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VAN SUIDWES-AFRIKA

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No. AG. 32 Territorial Waters of South West Africa Proclamation, 1979 — 1

PROCLAMATION

by the

ADMINISTRATOR-GENERAL FOR THE TERRITORY OF SOUTH WEST AFRICA

(Approved by the State President on 1 November 1979)

No. AG. 32 — 1979

DETERMINATION AND DEFINITION OF THE TERRITORIAL WATERS AND THE FISHING ZONE OF THE TERRITORY OF SOUTH WEST AFRICA, AND PROVISION FOR THE EXPLOITATION OF CERTAIN NATURAL RESOURCES OF THE CONTINENTAL SHELF OF THAT TERRITORY, AND FOR INCIDENTAL MATTERS

Under the powers vested in me by Proclamation 181 of 19 August 1977, I hereby make the laws set out in the Schedule.

G. van N. VILJOEN

Administrator-General — Windhoek, 5 November 1979

SCHEDULE

Definitions

1. In this Proclamation, unless the context indicates otherwise —

INHOUD

Bladsy

PROKLAMASIE:

No. AG. 32 Proklamasie op die Territoriale Waters van Suidwes-Afrika, 1979 — 1

PROKLAMASIE

van die

ADMINISTRATEUR-GENERAAL VIR DIE GEBIED SUIDWES-AFRIKA

(Deur die Staatspresident goedgekeur op 1 November 1979)

No. AG. 32 — 1979

BEPALING EN OMSKRYWING VAN DIE TERRITORIALE WATERS EN DIE VISSERYSONE VAN DIE GEBIED SUIDWES-AFRIKA, EN VOORSIENING VIR DIE ONTGINNING VAN SEKERE NATUURLIKE HULPBRONNE VAN DIE VASTELANDSPLAT VAN DAARDIE GEBIED, EN VIR BYKOMSTIGE AANGELEENTHEDE

Kragtens die bevoegdheid my verleen by Proklamasie 181 van 19 Augustus 1977, maak ek hierby die wette in die Bylae vervat.

G. van N. VILJOEN

Administrateur-generaal — Windhoek, 5 November 1979

BYLAE

Woordomskrywing

1. In hierdie Proklamasie, tensy uit die samehang anders blyk, beteken —

(i) "fish" means the living resources of the sea; (v)

(ii) "low-water mark" means the lowest line to which the water of the sea recedes during periods of ordinary spring tides; (ii)

(iii) "nautical mile" means the international nautical mile of 1 852 metres; (iv)

(iv) "sea" means the water and the bed of the sea; (iii)

(v) "the territory" means the territory of South West Africa and, in relation to any right or power, the authority in which the right or power in question or a right or power of the nature in question is vested in or in respect of that territory. (i)

Territorial waters of the territory

2. The sea within a distance of twelve nautical miles from the low-water mark shall be territorial waters of the territory.

Fishing zone

3. The sea outside the territorial waters of the territory as defined in section 2, but within a distance of two hundred nautical miles from low-water mark, shall constitute a fishing zone in respect of which the territory shall in relation to fish and the catching of fish have and exercise the same rights and powers as in respect of the said territorial waters.

Application of certain laws in fishing zone

4. The territory shall have the right to exercise in the fishing zone as defined in section 3 such powers as may be considered necessary to prevent the contravention of any fiscal law or any customs, emigration, immigration or sanitary law.

Application of laws relating to territorial waters, etc.

5. Any law relating to the territorial waters of the territory or to the sea within a distance of three miles or three nautical miles from low-water mark, shall apply—

(a) in respect of the territorial waters of the territory as defined in section 2; or

(b) in so far as any such law relates to fish or the catching of fish, in respect of the fishing zone as defined in section 3.

