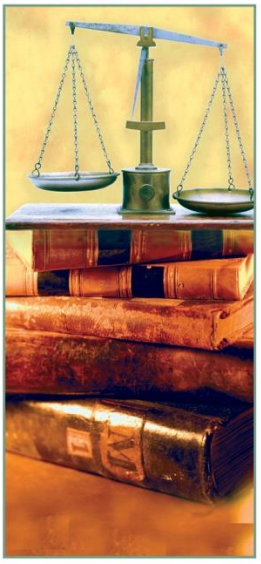
PVS

Veterinary Legislation Support Programme

GHANA

Veterinary Legislation Identification Mission Report

Code compliance	Legislation reform	Effective enforcement	Serve the public good



July 2017

Anne-Marie Lalonde (Team Leader)
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OIE WORLD ORGANISATION FOR ANIMAL HEALTH
Protecting animals, preserving our future

VETERINARY LEGISLATION SUPPORT PROGRAMME

REPORT OF THE VETERINARY LEGISLATION IDENTIFICATION MISSION

GHANA

10 to 14 July, 2017

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Table of contents

List of acronyms, abbreviations and/or special terms

AMA	Accra Metropolitan Assembly
APD	Animal Production Directorate
CVO	Chief Veterinary Officer
ECOWAS	Economic Community of West African States
FAO	Food and Agriculture Organisation
FDA	Food and Drugs Authority
GDP	Gross Domestic Product
GOG	Government of Ghana
GSA	Ghana Standards Authority
LI	Legislative Instruments
MMDA	Metropolitan, Municipal and District Assembly
MoFA	Ministry of Food and Agriculture
MoH	Ministry of Health
MoU	Memorandum of Understanding
OIE	World Organisation for Animal Health
OIE PVS Tool	OIE Tool for the Evaluation of Performance of Veterinary Services
PHA	Public Health Act
PVS	Performance of Veterinary Services
VLSP	Veterinary Legislation Support Programme
VSD	Veterinary Services Directorate
VCG	Veterinary Council of Ghana
WHO	World Health Organization

Acknowledgements

The OIE Team Members express their gratitude to the officials of the Veterinary Services Directorate for their hospitality in hosting this mission. We particularly thank Dr Kenneth M.K. Gbeddy, Chief Veterinary Officer (CVO), and Dr Kingsley Micky Aryee, Deputy CVO, for their leadership and their full support and attention during the mission. Sincere thanks also go to Dr Gbeddy's support staff for their ongoing assistance in the course of the mission.

Special thanks are expressed to Dr Anthony Nsoh Akunzule, former Deputy CVO, who served as the focal point for the VSD before and during the mission. Dr Akunzule was central in the organization of the mission by ensuring that the Team Members received all the material necessary to the conduct of the mission and by coordinating the implementation of the agenda and ensuring the participation of a broad array of stakeholders.

The OIE Team is grateful for having been introduced to Mr. Benjamin Gyasi, Chief Director, Ministry of Food and Agriculture, who welcomed the Veterinary Legislation Identification Mission in Ghana and offered the support of the Ministry during our stay.

The OIE Team also wishes to thank Ms. Isabella Mansa Agra, Chief Director, Food and Drugs Authority (FDA), for arranging a meeting with key FDA Directors and Legal Counsel who shared with us their experience and perspective on food safety and veterinary medicines. This meeting was very informative and useful.

Finally, the OIE Team wishes to acknowledge the active participation throughout the mission of several staff members of the VSD, newly trained veterinarians and veterinary students and thanks every one of them for their dynamic and open interventions during our sessions and for turning our meetings into lively and interesting working sessions.

Executive Summary

This Veterinary Legislation Identification Mission was conducted in Accra, Ghana, from July 10 to 14, 2017, at the request of Dr Kenneth M.K. Gbeddy, Chief Veterinary Officer (CVO), Veterinary Services Directorate (VSD) of the Ministry of Food and Agriculture, and Delegate of Ghana to the OIE. The mission was carried out by Ms. Anne-Marie Lalonde (Team Leader), Dr Donald Hoenig (Veterinary Expert) and Ms. Caroline Wambui (Observer).

The mission followed three previous PVS Pathway missions: an initial Evaluation Mission in November 2008, a Gap Analysis Mission in August 2011 and an Evaluation Follow-Up Mission in November 2014, as well as a FAO mission in 2014, which lead to a report containing draft legislation for the consideration of the VSD.

In the course of the mission, the OIE Team met with Mr. Benjamin Gyasi, Chief Director of the Ministry of Food and Agriculture, with several senior officials and staff members of the VSD and the Animal Production Directorate (APD), the Registrar of the Veterinary Council of Ghana, Legal Counsel from the Ministry of Justice and Attorney General Office, newly trained veterinarians and stakeholders invited by the VSD. The OIE Team also met with senior officials from the Food and Drugs Authority (FDA), which is the Competent Authority for food safety and veterinary drugs. The purpose of the meeting with the FDA was to clarify the roles and responsibilities of the FDA and the VSD in these two areas.

The main purposes of the mission were to raise awareness of the essential elements of legal drafting for quality veterinary legislation and to conduct a general assessment of the veterinary legislation currently in force in Ghana against the OIE international standards.

The OIE Team reviewed the responses provided by the country to a two-part Questionnaire, which was developed by the OIE to assess the procedures that are in place to develop and disseminate legislation and to determine the extent to which the legislation in place covers the veterinary domain as defined by the OIE. The OIE Team also conducted two workshops with VSD officials and staff to analyse draft legislation currently worked on by the VSD, i.e. the Veterinary Services and Animal Production Bill and the Meat Inspection Regulations.

The OIE Team finds that the existing veterinary legislation in Ghana is generally of good internal quality in terms of format, organization, structure, clarity and readability, but it shows deficiencies in terms of external quality.

With the exception of the Public Health Act of 2012, Ghana's veterinary legislation is old and largely outdated. As an indication, the key laws governing animal diseases were enacted prior to independence or shortly after. Inevitably, the old laws are not in line with current OIE standards and need to be entirely reviewed and replaced. More specifically, some elements of the veterinary domain are only partially covered (e.g. prerogatives for veterinarians and categories of veterinary paraprofessionals, health regulation of animals reproduction, composition and quality of animal feed and definition of animal products), while are others are not covered at all (e.g. animal production, export certification, traceability, biologics, delegation of powers of the Competent Authorities, role of veterinary paraprofessionals, roles and responsibilities of laboratories in the veterinary domain and animal welfare).

As previously noted by previous OIE PVS Pathway missions, the enactment of the Public Health Act in 2012, under the responsibility of the Minister of Health, has provided opportunities for conflicting authorities, differing opinions as to interpretation and confusion in implementation of key responsibilities, notably in the area of animal diseases, slaughter houses and veterinary drugs. These potential overlaps and conflicts have an important impact on the applicability and implementation of the PHA. This affects the external quality of the legislation.

On animal diseases, the Public Health Act confers authority on the Ministry of Health to take action in relation to animals having transmitted a communicable disease to a person. Therefore, when dealing with epizootic diseases, the VSD and the Ministry of Health must concert and coordinate their efforts to avoid conflicts or overlaps.

With respect to slaughter houses, the Public Health Act designates the FDA as the Competent Authority over food, including food of animal origin, and assigns the responsibility to carry out meat inspection in the slaughter houses to the VSD, in collaboration with the FDA. While there appears to be a consensus between the VSD and the FDA that the mandate for slaughter activities in slaughter houses must be carried out by the VSD and that ante-mortem and post-mortem inspections are veterinary functions, the parameters of the collaboration between the VSD and FDA on the regulation of slaughter houses still need to be fully determined and formalized and the communication between the VSD and the FDA needs to be enhanced.

The OIE Team is equally concerned with the significant gaps in the veterinary legislation regarding veterinary medicines and biologics, with the FDA assuming most oversight under the auspices of the Public Health Act. The fact that the Public Health Act grants more authority to the FDA in this realm has created tensions between the FDA and the VSD.

The OIE Team further notes that key laws governing the veterinary domain are not accompanied by secondary legislation. Secondary legislation is an essential step toward effective application of the primary legislation. Without regulations, those in charge of administering and enforcing the law are left without well-defined authorities to take action and without the necessary legal guidance to exercise their discretion. Moreover, the absence of regulations leaves regulated parties without the legal certainty they need to conduct their activities. These deficiencies have an impact on the Rule of Law, which require that government action be based on well-defined and evenly applied legislation. Again, this affects the external quality of the veterinary legislation.

The VSD is well aware of the deficiencies in their legislation and the potential for uncertainties, conflicts and overlaps. To address these deficiencies, that are currently working on a Veterinary Services and Animal Production Bill along the lines recommended by FAO Consultants in 2014. This bill is a comprehensive piece of legislation which includes parts on animal disease control, slaughter facilities, animal welfare, veterinary pharmaceuticals and biologicals, paraprofessionals, animal identification, feed, genetic resources and artificial insemination. This Bill contemplates the transfer of authority on slaughter houses and veterinary drugs from the FDA to the VSD, but these initiatives have been tempered by the Ministry of Justice and Attorney General's Department who advise that these matters require inter-ministerial consultation and approval from Cabinet.

To address the deficiencies in their legislation, the VSD is also developing draft Meat Inspection Regulations in collaboration with the FDA and the FDA is developing a regulation to deal with the preparation, handling, transportation, storage and sale of meat products.

In terms of the VSD's current capacity to develop quality veterinary legislation, the OIE Team observed that the VSD is assisted by skilled legal drafters within the Legislative Drafting Division of the Attorney General's Department, but does not benefit from in-house legal counsel dedicated to VSD matters.

Further, the OIE noted that once legislation is passed, there is no formal system in place to ensure the distribution of legislation and other information relevant to regulatory texts to officials or stakeholders. This has an impact on the accessibility of the law, which is a subset of the Rule of Law. Finally, the OIE Team noted that there is currently no system in place in Ghana to assess the impact of the legislation and its application once it is passed. These two deficiencies are indicators of a low external quality.

In light of these observations, the OIE Team recommends the following:

1. High priority should be attached to advancing the draft Veterinary Services and Animal Production Bill through the proper legislative channels so that it can be adopted expeditiously.
2. Before pursuing any effort to take over the FDA authorities regarding slaughter houses and veterinary drugs in the Veterinary Services and Animal Production Bill, clear policy direction should be sought from the newly appointed Minister of Food and Agriculture.
3. Depending on the level of support expressed by the Minister of Food and Agriculture on the transfer of authority over slaughter houses and veterinary drugs, consideration should be given to removing these more problematic sections of the Veterinary Services and Animal Production Bill to facilitate its progress through Cabinet and Parliament.
4. Efforts should be undertaken to begin the process of drafting regulations necessary to implement the Veterinary Services and Animal Production Bill, or portion of the bill, before it is passed, so that they can be approved and implemented as soon as the bill is enacted.
5. The finalization of the Meat Inspection Regulations and the FDA regulations should also be treated as a priority, so that basic issues around the roles and responsibilities of the VSD and FDA on food safety can be legally clarified.
6. The VSD, the FDA and District Assemblies should enter into the necessary information-sharing arrangements to ensure that all data relevant to slaughter activities carried out in slaughter houses, including ante-mortem and post-mortem inspection findings, is made available to all parties as slaughterhouse data can contribute significantly to overall veterinary disease surveillance activities.
7. The VSD and the FDA should enter into the necessary memorandum of understanding (MoU) to ensure that the VSD has ready access to up-to-date information on the registration of veterinary medicines when issuing import permits.
8. In lieu of addressing the regulation of veterinary paraprofessionals in the draft Veterinary Services and Animal Production Bill, consideration should be given to including these individuals in the draft Veterinary Surgeons Bill and to renaming the latter with a title that would cover all veterinary practitioners. Consideration should also be given to amend the bill so as to identify conditions under which paraprofessionals could prescribe or use certain drugs.
9. The requirement for new veterinary school graduates to work under an experienced veterinarian after graduation should be reduced or eliminated. This change could be accomplished in the draft Veterinary Surgeons Bill.
10. When the financial situation allows, consideration should be given to hire an in-house legal counsel to support the VSD in the development of their legislative agenda and the preparation of their draft legislation and to assist the VSD in advocating their position when dealing with other government institutions or stakeholders.
11. Mechanisms to establish a formal system for the distribution of veterinary legislation should be explored to ensure that the law is accessible to all of those who are likely to be affected by it and across all regions of the country.
12. The veterinary legislation should be regularly evaluated and measured to ensure that it continues to meet its initial policy objectives, and to identify areas in need of review.

Report

1. Background to the mission

The present Veterinary Legislation Identification Mission was conducted in Accra, Ghana, from July 10 to 14, 2017, at the request of Dr Kenneth M.K. Gbeddy, CVO, Veterinary Services Directorate (VSD) of the Ministry of Food and Agriculture, and Delegate of Ghana to the OIE. This Veterinary Legislation Identification Mission was carried out by Ms. Anne-Marie Lalonde (Team Leader), Dr Donald Hoenig (Veterinary Expert) and Ms. Caroline Wambui (Observer).

This mission followed three previous PVS Pathway missions: an initial Evaluation Mission conducted by Dr Chris Daborn in November 2008, a Gap Analysis Mission led by Dr Bouna Diop in August 2011 and, in November 2016, an Evaluation Follow-Up Mission which was led by Dr Herbert Schneider.

It is also worth mentioning that, in addition to the PVS Pathway missions mentioned above, Ghana hosted a FAO mission in 2014, which was conducted by Consultants who were tasked to review the existing veterinary legislation in Ghana and to draft new ones to address realities and needs identified.

Further, it must be noted that since the OIE Evaluation Follow-Up Mission of November 2016, general elections were held in Ghana, on December 7, 2016, to elect a President and Members of Parliament. Mr. Nana Akufo-Addo of the opposition New Patriotic Party was elected President and sworn in on January 7, 2017. On January 27, 2017, Mr. Owusu Afriyie Akoto was appointed as the new Minister of Food and Agriculture and Mr. Kwaku Agyemang-Manu was appointed as the new Minister of Health.

The main objectives of this mission were to:

- assess the compliance of Ghana's veterinary legislation with Chapter 3.4 of the OIE *Terrestrial Animal Health Code*, which deals with veterinary legislation;
- identify and support the preparation of Ghana's national priorities in terms of veterinary legislation;
- assess Ghana's available human resources to produce high quality veterinary legislation; and
- make recommendations to modernise Ghana's veterinary legislation.

The correspondence between the OIE and the VSD in preparation of this mission is set out in Appendix 1.

2. Methodology

The mission was conducted in English, the official language of Ghana. Dr Kenneth M.K. Gbeddy, CVO, Veterinary Services Directorate of the Ministry of Food and Agriculture had the overall responsibility for the mission. Dr Gbeddy was assisted in this role by Dr Kingsley Micky Aryee, Deputy CVO. Dr Anthony Nsoh Akunzule, former Deputy CVO, served as the OIE veterinary legislation mission focal point.

A two-part OIE Questionnaire was sent out to Dr Akunzule on May 19, 2017, for completion by the Veterinary Services Directorate. Part I of the OIE Questionnaire was meant to gather information on the general legislation situation in Ghana. Part II of the Questionnaire was designed to assess the veterinary legislation of Ghana against Chapter 3.4 of the *Terrestrial Animal Health Code*.

The mission programme was developed and carried out based on the responses to the Questionnaire that the VSD provided to the OIE Team on June 8, 2017, as well as on the review of the existing veterinary legislation in Ghana and the review of the draft Veterinary Services and Animal Production Bill under development by the VSD and the APD. Consideration was also given to the reports of two meetings with representatives from the Ministry of Justice and Attorney General's Department on the draft legislation, which reports were sent to the OIE Team by the VSD along with the completed Questionnaire.

During the mission, the OIE Team reviewed the responses to the Questionnaire provided by the VSD. The meeting to review the Questionnaire was held at the VSD offices and attended by VSD senior officials and staff, recent veterinary school graduates, the APD, Legal Counsel from the Attorney General's office, Registrar of the Veterinary Council of Ghana and other stakeholders invited by the VSD.

The OIE Team also conducted at the VSD offices a full-day session to analyse and provide comments on the draft Veterinary Services and Animal Production Bill and a half-day session to review and provide comments on the draft Meat Inspection Regulations, under development by the VSD in collaboration with the FDA. These sessions were also attended by VSD senior officials and staff, newly trained veterinarians, the APD, Legal Counsel from the Ministry of Justice and Attorney General Office, Registrar of the Veterinary Council of Ghana and other stakeholders invited by the VSD.

