Analysing the natural disaster and related legislations of South Africa in relation to the COVID-19 Pandemic

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A B S T R A C T

South Africa and the world at large continue to experience storms of natural disasters such as the COVID-19 pandemic which pose a great negative impact on people’s livelihood such as loss of lives. To mitigate such negative effects and respond effectively to natural disasters, there is a need for legislative frameworks and policies that must guide the process. In South Africa for instance, disaster legislations were used by the government to inform and guide their response to the COVID-19 pandemic. It is from this background that the researcher developed a hunch to analyse the South African natural disaster and related legislations that were applicable to the response to the COVID-19 pandemic in South Africa. This study adopted the non-empirical research method wherein existing literature was reviewed. The researcher reviewed and analysed documents on the South African disaster legislation from search engines such as EBSCOhost, google scholar and ProQuest. The inductive Thematic Content Analysis (TCA) was used to analyse the collected data. The primary finding of this study revealed that legislation played an important role in guiding the COVID-19 response of the South African government. The underlined conclusion suggests that disaster legislation, programs and policies should focus on effective prevention, effective reduction, promotion of well-being, and harmless responses to individuals.

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Introduction

Natural disasters have become a policy problem of global and local concern requiring effective legislative frameworks to deal with. Between 1961 and 2010, disasters triggered by natural hazards claimed about 99,000 lives and affected 129.6 million people on average annually (Guha-Sapir, D’Aoust, Vos & Hoyois, 2013). Thus, it can be noted that natural disasters negatively affect the lives of individuals, families and communities in that some people lose their lives. In late December 2019, a coronavirus currently named as the 2019 novel coronavirus, emerged from Wuhan, China, and resulted in a formidable outbreak in many cities in China and expanded globally, including South Africa (Wu, Chen, & Chan, 2020). The corona virus infected millions of people across South Africa and the world at large wherein lives were also lost. The World Health Organisation [WHO] (2021) reported that by mid-March 2021, countries around the globe had reported over 123 million cases and over 2.7 million deaths attributed to the disease. In South Africa, since November 24, 2021, incidence increased by 2746 cases per day and then jumped by 4.7 times from December 01, 2021, and exceeded 3.0 million COVID-19 cases on December 03, 2022 (Al Hasan, Saulam, Mikami, Kanda, Yokoi, & Hirao, 2022). Thus, the prevalence of the COVID-19 pandemic in South Africa can be noted. In the response and management of the COVID-19 pandemic by the South African government, disaster legislations and policies were employed. It is against this background that this study sought to analyse the natural disaster and related legislations that were applicable to the management of COVID-19 pandemic in South Africa.

This study adopted the non-empirical research method wherein existing literature was reviewed. The researcher reviewed and analysed documents on the South African disaster legislations, policies, and literature on COVID-19 pandemic. A narrative literature review was adopted as a research design due to its ability to identify and synthesize different books and journal articles about a
chosen topic (Bruce, Beuthin, Sheilis, Molzahn, & Schick-Makaroff, 2016). Considering this, the researcher gathered secondary data from various journals using a purposive sampling technique since there are promenade papers on the COVID-19 Pandemic and natural disaster legislations. This secondary data was sourced from research engines such as Google scholar, EBSCOhost and ProQuest that focused on the topic in question. For purposes of relevancy, data collection was restricted to the years 2002 to 2022 and the data collection was determined by data saturation (Maluleke, 2020; Mokwena & Maluleke, 2020). The use of secondary data was motivated by Creswell (2014) who avows that researcher may collect data from qualitative documents such as accredited journals, internet sources and public documents. Furthermore, Matthews and Ross (2010) confirm that collected data can be qualitative in nature, for example, it may allow the researcher to determine the ideas that are expressed in a document or the underlying approach of a document. Moreover, the search was limited to work on the COVID-19 Pandemic in South Africa and the relevant legislations in the management of natural disasters. The data was analysed thematically using inductive Thematic Content Analysis (TCA). This method allowed the researcher to identify, analyse and report patterns within the data set, allowing for the descriptive organisation of the data in a way that facilitates the interpretation of various aspects as O’Reilly and Kiyimba (2015) avers.

