

## Veterinary Legislation Support Programme

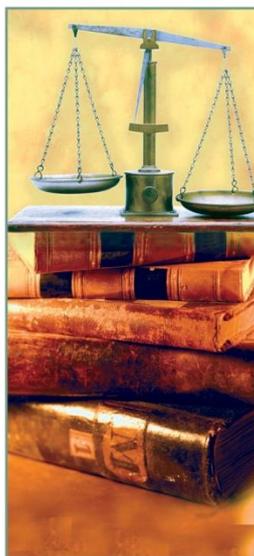
SUDAN

### Veterinary Legislation Identification Mission Report

Code  
compliance



Legislation  
reform



Effective  
enforcement



Serve the  
public good



August  
2016

Mrs Gloria Mintah (Team Leader)  
Dr Raymond Briscoe, Dr Bruce Mukanda



# **VETERINARY LEGISLATION SUPPORT PROGRAMME**

## **REPORT OF THE VETERINARY LEGISLATION IDENTIFICATION MISSION**

### **SUDAN**

**August 7 to 11, 2016**



Mrs Gloria Mintah (Team Leader)  
Dr Raymond Briscoe (Technical Expert)  
Dr Bruce Mukanda (Technical Expert)

#### Disclaimer

This mission has been conducted by an OIE PVS Team authorised by the OIE. However, the views and the recommendations in this report are not necessarily those of the OIE.

The results of this report remain confidential between the evaluated country and the OIE until such time as the country agrees to release the report and states the terms of such release.



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## List of acronyms, abbreviations and/or special terms

AD(FZ)A	<i>Animal Diseases (Free Zone) Act, 1973</i>
AH&EDC	Animal Health and Epizootic Diseases Control Directorate
AHIS	Animal Health Information System
A(L&W)A	<i>Animal (Lenience and Welfare) Act, 2015</i>
ARP	Agricultural Revival Programme
AU-IBAR	African Union InterAfrican Bureau for Animal Resources
CA	Competent Authority
CAHWs	Community Animal Health Workers
CVO	Chief Veterinary Officer
CVRL	Central Veterinary Research Laboratory
Codex	Codex Alimentarius of the Food and Agriculture Organisation
COMESA	Common Market for Eastern and Southern Africa
DG	Director General
EDAA	<i>Epidemic Diseases of Animals Act, 2001</i>
EILA&M(VQ)A	<i>Exports and Imports of Live Animals and Meat (Veterinary Quarantine) Act, 2008</i>
FAO	Food and Agriculture Organisation
FCA	<i>Food Control Act</i>
GD	General Director
HACCP	Hazard Analysis Critical Control Point
IGAD	Intergovernmental Authority on Development
ILRI	International Livestock Research Institute
I-PRSP	Interim Poverty Reduction Strategy Papers
LRVCSA	<i>Livestock Route and Veterinary Control Station Act, 1974</i>
MIA	<i>Meat (Inspection) Act, 1974</i>
MoAR	Ministry of Animal Resources
MoH	Ministry of Health
MoJ	Ministry of Justice
MoM	Ministry of Ministries
MRLs	Maximum Residue Levels
NDPB	National Drugs and Poisons Board
NGOs	Non-Governmental Organisations
OIE	World Organisation for Animal Health
OIE-PVS	OIE Performance of Veterinary Services Evaluation Tool
PPB	Pharmacy and Poisons Board
QMH	Quarantine and Meat Inspection
S&MA	Standards and Metrology Act, 2008
SBEF	Sudanese Business and Employer Federation)
SPS	Sanitary and Phytosanitary
SSMO	Sudan Standards and Metrology Organization
SVC	The Sudan Veterinary Council
UN	The United Nations
VS	Veterinary Service(s)
VSB	Veterinary Statutory Body
VLIM	Veterinary Legislation Identification Mission
VLSP	Veterinary Legislation Support Programme
VMD	Veterinary Medicines Directorate
VPPs	Veterinary Para-professionals
WHO	World Health Organisation
WTO	World Trade Organisation

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## Acknowledgements

The World Organization for Animal Health (OIE) Veterinary Legislation Identification Mission Team (Team) would like to thank His Excellency Dr. Gafaar Ahmed Abd Alla Omer, the acting Minister of Animal Resources and Dr. Kamal Tagelsir Elsheik, the Undersecretary of the Ministry of Animal Resources, who is also the Chief Veterinary Officer, and the World Organisation for Animal Health Delegate for Sudan, for giving up their precious time to meet the Team, and giving their support to the mission.

The Team also wishes to express its sincere gratitude to Dr. Khidir Mohamed Elfaki Ahmed, General Director of Animal Health and Epizootic Disease Control Directorate of the Sudan Veterinary Services, and also the mission contact person, Dr. Isam Abdel Mageed Mustafa, Dr. Amel Mahgoub Abbas and Dr. Nada Mohammed Hassan during the preparation and execution of this mission.

The Team acknowledges with appreciation all those who freely gave of their time and experience to meet with us to share their perspectives, experiences and information over the course of the mission.

We would also like to thank our driver, Mousa, who looked after our transportation needs during the mission, from the date of our arrival to the date of our departure and all dates in between, often giving up his valuable time to be available to us outside his regular working hours.

To all, we say “shukran”.

# Executive Summary

The Veterinary Legislation Identification Mission to Sudan was conducted under the OIE Veterinary Legislation Support Programme at the request of Dr. Kamal Tagelsir Elsheit, the Undersecretary of the Ministry of Animal Resources, also the Chief Veterinary Officer and the OIE Delegate for Sudan. The Mission followed a successful completion of a performance assessment of the Veterinary Services (VS) using the OIE – PVS Tool mission (January 2009), a PVS Evaluation mission (September 2013) and a PVS Gap Analysis mission (November 2014).

The Team of Mrs. Gloria Mintah, Legal Expert and Team Leader, Dr. Raymond Briscoe, Veterinarian and Technical Expert and Dr. Bruce Mukanda, Veterinarian and Technical Expert, conducted the Mission during the period of August 7th to 11th, 2016.

## The overall objectives of the VLIM are:

- to evaluate Sudan's veterinary legislation and its compliance with Chapter 3.4 of the OIE Terrestrial Animal Health Code (TAHC);
- to support the preparation of Sudan's national priorities in terms of veterinary legislation;
- to identify the available human resources; and
- to propose a comprehensive plan to modernize Sudan's veterinary legislation.

## Sudan's expectations of the mission are:

- to analyse the current situation of the country's veterinary legislation;
- to identify strengths and weaknesses; and
- to provide recommendation for improvement to comply with international standards

Historically, agriculture has been the main source of income and employment in Sudan, employing over 80% of Sudanese. It is estimated that agriculture contributes 35-40% of GDP, of which 20-25% is from livestock.

Livestock plays an important social and economic role in the country, and is a valuable strategic resource for both local and export purposes, contributing to food security and generating foreign earnings. It is also a key asset for some of the poorest pastoral and agro-pastoral households. The Food and Agriculture Organisation estimates that Sudan has the second largest livestock inventories in Africa, next to Ethiopia; it is also recognised as being among the top producers of livestock in the Intergovernmental Authority on Development region.

Recognising the important role of agriculture and livestock in food security, poverty alleviation and employment opportunities, the Government of Sudan, under the Interim Poverty Reduction Strategy Papers (I-PRSP) and the emergency economic recovery programme, has identified the agriculture and livestock sector as a priority and has committed 20% of public expenditure on agriculture and livestock infrastructure and technical innovations.

Recent developments in Sudan – a constitutional reform initiative, application to join the World Trade Organization, the adoption of a series of 5-year development plans in the livestock and agriculture sectors, and the desire to expand its markets by adding value to its livestock and finding new markets - have heightened the country's awareness of its need for veterinary legislation reform. The reform is wholeheartedly supported by political decision makers within Sudan's Federal Government.

The Team conducted off-site and on-site review of Sudan's veterinary legislation and, on arrival in the country, reviewed the OIE legislation questionnaires, met with the Federal Minister responsible for the veterinary domain and the Chief Veterinary Officer and the OIE Delegate for Sudan. The Team also conducted a week-long session with senior management of the Veterinary Services of Sudan, and representatives of institutions who have some responsibilities in the veterinary domain. Discussions were held on various relevant matters, including structures of the Veterinary Services within the country, delivery of veterinary services, veterinary education programmes and in-depth opinions on legislation, and how well these serve them in the delivery of services in the veterinary domain. The meetings, reviews and the discussions revealed both strengths and weaknesses in the veterinary domain and in the delivery of veterinary services in the country.

On the strengths' side, the Team found support for legislative reform at a very high political level. As well, senior management has a definite recognition of the importance of good governance as being essential for the effective operation of the Veterinary Services. Senior officials also acknowledge that problems exist in the management of the veterinary domain and are actively seeking solutions.

The Team found good collaboration among those principally responsible for the delivery of veterinary services, both at the Federal and State levels of government. There are good and adequate facilities in the country to train veterinarians and veterinary para-professionals including veterinary nurses.

A good number of operational actions and initiatives are being undertaken by the Veterinary Service, for example, the collection, collating and dissemination of information such as disease outbreaks; laboratory analysis; mapping of zoonotic diseases; traceability of livestock for export; and programmes to raise awareness among industry, including livestock farmers and pastoralists.

On the legislation side, the legislative drafting processes are fairly sound and well-executed. There is also generally a good working relationship between the technical staff – veterinarians - and their lawyers, both in-house and at the Ministry of Justice who supply general legal advisory services and legislative drafting services to the Ministry of Animal Resources. All legislation in the country, including those in the veterinary domain, are codified and published in the "Laws of Sudan". The Ministry of Justice is responsible for maintaining and is the custodian of the "Laws of Sudan".

But underneath these strengths are challenges. Some of these challenges are based on the structure of the nation. Sudan practises a Federal presidential system of government, consisting of one Federal/National Government and 18 State Governments. All levels of government have parallel democratic institutions – executive, legislature and judiciary. With specific reference to the veterinary domain, both levels of government have concurrent jurisdiction over pastures, veterinary services, and animal and livestock disease control. However, the two levels of government are autonomous and operate independently of each other. Thus, potentially, there could be 19 different pieces of primary legislation (1 Federal/National and 18 States) to deal with the management and control of an animal disease outbreak, with no coordination, management and/or direction by or from one source. If there is a conflict in legislation, that conflict is resolved in accordance with a constitutional provision to this effect.

Also at the federal level, while the Veterinary Services is the main authority over the veterinary domain, there are various Ministries which also have some mandate, sometimes overlapping. This could lead to a duplication of efforts.

One of the biggest challenges is with respect to the state of legislation in the veterinary domain. Some Acts are old; and even the newer Acts do not meet OIE standards as established under Chapter 3.4 of the Terrestrial Animal Health Code. They also do not meet standards set by other international institutions such as the *Codex Alimentarius* of the Food

and Agriculture Organisation. The non-compliance with international standards has created gaps in legislation governing the veterinary domain.

Some of the important gaps are the absence of an autonomous veterinary statutory body, absence of legal requirements for continuing veterinary education; no primary responsibilities placed on food operators to produce safe products, and no legislative ability to trace, recall or withdraw products. Also, missing from all the Acts are provisions governing the appointment or designation of inspectors, veterinary inspectors and other officers, setting out their functions/duties, and protection from both physical and legal harm in the performance of their official duties.

Sometimes, the gaps go beyond existing legislation not covering the standards set in the Terrestrial Animal Health Code or those of other international institutions; there are many instances where no Act has even been enacted at all on specific matters in the veterinary domain. For instance, there is no Federal Act, or legislative provisions in any existing Federal Act on animal feeds, animal production, or authorizing the setting up, and operations, of laboratories. These lead to a situation where a number of operational activities being performed by the Veterinary Services are not supported by law and survive only to the extent that these actions have not been challenged in court. It also makes it difficult for the effective management and delivery of service and gives the Veterinary Services no recourse against a member of the industry who is openly refusing to obey laws in the veterinary domain. In the course of the mission, there were attempts to justify the absence of such Acts by resorting to existence of some Acts and facilities under the mandate of other government ministries.

The biggest challenges of all are the absence in the legislation of the establishment of a chain of command and the power to delegate. As well, these concerns were consistently brought to the attention of the Team at all levels of the operational ladder. In the absence of a legislatively-mandated chain of command, there is no basis, for example, for reporting up, for decision-making at, or coordination of activities from, the Federal level. Almost all the Acts reviewed made no provision for delegation of functions, vertically within the same organization or horizontally, say from the Federal to the State Governments, or to the local authorities or to private veterinarians.

Sometimes, it is even difficult to find a clearly-identified Competent Authority in an Act at the Federal level but some functions in Federal laws are vested directly in a State official, rather than through a delegation by a clearly-identified Competent Authority, with no reporting requirements from the State to the Federal level. All these lapses, in a country so geographically large and with such limited financial resources that the Federal Veterinary Services does not maintain a presence in all the States.

With or without gaps, the quality of the Acts is also very poor. For instance the numbering of sections is inconsistent as when, for example, the Table of Contents in the Meat (Inspection) Act, 1974 indicates 15 sections and yet the body of the legislation has 17 sections, and even when section 11 is missing. There were inconsistent words in the same Act or in related Acts, ambiguous words, and poor arrangements of ideas, or requirements in one Act, the compliance with which would lead to the violation of requirements in a related Act. The Team was advised that the poor quality of the legislation could be due to poor translation.

#### **The main recommendations are:**

Review of federal legislation in the veterinary domain in order to eliminate duplication and overlapping jurisdiction. For instance, while it is commendable to have a Federal standard-setting body, the appropriate standards must be incorporated into the relevant veterinary domain legislation and be enforced by the Veterinary Services and not by both the standard-setting body and the Veterinary Services.

Align some existing legislation into a new law on animal health and disease control, to be known, for example, as Animal Health Act. Repeal the existing *Epidemic Diseases of*

*Animals Act*, the *Animal Disease (Free Zone) Act*, the *Livestock Route and Veterinary Control Station Act* and parts of the *Exports and Imports of Live Animals and Meat (Veterinary Quarantine) Act* and incorporate them into the new Act.

It is recommended that the same be considered for the *Meat (Inspection) Act* and the meat provisions in the *Exports and Imports of Live Animals and Meat (Veterinary Quarantine) Act*.

Align some functions between the Federal Veterinary Services and the State Veterinary Services. For example, while leaving concurrent jurisdiction largely intact, to consider transferring exclusive jurisdiction/power over the management and control of animal diseases to the Federal authority, with a clear power to delegate some functions. This will allow control from the Federal level but with the ability to delegate to the State, local authorities or private veterinarians, resulting in coordination, control and decision-making at one source, under the application of laws at one level of government, logically that of the Federal Government. As well, consideration may be given to transferring jurisdiction/power over meat and animal products for human consumption that enter into export, import or inter-state trade to the Federal Government; the rationale being that it is impossible to apply the laws of any one State to products that enter into international and inter-state trade.

Establish a chain of command, by clearly identifying a Competent Authority in Federal Government Acts, and providing for delegation (but excluding those functions which the law makers would not want to be delegated).

Provide legislative authority in all the appropriate veterinary legislation for the appointment or designation of inspectors, setting up their duties, functions, protection, limitation on how to perform their duties to avoid abuse of power; as well as the setting up of laboratories, and their operations.

Review all legislation, those that will be kept and those that will be newly-enacted with a view to updating and improving their quality. If legislation cannot be drafted simultaneously in both Arabic and English, the two official working languages of Sudan, the country needs to invest in high-quality translation services, well-trained translators, preferably with technical knowledge, and access to interpretative aids such as dictionaries, appropriate technology and other relevant resources.

The Team realizes that legislative reform will be massive, costly and long. Therefore, the Veterinary Services needs an action plan, setting priorities and realistic goals and achievable outcomes. There are resources that the Veterinary Services can draw on, both internally and externally. As well, strategies such as harmonization of laws with other countries, either in the region or through regional associations, exploring equivalency with the country's trading partners and/or third party audit of export abattoirs and/or other export facilities can and need to be considered.

Lastly, the Team recommends that this report be translated into Arabic to facilitate wider dissemination to interested parties.

# Report

## 1. Background to the mission

The Veterinary Legislation Identification Mission (VLIM) to Sudan was conducted under the World Organisation for Animal Health (OIE) Veterinary Legislation Support Programme (VLSP) at the request of Dr. Kamal Tagelsir Elsheik, the Undersecretary of the Ministry of Animal Resources<sup>1</sup> (MoAR), Sudan's Chief Veterinary Officer (CVO) and the OIE Delegate for Sudan<sup>2</sup>. The mission followed a successful completion of a performance assessment of the Veterinary Services (VS) using the OIE – PVS Tool mission (January 2009), a PVS Evaluation mission (September 2013) and a PVS Gap Analysis mission (November 2014).

The Team of Mrs. Gloria Mintah, Legal Expert and Team Leader, Dr. Raymond Briscoe, Veterinarian and Technical Expert and Dr. Bruce Mukanda, Veterinarian and Technical Expert, was proposed by the OIE Director General on January 20, 2016 and was accepted by Sudan's OIE Delegate on February 1st, 2016. The mission was conducted during the period of August 7th to 11th, 2016 (Sunday through Thursday in accordance with the working week in Sudan).

The overall objectives of the VLIM are:

- to evaluate Sudan's veterinary legislation and its compliance with Chapter 3.4 of the OIE Terrestrial Animal Health Code (TAHC);
- to support the preparation of Sudan's national priorities in terms of veterinary legislation;
- to identify the available human resources; and
- to propose a comprehensive plan to modernize Sudan's veterinary legislation.

Sudan's expectations of the mission are:

- to analyse the current situation of the country's veterinary legislation;
- to identify strengths and weaknesses; and
- to provide recommendations for improvement to comply with international standards.

All meetings held during the mission took place at Soba, where the office of the Animal Health and Epizootic Disease Control (AH&EDC) is located.

This mission is especially relevant at this time since the country has initiated a process to draft a permanent constitution to replace the Interim Constitution adopted in 2005, and representations are being sought in the process. There are also other reasons why Sudan is keen on this mission: it has made an application to join the World Trade Organisation (WTO), and sees compliance with OIE and other international standards, such as Codex Alimentarius (CODEX) of the United Nations Food and Agriculture Organisation (FAO), and the Sanitary and Phytosanitary (SPS) agreement, as being crucial to its WTO membership, expected in early 2017. In addition, the Veterinary Services (VS) has adopted a series of 5-year strategic plans, the first to end in 2020 and thereafter renewed every 5 years. There are also efforts on the way to add value to Sudan's livestock by processing and expanding its export trade to include meat, while it also seeks new markets for its animals and meat products.

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<sup>1</sup> The name of the Ministry was changed from the Ministry of Livestock, Fisheries and Rangeland in 2015

<sup>2</sup> Correspondence between the OIE and the CVO are provided in Appendix 1

For these reasons, the country at large and the MoAR in particular, as responsible for livestock, are keen to reform veterinary legislation in Sudan. They see the recommendations arising out of the VLIM as a road map for reforming their veterinary legislation.

## 2. Methodology

Sudan has two official working languages, Arabic and English. The mission was conducted in English. As all the participants have working understanding of English, translation services were not needed, though sometimes animated discussions were held among the participants in Arabic.

The overall responsible person for the conduct of the mission was Dr. Kamal Tagelsir Elsheit, Undersecretary, of the MoAR. The designated focal point for the mission was Dr. Khidir Mohamed Elfaki Ahmed (Dr. Elfaki), DG of AH&EDC of the VS.

The Team Leader, prior to the arrival of the Team in Sudan, coordinated the planning of the mission with Dr. Elfaki. The planning included transmitting questionnaires to Dr. Elfaki, and receipt of responses to the questionnaires, collection and transmission of relevant legislation<sup>3</sup>, research by the Team<sup>4</sup>, stakeholder meetings, draft proposed programme for the mission and arrangements for the issuance of visa and entry permits for the Team members.

The draft proposed programme for the VLIM was developed through off-site country research, review of previous OIE reports, some of the more important legal texts covering the veterinary domain that were provided to the Team prior to the mission by the contact persons, and responses to Questionnaires I and II<sup>5</sup>. The draft proposed programme<sup>6</sup> was amended and refined during the mission in order to accommodate the availability of the Minister and the Undersecretary and also to accommodate the working hours of the Sudan public service, which officially start at 9:00 am end at 3:00 pm every day.

The early arrival of the Team members gave an opportunity for the Team to have a 2.5-hour preparatory meeting with Dr. Elfaki and three of his staff members on the Saturday prior to the official commencement of the mission on Sunday. The Team also had its own preparatory meeting that Saturday to discuss strategies, this being the first time the Team met face-to-face.

The opening session was scheduled for 11:30 am, as arrangements had been made for the Team to meet the Undersecretary at 9:30 am on the first day, which meeting was cancelled at the last minute, because he had been called to another urgent meeting,

There were 4 presentations on the first day of the mission. The first was by Dr. Elfaki on the structure (organogram)<sup>7</sup> of the VS. The opening presentation to introduce the purpose of the VLSP followed next and was made by all the Team members; this was followed by a presentation on the PVS in Arabic by Dr. Elfaki to his staff. The day ended with the 4th presentation made by the Team leader on "Achieving Quality Legislation". The 3 English presentations are provided in Appendices 7.1 to 7.3.

The Team was able to meet with many of the principal actors<sup>8</sup> involved with the review, as well as, with the implementation of the key Acts and Regulations<sup>9</sup> covering the veterinary

<sup>3</sup> The list of all legislation (Acts and Regulations) provided, whether reviewed or not, are provided in Appendix 6

<sup>4</sup> List of reports consulted is provided in Appendix 8

<sup>5</sup> The Questionnaires are provided in Appendices 5.1 and 5.2

<sup>6</sup> The mission programme is provided in Appendix 3

<sup>7</sup> The organogram of the VS is provided in Appendix 2

<sup>8</sup> The list of participants is provided in Appendix 4

<sup>9</sup> The words "legislation", "primary legislation" and "secondary legislation" have sometimes been used in this report. They correspond respectively to Acts and Regulations (legislation), Acts (primary legislation) and Regulations (secondary legislation). The Team is of the opinion that sometimes it is simpler to use Act and/or regulations in place of primary and/or secondary legislation

domain, including VS employees, and representatives from Khartoum State VS, the Sudanese Standard and Metrology Organisation (SSMO), the Sudan Veterinary Council (SVC), veterinary academic institutions, and the private sector. The Team regrets that it was not able to later have a one-on-one meeting with the representative of the Ministry of Health (MoH), who was present at the opening plenary session.

The responses provided to both Questionnaires Part I and Part II required further clarification by the Team. This was addressed during a comprehensive review conducted at meetings with mission participants, and also with the in-house counsel of the MoAR and a legislative drafter from the Ministry of Justice (MoJ).

The review of existing legislation carried out before, during and after the mission, combined with the detailed on-site review of the Questionnaires, and discussions with meeting participants, as well as review of relevant country reports, are the basis for the assessment of Sudan's veterinary legislation to determine compliance with the standards defined in Chapter 3.4 of the OIE TAHC and the quality of the legislation.

It is to be noted that the mission focused on terrestrial animals and not on aquatic animals. Therefore, legislation on aquatic animals were not reviewed, even though some were provided to the Team prior to arrival. As well, though the States have concurrent jurisdiction in pastures, veterinary services, and animal and livestock diseases control, and a veterinarian from the Khartoum State VS participated in the mission through the entire week, the mission concentrated mainly on Federal legislation and did not review any of the few State legislation provided.

On the last day of the Mission, the Team had meetings with the Undersecretary and the acting Minister of the MOAR, first alone with the Undersecretary, and subsequently with the Minister and the Undersecretary together. These meetings were followed by a closing presentation by the Team leader. The closing presentation is provided in Appendix 7.4.

### **3. Socio-economic and policy context of the veterinary services**

#### **3.1 Economic factors**

##### **Geography**

Sudan is the third largest country in Africa, with a land area of approximately 1,767,191 square kilometres (682,316 square miles). It is located in north-eastern Africa, bordering the Red Sea, between Egypt and Eritrea. It shares common land boundaries with 7 countries - Egypt to the north, Eritrea and Ethiopia to the east<sup>10</sup>, South Sudan to the south, Central African Republic to the southwest, Chad to the west, and Libya to the northwest. The River Nile flows through the country, dividing it into western and eastern halves and connecting its various parts. Sudan has fertile lands, abundant rainfall, tropical forests, marshlands, stone and sand deserts, mountains and abundant livestock.

##### **The Economy**

###### **General Overview**

Prior to Sudan becoming an oil exporting country, its economy was long characterised by a small share of industry, notably manufacturing, and a high share of the agriculture and services sectors in gross domestic product (GDP) and employment. The share of agriculture in GDP increased from 30.3% in 1990 to 49.8% in 1999 and declined to 3.1% in 2009. The share of the service sector declined from 54.4% in 1990 to 34.4% in 1999 and increased to 45.0% in 2009. The share of

<sup>10</sup> Its eastern border included the Red Sea along with Eritrea and Ethiopia

industry increased from 15.4% in 1990 to 15.8% in 1999 and increased to 23.9 in 2009. In 1999, Sudan became an oil exporting country and, until the secession of South Sudan in 2011, was increasingly dependent on oil exports<sup>11</sup>.

### The Oil Sector

The oil sector drove most of Sudan's post-2000 growth. For nearly a decade, the economy of Sudan soared because of increases in oil production, high oil prices, and significant inflows of foreign direct investment. However, the secession of South Sudan in 2011 had an immediate, profound and negative impact on the economy of Sudan as the country could no longer rely on oil production and its export which had been the engine of the country's growth. Consequently, real gross domestic product (GDP) was estimated at 2.8% in 2011, compared to 11.5% from before 2011. As a result of the loss of oil revenue, the growth of both industrial and service sectors in Sudan fell into negative territory in 2011 and 2012. Given this loss and its impact on the economy of the country, the government decided to target certain sectors for development, including agriculture.

### Agriculture

Notwithstanding the vast contribution of oil to the economy of Sudan prior to the secession of South Sudan, agriculture had and continues to play a very vital role in the economy of Sudan. The contribution and importance of agriculture to the Sudan economy, relative to oil, has been described as follows: *"With the advent of oil production, and exports in the late 1990s, the relative contribution of the agriculture sector to GDP has declined, but in no time in the last decade has the contribution of petroleum to GDP come close to equalling the contribution of agriculture, of which livestock provides the biggest part"*<sup>12</sup>.

The Agricultural Revival Programme (ARP) is a central pillar of Sudan's economic policy in the Quarter Centennial Strategy (2007-2032) Plan and the Second Five Year Plan (2012 -2016). In the agricultural sector, Sudan has a comprehensive set of policies and strategies, which reflect the importance of the sector in the nation's development.

Historically, agriculture has been the main source of income and employment in Sudan, employing over 80% of Sudanese and making up a third of the economic sector. Agriculture and livestock play important roles in food security and employment opportunities that directly contribute to poverty alleviation and social development. It is estimated that agriculture contributes 35-40% of GDP.

The agriculture sector in Sudan consists of four sub-sectors: livestock, irrigated agriculture, the semi-mechanised rain-fed agriculture and the traditional rain-fed agriculture – three non-livestock farming and one livestock farming.

Irrigated agriculture is mainly found in Central Sudan which is devoted to the production of cash crops such as cotton and sugarcane and, lately, to wheat. The size of land under irrigation is 4.2 million feddan (4.3 million acres) while the annual cultivation varies from 1.68 to 2 million feddan (2.1 million acres) depending on market, costs and other considerations.

Semi-mechanised rain-fed agriculture, is found in the central clay plains of the Sudan. In these farms as much as 95 % of the output is sorghum.

<sup>11</sup> S. Mohamed Nour: Technological Change and Skill Development in Sudan (2013) (Springer <http://www.springer.com/978-3-642-32810-7>)

<sup>12</sup> IGAD Policy Brief: ICPALD 6/CLE/8/201

Traditional rain-fed agriculture is practised mainly in the Western regions, Kordofan and Darfur. Traditional rain-fed agriculture is the dominant system accounting for well over 50 % of the value added in agriculture, and supporting about 70 % of the population. Production in this farming system is diversified and includes mainly food crops such as sorghum, millet and cash crops such as sesame and ground nuts. Land tenure differs from one system to another, each with its own unique limitations.

Livestock, the fourth of the four agriculture sectors, is mixed in all the farming systems but also stands on its own on natural pasture with herdsman operating in arid areas of the country.

An academician/livestock expert has indicated that agricultural land represents a third of the country, however, it is estimated that only a third of the agricultural land has been used. In addition to the abundance of agricultural lands, Sudan has not only various water resources, but also an abundance of rain water which can be harvested. This has led to a conclusion that Sudan has a great livestock potential if the country develops and implements the right policies. The revival of agriculture is critical for overall economic growth and poverty reduction, particularly in rural areas of Sudan.

### Livestock

The livestock sector in Sudan is divided into three production systems: traditional production mainly dependent on natural pasture, semi intensive production dependent mainly on natural pasture and complimentary feeding, and intensive system<sup>13</sup>.

Sudan is considered one of the largest livestock producers in Africa, and supports the livelihood of 14% to 20 % of the rural people and contributes 20% to 25% of the agricultural GDP, and produces 16% to 20% of non-oil export revenues.

In addition to its large number of producers, in a pre-South Sudan secession briefing document, the FAO estimated in 2005 that the country had the second largest livestock inventories, next to Ethiopia<sup>14</sup>. The situation seems to hold true today as it did in 2005, when at a workshop sponsored by the FAO in May 2016, and held in Sudan, the country was recognised as being among the top producers of livestock in the Intergovernmental Authority on Development (IGAD) region<sup>15</sup>. Livestock is also a key asset for some of the poorest pastoral and agro-pastoral households. Under the Interim Poverty Reduction Strategy Papers (I-PRSP) and the emergency economic recovery programme, the Government of Sudan has identified the agriculture and livestock sectors as a priority and has committed to spending 20% of public money on agriculture and livestock infrastructure and technical innovations<sup>16</sup>.

In addition to its contribution to the agricultural sector GDP, livestock supply power for farming and transport. They also supply their owners with financial services – by providing a substitute for credit and by serving as a form of insurance, as well as their owners a way of spreading risks. These services (financial and transport) provide livestock owners with benefits worth a further 8.409 billion Sudanese Pounds (SDG)<sup>17</sup>.

