State of Emergency—What does this mean?

A state of emergency is a special and specific period of time during which the government is empowered to perform actions, or impose policies that would significantly alter the ordinary course of events and social operations.

The Legal Assistance Centre has, in a press statement, explained that Article 26 of the Namibian Constitution authorises the President to declare a state of emergency by Proclamation in the Government Gazette in all or specific parts of Namibia “at a time of national disaster or during a state of national defence or public emergency”.

As a safeguard, a declaration of a state of emergency must be confirmed by a two-thirds majority of all the members of the National Assembly. Without this confirmation, the state of emergency lapses within 7 days (if the National Assembly is sitting) or within 30 days (if the National Assembly is not sitting).

If the National Assembly approves the state of emergency, it can remain in place for up to six months – and extended for six months at a time by subsequent resolutions of a two-thirds majority of the members of the National Assembly. The National Assembly may also vote to revoke a state of emergency at any time.

The purpose of a state of emergency is, according to the Constitution of Namibia, to enable the President of Namibia to make proclamations and regulations deemed necessary for the protection of national security, public safety and maintenance of law and order. Any such proclamation will have to be approved by the National Assembly by resolution, within 14 days of the National Assembly sitting, after the President passed such proclamation otherwise it would automatically lapse.

A proclamation by the President during the state of emergency may impact some fundamental human rights protected by the Constitution – but only insofar as this is reasonably justifiable to deal with the emergency situation and is generally applied to all persons.

The President of Namibia, H.E. Dr. Hage Geingob declared a state of emergency with effect from the 17th of March 2020 on account of the outbreak of COVID-19.

Fake news now punishable by law

Social media usage has become the norm in today’s world. This being said, the pace at which information is being shared has significantly increased. It is important for individuals to be cautious of what they share or publish amongst friends or the public.

In terms of amendments to the regulations, published in the Government Gazette on 17 April 2020 Namibia amended its COVID-19 Regulations to include criminalisation of the spreading of fake news about COVID-19.

According to Regulation 15 (1) (e), people publishing any false or misleading statement in connection with the coronavirus disease (Covid-19), including social media posts or publications, are committing an offence.

This offence can result in a fine of up to N$2 000 or imprisonment for a period of up to six months, or both.
Lockdown - Stage 3 and what it entails

On Monday, 1 June 2020 at 23:59, 14 regions, with the exception of the Walvis Bay Local Authority Area, will transition from STAGE 2 to STAGE 3, until 29 June 2020, for a period of 28 days or two Covid-19 incubation periods.

What should be continued from Stage 2

- Continue Social Distancing protocols of at least 1.5 meters between persons;
- Each person is required to wear a facemask when leaving their private residence;
- Increase hygiene interventions;
- Increase cleaning and disinfecting of surfaces;
- Businesses are required to keep a register of customers, recording the time of patronage, full name and contact details, to assist with possible contact tracing;
- Points of entry remain closed (borders);
- Public gatherings during this period shall not exceed 50 persons;
- Truck drivers are to adhere to the Standard Operating Procedures for designated supervised points;
- A mandatory test will be conducted by the Namibian Government for truck drivers, upon arrival;
- All truck drivers arriving in Namibia will be screened, tested on arrival and quarantined for not less than 14 days;
- Truck Operators are to submit deviation reports from the satellite tracking systems, to law enforcement agencies, within 72 hours of occurrence.

What new measures come with Stage 3 (slight relaxations)

The following businesses will be permitted to resume activities under STAGE 3, subject to the Health & Hygiene Guidelines:

1. Restaurants, Cafes & Kapana Traders
   These businesses may reopen for sit down dining, in adherence to the Directives of the Liquor Act and the Operational Guidelines as provided by Ministry of Industrialisation and Trade (MIT), stipulating the number of persons permitted inside an establishment per square meter.
   Restaurants may only open for pre-booked customers, no walk-in clients permitted. This provision does not apply to informal traders. The public is reminded to avoid sharing public pens in completing Customer Registers.
   Food/buffets in restaurants should only be handled by service staff.

2. Liquor Outlets, Shebeens & Bars
   Businesses may operate under normal working hours but limit the sale of alcohol to 12:00-18:00, Monday-Saturday as per the Directives on the Liquor Act. No sale of alcohol permitted on Sundays.
   The buying and selling of alcohol is only permitted for takeaway. Consumption of alcohol is only permitted in private dwelling and not in public. Only holders of a valid Liquor License will be permitted to operate.
   Adhere to the Operational Guidelines as provided by MIT stipulating the number of persons permitted inside an establishment per square meter.

3. Theatres, cinemas, libraries, galleries, theatres, museums, craft centers
   These are permitted to reopen, subject to adherence to the Operational Guidelines as provided by the Ministry of Industrialization and Trade stipulating the number of persons permitted inside an establishment per square meter.

4. Gyms and exercise centers
   Permitted to reopen, subject to adherence to the Operational Guidelines as provided by the Ministry of Industrialization and Trade stipulating the number of persons permitted inside an establishment per square meter.
   Adhere to strict hygiene measures, including cleaning and disinfecting equipment after every use.
Lockdown - Stage 3 and what it entails (Cont’d)

5. Entertainment events, Seminars, Conferences, Workshops & Summits
These are permitted to resume, subject to adherence to the Public Gathering limit and the Health & Hygiene protocols.

6. Sporting events & activities
These are permitted to resume with exception of contact sports as defined in the Regulations, subject to adherence to the Public Gathering limit and the Health & Hygiene protocols.

7. Nightclubs, Gambling houses & Casinos
These activities remain high-risk and will not be permitted to resume activity during STAGE 3.

Contact us:

Chantell Husselmann
Tax Leader
chantell.husselmann@pwc.com

Johan Nel
Corporate Tax Partner
johan.nel@pwc.com

Estelle Walters
Senior Manager: Legal
estelle.walters@pwc.com

Ansie Rossouw
Partner in Charge, W/Bay
ansie.rossouw@pwc.com

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For now, some of us are doing this remotely, but your regular PwC contact person is a phone call away or reachable via email.