# Law and Regulation for the Reduction of Risk in Natural Disasters in Viet Nam

# Outline for a Country Case Study, IFRC-UNDP global project on Law & DRR

# Research Project Summary

This document proposes a 7-week study on **Law and Regulation for the Reduction of Risk in Natural Disasters – Vietnam.** It is part of global project being undertaken in partnership by the International Federation of Red Cross and Red Crescent Societies (IFRC) and the United National Development Programme (UNDP). The project involves background reports (desk surveys) on the laws of more than 20 countries, and in-depth case studies of 8-10 countries that represent the different regions of the globe. The countries chosen for such case studies all face significant natural hazards but have taken legislative initiatives to address disaster management and risk reduction at a national level. The aim is to identify good practices that other countries may be able to emulate and to identify common issues or gaps in implementation of laws related to disaster risk reduction so that these may be addressed, at a national and global level. These studies will also provide data for a global synthesis report, to be prepared by IFRC and UNDP before the 4th Global Platform on Disaster Reduction in May 2013.

The IFRC, in cooperation with the Vietnam Red Cross, has prepared a background report on the national laws of Viet Nam relevant to disaster risk reduction, as the basis for a country case study. (This has just been completed and has not yet been published).

The present proposal is for a full Country Case Study in Viet Nam, in which the focus is on implementation of the relevant laws, especially at local and community level. It is proposed that the IFRC and Vietnam Red Cross will lead the Country Case Study, working in partnership with UNDP at country level in Viet Nam. An experienced consultant will be engaged to undertake the study.

## Objectives

Using the background report as a starting point, a consultant will visit Viet Nam over a period of three weeks to undertake further research and meet with government and other relevant organisations to:

1. Obtain copies of other relevant laws and regulations at national level and then, based on research and advice from interviewees, identify relevant laws and regulations within one province outside Ha Noi, as well as those at local government and community level within the same province.
2. Seek to identify - at national, provincial and local and community level:
	1. good practices enabled or mandated by legislation, including good examples of wording/drafting, institutional structures, coordination and planning between sectors, and involvement of civil society and communities, that provide the basis for effective reduction of risk from natural disasters; and
	2. gaps in the legal, institutional and resources framework for DRR against natural disasters, and the views of stakeholders about what forms of regulation or implementation would be effective in closing these gaps, especially at the community level.

## Methodology

The Project will involve analysis of the background report and the laws already obtained for it, followed by in-country interviews with key stakeholders at national, provincial, local and community level, for the purpose of obtaining additional laws not included in the survey, and, most importantly, gaining an understanding of issues in implementation of the laws and regulations.

This study will include an extended visit (15 days), during which the consultant will undertake meetings/interviews with key stakeholders:

* 1. at national level (government ministries and committees, national and international NGOs, international organizations, Red Cross)
	2. within 2-3 communities outside the capital
	3. with local government officials in the same area as the communities visited
	4. with regional/provincial/state level officials and other regional organizations including civil society in the same region as the community and local government visits.

## Major Output

A 30-45 page Country Case Study Report (not including annexes)

 **Background**

The *Hyogo Framework for Action 2005-2015* (HFA), in its first priority, set out the need to “ensure that disaster risk reduction is a national and a local priority with a strong institutional basis for implementation,” notably through “policy, legislative and institutional frameworks for disaster risk reduction.”

In the years since 2005 a significant amount of new legislation has been adopted in various parts of the world, aimed at strengthening the focus on risk reduction. However, important gaps still remain, particularly with regard to follow-through at the community level. This was confirmed in various reports prepared around the time of the mid-term review of the HFA, including an IFRC internal survey,[[1]](#footnote-1) UNISDR’s mid-term report,[[2]](#footnote-2) a survey carried out by the Global Network of Civil Society Organizations for Disaster Reduction,[[3]](#footnote-3) a UNDP review of institutional and legislative systems for disaster risk management,[[4]](#footnote-4) as well as in a series of regional workshops related to disaster law issues organized by the IFRC from 2008-11. Communities were found not to be well enough informed, engaged or resourced to take an active part in reducing risks, and it was noted that rules to deter risky behaviours (particularly in construction and land use) often go unenforced. While legislation is certainly not the only way to address some of these issues, it can be an important part of the puzzle.