There are sub-sets of livestock. Of this, the highest density of cattle can be found in the southern and south-eastern area of Sudan. Rinderpest epidemics had a negative effect on the cattle population until vaccination campaigns were initiated in the late

<sup>13</sup> December 2012 Draft Agriculture Sector Investment Plan; Republic of Sudan Ministry of Agriculture and Irrigation

<sup>14</sup> "Livestock Sector Brief", March 2005.

<sup>15</sup> "Improving Sudan's livestock and meat export trade through food safety best practices" May, 18, 2016 – FAO).

<sup>16</sup> <http://www.worldbank.org/en/country/sudan/overview>

<sup>17</sup> "The Contribution of Livestock to the Sudan Economy", Policy Brief, No. ICPALD 6/CLE/8/2013)

1930s, after which the cattle population rapidly expanded. Sudan followed the OIE Pathway to Rinderpest freedom and was recognized in 2011 as officially free from the disease.

The sheep population is estimated to be approximately 39.2 million heads. Sudan's desert "Hamari" sheep are highly-sought after especially in Saudi Arabia and Eastern Europe, where demand for kosher meat is high. More than 65% of the sheep in Sudan are of the Sudan Desert breed. Most of the sheep in Sudan are owned by traditional herders. While livestock provide villagers' income and contribute to the Sudanese economy, they are vital to the survival of rural Sudanese. Sheep provide skins, food and milk for people living in the arid desert regions where raising crops is highly dependent on rainfall. The number of sheep has grown at 2.8% per year, and so the proportion of sheep in Sudan's livestock population has remained constant at about 36%.

Sheep play an important social and economic role in the country, and are a valuable strategic resource for both local and export purposes. Sudan officially exports over one million live sheep every year, mainly to the Gulf States, Egypt, Jordan, Saudi Arabia, and Malaysia, generating foreign earnings for the country.

The camel population of Sudan is estimated to be about 4.7 million heads according to FAO statistics. The camel population in Sudan ranks the second in the world, after Somalia. In Sudan the camel population is concentrated in an area known as the "camel belt". This area includes the States of North and South-Darfur, North, West and South-Kordofan, Khartoum, Gezira, Kassala, Red Sea, River-Nile, Northern Sudan, White Nile, Blue Nile and Sennar State. North Kordofan State has the highest camel population with more than one million heads, representing approximately 5% of the whole world camel population.

The export of camels for slaughter, mostly to Egypt, but also to Libya and other countries, is an important source of foreign currency.

Sudan breeds distinctive types of camels. The Anafi and Bishareen are prized for their racing and riding capacities, the Rashidi, a sturdy transport camel with superior drought resistance, and the large whitish Lahaween, give high meat yields. With a meat production of 49,880 tons and milk production of 120,000 tons, camel production has future potential. Camel diseases such as trypanosomiasis and mastitis are the major constraints for production.

The goat population is estimated to be about 30.6 million heads. Goats, of which there are three principal breeds (desert, Nubian, and Nilotic), are found throughout the country south of the northern desert areas. They were raised mainly by sedentary families for milk and meat. Goat meat, although less popular than mutton, forms part of the diet of most families, particularly those having low incomes. Goat milk is an important source of protein, and many families in urban areas keep a few goats for their milk.

The most common species of livestock in Sudan are bovine, ovine, caprine, camel and equines. The last official census was completed in 1976. The estimated numbers were:

**Table 1. Census of bovine, ovine, caprine, camel and equines in Sudan (1976)**

Animals species	Estimated Total Number
Bovines	29,840,000
Ovine	39,200,000
Caprine	30,600,000
Equines	6,043,000,
Camels	4,751,000

### Other Livestock Products

In 2015 the livestock sector produced 1,480,000 tons of red meat, 4,840,000 tons of milk, 80,000 tons of eggs, 150,000 tons of chicken, 33,000 tons of fish and 23,000,000 pieces of skin<sup>18</sup>. However, the ability of these products to generate foreign currency is diminishing as a result of increasing imports into Sudan of products, such as powdered milk, cheese and various poultry products<sup>19</sup>.

### Livestock Feed

A livestock expert in Sudan estimates that livestock feed in Sudan is 49.67 million tons of dry feed of which 34.77 million tons come from natural pastoral lands, 14.15 million tons come from agricultural residues and .54 tons come from concentrated chemicals.<sup>20</sup>

## **3.2 Social factors**

In July 2015, Sudan's population was estimated to be 36,108,853, and growing at an estimated annual rate of 1.72%<sup>21</sup>. In June 2016, the United Nations (UN) estimated the population to be approximately 41,166,703, and growing at an estimated annual rate of 2.34%<sup>22</sup>. The projected growth by 2020 is approximately 45,308,399, with an estimated annual growth of 2.4%.

The country has a high dependency rate, the total dependency ratio being 78%<sup>23</sup>, and broken down into youth dependency ratio of 72.1 and adult dependency ratio at 5.9%. Among the youth (ages 15-24), unemployment is 22.9%. It is estimated that as of 2015, 33.8% of the total population of Sudan lives in urban areas, with the rate of urbanization being 2.54% per annum. The literacy rate in Sudan, defined as the ability of those 15 years and over to read, stands at 75.9% of the population<sup>24</sup>.

Sudan is a very poor country, with poverty deeply entrenched in largely rural areas. In general, small-scale farmers and herders who practise rain-fed agriculture are particularly affected by poverty and are poorer than those who practise irrigated agriculture. It is estimated that agricultural lands represent one third of the of the country area. While the revival of agriculture is critical for economic growth, and the revival would partly depend on land use and tenure, large portions, estimated at two-thirds, of agricultural lands are presently not being used.

This limited use of land may partly be attributable to Sudan's very complex land tenure system, with customary systems for farmers and pastoralists existing alongside "modern" land law. One basic problem concerning customary land tenure, dating back to the British colonial power in 1898, is the principle that unregistered land is owned by the government unless the contrary is proven<sup>25</sup>.

Traditional communities in Sudan do not usually formally register individual land ownership. Rather, the community keeps track of individual claims to given pieces of land, mostly on the basis of use, and also of lineage. Therefore, access and use of land are traditionally more relevant than ownership. This is especially important for pastoralist communities, whose use of the land and its resources (water, grazing) is

<sup>18</sup> See website of the Ministry of Investment at [www.minv.gov.sd](http://www.minv.gov.sd)

<sup>19</sup> See Sudan Vision, Issue # 3873; 8<sup>th</sup> June 2016

<sup>20</sup> Livestock Future Prospective in Sudan: Imports threaten national producers and siphon foreign currency" – Sudan Vision, Issue # 3873, 8<sup>th</sup> June, 2016

<sup>21</sup> The World Factbook on Sudan

<sup>22</sup> Worldometers – [www.Worldometers.info](http://www.Worldometers.info).

<sup>23</sup> Contrast between the ratio of youth (0 to 14 years) and the elderly (65 + years) to those of working-age (15 to 64 years)

<sup>24</sup> The World Factbook

<sup>25</sup> Land and Natural Resources Rights and Reforms in Sudan - <https://landportal.info/resource/agriculture/land-and-natural-resources-rights-and-reforms-sudan>

seasonal, geographically wide-ranging and shared with both sedentary farmers and other pastoralist groups. All over Sudan, myriad customary laws have governed how local people deal with land and other resources, both within the community and between communities.

With specific reference to livestock, an FAO Report (2013)<sup>26</sup> outlined several constraints which prevent Sudan from achieving its full potential of the livestock sector. These constraints, which have a disproportionate effect on poor herders, include: water supply shortage because of lack of mobility; absence of access to capital outside their animals – causing them to fall into destitution in case of calamities such as drought, famine, epidemics; building herd in the absence of capital is a long process; stock owned by poor herders are usually outside the coverage of public health services, in the form of public sector vaccination programmes, inability to afford animal health services, mainly drug supply and distribution, provided by the private sector; public sector animal health research has no impact on poor herders as the research priority is diseases of greater economic impact and those which hinder trade; artificial insemination technology, where available, is accessible only to rich producers; markets for livestock, usually arranged traditionally, lack infrastructure, organization and development, while middlemen, levies and taxes erode the market share of poor herders; and extension system, aimed at conveying new knowledge to producers, is not efficient and is of low priority to policy-makers<sup>27</sup>.

### 3.3 Animal Health and the Veterinary Services

The history of the VS in Sudan dates back to the last century, starting with the enactment of laws on animal diseases in 1901. Since then the VS has undergone transformations culminating in what it is today.

The veterinary domain in Sudan is organized at two levels – Federal and State. At the Federal level, the main Ministry responsible for the veterinary domain is the MoAR which is headed by a Minister. The Minister, who is also responsible for Animal Resources Research Corporations and Veterinary Supplies Corporations, is assisted by two Ministers of State (deputy ministers).

The MoAR administers the veterinary domain through seven General Directorates<sup>28</sup>, which are: Animal Health and Epizootic Disease Control; Quarantine and Meat Hygiene; Animal Production Development, Planning and Livestock Economics; Extension, Technology Transfer and Pastoralists Development; Range and Pasture; and Fisheries and Aquatics. Each General Directorate is headed by a General Director.

The General Directorates are divided into Divisions, which are responsible for specific technical areas. For example, the Divisions in the Animal Health and Epizootic Disease Control Directorate include Animal Health, Epidemiology, and Veterinary Public Health and Zoonoses. Each Division is headed by a Director.

Each Division is further divided into Units which are managed by Unit Heads.

There is a clear chain of command within the MoAR. The Undersecretary of MoAR, who is the administrative head of the Ministry and also the CVO and Sudan's OIE Delegate, reports directly to the Minister; the General Directors report to the Undersecretary; the Directors report to the General Directors; and the Unit Heads report to the Directors.

<sup>26</sup> Prepared by Najat Ahmed, dated 17/02/2013 and culled in the "Sudan Vision".

<sup>27</sup> Sudan Vision, Issue #3873, dated 8<sup>th</sup> June, 2016

<sup>28</sup> There is an 8<sup>th</sup> (general directorate – the Finance and Administrative Affairs Directorate

The VS performs a wide range of activities. It develops national policies and plans for the development of the livestock sector; prepares agreements for the whole veterinary domain between Sudan and other countries; supervises plans to audit animals in the economic cycle; develops livestock and meat marketing programs with other institutions; enhances the importation & exportation of animal and animal products; develops animal production and raises the competitiveness of Sudan's livestock regionally and globally; develops fisheries and aquatic resources and establish the necessary controls for their preservation; helps to secure, attract and open global markets for Sudan's livestock and animal products; assures food safety and food security for domestic consumers; safeguards the health of the livestock population for food security and increases the economic potential for livestock commodities; adopts the technical specifications of slaughterhouses and quarantines; provides technical supervision on export abattoirs and slaughterhouses; prepares and implements national programmes for the conservation of animal genetic resources; generates and exchanges information on the national animal health status with local & regional and international organizations; controls livestock diseases in coordination with other institutions; and prepares and implements programmes for the development and utilisation of pastures. The VS is also responsible for the supervision of 125 mobile clinics, 872 pharmacies, 92 veterinary clinics and 573 slaughterhouses.

The MoAR has adopted and is guided by a five-year strategic plan. The current strategic plan will end in 2020, after which a new one will be formulated and implemented.

At the States level, there are three tiers of Veterinary Services: 18 State General Directorates (1 Directorate in each of the 18 States); 168 Locality VS; and 585 Administrative Unit VS. The locality and administrative units operate under the State VS. Some States have their own Animal Resources Ministries while some have Ministries of Agriculture which include General Directorates of Animal Resources. In some States there are regional laboratories which belong to Animal Resources Research Corporations. There are also small veterinary clinics in all the States for routine disease diagnosis.

Despite a clear chain of command internally at the Federal VS, there is no clear chain of command between the Federal VS and State VS. The States exercise most of their responsibilities within the veterinary domain independently from the Federal VS, and are not directly responsible to the Undersecretary of the MoAR.

Currently in Sudan, there are 7,857 Veterinarians, 5,312 Community Animal Health Workers (CAHWs) and 1,055 veterinary auxiliaries.

In addition to the Federal and State VS, there are other Ministries, and Boards and Organisation which have some functions in the management, administration and delivery of veterinary services. These other Ministries include: the Ministry of Ministries (MoM) (which the OIE Team understands is equivalent to the Cabinet Office in some countries) which is responsible for the SVC, and the SSMO. The MoH, among other functions, is responsible for food and meat hygiene, and is also the line Ministry for the *Drugs and Poisons Act, 2009 (D&PA)*. The Ministry of Tourism, Wildlife and Forestry and the Ministry of Interior are responsible for wildlife. The Ministry of Higher Education and Scientific Research has responsibility for veterinary education; while the Ministry of Economic and Finance controls the nation's purse strings and allocates funds for the management and operation of VS. The VS collaborates and cooperates with all these institutions as well as with the Ministry of Agriculture and Irrigation; and the Ministry of Foreign Affairs.

The Boards and Organisation with which the VS collaborates are: the National Drugs and Poisons Board (NDPB), the SVC and the SSMO.

The NDPB, established under the *D&PA*, has oversight over both human and veterinary drugs which are also regulated under the *D&PA*. There are two committees formed as part of the NDPB, one for veterinary and one for human drugs. The Ministry of Health exercises administrative responsibilities over the NPDB.

The SVC is the Veterinary Statutory Board (SVB) for Sudan and oversees all matters related to the practice of veterinary medicine, including regulating veterinarians and para-professional. The Government of Sudan provides the SVC with an operating budget. The government also appoints members of the SVC. It is under the administrative responsibility of the MoM.

The SSMO is responsible for setting and enforcing national safety and quality standards for various products including food of animal origin. It is under the administration of the MoM.

The VS also collaborates with regional and international institutions of which Sudan is a member. At the regional level, the VS collaborates with, and participates in, the activities of IGAD, the Common Market for Eastern and Southern Africa (COMESA) and the African Union InterAfrican Bureau for Animal Resources (AU-IBAR).

At the international level, the VS collaborates with, and participates in, the activities of the World Organisation for Animal Health (OIE), the FAO, World Health Organisation (WHO) and the International Livestock Research Institute (ILRI). Sudan has also applied to join the WTO, and its membership is likely to become effective early 2017.

### 3.4 National Legal Framework

The fundamental legal instrument of Sudan is the Interim National Constitution of Sudan 2005 (Constitution). It was adopted on July 6, 2005 and became effective on July 9, 2005. The Constitution was based on a Comprehensive Peace Agreement which ended the civil war between Sudan and South Sudan. Sudan has since initiated a process to draft a permanent constitution.

Sudan is an independent, democratic, decentralised, multi-cultural, multi-racial, multi-ethnic, multi-religious, and multi-lingual country. It practises a Federal presidential system of government,<sup>29</sup> with two levels of government – Federal<sup>30</sup> and State. There are 18 States (plural wilayat, singular wilayah) which are further divided into 168 localities and 585 administrative units.

As a general principle, the Federal Government exercises authority with a view to protecting the national sovereignty and territorial integrity of Sudan, and promoting the welfare of its people. The State Governments exercise authority in their respective States and render public services through the level closest to the people. Local governments, which are a subset of the State Governments, operate throughout the country.

Power in Sudan devolves upon the two levels of government. The respective legislative and executive powers – exclusive, concurrent and residual - between the Federal and State Governments are set out in Schedules to the Constitution. The Constitution also provides for the resolution of conflict between laws of the Federal Government and those of the State Governments.

<sup>29</sup> The federation consists of one Federal/National government and 18 States. Legal status of the States, their organs, executive, legislature and judiciary, and the status of Southern Kordofan and Blue Nile States, and of the Abyei Area are found in Articles 177 to 184 of the Interim Constitution, 2005.

<sup>30</sup> Note that the Constitution uses the word "National" as opposed to "Federal". For the purposes of this Report, they are one and the same

The exclusive powers of the Federal Government include: Foreign Affairs and International Representations; Police<sup>31</sup>; Lands and National Natural Resources; National Institutions; Customs, Excise and Export Duties; International and Inter-State Transport, including roads, airports, waterways, harbours and railways; Nile Water Commission, the management of the Nile Waters, trans-boundary waters and disputes arising from the management of interstate waters; National Taxation and National Revenue Raising; and National Budget<sup>32</sup>.

Exclusive powers of the State Governments include: State Police; Local Government; State information; State Judiciary and administration of justice; State Land and State Natural Resources; The management, lease and utilization of lands belonging to the State; The establishment, regulation, and provision of health care; Regulation of businesses, and trade licenses; Local works and undertakings; Enforcement of State Law; and Laws in relation to agriculture within the state; State finances and State budget<sup>33</sup>.

Concurrent powers in both Federal and State Governments include: Tertiary education, education policy and scientific research; Health policy; Disaster preparedness, management and relief and epidemics control; Environmental management, conservation and protection; Pastures, veterinary services, and animal and livestock diseases control; Consumer safety and protection; Human and animal drug quality control; and Regulation of land tenure, usage and exercise of rights in land<sup>34</sup>.

Residual powers are exercised "according to their nature". For example, if the power pertains to a national matter, requires a national standard, or is a matter which cannot be regulated by a single State, it shall be exercised by the Federal Government. If the power pertains to a matter that is usually regulated by the State or local government, it shall be exercised by the State.

If there is a contradiction between a State law and a Federal law in respect of any matter for which there is concurrent power, the law of the level of government which shall prevail shall be that which most effectively deals with the subject matter of the law, having regard to: the need to recognize the sovereignty of the country while accommodating the autonomy of the States; whether there is a need for national norms and standards; the principle of subsidiarity; and the need to promote the welfare of the people and to protect each person's human rights and fundamental freedoms.

The democratic institutions of the Sudan at the Federal level of Government comprise of 3 branches: the National Executive (executive), the National Legislature (legislature) and the National Judicial Organs (judiciary)<sup>35</sup>.

The executive consists of the Presidency of the Sudan and the National Council of Ministers. It exercises powers in Schedules A and D, read together with Schedules E and F<sup>36</sup> of the Constitution and the competencies conferred upon it by this Constitution.

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<sup>31</sup> This includes the Criminal Investigation Department – CID, coordination of international, regional and bilateral criminal matters, and standards and regulations including the standard for the training of police in the National Capital

<sup>32</sup> These are listed as they may be relevant to the management of the veterinary domain. For example, funds for the operation of the Federal VS will be part of the allocation of the national budget

<sup>33</sup> These are also listed for their possible relevance to the management of state VS

<sup>34</sup> These have a direct impact on the veterinary domain, the obvious one being pastures, veterinary services, and animal and livestock disease control. As well, for example, the training of veterinarians and para professionals are within the power of tertiary education institutions

<sup>35</sup> There are parallel institutions at the state level: the executive, headed by a Governor; legislature consisting of one chamber and judiciary consisting of such state courts as provided by the state.

<sup>36</sup> These schedules are respectively, powers of the Federal Government; concurrent powers of both the Federal and State Governments, the residual powers and resolution of conflict between Federal and State laws.

The Presidency consists of the President of the Republic and a Vice President. The President is the Head of State and Government, is elected by the people in national elections, may serve in office for 5 years, commencing from the date of assumption of office, and may be re-elected for one more term only. The President has many functions, including the initiation of legislation and assenting to law.

The National Council of Ministers is the national executive authority in the country. The President appoints members of the National Council of Ministers. There are also national state ministers (Deputy Ministers) appointed by the President, after consultation within the Presidency. The state ministers assist the national ministers and may act in their absence.

The legislature consists of two chambers - the National Assembly and the Council of State. The National Assembly is composed of members elected in free and fair elections. The National Election Law determines the number of members and the composition of the National Assembly<sup>37</sup>. The Council of States is composed of two representatives from each State as elected by the State, with the exception of Abyei Area which has only an observer status, with two observers. The term of each chamber of the national legislature is 5 years commencing from the date of its first sitting.

The judiciary consists of the Constitutional Court and the National Judiciary. The Constitutional Court, composing of 9 Justices, is independent and separate from the National Judiciary. One of its functions is to protect human rights and fundamental freedoms.

The National Judiciary, vested with the national judicial authority, is composed of the National Supreme Court, the National Courts of Appeal and other National Courts. The National Supreme Court has jurisdiction, among others, over criminal and civil matters arising out of, or under, national laws, or personal matters. The number, competences and procedures of the National Courts of Appeal shall be determined by the law<sup>38</sup>. Other national courts are established by law as deemed necessary.

The Constitution guarantees certain specific fundamental rights including: the right to privacy, and the right not be subjected to interference with private life, family, home or correspondence, save in accordance with the law.

The legal system is based on civil law, pursuant to the *Civil Transactions Act, 1984*, while Islamic Sharia Law regulates some aspects of private life.

Generally, the Constitution gives the power to exercise Federal legislative functions to the legislature. More specifically, the National Assembly, among its other functions, enacts legislation with respect to matters which the Constitution assigns to the National Government<sup>39</sup>. The functions of the Council of States include the initiation of legislation of the decentralised system of government, and the supervision of the effective implementation of the decentralised system and devolution of powers.

The primary legislation at the Federal<sup>40</sup> level consists of Acts enacted by the legislature. These are supported by secondary legislation consisting of Regulations issued by the executive.

The process for enacting Acts in the veterinary domain is initiated by the drafting of a bill by the MoAR, with the involvement of in-house lawyers. The draft bill is presented

<sup>37</sup> The Team did not have access to the National Election Law.

<sup>38</sup> The Team did not have access to the law and therefore, could not determine the numbers, competencies or procedures of the Court

<sup>39</sup> A bill passed by the National Assembly is subject to a review by a standing Inter-Chamber Committee for a determination on whether it affects the interests of the states.

<sup>40</sup> There are also pieces of veterinary legislation enacted by State Governments

to the Legal Drafting Department of the MoJ for legal review which includes a section-by-section analysis of the bill. The bill is also reviewed against the requirements of the Interim Constitution and a Provisional Order issued from the Office of the President, to ensure compliance with these documents. The review is undertaken by a legal drafter of the MoJ.

Following the review, the drafter prepares an opinion on why the legislation is needed or is necessary. The opinion is discussed between the drafter and the Head of the Legal Drafting Department within the MoJ. The MoAR is subsequently invited to appear before a committee of the MoJ to defend the bill. The committee also does a section-by-section analysis. Following the deliberations of the committee, the bill is sent back to the drafter for the preparation of the final draft bill. In Accordance with Sudan's "License of Law", the MoJ then certifies the final draft bill as conforming to the requirements of the Interim Constitution and the Provisional Order and returns it to the MoAR.

The Minister of the MoAR refers the final draft bill to the Minister of the MoM. The MoM and its lawyers also review the bill section-by-section. After the review by the MoM, the bill is returned to the MoJ. If the MoM makes any comments in the course of the review, the MoJ and the MoAR review the comments. The final bill is then prepared by the drafter and returned to the Minister for the MoAR for tabling before the legislature.

The Minister of the MoAR tables the bill before the National Assembly where it is submitted for first reading, simply by being introduced by its title. Once tabled, the Speaker of the National Assembly refers the bill to a committee of the National Assembly to prepare a general evaluation report for the purpose of the second reading. Should the bill be passed in the second reading, it is submitted for a third reading. After the third reading, the Speaker may refer the bill once again to the committee to prepare a report on the final drafting in preparation for the final reading. The bill is passed section by section and as a whole at the final reading.

Once passed by the National Assembly, the bill is submitted to the President for assent and signature, at which point it becomes law, and gazetted. All Acts enacted in Sudan are codified and published in the "Laws of Sudan", for which the MoJ has responsibility.

Regulations are drafted by the MoAR and submitted to the MoJ for review, discussions and redrafting of the final document. On approval by the MoJ, the Regulations are sent back to the MoAR for signature by the Minister.

The Team is of the opinion that the process for drafting and enacting Acts and for making Regulations is fairly sound. The process is well-executed, Acts are published, codified and can be found in "The Laws of Sudan".

However, the Team also feels that some improvements to the process may be in order. For example, the rules for drafting are not formalised and could be as good as the present group of drafters who knows what the rules are. As well, while there are consultations during the legislative process, formal consultation processes have not been put in place. Post-enactment evaluations are never conducted and, at any rate, no performance indicators to monitor the success of legislation have been developed, let alone implemented.

Legislation are drafted in Arabic only. Ideally, since there are two official working languages in Sudan, legislation should be drafted simultaneously in both languages. However, limited financial resources do not permit this. It is, therefore, of absolute importance for the country to invest in high-quality translation services, staffed with well-trained translators, preferably by people with technical knowledge of the

veterinary domain, with access to ordinary and technical dictionaries and other resources.

#### 4. Review of the national veterinary legislation<sup>41</sup>

**Table 2. Levels of advancement of the critical competencies specifically related to the veterinary legislation in the findings of the PVS Evaluation mission of September 2013, and those expected over a five-year period following the PVS Gap Analysis mission in November 2014**

PVS Critical Competency	Level of Advancement – Current (PVS 2013))	Expected Level of Advancement (2014-2018)
IV-1 Preparation of legislation and regulations	2	4
IV-2 Implementation of legislation and regulations with compliance thereof	2	3
IV-3 International harmonisation	1	2
IV-4 International certification	3	4

The expected levels of advancement of the VS depended on fundamental changes being made to restore the chain of command, strengthen the technical independence of staff, and using official delegation to develop a private veterinarians' field network (PVS Gap Analysis - 2014).

The animal health, welfare, and trade certification mandates of the VS are provided in the following Acts (level 2):

- a. The Sudan Veterinary Council Act, 1995; amended 2004
- b. The Epidemic Disease of Animals Act, 2001
- c. The Meat (Inspection) Act, 1974
- d. The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act, 2004
- e. The Drugs and Poisons Act, 2009
- f. The Standards and Metrology Act, 2008
- g. The Livestock Route and Veterinary Control Stations Act, 1974
- h. The Animal (Lenience and Welfare) Act, 2015
- i. The Hides and Skins Act, 1954
- j. The Freshwater Fisheries Act, 1954
- k. The Marine Fisheries Act, 1937
- l. The Game Preservation and National Parks Act, 1986
- m. The Organisations of Owners of Animals and Agricultural Production Act, 2010
- n. The Rangelands and Forage Resources Development (Rationalisation) Act, 2015
- o. The Animal Diseases Free Zone Act, 1973
- p. The Rabies Act

<sup>41</sup> The full list of legislation (Act and Regulations) given to the Team is provided in appendix 8

Legislation created and adopted by the States:

- The *Animal (Lenience and Welfare) Act* – Blue Nile, River Nile, and West Darfur
- The *Meat (Inspection) Act* – Northern, Red Sea, West Darfur, and Gezira
- The *Animal Production Act* – Gezira and West Darfur
- The *Animal Disease Control Act* – River Nile and Gezira
- The *Veterinary Services Organisation Act* – River Nile State

For the purposes of making a comparison between provisions of existing legislation and some requirements set out in Chapter 3.4 of the TAHC, as identified by the Focal Point and the Team Leader, the Team reviewed in detail some legislative instruments which correspond to 3.4.5 to 3.4.13.

Prior to the arrival of the OIE Team in Sudan, the mission Focal Point sent English texts of the Federal Acts for review and assessment. The overall impression of the Team was that the texts were either badly drafted or poorly translated. On the Team's arrival, we were made to understand that in Sudan legislation (both primary and secondary) are drafted in Arabic only. The texts that were sent to the Team were translated hurriedly and only for the purpose of the mission; and that the texts in English are markedly different in substance from the original Arabic texts. In other words, the poor quality of the Acts was the function of the translation and not the Acts themselves or their drafting. The Team could not verify this, as there was no capacity or capability to review or assess Arabic texts. All the Team's reviews were done on the texts provided and these form the basis of the Team's observations, conclusions and recommendations. While the Team was provided a couple of State legislation (primary and secondary, the detailed assessments are limited to Federal Acts. As well, the Team was provided with some Acts on aquatic animals. These were not reviewed as the focus of the mission was on terrestrial animals. However, in working on their aquatic animals' laws, VS can draw on the recommendations that have been made in respect of the terrestrial animals Acts.

#### 4.1 Detailed assessment of selected subject areas

##### 4.1.1 Competent Authorities

(Questionnaire II, section 1) (TAHC Article 3.4.5)

Although it is widely known and accepted that the MoAR is responsible for, and has overall direction of, the VS<sup>42</sup>, and that there was an enabling Act (which set up the MoAR), the Team was not given that Act<sup>43</sup>.

However, the MoAR, through the VS or some other entity has been identified as the Competent Authority (CA). For example, in the *Meat (Inspection) Act, 1974 (MIA)*, the CA is identified as the "veterinary authorities" of the MoAR. In the *Exports and Imports of Live Animals and Meat (Veterinary Quarantine) Act, 2004, (E&ILA&M(VQ)A)* the CA is the "senate of the Ministry of Animal Resources and Fisheries...".

The Undersecretary of the MoAR is expressly identified as the CA in other Acts in the veterinary domain. For example, the Undersecretary is the CA for the purposes of prevention and control of animal diseases, as per *the Epidemic Diseases of Animals Act, 2001, (EDAA)* the *Livestock Route and Veterinary Control Station Act, 1974,*

<sup>42</sup> Which functions are exercised by the Minister of Animal Resources

<sup>43</sup> The Team was, however advised that the MoAR, as with all Federal ministries, was established by a Constitutional Decree issued by the President.

(LR&VCSA) and the *Animal Disease (Free Zone) Act, 1973*. In these Acts, the Minister of the MoAR has very limited, non-delegable and a limited role, which is confined to making regulations.

There are also other CAs in the veterinary domain. For example, the MoH is responsible for the *Food Control Act (FCA)* which regulates all foods, including meat and other foods of animal origin. As well, the MoM is responsible for SSMO which sets food safety and quality standards.

As both the Federal and State Governments have concurrent jurisdiction in pastures, veterinary services and animal and livestock diseases controls, it is presumed that the States have their own CAs identified in their veterinary legislation. Yet, the Team was not presented with any formalised system of cooperation or coordination, even though the Team was aware that cooperation occurs frequently among Federal institutions among themselves on the one hand, and among Federal and State institutions on the other.

