



STATE CAPTURE
AND BEYOND

DISASTER MANAGEMENT



State Capture and Beyond

Disaster Management

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Background

The State Capture and Beyond (SCAB) project is a collaboration between Brot für die Welt (Bread for the World [BfdW]), the Human Rights Media Trust (HRMT), and the Legal Resources Centre (LRC) and is co-funded by the European Union (EU). The purpose of SCAB is to address corruption in South Africa based on the recommendations from the [Commission of Inquiry into State Capture \(CISC\)](#). To do this, it is bringing together Civil Society Organisations (CSO) and Community-Based Organisations (CBO). The outcome is to create a national movement against corruption to help individuals understand, demand, and achieve their rights. Addressing the deep wound of corruption directly helps the wound to scab over and heal.

[Brot für die Welt](#) is the largest Protestant non-governmental development and human rights organisation in Germany. Active in almost 90 countries with more than 60 years of experience, it aims to empower poor and marginalised groups to improve their living conditions. This organisation has a long history of working with the EU and has coordinated many projects across South Africa. For SCAB, BfdW brings a wealth of experience with worldwide connections and partners, making it the perfect fit in the role of coordinating and monitoring the project.

The [Human Rights Media Trust](#), a non-profit organisation founded in 2004, partners with social justice initiatives to operate throughout South Africa. HRMT focuses on media, non-extractive filmmaking methods, and social impact campaigns to amplify calls for justice while promoting a culture of democracy. HRMT spreads information with an innovative use of media and creative narratives to empower marginalised community voices.

The [Legal Resources Centre](#), founded in 1979, is a non-profit human rights law organisation with offices in Johannesburg, Cape Town, Durban, and Makhanda. The LRC actively defends the Constitution and rule of law in South Africa, encompassing diverse areas of the law: land, housing, health, education, equality, and socio-political rights. With a long history of providing legal services, the LRC has a deep understanding of human rights law and has developed longstanding alliances with grassroots movements.

Summary

South Africa possesses one of the most progressive legislative frameworks for disaster management in the developing world. The Disaster Management Act 57 of 2002 (DMA), supplemented by the National Disaster Management Framework of 2005 and the constitutional provisions of Section 37, establishes a comprehensive three-tier system of national, provincial, and municipal disaster management centres. On paper, this framework aligns closely with international best practice, including the Sendai Framework for Disaster Risk Reduction 2015–2030. However, this report reveals a profound and persistent gap between the law on paper and its implementation on the ground, a gap that costs lives, wastes billions of rands, and deepens the vulnerability of South Africa's poorest communities.

The climate crisis has fundamentally altered South Africa's disaster profile. While the country remains geologically stable, the intensification of weather-related events—floods, droughts, fires, and heatwaves—combined with the unresolved legacy of spatial apartheid and rapid urbanisation, has created a perfect storm of vulnerability. The 2022 KwaZulu-Natal floods, which caused over 450 deaths and R54 billion in damages, were not an aberration but a warning. Disasters in South Africa do not strike equally; they follow the racial and economic lines drawn by the Group Areas Act, disproportionately devastating informal settlements and marginalised communities.

Beyond weather, South Africa faces complex systemic disasters. The HIV/AIDS crisis, which claimed an estimated 330,000 lives prematurely due to state denialism, and the COVID-19 pandemic, which exposed catastrophic failures in procurement integrity, demonstrate that disasters in South Africa are as much about governance as they are about nature. Gender-based violence, declared a national disaster only in 2025 after sustained civil society pressure, illustrates how social collapses can be as deadly as physical ones.

This report identifies several critical challenges that undermine effective disaster management. First, the system remains excessively centralised and reactive. Despite the DMA's emphasis on Disaster Risk Reduction, the state consistently defaults to a command-and-control posture, waiting for disaster declarations rather than investing in prevention. Second, local disaster management centres—the operational backbone of the system—are chronically under-capacitated, lacking skilled staff, adequate budgets, functioning

equipment, and maintained infrastructure. Third, disaster declarations have become corridors for corruption: the Special Investigating Unit found irregularities in over half of COVID-19 procurement contracts investigated, amounting to R8.9 billion in irregular spending. Fourth, there is inadequate parliamentary oversight over states of disaster, which can be extended indefinitely by ministerial discretion without the safeguards that apply to states of emergency under Section 37 of the Constitution.

The report also examines comparative models from Japan and Bangladesh, which offer instructive alternatives. Japan's decentralised prefectural autonomy model empowers local leaders to act without waiting for central government, while Bangladesh's community-volunteer model demonstrates that empowering grassroots structures can save more lives than top-heavy deployments – even with limited budgets. South Africa's current system is ill-suited to its spatial realities and would benefit from elements of both approaches.

A review of litigation arising from the COVID-19 pandemic and other disasters reveals that courts have been called upon repeatedly to act as a check against executive overreach. Key judgments in *De Beer*, *Esau*, *Khosa*, and *British American Tobacco* have clarified that a state of disaster is not a blank cheque: regulations must be rational, proportionate, and subject to judicial review. However, litigation is expensive, slow, and inaccessible to most South Africans, underscoring the need for structural reform rather than reliance on the courts as the primary safeguard.

The report's recommendations focus on four pillars: capacitating disaster management structures through proper staffing, training, and funding; enhancing transparency and accountability through real-time digital oversight and consistent procurement standards; strengthening anti-corruption mechanisms through effective whistleblower protection, independent oversight bodies, and criminal liability for negligent officials; and improving cooperation and coordination through decentralisation, community empowerment, and private sector integration. Legislative reform should include automatic sunset clauses for disaster regulations, enhanced parliamentary oversight, and explicit integration of climate change projections into disaster risk assessments as mandated by the Climate Change Act 22 of 2024.

Ultimately, holding the government accountable for disaster management is not solely the responsibility of institutions. This report sets out the many avenues available to ordinary citizens- from accessing information through government websites and PAIA requests, to reporting problems via dedicated hotlines, to escalating through protests, petitions, written

submissions, and litigation. In a constitutional democracy, the tools for accountability exist. The challenge is ensuring that they are known, accessible, and used.

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Introduction

South Africa's historical perception as a country geographically shielded from cataclysmic natural disasters, due to its stable tectonic plate and lack of active volcanoes, is being rapidly overturned by the climate crisis. While geological threats remain low, the intensity of weather-related disasters has increased. This factor, viewed with the double-whammy of the as-yet unaddressed systemic legacy of spatial apartheid and rapidly growing populations, has created a perfect storm of vulnerability.

Disasters are no longer merely unpredictable tragedies; they are increasingly frequent and severe. Climate change has shifted the baseline for South African weather, producing more intense rainfall events and longer, deeper droughts.

- The 1987 KwaZulu-Natal (KZN) floods, which claimed 506 lives, were once considered an outlier. However, the 2022 KZN floods, which caused over 450 deaths and R54 billion in damages, demonstrated that extreme precipitation is the new normal. KwaZulu-Natal, Limpopo, and the eastern regions of the country are particularly prone to flooding due to interactions between tropical, subtropical, and temperate weather systems.¹
- As a water-scarce nation, growing populations in urban hubs such as Johannesburg and Cape Town place immense pressure on ageing infrastructure. Climate-induced droughts are no longer merely agricultural crises but existential threats to urban stability, as demonstrated by the Day Zero crisis in Cape Town.
- Rising mean temperatures increase the risk of veld and forest fires, particularly in the Western Cape, while heatwaves pose a lethal threat to the elderly and those living in overcrowded, poorly ventilated informal dwellings.

The impact of disasters in South Africa is not distributed equally; it follows the racial and economic lines drawn by the Apartheid-era Group Areas Act. Spatial apartheid pushed Black, Indian, and Coloured populations to the peripheries, often onto land unsuitable for development – steep hillsides, floodplains, and other hazardous terrain – creating vulnerability by design. Today, as populations grow, these areas become increasingly dense. When heavy rains strike, wealthier suburbs generally have the drainage and resilient infrastructure to survive; informal settlements near riverbanks, which exist because of the chronic shortage of affordable urban housing, suffer total destruction. This spatial inequality means that a single weather event becomes a humanitarian disaster primarily for the poor.

Beyond weather, South Africa faces complex man-made and systemic disasters. The mining sector remains a significant risk, with over 11,000 deaths recorded between 1984 and 2005.² As mines reach the end of their operational lives, acid mine drainage and unstable tailings dams pose long-term environmental disaster risks to surrounding communities. Mining remains an important component of the economy and will continue for the foreseeable future, requiring appropriate attention in disaster management planning.

Health-related disasters, such as epidemics, also pose credible risks. The HIV/AIDS crisis, which claimed an estimated 330,000 lives prematurely due to state denialism, and the COVID-19 pandemic highlighted the fragility of a public health system burdened by growing demand.³ While the HIV/AIDS epidemic eventually slowed after substantial policy changes enabled a more coordinated response, an estimated 7.2 million individuals continue to live with HIV/AIDS and require regular medication.

