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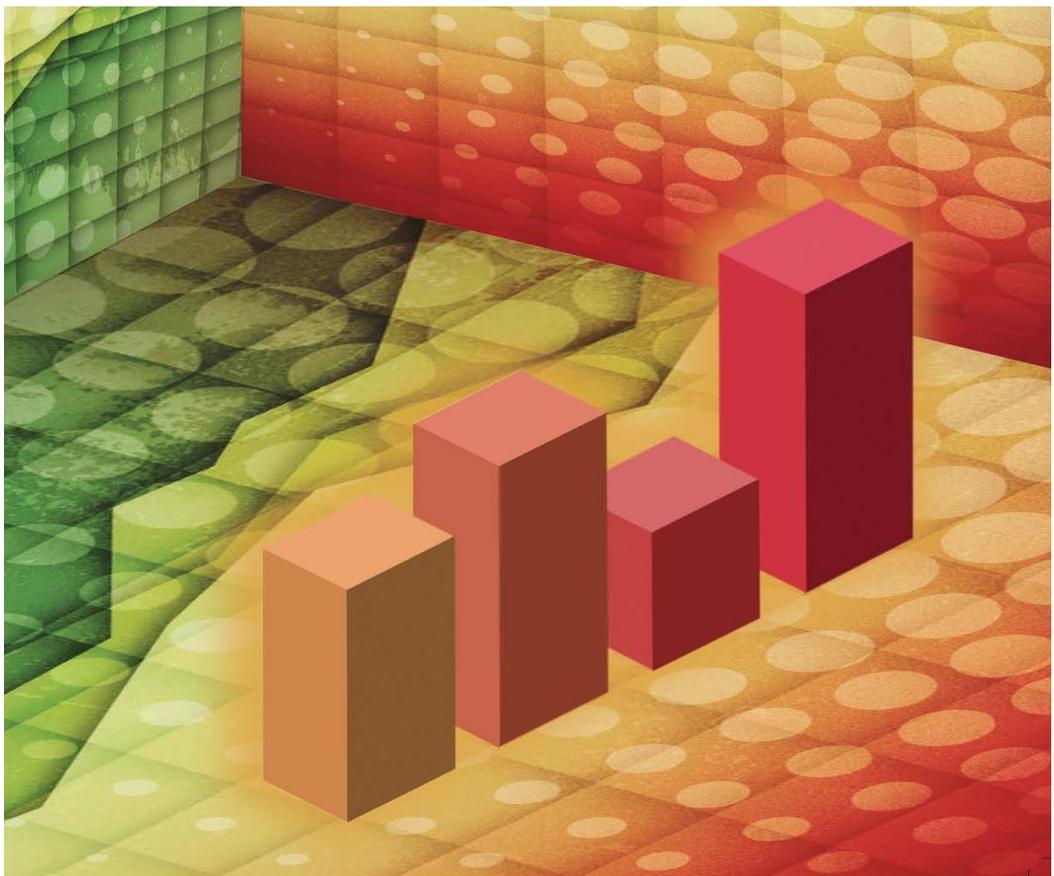
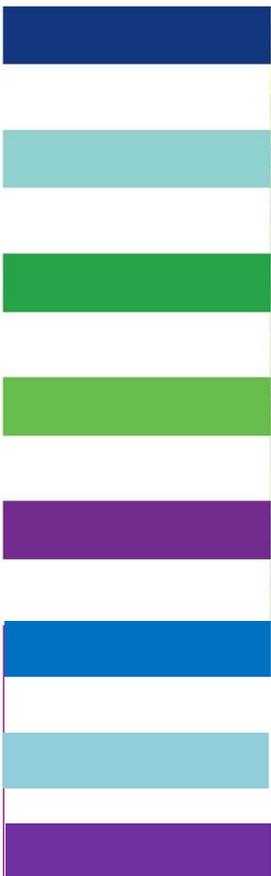
Organización
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Animal



Veterinary Legislation Support Programme

Veterinary Legislation Identification Mission

Rwanda



June
2014

Dr. David Sherman
Dr. Dorothy Geale
Ms. Gloria Mintah

OIE

**VETERINARY LEGISLATION
SUPPORT PROGRAMME
IDENTIFICATION MISSION REPORT
Rwanda**

2–6 June, 2014

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EXECUTIVE SUMMARY

At the request of the OIE delegate for Rwanda, Dr Theogen Rutagwenda, an OIE Veterinary Legislation Identification Mission was conducted during the period 2 – 6 June, 2014 by Dr David Sherman (Team Leader), Dr Dorothy Geale (Expert) and Mrs. Gloria Mintah (Observer). Rwanda had an OIE PVS Evaluation mission in May of 2008 and an OIE PVS Gap Analysis mission in November of 2010.

Following the genocide of 1994, Rwanda has worked to rebuild a shattered nation based on the principles of tolerance, justice, good governance and the rule of law. A considerable number of laws have been passed in recent years concerning all sectors of society, including laws relating to animal health and production, food safety and veterinary medicine. Between 2008 and 2013 inclusive, Rwanda enacted at least 14 new primary laws related to the veterinary domain (Annex 5).

With regard to new legislation for the veterinary domain, the OIE Team noted that legislative efforts were closely aligned with the priority strategic objectives identified in the 2008 OIE PVS Evaluation mission and, in particular, the 2010 OIE Gap Analysis. Among these strategic objectives were more effective disease surveillance and control, improved regulation of the veterinary professions and improved food safety in the meat and milk sectors. Accordingly, recent legislation includes Law N° 54/2008 Determining the Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda (the Animal Disease Control Law), Law N° 56/2013 Establishing Rwanda Council of Veterinary Doctors and Determining its Mission, Organisation and Functioning, and a draft bill, Proposed Text on Regulation of Veterinary Public Health in Rwanda.

While the quantity of new legislation and the speed at which it is being adopted is noteworthy, the OIE Team nevertheless is concerned with the quality of that legislation, its compliance with OIE standards as set forth in Chapter 3.4 of the Terrestrial Animal Health Code and the processes being used to develop it. Serious problems were noted both with regard to internal and external quality based on detailed reviews of existing legislation and discussions with government officials from various government institutions including representatives of the Ministry of Agriculture and Animal Resources, the Parliament, the Ministry of Justice, the Ministry of Health, the Rwanda Standards Board and the Ministry of Local Government.

A key concern for the OIE Team relates to local perceptions regarding the hierarchy of legislation. There appears to be a prevailing view, at least within the veterinary sector, that secondary legislation, in the form of Ministerial Orders, does not carry the weight of law. As one interlocutor put it during the mission “We have to develop our orders into laws in order to strengthen them.”

As a result, there is a tendency for those preparing legal texts to put too many activity-related provisions into the primary laws. This makes the laws too long and cumbersome, difficult to pass in Parliament or amend easily and difficult for stakeholders to understand. At the same time, despite their length, these laws fail to sufficiently and clearly identify Competent Authorities or to precisely elucidate their powers to act, which should be the principal focus of the primary laws.

This situation is well illustrated in relation to the Animal Disease Control Law (Law N° 54/2008 Determining the Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda). Instead of including a provision which authorises the responsible Minister to develop disease control plans for diseases of interest, the law itself includes disease control plans for over 29 specific diseases. At the same time, those disease control plans describe the use of various interventions by Veterinary Authority without ever explicitly granting the power for the Veterinary Authority to use such interventions, such as sample taking, entering premises, or restriction of movement of animals, all of which may infringe on the privacy and property rights of citizens as expressed in the Rwandan Constitution.

Contributing to this situation is the fact that lawyers have played little or no role in the initial drafting and formulation of veterinary laws within the Ministry of Agriculture and Animal Resources or the policies on which these laws are based. There is a legal counsel working within the Rwanda Agriculture Board, which includes the Veterinary Services, but the involvement of that lawyer in the preparation of draft bills was limited. Once draft bills have been taken up by the Agricultural Commission in the Chamber of Deputies of Parliament, they are reviewed by legal drafters working for Parliament, but examination by the OIE Team of laws that have been passed by the Parliament suggests that these reviews by legal drafters are not resulting in a sufficient level of quality.

In recognition of the need for higher quality legal drafting in the country, the Ministry of Justice, in 2012, created a Law Reform Commission and has begun to train graduate lawyers for a Diploma in Legislative Drafting offered by the Institute for Legal Professional Development in Nyanza, Rwanda in order to increase the number of legislative drafters available within the government. The ultimate goal is that the drafters will prepare legislation for all Ministries based on policy papers and dossiers submitted for specific pieces of legislation. The legal drafters will be primarily responsible to prepare the bills, with technical inputs from relevant Ministry personnel. As the Law Reform Commission and the training of legal drafters are recent initiatives, the Veterinary Services have not yet availed themselves of this process but it is a recommendation of the Team that they engage this process as soon as is practical.

A second key concern is translation of legal texts. Rwanda now has three official languages, Kinyarwanda, French and English. As Rwanda has joined the East African Community and looks increasingly towards English speaking partners in trade and development, the accuracy of its legal texts in English grows increasingly important. However, at present, it appears that almost no texts are being developed originally in English, but rather are developed in Kinyarwanda or French and then translated into English. These translations are neither adequate nor accurate and consideration must be given to either simultaneous drafting of new laws in all three languages or to substantially improving the quality of the English texts from the language in which they are originally drafted. As it stands, poor English translations undermine the credibility of the law and result in legal uncertainty.

A third concern noted by the OIE Team is that there is no evidence that impact evaluations are considered when legislation is drafted. In several cases, the Team noted that new legislation created obligations for the Veterinary Services or the Rwanda Council of Veterinary Doctors for which sufficient personal or financial resources were not available. Similarly, new laws might impose consequences on stakeholders which were unintended,

particularly since the laws did not utilise transitional clauses to allow sufficient time for stakeholders to comply with new legislation.

A fourth major concern had to do with the identification of Competent Authorities. With regard to the control of veterinary medicines and biologicals and the regulation of some steps along the human food production chain, there is ambiguity with regard to identification of the agencies in charge. In the case of veterinary medicines and biologicals, the Ministry of Agriculture and Animal Resources and the Ministry of Health appear to have overlapping authorities, while in the human food production chain, the Ministry of Agriculture and Animal Resources, the Ministry of Health and the Ministry of Trade and Industry (Commerce), through the Rwanda Standards Board have overlapping authorities. While it appeared that informal communication between these different entities was good, at least at the inspectional level, there was no evidence of formal mechanisms for communication and coordination of regulatory efforts and control at the Ministerial levels, which should be in place in anticipation of emergency situations where informal communication may not be sufficient.

Similarly, the OIE Team had concerns about formal arrangements for the control of animal diseases in the country, which has a decentralised system of government. The central veterinary service in Kigali depends on district-based veterinary officers, who work through District Mayors, to carry out disease control programs and to respond in animal disease emergencies. The Team was assured that the arrangement worked well and that communications between the center and the districts were adequate to ensure adequate response, but the Team was not able to see any legal texts which formalised this arrangement for the chain of command.

Other concerns related to the general quality of legal texts. Among the problems identified were the inadequate use of definitions, lack of consistency in the use of repeated terms, use of unnecessary words, use of the passive voice when the active voice is indicated to clearly identify responsible actors, and the general practice, at the end of each piece of legislation to announce the repeal of prior contrary legal provisions, without specifying what they are. This latter practice contributes significantly to a lack of legal clarity.

Based on these findings, the OIE Team makes the following recommendations.

Veterinary staff in RAB should receive some basic training in the principles of legislative drafting so as to gain a better appreciation of the role of lawyers in the drafting process and so as to be able to communicate with those lawyers effectively to achieve the common goal of developing high quality veterinary legislation.

Each law should include an official short title which can be used to easily and consistently identify the law in written and oral communication. For example, Rwanda Law N° 54/2008 could be referred to and recognised as the Animal Disease Control Law instead of having to refer to it as Rwanda Law N° 54/2008 Determining the Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda.

All legislation in the veterinary domain needs to be reviewed with an eye towards achieving consistency in definitions of key terms (e.g., definition of 'animal') and the consistent use of terminology between and even within various pieces of legislation.

The Penal Code should be reviewed to ensure that it contains provisions to specifically cover all the various infractions identified throughout the legislation pertaining to the veterinary domain.

Rather than moving the current Veterinary Public Health bill forward to Parliament in its current form, Rwanda Agriculture Board should begin the drafting process anew according to the new procedures available through the new Law Reform Commission. The Rwanda Agriculture Board should benefit from developing a strong working relationship with the Law Reform Commission at this early stage in its development.

The current animal disease control law (Law N° 54/2008) should be replaced with a new law and accompanying Ministerial Orders such that the primary law clearly identifies the Competent Authority for disease control and explicitly identifies the powers of that Competent Authority to effectively undertake disease control while the Ministerial Orders (secondary law) identify the activities involved in effectively controlling the various diseases of concern to the nation.

The law establishing the Rwanda Council of Veterinary Doctors should be amended to specifically establish the power of the Council to regulate the veterinary para-professions in Rwanda and to specifically state that veterinary professionals and para-professionals employed by government must register with the Council, if it is established that existing civil service law does not already adequately provide for regulation of their professional behavior

Closer attention must be paid to the quality of English used in legislation. Ideally, new legislation would be drafted simultaneously in the three official languages by a Team of drafters collectively proficient in all the official languages. At present, this is likely beyond the financial and human resource capacities of the Legal Reform Commission. At the least, more professional translation services need to be engaged for translation into English of laws initially drafted in Kinyarwanda or French and it must be assured that the translators are familiar with technical terminology in the veterinary domain. Whenever possible, the official Manuals and Codes of the OIE, which are available in both French and English, should be used to ensure the equivalency of terms translated into English from the French.

Finally, efforts need to be made to establish formal coordination between ministries with shared responsibility for different aspects of the veterinary domain, notably in the area of food safety and for the regulation of veterinary medicines and biologicals

1. Background to the mission

This mission is a follow up to the OIE PVS Evaluation mission conducted in May 2008 by Drs L.L. Beeharry and Dr P. Gautier and the PVS Gap Analysis mission conducted in November 2010 by PierGiuseppe Facelli, Giles Guidot and Ben Beeharry. In May 2013, the OIE Delegate for Rwanda, Dr Theogen Rutagwenda, requested that the OIE carry out a veterinary legislation identification mission in support of good veterinary governance in Rwanda. The mission was undertaken by Dr David Sherman, Dr Dorothy Geale and Mrs. Gloria Mintah. Drs Sherman and Geale are veterinarians and Mrs. Mintah is a lawyer.

The objective of an OIE Identification Mission is to make a general assessment of the situation regarding the Member's veterinary legislation and to recommend next steps. It is not intended to conduct a detailed review of all aspects of the legislation. However, the OIE Team made a detailed review of legislation on four key topics (animal disease control, veterinary public health/food safety, regulation of veterinary medicines and biologicals and regulation of the veterinary professions), to substantiate and help explain the findings of the overall Team assessment. It was anticipated that the issues identified in this detailed analysis of texts from four key areas would be generally applicable to the country's overall veterinary legislation.

Correspondence related to the formation of this mission is included in Annex 2.

2. Methodology

Abbreviations and acronyms used in the report are listed in Annex 1.

The OIE Veterinary Legislation Support Programme preliminary questionnaire, parts I and II, was sent to the Delegate and mission contact person on 18 April to gather information about Rwanda's legal system, legislative drafting procedures and legislative coverage of the veterinary domain as part of the Team's preparation for the mission. Both parts were returned, partially completed, to the Team Leader on 29 April. The responses were reviewed prior to the mission and additional efforts made during the mission to complete questionnaire part I. The findings in this report are based on meetings with representatives of government and stakeholders (Annex 4), on examination of the relevant laws and statutory instruments provided to the OIE Team during the mission (Annex 5), on consideration of relevant reports (Annex 6) and on review of the responses provided to the two part questionnaire (Annexes 7a and 7b),

It is important to note that the agreed upon language of the mission was English and that the three official languages of Rwanda are Kinyarwanda, French and English. While all recently enacted legislation is available in all three languages, some relevant older laws and some relevant bills currently under development were not available in English during the mission and this impaired the Team's ability to assess those particular laws and bills.

The designated contact person for the mission, Dr Isidore Gafarasi Mapendo, took pains to ensure that the Team met key contacts, including representatives of government agencies and stakeholders, during the mission. All persons consulted were very helpful and showed keen interest in the objectives of the mission. The meetings were characterised by a positive and constructive ambience. Annex 4 contains the list of persons consulted.

While it was not possible to meet with the Minister of Agriculture and Animal Resources, Dr Agnes Matilda Kalibata, the Team was able to meet with the Permanent Secretary of the Ministry of Agriculture and Animal Resources, Mr. Tony Roberto Nsanganira on the first day of the mission to brief him on the objectives of the OIE Veterinary Legislation Support Programme and to outline the activities and objectives of the veterinary legislation identification mission.

The opening meeting with Dr Rutagwenda and his staff was used to establish the background and context of the mission and for the OIE Team to obtain a more complete understanding of the regulatory framework and current position of the Veterinary Services with reference to national policy objectives.

The PowerPoint presentation made by Dr Sherman at the opening meeting of the mission on Monday 2 June and the presentation made by the Team at the final meeting on 6 June are provided in Annex 8 and Annex 9 respectively.

3. Socio-economic and policy context of the Veterinary Services

3.1 Economic Factors

Rwanda's economic development is framed by its long term economic plan, Vision 2020, and its medium term strategy, the Economic Development Poverty Reduction Strategy (EDPRS) which outlines the path from poverty to a middle income country. Key sectors are agriculture, investment and tourism as well as information, communication and technology. The country is in the third phase of the Strategic Plan for the Transformation of Agriculture in Rwanda (PSTA) seeking to intensify and commercialise agriculture with a phasing out of subsistence farming and conversion to a market economy. Consolidation of land and an emphasis on export crops using fertilisers and improved seeds were the focus of the first strategic plan which reduced rural poverty from 61.9% to 48.7%. This was further reduced to 26.4% at the beginning of the third phase. In addition, the second phase saw the improvement of land management and an increase in the national livestock herd. Through the Girinka project (one cow per rural family), 47% of farm households have at least one cow and 53% have at least one goat. The Girinka project's success is evident from the increase in milk production from 50,000 MT in 2006 to 450,000 MT in 2012.

The third phase (2013-2017) of the PSTA aims to increase production of crops and livestock products, particularly small stock and fisheries, with greater involvement of the private sector. Increased exports, new processing facilities and value addition initiatives through entrepreneurship and agri-business are the key drivers. Specific lines of action include doubling milk production by 2017, improved animal nutrition, improved genetics, diversification of small holder meat production to include small ruminants, rabbits, swine and poultry, extension of the Girinka project and strengthening of the veterinary service network. It is recognised that government needs to ensure a regulatory framework conducive to investment in agriculture.

Livestock development seeks to increase the quantity and quality of animal products (milk, meat, eggs, fish and honey). Specific, measureable targets for animal production and animal products have been created for all commodities in the PSTA III. To achieve market expansion, an export certification programme is to be developed with the Rwanda Standards Board (RSB) along with raising awareness of export quality standards among farmers and traders. Improvement in dairy will be achieved through consumer awareness, increased milk availability and innovative dairy products. The dairy supply chain will be modernised with improved relationships between milk collection centres (MCCs) and cooperatives and processors. The Rwanda National Dairy Board (RNDB) and a new Dairy Quality Assurance Laboratory were established in 2011.

For meat, slaughter facilities will be refurbished and new ones built under local management. Guidelines on effluent handling in line with environmental standards will be developed. Feedlots will be established. A meat processing plant under a public-private partnership will be built in Kigali. Training in hygienic slaughter and guidelines for good hygiene practice will be distributed. Quality standards will be harmonised with the East African Community (EAC) and producers subsidised for quality certification. To understand market dynamics, livestock data will be captured and information distributed to stakeholders.

Demand for fish exceeds production in Rwanda so research and technology development are needed in the fisheries sector. The fish supply chain will be strengthened in harmony with EAC quality standards through education of consumers and retailers in safe handling of aquaculture products. Aquaculture tanks and cages as well as conglomeration of small-scale subsistence fish farms into commercial units will increase production. A study will identify how fish waste can be processed into animal feeds or fertilisers.

Beekeeping will be strengthened from a local industry to a national one through promotional material and training in international standards of honey production with the Ministry of Agriculture and Animal Resources (MINAGRI) facilitating cost sharing of processing equipment, packing, labelling and certification.

Recently, MINAGRI, the Ministry of Health (MOH), the Ministry of Education (MINEDUC) and the Rwanda Development Board (RDB) of the Ministry of Trade and Industry (MINICOM) agreed a Five Year One Health Strategic Plan (2014-2018) which identified a lack of collaboration within and between institutions, lack of well-defined communication procedures and weak capacity of laboratories to confirm priority animal and human diseases. The focus of One Health appears to be zoonoses but food borne illnesses are also mentioned. Food security as well as food safety is identified as an important objective, as lack of food security increases the risk of human disease acquired by consumption of diseased animals. Goals are to strengthen interdisciplinary collaboration; enhance surveillance/early detection/rapid response/prevention and control; and promote applied research at the human-animal-ecosystem interface.

Rwanda's main export trading partners are Kenya, the Democratic Republic of the Congo (DRC), China, Malaysia, the USA and Swaziland. Imports are from Kenya, Uganda, the United Arab Emirates, China, India, Tanzania, Belgium and

Canada. Burundi and the DRC are targets for beans, potatoes, maize, rice cassava flour, maize flour, poultry products and live animals.

Rwanda had an estimated gross domestic product (GDP) of \$16.37 billion USD in 2013 (142nd in the world) with an average annual growth of 7-8% since 2003. Inflation was estimated to be 5.9% in 2013. Agriculture represents 31% of the GDP of which a third relates to livestock husbandry. Overall livestock husbandry contributes a significant 12% of the total GDP. Main products are coffee, tea, pyrethrum, bananas, beans, sorghum, potatoes and livestock. Current agricultural exports include coffee, tea and hides.

3.2 Social Factors

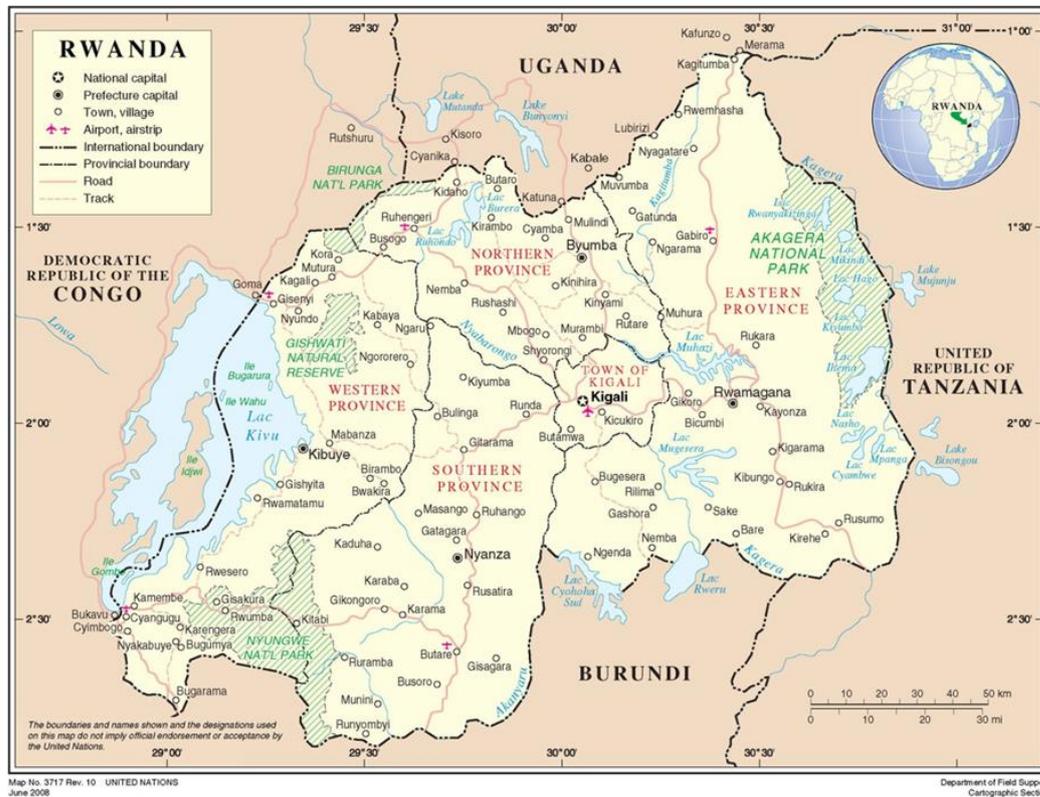
Rwanda is Africa's most densely populated country. Agriculture occupies 90% of the population labour force. The population of Rwanda is estimated to be 12,337,138 (July 2014), 74th in the world. Reflecting the impact of the 1994 genocide, 60 % of the population is less than 24 years old with a median age of 18 years. Just over a million people live in the capital city of Kigali. Urban population is estimated to be 19.1%. Life expectancy is 59 years.

Rwanda is a land locked country with an area of 26,338 km², bordered by Burundi, the DRC, Tanzania and Uganda (Figure 1). Arable land constitutes 46.32% of the country with permanent crops occupying 9.49%. The climate is temperate, with two rainy seasons (February to April; November to January).

The system of land ownership in Rwanda is governed by Law N°08/2005 of 14/07/2005 Determining the Use and Management of Land in Rwanda which recognises land as the public domain of all Rwandans in which the state has supreme authority. Land is "owned" on a concept of a long term lease in conformity with provision of Law N°08/2005. That law authorises the Minister with agriculture responsibilities, in conjunction with local authorities and residents, to consolidate land to improve land management and productivity although each landowner retains rights over his/her parcel. Ministerial Order N°14/11.30 of 21/12/2010 Determining the Models of Land Consolidation and its Productivity, encourages subsistence farmers to consolidate through the formation of cooperatives, corporations or other models of land consolidation. Land use and management is overseen by a land commission operating at the local level that annually submits a report to the Mayor and degraded land can be requisitioned and entrusted to another person or the local authority. In addition there are penal sanctions for those who violate the law.

The only remaining large stands of Rwanda's natural rainforest, once covering a third of the country, are found at the Nyungwe Forest National Park and, to a lesser degree, the Volcanoes National Park. The forest at Nyungwe is a true rainforest (receiving more than 2 000mm of rain a year) and is one of Africa's oldest. The wetlands of the Akagera National Park are fringed by riverine forest and papyrus swamp (Figure 1).

Figure 1. Map of Rwanda



Montane grassland historically covered much of Rwanda’s rolling highlands but terraced agriculture now dominates and has led to serious soil erosion in some areas. The poorer soils of the flatter east support typical open savannah of East Africa. The Eastern Province has 60% of the cattle population but has a long dry season requiring fodder.

The livestock population has increased somewhat since that reported in the OIE PVS Gap Analysis mission report. An accurate livestock census was noted to be a weakness within the EAC.

Table 1- Livestock Populations for Rwanda 2012

Species	Number
Cattle	1,143,000
Sheep	828,000
Goats	2,970,000
Swine	706,000
Poultry	4,420,000

Tabulated data is from *East African Community Facts and Figures - 2012*, East African Community Secretariat, Arusha, Tanzania, Sept, 2012, page 60.

3.3 Animal Health and the Veterinary Services

3.3.1 Current responsibilities

The Rwanda Agriculture Board (RAB) replaced the Rwanda Animal Resources Development Authority (RARDA) within MINAGRI by Law N° 38/2010 in November 2010 with its organisational structure and job positions legislated in Prime Minister's Order N° 143/03 in May of 2011 (Annex 5). The creation of such Boards with a Board of Directors and General Directorate is common in Rwanda. Other Boards involved in the veterinary domain are the Rwanda Development Board (RDB) within the Rwanda Environmental Management Authority (REMA), established under Law N° 52/2008; the National Agricultural Export Development Board (NAEB) within MINAGRI, established under Law N° 39/2010; and, the Rwanda Standards Board (RSB) within MINICOM established under Law N° 50/2013. Law N° 38/2010 establishing RAB identifies sources of RAB property to include budget allocations, subsidies, income from its services, loans, donations and interest from its property. The full titles of these laws are given in Annex 5.

Among the responsibilities for the National Agricultural Export Development Board (NAEB) established under Law N° 39/2010 and as listed in Article 3 are the following:

- elaborate and implement policies and strategies for exports of agricultural and livestock products;
- identify and support research in agricultural and livestock products;
- collaborate with other institutions to identify places to install factories to process agricultural and livestock export commodities;
- set quality standards of agriculture and livestock export commodities and ensure their implementation; and,
- issue certificates of origin for agricultural and livestock export.

The OIE Team was advised by the Veterinary Authority that regulation of export of products of animal origin was delegated back to RAB. It is unknown whether the current delegation is interim until capacity is built within NAEB or permanent with RAB as one of the collaborating institutions.

Analogous to RAB reporting to the Directorate General of Animal Resources, NAEB relates to the Directorate General of Rwanda Agriculture and Livestock Inspection and Certification Services (RALICS) which also coordinates functions of the National Plant Protection Services.

The current RAB organisational charts are given in Annex 3 and are taken from Prime Minister's Order N° 143/03. RAB's head office is in Kigali but it has four zonal branches which work closely with decentralised administrative entities. With regard to the veterinary domain, Law N° 38/2010 establishing RAB gives RAB the responsibilities to:

- implement national policy on animal husbandry;
- contribute to policy for animal husbandry and animal husbandry research and technology;

- provide farmers with information, techniques and services to improve their professional activities and to supply the internal market with increased and quality production thereby raising animal husbandry incomes;
- prevent and fight animal diseases with strategies to ensure their control, prevention, diagnosis and treatment;
- conduct baseline survey and research to develop and solve problems identified in animal husbandry and by products;
- monitor and coordinate animal husbandry, research and stakeholders;
- provide farmers with new technologies in animal husbandry mechanisation;
- coordinate promotion of animal husbandry infrastructure;
- examine and issue certificates of standards for animal husbandry products for export;
- examine, verify and issue import certificates for animals, semen, fertilised eggs and animal husbandry products while working closely with other institutions in charge of standards and environment;
- contribute to establishing, publicising and enforcing laws and regulations governing animal husbandry, research as well as related products;
- establish relations and collaborate with regional and international institutions with the same mission as RAB;
- ensure preparation, conservation, issuance and use of veterinary products as well as their import and export;
- issue licences and control the trade of veterinary products;
- collect and refine innovative technologies for use in animal husbandry;
- provide agriculture extension services in animal husbandry;
- coordinate agricultural extension activities and research plans and disseminate as determined by zonal branches of RAB;
- coordinate extension in administrative decentralised entities;
- support animal husbandry cooperatives towards better service delivery; and,
- ensure partnerships and coordinate NGOs, private operators and other institutions involved in animal husbandry programmes.

