

**Background Report**  
**Law and Regulation for the Reduction of Risk from Natural Disasters**  
**in Viet Nam**  
**A National Law Desk Survey**  
**July 2012**

**Acknowledgements**

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## Law and Regulation for the Reduction of Risk from Natural Disasters in Viet Nam: A Desk Survey

### Executive Summary

The legislative and institutional framework regarding Disaster Risk Reduction (DRR) in Viet Nam is diverse, extending over a number of legal documents, and is constantly being upgraded. There is no standalone legal document concerning prevention, response and mitigation of natural disasters. In its place, a complex legal and institutional regime is spread over various laws, decrees, ordinances, decisions, etc. of different agencies of the State in Viet Nam. This paper consists of an analysis of the text of these laws and regulations against a given set of questions and does not include a study of their implementation or application in practice. Together with a bibliographic list and copies of relevant laws and regulations, this paper provides a report on the state of the legislative measures for country-level DRR in place in Viet Nam. The laws and regulations analysed in this paper stipulate measures that must be taken by state authorities and communities in Viet Nam to cope with natural (not man-made) disasters.

Since a standalone legal instrument on disaster management does not exist, prevention and response to different kinds of natural disasters is dealt with in different legal documents. For example, earthquakes are dealt with in PM's Decision on Promulgating the Regulation on Earthquake and Tsunami Prevention and Control and PM's Decision on promulgating the regulation on earthquake/tsunami warning whereas forest fires are dealt with by Decree on Forest Fire Prevention and Control. Moreover, different ministries and different levels of the state machinery are responsible for different aspects of disaster management. For instance, floods are covered under the Ordinance on Prevention and Control of Floods and Storms, 1993 and acquisition of land for emergencies due to natural disasters under the Law on Land, 2003.

The use of this approach has resulted in a plethora of legal documentation, often with overlapping of some areas and wide lacunae in others. As an example, there is detailed provision for financial management (spread out over various documents) but almost no regulation of natural disasters such as heat and cold waves and insect infestation. A review of the legal documentation reveals that most of the natural disasters covered are related to water and damage caused by water: such as floods, storms, inundation or landslides caused by rains, floods, storms and sea waves. These are covered in the

Ordinance on Prevention and Control of Floods and Storms, 1993 and come under the aegis of the Ministry of Agricultural and Rural Development (MARD) and the Central Committee for Flood and Storm Control (CCFSC).

Further, a large part of the legal documentation focuses on measures for prevention and response to a natural disaster. These measures include construction (e.g. of dykes or the approval of certain standards for construction projects), training of communities to respond efficiently to disasters or arranging forces and means of rescue. Unfortunately, important issues such as the regulation of an Early Warning System (EWS) and mandating institutional responsibility for the same have been largely left out of the law. Community involvement in DRR has also been largely ignored. There are provisions for training of communities and organising forces to respond to natural disasters, but they do not have much involvement in disaster preparedness or in other related aspects such as urban planning. Similarly, participation of at-risk communities and vulnerable groups such as women, children and the elderly has been ignored in the legal regime. Detailed provisions for rewards and sanctions for DRR are also absent. Most laws only penalise those individuals, organisations or agencies which, because of a lack of responsibility, fail to fulfil their obligations in preventing or controlling natural disasters.

The legal and institutional framework concerning matters that regulate daily life, such as land laws, telecommunication laws, urban planning, constitutional and other legal rights and guarantees (right to property, life, livelihood), that are also relevant for managing natural disasters can also be found amongst the different laws on the subjects. However, a majority of these laws do not provide detailed provisions for preparing for disaster preparedness and response. There needs to be a conscious effort to integrate DRR into these laws for an efficient and effective DRR system in the country.

Lastly, a review of the law and regulation also demonstrates that Viet Nam is committed to continually updating and improving its institutional and legislative framework for reducing the risks of disasters. Presently, a draft Law on Disaster Prevention and Fighting has been put up for consideration before the National Assembly, the highest law-making body in Viet Nam. The Draft law has successfully drawn up the national strategy on disaster prevention and fighting (article 5) and includes most of fundamental regulations on matters necessary for natural disaster prevention and fighting activities, rights and obligations of individuals and organizations, etc. However, the Draft law ignores the establishment of a specialist DM institution and is unfortunately silent on possible involvement of communities in DRR.

This paper and the accompanying compilation of legal documents are part of a global synthesis report on law and regulation for DRR in natural disasters. It is hoped that the outcome and deliverables of this DRR Study will serve as a useful guide to later researchers on the subject in Viet Nam.

Please note that this Desk Survey was completed in 2012, and therefore makes no references to the Law on Disaster Prevention and Response, adopted in 2013.

### List of abbreviations

|       |                                               |
|-------|-----------------------------------------------|
| CBDRM | Community Based Disaster Risk Management      |
| CCFSC | Central Committee for Flood and Storm Control |
| DRR   | Disaster Risk Reduction                       |
| DM    | Disaster Management                           |
| EIA   | Environmental Impact Assessment               |
| EWS   | Early Warning System                          |
| GDP   | Gross Domestic Product                        |
| MARD  | Ministry of Agriculture and Rural Development |
| MONRE | Ministry of Natural Resources and Environment |
| NCCC  | National Climate Change Committee             |
| PM    | Prime Minister                                |

## 1) Introduction

Disaster risk reduction (DRR) is the reducing of risks to disasters through systematic efforts to analyse and mitigate the causal factors of disasters. It is the lowering of vulnerability of people and property to disasters and includes the management of land, water resources and the environment and preparation for and response to disasters. The purpose of the National Desk Survey is to create a county profile of the law and regulation for DRR in Viet Nam.

This Study consists of an outline of the government and law-making structure and an identification and analysis of relevant laws and regulations for the reduction of risk in natural disasters. The legal and institutional framework concerning DRR at country-level covers a wider scope than just preparation for and response to natural disasters. Matters that regulate daily life, such as safety codes for buildings, registration of land title, telecommunication, waste-water drainage, the rights of the people (right to property, life, livelihood) too, come into consideration when coping with a natural disaster. Consequently, laws that deal with these subjects must incorporate disaster preparedness and response. The country profile outlined in this paper provides an assessment of these issues along with that of disaster management laws.

Analysis of the laws and regulations has been carried out against a given set of questions, organised around the first four of five priorities laid down in the Hyogo Framework for Action, 2005-2015, which focus on

1. Ensuring that disaster risk reduction (DRR) is a national and a local priority with a strong institutional basis for implementation, including through “policy, legislative and institutional frameworks”
2. Identifying, assessing and monitoring disaster risks and enhance early warning
3. Using knowledge, innovation and education to build a culture of safety and resilience at all levels
4. Reducing the underlying risk factors

This paper is a 'desk survey', answering the set of questions above, using only online and library sources. In Viet Nam, there is no standalone legal document on disaster risk reduction. Instead, law and regulation on the issue is spread out over a number of legal instruments and subject to constant change. 'Laws and regulations' in Viet Nam, refers to acts of the National Assembly, and other decrees, directives, ordinances, decisions, circulars, etc. that are passed by the Government and other competent bodies. This paper concentrates on these primary sources to describe and analyse the text of the law and regulation concerning DRR and its different aspects in Viet Nam.

## **2) Summary of Main Natural Hazards and Risks in Viet Nam**

Viet Nam is located in the tropical monsoon area, one of the five storm-prone areas in the Asia Pacific region. Its territory extends over 15 latitudes with 3,200 km coastline and is located in the area of complex topography and dense river networks. This covers many different sub-climate zones and ecologies with mean annual temperatures ranging from 18-29°C and with mean annual rainfall ranging from 600 millimetres to 5000 millimetres. Additionally, as meteorologically located in the Western Pacific region, which is one of the two biggest storm centres in the world, Viet Nam faces between 5-10 storms and tropical low pressure systems a year.

Moreover, the comprehensive development of the country has led to the increase of disaster risk. Escalated developmental activity and increasing amounts of waste has led to an increase in problems of constrained water flow, impoverished soil, silt reservoirs; and land, rock and mudslides, further increasing the risk of natural disasters.

Rising sea levels would increase the probability of risk even further. A rise of 30 centimetres to one meter in sea-levels is expected over the next 100 years. It is projected to cause a capital value loss of up to USD 17 billion (80 per cent of the country's annual GDP) every year if no protective measures are taken. The increased risk is not restricted to coastal areas; in fact, the rise of river beds and backwater effects will also cause serious problems to inland river regions, with a total area of 40 000 km sq. flooded annually.

Taking into consideration the fact that disasters are tangible threats, and cause a negative impact on the sustainable development of Viet Nam, the government of Viet Nam issued the National Strategy for Natural Disaster Prevention, Response and Mitigation to 2020. The building of new legislation for disaster risk management plays an important role in facilitating the success of natural disaster prevention, response and mitigation. This National Desk Survey on the country profile of laws and regulations for the reduction of risk in natural disasters hopefully provides background knowledge for further research that will give valuable recommendations for disaster risk management law in Viet Nam.



### 3) Governmental & Law-making structure

Pursuant to the 1992 Constitution of the Socialist Republic of Viet Nam (as Amended in 2001), the National Assembly is the highest legislative organization and the highest-level representative body of the people. The Country's President is the Head of State.

The state structure consists of the executive branch, the legislative branch and the judicial branch. The executive branch (i.e. the Government) is composed of People's Committees at provincial, district and communal levels. The legislative branch, also represented at each administrative level, is composed of elected People's Councils. The People's Court, present at provincial and district level, form the judicial branch.

Constitutionally, the National Assembly has the power to draw up, adopt, and amend the constitution and to make and amend laws. Laws and resolutions of the National Assembly must be approved by more than half the total membership of the National Assembly. Following the promulgation of a law, governmental decrees are issued to guide its implementation and different Ministries subsequently issue their circulars to guide the implementation of these decrees within their scope of management. Case law is not applicable in Viet Nam.

The *Law on Promulgation of Legal Acts no. 17/2008/QH12* promulgated by the National Assembly on 3 June 2008 lists a range of legal documents issued by different state bodies and their legally binding effect, but is silent on their hierarchy.

Legal documents listed include:

- Constitution, law and resolution issued by the National Assembly
- Ordinance, resolution issued by the Standing Committee of the National Assembly
- Order, decision issued by the President of State
- Decree issued by the Government

- Decision issued by the Prime Minister
- Resolution issued by the Judicial Council of the Supreme Court, and Circular issued by the President of the Supreme Court
- Circular issued by the Chief Prosecutor
- Circular issued by Ministers, Head of Ministerial-level agencies
- Decision issued by the General Director of State Audit
- Joint resolution issued by the Standing Committee of the National Assembly/the Government and the Central Committee of socio-political organizations
- Joint circular issued by the President of the Supreme Court and the Chief Prosecutor; by Ministers or Heads of ministerial-level agencies and the President of the Supreme Court, the Chief Prosecutor; by Ministers or Heads of ministerial-level agencies
- Legal acts issued by the People's Council and People's Committees

Each year, new texts are issued to modify, replace or add to the existing framework. Given the scope of this survey and the timeframe in which it has been set, the review will focus only on key laws and regulations.

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### 1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

| 1. BACKGROUND INFORMATION                                                                                                                                                                                                                                                                                         |                                                                                     |                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Research Questions                                                                                                                                                                                                                                                                                          | Short Title, no. & date of law / regulation                                         | No.ss./ paras.                                                   | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                |
| Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation. |                                                                                     |                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?                                                                                                                                                           | Viet Nameese Constitution 1992, revised version 2001                                | Article 118                                                      | There are 3 levels of government: provincial level (consist of provinces and cities directly under the central authority), district level (consists of districts, provincial cities and municipalities) and commune level (consist of communes and townships).<br><br>Viet Nam is divided into 63 provinces among them 5 centrally governed cities including Hanoi, Hai Phong, Da Nang, HCMC and Can Tho. |
| 2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?                                                                                                              | Law on the composition of People's Council and People's Committee, No.11/2003/QH11  | Article 4<br><br>Article 7                                       | People's councils and people's committees are established in administrative levels.<br><br>Institutions are directly under the upper administrative levels                                                                                                                                                                                                                                                |
| 3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?                                                                                                                         | Law on the composition of People's Council and People's Committee, No. 11/2003/QH11 | Article 13.3;<br>Article 21.3,<br>article 29.5;<br>article 83.5; | People's Committees and People's Councils at all levels are responsible for regulating, implementing solutions to protect environment, forests, dykes; to prevent and reduce damages of floods, pollution; etc. in accordance with laws                                                                                                                                                                   |

| 1. BACKGROUND INFORMATION                                                                                                                                                                                                                     |                                             |                                                                                                                                                                                                                                     |                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Legal Research Questions                                                                                                                                                                                                                      | Short Title, no. & date of law / regulation | No.ss./ paras.                                                                                                                                                                                                                      | Answers, comments & extracts (please use quotation marks for all extracts) |
|                                                                                                                                                                                                                                               |                                             | article 103.2; article 112.2                                                                                                                                                                                                        |                                                                            |
| 4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s). |                                             | Yes. Viet Nam is a member of: <ul style="list-style-type: none"> <li>- ASEAN Agreement on Disaster Management and Energy Response (AADMER)</li> <li>- IDRL Guidelines of IFRC</li> <li>- Hyogo Framework for Action 2015</li> </ul> |                                                                            |

## 2. Institutional frameworks, resourcing and community participation in DRR (Hyogo 1):

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                             |                |                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------|----------------------------------------------------------------------------|
| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| <b>Part One. Disaster Management Law &amp; Institutions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                             |                |                                                                            |
| The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian |                                             |                |                                                                            |

