

WHITE & CASE

IFRC COVID-19 Emergency Decree Pro Bono Research: Laos

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- *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.*

At the outset, we note that, as of March 27, 2020, Laos has reported six COVID-19 cases.¹

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

According to the briefing on the outcome of the Cabinet meeting on measures to respond to COVID-19 pandemic, the Lao government (the “**Government**”) will “[c]ontinue to coordinate, exchange information and mobilize further cooperation and support from the international community, in particular in the areas that are necessary, but we are not yet well equipped with.”²

Besides the Government’s general statement, we have mostly identified instances of state-to-state coordination, e.g. with the U.S. and China³. The coordination with non-state actors took place mainly to facilitate the latter’s donation of supplies and provision of services to the Lao government. Below are a few examples based on publicly available sources:

- On March 21, 2020, Alibaba donated medical supplies to Laos using Electronic World Trade Platform (eWTP) to overcome the logistical challenges that Lao faces.⁴
- On March 24, 2020, Hua Hin Technology Ltd. donated Huawei Telemedicine Video Conferencing Solution to the Ministry of Health and a 150-bed hospital to support the combat against COVID-19.⁵
- The Lao Ministry of Health commissioned the PET Institute to diagnose COVID-19.⁶

¹ See Johns Hopkins University & Medicine Coronavirus Resource Center, available at <https://coronavirus.jhu.edu/map.html>

² See “Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic”, Ministry of Foreign Affairs of Lao PDR, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

³ See *infra* FN 4, 5; see also “China, ASEAN Band Together in the Fight Against Coronavirus”, The Diplomat, available at <https://thediplomat.com/2020/03/china-asean-band-together-in-the-fight-against-coronavirus/> (China offering expertise to the ASEAN countries during a special session on COVID-19 in Vientiane)

⁴ See “Laos is the only country in Asia where Jack Ma and Alibaba Foundation offer medical equipment”, The Lao Post, available at <https://laopost.com/%e0%ba%a5%e0%ba%b2%e0%ba%a7%e0%ba%84%e0%ba%b7-1-%e0%ba%9b%e0%ba%b0%e0%bb%80%e0%ba%97%e0%ba%94%e0%bb%83%e0%ba%99%e0%ba%ad%e0%ba%b2%e0%ba%8a%e0%ba%b5%e0%ba%97%e0%ba%b5%e0%bb%88%e0%ba%a1%e0%ba%b9/>

⁵ See “Tuberculosis[?] Provides Advanced Medical Video System to Combat Epidemics-19”, KPL, available at <http://kpl.gov.la/detail.aspx?id=51255>

⁶ See “PET Institute diagnoses COVID-19 within 4 hours internationally”, MUAN.LA, available at <http://203.151.130.201/66079/>

- UNICEF provided 17 cubic meters of personal protective equipment (PPE) to the Ministry of Health and plans to support the Government by organizing COVID-19 training for 540 key health workers across all 18 provinces, as well as further media participation workshops for journalists in northern, central and southern provinces.⁷
- The Jack-Ma Foundation has also donated 5,000 sets of protective clothing as well as N95 face masks, 400,000 standard face masks for medical personnel, and 20,000 virus detection sets to Laos.⁸

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

Our research of publicly available sources has not located mentioning of the Red Cross or specific responsibilities ascribed to the Red Cross. Below is the scant information about some humanitarian actors' efforts in Laos's healthcare sector:

- Tankred Stöbe, Medecins Sans Frontieres's emergency coordinator, visited health facilities in Laos and commented that "in northern Laos, I was impressed to see how medical staff had developed strategies in case patients suspected of having COVID-19 arrive at their hospital, in spite of their limited resources."⁹ No further description about MSF's efforts in Laos to combat COVID-19 has been found.

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?