COVID-19, which was declared a state of disaster on 15 March 2020 (ending on 4 April 2022), required immediate and effective government coordination to reduce the spread of the disease, which led to over 4 million infections and more than 100,000 deaths.⁴ COVID-19 also created further opportunities for looting of the public purse and for other crimes, including gender-based violence (GBV), to flourish.

GBV is an invidious scourge that has plagued South African society for an unconscionably long time. It was only in 2025, after sustained pressure from civil society, that the government declared GBV a national disaster, reflecting the extreme levels at which women are hurt, raped, and killed and the desperate need for a coordinated national response.⁵ This declaration signalled that the government finally recognised that social collapses can be as deadly as physical ones, requiring the same level of coordinated national mobilisation as a flood or fire.

South Africa's current disaster management landscape is characterised by a reactive rather than proactive culture, despite having one of the world's most progressive legislative frameworks on paper. The Disaster Management Act (DMA) 57 of 2002 and the National Disaster Management Framework (NDMF) of 2005 establish a three-tier system:

- The National Disaster Management Centre (NDMC), which functions as the brain of the system and is intended to coordinate all spheres of government.
- The Provincial and Municipal Centres, which serve as the operational hands of the system and are intended to execute local risk reduction.

The reality on the ground is that local government is under-capacitated. Many municipalities lack dedicated disaster management budgets and often divert funds to ad hoc immediate crises such as wage bills.

Moreover, the government appears to be constrained in a reactive posture. Instead of investing in Disaster Risk Reduction (DRR), like maintaining storm drains, clearing fire breaks, and reinforcing vulnerable infrastructure, the state often waits for a State of Disaster to be declared before unlocking emergency funding. Compounding this lack of readiness, government departments (Water, Housing, Transport) frequently fail to integrate their plans, leading to fragmented responses and, at times, devastating consequences during events such as the KZN floods or the Western Cape droughts.

South African law provides the state with the power to cut through red tape to save lives. Section 37 of the Constitution allows for the declaration of a state of emergency to coordinate appropriate responses to disasters. According to section 37(1)(a), the government should only declare a state of emergency in response to a threat of war, invasion, general insurrection, disorder, natural disaster, or other public emergency, and only if the declaration is necessary to restore peace and order. This has been legislated into two statutes: the State of Emergency Act 64 of 1997 and the Disaster Management Act 57 of 2002. These statutes allow the government to coordinate rapid responses, mobilising the resources necessary to reduce harm and save lives, and to cut through regulations and processes that would otherwise delay aid delivery.

However, history warns us that these powers are double-edged. Between the 1960s and 1990s, the Apartheid government used States of Emergency not to save lives but to suppress political dissent. These declarations treated unrest as a disaster and allowed the government to impose emergency measures, including mass detentions and martial law. The mobilisation and empowerment of the police led to the detention of thousands of individuals on frivolous charges and increased the number of clashes with protesters that resulted in deaths.⁶ It remains a concern that declarations of states of emergency confer powers on the state that are not immune to abuse and mismanagement.

The abuse of government systems is a grave concern, as mismanagement, negligence, and corruption subvert disaster response policies for personal gain. In the democratic era, the state of disaster has become a loophole for looting. The COVID-19 pandemic revealed worrying misuses of state power. The Special Investigating Unit (SIU) investigated

procurement contracts entered into during the COVID-19 national state of disaster on suspicion of irregularities. Of the 5,515 contracts investigated (valued at R17.8 billion), the SIU found irregularities in 2,965 contracts valued at R8.9 billion.⁷

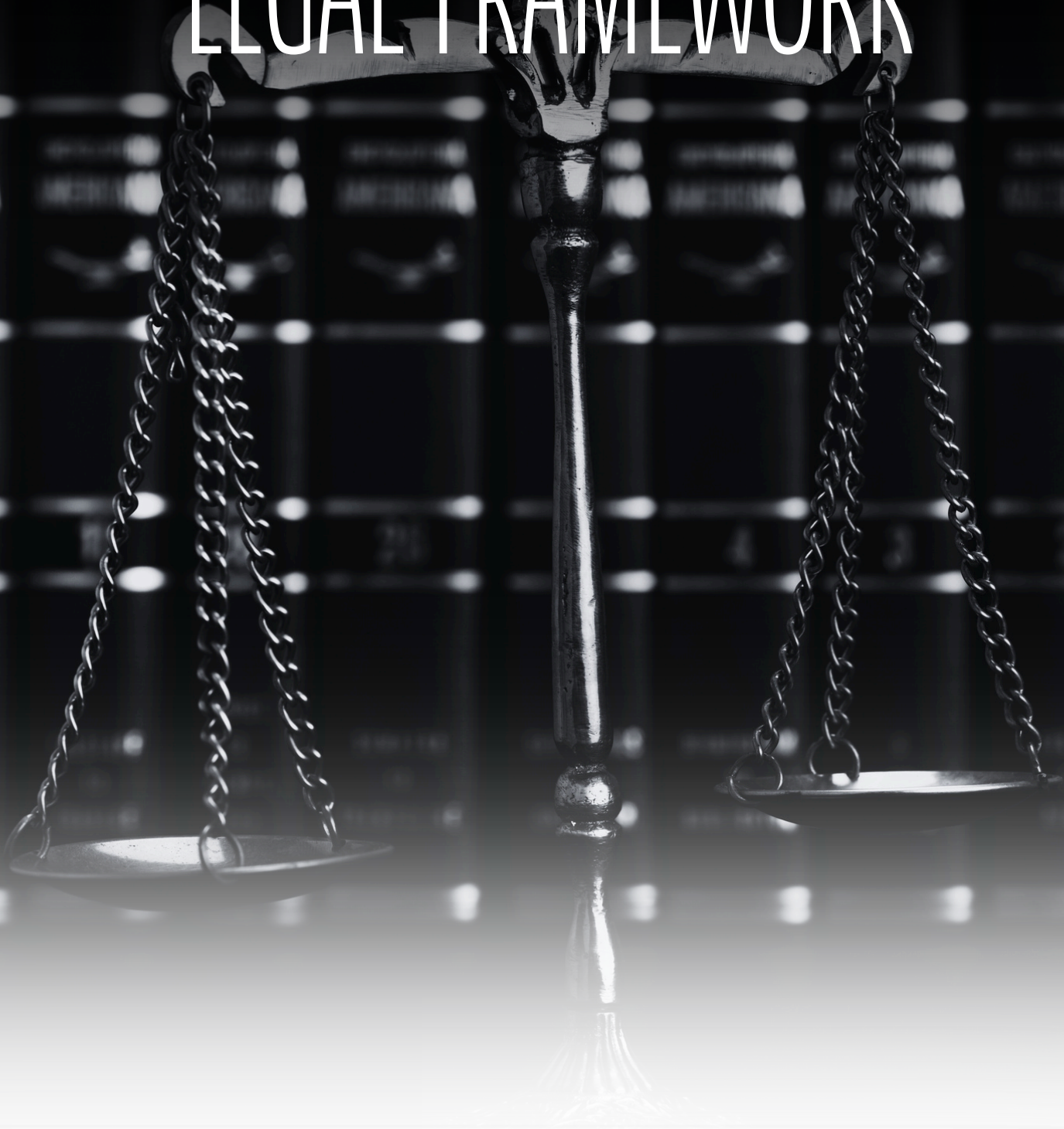
As climate change and other factors increase the frequency and severity of disasters, they increase the number of people in harm's way. The risk of corruption becomes a death sentence. When funds meant for flood-resilient housing or emergency PPE are diverted through irregular procurement, the state is not merely mismanaging funds; it is actively violating the constitutional rights of its most vulnerable citizens. The challenge for South Africa in 2026 and beyond is to build a disaster management system that is as transparent as it is rapid, ensuring that the loosening of controls required for speed does not become an open door for the next wave of state capture.

In the sections that follow, this report sets out the legislative context in which disaster management occurs; examines the case law that has developed around the issues arising from disaster management; interrogates the status quo against the ideal disaster management regime; and finally, sets out what options are available to affected or concerned persons living in South Africa.



STATE CAPTURE AND BEYOND

LEGAL FRAMEWORK



Legal Framework

International Law

International disaster response law (IDRL) is the field of international law that addresses the coordination and concerns related to providing disaster assistance across borders. In essence, a state that requires assistance must consent to external help and facilitate an organised response. This involves removing legal barriers and streamlining processes that would otherwise hinder the response, such as visa requirements for relief workers and customs checks for equipment and goods.

