CASE STUDY

Law and public health emergency preparedness and response in Southeast Asia

Law and policy have underpinned all aspects of the COVID-19 response in Southeast Asia and around the world. Laws enabled states of emergency to be declared, lockdowns to be imposed and, more recently, expedited vaccine approval.

Our research found in many cases, states were not legally prepared for public health emergencies and that public health emergencies are often regulated separately from other kinds of emergencies, even though they are true, emergencies.

In Southeast Asia, we are working with ASEAN to map ASEAN and ASEAN member states' laws and policies related to the COVID-19 response and develop ASEAN guidelines for public health emergency legislation.

We need to integrate law and policy public health emergencies with general disaster and emergency laws and policies to avoid a siloed approach and to eliminate gaps, conflicts, and duplications. An integrated system is more effective and efficient, ready to better help people in need. The Sendai Framework's Bangkok Principles also call for cooperation, integration and, coherence between disaster and health risk management.

Governments, lawmakers, donors and the humanitarian and development sectors must act now to strengthen legal preparedness for public health emergencies.

ASEAN Disaster Law and Public Health Emergency Mapping Project

IFRC and ASEAN have joined together to map ASEAN and ASEAN member states' laws and policies related to the COVID-19 response and to develop ASEAN guidelines for public health emergency legislation.

Guided by the Bangkok Principles, the International Health Regulations 2005, the ASEAN Agreement on Disaster Management and Emergency Response (AADMER), the ASEAN Strategic Framework for Public Health Emergencies and IFRC Disaster Law's guidance documents, the mapping will provide key observations to inform the process of establishing of ASEAN guidelines for public health emergency legislation.

The guidelines will serve as a non-binding framework for ASEAN member states to guide the development and/or review of their disaster laws and policies relevant to public health emergency preparedness and response and coordination mechanisms between disaster risk management and public health actors, supplementing existing ASEAN public health emergency guidelines and other relevant regional mechanisms.

The regional and country-level mapping provides an overview of the legal and policy measures implemented at the domestic and regional levels to manage the COVID-19 response in ten countries: Brunei, Cambodia, Indonesia, Lao, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam.

It assesses common legal issues that have arisen among the ASEAN member states during the COVID-19 response, especially those that could arise again in future similar public health emergencies caused by biological hazards and will later inform the development of ASEAN guidelines on public health emergency legislation to support integrated approaches to disaster and public health emergency preparedness and response law and governance in the longer term.

The project engages with disaster risk management and health sectors, from across ASEAN ministries for disaster management and health ministries, IFRC, National Red Cross and Red Crescent Societies, UN agencies international and local disaster management and public health emergency stakeholders. The output documents will undergo the regular consultation process of ASEAN, to have these endorsed by the ASEAN Committee on Disaster Management.

The project is overseen primarily by the ASEAN Committee on Disaster Management, Working Group on Prevention and Mitigation and the ASEAN Secretariat Disaster Management and Humanitarian Assistance. Financial, technical and administrative support is provided by IFRC. The first phase of the project is expected to be completed by September 2022.

IFRC Disaster Law and ASEAN

IFRC Disaster Law, ASEAN and the ASEAN Coordinating Centre for Humanitarian Assistance on Disaster Management have worked closely over the last 15 years through peer learning, research and aligned priorities. Strong regional governance arrangements in Southeast Asia have helped foster a sense of confidence in regional disaster management and law and policy for disaster management.

In 2005, ASEAN member states signed the ASEAN Agreement on Disaster Management and Emergency Management Response (AADMER), a binding regional instrument that guides cooperation and coordination in disaster risk management, including cross-border emergency preparedness and response. IFRC's early advocacy on strengthening International Disaster Response Laws (IDRL) after the 2004 Indian Ocean Tsunami influenced the development of the AADMER, which reflects key recommendations found in the IFRC's IDRL Guidelines.

In 2017, the ASEAN Disaster Law Peer Learning Platform was established by the ASEAN Committee on Disaster Management in partnership with IFRC. Its first main output was the ASEAN Disaster Law Mapping research – the first regional report to look at the institutionalization of AADMER provisions in domestic laws.

IFRC Disaster Law conducted desk reviews of national disaster laws and policies of ASEAN Member States, focusing on the adoption of AADMER provisions on preparedness and response in domestic legislation. This culminated in a collection of country profiles, a regional stocktake, and an online resource portal of ASEAN disaster laws that is now integrated into the Disaster Law website.

In May 2022, a MOU will be signed between ASEAN and IFRC to strengthen community resilience in Southeast Asia. Areas of technical cooperation and key priorities named in the MOU include disaster law. Other areas include disaster management, disaster risk reduction, health in emergencies, disaster relief and emergency response.

The Bangkok Principles

The Bangkok Principles are measures under the Sendai Framework that place strengthened coordination at the heart of efforts to reduce risk from biological hazards. They call for an inter-operable, multi-sectoral approach to promote systematic cooperation, integration and, ultimately, coherence between disaster and health risk management.

The seven measures prevent and/or reduce the risk of health emergencies such as pandemics that have the potential for huge social and economic impact.

The Bangkok Principles build on the commonality between the two realms, such as the shared need for risk assessment, surveillance and early warning systems, resilient infrastructure, and coordinated incident management.

This strengthened coherence is needed as the interconnected and transboundary nature of hazard risk increases.
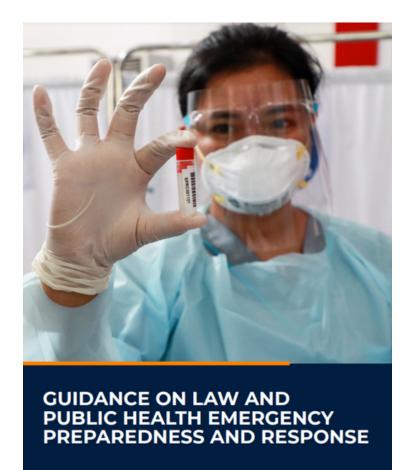
Law and public health emergencies: research and guidance

IFRC's ground-breaking report, Law and Public Health Emergency Preparedness and Response, examines how law and policy can support preparedness for and response to public health emergencies, and how these laws relate to wider disaster risk management.

The report looks at the legal frameworks and response to COVID-19 in 32 countries and at other public health emergencies such as those caused by the Ebola, Zika and SARS viruses.

As a follow on from the research, IFRC Disaster Law's Guidance on Law and Public Health Emergency Preparedness is an assessment tool to support the review and updating of laws, policies and plans relating to public health emergencies.

The Guidance will assist domestic decision-makers to identify critical legal and policy issues for consideration and evaluating how well those issues are currently addressed by existing instruments.

GUIDANCE ON LAW AND PUBLIC HEALTH EMERGENCY PREPAREDNESS AND RESPONSE

About IFRC Disaster Law

IFRC Disaster Law works with National Red Cross and Red Crescent Societies and governments to strengthen disaster risk governance, through the development and implementation of climate, disaster and emergency related legislation, policies and procedures.

With 20 years of experience supporting the development and implementation of disaster law and policy around the world, we are the global leader in disaster law technical advice to governments.

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