

Legal Preparedness for Disasters and Communicable Disease Emergencies in Cambodia, Laos and Vietnam

Disaster and disease vulnerability in the Mekong River Basin



Cambodia, Laos and Vietnam are among the countries through which the Mekong River flows, creating fertile land in what is known as the “rice bowl” of the region. Unfortunately, this region is also prone to flash flooding and droughts, which occur on an annual basis, ruining valuable crops as well as lives.

The impact of climate change is believed to have increased the occurrence of these disasters. Indeed one of the worst floods occurred in 2000 affecting over 8.9 million people across the three countries. (ADRC report 2003). Additionally, Vietnam’s coastal provinces stretching over 1590km are prone to around 12 major tropical storms each year.

There is also great vulnerability in poorer and more remote communities to a range of communicable diseases including diarrhea, dengue, HIV/AIDS, and Avian Influenza. All of this amounts to a need for good prevention, preparedness and response systems.

What is legal preparedness?

Legal preparedness is ensuring that national laws and policies:

- Facilitate fast mobilisation and response to disaster response and communicable disease emergencies
- Ensure good coordination and information exchange between different partners – local, national and international
- Encourage good quality and accountability standards
- Integrate key international and regional agreements and standards

Why is legal preparedness important?

Legal issues are often overlooked as part of preparedness planning for disasters and communicable diseases. This is particularly so for situations where cross-border or international assistance may be needed.

“Having good laws and systems in place will help us to get the right information to the right place at the right time after a disaster.”

*Madame Pum Chantinie,
Secretary-General of the Cambodian Red Cross*

Recent experiences in the Asia Pacific region and elsewhere have demonstrated that too often, legal systems are not prepared for large scale emergency situations and can sometimes have the negative effect of slowing down urgently needed relief or increasing the cost and challenges of providing effective assistance.

Additionally, there are concerns about potential pandemics, such as SARS and pandemic influenza, which heighten the need to ensure that legal issues are anticipated and managed in advance of an outbreak situation, to enable rapid notification, containment and response.



Legal Preparedness projects in Cambodia, Laos and Vietnam: Process and methods

Three 'Legal Preparedness Projects' are currently underway in Cambodia, Laos and Vietnam to review existing laws and policies for communicable disease emergencies and other disaster situations, and to make recommendations for legislative improvement. The Legal Preparedness Projects are funded by the Pooled Fund of the Greater Mekong Sub-region Communicable Disease Control Project of the Asian Development Bank and are conducted in close collaboration with different government ministries, Red Cross and Red Crescent National Societies, the World Health Organisation and other key organisations in each country.



Identification of scenarios

The projects identify the most likely large-scale disaster and communicable disease emergency scenarios in Cambodia, Laos and Vietnam which may require cross-border or international cooperation.

Overview of current national legal and policy framework

Through legal research and consultations, the projects collect and analyse existing legal and policy instruments in each country on topics relating to the management of disasters and communicable disease emergencies.

Examine implementation of key international and regional agreements, guidelines and standards

The projects also analyse the extent to which key international and regional instruments are implemented in Cambodia, Laos and Vietnam. In particular they focus on the implementation of the Guidelines on the Domestic Facilitation and Regulation of International Disaster Relief and Initial Recovery Assistance of 2007 (IDRL Guidelines), and the International Health Regulations of 2005.

Good practices, gaps and ways forward for strengthening legal preparedness

A report produced at the end of each project identifies good practices and remaining gaps and recommend specific legal and policy measures to encourage effective national and international responses to disasters and communicable diseases.

Opportunities and lessons learned from these projects

The establishment of a **Project Taskforce** comprising government representatives, the National Red Cross or Red Crescent Society, World Health Organisation and other stakeholders provides an important forum for guidance and discussion about the project findings, recommendations and follow up activities.

The Project Reports containing the findings and recommendations are a valuable resource for the revision or development of **legislation for disaster management and communicable disease control**.

“We need to find ways of ensuring that communities can report outbreaks as soon as possible. The research and development of new laws could help us find some lasting solutions.”

Dr. Sok Touch, Director of Communicable Disaster Control, Cambodia Ministry of Health

For **National Red Cross and Red Crescent Societies** the project offers an opportunity to engage with governments to clarify their **auxiliary role** to government authorities in disaster management and health.

National Red Cross and Red Crescent Societies can also be a driving force in **advocating change** in disaster legislation in the country to improve disaster and communicable disease preparedness.

It is hoped that the Legal Preparedness projects in Cambodia, Laos and Vietnam will be a starting point for more efforts in improving legal preparedness in other countries across the Asia Pacific.

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