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)                                          |                                                                                                                                                                                                          |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Research Questions                                                                                                      | Short Title, no. & date of law / regulation                                                                                                                                                              | No.ss./ paras.                                                 | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| response).                                                                                                                    |                                                                                                                                                                                                          |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>A. Disaster Management Institutions</b>                                                                                    |                                                                                                                                                                                                          |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe. | PM's Decision No: 172/2007/QĐ-TTg to Approve the National Strategy for Natural Disaster Prevention, Response and Mitigation to 2020<br><br>1 <sup>st</sup> Draft law on Disaster Prevention and Fighting |                                                                | The National Strategy identifies natural disaster prevention, response and mitigation responsibilities and solutions for different regions of the country. It also formulates an action plan, including the promulgation of a law on natural disaster prevention, response and mitigation.<br><br>The Draft Law was drawn up by the MARD and published on the public communication to collect responses from the public in November 2011. Although the Draft has been further updated, only the first Draft is available. It is available in Viet Nameese.                                                                                                                                                                                                                                                                                               |
| 6. Is there also a national disaster management policy? Provide details.                                                      | 1 <sup>st</sup> Draft law on Disaster Prevention and Fighting                                                                                                                                            | Article 5: National policy on disaster prevention and fighting | <ol style="list-style-type: none"> <li>1. The Government encourages individuals and organizations to actively prevent and fight against disasters; to invest and apply progressive technology for disaster prevention and fighting activities. The Government shall ensure the legitimate rights and interests of individuals and organizations</li> <li>2. The Government will provide support for victims of disasters</li> <li>3. The Government encourages the establishment and activities of Insurance Corporation and the application of disaster insurance in Viet Nam.</li> <li>4. The Government invests in national disaster prevention and fighting constructions. It supports local authorities for building disaster prevention and fighting constructions in localities in accordance with levels of decentralized Government.</li> </ol> |

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

| Legal Research Questions                                                                                                                                                                                      | Short Title, no. & date of law / regulation                                                                                                                                                              | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level? | PM's Decision No: 172/2007/QĐ-TTg to Approve the National Strategy for Natural Disaster Prevention, Response and Mitigation to 2020<br><br>1 <sup>st</sup> Draft law on Disaster Prevention and Fighting |                | Both the National Strategy and draft Law are applicable throughout the territory of Viet Nam.<br><br>No. Neither law establishes an integrated national system. Such a system is established by the sectoral laws on prevention and response to different kinds of disasters. |
| 8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?             |                                                                                                                                                                                                          |                | No                                                                                                                                                                                                                                                                            |
| 9. Does the DM or other law establish one or more specialist DM institutions? What are they and what are their mandates?                                                                                      |                                                                                                                                                                                                          |                | No. Specialist DM institutions are established by sectoral laws on prevention and response to the different kinds of disasters.                                                                                                                                               |
| 10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.                                                                                                         |                                                                                                                                                                                                          |                | No                                                                                                                                                                                                                                                                            |
| 11. Does the DM law or other law deal with:<br>a. Disaster response?                                                                                                                                          | PM's Decision No: 172/2007/QĐ-TTg to Approve the National                                                                                                                                                |                | The National Strategy deals with disaster response, disaster preparedness, disaster mitigation and prevention and DRR generally. It highlights the guiding principles, goals (general and                                                                                     |



**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)**

| Legal Research Questions                                                                                                                                                                      | Short Title, no. & date of law / regulation                                                                                                          | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>b. Disaster preparedness?</p> <p>c. Disaster mitigation and prevention?</p> <p>d. Disaster risk reduction (DRR)?</p> <p>e. If it includes DRR, how is it defined? (include definition)</p> | <p>Strategy for Natural Disaster Prevention, Response and Mitigation to 2020</p> <p>1<sup>st</sup> Draft law on Disaster Prevention and Fighting</p> |                | <p>specific), responsibilities and solutions (generally and specific to each region), action and evaluation plans for coping with natural disasters. It does not define DRR.</p> <p>a. Yes. Chapter II about Disaster response, includes:</p> <ul style="list-style-type: none"> <li>- Article 17 Contents of disaster responses</li> <li>- Article 18 Human forces, means, facilities and budget for urgent disaster response</li> <li>- Article 19 Search and Rescue</li> </ul> <p>b. Chapter I including articles from 8 to 16 is about disasters preparedness</p> <p>c. Yes</p> <p>d. No</p> <p>e. No</p> <p>Other documents that deal with disaster response are:</p> <ul style="list-style-type: none"> <li>-- PM's Decision No. 118/2008/QD-TTg promulgating the Regulation on Financial Management of Search, Rescue, Salvage and Response to Natural Disasters and Catastrophes</li> <li>--Decree No. 71/2002/ND-CP detailing the implementation of a</li> </ul> |

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)                                                                                                                         |                                                                                                                                                                                                          |                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Research Questions                                                                                                                                                                                     | Short Title, no. & date of law / regulation                                                                                                                                                              | No.ss./ paras.              | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                |
|                                                                                                                                                                                                              |                                                                                                                                                                                                          |                             | number of articles of the Ordinance on the State of Emergency in Case of Great Disaster or Dangerous Epidemics.<br>-- Decree No: 117/2008/ND-CP on Civil Defence                                                                                                                                                                                                                                                                                                          |
| 12. Does the DM law or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.                                                   | PM's Decision No: 172/2007/QĐ-TTg to Approve the National Strategy for Natural Disaster Prevention, Response and Mitigation to 2020<br><br>1 <sup>st</sup> Draft law on Disaster Prevention and Fighting | Article 2<br><br>Article 28 | Although the National Strategy does not allocate DRR responsibilities, it holds the MARD and the Central Committee for Flood and Storm Control responsible for its implementation and different ministries, sectors and localities responsible according to their own functions and duties.<br><br>PM, depending on types and intensity of disasters, establishes National Steering Committee operating under MARD to guide disasters prevention and fighting activities. |
| 13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?<br>a. National?<br>b. Provincial/state?<br>c. Municipal/local? |                                                                                                                                                                                                          |                             | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?                               |                                                                                                                                                                                                          |                             | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

**2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)**

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                     | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------|----------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>a. National?</li> <li>b. Provincial/state?</li> <li>c. Municipal/local?</li> </ul>                                                                                                                                                                                                                                                                                                                    |                                             |                |                                                                            |
| <p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At what levels does the law provide for women’s participation in DM institutions?</p> <ul style="list-style-type: none"> <li>a. National?</li> <li>b. Provincial/state?</li> <li>c. Municipal/local?</li> </ul>                                                |                                             |                | No                                                                         |
| <p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> </ul> |                                             |                | No                                                                         |

| <b>2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)</b>                                                                                                                           |                                                                               |                       |                                                                                                                                                                                                                                                                                                                                             |
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| <b>Legal Research Questions</b>                                                                                                                                                                                       | <b>Short Title, no. &amp; date of law / regulation</b>                        | <b>No.ss./ paras.</b> | <b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>                                                                                                                                                                                                                                                       |
| d. Socially isolated groups and the very poorest people?                                                                                                                                                              |                                                                               |                       |                                                                                                                                                                                                                                                                                                                                             |
| 17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and disaster risk reduction.                                                                                     | 1 <sup>st</sup> Draft law on Disaster Prevention and Fighting                 |                       | This law regulates disasters prevention and fighting activities, responsibilities of individuals and organizations in disasters prevention and fighting activities and enforcements. As stated in Q.6, Article 9 of the law provides the policy. Thus, it cannot be said that there is much difference in the law and policy concerning DM. |
| 18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?                                                     |                                                                               |                       | No                                                                                                                                                                                                                                                                                                                                          |
| <b>B. Hyogo Framework for Action &amp; Climate Change Institutions</b>                                                                                                                                                |                                                                               |                       |                                                                                                                                                                                                                                                                                                                                             |
| 19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR? |                                                                               |                       | No                                                                                                                                                                                                                                                                                                                                          |
| 20. Does legislation establish any institutions (including committees), or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their              | PM's Decision No: 2139/QĐ-TTg to Approve the National Climate Change Strategy | V(3)                  | This provision lists the mandate as:<br>a. The MONRE is to assume the role of the Standing Office of the National Climate Change Committee (NCCC); lead and coordinate with other sectors and localities to govern the implementation of the Strategy<br>b. The Ministry of Planning and Investment is to co-ordinate with                  |

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)                                                                                                              |                                                                                                           |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| Legal Research Questions                                                                                                                                                                          | Short Title, no. & date of law / regulation                                                               | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| designated roles in DRR?                                                                                                                                                                          | PM's Decison No.158/2008/QD-TTg on approval of the National Target Programme to respond to Climate Change | Article 2      | <p>other government entities to integrate climate change into other socio-economic strategies and to prepare a monitoring and evaluation plan</p> <p>c. Other ministries, ministerial agencies and government agencies to implement the strategy within their ambit and functions</p> <p>d. Provincial and Municipal People's Committees to implement the action plan, mobilise forces and periodically report on implementation</p> <p>e. Civil organisations, NGOs and the business sector to support and promote community participation in responding to climate change.</p> <p>The NCCC is established by Decision No 43/2012/QD-TTg On Establishing the NCCC</p> <p>This decision also places responsibility on the MONRE to respond to climate change.</p> |
| 21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe. | No                                                                                                        |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>C. DRR priority and resource allocation in government</b>                                                                                                                                      |                                                                                                           |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

| Legal Research Questions                                                                                                                                                                                                                           | Short Title, no. & date of law / regulation                                                                                                                                             | No.ss./ paras.                         | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
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| 22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed? | 1 <sup>st</sup> Draft law on Disaster Prevention and Fighting<br><br>State Budget Law No 01/2002/QH13<br><br>Decree No 60/2003/NĐ-CP guiding the implementation of the State Budget Law | Article 6.2<br><br><br><br>Article 9.1 | The draft lists the National Budget as one of the financial sources for disaster prevention and fighting.<br><br>The expenditure estimates of the central budget and the budgets of the local administration of all levels shall be entitled to include a reserve of between 2% and 5% of the total expenditure for spending on prevention, combat and overcoming of consequences of natural calamities, fires, on the performance of important defense and security tasks and other urgent tasks, which arise beyond the estimates.<br><br>Accordingly, allocation of budget takes place at both national level and other administrative levels |
| 23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?                                                                                                                                            |                                                                                                                                                                                         |                                        | See Q.23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?                                                                                                                                                        |                                                                                                                                                                                         |                                        | See Q.23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

### Part Two. Responsibility, accountability and liability for natural disaster risk reduction

The aim is to identify relevant constitutional or other guarantees that may underpin government responsibility, liability and affected persons' rights to compensation. These may include rights to: safety /life; not to be discriminated against; protection of livelihoods; health; compensation; and to information relevant to DRR. One specific issue on the question of liability, is whether governments are liable for failure to prevent natural disasters affecting the population, including for failure to warn, or for making an erroneous warning. A second, related, issue is whether private individuals are liable for damage caused to others from their property during natural disasters, or for faulty advice/warnings given. A third element is whether there is any system of compulsory insurance against the effects of natural disasters.

## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Short Title, no. & date of law / regulation                                                                                     | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| <b>A. Constitutional Rights &amp; Guarantees for the Population</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                 |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>25. Are there any guarantees in the constitution or another law relating to individual or collective rights that may underpin government responsibility or liability, and affected persons' rights to compensation for damage from natural disasters? If so, do these relate to:</p> <ul style="list-style-type: none"> <li>a. DRR in general?</li> <li>b. Safety /Life</li> <li>c. Right to Food?</li> <li>d. Right to adequate shelter or housing?</li> <li>e. Non-discrimination, (and other relevant civil and political rights)?</li> <li>f. Livelihoods, Health (and other economic, social and cultural rights)?</li> <li>g. Compensation for losses due to natural disasters?</li> <li>h. Information?</li> </ul> | <p>Viet Nameese Constitution 1992, revised version 2001</p> <p>Decision 172/2007/QĐ-TTg on National Strategy on DRR to 2020</p> |                | <p>A number of documents have been promulgated pertaining to the subject. For this answer, only some important decisions have been taken into account.</p> <ul style="list-style-type: none"> <li>a. No</li> <li>b. Yes (article 71)</li> <li>c. No</li> <li>d. Yes (article 73)</li> <li>e. Yes (article 5; article 52)</li> <li>f. Yes (part V)</li> <li>g. No</li> <li>h. Yes (article 69)</li> </ul> <ul style="list-style-type: none"> <li>a. Yes (article 1.I Decision 172; article 1 Decision 63)</li> <li>b. Yes (article 1.V Decision 172; article 2 and article 3 Decision 63)</li> <li>c. No</li> <li>d. No</li> <li>e. No</li> <li>f. No</li> <li>g. No</li> <li>h. Yes (article 1.IV.e Decision 172; article 1, article 3 Decision</li> </ul> |

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                         |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Short Title, no. & date of law / regulation                                             | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Decision No 63/2002/QĐ-TTg on prevention of floods and natural disaster risk reductions |                | 63)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p> <p>d. Are there financial limitations on any such claims (minimums or maximums)?</p> | Viet Nameese Constitution 1992, revised version 2001                                    | Article 74     | <p>Citizens have the right to lodge with a competent State authority, a complaint or denunciation regarding transgressions of the law by any State body, economic or social organisation, people's armed forces unit or any individual</p> <p>a. Collective right<br/>b. Not mentioned<br/>c. Not mentioned<br/>d. Not mentioned</p> <p>Questions b,c,d might be addressed in some specific laws relating to civil procedures which cannot be thoroughly reviewed within the limited time period for this study.</p> <p>The decisions examined above generally regulate obligations of state authorities in natural disasters but do not mention any personal rights of action against the states in case that Government infringes these rights</p> |
| <b>B. Liability &amp; Insurance</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                         |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 27. Does legislation (including case law,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                         |                | Case law is not applicable in Viet Nam                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