There are 10 ports of entry (PoE) and exit (listed as Veterinary Quarantine Border Posts) in the Animal Disease Control Law (Law N° 54/2008 Determining the Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda). They are Kanombe Airport, Rusumo, Kagitumba, Gatuna, Cyanika, Rubavu-Corniche, Rusizi II, Bugarama, Akanyaru k'amajyaruguru and Nemba.

Although requested, the OIE Team did not see a finalised version of The East African Community Harmonised Sanitary Measures for Mammals, Birds and Bees and Their Products, Volume II. The May 27, 2010 draft cites Article 108 of the Treaty of the Establishment of the East African Community and Article 38 (1)(c) of the Protocol on the Establishment of the East African Community Customs Union as the authority to adopt harmonised sanitary and phytosanitary

measures (SPS). The document states that non-compliance with the measures specified shall amount to a violation of the laws and regulations governing the control of animal diseases of the country where the offence/violation occurred.

It is noted that these measures conform to the international standards, guidelines and recommendations spelt out by the World Organisation for Animal Health (OIE), Codex Alimentarius Commission and the World Trade Organisation (WTO) to which all the EAC Partner States are signatories. These harmonised sanitary measures have streamlined veterinary functions at the Veterinary Quarantine Border Posts. Surveillance at the border was identified as an issue in the OIE PVS Evaluation mission report and the PVS Gap Analysis mission report identified coordination of border inspection points as requiring additional central veterinary resources.

In terms of domestic disease control programmes, there exists vaccination for foot and mouth disease (FMD), contagious bovine pleuropneumonia (CBPP), anthrax and lumpy skin disease. There is also vaccination for Newcastle disease as well as a small rabies vaccination programme. But except for FMD, coverage is only between 20-30% of the country and needs to be expanded. There are active surveillance programs for FMD, CBPP, Brucellosis, Rift Valley fever (RVF), peste des petits ruminants (PPR) and African swine fever (ASF).

3.3.2 Organisation of the Veterinary Services (VS)

The current organisational structure for the VS is shown in Annex 4. The CVO is Dr Theogen Rutagwenda, Director General of the Directorate of Animal Resources who is also the OIE delegate. The Animal Resources Extension department includes both the Veterinary Services (VS) and Animal Production. The OIE Team did not meet with representatives of Animal Production.

The central VS has veterinary staff in virology, veterinary public health, epidemiology and animal health with Dr Isidore Garafasi as Director of Veterinary Services (Annex 3). The 2010 Gap analysis recommended that the 6 central directorate veterinarians who provide policy and technical guidance as well as laboratory services for veterinary activities in Rwanda be increased to 12.

Field veterinary services are provided through RAB's 4 Provincial and 30 District veterinary/para-veterinary staff. Each of the 416 sectors in the country has an agro-vet technician. Local authorities assist in MCCs, slaughter slabs and disease surveillance. Integral to decentralisation is the District Mayor whose jurisdiction and responsibilities are tied to a performance contract. The chain of command is not direct but members of the central VS indicated that during an outbreak, because of the size of the country, they speak directly to the field veterinary staff. The small size of the country (anywhere is 5 hours from the capital) contributes to a functionally direct chain of command. Vaccines are centrally acquired and their distribution is authorised by the VS Director and implementation is by local vaccinators overseen by the District RAB VS staff.

The OIE Team could not ascertain a precise current number of veterinary personnel in the country. The most recent information available on WAHID

indicates that in 2012, Rwanda had a total of 738 veterinary personnel in the country, 618 of which (83%) are veterinary para-professionals and 17% are graduate veterinarians. In addition to working in government and private practice, veterinarians and veterinary para-professionals are also employed by non-governmental organisations (NGOs) and Cooperatives. The 2008 OIE PVS Evaluation mission report identified 74 Rwanda residents in possession of a DVM diploma. This included 23 in MINAGRI, 10 in MINEDUC, 4 in decentralised local government, 3 in NGOs, 2 politicians, 3 at the National University of Rwanda, 14 in private practise and miscellaneous others.

3.3.3 Financial and physical resources of the VS

The financial and physical resources of the VS were not examined during the VLSP Identification mission. The OIE PVS Gap Analysis mission report identified that the current VS budget is equivalent to 0.59% of the livestock GDP and that an increase to 1% of the livestock GDP is required. The VS cannot currently meet all their responsibilities due to lack of staff, especially graduate veterinarians, inadequate initial training for veterinary paraprofessionals, lack of continuing education and major weaknesses in diagnostic capabilities, especially in food hygiene and chemical analysis. However, PSTA III records that RAB is well equipped for animal disease testing in the laboratories in Rubirizi. To support testing for major animal diseases, another laboratory is being developed at Nyagatare.

The OIE PVS Gap Analysis mission also found that although premises exist their general state of repair is poor and renovation is required particularly at the provincial and district level. Details on the estimated required financial budget appear in the OIE PVS Gap Analysis mission report.

3.3.4 Capacity building activities and collaboration with international donors, organisations and other countries

Under PSTA III, a primary line of action is to strengthen the VS network and improve animal health. Six focal areas are to:

- expand the Animal Health Workers programme and training of farmers including mastitis prevention;
- increase training of veterinary para-professionals within RAB;
- increase access to veterinary service through provision of vet stations at MCCs and increased transportation for veterinarians and agro-vets;
- encourage private veterinary practise;
- develop a mastitis prevention programme; and,
- distribute materials on best practices disease management.

In line with decentralisation, under the Ministry of Local Government (MINALOC), veterinary para-professional services in the districts will be strengthened, particularly with regard to animal disease monitoring and reporting to national authorities.

On July 1, 2007 along with Burundi, Rwanda became a full member of the EAC, joining the original 2000 partners, Kenya, the United Republic of Tanzania and

the Republic of Uganda. The EAC countries established a Customs Union in 2005 and a Common Market in 2010. In 2011, an East African Monetary Union was initiated with the ultimate goal to become a Political Federation of East African States.

With regard to international collaborations, the United Nations Development Programme is working with Rwanda in five major areas, namely; democratic governance; poverty reduction; crisis prevention and recovery; energy and the environment; and AIDS. Other international organisations working with Rwanda include: the World Bank; the World Food Programme; the Food and Agriculture Organisation of the United Nations; the World Health Organisation; the Japan International Cooperation Agency; the United Nations Economic Commission for Africa Sub-Regional Office for Eastern Africa ; the International Committee of the Red Cross; the International Criminal Tribunal for Rwanda; the International Monetary Fund; the United States Agency for International Development; the United Kingdom Department of International Development; the Swiss Regional Cooperation Office Great Lakes Rwanda, Burundi, and DRC; the Korea International Cooperation Agency; Cooperation Technique Belge; and, the European Union.

Rwanda joined the Commonwealth in November 2009, becoming the association's 54th member. The Commonwealth's Rule of Law Division works with member countries to develop legal, judicial and constitutional reform and strengthen both legal and regulatory frameworks. Among its activities are capacity-building, notably in the areas of judicial training and legislative drafting.

3.4 National legal framework

3.4.1 The Nation and its Democratic Institutions

The Republic of Rwanda is a unitary state. The Constitution of the Republic of Rwanda was adopted on 4th June, 2003. It was amended on 2nd December, 2003, 8th December, 2005 and 13th August, 2008. The Constitution guarantees fundamental human rights and freedoms, including: protection from search of, or entry into, a home without the consent of the owner, except in circumstances and in accordance with procedures determined by law; the right to confidentiality of correspondence and communication, which may be curtailed in accordance with procedures determined by law; the right to property which may not be interfered with except in the public interest, circumstances and procedures determined by law and subject to fair compensation.

The democratic structure of the country consists of the Legislature, the Executive and the Judiciary. The Legislature is bicameral with a Chamber of Deputies and a Senate; the Executive is made up of the President and the Cabinet, while the Judiciary comprises of ordinary courts and specialised courts.

The levels of administration are national, provincial, districts, sectors and cells. With decentralisation, powers, functions, responsibility and resources have devolved from the central government to local governments, with the district being the basic political administrative unit of the country.

3.4.2 Initiation and Adoption of Legislation

The Republic of Rwanda is a civil law jurisdiction. The process for the initiation and adoption of legislation is governed by a combination of Constitutional provisions and laws on the internal regulations in each Chamber of Parliament.

The Constitution vests the right to initiate legislation concurrently in each Deputy and the Executive, acting through the Cabinet. A sponsoring Ministry is responsible for transmitting a bill to Parliament where it is introduced at a plenary session of the Parliament by the Prime Minister. If the bill is approved by Parliament it is referred to the relevant Parliamentary Commission for review. If the Commission approves the bill, it is sent to the Speaker of the Chamber of Deputies who tables it again at a plenary session of Parliament. Parliament reviews and analyses the bill article by article. It votes on the bill article by article and then *in toto*. Mechanisms are provided for revisions of the bill if Parliament rejects specific articles. If approved by vote, depending on the type of law, the bill is either sent to the Senate for consideration or sent to the President for signature into law. The law is gazetted and becomes effective from the date of the gazette.

There are two types of legislation, primary and secondary. Primary laws consist of Organic laws which establish state organs such as boards, agencies and authorities; Laws, which are ordinary laws; and Decrees, which are emergency laws promulgated by the President when Parliament is not sitting. Secondary laws are Orders, comprising of Presidential, Prime Ministerial or Ministerial Orders; and Instructions, emanating from Ministers or the Districts.

3.4.3 Procedure for Drafting Legislation

With regard to the Veterinary Services, as an example of what happens in practice, pieces of legislation in the veterinary domain are drafted by the veterinarians employed by MINAGRI. The draft bills are subject to external consultations with stakeholders. They are also discussed internally within MINAGRI and then transmitted to Parliament.

While MINAGRI employs a lawyer, and RAB, of which the VS is a part, also has a lawyer on staff, it does not appear that these lawyers play an active role in the formulation of policy or drafting of the laws.

Legislative drafting services are available within the Ministry of Justice (MINIJUST) but MINAGRI has not taken advantage of this yet. As part of its specific functions of organising and coordinating national legislation through putting in place measures aimed at improving legal drafting and harmonisation of national laws and regulations with international laws, acceded to and/or ratified by Rwanda, the Law Reform Commission (LRC) was established within MINIJUST in May of 2012. The LRC employs 16 legislative drafters whose responsibility is to draft laws for the whole country. The LRC is relatively new and is still in the process of organising itself. During this mission, the Head of the LRC emphasised the availability of the drafting services and his willingness to work together with MINAGRI with respect to drafting legislation in the veterinary

domain. MINAGRI, on its part, expressed its interest in a future collaboration with the LRC. Such collaboration should improve the quality of veterinary domain legislation considerably.

3.4.4 Ministerial Responsibilities in the Veterinary Domain

There are certain main Ministries operating within the veterinary domain in Rwanda. These are MINAGRI with its two implementing agencies, RAB and the NAEB, the MOH, MINALOC, MINICOM, with its two implementing agencies, the RSB and the National Standards Inspectorate (NICA), the Ministry of Natural Resources (MINIRENA), also with two implementing agencies, Rwanda Environment Management Authority (REMA) and Rwanda Natural Resources Authority (RNRA), the Ministry of Foreign Affairs and Cooperation (MINAFFET) and the Ministry of East African Community (MINEAC). Individually and collectively, these Ministries are, among other functions, responsible for the development, promotion, monitoring and implementation of various national policies relating to livestock and trade in livestock, inspection services and setting standards.

For example, MINAGRI, through its implementing agencies, RAB and NAEB, has the mandate for animal health and food safety laboratories, animal production and welfare, animal diseases, human food production chain and export and import requirements. MOH and MINAGRI are responsible for regulating pharmaceuticals and veterinary medicines and biologics. MINIRENA, in addition for being responsible for wildlife, conducts environmental impact assessments with respect to various establishments, such as slaughterhouses and dairies.

The implementation of the government's decentralisation policy, based on the government's commitment to empower the people of Rwanda to determine their own future, is the responsibility of MINALOC. Consequently, with respect to the veterinary domain and in concentrating on prevention of animal diseases, MINALOC delivers various veterinary services in the Districts, in coordination with RAB.

MINICOM, through RSB, is responsible for the development of quality standards. MOH and RSB, conduct food inspections, respectively, for safety and quality. MINAFFET contributes to the creation of wealth through the promotion of regional integration and equitable world trade; makes arrangements for Rwandan products to access foreign markets and generally for Rwanda's bilateral and multilateral relations. In this capacity, MINAFFET will assume a coordinator role in the efforts of all ministries responsible for agriculture and livestock – be it in trade matters or Rwanda's membership in international standards' setting bodies. MINEAC is responsible for the regional integration of the East African Community.

In addition, there are various other ministries with peripheral functions. These include the Ministry of Education (MINEDUC), MINIJUST, the Ministry of Internal Security (MININTER) and the Ministry of Public Services and Labour (MINOTRA). Both MINAGRI and MINEDUC have joint responsibility for the training of veterinarians and para-veterinarians. Penal provisions for the

enforcement of some of the laws in the veterinary domain are found in the Penal Code, for which MINIJUST has responsibility. Employees of the various ministries and their implementing agencies are appointed under the law governing public services, while MININTER, through the Rwandan National Police, enforces laws in the veterinary domain.

3.4.5 Gaps in Legislation

Notwithstanding the extensive list of legislation in the veterinary domain, Rwanda has not enacted, with respect to animals, laws to regulate veterinary laboratories, animal feeds, animal reproduction or animal welfare. With respect to food safety, there are legislative gaps in egg production, poultry meat, food of aquatic origin and food processing. As discussed in section 4.1.2 below, the recent law creating the Rwanda Council of Veterinary Doctors has provisions to regulate the activities of veterinarians but does not provide authority to regulate veterinary para-professionals.

3.4.6 Observations and recommendations

There is an electronic repository of laws in the country. However, the website needs to be regularly reviewed and kept up to date. The OIE Team downloaded and analysed certain laws only to discover that they are no longer in force, and yet they are still in the database. For example, it was not clear before the start of the mission that the RAB had replaced RARDA as the agency in charge of Veterinary Services within MINAGRI.

In general, the quality of veterinary legislation reviewed by the OIE Team in English is poor. This is either due to poor drafting or poor translation or a combination of both. Consequently, while there is a proliferation of laws, they are virtually ineffective. It is the belief of the Team that most laws are still valid because, so far, they have not been challenged in court. As the country attracts more investors, all it would take would be a few challenges to the law to underscore how poor quality undermines effectiveness. There is a clear need for a review of all the laws in the veterinary domain with a view to amending them, and improving the quality. Pending this, an investment in high quality translation services and access by translators to equally high quality resource materials, would improve the situation.

The country has established a robust mechanism for consultations with outside stakeholders. However, currently laws are drafted by the various ministries which have responsibilities in the veterinary domain, with no coordination or consultation among themselves. Consequently, the laws are not properly harmonised, and are sometimes contradictory.

MINAGRI and RAB employ lawyers, but the lawyers are minimally involved at the policy formulation stage or the drafting of legislation.

While the recently created LRC employs drafters who are responsible for the drafting of legislation, including those in the veterinary domain, this drafting service has so far not been used by the Veterinary Services. In a joint meeting with the OIE Team during the mission, both MINAGRI and the LRC voiced

enthusiasm to work together in preparing legislation in the veterinary domain. As such, MINAGRI may wish to immediately implement a policy whereby its veterinarians, together with MINAGRI's own lawyer, would prepare policy documents on priority issues and engage the Commission to do the related legal drafting. The Commission should also implement a policy whereby its drafters will seek the active participation of, and access to, the veterinarians for technical support during the drafting phase. In addition, consideration may be given to encouraging the LRC to develop, among the drafters, expertise in drafting of veterinary legislation.

Veterinary legislation requires the development of secondary legislation, such as Orders, to clearly define the powers, procedures and practices of veterinary service providers as they carry out their duties in the veterinary domain.

Veterinarians need to be educated on the nature and effect of secondary legislation. There is an erroneous impression that Orders and other secondary legislation are not laws and that their status must be elevated in order to make them enforceable. Consequently, in some instances, provisions which should be in secondary legislation are embodied in primary legislation. This is most notable in Law N° 54/2008 of 10/09/2008, Determining the Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda, in which disease response plans for individual diseases are included in the primary law.

The inclusion in the Penal Code of criminal sanctions with respect to laws in the veterinary domain could be problematic. Laws in the veterinary domain are regulatory and create quasi-criminal or strict liability offences. While the basic premise of regulatory statutes is not to gain conviction but to encourage compliance, criminal sanctions are necessary as a deterrent and must or could be used when the circumstances justify their use. Thus, there might be a time when the state would need to prosecute a person who violates the law. It is easier to gain conviction for a strict-liability offence, as the prosecution only needs to prove *actus reus* (the act), albeit beyond a reasonable doubt. With the inclusion of regulatory offences in the Penal Code, the prosecution may have to prove both *mens rea* (intent) and *actus reus* (the act), making the work of the prosecutor quite onerous. Furthermore, the inclusion of these provisions in the Penal Code would require constant amendments to the Code as new legislation is enacted.

While not a part of the legal framework, the development of policy documents and procedural manuals to aid veterinary inspectors in the discharge of their duties would be immensely beneficial.

4. Review of the national veterinary legislation

The OIE PVS Evaluation mission for Rwanda was conducted in May of 2008. The 2007 Edition of the OIE PVS Tool was used for the mission. Levels of advancement assigned at that time for the three critical competencies (CC) associated with veterinary legislation were as follows:

PVS Critical Competency	PVS Report finding Level of Advancement
CC 4.1. Preparation of legislation and regulations	2/5
CC 4.2. Implementation of legislation and regulations and compliance thereof	4/5
CC 4.3. International harmonisation	4/5

4.1 Detailed assessment of selected subject areas

The Team conducted detailed assessments of legislation related to four key areas of the veterinary domain, namely, control of animal diseases, regulation of the veterinary profession and veterinary para-professions, regulation of veterinary medicines and biologicals, and safeguarding the food production chain. The results of these assessments are provided in the following sections 4.1.1 through 4.1.4 of this report.

4.1.1 Control of animal diseases

The key legal text in Rwanda relating to the control of animal diseases is Law N^o 54/2008 of 10/09/2008 Determining the Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda (the Animal Disease Control Law). As gazetted in three languages on 8 May 2009, the law is 131 pages in length and contains 161 articles plus an annex. While the law represents an ambitious effort to provide a legal basis for the control of animal diseases in the country, in its present form, the law has numerous deficiencies both with regard to its technical content and its legal quality.

Broadly speaking, there are two main problems. The first is that the law fails to clearly, precisely and explicitly identify the competent Veterinary Authority and the powers that the Veterinary Authority and its officers can exercise in the execution of their duties and responsibilities. Since many of the necessary powers involve actions that may infringe on property and privacy rights guaranteed in the Constitution, it is essential that the legal authority to exercise these powers is clearly stated in primary law. In the Chapter on Veterinary Legislation in the OIE Terrestrial Animal Health Code, Chapter 3.4, Article 3.4.5 identifies the minimum necessary powers that must be made available to the Veterinary Authority so that veterinary officers can effectively carry out disease control efforts. These include:

- Access to documents
- Taking of samples
- Access to premises & vehicles for inspection
- Retention of animals & goods pending disposition
- Seizure of animals, products & foods of animal origin
- Suspension of activities in inspected establishments
- Closure of inspected establishments
- Suspension or withdrawal of authorisations or approvals

Rwanda Law N° 54/2008 makes repeated reference to veterinary officers carrying out activities associated with these powers. However, the Law never explicitly states that the powers are granted to the Competent Authority, a requirement clearly stated in the Rwandan Constitution (e.g., Article 22, “A person’s home is inviolable. No search of or entry into a home may be carried out without the consent of the owner, except in circumstances and in accordance with procedures determined by law”). In Article 11 of the Law, some of these activities are identified for use in disease control efforts but the Article says that the “District Authority may...take some of these decisions.” However, the District Authority is not defined, so it is not clear by what authority they act in veterinary matters, and saying that they ‘may’ act is not the same as granting them (or the Veterinary Authority) explicit powers to act.

There are other important instances in Rwanda Law N° 54/2008 where the intention is not clearly expressed. As a result, the effectiveness of the law is impaired and unrealistic obligations are created. For example, Article 3: Contagious diseases, states that “Contagious diseases discussed in this Law are appended to it. Then Article 4: Contagious Disease Surveillance states that “Diseases discussed in Article 3 shall be checked on all animals whether domestic or wild, that can be infected, according to characteristics of each disease.”

It is difficult to ascribe a precise meaning to Article 4. It seems to suggest that there is an obligation (though who is obliged is not clear) for all individual animals of all species that can be potentially affected with any disease identified in Article 3 to be checked for each of those diseases. Of course, such an obligation would be impossible to carry out and would serve no practical purpose, yet it appears to be prescribed in law. It is especially confusing since the list of diseases appended to the law includes diseases such as mad cow disease (bovine spongiform encephalopathy) which do not occur in Rwanda.

A more useful wording would be something to the effect that “Officers of the Veterinary Authority shall have the power to identify animals, take samples and examine records for the purpose of carrying out passive and active disease surveillance activities related to diseases for which active disease control programs are being planned or conducted or for any other diseases which are of interest to Rwanda as authorised by the responsible Minister.”

The second major problem with the law is that it includes specific disease control plans for over 29 different diseases. While these plans include considerable

detail, they are often not detailed enough to provide sufficient guidance for actual implementation of effective disease control activities in the field. Nor is it made clear where the authority resides to develop and implement more detailed disease control plans.

Since new animal and zoonotic diseases continue to emerge and since the technologies for disease control (e.g., diagnostic tests, vaccines, animal identification technology, methods for humane killing of animals) are constantly evolving, it is ill advised to put specific disease control plans in primary legislation because such plans may need to change regularly and the process of having primary laws amended through the Parliament can be a slow and painstaking process. It is preferable for the primary law to expressly “empower the responsible Minister to make orders for the control of animal diseases” rather than putting the details for control of specific diseases into the primary law.

The Team had some additional concerns about Rwanda Law N° 54/2008 as follows.

- Names of diseases are not well translated into English – Article 3 refers to the list of diseases in the OIE Terrestrial Animal Health Code (though it erroneously identifies the organisation not as the OIE but as the International Wildlife Organisation, which needs to be corrected). Article 3 indicates that the disease names are listed by OIE in French but in fact, an English version of the OIE Terrestrial Code exists and the corresponding disease names used in the English version should be used in the English version of Rwanda Law N° 54/2008. The current used English names are not internationally recognised and can sow confusion. For example, the disease of sheep identified as bluetongue in the English version of the Terrestrial Code is referred to in Law N° 54/2008 as catarrhal fever rather than bluetongue. However, there is another distinct viral disease of sheep known as malignant catarrhal fever which is also included in the Terrestrial Code. To avoid confusion, the disease identified in Rwanda Law N° 54/2008 should be identified as bluetongue rather than catarrhal fever. There are numerous other examples of inconsistent translation of animal disease names in the text.
- The use of terms is inconsistent. In the text, the following actors are identified: competent veterinary doctor; sanitary veterinarian; veterinary officer; and, competent veterinary personnel. It is not clear if these are intended to represent different actors with different qualifications, authorities and responsibilities, or if they are all equal, in which case a single term should be defined and consistently used.
- Definitions are imprecise. One critical example is the following: “An area suspected to be infected: includes all areas surrounding an infected area.” By saying “all areas” the definition becomes so broad as to be meaningless, since the boundary of the area can extend infinitely. It would be better to say that “An area suspected to be infected includes those areas immediately contiguous to a designated infected area and extending to boundaries determined by the Veterinary Authority based on the epidemiologic behaviour of the disease involved and the circumstances of the specific outbreak.

- The law refers only to contagious diseases and does not provide authority to control other types of diseases, for example, those that may be caused by toxins or those that might be infectious but not contagious.
- The law creates an obligation to compensate farmers for animals taken during disease control activities and even creates a bank fund to support that compensation. However, discussions during the mission indicated that there is no money present in the bank fund. So once again, the law has created an obligation that may not be fulfilled.

4.1.2 Regulation of the veterinary profession and veterinary para-professions

In the OIE Gap Analysis done in November 2010, one of the national priorities identified was to “ensure effective regulation of the veterinary and para-veterinary profession “. Accordingly, work was begun on preparation of a law to facilitate that regulation of the professions. It resulted in the enactment in 2013 of Rwanda Law N° 56/2013, “Establishing Rwanda Council of Veterinary Doctors and Determining Its Mission, Organisation and Functioning.”

The law establishes the Rwanda Council of Veterinary Doctors, as the statutory body for the veterinary profession. This is consistent with the recommendations in Article 3.4.6 of Chapter 3.4 of the Terrestrial Code which proposes that regulation of the profession can be achieved through the mechanism of delegation of powers to a professional organisation such as a veterinary statutory body.

While Rwanda Law N° 56/2013 is reasonably well drafted, it unfortunately fails to address some critical issues concerning regulation of the professions.

Most importantly, the law is limited to the regulation of veterinarians and has no provisions to allow the Council to regulate the veterinary para-professions. This is a significant omission in a country where veterinary para-professionals outnumber veterinarians and contribute significantly to the health and welfare of the nation’s animals. The law needs to be amended to include provisions for establishing accepted categories of veterinary para-professionals, for setting their initial and continuing educational requirements, to identify their prerogatives, their requirements for supervision and to establish rules and mechanisms for registration and licensing. This needs to be addressed if and when the law is amended.

Secondly, the law as written does not explicitly identify veterinarians working for government as being subject to regulation. In fact, there is considerable ambiguity introduced in the text which states, in Article 43, that “Veterinary Doctors who are employed by the Government shall, upon their request, be registered with the Council.” This of course suggests that registration for government veterinarians is voluntary. Unless there is a civil service law that explicitly provides codes of conduct for government veterinarians and identifies penalties for breach of that conduct, then it is necessary for government veterinarians to be subject to the law designed for regulating the profession. The

Team was not able to determine during the mission if such civil service law provisions exist.

Thirdly, the law does not specifically identify continuing education requirements as a condition for professional development or for registration or reregistration of veterinarians (or veterinary para-professionals as they are not included in the law). On the other hand, in Article 6, it is stated that one of the missions of the Council is “to participate in the development of curricula and teaching programs for veterinary doctors, veterinary technicians and other animal husbandry experts”. This is paradoxical in that it more or less creates an obligation for the Council to be involved in continuing education but at the same time, the law creates no obligations for regulated veterinarians to avail themselves of such continuing education to keep their professional knowledge up to date or to fulfill requirements for registration. This needs to be addressed if and when the law is amended.

Finally, Article 6, which enumerates the mission and responsibilities of the Council states that one mission of the Council is “to protect and promote the interest of the veterinary profession”. The OIE Team does not agree. The purpose of the Council is to regulate the profession in the public interest, not to protect and promote the interests of the profession itself. This could represent a conflict of interest. Traditionally, the function of protecting and promoting the interests of the veterinary profession are the responsibility of veterinary professional *associations*, not veterinary *statutory bodies*.

4.1.3 Veterinary medicines and biologicals

The OIE Team reviewed Law N° 12/99 Relating to the Pharmaceutical Art (the Pharmacy Art Law), Ministerial Order N° 008/11.30 of 18/11/2010 Determining the Organisation of Veterinary Pharmacy Practice (the Veterinary Pharmacy Order) and Law N° 74/2013 of 11/09/2013 Establishing Rwanda Food and Medicines Authority and Determining its Mission, Organisation and Functioning (the RFMA Law).

Law N° 12/99 Relating to the Pharmaceutical Art (the Pharmacy Art Law) regulates the practise of pharmaceutical art, including the practise of veterinary pharmacy, as it expressly defines “pharmaceutical product” to include “... drugs intended for human and veterinary medicine use”. Ministerial Order N° 008/11.30 of 18/11/2010 Determining the Organisation of Veterinary Pharmacy Practice (Veterinary Pharmacy Order), purportedly made pursuant to the Pharmacy Art Law by MINAGRI, regulates the practise of veterinary pharmacy. The purpose of Law N° 74/2013 of 11/09/2013 (the RFMA Law), as provided in Chapter One, Article one, coincides with its title, the establishment of the “... Rwanda Food and Medicines Authority, abbreviated as ‘RFMA’. It also determines its mission, organisation and functioning”.

Deficiencies and suggested solutions

The purpose of the review was to highlight the deficiencies in legislation in the veterinary domain and to suggest ways of improving their quality. While many deficiencies were evident in the law, given the extent of the problems, the

highlights will be at a high level, with examples being drawn from the various pieces of legislation to underscore the points. The points discussed are by no means all the deficiencies that there are.

- Harmonisation

It is a principle of legislative drafting that every piece of legislation must fit into the national legislative framework and international standards. In its basic terms, the principle means, among others, that new primary legislation must not contradict a pre-existing primary law enacted by the legislative body. As well, secondary legislation must not be contrary to the primary legislation from which it derives its authority. With particular reference to Rwanda, Article 141 of the Constitution empowers the courts to apply orders and regulations only where they are not inconsistent with the Constitution and other laws. Orders and regulations are secondary laws.

Notwithstanding the principle and the constitutional provision, laws in Rwanda are sometimes drafted and enacted with little or no recognition of, or adherence to, the principle of harmonisation. For example, in Law N° 12/99 (the Pharmacy Art Law), only a person holding a degree in pharmacy or a recognised equivalent degree may practise pharmacy art. While one may argue that “recognised equivalent degree” may allow others who are not pharmacists to practise pharmacy art, that argument is not sustainable, as the other eligibility requirements point to only pharmacists.

In contrast to the eligibility provision in Law N° 12/99 (the Pharmacy Art Law), which also regulates veterinary pharmaceuticals, Ministerial Order N° 008/11.30 (the Veterinary Pharmacy Order) empowers veterinarians to practise veterinary pharmacy. With the different eligibility requirements, it follows that any veterinarian who practises veterinary pharmacy may be or is in violation of Law N° 12/99, the Pharmacy Art Law.