To coordinate international law on disaster responses, the International Federation of Red Cross and Red Crescent Societies (IFRC) created the [Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance](#) (IDRL Guidelines). These guidelines are recommendations to help governments draft laws and plans to prepare for disasters while welcoming international disaster relief. They were developed through consultation of existing international and national law. Over 140 governments, 140 National Red Cross and Red Crescent Societies, and 40 international organisations participated in their development, and they were unanimously adopted in November 2007.⁸

The IDRL Guidelines centre on four core principles. First, it is the responsibility of the affected state's government to respond to a disaster; international assistance is a supporting role that should complement rather than replace the affected state's own efforts. Second, international relief providers have responsibilities to uphold minimum humanitarian standards of humanity, neutrality, and impartiality, including standards for coordination and the quality of goods, personnel, and programmes. Third, international relief providers need legal assistance and facilitation from the state requiring assistance, including expedited visa processing, customs clearance, relief transport, tax exemptions for relief activities, and simplified means for organisations to acquire temporary legal personality. Fourth, there should be limits to the legal facilities provided, conditional on compliance with minimum standards and a commitment to providing relief.

Along with the IDRL Guidelines, several international agreements address disaster relief and risk mitigation. The [Sendai Framework for Disaster Risk Reduction 2015–2030](#) (Sendai Framework) is the global gold standard for Disaster Risk Reduction (DRR). Endorsed by the

UN General Assembly in 2015, it sets out objectives to reduce the losses in lives, livelihoods, and health from disasters. It calls on states to adopt frameworks that understand disaster risks, strengthen governance and management, invest in reducing disaster risks, and enhance disaster preparedness for effective responses.

The [Sustainable Development Goals](#) (SDGs), adopted by the United Nations in 2015, call on states to take action to address poverty and protect the planet. While the SDGs do not focus primarily on disaster management, several goals incorporate risk mitigation and management focused on disaster risk reduction, including those on Poverty (SDG 1), Zero Hunger (SDG 2), Good Health (SDG 3), Resilient Cities (SDG 11), and Climate Action (SDG 13).

In December 1991, the United Nations established the [Office for the Coordination of Humanitarian Affairs](#) (OCHA) pursuant to UN Resolution 46/182. At the request of the affected country's government, OCHA helps coordinate disaster response efforts to reduce duplication. OCHA is headquartered in Geneva and New York, with offices around the world to ensure global reach. In addition to disaster response, OCHA focuses on information analysis and sharing, humanitarian funding, policy development, and advocacy for the rights of people affected by crises.

The Constitution

In South Africa, disaster management is not merely an administrative task; it is a constitutional imperative. The Constitution provides for the declaration of a state of emergency if the nation is under threat from a public emergency, including war and natural disasters. A state of emergency is thus an extraordinary measure that grants the executive greater authority—setting aside slower checks and requirements—to enable rapid and coordinated responses to extreme situations.

Declaring a state of emergency concentrates power in the executive branch to make emergency regulations. The Constitution aims to balance the need for rapid government responses with the imperative of limiting potential harms. In essence, the Constitution foresees the gap that states of emergency leave open to the abuse of power and human rights, and provides for its prevention. Section 37 provides as follows:

37. (1) A state of emergency may be declared only in terms of an Act of Parliament, and only when—

(a) the life of the nation is threatened by war, invasion, general insurrection, disorder, natural disaster or other public emergency; and

(b) the declaration is necessary to restore peace and order.

(2) A declaration of a state of emergency, and any legislation enacted or other action taken in consequence of that declaration, may be effective only—

(a) prospectively; and

(b) for no more than 21 days from the date of the declaration, unless the National Assembly resolves to extend the declaration. The Assembly may extend a declaration of a state of emergency for no more than three months at a time. The first extension of the state of emergency must be by a resolution adopted with a supporting vote of a majority of the members of the Assembly. Any subsequent extension must be by a resolution adopted with a supporting vote of at least 60 per cent of the members of the Assembly. A resolution in terms of this paragraph may be adopted only following a public debate in the Assembly.

(3) Any competent court may decide on the validity of—

(a) a declaration of a state of emergency;

(b) any extension of a declaration of a state of emergency; or

(c) any legislation enacted, or other action taken, in consequence of a declaration of a state of emergency.

(4) Any legislation enacted in consequence of a declaration of a state of emergency may derogate from the Bill of Rights only to the extent that—

(a) the derogation is strictly required by the emergency; and

(b) the legislation— (i) is consistent with the Republic's obligations under international law applicable to states of emergency; (ii) conforms to subsection (5); and (iii) is published in the national Government Gazette as soon as reasonably possible after being enacted.

(5) No Act of Parliament that authorises a declaration of a state of emergency, and no legislation enacted or other action taken in consequence of a declaration, may permit or authorise—

(a) indemnifying the state, or any person, in respect of any unlawful act;

(b) any derogation from this section; or

(c) any derogation from a section mentioned in column 1 of the Table of Non-Derogable Rights, to the extent indicated opposite that section in column 3 of the Table.

Section 37(1) establishes two requirements that must be met before a state of emergency may be declared: the nation must be threatened, and the declaration must be necessary for the restoration of order and peace. An important safeguard is that only an Act of Parliament may declare a state of emergency—particularly significant given the legislation's ability to concentrate power in the executive. The Constitution then limits the duration of states of emergency, which may be extended only by a decision of the National Assembly.

The Constitution also provides a mechanism for challenging a state of emergency. It enables any competent court to decide on the validity of the declaration, its extension, or any government actions taken in consequence thereof. This creates important checks restricting the power of the presidency to implement and maintain states of emergency.

The Right to Environment, set out in Section 24, is also directly relevant to the state's obligations in disaster management. This section places a positive obligation on the state to prevent ecological degradation:

24. Everyone has the right—

(a) to an environment that is not harmful to their health or wellbeing; and

(b) to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that—

(i) prevent pollution and ecological degradation;

(ii) promote conservation; and

(iii) secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

If a municipality fails to maintain a dam wall or drainage system, it may constitute a violation of residents' right to an environment that is not harmful to their health. The National Environmental Management Act 107 of 1998 (NEMA) reinforces this constitutional right by imposing a duty of care on every person who causes, or may cause, significant pollution or degradation of the environment.⁹ Similarly, the National Water Act 36 of 1998 provides a framework for the management of water resources and places obligations on the state to prevent and remedy pollution of water resources – directly relevant to both flood and drought management.¹⁰

Legislation

In South Africa, the legal framework for handling crises is divided into two distinct categories: States of Emergency, governed by the Constitution and the State of Emergency Act, and States of Disaster, governed by the Disaster Management Act. The primary difference lies in severity: a State of Emergency is a last resort that can suspend certain constitutional rights, whereas a State of Disaster is an administrative tool used to manage specific catastrophes without suspending the Bill of Rights.

The [State of Emergency Act 64 of 1997](#) provides the procedural nuts and bolts for the implementation of Section 37 of the Constitution. It empowers the President to issue regulations to address the emergency, which may include imposing curfews, restricting movement, and detaining persons (under strict conditions). A key feature of the Act, designed to prevent the abuses seen during the Apartheid era, is that it requires the President to table any emergency regulation in Parliament. Parliament has the power to disapprove of these regulations at any time. South Africa has not yet declared a state of emergency under the 1997 Act.

The [Disaster Management Act 57 of 2002](#) (DMA) is a far more comprehensive and detailed statute that coordinates disaster management. The DMA is the most frequently used legislation for managing modern crises, including the COVID-19 pandemic, droughts, and the KZN floods. The Act focuses on the “prevention, mitigation, and management” of disasters. It establishes National, Provincial, and Municipal Disaster Management Centres to coordinate responses. Under Section 27 (for national disasters), the Minister of Cooperative Governance and Traditional Affairs (CoGTA) can declare a State of Disaster, allowing the government to cut red tape, for example, by releasing emergency funds, seizing property for relief efforts, or closing borders, without needing the higher threshold of a State of Emergency. Unlike states of emergency, the South African government has made extensive use of declaring states of disaster, including to address the electricity crisis and, more recently, the gender-based violence crisis.¹¹

While the DMA aligns with the Sendai Framework, it emphasises reconstruction. Priority 4 (Building Back Better) of the Framework, international law requires that reconstruction actively reduce future vulnerability, and this is a gap frequently observed in South Africa’s informal settlement recovery efforts – there is no harm reduction against future disasters. Moreover, there is an explicit link between the [Climate Change Act 22 of 2024](#) (which

commenced in March 2025) and the DMA. It is submitted that for South African law to remain current, disaster risk assessments must now legally incorporate the long-term climate projections mandated by the 2024 Act.