In addition to these meetings, the OIE Team attended a meeting with the FDA – which is the Competent Authority for food safety and veterinary drugs – and senior officials from the VSD. The purpose of the meeting with the FDA was to clarify the roles and responsibilities of the FDA and the VSD in these two areas and to enquire about the status of regulatory initiatives for which the Minister of Health is responsible.

The list of persons who attended the above-mentioned meetings is in Appendix 2.

The completed OIE Questionnaire, Parts I and II, is in Appendix 3.

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

3.1 Economic Factors

Ghana is a West African State located in the center of the countries along the Gulf of Guinea. It is bordered on the East, West and North by the Republics of Togo, Côte d'Ivoire and Burkina Faso respectively. In the South, it has a costal line of 550 km. Ghana is therefore a key access point for entry into the West Africa region market.

Ghana is a member of the Economic Community of West African States (ECOWAS). It operates a relatively free market, having relatively low tariffs on imported products.

The agricultural sector in Ghana is largely subsistence based and is composed of 80 percent crop production, 10 percent livestock, poultry and fishery production, and 10 percent forestry. The agricultural sector employs over 60 percent of the population and contributes 37 percent of Ghana's Gross Domestic Product (GDP). The livestock sector itself contributes 8 percent of Ghana's GDP. The domestic livestock meat production is low and both the meat and milk production are below the national protein requirements.

The slow pace of development of the livestock and food processing sector in recent years is such, that large volumes of cattle, frozen meat and dairy products must be imported annually to meet the domestic demand for livestock products. The underdeveloped domestic agricultural and food processing sector in Ghana also explains the absence of any significant export trade of livestock and livestock products from Ghana.

According to the current Ghana Livestock Development Policy and Strategy[1], which was developed under the auspices of the Ministry of Food and Agriculture, and signed in 2016 by former Minister for Food and Agriculture, Mr. Alhaji Mohammed Muniru-Limuna, Ghana's supply deficit of livestock and poultry products is largely due to low productivity, high cost and low quality of feed, and poor management practices.

The Veterinary Services Directorate is further challenged by severe funding restrictions imposed on the public apparatus in order to reduce the budget deficit, and by a national job freeze in the public sector since 2008 which leaves vacant positions unfilled despite the availability of several newly trained veterinarians.

3.2 Social Factors

According to various sources, the total population of the country is between 28,000,000 and 29,000,000 habitants. This population is currently growing at a rate of approximately 2 percent. According to the Ghana Demographic Profile by Index Mundi[2], Ghana has a young age structure, with approximately 57 percent of the population under the age of 25.

The population is distributed among 10 administrative regions, the most populated one being the Greater Accra region with 4 million inhabitants. The most recent Demographic and Health Survey conducted by the Ghana Statistical Service indicates that 45 percent of the population lived in rural areas in 2014 while 55 percent were urban. Other sources consulted suggest that the urban population has today increased to 68 percent.

The majority of the national livestock resources are owned by small scale farmers living in the rural areas. According to the Country Profile3 of Ghana prepared by the FAO, ruminants play a major role in the socio-cultural life of farming communities, as a partial determinant of wealth, payment of dowry, and act as a bank and insurance in times of difficulty. The Country Profile also indicates that high illiteracy among farmers, low adoption of appropriate technology, unwillingness to sell animals as well as communal ownership of grazing lands are among the impediments to the improvement of the ruminant livestock industry.

3.3 Animal Health and the Veterinary Services

As indicated in the 2016 OIE PVS Evaluation Follow-up Report: “The first Veterinarian (Captain Beal) to arrive in the Gold Coast was posted in May 1909 at the request of the Colonial Government. The Veterinary Services was then a Unit of the Medical Department until 1920 when it was established as a Department with headquarters in Pong-Tamale. When the headquarters was established in Pong-Tamale two sections were created in 1931: the Veterinary Section which was responsible for disease control, and the Livestock Section which dealt with improvement of indigenous livestock breeds.”[4]

The current organogram for the VSD lists the CVO (Dr Kenneth Gbeddy) assisted by three Directors in charge of: finance and administration; laboratory services, epidemiology, public health and animal welfare; and veterinary field services, including clinical services, fish health and veterinary wildlife.

The country is divided into 10 regions. Each region has a Regional Veterinary Officer who reports to the CVO. In addition, there are Zonal Epidemiologists in the Northern,

[1] Ghana Livestock Development Policy and Strategy, April 2016
[2] http://www.indexmundi.com/ghana/demographics_profile.html
[3] http://www.fao.org/ag/agd/agpc/doc/counprof/ghana/Ghana.html
[4] OIE PVS Evaluation Follow-Up Report, November 2016, p. 21

Southern and Middle belts who also report to the CVO. Every district is supposed to be headed by a District Veterinary Officer who must report to the Regional Veterinary Officer and there are also supposed to be Veterinary Paraprofessionals who must report to the District Veterinary Officers.

Part 7 of the Public Health Act of 2012 mandates the FDA to protect public health through the regulation of food, drugs, household chemical substances, cosmetics and medical devices. Within the FDA, the Food Safety Division carries out the FDA's mandate to protect public health through the regulation of the food service industry, the control of meat production and the safety of genetically modified organisms for food, feed and processing.

Subsequent sections of the report will elaborate further on the relationship between the VSD and the FDA and some of the problematic issues involved in having joint or overlapping authorities in the regulation of activities within the veterinary domain.

The Veterinary Surgeons Law of 1992 establishes the Veterinary Council of Ghana (VCG), delineates membership on the VCG and describes the functions of the Council. Further details on this Act are provided in Section 4.1.4. The opening of two new veterinary schools in Ghana in 2008 provided additional functions for the VCG to provide standards for course content and curricula.

As has been pointed out in previous OIE PVS Pathway reports (PVS Gap Analysis and PVS Evaluation Follow-up), the government of Ghana has imposed a freeze in employment in vacant posts, which severely hampers the ability of the VSD to fill and keep personnel in key positions and to carry out its mission. The most recent PVS Pathway report for the mission carried out in November 2016 noted that only 56 posts for veterinary professionals are filled while 283 remain vacant.

On the current VLSP mission, the OIE Team noted that numerous posts are filled by retired veterinarians. The mandatory retirement age in Ghana for federal service is 60 but many retired officials currently fill either their previous positions or other vacant positions. Even the retired veterinarians hired under contract to fill positions will leave as the age limit for contract individuals is 65. The veterinary workforce situation is complicated by the fact that although Ghana's two veterinary schools are each now graduating around 10 students per year, new graduates are faced with a statutory requirement to perform government service for one year (sometimes unpaid according to conversations with current veterinary students). Additionally, there is a requirement that before being permitted to practice on their own, recent graduates must have at least four years practical experience either in the public sector or with a private practitioner, thus making new graduates ineligible for independent employment for 4-5 years.

Of further note, the VSD, as is the case with other government institutions in Ghana, is challenged by severe funding restrictions imposed on departments in order to reduce the budget deficit. According to the OIE PVS Evaluation Follow-Up Report of November 2016, no operating funds have flowed to the VSD in 2016, either in the regions or at headquarters, leaving the VSD to survive solely on a 25% share that it can retain from internally generated funds (user fees). This could be a rationale for the desire of the VSD to repatriate regulatory powers over veterinary medicines, a function currently overseen by the FDA, as will be explained below.

This overall financial situation has an important impact on the delivery of programs. As pointed out in the 2016 OIE PVS Evaluation Follow-Up Report, and in previous OIE PVS Pathway missions in 2008 and 2011, "the current animal disease prevention, control and eradication system is barely functional due to severe constraints in staffing and funding"[5]. The 2016 Report further states that scientific

[5] OIE PVS Evaluation Follow-Up Report, November 2016, p. 83

evaluation of programs, as was previously done for tsetse, is no longer possible.

3.4 National legal framework

Ghana, officially the Republic of Ghana and formerly the Gold Coast, was created as a Parliamentary democracy after gaining its independence from the United Kingdom in 1957.

The supreme law of the country is the Constitution of 1992. It affirms the commitment of the People of Ghana to Freedom, Justice, Probity, Accountability, the Rule of Law and the protection of Fundamental Human Rights and Freedoms. The Human Rights recognized by the Constitution include the right to property and the protection against compulsory possession or acquisition of property by the State, as well as the protection against unfair and unreasonable action by administrative bodies and officials. The latter is reinforced by a provision stating that any discretionary power vested by law in any person or entity implies a duty to be candid and fair, shall not be exercised in a manner that is arbitrary, capricious or biased by resentment, prejudice or personal dislike and shall be in accordance with due process of law.

The Constitution divides powers among the President, Parliament, Cabinet, Council of State and an independent judiciary system.

Section 11 of the Constitution states that the legislative framework of Ghana comprises the Constitution, the enactments made by or under the authority of Parliament, the orders, rules and regulations made by a person or an authority under a power conferred by the Constitution, the existing law and the common law. The common law of Ghana is defined as including the rules of law generally known as the common law, the rules generally known as the doctrines of equity and the rules of customary law. The rules of customary law are in turn defined as the rules of law which, by custom, are applicable to particular communities in Ghana.

Ghana has a unicameral Legislature, known as the Parliament, which is composed of 275 Members and which, to some extent, operates along the model of the Parliament of the United Kingdom. The primary function of the Parliament of Ghana is to approve general national policies, to make laws, to ratify international agreements and to approve regulations.

The process for enacting an Act of Parliament begins with a request by the sponsoring minister to Cabinet for policy approval for the proposed legislation. The request is submitted in the form of a memorandum to Cabinet, which sets out: the background for the proposed legislation; the issues to be considered by Cabinet; the inter-departmental or ministerial consultations held; financial considerations supported by a statement that the Ministry of Finance has been consulted; employment considerations; whether the subject matter of the proposed legislation is already governed by existing legislation; whether new legislation or an amendment to existing legislation is required; and the recommended action by Cabinet.

The Legislative Drafting Division of the Ministry of Justice and Attorney General's Department is responsible for drafting legislation for the Government of Ghana. This is done by qualified legal drafters in collaboration with the professional and technical staff of the sponsoring Ministry. Ongoing consultation with regulated parties, professionals and public administrations is conducted during the legal drafting process. Once finalized and approved by the Attorney General's office, the bill is submitted by the sponsoring Minister to Cabinet for final approval before being tabled before Parliament.

Subsection 106(2) of the Constitution states that every bill laid before Parliament must (a) be accompanied by an explanatory memorandum setting out the policy and principles of the bill, the defects of the existing legislation, the remedies proposed to

deal with those defects and the necessity for its introduction in Parliament; and (b) have been published in the Gazette at least 14 days prior to its introduction in Parliament. Once they are passed by Parliament, bills must be assented to by the President and republished in their final form in the Gazette before they can come into force.

With respect to secondary legislation made by the central state, referred to in Ghana as "legislative instruments (L.I.)", it appears from the legislation consulted by the OIE Team that the authority to make regulations is usually conferred on the Minister who is responsible for the primary legislation, with some exceptions such as the Standards Authority Act and the current Veterinary Surgeons Act.

Unless they have financial implications for the Government of Ghana or involve an important policy shift, regulations do not require Cabinet approval.

Preliminary drafts of Ministerial regulations are prepared by the professional and technical staff of the sponsoring Ministry, with the necessary support of the Legislative Drafting Division of the Ministry of Justice and Attorney General's Department. Extensive consultation with regulated parties, professionals and public administrations is conducted during the legal drafting process.

Once a preliminary draft regulation is finalized, it is submitted to Legislative Drafting Division of the Ministry of Justice and Attorney General for finalization and approval.

Under subsection 11(7) of the Constitution, all regulations must be laid before Parliament and they must be published in the Gazette on the day on which they are laid. In Parliament, the proposed regulations are referred to the Subsidiary Legislation Committee who reviews them to ensure their legality. The Committee determines whether (a) they are in accordance with the general objectives of the Constitution and the primary legislation from which they are derived, (b) they contain any matter which should be dealt with in an Act, (c) they impose any tax, (d) they bar in any way the jurisdictions of the courts, (e) they have retroactive effect that would be contrary to the Constitution, (f) they involve expenditure from the Consolidated Fund, or (g) they have a form or structure which requires clarification.

Unless they are annulled by the votes of at least two-thirds of the Members of Parliament, regulations come into force after 21 sitting days. Regulations do not require Presidential assent to become law.

In addition to laws and regulations made by the central state, the veterinary legislation in Ghana is found in some by-laws made by local authorities.

Section 240 of the Constitution states that Ghana shall have a system of local government and administration which shall, as far as practicable, be decentralized. To this end, Ghana is divided into 6 Metropolitan Assemblies, 55 Municipal Assemblies and 216 District Assemblies. Metropolitan, Municipal and District Assemblies (MMDAs) are established by the Local Governance Act, 2016 (Act 936), which recently replaced the Local Government Act, 1993 (Act 462) and the Local Government Service Act, 2003 (Act 656).

Under section 12 of the Local Governance Act of 2016, District Assemblies shall, as their primary functions, exercise political and administrative authority and promote local economic development in the district. They are also responsible *inter alia* for the overall development in their respective areas, for the development, improvement and management of human settlements and the environment, and for performing any function that may be provided under another enactment, namely to register slaughter houses for the purposes of the Public Health Act, as will be discussed below.

Section 181 of the Local Governance Act of 2016 confers on District Assemblies a general power to make by-laws for the purpose of any function conferred on them by

that Act or by any other enactment. The OIE Team noted the existence of local government by-laws relating to the veterinary domain, such as the Local Government (Accra Metropolitan Assembly) (AMA) Establishment Instrument, 1995 (L.I. 1615), which will be discussed below. It is unclear to the OIE Team under which specific provision of the Local Government Act of 1993 this by-law was made in 1995, but since it was in force on the day on which the Local Governance Act of 2016 was enacted, it remained in force by the operation of subsection 235(3) of that Act and still forms part of the veterinary legislation in Ghana today.

The laws made by the central state of Ghana are published in the Gazette. Hard copies can be purchased by the public from the Bookshop of the Ghana Publishing Corporation, the official government printer. The Government of Ghana has an official legal database, known as Ghana Legal, but the database is incomplete and not regularly updated. An electronic version of the laws of Ghana may be purchased from LexisNexis, a privately-owned corporation operating legal databases.

In practice, the Attorney General's office distributes a copy of any new law and regulation to the sponsoring ministry and other interested government institutions and administrations. Otherwise, the laws and regulations must be purchased from the entities mentioned above.

Under section 184 of the Local Governance Act of 2016, a copy of every by-law made by a District Assembly must be deposited at the office of the District Assembly and shall, at reasonable times, be open to public consultation at no cost.

Although the Veterinary Services Directorate staff at headquarters in Accra appeared to have a copy of all pieces of the veterinary legislation readily available, it is unknown whether the veterinary or technical staff in the regions has an easy access to the legislation pertaining to their work, since there is no formal system to ensure the distribution of subordinate legislation and other information relevant to regulatory texts to officials or stakeholders.

There is no system in place for the consolidation of legislation in Ghana. Therefore, unless an existing legislation is entirely replaced by a new one, such as the Veterinary Surgeons Act which is in the process of being entirely replaced by a new Act, those who need to consult the most recent version of legislation must read together the original legislation and any amendments to the legislation subsequently enacted by Parliament.

Finally, the OIE Team noted that the Government of Ghana does not conduct impact assessments of the legislation in place to address external quality considerations, i.e., the effects of the legislation and its application.

4. Review of the national veterinary legislation

The findings on veterinary legislation in OIE PVS Pathway reports are shown in the following table. The levels of advancement did not change in the 8 years between the two missions.

The finding for critical competency IV-1 indicates that the VSD has 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. The finding for critical competency IV-2 shows that while the VSD implements programs to verify compliance with the legislation, it generally cannot or does not take enforcement action when non-compliances occur. The finding for critical competency IV-3 reveals that the VSD is aware of gaps, inconsistencies or non-conformities in their legislation as compared to international standards, but does not have the capability or authority to rectify the problems.

Table 1. Findings of the previous PVS Pathway reports

	FINDINGS	
PVS Critical Competency	**PVS Evaluation (2008)**	**PVS Evaluation Follow-Up (2016)**
IV-1. Preparation of legislation and regulations	2	2
IV-2. Implementation of legislation and regulations and compliance thereof	2	2
IV-3. International harmonization	2	2

The veterinary legislation in Ghana comprises various Acts, a limited number of regulations, as well as MMDA by-laws that the OIE Team did not quantify nor review.