Another example of the lack of harmonisation is where the power to inspect pharmacies is vested in the Minister of Health, pursuant to Article 84 of Law N° 12/99 (the Pharmacy Art Law). Since veterinary pharmaceuticals are not exempt from the Pharmacy Art Law, this inspection duty would presumably apply to veterinary pharmacies. Yet the inspection of veterinary pharmacies, pursuant to Article 25 of Ministerial Order N° 008/11.30 (the Veterinary Pharmacy Order), is made the responsibility of the Veterinary Services which reports to the Minister of Agriculture and Animal Resources.

These are clear, but only a few, examples of where the secondary legislation, Ministerial Order N° 008/11.30 (the Veterinary Pharmacy Order), does not harmonise with its primary legislation, Law N° 12/99 (the Pharmacy Art Law). In practical terms, what this means is that should a pharmacist challenge the eligibility of a veterinarian to open a veterinary pharmacy shop, the challenge could very well be successful. First, the Veterinary Pharmacy Order or parts of it, being secondary legislation which is inconsistent with the Pharmacy Art Law, will not be enforced by the courts given the provision in the Constitution which empowers the court to apply only secondary legislation that is not inconsistent with other

laws. Secondly, by rules of ordinary interpretation of law, the secondary legislation, unless a way can be found to read the two harmoniously, would have to give way to the primary legislation.

Clearly, an intention has been expressed to allow veterinarians to practise veterinary pharmacy which, in practical terms, also makes sense. The solution to this difficulty would be either to amend the eligibility requirements in the Pharmacy Art Law to cover veterinarians or any person allowed to practise veterinary pharmacy under the Veterinary Pharmacy Order. Alternatively, an amendment to the Pharmacy Art Law would see the removal of veterinary pharmaceuticals from that law, and be replaced by a new primary law to cover veterinary pharmaceuticals.

Not only is there a lack of harmonisation between primary and secondary legislation, there is sometimes no harmonisation between two pieces of primary legislation on the same subject. For example, Article 9 of Law N° 10/98 Establishing the Practice of Art of Healing (the Healing Art Law) defines “pharmaceutical art” as “... any act aimed at preparing drugs and (underline added for emphasis) other pharmaceutical products in conformity with this professional art”. At the same time Law N° 12/99 (the Pharmacy Art Law) defines the same expression “pharmaceutical art” as “... any act aimed at preparing ... drug or (underline added for emphasis) other Pharmaceutical products.”

The Healing Art Law uses “and” while the Pharmacy Art Law uses “or”. While these may appear to be two insignificant small words, they may have a major impact on the interpretation of the law as “and” is conjunctive while “or” is disjunctive.

- Inspectors

Pieces of legislation in the veterinary domain are regulatory – to make sure that those involved in the industry do what is expected of them by legislation in the public interest. Inspections are an essential part of the fabric of regulatory legislation. Indeed, Article 4 of Law N° 74/2013, the RFMA Law, expressly provides that the mission of RFMA is to inspect and verify food and pharmaceutical products.

To be able to discharge its inspection mission, RFMA needs inspectors. However, it is not only Law N° 74/2013 (the RFMA Law) which is short on providing for the appointment and empowering of inspectors; this seems to be the situation in most other veterinary laws that the Team reviewed. With respect to the RFMA Law, Article 11 provides that staff of RFMA shall be governed by Law N° 22/2002 of 09/07/2002, the General Statute of Rwanda Public Services. This provision is so ambiguous that its meaning is not clear; it does not, with any clarity, authorise the appointment of inspectors.

Even if Article 11 is construed as authorising the appointment of inspectors, appointment of inspectors alone is not sufficient. In addition to the appointment, inspectors must be given legislative authority to enter premises, with or without a warrant, to conduct inspections, enter into conveyances, examine and take photocopy of books and records, take samples, seize and detain products and to

suspend licences, permits or authorisations, to mention some of the actions that empowerment allows inspectors to do. These are actions that the General Statute of Rwanda Public Services might not authorise an inspector to do and for which it is necessary to provide in the enabling legislation.

Another aspect of this problem is that Law N° 12/99 (the Pharmacy Art Law) makes an attempt to empower inspectors, but does not appear to provide for their appointment. A piece of legislation can empower inspectors as much as possible, but if there is no authority to appoint them, those powers are of no use.

Many pieces of Rwandan legislation in the veterinary domain rely on the police as an enforcement agency. If inspectors are properly appointed and adequately empowered, with statutory authority to seek the assistance of the police to protect them should they face danger or be threatened in the execution of their statutory duties, the reliance on the police in the enforcement of regulatory legislation could considerably reduce, thereby using the police for their traditional purposes of handling true criminal activities and maintaining the public peace.

Use of secondary legislation related to veterinary medicines and biologicals

- Administrative, procedural and technical matters

Generally, secondary legislation is used to implement administrative, procedural or technical matters arising out of primary legislation. The advantages are many: it is easier to amend secondary legislation than to amend primary laws; it gives an advantage to politicians to clearly articulate the policy of the legislation, and leaves the resolution of technical matters to those who are charged with the responsibility of administering the legislation. Consequently, in drafting primary laws, care must be taken to identify the administrative, procedural or technical matters and reserve them to be embodied in secondary legislation.

This time-honoured practise is not always observed in the veterinary laws of Rwanda. For instance, Article 12 of Law N° 12/99 (the Pharmacy Art Law) requires a prior authorisation of the Minister for the opening of a pharmaceutical establishment. The Article then goes on to provide authority to the Minister of Health to make an order for the determination of the document accompanying the application for authorisation. The third paragraph goes on to provide how the application should be sent to the Minister and who should send the application, and the last paragraph deals with fees, the amount of which would be determined by a Ministerial order.

The 4 paragraphs could have been collapsed into two, the first one dealing with the substantive requirement to obtain prior authorisation, the second one to give the Minister power to make an order with respect to obtaining the authorisation. The power to make the secondary legislation would have allowed the Minister not only to make an order to govern how and who can make the application and the amount of the fees, but the order could cover additional issues such as the information required to be provided in the application, period of validity of the authorisation, its renewal, its suspension or revocation (with in-built protection, such as the right to be heard prior to suspension or revocation of the authorisation), the amount of fees and review of the fees when necessary,

change the mode of making the application from a registered envelope to electronic application when the technology and resources of the nation allow this, and the keeping of records – the kind of records, how long they must be kept and where they must be kept. As it is, for example, if the Minister ever wants an application to be made electronically, the primary law must be amended - a tedious parliamentary process for a simple procedural matter.

- Substantive Provisions

The flip side of using secondary legislation for administrative, procedural and technical matters is that secondary legislation should never contain substantive provisions. An example of where this rule is not observed is found in Articles 25 to 29 of the Veterinary Pharmacy Order, where attempts are made to appoint and empower inspectors. However, these are substantive provisions (conferring powers on inspectors and not directing how they should exercise these powers) which should be put in a Law rather than in a Ministerial Order. If and when the laws are amended to put veterinary pharmacy in a Law rather than in an Order, those provisions must be moved from the Order and put in the Law.

- Misconception about the nature of secondary legislation

There appears to be quite a misconception among the people interviewed by the Team about the nature of secondary legislation. The thinking is that secondary legislation is not law and is, therefore, unenforceable. In fact a plea was made to upgrade secondary legislation to laws so that they can be enforced. The Team tried to send as strong a message that secondary legislation is as effective and enforceable as primary legislation; it just serves different purposes. The misconception seems to be part of the reason why provisions which should be in secondary legislation are put in primary legislation.

- Power to make secondary legislation

The power to make secondary legislation must derive directly from primary legislation. In other words, every statute which leaves procedural, technical and administrative matters to be made by someone else other than Parliament must have a provision which expressly confers that power on the person. To a large extent, this is observed in many pieces of primary legislation. However, every now and then, this is not done with respect to one aspect or the other of the legislation.

An example of this is the purported authority of the Minister of Agriculture and Animal Resources to make Order N° 008/11.30 of 18/11/2010 Determining the Organisation of Veterinary Pharmacy Practice (Veterinary Pharmacy Order). That order cites many sources for the authority for its making. For example, Article 120 of the Constitution is cited as one of the sources. Article 120 empowers Ministers of State and other members of Cabinet to implement laws relating to matters for which they are responsible by way of orders. While this does not confer express power on the Minister of Agriculture and Animal Resources, the primary laws cited for the authority – Law N° 12/99 (the Pharmacy Art Law) and Law 10/98 of 28/10/1998 on the Practise of the Art of Healing are not laws for which the Minister of Agriculture and Animal Resources

is responsible; they are expressly within the administrative authority of the Minister of Health. Therefore, Article 120 could not be the enabling authority for the Veterinary Pharmacy Order.

Another source for the Veterinary Pharmacy Order is Law N° 54/2008 of 10/09/2008 on Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda. While the Minister of Agriculture and Animal Resources is responsible for the administration of this law, nothing in it expressly confers on the Minister the power to make Orders concerning veterinary pharmacy practice.

The fact that a minister signs, or is mentioned in, the primary law does not, by itself, confer an authority to make secondary legislation on the minister. Not only must the power be explicitly and unequivocally conferred in the primary law on the person who is supposed to exercise that power, it should also state the matter in respect of what the secondary legislation should deal with.

In the absence of an express authority, the Minister of Agriculture and Animal Resources lacks the power to make Ministerial Order N° 008/11.30 of 18/11/2010 Determining the Organisation of Veterinary Pharmacy and it could very well be invalid or ineffective. The way forward is to amend the enabling primary legislation and expressly confer the authority to make the Order on the Minister.

It is also worth mentioning that a person to whom the power to make secondary legislation is given must be mindful of the rule against sub-delegation. This rule prohibits a minister, to whom a power has been given to make secondary legislation, from ceding that power to someone else. Therefore, for example, if the Minister of Health is granted powers to make an order, the Minister cannot cede any of the delegated powers to the Minister of Agriculture and Animal Resources; the amendment of the primary legislation to give powers to the Minister of Agriculture and Animal Resources must be done by Parliament.

Examples of other miscellaneous problems identified

-Use of language

There is often the use of excessive and unnecessary words. For example, the phrase “definitive cancelling” is found in Article 14 of Law N° 12/99 (the Pharmacy Art Law). The word “definitive” is unnecessary. A licence is either cancelled or it is not.

Many a time legislation is drafted using the passive, rather than, an active voice. This in turn leads to the failure to identify who is required to perform a legal act. For example, Article 17 of Law N° 12/99 (the Pharmacy Art Law) provides: “Cessation of activities of pharmaceutical establishment shall be notified to the Minister responsible for Health ...”. This fails to identify who ceases the activity and who should notify the Minister of Health of the cessation of activities. In the active voice, the provision could read something like “a person who stops operating a pharmaceutical establishment must notify the Minister of Health ...”. This uses the active voice as well as clearly identifies the person whose obligation it is to perform the act and who could be held responsible in the event that the Minister of Health is not notified.

- Creation of prohibitions, obligations and rights

A convention has developed around the drafting of legislation which recognises the use of only certain words to impose prohibitions, create obligations and confer rights. For the imposition of prohibitions and creation of obligations, the words that are recognised by the convention are “shall”, “must” (or for prohibition “it is prohibited” may be acceptable), and for the creation of right, the word “may” is what is used.

In the laws that were reviewed, the observation of the Team was that this convention is honoured more in its breach than in its observance. Instead of “shall”, “must” or “may”, legislation in the veterinary domain often use words such as “can”, “will”, “should”; these words do not impose prohibitions, create obligations or confer rights, thus making any such provisions meaningless. For example, Article 9 of Law N° 12/99 (the Pharmacy Art Law) which ostensibly prohibits a pharmacist from operating more than one pharmaceutical establishment, provides that “No pharmacist can (underline added for emphasis) be in charge of more than one pharmaceutical establishment. The word “can” is inappropriate to impose the prohibition; it should have been “shall”.

In the same vein, Article 15 of Law N° 12/99 (the Pharmacy Art Law), in seeking to confer a right of appeal, erroneously uses the word “shall”, imposing an obligation or a prohibition, instead of “may” to confer a right. As drafted, it can be construed that, whether a person whose application is denied wants to appeal that decision or not, the person is forced, by the use of the word “shall”, to appeal the decision.

Gaps giving rise to deficiencies

Deficiencies in legislation can occur through what is provided for in the legislation as much as what is absent from it. Below are a few significant gaps that could have a significant impact on the effectiveness of legislation.

- Access to Information:

For example, in Law N° 74/2013 (the RFMA Law), one of the missions of RFMA is to follow up, identify, analyse and publish information. But nowhere is authority given to collect the information. This is especially important since the Constitution of the nation guarantees the right to confidentiality of correspondence and communication, which right can be waived only in accordance with procedures determined by law. Should there be a need for a public action to protect the public, such as a recall of a harmful product from the market place, the government must be able to collect information from the industry with respect, for example, to where the product came from and where it has been distributed. If legislation does not confer the right to collect the information, the responsible minister cannot force anybody to give that information.

- Recall or removal of products from the market place

The authority of the government to order the industry to remove or recall a dangerous or harmful product, be it food or pharmaceutical, from the market

place, or authority to undertake the recall or withdrawal should industry not be able or is unwilling to do so, is either absent or not clear. For example in Law N° 12/99 (the Pharmacy Art Law), the Minister of Health may postpone the public release of dangerous drugs for a period of 6 months. There is nothing that authorises the Minister to take a recall or withdrawal action of products already on the market.

- Cost-recovery for services or use of property

Some legislation, for example Law N° 74/2013 (the RFMA Law), lists as part of the property of RFMA, income from services rendered. Yet, nowhere in the legislation is RFMA authorised to collect fees for its services or the use of its property. It is worth considering authorising, in legislation, the collection of fees for services provided in the veterinary domain or the use of facilities, such as laboratories. How much and how to calculate the amount should be left to be decided by the Minister through an Order. In recognition that not every member of the industry can afford to pay the fee, the Minister should also be provided with authority to forgive some or all of the fees, with clear provisions as to the circumstances and for how long such forgiveness will last.

4.1.4 Safeguarding the food production chain

Overview of current laws and distribution of authorities

The OIE PVS Evaluation mission report (2008) noted that no system existed for the prevention of foodborne zoonoses (tuberculosis, brucellosis, salmonellosis etc.) and that no link existed between the VS and MOH regarding public health. At that time, meat inspection in the two principal abattoirs in Kigali was good but greater control was needed for small abattoirs and slaughter slabs in the rural areas. In 2008 no programme existed for detecting antibiotics, antiparasitic, hormonal or chemical residues in food of animal origin. The 2010 OIE PVS Gap Analysis mission report reiterated concerns with respect to food safety identifying 12 provincial abattoirs and 400 slaughter slabs in addition to the two major abattoirs in Kigali. They also stated that approximately 500 farms and 72 MCCs supplied milk to four dairies.

By the time of this VLSP mission, the VS had developed two Ministerial Orders, Ministerial Order N° 012/11.30 of 18/11/2010 on Animal Slaughtering, Meat Inspection and Ministerial Order N° 013/11.30 of 18/11/2010 on Transport and Trade of Meat, to improve food safety in the meat sector. These two Ministerial Orders were in the process of being integrated into a more comprehensive draft bill governing Veterinary Public Health in Rwanda, Proposition de texte portant Reglementation de la Santer Publique Veterinarire au Rwanda (Draft Veterinary Public Health bill) which was not available to the Team in English. A Ministerial Order regarding poultry and eggs was also provided by the public health veterinarian in the VS late in the mission, but it was only in Kinyarwanda. From reviewing the Laws and Ministerial Orders provided to the Team, it appears that Ministerial Instructions may not have been included as part of the provided legislation for the veterinary domain. A copy of DRAFT Ministerial Instructions N°

.../2013 of.../.../2013 Regulating the Milk Handling, Collection, Transportation and Selling was only obtained on the last day of the mission.

In addition to the legislative developments within MINAGRI, key laws have been passed within MOH and MINICOM to improve regulation of food safety since the OIE PVS Evaluation and OIE PVS Gap Analysis missions. These include Law N° 50/2013 of 28/06/2013 Establishing Rwanda Standards Board (RSB) and Determining its Mission, Organisation and Functioning (the RSB Law) within MINICOM and Law N° 61/2013 of 23/08/2013 Establishing National Standards Inspectorate, Competition and Consumer Protection Authority (NICA) and Determining its Mission, Organisation and Functioning (the NICA Law), with NICA being the implementation arm of the RSB.

The MOH still relies on a set of codes and laws passed in the first half of the 20th century which were compiled in 1978 as “Codes et Lois du Rwanda” (see Annex 5 for a listing of the 16 pieces of legislation). However, two new laws to be administered through the MOH have been recently approved by Parliament. These are Law N° 24/2012 of 14/01/2013 Relating to the Regulation and Inspection of Food and Pharmaceutical Products and Law N° 74/2013 of 11/09/2013 Establishing Rwanda Food and Medicines Authority and Determining its Mission, Organisation and Functioning (the RFMA Law). It appears that neither of these two new laws has yet come into force. The OIE Team was advised that MINAGRI had not been consulted on the concept of RFMA and this has delayed their commencement.

Thus, responsibilities in the area of food safety are divided among four Ministries - MINAGRI, MOH, MINICOM (RSB) plus MINALOC, responsible for local authorities who deal with implementation and enforcement. Interviews conducted by the Team indicated the individual officers from different Ministries involved in the food programme appear to know each other and understand their areas of jurisdiction with MINAGRI responsible for non-processed or fresh food products of animal origin, MOH for processed products and retail/wholesale/restaurant hygiene and RSB for inspection against adopted standards (international and domestic). At the field level, RSB, MOH, RAB and city councils/police apparently work together as a team. The challenge for regulation of food safety is coverage, not overlap, particularly for MINAGRI which lacks capacity especially at PoE.

Though informal communication appears good at the inspector level as just noted, the 2013 MOH Five Year One Health Strategic Plan identified lack of collaboration within and between institutions; lack of a well-defined communication procedures and lack of capacity of laboratories to confirm priority diseases as major shortcomings. A planned outcome of the Five Year One Health Strategic Plan is to have a framework for networking and information sharing as well as a policy on One Health guiding the governance and collaboration of all stakeholders. This work is under the auspices of the Country Coordinating Committee (CCC). Individuals interviewed by the OIE Team (Joseph Katarwa- MOH; Jean Felix Kinani and Antoine Mudakikwa of RDB; and David Kiiza, Isidore Gafarasi and Claude Rukundo of RAB) contributed to the Five Year One Health Strategic Plan. It is noteworthy that RSB did not participate

in the development of the Five Year One Health Strategic Plan but the plan was developed in February, while RSB was created in June of 2013.

Currently for foodborne illness, a Task Force is established which is led by MOH and which includes MINAGRI, who have jurisdiction over products of animal origin. There are no published guidelines or policy for such a Task Force but MOH is developing “Centre of Operations Guidelines”. Like the VS, the Environmental Health and Hygiene Desk (EHD) within the MOH is small, only 6 individuals. However, these are supplemented by 42 environmental health practitioners at the provincial and district levels and, under the Hospital Health Centres, an additional 417 health practitioners of which about half have also been equipped to take food and water quality samples with food safety testing kits. In the Five Year One Health Strategic Plan, it was noted that “the structure of the MOH leaves little room for EHD to fulfil its potential as it is a small unit under Maternal and Child Health (Annex 3, section 3.4). On the other hand, RSB appear to have a slightly different concept for the future with NICA encompassing all inspectors of food regardless of current ministerial responsibility as described below.

The Director General for RSB informed the Team that the baseline for agricultural products was Codex Alimentarius which has been the regional standard for the EAC since 2006. However it was not clear whether RSB is also dealing with residues in food, a deficiency noted in both the OIE PVS Evaluation mission report and the OIE PVS Gap Analysis mission report. RSB is well equipped with infrastructure laboratories. NICA, the implementation arm of RSB, performs four types of inspection – fixed schedule; risk based (imports) such as high risk (baby food); PoE inspections (small number); and unannounced inspections. As of May 2014, due to quality issues with inland warehouse inspection where shipments are delivered under seal from PoE, Rwanda is moving to conduct inspections at the point of production in foreign countries. The cost of such inspections will be covered by the manufacturer. NICA inspectors are conferred powers of judicial police officers by an Order of the Minister of Justice (Article 5, Law N° 61/2013 of 23/08/2013 Establishing National Standards Inspectorate, Competition and Consumer Protection Authority (NICA) and Determining its Mission, Organisation and Functioning).

The “Code et Lois du Rwanda” (Annex 5) has laws covering public health including those for food sanitation in cities and hygiene in restaurants, hotels, and bars. The most recent food law requiring food workers to be certified healthy is 31 Decembre 1952 Ordonnance N° 74/453 Protection et salubrité des denrées alimentaires. It prohibits persons with contagious diseases to work in the food industry. Specific diseases mentioned include typhoid, paratyphoid, tuberculosis and cutaneous sores for which workers need a special medical examination. In addition the law prohibits the manufacture, preparation and packaging of food in harmful locations as determined by local authorities. Provision and materials for packaging are described including hermetic sealing and the avoidance of foreign material as well as requiring identification markings to allow tracing in the marketplace. Fumigation for insects is required as well as the use of screens to

protect against flies and mosquitoes in all food establishments. Garbage must be sealed in metal cans and all organic material subject to putrefaction must be immediately destroyed by incineration. In the future, legal drafters should consider specifying the “outcome” (destruction of putrefying organic material) rather than the means of achieving that “outcome” in new legal texts, as technological means to achieve desired outcome can change. There are many examples in Rwanda’s laws where attention to this detail would produce better quality legislation.

The oldest “Code et Lois du Rwanda” 26 Juillet 1910 DECRET, Fabrication et commerce de denrées alimentaires, prohibits falsification of foodstuffs or drinks as well as prohibiting the sale of spoiled or contaminated food or drink. It gives the government the right, in the interest of hygiene, to inspect the manufacture or preparation of all food and prohibits the use of harmful or dangerous equipment. It also empowers public servants (inspectors) to take food samples. In addition, this decree enables the governor-general to create orders and laws to regulate food. Infractions are punishable under the Penal Code. Although not detailed, the decree is well drafted and referenced in legislation as recently as Law N° 25/2013 of 10/05/2013 Determining the Organisation and Functioning of Beekeeping in Rwanda.

The 17 Octobre 1911 Ordonnance, Emballage, preparation et fabrication des denrees alimentaires, describes materials that can be used for packaging, preparing and manufacturing of food to be offered for sale. It prohibits dangerous heavy metals such as lead, bismuth or zinc to be present in equipment or packaging used in the manufacture of food. The 17 Juin 1913 Ordonnance, Coloration artificielle des denrées alimentaires, deals with artificial colouring in food to avoid toxicity and prohibits the sale or offering for sale any food that contravenes the law. It has an annex with a list of inoffensive colours and harmful colouring.

In the mid twentieth century, The 10 Mai 1940 Ordonnance Legislative N° 57/A.E. Réglementation du commerce, de la détention et de la consommation des denrées alimentaires, accorded the governor-general the power to determine and regulate commerce in food for humans. Infractions were subject to Penal Code provisions. The 31 Octobre 1946 Ordonnance N° 316/A.E. Importation de vivres frais, governs the importation of fresh food. It is unknown if this law is still applicable as no new food laws rescinding the Code et Lois du Rwanda was received by the Team.

With respect to public health and sanitation, a hygiene commission of 3 to 5 members was created in 1924 (25 Aout 1924 O.L.R.U. N° 34 Création et organisation des commissions d’hygiène) with a mission to govern public health, conduct public health research and take measures to improve sanitary conditions and fight epidemics. Members were accorded police powers and were authorised to visit and report on outbreaks and obtain all necessary information. Power was given to take appropriate measures in the case of either epizootics or epidemics. It is unknown whether the applicability of this law to animal outbreaks has ever been used but the legislation has not been rescinded.

The 10 Mai 1929 Ordonnance des travaux d'hygiène—Service d'assainissement, provided technical guidance in hygiene work in each province including combatting insect vectors of diseases, intermediate hosts such as snails and rodents and improving personal hygiene. The provincial hygiene doctor could initiate directives to take appropriate measures.

For regulating public establishments where food is served, the 2 Septembre 1955 Ordonnance N° 41/291, Exploitation des hôtels, restaurants, pensions de famille et débits de boissons, specifies the need for a license of various categories to operate and suspension of that license if conditions of this law are not met. It is implemented by Provincial Governors. Conditions are prescribed for hotels, rooms in the hotel, restaurants kitchens and bars. Requirements for sanitation facilities such as toilets are laid out. Employee hygiene for those preparing and serving food is similar to that in the food law of 31 Decembre 1952 Ordonnance N° 74/453 and repeated in the 2013 dairy Ministerial Instructions, i.e., good body hygiene and clean clothing are specified as is the requirement of a medical examination by a doctor and the need for a certificate of freedom of contagious diseases in cuts, lungs and intestines rather than specifying typhoid, paratyphoid, tuberculosis as in 31 Decembre 1952 Ordonnance N° 74/453. Another section of this law deals with insect fumigations. In 9 Avril 1956 O.R.U. N° 41/48 Exploitation des hôtels, restaurants, pensions de famille et débits de boissons was modified to specify use of DDT or other effective insecticide. A repeal of the DDT requirement was not seen.

Sanitation in urban and highly populated sites is regulated by 28 Juin 1959 Ordonnance N° 74/345 Hygiène publique dans les agglomérations. It specifies environmental conditions to be kept to avoid habitat that favours multiplication of flies and mosquitoes such as long grass, bushes, stagnant water, and exposed garbage. It sets conditions for public latrines and septic systems for effluent and sewage. It prohibits exposure of blood, fish and meat for sale without screens. Hygienic regulations for water distribution systems are also specified

The MOH lists a new law on food fortification on their website but the link was not active at the time of the VLSP mission. However a newspaper article on that law indicated that it is a MINICOM law with fortification standards for flours, cooking oils, sugar and salt being required to contain established amounts of key nutrients at EAC prescribed levels.

Regulation of the food production chain by the EHD within the MOH is dependent on the legislation from the previous century. While that old legislation broadly covers food manufacture, preparation and sale, it lacks modern secondary legislation to facilitate compliance and enforcement.

The veterinary public health veterinarian within VS and the Director of the VS participate in a number of interdepartmental government committees governing food safety, yet they had not been engaged in the creation of recent MOH legislation (Law N° 47/2012 Relating to the Regulation and Inspection of Food and Pharmaceutical Products and Law N°74/2013 Establishing Rwanda Food and Medicines Authority and Determining its Mission, Organisation and Functioning). The VS has also been working independently on their interim

Ministerial Orders N° 012 on Animal Slaughtering, Meat Inspection and N° 013 on Transport and Trade of Meat and their incorporation along with previous milk legislation into a comprehensive Veterinary Public Health Law currently in draft bill (Draft Veterinary Public Health bill) which was made available to the Team in French but not English.

Meat and meat products

The demand for meat and meat products is projected to increase due to increasing population, urbanisation, disposable income and demographic population changes.

All butchers are required to be licensed with the district authority for a specific location and must report monthly to the district authority. Qualifications for a butcher are not specified nor are there construction specifications for the slaughterhouse to ensure humane and hygienic slaughter in Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection. Other than a butcher, anyone slaughtering an animal for human consumption need only have local authority authorisation. Thus, it appears that local authorities have the right to prescribe measures to ensure public food safety as well as ensure inspection of the slaughter and meat outside of public slaughterhouses. This authority for local authorities conflicts with Article 9 of Ministerial Order N° 012 which states that a “veterinary surgeon” is required for inspection of meat.

The term “veterinary surgeon” is of British origin and implies a University trained veterinarian which would be logistically impossible for all slaughter in Rwanda. To address this, the Article goes on to allow for “any doctor or person who, following a test proves to have sufficient knowledge may be commissioned by the relevant authority. For national consistency and to ensure food safety, it is important to have unambiguous, nondiscretionary qualifications (degree, diploma, training, experience etc.) as equivalent to a trained veterinary surgeon and to identify which relevant authority can recognise these. If the qualifications of a veterinary surgeon are not essential, and likely in Rwanda there is a shortage of University trained veterinarians, then the Ministerial Order should be amended and the requirements clarified.

The Draft Veterinary Public Health bill introduces the term National Veterinary Authority (‘Autorité Vétérinaire Nationale, AVN) as being exclusively responsible for sanitary inspection of the health of animals, animal products and by-products for human consumption in its first Chapter. It is presumed that this term applies to the current VS within RAB as per the organisational chart from the legislation creating the RAB (Annex 3). As the organisational chart was part of Law N° 38/2010 of 25/11/2010 Establishing Rwanda Agriculture Board (RAB) and determining its responsibilities, organisation and functioning, the implications of renaming the VS in new law must be considered unless a parallel law on establishing AVN and determining its responsibilities, organisation and functioning is anticipated.

The Draft Veterinary Public Health bill also permits, in the absence of AVN, that only a representative from the MOH (doctor, nurse, etc.) can be designated to

inspect meat, which is considerably more limited than in Ministerial Order N° 12 on Animal Slaughtering, Meat Inspection. Article 5 of the Draft Veterinary Public Health bill provides for the issuance of professional cards by the Minister in charge of (livestock) production to those qualified by a diploma, oath and medicate certificate, presumably in addition to being a public servant of the AVN or MOH. This is an improvement over Ministerial Order N° 012 in that qualifications for meat inspectors are clearly established and control over their appointment plainly designated to the Minister.

Somewhat analogous to the use of “veterinary surgeon” in Ministerial Order N° 012, Article 9 of the Draft Veterinary Public Health bill specifically references a veterinary doctor appointed by the State (“un Docteur Vétérinaire agréé par l’État”). It is not clear whether this means separate authorisation for a University trained veterinary doctor who also holds a professional card of the AVN or if it applies to all card holders. There are many terms used interchangeably for the inspection of meat which causes legal uncertainty.

The Draft Veterinary Public Health bill requires all retailers, wholesalers, dealers in meat (chevillards, bouchers abattants-détaillants et à leurs employés) to hold a professional card issued by the Minister responsible for (livestock) production (Article 15) and also describes withdrawal of the card for infractions in Chapter II. It requires display of all such cards to the public (Article 20) and to produce them on demand (Article 21). This is an improvement in national control over Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection where slaughterhouse permits were approved by the district authority (Article 2). And although Ministerial Order N° 012 requires slaughterhouse hygiene generally (Article 6) there are no specified building construction standards. Ministerial Order N° 013 on Transport and Trade of Meat gives highly prescriptive standards for the interior of a vehicle that transports meat. For example, Article 3 requires the interior of the vehicle to be covered with “galvanized brass or any other stainless” yet the requirement is, in fact, for a durable non-porous interior that can be effectively cleaned and disinfected as specified in the next sentence of that Article. It also states in Article 4 that “people employed in the transportation of meat shall be wearing washable overcoats and hats and properly shod” though the actual desired outcome, that the clothing be scrupulously clean, is not stated. Requiring a washable overcoat does not mean that the overcoat will be washed. Similarly, Article 11 states that small tools such as knives will always be perfectly clean. However, visually clean does not mean microbiologically clean and it would be better if the Article required the presence and use of sterilization or disinfection.

