

Open European Location Services (Open ELS)

Task 1.2 Report

Open ELS principles on presentation of data content on
disputed territories

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References

Ref.	Title/Version/Publication Date/Author
1	Guidance on implementation of cross-border harmonisation” https://openels.eu/wp-content/uploads/2018/12/OpenELS_guidance_edgematching_version1_0.pdf
2	European Location Framework Project - www.elfproject.eu
3	UN Cartographic Section (UNCS) http://www.un.org/Depts/Cartographic/english/htmain.htm
4	Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters
5	https://ec.europa.eu/regional_policy/en/information/publications/communications/2017/boosting-growth-and-cohesion-in-eu-border-regions
6	https://ec.europa.eu/eurostat/web/products-statistical-books/-/KS-HA-17-001

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I. Task

The task focused on development of a policy principles on how data will be visualised and represented in international border areas where two or more neighbouring countries provide different content of spatial data do not agree. More than one data provider might contribute by data and web-services that conflict or show different content in the dispute areas. Rules need to be agreed on how the data will be accommodated and presented to pan European users through Open ELS.

This document describes a proposal for a unified approach to presentation of geo information in the areas struggling with different kinds of disputes over administrative or territorial competence regarding provision of authoritative data in the border areas between neighbouring countries.

2. Scope of the document

EuroGeographics as a non-political, international organisation established by its members conducts its activities in accordance with directions and rules specified in the founding documents, its Articles and the strategic and operational decisions of the Management Board.

Association fulfils its purpose by undertaking efforts to reach the following objectives:

1. provides a single interface to Europe's National Mapping and Cadastral Agencies;
2. provides an information service for Members, stakeholders and civil society;
3. promotes Member's national and pan-European products and services, and their role in providing the reference data;
4. as appropriate; creates, maintains, distributes, interoperable reference datasets and related services to support cross border or pan-European requirements and to further the progress towards the ESDI;
5. promotes EuroGeographics as the authoritative voice for geographic information in Europe and the EU.

Reaching this objective is a challenging task requiring a lot of effort and collaborative engagement of the personnel from the EG Head Office and equally from the Members.

Association fulfils its purpose through a number of endeavours designed to produce a pan-European data products in form of EuroGlobalMap, EuroRegionalMap, EuroBoundaryMap and EuroDEM and simultaneously develops European Location Service which jointly with it's the OpenELS project to facilitate access to official, authoritative geospatial data from our members, the National Mapping, Cadastre and Land Registry Authorities.

The experience gathered in the production process indicate possibility of encountering the situation when the national contributions provided by the National Mapping and Cadastral Authorities (NMCA)

are not harmonised at the international boundary. This means that spatial data in border areas overlaps or has gaps. There can be two main reasons for such mismatches:

1. The data lacks edge matching: the international boundary is agreed in general, but the neighbouring countries have not agreed yet on a harmonised presentation of spatial data in the border area. This is out of scope of this policy paper. ¹
2. The border area is in dispute between neighbouring countries: this are border areas which are claimed by both countries as their national territory.

This policy paper attempts to define EuroGeographics approach to the conflicted data supplied in result of declared dispute between two countries, for the purpose of OpenELS project and applicably for all other data products and projects maintained by the Association.

3. Territories under dispute

EuroGeographics, in its effort to build the unified European Spatial Data Infrastructure based (ESDI) on the data supplied by the respective authorities, recognises the fact that in some situations, two neighbouring countries disagree over content of spatial data that they simultaneously provide in the area of their mutual international border.

It must be noted that disagreement can be distinguished on different levels, accordingly to potential ability for reaching a common solution allowing technical presentation of data supplied by two neighbouring countries.

To enable the seamless continuity of the features across the international boundaries of neighbouring countries, OpenELS project has developed a Guidance on implementation of cross-border harmonisation which sets up a procedural path for the National Mapping and Cadastral Authorities (NMCAs) in defining the connecting points or lines of the cross-border features of national geospatial data.