A further important piece of legislation is the [Intergovernmental Relations Framework Act 13 of 2005](#) (IGRFA), which provides a framework for the national, provincial, and local governments to facilitate coherent government through cooperation and coordination. The IGRFA is directly relevant to disaster management because the DMA's three-tier system depends on effective intergovernmental cooperation – an aspiration that, as will be discussed below, is often honoured in the breach.¹²

The [Public Finance Management Act 1 of 1999](#) (PFMA) is also relevant to disaster management, particularly with respect to procurement during states of disaster. Section 76(4)(c) of the PFMA and Treasury Regulation 16A allow for emergency procurement under certain conditions, but these provisions have been exploited during disasters, leading to the irregular spending documented by the SIU.¹³

The Disaster Management Framework, 2005

While not a statute in itself, the National Disaster Management Framework is a legally binding document created under the DMA. It provides the technical standards and guidelines for executing the DMA, focusing on four Key Performance Areas (KPAs): Institutional Capacity, Risk Assessment, Risk Reduction, and Response/Recovery. It mandates a shift from reactive relief to proactive risk reduction, emphasising that the government must plan for disasters before they happen.¹⁴

Summary Table: Emergency vs. Disaster

Feature	State of Emergency (Act 64 of 1997)	State of Disaster (Act 57 of 2002)
Declared by	The President	The Minister of COGTA
Threshold	Threat to the life of the nation	A specific catastrophe or weather event
Duration	21 days (extendable by Parliament)	3 months (extendable by the Minister)
Bill of Rights	Certain rights can be suspended	Rights remain intact (but can be limited)
Oversight	High (Parliament must approve extensions)	Lower (Ministerial discretion is broad)

International Agreements and Benchmarks

States of disaster increase the risk of maladministration and corruption, as the procedures that expedite responses are often open to abuse. Normal procurement processes are slow because they require transparency and strict oversight, but a state of disaster allows deviations and increased official discretion. These changes can also be confusing, as government bodies may have limited experience with altered regulations and procedures, while action is required at great speed.

International legal agreements provide guidelines for how states should develop disaster management frameworks. An important international benchmark for disaster management is the [Sendai Framework for Disaster Risk Reduction 2015–2030](#) (Sendai Framework), the successor instrument to the [Hyogo Framework for Action 2005–2015](#). The Sendai Framework provides four priorities for action:¹⁵

1. Understanding disaster risk
2. Strengthening disaster risk governance to manage disaster risk
3. Investing in disaster risk reduction for resilience
4. Enhancing disaster preparedness for effective response and to “Build Back Better” in recovery, rehabilitation, and reconstruction

Following these four priorities would help a state create a comprehensive plan that moves beyond merely reactive disaster response. The aim is for states to have robust disaster management plans that focus on prevention and risk reduction, minimising harm when disasters do occur.

While South Africa was an early adopter of advanced disaster laws, a gap has emerged between the 2002 legislation and modern international priorities. South Africa's legislative framework aligns well with international guidelines, and the DMA received international praise when it was first promulgated for promoting disaster risk reduction as a best practice.¹⁶ An important aspect of the DMA is its integration of disaster management between the national, provincial, and local spheres of government, overseen by the national and provincial departments of Cooperative Governance and Traditional Affairs (CoGTA) with local structures.

The DMA mandates the establishment of disaster management centres across the three spheres of government: a National Disaster Management Centre (NDMC), Provincial Disaster Management Centres (PDMCs), and Municipal Disaster Management Centres (MDMCs), all of which are overseen by the National Disaster Management Framework (NDMF). These centres should ideally coordinate disaster management and relief efforts nationwide.

The South African government has put in the necessary effort to record and understand disaster risk, aligning well with the Sendai Framework's first priority. There are government studies identifying a variety of risks common in the country and their respective causes, including droughts and floods, fires, pandemics, animal disease, technological threats, and social unrest.¹⁷ Part of this involves creating historical databases with details of past disasters.¹⁸

The DMA supports the creation of effective disaster risk governance, aligning well with the Sendai Framework's second priority. The DMA sets out hierarchies for the disaster management centres, including provisions for the appointment of heads, acting heads, and staff, along with their duties and responsibilities.

The comparatively early adoption of the DMA in 2002 positioned South Africa as pioneering, with a distinct shift from the old practice of reacting to disasters to planning ahead by considering hazards and vulnerabilities.¹⁹ A part of how the DMA achieves this change is its focus on foreseeable disasters rather than merely those that have already occurred. In the definitions, the DMA identifies a disaster as an occurrence that "causes or threatens to

cause.” Similarly, sections 23(1) on national disasters and 35(1) on provincial disasters both allow for declaring a disaster if a disastrous event “threatens to occur.” The DMA supports this further by requiring the development of early warning systems and disaster management plans.²⁰ The Government has supported these systems through research to analyse and improve current systems through the Early Warning for All (EW4All) initiative.²¹

The fourth Sendai Framework priority – building back better in recovery, rehabilitation, and reconstruction – appears to be South Africa’s weakest point. There are some strengths: the legal framework does focus on reconstruction and rehabilitation to make communities less vulnerable.²² The legal framework also provides for coordination and international cooperation while presenting disaster management as a shared responsibility. This culminates in meaningful programmes, such as supporting the development of drought-resistant crops.²³ However, significant challenges remain, including slow post-disaster reconstruction and rapid urbanisation, which contribute to the growth of informal settlements with poor disaster resilience.

While the South African disaster management framework is commendable, the country often struggles in practice when faced with disasters. Well-written laws and policies do not automatically translate into action, and the biggest challenge remains the lack of effective political will and enforcement.

A particularly heartbreaking example of this distinction between law and implementation is visible in the phases of the South African response to the HIV/AIDS epidemic. HIV/AIDS first became known in South Africa in 1982, and the Apartheid government began to recognise the danger in 1987 by creating regulations to include HIV as an official communicable disease - a slow response to a disease stigmatised by association with homosexuality and discomfort around discussing sexual activity.²⁴ The fully democratic Government of National Unity elected in 1994 took HIV/AIDS more seriously and started educational campaigns aimed at prevention, but this was still a slow response.

The pace of response was further hampered by the election of President Thabo Mbeki, who took a denialist approach. HIV infections and deaths rapidly increased towards the year 2000, reaching a peak of around 570,000 new infections per year. By 2005, South Africa reached a peak of over 280,000 deaths per year from HIV/AIDS.²⁵ Despite calls to declare HIV a national emergency, the government made no move to do so.²⁶ Even when the DMA came into effect, there was no movement towards a coordinated disaster management response using a state of disaster that could have made drugs and assistance available. It was only after court cases

championed by the Treatment Action Campaign (TAC) – most notably *Minister of Health and Others v Treatment Action Campaign and Others (No 2)*²⁷ – that the government began to provide effective HIV treatments. After Mbeki resigned as president, the Government began implementing more effective policies, but it never invoked a state of disaster to accelerate and coordinate action.

Even with the disaster management framework in place, significant human challenges persist. During the COVID-19 pandemic, the government extensively used the DMA by declaring a state of disaster and implementing a national lockdown with restrictions aimed at reducing infection rates and preserving hospital capacity. The government’s response involved massive procurement for medications, personal protective equipment, and other medical resources. However, many officials unfortunately viewed this procurement as an opportunity for self-enrichment. The SIU’s report found irregularities in 2,965 contracts valued at R8.9 billion out of the 5,515 contracts investigated. This means that more than half of the procurement contracts awarded during the state of disaster were marred by mismanagement, incompetence, or outright corruption.

The management of disaster management structures is another significant concern. The DMA in section 43 requires district and metropolitan municipalities to have dedicated disaster management centres, while local municipalities may choose to establish them. The establishment of these centres was initially slow, with research in 2014 finding that 80% of district municipalities were still in the process of establishing their centres.²⁸ More recent research shows that these centres lack the capacity to respond to disasters when they occur, including insufficient staff and staff lacking the necessary qualifications.²⁹ Disaster management centres also struggle with limited resources, damaged infrastructure, lack of equipment, underfunding, and poor maintenance – challenges that leave communities at risk and could be addressed through better management.

Disaster Management Models in Other Jurisdictions

South Africa's model of disaster management is often criticised for being top-down. Japan and Bangladesh offer valuable lessons in bottom-up and horizontal resilience.

South Africa: The Centralised Command and Control Model

As discussed above, the DMA creates a highly centralised hierarchy. The Minister of CoGTA holds the “big red button.” The NDMC is technically an extension of this ministry. In practice, this creates a bottleneck: Provincial and Municipal centres often wait for a national declaration to unlock funding or authority. During the 2022 KZN Floods, delays in national coordination meant local rescuers often operated without clear legal mandates or immediate budget releases. Because power is centralised, corruption at the national procurement level has a trickle-down effect, crippling every province simultaneously.

Japan: The Decentralised Prefectural Autonomy Model

Japan operates under the [Disaster Countermeasures Basic Act](#) (Act No. 223 of 1961), which is based on the principles of “Self-help, Mutual Assistance, and Public Assistance.” Japanese law requires real-time data sharing between private technology companies and the government. Unlike South Africa, Japan's framework assumes that the central government cannot know the local terrain as well as local leaders. Power is vested in Prefectures (equivalent to South African provinces). A Prefectural Governor has the legal authority to declare an emergency and mobilise the Self-Defence Forces directly, without waiting for the Prime Minister. This works because Japanese law mandates that every local citizen is part of a “Bousai” (Disaster Prevention) organisation. Coordination is horizontal: local fire departments, private tech companies, and neighbourhood associations have pre-signed legal agreements to act instinctively.