In all the Federal Acts in the veterinary domain, not a single one authorises the CA or any person to appoint or designate inspectors, set out their functions and duties, and protect them against legal action or physical harm for actions undertaken in good faith in the performance of their official duties. This probably led to the conclusion in the Gap Analysis that the VS does not have the capability to implement compliance of its laws, and that some partial enforcement is undertaken under the *Criminal Act, 1991*, sections 99 and 100 of which provide protection of officials in the course of performing their official duties.

As well, there are no provisions in the Acts to protect the rights of stakeholders and the general public against abuse of authority or power, including the protection of their privacy and confidentiality of their information. Furthermore, there are no provisions in any Act authorising: access to premises and vehicles for the purpose of carrying out inspections; access to documents; taking samples; detention of animals, goods, samples, pending final decision on disposition; seizure of animals, products and food of animal origin; suspension of one or more activities of an establishment; temporary, partial or complete closure of establishments; and/or suspension or withdrawal of authorization or approvals, or registration.

One persistent theme that came up in the course of the mission was the absence of delegation in legislation, either vertically within the MoAR, the VS and staff, or horizontally between the Federal VS and the State VS. Consequently, there are no provisions in any legislation that: define the field of activities and the specific tasks covered by delegation; the procedures for making delegation; the competencies to be held by persons receiving delegation; or conditions of withdrawal of delegation; and no provisions that provide for the control, supervision and, when appropriate, financing of delegation.

In the absence of delegation, any action taken officially, for example, by a State VS is or maybe under its own constitutional or legislative authority, with no compulsion to report up to, or even inform the, Federal VS. This deprives the Federal VS, on a formal legislative basis, of any supervisory role over management of animal diseases in Sudan. The overall effect is that there is a total lack of chain of command in the administration of the veterinary domain, at least in the management and control of animal diseases in the country. The Team wishes to emphasise that it understands that this is done but, in the absence of legislation, on a more or less voluntary basis.

In summary, a system that operates on a voluntary basis may not work very well or efficiently and lacks the coercive force of the law, should that be necessary to be invoked.

Notwithstanding these challenges and gaps, the Team does not recommend the setting up of a statutory autonomous or a special operating agency<sup>44</sup> to oversee the delivery of veterinary services; it is believed that, with the right laws, and coordination and cooperation, delivery of veterinary services in Sudan can work within the present set-up.

**Consequently, the Team recommends:**

That since there is no Act setting up an independent Agency or a Special Operating Agency to act as a CA, a CA must be identified in each Act. The Acts must specify the functions, duties, or powers of the CA, with ability of the CA to delegate those duties, functions or powers. It is not necessary to list what can be delegated; a blanket statement allowing delegation should be sufficient with the exclusions expressly listed (it is much simpler to list the few exclusions than to list the many inclusions).

That when a Minister and/or a CA is given a function, duty or power in a veterinary domain legislation, it must generally be accompanied by a delegation of the function, duty or power. However, some duties, such as the making of regulations or those that could impact heavily on constitutionally-guaranteed rights, such as a declaration of a control zone (with strict movements of people which could affect their livelihood), when vested in the Minister, should not be delegated. Any function, duty or power that is excluded from delegation must be expressly specified in the legislation. The Team realises that, in the long run, it is up to Sudan to determine what function, duty or power is explicitly reserved for the Minister and cannot or should not be delegated.

That each Act must have provisions authorising the appointment or designation of inspectors, officers, laboratory analysts or technicians, veterinary inspectors, setting out their duties, powers, obligations and all the attendant provisions governing the performance of their duties. To a lesser degree than declaring a control zone, the activities of inspectors have the potential to curtail constitutionally guaranteed rights, which curtailment is permitted by law for the public good. It is, therefore, extremely important to have these provisions in an Act rather than in regulations.

That functions, duties and powers in Federal Acts should not be split in the Acts between the Federal VS and State VS; the functions, duties and powers should be given exclusively to the Federal CA with authority to delegate.

That systems of cooperation and coordination, for example, Memoranda of Understanding, Protocols, periodically-scheduled meetings - be put in place to ensure an effective and continuous operation and delivery of veterinary services. These systems need not always be in an Act or Regulations; neither do they have to be among all the players at the same time or simultaneously. For example, there can be systems for cooperation between the Federal and State VS without having to have the MoH involved; there can be systems of cooperation between the MoAR and the MoH, without having the States being involved and, yet still, there can be systems in place that will bring all those with Federal and State responsibilities in the veterinary domain together.

Finally, whatever systems are put in place must be developed jointly by the institutions affected, with recognition and respect for each other's mandates and duties. They should be formalised and written down and widely distributed. Even in the absence of a need at any given time, the systems must undergo simulated exercises every now and then to ensure that they work, and corrected if there are

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<sup>44</sup> Along the lines of the Food and Drugs Administration of the United States, the Food Standards Agency of the United Kingdom, the Food Safety Authority of Ireland or the Canadian Food Inspection Agency of Canada.

problems. As well, any time these systems are invoked, even if the systems appear to have worked well, there should be a “lessons learned” session<sup>45</sup> to take stock of what worked, what did not, and what could have been done better.

The Team realises that these measures should be undertaken within Sudan’s political, financial and geographic conditions, to name a few factors.

#### 4.1.2 Regulation of the Veterinary Professions

(Questionnaire II, section 2) (TAHC Article 3.4.6)

The *Veterinary Council Act (1995) (VCA)*, as amended in 2004 establishes the SVC to regulate veterinary surgeons and veterinary para-professionals (VPP’s), veterinary practices, education and training standards. The SVC issues regulations necessary for the implementation of the provisions but these are all in Arabic so only the VCA that was translated to English was reviewed by the Team. The Act is presently under review by the Sudan Veterinary Council.

There are parts of the VCA that do not comply with 3.4.6 of the TAHC and these are:

- The SVC is not an autonomous body
- There is no legal basis for the requirement of continuing education

The SVC is not an autonomous independent body. It is constituted by the Council of Ministers upon recommendation of the CA, which is incidentally not named in the VCA. A chairperson, deputy chairperson, and members of the SVC are selected based on their competence and experience in the veterinary field. One of the members is the CVO, Sudan’s OIE Delegate, and who is also the MoAR Undersecretary. Members are therefore appointed by Government, and may be on other Boards such as the NDPB.

The VCA specifies the minimal qualifications necessary for the registration of veterinary surgeons and para-professionals in the official register. Both public and private veterinary surgeons are registered with the SVC.

The SVC issues regulations that specify and prescribe the conditions for recognition of the qualifications for veterinary surgeons and veterinary para-professionals (VPPs). Veterinary surgeons, in order to be certified to practise their profession, must successfully complete a 5-year course in one of the recognised Universities (Bachelor of Veterinary Medicine-BVet Med/Bachelor of Veterinary Science –BVSc)<sup>46</sup>.

Following completion of the 5-year course all graduates must undertake a one-year internship working under the direction of a registered veterinary surgeon. The graduates then sit an examination set by the SVC, which they must pass before being registered. This entrance examination for membership was developed in collaboration with the veterinary faculty at Khartoum University. The examination was introduced in 2014.

The VCA names the category of a para-professional being that of a veterinary science technician. The designation describes a person who has had three years training at a veterinary technical diploma level in one of the 7 universities with a veterinary faculty or a veterinary institute (Omdurman Training Centre – reopened in 2003) and is registered by the SVC.

<sup>45</sup> “Lessons learned” exercise should not be limited to only systems but should expand to include, for example, when an animal health emergency has been resolved.

<sup>46</sup> Sudan currently has seven universities with veterinary faculties.

Para-professionals work under the responsibility and direct supervision of a registered veterinary surgeon, and are authorised to perform certain tasks, which are outlined in regulations made pursuant the VCA.

Members pay an annual fee (fees are levied under the provisions of section 14 (1). Penalties exist for non-payment of the fee but the Team could not clarify the details as they were in Arabic.

The SVC has authority to establish branches in all the States to exercise and enforce control over the practice of veterinary medicine or veterinary science by all veterinary surgeons and veterinary para-professionals throughout Sudan. Consequently, it has opened offices in all the States. It has the power to coordinate with higher education and scientific research faculties to review curricula and study training methodologies in the different veterinary faculties.

The VCA does not only regulate the practice of veterinary medicine or science by veterinarians and VPPs, it also regulates the practices of animal production graduates (animal production specialists and animal production technicians). The production specialists and technicians have received no training in veterinary medicine and so the Team advised that they should not be included in the VCA. It was made known to the Team that there is a list of permitted tasks for each category of professional regulated under the VCA, which include surgical operations, and other related tasks. The Team was also informed that there were regulations on professional conduct, a code of ethics, and a complaints procedure within the Arabic text.

There is also no requirement in the VCA for continuing education development, whereby training needs of all members will be assessed annually, and a points system introduced for retention of membership. This is also currently under review.

There are also some 5,000 plus CAHWs but they are not recognised in any way. Their training is provided by Non-Governmental Organisations (NGOs), the FAO and other organisations but with no standard training curriculum. These workers provide limited veterinary services within their own communities but are unregulated. It is recommended that they are locally registered, a uniform training curriculum approved, and a list of tasks they are able to perform listed.

The Team recommends the establishment of an autonomous and independent VSB, while it acknowledges that currently, the SVC is working well to ensure the quality of education and standards of the profession.

A needs assessment is required to determine the geographical coverage of veterinary service providers relevant to the provision of services to all livestock owners. This is important as there are approximately 110,434,000<sup>47</sup> heads of livestock that include equines and camels in Sudan, and some areas are without proper service. Approximately 600 students graduate as veterinarians from the seven university veterinary faculties annually, with quite a number unemployed.

It is important also to specifically identify the required advanced skills to carry out the function of the service being provided either by those in public or private veterinary service. For example, it is not sufficient for a meat inspector to rely solely on his or her basic veterinary medicine degree to conduct meat inspection; he or she must receive further training and acquire specific skills in order to perform that function.

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<sup>47</sup> See Table on page 16, compiled from the 2014 GAP Analysis report. Figures based on the last known census in 1976.

### 4.1.3 Laboratories

(Questionnaire II, section 3) (TAHC Article 3.4.7)

The Federal VS currently has a well-functioning Central Veterinary Research Laboratory, but there is a huge gap in legislation related to laboratories operated by the VS. Indeed, there is no veterinary domain legislation currently in force which has provisions for regulating veterinary diagnostic laboratories or the conduct of official tests, and to ensure the quality of diagnostic reagents used to perform official tests and analyses. The MoAR is not designated in any law as the national reference laboratory for Sudan and no provisions exist for authorisation or accreditation of any veterinary diagnostic laboratories, whether operated by the public or private sectors. There is no provision for the classification of different types of veterinary diagnostic laboratories that have different capabilities or authorisations.

Furthermore no responsibility has been given to any authority for the approval or supervision of operations of public or private veterinary diagnostic laboratories. No specific veterinary diagnostic laboratory has been designated as being the laboratory at which official tests (i.e. tests for the purposes of export certification or for confirmation of diagnoses for the purposes of notification of any OIE listed diseases) shall be conducted. No provisions exist for the authorization of the use or for ensuring the quality of diagnostic reagents used for performing official tests and analyses. No authority has been given to any institution for the regulation of the marketing of veterinary diagnostic test reagents.

Currently there are 2 or 3 laboratories working in Khartoum but they are all working independently, with no coordination of their activities.

However, it is to be noted that the *D&PA* defines “Reference Laboratory” as the “National Reference Laboratory validated by the Board,<sup>48</sup> as reference laboratory for analysis in specific field or fields”<sup>49</sup>. The NDPB designates the National Reference Laboratory as the reference laboratory and appoints qualified persons who may release drugs and pharmaceutical preparations, and regulates veterinary vaccines. As well, the *Standards and Metrology Act, 2008 (SMA)* defines “validated laboratory”. But there are no provisions in the *SMA* that establish the qualifications of any technical officers employed by the MoAR at any veterinary diagnostic laboratory.

The Team does not recommend a free stand-alone legislation on laboratories. Rather the Team recommends the incorporation of laboratory provisions into other pieces legislation, for example, on animal health and food safety. As well, the VS may wish to look into the possibility of designating some private laboratories as accredited laboratories<sup>50</sup> which it can use for analysis from time to time. But before doing that it needs to vet, audit and make sure that these laboratories meet national, or better still, international standards, are well equipped, and are staffed by qualified personnel. Once they have been accredited, the VS should conduct periodic audits, as would be determined by policy, to ensure that they are maintaining or improving the standards upon which they were accredited.

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<sup>48</sup> The Board is the NDPB, which is responsible for both human and veterinary drugs.

<sup>49</sup> See section 3 of the *D&PA, 2009*

<sup>50</sup> “Accredited laboratories” is not a defined term in the TAHC. It is used in this report to indicate the VS deems those laboratories to meet certain criteria or possess certain qualities, and for which reasons, the VS officially recognizes them as being qualified or capable of doing laboratory work on its behalf.

#### 4.1.4 Animal Production

(Questionnaire II, section 4) (TAHC Article 3.4.8)

There is no legislation present governing the health provisions relating to animal production at the Federal level. There are some States that have their own Animal Production Acts, examples being Gezira and West Darfur. These Acts are all in Arabic.

As no specific law exists there is an absence of compliance with article 3.4.8 requirement on identification and traceability. However, following a recommendation made in the Gap Analysis, the VS has established a unit for Livestock Investigation and Traceability. The Unit, supported by AU-IBAR, comprises of 4 staff members. Using the Animal Health Information System (AHIS), the Unit presently has a programme for the identification of animals intended for export, but outside any legislative mechanism.

The Unit has adopted a two-pronged action plan. The first is to have a law enacted to authorise the tracing and identification of animals and their products. To be called, "The law for identification and traceability for animals and animal products", the preliminary bill is being presently drafted. The timeline for the presentation of the preliminary draft bill to the DG of the AH&EDC is October 2016, after which it will be sent to the legal drafting department of the MoJ.

The second prong of the Unit's action plan is the initiation of a pilot project which will expand the identification activity from animals for export to include animals in quarantine. The implementation of this second phase of the pilot project has not yet commenced as the capacity building for the Unit is still on-going.

As some States have their own laws there is registration of animal markets and gatherings. (Animal Markets Laws) at the level of the States.

Measures are apparently in place at Federal and State levels to prevent disease transmission, including procedures for cleaning, disinfection, and animal welfare issues. These are presently being regulated under the *EDAA* and the *Animal (Lenience and Welfare) Act, 2015 A(L&W)A*. There are also provisions for veterinary checks under the *LR&VCSA*, the *E&ILA&M(VQ)A* and the *D&PA*.

There appears to be no legislation on animal feeds in Sudan.

Disinfection is carried out but there are no regulations specifying how, when, and what to use.

In summary, there is a complete absence of legislation on animal production apart from a few States having their own laws. The team recommends the urgent need for a federal Animal Production Act, with the *Hides and Skins Act, 1954 (H&SA)* incorporated into it, and with authority of the CA to delegate some functions to States.

Also, preferably, the country should enact a new Act on animal feed or, at a minimum, consider incorporating provisions on all aspects of animal feeds into any Act that may be enacted to govern animal production. Alternatively, the standards for animal feeds may be set by SSMO, incorporated into a veterinary legislation and be enforced by the MoAR. The Team recommends this to be within the powers of the Federal Government so as to ensure uniform standards which will apply throughout the country.

#### 4.1.5 Animal Diseases

(Questionnaire II, section 5) (TAHC Article 3.4.9)

The main Act is the *EDAA*. Other relevant Acts are: the *Animal Disease (Free Zone) Act, 1973, (AD(FZ)A)*, the *LR&VCSA*, the *MIA*, the *E&ILA&M (VQ)A* and the *(S&MA)*.

The only Act assessed in detail is the *EDAA*. The purpose of the *EDAA* is the control and management of animal disease outbreak in Sudan. To that end, it identifies diseases that come within its ambit; imposes obligations on owners and persons in possession of animals; identifies National, State and local government actors responsible for the management and control of animal diseases; and vests them with certain powers. It also provides penalties for violation of the law and empowers the making of regulations.

There are significant gaps in the *EDAA*, as against the requirements of TAHC Article 3.4.9. These include the absence of provisions: on surveillance<sup>51</sup> that allows the CA to collect, transmit or utilize epidemiological data relevant to diseases listed in the *EDAA*; on general animal health measures applicable to all diseases<sup>52</sup>; special and temporary measures to address all identified risks<sup>53</sup> to human or animal health<sup>54</sup>; on the financing of animal disease control measures, such as operational expenses and compensation; and for investigating and responding to emerging diseases<sup>55</sup>.

While not specifically mentioned in the TAHC Article 3.4.9, one major gap in the Act is the absence of chain of command between the States and the CA at the Federal level. For example, the *EDAA* authorizes the CA to declare an infected place in respect of Table A diseases and a State Director of Animal Wealth to declare an infected place in respect of diseases listed in Table B. The State Director may also change the limits of the infected place declared by the Federal CA. And yet there are no provisions for reporting any actions between the CA and a State Director.

Delegation of authority from the CA to the State, the CA to the local authority or from the State to the local authority, is also missing from the *EDAA*.

Other gaps not mentioned in the *EDAA* but are identified in the assessment include absence of provisions for the appointment of veterinary inspectors, inspectors or officers for the administration of the *EDAA*; their powers and duties; conduct of inspections or investigations; protection from legal liability or physical harm in the course of performing their official duties; prohibition against obstructing them and offering assistance, or when they may seek the assistance of peace/police officers.

No provisions are made in the *EDAA* for the setting up and operations of diagnostic laboratories.

In addition to the identified gaps, there are other problems that the Team would like to highlight.

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<sup>51</sup> "Surveillance" is defined in the TAHC as "the systematic ongoing collection, collation, and analysis of information related to animal health in the timely dissemination of information so action can be taken.

<sup>52</sup> "Disease" is defined as "the clinical or pathological manifestation of infection or infestation".

<sup>53</sup> "Risk" is defined as "the likelihood of the occurrence and the likely magnitude of the biological and economic consequences of an adverse event or effect to animal or human health".

<sup>54</sup> An animal disease-free zone is established pursuant to the *AD(FZ)A, 1973*. The purpose is to eradicate contagious animal diseases and the zoonotic and otherwise diseases that endanger human life.

<sup>55</sup> "Emerging Disease" is defined as "a new occurrence in an animal of a disease, infection or infestation, causing a significant impact on animal or public health resulting from a change of known pathogenic agent or its spread to a new geographic area or specie or a previously unrecognized pathogenic agent or disease diagnosed for the first time".

The title of the *EDAA* as set out in section 1 seems to limit the scope to only **epidemic diseases** (emphasis) with “epidemic disease of animals” specifically defined in the *EDAA*. Notwithstanding the definition, section 4 and subsection 8(1) impose duties in respect of “epizootic diseases”.

Paragraph 4(b) requires notification of diseases to the nearest veterinary hospital or dispensary or an abattoir. There is no indication as to what the recipients of the information are supposed to do with it.

Section 5 imposes a duty on local authorities to inform the CA of a disease outbreak and yet there is no duty imposed on anyone to report the existence or suspicion of a disease to the local authorities.

Section 7 allows only a limited action of a declaration of an infected place, ignoring other measures that can be used to isolate an infected place and contain the disease before it spreads. For instance, immediately a disease is suspected on a farm, a slaughter house, abattoir or wherever, an inspector may be given the legal authority to go in, seal up the place and forbid entry into the place except by those who must or have a right to enter, for example, the owner, and prevent movement into and out of the place except with a permit.

An inspector, not the CA, may also be empowered by legislation to declare an infected place, with appropriate conditions placed in the legislation. If the declaration of an infected place is the function of the CA, consideration may be given to having the CA delegate that function. It is only when a control zone or place must be declared that consideration may be given to making it done at the highest level of government, that is, by the Minister.

Section 8 outlines procedures in the infected area. These procedures may be inadequate to prevent the spread of disease. For example, it does not mention what is to be done with bedding or food of the animals, and it is not clear what is meant by buried in “great depth” as per subsection 8(4).

Section 9 allows only inoculation as a means of treatment of infected animals, to the exclusion of all other means of treatment that may currently be available or available in the future. As well, the treatment is the sole responsibility and at the cost of the CA and not the owner or a person in possession of the animal. In other words, consideration may be given to making the owner or person in possession of the animal primarily responsible, the Federal authorities stepping in when the person cannot or is unwilling to take on the responsibility, and then recover the cost from the owner or person in possession of the animal.

Section 9 empowers a judge to impose a fine. However, the fine is entirely within the discretion of the judge as the amount is not specified and no reference has been made in the *EDAA* with respect to any guidelines on this matter.

Section 14 deals with the making of regulations. These powers include regulations for which no provisions in the *EDAA* exist, for example, tracing or preservation of animals.

In summary, major gaps in the *EDAA* include the absence of the chain of command, delegation or authorities, appointment or designation and empowerment of inspectors, limited diseases to which the *EDAA* applies, as well as limited control measures, and absence of financial provisions, including payment of compensation.

It is recommended that Sudan consider: (a) enacting a new Act on animal diseases, and call it *Animal Health Act* (or any name that is reflective of its purpose as pertaining to animal health), (b) incorporate into this new legislation the *EDAA*, the *AD(FZ)A*, 3, the *LR&VCSA 1974*, and those parts of the *E&ILA&M (VQ)A* that deal

with live animals; and (c) repeal all those Acts, and for the *E&ILA&M (VQ)A* all those parts that deal with live animals.

In enacting the new Act, consideration may also be given to giving exclusive jurisdiction to the Federal VS over all matters dealing with animal disease control and management; as well, the VS should be given exclusive jurisdiction over international (import and export) and inter-state trade in animals. This is the first step in building the chain of command in relation to animal diseases and international and inter-state trade in animals as the Federal VS is now solely in control as the CA. The exclusive jurisdiction should include all diseases as well as those listed in Tables A and B, which tables should be moved out of the Act and put in regulations.

To strengthen the chain of command, the CA must be empowered to delegate some functions, duties and powers to Federal VS inspectors, State VSs and localities, private veterinarians or whoever is competent to deal with matters on behalf of the CA.

As the law is presently worded, in the absence of delegation, the Undersecretary or a State Director must himself declare, for example, an infected place as per subsections 7(1) and 7(2). Granted, all the orders will be prepared by the staff but the Undersecretary must sign the declaration himself (no matter how remote the place where the problem is, or whether he is in or out of Sudan) and yet this is a function that may either be given directly in the Act to a General Director or an inspector; or can be delegated by the Undersecretary.

Matters dealing with disease control should include provisions such as the appointment or designation of inspectors and all other officers necessary to effectively administer the new legislation; expand actions that can be taken to control disease generally and special measures for diseases listed in the legislation, such as authorizing an inspector to immediately seal premises where a disease is found, escalate it to a declaration of an infected place by an inspector, and a declaration by the Minister of a control zone or zones and a surveillance zone or zones to allow monitoring of the movement of the disease, and imposition of appropriate movement controls on both humans and animals, as an outbreak of disease demands; setting up diagnostic laboratories, employing qualified personnel from veterinarians to technicians and providing them adequate materials, space and financial resources.

The legislation may also consider setting up a compensation<sup>56</sup> scheme and or other incentives to encourage disease reporting. However, such a scheme or incentives must be balanced against the ability of the country to pay and the effective control of diseases.

The new Act may also consider decriminalizing some of the infractions and enabling the imposition of administrative fines as a quick means of enforcing the law.

The new Act must also contain extensive regulation-making powers that will allow the regulations to be made to amplify the provisions of the Act. Such regulations can include provisions on, for example, how to manage specific diseases, how to move products of animal origin in the event of a disease outbreak under permits should it be necessary to impose some restrictions, on disinfection of premises, and restocking after a disease outbreak has been brought under control.

Sudan must be able to draw on experiences and laws of other jurisdictions, including those of its neighbours, trading partners and other countries, bearing in mind its own

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<sup>56</sup> Interestingly, the Technical Committee established under the AD(FZ)A was supposed to make recommendations for compensation rates in eradication programmes. This Act legislation was passed in 1973; it is doubtful if any compensation rates were recommended and, if they were, any payments would be made in these recent times.

local conditions. Harmonization of laws in the region<sup>57</sup> can also be explored, as well as the recognition of equivalency of laws with its trading partners and neighbours.

All these recommendations should be reviewed against the background of what the Constitution of the land permits.

#### 4.1.6 Animal Welfare

(Questionnaire II, section 6) (TAHC Article 3.4.10)

Questionnaire II lists the *Animal (Lenience and Welfare) Act, 2015 (A(L&W)A)* for definition of cruelty, transportation, practices in animal production, uses of animals in research and education, control of stray dog population, and abandoned animals; the *MIA* for slaughter of animals for human consumption; the *EDAA* for killing of animals for disease control; and the *D&PA* for use of animals in research and education.

Another relevant Act that was brought to the attention of the OIE Team is the *Criminal Act, 1991*, subsection 87(2) of which allows the imposition of a fine against any person who treats an animal with cruelty, and authorizes the placing of the animal in the care of a competent body.

The OIE Team is of the opinion that the *A(L&W)A* is the most relevant and directly related to matter. Thus, it is the only legislation subject to a review.

On the face of it, apart from “stray dogs population control”, the *A(L&W)A* complies with all the elements of the TAHC, article 3.4.10, even though some sections are not worded identically to the provisions in the TAHC. For example, the *A(L&W)A* defines “animal lenience” by listing elements that are aimed at alleviating suffering and discomfort of animals. Therefore, while the provision does not use the word “cruelty”, the Team is of the opinion that it is sufficient for purposes of the TAHC. There are provisions on transportation, working hours of animals, experiments (though not on education except the power to make regulations), duties of owners and breeders with respect to not harming animals, space in which animals are kept, killing of animals for consumption and euthanasia of sick animals. There is a provision on stray animals but it does not deal exclusively with dogs, neither does it deal with population control.

As the Act is largely compliant with the TAHC, the problems identified are quality of the legislation which may be entirely due to poor translation.

Some of the words are interpreted in a manner that makes it hard to understand. For example, “Competent Administrative” means “the General Administrative of Livestock, fisheries and Rangeland”<sup>58</sup>. It is possible that there is a position with that name or it could be just poor translation.

Section 4 outlines the entry and inspection powers of the CA and what an inspector can do upon entry into a place. However, paragraph 4(1)(a) makes a reference to permission of the “competent general prosecutor”. This “person” is not defined. As well, the criteria for granting permission are not outlined, neither do the regulation-making powers authorize the making of regulations to this effect. This particular provision flies in the face of international norms for entry into private houses, which require entry into a private house to undertake regulatory inspections<sup>59</sup> under the authority of a warrant issued by a judge, not a prosecutor.

<sup>57</sup> Especially given that there is a lot of cross-border traffic in livestock in the region

<sup>58</sup> The predecessor of the MoAR

<sup>59</sup> Regulatory inspections as opposed to criminal inspections

Paragraph 4(1)(c) empowers the “competent bodies” to lay down scientific standard and propose plans and programmes related to animal welfare. It is not clear, if and when these are made, what their legal status may be.

Subsection 4(2) allows delegation but the powers may be delegated to only the “competent Administrative”.

Section 5 deals with transportation of animals. Subsection 5(1) provides as follows: “An animal shall be transported by way that ensure its safety and non-exposure to injuries or harm”. This provision does not create a clear prohibition. And even if it does, by it being couched in a passive, as opposed to an active form, the subject of that prohibition is not identified. The same drafting problem applies to sections 6, 8, 9, 10 and 12.

Section 7 outlines the duties of animal owners and animal breeders. It is drafted in a way that clearly imposes an obligation and also clearly identifies the subject – that is the person who is responsible for discharging that obligation. However, there are a few problems with section 7. For instance, it uses “and” as in “owner and animal breeder”. “And” is conjunctive, and this may raise the question as to whether the provision can apply to someone who is only an owner but is not a breeder or is a breeder but not an owner.

Section 8 authorizes the return of an impounded animal to its owner. But there is no provision in the Act authorizing any animal to be impounded, by whom, under what conditions and for what reasons.

Section 9 governs the conduct of experiments on animals. But instead of an outright prohibition by use of the word “shall”, it uses the word “may” which is discretionary, and could very well allow experiments to be carried out without the safeguards built into the section.

Section 11 allows regulations to be made for the working hours of animals. There is nothing in the Act that creates a prohibition or imposes an obligation relative to working hours of animals. The duties of owner and breeders in section 7, and prohibited acts as listed in section 13 do not explicitly include putting an animal to work.

Section 14 regulates the slaughter of animals for human consumption and the protection of animals in slaughter-houses and markets. Subsection 14(1) requires the slaughter and skinning of animals for human consumption to be carried out in **approved** (emphasis) abattoirs and slaughter-houses. Subsection 1(1) of the *MIA* has similar though not an identical provision which requires slaughter in abattoirs and other places that are **permitted** (emphasis). Also the term “slaughter-house” is used in the *A(L&W)A* and not used in the *MIA*, while both pieces legislation deal with slaughter of animals for human consumption.

In summary, the problems with this legislation is quality and not its compliance with TAHC, article 3.4.10. The Team acknowledges that the problems could be due mainly to translation.

Therefore, the Team offers these recommendations:

The term “competent general prosecutor” should be defined unless it is defined in an *Interpretation Act*.

As well, while setting out the criteria for the granting of permission in the Act is not appropriate (because amendments would be easier if they are in regulations), the regulation-making powers should allow such regulations to be made.

On a substantive note, in drafting provisions that may curtail constitutionally-guaranteed rights, such as entering into premises to conduct an inspection, it is

imperative to respect the hierarchy of legislation, and highly recommended that such provisions always be in an Act and not in regulations. It is also advisable to follow and adhere to international norms for entry into private homes to conduct regulatory inspections.

Clarity of legislation aids in its understanding and with compliance. It is not clear what “lay down scientific standard and propose plans and programmes related to animal welfare” in paragraph 4(1)(c), means. When these standards and plans are laid down, it is not clear what their legal status might be; they will not be in the Act, they will not be in regulations and they are not orders. Maybe, if they are issued, they can be incorporated by reference into the Act. Alternatively, they can be issued as regulations using paragraph 20(f) of the Act.

Consideration may be given to widening the entities to whom powers can be delegated under subsection 4(2), beyond the “competent administrative”.