The introduction presented the background of natural disasters and legislations. The introduction also described the objective of the study which was to analyse the natural disaster and related legislations that were applicable to the management of COVID-19 pandemic in South Africa. The following sections are discussed in the article. Firstly, the reviewed relevant existing literature on the impact of the COVID-19 pandemic on individuals. Secondly, Grounded theory is also discussed as an underpinning theoretical framework, this was done to indicate how the theory offers a thorough analysis of the natural disaster and related legislations of South Africa in relation to the COVID-19 pandemic. Thirdly, the adopted methodology comprising a research paradigm and approach, research design, sampling procedures, data collection methods and data analysis is discussed. The paper also discusses the Findings of the study. Conclusion and recommendations of the study are provided.

**Literature Review**

**Theoretical and Conceptual Background**

Grounded theory was a term first coined by Glaser and Strauss in 1967 (Engward, 2013). Walker and Myrick (2006) aver that at the core of grounded theory is the data analysis process. The Grounded theory’s specific intention is to explore conceptually how people make sense of social phenomena and importantly, how people work best to resolve their dilemmas (Engward, 2013). In the context of this study, this allowed the researcher to understand the impact of the COVID-19 pandemic and develop recommendations that are aimed at strengthening the disaster legislations of South Africa. This theory can be used to increase understanding of social phenomena as further stated by Engward (2013). The theory allowed the researcher to conduct an analysis of the South African natural disaster and related legislations as well as literature on the COVID-19 pandemic in South Africa with ease. According to Engward (2013), the grounded theory helps to avoid making assumptions and instead adopts a more neutral view of human action in a social context (Simmons, 2006). This was key in the study as it prevented the researcher from predetermining what they will find, and how social phenomena should be viewed. The researcher was able to analyse how the legislations were applicable in responding and managing the COVID-19 pandemic. Clarke (2007) posits that grounded theory studies tend to take an open approach than a directed approach to what is being studied. The open approach assisted the researcher to openly make effective analysis.

**The Impact of Covid-19 on Individuals**

The COVID-19 pandemic has forced the South African government to make use of the existing disaster legislations to develop guidelines and impose lockdowns in the country, which did not only curb the spread of the virus but also affected people’s livelihoods negatively. It was necessary and unavoidable to impose lockdowns to help suppress the transmission of COVID-19. However, this has also resulted in extensive and unparalleled social disruption such as income loss. Marazziti and Stahl (2020), postulate that it appears inevitable to expect negative impacts of the COVID-19 on individuals and families such as post-traumatic stress disorder as well as economic challenges. The researcher is of the view that to deal with these negative impacts, there is a need to analyse the disaster legislations and make amendments and recommendations were necessary. Studies shows that natural disasters affect the lives of different individuals, families and communities negatively, some people lose lives and some experience social exclusions and psychological distress brought by disasters such as COVID-19 (Morganstein, Fullerton, Ursano, Donato & Holloway, 2017; Wallace, Wladkowski, Gibson & White, 2020). This is in line with the United Nations Economic Commission for Africa [UNECA] (2020), which reported that COVID-19 brought economic challenges such as increased poverty and unemployment levels. It can be deduced that natural disasters disrupt and negatively affect the lives of individuals, families and communities. Creswell (2020) posit that in South Africa, the COVID-19 pandemic resulted in some individual members of families experiencing challenges such as having to deal with pressure from their workplace whilst trying to maintain their well-being and relationships with their families and friends.

**The Implementation of Covid-19 Related Policies and Legislations in South Africa**

According to Schotte and Zizzamia (2022), the arrival of COVID-19 in South Africa necessitated a balance between protecting the public and economy. Masipa, Ramoshaba, Mabasa, Maponyane, Monye, Mampa, Chue, Kgarose and Motloude (2022) aver that the South African President, Cyril Ramaphosa announced a national lockdown on 23 March 2020, which officially began on 27 March 2020 as a response measure to the COVID-19 pandemic. This was influenced by the existing large caseloads which the South
African government quickly responded to by using a strict policy response than most of the countries worldwide as elucidated by Schotte and Zizzamia (2022). Some of the policies and guidelines which were implemented by the government such as the stringent distancing policy had a huge negative impact on the economy as it triggered job losses for some individuals and businesses closures for others (Casale & Shepherd, 2020). In the same breath, Loo, Law, Tan and Letchumanan (2022) assert that the South African government implemented lockdowns and COVID-19 tests at a mass scale to detect infections at an earlier stage to allow quarantine, isolation and medical care for affected individuals. Although the South African government has attempted to control the COVID-19 pandemic by implementing lockdowns. De Villiers, Cerbone and Van Zijl (2020) argues that at some point the infection rate still increased, requiring new restrictions. The researcher is of the view that a possible reason for such increment could be that some regulations could not stop the spread completely for example it was impossible to restrict movement of all citizens which resulted in some individuals running the risk of exposure in public spaces.