While the Japanese model cannot be directly transplanted into the South African framework, there are important lessons to draw. The DMA could be decentralised to allow Mayors or Premiers to unlock emergency funds based on local triggers, rather than waiting for a ministerial signature in Pretoria. South African law is currently silent on the role of the private sector; there is room to mandate that cellular networks and technology providers supply zero-rated emergency data and automated alerts during disasters.

Bangladesh: The Community-Volunteer Model

Bangladesh is arguably the world leader in low-cost, high-impact disaster management, governed by the [Disaster Management Act of 2012](#) (Act No. 34 of 2012). Bangladesh has transformed from a disaster-prone nation to a global leader in resilience, shifting from a relief-oriented approach to a Disaster Management Act that mandates community-level disaster management committees.

While Bangladesh has a National Council, the heart of its system is the Cyclone Preparedness Programme (CPP) – a legally recognised force of over 76,000 volunteers. In Bangladesh, the early warning is not merely an SMS (which many poor residents might not see); it is a volunteer on a bicycle with a megaphone and a hand-cranked siren. These volunteers have a legal right to enter properties to evacuate people. Much like South Africa’s informal settlements, Bangladesh deals with high-density, high-poverty areas. It addressed this challenge by building thousands of Multi-purpose Cyclone Shelters that serve as schools during normal times.

Bangladesh demonstrates that a massive budget is not required when a legal framework empowers community volunteers. South Africa’s DMA mentions volunteers, but they are underfunded and lack the legal status and equipment seen in the CPP. South Africa could benefit greatly from grassroots-led disaster management: these are the people who understand the vagaries of their communities, have the trust of their neighbours, and can better ascertain their needs in crisis situations. South Africa’s top-heavy system precludes meaningful community-driven involvement, whereas Bangladesh proves that giving legal authority and funding directly to local leaders saves more lives than centralised, military-style deployments.

Comparative Framework Summary Table

Feature	South Africa	Japan	Bangladesh
Legal Philosophy	State-led, Centralised	Localised, Tech-driven	Community-led, Volunteer-driven
Primary Actor	National Minister (CoGTA)	Prefectural Governor	Local Village Committees
Infrastructure	Large-scale (Dams/Walls)	High-tech (Seismic sensors)	Social (Shelters/Volunteers)
Funding Trigger	Political Declaration	Automatic Technical Triggers	Community Alert Levels

It is submitted that South Africa’s disaster management would be significantly improved by implementing a Bangladesh-type methodology in impoverished communities – empowering street committees with legal standing and equipment – and a Japan-type system in provincial responses – giving Premiers greater autonomy to bypass national bottlenecks. This approach would also address the ongoing effects of spatial apartheid and inequity in disaster responses, ensuring that the most vulnerable communities hold the tools for their own survival and have agency in the process.

Litigating Emergencies and Disasters

Litigation regarding States of Disaster and States of Emergency in South Africa has revealed a fundamental tension between executive expediency (the need for speedy resolution) and constitutional supremacy (the need to protect rights). While the legislative framework is designed to centralise power to save lives, the courts have increasingly been called upon to act as an emergency brake against executive overreach and irrationality.

Recent litigation, particularly during the COVID-19 pandemic and in the aftermath of the KZN floods, has highlighted three significant concerns. First, the rationality of regulations made under the DMA was tested in *De Beer v Minister of Cooperative Governance and Traditional Affairs* (2020). The High Court found that while the government had the power to make regulations under the DMA, many of those regulations were irrational because they did not logically connect to the goal of saving lives. This revealed that a State of Disaster is not a blank cheque to bypass the Bill of Rights.

Second, litigation showed that the DMA allows a single Minister (CoGTA) to exercise powers that normally belong to Parliament. Critics and litigants, such as in the *Esau v Minister of Cooperative Governance* (2020) case,³⁰ argued that this “rule by decree” undermines the separation of powers. The courts have had to clarify that even in a disaster, the Executive remains accountable to the Legislature.

Third, the distinction between emergency and disaster is critical. Litigants forced the courts to define the boundary between a Section 37 State of Emergency and a DMA State of Disaster. *De Beer* (at paragraph 184) was the first major challenge to the COVID-19 regulations, where the court scrutinised whether the Minister had overstepped administrative boundaries, highlighting that the DMA was being used to impose restrictions that felt “emergency-like” without the constitutional protections of Section 37. Similarly, in *Freedom Front Plus v President of the Republic of South Africa and Others* (2020) (at paragraph 266), the court explicitly discussed the difference between a State of Disaster and a State of Emergency, confirming that while the DMA is constitutional, it cannot be used to suspend rights in the way Section 37 does.

The Western Cape High Court dealt specifically with the rule of law in *Esau*. The litigants argued that the DMA gave the Minister plenary legislative powers, essentially allowing one person to make laws that should be made by Parliament (at paragraph 56). This case is a key

source for the argument that the DMA lacks sufficient parliamentary oversight compared to Section 37 of the Constitution.

Powers of the Executive during a State of Disaster

The government relied on the DMA to formulate its response to the COVID-19 pandemic. The primary response tactic involved imposing various regulations that limited movement and contact. The government also used its powers under section 27(4) of the DMA to extend the national state of disaster. This led to a legal challenge in *Helen Suzman Foundation v The Speaker of the National Assembly* (2020),³¹ in which the Foundation argued that the DMA should be used only as a temporary measure for sudden events, and that Parliament had a constitutional duty to reclaim legislative functions assumed by the COGTA Minister.

The court found that the DMA provided a sufficiently detailed structure and measures that did not require further legislation. It also found that the DMA provided for progressive, continuous responses to disasters, indicating that it was not intended solely as a short-term measure. The practical effect of this judgment is that the extraordinary powers vested in the executive during a national state of disaster may endure for the entire duration of the disaster itself.³²

In *Esau*,³³ a challenge was brought on the lawfulness of the National Coronavirus Command Council (NCCC). The applicants argued that its creation was inconsistent with the Constitution and the DMA, and that it had usurped the government's powers without a legal basis. The court held that Cabinet may function through committees, and the NCCC was one such committee. Decisions taken by Cabinet committees could bind the entire Cabinet, making a policy decision by the NCCC a valid Cabinet decision. The court therefore dismissed the challenges to the creation and powers of the NCCC.

Scope of Rights Limitations

Declaring a state of disaster often involves infringing on constitutional rights. The government's COVID-19 response implemented a national lockdown severely restricting movement, preventing most people from attending work, school, and religious and cultural activities.³⁴ Several legal challenges followed.

In *Mohamed v President of the Republic of South Africa* (2020),³⁵ applicants challenged lockdown regulations preventing travel to places of worship and group prayers. The Court

dismissed the application, finding that the restrictions were neither unreasonable nor unjustified in their aim to prevent overwhelming South Africa's fragile health system. The court emphasised that during a state of disaster, the government can temporarily restrict individual constitutional rights to favour the collective good.

In *Minister of Cooperative Governance and Traditional Affairs v De Beer* (2021),³⁶ the SCA set aside the High Court's declaration that certain lockdown regulations were unconstitutional, finding that the Minister had based decisions on expert medical and scientific advice, while the applicants relied on broad generalisations. The SCA found the regulations were rational and aligned with international pandemic responses, and that they included justifiable limitations on fundamental freedoms.

Other challenges succeeded in identifying limits to permissible limitations. In *British American Tobacco South Africa (Pty) Ltd and Others v Minister of Co-operative Governance and Traditional Affairs and Others* (2020),³⁷ the court found that the ban on tobacco sales would provide only small relief to medical centres while causing excessive harm to livelihoods and tax revenue, thereby failing a proportionality test.

Esau also challenged lockdown restrictions on exercise and the sale of cooked hot food delivered to homes. The court held that the exercise restriction was irrational and disproportionate – restricted times and locations would force people to congregate, inevitably increasing viral spread. There was also no clear rationale for limiting the forms of exercise allowed.³⁸ The restriction on food sales was irrational because it lacked consistency with other regulations allowing the sale of cold meals in stores.

Enforcement during a State of Disaster

To enforce COVID-19 lockdown regulations, the government deployed the South African National Defence Force (SANDF) alongside the South African Police Service (SAPS) to patrol streets and man roadblocks. However, the enforcement led to unnecessary force and brutality, most notably in *Khosa v Minister of Defence and Military Veterans* (2020).³⁹

In this case, Mr Collins Khosa died shortly after SANDF members assaulted him for alleged violations of lockdown regulations. The court found that the SANDF members and SAPS officers who witnessed the assault had acted unlawfully, emphasising that the rights to dignity, life, and freedom from torture are non-derogable. The court ordered relevant

authorities to develop a Code of Conduct and operational procedures, and to establish a mechanism for civilians to report excessive use of force during a state of disaster.