Care must be taken in drafting legislation to establish clear prohibitions, obligations or rights, by the use of the words “shall” (for prohibitions), “shall” or “must” for (for obligations) and “may” (for rights). In this regard, for example, the use of the word “may” in section 9 allows a person the freedom to choose to perform experiments on animals without the safeguards built into the legislation. If the person chooses to ignore the safeguards, that person would not be in violation of the Act. Subsection 5(1), and sections 6, 8, 9, 10 and 12 can all benefit with clarity in drafting to avoid problems with their enforceability.

The choice between what might appear to be two little words - “or” and “and” - is important. If section 7 duties are supposed to apply to only one group at a time – either an owner or an animal breeder - the word should have been “or”, rather than “and”. In this circumstance, unless all the elements are present, the provision may not be enforceable. As an example, if there is a legal requirement, in applying to register a car, to present a birth certificate and a driver’s licence, both documents must be presented. If however, the requirement is for the presentation of either a birth certificate or a driver’s licence, then only one is sufficient.

Every action taken ostensibly pursuant to legislation must be authorized in legislation. In the absence of such authority, the action would be illegal. For example, when there is no authority to impound an animal, there cannot be an impoundment and there cannot and should not be a provision, as in section 8, authorizing the return of an impounded animal.

With respect to section 11, regulations cannot be made in the absence of a related provision in the Act.

Consistency in related Acts is important, as any inconsistency may lead to an absurd situation where complying with one Act may lead to a violation of another. For example, both section 14 of the *A(L&W)A* and subsection 1(1) of the *MIA* regulate the slaughter of animals for human consumption and the protection of animals in slaughter-houses and markets. While one requires activities to be carried out in “approved” premises, the other requires activities in “permitted” premises. With neither word defined, the people to whom the Acts apply may be at a great disadvantage.

#### **4.1.7 Veterinary Medicines and Biologicals**

(Questionnaire II, section 7) (TAHC Article 3.4.11)

The National Drugs and Poisons Board (NDPB) has regulatory control over all veterinary medicines and biologicals. *The Drugs and Poisons Act (2009) (D&PA)* is the legislative instrument which establishes the NDPB as the national authority to lay

down specifications and safeguards pertaining to the operations of import, manufacture, control, storage, pricing, transport and the use of drugs, cosmetic preparations, all medical devices, and pharmaceutical preparations both for animal and human use. Prior to 2003, the NDPB was under the mandate of the MoAR; this was changed in 2003 when the mandate was transferred to the MoH.

The NDPB has two technical committees, one for human drugs, and one for veterinary drugs.

The *D&PA* has more focus on human drugs than on veterinary drugs so there is a need to review and strengthen the regulations on veterinary drugs.

The CA is not mentioned specifically although the Team was informed that this is the MoH. This Act, although referring to veterinary medicines and biologicals, is within the veterinary domain but is not under the control of the veterinary authority.

The Team recommends that separate Regulations on veterinary drugs be made under the *D&PA* to strengthen the regulating of veterinary drugs and biologicals and to bring more control through the technical committee of the NDPB.

The *D&PA* contains terminologies such as a “cosmetic preparation”, “drugs factory”, “medical requisite” which are either not applicable/relevant to veterinary medicines and biologicals or not properly defined terms. “Pharmacy” is defined as “a pharmaceutical facility licensed ... to dispense ... medical prescriptions at a retail shop directly or indirectly”. The use of the word “indirectly” is confusing and vague.

There are phrases, such as in subsection 4(3), which state that the Board shall be subject to the supervision of the Minister. The Minister in question is not named although the Team was informed that it refers to the Minister for the MoH.

Definitions in the Act lack clarity such as a “Veterinary surgeon means a veterinary surgeon in possession of a licence to practise”. There are no definitions for “veterinary medicine”, “biological substance”, or “raw materials”.

The NDPB licenses reference laboratories, drug stores, pharmaceutical factories, drug factories, veterinary vaccines and the drugs information department. Sudan at present does not have a National Reference Laboratory.

As a result of the *D&PA* not having a specific focus on veterinary medicines and biologicals, there is no mention of establishing standards and ensuring compliance with defined withdrawal periods; establishing maximum residue levels (MRLs) and sampling and testing residues in animal products. It might also be appropriate for the *D&PA* to consider authorisation of veterinary para-professionals to use prescription only medicines (POMs), but under the supervision and direction of a registered veterinarian.

There are also no requirements for substances in veterinary medicines and biologicals that may, through their effects, interfere with the conduct of veterinary checks.

No special provision is made for medicated feed.

There are protocols in place between the neighbouring countries in recognition of the equivalence of authorisations. However, adverse effects arising from the use of veterinary medicines and biologicals are not monitored, neither are there reporting requirements should any adverse incidence occur.

Subsection 27(1) empowers the NDPB to issue and publish a list of substances deemed to be a poison such as named in paragraphs 27(2)(a), (b) and (c) but omits the need to keep a proper registry of dispensed products, as well as proper contained and audited lock up storage facility for this particular group of substances. While there is authority for the NDPB to make orders regarding safeguards for the substances

named in paragraphs 27(2) and (c), no such authority exists in respect of anaesthetic substances in paragraph 27(2)(a) (anaesthetic substances used in drugs and which the NPDB deems to be dangerous and may lead to addiction).

A mechanism for traceability and recall are within the regulations but implementation/compliance is very weak, as inspectors are not even appointed.

The regulations regarding the licensing of premises, both pharmacies and drug manufacturers, are well documented but very little in regard to the appointment of inspectors, their powers to enter premises, protection of these inspectors, and compliance to the law.

Chapter IV of the *D&PA* under which experiments are regulated, has 4 sections - 22 to 24 and 26 - on conducting experiments on humans but only one short one - section 25 - deals with conducting experiments on animals<sup>60</sup>.

In summary therefore the Team advises that separate Regulations specific to Veterinary Medicines and Biologicals be made, and their control be strengthened by the NDPB.

Members of the veterinary technical committee of the NDPB should have a number of skilled veterinarians, veterinary trained inspectors should be appointed, and laboratories should have access to veterinary drugs to perform the required quality and safety checks.

#### 4.1.8 Human Food Production Chain

(Questionnaire II, section 8) (TAHC Article 3.4.12).

The main Act governing human food production is the *Meat (Inspection) Act, 1974 (MIA)*. Other Acts are: the *EILA&M (VQ)A* and the *EDAA*.

In addition, Sudan has a *Food Control Act (FCA)* which regulates food and meat hygiene; the *FCA* is under the mandate of the MoH. The Act is in Arabic only and was not translated or sent to the Team for the purposes of this mission. Consequently, the Team was not able to review and assess it.

In addition to the MoAR and the MoH, the SSMO also has responsibility for the *Standards and Metrology Act, 2008, (S&MA)*, pursuant to which the SSMO sets both quality and safety standards for food. In the course of the review of Questionnaire II, the provisions of the *FCA* and the *S&MA* were used as a justification for the gaps in the *MIA*. Therefore, a considerable number of answers, which should have been or were "no" originally turned into "partial".

However, the Team is of the view that the *FCA* and the *S&MA* are not under the mandate of the MoAR and cannot be used to carry out the mandate and operations of the MoAR. Therefore, the detailed assessment is done purely on the basis of the *MIA*, without recourse to the *FCA* and the *S&MA*.

The *MIA* regulates places where food animals are slaughtered (including health certificates of abattoir workers, and controlled entry into abattoirs and butcheries); veterinary inspections, and ante- and post-mortem examinations, and stamping of inspected meat products; transport and sale of meat products; and the destruction of meat products that do not meet the requirements of the Act. It provides for penalties for violating the provisions of the Act and also empowers the making of regulations.

<sup>60</sup> Note that section 9 of the Animal (Welfare and Lenience) Act also has provisions on conducting experiments on animals

There are significant gaps in the *MIA* with respect to its compliance with TAHC article 3.4.12. There are no provisions relating to: primary responsibility of operators of food production premises to comply with food safety requirements; food safety standards; traceability; recall or withdrawal of food; prescription of uses or treatment of food to ensure safety; the use of risk-based management procedures, such as adoption of Hazard Analysis Critical Control Points (HACCP); or prior authorization of operations likely to constitute a significant risk to human or animal health.

The other gaps against the OIE standards, in the opinion of the Team, are provisions relating to: recording of all significant animal and public health events that occur during primary production (i.e. pre-slaughter); inspection for compliance with food standards that are relevant to health or safety; inspection of premises; prohibition of the marketing (sale) of products not fit for human consumption; and the conduct of inspection and audit; registration of premises and establishments (the Act prohibits the slaughter in a place other than an abattoir unless that place is permitted by the CA).

While not specifically mentioned in the TAHC Article 3.4.12, there are other significant gaps identified in the course of the assessment. For example, there are no provisions with respect to the appointment or designation of food inspectors, analysts, or officers for the administration of the *MIA* and their powers and duties, etc. There is no power of the CA to delegate functions down to inspectors or officers within the Federal VS or to State VS. There is also no **chain of command** between the States and the Federal CA. No provisions are made in the *MIA* for the setting up and operations of diagnostic laboratories.

Sudan is a member of the Food and Agriculture Organisation (FAO), and the Codex Alimentarius (Codex) which is the food safety and quality standard-setting body for the World Trade Organisation (WTO) Sanitary and Phytosanitary (SPS) Agreement. Sudan needs to be guided, not only by the OIE standards but also by standards set by Codex.

In addition to the identified gaps, there are examples of problems that the Team would like to highlight.

Subsection 1(1) prohibits the slaughter of a food animal in any place other than an abattoir unless the CA “permits that place”.

It is clear that a place other than an abattoir requires a permit but it is not clear if the abattoir should also receive permission or only the other place. But a more fundamental problem with the provision is the permit itself. There are no provisions amplifying the permission process<sup>61</sup>. Such provisions are better placed in regulations. However, the regulation-making powers do not authorize any such regulations to be made. The Team is also of the opinion that “permission”, in the absence of more information on the permit process, may not be equivalent to registration of premises.

Section 3 prohibits the transportation and sale of meat that has not undergone veterinary inspection or was not slaughtered in an abattoir. This is contrary to subsection 1(1) which permits slaughter at a place other than an abattoir so long as the place has a permit.

Section 5 imposes an obligation on a person who wants to slaughter a food animal for the purposes of sale to follow all the veterinary inspection procedure specified by the CA from time to time. It is not clear how these procedures would or could be accessed. For example, would they be incorporated by reference into regulations?

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<sup>61</sup> Such as application, issuance, duration, renewal, suspension, revocation or withdrawal, administrative safeguards to ensure that industry is protected from arbitrary government decisions. These comments apply equally to the permission requirements in sections 9 and 13 of the *MIA*

Section 6 requires cars and containers used in transportation or preservation of meat to satisfy conditions provided for in regulations. This provision does not impose a prohibition on a person not to use cars or containers for transporting or preserving meat unless the car or container meets requirements set in the regulations. Besides, notwithstanding that the section makes a reference to regulations, there is nothing in the regulation-making power to this effect.

Section 7 makes it mandatory for workers in abattoirs and butcheries to possess health certificates. However, the provision does not specify who issues the certificate and why the requirement is limited to abattoirs and butcheries and does not cover other places where meat might be sold, for example, would a supermarket counter where meats are sold also be considered “butcheries”?

Section 8 prohibits persons working in slaughter-houses and butcheries from concealing diseases in a slaughtered food animal, and imposes an obligation on such persons to report to the CA all food animals sent to the abattoir for emergency slaughter to ascertain the validity of the health certificate accompanying the animal. The prohibition not to conceal is imposed on only workers and leaves out the owner of the abattoir or the owner of the animal. The provision also makes a reference to a health certificate and yet nowhere in the Act is there a requirement that any food animal sent to be slaughtered should be accompanied by a health certificate. It is also curious why the validation of the health certificate is limited only to animals sent for emergency slaughter.

Section 10 imposes an obligation not to obstruct, or cause the obstruction of, officials or workers of the CA. This is a good provision but it needs to go further than this to include, for example, requiring persons to give information or assistance that the officials or workers might reasonably need or ask in the performance of their official duties.

Section 14 imposes penalties that are criminal in nature – imprisonment and or fines. Consideration may be given to incorporate administrative penalties for minor infractions of the law.

Under the heading “Regulations and orders”, section 17 empowers “... state laws to organise such matters as may be necessary for the implementation of the provisions of this Act”. This appears to be a strange provision as when State laws provide regulations for the implementation of a Federal Act, and could lead to some difficulties in enforcement. Let us assume that a provision in the regulations, made by a State VS under a Federal Act is violated, who will have the enforcement power – the Federal or a State VS as the Act is Federal but the Regulations are, or may be, State?

Also, while State laws shall organise matters necessary for the purpose of implementing the Federal Act, it is not clear who has the power to organise the State law. Would that be the Federal CA or a State authority? While this important link is missing, there is no **chain of command** built into the legislation between the Federal and State Governments, and no supervisory roles are given to the Federal authorities with respect to either Federal Regulations made under State laws or State Regulations made to implement a Federal Act. As well, some regulations which are authorised to be made under the regulation-making powers, for example, on keeping records on slaughter, are not authorised in the Act.

The Act contains footnotes, the use of which is not encouraged as footnotes indicate further explanation being needed in the Act. Besides, the footnotes are cited with reference only to Act numbers and year of the Act; the titles of the Acts are not cited.

In terms of recommendations, the Team urges Sudan to consider a completely new approach to regulating food and the food industry. This requires a close collaboration

between government (VS, MoH and SSMD on the one hand) and industry on the other.

On the VS part, consideration may be given to repealing the present *MIA* in its entirety and a new law enacted. Working with the other competent authorities in regulating food (MoH and SSMD), VS should endeavour to ensure that the new law complies as closely as possible with standards set by international institutions such as the OIE and Codex. It must also incorporate modern concepts relating to how the food industry is regulated by making industry primarily responsible for the products it puts on the market.

For example, in making industry primarily responsible, the legislation, comprising a combination of Acts and Regulations, may start with requiring industry to be proactive by adopting and implementing written preventive controls. It must also include explicit prohibitions against industry putting unsafe, adulterated, unhealthy or unwholesome food on the market. Appropriate sanctions for contravening the law must be built into the Act.

The Act may also require the registration of companies involved in the export and import of food of animal origin<sup>62</sup>. There should be appropriate exemption for small companies, for example, companies doing business below a certain monetary threshold annually (to be determined by government and industry). Consideration may also be given to empower the government administrators to collect information for food safety measures and to release the information to the public and whoever needs to know when the government requires to do so for food safety reasons.

Under the scheme, the government would set mandatory food safety standards and would categorise the industry according to risk of activities. The categorisation will determine inspection frequency – high risk activities would be subject to more frequent inspections than low risk activities. Decisions relating to the enforcement of the Act will be based on science and risk assessment, risk management and risk communication.

The country may also explore equivalencies and foreign audits of its export abattoirs. A combination of these, and much more, will free government's limited resource, target these resources to where they are needed most, and allow government to regulate smartly.

In addition, there must be provisions authorising the appointment or designation of inspectors and all other provisions which will enable inspectors to perform their duties, while at the same time preventing abuse of their powers.

On its part, industry will have to prepare and adopt written preventive controls, which will include an evaluation of the industry's risks, specify preventive steps, specify how the controls will be monitored, maintain records and specify corrective measures should the system break down; ensure that its products meet the standard of the exporting countries and its imports meet the standards in Sudan.

The preparation of written measures, training of staff, keeping of records and meeting all new requirements will be expensive, and industry may see these measures as intrusive on, and costly to, their business. However, if industry works closely with government and gives its input as the government embarks on this new approach, it is likely to benefit from the government's smart regulating atmosphere; this will eventually reduce industry's cost of doing business – both in terms of time and money. To further reduce the administrative burden, private industry should press the government for a "single window" to avoid multiplicity of procedures.

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<sup>62</sup> Regulations will set out details of the registration requirements.

Collaboration between government and industry will also address private industry's concern that while previously it was consulted on development of legislation, that kind of consultation no longer exists. But above all, if industry is part of the process, industry will feel that it "owns" the law and will be more inclined to comply with it.

In this exercise, consideration may also be given to combining into the new legislation those parts of the *E&ILA&M(VQ)A*<sup>63</sup> that deal with meat, removing from the States any jurisdiction they may have over meat entering into international (exports and imports) and interstate trade, and transferring same to the Federal VS. This will include bringing all export abattoirs within the mandate of the Federal VS, as well as establishments which receive imported meat, if any, into Sudan. This will also mean that the States will maintain their mandate over meats from animals slaughtered and consumed within the State boundaries. If there is an establishment that deals with both international and interstate trade in meat and also trades its product within one State, that establishment should be brought within the Federal mandate.

To strengthen the chain of command, the new legislation should also provide delegation of functions, duties and powers from the Federal VS to State VS, local authorities and private veterinarians.

On the government's side there needs to be a coordination between VS (for food of animal origin), MoH (for all foods) and SSMO (for standard-setting). The new legislation should also incorporate by reference the food quality and safety standards set by the SSMO. That enables those standards to be part of the law administered and enforced by MoAR. With that, the *S&MA* should be amended to remove the mandate of the SSMO to enforce food quality and safety standards as they pertain to food, including meat. The SSMO should still retain its mandate as a standard-setting body, and its enforcement activities limited to ensuring that the products carry the SSMO stamps and the stamps are genuine.

The MoH's present mandate over food generally, including meat, should be maintained. The arrangement which allows the MoAR to maintain its powers over, and oversee operations in, the export abattoirs and slaughter houses and the MoH to assume responsibility when the meat leaves the abattoirs and slaughterhouses allows each other to discharge its respective mandate without encroaching on the other's territory.

#### 4.1.9 Export and Import Procedures

(Questionnaire II, section 9) (TAHC Article 3.4.13)

The main Act is the *Exports and Imports of Live Animals and Meat (Veterinary Quarantines) Act, 2004 (E&ILA&M (VQ) A)*. It regulates the export and imports of live animals, meat and other products of animal origin from, and to, Sudan, including certification and provision of quarantine.

Apart from preliminary matters - title, repeals and interpretation, penalties and regulation-making powers, the whole legislation has only 11 sections. These are supposed to cover the entire requirements of TAHC section 5 - from chapters 5.1 to 5.13, each with multiple articles.

The responsibility of exporting and importing countries, and in case of an accidental disease related to imports, as per chapter 5.1 is not reflected in the Act, and is simply not even covered. Certification procedures as required by chapter 5.2, for example, authority of a certifying veterinarian are not specified in the Act; all that is provided

<sup>63</sup> This will mean the eventual repeal of that Act as those parts which deal with live animals would have been transferred into the proposed Animals Health Act.

closely to this is section 6 which authorizes the CA to issue “the international health certificate for exports of animals, fresh meat, animal products and remains”.

There is nothing on equivalency, as per chapter 5.3; or on exports of breeding animals and other products listed as per chapter 5.4; nothing on animals in transit, as per chapter 5.5; nothing on international transfer and laboratory containment of animal pathogens, as per chapter 5.8; or on quarantine measures applicable to non-primates as per chapter 5.9.

There are some provisions in the Act on providing quarantine but they are so inadequate that they do not satisfy chapter 5.6. For example, there is nothing in the Act that deals with areas of direct transit at airports.

For the little that there is, the translation is so poor that it is difficult to determine its precise scope. For example, “international constitution” means “the international constitution of the animal health issued from the office epidemic at Paris”, and “epidemic disease” means the “epidemic disease and infectious diseases according to the lists of the international office of animal epidemics”. For those who know, these may be references to the OIE but for those who do not, these mean nothing. And even for those who know, the Act cannot be interpreted in a court of law based on the knowledge of a portion of the public; the Act itself must be precise.

Sudan is one of the largest exporters of live animals in Africa and with livestock contributing enormously to its GDP; this Act is or must be one of the most important Acts in the country. Therefore, it is imperative for the country to get it right.

The Team has already recommended that the Act be repealed and incorporated into other Acts – live animals and non-edible animal meat products into a new animal health legislation and meat into a new Meat Inspection Act.

The Team reinforces this recommendation and would go further to say that, in incorporating exports and imports into Acts in the veterinary domain, only the concepts be transferred and not any of the actual texts in the legislation as they are badly drafted or translated, or are grossly inadequate as measured against international standards. The VS may need to go back to the drawing board and, through consultations at all levels of the Federal Government, and with international and regional institutions, and with their in-house counsel and lawyers at the MoJ, completely draft new texts.

## **5. Overall conclusions and recommendations**

The mission came at an opportune time. Sudan is currently embarking on drafting a new constitution to replace the 2005 Interim Constitution. Nation-wide consultations are part of the process and stakeholders are keen to make presentations and be a part of the process.

Jurisdiction over veterinary services and animal disease management and health is assigned concurrently to both the Federal and State Governments. As part of its participation in the constitutional process, the Federal VS is looking for guidance from the OIE so as to make contributions that would help align mandates of the two levels of government for activities within the veterinary domain. This will in turn lead to strong and well-tailored legislation for the effective delivery of veterinary services in Sudan.

With this as a background, the Team notes some obvious strengths in the veterinary domain in Sudan. Senior management and indeed the entire VS recognize that quality veterinary legislation is the bedrock of good governance, and for a successful and effective provision of veterinary services in the country. Senior officials at VS acknowledge that problems exist in the management of the veterinary domain and are actively seeking solutions. Collectively, senior management and senior staff are fully in support of legislation reform, which also has the strong backing of the government and private industry.

Both at the Federal and State levels of government, there is a keen awareness of the importance and the contribution of livestock to the economy. Consequently, the Minister of Animal Resources, in the course of the meeting with the Team, indicated the Federal Government's wholehearted pledge, financially and logistically, and his personal commitment, for legislation reform of the veterinary domain. This is achievable as the Minister is a veterinarian, and has an understanding of, and empathy for, the delivery of veterinary services.

The Ministry of Justice has sound processes in place for drafting of legislation. The process was well-articulated by both the Ministry of Justice drafter and the Ministry of Animal Resources in-house counsel, who is on secondment from the Ministry of Justice to the Ministry of Animal Resources. The Team observed close collaboration between in-house counsel and his drafting colleagues at the Ministry of Justice; and he has access to any assistance he may need in delivering services to the Ministry of Animal Resources. There is also a good working relationship between in-house counsel and his Veterinary Services clients who involve him in all stages of the development of legislation and their initial drafting of the legislation. As well, there is a good rapport between the veterinarians at the Veterinary Services and the drafting team at the Ministry of Justice.

The VS also emphasised its close collaboration and good working relationship with other national ministries which have some role in the veterinary domain including the Ministry of Health, the Ministry of Ministries, the Ministry of Agriculture and Irrigation, the Ministry of Economic and Finance, the Ministry of Tourism, Wildlife and Forestry, the Ministry of Interior, the Ministry of Foreign Affairs, the National Drugs and Poisons Board, the Sudanese Veterinary Council, and the Sudanese Standard and Metrology Organisation.

As well, there is collaboration between the Federal Veterinary Services and the State Veterinary Services, as was very evident by the participation of the Khartoum State veterinarian in the course of the entire Mission.

The country has institutions and programmes for the training of veterinarians. Currently, there are seven universities with veterinary faculties. The veterinarian training course is a 5-year programme. The country graduates approximately 600 veterinarians annually. After graduation from university, the veterinarians undergo a 1-year internship programme. The universities also have a 3-year programme for the training of para-professionals. In addition, there are technical colleges that train community veterinary nurses, veterinary technicians and veterinary assistants.

Sudan has well-trained veterinarians, and others in support positions in the veterinary domain. While a great number of their compatriots have left for greener pastures in neighbouring countries, a number of veterinarians have chosen to stay as they obviously see their contribution to the nation. This attests to their dedication to their country.

On the operational side, good actions and services are being performed relative to the veterinary domain. For instance, systems have been established for the collection, collating and dissemination of information on animal disease outbreaks between the Federal Veterinary Services and their States counterparts; laboratory analysis are preformed; there is a programme for the mapping of zoonotic diseases; and there is a new programme, started about a year ago, for the identification and tracing of livestock generally; this is an expansion of the current practice of identifying livestock for exports only. In collaboration with States Veterinary Services, the Federal Veterinary Services provides awareness programmes for livestock producers, markets and other animal posts, using appropriate methodologies and media, such as posters and community radio stations, and the provision of incentives to encourage attendance.

Notwithstanding the strengths observed, there are also deficiencies challenges and gaps. There are two levels of government in the country – Federal and State – with two parallel lines of democratic institutions – executive, legislature and judiciary. The two levels of

government have concurrent jurisdiction in pastures, veterinary services, and animal and livestock and diseases control, while they operate autonomously of each other. Adding to the States, is the multiple regulators in the veterinary domain at the Federal level alone, sometimes with overlapping mandates and duplication of efforts.

As well, funding of government programmes, including veterinary services is controlled from the center by the Ministry of Economic and Finance. There does not appear to be any legislative provisions allowing the Federal Veterinary Services to generate some funds from its activities to finance some its operations. In addition Sudan is a very large country and shares common borders with seven other countries.

A combination of the systemic structure of the nation and the funding of veterinary operations and activities presents a challenge for the effective delivery of veterinary services in the country.

The Team also recognizes and has identified major gaps in Federal veterinary legislation. These gaps and corresponding recommendations have been set out after detailed analysis of some legislation which correspond to TAHC articles 3.4.5 to 3.4.13. It is likely that some of these gaps are attributable to the lack of knowledge of the OIE standards in the country in general and among the staff of the Veterinary Services in particular.

The Team wishes to note that it did not review all the legislation; however, its observations are applicable throughout the entire legislative landscape in the veterinary domain. As well, the detailed gaps and recommendations for each legislation reviewed will not be repeated here; readers are referred to Section 4.1 of this report.

However, the team will like to set out clusters of the gaps and the recommendations.

### **Hierarchy of Legislation**

In drafting an Act in the veterinary domain it is very important to respect the hierarchy of legislation, especially to ensure that the Act is consistent with the Constitution in order to avoid the risk of having the Act itself or functions performed under it declared unconstitutional.

The Interim Constitution of Sudan, 2005 guarantees certain fundamental rights, including the inviolability of privacy, such as the home and correspondence, except in accordance with the law; the right to freedom of movement and residence, except for reasons of public health and safety as shall be regulated by law; and the right to acquire and own property, as regulated by law. As is evident, the constitutionally-guaranteed rights may be curtailed in accordance with the law.

The Team observed that Acts in the veterinary domain do not empower the appointment or designation of inspectors, let alone have their powers, duties and functions expressly provided in the Act. Consequently, entry into and inspection of or on somebody's property, limiting someone's freedom of movement or accessing someone's records or correspondence, in the provision and management of veterinary services, are potentially a violation of the Constitution, in the absence of laws sanctioning such actions and functions. The performance of these functions, even in the interest of public health and safety, for example, has a high risk of being declared unconstitutional should it ever be challenged.

Not only must there be legislative provisions governing the appointment of inspectors and other officers, such provisions must always be in an Act and not in regulations; the courts are more likely to uphold curtailment of constitutionally-guaranteed rights by Parliament as opposed to regulations made at the executive level. However, the details of the performance of the functions, for example, how to take samples, may be in regulations.

For entry into private homes to conduct regulatory inspections, international norms, such as entry by a warrant granted by a judicial officer, must be followed and adhered to.

## **Knowledge of OIE and other international standards**

The Team observed that knowledge of OIE and possibly of other international standards is rather weak in the Veterinary Services. Efforts must be made to raise awareness of these standards and to encourage staff, as they develop veterinary legislation, to keep international standards, both of the OIE and other international institutions, as their frame of reference. One recommendation would be for government to work with the universities and other training institutions to offer courses in veterinary law, which will include not only Federal and State laws but also on international standards. It looks like this is something that veterinary faculties are seriously considering as the representative of the universities raised it with the Team.

## **Absence of chain of command and absence of delegation**

The absence of chain of command was a constant refrain throughout the mission. The Team also observed the absence of delegation in almost all the legislation it reviewed, and even when it is mentioned in legislation there is no mechanism for its operation. These two themes are being considered together as they form the two sides of the same coin.

The difficulty with the absence of the chain of command is the culmination of a combination of factors – including concurrent jurisdiction of entities or institutions that operate autonomously and independently of each other, the geographic size of the nation and limited financial resources. The geographic size and limited financial resources make it impossible for the Federal Veterinary Services to open offices throughout the country. It finds itself having to operate and perform some of its functions through the States Veterinary Services, which operate independently and have their own set of laws in the veterinary domain.

Therefore, while the Team does not recommend a total overhaul of concurrent power or jurisdiction, it recommends that consideration be given to transferring animal and livestock disease control in its entirety to the exclusive power or jurisdiction of the Federal Government, to be administered by the Ministry of Animal Resources. Animal diseases know no boundaries and can spread very quickly from one State to another and very possibly throughout the country if not properly and expeditiously managed. In the course of managing a disease outbreak, the country needs to communicate with the international community and with its trading partners with one voice and through someone who has international credibility and presence, and who better than the country's Chief Veterinary Officer who is also Sudan's OIE Delegate.

In addition consideration may be given to transferring jurisdiction over animals and their products that enter into international trade (exports and imports) and inter-state trade to the Federal Veterinary Service. It is difficult to operate international trade – in imports and exports – and trade between the 18 States or any of them based on the law of any one State.

These two recommendations - disease control and management and international and interstate trade - acknowledge that there are other veterinary services and intra-state trade that can and should be managed at the State level; they should be left alone.

Since the Federal Veterinary Service cannot open offices and maintain a presence in all the States, the enabling legislation must, in setting out the mandate of the Federal Veterinary Service over disease control, and international and inter-state trade, clearly grant authority to delegate some of its functions and duties to the State Veterinary Services, local authorities and private veterinarians.

The delegation will clearly indicate that those holding delegated authorities must report back to the person who grants the delegation; and all actions and decisions with respect to the duties and functions delegated are taken and made by that grantor. This will strengthen and restore the chain of command in the control and management of animal diseases to the center. It will also get rid of the untenable situation where, for example, in a Federal Act,

State laws are organized for the implementation of the Federal Act, State Directors are given express powers to make an infected place declaration with respect to some diseases, or a State Government, not the Federal Minister, is given authority to make regulations; in all those situations, without any legislative requirement to report back to the Federal Veterinary Services or Federal authorities.

The absence of chain of command and delegation is not a theme limited to animal disease control. All Acts in the veterinary domain must have provisions on clear identification of the Competent Authority and provisions for delegation of functions and duties.

