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ROYAL GOVERNMENT OF BHUTAN
Ministry of Agriculture & Forests
Thimphu: Bhutan



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SECRETARY

MoAF/LD/1/2021-22/156

June 2, 2022

The Offtg. Secretary
Cabinet Secretariat
Trashichodzong

Subject: Submission of Legislative Impact Assessment Report for the revision of the Livestock Act of Bhutan, 2001

Dear Sir,

The Ministry of Agriculture and Forests would like to submit the Legislative Impact Assessment Report on the revision of the Livestock Act of Bhutan, 2001 for seeking endorsement of the Committee of Secretaries and an approval of the *Lhengye Zhungtshog* thereafter as required under the RoP for Legislative Impact Assessment.

The Legislative Proposal submitted by the Ministry was approved by the 119th Session of the Third *Lhengye Zhungtshog* held on May 12, 2022 which was conveyed to this Ministry vide letter No. C-3/119/2022/1273 dated 29th May 2022 by the Cabinet Secretariat.

Yours sincerely,


(Thinley Namgyel)

Copy to:

1. His Excellency *Sanam Lyonpo*, MoAF for his kind information.
2. The Director, DoL, MoAF for information.
3. The Offtg. Director, Directorate Services, MoAF for information.



**LEGISLATIVE IMPACT ASSESSMENT REPORT
FOR THE LIVESTOCK ACT OF BHUTAN, 2001**

**Ministry of Agriculture and Forests
Royal Government of Bhutan**

LEGISLATIVE IMPACT ASSESSMENT REPORT FOR THE LIVESTOCK ACT, 2001

1. TITLE OF THE PROPOSAL

- 1) Type of Legal Measure: Livestock Bill of Bhutan, 2022
- 2) Lead Ministry/Commission/Agency: Ministry of Agriculture and Forests
- 3) Date of approval of Legislative Proposal:
- 4) Expected Date of Adoption Day/Month/Year: June 2024

2. THE BACKGROUND OF THE PROPOSAL

(1) Details of how and why the proposed legislative change has arisen

The National Assembly of Bhutan in its 79th session adopted the Livestock Act of Bhutan, 2001 on August 25, 2001, with the purpose to regulate livestock breeding, health and production aimed at enhancing their productivity and preventing diseases, so as to enhance rural income and livelihood. Since then, numerous issues that were not addressed by the Act surfaced, however, the Act did not undergo any amendment to date. With the current trend of globalization, animal health is becoming important with a practice to facilitate safe international trade of animals and animal products while avoiding unnecessary impediments to trade. To address these changing trends, provisions have been incorporated in the Livestock Rules and Regulations, 2017 but they do not have a legal basis as certain provisions in the Rules do not derive authority from the Act thereby risking legal consequences and social challenges.

(2) Detailed background information that provides a context for the objective of the proposal and the policy that is to be implemented

The current Act lacks coverage on the pertinent issues necessary for effective implementation of the Act. The current Act is vague on the implementation and regulatory authorities. Although the Department of Livestock has been implementing the Act and Bhutan Agriculture and Food Regulatory Authority (BAFRA) has been enforcing the regulatory provisions of the Act, there is a need to have a clear designation of competent authorities with clear powers and functions for effective implementation of the Act.

The Act does not provide for the veterinary statutory body which is crucial to regulate the performance of veterinary and para-veterinary professions in the country, to ensure the competency of the veterinarian in providing clinical services.

The scope of the Act is limited only to those animals included under the definition of livestock (i.e., cattle, sheep, goat, pig, poultry, fish and horse) and excludes other domestic animals or other

species of animal. Therefore, the scope of the Act needs to be broadened to regulate the trade of animals and animal products; and to have a comprehensive provision on animal welfare measures, which is a very critical aspect of animal health.

The Act does not provide a standard procedure for implementation during the import of the animal, semen, germplasm and animal products, feed raw materials and finished feed products thereby resulting in the incursion of diseases or damage of imported animal products. Therefore, it is necessary that the sanitary measures be implemented based on the standards and guidelines adopted through the inclusion of such best practices in the Act.

Thus, revision of the Livestock Act has become pertinent to address issues and ambiguity in order to solve the practical problems faced by the implementers and regulators in the field. Therefore, it is important to review the current Act to address the emerging and re-emerging challenges and issues in the country for its smooth implementation.

(3) The detailed description of the issue that the proposal is expected to address

The revision will provide for the clear designation of competent authorities, the competent authority and regulatory authority with clear powers and functions for effective implementation of the Act. Considering the need, the revised Act will have provisions to establish a veterinary statutory body to regulate the performance of veterinary and Para -veterinary professions in the country. It will broaden the scope of the Act to include those domestic and other species of animals, and help regulate it, which are otherwise excluded in the current Act.

The revision of the Act will provide for the formulation of required standards and guidelines by the competent authority to enforce necessary sanitary and biosecurity measures, to regulate the trade of animal and animal products, animal feeds including raw materials to ensure the import and production of healthy and safe animal and animal products for consumption which will minimize the public health hazards.