The following Acts, regulations and by-laws are the key instruments governing the veterinary domain:

- Animals (Control of Importation) Ordinance, 1952 (No 36)
- Regulations for the Control of the Importation of Animals, 1952
- Animals (Artificial Insemination) Act, 1955 (Act 33)
- Diseases of Animals Act, 1961 (Act 83)
- Standards Authority Act, 1973 (NRDC 173)
- Veterinary Surgeons Law, 1992 (PNDCL 305C)
- Local Government (Accra Metropolitan Assembly) (AMA) Establishment Instrument, 1995 (L.I. 1615)
- Fisheries Act, 2002 (Act 625)
- Fisheries Regulations, 2010 (L.I. 1968)
- Public Health Act, 2012 (Act 851)

In the area of food safety, the FDA has authority to develop guidelines and codes of practices and, by virtue of section 148 of the Public Health Act, these instruments must be complied with by the persons in the food industry. The FDA has issued various codes of practice and guidelines which, because they are mandatory, form part of the veterinary legislation of Ghana. The following FDA codes and guidelines were identified during the OIE PVS Evaluation Follow-Up Mission of 2016, but were not reviewed by the OIE Identification Mission Team:

- Code of Practice for Slaughter Houses and Slabs
- Code of Practice for the Transportation of Meat
- Code of Practice for Meat Processing Facilities
- Guidelines for Licensing Cold Storage Facilities

Finally, other laws applying horizontally across government contain tools that may be used by the VSD:

- Criminal Offences Act, 1960 (Act 29)
- Fees and Charges Instrument (Successive LIs)
- Biosafety Act, 2011 (Act 831)
- Environmental Protection Act,1994 (Act 490)
- Local Governance Act, 2016 (Act 936)

The existing veterinary legislation in Ghana is generally of good internal quality in terms of format, organization, structure, clarity and readability but, with the exception of the Public Health Act of 2012, it is old and largely outdated. Consequently, although the VSD indicates that in practice they apply the OIE standards in some areas, the veterinary legislation itself does not comply with current OIE and other international standards. As explained in further detail in section 4.4 of this Report, some elements of the veterinary domain are covered (e.g. legal mandate and necessary powers for Competent Authorities, management, surveillance, prevention and control of animal diseases and some aspects of veterinary medicines), but several others are only partially covered (e.g. prerogatives for veterinarians and categories of veterinary paraprofessionals, health regulation of animals reproduction, composition and quality of animal feed and definition of animal products) or not covered at all (e.g. animal production, export certification, traceability, biologics, delegation of powers of the Competent Authorities, role of veterinary paraprofessionals, roles and responsibilities of laboratories in the veterinary domain and animal welfare).

The veterinary legislation of Ghana is also characterized by limited subsidiary legislation. With the exception of the Regulations for the Control of the Importation of Animals, which are set out in Schedule I to the Animals (Control of Importation) Ordinance of 1952, and the Fisheries Regulations, which were made under the authority of the Fisheries Act, the regulation-making authorities set out in the key Acts governing the veterinary domain have not been exercised. Namely, the Diseases of Animals Act of 1961 sets out key powers for the prevention of animal diseases, but the Minister is expected to make regulations to provide details on how these powers may be exercised in order to give full effect to the Act. This regulation-making authority has not been exercised, so as of today the Diseases of Animals Act still stands on its own, without the necessary regulations. Similarly, the Public Health Act of 2012 confers authority on the Minister of Health to make regulations concerning the operation of slaughter houses, but although draft regulations are currently being developed now by the VSD and the FDA, no regulations have been officially made yet to support the Public Health Act.

Secondary legislation is an essential step toward effective application of the primary legislation. Without regulations, those in charge of administering and enforcing the law are left without well-defined authorities to take action or without any legal basis to act. Moreover, the absence of regulations leaves regulated parties without the legal certainty they need to conduct their activities. These deficiencies have an impact on the Rule of Law, which requires that government action be based on well-defined and evenly applied legislation. This affects the external quality of the veterinary legislation.

The problems related to the absence of regulations are particularly acute in the strategic area of food safety. Without regulatory provisions clearly defining the parameters of their action and the criteria that they must use to exercise their discretion, public officials depend on administrative guidance provided by their hierarchy and, if administrative guidance is insufficient, they need to use their personal judgment. The absence of regulations in these areas may therefore result in inconsistent application of the Acts and unequal treatment of regulated parties by public officers. More importantly, the absence of well-defined authorities in regulations may jeopardize the ability to take regulatory or judicial action to address non-compliances.

The VSD is aware of the existing gaps in the veterinary legislation and the inconsistencies with the OIE standards and it is currently working at addressing them by developing new legislation. As previously mentioned, at the time of this mission a new Veterinary Surgeons Bill was being reviewed by the Attorney General's Department to replace the existing Veterinary Surgeons Act of 1992, the draft Veterinary Services and Animal Production Bill was being developed by the VSD and the Meat Inspection Regulations was being drafted by the VSD in collaboration with the FDA to deal with slaughter houses. In addition to these VSD initiatives, a regulation on the operation and maintenance of slaughter houses was being drafted by the FDA, and ECOWAS Regulations C/REG/22/11/10 on the marketing of veterinary drugs was in the process of being resubmitted to the newly formed Cabinet for approval.

For the reasons set out in section 3.3 of this Report, the OIE Team noted that the capacity of the VSD to develop new legislation is limited. Moreover, the VSD does not benefit from the assistance of an in-house legal practitioner who could assist in coordinating legislative initiatives and ensure that they efficiently move forward. The VSD has access to excellent legal expertise in the office of the Attorney General but access to their services may be restricted at certain times, due to conflicting governmental priorities. In this context, the production of draft legislation of adequate quality for review by the Attorney General's Department is a slow process.

4.1 Detailed assessment of selected subject areas

This section provides a more detailed assessment of Ghana's veterinary legislation in the four following subject areas: animals diseases, food safety, veterinary medicines and biologicals and veterinary and paraprofessionals.

4.1.1 Animal Diseases

Among the legislation that provides the basis for the Competent Authority to manage diseases of importance to the country and to list those diseases, are the Animals (Control of Importation) Ordinance and attached Regulations for the Control of the Importation of Animals of 1952, the Diseases of Animals Act of 1961 and the Public Health Act of 2012. This report will focus of the Diseases of Animals Act and the Public Health Act, because they are administered by different Ministries and provide opportunities for conflicting authorities, differing opinions as to interpretation and confusion in implementation of key responsibilities. We will also discuss the Veterinary Services and Animal Production Bill which is under current development by the VSD.

Diseases of Animals Act

The Diseases of Animals Act was enacted in 1961 and has not been updated since. At just four pages, it is extremely brief, with only 22 provisions:

Section 1 grants the Minister of Agriculture the authority to declare any epizootic diseases not already listed in the Act as being a disease. This declaration is done by legislative instrument, but the Act does not indicate whether the instrument is a regulation or an order, so the process for making these declarations is unclear to the OIE Team. It is also unclear whether the disease list has been expanded this way.

Section 2 covers the declaration of infected places, areas and districts. Section 3 requires notification, by owners or persons, of animals that have died or are suffering from a disease and sections 4 and 5 confer on Veterinary Authorities the power to order isolation and disposal of such animals or carcasses. Section 6 requires owners of animals to produce them for inspection and to provide any information requested by a Veterinary authority and section 7 allows a Veterinary authority to examine any animal suspected of dying of a disease.

Other sections of the Act cover inoculation, disinfection, spraying, dipping and washing of animals, isolation of suspect or infected animals, registration by owners if their animals are suspected of having a disease and restrictions on movement of infected or suspect animals.

Section 13 provides discretionary authority to the Minister to pay compensation to any person who suffers a loss as a result of a measure taken under the Act, and the provision makes it clear that a person who suffered a loss is not legally entitled to a compensation.

Sections 14 to 20 apply exclusively to veterinary guards, who are responsible for the prevention and detection of offences and for the apprehension of offenders.

Section 21 authorizes the Minister of Agriculture to make regulations that he considers necessary or expedient to give full effect to the Act, but the OIE Team was told that this authority has not been exercised. Finally, section 22 contains six definitions: animal, disease, quarter-ill, Minister, infected area and veterinary authority.

In terms of coverage of the veterinary domain, the Diseases of Animals Act is clearly insufficient, as evidenced by the responses provided by the VSD to Part II of the OIE Questionnaire. Areas of particular concern to the OIE Team are:

- Updating the list of notifiable diseases to coincide those listed in the OIE *Terrestrial Animal Health Code* as the current list is outdated and employs archaic terminology.
- Chain of command when more than one Competent Authority is involved and clarification of respective responsibilities**.**
- Issues surrounding delegation of authority to delegate specific, official tasks to non-government veterinarians and paraprofessionals**.**
- Issues surrounding laboratories in the veterinary domain including laboratories recognized by the Competent Authority to conduct analyses; procedures for authorizing reagents and quality assurance for manufacture of such reagents; roles and responsibilities of reference laboratories.

VSD officials clearly recognize that the Diseases of Animals Act (as well as some of the other laws previously noted) is outdated, having been enacted over 50 years ago. and in need of review and revision. This process of review and revision is underway with the draft Veterinary Services and Animal Production Bill that will be discussed below.

Public Health Act (PHA)

Part One of the Public Health Act of 2012, which is under the responsibility of the Minister of Health, deals with communicable diseases. Section 19 of the PHA defines a communicable disease as "an illness caused by a specific infectious agent or its toxic products which arises through transmission of that agent or its products from an infected person, *animal*, or inanimate reservoir *to a susceptible host*, either directly or indirectly through an intermediate plant or animal host, vector, or the inanimate environment".

Despite the words "susceptible host" which could capture an animal, it is quite clear from the general scheme and content of the Act, that the PHA is only concerned with human health, however the Act does cover animal diseases when they can be transmitted to humans. The OIE Team is of the view that this may create overlaps or conflicts with the Diseases of Animals Act and cause uncertainty. If a zoonotic disease occurs in an area, the Minister of Health may declare an area as an infected area under section 2 of the PHA. This declaration could potentially conflict or overlap

with a declaration of infected area issued by the Minister of Food and Agriculture under the Diseases of Animals Act. Also, under section 9 of the PHA, a veterinary officer or a health officer may order the destruction of the animal and the disposal of the carcass, if the animal is likely to be an agent in the transmission of a communicable disease. This again is potential opportunity for confusion in the implementation of control measures in relation to diseased animals.

Another area of confusion is the coexistence of two compensation schemes. In addition to the compensation provision in the Diseases of Animals Act, subsection 9(3) of the PHA provides that if an animal is ordered to be destroyed under that Act, a claim for compensation for the destroyed animal can be submitted to a Compensation Board established by the PHA under the auspices of the Ministry of Health.

During our meeting with VSD officials, there was heated discussion and obvious disagreement about the answer to question 5.3(c) of the OIE Questionnaire Part II regarding whether the veterinary legislation provides financing for animal disease control measures, in particular funding for operational expenses and owners' compensation in the event of killing or slaughtering animals in a disease emergency. The group could not reach agreement on whether to answer "yes" or "partially" to the questions. While there was agreement that the pertinent legislation governing such activities were the Diseases of Animals Act and the Public Health Act, the group reluctantly reached the conclusion that the answer to the question was "partially". In the course of the discussion, some staff members also disputed whether adequate financial resources had been allocated for eradication efforts during highly pathogenic avian influenza eradication activities several years ago. It was also stressed that inadequate compensation or lack of compensation during the HPAI response contributed to frustration among producers and hostility against VSD workers.

In addition to these areas of potential conflict or overlap, the OIE Team noted that section 14 of the PHA imposes an obligation on a person in charge or living with an animal or a person suffering or suspected of suffering from a communicable disease to report the existence of the disease to "the appropriate health authority", but does not specify which authority is competent for animal diseases. The OIE Team is of the view that the VSD or the Minister of Food and Agriculture should be specifically referred to in the case of animal diseases.

Veterinary Services and Animal Production Bill

In 2014, the FAO Consultants recommended in their report to that the VSD should consolidate all pieces of the existing veterinary legislation into one legislation. A draft Veterinary Bill was attached to their report, as well as a draft Livestock Improvement Act.

In October 2015, the VSD met with the APD, the VGC, the Ministry of Justice and Attorney General's Department and other stakeholders to discuss the development of a new legislation on animal health and production along the lines recommended by the FAO Consultants. At that time, the representative from the Attorney General's Department emphasized that the Public Health Act covered both human and animal health issues and that it was necessary to consider the full legal framework already in place when determining policy orientations on animal health issues.

In February 2016, the VSD met again with the Attorney General's Department to conduct a gap analysis (independent of the OIE) with respect to the draft legislation which at the time was entitled "Veterinary and Livestock Improvement Bill". It appears from the minutes of this meeting that the VSD wished that the provisions of the Public Health Act on animal disease control would be repealed and that the VSD would be the sole Authority to deal with animal diseases. Legal Counsel from the Attorney General's Department advised that this matter required inter-ministerial consultation

between the Ministry of Food and Agriculture and the Minister of Health and policy approval from Cabinet.

During the mission, the OIE Team reviewed with the VSD staff the Veterinary Bill which had been renamed again as the "Veterinary Services and Animal Production Bill". The OIE Team pointed out the areas of overlap and conflicts with the Public Health Act mentioned above and, in addition, made the following comments on the provisions of the bill that deal with animal disease control:

- The mechanism to update the list of diseases is unclear and does not provide the necessary legal certainty regarding when a new disease officially forms part of the list. The relevant provision could be read as meaning that a disease is legally listed when it is added to the existing list by the VSD, when the addition is approved by the Minister or when the addition is published.
- The concepts of infected premises (farm or production units) and infected zones (areas) are not clearly separated, as required by the OIE standards. The concepts of buffer zone, disease-free zone and surveillance zone are also not well fleshed out in accordance with OIE standards.
- The terminology used to refer to regulations, standards, prescribed standards and prescribed requirements is not consistent.
- The bill includes provisions that are not legislative in nature, i.e. provisions that do not set out rules of conduct, such as the principles for the approval and implementation of sanitary measures by the VSD. These provisions are administrative and would be better placed in guidance manuals for VSD staff.

<u>Recommendations</u>

- Our review of Part II of the OIE Questionnaire with VSD officials reveals that the Diseases of Animals Act is missing many key elements relating to the veterinary domain. This is a matter of utmost concern and a high priority should be attached to advancing the draft Veterinary Services and Animal Production Bill through the proper legislative channels so that it can be adopted expeditiously.
- To accomplish the first recommendation, consideration should be given to removing some possibly more problematic sections of the bill (e.g. regulation of slaughter facilities and oversight of veterinary medicines and biologics) to facilitate its progress through Cabinet and Parliament. Streamlining the bill to narrow its focus to matters clearly under the purview of the VSD may help remove some political obstacles.
- Concurrent to the two recommendations outlined above, efforts should be undertaken to begin the process of drafting regulations necessary to implement the Veterinary Services and Animal Production Bill, or portion of the bill, so that these regulations can be approved and enacted as soon as the bill is passed.
- To address the areas of potential overlaps or uncertainty mentioned above between the Diseases of Animals Act (and eventually the Veterinary Services and Animal Production Bill) and the Public Health Act, the OIE Team believes that from a legislative policy perspective, it would be ideal to remove all overlaps my making the necessary legislative changes. But the OIE Team is fully aware that this would require extensive inter-ministerial consultations between the Ministry of Food and Agriculture and the Minister of Health, as well as policy approval from Cabinet, and that this can be a very long process. In the interim, the OIE Team recommends that the roles and responsibilities of each ministry on animal diseases be clarified through an MoU.

4.1.2 Food Safety

The area of food safety in Ghana is currently marked by uncertainty over the roles and responsibilities of the VSD, FDA and local staff from District Assemblies in slaughter houses, and also by widespread frustration within the VSD with how things currently stand with respect to the regulation of these establishments.

The Public Health Act of 2012 assigned the general responsibility for food safety in Ghana to the FDA and the specific responsibility for meat inspection in slaughter houses to the VSD, in collaboration with the FDA. As will be explained below, the VSD and the FDA seem to agree on the general principle that slaughter activities in slaughter houses must be carried out by the VSD and that ante-mortem and post-mortem inspections are veterinary activities. But as was pointed out in the OIE PVS Evaluation Follow-Up Report of 2016, the situation on the field is quite problematic, with veterinary activities being conducted by health officers or local government staff without the necessary qualifications.

