

My dear colleagues,

I am delighted to attend this 47th Annual Scientific Congress, in my capacity as the Representative of the OIE, but also as a Kenyan, a veterinarian and a former Chairperson of the KVA.

My talk will touch upon the issue of veterinary legislation, a relatively new focus for the institution I represent today: the *World Organisation for Animal Health* or OIE.

In many African countries, veterinary legislation dates back to the colonial era and is therefore based on the antiquated common, civil and sometimes religious legal systems of the colonial powers of the day.

New societal demands in Africa and the world require that the skills and competencies of both veterinary science and the veterinary profession be expanded to include the new domains of wildlife medicine, animal welfare, aquatic animal health, food safety, business management and communication.

Without modernising legislation to keep pace with these developments, judicial conundrums may constrain relations between veterinary services and private stakeholders causing untold damage to the veterinary profession in the long term. Indeed, inadequate legislation is an open door for individuals to take advantage of loopholes in legislation. For example, ill intentioned individuals have been known to challenge the legal grounds of critical activities undertaken by public veterinary services such as condemnation of carcasses, stamping out, and compulsory vaccinations.

The Performance of Veterinary Services Evaluation (PVS) missions conducted in Africa and elsewhere, from the year 2006, pinpointed veterinary legislation as a recurrent shortcoming. The OIE then resolved to promote both good governance of veterinary services, as laid down in chapter 3 of the Terrestrial Animal Health Code, and modernisation of veterinary legislation.

The OIE realises that drafting of legislation is a craft that has not been mastered by many veterinarians. Despite their very best intentions I am sure, members of our noble profession cannot be expected to produce useful veterinary legislation on their own, however gifted they may be technically. Lawyers, on the other hand, while well known

to be sharp of tongue and pen, cannot possibly produce relevant veterinary legislation without the support of veterinary professionals.

For legislation to be useful for the nation it needs to be altruistic, and must therefore involve all stakeholders in a participatory process. I wish to stress that legislation is not drafted for the benefit of the veterinary services, but for the benefit of society at large. It must also be underpinned by water-tight legal drafting principles, which may vary from country to country and system to system.

Legislation must always comply with the following four principles - relevance, acceptability, applicability and affordability. This is called the extrinsic quality of legislation. In addition, legislation must fit within the hierarchy of existing laws: it must not contradict national legislation or international treaties that the country has ratified, nor must it violate the universal principle of separation of powers between the legislature, judiciary and executive. This, along with the proper legal drafting rules and formatting, is referred to as the intrinsic quality.

Dear colleagues and friends, experience unfortunately shows that many countries in Africa have adopted legislation which infringes on some of these principles of relevance, acceptability, applicability and affordability.

We must avoid adopting world-class legislation, copied from developed countries, that is utterly detached from the reality on the ground in Africa.

I can say without any hesitation that this is why the OIE has never promoted a 'one size fits all' solution with regard to legislation, nor have we attempted to develop any type of "template legislation".

In contrast, the OIE proposes broad guidelines on the topics that legislation should cover for it to be relevant to its people, but leaves it to countries to fill in the blanks in appropriate ways.

These broad guidelines cover the ground rules for achieving high quality, useful and relevant legislation, that is, the respect for the hierarchy of legislation, the legal basis with regard to primary and secondary legislation, transparency in the drafting process, and last but not least, consultation with relevant stakeholders, scientists and legal experts in the early stages of drafting. In 2012 the guidelines were converted into

standards and consolidated in a new chapter in the Terrestrial Code, dedicated to veterinary legislation (chapter 3.4.).

The standards cover various areas of veterinary science and medicine with clear definitions of “competent authority”, “delegation of powers”, “veterinarian” and “veterinary para-professional”. Furthermore the standards touch on issues of veterinary diagnostic laboratories (accreditation), health provisions relating to animal production such as identification and traceability or safety of animal feeds, (emerging) animal diseases’ surveillance, prevention and control, animal welfare, veterinary drugs, food safety, import and export procedures and veterinary certification.

Dear colleagues, ladies and gentlemen, as you may have noted from my presentation, the OIE’s *Veterinary Legislation Support Programme* (VLSP) has been designed to be a long term support programme to countries, rather than a form of short term consultancy. Indeed, countries requesting the OIE’s support are expected to commit staff, funds and time to develop new legislation with the help of an OIE accredited expert. This expert does not impose his or her views on legislation.

The purpose of this approach is to ensure that legislation is owned by the country and fully understood and mastered by those who will eventually enforce it.

The *Veterinary Legislation Support Programme* (VLSP) is now part of the OIE PVS Pathway. Consequently, to qualify for such legal support, an initial PVS evaluation must be completed. Twenty-three countries in Africa have requested veterinary legislation support to date, and the programme is currently being conducted in 16 African countries. Worldwide, more than 40 countries have applied for the programme and more than 30 programmes are ongoing or have been completed.

Kenya, I might add, is not part of this list, nor has it applied.

In parallel to the *Veterinary Legislation Support Programme*, the OIE has also embarked on training OIE Delegates and certain focal points in the area of veterinary legislation. Such seminars have already been organized for SADC Member States in Gaborone, Botswana, which took place in 2011, and for ECOWAS Member States in Cotonou, Benin, earlier this year. The conclusions of the ECOWAS seminar highlight the need for regional economic communities to play a more active role to ensure harmonisation of veterinary legislation at the (sub) regional level.

The next training of this nature will take place for EAC and IGAD staff and Member States' representatives, hopefully in October this year, in Arusha. This will be a collaborative effort with the AU's *Inter-African Bureau for Animal Resources* (IBAR).

My colleagues, I have attempted to highlight the procedures for enacting legislation to accommodate the modern veterinary profession. I hope we can engage in useful discussions.

I thank you very much for your kind attention.