These legal challenges demonstrate that, although the DMA centralises authority within the executive branch, the Constitution provides mechanisms for regulating and controlling such power through judicial oversight. Access to justice, as enshrined in section 34 of the Constitution, remains the primary mechanism for upholding state accountability.

International Law and The Principle of Proportionality

Under international law, specifically the International Covenant on Civil and Political Rights (ICCPR), any derogation from human rights during an emergency must meet the criteria of necessity and proportionality. International law mandates that measures must be the least intrusive possible – the “strict necessity” rule. South African litigation has often mirrored this, with courts asking whether the state could have achieved the same safety goal without, for example, banning exercise or specific product sales.

The [Siracusa Principles](#) (1984), adopted by the UN Economic and Social Council, are the international guidelines for the limitation of rights. They provide that restrictions on rights during disasters must be “strictly necessary” and the least restrictive possible. Further, they establish that the burden of proof is on the state to justify the restriction of a specific right in a disaster context.

The [Venice Commission \(European Commission for Democracy through Law\)](#), in its *Opinion on the Protection of Human Rights in Emergency Situations*, warns against the “normalisation” of emergency powers. It is a key source for the argument that states often prefer disaster legislation over emergency legislation to avoid international and domestic scrutiny.

Strengthening the Legal Framework

To bring South African disaster management law in line with international trends, the following reforms are suggested:

1. **Automatic Sunset Clauses:** Legally mandating that any disaster regulation expires every 30 days unless Parliament (not just the Minister) votes to extend it.
2. **The Subsidiarity Principle:** The law should be amended to give more legal autonomy to Municipalities that are better positioned to manage spatial apartheid risks and other similar risks during disasters such as floods.
3. **Fast-track Judicial Oversight:** Creating an Emergency Court that can hear human rights challenges to disaster regulations within 48 hours, similar to the French *référé-liberté*.
4. **Climate Refugee Protection:** South African law should explicitly provide for the protection and documentation of displaced non-nationals during disasters.
5. **Anticipatory Humanitarian Action:** South African law should be amended to allow for pre-disaster cash transfers to vulnerable households based on Early Warning Triggers.
6. **Criminal Liability for Negligence:** Introducing disaster negligence clauses that would make officials personally liable if they ignore documented risks that subsequently result in loss of life.

Accountability also requires moving from reactive auditing to real-time oversight, granting the Auditor-General the power to pause a disaster tender before payment if irregularities are identified. Institutions that strengthen accountability, transparency, and good governance must themselves be fixed – at the moment, South Africa is a long way from realising this.



STATE CAPTURE AND BEYOND

HOLDING THE GOVERNMENT ACCOUNTABLE



Holding The Government Accountable

A first step in holding government accountable for disaster management practices is to gather information. This helps clarify the people involved, their legal rights, and the available processes, thereby making action more effective. Accountability can start with simple reporting methods, such as hotlines, email, or online systems, giving the government a chance to correct itself. If there is no response or a poor response, there is scope to escalate through contacting councillors, creating petitions, protesting, and sharing information. It is always important to track interactions with the government, for example, by taking screenshots and recording tracking numbers, to create a record that can be very powerful when escalating and demanding action.

Accessing Further Information

Effectively holding the Government accountable requires knowing which problems to report, to whom, and how to report them. Transparency is enshrined in Section 217 of the Constitution and detailed in the Promotion of Access to Information Act 2 of 2000 (PAIA). This transparency requires making information freely available and accessible, such as through government websites and regular reports. Civil society websites are also useful, as they often create guides and explainers that help understand processes. When information is difficult to access, there are legal processes under PAIA to request access.

Government Websites

Government websites are a useful starting point for finding information. The Department of Cooperative Governance and Traditional Affairs (CoGTA), at <https://www.cogta.gov.za/>, provides information on disaster management, including legislation and announcements. However, there is no dedicated disaster management section on the CoGTA website, making this information difficult to access. The National Disaster Management Centre (NDMC) provides a more relevant website resource at <https://www.ndmc.gov.za/>. Unfortunately, the website appears to have sections that are inaccessible or outdated.

Municipalities also play an important role. A useful resource for locating municipal websites and contact information is <https://municipalities.co.za/>, which allows users to search for or

use a map to locate specific municipalities, providing overview information, contact details, financial documents, and links to each municipality's website.

Each government website is different, so you may need to review the various sections carefully to find relevant information. If resources are missing or incomplete, it may be necessary to request additional information from the relevant Government department. This could be by asking them to update the website or by making a more forceful PAIA request.

Civil Society Organisations

Civil society organisations (CSOs) are non-profit groups that operate independently of both the government and the private sector and can be valuable sources of information. CSOs focus on social action with a wide range of social, cultural, and philanthropic goals depending on the type of organisation. There are many types of CSOs, including community groups, non-governmental organisations (NGOs), faith-based organisations, professional associations, and labour unions. There are many CSOs focused on disaster relief that provide aid and support to those affected. CSOs are a great point of contact for those affected by disasters or who want information about disaster management. Some of the CSOs that provide useful resources include:

- [South African Red Cross Society \(SARCS\)](#)
- [Gift of the Givers Foundation](#)
- [Oxfam South Africa](#)
- [CityHope Disaster Relief](#)
- [ActionAid South Africa](#)
- [Médecins Sans Frontières \(MSF\) / Doctors Without Borders](#)
- [Disaster Management Institute of Southern Africa \(DMISA\)](#)

PAIA Requests

The Promotion of [Access to Information Act 2 of 2000](#) (PAIA) gives individuals the right to request access to information held by the state or private bodies. This Act increases transparency in South Africa by developing the Constitutional right of access to information.⁴⁰ While most information should be publicly available, information could be missing or difficult to find. When information is not freely available, CoGTA and disaster

management centres, as well as individuals, can use standard forms and methods, based on PAIA, to request information.

When using a PAIA application to request information, the first step is to check the type of institution and the type of information requested. For drafting the application, first find the PAIA manuals, which should be available on the relevant department or government websites. These manuals are guides, required by PAIA, that provide details about the procedures and contact persons, such as the Information Officer for the body. The Information Regulator Form 2 is the standard application document, <https://inforegulator.org.za/wp-content/uploads/2020/07/InfoRegSA-PAIA-Form02-Reg7.pdf>. A PAIA application may be subject to a fee, which should be set out in the body's PAIA manual. After submitting the application to the Information Officer of the relevant body, a response should be received within 30 days, with a maximum extension of another 30 days if the body issues a notice. If the body refuses the request for information or fails to respond within 30 days, you may appeal the decision. For more precise information, there is a South African Human Rights Commission (SAHRC) guide, https://www.gov.za/sites/default/files/gcis_documents/SAHRC-PAIA-guide2014.pdf.

Reporting Problems and Advocacy Methods

Dedicated Hotlines

Hotlines can be a useful starting point for reporting or for finding out more about the topic or relevant people to contact. There are several hotlines available for individuals to use, depending on the type of problem. This includes having different levels of hotlines that allow requests to be escalated, such as the presidential hotline if other government bodies fail to act. It is also possible to contact municipalities directly, especially if there are problems with service delivery. A website that can help with finding municipality-specific websites is <https://municipalities.co.za/>, which allows for either a search or using a map to locate a municipality, providing specific details about the municipality as well as contact methods.

Call centre	Description	Telephone number	E-mail
Presidential hotline	The public can use this toll-free hotline when all attempts at getting assistance from a government department, province, municipality, or state agency have failed.	17737 Fax: 086 681 0987 / 012 323 8246	president@po.gov.za
GCIS Information Centre	The Government Communication and Information System (GCIS) is a central repository for information. GCIS provides information and can link or refer individuals to the relevant departments.	012 314 2211	info@gcis.gov.za
National Anti-Corruption Forum (NACF)	NACF serves as a forum to discuss corruption challenges and advise the government. The NACF hosts a corruption reporting hotline.	0800 701 701	
Crime Stop	This hotline allows anonymous crime reporting. Usually, crimes should be reported to the relevant police station, not via the hotline.	08600 10111 My SAPS App *134*10111#	http://www.saps.gov.za/dynamicModules/internetsite/crimestop.asp
Department of Cooperative Governance and Traditional Affairs	CoGTA is the government department responsible for disaster management.	+27 12 334 0831 +27 12 334 0641	info@cogta.gov.za
National Disaster Management Centre	The NDMC is part of the integrated system of disaster management and helps to coordinate responses and preventative measures.	012 848 4602 012 848 4705	enquiries@ndmc.gov.za doc@ndmc.gov.za
Eastern Cape Disaster Management Centre	The Eastern Cape's Provincial Disaster Management Centre website: https://www.eccogta.gov.za/eastern-cape-pdmc/	040 602 6500	hodsupport@eccogta.gov.za
Free State CoGTA	The Free State's Provincial Disaster Management Centre website: https://www.cogta.fs.gov.za/?page_id=1658	083 604 1357	hod@fscogta.gov.za
Gauteng	Gauteng does not currently have a working website for its Provincial Disaster Management Centre.	08600 11000	hotline@gauteng.gov.za
KwaZulu-Natal Provincial Disaster	KwaZulu Natal's Provincial Disaster Management Centre website:	033 260 8375	hodpa@kzncogta.gov.za