There is also confusion over where FDA responsibility ends in relation to meat products and when VSD assumes control. When the OIE Team met with the FDA, it was explained that siting of a facility, transport, storage and marketing are under the purview of the FDA but when the product becomes meat, VSD takes over. But several policy issues such as whether vehicles transporting meat products require ventilation versus refrigeration still need to be sorted out and addressed.

The VSD indicated to the OIE Team that they would prefer to assume exclusive authority over the regulation of slaughter houses and this was evidenced by the draft Veterinary Services and Animal Production Bill that the OIE Team reviewed. However, as explained below, the transfer to the VSD of the FDA legal authority over slaughter houses would require extensive consultations between the Minister of Food and Agriculture and the Minister of Health, as well as Cabinet approval. At the time of the mission, the Minister of Food and Agriculture had not yet been approached by the VSD on this subject and it was unknown whether he would support this transfer.

Public Health Act (PHA)

In Ghana, food safety is mainly governed by Part Seven of the Public Health Act of 2012 (Act 851), which is under the responsibility of the Minister of Health. The Public Health Act designates the FDA as the national competent authority over food, including food of animal origin. The FDA is established as a body corporate with the general mandate of providing and enforcing standards for the sale of food, herbal medicinal products, cosmetics, drugs, medical devices and household chemical substances. The governing body of the FDA is a Board of eleven persons which include a representative from the Ghana Standards Authority (GSA) and the VSD. The Board may establish committees consisting of members or non-members of the Board to perform a function. The funds of the FDA include moneys appropriated by Parliament and a percentage of the revenues generated internally in the performance of its functions, i.e. user fees.

Section 97 of the PHA requires every person who manufactures, imports, exports, distributes, sells or supplies food, to register the food prior to engaging into their activity. In addition, importers and exporters of food are required under section 99 of the PHA to be registered by the FDA and to comply with the regulations and guidelines. Sections 100 to 107 of the PHA set out several prohibitions on persons who advertise, sell, manufacture, prepare, label, package, convey or store food. These prohibitions aim at ensuring that food for human or animal consumption is safe and wholesome, that it is prepared and kept under sanitary conditions, that it meets the prescribed standards, and that consumers are not deceived by false or misleading allegations.

Section 149 of the PHA defines "food" as including live animals, but FDA Legal Counsel indicated to the OIE Team that, despite this definition, the FDA does not regulate live animals but rather collaborates with the VSD who is directly responsible for live animals to ensure safety in the food chain.

Section 108 is of primary importance to the VSD because it deals specifically with the regulation of slaughter houses. The scope and impact of this provision on the VSD since its enactment was extensively discussed during the mission, as well as the current practices and procedures in Ghana's slaughter houses.

Subsection 108(1) prohibits a person to use any premises for the slaughter of animals for the purposes of selling the meat for human or animal consumption, unless the premises have been registered by the competent District Assembly. The FDA indicated to the OIE Team that slaughter houses are registered by District Assemblies to ensure suitability of the site, but that slaughter houses also need to be registered by the FDA to ensure sanitary conditions of the premises and operations in the premises. The FDA authority to register slaughtering premises appears to be set out in section 130 of the PHA.

Subsection 108(2) prohibits the slaughtering of animals or the dressing of carcasses for human or animal consumption in a place other than a slaughter house, where there is a slaughter house for the area. However, subsection 108(3) allows the District Assembly to permit, for good cause, the slaughter of an animal in a place other than a slaughter house. The circumstances in which these special permissions are granted were not made known to the OIE Team.

Subsection 108(4) states that the VSD shall carry out meat inspection in slaughter houses in collaboration with the FDA. This provision makes no distinction between ante-mortem and post-mortem inspections.

In November 2016, the authors of the PVS Evaluation Follow-Up Report qualified as weak the collaboration between the VSD and the FDA in the area of food safety. The OIE Team found that the parameters of the collaboration between the VSD and FDA on the regulation of slaughter houses still need to be fully determined and formalized and that the communication between the VSD and the FDA needs to be enhanced. But the OIE Team noted an overall consensus between the two institutions over the principle that the mandate for slaughter activities in slaughter houses must be carried out by the VSD and that ante-mortem and post-mortem inspections are veterinary activities.

However, the OIE Team was told that the situation continues to be problematic in the field. As was said above, the VSD is facing severe field staff shortage and VSD staff is practically absent in certain areas of the country. In these areas, it appears that health officers or environmental health officers hired by local governments to carry out the mandate of the FDA are engaged in veterinary control activities in slaughter houses, including ante-mortem or post-mortem inspection, without the necessary qualifications, training or guidance. In some districts, the situation is further complicated by the fact that local staff are authorized by by-laws to perform inspection activities in slaughter houses. Additionally, the team was told that, due to staffing shortages, the environmental health officers cannot always be present.

To give full effect to subsection 108(4) of the Public Health Act and, hence, to clarify their responsibilities in slaughter houses, the VSD is currently developing the draft Meat Inspection Regulations in collaboration with the FDA. In parallel, the FDA is working on a draft regulation to prescribe hygiene standards for the operation of slaughter houses and to deal with the transportation and storage of meat products. Both sets of regulations will be made by the Minister of Health under the authority of subsections 108(5) and (6). The Attorney General's Department identified these

regulatory initiatives as a priority for the proper management of slaughter houses under the Public Health Act.

Subsection 108(7) requires the regulations for carrying out meat inspection to be in accordance with the standards of the Codex Alimentarius Commission and the WHO. Interestingly, the OIE standards on food safety are not mentioned in this provision.

Section 109 of the PHA prohibits the transportation for commercial purposes of meat or meat products in a vehicle, unless the vehicle has been approved by the FDA. This prohibition does not apply if the meat products are in a hermetically sealed container or if the vehicle is of a type that has been approved by the FDA.

Regarding the enforcement of Part Seven of the PHA, authorised officers have express authority under section 135 to enter into premises, to open and examine packages, examine documentation and records, seize and detain non-compliant articles and cause the disposal of carcasses of animals received in a butchery facility or cold store and found to be diseased or unfit for human or animal consumption.

Section 149 of the PHA defines "authorised officer" as meaning a medical health officer, a health inspector or a person authorised in writing by the Chief Executive Officer, the Minister or a District Assembly, or any other person authorised by the FDA to perform a function under Part Seven.

The OIE Team notes that the definition of "authorized officer" does not expressly mention veterinary officers and, more generally, that Part Seven of the PHA does not mention veterinary officers as a category of persons having specific powers or responsibilities, unlike Part One (Communicable Diseases), Part Two (Vaccination) and Part Four (Vector Control) of the PHA. In practice, there are currently no veterinarians employed by the FDA or even seconded from the VSD to the FDA, although some health employees apparently have educational background in animal science.

The OIE Team is of the view that Part Seven of the Public Health Act should be amended to define veterinary officers, to expressly assign veterinary functions to veterinary officers and to remove any uncertainty around their enforcement powers.

To sum up, the regulation of slaughter houses under the Public Health Act is an area where there is a pressing need to confirm the roles and responsibilities of the various actors and to ensure that veterinary functions are carried out by qualified veterinarians.

The situation should improve when the two above-mentioned regulations become law. But in the interim, the VSD, the FDA and local governments should at the minimum work at improving their system of coordination and cooperation, notably by entering into the necessary MoUs to ensure that all relevant information and data in relation to slaughter activities carried out in slaughter houses are shared between all actors. The OIE Team also recommends that until the VSD is appropriately funded to fully exercise its authority in all slaughter houses, VSD veterinarians be seconded or transferred to the FDA to perform veterinary functions.

Veterinary Services and Animal Production Bill

In 2014, the FAO Consultants recommended in their report that section 108 of the Public Health Act be repealed and that the mandate for the regulation of slaughter houses be vested exclusively in the VSD. To this end, the draft Veterinary Bill forming part of the FAO report imported the PHA provisions on slaughter houses, thereby proposing that the slaughter houses should be registered by the VSD, that the VSD should be the sole authority to carry out inspection in slaughter houses and that the regulations on activities in the slaughter houses should be made by the Minister of Food and Agriculture instead of the Minister of Health.

The OIE Team was not provided with any indication that the former Minister of Food and Agriculture supported the transfer of the regulatory authority to VSD.

As we mentioned above, the VSD met in October 2015 with the APD, the VGC, the Ministry of Justice and Attorney General's Department to discuss the development of a new legislation on animal health and production along the lines recommended by the FAO Consultants. On that occasion, the VSD was cautioned by the Attorney General's representative that the Public Health Act already deals with food inspection, meat safety and consumer protection and that ministerial consultations were necessary on these issues to avoid conflicts and overlaps. The VSD was also reminded that the development of a new legislation on food safety should take into consideration the National Food Safety Policy of Ghana.

The National Food Safety Policy of Ghana was developed under the auspices of the former Minister of Health. The OIE Team understands that it is still in a draft form and has not yet made it to Parliament for approval. The most recent available version is dated May 5, 2013. The role of coordinating the National Food Safety Policy is assigned to the Ministry of Health, through the FDA. The Policy assigns to the VSD the responsibility for monitoring food of animal origin and for controlling the importation of animals and imposing restrictions on the movement of registered animals in and out of infected place.

In February 2016, a draft "Veterinary and Livestock Improvement Bill" was submitted to the Attorney General's Department for a gap analysis exercise (independent of the OIE). On the issue of food safety and the regulation of slaughter houses, Legal Counsel from the Attorney General's Department stressed again that this matter required inter-ministerial consultation between the Ministry of Food and Agriculture and the Minister of Health and policy approval from Cabinet.

At the time of the mission, the title of the draft legislation had been changed to the "Veterinary Services and Animal Production Bill". The version of the Bill that was submitted to the OIE Team still included to provisions operating the transfer of authority for slaughter houses to the VSD, but it was still unknown to the VSD whether this legislative initiative would be supported today by the new Minister of Food and Agriculture and, more broadly, by Cabinet.

During the mission, CVO Dr Gbeddy was informed that the Attorney General's Department had asked the Minister of Food and Agriculture and the Minister of Health to meet in order to iron out the areas of disagreement over the regulation of slaughter houses.

The OIE Team was pleased to hear about this development, but before the VSD engages in any further discussion on the regulation of slaughter houses with their Minister or the FDA, the OIE Team believes that the VSD should first internally agree on the position that they wish to advocate, taking into consideration their capacity to shoulder responsibilities in this area, both financially and in terms of human resources. Once the position of the VSD is well articulated, then clear policy guidance from the Minister of Food and Agriculture should be sought. At that point, getting the Minister's vision of the role of VSD on food safety activities is critical, especially since the Minister was just recently appointed and his views on the matter and interest in this draft legislation are unknown.

Draft Meat Inspection Regulations

As mentioned above, the VSD is currently developing Meat Inspection Regulations to be made by the Minister of Health under the authority of section 108 of the Public Health Act. This initiative is fully supported by the Attorney General's Department and it was identified in the OIE PVS Evaluation Follow-Up Mission Report as a high

priority. The draft Meat Inspection Regulations are developed in collaboration with the FDA.

The draft Meat Inspection Regulations are designed to confirm and solidify the VSD's authority to carry out meat inspection services in slaughter houses. They focus on slaughtering activities, ante-mortem and post-mortem inspection, marking of meat products and disposal of meat unfit for human consumption or otherwise condemned.

The Meat Inspection Regulations will be complemented by a distinct regulation, this one developed by the FDA, which will rather focus on the standards for the operation of slaughter houses, meat processing facilities and cold storage facilities and for the transportation of meat in vehicles. The FDA regulations propose to deal with issues like cleaning, maintenance and sanitation, quality assurance, pest management and other similar hygiene practices.

During the mission, the OIE reviewed the draft Meat Inspection Regulations with VSD staff and made the following observations:

- In addition to the inspection of meat and the inspection of slaughter houses, the purpose provision should be extended to include a reference to the inspection of live animals.
- The distinction between inspectors, veterinary inspectors and veterinary surgeons, and their respective duties, is unclear.
- There are instances of inconsistent terminology when referring to the same concept, e.g. slaughter house, slaughter facility, abattoir.
- Mandatory obligations are imposed on the VSD, rather than duties being imposed on the owners of animals and operators of slaughter houses and powers being conferred on the VSD, i.e. duty of VSD to inspect each animal on the delivery of the animal to the slaughter house instead of a requirement imposed on the owner of the animal to present the animal for inspection by the VSD.
- The entire regulation needs to be reviewed to ensure that the provisions are organized in a sequential order, i.e. movement permit, slaughter permit, ante-mortem inspection and post-mortem inspection, and to ensure that all provisions dealing with the same subject-matter are grouped together.
- Some provisions overlap or duplicate another, which is a source of uncertainty for those enforcing the law and regulated parties, e.g. the provision requiring that all animals be rested at least 12 hours before slaughter and the provision requiring that animals be adequately rested.
- The regulations contain several provisions setting out operational procedures to be followed by veterinary inspectors or veterinary surgeons. These would be better placed in policy manuals for VSD staff, which could be made public to ensure transparency; e.g. the post-mortem inspection procedures which describes in detail all the parts of the animal that must examined by the VSD and how the examination must be conducted.
- Some provisions impose obligations that appear to be overly cumbersome for all parties. It is important to assess the impact of every provision from the stakeholders' perspective and from the VSD's standpoint in terms of budgetary and human resources; e.g. the requirement to obtain a movement permit for each animal to be slaughtered to animals intended for food, as currently drafted, would capture the movement of all animals slaughtered for personal consumption.
- The definitions at the end of the regulations should be carefully reviewed to ensure: (a) that they are needed and serve a purpose, (b) that their contents tie properly with the provisions in which the defined terms are used, and (c) in the

case of words defined in the OIE standards, that the OIE definitions are not merely pasted into the regulations without the necessary adaptations to the national context.

Once they are finalized by the VSD and the FDA, the Meat Inspection Regulations and the FDA regulations are expected to undergo a vast consultation process across the 10 regions of Ghana before they are submitted to the Legislative Drafting Division of the Ministry of Justice and Attorney General's Department for approval. The OIE Team noted that close to 100 persons need to be consulted in the Greater Accra and approximately 75 persons per region. The financing of these meetings was identified by the VSD and the FDA as an important challenge, due to the budgetary restrictions imposed on the government. While it is crucial to the acceptance of the draft regulations that they be shared with the regulated stakeholders, the fact that funding is extremely uncertain is a cause for concern.

Recommendations

- The OIE Team recommends that before engaging into any further discussion with the FDA or the Minister of Food and Agriculture on the regulation of slaughter houses, the VSD should internally reach a common understanding of the current practices in the field, the problems that need fixing and the solutions that are available to these problems.
- It is further recommended that the VSD seeks clear policy direction and support from the newly appointed Minister of Food and Agriculture on the legislative initiatives already undertaken in the area of food safety, including taking over of the authorities. The full implications of these initiatives for budget and staffing will need to be assessed as that time.
- The finalization of the Meat Inspection Regulations and the FDA regulations should be treated as a priority, so that basic issues around the roles and responsibilities of the VSD and FDA on food safety can be legally clarified.
- In the meantime, there is an urgent need to improve the working relationship between all parties involved in food safety. To this end, the OIE Team recommends that, at a minimum, that the VSD, the FDA and District Assemblies enter into the necessary information-sharing arrangements to ensure that all data relevant to slaughter activities carried out in slaughter houses, including ante-mortem and post-mortem inspection findings, is made available to all parties.

4.1.3 Veterinary Medicines and Biologics

There are significant gaps in the veterinary legislation regarding veterinary medicines and biologics, with the FDA assuming most oversight under the auspices of the Public Health Act of 2012. The fact that the Public Health Act grants more authority to the FDA in this realm has created some tension between the FDA and the VSD as the VSD would prefer to have more involvement in issues relating to these substances but does not currently possess the legal authority to do so. The meeting with VSD officials on July 12 and the joint meeting between the FDA and VSD on July 13 revealed somewhat differing explanations for how the regulation of veterinary medicines and biologics is implemented.

Furthermore, discussions with VSD staff revealed that there is widespread dissatisfaction with the current state of affairs with respect to the regulation of veterinary drugs and biologics, but no real consensus among VSD staff on the way forward. Several meeting attendees noted that the biggest problem is follow-up. A comment was made that the FDA registers a veterinary medicine, issues a license to the importer and an import permit for a consignment, but then no further controls are exercised. As a result, veterinary drugs are sold all over the country in unauthorized

or poorly monitored locations by unregistered individuals. This was confirmed by the authors of the OIE PVS Evaluation Follow-Up Report. The VSD staff believes that FDA does an adequate job of registering importers and drugs but that post-registration oversight is less than adequate. Dr Gbeddy stated that VSD hasn't raised this issue yet with FDA. However during the meeting he was informed privately that the Deputy Attorney General has asked both Ministers (Agriculture and Health) to meet and iron out their differences, so that is a positive development.