### **Alignment of legislation**

Currently there are various Acts in the veterinary domain, but the Team recognizes and does not advise that the management and regulation of the veterinary domain should be embodied in one single Act. Any attempt to have a single Act to govern the entire veterinary domain will most likely not gain the support of members of the legislature and may not pass. Even in the odd chance that it passes and becomes law, it would be too large, cumbersome and difficult to work with.

However, the Team recommends a comprehensive review of all veterinary legislation and specifically align some of them. For example, the Team recommends that a new Act with respect to animal diseases be enacted, to be called “Animal Health Act, to replace the *Epidemic Diseases of Animals Act*, the *Animal Disease (Free Zone) Act* and the, *Livestock Route and Veterinary Control Station Act*, and have these Acts repealed.

As well, the Team recommends the repeal of the present *Meat (Inspection) Act* and be replaced by a new Act. The Act is old; it does not meet OIE and other international standards in very significant ways and does not reflect modern methods of regulating food and the food industry. This new Act will cover not only export and import of meat but also regulate interstate trade in meat.

The two new Acts - on live animals and meat – will have incorporated into them respectively new requirements dealing with exports and imports of live animals and veterinary quarantine, and export and import of meat and meat quarantine. It is to be noted that the recommendation is not to combine those parts of the *Exports and Imports of Live Animals and Meat (Veterinary Quarantine) Act* into the new Acts. It is because that Act is so flawed and so non-compliant with OIE and other international standards that the Team is of the view that it should be repealed in its entirety and new provisions on exports, imports and quarantine on both live animals and meat be drafted as part of the new Acts.

The Team would like to emphasise that this exercise is not merely “cut and paste” but a complete overhaul of the Acts – by keeping what can be salvaged, when it can, and getting rid of the rest.

### **Overlapping mandates**

Sudan must be commended for having a Federal standard-setting body - the Sudan Standards and Metrology Organisation. This allows for uniform standards throughout the country. However, it must remain what it is – a standard-setting body and not the technical enforcer of these standards. To this end, consideration may be given to taking away the great chunk of the Organisation’s enforcement powers and those powers transferred to the technical ministries or authorities. For example, standards set by the Organisation with respect to any matter in the veterinary domain will be incorporated by reference into, or adopted in, the appropriate veterinary legislation. Those standards then become part of the veterinary legislation and enforceable by the Veterinary Services.

The strength of this is that current enforcement by the Organisation is very limited and its enforcement actions, for example, to destroy products, may in turn destroy crucial evidence

needed by the Veterinary Services in its programmes, for example, to trace the origin of a disease introduced into the country. It also eliminates duplication of enforcement actions which adds to the costs, in time and money, of industry. If the Organisation must retain any enforcement mandate at all, it should be over checking that approved products bear their product marks and whether the marks are genuine.

The Team is of the view that the present division of mandate over food generally, for which the Ministry of Health is responsible, and for food of animal origin, for which the Ministry of Animal Resources is responsible, is working well and should be maintained. The two ministries have found a way to cooperate and co-exist; the Ministry of Animal Resources maintains its presence and retains its mandate all the way to the point where the meat leaves the abattoir and the Ministry of Health assumes its mandate from then on.

### **Legislative basis for actions in the veterinary domain**

Many of the operational actions performed by the Veterinary Service do not have any legislative basis. For example, there are no Acts governing, laboratories, animal production or animal feed. Inspection are conducted by staff who are not appointed or designated as inspectors in any Acts.

While the Team does not recommend the enactment of a free-standing and a separate Act on laboratories, appropriate provisions must be incorporated into other Acts.

However, the Team recommends the enactment of an Act on animal production and combine it with the *Hides and Skins Act*, and have incorporated into the new Act provisions on animal feeds.

### **Absence of legislative provisions to collect and disseminate information**

In case of an emergency, such as a foodborne-disease outbreak or an animal disease outbreak, the Competent Authority must be able to compel people to give information that might be otherwise confidential, and the Competent Authority must be able to disseminate that information to the general public on a need to know basis. The Team was made aware that there is a flow of information between the States and the Federal Government. But our understanding is that this information is collated and shared with the OIE and AU-IBAR. This recommendation is not the same – sharing information with regional and international organisations.

Rather, the recommendation is about the ability of government to collect and share otherwise protected or confidential information with the public on a need to know basis, so as not to violate the constitutionally-guaranteed right to privacy or correspondence. Not only must the Competent Authority be able to compel the disclosure of information, it must know where the information is stored in the first place and be given legislative power to go after if its voluntary disclosure is not forthcoming from industry.

Of course, such actions must be tempered with the legislative authority of the Competent Authority to make exceptions and grant exemptions, where it is necessary or expedient so as not to unnecessarily hamper trade and the free movement of persons and goods.

### **Legislation drafting process**

While the process is sound, it appears that they are not formalized. If this situation persists, the process may not survive the departure of the present crop of drafters. As well, in the absence of a formal process, a great deal of time may have to be spent by the experienced staff in teaching new drafters; if there is a formalised process the new recruits will have the benefit of written instructions which will be supplemented with “on the job” coaching by experienced staff. In some countries, the process is developed by and managed by the

Cabinet Office, which in Sudan is the Ministry of Ministries. This way a uniform approach is adopted throughout the Federal Government.

The Team also heard from private industry that previously they were consulted in the legislation drafting process. While this may not be the responsibility of the Ministry of Justice drafters, they should always ensure that the line Ministry, that is the Ministry of Animal Resources, has consulted industry.

### **Quality of legislation**

There is a great need to provide quality legislation – both Acts and Regulations. The Team was advised that the quality of the Acts it reviewed was partly due to translation, which was done quickly and for the purpose of the mission. The Team is of the view that translation alone cannot account for some of the gaps and lapses in the Acts and, at any rate, poor translation is a reflection of lack of quality legislation. Arabic and English are the official working languages of the country. There is a need to invest in very good translation services if the country does not have the financial or human capacity to simultaneously draft legislation in the two official working languages of the country, which would be the preferred plan of action.

### **Regulations and related documents**

The reform of Acts will, inevitably, lead to new regulations, and other documents such as operation manuals, procedural manuals and delegation instruments. It will require training for staff, industry and the general public. It will need information exchanges and notifications to trading partners and it might impose additional costs on governments and industry.

### **Action Plan**

The Team realizes that the task in reforming veterinary legislation in Sudan, with all its follow-up processes, will be massive, costly and long. However, it is something that must be done - the political atmosphere is right because of the constitutional amendment exercise currently in progress; there is support at a very high level of government; livestock and trade in livestock are of enormous benefit to the country; and the country wants to add value to the animals it exports, and expand its markets. Also with Sudan's imminent admission into the WTO, the option of its veterinary legislation not being compliant with international standards no longer exists.

Obviously the country cannot complete this work or achieve its objectives overnight. Therefore, it needs to prioritize. This calls for the preparation of an action plan based on wide consultations in the country with all stakeholders, with its trading partners, international, regional and bilateral partners and friendly nations. It needs to set realistic goals and achievable timelines.

In addition to reforming its legislative base in the veterinary domain, the country should look at some other options to achieve its goals, including harmonization of its laws with countries in the region, and/or exploring equivalency with its trading partners, and/or third party audits of its systems, export abattoirs and other export facilities.

The enormity of the financial and time outlay should not turn into inaction. There are financial and technical resources, both internally and externally that the country can and needs to tap into.

### **Translation of report**

The Team recommends that the report be translated into Arabic. While there is knowledge of English among relevant staff, they are more comfortable working in Arabic than in English. The Team is of the opinion that it would mean more to the country if the report is in Arabic.

## 6. Evaluation of capacity to undertake future work on legislation

The Team believes that the Federal Veterinary Services is very well positioned to undertake future work on veterinary legislation. The government has decided to allocate 20% of public expenditure to agriculture and livestock infrastructure and technical innovations. But even for this sizable commitment to be effective, a sound veterinary legislative base will be required, a fact not lost on key personnel in government, including the Minister of Animal Resources, who is a veterinarian. This is also not lost on senior management within the Veterinary Services. There is a keen understanding of the importance of having a modern and comprehensive legal basis for good governance of the veterinary domain and for the effective delivery of veterinary services. There is an expressed desire for, and a strong commitment to undertake, legislation reform.

The keenness is underscored by both historical and recent events in the country. Historically, agriculture and livestock contribute enormously to the economy of Sudan. Recent events include the initiative to draft a new constitution for the country, the Ministry of Animal Resources' adoption of 5-year rolling strategic plans, the country's desire to expand its market and product base, and an application to join the WTO. As well, there is a recognition that operating with laws, both old and fairly recent, that do not comply with international standards is no longer a viable option for the country.

Constitutional amendments are generally difficult, if not impossible. The present process to draft a new Constitution offers a unique opportunity to address the alignment of responsibilities in the management and control of animal diseases, and international and inter-state trade in animals and meat. This opportunity should not be missed.

There are two lawyers assigned from the Ministry of Justice to the Ministry of Animal Resources. One of the in-house counsel confirmed to the Team that they have the capacity for extra work should the reform go ahead. They have a close and respectful working relationships with their clients, and access to their colleagues at the Ministry of Justice.

As well, the Ministry of Justice has a legislative drafting department, which, among others, drafts veterinary legislation with inputs from their lawyer colleagues and veterinary clients at the Ministry of Animal Resources. The legislative process is sound and works well, with checks and balances to make sure that the principle of hierarchy of legislation is respected, and the legislation is needed for the performance of responsibilities. Nonetheless, the Team noted with concern that the process is not formalised. This needs to be corrected. As well, industry's perception that it is not adequately consulted in development of legislation needs to be addressed, to ensure ownership and acceptance of the law by industry, and increase compliance.

The country has close to 8000 qualified veterinarians, and graduates approximately 600 every year. The Team detected dedication on the part of the veterinarians who met with the Team and shared their experiences in the course of the mission. There was also a lot of frustration expressed by both veterinary service providers and private industry about the absence of legislation to govern and direct them in their actions; the absence of clear mandates and dated laws. They believe that the time is ripe for legislation reform.

The reform will be enormous, costly and long. But with careful planning, the government's pledge of money and international and regional resources that the country can tap into, the Team perceives that the job is doable.



## List of Appendices

- Appendix 1 Correspondence between the OIE and the Veterinary Services of Sudan
- Appendix 2 Organogram of the Department of Veterinary Services
- Appendix 3 Mission Programme
- Appendix 4 List of persons met during the mission
- Appendix 5.1 Responses to Questionnaire Part I
- Appendix 5.2 Responses to Questionnaire Part II
- Appendix 6 List of Primary (Acts) and Secondary (Regulations) Legislation
- Appendix 7.1 Veterinary Services of Sudan Presentation
- Appendix 7.2 OIE Opening Presentation
- Appendix 7.3 Achieving Quality Legislation Presentation
- Appendix 7.4 Closing Presentation
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## Appendix 1 Correspondence between the OIE and the country

### Ministry of Livestock, Fisheries and Rangelands Mission Request



جمهورية السودان  
Republic Of Sudan

**وزارة الثروة الحيوانية والسمكية والمراعي**  
**Ministry Of Livestock, Fisheries And Rangelands**

Undersecretary office      مكتب الوكيل



Date : 20/12/2015..... التاريخ : .....

Ref : 112/19/12..... النمرة : .....

To: Dr. Vallat, Director General, OIE

**Subject: requesting an OIE Veterinary Legislation Identification mission**

Dear Director General,

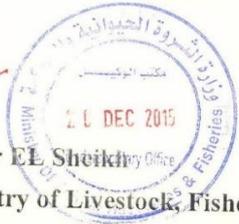
As Sudan has already received a mission for the Evaluation of the Performance of Veterinary Services (OIE-PVS Evaluation) on 7 – 20 September 2013, and the Final OIE-PVS Report has been finalized, I am writing to request further assistance from the OIE within the framework of the Veterinary Legislation Support Programme (VLSP). I would be grateful if you could consider sending an OIE Mission to Sudan in view of reviewing the current status of our national Veterinary Legislation and providing advice on ways to improve its compliance with Chapter 3.4 of the OIE *Terrestrial Animal Health Code*.

I look forward to receiving your reply to this request and I will be pleased to provide any information you may need to facilitate the conduct of the OIE Mission. Please be advised that the designated focal point for the organization of the Veterinary Legislation Identification mission is Dr. Khidir Mohamed Elfaki Ahmed

E. mail address: khidirfaki59@hotmail.com , pacesud2012@yahoo.com  
Tel: 00249912133652 , 00249123333416

Yours sincerely,

  
Dr. Kamal Tag EL Sir EL Sheikh  
Undersecretary Ministry of Livestock, Fisheries and Rangelands

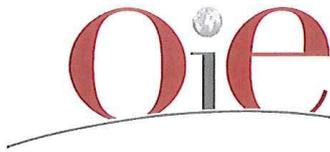


11 DEC 2015

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P. O. Box: 293 Khartoum - Sudan  
Tel : + 249 183 478070 - + 249 155660761 -Fax : +249 183 475995  
E-mail:wakeel1999@yahoo.com

## DG/OIE Proposal of Mission Team and Dates



Organisation  
Mondiale  
de la Santé  
Animale

World  
Organisation  
for Animal  
Health

Organización  
Mundial  
de Sanidad  
Animal

The Director General

Our Ref.: 16.029 FC/DS

20 January 2016

Dr Kamal Tag EL Sir EL Sheikh  
Undersecretary,  
Ministry of Livestock, Fisheries and Rangelands  
P.O. Box 293  
Khartoum  
SUDAN

### OIE Veterinary Legislation Identification Mission

Dear Delegate,

With reference to your letter dated 20 December 2015 (Ref. 11Z/19/2) requesting that the OIE carry out a Veterinary Legislation Identification Mission in Sudan, I am pleased to propose a team of technical experts certified by the OIE, comprising Mrs Gloria Mintah as Team Leader with Dr Bruce Mukanda and Dr Raymond Briscoe as Technical Experts to undertake this mission. The proposed dates for the mission are 07 – 11 August 2016.

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 at <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.

Mrs. Mintah will be in contact with your designated focal point, Dr Khidir Mohamed Elfaki Ahmed, to organise the mission and to provide her, beforehand, with requested documents to ensure the appropriate preparation of the evaluation and to guarantee the quality of the results.

Please confirm if this proposal is acceptable to you. If so, we will ask you to provide a personalised invitation letter to the experts once the Team Leader has provided their contact information. This is intended to facilitate the visa issuing process and other procedures.

Yours sincerely,



Dr Monique Eloit

- CC:
- Dr J.P. Dop, Deputy Director General;
  - Dr A. Dehove, Coordinator of the World Animal Health and Welfare Fund;
  - Dr F. Caya, Head of the Regional Activities Department;
  - Dr M. Gonzalez, Deputy Head of the Regional Activities Department;
  - Dr D. Sherman, Coordinator of the Veterinary Legislation Programme;
  - Dr K. Toukara, OIE Regional Representative for Africa;
  - Dr W. Masiga, OIE Sub-Regional Representative for Eastern Africa and the Horn of Africa;
  - Dr Khidir Mohamed Elfaki Ahmed, Mission Focal Point

Protéger les animaux, préserver notre avenir • Protecting animals, preserving our future • Proteger a los animales, preservar nuestro futuro

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**Ministry of Livestock, Fisheries and Rangelands Acceptance OIE Team and Dates**

**De :** khidir faki [<mailto:khidirfaki59@hotmail.com>]

**Envoyé :** lundi 1 février 2016 09:02

**À :** Valentina Sharandak; dr.kamal abdalla

**Cc :** Monique Eloit; Jean-Philippe Dop; Alain Dehove; Emily Tagliaro; Julie Macé; Victoria Wong; [Sabine.Hutter@vetmeduni.ac.at](mailto:Sabine.Hutter@vetmeduni.ac.at); Francois Caya; Mara Elma Gonzalez Ortiz; Pablo Belmar von Kretschmann; David Sherman; Yacouba Samaké; Walter N. Masiga

**Objet :** RE: OIE Veterinary Legislation Identification Mission proposal\_Sudan

Dear Dr Valentyna

Many thanks for your e-mail it is always nice to hear from you be informed that Dr Kamal our delegate to OIE Accept your proposal of the team & time with kind regards

Dr Elfaki

---

From: [v.sharandak@oie.int](mailto:v.sharandak@oie.int)

To: [kemojahiz@gmail.com](mailto:kemojahiz@gmail.com)

CC: [m.eloit@oie.int](mailto:m.eloit@oie.int); [jp.dop@oie.int](mailto:jp.dop@oie.int); [a.dehove@oie.int](mailto:a.dehove@oie.int); [e.tagliaro@oie.int](mailto:e.tagliaro@oie.int); [j.mace@oie.int](mailto:j.mace@oie.int); [v.wong@oie.int](mailto:v.wong@oie.int); [Sabine.Hutter@vetmeduni.ac.at](mailto:Sabine.Hutter@vetmeduni.ac.at); [f.caya@oie.int](mailto:f.caya@oie.int); [m.gonzalez@oie.int](mailto:m.gonzalez@oie.int); [p.belmarvonk@oie.int](mailto:p.belmarvonk@oie.int); [d.sherman@oie.int](mailto:d.sherman@oie.int); [khidirfaki59@hotmail.com](mailto:khidirfaki59@hotmail.com); [y.samake@oie.int](mailto:y.samake@oie.int); [w.masiga@oie.int](mailto:w.masiga@oie.int)

Subject: OIE Veterinary Legislation Identification Mission proposal\_Sudan

Date: Thu, 21 Jan 2016 09:32:14 +0000

**Dear Dr Kamal Tag EL Sir EL Sheikh,**

Please find attached an electronic copy of a letter signed by the Director General of the OIE regarding the organization of the OIE Veterinary Legislation Identification mission.

The paper version of this document will also be sent to you today.

Yours sincerely,

Encl. (1)

**Dr Valentyna Sharandak**

Chargée de mission, Service des actions régionales

Chargée de mission, Regional Activities Department

Chargée de mission, Departamento de Actividades Regionales

12 rue de Prony

75017 Paris, France

Standard: +33 1 44 15 18

88

Tel: +33 1 44 15 18 89

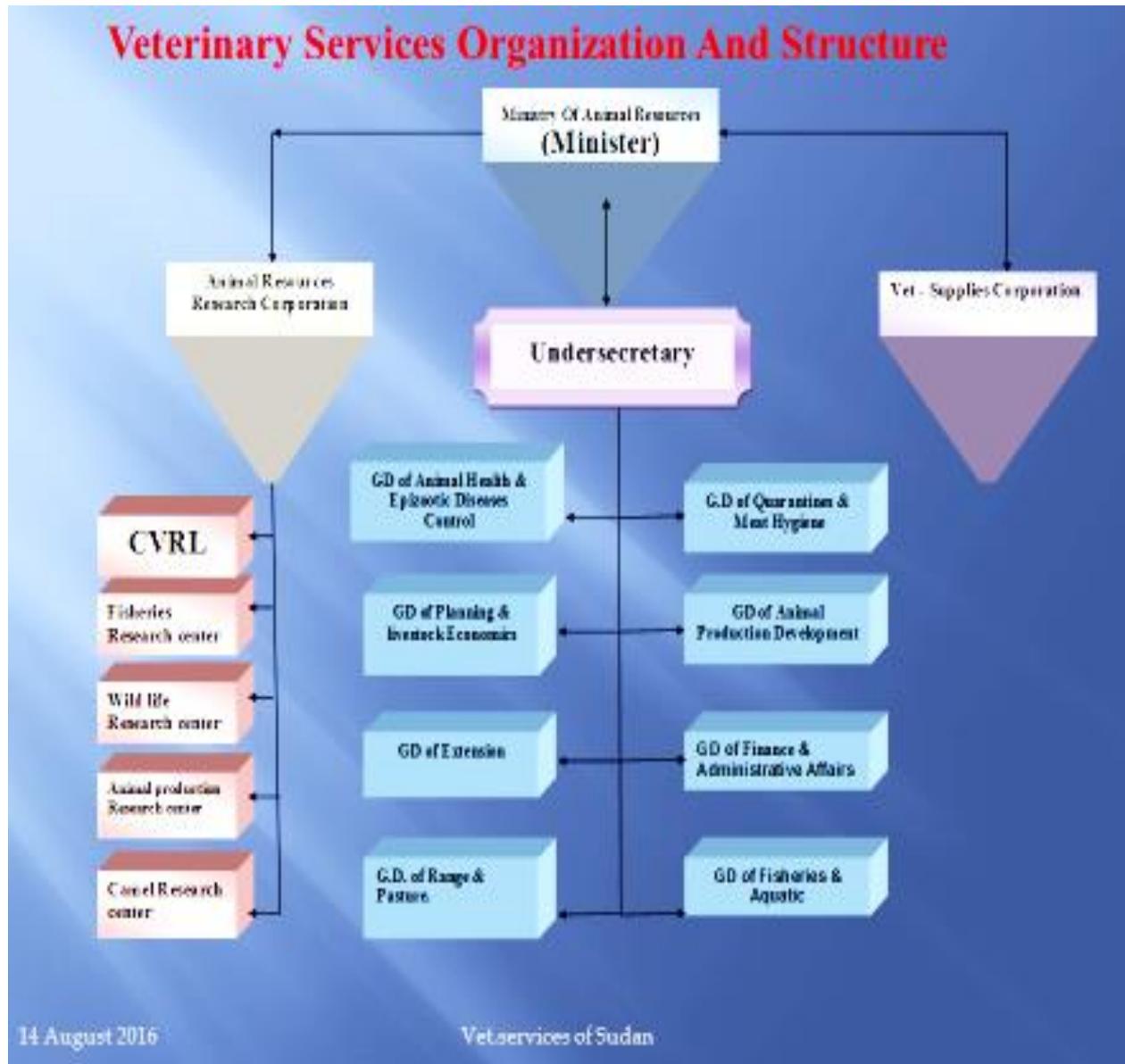
Fax: +33 1 42 67 09 87

[www.oie.int](http://www.oie.int)

☐☐ Please consider the environment before printing this email.



## Appendix 2 Organogram of the Veterinary Services





## Appendix 3 Mission Programme

### August 5, 2016 - Arrival of Team Members

#### August 6, 2016 – Meeting with Dr. Elfaki and Staff at Acropole Hotel

Meeting of Team Members at Acropole Hotel

#### Day 1: August 7, 2016

Time	Activity
09:30 11:30	- Courtesy Call on Undersecretary of MoAR, CVO and OIE Delegate. Meeting called off by the Sudan Team as the Undersecretary had been called away on another urgent matter when the OIE and the Sudan Teams arrived at his office.
11:30 15:00	- Opening Meeting - Introductions 4 Presentations

#### Day 2: August 8, 2016

09:00 15:00	- Review of Questionnaires
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#### Day 3: August 9, 2016

09:00 11:30	- Complete Review of Questionnaires
11:30 11:45	- Meeting with Dr. Khidir Elfaki
11:45 15:00	- Meet Representatives from Sudanese Standards and Metrology Organization, Private Industry, and VS Laboratory

#### Day 4: August 10, 2016

09:30 15:00	- Meet University, AH&EDC Representatives from Communications, Sudan Veterinary Council, Livestock Investigation and Traceability, Investigations, ME, Epidemiology, AH, Veterinary Public Health, and Food Safety
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#### Day 5: August 11, 2016

09:30 10:00	- Courtesy Call on Undersecretary of MoAR, CVO and OIE Delegate
10:00 11:00	- Courtesy Call on Acting Minister of MoAR
11:30 13:00	- Closing Presentation and Discussions
End of Mission Departure of 1 Team Member	

### August 12, 2016 - Departure of Remaining Team Members



## Appendix 4 List of persons met during Mission

Date	Name	Position	Institution
Sunday, 07 August 2016	Yousif H.A. Elmansoury	Director	Central Veterinary Research Laboratory
	Hanan Yousif Mohamed A.	Director, disease control department	AH&EDC
	Gamal Ibrahim Hamid	Aquaculturist/	General Directorate of Fisheries
	Isam Babikr Ahmed	Khartoum State	Animal Resources
	Ismail Ahmed El Kamish	Director	MOH
	Isameldin Abdel Mageed		AH&EDC
	A/Rahim Suliman Eissa	Meat director	Animal Production
	Rihab Abdelrahman Mohamed Adam	Veterinarian	AH&EDC-DMEU
	Fatima Alzahra Mohourm	Head of com-unit	AH&EDC
	Hanan Abd El Jalil Abuzaid	Head of the department	Veterinary Public Health
	Sabah Hassan Al Gadir	Head of vet Drugs	AH&EDC/Animal Health
	Khalid M.O. Mogboul	Chair of meat export	SBEF
	Mohammed Elobial		NISS
	Wedian Bushra Suliman		Ministry of Animal Resources
	Sara Bashir Taha Mohammed	Assistant professor	Department of Veterinary Medicine
	Osama Muzamil	Head of Division of Exports and Imports	Ministry of Animal Resources
	Humood Ahdalla Abdulla Ali		Ministry of Wildlife
	Dr. Samir Abdelrasoul Ali	Secretary General of SVC	Sudan Veterinary Council (SVC)
	Gihad Sayed Hagar	Planning and Livestock Economics	Ministry of Animal Resources
	Hassan Ali Abbas		Technical office
	Huyam Ahmed	Head of Unit (	GD-AH&EDC
	Faiza Awad Elkarim	Food Safety	AH&EDC
	Abdel Rahma Ajabna Beigi	Head of Epidemiology Division	AH&EDC
	Hanadi Abbas	Vet-officer	Field Operations Unit (AH&EDC)
	Mohd- El Falih Abdella	Legal adviser	Legal Administration, Ministry of Animal Resources
	Haitham Fadlalla	Animal Health Director	AH&EDC
	Nada Mohammed Hassan	Reports unit	AH&EDC
	Amel Mohammed	Standard Administration, Head of Food Committee	SSMO
	Shahinaz Mohammed Omer	Director	NDPB

Date	Name	Position	Institution
	Amira Abdel Wahab Khalil	Animal welfare	AH&EDC
	Somia Abdoeldiem Taha	Information unit	AH&EDC
	Amel Mahgoub Abbas	Head of Reporting & Information System	AH&EDC
	Nadia Ahmed Abdo		Ministry of Justice
	Ali Siddig Mohammed	Secretary, Scientific Affairs	CVRL
	Khidir Mohammed Elfaki	D.G	AH&EDC
	Ishraga Awad Osman	Animal Health Department	Khartoum State
<b>Monday, 08 August 2016</b>	Yousif H.A. Elmansoury	Director	Central Veterinary Research Laboratory
	Hanan Yousif Mohamed A.	Director, disease control department	AH&EDC
	Gamal Ibrahim Hamid	Aquaculturist/	General Directorate of Fisheries
	Isam Babikr Ahmed	Khartoum State	Animal Resources
	Ismail Ahmed El Kamish	Director	MOH
	Isameldin Abdel Mageed		AH&EDC
	A/Rahim Suliman Eissa	Meat director	Animal Production
	Rihab Abdelrahman Mohamed Adam	Veterinarian	AH&EDC-DMEU
	Fatima Alzahra Mohourm	Head of com-unit	AH&EDC
	Hanan Abd El Jalil Abuzaid	Head of the department	Veterinary Public Health
	Sabah Hassan Al Gadir	Head of vet Drugs	AH&EDC
	Khalid M.O. Mogboul	Chair of meat export	SBEF
	Mohammed Elobial		NISS
	Wedian Bushra Suliman		Ministry of Animal Resources
	Sara Bashir Taha Mohammed	Assistant professor	Department of Veterinary Medicine, University of Khartoum
	Osama Muzamil	Head of Division of Exports and Imports	Ministry of Animal Resources
	Humood Ahdalla Abdulla Ali		Ministry of Wildlife
	Dr. Samir Abdelrasoul Ali	Secretary General of SVC	Sudan Veterinary Council (SVC)
	Gihad Sayed Hagar	Planning and Livestock Economics	Ministry of Animal Resources
	Hassan Ali Abbas		Technical office
	Huyam Ahmed	Head of unit	GD-AH&EDC
	Faiza Awad Elkarim	Food Safety	AH&EDC
	Abdel Rahma Ajabna Beigi	Head of Epidemiology Division	AH&EDC
	Hanadi Abbas	Vet-officer	Field Operations Unit (AH&EDC)
	Mohd- El Falih Abdella	Legal adviser	Legal administration ministry of animal resources

Date	Name	Position	Institution
	Haitham Fadlalla	Animal Health Director	AH&EDC
	Nada Mohammed Hassan	Reports unit	AH&EDC
	Amel Mohammed	Standard Administration, Head of Food Committee	SSMO
	Shahinaz Mohammed Omer	Director	NDPB
	Amira Abdel Wahab Khalil	Animal welfare	AH&EDC
	Somia Abdoeldiem Taha	Information unit	AH&EDC
	Amel Mahgoub Abbas	Head of Reporting & Information System	AH&EDC
	Nadia Ahmed Abdo		Ministry of Justice
	Ali Siddig Mohammed	Secretary, Scientific Affairs	CVRL
	Khidir Mohammed Elfaki	D.G	AH&EDC
	Ishraga Awad Osman	Animal Health Department	Khartoum State
<b>Tuesday 09 August 2016</b>	Yousif H.A. Elmansoury	Director	Central Veterinary Research Laboratory
	Hanan Yousif Mohamed A.	Director, disease control department	AH&EDC
	Gamal Ibrahim Hamid	Aquaculturist/	General Directorate of Fisheries
	Isam Babikr Ahmed	Khartoum State	Animal Resources
	Ismail Ahmed El Kamish	Director	MOH
	Isameldin Abdel Mageed		AH&EDC
	A/Rahim Suliman Eissa	Meat director	Animal Production
	Rihab Abdelrahman Mohamed Adam	Veterinarian	AH&ED-DMEU
	Fatima Alzahra Mohourm	Head of com-unit	AH&EDC
	Hanan Abd El Jalil Abuzaid	Head of the department	Veterinary Public Health
	Sabah Hassan Al Gadir	Head of vet Drugs	AH&EDC/AH
	Khalid M.O. Mogboul	Chair of meat export	SBEF
	Mohammed Elobial		NISS
	Wedian Bushra Suliman		Ministry of Animal Resources
	Sara Bashir Taha Mohammed	Assistant professor	Department of Veterinary Medicine, University of Khartoum
	Osama Muzamil	Head of Division of Exports and Imports	Ministry of Animal Resources
	Humood Ahdalla Abdulla Ali		Ministry of Wildlife
	Dr. Samir Abdelrasoul Ali	Secretary General of SVC	Sudan Veterinary Council (SVC)
	Gihad Sayed Hagar	Planning and Livestock Economics	Ministry of Animal Resources
	Hassan Ali Abbas		Technical office