In 2010, the IFRC began a series of case studies to examine how various countries had addressed issues related to disaster risk reduction in their laws and how successful their legislation had been in practice. Studies were completed in Albania, Brazil, the Dominican Republic, Nepal and South Africa.[[5]](#footnote-5) Desk research was also undertaken concerning trends in law-making related to disaster risk reduction. A desk review with this information was submitted as a background paper for the UNISDR’s “Global Assessment Review” at the end of 2010.

The results of the foregoing were summarized in a report to the 31st International Conference of the Red Cross and Red Crescent in November 2011 (which represents all states as well as the components of the Red Cross and Red Crescent movement).[[6]](#footnote-6) This report found that, although a number of countries had adopted new laws addressed to disaster risk reduction, most national systems remained oriented towards disaster response, and that overall progress in community-level implementation and participation in DRR had been quite uneven. It identified the key problem areas as: a lack of sustained political will; insufficient DRR focus in disaster management; a lack of community engagement and information; and little integration of community organizations and the private sector in DRR. It also identified gaps in the capacity and funding of local authorities and in community-level implementation of laws, as well as a lack of accountability for delivering community-level results in DRR.

In its Resolution 7, the International Conference welcomed the report and affirmed that domestic legislation is one of a number of instruments able to promote community-level DRR.[[7]](#footnote-7) The resolution encouraged states, with support from their RCRC National Societies, the IFRC and other relevant partners, such as the United Nations Development Programme (UNDP), to review their existing legislative frameworks at all levels in light of the key gap areas identified in the IFRC report, and to assess whether they adequately:

1. establish disaster risk reduction as a priority for community-level action;
2. promote disaster risk mapping at the community level;
3. promote communities’ access to information about disaster risk reduction;
4. promote the involvement of community representatives, National Societies, other civil society actors and the private sector in disaster risk reduction activities at the community level;
5. allocate adequate funding for disaster risk reduction activities at the community level;
6. ensure that development planning adequately takes into account local variability in hazard profiles, exposure, vulnerability and cost-benefit analysis;
7. ensure full implementation of building codes, land use regulations and other legal incentives, taking into account areas of competence of various levels of government within countries, to reduce disaster risk at the community level in a manner that does not impinge unnecessarily on livelihoods or rights; and
8. promote strong accountability for results in reducing disaster risks at the community level.

Resolution 7 encouraged RCRC National Societies and states to cooperate in disseminating information about existing legislation on DRR at the community level. It also requested the IFRC to continue to support National Societies and states in this area, including though technical assistance, capacity building, the development of tools, models and guidelines, advocacy and ongoing research.

The present global project is being undertaken in partnership by the IFRC and UNDP in response to the needs identified in the reports mentioned above and with the mandate from states in Resolution 7 of the International Conference. It relies for its success on country-level partnership between RCRC National Societies and UNDP regional and country-level staff, and on mutual cooperation with governments.

*Document prepared by IFRC Disaster Law programme, 6 August 2012.*

1. IFRC, Hyogo Framework for Action: Red Cross Red Crescent Mid-Term Review, October, 2010. [↑](#footnote-ref-1)
2. UNISDR, Hyogo Framework for Action: Mid-Term Review (2010-2011) available at: <http://www.unisdr.org>. [↑](#footnote-ref-2)
3. Global Network of Civil Society Networks for Disaster Reduction, “Clouds but Little Rain” - Views from the Frontline: A Local Perspective of Progress Towards Implementation of the Hyogo Framework for Action (2009); and Global Network of Civil Society Networks for Disaster Reduction, “If We Do Not Join Hands,” Views from the Frontline (2011), available online at <http://www.globalnetwork-dr.org>. [↑](#footnote-ref-3)
4. A Global Review: UNDP Support to Institutional and Legislative Systems for Disaster Risk Management, UNDP, 2007. [↑](#footnote-ref-4)
5. Copies of the studies for Brazil, the Dominican Republic, Nepal and South Africa are available online at www.ifrc.org/dl. [↑](#footnote-ref-5)
6. <http://www.ifrc.org/PageFiles/86597/IC31_DisasterRiskReduction_26Nov_clean_EN.pdf> [↑](#footnote-ref-6)
7. Available in multiple languages at: <http://www.ifrc.org/en/what-we-do/idrl/meetings-and-events/past-events/disaster-law-at-the-31st-international-conference/> [↑](#footnote-ref-7)