At the July 13 joint FDA-VSD meeting, the OIE Team attempted to shed further light on how business is conducted by the FDA with respect to regulation and oversight of veterinary medicines and biologicals. One FDA official stated that new guidelines are in place for registering veterinary medicines. They also revealed that the FDA does issue electronic import permits (for a three-year period) and license importers, but that FDA enforcement ends at storage and does not extend to distribution. The joint meeting demonstrated that there were differences of opinion as whether and how VSD could access the veterinary drugs database of the FDA and whether the information therein was up to date and reliable for use by the VSD. The VSD was of the opinion that the FDA website is not regularly updated, requiring that VSD staff contact FDA to double-check information when issuing import permits. The participants agreed on the need for an MoU to specify the process for VSD access to FDA data on veterinary drugs. The joint FDA-VSD meeting also revealed that there are currently no veterinarians employed by the FDA or even seconded from the VSD to the FDA to deal with veterinary medicines, but that the FDA plans on doing so when the financial situation allows.

In terms of coverage, answers to OIE Questionnaire Part II revealed numerous areas not covered or only partially covered by the existing legislation.

Sections 111 to 129 of the Public Health Act govern drugs, herbal medicinal products, cosmetics, medical devices and other household chemical substances. But the Act does not contain adequate definitions for veterinary medicines or biologics and only partially regulates the importation, manufacture, distribution, commerce and usage of these substances. There are no provisions for medicated feed; for products prepared by authorized veterinarians or pharmacists; or for recognition of equivalence made by other countries. There are no provisions for conducting clinical trials. There also does not appear to be procedures for granting authorizations to describe the role of the relevant Competent Authority. All the answers in Part 7.4 of the OIE Questionnaire on Quality of Veterinary Medicines and Biologicals, were "no" and answers to questions in Part 7.5 on Establishments Storing and Wholesaling were a mixture of "no", "partially" and "yes". Responses to Part 7.6 on Retailing, Use and Traceability, were also problematic, as they indicated that there are no provisions for control over distribution of medicines or biologicals or arrangements for recall or conditions of use.

In the meeting with the FDA, the OIE Team was told that FDA has new guidelines for registering veterinary medicines but that the FDA mandate doesn't cover "practice", except storage at the place of distribution. They told the Team that the Veterinary Council of Ghana has authority over practice. While it is true that the current Veterinary Surgeons Act covers practice and that, under this Act, registered veterinary surgeons are entitled to the right to prescribe and store drugs, the OIE Team could not find a provision expressly prohibiting the prescription, storage or sale of veterinary drugs by a person who is not a registered veterinary surgeon. The draft Veterinary Surgeons Act Bill is clearer in that regard but, as indicated below, it could be improved.

The status of residue testing appears to be in very early, exploratory stages with minimal testing currently being done. The FDA has been offered equipment by an international partner and has started a pilot program for veterinary residues. The FDA

laboratory has Charm II[6] experience but does not presently have capability for HPLC (high-performance liquid chromatography), LC (liquid chromatography) or MS (mass spectroscopy).

As been pointed out in other sections of this report, VSD has proposed to remedy some of these issues in the draft Veterinary Services and Animal Production Bill, which contains a part titled “Registration and Market Authorization of Veterinary Pharmaceuticals and Biologicals". This part is in accordance with ECOWAS Regulations C/REG/22/11/10 on the marketing of veterinary drugs which was approved by the Cabinet of Ghana in 2016 but needs to be resubmitted to new Cabinet before being ratified by Parliament.

The Veterinary Services and Animal Production Bill proposes to grant the VSD control over the registration of veterinary pharmaceuticals and biologicals through registration of new products, authorization for clinical trials, publication of a list of registered veterinary pharmaceuticals and a procedure for registration. Other sections in the proposed Bill cover maximum residue levels in medicated feed; the prescription and monitoring of pharmaceuticals; quality, labelling, packaging and advertising; importation; and authorization to manufacture, trade, sell or distribute veterinary medicines and biologicals. Section 57 requires that any enterprise that includes at least one pharmaceutical establishment be owned by a veterinary doctor. This section also grants the Veterinary Council of Ghana authority to ensure that veterinary pharmaceutical establishments operate in accordance with best practices spelled out by regulation.

As was previously said, the future of the draft Veterinary Services and Animal Production Bill remains in doubt as of the date of the VLSP team visit as there was still much uncertainty regarding the political will on the part of the Ministry of Health to cede legislative oversight on veterinary medicines and biologics to VSD and on the willingness of the Minister of Agriculture to pursue this bill. It seems that a meeting of the minds between both Ministers is in order.

Recommendations

- Of utmost importance and urgency is to establish a closer working relationship between the VSD and FDA, at the Minister’s level initially, so that issues surrounding regulatory responsibility can be clarified and prioritized. It seems that there is a commitment at the highest levels for both Ministers (Health and Agriculture) to meet and iron out their differences but there is certainly confusion among staff in both Ministries regarding roles and responsibilities.
- Specifically, the draft Veterinary Services and Animal Production Bill proposes that VSD take over responsibility for veterinary pharmaceuticals and biologics, a significant departure from the current legal authority, which now resides in the FDA. The Ministers of Health and Agriculture need to come to a meeting of the minds as to whether the proposal outlined bill moves forward or if the status quo is maintained. The full implications of this initiative for the budget and human resources will need to be assessed at that time, as well as the impact of the ECOWAS regulation on the marketing of veterinary drugs in Ghana will need to be considered at that time.
- Neither the draft Veterinary Services and Animal Production Bill nor the Public Health Act actually defines veterinary biologic or vaccine. The Public Health Act only references vaccines one time and only with respect to humans. Whichever

[6] The Charm II is described as "a scintillation based detection system for chemical families of drug residues using class specific receptors or an antibody in immune-binding assay format” in *Charm II System: Comprehensive Residue Analysis System for Honey*, Robert Salter, APIACTA, 38 (2003) 198-206.

legislation is established as the governing framework, this deficiency needs to be addressed.

- Legal authorities, procedures and policies regarding residue limits for veterinary medicines and biologicals, as well as residue testing, are currently not well addressed. There is a need to expedite this process through establishment of standards and limits, training of personnel in current methodologies and acquisition of modern testing equipment.

4.1.4 Veterinarians and Paraprofessionals

While the OIE Team did not get a chance to meet individually with the Ghana Veterinary Registrar or anyone from the Veterinary Council of Ghana (VCG), the Registrar did attend the introductory meeting on the first day of the visit and sat in on the Team leader's presentation.

The OIE reviewed the current Veterinary Surgeons Law, as well as the Veterinary Surgeons Bill which is meant to entirely replace the existing legislation.

Veterinary Surgeons Law

The Veterinary Surgeons Law of 1992 is the primary piece of legislation governing the practice of veterinary medicine in Ghana. This law establishes the VCG, delineates membership and functions of the Council, tenure for Council members, and other administrative duties. It also grants authority for the Council to appoint a Registrar and establishes the duties for that position as well as spelling out the qualifications and procedure for registration as a veterinary surgeon. Interestingly, the law allows for individuals possessing bachelors and master degrees to be registered as veterinary surgeons (as well as those possessing a doctor of veterinary medicine degree). The law assigns to the VCG the responsibility for prescribing standards of professional conduct and ethics for practitioners, upholding professional standards by disciplinary powers and establishing a register of practitioners. The only offence in the Act is to falsely use the title of veterinary surgeon, to use a title that can lead someone to falsely believe that the person is veterinary surgeon or to wrongfully pretend to be a registered surgeon. Finally, the Veterinary Surgeons Law grants authority to the Secretary to make regulations but these regulations have not been done.

There seems to be some confusion in the Veterinary Surgeons Law regarding the terms "practitioner" and "veterinary surgeon" with the terms used interchangeably in the document.

Further, a major void in the law is that it does not address veterinary paraprofessionals.

Finally, another gap in the existing legislation is the lack of legal basis to take enforcement action against a person who prescribes, stores or uses a veterinary medicine without being duly registered with the VCG. This gap severely hampers the ability to take enforcement or judicial action against illegal sale of veterinary drugs in the country.

Veterinary Surgeons Bill

The Veterinary Surgeons Law of 1992 is in the process of being entirely reviewed by a new legislation. At the time of the mission, the draft legislation was with the Legislative Services Division of the Ministry of Justice and Attorney General's Department to be reviewed and finalized. A copy of the draft was shared with the OIE Team only after the mission. The OIE Team noted the following:

- Section 4 establishes the governing body of the Council as a Board and specifies membership on that Board. If the Board carries out the business of the Council, it is unclear about who the Council actually is or its function.
- Realizing that graduate degrees are granted in many countries and are named in numerous ways, it might be advantageous for the sake of clarity, and to avoid confusion, that the degrees specified in section 13 be further defined. For example, one of the degrees identified as a qualification for registration as a veterinary practitioner is a Bachelor's degree in Veterinary Medicine or Veterinary Science. The qualifications appear to grant equivalency for bachelor's, master's and doctorate degrees, which may not be the intent of the law.
- In section 17, Registration of Additional Qualification, four different terms are used: veterinary practitioner, veterinary surgeon, veterinary specialist and veterinary consultant. While section 58 does define these terms, the difference between specialist and consultant is not clear and practitioner and surgeon seem to be synonymous. Further clarity may be called for.
- The Veterinary Surgeons Bill does not address the current deficiency in the Veterinary Surgeons Law of 1992 in relation to paraprofessionals. Instead, paraprofessionals are dealt with by Part VIII of the Veterinary Services and Animal Production Bill. The OIE notes that the provisions of the draft Veterinary Services and Animal Production Bill on paraprofessionals are very limited, i.e. minimum qualifications, enrolment and fees, and do not provide a clear view of their powers, duties and functions. More importantly, the Veterinary Services and Animal Production Bill requires paraprofessionals and paraprofessional assistants to enroll or enlist with the Advisory Board of the VSD. The OIE Team is unaware of the policy rationale for giving the responsibility for regulation of paraprofessionals to the Advisory Board of the VSD rather than the VCG.
- As noted earlier in this report, the FDA and VSD may agree that the handling of veterinary medicines and biologics falls within the purview of the Veterinary Council of Ghana but the OIE Team finds that the legal basis to take enforcement action against those who illegally prescribe or sell drugs could be clarified. At the present time, paragraph 28(c) of the bill states that veterinary practitioners are *entitled* to the right to prescribe, use and store veterinary drugs. Section 58 defines a "veterinary practitioner" as a veterinary surgeon and a "veterinary surgeon" as an individual who holds a university degree entitling them to practice veterinary medicine. Paragraph 56(1)(a)(i) makes it an offence to practice as a veterinary practitioner without being duly registered under the Act. Arguably, when read together, these provisions could form the legal basis for a prosecution against a person who prescribes, use or store drugs without being a registered veterinarian. But the OIE Team believes that the prosecution would stand better chances if paragraph 28(c) of the bill was amended to say, not only that veterinary practitioners are *entitled* to the right to prescribe, use and store veterinary drugs, but that they have *exclusive right* to do so.

<u>Recommendations</u>

- The situation with respect to the hiring freeze that has been in effect in Ghana for a number of years is beyond the scope of this report but it has severely hampered the ability of the VSD and the FDA to recruit and hire qualified individuals – primarily veterinarians – to fill vacant positions. The only solution to this situation is political.
- It is impressive and worthy of note that Ghana's veterinary schools have been educating and graduating more new veterinarians each year. The current restrictions contained in the Veterinary Surgeons Act (and in the draft revision of

the law) regarding national service and four years' experience under a practicing veterinarian or public sector veterinary officer inhibit the ability of these new graduates to quickly enter the veterinary workforce. Due to the relatively small number of veterinarians in Ghana (WAHIS reports 16 private practitioners and 51 in the public sector), the increasing presence of multiple interns working with private practitioners and/or government sector veterinarians could impede their work and quickly become untenable. It is recommended to reduce or eliminate the requirement for new graduates to work under an experienced veterinarian after graduation and alternatively allow them to work under a mentor for a much shorter period of time. This change could be accomplished in the draft Veterinary Surgeons Bill before it is finalized by the Attorney General's Department.

- Additionally, in lieu of addressing the regulation of veterinary paraprofessionals in the draft Veterinary Services and Animal Production Bill, consideration should be given to including these individuals in the draft Veterinary Surgeons Bill and to rename the bill accordingly, e.g. the Veterinary Practice Bill or the Veterinary Professions Bill. The powers, duties and functions of paraprofessionals, and the scope of the activities that they can exercise, should also be clearly described. In this context, consideration should be given to allowing paraprofessionals to use and prescribe certain veterinary drugs.
- Finally, the Veterinary Surgeons Bill should be reviewed to strengthen the legal basis in support of regulatory action and enforcement measures against persons who are not authorized to prescribe, use or store veterinary drugs.

5. Overall conclusions and recommendations

The main objectives of the present mission were to conduct a general assessment of the veterinary legislation in Ghana against Chapter 3.4 of the OIE *Terrestrial Animal Health Code* and other OIE standards, and to make recommendations to modernize and improve the relevant legislation.

The OIE Team finds that the existing veterinary legislation in Ghana is generally of good internal quality in terms of format, organization, structure, clarity and readability, but it shows notable deficiencies in terms of external quality. Most legislation is old and largely outdated. Inevitably, the old laws are not in line with current OIE standards and need to be entirely reviewed and replaced. Some elements of the veterinary domain are insufficiently covered, while other important elements are not covered at all. The draft Veterinary Services and Animal Production Bill purports to address most of these deficiencies, but clear policies and priorities need to be established before this bill makes any progress.

As previously noted by previous OIE PVS Pathway missions, the enactment of the Public Health Act in 2012, under the responsibility of the Minister of Health, has created opportunities for conflicting authorities and uncertainty in implementation of key responsibilities, notably in the area of animal diseases, slaughter houses and veterinary drugs. These potential overlaps and conflicts are of concern to the OIE Team.

The FDA is the Competent Authority for food safety, which includes the safety of meat products. The VSD is responsible for carrying out meat inspection in the slaughter houses, in collaboration with the FDA. There appears to be a consensus between the VSD and the FDA that the mandate for slaughter activities, including ante-mortem and post-mortem inspections, must be carried out by the VSD. But the parameters of the collaboration between the VSD and FDA on the regulation of slaughter houses needs to be fully determined and formalized, and the communication between the VSD and the FDA on this matter must be improved to ensure that the veterinary public health is well protected. The OIE Team is equally concerned with the difficult working relationship

between the VSD and the FDA in the area of veterinary medicines and understands that the designation of the FDA as the Competent Authority for veterinary drugs and the current discussions about taking over this responsibility contributes to the tensions between the two institutions. The OIE Team trusts that these points of contention will soon be resolved by the Minister of Food and Agriculture and the Minister of Health.

The OIE Team considers the finalization of the Meat Inspection Regulations as a pressing matter, so that veterinary officers can rely on well-defined authorities to exercise the VSD's authority in slaughter houses. At a broader level, the OIE Team wishes to stress the importance of developing secondary legislation while drafting the primary legislation. Developing concurrently the primary and the secondary legislation leads to better policy planning and better linkages within the legislative framework to ensure coherency and efficiency. This has a positive impact on the external quality of legislation.

Another objective of the mission was to raise awareness of the essential elements of legal drafting. To this end, the OIE Team conducted two workshops with the VSD to analyze draft legislation under current development, i.e. the Veterinary Services and Animal Production Bill and the draft Meat Inspection Regulations. These workshops provided an opportunity for the OIE Team to share comments and ideas on how to produce good quality legislation for effective operation of the veterinary services.