However, in any case where differences cannot be resolved on a technical level, such occurrence has to be recognised as an international border dispute understood as ‘the incompatibility of subject positions’ and should be dealt with utmost caution and with individual approach

In reaching its statutory aims, the Association shall remain neutral and with utmost care make sure that all its Members are represented equally and without suspicion of favouritism.

¹ “Guidance on implementation of cross-border harmonisation” https://openels.eu/wp-content/uploads/2018/12/OpenELS_guidance_edgematching_version1_0.pdf

4. Existing solutions and good practice

Development of mapping products and services compiled from authoritative sources EuroGeographics' must take appropriate measures to secure the value of the origin of data and simultaneously make sure that the user of is rightly informed about potential implications resulting from identified issues.

Long history of production of pan-European datasets like EuroBoundaryMap, EuroRegionalMap or EuroGlobalMap as well as works on provision of the OpenELS services proved that development of internal policy principles on how data is handled in case of dispute between data providers will enable agreeing a set of guidance and technical solutions which could be applied to presentation of data in disputed areas in a way meeting requirements of both data provider and the users.

EuroGeographics takes a note of approaches and existing solutions implemented in adequate cases by such multinational organisations like United Nations or the European Union.

Specific comparison shows clearly that a single, universal approach meeting requirement of all stakeholders does not exist and in each case such issues are a subject to a compromise. The collected examples and documentation were considered in defining the EuroGeographics' principles. Mindful of its European coverage and international charter, EuroGeographics concentrated on the two following cases from United National and the European Union

1.1 United Nations

Being aware of a sensitive nature of cartographic documents the United Nations organisation takes utmost care in underlining its neutrality has set up a policy² regulating use of any mapping material in the publications. The policy requires that the following requirements are met prior to the issuance of any map, including dissemination via public electronic networks such as Internet:

- Clearance from the Cartographic Section³ of the Department of Public Information in order to ensure that maps meet publication standards and that they are not in contravention of existing United Nations policies.
- Each map is accompanied by an attribution or a United Nations copyright notice.
- A disclaimer form is used in connection with every map issued under the responsibility of the United Nations.
- The designations employed and the presentation of material on this map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.
- In certain circumstances a special statement is required and can be provided by the UNs' Cartographic Section in consultation with the Office of Legal Affairs.

² ST/AI/189/Add.25/Rev.1

³ UN Cartographic Section (UNCS) <http://www.un.org/Depts/Cartographic/english/htmain.htm>

1.2 European Union

European Union as a political and economic organisation bringing together its 28 Members States through establishing an Internal Single Market governed by a standardised system of law implemented by all the members. This system of law however covers specified policy areas that all Members agreed upon and aims at ensuring the free movement of people, goods, services and capital within the internal market across the national borders.⁴ Nonetheless this structure secures also a high level of independence and the right of Members State to self-determination and it does not imply specific direct impact on the process of settlement of disputes and conflicts between the Members.

Activities of the EU bodies concentrate on removal of obstacles influencing the process of integration among EU Member States around the single market and impacting movement of goods, services, people and capital. A number of legal instruments have been developed over the years to promote and facilitate cross-border cooperation. European Commission's Communication "[Boosting Growth and Cohesion in EU Border regions](#)"⁵, adopted on 20 September 2017, indicate that most of the obstacles in development of the well-functioning cross-border implementation of the internal market stem from diverging national legislations on either side of the border, incompatible administrative processes, or lack of common territorial planning. Issues related to harmonisation of information are a national driven matter and remain in competence of the respective governments.

In its publications bodies of the European Union indicate that information in its maps does not imply the expression of any opinion whatsoever on the part of the European Union concerning the legal status of any country, territory or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.⁶

5. EuroGeographics policy principles for OpenELS

EuroGeographics shall preserve its neutral character and prevent involvement in any conflict between its Members which may have influence on the OpenELS data services and other data products.

To provide clarity and full understanding of any conditions affecting the pan-European data content provided under OpenELS EuroGeographics defines following principles.