Construction standards for facilities in the meat trade appear in Chapter III (Articles 22 to 59) of the Draft Veterinary Public Health bill for a range of meat establishments as classified therein including slaughterhouses, processing plants, wholesale trade establishments, rendering facilities, butcher shops and retail outlets, warehouse coolers and freezers, fattening establishments/feedlots (d’établissement d’élevage et d’engraissement industriels d’animaux) with additional construction requirements to qualify for export. Maintenance hygiene

aspects including refrigeration, effluent, insect and pest control etc. are also specified. All facilities must be approved by the Minister responsible for (livestock) production based on an assessment by the AVN, MOH and Labour Inspectorate who review all blueprints and inspects the facilities along with local authorities who are responsible for location restrictions. Any changes from the originally approved plan must be re-authorised. The requirements for fattening establishments/feedlots include provision for poultry cages and would appear highly hygienic for large broiler production but do not seem applicable or enforceable for ruminant feedlots or swine concentrations. All such facilities are subject to veterinary inspection (Article 59). It is uncertain why the term “veterinary inspection” is used here rather than by an agent of the AVN (“inspection est assurée par un agent de l’autorité Vétérinaire National) which is used elsewhere in the draft bill.

The OIE Terrestrial Code Chapter 6.2 quotes the Codex Alimentarius Code of Hygienic Practice for Meat (CHPM) as describing ante-mortem inspection as a primary component of meat hygiene. Article 10 in Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection implies that it is optional through the use of the word “may” in the second sentence and stating that leaving thoracic viscera in contact with one of the forequarters is sufficient to conduct an ante-mortem inspection. Meat inspection by AVN is required (Article 60) in the Draft Veterinary Public Health bill which also prohibits animals from leaving a slaughterhouse while allowing for advancing or delaying slaughter for up to 48 hours if disease is present or suspected (Article 62) but if a contagious disease (maladie contagieuse) then slaughter is immediate (Article 63). It is not clear how “contagious disease” is defined or if it relates to those diseases listed in Rwanda Law N° 54/2008, the Animal Disease Control Law. Law N° 54/2008 should be referenced or a definition distinguishing diseased (Article 62) from contagious disease (Article 63) be incorporated.

The Articles in the Draft Veterinary Public Health bill dealing with grading for meat carcass quality (Articles 65 to 74) were not reviewed in detail as quality is outside of human health food safety concerns are thus not critical to the veterinary domain.

In Article 11 of Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection where it states that animal parts not intended for sale are to be buried, consideration might be given to provision for alternate environmentally acceptable disposition to burial which would differ depending on the size of the slaughter facility. In order to avoid the veterinary inspector having to remain on site while meat unfit for consumption is buried. Provision could be made for other means of destruction, holding the product under seal or visibly denaturing it to prevent sale. This restrictive approach to disposal is addressed in the Draft Veterinary Public Health bill.

Important for food safety is the application of identifying marks to the meat that are visible to the intermediate or final user. Article 12 of Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection indicates the application of stamps by the “expert” (inspector) to reflect grade of meat and that by the local authority to

the date of slaughter but with no indication of official sanitary inspection. Of critical importance in stamping is that the meat has been appropriately inspected for food safety by the VS. The Draft Veterinary Public Health bill covers this requirement of food safety in the veterinary domain by prohibiting the sale of meat without a stamp (Article 75) that includes the words “Inspection Sanitaire” (Article 77). Other stamps are described for species (Article 78) and grade (Article 79). Fraudulent stamps are prohibited with Penal Code sanctions (Article 85). Reference to properly stamped meat is made in Article 92 to 97 which deal with meat marketing fairs (foraines). People can bring in stamped meat from the place of origin or if not stamped, a certificate is required from the inspection service at the point of origin (Article 94). Use of the term “inspection service” is different from AVN defined in the first chapter as being solely responsible for meat certification in Rwanda. If AVN is meant then it should be clearly stated.

Where meat is unfit for human consumption, Article 13 of Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection provides authority for its seizure and ordering destruction of the meat by the slaughterer with assistance by the local security organs. The Draft Veterinary Public Health bill (Article 80) allows for denaturing and destruction but also salvage for rendering which was not permitted in Ministerial Order N° 012. However the reference in Article 81 of the Draft Veterinary Public Health bill that is made to Articles 97 and 99 of the Animal Health Code (“Articles 97 et 99 du Code de Santé Animale”) as having appropriate denaturing procedures is confusing. Presumably this reference is to Law N° 54/2008 of 10/09/2008 Determining the Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda, but there is no provision in that Law for a short title. Article 97 describes the spreading of relevant chemicals on euthanised swine affected by swine vesicular disease prior to burial. Article 99 deals with declaration that swine vesicular disease is over although Article 98 describes spraying animals that have died with relevant chemicals. It is important when drafting legislation to ensure that references to other legislation are accurate.

The Draft Veterinary Public Health bill Article 87 to 91 provides detailed procedures for meat inspection for ruminants, porcines and solepeds (donkeys and horses) which appear to conform to international standards although a side by side comparison was not made. Such procedures might more appropriately be in secondary legislation so that there is flexibility to modify the procedures should meat science determine an updated approach to assessment for meat hygiene. Details of meat inspection procedures were not included in Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection apart from Article 14 which deals only with ante-mortem inspection of imported cattle and remittance of a license. It is not clear whether such a license specifies direct transport of the animals to an abattoir or slaughterhouse which is an important animal health consideration.

Inspection of imported meat is dealt with in Article 16 of Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection and Articles 98 to 107 in the Draft Veterinary Public Health bill. Import certificates can be demanded in Article 98 but that Article does not indicate who is authorised to conduct the inspection.

Presumably it is the AVN. For the first time, the taking of samples for analysis in the National Veterinary Laboratory is mentioned, with meat held pending results of analysis. If satisfactory then it is free to trade, if suspect it is held by the control agent and if not satisfactory, the meat must be denatured or destroyed. Anyone aware of fraudulent action must report it (Article 103). In Article 105 the chemicals used for denaturing are specified (sulfur and 5% cresyl) rather than referring back to Articles 97 and 99 of the “Animal Health Code” as was done in Article 81. It is recommended that the same process is used in all Articles dealing with denaturing in the Draft Veterinary Public Health bill.

As a member of the EAC, according to the viewed draft Harmonised Sanitary Measures For Mammals, Birds and Bees and Their Products, Annex 2 (q) Permit for the Importation of Meat, Meat products and Meat By-products requires all meat products to be labelled with a VS stamp or mark as well as the name of the importer and exporter, town of the slaughterhouse, date of slaughter, sale by date and expiry date and type of animals from which the meat was derived. The Draft Veterinary Public Health bill does not specify all these markings but then not all meat is destined for export. In addition, in the Harmonised Sanitary Measures, there did not appear to be provisions for “bush meat” as described in Article 16 of Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection. It would be good to harmonise the import meat requirements in the current Order and Draft Veterinary Public Health bill with the EAC requirements as Rwanda is a signatory.

Inspection beyond the slaughterhouse in Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection is described as “permanent veterinary monitoring and continuous inspection” (Article 17) which is logistically impossible as written. Article 18 enables inspectors to take samples for submission to laboratories to establish food safety including antimicrobial levels. Consideration should also be given to chemical residues from agrochemicals in feed or access while grazing. It is noted that in Law N° 30/2012 of 01/08/2012 Governing the Use of Agrochemicals, reference is made in Article 2 to protection of human and animal health along with legally permitted maximum residue levels (MRL) and animal growth regulator substances. If residue samples are not taken how does MINAGRI know if MRLs are exceeded?

Analogous meat product inspection and disposition in the event that it is found not fit for human consumption is covered in the Draft Veterinary Public Health bill Articles 108 to 112 for sausages and processed meat, Articles 113 to 117 for pates, Articles 118 to 120 for blood puddings, Articles 121 to 123 for ham, Articles 125 to 126 for salted meat, Articles 126 to 128 dried meat and Articles 129 to 131 for meat extracts and powders. These Articles deal with quality issues like percent gelatine in blood puddings, colour of hams, species whose liver can comprise pates, and percent moisture in extracts or powders. These Articles describe only organoleptic assessment of human health concern characteristics such as spoilage and rancidity and instruct inspectors to seize and either salvage, if only lightly affected, or denature the products. There is no reference in either currently applied Ministerial Orders to microbiological,

chemical or physical standards. All these Articles setting out detailed criteria are better suited for secondary legislation than a primary law.

Considerable quality detail exists in the Draft Veterinary Public Health bill Articles 132 to 165 dealing with hides and skins as Rwanda exports considerably quantities of these animal by-products for which AVN is responsible. Branding (Article 137), treatment for dermestid beetles with 5% solution of sodium arsenic (Article 138) and freedom from contagious diseases (with tuberculosis, anthrax and rabies named in Article 149) are specified in centres of treatment which appear not to require a license. Worker's health and safety concerns are regulated in Article 152 requiring protective clothing and medical visits every six months. These worker health and safety requirements do not align with the division of responsibility communicated to the Team during interviews with MOH and RAB, in which it was indicated that all worker's health fell under MOH.

Notably, the powers given to AVN officers under Article 161 for hides and skins which allow entry to private facilities, unpacking prepared skins during transit, inspecting lots and to make all necessary surveys and audits (*Les agents de l'Autorité Vétérinaire Nationale dûment mandatés sont autorisés à pénétrer dans les installations privées, à saisir les colis pendant le transport, à visiter les lots, à procéder tous sondages et vérifications nécessaires*). Such clearly defined powers are generally lacking in other relevant legislation and for other commodities under AVN inspection. Such powers were observed for inspectors of agrochemicals in Article 2 of Ministerial Order N° 002/11.30 of 15/02/2013 Determining the Powers and Responsibilities of an Inspector of Agrochemicals, including power to enter without a warrant, require information, inspect any agrochemical or label, conduct periodic inspections of establishments, inspect farmers' fields, seize any equipment or consult experts. Thus, a good template exists within MINAGRI for defining inspectors' powers in legislation. Consideration should be given to empower all inspectors within MINAGRI similarly, regardless of the commodity.

There is only one article regarding poultry in Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection. This Article 15 does not specify what "monitor" by "expert inspectors" means in terms of ante- or post-mortem inspection of poultry, whether external examination of live birds or assessing internal organs. It is not clear if poultry is covered in Ministerial Order N° 013 on Transport and Trade of Meat or if their transport and presence in shops outside of the abattoir is regulated. Ministerial Order N° 012, Article 4 states that it applies to "all breeds of domestic animals: cattle, goats, sheep, swine or horses..wild animals...big game". Thus there is conflict within Ministerial Order N°012 as to whether poultry is included. A solution may be to have a definition for meat as including (or not) avian as well as mammalian animals These Ministerial Orders do reference Law N° 54/2008 of 10/09/2008 Determining the Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda, in which 'domestic animal' is defined differently as "all mammals, birds, fish and bees".

The Draft Veterinary Public Health bill Articles 166 to 174 provide more detail but limit the definition of poultry to ducks, geese and chickens. Other species such as

ostrich, guinea fowl, pheasants or other game birds fall outside the definition so are essentially unregulated. Article 167 references 'l'agent contrôleur' which appears to be another synonym for AVN officer. Specific diseases requiring destruction or denaturing include avian tuberculosis, fowlpox, fowl cholera, avian influenza, pasteurellosis, avian brucellosis, salmonellosis and pullorum disease. It is noteworthy that some of the clinical signs used to condemn poultry for the above diseases are not pathognomonic. Birds are declassified if parasitised but can still be sold for human consumption (Article 173).

The Draft Veterinary Public Health bill Articles 188 to 196 deal with canned products of animal origin. Inspection of this commodity relies on bacteriological examination of samples at the National Veterinary Laboratory with product being held for 15 days and released only with a favourable laboratory result (Article 189 and 190). Physical and chemical specifications including rusted, dented or otherwise damaged cans can be sorted if between 4 to 20%, otherwise the entire lot is condemned (Articles 192 and 193). No current legislation in force was provided to the Team on canned goods.

The Draft Veterinary Public Health bill Articles 194 to 196 cover inspection of game meat. It allows selling of small defects such as bruising, light oxidation, surface defrosting (Article 194) but seizure and destruction or denaturing products with putrid odour, excessive moisture, highly defrosted or pathologic signs (Article 195). Tenderizing game is prohibited (Article 196).

The final Articles in the Draft Veterinary Public Health bill deal with covert slaughter. All slaughter outside a licensed slaughterhouse of cattle, sheep, goats, pigs, horses and donkeys is illegal except for personal consumption by the owner and then, only provided that blood drainage is not widespread in the environment (Article 204 and 205) with the same provisions applying to ritual slaughter (Article 206). Any meat so slaughtered is prohibited for sale with reference made to preceding Articles.

Eggs and egg products

Eggs are imported and subject to inspection at the PoE as well as supplied to urban areas by several large nearby farms of 8,000 to 10,000 birds. The latter are not subject to legislation. Ministerial Order N° 003/2007 available only in Kinyarwanda governs poultry in Rwanda. At the time of global concern regarding highly pathogenic avian influenza, import conditions were updated.

The Draft Veterinary Public Health bill Articles 197 to 199 deals with the inspection of eggs with the first Articles addressing quality issues and grading by shell thickness. Seizure and destruction or denaturing is a consequence of embryo development, black spots on the shell or the presence of bacteria harmful to humans. How the latter is determined is not specified.

Dairy products

Of all the foods of animal origin, dairy products had been the subject of the most extensive legislation, with rules for dairy farms through to consumer sale.

However coverage of milk in the Draft Veterinary Public Health bill is weaker than in the currently existing legislation.

The dairy sector contributes 15% to the agricultural GDP and 6% to the gross GDP highlighting its importance to the economy of Rwanda. Regulatory policies support an open and competitive dairy sector. There are 5 dairy sheds ranging from extensive to intensive with zero grazing in Kigali and Gibumbi. There are only 61 MCCs in the country as the alternate milk sector (local sales) takes upwards of 75% of all milk produced. There are 25 processing factories country-wide. A Dairy Quality Assurance laboratory exists funded by USAID which runs 30-80 tests a day on milk quality.

The National Dairy Strategy (April 2013) provides a framework for the future of the dairy industry in Rwanda. While the strategy identifies the involved Ministries, it does not cite their respective legislation. RAB (under MINAGRI) is responsible for research and extension services operating in their 5 zonal offices. RALICS is responsible for safe import and export of agricultural and livestock products including dairy products to and from regional markets. NAEB's mandate has been recently expanded to develop policy and strategies that now include milk and animal product exports. MINICOM focuses on commercial development and domestic trade. RSB within MINICOM is responsible for ensuring that all products on the market are safe to protect the health of the consumer and secondly to promote grades and standards which facilitate trade. MINALOC is responsible for ensuring powers, authority, functions, responsibilities and the requisite resources are transferred from central to local authorities. The role of MOH is on nutrition education and awareness of the nutritional importance of work through Community Health Workers. Of interest is that no mention is made of the role of EHD within MOH in hygiene in milk establishments for processed product in the National Dairy Strategy.

Ordonnance N° 54/179 du 14 Juin 1956, as modified by Ordonnance N° 54/357 du 24 Novembre 1956 and Ordonnance N° 54/124 du 30 Avril 1957, all three of which are made enforceable by Rwanda ORU N° 555/4 dated 3 January 1959 (Annex 5), cover preparation and trade of products and by-products of the dairy industry, margarine and fats. These laws also cover the sale of goat milk or milk derived from other species. Pasteurisation is defined as well as other means of preserving milk such as sterilisation and boiling (condensed, evaporated milk, powdered milk etc.). The presence of harmful microbial contamination is prohibited but no thresholds or standards are referenced. Milk from animals affected by tuberculosis, rabies CBPP, anthrax, FMD, brucellosis and gangrenous septicaemia (blackleg) are specifically prohibited. Adulteration of milk is prohibited.

Inspectors are appointed under Article 39 of Ordonnance N° 54/179 du 14 Juin 1956 to take samples. Reference is made to food laws from 1910 and 1911 which govern hygiene of the product. Establishments engaged in the processing or sale of dairy products are required to be specifically identified and licensed by the Minister responsible for livestock production (Article 30). Retention of the license is subject to prescribed conditions and may be suspended by an

inspector appointed under Article 39. Under Article 34, the Director of the Veterinary Laboratory is responsible for analysing samples for bacteriology or water with frequency determined as necessary by the Head of VS or medical authority or the dairy inspector (risk-based). Article 34 also governs the cleanliness of personnel in the establishment, their equipment and provision of toilets in a plan of the establishment approved by a government doctor. Milk may not be transported during the heat of the day or in any case no more than 2 hours prior to arrival at a collection point (MCC) where it is filtered and kept in an apparatus approved by the MINAGRI. Veterinary doctors as well as those specially designated as milk inspectors by the Minister responsible for livestock production are to inspect all establishments in the milk supply chain. Article 29 allows government doctors to take any measures they deem necessary for public health vis-à-vis all dairy plants. Ordonnance Legislative N° 280/Vét. du 29 Septembre 1945 primarily deals with the import quality of butter as well as quality classification of domestic butter.

The most recent piece of legislation provided to the Team was the Draft Ministerial Instructions No.../2013 of/...../2013 Regulating the Milk Handling, Collection, Transportation and Selling. The definitions in these Ministerial Instructions suffer from excessive, specific detail. For example, milk is defined as “is the integral product of a complete and uninterrupted milking of a dairy cow which is healthy, well fed and not overexploited, properly and sanitarly extracted at least 30 days before calving and at least seven (7) days after calving”. How milking can be verified to be “uninterrupted” and how assessments of “health”, nutritional status, exploitation status and “sanitary” status during milking can be reliably and objectively performed are not at all clear and introduce considerable uncertainty. The OIE definition of milk as “the normal mammary secretion of milking animals obtained from one or more milkings without either addition to it or extraction from it” could be considered. The OIE definitions have been adopted by the EAC for harmonised trade.

Quality specifications are given as requirements for commercial milk in Article 3 of the new Draft Ministerial Instructions Regulating the Milk Handling, Collection, Transportation and Selling. The diseases specified in Law N° 54/124 of 30 April 1957 are repeated. It also prohibits selling of milk adulterated by poisons such as pesticides or antibiotic residues before the end of the withdrawal period in Article 4. Prescribed instructions exist for milk collection including the milker washing his/her hands with soap or detergent and udder washing with potable warm water. Again specific detailed provisions are given for the transport of milk within 2 hours to a MCC (“in a covered stainless steel milk can”). This prescribed legal requirement would prohibit transport in a more modern piece of equipment other than stainless steel milk cans unless the law was amended by Parliament.

Milk can only be sold from an approved MCC (Article 7) which have building and equipment standards elaborated in Law N° 54/124 of 30 April/1957. In terms of food safety, all milk is tested for temperature, antibiotic residues and mastitis (California Mastitis Test). MCCs are managed by the Cooperative Executive Committee of supplying farmers. MCC staff need to have good body hygiene and

possess a health certificate attesting freedom from contagious diseases. All MCCs are required to have a veterinary technician with secondary level of education. Milk is transported from MCC in milk cans to milk processing plants in under 2 hours or subject to refrigeration during transport. Annexes cover the requirements for milk kiosks and their inspection (in Kinyarwanda).

The Draft Veterinary Public Health bill Articles 200 to 203 deal with milk. It uses the same definition of milk as in Ordonnance N° 54/179 du 14 Juin 1956 (Article 200) with the same deficiencies noted above. The proposed regulatory action of milk not meeting the definition is that it may be seized and destroyed (Article 201). Requirements for equipment to be kept clean and protection of milk from sunshine and dust (Article 202) are at a much more generalised level than in the Ministerial Instructions or previous Ordonnance N° 54/179 of 14 Juin 1956. This would be all right if provision existed in the Draft Veterinary Public Health bill for the Minister to make subordinate legislation which is not the case. Restrictions on milk handlers are given in Article 203 such that no one can manipulate or contaminate milk if he is a carrier of germs or contagious disease. There are no restrictions concerning diseased cows, pasteurisation or refrigeration requirements such as were included in Ordonnance N° 54/179 of 14 Juin 1956. The Team's assessment is that this section of the Draft Veterinary Public Health bill either needs to be more specific, particularly requiring pasteurization, or the material from the previous Ordonnance N° 54/179 of 14 Juin 1956 need to be incorporated into other legislation in which case, all milk related inspection might best be kept together.

Aquaculture and Honey

Reflecting the concept of the land being part of the public domain (Law N°08/2005), Rwanda recognised the analogous importance of water and passed Law N° 58/2008 Determining the Organisation and Management of Aquaculture and Fishing in Rwanda, to conserve and manage an industry supplying protein to the country. Priority was given to passing legislation governing aquaculture, as it was expanding indiscriminately. This primary law was supported in 2010 by: Ministerial Order N° 006/11.30 of 18/11/2010 Determining the Form and Content of the Aquaculture and Fishing Concession Contract; Ministerial Order N° 007/11.30 of 18/11/2010 Determining the Requirements for Issuance of Fishing License and its Period of Validity; Ministerial Order N° 010/11.30 of 18/11/2010 Determining Aquaculture and Fishing Zones; and, Ministerial Order N° 011/11.30 of 18/11/2010 on the Importation, Marketing and Distribution Modalities of Aquaculture and Fisheries Products, Equipment and Materials.

Recently Law N° 25/2013 of 10/05/2013 Determining the Organisation and Functioning of Beekeeping in Rwanda (the Beekeeping Law) was passed to regulate honey production. Hygiene is generically covered in Article 12, toxic substances in Article 13 and harvesting in Article 14 with provision for further details in Ministerial Orders and Instructions including enforcement.

The Draft Veterinary Public Health bill Articles 175 to 187 cover fish inspection for human consumption. Fish from effluent filled streams are prohibited from human consumption (Article 176). Organoleptic criteria for spoiled fish are described with

the regulatory action of seizure and destruction or denaturing. Tuberculosis, septicaemia, typhus and other diseases are causes for destruction as are heavily parasitised fish, fish with tumours and those dead in the water (Articles 177 to 180). Fish with delimited tumours, deformed or altered colour are declassified and sold (Article 181). Processed fish including dried, salted or smoked affected with a condition known as “red” can be traded if their colour is light but if the “red” has penetrated the flesh then they are destroyed (Article 182). Frozen, salted, dried or smoked fish that are old or discoloured are declassified and sold as is, mentioning the deficiency (Article 183 and 184). Thawed previously frozen fish are destroyed as are those with diverse putrefaction or excessive moisture (Articles 185 to 187).

Law N° 25/2013 (the Beekeeping Law) deals with honey production and placement of hives. It provides for the Minister to issue Instructions regarding standards for the raising of bees (Article 6) and honey harvesting equipment (Article 14) as well as Ministerial Orders for hygiene (Article 12) and toxic substances (Article 13) referring to agrochemicals legislation. “Bee service” inspection is referred to in Article 7 if hives are placed contrary to the relevant standard determined by the Minister and Article 15 ordering destruction of a colony of bees but there are no articles appointing inspectors or giving them powers. Beekeepers are required to have a certificate and have it withdrawn if provisions in Law N° 25/2013 (the Beekeeping Law) are contravened as per Instructions of the Minister. Article 17 gives the right to appeal a decision under Article 15 (ordering destruction) or Article 16 Issuance or withdrawal of certificate to practise beekeeping. Hygienic requirements are visual and there is no reference to food safety standards (Codex Alimentarius). Apart from the latter, this law is well drafted and enables detail to be the subject of secondary legislation. Notable is that Law N° 25/2013 the Beekeeping Law) references 26 Juillet 1910 Decree-Law relating to the manufacture and trade in foodstuffs (DECRET Fabrication et commerce de denrées alimentaires) reflecting the longstanding nature of that piece of legislation.

Animal Feed

The only existing law governing manufacture and sale of animal feed is 1953 Ordonnance N° 41/361 under the Codes et Loi du Rwanda exists which requires that feed be wholesome and of good quality and not contain additional water or other adulteration. By products of vegetable oil production if used to feed animals cannot have water or mineral material exceeding that in a table provided in the law. Unlike the 1910 Decree-Law above, MINAGRI staff did not refer to this law and it is not known whether it is currently applied. No other legislation exists with regards to animal feed apart from provisions regarding maximum residue levels in Law N° 30/2012 of 01/08/2012 Governing the Use of Agrochemicals and guidelines for concentrated feed developed at the time of the VLSP mission when a new feed concentrate plant opened (Annex 6).

Conclusions and recommendations on safeguarding the food production chain

With respect to OIE Chapter 3.4 on Veterinary legislation, the current food of animal origin legislation does not fully cover all of the requirements contrary to

what was indicated by the VS in answering “yes” in Questionnaire Part II Section 8 (Annex 7b). While this may reflect field practise, specifications in legislation were not observed for:

- Controls over all stages of production, processing and distribution of food of animal origin (all have partial coverage with meat the least control, milk laws somewhat and honey as well as aquaculture most controlled);
- Recording significant animal and public health events during primary production (meat /milk list some disease restrictions at the time of slaughter/milking respectively but no primary production records required);
- Operators having primary responsibility for food safety including traceability (not mentioned);
- Compliance with food standards relevant to human health or safety (may be present but legislation not provided although requested of RSB);
- Inspection of premises (none other than butcher shops and licensed slaughter establishments for meat and not for transport of milk);
- Recall provisions from the marketplace of products hazardous for human or animal health (not mentioned);
- Inspection or audit of facilities (generally authority to inspect is present but appointment and powers of inspectors are variable);
- Health identification visible to the intermediary/final user (stamps are legislated for meat but no markings for milk or other commodities);
- Powers for rapid withdrawal of products in the food chain (not mentioned).

Legislation relevant to the supply and safety of food is currently fragmented and there is a need for more coordination between the Ministries involved and particularly, the establishment of an effective chain of command to deal with food-borne illness and risks to human health. Whether this is orchestrated by the CCC of the Five Year One Health Strategic Plan or through the as yet unimplemented Law N°74/2013 (the RFMA Law) that has the potential to be the overarching legislation for the food continuum or another means, such as a high level inter-Ministerial agreement or MOU, must to be decided by the government of Rwanda. Food emergencies need a short chain-of-command with clearly defined and integrated roles and responsibilities.

Like many Rwandan laws in the veterinary domain, the RAB food safety laws, including the Draft Veterinary Public Health bill are a mixture of legal requirements, policy and standard operating procedures (SOPs). The concept of a hierarchy of statutory instruments to address food of animal origin needs to be clarified and implemented to ensure a practical legal foundation for food safety of products of animal origin. Some of the MOH laws are over 100 years old and while valid, a comprehensive overarching framework is desirable. In Law N° 47/2012 of 14/01/2013 Relating to the Regulation and Inspection of Food and Pharmaceutical Products, only the first 11 Articles relate to food while the remaining 41 deal with pharmaceuticals. These 11 Articles are highly generic

requiring the creation of secondary legislation in the form of Ministerial Orders for their implementation. Because of the nature of the Law, this is exclusively the Minister of Health. In its current form it replicates some MINAGRI legislation dealing with food of animal origin in the human food chain. Mandates of the three policy-setting Ministries need to be clarified. All deal with food safety but from various mandates.

Many but not all of the deficiencies in Ministerial Order N° 012 on Animal Slaughtering, Meat Inspection and N° 013 on Transport and Trade of Meat have been corrected in the Draft Veterinary Public Health bill, yet there is still considerable legal drafting required.

One issue is the legal implication of renaming the VS as AVN in the first chapter when the current organisational chart for the VS as part of RAB is already a Law, namely Law N° 38/2010 of 25/11/2010 Establishing Rwanda Agriculture Board (RAB) and Determining its Responsibilities, Organisation and Functioning. Is an amendment possible or would the entire Law N°38/2010 be rescinded and re-enacted?

The current Ministerial Orders and the draft Veterinary Public Health bill use many synonyms for veterinary inspection including district veterinary staff, expert meat inspector, expert inspector, expert, inspector, veterinary surgeon, veterinary doctor, veterinary abattoir inspector (Vétérinaire Inspecteur de l'abattoir) sanitary inspection, agent in control (l'agent contrôleur), abattoir veterinarian (le vétérinaire de l'abattoir) or agent/officer of AVN (un agent de l'Autorité Vétérinaire National). This same lack of precision extends to health authorities, Board of Health, doctor, Human Health Services (Services de Santé Humaine), health services (Service de Santé). Synonyms are inappropriate for legal drafting where individual words are associated with unique meanings and consequent legal actions. Greater consistency, precision and clarity are needed.

Some definitions are lacking. For example, the distinction of disease versus contagious disease which may have different consequent legal action but the terms are not defined in the Draft Veterinary Public Health bill. For other terms, there are too many definitions. For example "animal" is defined differently in Law N° 47/2012 Relating to the Regulation and Inspection of Food and Pharmaceutical Products, Law N° 54/2008 (the Animal Disease Control Law) and The East African Community Harmonised Sanitary Measures for Mammals, Birds and Bees and Their Products. Related legislation should be consistent, especially in technical terminology which is a joint responsibility of legislative drafters and designated veterinarians.

There are also issues where definitions have too specific or inappropriate wording. For example, the definition of milk which includes nutritional and exploitation status of the cow as described above. Logic (or perhaps only poor wording) issues exist as well, for example, the use of the phrase "permanent veterinary monitoring and continuous inspection". Is such inspection by a veterinarian operational 24 hours a day, 7 days a week? There are many such examples in Rwanda's laws where greater attention to details would produce better quality legislation.

Another concern relates to the issue of drafters spelling out the means for achieving a specific desired outcome rather than identifying and requiring the specific outcome itself. As technology changes, the means to achieving outcomes will also change over time though the expected outcome itself is more likely to remain the same.

There is no reference in both currently applied Ministerial Orders N° 012 on Animal Slaughtering, Meat Inspection and N° 013 on Transport and Trade of Meat or in the Draft Veterinary Public Health bill to microbiological, chemical or physical standards. All assessments are organoleptic or for only a few specific meat products referenced to satisfactory laboratory results from the National Veterinary Laboratory. It is understood that RSB and MOH deal with processed meat products while jurisdiction for raw food of animal origin rests with MINAGRI. But standards for raw food such as meat, eggs and milk exist in Codex Alimentarius and should be reflected in MINAGRI food laws.