Date	Name	Position	Institution
	Huyam Ahmed	Head of unit	GD-AH&EDC
	Faiza Awad Elkarim	Food Safety	AH&EDC
	Abdel Rahma Ajabna Beigi	Head of Epidemiology Division	AH&EDC
	Hanadi Abbas	Vet-officer	Field Operations Unit (AHDEC)
	Mohd- El Falih Abdella	Legal adviser	Legal Administration, Ministry of Animal Resources
	Haitham Fadlalla	Animal Health Director	AH&EDC
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	Amel Mohammed	Standard Administration, Head of Food Committee	SSMO
	Shahinaz Mohammed Omer	Director	NDPB
	Amira Abdel Wahab Khalil	Animal welfare	AH&EDC
	Somia Abdoeldiem Taha	Information unit	AH&EDC
	Amel Mahgoub Abbas	Head of Reporting & Information System	AH&EDC
	Nadia Ahmed Abdo		Ministry of Justice
	Ali Siddig Mohammed	Secretary, Scientific Affairs	CVRL
	Khidir Mohammed Elfaki	D.G	AH&EDC
	Ishraga Awad Osman	Animal Health Department	Khartoum State
<b>Wednesday, 10 August 2016</b>	Hanan Yousif Mohamed A.	Director, disease control department	AH&EDC
	Gamal Ibrahim Hamid	Aquaculturist/	General Directorate of Fisheries
	Isameldin Abdel Mageed		AH&EDC
	Rihab Abdelrahman Mohamed Adam	Veterinarian	AH&EDC-DMEU
	Fatima Alzahra Mohourm	Head of com-unit	AH&EDC
	Hanan Abd El Jalil Abuzaid	Head of the department	Veterinary Public Health
	Sabah Hassan Al Gadir	Head of vet Drugs	AH&EDC/Animal Health
	Sara Bashir Taha Mohammed	Assistant professor	Department of Veterinary Medicine, University of Khartoum
	Osama Muzamil	Head of Division of Exports and Imports	Ministry of Animal Resources
	Huyam Ahmed	Head of unit	GD-AH&EDC
	Faiza Awad Elkarim	Food Safety	AH&DEC
	Abdel Rahma Ajabna Beigi	Head of Epidemiology Division	AH&EDC
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	Nada Mohammed Hassan	Reports unit	AH&EDC
	Amel Mohammed	Standard Administration, Head of Food	SSMO

Date	Name	Position	Institution
		Committee	
	Shahinaz Mohammed Omer	Director	NDPB
	Amira Abdel Wahab Khalil	Animal welfare	AH&EDC
	Somia Abdoeldiem Taha	Information unit	AH&EDC
	Amel Mahgoub Abbas	Head of Reporting & Information System	AH&EDC
	Nadia Ahmed Abdo		Ministry of Justice
	Khidir Mohammed Elfaki	D.G.	AH&EDC
	Ishraga Awad Osman	Animal Health Department	Khartoum State
<b>Thursday, 11 August 2016</b>	Hon. Dr. Gaafar Ahmed Abdalla	Minister	Ministry of Animal Resources
	Dr. Kamal Tag Elsir Al Shiekh	Under Secretary	Ministry of Animal Resources
	Dr. Isam Abdelmageed Mustafa	Consultant	AH&EDC
	Hanan Yousif Mohamed A.	Director, disease control department	AH&EDC
	Gamal Ibrahim Hamid	Aquaculturist/	General Directorate of Fisheries
	Isam Babikr Ahmed	Khartoum State	Animal Resources
	A/Rahim Suliman Eissa	Meat director	Animal Production
	Rihab Abdelrahman Mohamed Adam	Veterinarian	AH&EDC-DMEU
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	Hanan Abd El Jalil Abuzaid	Head of the department	Veterinary Public Health
	Sabah Hassan Al Gadir	Head of vet Drugs	AH&EDC/AH
	Sara Bashir Taha Mohammed	Assistant professor	Department of Veterinary Medicine, University of Khartoum
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	Gihad Sayed Hagar	Planning and Livestock Economics	Ministry of Animal Resources
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Date	Name	Position	Institution
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	Ali Siddig Mohammed	Secretary, Scientific Affairs	CVRL
	Khidir Mohammed Elfaki	D.G	AH&EDC
	Ishraga Awad Osman	Animal Health Department	Khartoum State

## Appendix 5.1 Country's responses to the OIE questionnaire Part 1

### 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 contact person or designated colleagues from the Member Country and returned to the mission Team Leader for use in mission planning at least two weeks prior to the beginning of the Identification Mission.

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.**

*The interim National constitution of the Republic of the Sudan 2005*

**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.**

*Federal Ministry of Animal Resources- at the national level.*

*General Directorates- at the state level.*

*Veterinary services Directorates- at the localities level.*

*Veterinary services - at the Administrative Unit level.*

Responsibilities,

*Combat animal diseases*

*Prepare strategies and plans to develop animal, fisheries, poultry and pasture wealth.*

*Develop methodology and guidance of veterinary instructions and Develop veterinary services to improve animal health*

*Management of veterinary quarantine at the national level.*

*Supervise import and export of animal production inputs.*

**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.*

*Enforcement of legislation is upon power of the legislations elected directly from the people and having power to legislation and has laws passed by it enforced.(see Art.91(1))*

## **Q2 – Hierarchy of the veterinary legislation**

### **2.1. Veterinary legislation created and adopted by the central state:**

<b>(1) Level of legal instrument</b>	<b>(2) Category</b>	<b>(3) Type</b>	<b>(4) Issuing authority</b>	<b>(5) Source of law and procedure for creation</b>
1	Constitution	Legislative	Parliament	
2	The Meat Inspection 1974	Legislative	Parliament	Constitution
2	The Epidemic Disease of Animal Act 2001	Legislative	Parliament	Constitution
2	The Drugs and Poisons Act(2009)	Legislative	Parliament	Constitution
2	The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act 2004	Legislative	Parliament	Constitution
2	The Animal Diseases(free zone) Act(1973)	Legislative	Parliament	Constitution
2	The Standard and Metrology Act 2008	Legislative	Parliament	Constitution
2	The Livestock Route and Veterinary Control Stations Act (1974)	Legislative	Parliament	Constitution
2	The Veterinary Council Act (1995)	Legislative	Parliament	Constitution
2	The Hide and Skins Act (1954)	Legislative	Parliament	Constitution
2	The Animal (lenience and welfare) Act 2015	Legislative	Parliament	Constitution
2	The Rangelands and forage Resources Development (Rationalization)Act 2015	Legislative	Parliament	Constitution

(1) Level of legal instrument	(2) Category	(3) Type	(4) Issuing authority	(5) Source of law and procedure for creation
2	The Fresh Water Fisheries Act 1954	Legislative	Parliament	Constitution
2	The Marine Fisheries Act 1937	Legislative	Parliament	Constitution
2	The Game Preservation and National Parks Act 1986	Legislative	Parliament	Constitution
2	Organizations of Owners of Animal and Agricultural Production Act 2010	Legislative	Parliament	Constitution
3	The control and Inspection of pharmaceutical facilities Regulation 2013	Legislative	government	Legislative empowerment
3	The pharmaceutical facilities business licenses and organization Regulations	Legislative	government	Legislative empowerment

## 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
1	State constitution	Legislative	State Parliament	State constitution
2	The Animal (lenience and welfare) Act –Blue Nile & River Nile & west Darfour states	Legislative	State Parliament	State constitution
2	Meat Inspection Act – northern& Red sea & west Darfour & Gezira states	Legislative	State Parliament	State constitution
2	Animal production Act – Gezira & west Darfour states	Legislative	State Parliament	State constitution
2	Animal disease control Act- River Nile& Gezira states	Legislative	State Parliament	State constitution
2	Veterinary Services organization Act- - River Nile state.	Legislative	State Parliament	State constitution

**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):**

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

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: *Ministry of Justice*

Method of accessing the database:

For the Veterinary Services: *www.moj.gov.sd*

For the public: *www.moj.gov.sd*

**3.2. Is there a system of consolidation?** ?

No  Yes, computerised  yes, manual   
 Person(s) in charge:

**3.3. Is veterinary legislation codified? Yes**  **No**

Title of the Code: *Sudan Gazette*  
 Person in charge: *Ministry of Justice* .....

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

Civil law: *Civil transactions Act 1984 section 56(1)*  
 Penal law: *Criminal Act 1991 section 87(2)*  
 Penal procedure: ///  
 Administrative law: ///  
 Environment: *preservation of the Environment 2001 Act section 18(d)*  
 Consumer protection: *Legislations on the State level*  
 Customs and finance: ///  
 Other:

**3.5. Legal publication**

Procedures for legal publication: *Submission to the Ministry of Justice*  
 Title of the official publication: *Sudan 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:  
 Method of dissemination:  
 Distribution lists:

### 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:** *Publications of veterinary Laws is only through the Gazette which is published by the Ministry of Justice*

## 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.**

*Proposal of a draft bill of the legislation prepared by the ministry of Animal Resources.*

*Draft sent to ministry of Justice legislation drafting department for legal study and adjust the draft.*

*Refer the draft bill to the Council of ministers for approval*

*The bill after approved by the Council of ministers shall be referred to the National Assembly for promulgation*

*Concerning the range of time for a draft bill to complete the legislative step to be promulgated by the National Assembly, the matter depends on how long it takes within the administrative channels, but for the legislative draft bill must be passed within the session to which the draft bill is scheduled.*

**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.**

*Secondary regulations are prepared by the ministry and after being studied by the adviser who is assigned by the ministry of Justice – the minister or whoever empowered by the law may sign the regulations and it comes into force as of the date of signature.*

**4.3. Are there formal rules for legal drafting? Yes  No**  If 'Yes', please indicate the reference:

#### 4.4. For the creation or updating of veterinary legislation:

Are the legal instruments always an initiative of the Veterinary Services? Yes  No

Are legal experts involved at the design stage? Yes  No

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

#### 4.5. Is consultation undertaken during legal drafting?

With the general public? Yes  No

Is there a formal procedure? Yes  No

With regulated parties? Yes  No

Is there a formal procedure? Yes  No

With professionals? Yes  No

Is there a formal procedure? Yes  No

With public administrations? Yes  No

Is there a formal procedure? Yes  No

If formal procedures are in place, please briefly describe.....

#### 4.6. Is there a formal evaluation of the applicability and impact of the legal instruments as part of their creation (e.g. regulatory impact assessment)?

For primary legislation? Never  Sometimes  Always

For secondary legislation? Never  Sometimes  Always

If formal evaluations occur, please describe the process or give an example.....

#### 4.7. What do these evaluations usually take into account?

If a template exists for these evaluations, please attach a copy or provide an electronic link or address on a website.

4.8. Are performance indicators developed in parallel with the legal instruments to monitor the success of the legal provisions when they are implemented? 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?

Comments...usually it continues to exist in force unless repealed by the new legislation.

#### 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:

*The functions of the Ministry of Animal Resources were prescribed in a Republican Decree specifying the composition of the administrative ie. Ministries and their responsibilities and powers.*

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)
CodeChapter 3.4 Article (1)	Primary (2)	Secondary (3)	(4)	Authority responsible for preparation (5)	First level of control (6)	Second level of control (7)	Pertinent texts and comments
3.4.6	Veterinary profession	Private	<input type="checkbox"/> √	Veterinary Council	Veterinary Council	Ministry of Animal Resources	
		Public	<input type="checkbox"/> √	Veterinary Council	Veterinary Council	Ministry of Animal Resources +veterinary Council	
		Initial education	<input type="checkbox"/> √	Veterinary Council	Veterinary Council	Ministry of Higher education	
		Continuing education	<input type="checkbox"/> √	Veterinary Council	Veterinary Council	Veterinary collage	
	Veterinary para-professionals	Private	<input type="checkbox"/> √	Veterinary Council	Veterinary Council	Ministry of Animal Resources	
		Public	<input type="checkbox"/> √	Veterinary Council	Veterinary Council	Ministry of Animal Resources	
		Initial	<input type="checkbox"/> √	Veterinary Council	Veterinary Council	Ministry of Animal	

Element			Legislation		Control		Texts (8)
CodeChapter 3.4 Article (1)	Primary (2)	Secondary (3)	(4)	Authority responsible for preparation (5)	First level of control (6)	Second level of control (7)	Pertinent texts and comments
		education				Resources	
		Continuing education	<input type="checkbox"/> √	Veterinary Council	Veterinary Council	Ministry of Animal Resources	
3.4.7	Laboratories for Animal Health	Facilities	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Ministry of Animal Resources	
		Reagents	<input type="checkbox"/> √	National Drugs and Poisons board	National Drugs and Poisons board	Ministry of Animal Resources	
	Laboratories for Food Safety	Facilities	<input type="checkbox"/> √	Ministry of Health	Ministry of Animal Resources	Ministry of Animal Resources	
		Reagents	<input type="checkbox"/> √	National Drugs and Poisons board	National Drugs and Poisons board	National Drugs and Poisons board Ministry of Animal Resources	
3.4.8	Animal production	Identification of animals	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Ministry of Animal Resources	
		Animal reproduction	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Ministry of Animal Resources + Veterinary services in the state	
		Animal feed	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Ministry of Animal Resources	
		Environmental impact	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Ministry of Animal Resources	
		Animal markets /other gatherings	<input type="checkbox"/> √	Veterinary services in the state & Localities +other administrative agent	Veterinary services in the state & Localities +other administrative agent	Veterinary services in the state & Localities +other administrative agent	
		Animal by-products	<input type="checkbox"/> √	Veterinary services in the state & Localities +other administrative agent	Veterinary services in the state & Localities +other administrative agent	Veterinary services in the state & Localities +other administrative agent	

Element			Legislation		Control		Texts (8)
CodeChapter 3.4 Article (1)	Primary (2)	Secondary (3)	(4)	Authority responsible for preparation (5)	First level of control (6)	Second level of control (7)	Pertinent texts and comments
		Disinfection	<input type="checkbox"/> √	National Drugs and Poisons board	National Drugs and Poisons board	National Drugs and Poisons board+veterinary services	
3.4.10	Animal welfare	General	<input type="checkbox"/> √	Ministry of Animal Resources+ Veterinary services at the state	Ministry of Animal Resources+ Veterinary services at the state	Ministry of Animal Resources + Veterinary services at the state	
		Stray/free roaming animals	<input type="checkbox"/> √	Veterinary services at the state +Ministry of the Interior	Veterinary services at the state +Ministry of the Interior	Veterinary services at the state +Ministry of the Interior	
	Protection of species	CITES	<input type="checkbox"/> √	Ministry of Animal Resources + Ministry of the Interior	Ministry of Animal Resources + Ministry of the Interior	Ministry of Animal Resources + Ministry of the Interior	
3.4.9	Animal diseases	Surveillance	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Veterinary services at the state	
		Disease prevention & control	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Veterinary services at the state	
		Emerging diseases	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Veterinary services at the state	
3.4.12	Human food production chain	Milk production:	<input type="checkbox"/> √	Veterinary services at the state	Ministry of Animal Resources +Veterinary services at the state	Veterinary services at the state	
		Meat production	<input type="checkbox"/> √	Veterinary services at the state	Ministry of Animal Resources +Veterinary services at the state	Veterinary services at the state	
		Poultry meat	<input type="checkbox"/> √	Veterinary services at the state	Ministry of Animal Resources +Veterinary services at the state	Veterinary services at the state	
		Egg	<input type="checkbox"/> √	Veterinary services at	Ministry of Animal	Veterinary services	

Element			Legislation		Control		Texts (8)
CodeChapter 3.4 Article (1)	Primary (2)	Secondary (3)	(4)	Authority responsible for preparation (5)	First level of control (6)	Second level of control (7)	Pertinent texts and comments
		production		the state	Resources +Veterinary services at the state	at the state	
		Food of aquatic origin	<input type="checkbox"/> √	Veterinary services at the state	Ministry of Animal Resources +Veterinary services at the state	Ministry of Animal Resources +Veterinary services at the state	
		Food processing	<input type="checkbox"/> √	SSMO+Ministry of Health	SSMO+Ministry of Health	SSMO+Ministry of Health	
		Transport	<input type="checkbox"/> √	Veterinary services at the state	Ministry of Animal Resources +Veterinary services at the state	Ministry of Animal Resources +Veterinary services at the state	
		Retail	<input type="checkbox"/> √	Veterinary services at the state	Veterinary services at the state	Veterinary services at the state	
		Restaurants	<input type="checkbox"/> √	Ministry of Health	Ministry of Health	Ministry of Health	
<b>3.4.11</b>	Veterinary medicines & biologicals	Production	<input type="checkbox"/> √	National Drugs and Poisons board+Ministry of Industry +SSMO	National Drugs and Poisons board+Ministry of Industry +SSMO	National Drugs and Poisons board+Ministry of Industry +SSMO	
		Licensing registration	<input type="checkbox"/> √	National Drugs and Poisons board	National Drugs and Poisons board	National Drugs and Poisons board	
		Retail	<input type="checkbox"/> √	National Drugs and Poisons board	National Drugs and Poisons board	National Drugs and Poisons board	
		Residue control	<input type="checkbox"/> √	Ministry of Animal Resources +SSMO	Ministry of Animal Resources +SSMO	Ministry of Animal Resources	
<b>3.4.13</b>	Export certification	Animals	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Ministry of Animal Resources	
		Animal products	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Ministry of Animal Resources	
<b>3.4.13</b>	Import requirements	Animals	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Ministry of Animal Resources	

Element			Legislation		Control		Texts (8)
CodeChapter 3.4 Article (1)	Primary (2)	Secondary (3)	(4)	Authority responsible for preparation (5)	First level of control (6)	Second level of control (7)	Pertinent texts and comments
						+SSMo+Coutom Department	
		Animal products	<input type="checkbox"/> √	Ministry of Animal Resources	Ministry of Animal Resources	Ministry of Animal Resources +SSMo+Coutom Department	
		Veterinary medicines and biologicals	<input type="checkbox"/> √	National Drugs and Poisons board	National Drugs and Poisons board	(Ministry of Animal Resources for biological) +SSMo+Coutom Department	
		Animal feeds/feed additives	<input type="checkbox"/> √	Ministry of Animal Resources +SSMO	Ministry of Animal Resources +SSMO	Ministry of Animal Resources +SSMo+Coutom Department	

Comments.....

## Appendix 5.2 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 with 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 Sudan Veterinary Council Act 1995 amended 2004*

Comments: *The Act establishes a Veterinary Statutory body; the Sudan Veterinary Council (SVC), to regulate and promote the Veterinary profession. The Act empowers the SVC to issue regulations roles and orders that specify duties and responsibilities of veterinarians and veterinary technicians in all relevant sectors of the profession throughout the country. SVC does not register CBAHWS whom their tasks are controlled by the veterinary competent authority (Ministry of Animal Resources.), but SVC specifies the tasks of the CBAHWS.*

## 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:

Pertinent legislation: *The Epidemic Disease of Animal Act 2001*  
*Animal Welfare Act*  
*Meat Inspection Act*  
*Public Health Act*

Comments:

### 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:

Pertinent legislation: *Meat Inspection Act*  
*Environmental ACT*

Comments:

### 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:

Pertinent legislation: *The Epidemic Disease of Animal Act 2001*  
*Quarantine and Meat Inspection & Animal Health*  
*Animal Health Act*  
*The ministry of Justice (Organization) Act, 1983*

Comments:

### 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:

Pertinent legislation: *The Meat (Inspection) Act, 1974*  
*The Epidemic Disease of Animal Act 2001*  
*Animal Health Act*

Comments:

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

Yes:  No:  Partially:

Pertinent legislation: ~~*The Criminal Act, 1991 section 99 and 100*~~

Comments: No specific provisions in the relevant laws

- 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:

Pertinent legislation:

Comments:

- 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:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act, 2004*  
*The Meat (Inspection) Act, 1974*  
*Epidemic Diseases Act*

Comments:

- ii) access to records?

Yes:   No:  Partially:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act, 2004*  
*The Meat (Inspection) Act, 1974*  
*Epidemic Diseases Act*

Comments:

iii) taking samples?

Yes:   No:  Partially:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act, 2004*  
*The Meat (Inspection) Act, 1974*  
*Epidemic Diseases Act*

Comments:

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

Yes:   No:  Partially:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act, 2004*  
*The Drugs and Poisons Act, 2009*  
*The Epidemic Disease of Animal Act 2001*

Comments:

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

Yes   No:  Partially:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act, 2004*  
*Criminal Act 1991*  
*Custom Act*

Comments:

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

Yes:   No:  Partially:

Pertinent legislation: *The Meat (Inspection) Act, 1974*  
*The Drugs and Poisons Act, 2009*  
*The Standards and Metrology Act 2008*

Comments: This is at state level

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

Yes:   No:  Partially:

Pertinent legislation:

Comments: *inspection on state level for meat prepared for internal use and meat prepared for export are inspected by the national veterinary authorities, which has the power to completely close the inspected establishment.*

viii) suspension or withdrawal of official authorisations or approvals?

Yes:  No:  Partially:

Pertinent legislation: *The Meat (Inspection) Act, 1974*  
*The Drugs and Poisons Act, 2009*

Comments:

### 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:

Pertinent legislation:

Comments:

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:

Pertinent legislation: *The Epidemic Diseases of Animals Act (2001).*  
~~*Meat Inspection Act (1974).*~~

Comments:

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

Yes:  No  Partially:

Pertinent legislation: *The Epidemic Diseases of Animals Act (2001).*  
~~*Meat Inspection Act (1974).*~~

Comments: *But, financial remuneration is not mentioned*

c) define the procedures for making delegation?

Yes:  No  Partially:

Pertinent legislation:

Comments:

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

- e) define the conditions of withdrawals of delegations?  
 Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:

## 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 Sudan Veterinary Council Act 1995 amended 2004*  
 Comments:
- b) define the minimum initial and continuous educational requirements and competencies for veterinarians and veterinary para-professionals?  
 Yes:  No  Partially:   
 Pertinent legislation: *The Sudan Veterinary Council Act 1995 amended 2004*  
 Comments: *Sudan Veterinary Council Act sets and specifies the minimum initial qualifications necessary for the registration of veterinarians and veterinary paraprofessionals in the appropriate register.*
- c) prescribe the conditions for recognition of the qualifications for veterinarians and veterinary para-professionals?  
 Yes:  No  Partially:   
 Pertinent legislation: *The Sudan Veterinary Council Act 1995 amended 2004*  
 Comments: *SVC issues regulations that specify and prescribe the conditions for recognition of the qualifications for veterinarians and veterinary para-professionals. The qualifications required to certify veterinarians to practice the veterinary profession comprise the completion of five years of a Veterinary college to earn Bachelor of veterinary Medicine ( BVet Med )/ Bachelor of veterinary Science (BVSc).The SVC acknowledges diplomas in veterinary technical programmes that meet the completion of three years of a veterinary technical programme of a Veterinary college or veterinary institute.*
- 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 *The Sudan Veterinary Council Act 1995 amended 2004*

Comments: *Veterinarians and veterinary para-professionals must be registered with the SVC and hold a current registration certificate to practice the profession. Applicant for registration as a veterinarian must hold a bachelor degree in veterinary Medicine and pass the National veterinary registration Examination. Applicant for registration as a veterinary technician must hold a diploma in a veterinary technical programme.*

- 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:

Pertinent legislation: *The Sudan Veterinary Council Act 1995 amended 2004*

Comments: *the provision is not clearly stated in the legislation*

## 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:

Pertinent legislation: *The Sudan Veterinary Council Act 1995 amended 2004*

Comments: *SVC has the authority to establish branches in all states of the country to exercise and enforce control over all veterinarians and veterinary para-professionals. Upon written complaint by any person, the SVC, after a hearing, disciplines any registered veterinarian or veterinary para-professional for the violations of the provisions of the act.*

- 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:

Pertinent legislation: *The Sudan Veterinary Council Act 1995 amended 2004*

Comments: *The SVC register Veterinarians and veterinary para-professionals ( Technicians) from the private and public sectors. The veterinary para-professionals are authorized to practice certain veterinary tasks, under the responsibility and direction of registered veterinarians.*

- 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:

Pertinent legislation: *The Sudan Veterinary Council Act 1995 amended 2004*

Comments: *SVC issues regulations necessary for the implementation of the provisions of the Act and these regulations state the professional conduct, the code of ethics, the conditions required for registration, and the complaints procedures*

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

- 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:

Pertinent legislation:

Comments:

### 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:

Pertinent legislation:

Comments:

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

- 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:

Pertinent legislation:

Comments:

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

Yes:                       No **X**                       Partially:   
 Pertinent legislation:  
 Comments:

### 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: **X**

Pertinent legislation: Drugs and Poisons Act

Comments: it is in the Drugs and Poisons Act only

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

Yes:                       No **X**                       Partially:

Pertinent legislation:

Comments:

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

Yes:                       No **X**                       Partially:

Pertinent legislation:

Comments:

## 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 **X**                       Partially:

Pertinent legislation:

Comments: not clearly stated in the law (no specific law exists)

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

Yes:                       No **X**                       Partially:

Pertinent legislation:

Comments:

c) management of animal movement;

Yes:  No  Partially:

Pertinent legislation: The Livestock Route and Veterinary Control Stations Act (1974).

Comments:

d) data access/accessibility;

Yes:  No  Partially:

Pertinent legislation:

Comments:

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

f) checking, verification, inspection and penalties;

Yes:  No  Partially

Pertinent legislation:

Comments:

g) confidentiality of data;

Yes:  No  Partially:

Pertinent legislation:

Comments:

h) where relevant, funding mechanisms;

Yes:  No  Partially:

Pertinent legislation:

Comments:

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

Yes:  No  Partially:

Pertinent legislation:

Comments: General comment on traceability: law being drafted

## 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:

Pertinent legislation: ~~The Livestock Route and Veterinary Control Stations Act (1974).~~

~~The Epidemic Diseases of Animals Act (2001).~~

Comments: At state level

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

Yes:  No  Partially:

Pertinent legislation: *The Epidemic Diseases of Animals Act (2001).*

*The animal (lenience and welfare) Act 2015.*

*Animal Markets Laws at State level*

Comments: at state level

c) provision for veterinary checks?

Yes:  No  Partially:

Pertinent legislation: *The Livestock Route and Veterinary Control Stations Act (1974).*

*The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act 2004*

*Drugs and Poisons Act*

Comments:

## 4.3. Animal reproduction

Does the 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:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act 2004*

~~*The animal (lenience and welfare) Act 2015.*~~

*The Epidemic Diseases of Animals Act (2001).*

*Meat Inspection*

Comments: both at National

#### 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:

Pertinent legislation: Animal Production Regulating law  
Standards & Metrology

Comments: at State level

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

#### 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:

Pertinent legislation: Hides and Skins Act (1954)

Comments: At state level we have lwa for other by products

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

#### 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:

Pertinent legislation: ~~The Epidemic Diseases of Animals Act (2001).~~  
The Drugs and Poisons Act (2009).

Comments:

#### 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:

Pertinent legislation: *The Epidemic Diseases of Animals Act (2001).*  
*Meat Inspection*  
*Drugs and Poisons*

Comments:

#### 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:

Pertinent legislation:

Comments: not clear in the primary law but provided for in the regulations and state laws

### 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:

Pertinent legislation: State Animal Health Laws

Comments: While at national level there is the Epidemic Diseases Act at State level there are Animal Health Acts that deal with all other diseases.

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

- i) administrative and logistic organisation?

Yes:  No  Partially:

Pertinent legislation:

Comments: for rinderpest, avian influenza

- ii) exceptional powers of the Competent Authority?

Yes:  No  Partially:

Pertinent legislation: *The Epidemic Diseases of Animals Act (2001)*.

Comments:

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

Yes:  No  Partially:

Pertinent legislation: *Meat Inspection*

*Export and Import Act (Quarantine) Act*

*Epidemic Diseases Act*

Comments: Not explicitly provided but implied in various acts

- 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:

Pertinent legislation:

Comments:

#### 5.4. Emerging diseases

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

Yes:  No  Partially:

Pertinent legislation: *The Epidemic Diseases of Animals Act (2001)*.

Comments:

#### 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:

Pertinent legislation: *The animal (lenience and welfare) Act 2015*.

*Criminal Act (1991)*

*Animal Welfare Act*

Comments:

##### 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:

Pertinent legislation: *The animal (lenience and welfare) Act 2015*.

Comments:

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

Yes:  No  Partially:

Pertinent legislation: *The animal (lenience and welfare) Act 2015*.

Comments:

c) slaughter for human consumption?

Yes:  No  Partially:

Pertinent legislation: *Meat Inspection Act (1974).*

Comments:

d) killing for disease control purposes?

Yes:   No  Partially:

Pertinent legislation: *The Epidemic Diseases of Animals Act (2001).*

Comments:

e) the use of animals in research and education?

Yes:   No  Partially:

Pertinent legislation: *The animal (lenience and welfare) Act 2015.*

*The Drugs and Poisons Act (2009)*

Comments:

### 6.3. Stray dog population control

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

Yes:   No  Partially:

Pertinent legislation: *The animal (lenience and welfare) Act 2015.*

Comments:

### 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:

Pertinent legislation: *The animal (lenience and welfare) Act 2015.*

Comments:

## 7. Veterinary medicines and biologicals (Article 3.4.11)

This question seeks to determine whether the veterinary legislation provides 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:

Pertinent legislation: *The Drugs and Poisons Act (2009)*

Comments: Although this piece of legislation deals with veterinary medicine and biologicals, it is not within the veterinary domain. There is need to separate them

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

Yes:  No  Partially:

Pertinent legislation: *The Drugs and Poisons Act (2009)*

Comments: As above

## 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:

Pertinent legislation: *The Drugs and Poisons Act (2009)*

Comments: As above

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

Yes:  No  Partially:

Pertinent legislation: *The Drugs and Poisons Act (2009)*

*The legislation on the Sudanese Standards and Metrology Organisation*

Comments: *only for withdrawal periods. The legislation does not belong another domain*

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

### 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:

Pertinent legislation: *The Drugs and Poisons Act (2009)*

Comments: the Law belongs to another domain

b) Does the veterinary legislation make special provisions for:

i) medicated feed?