## 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)

| Legal Research Questions                                                                                                                                                                                                                                                                                | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?                                                                                                                                                                                    |                                             |                | There is no specific law on government liability for failure to prevent natural disasters affecting population. However, in specific legal documents regulating preventions of certain disasters, there are articles on rewards and sanctions in which government authorities might suffer from civil or criminal liability if they fail to fulfil their obligations stipulated in that law. For example, Article 46 of the Law on Dykes or Decree No.04/2010/ND-CP on sanctioning of administrative violations of flood and storm prevention and fighting. |
| 28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both? |                                             |                | There is no specific law or regulation on natural disaster warnings. However, generally, government agencies may be held liable for being irresponsible leading to serious consequences in accordance with Administrative law. Depending on the seriousness of irresponsibility, either civil or criminal liability might be applied. Legal mechanism and legal procedures should be in accordance with Civil Procedure Code. There might be both individual and collective actions depending on the case.                                                  |
| 29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?                                                 |                                             |                | No. Government agencies who fail to warn or make erroneous warnings do not have immunity. See Q.29.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 30. Are private persons (individual or corporate) liable for faulty disaster-                                                                                                                                                                                                                           |                                             |                | Yes. Private persons (individual and corporate) are liable for faulty disaster related advice or warnings. Liability for the same can be                                                                                                                                                                                                                                                                                                                                                                                                                    |

| 2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR (HYOGO 1)                                                                                                                                                                                                                                        |                                                                                                                                                                                                                      |                |                                                                                                                                                                                                                                                                                                                                    |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                    | Short Title, no. & date of law / regulation                                                                                                                                                                          | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                         |
| related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?                                                                   |                                                                                                                                                                                                                      |                | found in sectoral laws on the different kinds of disasters. It is both civil and criminal in nature depending on the seriousness of the offence.<br><br>These laws do not specify the legal mechanism that injured parties can use to seek redress.                                                                                |
| 31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both? |                                                                                                                                                                                                                      |                | See Q.31                                                                                                                                                                                                                                                                                                                           |
| 32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?                                                                                                                                               | Decision No 315/2011/QD-TTg on piloting Agricultural insurance in 2011-2013 dated 1 <sup>st</sup> march 2011<br><br>MARD Circular No 47/2011/TT-BNNPTNT on guiding the implementation of Decision No 315/2011/QD-TTg |                | There is no compulsory insurance against effects of natural disasters. However, there is a Program on Agricultural Insurance that started on 1 <sup>st</sup> July 2011. Among other things, this program aims to support farmers to actively recover and compensate for financial losses caused by natural disasters and diseases. |

### 3. Early warning and reduction of underlying risk factors through regulation (Hyogo 2 and 4)

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                             |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                                                                                 | No.ss./ paras.                        | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p> |                                                                                                                                                                                                                                                                                                                                             |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                             |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p><b>A. Cyclones, tornadoes, or storms?</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                             |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <p>33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <p>Ordinance No. 09-L/CTN on Prevention and Control of Floods and Storms and Implementation Provisions</p> <p>Decree No. 32/1996/ND-CP Providing Details For The Implementation Of The Ordinance On The Prevention And Control of Floods And Storms</p> <p>Decree No. 14/2010/NĐ-CP on the Organization, Tasks, Powers and Coordination</p> | <p>Chapter VI</p> <p>Article 3, 7</p> | <p>The Ordinance contains provisions for establishment of the Central Committee for Flood and Storm Prevention and Control regulated by the Ministry of Agriculture and Rural Development (MARD).</p> <p>The Decree effects a system of unified State Management from the centre to the localities:</p> <p>At the centre, the Department for the Prevention and Fight against Floods and Storms and Dyke Management, along with the Steering Committee and MARD directs the prevention and fight against floods and storms on the national scale.</p> <p>At the local level, in areas protected by Dykes, the Section for the Management of Dykes and for the fight against Floods and Storms of the Service of Agriculture and Rural Development acts as the standing office of the Committee. In other areas, the Provincial Committee for the Prevention and Fight against Floods and Storms, carries out this task.</p> |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4) |                                                                                                                                                                                                                                                                                     |                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| Legal Research Questions                                                                     | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                         | No.ss./ paras.                     | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|                                                                                              | Mechanism of Central Steering Committee for Flood and Storm Prevention and Control, Committee for Flood and Storm Prevention, Control, Search and Rescue of Ministries, Agencies and Localities                                                                                     | Article 11                         | <p>In districts, towns and cities, the Section of Agriculture and Rural Development is the standing body to counsel the District Committee. In the communes, wards and townships the People's Committee assigns the tasks to its personnel to act as standing committee.</p> <p>Article 11 lays down the responsibilities and mandate of the different ministries.</p> <p>Other documents have been promulgated regulating this disaster. For example, Decision Promulgating the Regulation on Flood and Storm Warning, No.581-TTg of July 25, 1997</p>                                                                                                                                                                                                                                                                                                                                                                                         |
| 34. Does this law specify how management of this risk is financed? If so, describe.          | <p>Ordinance No. 09-L/CTN on Prevention and Control of Floods and Storms and Implementation Provisions</p> <p>Decree No.32-Cp Of May 20, 1996 Of The Government Providing Details For The Implementation Of The Ordinance On The Prevention And Fight Against Floods And Storms</p> | <p>Chapter V</p> <p>Chapter VI</p> | <p>Financing the management of this risk is laid down in both the Ordinance and Decree as:</p> <ul style="list-style-type: none"> <li>• The State budget, allocated annually and upon request when floods and storms occur.</li> <li>• A Fund for the Prevention and Fight against Floods and Storms, contributed by the local people as required by the Government, and coordinated by the MARD with the Ministry of Finance and other ministries.</li> <li>• Financial aid from UN organisations, foreign countries, NGOs, etc.</li> </ul> <p>The People's Committees at various levels shall have to organize the reception and distribution of funds to flood victims.</p> <p>Article 28 of the Ordinance also calls for the establishment of a National Reserve Fund by the State and local reserve funds by the provinces for prevention and control of storms.</p> <p>Other documents have been issued to provide for more detail on</p> |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                    | Short Title, no. & date of law / regulation                                                                                                                       | No.ss./ paras.                                       | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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|                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                   |                                                      | funding. For example, Decree 50/CP on the local fund for flood and storm prevention and control, some Circulars of Ministry of Finance and other legal documents on financial management for disasters in general.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <p>35. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul> | Ordinance No. 09-L/CTN on Prevention and Control of Floods and Storms and Implementation Provisions                                                               | <p>Article 23</p> <p>Chapter VII, Articles 38-40</p> | <p>Civil liability for compensation to victims of cyclones or storms is borne by the Ministry of Finance together with the Ministry of Agriculture and Rural Development.</p> <p>Both civil and criminal liability is imposed upon people who “violate the laws on prevention and control of floods and storms and cause losses to the State, organizations or individuals.” This includes those who are negligent in forecasting and issuing warnings or are negligent during their shift in watching dykes or reinforcing them as required by the regulations or engage in conduct that destroys, damages or obstructs the work of prevention and control of floods and storms.</p> |
| <p>36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>                                                                                                                                                              | Decree No.32-Cp Of May 20, 1996 Of The Government Providing Details For The Implementation Of The Ordinance On The Prevention And Fight Against Floods And Storms | Article 11(2)                                        | <p>The Decree places responsibility for risk mapping on the General Department of Hydro-Meteorology.</p> <p>Its mandate includes responsibility for “providing advanced technology to the communication system in the field, collecting information and making timely announcements, providing complete and accurate information needed for the planning flood and storm prevention and control activities, for weather forecasting, forecasting of flashfloods and storms on the global, regional and national levels”</p> <p>It is also be responsible for providing the Central Committee for Prevention and Control of Floods and Storms with hourly</p>                          |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Short Title, no. & date of law / regulation                                                         | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                     |                | information on the advancement of flood and storm systems when they occur at category 2 or higher.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul> | Ordinance No. 09-L/CTN on Prevention and Control of Floods and Storms and Implementation Provisions |                | <p>The law does not provide for consultation or participation by affected or at-risk communities in risk mapping, Early Warning or general DRR.</p> <p>However, Articles 9, 18 and 42 oblige all citizens to actively participate in preventing, controlling and overcoming the consequences of floods and storms.</p>                                                                                                                                                                                                                                                                                             |
| <p>38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>                                                                                                                                                                                                                                                                                                                                                                                                                               | Ordinance No. 09-L/CTN on Prevention and Control of Floods and Storms and Implementation Provisions | Article 20     | <p>The law does not provide for EWS for this risk or require community participation in the same. It only designates the authority responsible for forecasting and issuing warnings:<br/>         “The General Department for Meteorology and Hydrology is in charge of forecasting.<br/>         The Provincial Committees for Prevention and Control of Floods and Storms shall be in charge of issuing warnings in their areas.<br/>         For mountainous and remote areas, the District-level Committees can issue warnings.<br/>         The Central Committee for Prevention and Control of Flood and</p> |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                     | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                      | No.ss./ paras.                                | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <p>Decree No.32-Cp Of May 20, 1996 Of The Government Providing Details For The Implementation Of The Ordinance On The Prevention And Fight Against Floods And Storms</p> <p>PM's Decision promulgating the Regulation on Flood and Storm Warning No.581-TTg of July 25, 1997</p> | <p>Article 11(1)(a)</p> <p>Article 11(17)</p> | <p>Storm is in charge of issuing warnings in the entire country.”</p> <p>The Ministry of Agriculture and Rural Development is charged with the building of warning station, providing advanced techniques and warning people.</p> <p>The Voice of Viet Nam Radio, Viet Nam Television is responsible for broadcasting timely bulletins via mass media announcements of weather forecasts, storm and flood warnings.</p> <p>The Decision appoints the General Department on Hydro-meteorology in charge of flood and storm warning. It contains detailed provisions on the regime of flood and storm warning; and responsibilities of the ministries and branches for the work of flood and storm warning</p> |
| <p>39. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ol style="list-style-type: none"> <li>Assist in the design of local and community EWS?</li> <li>Establish or maintain EWS?</li> <li>Provide information for the EWS?</li> <li>Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological</li> </ol> |                                                                                                                                                                                                                                                                                  |                                               | <p>Communities are not involved in Early Warning System.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                         | Short Title, no. & date of law / regulation                                                                                                                                                                                  | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
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| data and analysis)?                                                                                                                                                                                                                              |                                                                                                                                                                                                                              |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>B. Earthquake/Tsunami?</b>                                                                                                                                                                                                                    |                                                                                                                                                                                                                              |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated? | <p>PM's Decision No 78/2007/QĐ-TTg on Promulgating the Regulation on Earthquake and Tsunami Prevention and Control</p> <p>PM's Decision No. 264/2006/QĐ-TTg on promulgating the regulation on earthquake/tsunami warning</p> |                | <p>There are two PM decisions on this disaster.</p> <p>The Decision 78 provides regulations on how to response to earthquake/tsunami (Chapter II); how to reduce the consequences after the disasters (Chapter III); and obligations of ministries and local authorities (Chapter IV)</p> <p>This is regulated at national level</p> <p>The Decision regulates how to collect and distribute information and warnings about earthquake/tsunami (chapter II); and Responsibilities of Ministries and People's Committees of Coastal zones (Chapter III)</p> <p>This is regulated at national level</p> |
| 41. Does this law specify how management of this risk is financed? If so, describe.                                                                                                                                                              |                                                                                                                                                                                                                              |                | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 42. Does this law attribute liability for damage caused by:<br>a. failure to warn, or false or faulty warnings of this risk?<br>b. failure to take preventive action including by reducing this risk?                                            | <p>PM's Decision No 78/2007/QĐ-TTg on Promulgating the Regulation on Earthquake and Tsunami Prevention and Control</p>                                                                                                       | Article 17     | There is no specific liability for the listed failures. However, Article 17 prescribes sanctions against citizens or organizations that fail to fulfil their obligations as laid down in the Decision.                                                                                                                                                                                                                                                                                                                                                                                                |



| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                           |                                                                                                                                                                                                                             |                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| Legal Research Questions                                                                                                                                                                                                                               | Short Title, no. & date of law / regulation                                                                                                                                                                                 | No.ss./ paras.                                                        | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>                                                                                                                                                  |                                                                                                                                                                                                                             |                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <p>43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>                                         | <p>PM's Decision No 78/2007/QĐ-TTg on Promulgating the Regulation on Earthquake and Tsunami Prevention and Control</p> <p>PM's Decision No 264/2006/QĐ-TTg on promulgating the regulation on earthquake/tsunami warning</p> | <p>Article 9.1</p> <p>Article 8</p> <p>Article 3</p> <p>Article 4</p> | <p>The Institute of Geophysics is responsible for being on duty for 24 hours per day to collect and distribute information on hazard. Viet Nam Television and The Voice of Viet Nam are responsible to the population.</p> <p>The Institute of Geophysics under Viet Nam Academy of Science and Technology is responsible for building the seismography network and collecting information from both domestic and overseas sources to warn against earthquake/tsunami.</p> <p>The National Centre for Hydro-meteorological forecasting under Ministry of Natural Resources and Environment is responsible for building monitoring and data transferring network to support for earthquake/tsunami warnings by the Institute of Geophysics.</p> <p>Only the Institute of Geophysics is authorized to transfer and distribute information on earthquakes/tsunamis in Viet Nam.</p> |
| <p>44. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts</p> |                                                                                                                                                                                                                             |                                                                       | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                                                                                  |                                             |                |                                                                            |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                      | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| <p>of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>                                                                                                                                           |                                             |                |                                                                            |
| 45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?                                                                                                                                                                                                                                                                                                                                |                                             |                | No                                                                         |
| 46. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul> |                                             |                | N/A<br>Communities are not involved in EWS                                 |
| <b>C. Fire?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                             |                |                                                                            |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                                                                                                                                                                           | No.ss./ paras.                    | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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| <p>47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p> | <p>Law on Fire Prevention and Fighting, No.27/2001/QH10</p> <p>Decree No. 35/2003/Nd-Cp Of April 4, 2003 Detailing The Implementation Of A Number Of Articles Of The Law On Fire Prevention And Fighting.</p> <p>Decree No.09/2006/ND-CP on Forest Fire Prevention and Control</p> <p>Decision of Minister of MARD on Promulgating Operation Regulation of Central Steering Committee on urgent issues in forest fire preventions</p> | <p>Article 39</p>                 | <p>The responsibility for large fires lies with the commune-level People's Committee's and in cases where handling the fire goes beyond the local administration's jurisdiction, the Minister of Public Security must assume the prime responsibility and coordinate with the ministries, ministerial-level agencies, agencies attached to the Government and People's Committees of the concerned provinces or centrally-run cities, reporting to the Prime Minister in particularly serious cases.</p> <p>The scope of the Decree is limited to forest fires. This is regulated at the national level.</p> <p>The Decision regulates responsibilities of members of Central Steering Committee (Chapter II) and Composition and Responsibilities of Steering Committee Office (Chapter III)</p> <p>This is regulated at the national level.</p> |
| <p>48. Does this law specify how management of this risk is financed? If so, describe.</p>                                                                                                                                                              | <p>Law on Fire Prevention and Fighting, No.27/2001/QH10</p>                                                                                                                                                                                                                                                                                                                                                                           | <p>Chapter VI, Articles 54-56</p> | <p>Financial sources include:</p> <ul style="list-style-type: none"> <li>a. State budget allocations;</li> <li>b. Revenues from fire and explosion insurance;</li> <li>c. Voluntary contributions and donations from domestic and foreign agencies, organizations and individuals</li> <li>d. Other sources prescribed by law.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                    | Short Title, no. & date of law / regulation                                                                                     | No.ss./ paras.                      | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                                                                                                                                                                                                                                                                                                                                                             | Government's Decree on Forest Fire Prevention, No 09/2006/ND-CP                                                                 | Article 28                          | <p>Other documents have been issued to provide for more detail on funding. For example, the Decree No: 35/2003/ND-CP Detailing The Implementation Of A Number Of Articles Of The Law On Fire Prevention And Fighting</p> <p>Financial sources include:</p> <ol style="list-style-type: none"> <li>1. State budget allocations;</li> <li>2. Forest owner investment</li> <li>3. Revenues from fire and explosion insurance;</li> <li>4. Donations and other sources prescribed by law</li> </ol>                                                                                                                                                                              |
| <p>49. Does this law attribute liability for damage caused by:</p> <ol style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ol> | <p>Law on Fire Prevention and Fighting, No.27/2001/QH10</p> <p>Government's Decree on Forest Fire Prevention, 09/2006/ND-CP</p> | <p>Article 63</p> <p>Article 39</p> | <p>The Law imposes criminal liability for failure to take preventive action including by reducing this risk. Liability is imposed on the Heads of agencies or organisations, or firefighting and prevention units who. "due to the lack of responsibility in organizing, managing or inspecting the fire prevention and fighting activities, let fires occur.." or cause serious consequences due to lack of responsibility in performing their firefighting duties. It is criminal in nature.</p> <p>The Decree stipulates sanctions, both civil and criminal in nature, against individuals or organizations fail to fulfil their obligations stipulated in the Decree</p> |
| <p>50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what</p>                                                                                                                                                                                                                  | <p>Law on Fire Prevention and Fighting, No.27/2001/QH10</p>                                                                     | <p>Article 6</p>                    | <p>Regulation of risk mapping is general in nature.</p> <p>It casts a duty on information and propaganda agencies "to propagate and popularize fire prevention and fighting legislation</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Short Title, no. & date of law / regulation                                                                                          | No.ss./ paras.                          | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| <p>authority is responsible and what is their mandate?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                      | <p>Article 41</p>                       | <p>and knowledge.”<br/>                     “The police force must compile and supply truthful information on fires to competent state agencies”.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <p>51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul> | <p>Law on Fire Prevention and Fighting, No.27/2001/QH10</p>                                                                          | <p>Article 45-46<br/><br/>Article 2</p> | <p>The Law does not provide for consultation about risk mapping, early warning or general DRR.<br/>                     It does provide for participation of the people in general DRR, by establishing Civil Defence Groups and Grassroots Fire Brigades, which are tasked with the propagation of firefighting legislation and knowledge, inspect the execution of regulations and rules on safety, etc.<br/>                     The Civil Defence Groups and Grassroots Fire Brigades are comprised of ordinary people who participate in firefighting and prevention activities at their residences and workplaces respectively.<br/>                     However, there are no provisions for participation of at-risk communities.</p> |
| <p>52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>Law on Fire Prevention and Fighting, No.27/2001/QH10<br/><br/>Government’s Decree on Forest Fire Prevention, No 09/2006/ND-CP</p> | <p>Article 10.6</p>                     | <p>There is no provision for Early Warning for this risk.<br/><br/>Taking early notice and warning of locations where forest fires are likely is mentioned as one of the methods of preventing and fighting forest fires. However, the Decree does not provide for any specific Early Warning System.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>53. If communities are involved in EWS,</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <p>No</p>                                                                                                                            |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                     | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                                           | No.ss./ paras.     | Answers, comments & extracts (please use quotation marks for all extracts)              |
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| <p>does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul> |                                                                                                                                                                                                                                                                                                       |                    |                                                                                         |
| <b>D. Floods?</b>                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                       |                    |                                                                                         |
| <p>54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>                                                                                                                                                                      | <p>Ordinance No. 09-L/CTN on Prevention and Control of Floods and Storms and Implementation Provisions</p> <p>Decree No.32-Cp Of May 20, 1996 Of The Government Providing Details For The Implementation Of The Ordinance On The Prevention And Control of Floods And Storms</p> <p>Law on Dikes,</p> | <p>Article 3.1</p> | <p>See Q.34</p> <p>Dikes are defined as works to prevent flooding of rivers or sea-</p> |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                      | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                               | No.79/2006/QH11                             | Article 11     | water. Thus the law regulates anti-flood planning in diked areas.<br>The MARD is to formulate and adjust anti-flood planning of diked rivers on a national scale and Provincial-level People’s Committees are to do the same under their respective local management. Articles 42-43 describe the mandate of the two State authorities in detail. Thus, it is regulated at both the central and local levels.                                                                                                                                     |
| 55. Does this law specify how management of this risk is financed? If so, describe.                                                                                                                                                                                                           | Law on Dikes, No.79/2006/QH11               | Article 42(7)  | See Q.35<br>“The Ministry of Planning and Investment shall assume the prime responsibility for, and coordinate with the Finance Ministry, the Ministry of Agriculture and Rural Development in, allocating funds for work solutions to cope with floods over the designed flood levels or with urgent flood circumstances, setting aside a separate fund for projects on construction, repair, upgrading and solidification of dikes, on dike management, protection and maintenance, flash flood regions and flood-diverting or -slowing areas.” |
| 56. Does this law attribute liability for damage caused by:<br>a. failure to warn, or false or faulty warnings of this risk?<br>b. failure to take preventive action including by reducing this risk?<br>c. If so, who may be liable - or immune?<br>d. Is it civil or criminal liability, or | Law on Dikes, 2006                          |                | See Q.36<br>No. The Law on Dikes does not contain any provisions on liability for damage.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                            |
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| both?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                             |                |                                                                                                                                                                                                                                                                                                                                                       |
| 57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?                                                                                                                                                                                                                                                                                     | Law on Dikes, No.79/2006/QH11               |                | See Q.37<br><br>No. The Law on Dikes does not regulate risk mapping. However, Article 43.1 and 43.2 hold the Provincial and District Level People's Committees responsible "to synthesize and manage information and data on dikes in their provinces and organize scientific research and develop technologies on dike construction and protection." |
| 58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:<br>a. Women?<br>b. Different cultural or ethnic groups?<br>c. Vulnerable groups, including children, older persons, persons with disabilities?<br>d. Socially isolated groups and the very poorest people? | Law on Dikes, No.79/2006/QH11               |                | See Q.38<br><br>No. The law on dikes does not provide for consultation or participation of at-risk communities.                                                                                                                                                                                                                                       |
| 59. Does this law provide for Early Warnings Systems (EWS) for this                                                                                                                                                                                                                                                                                                                                                                                                                         |                                             |                | See Q.39                                                                                                                                                                                                                                                                                                                                              |



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                             | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)   |
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| risk? If so, does it require community involvement in EWS?                                                                                                                                                                                                                                                                                                                                                                                                           | Law on Dikes, No.79/2006/QH11               |                | No. The law on dikes does not provide for EWS.                               |
| <p>60. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul> |                                             |                | See Q.40                                                                     |
| <b>E. Heat/cold waves?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                             |                |                                                                              |
| 61. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?                                                                                                                                                                                                                     |                                             |                | There is no specific law concerning heat/cold waves as a hazard in Viet Nam. |
| 62. Does this law specify how management of this risk is financed? If so, describe.                                                                                                                                                                                                                                                                                                                                                                                  |                                             |                | N/A                                                                          |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                             | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| <p>63. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>                          |                                             |                | N/A                                                                        |
| <p>64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>                                                                                                                                                                                       |                                             |                | N/A                                                                        |
| <p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> </ul> |                                             |                | N/A                                                                        |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                                                                                  |                                             |                |                                                                            |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                      | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
| <ul style="list-style-type: none"> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>                                                                                                                                                                                                                                                       |                                             |                |                                                                            |
| 66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?                                                                                                                                                                                                                                                                                                                                |                                             |                | N/A                                                                        |
| 67. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul> |                                             |                |                                                                            |
| 68. Describe form of regulation, and institutional responsibility.                                                                                                                                                                                                                                                                                                                                                                                            |                                             |                | N/A                                                                        |
| <b>F. Insect Infestations?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                |                                             |                |                                                                            |
| 69. Is there a specific law about this                                                                                                                                                                                                                                                                                                                                                                                                                        | There is no specific law on                 | Article 12     | The MARD and People's Committees at all levels are given                   |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                            | Short Title, no. & date of law / regulation                                                                                                                        | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                      |
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| hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?                                                                                           | this hazard but Ordinance No: 36/2001/PL-UBTVQH10 on Plant Protection and Quarantine contains provisions of the subject with respect to its effect on agriculture. |                | responsibility for guiding and directing localities where plagues occur. Thus, it is regulated at both the central and local levels.                                                                                                                                                                                            |
| 70. Does this law specify how management of this risk is financed? If so, describe.                                                                                                                                                                                                                 |                                                                                                                                                                    |                | No                                                                                                                                                                                                                                                                                                                              |
| 71. Does this law attribute liability for damage caused by:<br>a. failure to warn, or false or faulty warnings of this risk?<br>b. failure to take preventive action including by reducing this risk?<br>c. If so, who may be liable - or immune?<br>d. Is it civil or criminal liability, or both? | Ordinance No: 36/2001/PL-UBTVQH10 on Plant Protection and Quarantine                                                                                               | Article 43     | a. No<br>b,c. Yes. The ordinance contains provisions for preventive action. Those who violate the provisions of the legislation, thereby causing damage to the state, organisations or individuals are liable.<br>d. Liability can take the the form of administrative sanction, criminal liability or payment of compensation. |
| 72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?                                                                                             |                                                                                                                                                                    |                | No                                                                                                                                                                                                                                                                                                                              |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Short Title, no. & date of law / regulation                          | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                             |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul> |                                                                      |                | No                                                                                                                                                                                                                                                                     |
| <p>74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>                                                                                                                                                                                                                                                                                                                                                                                                                               | Ordinance No: 36/2001/PL-UBTVQH10 on Plant Protection and Quarantine |                | The law does not provide for EWS but Article 10 mandates that plant resource owners must “report to competent State bodies in charge of plant protection and quarantine upon the detection of harmful organisms capable of causing serious damage to plant resources.” |
| <p>75. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> </ul>                                                                                                                                                                                                                                                                                           |                                                                      |                | No<br>See Q.75                                                                                                                                                                                                                                                         |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                         | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                      | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------|
| d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?                                                                |                                                                                                                                                                                                                                                                                  |                |                                                                                                                         |
| <b>G. Landslides and avalanches?</b>                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                  |                |                                                                                                                         |
| 76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated? | <p>Ordinance No. 09-L/CTN on Prevention and Control of Floods and Storms and Implementation Provisions</p> <p>Decree No.32-Cp Of May 20, 1996 Of The Government Providing Details For The Implementation Of The Ordinance On The Prevention And Control of Floods and Storms</p> | Article 1      | <p>See Q.34</p> <p>The term 'floods and storms' includes landslides caused by rains, floods, storms, and sea waves.</p> |
| 77. Does this law specify how management of this risk is financed? If so, describe.                                                                                                                                                              |                                                                                                                                                                                                                                                                                  |                | See Q.35                                                                                                                |
| 78. Does this law attribute liability for damage caused by:                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                  |                | See Q.36                                                                                                                |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| <ul style="list-style-type: none"> <li>a. failure to warn, or false or faulty warnings of this risk?</li> <li>b. failure to take preventive action including by reducing this risk?</li> <li>c. If so, who may be liable - or immune?</li> <li>d. Is it civil or criminal liability, or both?</li> </ul>                                                                                                                                                                       |                                             |                |                                                                            |
| <p>79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>                                                                                                                                                                                                                                                                 |                                             |                | See Q.37                                                                   |
| <p>80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons</li> </ul> |                                             |                | See Q.38                                                                   |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| with disabilities?<br>d. Socially isolated groups and the very poorest people?                                                                                                                                                                                                                                                                                                                                                                                                        |                                             |                |                                                                            |
| 81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?                                                                                                                                                                                                                                                                                                                                                        |                                             |                | See Q.39                                                                   |
| 82. If communities are involved in Early Warning Systems (EWS), does this law provide that they: <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?</li> </ul> |                                             |                | See Q.40                                                                   |
| <b>H. Volcanoes?</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                             |                |                                                                            |
| 83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At                                                                                                                                                                                                                                                                                     |                                             |                | There is no specific law concerning Volcanoes as a hazard in Viet Nam.     |



