

## The development of veterinary legislation in Lao PDR for animal disease control

Effective animal disease control needs to be backed by a good legal framework. If the actions required lack the force of law they may not be easily enforced and this can affect the speed and effectiveness of responses. Some of the matters considered necessary for effective legislation on animal diseases are provided at [Appendix 1](#). They include:

- a list of notifiable diseases
- a requirement to report suspected notifiable disease
- the power to declare an emergency
- an authority to carry out inspections and take samples
- the power to impose quarantine and movement controls
- the power to order the destruction of animals and animal products, and to determine whether compensation will be paid
- an ability to impose offences and penalties
- a capacity for a Minister to delegate their powers to another person, such as a chief veterinary officer or inspector
- an ability to specify detailed requirements in subsidiary (subordinate) legal instruments.



The legislative framework in the Lao People's Democratic Republic (PDR) consists of a hierarchy of laws, ordinances and decrees. Laws are proposed by ministries and approved by the National Assembly, while the other instruments may be issued as appropriate by the President, Prime Minister or other leaders. An outline of the framework is at [Appendix 2](#).

Until the approval of a Veterinary Law by the National Assembly in July 2008, animal disease control in Lao PDR operated at the level of Ministerial Decree and consisted of a series of Decrees, Decisions and Instructions. These instruments give only limited powers, which lacked the flexibility and many of the authorities required for disease control, such as an ability to impose quarantine on suspicion of disease, or to destroy animals as part of stamping out policy to control the spread of disease.

A further complicating factor is that provincial administrations have prime responsibility for implementing the laws and decisions and for technical services within their respective jurisdictions. That is, many of the disease control actions specified at national level—such as the quarantining of animals and premises, movement controls and disinfection on infected premises—are achieved through decrees issued by a Provincial Governor. This has the potential to delay implementing responses while the legislative procedures are completed, and relies on the provincial administrations maintaining adequate levels of funding and services.



The Lao PDR experienced outbreaks of highly pathogenic avian influenza (HPAI) in 2004 and 2006. Control measures were implemented successfully, which appears to be due in part to the low population density and scattered nature of poultry farming, but also to the use of a number of specific, more powerful decrees and orders for control of avian influenza issued in response to the HPAI outbreaks. Given the potential human health consequences, there also appeared to be a strong commitment at national and provincial levels to implement legal instruments necessary for effective HPAI control.

A 2007 report for the FAO<sup>1</sup> concluded that while the system of decrees and decisions were able to be used successfully to conduct a response, there were a number of limitations.

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<sup>1</sup> Morgan, I. (2007). Veterinary Legislation for Animal Disease Control. Report for FAO Project GCP/LAO/014/GER “Building Capacity at the Grass-roots Level to Control Avian Influenza”.

These included

- the process for declaration of animal diseases was inflexible, as there was no provision to amend the notifiable disease list without re-issuing the whole of the original legislation
- failure to report the presence of notifiable diseases was not an offence under existing animal health legislation
- the ability to institute effective movement controls was compromised because there were no provisions to issue “standstill” orders on animals or premises when the presence of notifiable disease was suspected, and before confirmation is made, which meant potentially infected animals could spread disease
- the roles and responsibilities of animal health staff were not well defined, as is required under the OIE Terrestrial Code. It is important to clearly define roles and responsibilities within legislation to ensure that government veterinary staff have the necessary legal powers perform their duties
- rapid response action can be prejudiced, because while disease control actions may be contained in Prime Ministerial and Ministerial Orders, the actual implementation is through separate decrees issued at provincial level



- the lack of strong powers to enter holdings, to examine animals, or to quarantine and or slaughter animals on suspicion of disease, and to pay compensation to owners reduced the ability of veterinary authorities to rapidly implement responses
- the lack of definition of offences, which made enforcement difficult.

The FAO Report also noted that the Government appears to prefer to solve issues through negotiation at the village, district and provincial level. The Report suggested that if this is the case, it would provide a reason why penalties and offences are often not defined in animal disease legislation.

The new Veterinary Law introduced in 2008 addressed many of these matters. It establishes an improved regulatory framework to strengthen veterinary services, contains provisions for greater transparency in reporting AI and other emerging diseases, and sets out disease control measures, including animal and by-product movements, biosecurity and hygiene standards.

The 2008 Veterinary Law includes

- general provisions on the purpose, scope and definitions

- a description of animal disease prevention and control measures that can be taken by the Government, including culling, disinfection, zoning, compensation and vaccination
- requirements on disease reporting
- provisions on the roles and responsibilities of state veterinary services
- provisions on domestic and international quarantine and movement controls
- a range of offence provisions.

