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Outcomes of PVS Pathway Veterinary Legislation missions conducted worldwide

Gaborone 31 October - 2 November 2011

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Terrestrial Animal Health Code

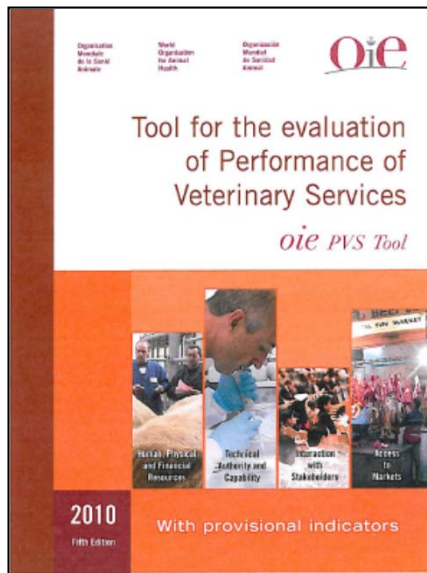
Article 3.1.2. Fundamental principles of quality

6 - Veterinary legislation

Veterinary legislation is prerequisite to support good governance and provide the legal framework for all key activities of the Veterinary Services.

Legislation should be suitably flexible to allow for judgements of equivalence and efficient responses to changing situations. In particular, it should define and document the responsibilities and structure of the organisations in charge of the animal identification system, control of animal movements, animal disease control and reporting systems, epidemiological surveillance and communication of epidemiological information.

PVS Evaluations



- Legislation is a key element for most of the critical competencies of the PVS Tool
- Important indicator used to assign the appropriate level of advancement
- More specifically addressed in CC IV-1 and IV-2

→ Veterinary legislation is outdated and inadequate to address the challenges of today and of the future

A specific analysis of the situation:

OIE Veterinary Legislation Identification missions

	OIE Members	PVS Legislation missions requests received	PVS Legislation missions implemented
Africa	52	19	12
Americas	29	4	2
Asia, the Far East and Oceania	32	4	3
Europe	53	3	1
Middle East	12	4	4
TOTAL	178	34	22

(as of 30 September 2011)

Main findings of the veterinary legislation identification missions

From a lack of legislative texts...



... to a plethora of legislative texts

- Insufficient definition of responsibilities between different competent authorities:
 - Some parts of the veterinary domain are not covered
 - Some parts of the veterinary domain are covered by several administrations with their own regulations

Main findings of the veterinary legislation identification missions

- Poor legal drafting skills
- Successive « eras » (colonial, revolutionary, etc.)
- Some good qualitative aspects, spoilt by things that are poorly defined, ambiguous, needless, detrimental, misappropriated,...

Tentative explanations

- Vets know it all.... (in policy isolation)
- Poor understanding of the needs
- Lack of strategic vision
- Insufficient legal training/thinking
- Insufficient infrastructural framework

Poor understanding of the needs

- Over- or under-estimating the quality of the texts
- Seldom assisted by technical or legal analyses
- Partial and biased answers
- Over-estimation of the powers of legal text

- **One wishes for legislation, but without defining the objectives to attain**

Lack of strategic vision

- Opportunistic pressure (crises and projects)
- Rapid responses to pressing issues
- Under-staffing (quantitative and qualitative), and
- Isolation (piling up of texts)

...lead to a situation where practical considerations prevail over strategic considerations and where demand is driven by compliance in the short-term rather than long-term developmental issues.

This situation is exacerbated by projects ...

Insufficient legal training/thinking

Poor understanding of normative functions

Confusion between executive and legislative areas

Negligence of fundamental rights (condemnation, inspection, slaughter, appeal...)