Whenever Members of EuroGeographics from two neighbouring countries, disagree on the content of data provided by each other, over the bordering area of their territory, EuroGeographics should respect to following policy principles:

⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1) ('Brussels I Recast'),

⁵ https://ec.europa.eu/regional_policy/en/information/publications/communications/2017/boosting-growth-and-cohesion-in-eu-border-regions

⁶ <https://ec.europa.eu/eurostat/web/products-statistical-books/-/KS-HA-17-001>

I.1 Authoritative character of data

EuroGeographics recognises its Member's equal mandate to provide the official national data to OpenELS services and other pan-European products maintained by the Association.

In accordance with the following definition of authoritative data – “Data provided by or on behalf of a public body (authority) which has an official mandate to provide it and that is based on a set of criteria to ensure (inter alia) a high data quality and that is aimed towards extensive reuse within the public sector and society as a whole”, EuroGeographics recognises data supplied by its Members as such.

I.2 No interference in National disputes

EuroGeographics shall not be part or take any side in disputes between its Members related to content of Members national data provided to OpenELS project or other products.

EuroGeographics will not apply any technical activities leading to automated presentation of data content in the disputed territory in a way not mutually agreed the data providers.

I.3 Equal presentation of Members Data

In case of a dispute leading to existence of two different national datasets, EuroGeographics shall undertake appropriate steps in order to ensure that data of both sides are visualised and presented equally, however in a way that will leave no doubt of existence of two sets of information describing the same area.

Data should be visualised in the viewing services with:

- a) Use of indicative portrayal of the area where two or more equally authoritative datasets are available in the viewing services
- b) Use of distinguishing symbolisation on the agreed international border different than used for the steeled parts of the border.
- c) The data of contributing parties might be included to EuroGeographics products under an agreed sequence (“default option”, “alternative option”) between both data providers if such agreement is possible.

I.4 Clarity of information for the users

The user of the OpenELS data services is entitled to information on placement, geographical extent and scope of difference between the equally valid sets of information.

This information should include:

- a) Annotation in the metadata.
- b) Guidance on alternative access to the differing content in other EG products.
- c) Listing of the identified territorial disputes, indicating conflicted providers of the data.
- d) Publication of above information on the OpenELS and EuroGeographics communication channels (websites, metadata, webservices, etc).

I.5 Disclaim liability for data provided by the Members

EuroGeographics cannot be held liable for the content of data provided by its Members and such information shall be noticed to the user.

I.6 Clarity on conditions for data user

The user has a right to make his decision regarding the choice of existing version of the data which he chooses to use including any applicable conditions.

In situation when one of the Members is not able to provide its data under open conditions user should be informed about existence of alternative, licensed data in other EuroGeographics data.

I.7 Use of data form other sources

In case of identification of gaps in the data in disputed territories, EuroGeographics will not attempt to fill the missing content with data form other, non-authoritative sources.

I.8 Collaborative efforts for agreeing the disputed content to be present

In order to avoid constraining the usage of the product due to the presentation of the disputed data content, EuroGeographics will encourage the data providers to seek a consensus in presenting the key geographical information.

The territorial disputes, which often influence different positions to conditional features as Administrative units or State boundaries shall not affect a correct presentation of the location and content of anthropogenic features (rivers, lakes, roads, etc).

6. Recommendations

In order to implement the above stated policy principles in to practice, EuroGeographics will take note of the following recommendations and:

1. Develop and maintain a register of disputed areas that are identified in the process of compilation of national data into the EG products. The register should indicate:
 - i. Disputed data providers.
 - ii. Geographical location of the dispute.
 - iii. Information on how the dispute is presented in the EG product.
 - b. List should be owned and managed by the product coordinators and the HO product manager in order to preserve its consistency and enable cross product identification of issues.
2. Develop a procedure defining a step by step guidance for the product coordinator which would allow facilitating a communication process between providers of the data and making a decision, on how the data in the disputed area is being presented in the product. The procedure should define potential options for presentation of the data accordingly to level of mismatching, like i.e.:

- a. Not to show some of disputed features (e.g. - islands)
- b. Show two/more borders/AU with explanatory polygon
- c. Show aggregated data (GNs, rivers, lakes in both language versions, etc.)
- d. Show generalized feature.