Importantly, the Law provides for more detailed requirements to be specified by decree.

The Government of Lao PDR was assisted in the drafting of the Veterinary Law through a number of projects supported by the FAO and the European Union.



## References

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## Appendix 1: Hierarchy of legislation in Lao PDR

### **The Constitution**

**Defines fundamental issues such as political structures, basic rights and obligations of citizens**

### **Laws**

**Approved by the National Assembly. Laws are binding provisions that define principles, policy, rules and measures. They apply to the whole country, with long term enforcement by the ruling Party.**

### **Presidential Ordinances and Decrees**

**Lower status than a law, but are still binding provisions that define principles, policy rules and measures (eg for urgent cases where the National Assembly has not yet met to consider laws for adoption).**

### **Prime Ministerial Decrees**

**Used to regulate when there is no law in a particular area, and to provide detailed regulations to ensure the effective implementation of the law.**

### **Decrees and Decisions issued by Ministers**

**Used to implement legislation, orders or directives of higher bodies**

### **Decrees or decisions of Governors, District Chiefs etc**

**Used to implement legislation, orders or directives of higher bodies**

### **Village Rules**

**Used to implement legislation, orders or directives of higher bodies at village level**

## **Appendix 2: Some necessary elements of national legislation for animal disease control**

### **Scope and definitions**

A provision stating the purpose of the law, its objectives and scope generally precedes all the other provisions. A list of definitions of the main terms should ideally be consistent with international agreed sources such as OIE.

### **Enabling provisions, administration and powers of delegation**

An animal disease law should define the nature and limits of the powers to be exercised, and should designate those who will exercise authority under the law. Most animal disease laws vest power in the Minister responsible for agriculture, who can in turn delegate necessary powers to for example the Chief Veterinary Officer.

### **Reporting requirements**

There must be a duty imposed on government officials (such as veterinary officers, extension agents, border guards) and private citizens (farmers, private veterinarians) to report the appearance of certain diseases, even before the existence of the disease can be diagnostically confirmed. It should also be an offence for failing to report the presence of a notifiable disease.

### **Inspection**

There needs to be the authority for government officers to carry out inspections, including the taking and analysing of epidemiological samples. Powers are also necessary to stop and search vehicles within quarantine areas.

### **Power to impose and lift quarantine**

The Minister must have the power to declare certain areas under quarantine, with associated restrictions. These may restrict the movement of animals, animal products and things such as vehicles. Under the WTO Agreement on Sanitary and Phytosanitary Measures, all of these quarantine restrictions must have a scientific foundation and be based on risk assessment. There should be a procedure for review of areas under quarantine and the lifting of quarantine where the danger has decreased.

### **Import/export controls**

Animal disease laws and accompanying regulations need to regulate the import and export of live animals and animal products—particularly in an animal disease emergency.

### **List of notifiable diseases**

All animal disease Acts should have a list of diseases for the purposes of the Act. It should be possible to prescribe additional diseases or delete diseases through regulations made under the Act.

### **Powers to declare emergency**

Animal disease laws and accompanying regulations need to provide for the Minister or delegate to declare an outbreak of a specified disease, which ideally should trigger the release of funds to combat it.

### **Destruction of animals etc**

The legislation must give the Minister the power to order the destruction of any infected or suspected animal, animal products or any articles or things whenever in the Minister's opinion, the destruction will help to prevent the spread of disease.

### **Compensation**

The law should indicate whether and under what conditions compensation will be paid to owners of livestock, animal products or property destroyed. Regulations can contain the details.

### **Animal and farm registration**

It is advisable that the law establish an identification system for land holdings and animals (where appropriate) to facilitate tracking within the country.

### **Offences and penalties**

Offences must be defined, along with the penalties that may be imposed. Some of these actions may already constitute an offence according to the general criminal law in place in the country and may not need to be set out in the animal disease law.

### **Regulations and other subsidiary instruments**

Most parliamentary-level legislation is generally kept as fundamental as possible, and establishes broad principles. They are often known as enabling Acts. The details and specific requirements needed to ensure the Act operates successfully are then provided in subsidiary instruments, such as regulations, rules, schedules and forms. The subsidiary instruments should not create powers in themselves and should only amplify powers and duties established under the main law. This approach facilitates passage of the principal legislation, because the more general the law, the more likely it is to be approved. Secondly, keeping the legislation as straightforward as possible ensures that any needed amendments based on scientific developments or changing political circumstances can be made more quickly and easily.