the national mapping authority, elsewhere there are special independent expert bodies who decide upon names. All these options can, of course, be combined.

The most efficient way of dealing with geographical names and granting them full official status is to set up a geographical names authority with a decision-making

power. As an example, in the **United States** the Board on Geographic Names (BGN), established in 1890, is responsible by law for all geographical names except those applying to offices or establishments of Federal agencies. Practically, however, the Board decides primarily on the names of natural features of the land, unincorporated localities, and populated places in the United States, its territories and outlying areas. The primary reference for official geographical names is the Geographic Names Information System (GNIS): all names included in GNIS, have equal official status. Names can be used on Federal maps, charts and other publications only if they are included in GNIS, otherwise they would have to be submitted to the BGN for approval. As exception, names established by Act of Congress or Executive order are official by law and do not need the approval of the BGN. (ORTH & PAYNE 1997: 5–6, 10.)

In **Canada** the power to approve geographical names is the responsibility of provinces and territories; the Geographical Names Board of Canada (GNBC) has mainly a coordinative role. Principles and procedures adopted in Canada state, however, that the names of municipalities, territorial divisions, reserves, parks and other legal entities as created by, or resulting from, legislation by the appropriate government shall be accepted and thus would not fall in the scope of consideration of the regional names authorities. Names for facilities established by postal authorities, railway companies and major public utilities are accepted, if they are in keeping with the other principles. (CPCGN 1990.)

In **Israel** the Government Names Commission was set up in 1951 by a decree. The Commission is the sole authority on geographical names in Israel and in order to acquire legally-binding official status the names must be ratified by the Commission. The names are granted official status after publication of the Commission's records. An appeal against name decisions can only be made before a Court of Law but this has happened only three times during the existence of the Government Names Commission. (KADMON 2000: 213–216.)

Previous examples illustrate cases where names authorities have full responsibility over geographical names, as mandated by legal acts. It seems, however, that a more common option in many countries is to have an advisory names authority. In that case formal decisions are made by government institutions on the advice of the names authorities. The status of these names authorities also vary: some are directly responsible to the government or head of state, others are subjected to a ministry (often the ministry for internal affairs, sometimes the ministry

responsible for education or cultural affairs), yet others work under the auspices of the national mapping authority.

The process of granting names an official status might work well also with this arrangement provided that the decision-makers would listen to the advice given.

In quite many countries the national mapping authorities themselves are considered as names authorities and, consequently, names published in official maps are viewed as official.

The least advantageous is the situation in countries where there are no national or regional names authorities. Name decisions in these countries might depend on arbitrary motivations by individual officials or politicians.

Making names official

The procedures of giving names the official status also deserve attention, as the practice here may vary quite significantly. The options of displaying the names on official signs or determining them based on established usage will not be further discussed here, as these are not efficient and should not be recommended. Publication of names in official maps would perhaps also need no further clarifications as the solution is straightforward.

What's in a name decision? Based on what we may consider any act as a name decision, not just a casual mentioning of a name? This should always be clear, if official names need to be identified.

Naming is a process of assigning names as verbal expressions to certain geographical features. Consequently, a name decision must

- contain the geographical name to be applied,
- identify the feature that the name will be assigned to.

The name must be spelled out in full, including generic terms if they are used, in order to avoid ambiguities.

How will the named feature be identified in a name decision, depends on needs and possibilities. It is fairly typical to indicate the administrative affiliation of any features (which provinces or other administrative units the features belong to) and/or give coordinates. Sometimes maps or simple plans are attached to name decisions.

If these two criteria are met, we can speak of an unambiguous name decision. In practice, however, we see too often official decisions with long lists of names that have practically no reference to the features that they are

applied to. It must be assumed that the named features are identified in sources outside the scope of the name decision. But this makes the task of using official names quite complicated.

A name decision is not just about giving names. Basically a decision can

- give an official name to a feature previously unnamed or not having an official name,
- change the existing official name (renaming),
- delete the existing official name.

The last option may become necessary if the named feature has ceased to exist.

Other types of legal acts whereby official names are established usually deal with the features to be named from another point of view. For example, an act establishing a national park would also give the park an official name. An act of taking archeological sites under state protection might be viewed as giving them official names also. There are many borderline cases, though, in dealing with such official sources: names are obviously often not the focus of such listings and they might be casual.

Legislation on geographical names

There are legal acts that concern at least partly standardization and official approval of geographical names in many countries. These mostly identify the competence of various agencies in dealing with names. But in a few of the countries geographical names have merited also special legislation.

Norway is probably the first to have adopted a Place Names Act. This was passed by the Norwegian Parliament in 1990, the Act came into force in July 1991. The main provisions are:

- the public body which uses a place name should authorize the spelling, after having consulted all parties concerned,
- place names which have been determined by law should be used by other public bodies,
- the written form should be based on the traditional, local pronunciation, while at the same time keeping to current spelling rules.

According to the Act positions for two place name consultants and one secretary were created for each of the four university regions in the country, in addition to consultants and secretaries for Saami and Kven (Finnish) place names in Norway. The advisory service is financed

by the Ministry of Cultural Affairs. All names recognized under the Act must be reported to a central computerized register administered by the Norwegian Mapping Authority. An appeal body was set up to deal with complaints about the standardized forms of place names. (Toponymic guidelines for Norway, 2000; HELLELAND 1992.)

The Place Names Act of **Estonia** was adopted in 1996. This legal act determines both the competence of various agencies in establishing place names and requirements for place names in order to be approved officially. The main requirements include:

- the language of place names (as a rule, these are in Estonian but minority names are also legal),
- the spelling of place names (must comply with the rules of orthography but may reflect the local sound structure),
- having only one name per one feature but allowing two official names in order to preserve minority place names,
- harmonization of the spellings of names,
- publicity of naming procedures,
- choice of new official place names (locally most widely recognized and widespread, also most significant in terms of history and cultural history shall be preferred),
- allowing for change of geographical names only under exceptional circumstances,
- avoidance of duplicate names in certain contexts.

(Toponymic guidelines for Estonia, 1998.)

Can official names be wrong?

Yes, if we consider geographical names from a point of view of linguistics, name planning or geography (location). The name might be orthographically incorrect, it might not correspond to the name actually used by the local population or an otherwise correct name might be applied to a wrong feature.

It must be emphasized that an official status of a name would not automatically guarantee correctness of the name and it cannot replace standardization in the true sense. Official names must be standardized according to the accepted set of rules prior to their approval. Quite a lot of efforts have been made in many countries to correct official names that are not linguistically or otherwise suitable.

Sources for further study

Information on the legal status of names is usually provided in toponymic guidelines for various countries. An exhaustive list of toponymic guidelines was compiled by Helen Kerfoot and Eeva Maria Närhi in 2000. This has been updated and published also at the UNGEGN website:

<http://unstats.un.org/unsd/geoinfo/>.

KADMON 2000 provides thorough background information on the standardization of geographical names and has a special chapter on the legal status of geographical names.

References

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