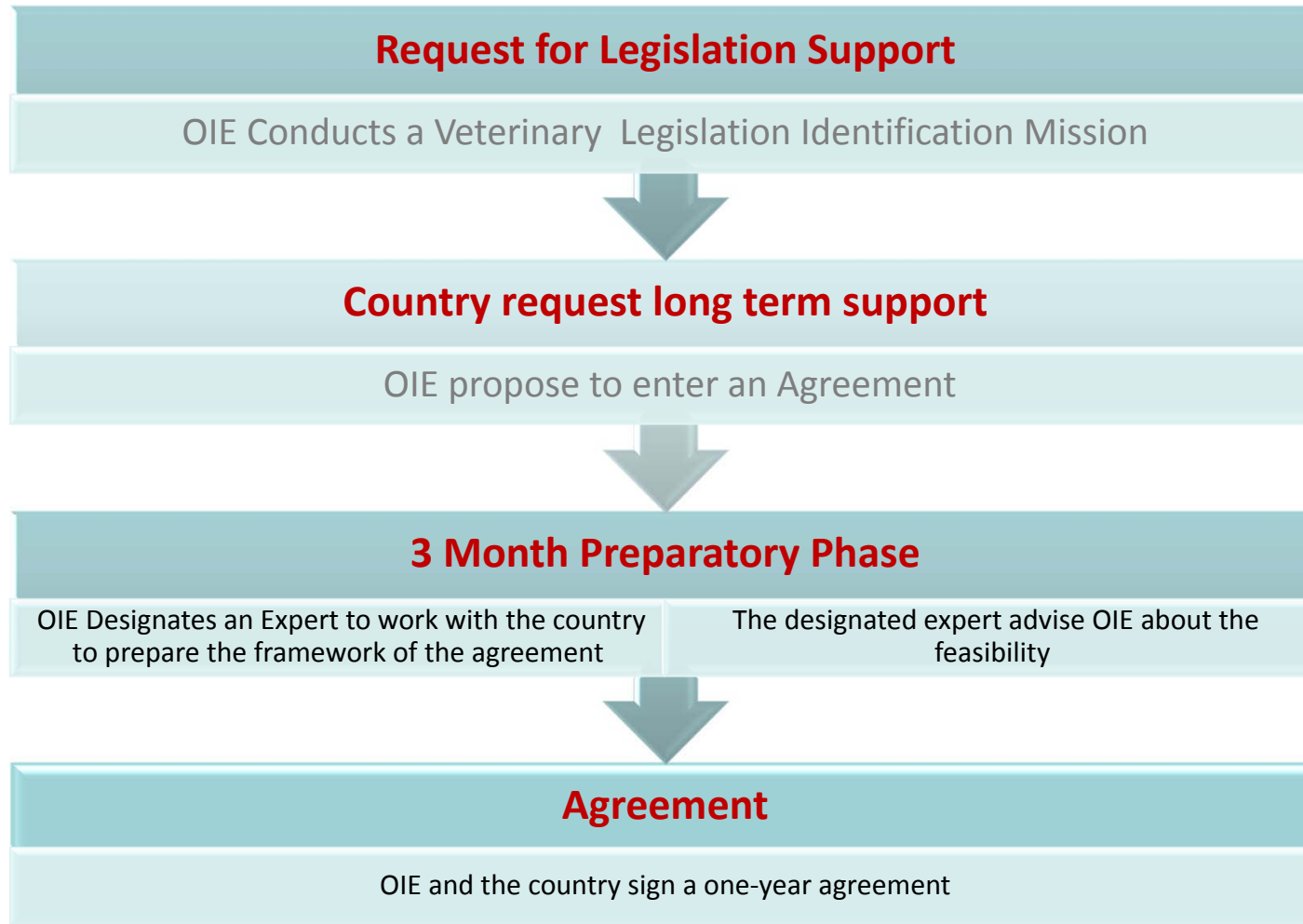
Poor understanding of the rule of law and legal insecurity

Poor understanding of procedures

Insufficient infrastructural framework

- Veterinary services do not benefit from in-house legal services or efficient external support
- Legal drafting procedures (acts and regulations) are poorly understood
- Little formalised participation by stakeholders
- Lack of reliable statistics
- Random abrogation > self-destructive
- Lack of material, but especially human resources