The Draft Veterinary Public Health bill requires greater clarity of authorities, obligations and sanctions. Currently these are within each chapter for each commodity but revising the structure of the bill would allow powers of inspectors to be consistent across all animal products and by-products. Revising the bill to include the authority to make secondary legislation could remove for example, much of the detail on the grading of meats as well as grading and packaging of hides and skins.

5. Overall mission conclusions

The senior staff and management of the VS in Rwanda demonstrate a strong professional commitment to the continued improvement of the quality and performance of the Rwandan Veterinary Services. Rwanda has been actively engaged in OIE PVS Pathway activities and the VS leadership has taken seriously the recommendations of both the OIE PVS Evaluation mission of 2008 and the OIE PVS Gap Analysis mission of 2010 and acted decisively on those recommendations. Nowhere is this more apparent than in the drafting and enactment of new legislation in the veterinary domain that reflects the national priorities and objectives for animal health and production set forth in the Gap Analysis report. The VS has an admirable history of identifying and acknowledging problems and actively seeking solutions.

Furthermore, there is a strong recognition within the VS of the importance of legislation as a foundation of good governance in the veterinary domain and a genuine enthusiasm for developing new legislation. There is also a strong tradition of engaging stakeholders in decision making in the VS, including consultation with stakeholders during the development of legislation.

Despite these strengths, the quality of the veterinary legislation produced in Rwanda in recent years is not consistent with international standards. The OIE Team noted serious problems in regard to both internal and external quality. Internal quality refers to the precision with which legislation has been drafted and its compliance with legal principles and the legal system in place. External quality which refers to whether or not the legislation will have its intended effect when it is implemented and whether or not it even can be implemented.

A key concern for the OIE Team relates to local perceptions regarding the hierarchy of legislation, defined in Chapter 3.4 of the OIE Terrestrial Animal Health Code as “the ranking of the legal instruments as prescribed under the fundamental law (e.g. the constitution) of a country. Respect for the hierarchy means that each legal instrument must comply with higher order legal instruments.” However, there appears to be a prevailing view, at least within the veterinary sector in Rwanda, that secondary legislation, in the form of Ministerial Orders, does not carry the weight of law. As one interlocutor put it during the mission “We have to develop our orders into laws in order to strengthen them.” Yet in reality, secondary legislation is as effective and enforceable as primary legislation; it just serves different purposes.

As a result of this prevailing view, there is a tendency for those preparing legal texts to put too many activity-related provisions into the primary laws. This makes the laws too long and cumbersome, difficult to pass in Parliament or amend easily and difficult for stakeholders to understand. At the same time, despite their length, these laws fail to sufficiently identify Competent Authorities or to precisely elucidate their powers to act, which should be the principal focus of the primary laws.

This situation is well illustrated in relation to the Law N° 54/2008 (the Animal Disease Control Law). Instead of including a provision which authorises the Minister of Agriculture and Animal Resources to develop disease control plans for diseases of interest, the law itself includes disease control plans for over 29 specific diseases. At the same time, those disease control plans describe the use of various interventions by veterinary authorities without ever explicitly granting the power for the veterinary authorities to use such interventions, such as sample

taking, entering premises, or restriction of movement of animals, which may infringe on the privacy and property rights of citizens as expressed in the Rwandan Constitution.

Contributing to this situation is the fact that lawyers have played little or no role in the initial drafting and formulation of veterinary laws within MINAGRI. There is a legal counsel working within the Rwanda Agriculture Board, which includes the VS, but that lawyer has minimal participate in preparation of draft bills. Once draft bills have been taken up by the Agricultural Commission in the Chamber of Deputies of Parliament, they are reviewed by legal drafters working for Parliament, but examination by the OIE Team of laws that have been passed by the Parliament suggests that these reviews by legal drafters are not resulting in veterinary legislation of high quality.

Recently, in recognition of the need for higher quality legal drafting in the country, the Ministry of Justice has created the LRC and has begun to train graduate lawyers for a Diploma in Legislative Drafting offered by the Institute for Legal Professional Development in Nyanza, Rwanda in order to increase the number of legislative drafters available within the government. The ultimate goal is that the drafters will prepare legislation for all Ministries based on policy papers and dossiers submitted for specific pieces of legislation. The legal drafters will be primarily responsible to prepare the bills, with technical inputs from relevant Ministry personnel. As the LRC and the training of legal drafters are recent initiatives, the VS have not yet availed themselves of this process but it is a recommendation of the Team that they engage this process as soon as is practical.

A second key concern is translation of legal texts. Rwanda now has three official languages, Kinyarwanda, French and English. As Rwanda has joined the East African Community (EAC) and looks increasingly towards English speaking partners in trade and development, the accuracy of its legal texts in English grows increasingly important. However, at present, it appears that almost no texts are being developed originally in English, but rather are developed in Kinyarwanda or French and then translated into English. These translations are neither adequate nor accurate and consideration must be given to either simultaneous drafting of new laws in all three languages or to substantially improving the quality of the English texts from the language in which they are originally drafted. As it stands, poor English translations undermine the credibility of the law and result in legal uncertainty.

A third concern noted by the OIE Team is that there is no evidence that impact evaluations are considered when legislation is drafted. In several cases, the Team noted that new legislation created obligations for the Veterinary Services or the Rwanda Council of Veterinary Doctors for which sufficient personal or financial resources were not available. Similarly, new laws sometimes imposed consequences on stakeholders which were unintended, particularly since the laws did not utilise transitional clauses to allow sufficient time for stakeholders to comply with new legislation.

A fourth major concern had to do with the identification of Competent Authorities. With regard to the control of veterinary medicines and biologicals and the regulation of some steps along the human food production chain, there is ambiguity with regard to identification of the agencies in charge and in some cases the laws currently in effect contradict each other as to the identification of the Competent Authority. In the case of the regulation of veterinary medicines and biologicals, MINAGRI and MOH appear to have overlapping authorities. In the human food production chain, MINAGRI, MOH and MINICOM, through the Rwanda Standards Board have overlapping authorities. While it appeared that informal

communication between these different entities was good, at least at the inspectional level, there was no evidence of formal mechanisms for communication and coordination of regulatory efforts and control at the Ministerial levels, which should be in place in anticipation of emergency situations where informal communication may not be sufficient.

Similarly, the OIE Team had concerns about formal arrangements for the control of animal diseases in the country, which has a decentralised system of government. The central veterinary service in Kigali depends on district based veterinary officers, who work through District Mayors, to carry out disease control programs and to respond in animal disease emergencies. The Team was assured that the arrangement worked well and that communications between the centre and the districts were adequate to ensure adequate response, but the Team was not able to see any legal texts which formalised this arrangement for the chain of command.

Another concern is the inclusion in the Penal Code of criminal sanctions with respect to laws in the veterinary domain. Laws in the veterinary domain are regulatory and create quasi-criminal or strict liability offences. It is easier to gain conviction for a strict-liability offence than a criminal offence, as the prosecution only needs to prove *actus reus* (the act), albeit beyond a reasonable doubt. With the inclusion of regulatory offences in the Penal Code, the prosecution may have to prove both *mens rea* (intent) and *actus reus* (the act), making the work of the prosecutor quite onerous. Furthermore, the inclusion of these provisions in the Penal Code would require constant amendments to the Code as new legislation is enacted. The Team believes that penal provisions associated with veterinary legislation should be embodied in the veterinary legislation itself and that administrative sanctions such as ticketing or forfeiture be included in the veterinary legislation.

Additional concerns related to the general quality of legal texts. Among the problems identified were the inadequate use of definitions, lack of consistency in the use of repeated terms, use of unnecessary words, use of the passive voice when the active voice is indicated to clearly identify responsible actors, and the general practice, at the end of each piece of legislation to announce the repeal of prior contrary legal provisions, without specifying what they are. This latter practice contributes significantly to a lack of legal clarity.

6. Overall mission recommendations

Based on these conclusions, the OIE Team makes the following recommendations.

Veterinary staff in RAB should receive some basic training in the principles of legislative drafting so as to gain a better appreciation of the role of lawyers in the drafting process and so as to be able to communicate with those lawyers effectively to achieve the common goal of developing high quality veterinary legislation.

Each law should include an official short title which can be used to easily and consistently identify the law in written and oral communication. For example, Rwanda Law N° 54/2008 could be referred to and recognised as the Animal Disease Control Law instead of having to refer to it as Rwanda Law N° 54/2008 Determining the Prevention and Fight against Contagious Diseases for Domestic Animals in Rwanda.

All legislation in the veterinary domain needs to be reviewed with an eye towards achieving consistency in definitions of key terms (e.g., definition of 'animal') and the consistent use of terminology between and even within various pieces of legislation. For example, the current Ministerial Orders and the draft Veterinary Public Health bill use many synonyms for veterinary inspection including district veterinary staff, expert meat inspector, expert inspector, expert, inspector, veterinary surgeon, veterinary doctor, veterinary abattoir inspector (Vétérinaire Inspecteur de l'abattoir) sanitary inspection, agent in control (l'agent contrôleur), abattoir veterinarian (le vétérinaire de l'abattoir) or agent/officer of AVN (un agent de l'Autorité Vétérinaire National). If these different terms represent different positions, then each needs to be defined. If they represent different names for the same position, then the name(s) need to be standardised to avoid confusion.

Rather than moving the current Veterinary Public Health bill forward to Parliament in its current form, RAB should begin the drafting process anew according to the procedures now available through the LRC. RAB should benefit from developing a strong working relationship with the LRC at this early stage in its development.

The current Animal Disease Control Law (Law N° 54/2008) should be replaced with a new law and accompanying Ministerial Orders such that the primary law clearly identifies the Competent Authority for disease control and explicitly identifies the powers of that Authority to effectively undertake disease control that clearly identifies the Competent Authorities while the secondary law identifies the activities involved in effectively controlling the various diseases of concern to the nation.

The law establishing the Rwanda Council of Veterinary Doctors should be amended to specifically establish the power of the Council to regulate the veterinary para-professions in Rwanda and to specifically state that veterinary professionals and para-professionals employed by government must register with the Council, if it is established that existing civil service law does not already adequately provide for regulation of their professional behavior

Closer attention must be paid to the quality of English used in legislation. Ideally, new legislation would be drafted simultaneously in the three official languages by a Team of drafters collectively proficient in all the official languages. At present, this is likely beyond the financial and human resource capacities of the Legal Reform Commission. At the least, more professional translation services need to be engaged for translation into English of laws initially drafted in Kinyarwanda or French and it must be assured that the translators are

familiar with technical terminology in the veterinary domain. Whenever possible, the official Manuals and Codes of the OIE, which are available in both French and English, should be used to ensure the equivalency of terms translated into English from the French.

Finally, efforts need to be made to establish formal coordination between ministries with shared responsibility for different aspects of the veterinary domain, notably in the area of food safety and for the regulation of veterinary medicines and biological.

7. Evaluation of capacity to undertake future work on legislation

There is a genuine awareness within the Rwanda VS of the need for quality veterinary legislation to serve as the basis for effective operations and good governance. Reflecting this awareness, there have been considerable efforts undertaken in recent years, starting around 2008, to produce new legislation relative to various aspects of the veterinary domain, notably animal disease control, regulation of the professions and control of veterinary drugs and biologicals. Unfortunately, the quality of this legislation does not meet international standards and in fact, often does not provide, with necessary clarity, the authorities and powers necessary for proper regulation of the veterinary domain. One reason for this is the fact that lawyers are minimally involved in the initial preparation of draft legislation. The legislation therefore suffers from a lack of internal quality which undermines its overall effectiveness. Then, after draft bills have been forwarded to Parliament, legal drafters working with Parliament review and revise the bills with the intention of improving internal quality. However, evaluation by the OIE Team of recently adopted laws indicates that the laws remain seriously flawed even after these reviews. It is not clear if this reflects an excessive workload for Parliament's legal drafters, a lack of training and expertise among these legal drafters, or both. Regardless, at present Rwanda does not seem to have the resources in place to produce veterinary legislation with sufficient internal and external quality to meet international standards or allow for effective governance of the veterinary domain.

During the mission, the OIE Team learned that the Rwandan government clearly recognises these deficiencies in the preparation of legislation and has begun to address the problem by establishing the LRC in MINIJUST and by initiating a programme to train graduate lawyers for a Diploma in Legislative Drafting offered by the Institute for Legal Professional Development in Nyanza, Rwanda. The intention, as explained to the OIE Team by the Director of the LRC, is to improve the professional capabilities of legal drafters and expand their numbers in the LRC. Going forward, it is expected that Ministries will no longer develop initial drafts of legislation, but rather will submit policy documents and dossiers related to desired legislation to the LRC and that the legal drafters will prepare the initial legislative drafts based on the information provided, in consultation with the relevant technical staff from the originating Ministry.

To date, this programme, though promising, remains new and largely unproven. Clearly, the VS need greater access to lawyers to improve the drafting of new veterinary legislation as well as amending existing legislation. Access could be obtained in a number of ways, including the hiring of legal consultants or the recruitment of additional lawyers into MINAGRI and/or the RAB. But since the government has clearly indicated a preference for centralising legislation development through the LRC, this is likely the route that the VS will follow. It now remains for the VS to establish a working relationship with the LRC and demonstrate that quality legislation can emerge from this process. At present, a draft Veterinary Public Health bill has been prepared by the VS with little or no legal input. It would be a good starting point to initiate contact with the LRC and begin anew on the development of the Veterinary Public Health bill.

Also as recommended above, Veterinary staff in RAB should receive some basic training in the principles of legislative drafting so as to gain a better appreciation of the role of lawyers in

the drafting process and so as to be able to communicate with those lawyers effectively to achieve the common goal of developing high quality veterinary legislation.

Acknowledgements

The OIE Team would like to thank the OIE Delegate for Rwanda, Dr Theogen Rutagwenda for his decision to request this OIE Mission and for his hospitality and cooperation during the mission. The Team also wants to express special appreciation to our mission contact person, Dr Isidore Gafarasi Mapendo, for his excellent support and coordination efforts before and during the Mission. Finally, the Team offers a big vote of thanks to all the various individuals who gave freely of their time to meet with us to share information and exchange ideas during the Mission.

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Annex 7. PowerPoint presentation given at opening meeting of mission

Annex 8. PowerPoint presentation given at closing meeting of mission

Annex 1. List of acronyms and abbreviations used in the report

AIDS	Acquired Immunodeficiency Syndrome
ASF	African swine fever
AVN	Autorité Vétérinaire Nationale (National Veterinary Authority)
CBPP	Contagious bovine pleuropneumonia
CCC	Country Coordinating Committee
DRC	Democratic Republic of the Congo
EAC	East African Community
EDPRS	Economic Development Poverty Reduction Strategy
EHD	Environmental Health and Hygiene Desk
FMD	Foot and mouth disease
LRC	Law Reform Commission
MCC	Milk collection centre
MINAFFET	Ministry of Foreign Affairs and Cooperation
MINAGRI	Ministry of Agriculture and Animal Resources
MINALOC	Ministry of Local Government
MINEAC	Ministry of East African Community
MINEDUC	Ministry of Education
MINICOM	Ministry of Trade and Industry (Commerce)
MINIRENA	Ministry of Natural Resources
MINITER	Ministry of Internal Security
MINOTRA	Ministry of Public Services and Labour
MOH	Ministry of Health
MRL	Maximum residue levels
NAEB	National Agricultural Export Development Board
NGO	Non-governmental organisation
NICA	National Standards Inspectorate

OIE	World Organisation for Animal Health
PoE	Ports of entry
PPR	Peste des petits ruminants
PSTA	Strategic Plan for the Transformation of Agriculture in Rwanda
RAB	Rwanda Agriculture Board
RALICS	Rwanda Agriculture and Livestock Inspection and Certification Services
RARDA	Rwanda Animal Resources Development Authority
RDB	Rwanda Development Board
REMA	Rwanda Environment Management Authority
RFMA	Rwanda Food and Medicines Authority
RNDB	Rwanda National Dairy Board
RNRA	Rwanda Natural Resources Authority
RSB	Rwanda Standards Board
RVF	Rift Valley fever
SPS	Sanitary and phytosanitary measures
VS	Veterinary Services
WTO	World Trade Organisation

Annex 2. Correspondence between OIE and the country





Organisation
Mondiale
de la Santé
Animale

World
Organisation
for Animal
Health

Organización
Mundial
de Sanidad
Animal



The Director General

Our Ref.: 14.058 FC/MC

26 February 2014

Dr Theogen Rutagwenda
Vice-President of the OIE Regional Commission for Africa
Director
Rwanda Ministry of Agriculture and Animal Resources
Rwanda Animal Resources Development Authority (RARDA)
PO Box 621
Kigali
RWANDA

OIE Veterinary Legislation Identification Mission

Dear Delegate,

I refer to the letter dated 7 May 2013 in which you requested the OIE to conduct a Veterinary Legislation mission. I am pleased to propose a team of technical experts certified by the OIE, comprising Dr David Sherman as Team Leader, Dr Dorothy Geale as Technical Expert, and Ms Gloria Mintah as Observer, to undertake this mission. The proposed dates for the mission would be 2 to 6 June 2014.

The aim of this mission will be to i) evaluate your veterinary legislation and its compliance with Chapter 3.4 on Veterinary Legislation of the OIE Terrestrial Animal Health Code; ii) support the preparation of your national priorities in terms of veterinary legislation; iii) identify the available human resources; and iv) propose a comprehensive plan to modernise your veterinary legislation.

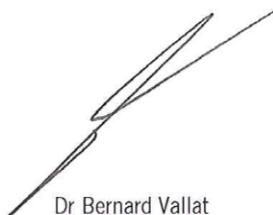
For further information on the Veterinary Legislation Support Programme (VLSP), I recommend that you consult the OIE website <http://www.oie.int/en/support-to-oie-members/veterinary-legislation/> which also includes a link to Chapter 3.4.

International travel costs, per diem allowances (to cover hotel and other accommodation costs and meals) and remuneration of the OIE experts that will participate in this mission will be covered by the OIE. However, it is expected that your government will take care of the expenses related to local travels, logistical support to the experts, the cost of the participation of the local team from your services, and any other expenses deemed appropriate to support the mission.

I would appreciate if you could confirm your official acceptance of the proposed experts and dates for the mission. Additionally, please designate a contact person who will collaborate with Dr Sherman to organise the mission and to provide him, beforehand, with the requested documents to ensure the appropriate preparation of the evaluation and to guarantee the quality of the results.

Should this proposal be acceptable, please provide a personalised invitation letter to the experts. This is intended to facilitate the visa issuing process and other procedures.

Yours sincerely,



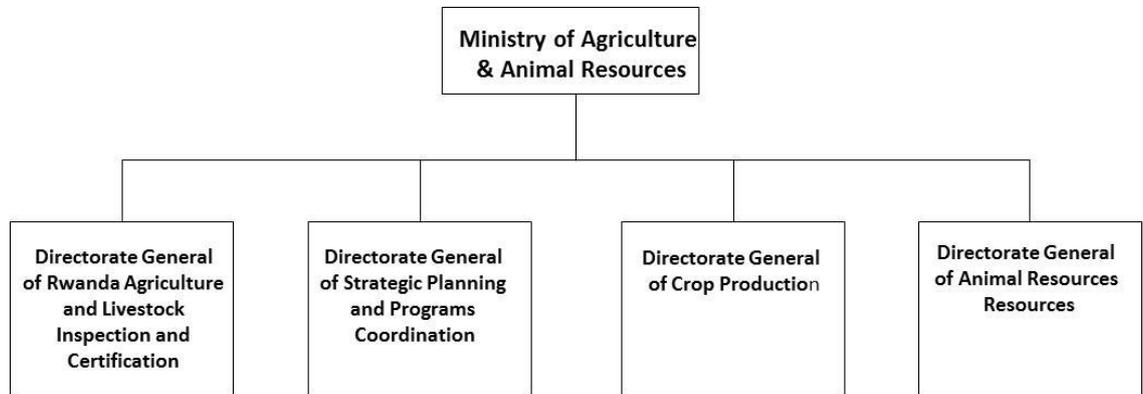
Dr Bernard Vallat

CC:

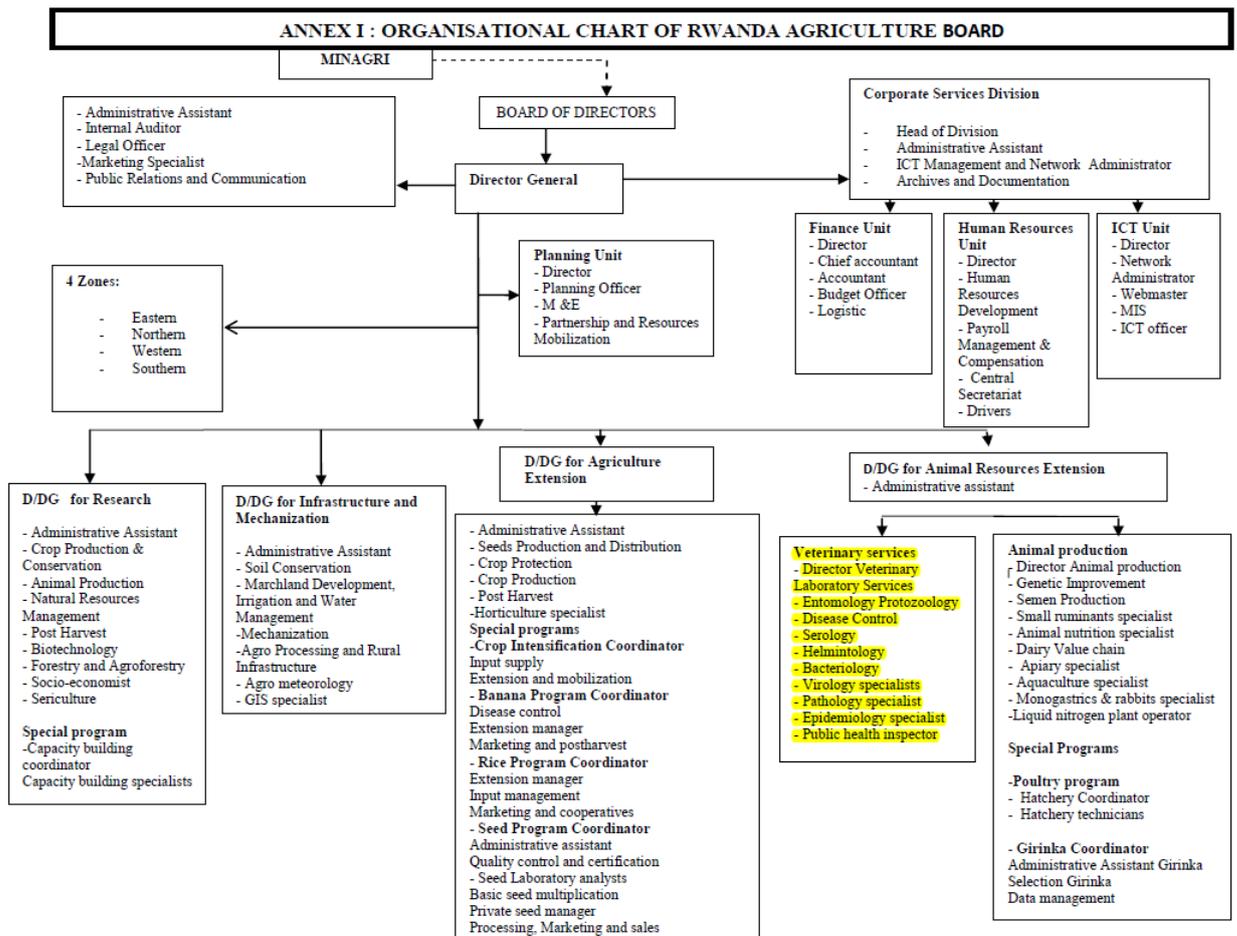
- Dr M. Eloit, Deputy Director General;
- Dr A. Dehove, Coordinator of the World Animal Health and Welfare Fund;
- Dr F. Caya, Head of the Regional Activities Dept;
- Dr D. Chaisemartin, Head of the Administrative, Logistic and Publication Dept;
- Dr D. Belton, Head of the International Trade Dept;
- Dr D. Sherman, Coordinator for the Veterinary Legislation Programme;
- Dr Y. Samake, OIE Regional Representative for Africa;
- Dr W. Masiga, OIE Sub-Regional Representative for Eastern Africa and the Horn of Africa.