In closing, the OIE Team recommends the following:

1. High priority should be attached to advancing the draft Veterinary Services and Animal Production Bill through the proper legislative channels so that it can be adopted expeditiously.
2. Before pursuing any effort to take over the FDA authorities regarding slaughter houses and veterinary drugs in the Veterinary Services and Animal Production Bill, clear policy direction should be sought from the newly appointed Minister of Food and Agriculture.
3. Depending on the level of support expressed by the Minister of Food and Agriculture on the transfer of authority over slaughter houses and veterinary drugs, consideration should be given to removing these more problematic sections of the Veterinary Services and Animal Production Bill to facilitate its progress through Cabinet and Parliament
4. Efforts should be undertaken to begin the process of drafting regulations necessary to implement the Veterinary Services and Animal Production Bill, or portion of the bill, before it is passed, so that they can be approved and implemented as soon as the bill is enacted.
5. The finalization of the Meat Inspection Regulations and the FDA regulations should also be treated as a priority, so that basic issues around the roles and responsibilities of the VSD and FDA on food safety can be legally clarified.
6. The VSD, the FDA and District Assemblies should enter into the necessary information-sharing arrangements to ensure that all data relevant to slaughter activities carried out in slaughter houses, including ante-mortem and post-mortem inspection findings, is made available to all parties.
7. The VSD and the FDA should enter into the necessary MoU to ensure that the VSD has ready access to up-to-date information on the registration of veterinary medicines when issuing import permits.
8. In lieu of addressing the regulation of veterinary paraprofessionals in the draft Veterinary Services and Animal Production Bill, consideration should be given to including these individuals in the draft Veterinary Surgeons Bill and to rename the bill with a title that would be inclusive of all veterinary practitioners. Consideration should

also be given to amend the bill so as to identify conditions under which paraprofessionals could prescribe or use certain drugs.

9. The requirement for new veterinary school graduates to work under an experienced veterinarian after graduation should be reduced or eliminated. This change could be accomplished in the draft Veterinary Surgeons Bill before it is finalized by the Attorney General's Department.
10. When the financial situation allows, consideration should be given to hire an in-house legal counsel to support the VSD in the development of their legislative agenda and the preparation of their draft legislation and to assist the VSD in advocating their position when dealing with other government institutions or stakeholders.
11. Mechanisms to establish a formal system for the distribution of veterinary legislation should be explored to ensure that the law is accessible to all of those who are likely to be affected by it and across all regions of the country.
12. The veterinary legislation should be regularly evaluated and measured to ensure that it continues to meet its initial policy objectives, and to identify areas in need of review.

6. Evaluation of capacity to undertake future work on legislation

As noted in previous OIE PVS Pathway reports, the Veterinary Services Directorate has a motivated but small staff, with numerous posts filled by retired veterinarians. Retired veterinarians and senior VSD officials actively participated in the mission and their presence was extremely valuable, but the OIE understands that outside the mission, it is more difficult for them to focus their time on the drafting and revision of new legislation, given that they must deal with daily operational issues.

As demonstrated by their participation in the meetings during the mission, several newly trained veterinarians are available and willing to join the VSD staff, but the current freeze on hiring prevents them from participating in the public veterinary workforce and playing an active role in the development of new legislation.

Moreover, the VSD does not benefit from a legal counsel who can assist them with legal matters or from a legal drafter who is dedicated to veterinary matters.

In this context, the capacity of the VSD to make progress on the undergoing legislative initiatives or to undertake work on future legislation is limited, but it could be increased by designating an in-house veterinarian with knowledge and interest in legislative drafting, as a coordinator for the VSD's legislative agenda and the focal point to advance the legislative initiatives in their order of priority. In addition, in the absence of an in-house legal counsel, consideration should be given to seek a commitment from the Legislative Drafting Division of the Attorney General's Department to appoint a single legal drafter to work consistently with the VSD. Under these conditions, future collaboration with the OIE could be fruitful.

List of appendices

Appendix 1. Correspondence between the OIE and the country

1.1 Ghana – Official request for a VLSP mission

MINISTRY OF FOOD AND AGRICULTURE
VETERINARY SERVICES DIRECTORATE

In case of reply, the number and date of the letter should be quoted.
Telephone:00-233-(0)-21-775777
Tel.-Fax: 00-233-(0)-21-776021
E-mail: vetsdept@africaonline.com.gh

My Ref. No:.....

Your Ref. No:.....

REPUBLIC OF GHANA

Ministry of Food and A
Ministry Branch Post O
P.O. Box M. 161, Accra

.....

BERNARD VALLAT
DIRECTOR GENERAL
WORLD ORGANISATION FOR ANIMAL HEALTH (OIE)

REQUEST FOR VETERINARY LEGISLATION IDENTIFICATION MISSION

Within the framework of the Reinforcing Veterinary Governance in Africa program (VET-GOV), Ghana intends to update the current veterinary legislation.

In this regard, I am hereby requesting your august Organisation to carry out a veterina legislation identification mission in Ghana.

We would be most grateful if the mission could take place before the end of 2014.

We look forward to your prompt and positive response.

Yours sincerely

AG DIRECTOR OF VETERINARY SERVICES
DR.PHILIP SALIA

1.2 OIE – Mission proposal

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

The Director General
Our Ref.: 17.091 JS/DS/CL

3 May 2017

Dr Kenneth M. K. Gbeddy
Chief Veterinary Officer
Veterinary Services Directorate
Ministry of Food and Agriculture
P.O. Box M161 Accra
GHANA

OIE Veterinary Legislation Support Programme (VLSP)
Veterinary Legislation Identification Mission - Proposal

Dear Delegate,

Following the official request for a Veterinary Legislation Identification Mission (August 2014) and your email (10 June 2016) requesting to resume the process after the mission proposed in 2015 had been cancelled, you informed (5 July 2016) the OIE that you would prefer that a PVS Evaluation Follow be organised first: that mission was conducted from 31 October to 11 November 2016.

Therefore, in response to your email (9 February 2017) to Dr Karim Tounkara, OIE Regional Representative for Africa, confirming your interest in receiving now a Veterinary Legislation Identification Mission, I am pleased to propose a team of technical experts certified by the OIE, comprising Ms Anne-Marie Lalonde, Legal Expert and Team Leader, Dr Donald Hoenig, Veterinary Expert and Ms Caroline Wambui, a Legal Officer, as Observer to undertake this mission. The proposed dates for the mission are 10-14 July 2017.

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, accommodation expenses and remuneration of the experts 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, the participation of the local team from your Services, translations and interpretations if needed (the mission will be conducted in English), and any other expenses deemed appropriate to support the mission.

Should this proposal be acceptable, I would ask that, in your confirmation letter, you include the name and contact information of your designated contact person to liaise with the Team Leader during the preparatory phase of the mission. In addition, we will ask you to provide a personalised invitation letter to the team members once the Team Leader has provided their contact information. This is intended to facilitate the visa issuing process and other procedures.

I thank you for your interest in the Veterinary Legislation Support Programme and your cooperation on the implementation of this mission.

Yours sincerely,

Dr Monique Eloit

CC:
- Dr J-P Dop, Deputy Director General – Institutional Affairs and Regional Activities
- Dr A. Dehove, Director of Finance
- Dr F. Caya, Head of the Regional Activities Department
- Dr J. Stratton, Deputy Head of the Regional Activities Department
- Ms. E. Tagliaro, Head of the World Fund Unit
- Dr D. Sherman, Coordinator of the Veterinary Legislation Programme
- Dr K. Tounkara, OIE Regional Representative for Africa

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12, rue de Prony • 75017 Paris, France • tél. +33 (0)1 44 15 18 88 • fax +33 (0)1 42 67 09 87 • www.oie.int • oie@oie.int

1.3 Correspondence between Ghana and the Team Leader

May 19, 2017

Dear Dr Gbeddy,

I have been informed by the Director General of the OIE that you have agreed to a veterinary legislation Identification Mission being carried out in your country.

As you know, the mission will take place from July 10 to 14, 2017, and will be conducted by Dr Donald Hoenig, Veterinary Expert, Ms Caroline Wambui, a Legal Officer who will be participating in the capacity of observer, and myself, Legal Expert and leader of this mission.

We look forward to working with Dr Akunzule to prepare for and conduct this mission.

But before we can propose the work programme for this mission we shall require some further information. I am therefore enclosing a two-part questionnaire which you are kindly requested to complete and return to me as soon as possible before the mission, so that I have sufficient time to review them and prepare the mission accordingly.

Part II of the questionnaire is self-explanatory. With regard to Part I, the accompanying advisory notes should answer any queries you have regarding its completion. However, if you or your colleagues responsible for completing it have any questions about the process of competing either Part I or II, please do not hesitate to to contact me by email at annemarielalonde@ymail.com. Our past experience suggests that the completion of Part I of the questionnaire can be facilitated by enlisting the assistance of legal advisors with knowledge of the veterinary legislation.

In addition to the completed questionnaire, a number of other documents would be useful. These include:

- a copy or an internet link to the constitution of (country) currently in effect;
- a list of the main laws and regulations relating to the organisation of the Veterinary Services;
- a list of the titles of all laws and regulations pertaining to the veterinary domain currently in effect;
- copies of or internet links to the full texts of key laws and regulations applying to the veterinary domain. The OIE defines the veterinary domain as 'all the activities that are directly or indirectly related to animals, their products and by-products, which help to protect, maintain and improve the health and welfare of humans, including by means of the protection of animal health and welfare, and food safety'. A maximum of four full texts is sufficient (e.g. Animal Health Law, Food Safety Law, Veterinary Pharmacy Law, Veterinary Professions Law); and
- a copy of a draft law or regulation currently under development (if there are any).

After I have studied these documents, I shall be able to propose the key elements of the mission.

It would also be useful for you to identify senior staff in other administrations associated with the veterinary domain and let them know that this mission is being planned, as it may be worthwhile for the team to meet with them during the mission or for them to be involved in the preparation of the mission.

Further, since legislation is a matter for political decisions, it will be important to arrange a meeting with the Minister in charge of the Veterinary Services. This of course will depend on the Minister's schedule, but a meeting at the end of the mission would be best as the team would then have some preliminary recommendations to share with the Minister.

On the logistical side, I should be grateful if you could assist us in making our hotel reservation by providing names of hotels in the surroundings of the offices where the mission will take place. Internet access is a key factor in that regard. We plan to proceed ourselves with the booking, but I will let you know if we need your assistance for this matter.

Finally, I wish to remind you that we need you to provide us with an individualised letter of invitation for each member of the mission in the best possible delay, in order to facilitate the visa issuing process.

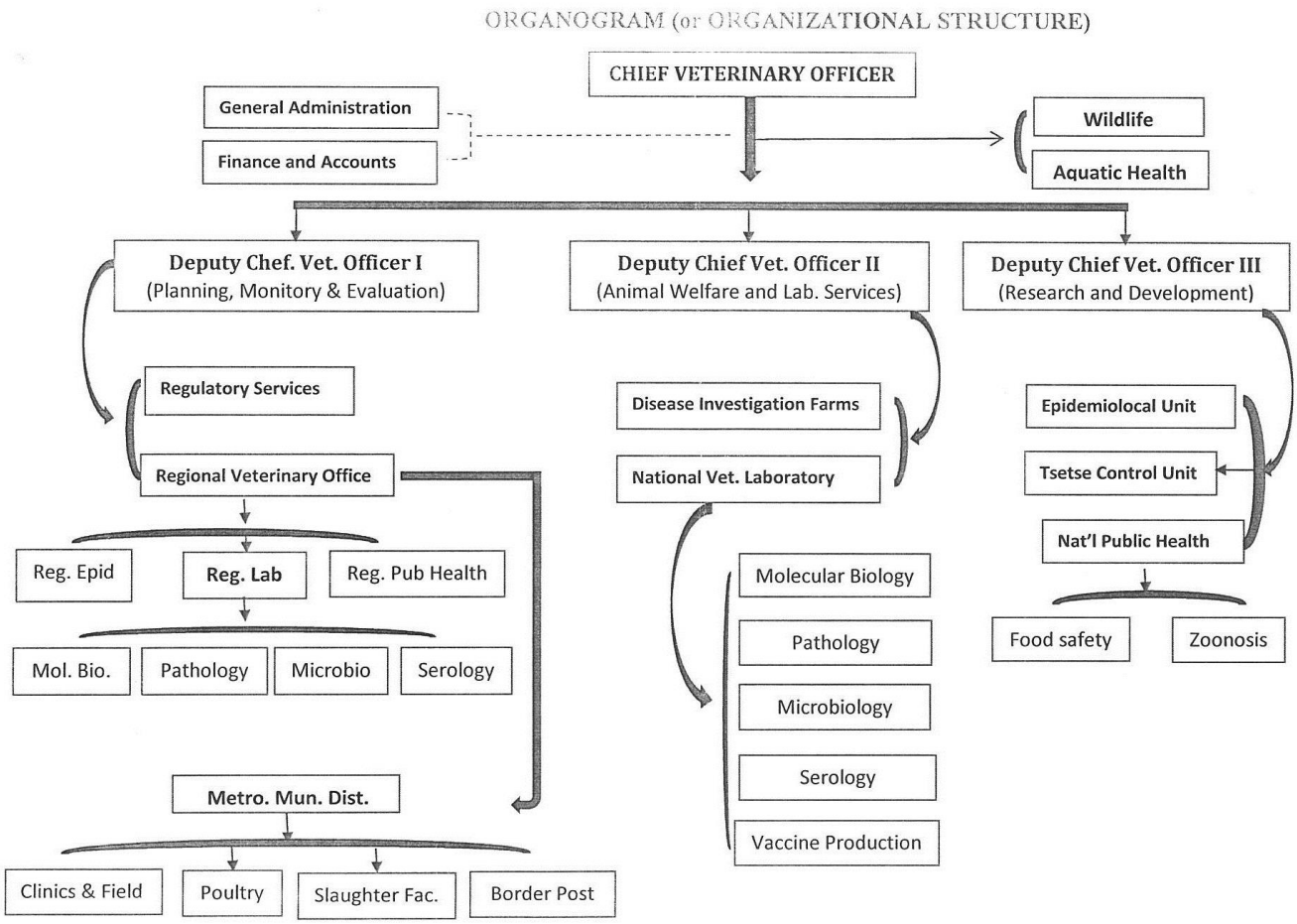
Yours sincerely,

Anne-Marie Lalonde

Enclosures:
Letter from the OIE Director General
Questionnaire parts I and II and advisory notes for part I

c.c. Drs François Caya, David Sherman and Donald Hoenig and Ms Caroline Wambui

Appendix 2. Organigram of the Veterinary Services



Appendix 3. List of persons consulted

DATE	NAME	ORGANIZATION	EMAIL/CONTACT
July 10 – AM (VSD)	Dr. Gbeddy	CVO	kkgbeddy@yahoo.com
	Dr. S. W. Hanson	Vet Consultant	kwaimhanson@gmail.com
	Dr. D. K. Ankugoh	VSD	kdicksmu@yahoo.co.uk
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Appendix 4. Country's responses to the OIE Questionnaire - Part I

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 Anne-Marie Lalonde at annemarielalonde@ymail.com.

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 1992 Constitution of the Republic of Ghana**

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.

Refer to OIE PVS Evaluation Report Follow-Up Mission Report, 2016(Pages 10-14) , conducted **from31 October 2017 to November 2016 See report Attached**

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 1992 Constitution,which provides the sources of law for enforcement of veterinary domain
Article 11 of 1992
Common law
Customary law
All these provide basis for compliance with enforcement of veterinary activities

Q2 – Hierarchy of the veterinary legislation

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

(1) Level of legal instrument	(2) Category	(3) Type	(4) Issuing authority	(5) Source of law and procedure for creation
1	1992 Constitution of the Republic of Ghana	Constitutional enactment	Parliament of the Republic of Ghana	Article 36(3), 36(9),Article 40,Aeticle 41(k), Diseases of Animals Act, 1961 (Act 83) Veterinary Surgeons Law (PNDC L305 C) Biosafety Act, 2011 (Act 831) Public Health Act, 2012 (Act 851).

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	Bye-laws and instruments of metro, municipal and district assemblies(MMDAs)	Regulatory	MMDAs	To make bye-laws from Local Government Act 1993 (Act 462) and Regulations passed under the Act. Local Government Act 1993, repealed by Local Government Services Act 2016

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

(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):N/A

(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 X☐

Second level legislation? Yes ☐ No X☐

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

If the answer is 'Yes' to any of these questions:

Computerised or manual database: Computerised ☐ Manual ☐N/A

Manager(s) of the database:

Method of accessing the database:

For the Veterinary Services:

For the public:

3.2. Is there a system of consolidation?N/A

No ☐ Yes, computerised ☐ Yes, manual ☐

Person(s) in charge:

3.3. Is veterinary legislation codified? N/A Yes ☐ No ☐

Title of the Code:

Person in charge:……

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

Civil law:

Penal law: Criminal offences Act

Penal procedure: Summary trials

Administrative law: Local Government Service Act 2016

Environment:Biosafety Act 2011, (Act 831),Environmental Protection Act

Consumer protection: Public Health Act, 2012 (Act 851).