(i) "die gebied" die gebied Suidwes-Afrika en, met betrekking tot 'n reg of bevoegdheid, die gesag waarby die betrokke reg of bevoegdheid of 'n reg of bevoegdheid van die betrokke aard in of ten opsigte van daardie gebied berus; (v)

(ii) "laagwatermerk" die laagste lyn tot waar die water van die see gedurende tydperke van gewone springgetye sak; (ii)

(iii) "see" die water en die bedding van die see; (iv)

(iv) "seemyl" die internasionale seemyl van 1 852 meter; (iii)

(v) "vis" die lewende hulpbronne van die see. (i)

Territoriale waters van die gebied

2. Die see binne 'n afstand van twaalf seemyle vanaf laagwatermerk is territoriale waters van die gebied.

Visserysone

3. Die see buite die territoriale waters van die gebied soos in artikel 2 omskryf, maar binne 'n afstand van tweehonderd seemyle vanaf laagwatermerk, maak 'n visserysone uit ten opsigte waarvan die gebied met betrekking tot vis en die vang van vis dieselfde regte en bevoegdhede besit en uitoefen as ten opsigte van genoemde territoriale waters.

Toepassing van sekere wette in visserysone

4. Die gebied het die reg om in die visserysone soos in artikel 3 omskryf die bevoegdhede uit te oefen wat nodig geag word om oortreding van enige fiskale wet of enige wet op doeane, emigrasie, immigrasie of sanitasie te verhoed.

Toepassing van wette oor territoriale waters, ens.

5. Enige wet wat op die territoriale waters van die gebied of op die see binne 'n afstand van drie myl of drie seemyle vanaf laagwatermerk betrekking het, is van toepassing —

(a) ten opsigte van die territoriale waters van die gebied soos in artikel 2 omskryf; of

(b) vir sover so 'n wet op vis of die vang van vis betrekking het, ten opsigte van die visserysone soos in artikel 3 omskryf.

Determination of territorial waters and fishing zone in special cases

6. (1) In the determination of the extent of the territorial waters of the territory referred to in section 2 the rules contained in the Convention on the Territorial Sea and the Contiguous Zone signed at Geneva on 29 April 1958 shall apply.

(2) The rules referred to in subsection (1) shall *mutatis mutandis* be applied also in the determination of the extent of the fishing zone referred to in section 3.

Exploitation of natural resources of continental shelf

7. The continental shelf as defined in the Convention on the Continental Shelf signed at Geneva on 29 April 1958 or as it may be defined from time to time by international convention binding on the territory, shall be deemed to be part of the territory for the purposes of the exploitation of natural resources as defined in such convention, and of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of the territory which adjoins the continental shelf, and for the purposes of any such law the continental shelf shall be deemed to be State land.

Repeal of Act 87 of 1963

8. The Territorial Waters Act, 1963, is hereby repealed.

Short title and commencement

9. This Proclamation shall be called the Territorial Waters of South West Africa Proclamation, 1979, and shall come into operation on a date to be fixed by the Administrator-General by proclamation in the *Official Gazette*.

Bepaling van territoriale waters en visserysone in besondere omstandighede

6. (1) By die bepaling van die omvang van die in artikel 2 bedoelde territoriale waters van die gebied geld die reëls vervat in die Konvensie oor die Territoriale See en die Aangrensende Sone geteken te Genève op 29 April 1958.

(2) Die reëls in subartikel (1) bedoel, word *mutatis mutandis* ook toegepas by die bepaling van die omvang van die visserysone in artikel 3 bedoel.

Ontginning van natuurlike hulpbronne van vastelandsplat

7. Die vastelandsplat soos omskryf in die Konvensie oor die Vastelandsplat geteken te Genève op 29 April 1958 of soos dit van tyd tot tyd omskryf word by internasionale konvensie wat vir die gebied bindend is, word geag deel van die gebied te wees vir die doeleindes van die ontginning van natuurlike hulpbronne soos in bedoelde konvensie omskryf, en van enige wet op mynbou, edelgesteentes, metale of minerale, met inbegrip van aardolie, wat geld in dié deel van die gebied wat aan die vastelandsplat grens, en by die toepassing van so 'n wet word die vastelandsplat geag Staatsgrond te wees.

Herroeping van Wet 87 van 1963

8. Die Wet op Territoriale Waters, 1963, word hierby herroep.

Kort titel en inwerkingtreding

9. Hierdie Proklamasie heet die Proklamasie op die Territoriale Waters van Suidwes-Afrika, 1979, en tree in werking op 'n datum wat die Administrateur-generaal by proklamasie in die *Offisiële Koerant* bepaal.

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