Yes:  No  Partially:

Pertinent legislation:

Comments:

ii) products prepared by authorised veterinarians or authorised pharmacists?

Yes:  No  Partially:

Pertinent legislation: *The Drugs and Poisons Act (2009)*

Comments: Legislation does not give authority to vets

iii) emergencies and temporary situations?

Yes:  No  Partially:

Pertinent legislation: *The Drugs and Poisons Act (2009)*

Comments:

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

Yes:  No  Partially:

Pertinent legislation: *The Drugs and Poisons Act (2009)*

Comments:

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:

Pertinent legislation:

Comments:

- ii) establish rules providing for transparency in decision making?  
 Yes:   No  Partially:   
 Pertinent legislation:  
 Comments:
- e) Does the veterinary legislation provide for the possibility of recognition of the equivalence of authorisations made by other countries?  
 Yes:  No  Partially:   
 Pertinent legislation:  
 Comments: by protocols between the countries

#### 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:   
 Pertinent legislation:  
 Comments:
- b) conditions for the conduct of trials?  
 Yes:   No  Partially:   
 Pertinent legislation: *The Drugs and Poisons Act (2009)*  
 Comments:
- c) qualifications of experts involved in trials?  
 Yes:   No  Partially:   
 Pertinent legislation:  
 Comments:
- d) surveillance for adverse effects arising from the use of veterinary medicines and biologicals?  
 Yes:  No  Partially:   
 Pertinent legislation:  
 Comments:

#### 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:   
 Pertinent legislation: Drugs and Poisons Act  
 Comments:
- b) definition of the responsibilities of operators?  
 Yes:   No  Partially:   
 Pertinent legislation: Drugs and Poisons Act  
 Comments:
- c) good manufacturing practices?  
 Yes:   No  Partially:   
 Pertinent legislation: Drugs and Poisons Act  
 Comments:
- d) reporting on adverse effects to the Competent Authority?  
 Yes:   No   Partially:   
 Pertinent legislation:  
 Comments:
- e) mechanisms for traceability and recall?  
 Yes:   No  Partially:   
 Pertinent legislation:  
 Comments: in the regulations

## 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:   
 Pertinent legislation: *The Drugs and Poisons Act (2009)*  
 Comments:

- b) establishment of rules for the prescription and provision of veterinary medicines and biologicals to end users?  
 Yes:   No  Partially:   
 Pertinent legislation: *The Drugs and Poisons Act (2009)*  
 Comments:
- c) restriction to authorised professionals and, as appropriate, authorised veterinary para-professionals of commerce in veterinary medicines and biologicals that are subject to prescription?  
 Yes:   No  Partially:   
 Pertinent legislation: *The Drugs and Poisons Act (2009)*  
 Comments:
- d) the supervision by an authorised professional or organisations approved for holding and use of veterinary medicines and biologicals?  
 Yes:   No  Partially:   
 Pertinent legislation: *The Drugs and Poisons Act (2009)*  
 Comments:
- e) the regulation of advertising claims and other marketing and promotional activities?  
 Yes:   No  Partially:   
 Pertinent legislation:  
 Comments:
- f) reporting on adverse effects to the Competent Authority?  
 Yes:   No  Partially:     
 Pertinent legislation:  
 Comments:

## 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:    
 Pertinent legislation: *Meat Inspection Act, Public Health Act, SSMO, Food Act*  
 Comments:

- b) recording all significant animal and public health events that occur during primary production (i.e. pre-slaughter)?  
 Yes:  No  Partially:
- Pertinent legislation:  
 Comments:
- 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:
- Pertinent legislation:  
 Comments:
- d) inspection for compliance with food standards that are relevant to health or safety?  
 Yes:  No  Partially:
- Pertinent legislation: *The Meat Inspection Act 1974*  
 Comments:
- e) inspection of premises?  
 Yes:  No  Partially:
- Pertinent legislation: *The Meat Inspection Act 1974*  
 Comments:
- f) prohibition of the marketing (i.e. sale) of products not fit for human consumption?  
 Yes:  No  Partially:
- Pertinent legislation: *The Meat Inspection Act 1974*  
*Food Act*  
 Comments:
- g) provisions for recall from the marketplace of all products likely to be hazardous for human or animal health?  
 Yes:  No  Partially:
- Pertinent legislation: SSMO  
 Food Act  
 Comments: legislation not within the vet domain

## 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:    
 Pertinent legislation:  
 Comments: Only for meat inspection
- b) the conduct of inspection and audit?  
 Yes:  No   Partially:   
 Pertinent legislation: *The Meat Inspection Act 1974*  
 Comments:
- c) food safety standards?  
 Yes:   No  Partially:   
 Pertinent legislation: *SSMO, Food Act*  
 Comments:
- d) the application of health identification marks that are visible to the intermediary or final user?  
 Yes:  No  Partially:    
 Pertinent legislation:  
 Comments:

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:    
 Pertinent legislation: *Meat Inspection Act*  
 Comments:

### 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:    
 Pertinent legislation: *Meat Inspection*  
 Comments:
- b) the use of risk-based management procedures?  
 Yes:  No  Partially:    
 Pertinent legislation:  
 Comments:

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

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

### 9.1. Does the country belong to the World Trade Organization?

Yes:  No  Partially:

Pertinent legislation:

Comments: under procedure to admit in the WTO.

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

Yes:  No  Partially:

Pertinent legislation:

Comments:

### 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:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act 2004*

Comments:

- b) animal health measures applicable before and at departure?

Yes:  No  Partially:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act 2004*

Comments:

- c) border posts and quarantine stations?

Yes:  No  Partially:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act 2004*

Comments:

d) animal health measures applicable on arrival?

Yes:  No  Partially:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act 2004*

Comments:

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

Yes:  No  Partially:

Pertinent legislation: *The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act 2004*

Comments:

f) quarantine measures applicable to non-human primates? [?????](#)

Yes:  No  Partially:

Pertinent legislation:

Comments: Non-human primates are wild in Sudan



## Appendix 6 List of Acts and Subordinate Legislation

### List of Primary and Secondary Legislation

#### Primary Legislation - Acts

##### **A Currently in Force**

1. The Animal Diseases (Free Zone) Act 1973
2. The Animal Lenience and Welfare Act 2015
3. The Drugs and Poisons Act 2009
4. The Epidemic Disease of Animals Act 2001
5. The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act 2004
6. The Freshwater Fisheries Act 1954
7. The Game Preservation and National Parks Act 1986
8. The Hides and Skins Act 1954
9. The Livestock Route and Veterinary Control Stations Act 1974
10. The Marine Fisheries Act 1937
11. The Meat (Inspection) Act 1974
12. Organisations of Owners of Animals and Agricultural Production Act 2010
13. The Rabies Act
14. The Rangelands and Forage Resources Development (Rationalisation) Act 2015
15. The Standards and Metrology Act 2008
16. The Sudan Veterinary Council Act 1995, amended 2004

##### **B Proposed**

1. National Rangeland Protection and Livestock Road Bill
2. The Animal Products Organization and Genetics Resources Bill
3. The Natural Marine Fishers' (Organisation) and Agriculture Bill
4. Bill for identification and traceability for animals and animal products

##### **C State Level**

1. Animal Production Act - Gezira, West Darfour State, Northern, Sennar, and River Nile).

#### Secondary Legislation – Regulations –

##### **A Currently In Force**

1. Conducting Medical Experimentation Human and Animal Regulations
2. Control and Inspection of Pharmaceutical Facilities Regulations, 2013
3. Pharmaceutical Pie Rations Regulations, 2009
4. Narcotic Drugs Mental Effect, Chemical Precursors Regulations

5. Medical Prerequisite Regulations, 2010
6. Foreign Drug Plants and Pharmaceutical Preparation Listed in the Register of the National Drugs and Poisons Board Regulations, 2010
7. Licensing of Pharmaceutical Facilities and Organization of Work Regulations, 2013
8. The Pricing and Restricted Pharmaceutical Preparatory Regulations, 2010
9. The Quarantine Regulations, 2011
10. Inspection of Import, Export, Services and Facilities and Conformity of Products and Goods and Services Promotion Regulations, 2009
11. Transport of Animal and Fish by Air, Land and Sea Regulations
12. Proceeding of Detention and Control of Stray Animals Regulations
13. Euthanasia and Proceeding of Killing of Animals in Epidemic Regulations
14. Proceeding of Protecting Animals in Abattoirs, Markets and Slaughter for Human Consumption Regulations
15. Animals Working in Carrying Goods Regulations
16. Proceeding of Using Animals in Experiments, Education and Organizing Exhibitions Regulations
17. Sudan Veterinary Council Fellowship Regulations
18. National Veterinary Profession Examination Regulations
19. Accreditation of the Veterinary Medicine Curricula Regulations
20. Preliminary Animal Health Care Regulations
21. Sudan Veterinary Council Financial Resources Regulations
22. Regulations on Compliance Procedures
23. Regulations on Procedures for Violation of the Ethics of the Profession
24. Quarantine Procedures Regulations, 2005
25. Sale of Veterinary Medicine Regulations, 1977
26. Regulations on Organizing Pharmaceutical Institutions, 2000

**B Proposed**

1. Organised Rangeland Regulations

**C State**

1. The Meat Inspection Regulations - Gezira

## Appendix 7.1 Veterinary Services of Sudan Presentation



Republic Of Sudan  
 Federal Ministry Of Animal Resources  
 General Directorate Of Animal Health & Epizootic  
 Disease Control  
 Veterinary Legislation Identification Mission  
 7<sup>th</sup> - 11<sup>th</sup> August  
**The Veterinary Services of Sudan**  
 Dr. Khidir Mohammed Elfaki  
 DG of AHEDC

**Cooperation with Line Ministries and corporations**

- Directorates General of Livestock in the States
- Ministry of Health
- Ministry of Agriculture and Irrigation
- Ministry of Economic and Finance
- Ministry of tourist, wildlife and forestry
- Ministry of Interior
- Ministry of Foreign Affairs
- National council of Drugs and poisons
- Sudanese Cooperation for meteorology and Standards

**Veterinary Services**

- ❖ Sudan enjoy the national legacy of a huge domesticated and wild wealth with wide variety range ,as well as brutality and water resources with excellent specifications for the local and abroad markets, which constitutes an important anchor for food security and economic base.
- ❖ **The veterinary services:**
- ✓ Started with the beginning of the last century, where occupation authorities issued the law of animal diseases on 1901.

**General organizations of the Veterinary Services**

- Central VSs ; (Ministry of Animal Resources)
- State VSs:-
- 1) 1st level ;( State General Directorate).
- 2) 2nd level;- (Locality “VS Directorate”).
- 3) 3rd level;- (administrative unit VS).

**Count .**

- ✓ Distributed at national and state level ,accessible to all livestock producers.
- ✓ Cover wide rang of activities including clinical diagnosis diseases investigation, laboratory analysis, treatment, vaccinations ,awareness , production... etc.
- ✓ Have internal coordination of resources and activities related to all aspects of veterinary domain, beside it's external coordination with lines Ministries ,Corporations ,Boards and Councils... etc.

**General Directorates of the Ministry of Animal Resources are**

- ✓ Animal Health & Epizootic Disease Control .
- ✓ Quarantine & Meat Hygiene.
- ✓ Animal production development.
- ✓ Planning and Livestock Economics
- ✓ Extension, Technology Transfer and Pastoralists Development.
- ✓ Range and Pasture.
- ✓ Fisheries and Aquatic.
- ✓ Finance and Administrative Affairs.



- ### count - Roles of the Veterinary Services
- Development of Fisheries and aquatic and establish the necessary controls for preservation.
  - Help, access, attract and invade different market for livestock and animal products and assure food safety and food security for domestic consumers.
  - Safe-guard the health of livestock population, for food security and increasing the economic potential for livestock commodities.

- ### Veterinary Services at the state level
- Sudan have 18 states divided to 168 localities with 585 administrative units.
  - Some states have ministry of Animal Resources composed of departments of Animal Health & Epizootic Disease Control, Animal Production Development and Planning.
  - Other states have Ministries for agriculture includes General Directorates of Animal Resources with it's different Directorates.
  - In some States there are regional laboratories belong to Animal Resources Research Corporations.
  - In all states there are small units for routine diagnosis belong to the clinics in the states.

- ### count - Roles of the Veterinary Services
- Adoption of the technical specifications of slaughterhouses, quarantine and technical supervision on export slaughterhouses.
  - conservation of animal genetic resources .
  - Exchange information on the national animal health status with local & regional and international organizations.
  - Control livestock diseases in coordination with the relevant institutions .
  - Developing and maintaining pastures, in coordination with the relevant authorities

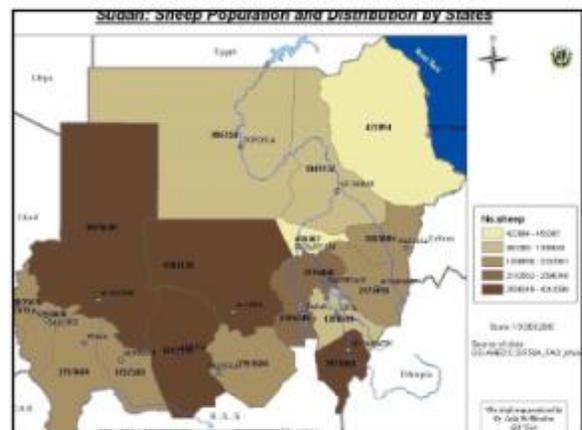
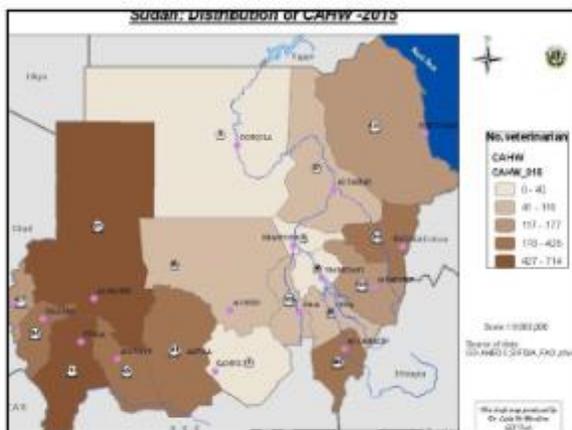
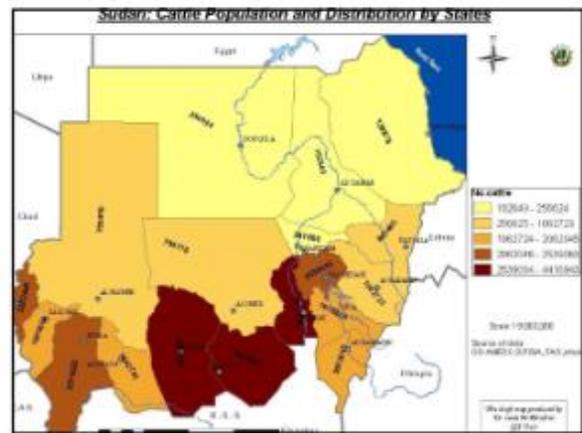
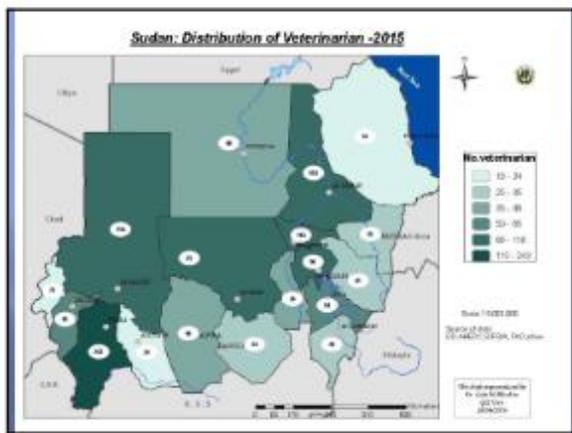
- ### Roles of the Veterinary Services
- Develop national Policies and plans for the development of livestock sector.
  - Prepare agreements for all veterinary domain between Sudan and other countries.
  - Supervision of plans to admit animals in the economic cycle, and development of livestock and meat marketing programs with other institutions.
  - Enhance the importation & exportation of Animal and Animal products.
  - Development of animal production and raise the competitiveness of livestock regionally and globally.

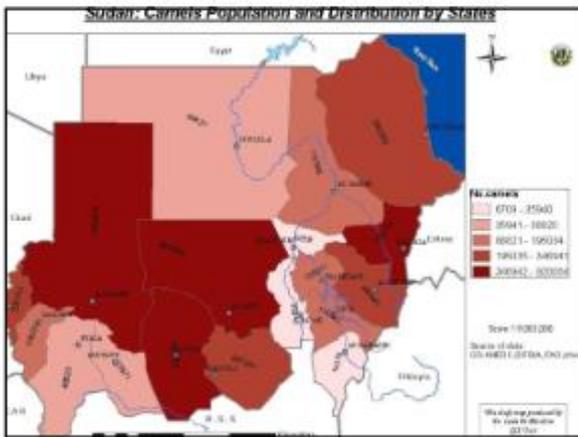
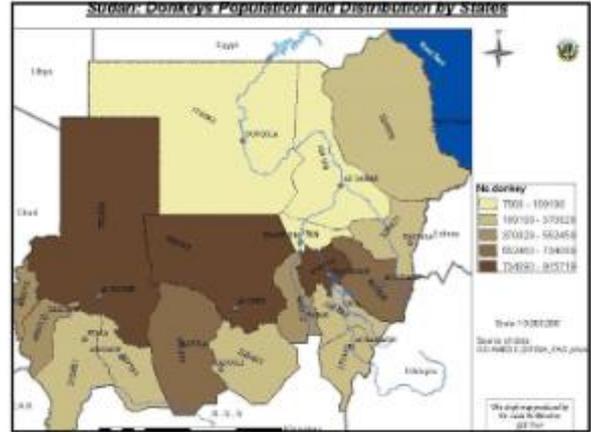
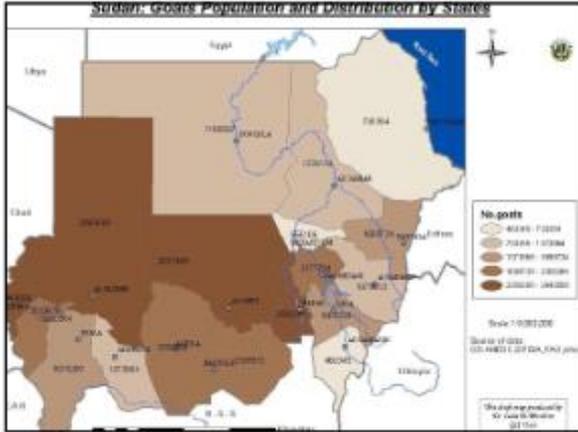
Animal Health infrastructure	
Item	Number
Mobile Clinic	128
Pharmacies	872
Veterinary Clinics	92
Slaughterhouses	573

Human Resources	
Item	Number
veterinarians	7667
CAHWS	5812
veterinary auxiliaries	1055

### Animal population

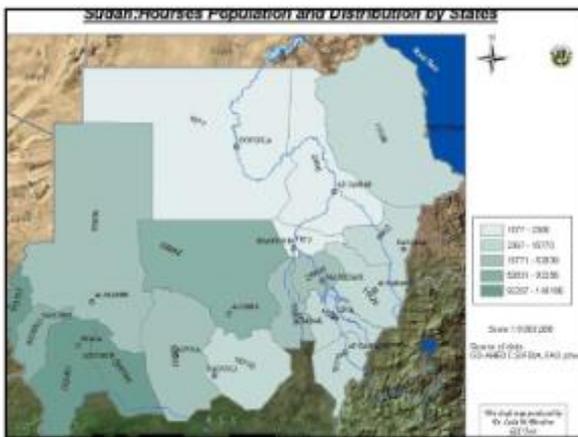
- The most common species of livestock are bovine, ovine, caprine, camel and equines – including donkeys and horses.
- Estimated Animal population**
  - bovine 30191000
  - ovine 39846000
  - caprine 31029000
  - equines 8344314
  - Camel 4792000





### CHALLENGES

- o Chain of command.
- o Coordination.
- o Limited fund .

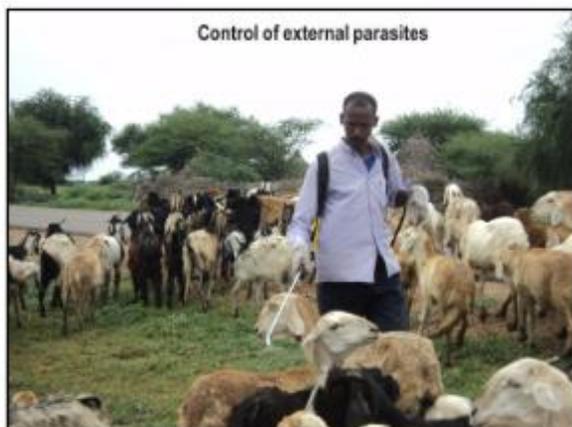
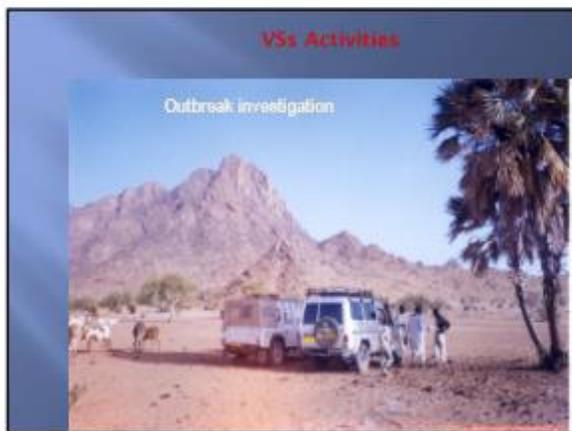


### Recommendation Of PVS Gap Analysis Mission 2014 Concerning Legislation

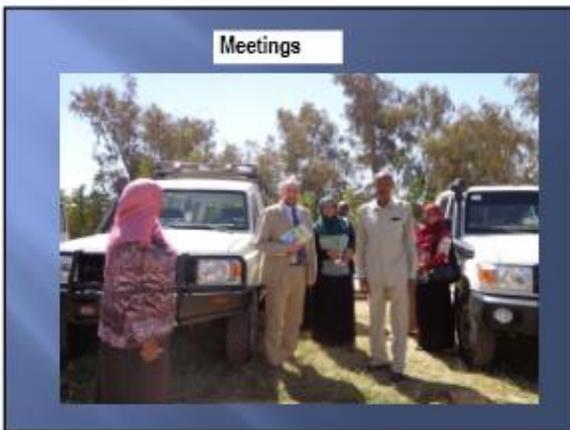
- o A comprehensive review of veterinary legislation in all domains.
- o Restored the chain of command of VIs from central to field level.
- o Technical independence.
- o Expand legal mandate on veterinary public health to include all processing of food of animal origin as well as control of veterinary medicine and residues.

### Expectations From The Mission

- Analysis of veterinary legislation current situation.
- Identify strengths and weakness.
- Provide recommendations for improvement to comply with the international standards.









## Appendix 7.2 Opening Presentation



Organisation Mondiale de la Santé Animale | World Organisation for Animal Health | Organización Mundial de Sanidad Animal



Sudan

### OIE Veterinary Legislation Support Programme (VLSP)

#### Veterinary Legislation Identification Mission

**Sudan**  
**7th to 11th August 2016**

Gloria Mintah, Team Leader/Legal Expert  
Raymond Briccos, Technical Expert  
Bruce Mukanda, Technical Expert



### 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 180 member countries and territories.
- In 2003, The International Office of Epizootics became the World Organisation for Animal Health, but kept its historical acronym, OIE.



### Overview of this presentation

- Background on the OIE
- Background on the OIE PVS Pathway
- Introduction to the VLSP
- **Sudan's** experience with the PVS
- Veterinary legislation and the veterinary domain
- Chapter 3.4. of the OIE Terrestrial Code
- Conclusions



### 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"



### Overview of this presentation

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### OIE and the World Trade Organization

- The global visibility of the OIE increased in 1995 with the adoption by the World Trade Organization (WTO) 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



### The Global Expansion of Trade

- International trade is an engine for economic growth
- 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
  - FAO/WHO Codex Alimentarius for trade in food
  - OIE for trade in livestock and aquatic animals

### OIE PVS Pathway

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

### Compliance with international standards: benefits extend beyond increased trade

- 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 Assistance to Members: The PVS Pathway

- PVS Evaluations (Performance of Veterinary Services) – Terrestrial and Aquatic (2009, 2013)
- PVS Gap Analysis (2014)
- Veterinary Legislative Support Programme (VLSP)
  - Identification Mission
  - Agreement
- Twinning Programmes
  - Laboratories
  - Veterinary Education Establishments
  - Veterinary Statutory Bodies
- Follow up evaluations

### Overview of this presentation

- Background on the OIE
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The OIE collaborates with governments, donors and other stakeholders

**« Treatment »**  
Capacity Building  
Specific Activities  
Projects and Programs

**« Diagnosis »**      **« Prescription »**      **« Treatment »**

- PVS Evaluation 2009 & 2013
- PVS Gap Analysis 2014
- Public / Private Partnerships
- PVS Pathway Follow-Up Missions
- VLSP Identification Mission (Advanced Diagnostic)
- VLSP Agreement Preparatory Phase (Prescriptive)
- VLSP Agreement Implementation Phase
- Veterinary Legislation
- Veterinary Education
- Laboratories

Including VS Strategic Priorities

## Overview of this presentation

- Background on the OIE
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## Component One of the VLSP: Identification Mission - Logistics

- Initial request, OIE Team selection & 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



## Structure of the VLSP

- Two key VLSP components -
  - Veterinary Legislation Identification Mission (1 wk)
  - Veterinary Legislation Agreement
    - Preparatory Phase (6 mo)
    - Formal Agreement (1 yr)



## Component Two of the VLSP: Legislative Agreement - Objectives

- 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



## 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 Two of the VLSP: Legislative Agreement - Logistics

- Logistics
  - Based on findings of the Identification Mission, Member may request to enter into an agreement
  - 6 month Preparatory Phase to identify legislation objectives, 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.



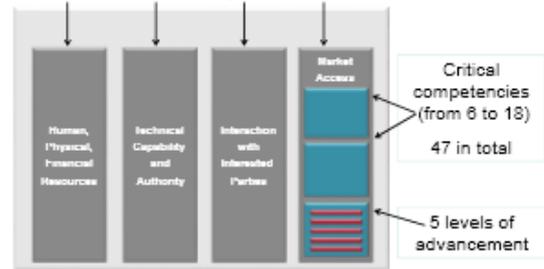
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## PVS Evaluation Mission

### 4 fundamental components of VS



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## PVS Pathway Activities in Sudan



- PVS Evaluation Mission, 3 – 21 January 2009
- PVS Evaluation Mission, 8 - 20 November 2013
- PVS Gap Analysis, 18 – 30 November 2014



## Sample PVS Evaluation Results for Sudan in 2013

PVS Critical Competency	Level of assessment (out of maximum of 5)
I-5 Stability of policies & programs	2
I-8 Operational funding	2
II-1 Laboratory disease diagnosis	2
II-5 Passive epidemiological surveillance	2
II-6 Early detection/emergency response	3
II-9 Control of veterinary products	2
II-14 Animal welfare	1
III-5 Veterinary statutory body authority	2



## Initial PVS Evaluation Mission

- > A **qualitative assessment** of a national Veterinary Services' performance and their compliance with the OIE international standards on the quality of Veterinary Services using the OIE PVS Tool
- > The Country PVS Evaluations help **raise awareness and improve the understanding** of all sectors including other administrations regarding the **fundamental components and critical competencies** that these services must have in order to function effectively



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

### IV-1 Preparation of legislation and regulations

The authority and capability of the VS to actively participate in the preparation of national legislation and regulations in domains that are under their mandate, in order to guarantee its quality with respect to principles of legal drafting and legal issues (internal quality) and its accessibility, acceptability, and technical, social and economical applicability (external quality).

### IV-2 Implementation of legislation and regulations and stakeholder compliance

The authority and capability of the VS to ensure compliance with legislation and regulations under the VS mandate.



### CC IV-1: Levels of advancement

IV-1 Preparation of legislation and regulations	Levels of advancement:
<p>The authority and capability of the VS to actively participate in the preparation of national legislation and regulations in domains that are under their mandate, in order to guarantee its quality with respect to principles of legal drafting and legal issues (internal quality) and its accessibility, acceptability, and technical, social and economical applicability (external quality).</p> <p>This competency includes collaboration with relevant authorities, including other ministries and Competent Authorities, national agencies, and decentralised institutions that share authority or have mutual interest in relevant areas.</p>	1. The VS have neither the authority nor the capability to participate in the preparation of national legislation and regulations, which result in legislation that is lacking or is outdated or of poor quality in most fields of VS activity.
	2. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, and can largely ensure their internal quality, but the legislation and regulations are often lacking in external quality.
	3. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, with adequate internal and external quality in some fields of activity, but lack the formal methodology to develop adequate national legislation and regulations regularly in all domains.
	4. The VS have the authority and the capability to participate in the preparation of national legislation and regulations, with a relevant formal methodology to ensure adequate internal and external quality, involving participation of interested parties in most fields of activity.
	5. The VS regularly evaluate and update their legislation and regulations to remain fit for use in evolving national and international contexts.

### Levels of Advancement CC IV-2

IV-2 Implementation of legislation and regulations and stakeholder compliance	Levels of advancement:
<p>The authority and capability of the VS to ensure compliance with legislation and regulations under the VS mandate.</p>	1. The VS have no or very limited programmes or activities to ensure compliance with relevant legislation and regulations.
	2. The VS implement a programme or activities comprising inspection and verification of compliance with legislation and regulations and recording instances of non-compliance, but generally cannot or do not take further action in most relevant fields of activity.
	3. Veterinary legislation is generally implemented. As required, the VS have the power to take legal administrative prosecution in instances of non-compliance in most relevant fields of activity.
	4. Veterinary legislation is implemented in all domains of veterinary competence and the VS work to minimise instances of non-compliance.
	5. The compliance programme is regularly subjected to audit by the VS or external agencies.

