



# Disasters and Communicable Disease Emergencies

## Are we legally prepared?

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# Overview of the session

1. What is legal preparedness?
2. Studies in Cambodia, Laos and Vietnam
3. Key issues
4. Findings
5. Recommendations
6. More information



# 1. What is legal preparedness?



# Ensuring that national laws, regulations and policies:

- Enable fast, effective responses to emergencies
- Facilitate the mobilisation of non-government and international assistance
- Ensure appropriate quality and accountability standards
- Implement relevant international and regional treaties, agreements and standards



# 2. Legal Preparedness for Response to Disaster and Communicable Disease Emergencies in Cambodia, Laos and Vietnam



International Federation  
of Red Cross and Red Crescent Societies




Funded by by the Pooled Funds of the ADB  
Greater Mekong Subregion Communicable  
Disease Control Project



Technical Assistance

# Objectives

 International Federation  
of Red Cross and Red Crescent Societies

## Project Terms of Reference

Legal preparedness study for responding to disasters  
and communicable disease emergencies in

Vietnam



International Federation of Red Cross and Red Crescent Societies

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To ensure that national laws and policies in Cambodia, Laos and Vietnam:

- Are **effective** for managing large scale disaster and disease emergencies in-country and across borders
- Enable and facilitate **international cooperation and assistance** when its needed

Promote good **quality, coordination and accountability** in disaster and disease management

# Who is involved?



Federation IDRL Programme **lead the research** and hire Legal Consultants from each country



WHO provided **technical support** on communicable disease control issues



National Red Cross Societies nominated **focal points** to provide advice and facilitate contacts for consultations



Governments nominated **focal points** within Ministry of Health and Disaster Management Offices



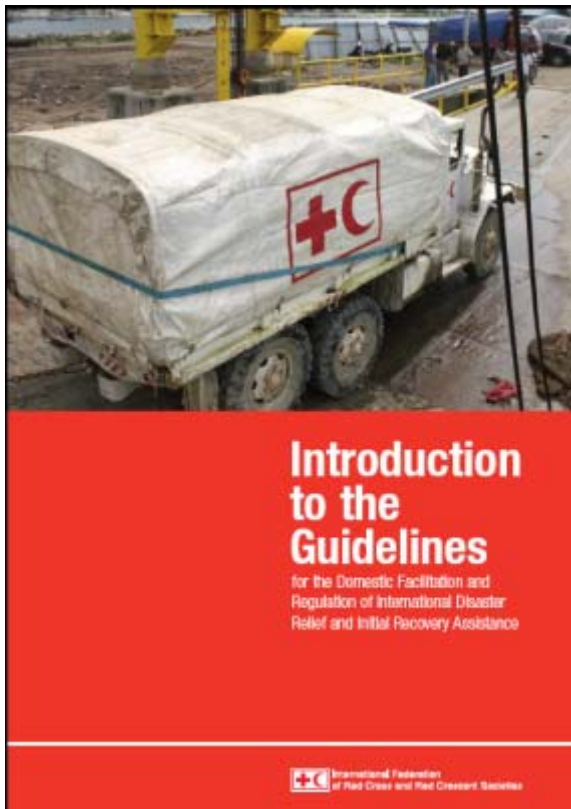
Other organisations and individuals: NGOs, research institutions, lawyers, experts