A series of travel restrictions have been imposed in Laos:

- On March 18, 2020, the General Assembly issued six measures to address the COVID-19 epidemic, which include detailed travel restrictions, such as "[s]uspension of all types of visa, including E-Visa and visa issuance for all countries for a period of 30 days. For those who have already received a visa, a medical examination and a check of travel history within the last 14 days are required. With respect to countries that are exempted from the visa requirements, their visa waivers are suspended until the Government gives further notice."¹⁰

⁷ See "UNICEF provides essential supplies to help the Government of Lao PDR prepare for COVID-19", UNICEF Website, available at <https://www.unicef.org/laos/press-releases/unicef-provides-essential-supplies-help-government-lao-pdr-prepare-covid-19>

⁸ See "China govt, Jack Ma Foundation help Laos fight against Covid-19", the Star, available at <https://www.thestar.com.my/news/regional/2020/03/27/china-govt-jack-ma-foundation-help-laos-fight-against-covid-19>; See also "China Sends Medical Experts to Help Laos Fight COVID-19", the Laotian Times, available at <https://laotiantimes.com/2020/03/26/china-sends-medical-experts-to-help-laos-fight-covid-19/>

⁹ See "Preparing for COVID-19 in South-East Asia", Medecins Sans Frontieres, available at <https://www.msf.org/preparing-covid-19-south-east-asia>

¹⁰ See "The Government sets out six major measures to cope with climate change", The Lao Post, available at <https://laopost.com/%E0%BA%A5%E0%BA%B1%E0%BA%94%E0%BA%96%E0%BA%B0%E0%BA%9A%E0%BA%B2>

- On March 23, the Lao Airlines suspended flights to Thailand, Korea, Vietnam, Cambodia, and most Chinese cities. Only the flights to the Chinese city of Kunming are allowed to continue (on a reduced frequency, with arrivals subject to a 14-day quarantine and a USD \$2000 bail).¹¹
- As described in more details in the response to Question 7 below, the National Prevention, Control and Response Task-Force Committee on COVID-19 (the “Committee”) has taken a number of measures relating to travel, including closing all “local” and “customary” border checkpoints across the country, suspending the issuance of e-visas and tourist visas, recommending to avoid travelling abroad during this period, especially by air and mass transportation, and imposing strict quarantine on travelers entering Lao PDR by screening body temperature and separating those with suspected COVID-19 from the general public in order to reduce the risk of transmission.

Based on our research of publicly available sources, no exceptions seem to have been granted to facilitate the movement of RC/humanitarian relief teams. However, it was reported that as recent as in August 2019, Laos and China engaged in a humanitarian and medical joint rescue drill in Vientiane focusing on epidemic prevention operations.¹² It may not be unreasonable to assume that, having gone through this exercise, the Lao government will be ready and willing to give exceptions to travel restrictions to facilitate the movement of RC and humanitarian relief teams when the need arises.

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)?

As noted in the responses to Question 3 above and Question 7 below, the Committee has taken a number of quarantine measures, including ensuring the preparedness of hospitals with isolation rooms for suspected COVID-19 patients and imposing strict quarantine on travelers entering Lao PDR by screening body temperature and separating those with suspected COVID-19 from the general public in order to reduce the risk of transmission.

On March 22, 2020, the Ministry of Health Director was reported to state that more than 100,000 Lao workers were expected to be repatriated in the next few days and that the Government was setting up mass quarantine sites in schools.¹³

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¹¹ See “Lao Airlines announces some temporary stops on international flights”, KPL, available at <http://kpl.gov.la/detail.aspx?id=51214>

¹² See “Peace Train-2019 China-Laos joint rescue drill conducts epidemic prevention operations”, Xinhua Net, available at http://www.xinhuanet.com/english/2019-08/19/c_138321089.htm

¹³ See “The State prepares a place for more than 100,000 Lao workers to enter the country”, The Lao Post, available at <https://laopost.com/%E0%BA%A5%E0%BA%B1%E0%BA%94%E0%BA%81%E0%BA%BD%E0%BA%A1%E0%BA%AA>

We have not been able to locate from publicly available sources any exceptions to quarantines, curfews and other restrictions on movement that would allow RC/humanitarian organization access to vulnerable populations. However, similar to the exceptions to travel restrictions under Question 3, the Lao government's recent efforts in preparing for epidemic crises in collaboration with other states may be an indicator of its willingness and readiness to grant exceptions on movements, in due course, to allow for humanitarian rescues.

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?

Based on our research of publicly available sources, no special legal facilities or exemptions appear to have been put in place for the importation of medical aid or other relief items or personnel.