Customs and finance: Fees and Charges Act

Other:

3.5. Legal publication

Procedures for legal publication: Cabinet→ Parliament → Presidential accent→ Laws of Ghana
Title of the official publication: Laws of Ghana
Are the Veterinary Services subscribers? Yes ☐ No x☐
Is there a system of distribution within the civil service? Yes ☐ No x☐

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

Within the Veterinary Services: Yes ☐ No x☐
To other administrations: Yes ☐ No x☐
To organised groups of stakeholders: Yes ☐ No x☐
To the public: Yes ☐ No x☐

If you answered 'Yes' for at least one of the above categories:
Reference document setting out the rules: N/A
Method of dissemination: N/A
Distribution lists: N/A

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

Within the Veterinary Services: Yes ☐ No X☐
To other administrations: Yes ☐ No X☐
To organised groups of stakeholders: Yes ☐ No X☐
To the public: Yes ☐ No X☐

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:

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.

Procedure for the enactment of substantive legislation

The process for the enactment of an Act of Parliament begins with a request for policy approval from the Cabinet for the proposed legislation by the Ministry concerned. The request must be in the form of a Cabinet Memorandum setting out the following:

The purpose of the memorandum;
The background for the legislation;
Issues for consideration by Cabinet;
Inter-departmental or Ministerial consultations that have been held with bodies or agencies of relevance;
Financial considerations supported by a statement that the Ministry of Finance has been consulted;
Employment considerations, if any;
Whether or not there is existing legislation;
Whether amendment or new legislation is required; and
The recommended action to be taken by Cabinet.
The cabinet Memorandum must be presented by the sponsoring Minister to Cabinet under cover of a letter to the Secretary to the Cabinet signed by the Minister concerned.
After consideration of the memorandum, Cabinet approval is communicated in a letter signed by the Secretary to the Cabinet to the sponsoring Minister and copied to the Attorney-General and Minister for Justice. This letter gives direction for the preparation of the legislation concerned. It is useful if a copy of the Cabinet memorandum is attached to the Cabinet approval to the Attorney-General because the explanatory memorandum that goes with each Bill in accordance with article 106 of the Constitution is prepared by the legislative drafters on the basis of the Cabinet memorandum for policy approval.

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.

Procedure for the enactment of substantive legislation

The process for the enactment of an Act of Parliament begins with a request for policy approval from the Cabinet for the proposed legislation by the Ministry concerned. The request must be in the form of a Cabinet Memorandum setting out the following:

The purpose of the memorandum;

The background for the legislation;
Issues for consideration by Cabinet;
Inter-departmental or Ministerial consultations that have been held with bodies or agencies of relevance;
Financial considerations supported by a statement that the Ministry of Finance has been consulted;
Employment considerations, if any;
Whether or not there is existing legislation;
Whether amendment or new legislation is required; and
The recommended action to be taken by Cabinet.
The cabinet Memorandum must be presented by the sponsoring Minister to Cabinet under cover of a letter to the Secretary to the Cabinet signed by the Minister concerned.
After consideration of the memorandum, Cabinet approval is communicated in a letter signed by the Secretary to the Cabinet to the sponsoring Minister and copied to the Attorney-General and Minister for Justice. This letter gives direction for the preparation of the legislation concerned. It is useful if a copy of the Cabinet memorandum is attached to the Cabinet approval to the Attorney-General because the explanatory memorandum that goes with each Bill in accordance with article 106 of the Constitution is prepared by the legislative drafters on the basis of the Cabinet memorandum for policy approval.

4.3. Are there formal rules for legal drafting? Yes X☐ No ☐
If 'Yes', please indicate the reference: Legislative Drafting Division of the Ministry of Justice and Attorney General

4.4. For the creation or updating of veterinary legislation:
Are the legal instruments always an initiative of the Veterinary Services? Yes X☐ No ☐
Are legal experts involved at the design stage? Yes X☐ No ☐
Do veterinarians/technicians systematically work with legal experts? Yes X☐ No ☐

4.5. Is consultation undertaken during legal drafting?
With the general public? Yes ☐ No X☐
Is there a formal procedure? Yes ☐ No X☐
With regulated parties? Yes X☐ No ☐
Is there a formal procedure? Yes X☐ No ☐
With professionals? Yes X☐ No ☐
Is there a formal procedure? Yes X☐ No ☐
With public administrations? Yes ☐ No X☐
Is there a formal procedure? Yes ☐ No X☐

If formal procedures are in place, please briefly describe… Official invitation letters, workshoppresentations……

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 x☐ Sometimes ☐ Always ☐
For secondary legislation? Never x☐ Sometimes ☐ Always ☐

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

4.7. What do these evaluations usually take into account?N/A

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 x☐

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

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

4.11. What is the status of the pre-existing secondary legislation when new primary legislation is adopted?
Comments: It stops when repealed……

Q5 – Definition of veterinary domain and distribution of responsibilities

5.1. Is the 'veterinary domain' defined for official purposes? Yes ☐ No x☐

5.1.1. If you answered 'Yes', please state the definition and give the reference for the legal text: N/A

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.

VSD-Veterinary Services Directorate,
APD- Animal Production Directorate,
FDA-Food and Drugs Authority,
MOFA-Ministry of Food and Agriculture,
MMDAs-Metro, Municipal and District Assemblies,
VCG-Veterinary Council of Ghana
MOH-Ministry of Health
ARI-Animal Research Institute
GSA-Ghana Standards Authority
NADMO-National Disaster Management Organization

Element			Legislation		Control		Texts (8)
Code Chapter 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	X☐	Ghana Private Veterinarians Association	VSD, VCG		
		Public	X☐	VSD, university or research institutes	VSD, VCG		
		Initial education	X☐	School of vet medicine	VCG		
		Continuing education	X☐	VSD, organisations	VCG		
	Veterinary para-professionals	Private	X☐	Private Veterinary clinics, any companies	N/A		
		Public	X☐	VSD	VSD		
		Initial education	X☐	MOFA	MOFA,MOE		
		Continuing education	X☐	MOFA ,Universities	MOFA, Universities		

3.4.7	Laboratories for Animal Health	Facilities	X☐	VSD, Nougouchi Memorial Research Institute, Animal research	VSD,ARI Universities		
		Reagents	X☐	Organizations	VSD,ARI Universities		
	Laboratories for Food Safety	Facilities	X☐	FDA,GSA	FDA, GSA		
		Reagents	X☐	FDA, GSA	FDA, GSA		
3.4.8	Animal production	Identification of animals	X☐	APD, VSD	APD, VSD		
		Animal reproduction	X☐	APD, VSD	APD, VSD		
		Animal feed	X☐	APD, VSD, FDA, GSA	APD, VSD, FDA, GSA		
		Environmental impact	X☐	EPA, MMDAS, VSD	EPA, MMDAs, VSD		
		Animal markets / other gatherings	X☐	VSA,MMDAS	MMDAs		
		Animal by-products	X☐	FDA, VSD, GSA, MMDAS	VSD,MMDAS		
		Disinfection	X☐	VSD, APD, MMDAS, NADMO	VSD,MMDAS,NADMO		
3.4.10	Animal welfare	General	X☐	VSD, MMDAS	VSD,MMDAs		
		Stray/free roaming animals	X☐	VSD, MMDAS	VSD,MMDAS		
	Protection of species	CITES	X☐	Forestry commission, VSD	Forestry Commission, VSD		
3.4.9	Animal diseases	Surveillance	X☐	Forestry commission, VSD,MOH	Forestry commission, VSD,MOH		
		Disease prevention & control	X☐	Forestry commission, VSD,MOH, NADMO	Forestry commission, VSD,MOH, NADMO		
		Emerging diseases	X☐	Forestry commission, VSD,MOH, NADMO	Forestry commission, VSD,MOH, NADMO		
3.4.12	Human food production chain	Milk production:	X☐	VSD,APD,FDA	VSD,APD,FDA		
		Meat production	X☐	VSD,APD,FDA	VSD,APD,FDA		
		Poultry meat	X☐	VSA,APD,FDA	VSA,APD,FDA		
		Egg production	X☐	VSD,APD,FDA	VSD,APD,FDA		
		Food of aquatic	X☐	VSD, Ministry of Fisheries	VSD, Ministry of Fisheries		

		origin		and Aqua-culture Development	and Aqua-culture Development		
		Food processing	X☐	MOFA, FDA	MOFA, FDA		
		Transport	X☐	FDA, VSD, MMDAS	FDA, VSD, MMDAS		
		Retail	X☐	MMDAS, FDA	MMDAS, FDA		
		Restaurants	X☐	FDA, MMDA, MOH, Ministry of Tourism and Creative Arts	FDA, MMDA, MOH, Ministry of Tourism and Creative Arts		
3.4.11	Veterinary medicines & biologicals	Production	X☐	VSD,Private pharmaceuticals	VSD,Private pharmaceuticals		
		Licensing & registration	X☐	FDA, MMDAS	FDA, MMDAS		
		Retail	X☐	FDA,VSD, Private veterinarians	FDA,VSD, Private veterinarians		
		Residue control	X☐	N/A	N/A		
3.4.13	Export certification	Animals	X☐	VSD	VSD		
		Animal products	X☐	VSD	VSD		
3.4.13	Import requirements	Animals	X☐	VSD, Customs	VSD, Customs		
		Animal products	X☐	VSD, Customs, Forestry commission	VSD, Customs, Forestry commission		
		Veterinary medicines and biologicals	X☐	VSD, FDA	VSD, FDA		
		Animal feeds/feed additives	X☐	VSD, FDA	VSD, FDA		

Comments…No legislation in enforce and facility for residue control. At the airport the Plant, Protection and Regulatory Services Directorate of the Ministry of Food and Agriculture does animal production inspection, but this a mandate of Veterinary Services Directorate of the Ministry of Food and Agriculture……..

Appendix 5. Country's responses to the OIE Questionnaire Part II

OIE VETERINARY LEGISLATION SUPPORT PROGRAMME

VETERINARY LEGISLATION IDENTIFICATION MISSION

QUESTIONNAIRE: PART II

Comparison of 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 Veterinary Surgeons Act of 1997*

Comments: *This Act creates a veterinary statutory body, The Veterinary Council, to regulate the veterinary profession, but the Act does not address the issue of veterinary para-professionals. Under the Act, the rights and responsibilities of veterinarians are defined, but not the rights and responsibilities of veterinary para-professionals. To date, specific categories of veterinary para-professionals that work in the country have not been officially recognised, though different types do exist, including community-based animal health workers who receive short-term training from NGOs.*

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: ☐x

Pertinent legislation: Diseases of Animals Act, 1961 (Act 83); Public Health Act, 2012 (Act 851)

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: ☐x

Pertinent legislation: Diseases of Animals Act, Public Health 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: ☐x

Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments: VSD questions whether the FDA appoints qualified officials in the area of veterinary drugs

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: ☐x No: ☐ Partially: ☐

Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

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

Yes: X☐ No: ☐ Partially: ☐x

Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments: Laws not fully enforced

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: X☐ Partially: ☐

Pertinent legislation

Comments: Gaps in the legislation, but Code of Ethics. Disciplinary action can be taken if Code of Ethics is breached

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: X☐ No: ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

ii) access to records?

Yes: X☐ No: ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

iii) taking samples?

Yes: X☐ No: ☐ Partially: ☐

Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

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

Yes: ☐X No: ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

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

Yes: X☐ No: ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

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

Yes: X☐ No: ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

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

Yes: X☐ No: ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

viii) suspension or withdrawal of official authorisations or approvals?

Yes: X☐ No: ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act

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 ☐X Partially: ☐

Pertinent legislation:

Comments: Delegation is done under administrative arrangements

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 X☐ Partially: ☐
Pertinent legislation:

Comments:

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

Yes: ☐ No X☐ Partially: ☐
Pertinent legislation:

Comments: Persons holding a delegation are paid by regulated parties

c) define the procedures for making delegation?

Yes: ☐ No ☐X Partially: ☐
Pertinent legislation:

Comments:

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

Yes: ☐ No ☐X Partially: ☐
Pertinent legislation:

Comments:

e) define the conditions of withdrawals of delegations?

Yes: ☐ No ☐X 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: X☐
Pertinent legislation: Veterinary Surgeons Law, PNDC Law 305

Comments: Yes for veterinarians, but no for veterinary para-professionals. Regulation of para-professionals is provided for in a set of amendments to the Veterinary Surgeons Act currently being reviewed by the Attorney General Office

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

Yes: ☐ No ☐ Partially: X☐
Pertinent legislation: Veterinary Surgeons Law

Comments: Yes for veterinarians, but no for veterinary para-professionals

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

Yes: ☐ No ☐ Partially: ☐X
Pertinent legislation: Veterinary Surgeons Law

Comments: Yes for veterinarians, but no for veterinary para-professionals

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

Yes: ☐ No ☐ Partially: ☐X
Pertinent legislation: Veterinary Surgeons Law

Comments: Yes for veterinarians, but no for veterinary para-professionals

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: X☐
Pertinent legislation Veterinary Surgeons Law

Comments:

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:

Comments: Question unclear. Unable to answer.

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 ☐X Partially: ☐
Pertinent legislation:

Comments: Regulation of para-professionals is provided for in a set of amendments to the Veterinary Surgeons Act currently being reviewed by the Attorney General Office

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: ☐X
Pertinent legislation: Veterinary Surgeons Law

Comments:

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

Yes: ☐ No X☐ 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 ☐X 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 ☐X Partially: ☐
Pertinent legislation:

Comments:

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

Yes: ☐ No ☐X 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 ☐X 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 ☐X Partially: ☐

Pertinent legislation:

Comments:

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: Proposal in the Veterinary Services and Animal Production Bill

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: X☐

Pertinent legislation: Diseases of Animals Act, Regulations for the Control of the Importation of Animals (made under the authority of the Animals (Control of Importation) Ordinance of 1952)

Comments: Proposal in the Veterinary Services and Animal Production Bill

d) data access/accessibility;

Yes: ☐ No ☐X 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 ☐X Partially: ☐
Pertinent legislation:

Comments:

f) checking, verification, inspection and penalties;

Yes: ☐ No ☐X Partially: ☐
Pertinent legislation:

Comments:

g) confidentiality of data;

Yes: ☐x No ☐ Partially: ☐
Pertinent legislation: Data Protection Act, 2012 (Act 843)

Comments:

i) where relevant, funding mechanisms;

Yes: ☐ No ☐X Partially: ☐
Pertinent legislation:

Comments:

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

Yes: ☐ No ☐X Partially: ☐
Pertinent legislation:

Comments:

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 ☐X Partially: ☐
Pertinent legislation:

Comments:

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

Yes: ☐x No ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act, Criminal Offences Act, 1960 (Act 29)

Comments:

c) provision for veterinary checks?

Yes: ☐X No ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals 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: ☐x

Pertinent legislation: Artificial Insemination Act, 1955 (Act 33)

Comments: Proposal in Veterinary Services and Animal Production Bill

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: ☐x
Pertinent legislation: Public Health Act

Comments: Food is defined as including feed in the PHA. Proposal in Veterinary Services and Animal Production Bill

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

Yes: ☐x No ☐ Partially: ☐
Pertinent legislation:

Comments: Proposal in Veterinary Services and Animal Production Bill

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

Yes: ☐x No ☐ Partially: ☐
Pertinent legislation: Public Health Act

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 X ☐ Partially: ☐x
Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

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

Yes: ☐ No X ☐ 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: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments: VSD is of the view that this a veterinary function, but presently done by MOH

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

Yes: ☐ No X ☐ 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: X ☐ No ☐ Partially: ☐

Pertinent legislation: Diseases of Animals Act

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: X ☐ No ☐ Partially: ☐
Pertinent legislation: Diseases of Animals Act

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: X ☐ No ☐ Partially: ☐

Pertinent legislation: Diseases of Animals Act

Comments:

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: X ☐ No ☐ Partially: ☐
Pertinent legislation: Diseases of Animals Act

Comments:

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

i) administrative and logistic organisation?

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Diseases of Animals Act

Comments: Needs to be updated

ii) exceptional powers of the Competent Authority?

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Diseases of Animals Act

Comments:

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

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act

Comments:

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: ☐x
Pertinent legislation: Diseases of Animals Act, Public Health Act

Comments: Discretionary Power. No compensation for the costs of destruction

5.4. Emerging diseases

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

Yes: ☐ No X ☐ Partially: ☐
Pertinent legislation:

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: x ☐ No ☐ Partially: ☐
Pertinent legislation:

Comments: Criminal Offences Act, 1960 (Act 29)

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 X ☐ Partially: ☐
Pertinent legislation:

Comments:

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

Yes: ☐ No X ☐ Partially: ☐
Pertinent legislation:

Comments:

c) slaughter for human consumption?