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                            | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| what level(s) of government is this regulated?                                                                                                                                                                                                                                                      |                                             |                |                                                                            |
| 84. Does this law specify how management of this risk is financed? If so, describe.                                                                                                                                                                                                                 |                                             |                | N/A                                                                        |
| 85. Does this law attribute liability for damage caused by:<br>a. failure to warn, or false or faulty warnings of this risk?<br>b. failure to take preventive action including by reducing this risk?<br>c. If so, who may be liable - or immune?<br>d. Is it civil or criminal liability, or both? |                                             |                | N/A                                                                        |
| 86. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?                                                                                             |                                             |                | N/A                                                                        |
| 87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does                                                                                                           |                                             |                | N/A                                                                        |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| <p>it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons with disabilities?</li> <li>d. Socially isolated groups and the very poorest people?</li> </ul>                                                                                                |                                             |                |                                                                            |
| <p>88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>                                                                                                                                                                                                                                                                                                                                    |                                             |                | N/A                                                                        |
| <p>89. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> <li>a. Assist in the design of local and community EWS?</li> <li>b. Establish or maintain EWS?</li> <li>c. Provide information for the EWS?</li> <li>d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological</li> </ul> |                                             |                | N/A                                                                        |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                   |                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                 | Short Title, no. & date of law / regulation                                                                                                                                                       | No.ss./ paras.                                                                                                  | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| data and analysis)?                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                   |                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation</b>                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                   |                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>I. Drought and related famine?</b>                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                   |                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <p>90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular:</p> <p>a. Rain and river water storage, distribution and conservation measures?</p> <p>b. Development and maintenance of ground water extraction, storage and distribution?</p> <p>If so, describe the forms of regulation. At what level(s) of government is this regulated?</p> | <p>Law on Water Resources, No.8/1998/QH10</p> <p>Decree No 179/1999/ND-CP guiding the implementation of the Law on Water Resources</p> <p>Decree No. 120/2008/ND-CP on River Basin Management</p> | <p>Chapter IV, Article 43</p> <p>Article 34</p> <p>Article 2, 7</p> <p>Article 13, 15</p> <p>Article 14, 16</p> | <p>no specific law</p> <p>Article 43 talks about 'Preventing, combating and overcoming the consequences of drought'. It stipulates that the State shall invest in water conservancy works in areas affected by droughts.</p> <p>Permits are required to prospect and exploit groundwater.</p> <p>River basin zoning must ensure requirements for prevention and combat of drought. Article 7 regulates distribution of river water, and has a special provision for distribution during times of drought.</p> <p>Institutional responsibility for water resources management, including rivers and groundwater, is laid upon the MARD and People's Committees of provinces and centrally-run cities.</p> <p>Allocation of water and preventing and combating consequences of drought is an important component of river basin planning.</p> <p>If a drought occurs, River Basin Committees are to petition the MONRE or People's Committees to adjust the plan on water resource allocation to suit the needs of the situation.</p> |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Short Title, no. & date of law / regulation         | No.ss./ paras.                 | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                     | Article 26.3                   | Most of the legal documentation concerning droughts consists of documents issued after the occurrence of a drought, to combat its effects and protect crops. For example, PM's Directive On a number of urgent measures for drought prevention and combat and protection of the 2006-2007 winter-spring crop, No: 38/2006/CT-TTg                                                                      |
| <p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p> | Decree No. 120/2008/ND-CP on River Basin Management | Article 27.1<br><br>Article 38 | <p>There is no law or institutional mandate for early warning in response to droughts.</p> <p>One of the grounds for transfer of river water from one basin to another is "Water sources' capacity, water needs and environmental impacts", which could be read to include droughts.</p> <p>Appraisal of plans for transfer of river basin water is the responsibility of River Basin Committees.</p> |
| 92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Law on Water Resources, No.8/1998/QH10              | Article 46                     | <p>Funding to prevent, combat and overcome the serious effects caused by water include:</p> <p>1. The State budget for the building and reinforcement of dykes and other works to prevent and fight flood and drought and other serious effects caused by water;</p>                                                                                                                                  |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Short Title, no. & date of law / regulation   | No.ss./ paras.       | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                     |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                               |                      | <p>2. The reserve State budget to be spent on the overcoming of the consequences of flood, drought and other serious effects of water;</p> <p>3. The fund for preventing and fighting against flood and storms of the locality contributed by the population according to prescriptions of the Government</p> <p>4. Aid from organizations and individuals in the country; from foreign governments, foreign organizations and individuals and international organizations</p> |
| <p>93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?</p>                                                                                                                                                                                                                                                                                                              | <p>Law on Water Resources, No.8/1998/QH10</p> | <p>Article 43(4)</p> | <p>“The State managing agency on meteorology has the responsibility to supply in time information and forecast about meteorology in service of the prevention and fight against drought.”</p> <p>The state managing agency is the National Centre for Hydro-Meteorological Forecasting (NCHMF)</p>                                                                                                                                                                             |
| <p>94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. Different cultural or ethnic groups?</li> <li>c. Vulnerable groups, including children, older persons, persons</li> </ul> |                                               |                      | <p>No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                               |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                     | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                   | No.ss./ paras.         | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| with disabilities?<br>d. Socially isolated groups and the very poorest people?                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                               |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>J. Other food security risks?</b>                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                               |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration).<br>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility<br>b. At what level(s) of government is this regulated? | PM's Decision No 498/TTg on Establishing National Committees on Food Security<br><br>Ordinance No. 09-L/CTN on Prevention and Control of Floods and Storms and Implementation Provisions<br><br>PM's Decision No: 2139/QĐ-TTg to Approve the National Climate Change Strategy | Article 1<br><br>IV(2) | The Decision consists of 4 articles regulating on establishment of the National Committee on Food Security (article 1); composition of the Committee (article 2); Responsibility of the Head of the Committee (article 3); and Enforcement (article 4)<br>This is regulated at national level.<br><br>The term 'floods and storms' includes inundation.<br><br>Ensuring food security and adapting to climate change is specified as a strategic task of the National Strategy.<br>The MONRE is given responsibility for carrying out the strategy, and implementation is to be done by different ministries, ministerial agencies, government agencies and provincial and municipal People's Committees within the ambit of their tasks and functions.<br>(See Q.21 for a more detailed answer on institutional responsibility) |
| 96. Does the above law or mandate specify how management of food security is financed? If so, describe.                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                               |                        | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 97. Does the above law or mandate                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                               |                        | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                                                                                     |                                             |                |                                                                            |                                                                                                                                  |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                         | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |                                                                                                                                  |
| regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?                                                                                                                                                                                                                                           |                                             |                |                                                                            |                                                                                                                                  |
| 98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including:<br>a. Women?<br>b. Different cultural or ethnic groups?<br>c. Vulnerable groups, including children, older persons, persons with disabilities?<br>d. Socially isolated groups and the very poorest people? |                                             |                | No                                                                         |                                                                                                                                  |
| <b>Part Three. Early Warning, Hazard Mapping and Risk Information</b>                                                                                                                                                                                                                                                                                                                                                                                            |                                             |                |                                                                            |                                                                                                                                  |
| <b>A. Early Warning</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                             |                |                                                                            |                                                                                                                                  |
| 99. In addition to the sectoral laws above, is there any general                                                                                                                                                                                                                                                                                                                                                                                                 | PM's Decision No: 172/2007/QĐ-TTg           | To             | Article 1, III (2)                                                         | A specific objective of the National Strategy is to enhance the capacity of forecasting, focusing on increasing early warning of |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                              | Short Title, no. & date of law / regulation                                                                                                                               | No.ss./ paras.                               | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>obligation to establish early warning systems (EWS) in the disaster management law?</p> <p>a. If so, does this include institutional mandates on EWS?</p> <p>b. Which institution(s) are involved and what are their mandates on EWS?</p> <p>c. Is there legal provision for financing of EWS?</p> | <p>Approve the National Strategy for Natural Disaster Prevention, Response and Mitigation to 2010</p> <p>1<sup>st</sup> Draft Law on Disaster Prevention and Fighting</p> | <p>Article 1, IV (1)(e)</p> <p>Article 9</p> | <p>storm and tropical depression to 72 hours in advance.</p> <p>The Strategy also calls for the modernization of early warning systems at the central, regional and local levels.</p> <p>This does not include any institutional mandate on EWS.</p> <p>There is no legal provision for financing of EWS.</p> <p>The Article generally lists, but is not limited to, following tasks in term of disaster prevention:</p> <ol style="list-style-type: none"> <li>1. To build monitoring network, meteorological observation stations, etc to follow changes in climate, environments at both national and international scope</li> <li>2. To collect, update, monitor and assess information from observations systems</li> <li>3. To analyze information to predict the places, times, level of disasters or warnings for localities to promptly fight against disasters</li> </ol> <p>a.b. The Draft law does not clearly indicate the mandate of any specific institution on EWS. However, Article 29 on obliges People's Committees of all levels, " to collect and analyze information on disasters forecasting and warnings and to guide the disaster prevention and response and recovery"</p> <p>c. No legal provision for financing of EWS</p> |
| <p>100. Does EWS regulation include requirements for community consultation and participation in</p>                                                                                                                                                                                                  | <p>1<sup>st</sup> Draft Law on Disaster Prevention and Fighting</p>                                                                                                       | <p>Article 23.1.b.</p>                       | <p>The right to participating in planning the disaster preventions and fighting solutions in localities</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Short Title, no. & date of law / regulation                                                                                                                                        | No.ss./ paras.                                                 | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| development of EWS? Describe.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                    |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 101. Does EWS regulation provide for community-based early warning data collection? Describe.                                                                                                                                                                                                                                                                                                                                                                                                                                                              | PM's Decision No.1002/QD-TTg To approve Project on CBDRM                                                                                                                           | Article 1, II(b)                                               | Setting up a system of early warning and communication about natural disaster in the community (including equipment and supporting tools), is one of the components of the project on CBDRM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological or seismological data (as relevant)? Describe.                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                    |                                                                | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>103. Does the law regulating telecommunications infrastructure and delivery include any DRR criteria in general, or any specific measures such as:</p> <ul style="list-style-type: none"> <li>a. geographical coverage of telecommunications to include remote and/or at-risk areas?</li> <li>b. priority access to communications technology for at-risk communities and responders to disaster?</li> <li>c. access for vulnerable groups such as the elderly and persons with disabilities?</li> <li>d. Support for early warning systems?</li> </ul> | <p>Law on Telecommunications, No. 41/2009/QH12</p> <p>Decree No: 25/2011/ND-CP, Detailing and Guiding the Implementation of a Number of Articles of The Telecommunications Law</p> | <p>Article 4, 35 and 48</p> <p>Article 7</p> <p>Article 14</p> | <p>These Articles emphasise on providing telecommunication services in remote areas. Article 35 prioritizes the granting of telecommunication licenses to projects in remote areas.</p> <p>The law prioritizes for transmission, "urgent information in service of prevention and combat of natural disasters, search and rescue, salvage, fires and other disasters".</p> <p>There are no provisions on access for vulnerable groups or on support for early warning systems.</p> <p>The provision lays priority on providing public-utility telecommunication services to remote areas or other difficult areas where, "telecommunication enterprises cannot afford an effective business under market mechanisms."</p> |
| 104. Does the above law impose, or                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | No                                                                                                                                                                                 |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                             |                                                                                                                                                                                                                |                   |                                                                                                                                                                                                                      |
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| Legal Research Questions                                                                                                                                                                                                                                 | Short Title, no. & date of law / regulation                                                                                                                                                                    | No.ss./ paras.    | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                           |
| <p>allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <p>a. Generally throughout the territory?</p> <p>b. In specified areas?</p> <p>c. Under specified circumstances?</p>                        |                                                                                                                                                                                                                |                   |                                                                                                                                                                                                                      |
| <b>B. Risk identification, assessment and monitoring</b>                                                                                                                                                                                                 |                                                                                                                                                                                                                |                   |                                                                                                                                                                                                                      |
| <p>105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?</p>        | <p>PM's Decision No: 172/2007/QĐ-TTg To Approve the National Strategy for Natural Disaster Prevention, Response and Mitigation to 2010</p> <p>1<sup>st</sup> Draft Law on Disaster Prevention and Fighting</p> | <p>Article 29</p> | <p>No</p> <p>Article 29 on obliges People's Committees of all levels, " to collect and analyze information on disasters forecasting and warnings and to guide the disaster prevention and response and recovery"</p> |
| <p>106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and</p> | <p>There is no specific law regulating such data, but the laws listed below contain some provisions relevant to the subject:</p> <p>1<sup>st</sup> Draft Law on Disaster</p>                                   |                   | <p>See Q.100 above</p>                                                                                                                                                                                               |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                    | Short Title, no. & date of law / regulation                                                                                                                         | No.ss./ paras.                                                      | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| under what law?                                                                                                                                                                                                                             | <p>Prevention and Fighting</p> <p>Decree No: 102/2008/ND-CP<br/>On The Collection, Management, Exploitation And Use Of Natural Resources And Environmental Data</p> | <p>Article 9</p> <p>Article 1</p> <p>Article 2</p> <p>Article 8</p> | <p>The decree does not focus on data pertaining to natural disasters, but applies to “land, water resources, geological and mineral, environmental. Hydro-meteorological, topographic and cartographic, marine and island natural resources and environmental data”</p> <p>It does not place responsibility on any one entity but “applies to state agencies, domestic organizations and individuals, overseas Viet Nameese, and foreign organizations and individuals in the collection, management, exploitation and use of natural resources and environmental data”.</p> <p>However, the Ministry of Natural Resources and Environment is given prime responsibility to co-ordinate with ministries, ministerial-level agencies, government-attached agencies and People's Committees of provinces and centrally run cities to direct data collection and processing work and build databases. These agencies are to elaborate, approve, and organize the implementation of plans to collect natural resources and environmental data.</p> |
| 107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law? | No                                                                                                                                                                  |                                                                     | The General Statistics Office, Viet Nam publishes the statistics on population.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                         |                |                                                                                                                                                                                                                     |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Short Title, no. & date of law / regulation                                                                                                                             | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                          |
| <b>Part Four. Regulation of the Built Environment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                         |                |                                                                                                                                                                                                                     |
| The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements. |                                                                                                                                                                         |                |                                                                                                                                                                                                                     |
| <b>A. Building Codes</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                         |                |                                                                                                                                                                                                                     |
| Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                         |                |                                                                                                                                                                                                                     |
| 108. Is there a national building and construction law? If so, what authority is responsible for its implementation?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Law on Construction No 16/2003/QH11<br><br>Law on Housing No 56/2005/QH11<br><br>Decree 71/2010/NĐ-CP providing detailed guidelines on implementation of Law on Housing |                | All state authorities. For instance: ministries (Ministry of Constructions, MPI, Ministry of Finance, Ministry of Culture, Sports and Tourism, etc); State Banks; People's Committees of all cities, provinces; etc |
| 109. If there is not a national building and construction law, is this issue regulated at provincial/state or local                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                         |                | A national building and construction law does exist. See Q.109                                                                                                                                                      |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                 | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| level? If sub-national regulation only, can you find an example of such a law?                                                                                                                                                                                                                                           |                                             |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation. | Law on Construction No 16/2003/QH11         | Article 52     | <p>The law does not include detailed building codes</p> <p>However, article 52 provides general requirements on work construction designs. Accordingly, it is required that construction designs must satisfy following general requirements (but not limited to):</p> <ul style="list-style-type: none"> <li>+ safety, thrift and conformity with the applied construction rules and standards; standards on fire and explosion prevention and fighting, environmental protection and relevant standards, public utility works must be designed according to the standards for the disabled (article 52.1.e)</li> <li>+ Human safety upon occurrence of incidents; condition for safe, convenient and effective fire-fighting and rescuing activities; proper distances between works, use of fire-fighting materials, equipment and facilities to limit impacts of the fire on adjacent works and surrounding environment (article 52.2.b)</li> </ul> |
| 111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?                                                                                                                                                                                       | Law on Construction No 16/2003/QH11         | Article 62     | <ul style="list-style-type: none"> <li>- Yes</li> <li>+ Before starting the construction works, the investor must obtain construction permits, except for certain works (listed in the official document) (article 62.1)</li> <li>+ For separate dwelling houses in rural areas, regulations on construction permits must conform with actual situation of such localities. The district-level People's Committees shall specify the densely populated quarters in geographical areas when</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                     | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                                                                                                                                                                              | No.ss./ paras.     | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                      |
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|                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                          | Article 66         | <p>construction permits are required. (article 62.2)</p> <p>The People's Committees of all levels have competence to grant permits.</p>                                                                                                                         |
| <p>112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for this? Does it apply to:</p> <p>a. New buildings?</p> <p>b. Renovations / extensions of existing buildings?</p> <p>c. Existing buildings where there is no building application, such as old buildings that may no longer be safe?</p> | <p>Law on Construction No 16/2003/QH11</p> <p>Decree No. 46/2005/NĐ-CP on Composition and Operation of Construction Inspectorate</p> <p>Minister of Construction Decision No 25/2005/QĐ-BXD on Functions, Obligation, Authority and Composition of Ministry of Construction Inspectorate</p> <p>Joint Circular No 18/2005/TTLT/BXD-TTCTP between Ministry of Construction and Government Inspectorate on Some issues on Construction</p> | <p>Article 113</p> | <p>Yes.</p> <p>The Construction Inspectorate has responsibility for building inspections, the composition and operation of which, is regulated by Government.</p> <p>No specific applications</p> <p>No specific application</p> <p>No specific application</p> |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                  | Short Title, no. & date of law / regulation                               | No.ss./ paras.                      | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                           | Inspectorate<br><br>Law on Housing No 56/2005/QH11                        | Article 145                         | Construction Inspectorate is responsible for inspecting the compliance of Law on Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?                                                                                   | Law on Construction No 16/2003/QH11<br><br>Law on Housing No 56/2005/QH11 | Article 120<br><br>Article 149, 150 | Sanctions might be imposed if individuals or organizations fail to fulfil their obligations stipulated in the Law.<br>Sanctions include compensation, tearing down the building and both administrative and criminal liability<br>Government authorities are responsible.<br><br>Sanctions might be imposed if individuals or organizations fail to fulfil their obligations stipulated in the Law (article 149) or if the incompliance of the law on housing ends up with damages to Government, organizations and individuals (article 150).<br>Sanctions include both administrative sanctions and criminal liability. |
| 114. Do the building regulations have special standards or requirements for: <ul style="list-style-type: none"> <li>a. schools?</li> <li>b. hospitals?</li> <li>c. fire stations?</li> <li>d. other public buildings that may also be required as collective centres in case of disaster (e.g.</li> </ul> |                                                                           |                                     | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                              | Short Title, no. & date of law / regulation                               | No.ss./ paras.                                          | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| ministries, sports complexes, churches, mosques etc.)?                                                                                                                                                                                                                                                                |                                                                           |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.                                                                    |                                                                           |                                                         | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.                                                                                                                                                                                                           |                                                                           |                                                         | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 117. Do the building laws/regulations include small self-built constructions? Identify & describe.                                                                                                                                                                                                                    |                                                                           |                                                         | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared with urban settings? E.g.<br>a. the extent of regulation?<br>b. the level of government at which it is regulated?<br>c. other? | Law on Construction No 16/2003/QH11<br><br>Law on Housing No 56/2005/QH11 | Article 24 on Requirements of urban housing development | Yes. The main difference is that it is divided into general and detailed settings for urban areas. Additionally, the law regulates design for urban settings only (Article 27)<br><br>Yes. The main difference is that article 24.2 provides detailed requirements of new buildings in Housing development projects:<br>+ Special urban: at minimum level, apartment building should account for 60%<br>+ Urban No1 and Urban No2: at minimum level, apartment building should account for 40%<br>+ Urban No3: at minimum level, apartment building should |



