



Prepared by: **WHITE & CASE**

IFRC COVID-19 Emergency Decree Pro Bono Research: Vietnam

White & Case Team: Chloe Do, Adriana Zhan, Amanda Wong.

- **Questions to be answered by close of business Friday, 27 March are listed below.**
- **Please be sure to include English translations of relevant text where possible.**

1. Is there coordination between state and non-state actors, e.g. through a national emergency response mechanism?

Yes. Firstly, the Vietnamese government announced that all people in the country must wear face masks in public places, including supermarkets, bus stations, airports, and in any public transportation.¹

Additionally, as of 25 March 2020, the Vietnamese government began a large-scale COVID-19 testing campaign for any persons who arrived from outside the country since 8 March 2020.² Vietnam has appointed 30 screening centers nationwide to carry out testing and diagnosis of COVID-19 disease, as well as 45 quick response teams to assist health facilities in the processing and treatment of COVID-19 patients.³

Furthermore, the Vietnamese government has quarantined several areas where there are confirmed or suspected COVID-19 cases.⁴ They have also closed most schools nationwide, at least until 4 April 2020.⁵

Multiple provinces and cities have either ordered the closure of businesses or requested the closure of businesses, in order to increase social distancing. For example, Ho Chi Minh City authorities ordered the closure of all restaurants that can seat 30 or more people, gyms, beauty salons, and barbershops til at least 31 March 2020.⁶

Ho Chi Minh City authorities have also announced restrictions on organizing meetings attended by over 1,000 people. In addition, all bars, clubs, cinemas, massage parlors, karaoke shops, and online gaming centers will be closed from 6:00 pm on 15 March 2020 until 31 March 2020. Officials in Hanoi have implemented similar measures until 31 March 2020.⁷ Authorities in Binh Duong and Long An provinces

¹ See *COVID-19 Information*, VIETNAMESE EMBASSY, <https://vn.usembassy.gov/u-s-citizen-services/covid-19-information/>. This link and all other links referred to in this memo were last accessed on 25 March 2020.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ See *Vietnam Business Operations and The Corona Virus Updates*, VIETNAM BRIEFING, <https://www.vietnam-briefing.com/news/vietnam-business-operations-and-the-coronavirus-updates.html/>.

⁷ *Id.*

have shut down all entertainment facilities such as cinemas, discos, massage parlors, and karaoke clubs.⁸

Recognizing the strain on businesses, the Vietnamese government is planning to issue tax breaks, delayed tax payments, and delayed land-use fees for businesses impacted by COVID-19.⁹ They have also cut interest rates from the central bank and have asked commercial banks to do the same.¹⁰

2. Is there mention of the role of Red Cross (RC) or humanitarian actors? In what areas/sectors? What responsibilities are ascribed to RC?

There appears to be no express mention of the Red Cross or humanitarian actors to date.

3. Are there exceptions to travel restrictions that will facilitate the movement of RC/humanitarian relief teams and/or aid across borders? What (if any) quarantine requirements or other conditions are attached?

Vietnam suspended the entry of all foreigners effective 22 March 2020, including overseas Vietnamese and their spouses and children.¹¹ Persons entering Vietnam for “diplomatic and official purposes, for participation in major diplomatic events, or being experts, business managers, [*sic*] highly skilled workers” may apply for an exemption from the entry restriction on a case-by-case basis, subject to approval by the Ministry of Public Security and other relevant agencies.¹² As of the time of writing, there does not appear to be any additional guidance available on what criteria must be met to qualify for this exemption. Thus, it is possible for RC personnel to apply this exemption to enter Vietnam to provide relief.

All entrants (other than entrants for diplomatic and official purposes) are mandatory centralized quarantine for 14 days.¹³ Entrants for diplomatic and official purposes are not subject to centralized quarantine, but must self-quarantine for 14 days at their places of residence under the supervision of local authorities.¹⁴ It is not clear whether humanitarian relief would be treated as entrants “for diplomatic and official purposes” for purposes of the quarantine requirement.