Annex 3. Organograms of the Veterinary Services and Related Authorities

3.1 Ministry of Agriculture and Animal Resources (MINAGRI)



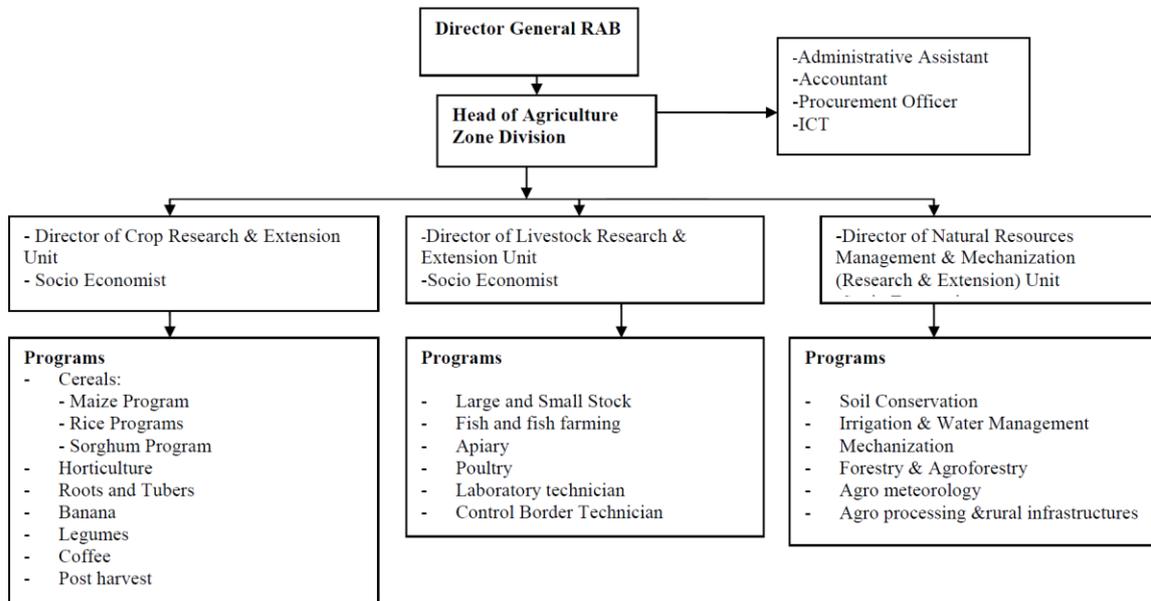
3.2 Rwanda Agriculture Board - Central



3.3 Rwanda Agriculture Board - Regional

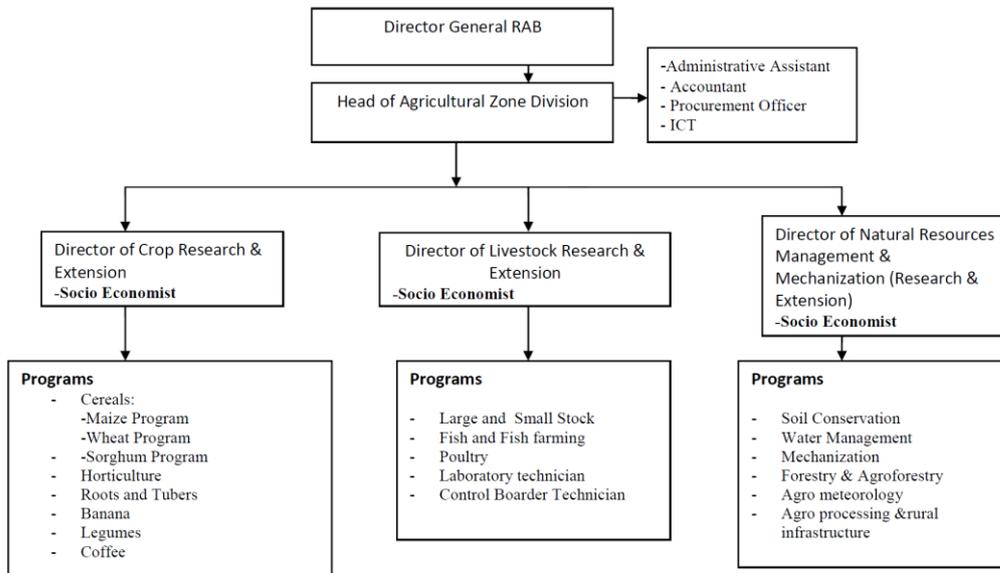
3.3.1 Eastern Agricultural Region

ORGANIZATIONAL CHART OF EASTERN AGRICULTURAL ZONE



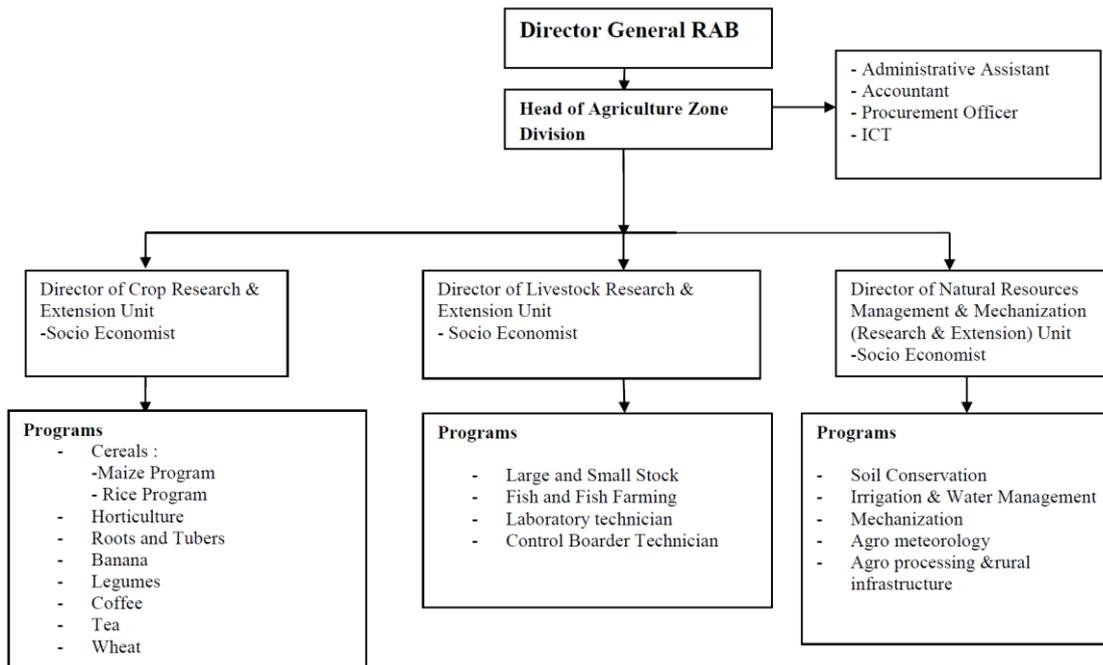
3.3.2 Northern Agricultural Region

ORGANIZATIONAL CHART OF NORTHERN AGRICULTURAL ZONE



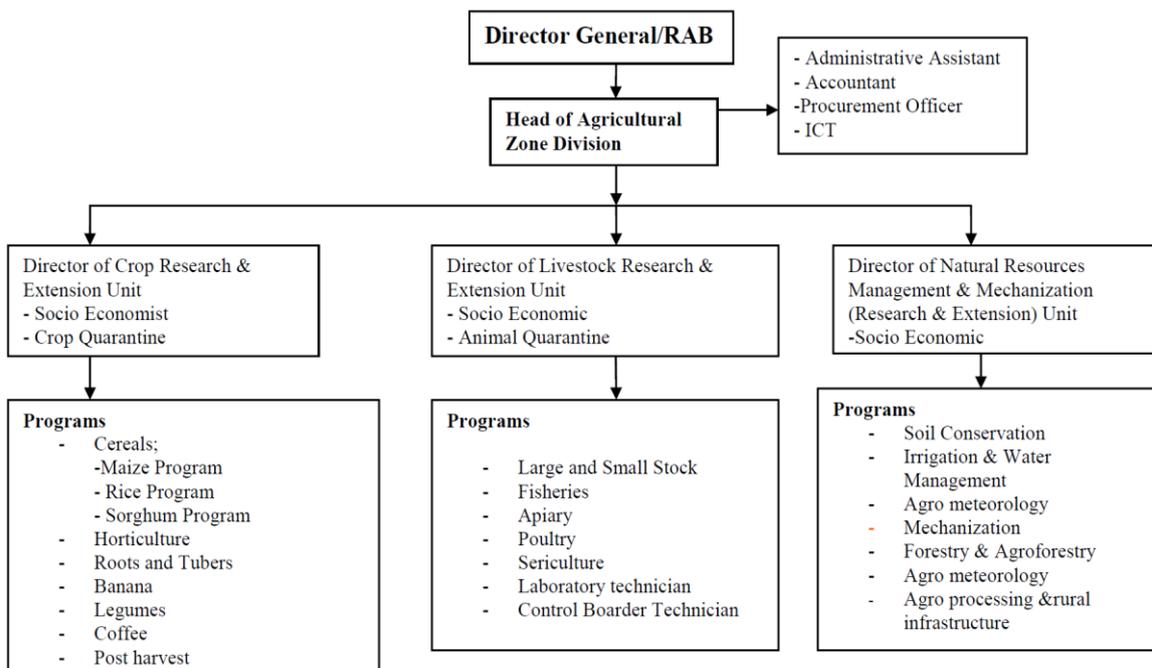
3.3.3 Western Agricultural Zone

ORGANIZATIONAL CHART OF WESTERN AGRICULTURAL ZONE

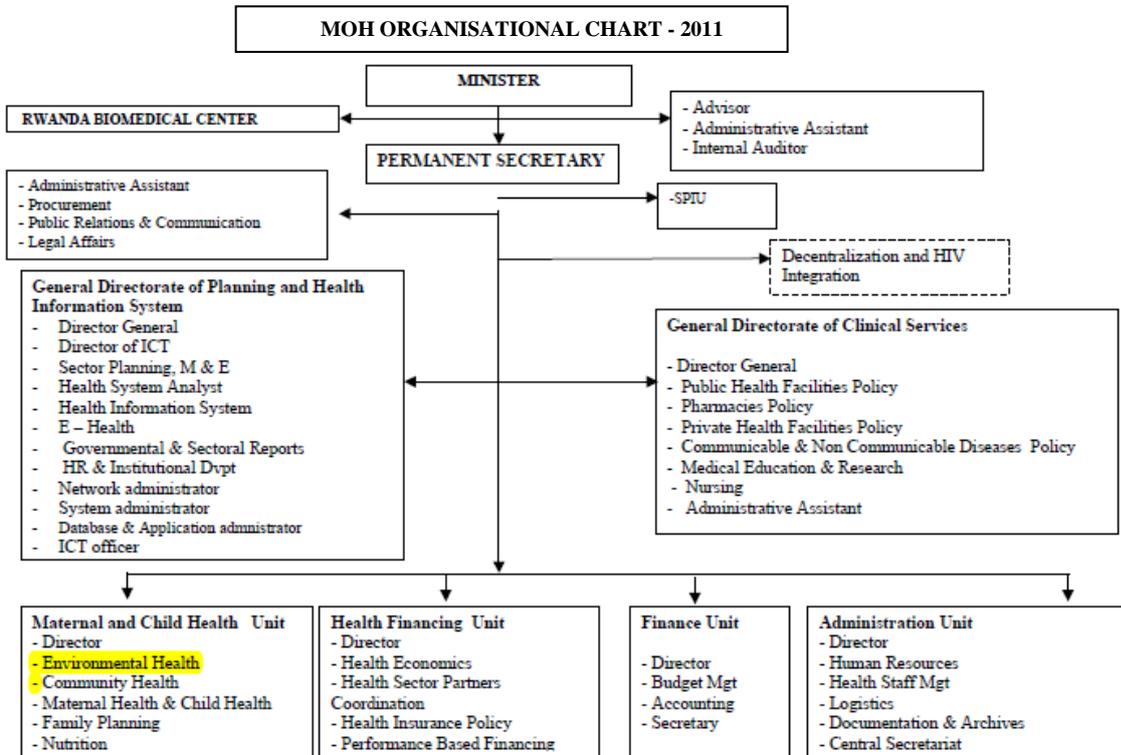


3.3.4 Southern Agricultural Zone

ORGANIZATIONAL CHART OF SOUTHERN AGRICULTURAL ZONE



3.4 Ministry of Health (MOH)



Annex 4. List of persons consulted

Monday June 2 Courtesy visits Rwanda Agriculture Board Head Office a.m.			
1	Dr Isidore Gafarasi MAPENDO*	Director, Veterinary Services Rwanda Agriculture Board	igafarasi@gmail.com
2	Prof Jean Jaques MBONIGABA MUHINDA	Director General, Rwanda Agriculture Board	ji.mbonigaba@rab.gov.rw
3	Dr Christine KANYANDEKWE	Deputy Director General for Animal Resources Extension, Rwanda Agriculture Board	k_chris2005@yahoo.fr
4	Dr Theogen RUTAGWENDA	Director General, Directorate of Animal Resources MINAGRI	trutagwenda@minagri.gov.rw
Monday June 2 Introductory meeting Rwanda Agriculture Board Laboratory a.m.			
5	Dr David KIIZA	Virology Specialist, Rwanda Agriculture Board	dkiiza07@yahoo.com
6	Dr Jean Felix KINANI	OIE Wildlife Focal Point, Rwanda Agriculture Board	jfkinani@gmail.com
7	Dr Jean Claude MWENEDATA	OIE Animal Welfare Focal Point, Gorilla Doctor Rwanda Development Board	mwenese5@yahoo.fr
8	Dr Antoine MUDUKIKWA	Gorilla Doctor Rwanda Development Board	Antoine.mudukikwa@rab.rw
9	Dr Vincent NIYIRAGIRA	Public Health Inspector, Rwanda Agriculture Board	niyiragira@yahoo.fr
10	Dr Julius NZIZA	Gorilla Doctor, PREDICT country Coordinator	inzizaw@gorilladoctors.org
11	Dr Jean Claude RUKUNDO	Epidemiologist, Rwanda Agriculture Board	ndokurujohn@yahoo.fr
12	Francois-Xavier RUSANGANWA	Chairman, Rwanda Council of Veterinary Doctors	frusanganawa@yahoo.fr
Monday June 2 Rwanda Bureau Standards – p.m.			
13	Mr. Mark CYUBAHIRO BAGABE	Director General, Rwanda Standards Board	mark.bagabe@rbs.org.rw
Monday June 2 Ministry of Health – p.m.			
14	Mr. Fidele NGABO	Director of Child & Maternal Health, Ministry of Health	
15	Mr. Joseph KATABAKWA	Head of Environmental Health Desk,	

		Ministry of Health	
16	Mr. Tony NSANGANIRA	Permanent Secretary, Ministry of Agriculture & Animal Resources	tnsanganira@minagri.gov.rw
	Dr Theogen RUTAGWENDA	Director General Animal Resources Directorate, MINAGRI	trutagwenda@minagri.gov.rw
Tuesday June 3 Ministry of Local Government – a.m.			
17	Mr. Egide RUGAMBA	Director General in Charge of Planning, Monitoring & Evaluation	rugamba.egide@yahoo.com
	Dr Theogen RUTAGWENDA	Director General Animal Resources Directorate, MINAGRI	trutagwenda@minagri.gov.rw rutagwendat2006@yahoo.com
Tuesday June 3 – Rwanda Agriculture Board - a.m			
18	Madame Josephine UWIZEYIMANA	Legal Counsel, Rwanda Agriculture Board	
Tuesday June 3 - Parliamentary Commission on Agriculture, Livestock and the Environment-pm			
19	Dr Gabriel SEMASAKA	Deputy and Chair of the Commission	
20	Madame Agnes NYIRABAGEWA	Deputy of General Assembly	
21	Madame Jeanne-Henriette MUKABIKINO	Deputy of General Assembly	
22	Mr. Jerome GICONDO	Clerk of the Commission	
	Dr Theogen RUTAGWENDA	Director General, Animal Resources Directorate, MINAGRI	rutagwendat2006@yahoo.com
Wednesday June 4 RAB Veterinary Laboratory- am & pm			
	Dr David KIIZA	Virology Specialist, Rwanda Agriculture Board	dkiiiza07@yahoo.com
	Dr Vincent NIYIRAGIRA	Public Health Inspector, Rwanda Agriculture Board	niyiragirav@yahoo.fr
	Dr Jean Claude MWENEDATA	OIE Animal Welfare Focal Point; Disease Control, Rwanda Agriculture Board	mwenese5@yahoo.fr
	Dr Jean Claude RUKUNDO	Epidemiologist Rwanda Agriculture Board	ndokurujohn@yahoo.fr
Wednesday June 4 RAB Headquarters - pm			
	Dr Christine	Deputy Director General for	k_chris2005@yahoo.fr

	KANYANDEKWE	Animal Resources Extension, Rwanda Agriculture Board	
Thursday June 5 RAB Rwanda Council of Veterinary Doctors & Veterinary Public Health at RAB Laboratory- am			
	Francois-Xavier RUSANGANWA	Chairman, Rwanda Council of Veterinary Doctors	frusanganawa@yahoo.fr
	Dr Christine KANYANDEKWE	Vice-Chairman, Rwanda Council of Veterinary Doctors	k_chris2005@yahoo.fr
	Dr Vincent NIYIRAGIRA	Public Health Inspector, Rwanda Agriculture Board	niyiragirav@yahoo.fr
Thursday June 5 Law Reform Commission Closing Meeting			
	Jean Pierre KAYITARE	Director, Law Reform Commission	ipkayitare@yahoo.com
	Dr Theogen RUTAGWENDA	Director General, Animal Resources Directorate, MINAGRI	rutagwendat2006@yahoo.com
June 6 Closing Meeting noon			
23	Dr Savino BIRYOMUMAISHO	Senior Scientist, Rwanda Agriculture Board	bivyomumaisho@yahoo.com
	Dr David KIIZA	Virology Specialist, Rwanda Agriculture Board	dkiiza07@yahoo.com
	Dr Jean Claude MWENEDATA	OIE Animal Welfare Focal Point, Gorilla Doctor, Rwanda Development Board	mwenese5@yahoo.fr
	Dr Antoine MUDUKOIE	Gorilla Doctor, Rwanda Development Board	Antoine.mudukikwa@rab.rw
24	Dr Landry MAYIGANE	Communications Focal Point OIE, Rwanda Agriculture Board	lrandry@rab.gov.rw
	Dr Vincent NIYIRAGIRA	Public Health Inspector, Rwanda Agriculture Board	niyiragira@yahoo.fr
	Dr Francois-Xavier RUSANGANWA	Chairman, Rwanda Council of Veterinary Doctors	frusanganawa@yahoo.fr
	Dr Theogen RUTAGWENDA	Director General, Animal Resources Directorate, MINAGRI	rutagwendat2006@yahoo.com
25	Dr Theogene SAFAR	Head of Animal Health Program, Rwanda Agriculture Board	Safaty2003@yahoo.fr

* Dr. Isidore Gafarasi MAPENO attended all meetings during the mission and therefore his name is not repeated.

Annex 5. List of acts and subordinate legislation consulted

Number	Subject	Date of Act	Ministry	Name of Document/ Reference
CONSTITUTION				
	Constitution of the Republic of RWANDA	2003		04 June 2003--Constitution of the Republic of RWANDA (O.G. No Special of 4 June 2003, p. 119) and its amendments of 2nd December 2003 (O.G. No Special of 2nd December 2003, 2003, p. 11) and of 8 December 2005
LAWS				
	Code et Lois du Rwanda (Compilation of food laws by the University of Rwanda & Belgium mis a jour au 31 December 1978)	1983	MOH	26 Juillet 1910 DECRET Fabrication et commerce de denrées alimentaires 17 Juin 1913 Ordonnance Coloration artificielle des denrées alimentaires 20 Octobre 1911 Ordonnance Fabrication et commerce des pulpes de fruits, confitures, gelées et sirops 27 Octobre 1953 Ordonnance n°41/361 Préparation et commerce des substances destinées à l'alimentation des animaux. 10 Mai 1940 Ordonnance Legislative n°57/A.E. Réglementation du commerce, de la détention et de la consommation des denrées alimentaires 10 Mai 1940 Ordonnance Legislative n°58/A.E. Mesures d'application de l'O.L. n°57/A.E. CONVENTION INTERNATIONALE 20 Decembre 1974 Accord relatif au projet d'entreposage et de commercialisation de denrées alimentaires signé avec les Etats-Unis d'Amérique 2 Septembre 1955 Ordonnance n°41/291 Exploitation des hôtels, restaurants, pensions de famille et débits de boissons 18 Novembre 1913 ORDONNANCE Fabrication des denrées alimentaires – Edulcorants 31 Octobre 1946 Ordonnance n°316/A.E. Importation de vivres frais 31 Decembre 1952 Ordonnance n°74/453 Protection et salubrité des denrées alimentaires 9 Avril 1956 O.R.U. n°41/48 Exploitation des hôtels, restaurants, pensions de famille et débits de boissons 25 Aout 1924 O.L.R.U. n°34 Création et organisation des commissions d'hygiène 10 Mai 1929 Ordonnance Direction technique

				http://www.moh.gov.rw/index.php?id=21
N° 10/98	The Art of Healing	1998	MOH	28 October 1998- Law n° 10/98 establishing the practice of Art of Healing, O.G. n° 23 of 1/12/1998 Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 12/99	Relating to the Pharmaceutical Act	1999	MOH	Law N° 12/99 Relating to the Pharmaceutical Art provided by Dr RUTAGWENDA Theogen (May 13, 2014) in English and pdf of final signed version in Kinyarwanda only on June17 2014 by Dr Gafarasi
N° 22/2002	Public Service Act	2002		Law N° 22/2002 of 09/07/2002 on General Statutes for the Rwanda Public Service
N° 32/2002	Livestock Identification	2002	MinAgri	Law N° 33/2002 du 06/11/2002 portant identification du betail Provided by Dr Gafarsari (June 4 2014)
N° 08/2005	Use of Land in Rwanda	2005	organic	Law N° 08/2005 of 14/07/2005 determining the use and management of land in Rwanda
N° 52/2008	RDB Law	2008	REMA	Organic Law N° 53/2008 of 02/09/2008 Establishing Rwanda Development Board (RDB) and determining its responsibilities, organisation and functioning. Provided by Dr Gafarasi (June 4 2014)
N° 54/2008	Animal Disease Control Law	2008	MinAgri	Law N° 54/2008 of 10/09/2008 determining the prevention and fight against contagious diseases for domestic animals in Rwanda http://www.minagri.gov.rw/index.php?id=678 Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 58/2008	Organisation & management of aquaculture and fishing	2008	MinAgri	Law N° 58/2008 of 10/09/2008 determining the organisation and management of aquaculture and fishing in Rwanda http://www.minagri.gov.rw/index.php?id=678 Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N°06/2009	General provisions governing public institutions	2009	Organic	Referred to in 2013 Law 74 of 11/09/2013 establishing RFMA
N° 38/2010	Rwanda Agriculture Board (RAB) Law	2010	MinAgri	Law N° 38/2010 of 25/11/2010 Establishing Rwanda Agriculture Board (RAB) and determining its responsibilities, organisation and functioning Provided by Dr Gafarasi (June 4 2014)

N° 39/2010	National Agricultural Export Development Board (NAEB) Law	2010	MinAgri	Law N° 39/2010 of 25/11/2010 Establishing National Agricultural Export Development Board (NAEB) and determining its responsibilities, organisation and functioning Provided by Dr Gafasari (June 4 2014)
N° 25/2013	Organisation & functioning of beekeeping	2010	MinAgri	Law N° 25/2013 of 10/05/2013 determining the organisation and functioning of beekeeping in Rwanda Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 01/2012	Penal Code	2012	Organic	Law N° 01/2012/OL of 02/05/2012 Organic Law instituting the penal code Provided by Ms J Uwizeyimana (June18, 2014)
N°30/2012	Use of agrochemicals	2012	MinAgri	Law N° 30/2012 of 01/08/2012 governing the use of agrochemicals downloaded from http://www.minagri.gov.rw/index.php?id=678
N° 47/2012	Regulation & inspection of food & pharmaceutical products	2013	MOH	Law N° 24/2012 of 14/01/2013 relating to the regulation and inspection of food and pharmaceutical products http://www.moh.gov.rw/fileadmin/templates/HLaws/Pharmacy-and-Allied-Health-Prof.-Council-Law-Food-Medicines-Cosmetics-and-Herbs.pdf Ministry of Health Laws and Regulations
N° 50/2013	Rwanda Standards Board (RSB) Law	2013	RSB	Law N° 50/2013 of 28/06/2013 Establishing Rwanda Standards Board (RSB) and Determining its Mission, Organisation and Functioning Provided by Fidele on behalf of Mr. Mark Bagabe, DG, RSB (June 2 2014)
N° 56/2013	Rwanda Council of Veterinary Doctors Law	2013	MinAgri	Law N° 56/2013 of 09/08/2013 Establishing Rwanda Council of Veterinary Doctors and Determining its mission, organisation and functioning Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 61/2013	National Standards Inspectorate	2013	RSB	Law N° 61/2013 of 23/08/2013 Establishing National Standards Inspectorate, Competition and Consumer Protection Authority (NICA) and Determining its Mission, Organisation and Functioning. Provided by Fidele on behalf of Mr. Mark Bagabe, DG, RSB (June 2 2014)
N° 74/2013	Rwanda Food and Medicines Authority (RFMA) Law	2013	MOH	Law N° 74/2013 of 11/09/2013 Establishing Rwanda Food and Medicines Authority and Determining its Mission, Organisation and Functioning http://www.moh.gov.rw/index.php?id=21 Ministry of Health Laws and Regulations
N° ??/20??	Food supplements	2014	MOH	Unable to download (not on INTERNET apparently due to being passed by parliament but not yet gazetted)

MINISTERIAL ORDERS/REGULATIONS				
N° 54/179	INSPECTION DU LAIT ET PRODUITS DERIVES.	1956		INSPECTION DU LAIT ET PRODUITS DERIVES. – ORDONNANCE N° 54/179 du 14 JUIN 1956 Préparation et commerce des produits et sous-produits de l'industrie laitière, de la margarine et des graisses alimentaires. (B.A., 1956, p. 1234). Modifiée par Ordonnance n° 54/357 du 24 novembre 1956 (B.A., 1956, p. 2011) et Ordonnance n° 54/124 du 30 avril 1957 (B.A., 1957, p.1055), toutes trois rendues exécutoires au Rwanda par O.R.U. N° 555/4 du 3 janvier 1959 (B.O.R.U., 1959, p. 14).
N° 003/2007	Poultry	2007		Ministerial Order N° 003/2007 regarding poultry in Rwanda
N° 006	Aquaculture & fishing concession contract	2010		Ministerial Order N° 006/11.30 of 18/11/2010 determining the form and content of the aquaculture and fishing concession contract Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 007		2010		Ministerial Order N° 007/11.30 of 18/11/2010 determining the requirements for issuance of fishing license and its period of validity http://www.minagri.gov.rw/index.php?id=678 Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 008	Organisation of veterinary pharmacy practice	2010		Ministerial Order N° 008/11.30 of 18/11/2010 determining the organisation of veterinary pharmacy practice http://www.minagri.gov.rw/index.php?id=678
N° 009	Stray cattle and other domestic animals	2010		Ministerial Order N° 009/11.30 of 18/11/2010 on stray cattle and other domestic animals http://www.minagri.gov.rw/index.php?id=678 Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 010	Aquaculture & fishing zones	2010		Ministerial Order N° 010/11.30 of 18/11/2010 determining aquaculture and fishing zones http://www.minagri.gov.rw/index.php?id=678 Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 011	Importation & distribution of aquaculture & fisheries products, equipment & materials	2010		Ministerial Order N° 011/11.30 of 18/11/2010 on the importation, marketing and distribution modalities of aquaculture and fisheries products, equipment and materials http://www.minagri.gov.rw/index.php?id=678 of 18/11/2010 Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 012	Animal slaughtering, meat inspection	2010		Ministerial Order N° 012/11.30 of 18/11/2010 on animal slaughtering, meat inspection http://www.minagri.gov.rw/index.php?id=678 Provided by Dr RUTAGWENDA Theogen (May 13, 2014)

N° 013	Transport & trade of meat	2010		Ministerial Order N°013/11.30 of 18/11/2010 on transport and trade of meat http://www.minagri.gov.rw/index.php?id=678 Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
N° 014	Land consolidation	2010		Ministerial Order N° 14/11.30 of 21/12/2010 Determining the models of Land Consolidation and its Productivity http://www.minagri.gov.rw/index.php?id=678
N° 143/03	RAB	2011		Prime Minister's Order N° 143/03 of 05/10/2011 Determining the organisational structure and summary of job positions of Rwanda Agriculture Board. Provided June 4 by Dr Gafarasi and Dr Rukundo
N° 92/03	Members of the Advisory Council on the use of agrochemicals	2013		Prime Minister's Order N° 92/03 of 07/03/2013 Determining the members of the advisory council on the use of agrochemicals and their responsibilities http://www.minagri.gov.rw/index.php?id=678
N° 001	Duties of the Registrar of Agrochemicals	2013		Ministerial Order N° 001/11.30 of 15/02/2013 Determining the duties of the registrar of agrochemicals http://www.minagri.gov.rw/index.php?id=678
N° 002	Powers & responsibilities of inspector of agrochemicals	2013		Ministerial Order N° 002/11.30 of 15/02/2013 Determining the powers and responsibilities of an inspector of agrochemicals http://www.minagri.gov.rw/index.php?id=678
N° 003	Confidential data to be recorded in the register of agrochemicals	2013		Ministerial Order N° 003/11.30 of 15/02/2013 Determining confidential data that are not recorded and non confidential data to be recorded in the register of agrochemicals. http://www.minagri.gov.rw/index.php?id=678
N° 004	Requirements for obtaining business license	2013		Ministerial Order N° 004/11.30 of 15/02/2013 Determining the requirements for obtaining business license of agrochemicals. http://www.minagri.gov.rw/index.php?id=678
N° 005	Fees for registration of agrochemicals	2013		Ministerial Order N° 005/11.30 of 15/02/2013 Determining fees for registration of agrochemicals. http://www.minagri.gov.rw/index.php?id=678
MINISTERIAL INSTRUCTIONS				
	Animal Transport Welfare	?2013		Itangazo Rya Minisitiri W'Ubuhinzi Rirebana N'Itwaraw Ry'Amatungo 20,12 2013 from http://www.minagri.gov.rw/index.php?id=678
DRAFT BILLS				

	PROJET D'ARRETE MINISTERIEL N°...../...DU PORTANT CODE DE DEONTOLOGIE DE LA PROFESSION VETERINAIRE AU RWANDA			This appears to be a DRAFT MINISTERIAL ORDER N ° / ... ON THE CODE OF ETHICS OF THE VETERINARY PROFESSION IN RWANDA Profession. Provided by Dr RUTAGWENDA Theogen (May 13, 2014)
	PROPOSITION DE TEXTE PORTANT REGLEMENTATION DE LA SANTE PUBLIQUE VETERINAIRE AU RWANDA			This appears to be a DRAFT of text proposed to regulate Veterinary Public Health in Rwanda Dr RUTAGWENDA Theogen (May 13, 2014). It appears to include (1) ETABLISSEMENT SOUMIS A L'INSPECTION VETERINAIRE (Establishments under veterinary inspection); (2) Boucheries et Charcuteries(Butchers and delicatessens); but not (3) CHARCUTERIES.doc which has structural provisions for meat establishments and COMMERCE DES ANIMAUX, PRODUITS ET SOUS-PRODUITS D'ORIGINE ANIMALE listed below as POLICY/STRATEGY documents.
	DRAFT MINISTERIAL INSTRUCTIONS N ° .../2013 of .../.../2013OF REGULATING THE MILK HANDLING, COLLECTION, TRANSPORTATION AND SELLING	2013		This formatted DRAFT MINISTERIAL ORDER N ° /2013 is in the 3 official languages. It may well be passed. Provided by Dr Vincent NIYIRAGIRA (June 6, 2014)
POLICY/GUIDELINES/STRATEGY DOCUMENTS				
	Animal Feed (concentrate) Technical Guidelines	2014		Only in Kinyarwanda. New plant opened recently in Rwanda. Provided by Dr RUTAGWENDA Theogen (June 5, 2014)

Annex 6. List of reports consulted during the mission

1. Jurist Legal Intelligence – Rwanda <http://jurist.law.pitt.edu/world/rwanda.htm>
2. Legal Information Portal Republic of Rwanda <http://lip.alfa-xp.com/lip/AmategekoDB.aspx?Mode=d&pid=3>
3. Rwanda Ministry of Health Laws and Regulations Website <http://www.moh.gov.rw/index.php?id=21>
4. Rwanda Ministry of Agriculture and Animal Resources – Agriculture Laws and Regulations <http://www.minagri.gov.rw/index.php?id=678>
5. Rwanda Environment Management Authority – Laws and Regulations http://www.rema.gov.rw/index.php?option=com_content&view=category&layout=blog&id=179&Itemid=146&lang=en
6. Rwanda Bureau of Statistics- Laws <http://www.rwanda-standards.org/~rbs/main-nav/about-us/laws-and-regulations.html> & <http://www.minicom.gov.rw/index.php?id=136>
7. Office of the Prime Minister Recent Official Gazettes 2004 to 2014 http://www.primature.gov.rw/publications/pointer/0.html?tx_mmdamfilelist_pi1%5BgetSubFolders%5D=fileadmin%2Fuser_upload%2Fdocuments%2FOfficial%20Gazettes%2F&cHash=31b884b7c7fd339096030efcd982b681
8. Rwanda Ministry of Trade and Industry *RWANDA QUALITY POLICY* 2010 (36 pg)
9. The World Fact Book. *RWANDA* . updated April 14,2014 <https://www.cia.gov/library/publications/the-world-factbook/geos/ae.html>
10. Ministry of Agriculture and Animal Resources 2013. *STRATEGIC PLAN FOR THE TRANSFORMATION OF AGRICULTURE IN RWANDA PHASE III* (83 pg) available at <http://www.minagri.gov.rw/index.php?id=678> accessed May 23,2014
11. Ministry of Local Government 2012 *National Decentralisation Policy* June 2012 (44pg).
12. Ministry of Health 2013 *FIVE YEAR ONE HEALTH STRATEGIC PLAN (201402018)* February 2013 (61 pg)
13. Outil PVS de l'OIE *RWANDA* Dr L.L. Beeharry and Dr P. Gauthier May 2008 (47 pg)
14. PVS GAP Analysis mission Report *RWANDA* P. Facelli, G. Guidot, B. Beeharry November 2010 (115 pg)
15. Legislative Techniques in Rwanda - Present and Future. H. Xanthaki, European Journal of Law Reform, No. 3, 2013. http://www.elevenjournals.com/tijdschrift/ejlr/2013/3/EJL_1387-2370_2013_015_003_002

16. Rwanda Vision 2020, Republic of Rwanda,
<http://edprs.rw/sites/default/files/docs/vision-2020.pdf>
17. National Dairy Strategy, MINAGRI, Republic of Rwanda, April 2013.
http://www.rab.gov.rw/IMG/pdf/2013_National_Dairy_Strategy.pdf

Annex 7. Country's responses to the OIE questionnaire, Part I

NOTE: Responses in the questionnaire set in blue font were provided to the Team by Dr. Isidore Gafarasi (IG) before the mission, while comments in red font were added as a result of further discussion during the mission, mainly with the Legal Counsel to the Rwanda Agriculture Board, Josephine Uwizeyimana (JU).

OIE VETERINARY LEGISLATION SUPPORT PROGRAMME

VETERINARY LEGISLATION IDENTIFICATION MISSION

QUESTIONNAIRE: PART I

This questionnaire is provided to help the OIE veterinary legislation experts to assess the general legislation situation in the country and to help them prepare a work programme and schedule for the upcoming Veterinary Legislation Identification Mission. As such, the questionnaire should be completed by the focal point or designated colleagues from the beneficiary country at least two weeks prior to the beginning of the identification mission and returned to the Mission Team Leader for use in Mission planning.

Please refer to the accompanying advisory notes for assistance in completing the questionnaire.

If any more explanation on the purpose or completion of this questionnaire is required, please contact the Mission Team Leader.