We note however the following relevant facts:

- Laos has a domestic production of medical equipment, which however ran out of stock.¹⁴
- The Ministry of Health has stated that Laos is to import face masks from neighboring countries, including Vietnam, China, and Thailand amid a national shortage. Laos has reportedly reached an agreement with Vietnam for the importation of face masks, despite Vietnam temporarily suspending the export of masks after facing high demand in their own country.¹⁵
- The US government has provided personal protective equipment to Laos which includes 440 protective goggles, 1,500 surgical gowns, and 220 face shields, along with biohazard disposal bags, aprons, N95 face masks, safety boxes, gloves, and hand sanitizer supplies.¹⁶
- The US provided an additional \$2 million for training of thousands of Lao health workers at the national and sub-national levels.¹⁷

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¹⁴ See "Laos to Import Face Masks Amid National Shortage", The Laotian Times, available at <https://laotiantimes.com/2020/03/20/laos-to-import-face-masks-amid-national-shortage/>; See also, "Commerce ministry of Laos sets price ceiling for face masks", The Star, available at <https://www.thestar.com.my/news/regional/2020/02/10/commerce-ministry-of-laos-sets-price-ceiling-for-face-masks>.

¹⁵ See "Laos to Import Face Masks Amid National Shortage", The Laotian Times, available at <https://laotiantimes.com/2020/03/20/laos-to-import-face-masks-amid-national-shortage/>; See also, "Commerce ministry of Laos sets price ceiling for face masks", The Star, available at <https://www.thestar.com.my/news/regional/2020/02/10/commerce-ministry-of-laos-sets-price-ceiling-for-face-masks>.

¹⁶ See "The Coronavirus in Asia and ASEAN – Live Updates by Country", Asean Briefing, available at <https://www.aseanbriefing.com/news/coronavirus-asia-asean-live-updates-by-country/>

¹⁷ See "United States announces additional \$2 million to support COVID-19 response in Lao PDR", ReliefWeb, available at <https://reliefweb.int/report/lao-peoples-democratic-republic/united-states-announces-additional-2-million-support-covid-19>

- The Chinese government has delivered 2,000 virus detection kits to assist Laos' prevention and control efforts against Covid-19.¹⁸

We also note that the Lao Government has taken the following measures in relation to medical equipment and personnel:

- i. allocated a budget for the purchase of medical facemask, hand sanitizer and medical equipment required for the prevention and control of the COVID-19;¹⁹
- ii. set a ceiling for the sale price of face masks. There are routine checks from authorities at pharmacies to ensure pricing remains at ordinary levels;²⁰
- iii. recognized that there must be coordination with, and advanced planning in seeking assistance from, experts and experienced doctors from friendly countries and international organizations;²¹
- iv. announced that any equipment with respect to which assistance from international organizations or friendly countries is deemed necessary must be immediately proposed to the Government for consideration;²²
- v. announced that if a vaccine and new medication for treatment are available abroad, there will be an immediate request for purchase or donation;²³
- vi. announced that there will be strict measures on any opportunist who withholds stockpile of goods, especially necessary basic goods such as, facemasks, hand sanitizer, medication and medical equipment, among others;²⁴ and

¹⁸See "China govt, Jack Ma Foundation help Laos fight against Covid-19", the Star, available at <https://www.thestar.com.my/news/regional/2020/03/27/china-govt-jack-ma-foundation-help-laos-fight-against-covid-19>; See also "China Sends Medical Experts to Help Laos Fight COVID-19", the Laotian Times, available at <https://laotiantimes.com/2020/03/26/china-sends-medical-experts-to-help-laos-fight-covid-19/>

¹⁹ See "Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic", Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

²⁰ See "Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic", Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

²¹ See "Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic", Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

²² See "Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic", Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

²³ See "Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic", Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

²⁴ See "Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic", Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

- vii. encouraged domestic production of goods that are short in supply as a result of export bans by other countries, to enhance the country's resilience and self-reliance.²⁵

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?

