



cooperative
governance

Department:
Cooperative Governance
REPUBLIC OF SOUTH AFRICA

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Enq: Dr M Tau
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Reference: 17/7/3

Adv. Peter Wassenaar

Director: Kriek Wassenaar & Venter ING
3rd Floor, HB Forum Building,
13 Stamvrug Road,
Val de Grace,
Pretoria
0184

Dear Adv. Wassenaar

**REVIEW OF CLASSIFICATION OF NATIONAL STATE OF DISASTER
RELATING TO CORONAVIRUS COVID-19 PANDEMIC AND
DECLARATION OF A NATIONAL STATE OF DISASTER**

Your letter dated 12 January 2022 pertaining the matter above, bears reference.

As you are aware, the classification of a disaster is set out in section 23 of the Disaster Management Act, 2002 (Act No. 57 of 2002) and empowers me as the Head of the National Centre to classify local, provincial or national disasters when disastrous events occur or threaten to occur. It also empowers me to reclassify a disaster at any time, after consultation, if the magnitude or severity of the disaster is greater or lesser than the initial assessment.

In terms of this authority, I have classified the Covid-19 pandemic as a national disaster on 15 March 2020.

Subsequent to the Cabinet resolution of 15 March 2020, the Minister of Cooperative Governance and Traditional Affairs (COGTA), declared a national state of disaster in terms of Section 27(1) of the Disaster Management Act, 2002 having recognised that the special circumstances presented by the COVID-19 pandemic warranted the declaration of a national state of disaster.



Department of Cooperative Government / UMnyango Kahulumeni Wokubambisana / Lefapha la puso ya kopanelo / Departement
van Samewerkende Regering / Litiko Lekubusa Ngekubambisana / Umnyango Wezokubusa Ngokuhlanganyela / Ndzawulo ya
Mfumo wa Miganga / Lefapha la puso ea tšebeliso / ISebe lolawulo lwentsebenziswano / Muhasho wa Tshumisano na
Mavhusele / Kgoro ya Pušo Tirišano

**REVIEW OF CLASSIFICATION OF NATIONAL STATE OF DISASTER RELATING TO CORONAVIRUS
COVID-19 PANDEMIC AND DECLARATION OF NATIONAL STATE OF DISASTER**

Given this, the ongoing impact of the COVID-19 pandemic, and the Cabinet decision that the national state of disaster remains in place at least until 15 February 2022, I contend that the reclassification of the event to that of a provincial or local disaster is neither reasonable or rational. Similarly, the revocation of the classification cannot be reasonably or rationally justified outside the implementation of sustainable regulatory measures needed for the control of COVID-19 beyond the national state of disaster that is based on existing legislation administered by the respective Ministries.

On the basis of the above, I cannot accede to your client's demand that the NDMC reconsiders the classification of COVID-19 as a national disaster.

Yours Sincerely,

A handwritten signature in black ink, appearing to read 'Mmaphaka Tau', with a stylized, cursive script.

DR MMAPHAKA TAU

HEAD: NATIONAL DISASTER MANAGEMENT CENTRE

DATE: 20 JANUARY 2022