# Scope of Studies

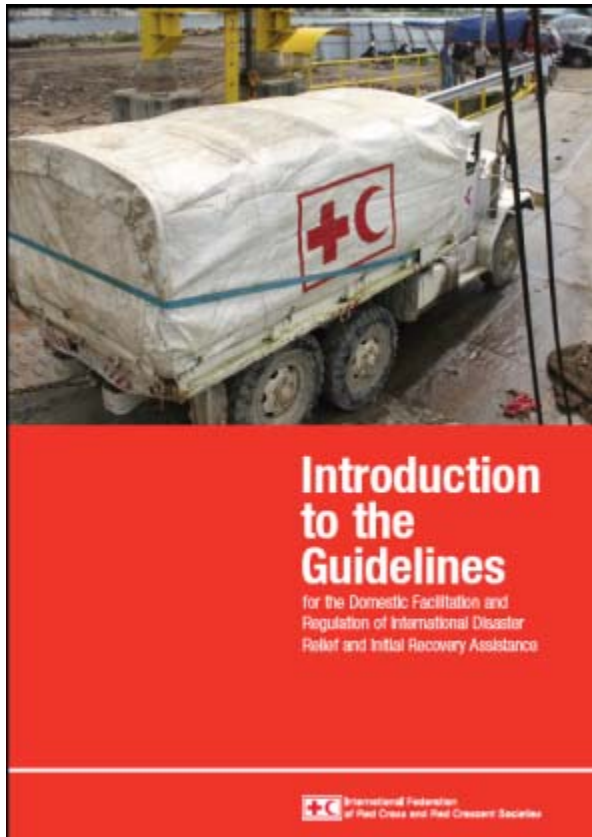
- Non-conflict disaster situations
- Communicable diseases reaching epidemic / pandemic scale
- Mainly response focused, but also included early warning / surveillance measures
- Focus on the facilitation of international assistance



Studies examined in particular the implementation of two key instruments:



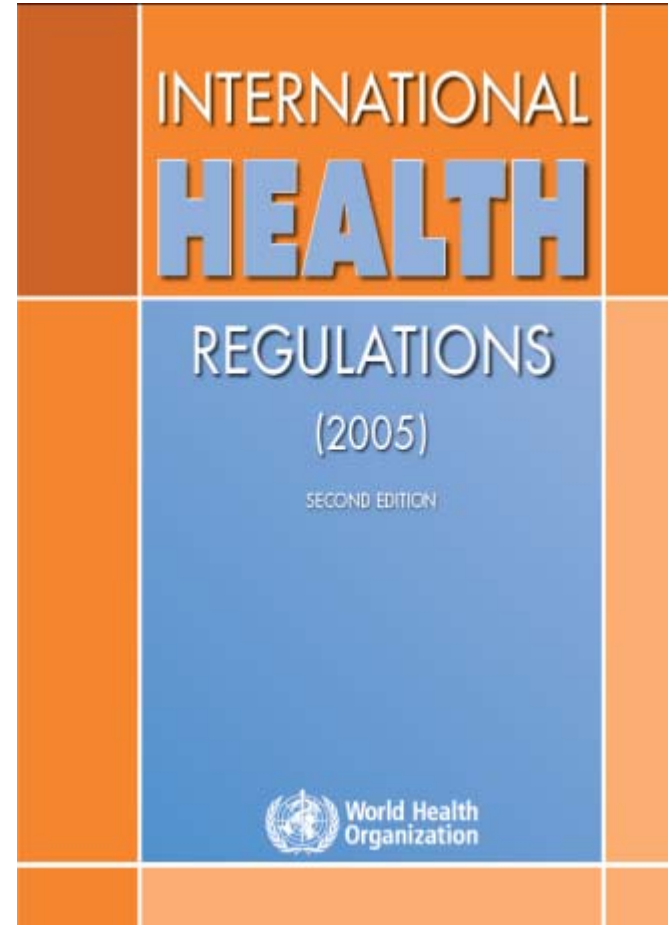
# Guidelines for the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance (IDRL Guidelines)



- Not legally binding, but endorsed by different international forums
- The IDRL Guidelines provides recommendations to Governments on:
  - **Facilitating international cooperation for disaster relief** (eg. enable fast and easy to access to people affected by disaster, allow visas, customs and tax exemptions etc)
  - **Effectively managing international relief operations** (eg. ensure good coordination, promote good quality and accountability standards, ensure all organisations abide by humanitarian principles)

# International Health Regulations (2005)

- Legally binding law on all Government members of the World Health Assembly
- Entered into force in June 2007
- Aims to improve prevention and response to large scale / cross-border communicable disease outbreaks
- Describes the measures governments, WHO and others should take
- There are deadlines for Governments to implement all the measures - 2012





# Key requirements for governments

1. Designate or establish a National **IHR Focal Point**.
2. Strengthen and maintain the capacity to **detect, report and respond** rapidly to public health events.
3. Respond to requests for **verification of information** regarding public health risk.
4. Assess public health events by using the decision instrument and **notify WHO within 24 hours**, of all events that may constitute a public health emergency of international concern
5. Provide routine **inspection and control activities** at designated international airports, ports and ground crossings to prevent the international spread of disease.
6. Respect **human rights and dignity**
7. Make every effort to **implement WHO-recommended measures**.
8. **Collaborate** with each other and with WHO concerning IHR (2005) implementation.