4. Are there exceptions to quarantines, curfews and other restrictions on movement that allow RC/humanitarian organizations access to vulnerable populations (including for psychosocial or non-medical aid)?

Vietnam currently requires individuals who have come into close contact with others who tested positive for COVID-19 to be tested and placed in a 14-day quarantine.¹⁵ As of the time of writing, there does not appear to be a broad-based quarantine, curfew or other restriction on movement in place.

Vietnam railway authorities have suspended several domestic routes and public transport passengers are required to complete health declaration forms.¹⁶ Local health departments have implemented their own policies for tracking and reducing the spread of COVID-19 infections, including establishing health

⁸ *Id.*

⁹ See *Vietnam Issues Incentives to Counter Covid-19 Impact*, ASEAN BRIEFING, <https://www.aseanbriefing.com/news/vietnam-issue-incentives-counter-covid-19-impact/>.

¹⁰ *Id.*

¹¹ See *Vietnam halts entry to all foreigners due to Covid-19*, CHINH PHU, <http://news.chinhphu.vn/Home/VN-HALTS-entry-to-all-foreigners-due-to-COVID19/20203/39326.vgp>.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See *Covid-19 Travel Policies*, VIETNAM TOURISM, <https://vietnam.travel/things-to-do/covid-19-travel-policies-vietnam>.

¹⁶ See *All in Vietnam must wear face mask in public places for coronavirus prevention*, THE STAR <https://www.thestar.com.my/news/regional/2020/03/16/all-in-vietnam-must-wear-face-mask-in-public-places-for-coronavirus-prevention>.

checkpoints for persons entering Da Nang¹⁷ and ordering temporarily closure of entertainment and personal service businesses in Ho Chi Minh City¹⁸. On 23 March 2020, Prime Minister Nguyen Xuan Phuc ordered closure of nonessential services (such as catering and karaoke) and minimizing mass gatherings.¹⁹

Notwithstanding the above, it appears that the current restrictions on movement is not likely to significantly impede RC/humanitarian organizations' access to vulnerable populations (including for psychosocial or non-medical aid) so long as the relevant personnel is already located in Vietnam. It should be noted that Vietnam has mandated that people wear face masks at crowded places such as airports, bus stations, supermarkets and on public transport.²⁰

5. Have any special legal facilities or exemptions been put in place for the importation of medical aid or other relief items or personnel (International Disaster Response Law)? What (if any) quarantine requirements or other conditions are attached?

On 4 March 2020, the Prime Minister issued Directive 11 setting out measures to help address difficulties faced by businesses as a result of COVID-19.²¹ Directive 11 includes a mandate for the relevant ministries and agencies to facilitate custom clearances including difficulties faced by importers.²² In response to this directive, the General Department of Vietnam Customs ("GDVC") requires its customs officers to "facilitate customs clearance of imported goods, machinery, medical equipment, preparations, disinfectant solution, pharmaceuticals and support tools" for purposes of the prevention and treatment COVID-19.²³ It is not clear what "facilitation" entails in practice (e.g., whether customs clearance for such types of items is expedited or subject to relaxed scrutiny).

The GDVC requires its customs officers to take enhanced measures when performing inspections and other duties relating to the importation of goods to prevent and control the spread of COVID-19, including wearing masks and gloves and disinfecting after completing work,²⁴ but there does not appear to be any quarantine requirements or other conditions attached to the importation of goods. The importation of personnel appears to be subject to the general rules described in the response to Question 3 above.

6. Is the RC (or humanitarian organizations) categorized as 'essential' or 'emergency' services, for the purposes of exemptions to restrictions on business operations and opening hours?

¹⁷ See *Da Nang sets up 7 Covid-19 Checkpoints*, CHINH PHU, <http://news.chinhphu.vn/Home/Da-Nang-sets-up-7-Covid19-checkpoints/20203/39239.vgp>.

