

ADB-CAREC
TA 9500
MODERNIZATION OF SPS MEASURES TO FACILITATE TRADE

Animal Health Law Reforms in Pakistan

*Dr. Falak Naz, Chairman SPS NWG, Pakistan
D.G. and Adviser Department of Plant Protection, Pakistan*



Presentation Outline

- I. Current Primary and Secondary Animal Health Legislation in Pakistan
- II. Need for “New Animal Health Legislation”
- III. Approach for Developing New Animal Health Legislation
- IV. Steps for Development of New Animal Health

I. Current Primary and Secondary Animal Health Legislation in Pakistan

Primary Legislation:

- Pakistan Animal Quarantine (Import and Export of Animal and Animal Products) Ordinance, 1979
 - *Consists of 15 sections and provides animal health provisions for both import and export of animals and animal products that were sufficiently comprehensive for the time.*
 - *However, provisions are very general and sketchy and the Ordinance is completely out-of-date (as without any recognition of risk-based measures under the WTO SPS Agreement and more particularly the OIE Codes).*

Current Primary and Secondary Animal Health Legislation in Pakistan (Contd.)

Secondary Legislation:

- Pakistan Animal Quarantine (import and Export of Animals and Animal Products) Rules, 1980
 - The Rules have legal authority under the Animal Health Ordinance which comprehensively covers all likely matters for secondary legislation.
 - The Rules have current legal force and are technically workable. However, the Rules are deficient as they do not implement specific provisions of the OIE code.

II. Need for “New Animal Health Legislation”

- “New Animal Health Legislation” needed to replace the ‘Animal Quarantine Ordinance’ and the ‘Animal Quarantine Rules’
- An objective assessment of the replacement need comes from:
 - Performance of Veterinary Services (PVS) Evaluation by OIE (2014-15)
 - Initial Legislative Review by ADB experts under TA-9500
- Main observations as per PVS Evaluation and TA-9500 Review:
 1. There are no provisions in the Primary Legislation (Ordinance 1979) for:
 - OIE listed diseases (Transboundary animal diseases/ TADs)
 - Animal disease surveillance/ animal identification
 - Risk analysis
 - Disease zoning
 - Certification as trade measure
 - Zoonosis and veterinary public health
 - Animal welfare

Need for “New Animal Health Legislation” (Contd.)

2. The Secondary Legislation (Rules 1980):
 - does not implement specific provisions of the OIE code, and
 - need substantial strengthening in light of the updated primary legislation being proposed.
3. The new veterinary legislation should fill up gaps and remove overlaps arising from decentralization/devolution of responsibilities from federal to provincial governments in Pakistan through 18th Constitutional Amendment (2012) to:
 - create a clear and complete chain of command to cover animal health, and
 - improve coordination across different institutions at federal and provincial levels.
4. Need assessment be undertaken for identification of areas needing development of tools, guidelines, and enforcement systems for implementing SPS measures in accordance with international standards, followed by development of tools, guidelines, and enforcement systems in identified areas.

III. Approach for Developing New Animal Health Legislation

Main steps being followed for developing & implementing New Legislation (for both Animal and Plant Health):

- Preliminary review of existing legislation (already undertaken by ADB experts under TA-9500)
- Development of recommendations (by NWG) for reform of the legislation as part of the National SPS Strategy and SPS Priority Action Plan development in consultation with TA-9500
- Identification of steps for achieving radical reforms, entailing new approaches to both primary and secondary legislation

IV. Steps for Development of Animal Health Legislation

Following steps are being considered in consultation with TA-9500 for development of Animal and Plant Health Legislation:

- TA-9500 assistance in briefing of senior officials and politicians at the highest levels of government for them to appreciate and accept the need for legislative reforms as part of SPS modernization (seminars/ conferences).
- Training of Pakistan's legal drafters in specialized regulatory concepts that are applied in SPS and plant and animal health-related legislation (under TA-9500).
- Regional or sub-regional training workshops for lawyers, technical experts, and administrators by TA-9500 for development of skills in critical evaluation of existing legislation and drafting of new or amended SPS-related legislation.
- Recommendations and broad outline by TA-9500 for scope and content of the new federal level primary and secondary animal health legislation to be developed with assistance from OIE partnering with TA-9500.

THANK YOU