# Regional instruments examined

- ASEAN agreements and declarations
- Asia Pacific Strategy for Emerging Diseases (APSED)
- Mekong Basin Disease Surveillance (MBDS)
- Other regional arrangements
- Bilateral / cross border agreements

# Legal Preparedness Project Process (8 months)



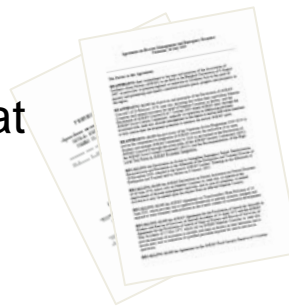
1. What are the main disaster & communicable disease risks which may require international cooperation and assistance?



4. Do existing laws comply with the IDRL Guidelines and International Health Regulations? What improvements can be made?



2. What laws and policies that already exist?



5. Prepare a report with findings and recommendations



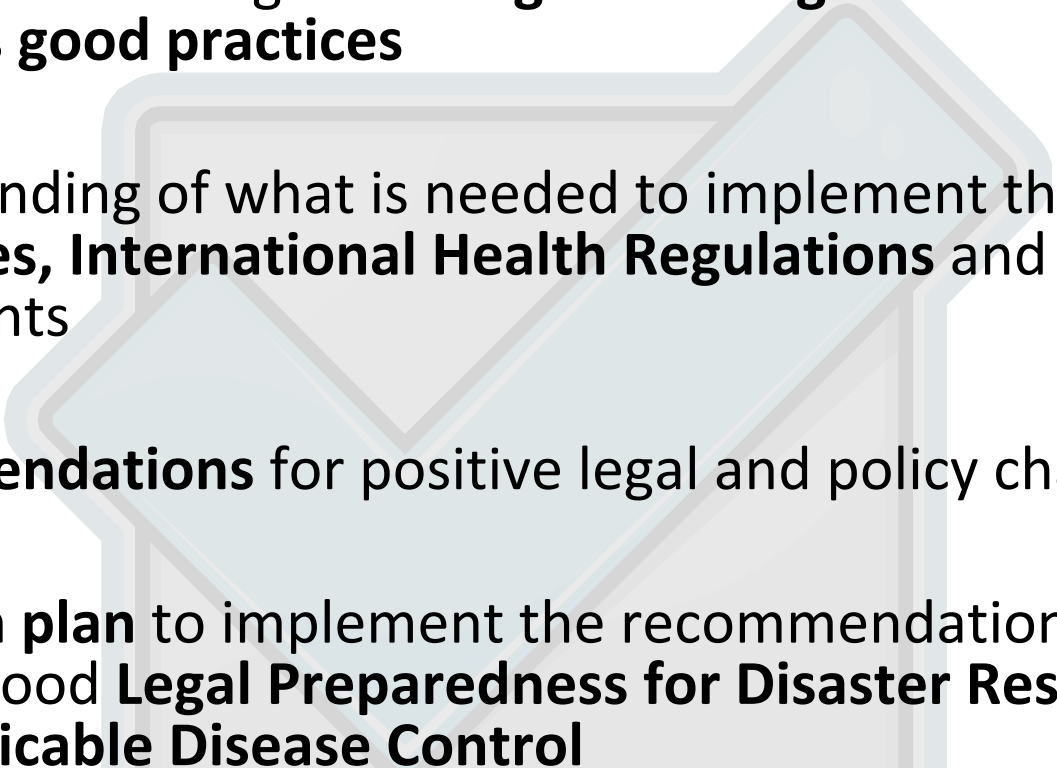
3. What information do different organisations have?