Findings and Discussion

Theme 1: The analysis of the constitution of the republic of South Africa act 108 of 1996

The outbreak of the COVID-19 pandemic in South African required the government to fulfil its legal obligation of ensuring the safety and the health of its citizens as outlined in the Constitution of the Republic of South Africa which is the supreme law of the country. The obligation of ensuring the safety and health of citizens is outlined in section 41(1) (b), wherein all the spheres of government are required to ensure that every citizen and resident’s well-being is secured (The constitution of the republic of South Africa, 1996). The existence of COVID-19 in South Africa necessitated the application of this section by the government. There was an obligation for the local governments of South Africa during the COVID-19 pandemic to comply with, section 152(1) (d) of the constitution which mandates local governments to ensure a healthy and safe environment in the communities (The constitution of the republic of South Africa, 1996). The compliance of this section was seen wherein the local governments played a crucial role of ensuring compliance with the COVID-19 lockdown regulations such as social distancing and wearing of masks in public spaces for safety purposes. On the other hand, Kotzé (2020) avers that the implementation of laws and policies was inevitable for the management of the COVID-19 pandemic. In the same breath, du Plessis, van Niekerk, Rosenkranz and du Plessis, van Niekerk, Rosenkranz and Preiser (2022) posit that in curbing the spread of the virus, the South African government had to implement the state of natural disaster as per the constitution and the disaster management act. This places an emphasis on the crucial role of the constitution of the republic of South Africa and the disaster management act in safeguarding the well-being of individuals and families in response to the COVID-19 pandemic in South Africa. According to Wallace, Wladowksi, Gibson and White (2020), the COVID-19 brought negative impacts in the lives of individuals, impacts such as loss of lives and social exclusions which required spheres of government to respond in accordance with the legislative frameworks. For example, the Constitution of the Republic of South Africa through Schedules 4 and 5 stipulate the concurrent legislative competencies of provincial and local government spheres which are stakeholders in the management of natural disasters such as the COVID-19 Pandemic (The constitution of the republic of South Africa, 1996). Thus, the importance of legislative frameworks in spheres of government can be noted in the management of natural disasters. It must be noted that the legislation that protects individuals and families during natural disasters are not supposed to go against the constitution of the country. This is in line with Van Niekerk (2014) who avows that legislation is not supposed to contradict the constitution but must add value to its core principles. In other words, the disaster legislations are meant to supplement or support the constitution in safeguarding the lives of individuals and families during natural disaster.

