CHAPTER IV
DEFINITIONS FOR THE LAW OF THE SEA:
TERMS NOT DEFINED BY THE 1982 CONVENTION

Chapter IV reflects the collective work of the ABILA LOS Committee and is the heart of this Report. A separate section number, followed by the title of the term, begins each definition. Analysis of the definition of a term, i.e., its source(s), the term’s location in UNCLOS and other treaties or international agreements, and other relevant material follow the definition in Comments. If two or more terms share the same meaning, or if a term is frequently known by its abbreviation or acronym, e.g., “notice to mariners” and “Ntm” or “NOTMAR,” defined in Part IV.B § 122, cross-references to the two terms or the term and its abbreviation or acronym are given.

As noted in Chapters I and III.A, the Report does not republish definitions that UNCLOS supplies, except perhaps to explain an otherwise undefined term, e.g., “area,” defined in Part IV.B § 9, as distinguished from “Area,” defined in UNCLOS Art. 1(1)(1).

A. Preliminary Observations

The definitions that follow in Chapter IV.B refer to terms as understood in UNCLOS. Charter law, e.g. UN Security Council decisions under UN Charter Arts. 25, 48 and 94(2), may involve different meanings or may use a term as defined under the Convention. The definitions that follow in Chapter IV.B may or may not involve different meanings under the LOAC; UNCLOS and the 1958 LOS Conventions declare their terms are subject to the LOAC in situations governed by the LOAC. Sometimes the LOAC applicable to armed conflict at sea may borrow a term from the peacetime law of the sea, notably, e.g., “due regard.” In those cases the LOS term assumes the meaning the
LOAC ascribes to it. Jus cogens principles also may require a different definition.272

B. Definitions for the 1982 Law of the Sea Convention

§ 1. Accuracy

In UNCLOS analysis, “accuracy” means the extent to which a measured or enumerated value, such as “mile” or “nautical mile,” agrees with an assumed or accepted value.

Comment

In LOAC-governed situations under the “other rules of international law” clauses in UNCLOS, a different definition may apply. The same may be the situation if the UN Charter supersedes UNCLOS or if jus cogens norms apply.273

Former ECDIS Glossary, page 1, defined “accuracy” as “[t]he extent to which a measured or enumerated value agrees with the assumed or accepted value.” The current ECDIS Glossary does not define “accuracy.” Section 105 defines “mile” or “nautical mile,” noting the problem of measurement accuracy; § 138 defines “precision.”274

§ 2. Adjacent coasts

As used in UNCLOS Articles 15, 74(1) and 83, “adjacent coasts” means coasts lying on either side of the land boundary between two adjoining States. States may have adjacent coasts under UNCLOS even if they do not share a common land boundary.

Comment

In LOAC-governed situations under the “other rules of international law” clauses in UNCLOS, a different definition may apply. The same may be the situation if the UN Charter supersedes UNCLOS or if jus cogens norms apply.275

272 See Part III.B.2.
273 See Parts III.B-III.D and § 132, defining “other rules of international law.”
275 See Parts III.B-III.D and § 132, defining “other rules of international law.”