(Interviews with Government, NGOs, UN & others)



6. High Level Workshop. Present the findings and recommendations, develop and action plan

# Outcomes from Legal Preparedness Studies

- Clear understanding of the **legal challenges** in each country, as well as **good practices**
  - Understanding of what is needed to implement the **IDRL Guidelines, International Health Regulations** and other key instruments
  - **Recommendations** for positive legal and policy changes
  - An **action plan** to implement the recommendations, to achieve good **Legal Preparedness for Disaster Response and Communicable Disease Control**
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# Main topics examined

- Overall legal framework and institutional arrangements
- Early warning / surveillance mechanisms
- Declarations of emergency
- Requests for international assistance
- Entry relief goods / equipment (quarantine)
- Entry of relief personnel (treatment & isolation)
- Legal status of international relief providers
- Rights and freedoms
- Quality and accountability

# Overall legal framework for CDC

Cambodia	Laos	Vietnam
<ul style="list-style-type: none"> <li>• No CDC law</li> <li>• Dispersed decrees, orders, regulations</li> <li>• National Comprehensive Avian and Human Influenza Plan (2007)</li> <li>• Pandemic Response Planning Project</li> </ul>	<ul style="list-style-type: none"> <li>• Law on Hygiene, Disease Prevention and Health Promotion (2001)</li> <li>• Additional decrees, decisions and regulations</li> <li>• National Avian Influenza Control and Pandemic Preparedness Plan *2006-2010)</li> <li>• National Pandemic Influenza Response Plan for the Health Sector</li> </ul>	<ul style="list-style-type: none"> <li>• Law on Communicable Disease Prevention and Control (2007)</li> <li>• Additional decrees, orders and regulations.</li> </ul>
<ul style="list-style-type: none"> <li>• Generally dispersed legal framework</li> <li>• Lacking in clarity and detail</li> <li>• Sometimes overlapping instruments</li> </ul>		

# Institutional Framework for CDC

Cambodia	Laos	Vietnam
<ul style="list-style-type: none"> <li>• Department of Communicable Disease Control (MoH)</li> <li>• National Committee for Disaster Management (also has responsibilities for pandemics)</li> <li>• IHR Focal Point</li> </ul>	<ul style="list-style-type: none"> <li>• National Committee on Communicable Disease Control</li> <li>• National Emerging Infectious Disease Office</li> <li>• IHR Focal Point</li> </ul>	<ul style="list-style-type: none"> <li>• Ministry of Health</li> <li>• Steering Committees established at national and provincial level as needed.</li> <li>• IHR Focal Point</li> </ul>
<ul style="list-style-type: none"> <li>• IHR Focal Points all in place but not always backed by legislation</li> <li>• Minimal interaction between health / non health sectors</li> <li>• No provision for multi-hazard emergencies (eg. disease and natural disaster)</li> <li>• Lack of clarity in roles and responsibilities (legal authority)</li> <li>• IHR Focal Points not included in legislation, roles not clearly defined</li> </ul>		

# Disease Surveillance

<b>Cambodia</b>	<b>Laos</b>	<b>Vietnam</b>
<ul style="list-style-type: none"><li>• Weekly 'Zero reporting' procedures</li><li>• Border quarantine groups</li></ul>	<ul style="list-style-type: none"><li>• National Weekly surveillance system</li><li>• Border quarantine groups</li></ul>	<ul style="list-style-type: none"><li>• Weekly reporting system</li><li>• Border quarantine teams</li></ul>
<ul style="list-style-type: none"><li>• Need to strengthen and clarify reporting lines and mechanisms</li><li>• Need to clarify timelines, notification of WHO in legislation</li><li>• Border quarantine teams not fully operational (Cambodia, Laos)</li><li>• Border quarantine legislation is outdated – need upgrading to reflect IHR provisions</li></ul>		