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                          | Short Title, no. & date of law / regulation                               | No.ss./ paras.                                                                        | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                         |
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|                                                                                                                                                                                                                                                                                                                                                                                   |                                                                           | ent<br>Article 25<br>on<br>Requirem<br>ents of<br>rural<br>housing<br>developm<br>ent | account for 20%                                                                                                                                                                                                                                                                                                    |
| 119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?                                                                                                                                                                                                  |                                                                           |                                                                                       | No                                                                                                                                                                                                                                                                                                                 |
| 120. Do the building laws/regulations include:<br>a. Inspections?<br>b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)?<br>If so, what form of regulation and which | Law on Construction No 16/2003/QH11<br><br>Law on Housing No 56/2005/QH11 |                                                                                       | <ul style="list-style-type: none"> <li>- Inspections: Yes, see Question 113 above</li> <li>- Programmes and/or incentives for making existing building safe: No</li> <br/> <li>- Inspections: Yes, see Question 113 above</li> <li>- Programmes and/or incentives for making existing building safe: No</li> </ul> |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                |                |                                                                                                                      |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Short Title, no. & date of law / regulation                                                                                                    | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                           |
| institution(s) have responsibility for this?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                |                |                                                                                                                      |
| 121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                |                | No                                                                                                                   |
| 122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                |                | No                                                                                                                   |
| <b>B. Land Use Planning Laws</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                |                |                                                                                                                      |
| The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers). |                                                                                                                                                |                |                                                                                                                      |
| 123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Law on Land No 13/2003/QH11<br>Amended in 2009 by Law No 34/2009/QH12<br><br>Government Decree No 181/2004/NĐ-CP on Implementation of the Land |                | It may be noted that a bill amending the Law on Land is to be submitted before the National Assembly in August 2012. |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                 |                                                                                                                                                                                                                                                                                                                                            |                |                                                                                                                                                                                                      |
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| Legal Research Questions                                                                                                     | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                                                                                | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                           |
|                                                                                                                              | <p>Law</p> <p>Law on Urban Planning No 30/2009/QH12</p> <p>Decree No 69/2009/ND-CP on additionally providing for land use planning, land prices, land recovery, compensation, support and resettlement</p> <p>National Assembly Resolution No. 17/2011/QH13 on Land use planning to 2020 and National 5 year land use plan (2011-2015)</p> |                |                                                                                                                                                                                                      |
| 124. Is this issue regulated at provincial/state or local level? If so, can you find an example of such a law at each level? |                                                                                                                                                                                                                                                                                                                                            |                | <p>Yes</p> <p>Example Thua Thien Hue Province People's Council issued Resolution No 01/2012/NQ-HDND on land use planning to 2020 and 5-year-land use plan (2011-2015) of Thua Thien Hue Province</p> |
| 125. Does the land use planning and/or zoning law include processes for:<br>a. Formal release of land for new developments?  | <p>Law on Land No 13/2003/QH11</p> <p>Amended in 2009 by Law No 34/2009/QH12</p>                                                                                                                                                                                                                                                           |                | <p>a. No</p> <p>b. Yes.</p> <p>- Article 86 of Law on Land on Land used for embellishment and development of urban areas and rural residential zones</p>                                             |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                | Short Title, no. & date of law / regulation                                                                                                                                                                                                                                                                                                                                                                  | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                           |
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| <p>b. Approval of each new urban development?</p> <p>c. Approval of major commercial developments?</p>                                                                                  | <p>Government Decree No 181/2004/NĐ-CP on Implementation of the Land Law</p> <p>Law on Urban Planning No 30/2009/QH12</p> <p>Decree No 69/2009/ND-CP on additionally providing for land use planning, land prices, land recovery, compensation, support and resettlement</p> <p>National Assembly Resolution No. 17/2011/QH13 on Land use planning to 2020 and National 5 year land use plan (2011-2015)</p> |                | <p>- Article 62 of Land on Urban Planning on Preparation of land funds for urban development according to planning.</p> <p>c. No</p> |
| <p>126. Does the land use planning and/or zoning law include prohibitions on development of high risk sites (e.g. unstable land prone to subsidence, flood plains, and contaminated</p> |                                                                                                                                                                                                                                                                                                                                                                                                              |                | <p>No</p>                                                                                                                            |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                         | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                     |
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| sites)?                                                                                                                                                                          |                                             |                |                                                                                                                                                                                                                                                |
| 127. Does the planning / zoning law include public open space for evacuation?                                                                                                    |                                             |                | No                                                                                                                                                                                                                                             |
| 128. Does the planning / zoning law allocate or require allocation of land for emergency or transitional shelter in preparation for potential disaster?                          |                                             |                | No<br>Article 31 of Land on Law on <i>Grounds for allocation of land, lease of land, conversion of land use purpose</i> does not include the case of allocate land for emergency or transitional shelter in preparation for potential disaster |
| 129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?             |                                             |                | No                                                                                                                                                                                                                                             |
| 130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?             |                                             |                | No                                                                                                                                                                                                                                             |
| 131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. |                                             |                | No                                                                                                                                                                                                                                             |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                             |                                                                                                                  |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                 | Short Title, no. & date of law / regulation                                                                      | No.ss./ paras.                                   | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| a. the extent of regulation?<br>b. the level of government at which it is regulated?<br>c. other?                                                                                                                                                                                                                                                                                                        |                                                                                                                  |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                                  | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>C. Land tenure</b>                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                  |                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 133. Is there a national system of land title registration established under law?<br>a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law?<br>b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept? | Law on Land No 13/2003/QH11<br><br>Decree No. 181/2004/ND-CP Providing for the Implementation of the Law on Land | Article 4(19)<br><br>Article 48<br><br>Article 9 | Land belongs to the people and is managed by the State on behalf of the people. Thus, the law contains a national system that allows for registration of land use rights (not land ownership). This is defined as, "the acknowledgement of the lawful land use rights over a determined land plot in the cadastral dossiers, aiming to establish the rights and obligations of the land users."<br><br>A certificate, called the Land Use Right Certificate, is issued for the same.<br><br>Chapter II, Section V and Chapter IV of the Act elaborate upon the subject of registration of land use rights.<br><br>Land use right registration offices are to be established by the People's Committees of provinces and cities, and communes, wards and townships under the Department of Natural Resources and Environment or Divisions of Natural Resources and Environment. |
| 134. Are there institutions mandated to                                                                                                                                                                                                                                                                                                                                                                  | Law on Land No                                                                                                   | Article 20                                       | "The Ministry of Natural Resources and Environment directs the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                        | Short Title, no. & date of law / regulation | No.ss./ paras.                            | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>survey land and/or register title?<br/>Does this mandate:</p> <ul style="list-style-type: none"> <li>a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights?</li> <li>b. establish a timeframe for the conclusion of land mapping?</li> <li>c. allocate resources for land mapping?</li> </ul> | 13/2003/QH11                                |                                           | <p>surveys, measurement, drawing and management of land use status quo maps, the land use planning maps nationwide and organize the drawing of land use status quo maps and land use planning maps of the whole country.</p> <p>The People's Committees must conduct land inventories in any localities shall have the responsibility to organize the drawing of land use status quo maps of such localities.</p> <p>The People's Committees must organize the elaboration of land use plannings of any localities shall have the responsibility to organize the drawing of the land use planning maps of such localities.”</p> <p>a, b, c. Not mentioned</p>            |
| <p>135. Does the land title system allow anyone to purchase or own land, or does it exclude anyone? E.g. can the following own and inherit land under this system:</p> <ul style="list-style-type: none"> <li>a. Women?</li> <li>b. All ethnic or religious groups?</li> <li>c. Non-nationals?</li> </ul>                                                                                       | Law on Land No 13/2003/QH11                 | Article 106<br><br>Chapter IV, Section IV | <p>The law allows land users the rights to exchange, transfer, lease, sublease, inherit, present or donate the land use rights; the rights to mortgage, provide guarantee or contribute capital with, the land use rights; the rights to be compensated upon land recovery by the State.</p> <p>The law does not expressly exclude anyone from purchasing land.</p> <p>There is no mention of rights and obligations for women or ethnic or religious group. The rights and obligations of foreign organisations and individuals that use land are clearly spelled out in Chapter IV. However, this does not include the right to ownership and inheritance of land.</p> |
| 136. If there is no standardised land title, is there another way to legally                                                                                                                                                                                                                                                                                                                    |                                             |                                           | There is no other way to legally recognise land tenure rights.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                  | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| recognise land tenure rights (e.g. indigenous title based on ancestral lands, or established occupation or use, or other traditional rights to use resources such as gathering or hunting or water rights)? Describe.                                                                                                                                                                                                                     |                                             |                |                                                                                                                                                                                                           |
| 137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.                                                                                                                                                                                                             |                                             |                | No                                                                                                                                                                                                        |
| 138. Is there legislation or case law that recognises land tenure as a result of occupation, such as:<br>a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?<br>b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)? |                                             |                | No<br>Viet Nam does not grant ownership of land to people, but land use rights. Therefore, there is no legislation on adverse possession or squatters' rights.<br>Case law is not applicable in Viet Nam. |
| 139. If there are parallel systems for                                                                                                                                                                                                                                                                                                                                                                                                    |                                             |                | There is only one system for recognition of land tenure.                                                                                                                                                  |



| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                                                                                                                                                         |                                             |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                             | Short Title, no. & date of law / regulation | No.ss./ paras.                          | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?                                                                                                                                                                                                                                                        |                                             |                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p>140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include:</p> <p>a. risk reduction from natural disasters?</p> <p>b. land to be kept for evacuation or emergency or transitional shelter?</p>                                                                               | Law on Land No 13/2003/QH11                 | Chapter IV, Section IV                  | <p>The law allows the Government to ‘recover’ land for public purposes. Under Article 45, the State may effect acquisition of land for a definite period “in cases of urgent demand for wars, natural calamities or other emergencies.” Upon expiry of such period, the land must be returned and compensation must be paid by the State for the loss caused.</p> <p>This is further elaborated upon in other documents such as Decree No. 181/2009/ND-CP Providing for Implementation of the Law on Land and in Decree No.69/2009/ND-CP Additionally Providing for Land Use Planning, Land Prices, Land Recovery, Compensation, Support and Resettlement.</p>                           |
| <p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <p>a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b. Are such tribunals or mechanisms available throughout the territory,</p> | Law on Land No 13/2003/QH11                 | Chapter IV, Section II, Article 135-136 | <p>The State encourages people to settle land disputes through conciliation in the first instance. If conciliation fails, they may approach the People’s Committees of communes, wards or townships where the land in dispute exists, who must co-ordinate with Viet Nam Fatherland Front and its member organizations as well as other mass organizations. Disputes over asset where the involved parties have land use right certificates, or certain papers may be further appealed at the People’s Court; and where they do not have the certificates or papers, the provincial/municipal People’s Committees and appealed to the Minister of Natural Resources and Environment.</p> |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions  | Short Title, no. & date of law / regulation | No.ss./ paras.             | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|---------------------------|---------------------------------------------|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| including in rural areas? | Civil Procedure Code No. 24/2004/QH11       | Article 131<br>Article 132 | <p>a. Yes. People without money can access the dispute resolution by settling the dispute through conciliation, by the People's Committees of communes, wards or townships. It is only when a dispute is brought before the courts, that the applicant is required to pay a fee.</p> <p>b. Yes. The Court system is divided into three levels: People Supreme Court, the People's Courts of rural districts, urban districts, provincial capitals, provincial towns and People's Courts of provinces or centrally-run cities.</p> |

#### D. Informal and precarious settlements

Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.

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| <p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> | PM Decision No 2127/QĐ-TTg on National Housing Development Strategy to 2020 |  | <p>a. Objectives (part III) to 2015 include decrease the rate of slums and simple settlements to less than 5%. Objective to 2020 is completely erasing slums and simple settlements</p> <p>b. Yes. Part III.2 on Solutions and part IV on Implementation</p> |
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### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                              |
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| <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p> |                                             |                | <p>provide guidance on this</p> <p>c. Not mentioned</p> <p>d. Not mentioned</p> <p>e. Not mentioned</p> |
| <p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p> <p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public</p>                                                                                                                 |                                             |                | <p>No</p>                                                                                               |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                            | Short Title, no. & date of law / regulation | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts) |
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| <p>infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>                                                           |                                             |                |                                                                            |
| <p>144. Does any law require that informal settlements are included in:</p> <p>a. Early Warning Systems?</p> <p>b. Community based DRR education and training?</p>                                                                                                                                                                                                  |                                             |                | No                                                                         |
| <p>145. Does any law provide a mechanism for recognition of tenure for residents of informal settlements?</p> <p>a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)?</p> <p>b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?</p> |                                             |                | No                                                                         |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                                             |                                                                                                                                              |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
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| Legal Research Questions                                                                                                                                                                                                                                                 | Short Title, no. & date of law / regulation                                                                                                  | No.ss./ paras.                                    | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>E. Urban Water and Flood Management</b>                                                                                                                                                                                                                               |                                                                                                                                              |                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility? | Law on Urban Planning No 30/2009/QH12<br><br>Law on Water Resources No.8/1998/QH10                                                           | Article 37<br><br>Article 39<br><br>Article 13-16 | The Contents of urban technical infrastructure planning include planning of urban surface and wastewater drainage, water supply, etc.<br><br>Strategic environmental assessment, a part of planning, includes a study of quality of water among other things.<br><br>These provisions regulate the protection of quality of water. Article 14 focuses on protecting the quality of the source of water for living and holds the People's Committees at all levels responsible for defining the sanitation protection zones for water being provided to their localities. |
| 147. If there is a national water authority, does its mandate include risk reduction or preparedness for safeguarding the water supply in the face of natural disasters?                                                                                                 | Law on Water Resources, No.8/1998/QH10<br><br>Decree No 179/1999/ND-CP guiding the implementation of the Law on Water Resources              | Article 63<br><br>Article 16.1                    | This provision calls for the establishment of a National Water Council to advise the Government on important decisions related to water resources.<br><br>The National Water Council is obligated to advise the Government on several areas listed in Article 16.1, including "floods and other damages caused by water prevention and recovery." (See Answer of question 160 for detailed contents of article 16.1)                                                                                                                                                     |
| 148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If                                                                                            | Decree No.32-Cp Of May 20, 1996 Of The Government Providing Details For The Implementation Of The Ordinance On The Prevention And Control of | Article 6                                         | "The Chairperson of the People's Committee of provinces, cities under the Central Government shall be obliged to conduct state management of activities for preventing and controlling floods and storms in their locality; to set up long-term and annual plans for prevention and control of floods and storms; to set up committees for prevention and                                                                                                                                                                                                                |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Short Title, no. & date of law / regulation                                                                                                                            | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                     |
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| so, what authority is responsible?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Floods And Storms                                                                                                                                                      |                | control of floods and storms; to instruct, check and promote the performance of units, authorities, and people in their locality in carrying out measures to prevent, control and overcome consequences of floods and storms.” |
| 149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                        |                | Flood mitigation and water management against urban flooding is regulated by a national law. See Q.149.                                                                                                                        |
| <b>Part Five. Regulation of the Natural &amp; Rural Environment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                        |                |                                                                                                                                                                                                                                |
| Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods, earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification. |                                                                                                                                                                        |                |                                                                                                                                                                                                                                |
| <b>A. Human Risks in Environmental Change</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                        |                |                                                                                                                                                                                                                                |
| 150. Is there legislation on environmental protection? If so, what institution has responsibility?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Law on Environmental Protection,<br>No.52/2005/QH11<br><br>Decree No: 80/2006/ND-CP,<br>Detailing and Guiding the implementation of a number of Articles on the Law on |                | The Ministry of Natural Resources and Environment (MONRE)                                                                                                                                                                      |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                     | Short Title, no. & date of law / regulation      | No.ss./ paras. | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                              | Environment Protection.                          |                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p>151. Does the above mandate include environmental management from the perspective of:</p> <ul style="list-style-type: none"> <li>a. human safety?</li> <li>b. preservation of livelihoods?</li> <li>c. food security, especially concerning protection of crops and livestock?</li> </ul> | No                                               |                | <p>However, PM’s Decision to Approve the National Climate Change Strategy No: 2139/QĐ-TTg, identifies food security as one of its strategic tasks, noting the need to “adjust crop and livestock pattern to adapt to the changing climate, sea-level rise and the local natural conditions.”</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private and public industrial developments?</p>                                                                                                                                                | Law on Environmental Protection, No.52/2005/QH11 | Chapter III    | <p>Yes. This chapter elaborates on the objects subject to EIAs, contents of an EIA report, etc. Article 18 lists the following projects as being subject to EIAs:</p> <ul style="list-style-type: none"> <li>a. Projects of national importance;</li> <li>b. Projects planned to use part of land of or exerting adverse impacts on, the natural sanctuaries, national parks, historical and cultural relic sites, natural heritages or beautiful landscapes which have been ranked;</li> <li>c. Projects to potentially exert adverse impacts on the river watershed, coastal areas or areas of protected ecosystems;</li> <li>d. Projects to construct infrastructure works in economic zones, industrial parks, hi-tech parks, export-processing zones or craft village areas;</li> <li>e. Projects to construct new urban centers or concentrated residential areas;</li> <li>f. Projects to exploit and use groundwater or natural resources on a large scale.</li> </ul> |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                       | Short Title, no. & date of law / regulation                 | No.ss./ paras.    | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                                                                                                                                                                                                                                                                                                                                                                |                                                             |                   | g. Other projects having potential risks or adverse impacts on the environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <p>153. If there are EIAs, do the criteria include:</p> <ul style="list-style-type: none"> <li>a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security?</li> <li>b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?</li> </ul> | <p>Law on Environmental Protection,<br/>No.52/2005/QH11</p> | <p>Article 14</p> | <p>Article 14 lists the objects that must be elaborated upon in an EIA report as:</p> <ol style="list-style-type: none"> <li>“1. National socio-economic development strategies, plannings and plans.</li> <li>2. Strategies, plannings and plans for development of branches or domains on a national scale.</li> <li>3. Socio-economic development strategies, plannings and plans of provinces, centrally run cities or regions.</li> <li>4. Plannings for land use, forest protection and development; exploitation and utilization of other natural resources in inter-provincial or inter-regional areas.</li> <li>5. Plannings for development of key economic regions.</li> <li>6. General plannings of inter-provincial river watersheds”</li> </ol> <p>Thus, it does not contain express reference to human risk factors or to assessment in light of known natural hazards.</p> |
| <p>154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage</p>                                                           |                                                             |                   | <p>No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                | Short Title, no. & date of law / regulation                                                                                                                              | No.ss./ paras.                    | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| flooding and/or erosion?                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                          |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>B. Forests</b>                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                          |                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p>155. Is there legislation on forest management (if relevant to the subject country)? If so, what institution has responsibility?</p>                                                                                                                                                                                                 | <p>Law on Forest Protection and Development, No. 29/2004/QH11</p> <p>Decree No. 23/2006/ND-CP on the Implementation of the Law on Forest Protection and Development.</p> | <p>Article 1</p> <p>Article 8</p> | <p>This Law provides for the management, protection, development and use of forests and forest owners' rights and obligations.</p> <p>It lays primary responsibility for forest management and protection on the Ministry of Agriculture and Rural Development. The Ministry of Natural Resources and Environment, the Ministry of Public Security, the Ministry of Defence the other ministries and ministerial-level agencies and the People's Committees at all levels must co-ordinate with the MARD within the ambit of their tasks and powers.</p> <p>Finally, the Government is to prescribe the organization, tasks and powers of specialized forestry agencies from central to district levels and of forestry officers in communes, wards and townships with forests.</p> <p>The mandate of these institutions is elaborated upon in Articles 3-8 of the Decree</p> |
| <p>156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as:</p> <ul style="list-style-type: none"> <li>a. prevention of wildfires?</li> <li>b. deforestation and erosion relevant to prevention of landslides and floods?</li> <li>c. other hazards, (such as</li> </ul> | <p>Law on Forest Protection and Development, No. 29/2004/QH11</p>                                                                                                        | <p>Article 4</p>                  | <p>Forests are classified into four categories including 'Protection forests' defined as those forests "which are used mainly to protect water sources and land, prevent erosion and desertification, restrict natural calamities and regulate climate..." However, the law does not contain any other reference to natural disasters.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                    |                                                                                                                                                                   |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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| Legal Research Questions                                                                                                        | Short Title, no. & date of law / regulation                                                                                                                       | No.ss./ paras.                                                      | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| encroachment by wildlife into agricultural land or villages)?<br>Describe the scope.                                            |                                                                                                                                                                   |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?           |                                                                                                                                                                   |                                                                     | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 158. Does the law provide for use, conservation or management of forests and their resources by communities?                    | Law on Forest Protection and Development, No. 29/2004/QH11<br><br>Decree No. 23/2006/ND-CP on the Implementation of the Law on Forest Protection and Development. | Article 29-30<br><br>Article 3(13)<br><br>Articles 20, 43, 50(1)(b) | Yes. Articles 29 and 30 provide for the assignment of forests to village population communities and their rights and obligations respectively. Village population communities that have a close community association with forests in their production, life, culture and belief and are capable of managing forests may be assigned forests by the People's Committees of rural or urban districts, provincial towns or cities.<br>"Village population community means all households and individuals living in the same village, hamlet or equivalent unit."<br><br>Articles 20 and 43 of the Decree stipulate the same as above.<br>Article 50 allows village population communities, as forest owners, to adopt appropriate forms of forest protection. |
| <b>C. Rivers and watercourses</b>                                                                                               |                                                                                                                                                                   |                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has | Law on Water Resources, No.8/1998/QH10                                                                                                                            | Article 59                                                          | "2. The Government shall ratify the list and general planning of the major river basins and important projects on water resource.<br>3. The Ministry of Agriculture and Rural Development shall ratify the general planning on river basins, the general planning on water                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                     | Short Title, no. & date of law / regulation                                                                                                         | No.ss./ paras.                        | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| responsibility?                                                                                                                                                                                                                                                                                                                                                                              | <p>Decree No 179/1999/ND-CP guiding the implementation of the Law on Water Resources</p> <p>Decree No. 120/2008/ND-CP on River Basin Management</p> | <p>Article 16.1</p> <p>Article 17</p> | <p>conservancy on assignment from the Government.”</p> <p>National Water Council stipulated in article 63 of Law on Water Resources is obligated to advise the Government on:</p> <ul style="list-style-type: none"> <li>a. National Strategy and Policy on Water</li> <li>b. To approve large rivers basin planning;</li> <li>c. To transfer water among major rivers basin</li> <li>d. Projects on water resources protection, exploration and using decided by the Government; floods and other damages caused by water prevention and recovery;</li> <li>e. To manage, protect, explore and use international water resource and to settle disputes</li> <li>f. To settle water resources disputes among Ministries and between Ministries and Provincial People’s Committees.</li> </ul> <p>The Decree assigns primary responsibility to the MONRE and to Provincial-level People’s Communities in their localities.</p> |
| <p>160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as:</p> <ul style="list-style-type: none"> <li>a. Riverbed management relevant to flood prevention and mitigation?</li> <li>b. Water storage and distribution for human, agricultural and industrial consumption in rural areas?</li> </ul> <p>Describe the scope.</p> | <p>Law on Water Resources, No.8/1998/QH10</p>                                                                                                       | <p>Article 65</p>                     | <p>Yes. The mandate does include river-water management from the perspective of DRR:</p> <ul style="list-style-type: none"> <li>a. The law provides for management of all water resources, including rivers, and appoints the Central Committee, with MARD as its standing agency, to direct the prevention and fight against floods and storms.</li> <li>b. The distribution of water resources for use must be based on the planning of the river basin, for which concrete provisions are to</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                    |

