

# SEA AND SEASHORE

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## Sea-shore Ordinance 37 of 1958

**Summary:** This Ordinance ([OG 2153](#)) provides for the determination of the position of the high-water mark. (Note that we have found no indication that the South Africa *Sea-shore Act 21 of 1935* was ever made applicable to South West Africa.)

**Amendments:** The Ordinance is repealed in Walvis Bay by RSA Proclamation 149 of 1982 ([RSA GG 8344](#)). However, see section 2 of the Walvis Bay and Off-Shore Islands Act 1 of 1994.

**Regulations:** Regulations are authorised by section 3 of the Act. No pre-independence regulations have been located, and no post-independence regulations have been promulgated.

**Commentary:** *Review of Policy and Legislation Pertaining To Coastal Zone Management, Namib Coast Biodiversity Conservation And Management (Nacoma) Project: Preparation Phase*, EcoAfrica Environmental Consultants, Draft Version, March 2005, section 5.5, available [here](#).

## Territorial Sea and Exclusive Economic Zone of Namibia Act 3 of 1990

**Summary:** This Act ([GG 28](#)) determines and defines the territorial sea, internal waters, exclusive economic zone and continental shelf of Namibia. It was brought into force on 10 July 1990 by Proc. 6/1990 ([GG 44](#)).

**Repeals:** The Act repeals the Territorial Waters of South West Africa Proclamation, AG 32 of 1979.

**Amendments:** Act 30/1991 ([GG 332](#)) amends sections 4 and 6, inserts section 3A and substitutes the long title in order to establish a contiguous zone in which Namibia shall have the right to prevent the contravention of certain laws and to further provide for matters relating to the continental shelf.

The Sea Fisheries Act 29 of 1992 ([GG 493](#)), which was brought into force on 23 December 1992 (Proc. 46/1992, [GG 556](#)) and subsequently repealed by the Marine Resources Act 27 of 2000, repeals the items in the Schedule of Act 3 of 1990 relating to the Sea Fisheries Act 58 of 1973 (which is repealed by Act 29 of 1992).

**Regulations:** The Act makes no provision for regulations.

### Cases:

*Pineiro & Others v Minister of Justice & Others* 1991 NR 283 (HC)  
*S v Carracelas & Others (1)* 1992 NR 322 (HC)  
*S v Carracelas & Others (2)* 1992 NR 329 (HC)  
*S v Carracelas & Others (3)* 1992 NR 336 (HC)  
*S v Martinez* 1993 NR 1 (HC)  
*S v Pineiro & Others* 1993 NR 24 (HC).

## INTERNATIONAL LAW

†*United Nations Convention on the Law of the Sea (UNCLOS), 1982*

*Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, 1994*

*United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement), 1995*  
*\*\*Protocol on the Privileges and Immunities of the International Seabed Authority, 1998.*

See also *Prevention and Combating of Pollution of the Sea by Oil Act 6 of 1981 (ENVIRONMENT)*.

See also **MARINE AND FRESHWATER RESOURCES**.