# Declaration of emergency / requests for international assistance

Cambodia	Laos	Vietnam
<ul style="list-style-type: none"> <li>• No clear definition of disaster or communicable disease emergency</li> <li>• King can declare a 'state of emergency' but not clear if it's applicable.</li> <li>• Process for requesting international assistance unclear, but NCDM given coordination role</li> </ul>	<ul style="list-style-type: none"> <li>• Definition of disaster contained only in Environmental Law</li> <li>• President can declare a 'state of emergency' but not clear if it's applicable.</li> <li>• MoFA requests for international assistance, but no clear criteria</li> </ul>	<ul style="list-style-type: none"> <li>• Disaster and health emergencies are both classified as emergencies.</li> <li>• Communicable disease emergencies can result in a 'state of emergency' but not other disasters.</li> <li>• Different processes for requesting international assistance depending on type of emergency</li> </ul>
<ul style="list-style-type: none"> <li>• Lack of consistent definitions of disasters and communicable disease emergencies</li> <li>• Lack of clear criteria for determining when a situation has exceeded coping capacities</li> <li>• Lack of clear procedures for requesting / accepting international assistance</li> </ul>		

# Entry of relief goods and equipment / border quarantine

Cambodia	Laos	Vietnam
<ul style="list-style-type: none"> <li>• Customs and tax exemptions available to organisations already in-country and upon request for Min. of Commerce.</li> <li>• Lengthy approval procedures.</li> <li>• Some border inspection and quarantine measures for pandemic situations but no fast track procedures for humanitarian goods</li> </ul>	<ul style="list-style-type: none"> <li>• Customs and tax exemptions for “items of humanitarian assistance” but no definition.</li> <li>• Lengthy approval procedures.</li> <li>• Some border inspection and quarantine measures for pandemic situations but no fast track procedures for humanitarian goods.</li> </ul>	<ul style="list-style-type: none"> <li>• Customs and tax exemptions for “goods for emergency services”</li> <li>• Lengthy approval procedures.</li> <li>• Extensive border inspection and quarantine measures, but no fast track procedures for humanitarian goods.</li> </ul>
<ul style="list-style-type: none"> <li>• While provisions do exist to exempt relief goods and equipment from normal customs and tax requirements, the procedure are no suitable for emergency situations</li> <li>• Border inspection and quarantine measures do provide any fast track procedures for relief goods and equipment</li> </ul>		

# Entry of relief personnel, border health measures

<b>Cambodia</b>	<b>Laos</b>	<b>Vietnam</b>
<ul style="list-style-type: none"><li>• Visa arrangements depend on the type of organization, preference to organisations in-country.</li><li>• General processing time 5-25 days.</li><li>• Quarantine laws include provisions on medical examination and isolation, but lack detail.</li><li>• No fast track procedures for emergency personnel.</li></ul>	<ul style="list-style-type: none"><li>• Special visas available to organisations in-country, but only 30 day tourist visas available otherwise.</li><li>• Quarantine laws include provisions on medical examination and isolation, but lack detail.</li><li>• No fast track procedures for emergency personnel.</li></ul>	<ul style="list-style-type: none"><li>• On arrival visas available for in-country organizations, but no special arrangements for others.</li><li>• General processing time 3 days.</li><li>• Quarantine laws include provisions on medical examination and isolation.</li><li>• No fast track procedures for emergency personnel.</li></ul>
<ul style="list-style-type: none"><li>• Visa provisions unsuited to emergency situations</li><li>• Exemptions and fast track procedures more likely for organisations with an in-country office.</li></ul>		

# Other facilities

<b>Cambodia</b>	<b>Laos</b>	<b>Vietnam</b>
<ul style="list-style-type: none"><li>• MOUs required to commence activities, which determines their location and scope</li><li>• No specific facilities or exemptions for other aspects of international assistance</li><li>•</li></ul>	<ul style="list-style-type: none"><li>• MOUs required to commence activities, which determines their location and scope</li><li>• No specific facilities or exemptions for other aspects of international assistance</li></ul>	<ul style="list-style-type: none"><li>• Operating permit required, but general facilitation of relief activities.</li><li>• Exemptions provided for:<ul style="list-style-type: none"><li>- Relief transport</li><li>- Priority traffic rules</li></ul></li></ul>
<ul style="list-style-type: none"><li>• Generally, there are lack of facilities for international assistance which may cause delays for commencing operations and accessing certain areas.</li><li>• In Vietnam, there are some facilities available, but they are too general to be applied effectively.</li></ul>		