Theme 2: The analysis of the disaster management act no. 57 of 2002

Studies show that South Africa was one of the first African countries to legislate disaster (risk) management comprehensively which enabled the country to establish itself as a nation at the forefront of integrating disaster risk reduction in its public sector (Vermaak & van Niekerk, 2004; Pelling & Holloway, 2006). Thus, it can be noted that the South African government had a framework of reference in its response to the COVID-19 pandemic. The Disaster Management Act No. 57 of 2002 was promulgated into law on 15th of January 2003. The emergence of the COVID-19 in South Africa pushed the South African government to create guidelines and protocols that are aimed at managing the COVID-19 disaster as per the goal and objectives of the Disaster Management Act no 57 of 2002 (McKinney, Swartz, & McKinney, 2020). It can be deduced that the disaster management act of South Africa is important in the management of natural disasters such as the COVID-19 pandemic as it provide guidance in the response of the government. The Disaster Management Act calls for the development of an integrated and coordinated policy for disaster risk reduction, in which the main emphasis is on disaster risk reduction and certain aspects of post-disaster recovery (The disaster management act of South Africa, 2002). In other words, the disaster management act protects individuals and families from natural disasters such as the COVID-19 by calling for policies that reduces disasters and foster recovery in the cases of misfortunes. The main thrust of the act centres on the creation of appropriate institutional arrangements for disaster risk management (The disaster management act of South Africa, 2002). However, Van Niekerk (2006) argues that the purpose of the act cannot be achieved without structures such as Intergovernmental Committee on Disaster Management for the support of its implementation. In times of natural disasters such as the COVID-19 pandemic which negatively affect the lives of numerous individuals from various families, the Disaster Management Act provides guidance on how to respond to the natural disaster which will in return help mitigate the impact that individuals and families have experienced. The act is implemented in accordance with the National Disaster Management Policy Framework which aims to show how the objectives of the Act can be reached (Van Niekerk, 2014). Pelling and Holloway (2006) and Wisner, Gaillard,
and Kelman (2011) argue that from an international perspective, the contents of the disaster management act are sound in terms of contemporary disaster risk reduction. Thus, natural disasters such as COVID-19 require sound legislation to reduce the risks that come with them. It is also imperative that various stakeholders be involved when responding to natural disasters in order to effectively manage the disaster and reduce risks that may negatively affect the lives of individuals, families and communities (Botha, Van Niekerk, Wentink, Coetzee, Forbes, Maartens, Annandale, Tshona, & Raju, 2011; Van Riet & Diedericks, 2010). In other words, the implementation of the disaster management act in ensuring effective management of natural disasters can only be achieved when there’s collaboration between different stakeholders.

**Theme 3: The analysis of National health act 61 of 2003 of South Africa**

According to Ngpolowa (2017), the National Health Act 61 of 2003 (NHA) is arguably one of the most important acts passed by the parliament of South Africa to give effect to the right of everyone to have access to health care services. In the event of the COVID-19 pandemic, some individuals within various families needed access to the health care services which was within their rights as stated in section 27 of the Constitution of the Republic of South Africa, which places obligations on the state to progressively realise socio-economic rights, including access to health care of citizens (Hassim, Heywood, & Honermann, 2008). In addition, the National Health Act is the culmination of key health system policies dating from 1994 which sets the foundation of the health care system and works in combination with other pieces of legislation which relate to other areas of the health care system such as the development, registration, regulation and access to medicines (Rasanathan, Posayanonda, Birmingham & Tangcharoensathien, 2012). In other words, the National Health Act is meant to be one of the legislative measures that will facilitate the progressive realisation of the right to health. Section 27 of the health act and other provisions of the Constitution set the parameters for health care planning and delivery (The constitution of the republic of South Africa, 1996; the national health act of South Africa, 2003). It should be noted that it is from the Constitution that the National Health Act get its authority and essential content. Thus, it was imperative for the study to reflect on this act as the COVID-19 resulted in some individuals needing health care services as alluded by Reiztle, Schmidt, Färber, Huebl, Wieler, Ziese and Heidemann (2021).

**Conclusions and Recommendations**

The COVID-19 disrupted the lives of individuals whilst necessitating regulations and guidelines that are in line with the act and the Constitution of the Republic of South Africa. In developing recommendations, it was imperative for the researcher to reflect on the legislative frameworks that govern the management of disasters in South Africa. It can be deduced that legislative frameworks are key for their significant role of providing governments with guidance in responding to natural disasters as they protect their citizens. Legislation and policies are also essential as they guide the intervention of several stakeholders such as governments and non-governmental organizations during natural disasters. This was evident during the COVID-19 period in South Africa, wherein legislative frameworks were used for the response of the pandemic. Thus, the following recommendations are presented by this study:

i. Future research should focus more on programmes, policies and legislations that allows a response that deals with the harmful effects of natural disasters such as COVID-19 on human lives.

ii. There is a need for the South African Government to develop effective support structures that are going to ensure the implementation lockdown regulations and other South African natural disaster legislations without causing harm and damage to individuals and their families.

iii. There is a need to review the natural disaster legislation and policies of South Africa to channel them to focus on the prevention, effective reduction, management of natural disasters whilst protecting individuals from challenges such as job loss due to implementation of policies and guidelines such as lockdowns.

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The author has read and agreed to the content of the manuscript.

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**References**


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