¹⁸ See *HCMC orders closure of restaurants, barber shops*, CHINH PHU, <http://news.chinhphu.vn/Home/HCMC-orders-closure-of-restaurants-barber-shops/20203/39361.vgp>.

¹⁹ See *Next two weeks will be "decisive" for VN's fight against COVID-19, PM says*, CHINH PHU, <http://news.chinhphu.vn/Home/Next-two-weeks-will-be-decisive-for-VNs-fight-against-COVID19-PM-says/20203/39355.vgp>.

²⁰ See *Vietnam Business Operations and the Coronavirus*, DEZAN SHIRA AND ASSOCIATES, <https://www.vietnam-briefing.com/news/vietnam-business-operations-and-the-coronavirus-updates.html/>.

²¹ See *PwC Legal Vietnam Newsbrief*, PwC, 17 March 2020, <https://www.pwc.com/vn/en/publications/2020/200317-pwc-legal-vietnam-newsbrief-directive-11.pdf>.

²² *Id.*

²³ See *Policies on export and import of goods, medical equipment and support tools for COVID-19 prevention and treatment*, VIETNAM CUSTOMS, 11 March 2020, <https://www.customs.gov.vn/Lists/EnglishNews/ViewDetails.aspx?ID=723&Category=News and Events&language=en-US>.

²⁴ See *General Department of Viet Nam Customs deploys measures to prevent and control the effects of corona virus*, VIETNAM CUSTOMS, 10 February 2020, <https://www.customs.gov.vn/Lists/EnglishNews/ViewDetails.aspx?ID=717&Category=News and Events&language=en-US>.

On 23 March 2020, Prime Minister Nguyen Xuan Phuc has requested the closure of all non-essential services to minimize large gatherings of people.²⁵ He also suggested that there should not be large gatherings in places of worship.²⁶ In Ho Chi Minh City, restaurants with capacity of 30 or more people, beauty salons, barber shops, billiards clubs, dance clubs, bars, karaoke, massage parlors, movie theaters, and gaming facilities must remain closed through 31 March 2020.²⁷ None of these restrictions specifically mentioned humanitarian organizations in general, or the Red Cross specifically.

7. What other measures are provided in the emergency decrees? (for governmental actors, for communities, for health workers, etc).

The Vietnamese government's responses to COVID-19 include imposing mandatory medical declaration and mandatory centralized quarantines for 14 days upon all incoming travelers, requesting foreigners to wear masks in public, suspending issuance of visas and visa waivers for entering Vietnam, declining entry into Vietnam for all foreigners (with certain exceptions), and requesting banks to disinfect cash.²⁸

National and local governments are also working to expand the capacity of quarantine facilities.²⁹ The military is adding 20,000 beds in order to increase total capacity of these facilities to 60,000.³⁰ Ho Chi Minh City is converting Vietnam National University's dormitories into quarantine facilities with 20,000 beds.³¹ Since January, the government has quarantined over 21,000 people in these facilities.³²

In addition to individual quarantines, in Hanoi, one neighborhood has also been locked down for 14 days after a resident tested positive for COVID-19.³³ All of the remaining 189 residents have subsequently tested negative, and the neighborhood has been disinfected many times.³⁴

8. Have restrictions been adopted or put in place that ban the export of protective medical equipment?

Vietnam has imposed an export licensing regime for the export of medical masks.³⁵ The Ministry of Health is in charge of issuing the permits, coordinating with the Ministries of Industry and Finance "in

²⁵ See *Prime Minister request closure of non-essential services, socialization of quarantine facilities*, TUOI TRE ONLINE, 23 March 2020, <https://tuoitre.vn/thu-tuong-yeu-cau-dong-cua-cac-dich-vu-khong-can-thiet-xa-hoi-hoa-co-so-cach-ly-20200323190312433.htm> ("Thủ tướng yêu cầu đóng cửa các dịch vụ không cần thiết để hạn chế tối đa việc tụ tập đông người.") (unofficial translation).

