

# DISASTERS

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## *Civil Defence Act 39 of 1966*, as amended in South Africa to 1977

**Summary:** This Act ([RSA GG 1567](#)) provides for a Directorate of Civil Defence in the public service and deals with emergency powers. It was repealed in its entirety in South Africa by the *Civil Protection Act 67 of 1977* ([RSA GG 5555](#)).

**Applicability to SWA:** Section 19 originally stated: “This Act and any amendments thereof shall apply also in the territory of South West Africa, including the Eastern Caprivi Zipfel referred to in section three of the South West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951).”

However, section 19 was substituted by Act 69/1967, to give the State President of South Africa authority to make the Act and its amendments applicable to SWA. Section 19(1) states:

“The State President may by proclamation in the *Gazette* declare any of or all the provisions of this Act and of any amendment thereof to be *mutatis mutandis* applicable in the territory of South-West Africa (including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951)), and in relation to all persons in that portion of the said territory known as the “Rehoboth Gebiet” and defined in the First Schedule to Proclamation No. 28 of 1923 of the Administrator of the said territory.”

The Act was then again made applicable to South West Africa by RSA Proc. 205/1969 ([RSA GG 2495](#)), subject to certain interpretations and conditions specified in the Proclamation. This Proclamation stated:

“Under the powers vested in me by section 19 of the Civil Defence Act, 1966 (Act 39 of 1966), I hereby declare that, subject to the provisions of the Schedule to this Proclamation, all the provisions of the said Act shall apply *mutatis mutandis* in the territory of South-West Africa [including the Eastern Caprivi Zipfel referred to in section 38(5) of the South-West Africa Constitution Act, 1968 (Act 39 of 1968)], and in relation to all persons in that portion of the said territory known as the ‘Rehoboth Gebiet’ and defined in the First Schedule to Proclamation 28 of 1923 of the Administrator of the said territory, with effect from the first day of April 1969.”

[words in square brackets appear in the *Gazette* along with the square brackets].

The *Civil Protection Act 67 of 1977* ([RSA GG 5555](#)), which repealed the statute in South Africa, was not made applicable to South West Africa.

**Amendments:** There were no amendments to the Act in South Africa prior to the amendment to section 19 (regarding the method of applicability to SWA) by the *Civil Defence Amendment Act 69 of 1967* ([RSA GG 1754](#)).

After the amendment to section 19, the Act was amended in South Africa prior to Namibian independence by the *Defence Amendment Act 85 of 1967* (RSA GG 1776), the *Civil Defence Amendment Act 5 of 1969* (RSA GG 2301) and the *Defence Further Amendment Act 83 of 1974* ([RSA GG 4508](#)). However, section 19 as amended made amendments to the Act in South Africa applicable to South West Africa only if they were declared to be so applicable by proclamation, and no such proclamations could be located.

The Defence Act 1 of 2002 ([GG 2749](#)) repeals sections 20, 21 and 22.

**Regulations:** Regulations are authorised by section 18 of the Act. Pre-independence regulations have not been researched. No post-independence regulations have been promulgated.

## **Disaster Risk Management Act 10 of 2012**

**Summary:** This Act ([GG 5029](#)) establishes institutions for disaster risk management in Namibia, as well as a National Disaster Fund. It provides for an integrated and coordinated approach to disaster management which includes prevention, mitigation measures, emergency preparedness, disaster response and post-disaster recovery. It also covers the involvement of Namibia's uniformed forces in disaster situations, and repeals the Civil Defence Proclamation, AG. 54 of 1978 and the Civil Defence Ordinance 3 of 1979. However, anything done under the repealed laws which could have been done under a corresponding provision of this Act is deemed to have been so done. The Act was brought into force on 31 December 2013 by GN 348/2013 ([GG 5380](#)).

**Regulations:** Regulations, rules and codes of conduct made under the repealed laws remain valid until explicitly repealed, in terms of section 59(2). However, pre-independence regulations have not been researched.

Regulations made under this Act are contained in GG 349/2013 ([GG 5380](#)). These regulations do not repeal any of those made under previous legislation.

**Notices:** Proc. 14/2019 ([GG 6900](#)) declared a state of emergency with effect from 6 May 2019 "on account of the persisting national disaster of drought that exists in all the regions of the Republic of Namibia". This Proclamation cites Article 26(1) of the Namibian Constitution, read together with section 30(3) of this Act. (In contrast, a previous declaration of a state of emergency on account of drought, in Proclamation 5 of 2016 ([GG 6056](#)), made no mention of the Act.)

**Appointments:** The members of the National Disaster Risk Management Committee are announced in GN 149/2016 ([GG 6062](#)), with retroactive effect from 22 October 2015.

**Related international agreements:** There are no current international treaties regarding natural disasters. However, guidelines for model national laws on natural disasters have been developed by the International Federation of Red Cross/Red Crescent Societies with support from the UN. Information on these guidelines is available at [www.atha.se/thematic-areas/international-disaster-response-law](http://www.atha.se/thematic-areas/international-disaster-response-law).

See also Local Authorities Fire Brigade Services Act 5 of 2006 (**REGIONAL AND LOCAL GOVERNMENT**).