Q1 – Information on the State’s political, administrative and legal organisation

1.1. Identify the fundamental legal instrument (e.g. Constitution) in force relating to the distribution of powers. Attach the document or provide an electronic link or internet address.

Constitution of Rwanda 2003 adopted May 26, 2003, available on website, official gazette 4th June 2003: Google, constitution of Rwanda (IG)

1.2. Describe the various administrative divisions in the country and their legal responsibilities, from the central State to the local administrative division with respect to the veterinary domain.

Rwanda has 5 Provinces, 30 Districts, 416 sectors, 2148 administrative cells. The District is the basic political administrative unit of the country. Since 2000 the government adopted the decentralised policy where powers authority, functions, responsibility and resources are decentralised from the central government to local government or administrative divisions (IG)

1.3. Please indicate if the legal system is mainly based on civil law, common law, religious law or customary law. Describe how the legal system supports the enforcement of the veterinary legislation in your country.

The legal system is based on civil law with some common and customary (e.g. gacaca). There are 3 types of Laws: Organic Laws, Laws and Decree Laws. In addition there are Ministerial Orders and Instructions to assist enforcement of veterinary legislation. From the laws, there are other legal instrument like sectorial law, ministerial decree and instruction to facilitate the implementation of the veterinary legislation in. the Country,

Q2 – Hierarchy of the veterinary legislation

2.1. Veterinary legislation created and adopted by the central State:

(1) Level of legal instrument	(2) Category	(3) Type	(4) Issuing authority	(5) Source of law and procedure for creation
1	Constitution	Legislative	Special session of Parliament	
1	International conventions & treaties	Legislative		Some international treaties or conventions need ratification by Parliament
2	Organic Law	Legislative	Parliament	
2	Law	Legislative	Parliament	
2	Decree Law	Legislative	President (in the absence of Parliament-must be ratified next sitting)	
3	Presidential/Prime Minister/Ministerial Order	Regulatory	President/Prime Minister and Minister respectively	Authority to make orders as per primary Law to either President or Prime Minister or Minister
3	Ministerial Instruction	Regulatory	(Line) Minister	
4	“Agency” Instruction	Administrative	“Agency” includes government department or Board i.e. R,A,B, which is an autonomous public institution or even municipal instruction at local government level (Districts can issue	

			instructions)	
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2.2. Veterinary legislation created and adopted by decentralised authorities:

(1) Level of legal instrument	(2) Category	(3) Type	(4) Issuing authority	(5) Source of law and procedure for creation
4	“District” or Municipality” Instructions	Administrative	Local government	Law N° 54/2008 determining the prevention and fight against contagious diseases for domestic animals in rwanda

2.3. Veterinary legislation created and adopted by authorities holding delegated powers (if applicable):

(1) Level of legal instrument	(2) Category	(3) Type	(4) Issuing authority	(5) Source of law and procedure for creation

2.4. Veterinary legislation created and adopted by private sector organisations (if applicable):

Not applicable (IG).

Comments.....

Q3 – Publication and management of legal documents

3.1. Is there an official legal database relating to veterinary legislation?

First level legislation?: Yes No

Second level legislation? Yes No

Information on the procedures for the implementation of legislation? Yes No

If the answer is “Yes” to any of these questions:

Computerised or manual database: . Computerised Manual

Manager(s) of the database:..... [Veterinary Services](#)

Method of accessing the database:

For the Veterinary Services: [Report from field and EPS](#)

For the public:.....

3.2. Is there a system of consolidation?

No Yes, computerised Yes, manual

Person(s) in charge: [Veterinary Services \(IG\)](#)

3.3. Is veterinary legislation codified? Yes No

Title of the Code:.....

Person in charge:.....

3.4. Does other legislation contain legal tools that are used by the VS? If so, please provide examples.

Civil law:.....

Penal law: Yes
.....

Penal procedure:.....
.....

Administrative law:
.....

Environment: Yes.....
.....

Consumer protection:.....
.....

Customs and finance:
.....

Other:.....

For example hygiene is in domain of the Ministry of Health and Veterinary Services can refer to that. Standards are developed by the Rwanda Bureau Standards but inspection of them is under supervision of Veterinary Services. In addition the Vet Services uses the environment law indicating where animals may be raised(IG)

3.5. Legal publication

Procedures for legal publication: Official Rwanda Gazette

Title of the official publication: Official Rwanda Gazette

Are the Veterinary Services subscribers?..... Yes No

Is there a system of distribution within the civil service? .Yes No

3.6. Are there rules for distributing veterinary legislation other than by legal publication?

Within the Veterinary Services: Yes No.....

To other administrations:..... Yes No.....

To organised groups of stakeholders: Yes No.....

To the public: Yes No.....

If you answered “Yes” for at least one of the above categories:

Reference document setting out the rules: [Radio, periodic communication](#).....

Method of dissemination [pamphlets booklets and other extension materials](#).....

[Media paid by MinAgri to distribute material as organised by ICT \(Information Communications Technology\) Dept who also publish on the web site as well as Public Relations \(JU\)](#)

[RAB organises meetings for farmers as well as District Vet services and other staff go and discuss \(JU\).](#)

Distribution lists: [Farmer`s organisations and local authorities organisations](#)

3.7. Are there rules for disseminating information that is subordinate and relevant to regulatory texts?

Within the Veterinary Services: Yes No.....

To other administrations:..... Yes No.....

To organised groups of stakeholders: Yes No.....

To the public: Yes No.....

If you answered “Yes” for at least one of the above categories:

Reference document setting out the rules:

Method of dissemination:

Distribution lists:

Rules regarding confidentiality:

Comments No rules (IG) Same process as above through ICT within RAB (JU)

Q4 – Creation and adoption of legal Instruments

4.1. What is the procedure for creating and approving primary veterinary legislation from initial preparation of a draft bill to final enactment in your country? Identify all steps and the administrative divisions involved as well as the range of time from initial preparation to passage.

The Veterinary services originate a draft, discuss it in the Ministry, followed by stake holder consultations, forwarded to cabinet and then to parliament. The process may take 6-12 months (IG)

4.2. What is the procedure for creating and improving the secondary legislation (regulations) in your country? Identify all the steps, the

administrative divisions involved as well as the range of time from initial preparation of the draft regulation to final adoption.

i) The Veterinary services originate a draft, discuss it in the Ministry, followed by stake holder consultations and then is published by the Minister (IG)

4.3. Are there formal rules for legal drafting? Yes ? No

If “Yes”, please indicate the reference: Note: It was reported to the Team that Guidelines for Legal Drafting are available through the Ministry of Justice, but the Guidelines were not made available to the Team.

4.4. For the creation or updating of veterinary legislation:

Are the legal instruments always an initiative of the Veterinary Services? ... Yes No (Note: Conflicting information received during mission)

Are legal experts involved at the design stage? Yes No.....

Do veterinarians/ technicians systematically work with legal experts?..... Yes No

4.9. Is there usually a defined or expected timetable for implementation? Yes No

4.10. When primary legislation is drafted, is the relevant secondary legislation drafted at the same time? Yes No

4.11. What is the status of the pre-existing secondary legislation when new primary legislation is adopted?

The legal instrument is repealed

Comments:.....

Q5 – Definition of veterinary domain and distribution of responsibilities

5.1. Is the ‘veterinary domain’ defined for official purposes? Yes No

5.1.1. If you answered “Yes”, please state the definition and give the reference for the legal text:

5.2. For each element of the veterinary domain identified in the following table, please indicate the distribution of responsibilities.

Note: This table, when completed before the Mission, will provide valuable guidance to the OIE Mission Team on which officials and organisations should participate in the VLSP Mission.

Element		Legislation		Control		Texts (8)	
Code Chapter 3.4 Article (1)	Primary (2)	Secondary (3)	(4)	Authority responsible for preparation (5)	1st level of control (6)	2nd level of control (7)	Pertinent Statutory Instruments and Comments
3.4.6	Veterinary profession	Private	<input type="checkbox"/>	RARDA/RAB VS	RVC national level (Kigali centre)	RVC 4 regions R.A.B (east south west & north)	Rwanda Vet Council Law # 56/2013; Code of ethics at “bill” stage
		Public	<input type="checkbox"/>	RARDA/RAB VS	RVC national level (Kigali centre) Public Service Employees Law as	RVC 4 regions R.A.B (east south west & north)	Rwanda Vet Council Law # 56/2013; Code of ethics at

					well for VS as condition of employment		“bill” stage
		Initial education	<input type="checkbox"/>	Rwanda Education Board	REB	--	REB
		Continuing education	<input type="checkbox"/>	RAB; Workforce Development Authority within Ministry of Education;		RVC 4 regions R.A.B (east south west & north)	Pperhaps the Public Service Employees Law may have a requirement
	Veterinary para-professionals	Private	<input type="checkbox"/>	RAB	RVC		Ministerial Orders subordinate to Law #56/2013
		Public	<input type="checkbox"/>	RAB	RVC		Ministerial Orders subordinate to Law #56/2013
		Initial education	<input type="checkbox"/>	Min of Education - REB	REB national curricula		
		Continuing education	<input type="checkbox"/>	RAB			RAB Public Service Employees Law may have a requirement
3.4.7	Laboratories for Animal Health	Facilities	<input type="checkbox"/>	Min Agri			SOPs only to date
		Reagents	<input type="checkbox"/>	Min Agri			SOPs only to date
	Laboratories for Food Safety	Facilities	<input type="checkbox"/>	Min Agr-animal products (raw not processed)			SOPs only to date
		Reagents	<input type="checkbox"/>	Min Agr-animal products (raw not processed)			SOPs only to date

				processed)			
3.4.8	Animal production	Identification of animals	<input type="checkbox"/>	Min Agri (now RAB)	VS ntl program only		2002
		Animal reproduction	<input type="checkbox"/>	Min Agri (now RAB)			Guidelines
		Animal feed	<input type="checkbox"/>	Min Agri (now RAB)			Guidelines
		Environmental impact	<input type="checkbox"/>	Min of Environment and Natural Resources Rwanda Environmental Management Agency (esp slaughter & dairies)	REMA	REMA	?
		Animal markets / other gatherings	<input type="checkbox"/>	MinAgri (now RAB)	RAB	RAB	Law No 54 2008
		Animal by-products	<input type="checkbox"/>	MinAgri (now RAB)	RAB	RAB	Law No 54 2008
		Disinfection	<input type="checkbox"/>	MinAgri (now RAB)	RAB	RAB	Law No 54 2008
3.4.10	Animal welfare	General	<input type="checkbox"/>	MinAgri (now RAB)			Ministerial Instruction 20_12_2013 Law No 54 2008; Ministerial Order on stray cattle and other domestic animals N°009/11.30 of
		Stray/free roaming animals	<input type="checkbox"/>				

							18/11/2010; Reference in Penal Code Article 436
	Protection of species	CITES	<input type="checkbox"/>	RADB; REMA; RAB			Signatory to CITES
3.4.9	Animal diseases	Surveillance	<input type="checkbox"/>	Min Agri RAB	RAB national	RAB regional	Law No 54 2008
		Disease prevention & control	<input type="checkbox"/>	Min Agri RAB	RAB national	RAB regional	Law No 54 2008
		Emerging diseases	<input type="checkbox"/>	Min Agri RAB Directives under authority of No 54 2008	RAB national	RAB regional	Law No 54 2008
3.4.12	Human food production chain	Milk production:	<input type="checkbox"/>	MinAgri; RSB	RAB national	RAB regional	ORDONNANCE N° 54/179 du 14 JUIN 1956 RSB
		Meat production	<input type="checkbox"/>	MinAgri (now RAB); RSB			Ministerial Order on animal slaughtering, meat inspection N°012/11.30 of 18/11/2010; RSB
		Poultry meat	<input type="checkbox"/>	RSB?			DRAFT Vet public Health
		Egg production	<input type="checkbox"/>	RSB?			DRAFT Vet public Health
		Food of Aquatic origin	<input type="checkbox"/>	RSB?			DRAFT Vet public Health
		Food	<input type="checkbox"/>	RSB; None apart from			RSB

		processing		milk & meat			
		Transport	<input type="checkbox"/>	MOH RAB for meat			Code du Loi 1983; Ministerial Order on transport and trade of meat N°013/11.30 of 18/11/2010
		Retail	<input type="checkbox"/>				Code du Loi 1983
		Restaurants	<input type="checkbox"/>				Code du Loi 1983
3.4.11	Veterinary medicines & biologicals	Production	<input type="checkbox"/>	RAB			Ministerial Order determining the organisation of veterinary pharmacy practice N°008/11.30 of 18/11/2010
		Licensing & registration	<input type="checkbox"/>				Ministerial Order determining the organisation of veterinary pharmacy practice N°008/11.30 of 18/11/2010
		Retail	<input type="checkbox"/>				Ministerial Order determining the organisation of veterinary pharmacy practice N°008/11.30 of 18/11/2010

		Residue control	<input type="checkbox"/>				Ministerial Order determining the organisation of veterinary pharmacy practice N ^o 008/11.30 of 18/11/2010
3.4.13	Export certification	Animals	<input type="checkbox"/>				EAC parliament adopted Vol II Harmonised Sanitary Measures for Mammals, Birds, Bees and their Products adopted in 2012
		Animal products	<input type="checkbox"/>				
3.4.13	Import requirements	Animals	<input type="checkbox"/>				
		Animal products	<input type="checkbox"/>				
		Veterinary medicines and biologicals	<input type="checkbox"/>				
		Animal feeds/feed additives	<input type="checkbox"/>				

Comments.....

Annex 7b. Country's responses to the OIE questionnaire, Part II

OIE VETERINARY

LEGISLATION SUPPORT PROGRAMME

VETERINARY LEGISLATION IDENTIFICATION MISSION

QUESTIONNAIRE: PART II

Comparison of Existing Legislation to Chapter 3.4 of the Terrestrial Code

Introduction

This questionnaire provides the opportunity to compare existing country legislation with the standards for veterinary legislation presented in Chapter 3.4 of the OIE Terrestrial Animal Health Code. Chapter 3.4 identifies those elements considered necessary for ensuring good governance of the entire veterinary domain.

Veterinary legislation should address each of these elements, as relevant to the country's situation, in order to ensure that Veterinary Services have the necessary legal basis and authorities for carrying out their necessary functions.

Completion of this questionnaire will help to identify gaps in current legislation. Identification of such gaps will serve to inform the focus and activities of the VLSP Identification Mission. Therefore, it should be completed and returned to the Team Leader at least two weeks before the start of the Mission.

Each bold faced section of this questionnaire corresponds to a particular Article in Chapter 3.4, which is indicated in parentheses for your reference. For the various points in each section, please indicate if that point is addressed in your country legislation and, if it is, then whether it is either completely or partially addressed. If completely or partially addressed, then please provide references to the pertinent acts and regulations that address the particular point as well as any additional explanatory comments you would like to add.

EXAMPLE:

2. Veterinarians and veterinary para-professionals (Article 3.4.6.)

2.1. Veterinary medicine/science

In order to ensure quality in the conduct of veterinary medicine/science, does the veterinary legislation:

a) define the prerogatives (i.e. rights and responsibilities) of veterinarians and of the various categories of veterinary para-professionals that are recognised in the Member Country?

Yes: No Partially:

Pertinent Legislation: *The Veterinary Board of 2013*

Comments: *This law creates a veterinary statutory body, The Veterinary Council, to regulate the veterinary profession and the Act addresses the issue of veterinary para-professionals. Under the Act, the rights and responsibilities of veterinarians are defined as well as those of veterinary paraprofessionals. To date, specific categories of veterinary paraprofessionals that work in the country have been officially recognised, including community based animal health workers who receive short-term training from Government.*

1. Competent Authorities (Article 3.4.5.)

1.1. Do the Competent Authorities have the legal mandate, capacity and organisation to ensure that all necessary actions are taken quickly and coherently to address animal health, public health and animal welfare emergencies effectively?

Yes: No: Partially:

1.2. Are the responsibilities and powers of Competent Authorities clearly defined in legislation, so that a clear chain of command is evident, from the central level to those responsible for the implementation of legislation in the field? Where more than one Competent Authority is involved, e.g. in relation to environmental, food safety or other public health matters, is there a reliable system of coordination and cooperation in place?

Yes: No: Partially:

1.3. Do the Competent Authorities appoint technically qualified officials to take any actions needed for implementation or verification of compliance with the veterinary legislation? (Note that the principles of independence and impartiality prescribed in Article 3.1.2. of the OIE Terrestrial Code are relevant here)

Yes: No: Partially:

1.4. Necessary powers of the Competent Authority

Does the veterinary legislation ensure that:

a) officials have the legal authority to intervene in accordance with the legislation and the penal procedures in force?

Yes: No: Partially:

b) while executing their legal mandate in good faith, officials are protected against legal action and physical harm?

Yes: No: Partially:

c) the powers and functions of officials are explicitly and completely identified to protect the rights of stakeholders and the general public against an abuse of authority? This includes respecting confidentiality, as appropriate;

Yes: No: Partially:

d) certain essential powers are specifically identified and made available through primary legislation, as exercise of these powers can result in actions that may conflict with individual rights ascribed in fundamental laws. The powers identified, at a minimum, should include:

i) access to premises and vehicles for carrying out inspections?

Yes: √ No: Partially:

ii) access to records?

Yes: √ No: Partially:

iii) taking samples?

Yes: √ No: Partially:

iv) retention (setting aside) of animals and goods, pending a decision on final disposition?

Yes: √ No: Partially:

v) seizure of animals, products and food of animal origin?

Yes: √ No: Partially:

vi) suspension of one or more activities of an inspected establishment?

Yes: √ No: Partially:

vii) temporary, partial or complete closure of inspected establishments? and

Yes: √ No: Partially:

viii) suspension or withdrawal of official authorisations or approvals?

Yes: √ No: Partially:

1.5. Delegation of powers by the Competent Authority

Does the veterinary legislation provide the possibility for Competent Authorities to delegate specific tasks related to official activities to veterinarians or veterinary para-professionals who are not civil servants?

Yes: √ No Partially:

Does the veterinary legislation:

a) define the field of activities, the bodies to which the tasks are delegated and the specific tasks covered by the delegation?

Yes: √ No Partially:

b) provide for the control, supervision and, when appropriate, financial remuneration of the delegation?

Yes: √ No Partially:

c) define the procedures for making delegation?

Yes: √ No Partially:

d) define the competencies to be held by persons receiving delegation? and

Yes: √ No Partially:

e) define the conditions of withdrawals of delegations?

Yes: √ No Partially:

2. Veterinarians and veterinary para-professionals (Article 3.4.6.)

2.1. Veterinary medicine/science

In order to ensure quality in the conduct of veterinary medicine/science, does the veterinary legislation:

a) define the prerogatives (i.e. rights and responsibilities) of veterinarians and of the various categories of veterinary para-professionals that are recognised in the Member Country?

Yes: √ No Partially:

b) define the minimum initial and continuous educational requirements and competencies for veterinarians and veterinary para-professionals?

Yes: √ No Partially:

c) prescribe the conditions for recognition of the qualifications for veterinarians and veterinary para-professionals?

Yes: √ No Partially:

d) define the conditions (e.g., licensing) for the exercise/practice of veterinary medicine/science by veterinarians and veterinary para-professionals

Yes: √ No Partially:

Pertinent Legislation:

Comments:

e) identify the exceptional situations, such as epizootics, under which persons other than veterinarians can undertake activities that are normally carried out by veterinarians?

Yes: No Partially:

2.2. The control of veterinarians and veterinary para-professionals

To provide a basis for regulation of veterinarians and veterinary para-professionals in the public interest, does the veterinary legislation:

a) describe the general system of control in terms of the political, administrative and geographic configuration of the country?

Yes: No Partially:

b) describe the various categories of veterinary para-professionals recognised by the Member Country according to its needs, notably in animal health and food safety, and for each category, prescribe the training, qualifications, tasks and extent of supervision required?

Yes: No Partially:

c) prescribe the powers to deal with conduct and competence issues, including licensing requirements, that apply to veterinarians and veterinary para-professionals?

Yes: No Partially:

d) provide for the possibility of delegation of powers to a professional organisation such as a veterinary statutory body? and

Yes: No Partially:

e) describe the prerogatives (i.e., rights and responsibilities)

and the functioning of the mandated professional organisation where powers have been so delegated?

Yes: No Partially:

3. Laboratories in the veterinary domain (Article 3.4.7.)

3.1. Facilities

Does the veterinary legislation define the role, responsibilities, obligations and quality requirements for:

a) reference laboratories? (These are responsible for controlling the veterinary diagnostic and analytical network, including the maintenance of reference methods);

Yes: No Partially:

b) laboratories designated by the Competent Authority for carrying out the analysis of official samples?

Yes: No Partially:

c) laboratories recognised by the Competent Authority to conduct analyses required under the legislation e.g. for the purposes of quality control?

Yes: √ No Partially:

d) Does the veterinary legislation define the conditions for the classification, approval, operations and supervision of laboratories at each level?

Yes: √ No Partially:

3. 2. Reagents

Does the veterinary legislation provide a basis for actions to address:

a) procedures for authorising reagents that are used to perform official analyses?

Yes: √ No Partially:

b) quality assurance by manufacturers of reagents used in official analyses?

Yes: √ No Partially:

c) surveillance of marketing of reagents, where these can affect the quality of analyses required by the veterinary legislation?

Yes: No Partially: √

4. Health provisions relating to animal production (Article 3.4.8.)

4.1. Identification and traceability

Does the veterinary legislation provide a basis for actions to address all the elements in Article 4.2.3.6, identified as follows?

a) the desired outcomes and scope of animal identification;

Yes: No Partially: √

b) the obligations of the Veterinary Authority and other parties;

Yes: √ No Partially:

c) management of animal movement;

Yes: √ No Partially:

d) data access / accessibility;

Yes: √ No Partially:

e) organisational arrangements, including the choice of technologies and methods used for the animal identification system and animal traceability;

Yes: √ No Partially:

f) checking, verification, inspection and penalties;

Yes: √ No Partially:

g) confidentiality of data;

Yes: √ No Partially:

h) where relevant, funding mechanisms;

Yes: √ No Partially:

i) where relevant, arrangements to support a pilot project.

Yes: No Partially: √

4.2. Animal markets and other gatherings

Does the veterinary legislation address, for animal markets and other commercially or epidemiologically significant animal gatherings, the following elements:

a) registration or other official approval?

Yes: √ No Partially:

b) measures to prevent disease transmission, including procedures for cleaning and disinfection, and animal welfare measures?

Yes: √ No Partially:

c) provision for veterinary checks?

Yes: √ No Partially:

4.3. Animal reproduction

Does veterinary legislation provide a basis for actions to address the health regulation of animal reproduction as appropriate? (Measures may be implemented at the level of animals, genetic material, establishments or operators.)

Yes: √ No Partially:

4.4. Animal feed

Does the veterinary legislation provide a basis for actions to address the elements listed below:

a) standards for the production, composition and quality control of animal feed to control biological, chemical and physical hazards to animal and public health?

Yes: √ No Partially:

b) registration or other procedures for approval of establishments and the provision of health requirements for relevant operations?

Yes: √ No Partially:

c) recall from the market of any product likely to present a hazard to human health or animal health?

Yes: √ No Partially:

4.5. Animal by-products (not intended for human consumption, e.g. meat and bone meal, tallow)

Does the veterinary legislation:

a) define the animal by-products subject to the legislation?

Yes: No √ Partially:

b) provide for rules for collection, processing, use and disposal of animal by-products?

Yes: No √ Partially:

c) provide for registration or other procedure for approval of establishments and the provision of health requirements for relevant operations?

Yes: No √ Partially:

d) provide for rules, if any, to be followed by animal owners in preparation and handling of animal by-products.

Yes: No √ Partially:

4.6. Disinfection

Does the veterinary legislation provide a basis for actions to address the regulation and use of products and methods of disinfection relating to the prevention and control of animal diseases?

Yes: √ No Partially:

5. Animal diseases (Article 3.4.9.)

5.1. Does the veterinary legislation provide a basis for the Competent Authority to manage diseases of importance to the country and to list those diseases, guided by the recommendations in Chapters 1.1. and 1.2. of the OIE Terrestrial Code?

Yes: √ No Partially:

5.2. Surveillance

Does the veterinary legislation provide a basis for the collection, transmission and utilisation of epidemiological data relevant to diseases listed by the Competent Authority?

Yes: √ No Partially:

5.3. Disease prevention and control

a) Does the veterinary legislation include general animal health measures applicable to all diseases and, if necessary, additional or specific measures such as surveillance, establishment of a regulatory programme or emergency response for particular diseases listed in the country?

Yes: √ No Partially:

b) Does the legislation provide a basis for contingency plans, for use in disease responses, including:

i) administrative and logistic organisation?

Yes: √ No Partially:

ii) exceptional powers of the Competent Authority?

Yes: √ No Partially:

iii) special and temporary measures to address all identified risks to human or animal health?

Yes: √ No Partially:

c) Does the veterinary legislation provide for the financing of animal disease control measures, such as operational expenses and, as appropriate, owners' compensation in the event of killing or slaughtering of animals and seizure or destruction of carcasses, meat, animal feed or other things?

Yes: √ No Partially:

5.4. Emerging diseases

Does the veterinary legislation provide for measures to investigate and respond to emerging diseases?

Yes: √ No Partially:

6. Animal welfare (Article 3.4.10)

6.1. General provisions

The animal welfare requirements are found in Section 7. of the OIE Terrestrial Code.

Does the veterinary legislation contain a legal definition of cruelty as an offence, and provisions for direct intervention of the Competent Authority in the case of cruelty or neglect by animal keepers?

Yes: √ No Partially:

6.2. Specific provisions

Does the veterinary legislation provide a basis for actions to address the animal welfare requirements of the OIE Codes, notably in relation to:

a) transport (by sea, by land or by air) and handling?

Yes: √ No Partially:

b) accepted practice in animal production (e.g. beef cattle production)?

Yes: √ No Partially:

c) slaughter for human consumption?

Yes: √ No Partially:

d) killing for disease control purposes?

Yes: √ No Partially:

e) the use of animals in research and education?

Yes: √ No Partially:

6.3. Stray dog population control

Does the veterinary legislation provide a basis for actions to effectively control stray dog populations?

Yes: √ No Partially:

6.4 Abandoned animals

Does the veterinary legislation make provision for prohibition of the abandonment of animals, and management of abandoned animals, including transfer of ownership, veterinary interventions and euthanasia?

Yes: No Partially: √

7. Veterinary medicines and biologicals (Article 3.4.11.)

This question seeks to determine whether the veterinary legislation provide a basis for assuring the quality of veterinary medicines and biologicals and minimising the risk to human, animal and environmental health associated with their use.

7.1. General measures

Does the veterinary legislation provide a basis for actions to address:

- a) definition of veterinary medicines and biologicals, including any specific exclusions?

Yes: No Partially:

- b) regulation of the importation, manufacture, distribution and usage of, and commerce in, veterinary medicines and biologicals.

Yes: No Partially:

7.2. Raw materials for use in veterinary medicines and biologicals

Does the veterinary legislation provide a basis for actions to address?

- a) quality standards for raw materials used in the manufacture or composition of veterinary medicines and biologicals and arrangements for checking quality?

Yes: No Partially:

- b) establishment of the withdrawal periods and maximum residue limits for veterinary medicines and biologicals, as appropriate?

Yes: No Partially:

- c) requirements for substances in veterinary medicines and biologicals that may, through their effects, interfere with the conduct of veterinary checks?

Yes: No Partially:

7.3. Authorisation of veterinary medicines and biologicals

- a) Does the veterinary legislation ensure that only authorised veterinary medicines and biologicals may be placed on the market?

Yes: No Partially:

- b) Does the veterinary legislation make special provisions for:

- i) medicated feed?

Yes: No Partially:

- ii) products prepared by authorised veterinarians or authorised pharmacists?

Yes: No Partially:

- iii) emergencies and temporary situations?

Yes: No Partially:

c) Does the veterinary legislation address the conditions associated with the granting, renewal, refusal and withdrawal of authorisations?

Yes: √ No Partially:

d) In defining the procedures for seeking and granting authorisations, does the veterinary legislation:

i) describe the role of the relevant Competent Authorities?

Yes: √ No Partially:

ii) establish rules providing for transparency in decision making?

Yes: √ No Partially:

e) Does the veterinary legislation provide for the possibility of recognition of the equivalence of authorisations made by other countries?

Yes: √ No Partially:

7.4. Quality of veterinary medicines and biologicals

Does the veterinary legislation address the following elements:

a) the conduct of clinical and non-clinical trials to verify all claims made by the manufacturer?

Yes: √ No Partially:

b) conditions for the conduct of trials?

Yes: √ No Partially:

c) qualifications of experts involved in trials?

Yes: √ No Partially:

d) surveillance for adverse effects arising from the use of veterinary medicines and biologicals?

Yes: √ No Partially:

7.5. Establishments producing, storing and wholesaling veterinary medicines and biologicals

Does the veterinary legislation provide a basis for actions to address:

a) registration or authorisation of all operators manufacturing importing, storing, processing, wholesaling or otherwise distributing veterinary medicines and biologicals or raw materials for use in making veterinary medicines and biologicals?

Yes: √ No Partially:

b) definition of the responsibilities of operators?

Yes: √ No Partially:

c) good manufacturing practices?

Yes: √ No Partially:

d) reporting on adverse effects to the Competent Authority?

Yes: √ No Partially:

e) mechanisms for traceability and recall?

Yes: √ No Partially:

7.6. Retailing, use and traceability of veterinary medicines and biologicals

Does the veterinary legislation provide a basis for actions to address:

a) control over the distribution of veterinary medicines and biologicals and arrangements for traceability, recall and conditions of use?

Yes: No √ Partially:

b) establishment of rules for the prescription and provision of veterinary medicines and biologicals to end users?

Yes: No √ Partially:

c) restriction to authorised professionals and, as appropriate, authorised veterinary paraprofessionals of commerce in veterinary medicines and biologicals that are subject to prescription?

Yes: √ No Partially:

d) the supervision by an authorised professional or organisations approved for holding and use of veterinary medicines and biologicals?

Yes: √ No Partially:

e) the regulation of advertising claims and other marketing and promotional activities?

Yes: No √ Partially:

f) reporting on adverse effects to the Competent Authority?

Yes: √ No Partially:

8. Human food production chain (Article 3.4.12.)

The role of the Veterinary Services in food safety is described in Chapter 6.1. of the OIE Terrestrial Code.