Yes: ☐ No X ☐ Partially: ☐
Pertinent legislation:

Comments:

d) killing for disease control purposes?

Yes: X ☐ No X ☐ Partially: ☐
Pertinent legislation:

Comments:

e) the use of animals in research and education?

Yes: ☐ No X ☐ Partially: ☐
Pertinent legislation:

Comments:

6.3. Stray dog population control

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

Yes: ☐ No X ☐ Partially: ☐

Pertinent legislation: Local Governance Act, 2016, (Act 936); Criminal Offences Act

Comments: Metropolitan, Municipal and Districts Assemblies have the power to make by-laws

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 X ☐ Partially: ☐

Pertinent legislation:

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: ☐x
Pertinent legislation:

Comments: Definition "drug" in Public Health Act includes veterinary drug, but does not include veterinary biological

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

Yes: ☐ No ☐ Partially: ☐x
Pertinent legislation: Public Health Act

Comments: ECOWAS Regulation C/REG/22/11/10 regulates the marketing of veterinary drugs within ECOWAS countries. Instrument needs to be reapproved by new Cabinet and tabled before Parliament for ratification.

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: X ☐ No ☐ Partially: ☐x

Pertinent legislation: Public Health Act

Comments: Addressed by ECOWAS Regulation.

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

Yes: ☐ No X ☐ Partially: ☐

Pertinent legislation:

Comments: Method to determine of MRL must be specified in application for marketing authorization under ECOWAS Regulation

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

Yes: X☐ No ☐ Partially: ☐

Pertinent legislation:

Comments: Public Health Act

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: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments: Not enforced

b) Does the veterinary legislation make special provisions for:

i) medicated feed?

Yes: ☐ No X ☐ Partially: ☐
Pertinent legislation:

Comments: Addressed by ECOWAS Regulation

ii) products prepared by authorised veterinarians or authorised pharmacists?

Yes: ☐ No ☐X Partially: ☐
Pertinent legislation:

Comments:

iii) emergencies and temporary situations?

Yes: ☐ No ☐X Partially: ☐

Pertinent legislation:

Comments:

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

Yes: X☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

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 ☐X Partially: ☐
Pertinent legislation:

Comments:

ii) establish rules providing for transparency in decision making?

Yes: ☐ No X☐ 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 X☐ Partially: ☐
Pertinent legislation:

Comments:

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: ☐ X
Pertinent legislation: Public Health Act (Part Eight)

Comments: Donald: they answered "no", but part 8 PHA deals with clinical trial for drugs

b) conditions for the conduct of trials?

Yes: ☐ No ☐X Partially: ☐X
Pertinent legislation: Public Health Act (Part Eight)

Comments:

c) qualifications of experts involved in trials?

Yes: ☐ No ☐X Partially: ☐X
Pertinent legislation: Public Health Act (Part Eight)

Comments:

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

Yes: ☐ No ☐X 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: ☐x
Pertinent legislation: Public Health Act

Comments: FDA does not perform all the functions above

b) definition of the responsibilities of operators?

Yes: ☐ No ☐ Partially: ☐x
Pertinent legislation: Public Health Act

Comments:

c) good manufacturing practices?

Yes: X☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments:

d) reporting on adverse effects to the Competent Authority?

Yes: ☐ No ☐X Partially: ☐
Pertinent legislation:

Comments:

e) mechanisms for traceability and recall?

Yes: ☐ No X☐ Partially: ☐
Pertinent legislation:

Comments:

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 X☐ Partially: ☐
Pertinent legislation:

Comments:

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

Yes: ☐ No X☐ Partially: ☐
Pertinent legislation:

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 X☐ Partially: ☐
Pertinent legislation:

Comments: This could be addressed in a set of amendments to the Veterinary Surgeons Act currently being reviewed by the Attorney General Office

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

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments: This could be addressed in a set of amendments to the Veterinary Surgeons Act currently being reviewed by the Attorney General Office

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

Yes: x☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments:

f) reporting on adverse effects to the Competent Authority?

Yes: ☐x No ☐ Partially: ☐x
Pertinent legislation: Public Health Act

Comments: In practice, reporting is done to VSD

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 X ☐ Partially: ☐
Pertinent legislation:

Comments:

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

Yes: ☐x No ☐ Partially: ☐
Pertinent legislation: Public Health Act, Diseases of Animals Act

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: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments:

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

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act, Ghana Standards Authority Act (quality standards)

Comments:

e) inspection of premises?

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments:

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

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments:

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

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments:

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: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments:

b) the conduct of inspection and audit?

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments:

c) food safety standards?

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act, Ghana Standards Authority Act (quality)

Comments:

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

Yes: ☐ No X ☐ Partially: ☐
Pertinent legislation:

Comments: In practice, partially done

e) 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 X ☐ Partially: ☐x
Pertinent legislation:

Comments: Public Health Act

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: X ☐ No ☐ Partially: ☐
Pertinent legislation: Public Health Act

Comments:

b) the use of risk-based management procedures?

Yes: ☐ No X ☐ 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: ☐x
Pertinent legislation:

Comments: Assessed at the time of registration by MMDA/FDA

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

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

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation:

Comments:

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

Yes: ☐ No X ☐ 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: X ☐ No ☐ Partially: ☐x
Pertinent legislation: Regulations for the Control of the Importation of Animals (made under the authority of the Animals (Control of Importation) Ordinance)

Comments: OIE standards are used

b) animal health measures applicable before and at departure?

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation:

Comments: *check Donald's notes

c) border posts and quarantine stations?

Yes: X ☐ No ☐ Partially: ☐x
Pertinent legislation: Regulations for the Control of the Importation of Animals

Comments: OIE standards are used

d) animal health measures applicable on arrival?

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation: Regulations for the Control of the Importation of Animals

Comments: Does not take into account OIE standards

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

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation:

Comments: * check Don's notes

f) quarantine measures applicable to non-human primates?

Yes: X ☐ No ☐ Partially: ☐
Pertinent legislation:

Comments: * check Don's notes

Appendix 6. List of Acts and Subordinate Legislation Consulted

Legislation Repealed or no Longer in Textbook

Infectious Diseases Act, 1908 (CAP. 78) (Repealed)

Poultry Carcass (Importation) Order, 1950 (No 1087) (No longer in textbook)

Local Government Act, 1993 (Act 462) (Repealed)

Legislation in force

Animals (Control of Importation) Ordinance, 1952 (No 36)

Regulations for the Control of the Importation of Animals, 1952

Animals (Artificial Insemination) Act, 1955 (Act 33)

Diseases of Animals Act, 1961 (Act 83)

Standards Authority Act, 1973 (NRDC 173)

Veterinary Surgeons Law, 1992 (PNDCL 305C)

Fisheries Act, 2002 (Act 625)

Fisheries Regulations, 2010 (L.I. 1968)

Public Health Act, 2012 (Act 851)

Criminal Offences Act, 1960 (Act 29)

Biosafety Act, 2011 (Act 831)

Environmental Protection Act,1994 (Act 490)

Local Governance Act, 2016 (Act 936)

Fees and Charges Instrument (Successive LIs)

ECOWAS Regulation C/REG 22/11/10 Establishing Community Procedures for Management of Veterinary drugs or Biologics (Not yet incorporated in Ghana legislation)

Legislation under Development

Veterinary Surgeons Bill

Veterinary Services and Animal Production Bill

Draft Meat Inspection Regulations

Regulations for Slaughter Houses and Slabs, Meat Markets and Shops, Meat Processing Facilities, Cold Storage Facilities and Meat Transportation Vans

Appendix 7. List of reports consulted

OIE PVS Evaluation Report (November 2008)

OIE PVS Gap Analysis Report (August 2011)

OIE PVS Evaluation Follow-Up Mission Report (October - November 2016)

Report of FAO Consultants on the Development of Animal Health and Animal Production Legislation in Ghana (2014)

Report of Gap Analysis Meeting on the Development of Animal Health and Production Legislation in Ghana (October 2015)

Report of Gap Analysis Workshop on the Draft Veterinary and Livestock Improvement Bill (February 2016)

Ghana Livestock Development Policy and Strategy (April 2016)

Ghana National Health Policy (Draft of May 2013)

Country Profile of Ghana, FAO
http://www.fao.org/ag/agd/agpc/doc/counprof/ghana/Ghana.html

Country Profile of Ghana, Index Mundi
http://www.indexmundi.com/ghana/demographics_profile.html

Country Profile of Ghana, World Bank
http://www.worldbank.org/en/country/ghana/overview

Appendix 8. PowerPoint presentations used at entry/exit meetings

8.1 Opening presentation

OIE Veterinary Legislation Support Programme (VLSP)

Veterinary Legislation Identification Mission for Ghana
July 10 to 14, 2017

Dr Donald Hoenig (Veterinary Expert)
Caroline Wambui (Observer)
Anne-Marie Lalonde (Team Leader)

Overview of this presentation

- Brief history of the OIE
- Background on the OIE PVS Pathway
- Introduction to the VLSP
- Ghana's experience with the PVS Pathway
- Conclusion

Brief History of the OIE

- Founded in1924 in Europe in response to rinderpest outbreak.
- Objective was to coordinate activities in neighboring countries to effectively control outbreak.
- In 2003, the International Office of Epizootics became the World Organisation for Animal Health, but kept its historical acronym, OIE.
- OIE now evolved into a global, international organisation, with 181 member countries.
- Headquarters in Paris.

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

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

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

OIE and the World Trade Organization

- The 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

OIE Standards

- Terrestrial Animal Health Code
- Chapter 3.4 of the TAHC: The objective of this chapter is to provide advice and assistance to Member Countries when formulating or modernizing veterinary legislation so as to comply with OIE standards, thus ensuring good governance of the entire veterinary domain."
- Aquatic Animal Health Code

Compliance with OIE standards leads to increased trade

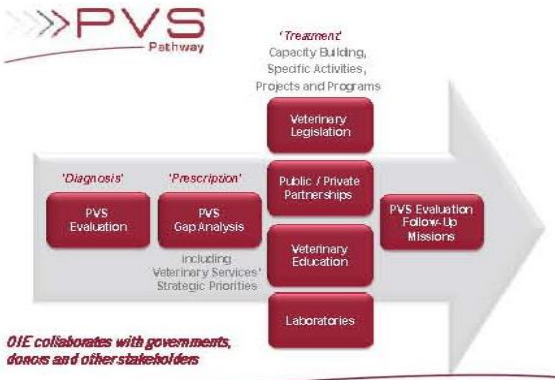
Compliance with international standards can also:

- Improve the health and productivity of national flocks and herds,
- Reduce the incidence of zoonotic diseases,
- Improve food safety,
- Increase the supply of animal protein for domestic consumption, and
- Improve the general health and welfare of the country's population and animals.

PVS Pathway

OIE PVS Pathway

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



Structure of the VLSP

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

1- Veterinary Legislation 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; and
- Review the current status of the Member's legislation against the standards for veterinary legislation set out in Chapter 3.4 of the Terrestrial Animal Health Code.

1- Veterinary Legislation Identification Mission: Logistics

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

2- Legislative Agreement

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

Ghana's participation in PVS Pathway

- PVS Evaluation Mission in 2008
- PVS Gap Analysis in 2011
- PVS Evaluation Follow-Up Mission in November 2016
- VLSP Veterinary Legislation Identification Mission currently undergoing

Sample PVS Evaluation Results for Ghana in 2016

PVS Critical Competency	PVS level (out of 5)
I-6.A Internal coordination (chain of command)	4
I-8 Operational Funding	1
II-4 Quarantine and border security	2
II-8.B Ante & post mortem inspection	1
II-9 Veterinary medecines and biologicals	2
III-2 Consultation with interested parties	4
III-5.A Veterinary Statutory Body Authority	3
IV-1 Preparation of legislation and regulations	2

Two critical competencies relate specifically to legislation

IV-1 Preparation of legislation and regulations	Levels of advancement
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). 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.	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 out-dated 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, including participation of interested parties in most fields of activity. 5. The VS regularly evaluate and update their legislation and regulations to maintain relevance to evolving national and international contexts.

Two critical competencies relate specifically to legislation

IV-2 Implementation of legislation and regulations and compliance thereof	Levels of advancement
The authority and capability of the VS to ensure compliance with legislation and regulations under the VS mandate.	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 action/initiate 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.

Conclusion

- The 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.
- Veterinary legislation is necessary to provide a **legal basis for the Competent Authority** to properly & effectively regulate the veterinary domain.

8.2 Closing presentation

Preliminary Findings and Recommendations

Preparation of legislation and regulations
Animal diseases
Human production chain / Food safety
Veterinary medicines and biologicals
Miscellaneous
Recommendations

Preparation of legislation and regulations

- Existing legislation is of good internal quality.
- Attorney General Office is available throughout drafting process and stakeholders are involved, but no in-house legal counsel.
- Capacity to draft new legislation and regulations is limited and seems to rely on external consultants.
- Regulations are not developed at the same time as primary legislation.
- Legislation and regulations are not systematically consolidated. No legal data management system in place.
- Legislation and regulations not easily accessible to regulated parties and members of the general public.

Animal Diseases

Strengths:

Veterinary Services and Animal Production Bill, although still in draft form, is in the way of being finalized.

VSD committed to improve the legislation, stakeholders involved during the whole process, as evidenced by the large number of participants to the meetings.

Weaknesses:

Legislation is outdated (Diseases of Animals Act/Animals (Control of Importation) Act)/Artificial Insemination Act) and incomplete, e.g. authority for financing of animal diseases control measures such as operational measures and owners compensation, authority to investigate and respond to emerging diseases.

Human Food Production Chain

Strengths:

- Two draft Meat Inspection Regulations being developed respectively by VSD and FDA. Identified as a priority by Attorney General office.
- VSD and FDA committed to engage into vast consultation to ensure acceptability of the regulations.
- Deputy AG indicated that they will be encouraging Minister of Food and Agriculture and Minister of Health to meet to iron out the internal areas of disagreement.

Weaknesses:

- Veterinary legislation does not provide a basis for all stages of the production, processing and distribution of food of animal origin.
- No power to require health marks, no power to recall products, no use of risk-based management procedures in the food chain regarding operators of premises.
- Uncertainty of the policy surrounding the roles and responsibilities of VSD and FDA (and local governments) on inspection of slaughterhouses and related activities.
- Internally, there does not seem to be a consensus on current practices and procedures. Internal dissention is impeding VSD's capacity to identify the problems that need to be fixed and solutions. Makes it difficult to present and advocate for VSD position in discussions with FDA and eventually with Minister's office.

Veterinary Medicines and biologicals

Strengths:

- Veterinary Surgeons Act in the process of being revised.
- FDA is willing to enter into an MOU to formalize and facilitate information-sharing.
- FDA indicates that they are willing to hire veterinarians to work in the Unit dealing with veterinary medicines.

Weaknesses:

- Misuse of drugs not covered, illegal sale of drugs not covered, integrity of drugs until they reach end-users is not covered.
- Definition of drugs in the Public Health Act does not cover biologicals.
- Quality of veterinary medicines and biologicals is not covered.
- Difficulty for VSD to ascertain information compiled by the FDA on the registration of veterinary medicines for the purposes of issuing import permits.
- Absence of veterinarians in the FDA Unit dealing with veterinary medicines.

Miscellaneous

- Regulation of para-professionals is not covered, but covered in the Veterinary Surgeons Act currently under revision (to be confirmed).
- Animals welfare is basically not covered, but covered in Veterinary Services and Animal Production Bill.
- Animal identification not currently legislated, but covered in Veterinary Services and Animal Production Bill.
- Registration and approval of animal markets does not seem to be regulated (unless in by-laws from local governments)
- Animal Feed is not currently legislated, but covered in Veterinary Services and Animal Production Bill (in the section on pharmaceuticals)

Recommendations

- Divide Veterinary Services and Animal Production Bill into separate Bills.
- Give priority to Animal Diseases component. Ensure that there are no inconsistency with Part One of the Public Health Act, address drafting issues and other outstanding policy issues for submitting Bill to Attorney General.
- Develop regulations that are necessary to implement Animal Diseases Bill at the earliest stage, so that they can be approved as soon as possible after Animal Diseases Bill is enacted.
- On food safety, reconcile VSD internal differences on current practices, procedures, problems that need to be fixed and options for solution.
- On food safety and veterinary medicines and biologicals, seek clear policy direction/support from Minister of Food and Agriculture on legislative initiatives, including taking over of authorities.
- When financial situation allows, hire a legal counsel to assist in the preparation of legislation and to advocate for VSD's position.