

Where, Exactly, Is the Shoreline? The South African Example.

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SUMMARY

Older South African Cadastral documents often refer to the seaward boundaries in simplistic terms such as: the sea; the shore; the coast; et al. International law adopts maritime baselines in relation to the low-water line and internal waters landward of the maritime baselines. Where does the terrestrial Cadastre end, and where does the marine Cadastre begin? Do they overlap? Can these boundaries be determined sufficiently accurately to identify areas of jurisdiction and separation of administrative functions?

It is imperative that the boundaries of any area of jurisdiction be defined (i.e., what is the boundary?), and the position clearly determined (i.e., where is the boundary?). From a terrestrial perspective, many seaward boundaries are ambulatory, which means that they move with time. In days gone by it was enough to know that the property extended to the ocean; however, accuracies that were acceptable then are not good enough for today's management of scarce resources – land, water and environment.

This paper therefore looks at the legal definitions within the South African legislation, compares them with the International Conventions such as the United Nations Convention on the Law of the Sea (UNCLOS) and discovers that lack of positional accuracy standards results in uncertainty and almost certainly gaps and overlaps in areas of jurisdiction. While the example is from South Africa, the problem is likely to be far more widespread and many states may have similar issues.

Once national laws and international conventions have established what defines the position of these interface boundaries, land professionals can then determine where such boundaries are, within standardised accuracy. Member states can then determine their maritime/terrestrial jurisdictions sufficiently accurately for land and sea administration and decision-making purposes.

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