

THE COVID-19 STATE OF EMERGENCY (10 June 2020)

Declaration of state of emergency: The Declaration of State of Emergency: National Disaster (COVID-19) Proclamation 7/2020 ([GG 7148](#)) declared a state of emergency in the whole of Namibia on account of the outbreak of the Coronavirus disease (COVID -19), with effect from 17 March 2020. This Proclamation was approved by a resolution of the National Assembly as required by Article 26 of the Namibian Constitution (see, for example, "[Parliament blesses state of emergency](#)", *The Namibian*, 20 March 2020).

Emergency regulations: The first "**Stage 1**" **State of Emergency – COVID-19 Regulations** were issued on 23 March 2020 in Proclamation 9/2020 ([GG 7159](#)) and amended on 18 April 2020 by Proclamation 13/2020 ([GG 7180](#)). The lockdown period covered by these regulations was initially stated in Proclamation 9/2020 to be from 14:00 on 28 March 2020 until 23:59 on 17 April 2020, then amended by Proclamation 13/2020 to continue from 23:59 on 17 April 2020 to 23:59 on 4 May 2020. This first set of emergency regulations expired at the end of lockdown on 4 May 2020.

The initial regulations were replaced with a new set of "**Stage 2**" **State of Emergency – COVID-19 Regulations** issued on 4 May 2020 in Proclamation 17/2020 ([GG 7203](#)). These regulations covered the period from 23:59 on 4 May 2020 to at 23:59 on 1 June 2020.

The Stage 2 regulations were amended on 1 June 2020 for application to "**Stage 3**", by Proclamation 21/2020 ([GG 7225](#)). These amended regulations covered the period from 23:59 on 1 June 2020 to 23:59 on 28 June 2020.

On 29 May 2020, the **Walvis Bay Local Authority Area** was returned to Stage 1. New Stage 1 regulations were issued for Walvis Bay in Proclamation 20/2020 ([GG 7222](#)), as amended on 4 June 2020 by Proclamation 23/2020 ([GG 7229](#)). The initial period of lockdown for Walvis Bay was from the publication of Proclamation 20/2020 on 29 May 2020 to 23:59 on 4 June 2020, then amended by Proclamation 23/2020 to be from 24:00 on 29 May 2020 until 23:59 on 8 June 2020. The "Stage 3" regulations, which initially applied to the whole of Namibia, were amended in this regard by Proclamation 21/2020 ([GG 7225](#)) after Walvis Bay returned to Stage 1.

The Walvis Bay regulations were repealed by Proclamation 24/2020 ([GG 7232](#)), which issued regulations returning the whole of the **Erongo Region** (which includes Walvis Bay) into Stage 1 from 00:00 on 9 June 2020 to 24:00 on 22 June 2020. The "Stage 3" regulations were accordingly amended by Proclamation 25/2020 ([GG 7235](#)) after the whole of the Erongo Region returned to Stage 1.

Suspension of certain laws: Article 26(5)(b) of the Namibian Constitution empowers the President "to suspend the operation of any rule of the common law or statute or any fundamental right or freedom protected by this Constitution, for such period and subject to such conditions as are reasonably justifiable for the purpose of dealing with the situation which has given rise to the emergency", subject to Article 24 of the Constitution on non-derogable rights. The following Proclamations were issued pursuant to that power:

- State of Emergency - Covid-19: Suspension of Operation of Provisions of Certain Laws and Ancillary Matters Regulations: Namibian Constitution, Proc. 16/2020 ([GG 7194](#)) [Stage 1]
- State of Emergency - Covid-19: Further Suspension of Operation of Provisions of Certain Laws and Ancillary Matters Regulations: Namibian Constitution, Proc. 18/2020 ([GG 7204](#)) [Stage 2], amended on 1 June 2020 by Proclamation 22/2020 ([GG 7226](#)) [Stage 3].

Directives: Both the initial Stage 1 regulations and the subsequent Stage 2 and Stage 3 regulations provided that the President may authorise a minister to issue directives that supplement or explain any of the regulations, or assist with their enforcement – with these directives having the force of law if approved by the Attorney-General and published in the *Government Gazette*. The following directives were gazetted:

- Directions relating to **judicial proceedings** issued by the Chief Justice in terms of regulation 13(1) of the State of Emergency COVID - 19 Regulations, GN 90/2020 ([GG 7160](#)), as amended by GN 111/2020 ([GG 7198](#))
Note that GN 111/2020 erroneously states that it is amending GN 19/2020 instead of GN 90/2020.
- Directive relating to **Regional Councils and Local Authority Councils**: State of Emergency - Covid-19 Regulations, GN 104/2020 ([GG 7183](#))
- Directive relating to **visiting hours of inmates, delivery of food items to inmates and issuing of permits to offenders and persons accompanying offenders** during period of lockdown: State of Emergency - Covid-19 Regulations, GN 105/2020 ([GG 7184](#))
- Directives relating to **registered business entities and operational matters for retail traders and other businesses**: State of Emergency - Covid-19 Regulations, GN 106/2020 ([GG 7185](#))
- **Health Directives** relating to Covid-19: State of Emergency - Covid-19 Regulations, GN 107/2020 ([GG 7189](#))
- Directives relating to **environment, forestry and tourism**: State of Emergency - Covid-19 Regulations, GN 108/2020 ([GG 7190](#))
- Directives relating to **open markets and informal trading** during period of lockdown: State of Emergency - Covid-19 Regulations, GN 109/2020 ([GG 7191](#))
- **Labour Directives** relating to Covid-19: State of Emergency - Covid-19 Regulations, GN 110/2020 ([GG 7195](#))
- Directives relating to **Works and Transport**: State of Emergency - Covid-19 Regulations, GN 113/2020 ([GG 7200](#))
- Directives Relating to **Fishing Industry**: Stage 2: State of Emergency - Covid-19 Regulations, GN 119/2020 ([GG 7213](#))
- Directive Relating to **Child Protection Response** during COVID-19: State of Emergency - Covid-19 Regulations, GN 120/2020 ([GG 7214](#))
- Directive Relating to **Sale of Liquor**: Stage 2: State of Emergency - Covid-19 Regulations [amended to be applicable to Stage 3], GN 129/2020 ([GG 7236](#))

Related documents:

- **Bank of Namibia**: Determination on policy changes in response to economic and financial stability challenges, following the fallout of the Covid-19 Pandemic (BID-33) (issued in terms of the Banking Institutions Act 2 of 1998), GN 127/2020 ([GG 7166](#))
- **Namibia Financial Institutions Supervisory Authority**: Covid - 19 Pandemic: Declaration of undesirable practice (issued in terms of section 4(9) of the Medical Aid Funds Act 23 of 1995), GN 129/2020 ([GG 7169](#))
- State of Emergency Covid-19: **Finance Regulations** (relating to section 9(2) of the State Finance Act 31 of 1991), Proc. 14/2020 ([GG 7182](#)).