The OIE answer: Veterinary Legislation Support Programme



Agreements

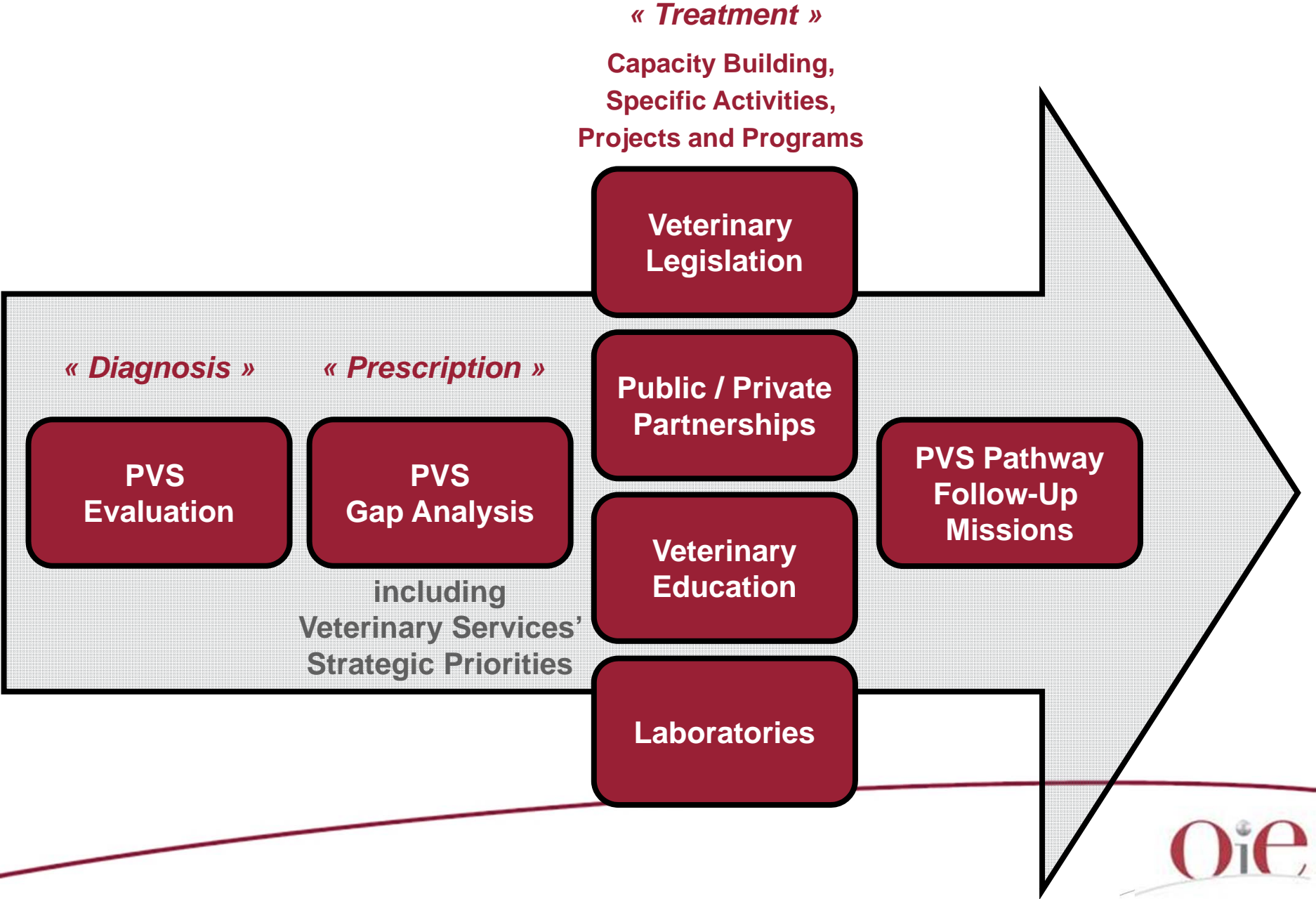
- 1 year comitment, renewable to 2 years.
 - The OIE provides methodological support via an accredited expert to a local working group in the country.
 - Methodological support : remote and through field missions.

 - Preconditions:
 - OIE PVS Evaluation
 - OIE Veterinary Legislation Identification Mission
 - Formal request from the country
 - Defined plan/strategy
 - Defined resources
 - Staff: competent and capable (empowered)
 - Funds
- At the end of the day, only the country is responsible for the success or failure of the programme**

3 months preparatory phase

- Objective: prepare the framework for the Agreement:
 - the **strategic objectives/priorities** that the legislation should support;
 - the **administrative and operational arrangements** adopted by the Beneficiary, including the composition of working groups and their functions;
 - the **planning of the work** to be undertaken pursuant to the Agreement;
 - the **benchmarks** to be used for monitoring implementation of the Agreement.

The OIE PVS Pathway



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