Management Centre	https://www.kzncogta.gov.za/provincial-disaster-management		
Limpopo Provincial Disaster Management Centre	Limpopo does not have a separate Provincial Disaster Management Centre website. It falls under the Provincial CoGTA: https://www.coghsta.limpopo.gov.za/?q=node/67	0800 222 111	MojaMM@coghsta.limpopo.gov.za
Mpumalanga Disaster Management Centre	Mpumalanga does not have a separate Provincial Disaster Management Centre website. This would fall under Provincial CoGTA: https://cogta.mpg.gov.za/	(013) 766 6087 (013) 766 6675	sdhludhlu@mpg.gov.za
Northern Cape Disaster Management Centre	The Northern Cape's Provincial Disaster Management Centre website: http://www.coghsta.ncpg.gov.za/	053 807 9862	tgaolaolwe@ncpg.gov.za
Northwest Provincial Disaster Management Centre	The Northwest does not have a separate Provincial Disaster Management Centre website. This would fall under Provincial CoGTA: https://pdmc.nwpg.gov.za/	+27 (18) 388 3888	pdmc.nwpg.gov.za
Western Cape Disaster Management Centre	The Western Cape's Provincial Disaster Management Centre website: https://www.westerncape.gov.za/local-government/disaster-management	0860 142 142	service@westerncape.gov.za
Public Protector RSA	The Public Protector is an oversight body that investigates, reports on, and can remedy government maladministration. This must be a complaint against an organ of state and only after attempting other avenues to resolve the complaint.	0800 112040	registration2@pprotect.org

Hotlines, emails, and online reporting tools can provide reference numbers and traceable details that enable the creation of a record of interactions. Keeping a record of interactions is very useful for showing the problem's history when escalating and demanding action. However, the likelihood that reporting alone is an effective solution depends on several factors, such as leadership and the area. This can make escalation vitally important when problems are not acted on.

Escalating Reports Through Direct Contact

If reporting systems fail to solve a problem, escalation becomes necessary. This involves contacting the next person up the chain of authority. For disaster management, this may involve starting at the local level with municipal disaster management centres, escalating to provincial centres, and then to the national disaster management centre. Escalation could also involve contacting leadership such as ward councillors, the Premier of the province, or the office of the President. Other avenues include the [South African Human Rights Commission](#), the [Public Protector](#), the [Public Service Commission](#), and the [Environmental Management Inspectorate](#) (Green Scorpions). For criminal activities, specialist agencies such as [SAPS](#), the [SIU](#), or [Corruption Watch](#) may be appropriate.

A useful website for reporting faults and finding guidance on escalation is www.fixlocal.org.za. When interacting with local government, CoGTA recommends contacting local councillors with questions or requests.⁴¹ The South African Local Government Association (SALGA) provides contact details at <https://www.salga.org.za/>.



The screenshot shows the website interface for 'Municipalities of South Africa'. The main content area displays the 'City of Johannesburg Metropolitan Municipality (JHB)' page. The breadcrumb trail is 'Municipalities > Gauteng > City of Johannesburg Metropolitan Municipality'. The page has a search bar and a 'Search' button. Below the breadcrumb, there are tabs for 'Overview', 'Contacts', 'Map', 'Management', 'Demographic', and 'Financial'. Underneath these are 'Employment', 'Services', and 'Resources' tabs. The 'Contact Details' section lists:

- Postal:** PO Box 1049, Johannesburg, 2000
- Physical:** 158 Civic Boulevard, Braamfontein, Johannesburg
- Tel:** 011 407 6111
- Web:** www.joburg.org.za

There are also social media icons for email, Facebook, and Twitter. The word 'ADVERTISEMENT' appears twice on the right side of the page.

Screen Capture of the <https://municipalities.co.za/> Website

Public Meetings

Attending public meetings is a valuable way to communicate, gather information, and connect with others facing similar challenges. The Local Government: Municipal Systems Act 32 of 2000, in section 4(2)(e), requires municipalities to consult communities on the level, quality, range, and impact of municipal services. Section 17(2)(c) of the Act further requires public meetings and hearings when appropriate. Attending public meetings often provides community members with an opportunity to make their voices heard, though municipalities are not obliged to follow community suggestions or consensus.

Social Media

Social media websites and applications, such as Facebook, X (formerly Twitter), Instagram, and others, are an efficient way to reach large audiences on public platforms. However, social media platforms are indirect channels for reporting incidents. In some instances, it is useful to report faults on social media to raise awareness of problems and prompt government or company action, provided the actor is responsive and active on the platform. Social media platforms are not suitable for whistleblowing or reporting fraud and corruption allegations. There are still relatively few protections for whistleblowers in South African law. Therefore, it is often best to report corruption anonymously.

Whistleblowing

Whistleblowing involves reporting corruption to an authority that can investigate and pursue action. It is vital but extremely dangerous, as it can lead to retaliation that threatens personal safety and job security. South Africa provides some legal protection through the Protected Disclosures Act 26 of 2000, but this Act has serious flaws that can leave whistleblowers lacking the protection they need.⁴² These flaws are discussed further in the SCAB video, “[How to Blow the Whistle](#),” available on the [SCAB website](#). One of the most important safety precautions is to remain anonymous—this can extend to creating a new email address without identifying details and using a Virtual Private Network (VPN).⁴³ PowerLaw Africa, a CSO focused on media rights and protection, provides a useful guide on online safety: <https://powerlaw.africa/wp-content/uploads/2025/10/251022-MMA-Safeguarding-the-Frontlines-Toolkit-2025-FINAL.pdf>.

Government hotlines for reporting corruption are listed at <https://www.gov.za/anti-corruption/hotlines>.

Civil Society Groups

Another great method when whistleblowing or reporting problems is to contact Civil Society groups, some of which specialise in addressing corruption. These organisations usually have methods to keep whistleblowers' information secret, protecting them from retaliation. With specialisation in whistleblowing, they are also great sources of advice and information on whistleblowing safely. These include:

- [The Corruption Watch whistleblower platform](#)
- [Whistleblower House](#)
- [The Organisation Opposing Tax Abuse \(OUTA\)](#)
- [Open Democracy Advice Centre](#)
- [Platform to Protect Whistleblowers in Africa \(PPLAAF\)](#)
- [Office for Witness Protection](#)

News Media

Blowing the whistle to the news media can be effective but carries serious risks. Journalists can turn tip-offs into powerful stories that grab attention, but even careful journalists may inadvertently expose a whistleblower's identity. Therefore, great care is necessary when whistleblowing through the news media.

Written Submissions to the Government

The South African Constitution provides for public involvement in lawmaking and oversight. Citizens may address complaints or representations to the President, Parliament, or local government. The Local Government: Municipal Systems Act, section 17(2)(a), provides that local government must receive, process, and consider complaints lodged by community members.⁴⁴

Petitions

Petitions are a relatively low-cost method for large groups to make their opinions heard. The Constitution protects the right to present petitions in section 17, which extends to all spheres

of government. National petitions to Parliament are submitted through Members of Parliament ([see procedure](#)). Provincial legislature petitions have separate methods depending on the province ([see provincial legislatures](#)). Online petitions can also be effective, such as through [Change.org](#).

Joining or Creating Organisations

When acting alone is insufficient, joining or creating a citizen organisation strengthens advocacy. Groups of people have more authority, resources, and experience than a single individual, and can present community needs in a way that is more difficult for the government to ignore.

Protest Action

Section 17 of the Constitution protects the right to assemble, demonstrate, picket, and petition if the action is peaceful and unarmed. The Regulation of Gatherings Act 205 of 1993 regulates protest actions and applies to gatherings in public places with 15 or more people.⁴⁵ The convenor must provide notification at least seven days before the protest.⁴⁶ Shorter notice may be given with a reasonable explanation, but less than 48 hours' notice means the responsible officer may prohibit the gathering. Protests without notice are illegal and lack legal protection.

Newspaper Articles

Writing articles for newspapers or community websites can be effective at spreading awareness. Collaboration with others who share similar views strengthens the process through brainstorming, improved accuracy, and peer review. A clear record of events supported by documented facts makes reporting particularly compelling.

Litigation

When all else fails or there is a serious infringement on constitutional rights, approaching the courts becomes a valuable tool. However, litigation is prohibitively expensive, slow, and courts can take years to hear non-urgent cases. If litigation becomes necessary, legal specialist civil society organisations, including the Legal Resources Centre, Section 27,

Corruption Watch, and ProBono.Org, offer free legal assistance. University-based law clinics can also provide support.