### Findings of PVS Mission on CC IV-1

**Key Findings:**

- Drafting of legislation without economic or other types of impact studies
- Federal regulations and laws have priority over the state laws
- Regulations at state level which are called laws seemed very non specific
- Variety of legislation present but appeared insufficient
- Preparation of national legislation follows Sudan's "License of Law"(process for developing legislation)
- Stakeholder discussions held only at initial stage

### Findings of PVS Mission on CC IV-2

**Key Findings:**

- No compilation, analysis, or documented system for non-compliance, and no evidence of a penalty applied
- At some state levels compliance and enforcement takes place but with no documentation
- Condemned animals/parts are recorded when registers exist but the owner receives no official report

**Strengths:** None found

**Recommendations:**

- Develop a documentation system for compliance analysis in all domains

### Findings of PVS Mission on CC IV-1

**Strengths:**

- VS are involved in the drafting of legislation for animal health activities within their mandate

**Weaknesses:**

- Lack of economic or social impact studies when laws/regulations are drafted
- Limited stakeholder input during development of laws/regulations

**Recommendations:**

- Develop the legislation progressively in all relevant domains

### Sudan PVS Gap Analysis – 2014

In the report of the Nov 2014 mission a number of key challenges were identified and recommendations proposed. Examples of those which require an in- depth legislative review being:

- The public sector should link directly all resources of central level (Federal VS), all State Veterinary Offices (SVO), all Localities Veterinary Offices (LVO), and give official delegation to private veterinarians within a unique National Veterinary Service.



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- Conclusions



## 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." (3.4.1-last paragraph)



## Brief history of Chapter 3.4

- The Veterinary Legislation Support Programme (VLSP) was inaugurated as part of the PVS Pathway in 2008
- In 2009, at Members' request, the OIE developed *Guidelines on Veterinary Legislation*, identifying the essential elements that should be covered by legislation to meet the OIE standards. These were posted on the OIE website.
- In December 2010, the first *OIE Global Conference on Veterinary Legislation* was held in Djerba, Tunisia.



## Overview of Chapter 3.4 Veterinary Legislation

### General matters

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

### Specific matters

- > Competent authorities (Powers & Delegation of Powers)
- > Veterinarians & veterinary para-professionals (prerogatives)
- > 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



## Brief history of Chapter 3.4

- A recommendation of the Djerba Conference was that the OIE propose the adoption & publication of the current *Veterinary Legislation Guidelines as standards in the Terrestrial Code*
- In response to this recommendation, OIE convened an *Ad Hoc Group on Veterinary Legislation* to develop the draft chapter on veterinary legislation.
- The *draft chapter on veterinary legislation* was unanimously adopted by the World Assembly of Delegates at the 80th OIE General Session in May 2012.
- *It is now Chapter 3.4 of the OIE Terrestrial Animal Health Code*



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- Veterinary legislation and the veterinary domain
- Chapter 3.4. of the OIE Terrestrial Code
- **Conclusions**



## 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.



“Shukran”-Thank you for your attention.....

Any questions?



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## Appendix 7.3 Achieving Quality Legislation Presentation




  
**The Veterinary Legislative Support Programme (VLSP)**
  
 ACHIEVING QUALITY IN THE DRAFTING OF LEGISLATION

Khartoum, Sudan August 7 – 11, 2016

Gloria Mintah, Lawyer and Team Leader  
 Dr. Raymond Briscoe, Veterinarian and Team Member  
 Dr. Bruce Mukanda, Veterinarian and Team Member



### Part 1: Objective of Presentation

- Addressing the veterinarians and the lawyers who are not legislative drafters
  - To review fundamental principles of legislative drafting, including the definition of "quality"
  - To review essential elements – organization and style - of quality legislation
- 

### Outline of Presentation

Achieving Quality in the Drafting of Legislation

- Part 1: Objective of Presentation
  - Part 2: Basic Principles
  - Part 3: Organization
  - Part 4: Style
  - Part 5: Conclusion
- 

### Achieving Quality in the Drafting of Legislation

- Part 1: Objective of Presentation
  - Part 2: Fundamental Principles
  - Part 3: Organization
  - Part 4: Style
  - Part 5: Conclusion
- 

### Achieving Quality in the Drafting of Legislation

- Part 1: Objective of Presentation
  - Part 2: Fundamental Principles
  - Part 3: Organization
  - Part 4: Style
  - Part 5: Conclusion
- 

### Part 2: Fundamental Principles

- What is "Quality"
  - Sound Policy
  - Transparent and Open Process
  - Harmonization
  - Good Politics
  - Good Relationships
- 

## Part 2: Fundamental Principles

- What is "Quality"
  - "Quality" is defined as including a degree of excellence, a virtue or an attribute considered desirable.
  - "Quality" is not the attainment of excellence per se, but rather the achievement of predetermined objective criteria.
  - "Quality" is not synonymous with perfection; rather, it is measured within the context of the appropriateness of the results achieved.



## Part 2: Fundamental Principles

- Transparent and Open Process
  - Means nothing more than consultations
  - Must occur early in the policy development stage and throughout the legislative process
  - Must be done Internally in the sponsoring ministry
  - Between sponsoring ministry and other government ministries
  - Between sponsoring ministry and population at large (e.g. professional associations, target groups, anyone who might be interested in, or affected by, the legislation) and
  - Between the sponsoring ministry and the legislative drafter
  - Must be done using any appropriate methods of communication



## Part 2: Fundamental Principles

- Sound Policy
  - Policy formulation is the first and important step in the legislative process
    - It allows the articulation of the problem which the proposed governmental action seeks to resolve
    - Allows the articulation of government's policies to address the problem
    - It allows the thinking through of the objectives that the government hopes to achieve
    - It enables the selection and prioritization of government's agenda



## Part 2: Fundamental Principles

- Strive for Harmonization
- Every proposed veterinary legislation must fit into and be consistent with:
  - National legislative framework – constitution of the land, pre-existing primary legislation and secondary legislation
  - General statutory interpretation law
  - International – multilateral, regional and bilateral – obligations of the country.
- Awareness of the laws of other jurisdictions, especially those with historical and regional ties, could be helpful



## Part 2: Fundamental Principles

- Sound Policy Cont'd
  - Policies are usually initiated by government
    - through its party platform and its legislative agenda
  - The public at large may also initiate policy discussions
  - The Veterinary Services may initiate policy discussions
  - But the preparation of policy documents ahead of a governmental action is the responsibility of government veterinarians like you
  - It is crucial for government veterinarians and their lawyers to understand the importance of policy formulation as it enables, among others, various options to resolve the identified problem to be canvassed and assessed, the cost-benefit analysis to be done and the selection of the best option.



## Part 2: Fundamental Principles

- Good Politics
  - Proposed legislation must fit into the government's political agenda
  - Recognizes and takes into account the political climate in the country
- Good Relationships
  - Between veterinarians and their lawyers, including legislative drafters
  - Both veterinarians and the lawyers must have access to each other
  - This recognizes the respective strengths of both the veterinarian and the lawyers – technical knowledge of the veterinarian and the skill of the lawyers and drafters to translate the vision of the government into effective and enforceable laws



### Achieving Quality in the Drafting of Legislation

- Part 1: Objective of Presentation
- Part 2: Fundamental Principles
- Part 3: Organization**
- Part 4: Style
- Part 5: Conclusion



### Part 3: Good Organization

- Legislative Scheme
- Good organization starts with a legislative scheme which is prepared by the legal drafter and serves as a road map for the legislation
- It is the design stage when the drafter decides what structure would be best suit the legislation
- It reflects the instructions given by the government for the legislation



### Part 3: Good Organization

- Legislative Scheme
- Key and Required Components



### Part 3: Good Organization

- Key and Required Components
- Must contain all key components or the building blocks:
  - Title – long and short
  - Clear definitions
  - Legal actions - Prohibitions, obligations and rights, using words such as "shall", "must" or "may"
  - Penalties and sanctions for legislation that creates prohibitions or imposes obligations; may be criminal or a combination of criminal and administrative
- Must also contain all required components



### Part 3: Good Organization

- Quality legislation is reflected in the way it is organized, the layout of the legislation - with coherent arrangements of the legislation, division of the components into parts, sections/articles and subsections/sub-articles, and consistent numbering, etc.
- Must follow tradition in the jurisdiction unless there is a good reason not to
- It is limited to true legislative matters, leaving all administrative texts to be embodied in accompanying documents and guidelines



### Achieving Quality in the Drafting of Legislation

- Part 1: Objective of Presentation
- Part 2: Fundamental Principles
- Part 3: Organization
- Part 4: Style**
- Part 5: Conclusion



### PART 4: Good Style

- Precision, Accuracy and Clarity
- Plain Language
- Definitions
- Consistency
- Sentences
- Exceptions
- Numbers
- Gender Neutrality
- Linguistic Variances
- Repeals
- Cross-references
- Incorporation by Reference



### Part 4: Good Style

- Plain Language
  - Couched in language that is understandable by the target group
  - Must avoid unnecessary words; if it can be said in one word, do so – e.g. "pay" not "make payment"; "decide", not "to make a decision", "the person" not "the said person"; "definitive cancellation of authorization" – why use "definitive" - either the authorization is cancelled or it is not
  - Avoid the use of archaic words – to wit, aforementioned
  - Acronyms – WTO, NATO, OIE – should be used sparingly or not at all. If used, cite full name and define it the first time it appears
  - Avoid the use of foreign words unless they have acquired biological, technical or professional usage



### Part 4: Good Style

- Promotes clarity of the legislation
  - Aim for simplicity, simplicity, simplicity
  - Ideas must be presented in sequential order
  - Words must be arranged logically, methodically, and in the appropriate grammatical order, to convey the thoughts and ideas embodied in the legislation
  - It must leave minimum room for errors, ambiguity or vagueness



### Part 4: Good Style

- Definitions
  - Crucial to understanding the legislation and aid in its construction
  - Used to avoid ambiguity and incessant repetitions
  - Important when words are not used in their ordinary dictionary meaning
  - Must conform to words already present in prior or complementary legislation and only of words used in the legislation
  - In a single convenient location alphabetically or, if exclusive to a specific article, "For the purpose of this article, X means ...."



### Part 4: Good Style

- The legislation must be:
  - Precise – absence of ambiguity
  - Accurate – captures the desired policy and outcomes
  - Clear – simple and concise language which is easy to understand

All three characteristics must be present in a piece of well-drafted legislation; one cannot be sacrificed for the other.



### Part 4: Good Style

- Consistency
  - Unless a different meaning is intended, use the same words and terms in the legislation
    - For example, do not use "animal" and "beast", "sickness" "illness" "disease"
  - But avoid the use of the same word to mean different things
    - For example, if different requirements govern transportation by a truck and transportation by an aircraft, do not use "conveyance".



### Part 4: Good Style

- Sentences
  - Should be short and precise
  - State parallel Ideas
  - Break up long sentences to make for easy reading and understanding
  - Avoid use of parentheses, brackets or footnotes – gives impression that additional explanations are needed and the text is unclear



### Part 4: Good Style

- Sentences cont'd
  - Use correct grammar and punctuations
    - Sweeping the floor are the president's wife who is wearing a red dress and her friend
    - Sweeping the floor are the president's wife, who is wearing a red dress, and her friend
  - Improper use of adjectives and modifiers can lead to ambiguity
    - A manufacturer may label a feed as organic if the feed does not contain rice or corn treated with chemicals
    - Does "treated with chemical" also refer to rice?



### Part 4: Good Style

- Sentences cont'd
  - Split up 2 or more Ideas embodied in one sentence
    - For example: An Inspector may enter and inspect any place, open receptacles and inspect animals found at the place - may be broken up:
      - An Inspector may:
        - Enter and inspect any place
        - Open receptacles and
        - inspect animals found at the place



### Part 4: Good Style

- Exceptions
  - Draft them with clarity
  - If there are too many exceptions to a provision, rethink the provision
  - If you need to provide exceptions, give an advance warning to the reader so that the reader does not stop at the first sentence
    - (1) Subject to subsection (2), all farmers must wear overalls in the field
    - (2) Subsection 1 does not apply to rice farmers



### Part 4: Good Style

- Sentences cont'd
  - Draft in the present tense
  - Use active voice not passive as much as possible
  - Exercise caution in the use of pronouns
  - Use of plural nouns may cause ambiguity
  - Use conjunctive and disjunctive words (and/or) carefully



### Part 4: Good Style

- Numbers must be cited with care
  - What does 06/07/2015 mean
  - What is 8 o'clock?
- Gender neutrality
  - Legislation must reflect equality of both male and female whenever possible, except for policy/legal, cultural and traditional reasons
- Language variances
  - Resources permitting, legislation in bilingual or multilingual jurisdictions must be drafted simultaneously
  - If not, access to good translators and to resources – dictionaries, prior similar legislation, laws of other jurisdiction - will be helpful



## Part 4: Good Style

- Repeals
  - Exercise caution when drafting repeals - Is the repealed provision cross-referenced in another legislation
  - Check for the status of regulations under repealed legislation
- Cross references
  - Are used for clarification and not for confusion and should be used sparingly and only when needed
- Incorporation by reference
  - When standards set by another entity, say a standards board, is referenced in and becomes part of the legislation
  - Can create ambiguity if, for example, the standards change
  - Verify the jurisdiction's rules, if any, on incorporation by reference



Thank you for your attention

...questions..?



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## Achieving Quality in the Drafting of Legislation

- Part 1: Objective of Presentation
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## Part 5: Conclusion

- Obviously, this overview will not turn anybody into a seasoned legislative drafter
- However, I hope it gives you an insight into the complexity of legislative drafting
- I also hope it underscores the need for technical persons and their lawyers, including legislative drafters, to work together with the ultimate goal of drafting quality legislation



## Appendix 7.4 Closing Presentation






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**Veterinary Legislative Identification Mission for Sudan**  
**Preliminary Findings and Recommendations**  
 11 August, 2016  
 Mrs. Gloria Mintah, Dr. Raymond Erissoe, Dr. Bruoe Mukanda



### Legal Framework of Sudan

- The Nation
  - Sudan is a federal nation
- Levels of Administration
  - Federal and State Governments
- The Constitution
  - The Interim National Constitution of Sudan 2005 was adopted on July 6, 2005 and became effective on July 9, 2005
- Legal System
  - Is based on civil law. However, Islamic Sharia law governs some issues.



### 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.



### Legal Framework of Sudan – Cont'd

- Democratic Institutions - National
  - Executive: Consists of the Presidency and the National Council of Ministers
  - Legislature: Two chambers consisting of the National Assembly and the Council of State
  - Judiciary: Consists of the Constitutional Court and the National Judiciary
- Democratic Institutions - State
  - Executive: Consists of a Governor
  - Legislature: One chamber composing of members elected in accordance with state constitution
  - Judiciary: Consists of such state courts as provided by the state constitution.



### Sudan's Expectation of Mission

- Analyse the current situation of the country's veterinary legislation
- Identify strengths and weaknesses
- Provide recommendations for improvement to comply with International standards.



### Types of Legislation in Sudan – National Level Only

- Primary
  - Acts of the National Legislature
  - Provisional Order – Issued by the President on an emergency basis when the National Assembly is not sitting
- Secondary
  - Issued by the Minister



### Primary Legislation Drafting Process

- Legislation is initiated by the Responsible Ministry, the Ministry of Animal Resources. May also be initiated as a private member's bill
- The Ministry of Animal Resources prepares the draft bill and submits it to the Ministry of Justice for review, preparation of final draft and certification of conformity with the Constitution
- The bill is then presented to the Ministry of Ministries for study
- The bill is tabled before either chamber of the National Legislature
- The bill goes through first, second, third and final readings
- The bill is signed by the President and then gazetted



### Observations on the Legislation Drafting Process – Cont'd

- The rules for drafting are not formalized
- No formal process for consultation is established
- Post-enactment evaluations are conducted
- No performance indicators to monitor success of legislation are developed.



### Secondary Legislation Drafting Process

- Secondary legislation is a means of amplifying provisions in the primary legislation
- Secondary legislation must find a basis in the primary legislation
- Secondary legislation is drafted by the Ministry of Animal Resources
- It is submitted to the Ministry of Justice for review and redrafting
- Redrafted document is sent back to the Ministry of Animal Resources, whereupon it is signed by the Minister



### Observation on the Legislative Drafting Process – Cont'd

- Poor numbering of sections and subsections
- Means of enforcement are not identified
- Many enforcement options not identified, for example, removal or destruction of defective products at cost of regulated party
- All penalties criminal in nature with no administrative penalties
- Fines are as specified by the court, with no guidelines or how that discretion is to be exercised.



### Observations on the Legislation Drafting Process

- The process is generally sound and well executed
- Pieces of both primary and secondary legislation are published
- Pieces of primary legislation are codified and can be found in the Laws of the Sudan



### Observation on the Legislation Drafting Process – Cont'd

- Legislation is drafted in Arabic only and not simultaneously in Arabic and English
- English translations are very poor
- There is a good number of old laws in the veterinary domain
- There are some regulation-making powers for which no provisions exist in the primary legislation
- Absence of long titles hence, no quick method of ascertaining purpose of the Act.



### Observation on the Legislation Drafting Process – Cont'd

- A good number of Acts have footnotes which are referred to by only Act numbers and not the names
- Footnotes are not encouraged in legislation
- Inconsistent use of words in related legislation
- Absence of inter-departmental consultations
- Lack of costing the implementation of the legislation



### Current Primary Veterinary Legislation in English – Cont'd

- The Veterinary Council Act, 1995, as amended in 2004
- Rangelands and Forage Resources Development (Rationalization) Act, 2015
- The Drugs and Poisons Act, 2009
- The Game Preservation and National Parks Act, 1988
- The Rabies Act.



### Observation on the Legislation Drafting Process

- Legislation does not establish clear rights, prohibitions, and obligations
- No organised pattern for interpretation sections – not in alphabetical order or order of appearance in the legislation.



### Current Primary Veterinary Legislation in English – Cont'd

- The Standards and Metrology Act, 2005
- The Fresh Water Fisheries Act, 1954
- The Marine Fisheries Act
- Organizations of Owners of Animals and Agricultural Production Act, 2010 (Provisional Order).



### Current Primary Veterinary Legislation in English

- The Meat (Inspection) Act, 1974
- The Epidemic Diseases of Animals Act, 2001
- The Export and Import of Live Animals and Meat (Veterinary Quarantine) Act, 2004
- Animal Production Act (At the state level-7)
- The Animal Diseases (Free Zone) Act, 1973
- The Hides and Skins Act, 1954
- The Livestock Route and Veterinary Control Station Act, 1974
- The Animal (Lenience and Welfare) Act, 2015).



### Secondary Legislation Available in English

- Transport of Animal and Fish by Air, Land and Sea
- Proceeding of Detention and Control of Stray Animals
- Euthanasia and Proceeding of Killing Animals in Epidemic
- Proceeding of Protecting Animal in Abattoirs, Markets and Slaughter for Human Consumption
- Animals Working in Carrying Goods.



### Secondary Legislation Available in English – Cont'd

- Proceeding of Using Animals In Experiments, Education and Organizing Exhibitions.



### Strengths Noted

- The rule of law prevails in Sudan
- There is definite recognition by senior management of the importance of legislation as a foundation of good governance.
- Senior officials acknowledge existing problems and are actively seeking solutions
- Sudan has applied for membership of the WTO and so there is a strong commitment at the national level to reorganize, amend and realign legislation in the veterinary domain
- Defined processes exist for legal drafting
- Excellent collaboration between lawyers and veterinarians within the VS and Ministry
- Improved collaboration with Ministry of Justice.



### Secondary Legislation Available in Arabic




### Strengths Noted – Cont'd

- On the operational level:
  - Defined processes exist for legal drafting
  - There is excellent collaboration between in-house counsel at the Department of Animal Resources and veterinarians within the VS
  - There is collaboration and good working relationship between the VS and the drafting team at Ministry of Justice for drafting
  - There is a cadre of well-trained and adequate number of veterinarians in the country
  - There is high level of professionalism in the VS.



### Amendments and New Legislation in Progress

- The Identification and Traceability for Animals and Animal Products Bill



### Strengths Noted – Cont'd

- Collaboration between the federal and state Veterinary Services
- Good systems established for collection, collating and dissemination of information between the federal and state Veterinary Services
- Collaboration between in-house counsel, Ministry of Justice and the Veterinary Services.



### Strengths Noted – Cont'd

- Even in the absence of legislation, a good number of operational actions are being undertaken, for example
  - Systems established for collection, collating and dissemination of information between the federal and state Veterinary Services
  - Laboratory analysis
  - Mapping of zoonotic diseases
  - Awareness programmes for priority diseases.



### Gaps in Legislation in the Veterinary Domain - Cont'd

#### Laboratories in the veterinary domain (Article 3.4.7)

- No specific law providing for the establishment, classification, roles, responsibilities, obligations, approval, operation, supervision and sustainability of the laboratories.



### Gaps in Legislation in the Veterinary Domain based on Chapter 3.4 of the Terrestrial Code

#### Competent Authorities (Article 3.4.5.)

- No explicit legal instrument mandating, capacitating and organizing the Sudanese Competent Authorities
- No veterinary legislation providing for an effective chain of command, clearly defining the responsibilities and powers of the Competent Authorities
- Inadequate internal and external coordination and limited financial resources.



### Gaps in Legislation in the Veterinary Domain - Cont'd

#### Health Provisions relating to Animal Production (Article 3.4.8)

No Legislation enacted.



### Gaps in Legislation in the Veterinary Domain - Cont'd

#### Veterinarians and Veterinary para-professionals (Art 3.4.6)

Main legislation is the Veterinary Council Act 1995, as amended in 2004

- Competent Authority not named
- Lack of clarity for defining minimum initial, and continuous educational requirements
- The 'oath' not taken by all members
- Lack of delegation of tasks to para-professionals under supervision
- Lack of delegation of official tasks under contract to private sector veterinarians/Sanitary Mandate.



### Gaps in Legislation in the Veterinary Domain - Cont'd

#### Animal Diseases (Article 3.4.9)

Main Legislation is *Epidemic Diseases of Animals Act, 2001*

- Scope of Act, as indicated in title, is limited to only epidemic diseases and not to all diseases
- Limited and ineffective surveillance provisions
  - Provision on immediate notification of outbreak of disease but no provision on what recipients of notification should do with the information
  - Local authorities required to notify competent authority of disease outbreak or suspicion of disease outbreak and yet no requirement that information on disease should be transmitted to local authorities.



### Gaps in Legislation in the Veterinary Domain Cont'd

#### Animal Diseases (Article 3.4.9)

- Diseases listed in Tables A and B but not identified as "notifiable diseases"
- Measures to deal with disease outbreak limited to declaration of infected place
- No exceptional powers such as declaration of control zones and establishment of surveillance areas to monitor disease outbreak
- Power to make infected place declaration vested in both federal (Table A diseases) and state (Table B diseases) levels.



### Gaps in Legislation in the Veterinary Domain – Cont'd

#### Veterinary Medicines and Biological Products (Article 3.4.11)

Main Legislation is the Drugs and Poisons Act, 2009

- No provision for the establishment and communication of withdrawal periods and MRLs
- Relevancy for veterinary medicines and biologicals/Human focus
- No definition of Veterinary Medicine
- Competent Authority not named
- No provision for financing animal disease control.



### Gaps in Legislation in the Veterinary Domain – Cont'd)

#### Animal Diseases (Article 3.4.9)

- No provision for administrative and logistic organization, special or temporary measures to address identified risk to human or animals
- No compensation payable to owners in disease control management
- No provision for financing of disease control measures
- No power with respect to emerging diseases
- No delegation of powers of competent authority
- No appointment and powers of inspectors, veterinary inspectors, officers, or laboratory analysts.



### Gaps in Legislation in the Veterinary Domain – Cont'd

#### Human Food Production Chain (Article 3.4.12)

Main Legislation in the veterinary domain is *The Meat (Inspection) Act, 2005*

- Absence of traceability
- No recall or withdrawal provisions
- No registration of premises
- No primary responsibility on producers for compliance with safety standards
- Limited enforcement action by competent authority – confiscation of meat and supervision of destruction of the meat
- No appointment of inspectors.



### Gaps in Legislation in the Veterinary Domain – Cont'd

#### Animal Welfare (Article 3.4.10)

Main Legislation is *The Animal (Lenience and Welfare Act) 2005*

- Generally, the Act is compliant with the elements of animal welfare, as outlined in Questionnaire II
- However, while "cruelty" is not expressly defined, the elements of cruelty are listed in the Act
- While there is a provision dealing with stray animals, it does not specifically refer to dogs, neither does it deal with control of stray dog population.



### Gaps in Legislation in the Veterinary Domain (Cont'd)

#### Import and export procedures and veterinary certification (Article 3.4.13)

Main Legislation is *The Export and Imports of Live Animals and Meat (Veterinary Quarantine) Act 2004*

- Limited to the export and import of live animals and meat and does not cover the export and import of other products and by-products
- Little evidence of it being based on a clear government policy
- Does not clearly describe the different political administrative levels at which the competent authority may apply it.



### Gaps in Legislation in the Veterinary Domain - Cont'd

#### Import and export procedures and veterinary certification (Article 3.4.13)

- Deficiency in meeting some requirements of International standards
- The piece of legislation has no clearly stated scope and objective.



### General Issues Observed – Cont'd

- General economic conditions in the country are not favourable
- Funding of government programmes is from the centre through the Ministry of Finance.



### Gaps in Legislation in the Veterinary Domain - Cont'd

#### Import and export procedures and veterinary certification (Article 3.4.13)

- Does not state the length of imprisonment nor the amount of fine. Besides, it does not provide for other administrative sanctions
- Does not provide for the statutory financing of the activities of the competent authority
- Absence of some of the provisions recommended by Chapter 3.4 and Section 5 of the OIE Terrestrial Animal Health Code (TAHC).



### General Issues Observed – Cont'd

- These factors make the atmosphere in which to operate the veterinary domain quite challenging including
  - many federal level and state level ministries assuming mandates which overlap with the mandate of the VS
  - With 18 states, there can potentially be 19 pieces of legislation on any of the elements of the veterinary domain
- The multiplicity of regulators at the federal level and at the state level make it difficult for the effective and efficient operation of the veterinary domain.



### General Issues Observed

- There are two levels of levels of government – federal and state - with two parallel lines of democratic institutions: Executive, Legislature and Judiciary
- There is also concurrent jurisdiction in pastures, veterinary services, and animal and livestock disease control at both the federal and levels of government
- Furthermore, the constitutional provision on resolving conflicts is not very precise.



### General Issues Observed – Cont'd

- This could make it harder for the country to meet OIE and other international standards
- It also imposes unnecessary and costly requirements on industry, which costs are eventually passed on to the consumer
- The good operational systems and the good working relationships between the VS at the federal and state levels, not based on legislation, are as good as the goodwill of the employees; these are not sustainable in the long run.



### General Issues Observed – Cont'd

- Constant reorganization of federal level ministries has also led to some of the mandate of the VS being transferred to other Ministries and then back to the VS, without changes to corresponding legislation
- As well, sometimes legislative changes have led to changes in the name of the CA but without the necessary amendments to properly identify the CA.



### Draft Recommendations

- Review all legislation at the federal level in, and related to, the veterinary domain with a view to eliminate duplication and overlapping mandates
- Consider giving exclusive jurisdiction to the federal veterinary services in all matters dealing with disease control, and international and interstate trade in the veterinary domain
- Authorizing in federal legislation delegation of some duties to state veterinary services, local authorities and private veterinarians



### General Issues Observed – Cont'd

- The wrong identification of the CA sometimes arises out of the poor quality of the translation of the legislation
- Our understanding is that the poor translation may give rise to the Arabic version of the legislation being different in substance from the English version
- The Team could not verify this as there was no capacity or capability to review Arabic texts
- All the reviews were done on the English texts provided to the Team; these formed the basis of our observations, conclusions and recommendations.



### Draft Recommendations - Cont'd

- This will strengthen the chain of command to facilitate greater administrative control of the veterinary domain by the federal veterinary services
- Consider establishing a Veterinary Statutory Body consistent with OIE standards
  - Presently the Sudan Veterinary Council (VSC) is not an autonomous body
  - Definition and regulation of veterinary para-professionals
  - Requirement for continuing education
  - Recurring registration of veterinarians
  - Control of specialisation



### Draft Recommendations- Drafting

- Stakeholder participation in drafting legislation could be improved
- When drafting new legislation as well as amending existing legislation in the veterinary domain, particularly chapter 3.4 of the Terrestrial Code, should be followed as a frame of reference.



### Draft Recommendations – Cont'd

- Update the Animal Disease Regulations (micro-organisms, vaccines and vectors) 1975 for control of veterinary biologicals
- Consider changing the name of the Epidemic Diseases of Animals Act to the Animal Health Act
- Consider combining into this Act those parts of the Exports and Imports of Live Animals and Meat (Veterinary Quarantine) Act, 2004 that deal with live animals, the Animal Disease (Free Zone) Act, 1973 and the Livestock and Veterinary Control Station Act, 1974



### Draft Recommendations – Cont'd

- Enact an Animal Production Act at the federal level and combine that with the Hides and Skins Act, 1954
- Review all legislation also with a view to updating, improving quality, providing appropriate mandates to the competent authority and staff



### Legislation Agreement with the OIE

- Preconditions: a PVS mission, a legislative identification mission, a formal request from the country concerned and approval by the OIE Director General.
- Country commits to a strategic plan and designation of a project leader to undertake a 6 month preparatory phase.
- The OIE provides methodological support and external references via an accredited expert with possible advice and participation of the OIE Regional Representation.
- If approved after the preparatory phase, a 1 year Agreement is signed which can include 1 or 2 country missions by the expert.
- Between visits, the country takes primary responsibility for the preparation of new legislation with consultation by the expert from a distance.
- The OIE does not draft legislation on behalf of the country concerned or finance its activities.



### Draft Recommendations - Cont'd

- Every Legislation that is amended or enacted must have provisions to strengthen the capacity of the VS in administration and enforcement
  - Designate or appoint Inspectors and, for example, establish their functions, duties, protection
- It is commendable that Sudan has a standard setting body at the federal level however consideration should be given to taking away its enforcement powers to avoid duplication with other bodies.



Thank you for your attention  
...questions..?



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