Based on our research of publicly available sources, Lao has not yet restricted the operations of businesses other than the closing of all state and private educational facilities from preschools through to universities. We further note that the last “COVID 19: Operational update” dated March 20, 2020 of the International Federation of Red Cross (IFRC) suggests that IFRC's actions have not started in Laos in relation to COVID-19.²⁶ This is likely because Laos only announced its first COVID-19 case very recently, on March 24, 2020.

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

The Government established a National Prevention, Control and Response Task-Force Committee on COVID-19 with the Deputy Prime Minister Somdy Duangdy as the Head of the Committee, comprising of officials from relevant ministries. The Government in conjunction with this Committee have taken the following preventive measures:

- i. raised awareness among the public on the danger of the COVID-19 and how to prevent and reduce the risk of infection; informed the public not to panic or overreact to the outbreak as this could complicate the situation by, for example, leading to stockpiling of consumer goods and false news;²⁷
- ii. announced that anyone with symptoms meeting the criteria for suspected COVID-19 infection will be tested and results of the diagnosis will be confirmed accordingly;²⁸
- iii. ensured the preparedness of hospitals with isolation rooms for suspected COVID-19 patients and treatment in case of any confirmed cases;²⁹

²⁵ See “Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic”, Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

²⁶ See “IFCR COVID 19: Operational update #7”, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/MDR00005OU7.pdf>

²⁷ See “Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic”, Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

²⁸ See “Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic”, Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

²⁹ See “Briefing on the outcome of the Cabinet meeting on Measures to respond to COVID-19 Pandemic”, Ministry of Foreign Affairs of Lao PDR website, available at <http://www.mofa.gov.la/index.php/activities/state-leaders/3531-briefing-on-the-outcome-of-the-cabinet-meeting-on-measures-to-respond-to-covid-19-pandemic-2>

- iv. closed all “local” and “customary” border checkpoints across the country;³⁰
- v. suspended the issuance of e-visas and tourist visas;³¹
- vi. recommended to avoid travelling abroad during this period, especially by air and mass transportation;
- vii. imposed strict quarantine on travelers entering Lao PDR by screening body temperature and separating those with suspected COVID-19 from the general public in order to reduce the risk of transmission;³²
- viii. cancelled public events and recommended to avoid large gatherings;³³
- ix. closed all state and private educational facilities from preschools through to universities;³⁴
- x. advised all citizens of Laos to practice self-isolation and social distancing to better protect themselves and each other;³⁵ and
- xi. urged Lao people to begin growing crops and raising animals at home for their own consumption in case food supplies should run out amid the Covid-19 pandemic.³⁶

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

Based on our research of publicly available sources, the Laos government has not adopted any ban on the export of protective medical equipment so far. It has however encouraged domestic production of goods that are short in supply as a result of export bans by other countries, to enhance the country’s resilience and self-reliance.

³⁰ See “Laos Shuttles Small Checkpoints on Borders With Vietnam, Cambodia, Citing Coronavirus Spread”, Radio Free Asia, available at <https://www.rfa.org/english/news/laos/checkpoints-03162020164126.html>.

³¹ See “Laos suspends tourist visas, closes schools to prevent Covid-19”, the Star, available at <https://www.thestar.com.my/news/regional/2020/03/19/laos-suspends-tourist-visas-closes-schools-to-prevent-covid-19>.

³² The official notice of the Taskforce Committee number 012/CTF, dated 16 March 2020

³³ See “Laos Cancels Public Events Including Lao New Year Celebrations on COVID-19 Fears”, Radio Free Asia, available at <https://www.rfa.org/english/news/laos/laos-coronavirus-public-events-03112020170451.html>.

³⁴ See “Laos suspends tourist visas, closes schools to prevent Covid-19”, the Star, available at <https://www.thestar.com.my/news/regional/2020/03/19/laos-suspends-tourist-visas-closes-schools-to-prevent-covid-19>

³⁵ See “Prime Minister Recommends Nationwide Self-Isolation”, the Laotian Times, available at <https://laotiantimes.com/2020/03/25/prime-minister-recommends-nationwide-self-isolation/>

³⁶ See “Lao PM Urges People to Grow Crops, Raise Animals for Own Consumption”, the Laotian Times, available at <https://laotiantimes.com/2020/03/18/lao-pm-urges-people-to-grow-crops-raise-animals-for-own-consumption/>.