Voting

Voting is potentially the most effective way to introduce change and ensure accountability. Democracy's greatest strength is the peaceful revolution it enables with every election. Voter apathy—where citizens do not vote because they feel voting is worthless—is one of the biggest dangers to addressing problems in government. Local elections can be especially effective: it can take just a few thousand votes to change who wins a local government ward, making direct representation far more achievable. The Independent Electoral Commission provides an online guide for contesting municipal elections at <https://www.elections.org.za/>.



STATE CAPTURE AND BEYOND

Recommendations



Recommendations

South Africa has a progressive legislative framework for disaster management that shows great promise when implemented in a timely manner. However, the government continues to struggle with implementation. Delays in disaster declarations, corruption in procurement, and chronically under-capacitated disaster management centres all point to a need for structural reform. The following recommendations are organised around four pillars: institutional capacity, transparency, anti-corruption, and cooperation.

Pillar 1: Capacitate Disaster Management Structures

The operational backbone of South Africa's disaster management system – its provincial and municipal disaster management centres – must be properly resourced and staffed if the DMA's ambitious framework is to be realised. Specific recommendations include:

1. Ensure that all provincial disaster management centres have sufficient skilled staff, dedicated funding, and operational resources. Conduct skills audits to identify training gaps and recruitment needs.
2. Establish permanent disaster management centres for all district and metropolitan municipalities as required by section 43 of the DMA and implement merit-based human resource practices for hiring, training, promotion, and dismissal.
3. Conduct regular joint operations and exercises between the three spheres of government, with performance ratings and consequences for poor attendance or readiness.
4. Develop integrated information systems to share data effectively between disaster management centres, improving response times and coordination.
5. Invest in community engagement: involve the community and private sector in disaster management practices through education, outreach, and legally empowered volunteer programmes modelled on Bangladesh's Cyclone Preparedness Programme.
6. Maintain accessible, current online information resources, including functional websites and social media channels, to ensure that disaster management information is easily available to the public.

Pillar 2: Enhance Transparency and Accountability

The loosening of procurement controls during states of disaster creates an environment ripe for corruption. Safeguards must be built into the system from the outset:

1. Develop and deploy automated digital tools to track and monitor aid distribution and financial flows in real time, enabling rapid decision-making while ensuring accountability.
2. Maintain minimum consistent, competitive procurement procedures even during disasters. Develop standardised disaster procurement policies that balance speed with integrity.
3. Ensure clear and consistent communication in local languages using multiple communication methods during disasters to keep communities informed of available assistance and how to access it.
4. Strengthen institutions with authority to monitor procurement processes and audit officials, with specific policies related to disaster procurement. Consider granting the Auditor-General the power to pause suspicious tenders before payment.
5. Implement automatic sunset clauses requiring parliamentary (not merely ministerial) renewal of disaster regulations every 30 days, ensuring ongoing legislative oversight over extended states of disaster.

Pillar 3: Strengthen Anti-Corruption Mechanisms

The COVID-19 procurement scandals demonstrated that existing anti-corruption mechanisms are inadequate to prevent looting during disasters. Structural reforms are needed:

1. Enable external monitoring and evaluation by civil society organisations and communities during and after disasters to supplement government oversight.
2. Strengthen whistleblower protection through legislative amendment of the Protected Disclosures Act, addressing the serious gaps that currently leave whistleblowers exposed to retaliation.
3. Establish clear enforcement protocols for corruption allegations during disasters, with prescribed sanctions and fast-tracked criminal prosecution where appropriate.

4. Consider creating an independent humanitarian aid ombudsman with the legal and administrative authority to investigate corruption and malpractice in disaster procurement.
5. Introduce criminal liability provisions for disaster negligence, making officials personally liable where they ignore documented risks that subsequently result in loss of life or significant property damage.
6. Use technology to automate procurement and distribution processes wherever possible, reducing human discretion and the opportunities for corruption.

Pillar 4: Improve Cooperation and Coordination

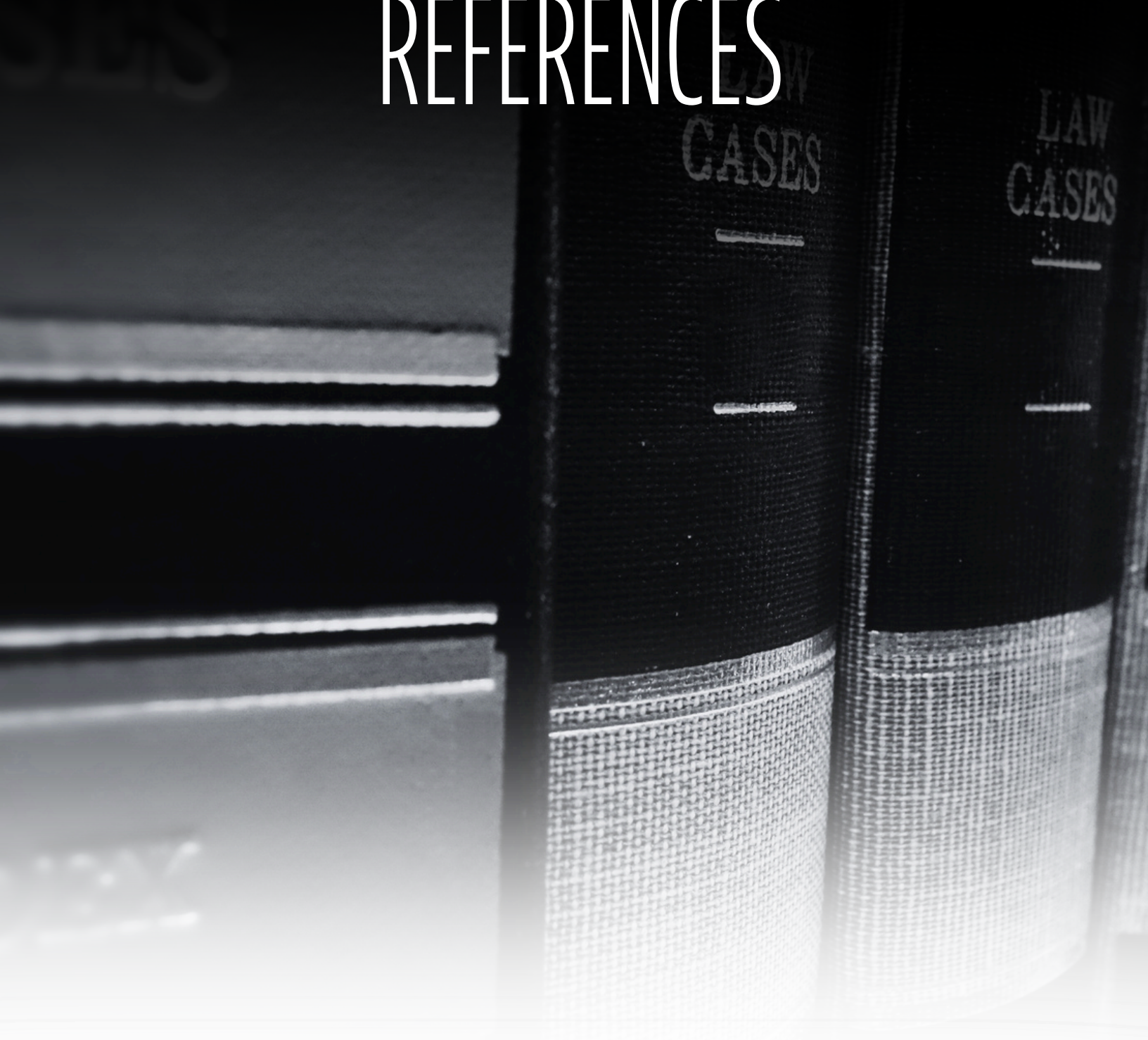
South Africa's top-down, centralised approach to disaster management is ill-suited to its diverse geography and the spatial legacy of apartheid. A more decentralised, cooperative model is required:

1. Decentralise emergency funding decisions to allow Mayors and Premiers to unlock resources based on local triggers, rather than waiting for ministerial declarations from Pretoria. This would align South Africa's practice with Japan's model of prefectural autonomy.
2. Develop policies requiring government, civil society, aid agencies, the private sector, and affected communities to work together in managing disasters and rebuilding. Mandate private sector participation, particularly requiring telecommunications providers to supply zero-rated emergency data and automated alerts during disasters.
3. Train and equip community volunteers with legal standing and equipment to act as first responders, drawing on lessons from Bangladesh's Cyclone Preparedness Programme.
4. Invest in and maintain resilient infrastructure—storm drains, fire breaks, flood defences, and early warning systems—prioritising informal settlements and areas historically marginalised by spatial apartheid.
5. Implement a centralised, accessible database of all disaster-related information, contacts, and resources to improve coordination and public access to information.
6. Integrate long-term climate projections, as mandated by the Climate Change Act 22 of 2024, into all disaster risk assessments, ensuring that disaster planning accounts for foreseeable climate change impacts.



STATE CAPTURE AND BEYOND

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