²⁶ *Id.*

²⁷ See *HCMC orders closure of restaurants, barber shops*, VGP NEWS, 24 March 2020, <http://news.chinhphu.vn/Home/HCMC-orders-closure-of-restaurants-barber-shops/20203/39361.vgp>.

²⁸ *Quick summary of Gov't responses to COVID-19 pandemic (March 4-22)*, VGP NEWS, 23 March 2020, <http://news.chinhphu.vn/Home/Quick-summary-of-Govt-responses-to-COVID19-pandemic-March-422/20203/39340.vgp>, *COVID-19 in Vietnam: Travel Updates and Restrictions*, VIETNAM BRIEFING, 9 March 2020, <https://www.vietnam-briefing.com/news/covid-19-vietnam-travel-updates-restrictions.html/>, *Vietnam Expands Foreign Visa Ban, 85 Coronavirus Cases in Country*, NYTIMES, 20 March 2020, <https://www.nytimes.com/reuters/2020/03/20/world/asia/20reuters-health-coronavirus-vietnam.html>, *VN HALTS entry to all foreigners due to COVID-19*, VGP NEWS, 21 March 2020, <http://news.chinhphu.vn/Home/VN-HALTS-entry-to-all-foreigners-due-to-COVID19/20203/39326.vgp>.

²⁹ Mai Ngoc Chau and Xuan Quynh Nguyen, *Vietnam Military Increasing Isolation Housing to 60,000 Beds*, BLOOMBERG, 19 March 2020, <https://www.bloomberg.com/news/articles/2020-03-19/vietnam-is-increasing-quarantine-capacity-to-house-60-000-people>.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ Hanoi: Truc Bach neighbourhood rejoicing as medical lockdown lifted, NHAN DAN, 19 March 2020, <https://en.nhandan.org.vn/pictures/item/8506202-hanoi-truc-bach-neighbourhood-rejoicing-as-medical-lockdown-lifted.html>.

³⁴ *Id.*

issuing dossiers and procedures” for granting the permits, and providing guidance on standards for medical masks.³⁶ Production facilities are required to report their production capacity upon request from the Ministry of Health.³⁷ The General Department of Customs under the Ministry of Finance will coordinate efforts in overseeing the export of medical masks.³⁸

This licensing requirement does not apply to “enterprises specializing in the production of export goods that were already granted investment certificates, and companies manufacturing medical masks for foreign traders that have signed processing contracts before March 1, 2020.”³⁹ The export of medical masks is only permitted for international aid and assistance.⁴⁰ Only a maximum of 25 percent of medical mask output may be exported, while 75 percent are reserved for the domestic use.⁴¹ Since early 2020, Vietnam has exported US \$2.6 million’s worth of face masks, 30 percent of which were shipped to China.⁴²

Additionally, customs departments of cities and provinces are directing their personnel “to monitor the exportation of equipment, protective gear, clothing and gloves for medical use.”⁴³ In the event of a sudden increase in the quantity of goods exported, the relevant personnel are required to summarize the data and report the total amount of medical masks exported to the General Department of Customs.⁴⁴

³⁵ Thu Huyen, *Policies on export and import of goods, medical equipment and support tools for COVID-19 prevention and treatment*, VIETNAM CUSTOMS, 11 March 2020, <https://www.customs.gov.vn/Lists/EnglishNews/ViewDetails.aspx?ID=723&Category=News%20and%20Events&language=en-US>.

³⁶ *Vietnam requires license for exporting face masks during COVID-19 epidemic*, TUOI TRE NEWS, 29 February 2020, <https://tuoitrenews.vn/news/business/20200229/vietnam-requires-license-for-exporting-face-masks-during-covid19-epidemic/53233.html>.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ Thu Huyen, *Policies on export and import of goods, medical equipment and support tools for COVID-19 prevention and treatment*, VIETNAM CUSTOMS, 11 March 2020, <https://www.customs.gov.vn/Lists/EnglishNews/ViewDetails.aspx?ID=723&Category=News%20and%20Events&language=en-US>.

⁴⁴ *Id.*