### 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)

| Legal Research Questions                                                                                                    | Short Title, no. & date of law / regulation                                                                                                         | No.ss./ paras.                                         | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                             | <p>Decree No 179/1999/ND-CP guiding the implementation of the Law on Water Resources</p> <p>Decree No. 120/2008/ND-CP on River Basin Management</p> | <p>Article 7.2</p> <p>Article 16</p> <p>Article 14</p> | <p>made by the Government. (See Decree below)</p> <p>This provision regulates the distribution of water resources in accordance with Article 20 of the Law and provides specifically for sufficient water supply for daily life and important industrial and agricultural activities during droughts.</p> <p>a. Planning of prevention, combat and address of consequences of harms caused by water in river basins. This includes construction to minimize harms and determining standards for flood and drought prevention.</p> <p>b. Planning of water needs for daily life, agricultural and industrial consumption, among other things.</p> |
| <p>161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?</p> |                                                                                                                                                     |                                                        | <p>No</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p>162. Does the law provide for use, conservation or management of rivers and their resources by communities?</p>          | <p>Decree No. 120/2008/ND-CP on River Basin Management</p>                                                                                          | <p>Article 17.2</p> <p>Article 19.5</p>                | <p>Draft plans for exploitation and use of water resources must be commented upon by representatives of population communities living in river basin areas, before they are submitted to competent authorities for submission and approval.</p> <p>Population communities “are obliged and provided with conditions to exercise the right to supervise and propose specific measures for the implementation of river basin plannings.”</p>                                                                                                                                                                                                       |

| 3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION (HYOGO 2 and 4)                                                                                                                                                             |                                             |                      |                                                                                                                                                                                                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Research Questions                                                                                                                                                                                                                                 | Short Title, no. & date of law / regulation | No.ss./ paras.       | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                          |                                             | Articles 23.1 25, 26 | Representatives can also comment on plans for water pollution prevention, minimum flows in rivers, water resource regulation and allocation.                                                                                                                                     |
| <b>D. Drought and food security</b>                                                                                                                                                                                                                      |                                             |                      |                                                                                                                                                                                                                                                                                  |
| 163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought? |                                             |                      | See Q.91                                                                                                                                                                                                                                                                         |
| 164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?                                                                                                                           |                                             |                      | See Q.91                                                                                                                                                                                                                                                                         |
| 165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?                                                     |                                             |                      | No There is no other legislation relevant to maintaining food security in the face of natural disasters. However, PM's Decision No: 2139/QĐ-TTg to Approve the National Climate Change Strategy lists food security in the face of climate change as one of its strategic tasks. |

**4. Information management and exchange, community level DRR education & awareness (Hyogo 3)**

Most elements of this Hyogo Priority will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

| <b>4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION &amp; AWARENESS (HYOGO 3)</b>                                                                                                                                                                                                                      |                                                                  |                              |                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Legal Research Questions</b>                                                                                                                                                                                                                                                                                         | <b>Short Title, no. &amp; date of law / regulation</b>           | <b>No.ss./ paras.</b>        | <b>Answers, comments &amp; extracts (please use quotation marks for all extracts)</b>                                                                                                                |
| <p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p> |                                                                  |                              | See Q.107                                                                                                                                                                                            |
| <p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>                       |                                                                  |                              | See Q.108                                                                                                                                                                                            |
| <p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum?</p>                                                                                                                                                                                                          | <p>PM's Decision No: 172/2007/QĐ-TTg To Approve the National</p> | <p>IV (d), V(e) Annex 1,</p> | <p>The Law on Education, 2005 does not call for the inclusion of DRR awareness in the school curriculum. However, the National Strategy calls for the inclusion of basic knowledge about natural</p> |

#### 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)

| Legal Research Questions                                                                                                                                                                                                                                                                  | Short Title, no. & date of law / regulation                                                                                         | No.ss./ paras.                      | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Does this law or another law such as the DM law also require community DRR education?                                                                                                                                                                                                     | Strategy for Natural Disaster Prevention, Response and Mitigation to 2010                                                           | 23<br><br>IV (d)<br><br>Annex 1, 24 | disaster prevention, response and mitigation into school curriculum. To this end, the Decision assigns the Ministry of Education and Training, a program to include knowledge related to natural disasters into curriculums of secondary schools from 2007-2020.<br><br>It also calls for the promotion of “activities for information dissemination, education, awareness and disaster response capacity raising for communities.” The Decision stipulates a program to “Conduct training on natural disasters for communities living in disaster-prone areas” |
| 169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?<br><br>a. If so, which authorities and what are they required to do?<br><br>b. In particular does it require DRR education in schools? |                                                                                                                                     |                                     | No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness        | PM’s Decision No: 172/2007/QĐ-TTg To Approve the National Strategy for Natural Disaster Prevention, Response and Mitigation to 2010 | Article 1 (IV)(c)                   | “Adopt socialization policies in disaster prevention, response and mitigation in which favorable conditions are created for the participation of local residents in formulating legislation, plans and programs, in managing and monitoring the implementation of local programmes and projects.” This provisions also calls for building community awareness through awareness raising and information dissemination and organising self-response forces.                                                                                                      |

| 4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS (HYOGO 3)                                                                                                                                                                                                                                                                                                                              |                                                                                                             |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Research Questions                                                                                                                                                                                                                                                                                                                                                                                             | Short Title, no. & date of law / regulation                                                                 | No.ss./ paras.                                     | Answers, comments & extracts (please use quotation marks for all extracts)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| campaigns?                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                             |                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?                                                                                                                                                                                                                            | Law on Red Cross Activities No.11/2008/QH12                                                                 | Article 13(a)                                      | While the law does not expressly acknowledge the role of the Red Cross or the National Society as auxiliary to the government in DRR education and awareness, it notes that the activities of the Red Cross in disaster preparedness and response include “propagating, disseminating, training skills for Red Cross members, volunteers and people on disasters preparedness and response.”                                                                                                                                                                             |
| 172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?                                                                                                                                                                                                                                                                                           |                                                                                                             |                                                    | No. While there is no legislation designating a role for civil society, Decision No: 172/2007/QĐ-TTg To Approve the National Strategy for Natural Disaster Prevention, Response and Mitigation to 2010, via Article 1(1)(2) stipulates that social organisations, among others, are duty-bound to disaster prevention, response and mitigation.                                                                                                                                                                                                                          |
| 173. Does any law provide for community-level results in DRR, such as:<br>a. Natural disaster warnings that extend to community level?<br>b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters?<br>c. Community involvement in land-use and urban planning?<br>d. Community involvement in and education concerning building codes? | 1 <sup>st</sup> Draft law on Disaster Prevention and Fighting<br><br>Law On Urban Planning No. 30/2009/QH12 | Article 23.1.b<br>Article 23.2.l<br><br>Article 20 | a.b. The right to participate in planning the disaster preventions and fighting solutions in localities.<br>Individuals and household, within their capabilities, have obligation to provide precise information about disasters and damages aftermath in their localities<br><br>c. “Agencies organizing urban planning and investors of construction investment projects specified in Clause 7, Article 19 of this Law shall collect comments of concerned agencies, organizations, individuals and communities on urban planning tasks and urban plans.”<br><br>d. No |



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- *State Budget Law* No 01/2002/QH13 dated 16 December 2002 [In Vietnamese: *Luật Ngân sách nhà nước*, Số 01/2002/QH13 ngày 16 tháng 12 năm 2002] (EN &VI)
- *Law on Fire Prevention and Fighting* No 27/2001/QH10 dated 29 June 2001 [In Vietnamese: *Luật phòng cháy và chữa cháy số 27/2001/QH10* ngày 29 tháng 6 năm 2001] (EN&VI)
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- *Law on Telecommunications* No 41/2009/QH12 dated 23 November 2009 [In Vietnamese: *Luật viễn thông số 41/2009/QH11* ngày 23 tháng 11 năm 2009] (EN&VI)
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- *Law Amending and Supplementing a Number of Articles of the Civil Procedure Code* No 65/2011/QH12 [In Vietnamese: *Luật Sửa đổi bổ sung một số điều của Bộ luật tố tụng dân sự số 65/2011/QH12*] (EN & VI)
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- Decree No 60/2003/NĐ-CP guiding the implementation of the State Budget Law [Nghị định của Chính phủ số 60/2003/NĐ-CP quy định chi tiết và hướng dẫn thi hành Luật ngân sách nhà nước] (VI)
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- Decision No. 2139/QĐ-TTg to Approve the National Climate Change Strategy [In Vietnamese: Quyết định số 2139/QĐ-TTg của Thủ tướng Chính phủ phê duyệt Chiến lược quốc gia về biến đổi khí hậu] (EN&VI)
- Decision No. 581-TTg of July 25, 1997 promulgating the Regulation on Flood and Storm Warning [In Vietnamese: Quyết định số 581-TTg của Thủ tướng Chính phủ ban hành Quy chế báo bão lũ] (VI)
- Decree No. 14/2010/NĐ-CP on the Organization, Tasks, Powers and Coordination Mechanism of Central Steering Committee for Flood and Storm Prevention and Control, Committee for Flood and Storm Prevention, Control, Search and Rescue of Ministries, Agencies and Localities [In

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- Decree No. 120/2008/ND-CP on River Basin Management [In Vietnamese: Nghị định số 120/2008/NĐ-CP của Chính phủ về Quản lý lưu vực sông] (VI)
- Decision No.158/2008/QĐ-TTg on approval of the National Target Programme to respond to Climate Change [In Vietnamese: Quyết định số 158/2008/QĐ-TTg của Thủ tướng Chính phủ Phê duyệt chương trình mục tiêu quốc gia ứng phó với biến đổi khí hậu] (EN &VI)
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- Prime Minister’s Decision No. 63/2002/QĐ-TTg of May 20, 2002 on the work of flood and storm prevention and combat as well as natural disaster reduction (VI)
- Decree No. 71/2002/ND-CP of 23 July 2002 detailing the implementation of a number of articles of the Ordinance on the State of Emergency in Case of Great Disaster or Dangerous Epidemics [In Vietnamese: Nghị định số 71/2002/NĐ-CP ngày 23 tháng 07 năm 2002 của Chính phủ về quy định chi tiết thi hành một số điều của Pháp lệnh tình trạng khẩn cấp trong trường hợp có thảm họa lớn, dịch bệnh nguy hiểm] (EN&VI)

- Decision No. 118/2008/QĐ-TTg promulgating the Regulation on Financial Management of Search, Rescue, Salvage and Response to Natural Disasters and Catastrophes [In Vietnamese: Quyết định 118/2008/QĐ-TTg ngày 27/8/2008 của Thủ tướng CP ban hành quy chế quản lý tài chính đối với hoạt động tìm kiếm cứu nạn, cứu hộ, ứng phó thiên tai, thảm họa] (VI)
- Decree No. 25/2011/ND-CP, Detailing and Guiding the Implementation of a Number of Articles of The Telecommunications Law [In Vietnamese: Nghị định số 25/2011/NĐ-CP Quy định chi tiết và hướng dẫn thi hành một số điều của Luật Viễn thông] (VI)
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- Ordinance No. 36-2001-PL-UBTVQH10 on plant protection and quarantine [In Vietnamese: Pháp lệnh số 36/2001/UBTVQH10 về bảo vệ và kiểm dịch thực vật] (EN &VI)

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- Decision No. 103/QĐ-PCLBTW On duty (Standing) tasks of the Office of CCFSC, Office of FSC, Search and Rescue at all levels and sectors [In Vietnamese: Quyết định số 103/QĐ-PCLBTW Về trực ban phòng chống lụt bão của Văn phòng Ban chỉ đạo Phòng chống lụt bão Trung ương; Văn phòng Ban chỉ huy Phòng chống lụt bão và Tìm kiếm cứu nạn các cấp, các ngành] (VI)
- Decree No. 78/2005/ND-CP Stipulate organization, duty, rights and uniform of the force taking responsibility for dyke management [In Vietnamese: Nghị định số 78/2005/NĐ-CP quy định về tổ chức, nhiệm vụ, quyền hạn và sắc phục của lực lượng chuyên trách quản lý đê điều] (VI)
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- CNGO Affairs No 06/UB-PA Guidelines For The Implementation Of The Regulations On The Operation Of Foreign Non-Governmental Organizations In Viet Nam [In Vietnamese: Quy chế số 06/UB-PA về hoạt động của các tổ chức Phi chính phủ nước ngoài tại Việt Nam] (EN)

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- Resolution No 01/2012/NQ-HDND on land use planning to 2020 and 5-year-land use plan (2011-2015) of Thua Thien Hue Province. [In Vietnamese: Nghị quyết số 01/2012/NQ-HDND của Hội đồng nhân dân tỉnh Thừa Thiên Huế về việc thông qua quy hoạch sử dụng đất đến năm 2020 và kế hoạch sử dụng đất 5 năm (2011-2015) tỉnh Thừa Thiên Huế] (VI)

#### **E. List of Secondary Sources**

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- National Platform for Disaster Risk Reduction and Climate Change Adaptation in Viet Nam URL: [http://climatecapacity.org/files/RC\\_-\\_Assessment\\_Reports/Vietnam\\_CAR\\_CCWG\\_and\\_DMWG.pdf](http://climatecapacity.org/files/RC_-_Assessment_Reports/Vietnam_CAR_CCWG_and_DMWG.pdf)
- Amendment to Land Law, 2003 URL: <http://news.gov.vn/Home/Amended-Land-Law-to-be-submitted-in-August/20127/14976.vgp>

#### **F. Website**

- Official website of Ministry of Justice URL: <http://vbqpppl.moj.gov.vn/vbpq/en/pages/vbpq.aspx>