# Rights, quality and accountability

Cambodia	Laos	Vietnam
<ul style="list-style-type: none"> <li>• Quarantine laws make isolation and treatment compulsory, but this conflicts with constitutional rights.</li> <li>• No details on conditions of treatment and isolation.</li> <li>• Financial regulations in place in to track international assistance, but no clear assignment of responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>• Quarantine Guidelines make isolation compulsory, but no specific enforcement measures.</li> <li>• No details on conditions of treatment and isolation</li> <li>• Financial regulations in place in to track international assistance, but no clear assignment of responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>• Quarantine laws require isolation and home detention but not clear about enforceability.</li> <li>• ‘Legitimate interests’ of travelers are protected but not specific details.</li> <li>• Financial regulations in place in to track international assistance and additional principles for the distribution of relief</li> </ul>
<ul style="list-style-type: none"> <li>• Lack of detail on how people’s rights will be respected during emergencies, including application of compulsory health measures.</li> <li>• Lack of detail on quality standards for international relief and responsibilities for ensuring accountability of use of aid.</li> </ul>		

# Recommendations

<b>Cambodia</b>	<b>Laos</b>	<b>Vietnam</b>
<ul style="list-style-type: none"><li>• New Communicable Disease Control Law and Disaster Management Law - but must be compatible.</li></ul>	<ul style="list-style-type: none"><li>• New Disaster Management Legislation which includes communicable disease emergencies.</li></ul>	<ul style="list-style-type: none"><li>• New Disaster Law, and additional regulations for communicable disease emergencies.</li></ul>
<p>For international assistance:</p> <ul style="list-style-type: none"><li>• Adoption of special regulations on the facilitation and regulation of international assistance.</li><li>• Pre-registration process for organisations likely to offer assistance.</li><li>• Fast track procedures for relief goods, equipment and personnel.</li></ul>		

# Next steps

- High level workshops to discussion recommendations (completed)
- Full reports in publication
- Commitments from all three countries to review current legislation
- Regional Mekong Forum – will discuss cross-border implications
- Continue to support legislative reforms



# Overall conclusions

- Many countries do have a lot of regulations and laws in place to managed communicable disease emergencies.
- However, it is often dispersed and requires consolidation and updating.
- Also need to close the gap between good legislation and implementation.



# More Information on IDRL

[www.ifrc.org/idrl](http://www.ifrc.org/idrl)



The screenshot shows a Microsoft Internet Explorer browser window displaying the IFRC website. The page title is "International disaster response laws, rules and principles (IDRL) - we". The browser's address bar shows the URL "http://www.ifrc.org/idrl/". The website header features the IFRC logo and navigation links for "français" and "español". A search bar is visible with the text "International Federation of Red Cross and Red Crescent Societies (IFRC)". The main content area is titled "International Disaster Response Laws, Rules and Principles programme (IDRL)". Below the title, there is a paragraph describing the IDRL Programme's work: "Our work: The IDRL Programme seeks to reduce the vulnerability and suffering of people affected by non-armed conflict disasters by raising awareness, and promoting the implementation and strengthening of the laws, rules and principles that ensure a timely, adequate and efficient international response to disasters, where international involvement is needed." To the left of the main content is a sidebar with a navigation menu including "Home", "How to help", "Who we are", "What we do", "Where we work", "News", "Meetings & events", "Photo galleries", "Publications", "Directory", "Jobs", "Volunteers", "Youth", "Contact us", and "Search". Below the main text, there are sections for "Resources" and "IDRL Guidelines adopted by the 30th International Conference". The "Resources" section includes a "New publication: Law and legal issues in international disaster response: a desk study / Related press release" and a "What's IDRL?" section. The "IDRL Guidelines" section includes a "Note to the International Conference participants" and a photograph of a conference room.

Thank  
you!