

TERRITORIAL SEA AND EXCLUSIVE ECONOMIC ZONE OF NAMIBIA ACT 3 OF 1990

[GOVERNMENT GAZETTE: 11 JUNE 1990 NO. 28] [DATE OF COMMENCEMENT: 10 JULY 1990]

ACT

To determine and define the territorial sea, internal waters, contiguous zone, exclusive economic zone and continental shelf of Namibia; and to provide for matters incidental thereto.

**[Long title substituted by s. 4 of Act 30 of 1991]*

BE IT ENACTED by the National Assembly of the Republic of Namibia, as follows:-

1 Definitions

In this Act, unless the context indicates otherwise -

'**Convention**' means the United Nations Convention on the Law of the Sea, 1982, adopted on 30 April 1982 by the United Nations Conference on the Law of the Sea;

'**low water line**' means the line of lowest astronomical tide;

'**Namibia**' means the Republic of Namibia as defined in Article 1(4) of the Namibian Constitution, 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;

'**nautical mile**' means the international nautical mile of 1 852 metres.

2 Territorial sea of Namibia

(1) The sea within a distance of 12 nautical miles measured from the low water line shall be the territorial sea of Namibia.

(2) (a) In determining the extent of the territorial sea of Namibia due regard shall be had to the rules embodied in the Convention, or as it may from time to time be embodied in any international convention binding on Namibia, and, with due regard to the said international rules, base lines other than the low water line from which the 12 nautical miles contemplated in subsection (1) are to be measured, may be recognized by Namibia;

(b) Any base line referred to in this section may be marked or indicated by appropriate symbols on scale charts officially recognized by Namibia;

(c) In any proceedings before a court of law any chart referred to in paragraph (b), shall be *prima facie* evidence of the matters referred to therein.

(3) Any law in force in Namibia at the commencement of this Act relating to territorial waters or to the sea within a specified distance but less than 12 nautical miles from the low water mark, shall apply within the territorial sea of Namibia, and any reference in any such law to the territorial waters or low water mark shall be deemed to be a reference to the territorial sea or low water line as defined in this Act, respectively.

3 Internal waters of Namibia

(1) The waters landward from its low water line or any other base line from

which the territorial sea was measured, shall form part of the internal waters of Namibia.

(2) The provisions of subsection (1) shall be in addition to and not in substitution for any other law relating to or defining the internal waters of Namibia.

3A Contiguous Zone of Namibia

(1) The sea outside the territorial sea of Namibia but within a distance of 24 nautical miles from the low water line or any other base line from which the territorial sea was measured shall constitute the contiguous zone of Namibia.

(2) In determining the extent of the contiguous zone of Namibia the provisions of section 2(2) shall *mutatis mutandis* apply.

(3) Within the contiguous zone of Namibia, Namibia shall have the right to exercise any powers which it may consider necessary to prevent the contravention of any fiscal law or any law relating to customs, immigration or health.

**[S. 3A inserted by s. 1 of Act 30 of 1991]*

4 Exclusive economic zone of Namibia

(1) The sea outside the territorial sea of Namibia but within a distance of two hundred nautical miles from the low water line or any other base line from which the territorial sea was measured shall constitute the exclusive economic zone of Namibia.

(2) In determining the extent of the exclusive economic zone the provisions of section 2(2) shall *mutatis mutandis* apply.

(3) Within the exclusive economic zone -

- (a) any law of Namibia which relates to the exploitation, exploration, conservation or management of the natural resources of the sea, whether living or non-living, shall apply;
- (b) Namibia shall have the right to exercise any powers which it may consider necessary to prevent the contravention of any law relating to the natural resources of the sea.

**[S. 4(3)(b) substituted by s. 2 of Act 30 of 1991]*

(4) Any law in force in Namibia at the commencement of this Act relating to any fishing zone, shall apply within the exclusive economic zone of Namibia, and any reference in any such law to any fishing zone shall be deemed to be a reference to the exclusive economic zone as defined in this Act.

5 Delimitation of territorial sea or exclusive economic zone

If, in determining the extent of the territorial sea or exclusive economic zone of Namibia or after having so determined it, it infringes or overlaps with the territorial sea, exclusive economic zone or any other maritime zone, as the case may be, of any other State, the extent of the territorial sea or exclusive economic zone of Namibia may be determined or altered by agreement with the State concerned, and pending the conclusion of such an agreement or if no such agreement can be reached, the extent of the territorial sea or exclusive economic zone of Namibia, as the case may be, may be determined or altered by Namibia as it deems fit.

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

6 Continental shelf of Namibia

(1) The continental shelf as defined in the Convention, or as it may from time to time be defined by international convention and binding on Namibia, shall be the continental shelf of Namibia.

(2) The continental shelf referred to in subsection (1) shall for the purposes of -

- (a) the exploitation of the natural resources of the sea; and
- (b) any provision of any law relating to mining, precious stones, metals or minerals, including natural oil, which applies in that part of Namibia which adjoins the continental shelf,

be deemed to be State land.

**[S. 6(2) substituted by s. 3 of Act 30 of 1991]*

7 Repeal or amendment of laws

The laws specified in the Schedule are hereby repealed or amended to the extent set out in the third column of the Schedule.

8 Short title and commencement

This Act shall be called the Territorial Sea and Exclusive Economic Zone of Namibia Act, 1990, and shall come into operation on a date to be determined by the President by proclamation in the *Gazette*.

SCHEDULE . . .

**[Schedule repealed by s. 43(1) of Act 29 of 1992]*