8.1. General provisions

Does the veterinary legislation provide a basis for:

a) controls over all stages of the production, processing and distribution of food of animal origin?

Yes: √ No Partially:

b) recording all significant animal and public health events that occur during primary production (i.e., pre-slaughter) ?

Yes: √ No Partially:

c) giving operators of food production premises the primary responsibility for compliance with food safety requirements, including traceability, established by the Competent Authority?

Yes: √ No Partially:

d) inspection for compliance with food standards that are relevant to health or safety?

Yes: √ No Partially:

e) inspection of premises?

Yes: √ No Partially:

f) prohibition of the marketing (i.e. sale) of products not fit for human consumption?

Yes: √ No Partially:

g) provisions for recall from the marketplace of all products likely to be hazardous for human or animal health?

Yes: √ No Partially:

8.2. Products of animal origin intended for human consumption

Does the veterinary legislation provide a basis for actions to address:

a) arrangements for inspection and audit?

Yes: √ No Partially:

b) the conduct of inspection and audit?

Yes: √ No Partially:

c) food safety standards?

Yes: √ No Partially:

d) the application of health identification marks that are visible to the intermediary or final user?

Yes: √ No Partially:

Does the Competent Authority have the necessary powers and means to rapidly withdraw any products deemed to be hazardous from the food chain and to prescribe uses or treatments that ensure the safety of such products for human or animal health?

Yes: √ No Partially:

8.3. Operators responsible for premises and establishments pertaining to the food chain

Does the veterinary legislation provide a basis for actions to address, as appropriate:

a) registration of premises and establishments by the Competent Authority;

Yes: √ No Partially:

b) the use of risk-based management procedures?

Yes: √ No Partially:

c) prior authorisation of operations that are likely to constitute a significant risk to human or animal health?

Yes: √ No Partially:

9. Import and export procedures and veterinary certification (Article 3.4.13.)

9.1. Does the country belong to the World Trade Organisation?

Yes: √ No Partially:

9.2. Does your veterinary legislation make specific reference to the World Trade Organisation?

Yes: √ No Partially:

9.3. Does the veterinary legislation provide a basis for actions to address the elements relating to import and export procedures and veterinary certification referred to in Section 5 of the OIE Terrestrial Code, including:

a) certification procedures?

Yes: √ No Partially:

b) animal health measures applicable before and at departure?

Yes: No Partially:

c) border posts and quarantine stations?

Yes: No Partially:

d) animal health measures applicable on arrival?

Yes: No Partially:

e) classification, importation and laboratory containment of animal pathogens?

Yes: No Partially:

f) quarantine measures applicable to non-human primates?

Yes: No Partially:

Annex 8. PowerPoint presentation for opening meeting



Oie Organisation Mondiale de la Santé Animale / World Organisation for Animal Health

The Veterinary Legislation Support Programme (VLSP)
Veterinary Legislation Identification Mission

Rwanda, 2-6 June, 2014

David M. Sherman (Team Leader)
 Dorothy Geale (Expert)
 Gloria Mintah (Observer)

Oie

Brief History of the OIE

- Founded in 1924 in Europe in response to rinderpest outbreak.
- Headquarters in Paris.
- Objective was to coordinate activities in neighboring countries to effectively control outbreak.
- OIE evolved into a global, international organization, now with 178 member countries and territories.
- In 2003, The International Office of Epizootics became the World Organisation for Animal Health, but kept its historical acronym, OIE.



Oie

OIE now has a mandate far wider than when it was first created

The OIE was created in 1924 **»** To prevent the spread of animal diseases throughout the world

The 4th Strategic Plan 2006-2010 extended the OIE's mandate to **»** "The improvement of animal health worldwide"

Oie

OIE & the World Trade Organization

- The global visibility of the OIE increased in 1995 with the WTO's adoption of the Agreement on Sanitary and Phytosanitary (SPS) Measures
- OIE became the WTO's standard setting organization for safe trade in animals and animal products.

WTO functions

- Facilitate free trade
- Negotiate trade rules
- Implement trade agreements
- Resolve trade disputes
- Review national trade policies



Oie

The Expansion of Trade

- International trade is an engine for economic growth
- Trade in livestock and foods of animal origin is especially important to developing countries with agriculture-based economies
- Control of livestock and zoonotic disease creates new opportunities for trade
- Global cooperation and coordination on standards for health and safety are essential
- Sanitary and Phytosanitary (SPS) Measures of the WTO
 - OIE for trade in livestock and aquatic animals
 - FAO/WHO Codex Alimentarius for trade in food



Oie

Increased trade is not the only benefit of compliance with international standards

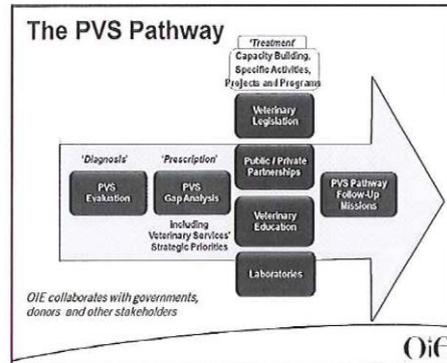
- The activities of the OIE to strengthen Members' Veterinary Services and their compliance with international standards can also:
 - Improve the health and productivity of national flocks and herds,
 - Increase the supply of animal protein for domestic consumption,
 - Improve food safety,
 - Reduce the incidence of zoonotic diseases, and
 - Improve the general health and welfare of the nation's people and animals.

Oie

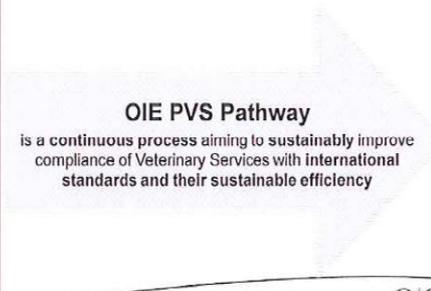
OIE Assistance to Members: The PVS Pathway

- PVS Evaluations (Performance of Veterinary Services) – Terrestrial and Aquatic
- PVS Gap Analysis
- Veterinary Legislative Support Programme (VLSP)
 - Identification Mission
 - Agreement
- Twinning Programmes
 - Laboratories
 - Veterinary Education Establishments
 - Veterinary Statutory Bodies
- Follow up evaluations





The OIE PVS Pathway



OIE PVS Pathway
is a continuous process aiming to sustainably improve compliance of Veterinary Services with international standards and their sustainable efficiency



Structure of the VLSP

- The VLSP is a 'treatment' in the PVS Pathway
- Two key VLSP components
 - Veterinary Legislation Identification Mission
 - Veterinary Legislation Agreement




Component One of the VLSP: Identification Mission - Objectives

- Raise awareness of the importance of veterinary legislation for modern, effective operation of the veterinary services
- Review principles for developing high quality veterinary legislation
- Review the current status of the Member's legislation relative to the OIE standards for veterinary legislation presented in Chapter 3.4



Component One of the VLSP: Identification Mission - Logistics

- Initial request, OIE Team selection and designation of local contact
- Pre-mission information gathering
 - Constitution, key veterinary laws and questionnaires
- On-site mission of one week by OIE Team of experts
 - VLSP tools and concepts presented and overview of the current situation is discussed
 - Current legislation and questionnaires are reviewed to determine existing coverage of the veterinary domain
 - Needs are assessed, especially regarding methodology of legal drafting and provisional findings and recommendations presented
- Follow up report and recommendations
- Possible recommendation for an OIE Legislation Agreement



Component Two of the VLSP: Legislative Agreement

- Objectives
 - To establish specific objectives of legislative reform/modernization
 - To sharpen skills in legislative drafting
 - To develop specific new laws and regulations according to the Member's priority needs
- Logistics
 - Based on findings of the Identification Mission, Member may request to enter into an agreement
 - 6 month preparatory phase to identify work plan, working group, and benchmarks
 - One year agreement working with OIE expert to implement plan.
 - Role of expert is to provide methodological support, not to draft text.
 - Renewable for an additional year.

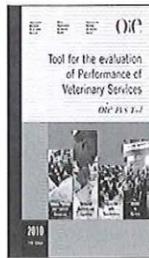


Veterinary Legislation Support Missions - State of Play up to 16 May 2014

	OIE Members	Vet Legislation mission requests received	Vet Legislation missions implemented	Vet Legislation documents received	Agreement proposed
Africa	52	33	19	18	5
Americas	29	7	5	5	2
Asia, the Far East and Oceania	32	5	5	5	2
Europe	53	4	2	2	1
Middle East	12	4	4	4	2
TOTAL	178	53	35	34	12



PVS Pathway in Rwanda



- PVS Evaluation Mission in Rwanda in May of 2008
- PVS Gap Analysis in Rwanda in November of 2010
- VLSP Veterinary Legislation Identification Mission in Rwanda in June of 2014
- Future Activities?



Sample PVS Evaluation Results for Rwanda in 2008

PVS Critical Competency*	PVS level (out of 5)
III-5 Veterinary statutory body authority	1
II-1 Laboratory disease diagnosis	4
II-9 Control of veterinary products	2
II-5 Passive epidemiological surveillance	2
II-6 Early detection/emergency response	2
I-8 Operational funding	4
I-5 Stability of policies & programs	5
IV-6 Traceability	3

*A total of 40 Critical Competencies were assessed in 2008 over 4 main categories



Critical competencies IV-1 & IV-2 related specifically to legislation

IV-1. Preparation of legislation and regulations and implementation of regulations

The authority and capability of the Veterinary Services to actively participate in the preparation of national legislation and regulations, and to implement animal health and food safety regulations for animals, animal products and processes under their mandate.

IV-2. Stakeholder compliance with legislation and regulations

The authority and capability of the Veterinary Services to ensure that stakeholders are in compliance with animal health and food safety regulations under the Veterinary Services' mandate.



Critical competency IV-1

IV-1. Preparation of legislation and regulations, and implementation of regulations

The authority and capability of the Veterinary Services to actively participate in the preparation of national legislation and regulations, and to implement animal health and food safety regulations for animals, animal products and processes under their mandate.

Rwanda result: 2/5

The VS have the authority and the capability to participate in the preparation of national legislation and regulations, but cannot implement the resulting regulations nationally.



Critical competency IV-2

IV-2. Stakeholder compliance with legislation and regulations

The authority and capability of the Veterinary Services to ensure that stakeholders are in compliance with animal health and food safety regulations under the Veterinary Services' mandate.

- This competency is based on:
 - Administrative and legal powers of enforcement
 - The capacity to establish inspection programmes based on risk analysis
 - Systems to evaluate relevance and progress with regard to the aims of the legislation.

Rwanda result: 4/5

The VS work with stakeholders to minimise instances of non-compliance.



PVS Gap Analysis for Rwanda in 2010 National Priorities Identified

- **Livestock development**
 - Develop dairy farming;
 - Strengthen import controls;
 - Improve hides and skins quality;
 - Improve export certification procedures
- **Animal Health**
 - Reduce the spread of existing diseases;
 - Improve surveillance and control of diseases
- **Veterinary Public Health**
 - Improve food safety in the meat and milk sectors;
 - Introduce drug residue surveillance and control
- **VS Structure & Management**
 - Strengthen and reorganize the public VS;
 - Improve training for vets and para-professionals;
 - Effectively regulate the professions



Rwanda recognises the importance of a legislative foundation for action

- Since its PVS Evaluation (2008) and Gap Analysis (2010), Rwanda has developed relevant legislation to further its national priorities in the veterinary domain.
 - Law 54/2008 on Control of Animal Diseases
 - Law 56/2013 on Rwanda Veterinary Council
 - Law 74/2013 Establishing the Rwanda Food and Medicine Authority
 - MO 008, 2010 on Organisation of Veterinary Pharmacy Practice
 - MO 012, 2010 on Animal Slaughter and Meat Inspection
 - MO 013, 2010 on Transportation and Trade of Meat
 - Draft Bill on Veterinary Public Health
 - Draft Bill on Veterinary Ethics



Objectives of Veterinary Legislation

- To provide a legal basis for effective regulation of the veterinary domain in order to achieve:
 - Food security through the protection of the primary resource (livestock health);
 - Food safety (through involvement from farm to fork);
 - Human health and safety (through control of dangerous animals and zoonoses);
 - Human welfare through assurance of animal welfare and animal health;
 - Safety of international trade in animals and animal products through compliance with the SPS.



Veterinary legislation

- Good legislation must have internal quality and external quality
- **Internal quality** relates to the legal aspects of the law. Good internal quality
 - Respects the principles of the Constitution,
 - Respects the hierarchy of legislation,
 - Is clearly written for legal certainty,
 - Does not contradict other laws.
- **External quality** relates to the technical aspects of the law
 - All necessary activities are included
 - Proper authorities and powers are identified



Veterinary legislation

- The veterinary legislation must have its basis in established veterinary policies and objectives and represent those policies & objectives.
- There cannot be only one veterinary law
- The whole is necessarily very complex
- Practically we need a definition of veterinary legislation for the VLSP
- And so, the definition is:
 - « the set of legal texts necessary for the governance of the veterinary domain »



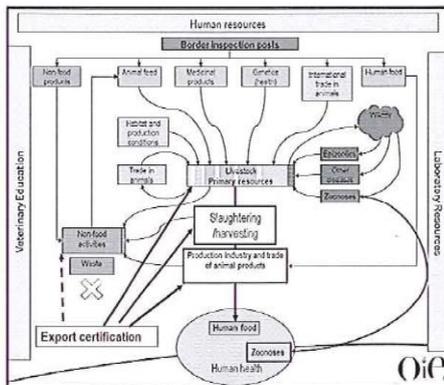
Veterinary Legislation

- Veterinary legislation must be designed holistically, i.e.:
 - Legal aspects
 - Technical veterinary aspects
 - Organisational and administrative aspects
- With the development of a full set of measures including:
 - Basic laws
 - Derived regulations
 - Evaluation measures
 - Effective administration
 - Financial provisions!
- Improvement of veterinary legislation is a prerequisite to improving capacity of VS



Definition of the veterinary domain

"All actions directly or indirectly related to animals, their products and by-products, whenever such actions help to protect, maintain and improve human health, namely the physical, moral and social welfare of humans"



Chapter 3.4 of the OIE Terrestrial Animal Health Code

"The objective of this chapter is to provide advice and assistance to Member Countries when formulating or modernising veterinary legislation so as to comply with OIE standards, thus ensuring good governance of the entire veterinary domain."



Overview of Chapter 3.4 Veterinary Legislation

General matters

- Introduction & objectives
- Definitions
- General principles
- The drafting of veterinary legislation

Specific matters

- Competent authorities
- Veterinarians & veterinary para-professionals
- Laboratories in the veterinary domain
- Health provisions relating to animal production
- Animal diseases
- Animal welfare
- Veterinary medicines & biologicals
- Human food production chain
- Import & export procedures & veterinary certification



Conclusions

- Veterinary legislation is necessary to provide a legal basis for the Competent Authority to properly & effectively regulate the veterinary domain.
- The OIE Veterinary Legislative Support Programme (VLSP) is an integral component of the OIE's PVS Pathway which is dedicated to the robust development of Members' Veterinary Services consistent with international standards.
- The VLSP serves specifically to provide advice and assistance to Members on the formulation or modernisation of high quality veterinary legislation so as to comply with OIE standards, thus ensuring good governance of the entire veterinary domain.



Annex 9. PowerPoint presentation for closing meeting

OIE Organisation Mondiale de la Santé Animale

Veterinary Legislative Identification Mission for Rwanda

Preliminary Findings and Recommendations

6 June 2014

David Sherman, Dorothy Geale, Gloria Minlah

OIE Legislation Identification Missions

- Usually last one week and occur after PVS mission.
- **Objectives:** to clarify the situation in the country and analyse its needs relative to veterinary legislation
- **Preparatory phase** - involves questionnaires to ascertain information on the fundamental characteristics of the legal system and the technical content of existing laws.
- **Step 1** – concepts and tools presented at in-country discussion; overview of current situation
- **Step 2** – Review of legislation and questionnaires to determine coverage of the veterinary domain
- **Step 3** – Assessment of needs, especially regarding methodology

Veterinary legislation

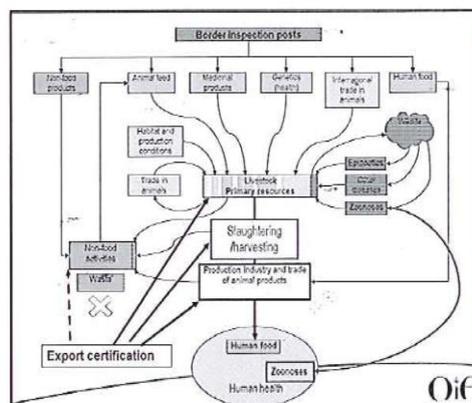
- Good legislation must have internal quality and external quality
- **Internal quality** relates to the legal aspects of the law. Good internal quality
 - Respects the principles of the Constitution,
 - Is clearly written for legal certainty,
 - Does not contradict other laws,
 - Is properly & accurately written or translated into the official language.
- **External quality** relates to the technical aspects of the law
 - All necessary definitions and VS activities are included
 - Proper authorities and powers are identified

Veterinary legislation

- The veterinary legislation must have its basis in established veterinary policies and objectives and represent those policies and objectives.
- There cannot be only one veterinary law
- The whole is necessarily very complex
- Practically we need a definition of veterinary legislation for the OIE legislative missions
- That definition is:
 - « the set of legal texts necessary for the governance of the veterinary domain »

Definition of the veterinary domain

- "All actions directly or indirectly related to animals, their products and by-products, whenever such actions help to protect, maintain and improve human health, namely the physical, moral and social welfare of humans"



Legal Framework of Rwanda

- Rwanda is a Republic with Executive, Judicial & Legislative branches.
- Executive Branch – President and Cabinet
- Legislative Branch - bicameral legislature with a Chamber of Deputies and a Senate
- Judicial Branch –
 - Ordinary courts: Supreme court, High court of the Republic, provincial courts, courts of city of Kigali and grass roots tribunals
 - Specialized courts: Gacaca court and military courts
- The Constitution was adopted in June, 2003 and amended in December, 2003, December 2005 and August, 2008.
- Levels of Administration:
 - National
 - Provincial
 - District
 - Sector
 - Cells

Types of Legislation

- Primary
 - Simple Laws
 - Organic Laws
 - Decree-Law
- Secondary
 - Orders
 - Presidential
 - Prime Ministerial
 - Ministerial
 - Instructions
 - Ministerial
 - District and municipality

Drafting Process

- Laws are initiated by Deputies or Executive branch
- Initial draft goes from Ministry to Parliament
- Introduced into Parliament by Prime Minister
- Goes to relevant Commission (Agriculture) for review
- If approved, bill is sent to Speaker who sends it to a plenary session of Parliament
- Parliament analyses the bill article by article and then votes on it article by article and then as a whole with mechanisms for revision if specific articles are rejected
- If approved by vote, depending on type law, the approved bill is either sent to the Senate for consideration or sent to the President for signature
- The law is gazetted

Observations on Legislative Process

- In principle the drafting process that is in place in Rwanda is essentially sound.
- However, in practice, there is evidence that it is not working as well as it should.
- Enacted laws contain many defects.
- There needs to be more active participation of legal drafters throughout the legislative process, including at the initial policy development stage.
- The new Law Reform Commission in MINIJUST represents an opportunity to improve the legislation drafting process and the quality of outputs.

Current Veterinary Legislation

Year	Law No.	Subject	Status
2001	10/01	Law on the Veterinary Profession	Enacted
2001	11/01	Law on the Veterinary Services	Enacted
2001	12/01	Law on the Veterinary Laboratories	Enacted
2001	13/01	Law on the Veterinary Clinics	Enacted
2001	14/01	Law on the Veterinary Schools	Enacted
2001	15/01	Law on the Veterinary Research	Enacted
2001	16/01	Law on the Veterinary Education	Enacted
2001	17/01	Law on the Veterinary Inspection	Enacted
2001	18/01	Law on the Veterinary Control	Enacted
2001	19/01	Law on the Veterinary Sanitation	Enacted
2001	20/01	Law on the Veterinary Hygiene	Enacted
2001	21/01	Law on the Veterinary Safety	Enacted
2001	22/01	Law on the Veterinary Security	Enacted
2001	23/01	Law on the Veterinary Health	Enacted
2001	24/01	Law on the Veterinary Welfare	Enacted
2001	25/01	Law on the Veterinary Protection	Enacted
2001	26/01	Law on the Veterinary Conservation	Enacted
2001	27/01	Law on the Veterinary Preservation	Enacted
2001	28/01	Law on the Veterinary Maintenance	Enacted
2001	29/01	Law on the Veterinary Repair	Enacted
2001	30/01	Law on the Veterinary Replacement	Enacted
2001	31/01	Law on the Veterinary Improvement	Enacted

Current Veterinary Legislation

Year	Law No.	Subject	Status
2001	10/01	Law on the Veterinary Profession	Enacted
2001	11/01	Law on the Veterinary Services	Enacted
2001	12/01	Law on the Veterinary Laboratories	Enacted
2001	13/01	Law on the Veterinary Clinics	Enacted
2001	14/01	Law on the Veterinary Schools	Enacted
2001	15/01	Law on the Veterinary Research	Enacted
2001	16/01	Law on the Veterinary Education	Enacted
2001	17/01	Law on the Veterinary Inspection	Enacted
2001	18/01	Law on the Veterinary Control	Enacted
2001	19/01	Law on the Veterinary Sanitation	Enacted
2001	20/01	Law on the Veterinary Hygiene	Enacted
2001	21/01	Law on the Veterinary Safety	Enacted
2001	22/01	Law on the Veterinary Security	Enacted
2001	23/01	Law on the Veterinary Health	Enacted
2001	24/01	Law on the Veterinary Welfare	Enacted
2001	25/01	Law on the Veterinary Protection	Enacted
2001	26/01	Law on the Veterinary Conservation	Enacted
2001	27/01	Law on the Veterinary Preservation	Enacted
2001	28/01	Law on the Veterinary Maintenance	Enacted
2001	29/01	Law on the Veterinary Repair	Enacted
2001	30/01	Law on the Veterinary Replacement	Enacted
2001	31/01	Law on the Veterinary Improvement	Enacted

Veterinary Legislation Under Development

Number	Name	Date of Adoption	Name of Author and Reference
54/2008	Loi n° 54/2008 du 22 mai 2008 portant sur le contrôle des maladies animales	2008	Ministère de l'Agriculture, de l'Élevage et de la Pêche
56/2013	Loi n° 56/2013 du 22 mai 2013 portant sur le contrôle des professions vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
57/2013	Loi n° 57/2013 du 22 mai 2013 portant sur le contrôle des établissements vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
58/2013	Loi n° 58/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
59/2013	Loi n° 59/2013 du 22 mai 2013 portant sur le contrôle des médicaments vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
60/2013	Loi n° 60/2013 du 22 mai 2013 portant sur le contrôle des aliments pour animaux	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
61/2013	Loi n° 61/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
62/2013	Loi n° 62/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
63/2013	Loi n° 63/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
64/2013	Loi n° 64/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
65/2013	Loi n° 65/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
66/2013	Loi n° 66/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
67/2013	Loi n° 67/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
68/2013	Loi n° 68/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
69/2013	Loi n° 69/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche
70/2013	Loi n° 70/2013 du 22 mai 2013 portant sur le contrôle des produits vétérinaires	2013	Ministère de l'Agriculture, de l'Élevage et de la Pêche

- ### Gaps in Legislation for the Veterinary Domain as presented in Chapter 3.4 of the Terrestrial Code
- Veterinary laboratories
 - Animal feeds
 - Animal reproduction
 - Animal welfare
 - Food safety (in process through VPH Draft Bill)
 - Egg production
 - Poultry meat
 - Foods of aquatic origin
 - Food processing

- ### Comments on Legislation Reviewed: Animal Disease Control 1
- Law 54/2008 is too long because control measures for specific diseases are included in the text.
 - With regard to the control of contagious diseases, the law can simply state the Minister has the authority to produce orders and instructions for the control of specific diseases rather than putting the details for control of specific diseases in the primary law.
 - There is a lack of clarity about the list of notifiable diseases and the surveillance requirements relative to each disease

- ### Comments on Legislation Reviewed: Animal Disease Control 2
- Names of diseases are not well translated into English – use names in OIE Terrestrial Code.
 - The competent authority is defined as individual veterinary doctors rather than as a collective veterinary authority that empowers veterinary officers.
 - Use of terms is inconsistent, e.g., competent veterinary doctor vs sanitary veterinarian vs veterinary officer vs competent veterinary personnel. Are they equal? If so use one term.
 - Definitions are imprecise e.g., An area suspected to be infected: includes all areas surrounding an infected area.

- ### Comments on Legislation Reviewed: Animal Disease Control 3
- The law refers only to contagious diseases and does not provide authority to control other types of diseases, e.g., toxins.
 - The authority for veterinary officers to employ tools of disease control that they need in order to do their job are not clearly identified.
 - For example, the section on contagious disease surveillance does not actually provide adequate or appropriate authorities to conduct surveillance in a meaningful way or identify the tools needed.
 - There is an obligation to compensate but no money in the compensation fund.

- ### Comments on Legislation Reviewed: Control of the Professions
- Law 56/2013 addresses control of the professions.
 - Establishes a VSB to control the veterinary profession.
 - Authority to regulate veterinary paraprofessionals is not stated in the law.
 - Government veterinarians are not required to register.
 - Continuing education is not made mandatory though the law obliges the RVC to provide training.
 - The law states that Government may entrust (delegate) certain activities to the Council but there is no delegation authority identified in other legislation.
 - Internships and inspection of practices are mandated but the challenges of implementation were not first addressed in an impact study.

Comments on Legislation Reviewed: Food Safety 1

- 3 Ministries engaged in Food Safety
 - Min Health legislation is from 1910 to 1955 plus recent *Regulation & Inspection of Food & Pharmaceutical Products* (2013) and *RFMA* (2013)
 - MinTrade & Industry responsible for *Codex alimentarius* but specific implementation legislation not seen (pending 2014/2015)
 - MinAgri for slaughter to non-processed food products-legislation 1956 to 2010 plus draft bill Veterinary Public Health
- No formal collaborative, overarching framework for food safety at Ministerial level
- Food emergency needs short chain-of-command & clearly defined integrated roles/responsibilities



Comments on Legislation Reviewed: Food Safety 2

- MinAgri legislation requires greater clarity of authorities/obligations/sanctions.
- 2008/2010 recent activity in aquaculture, fish and bee/honey laws but primarily deal with permits, not food safety or processing requirements.
- MO (2010) for meat slaughter & transport/trade of meat to be incorporated in Public Health Veterinary draft law. Not necessary.
- Public Health Veterinary draft law has similar issues as Disease Control Law in structure and similar issues with Pharmacy laws relative to identification of competent authorities.



Comments on Legislation Reviewed: Veterinary Medicines and Biologicals 1

- The Pharmaceutical Art Law (PAL) does not exempt veterinary pharmaceuticals and, in fact, expressly covers veterinary pharmaceuticals. Thus all the requirements in the PAL apply to veterinary pharmaceuticals
- Authority by which the Minister of Agriculture made the Order for the Practice of Veterinary Pharmacy is not clearly established in the primary legislation.
- Harmonization is lacking between the primary legislation (law) and the secondary legislation (order)
- There are conflicting professional requirements established in the PAL and the Veterinary Pharmacy order for the practice of pharmaceutical art and the practice of veterinary pharmacy.



Comments on Legislation Reviewed: Veterinary Medicines and Biologicals 2

- Authority of the Minister to collect and disseminate information for the purposes of enforcing the laws needs to be strengthened
- Authority of the competent authority to recall or withdraw dangerous products already on the market needs to be explicitly provided for in the law
- Prohibitions, obligations or rights are not drafted in accordance with the principles of legislative drafting
- Inconsistent style – numbering of Chapters use both imperial numbering and roman numerals, e.g., Article One, Article 2



Comments on Legislation Reviewed: Veterinary Medicines and Biologicals 3

- Inconsistent words – definition of “food product” and yet in the body of legislation “food” is used
- Words used are not defined. PAL defines “pharmaceutical product”. “Pharmaceutical product” is used in “RFMA”, with no definition and no reference to the definition in the PAL
- The Directorate General of RFMA is obliged to provide an annual financial report and submit it to its supervising authority, after its approval by the Board of Directors. Subject to what the laws governing the management of state finance and property, there appears to be no Parliamentary oversight over the financial activities of RFMA



Strengths noted

- Definite recognition of the importance of legislation as a foundation of good governance
- Genuine enthusiasm for developing new legislation
- Good consultation process for stakeholder involvement
- The RAB VS team have done a great deal of productive work since the Gap Analysis
- The Gap process identified strategic objectives for the VS and the legislative efforts have been directed towards those objectives.
- Acknowledged their problems and sought solutions
- The new Law Reform Commission is putting mechanisms in place to improve involvement of drafters



Issues observed 1

- Issues relating to the hierarchy of legislation
 - Perception that Ministerial Orders do not carry the weight of law “We have to develop our orders into laws in order to strengthen them”
 - Tendency to put too many activity-related provisions into the primary law.
 - As a result, laws are too long, cumbersome, difficult to pass in Parliament or amend easily and difficult for stakeholders to understand.
 - At the same time these laws fail to sufficiently identify competent authorities and their powers to Act.
 - As a result the VS thinks they have legal authority to do things that they actually do not have.
 - All the Laws reviewed refer to the repeal of prior contrary legal provisions, without specifying what these are.



Issues observed 2

- Translations are problematic
 - Poor translations undermine the credibility of the law and result in legal uncertainty
- Not enough legal drafters in Rwanda and they are not sufficiently engaged in the development of veterinary texts
- Legal Counsel for RAB is minimally involved in the preparation of veterinary texts
- VS is understaffed to carry out the legal obligations that they are creating for themselves,
- No mechanism for impact evaluation, including costing and human resources for implementation and enforcement before the law is enacted



Recommendations & Conclusions

- All the laws that the OIE Team reviewed have deficiencies that require amendment of the laws.
- There needs to be formal coordination between ministries with shared responsibility for different aspects of the veterinary domain, notably food safety and the regulation of veterinary medicines
- Must have more direct legal involvement in drafting of legislation, starting in the initial phases



Recommendations & Conclusions

- RAB should take their draft VPH bill through the new Law Reform Commission process – take advantage of this service as your VPH bill needs it
- Training for technical people on legislative drafting and fundamental principles of law to improve collaboration



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Thank you for your attention

...questions..?



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