The revised Act will have provisions on emerging animal welfare measures and good animal husbandry practices, occupation safety and health for the veterinarian, import risk analysis, surveillance and biosecurity measures, regulation of pet animals, animal nutrition, regulation of in-country movement of animals and animal products which are a very critical aspect of animal health and welfare. The revised Act will also be aligned with the existing legislation of the country.

(4) The economic, social and environmental effects including unsustainable trends of the issue

Social Impacts: Upon its revision, there shall be standards and guidelines formulated for the implementation of necessary sanitary and biosecurity measures to regulate the trade of animal, semen, embryo and animal products, to ensure that any import of animal, semen, embryo and their products will be healthy and safe for consumption thereby minimizing the public health hazards.

Economic Impacts: Currently, Bhutan does not export animal products but import animal, semen, embryo and animal products from the neighboring countries. In compliance with the relevant standards and guidelines, the revised Act will impose strict regulation on the trade of animal and animal products at the international and regional level, which will minimize disease incursion risk, help enhance the shelf life of the product and reduce damages, thereby making the healthy products readily available to the consumers at the reasonable price. Further, if Bhutan chooses to export animal and animal products in future; the quality, health and safety of such products would be in harmony with the international standards, and fetch good prices, which will improve the economic capacity of the people thereby improving their livelihood.

Environmental Impacts: Rampant release of domestic animals by social organizations in the wild throughout the country has been a cause of concern for both the veterinarians from the risk of disease outbreak or spread, and the conservationists from the adverse impact of such animals have on the forest through unregulated grazing. With its revision, the Act will have provisions to regulate the release of animals in the wild, thereby minimizing the impacts on the environment significantly.

(5) The risks inherent in the initial situation

As stated above, the current Livestock Rules and Regulations 2017 contains some provisions beyond the Livestock Act. For about two decades, numerous issues have surfaced in the field of animal health and production safety, thereby resulting in the need to accommodate and update the livestock laws. The animal welfare measures cannot be strengthened, in the event there are no amendments.

The performance of veterinary and Para veterinary professions has been left unregulated for the lack of a statutory body which may invite adverse impact on the technical proficiency of veterinarians in the long run.

In absence of a clear designation of competent authorities and their functions in the Act, there has been ambiguity in implementing provisions of the Act. Although the Department of Livestock and BAFRA has been functioning as implementation and regulatory authority, respectively there has been confusion at times over their roles and responsibilities.

The current Livestock Act does not provide for legal sanctions on the release of domestic animals in the wild. Such rampant release of animals in the wild has been causing a serious threat of spreading disease in addition to causing adverse impact on the environment.

(6) The underlying motive forces

a) What would happen under a “non-action” scenario?

- ❖ In case of a ‘non-action’ scenario, the implementation of the Livestock Act will not address all the livestock and related issues, which have emerged as a result of attaching importance to animal and their health; and animal products and by-products.
- ❖ For the lack of required standards and guidelines necessary for the implementation of the Act, there will be no basis for taking regulatory decisions by the competent authorities.
- ❖ The professional conduct and ethics of veterinarians in the country will remain unregulated in absence of a statutory body.
- ❖ The existing Act also lacks coverage on various animal health and their product safety measures, particularly during the imports and such negligence in the implementation of safety measures would be detrimental or even fatal to human health.
- ❖ The animal welfare related measures cannot be implemented and streamlined.
- ❖ The unregulated release of animals in the wild throughout the country are already been seen as a cause of the outbreak of diseases and spreading to the domestic animals. Further delay in the regulation of such practice will result in uncontrolled outbreaks of diseases and will continue to have an adverse impact on the environment.

b) Affected stakeholders

The Livestock Act of Bhutan, 2001 falls short of many issues concerning animal health, animal product including feeds and its raw materials and compliance measures to regulate safety during the trade of such products.

Lack of comprehensive coverage on the emerging and re-emerging aspects of animal health and safety measures, the implementers have been facing challenges in performing the duties in the field, since the current Act does not provide standards and guidelines for adherence during the trade of animal and animal product. The biosecurity and food safety aspects are being compromised thereby affecting human health by importing unhealthy animal products.

- ❖ Lack of proper and stringent regulations in place can also position the Bhutanese food market at risk of being used as a destination to export inferior quality animal products and by-products by other countries, which might affect the economy of the country in long run. Additionally, it will also compromise on the regulation of the import of healthy live animals, semen, and embryo resulting in disease incursions.

- ❖ Bhutan as a member of the World Animal Health Organization is duty bound to implement the OIE standards through inclusion into the domestic law but has not yet fulfilled the obligations.

c) Previous initiatives and existing Legal Measures that are deployed to solve the issue/problem

The Ministry has adopted and implemented the standards and guidelines through revision of the Livestock Rules and Regulations in 2017 although the Livestock Act does not provide for such provisions.

3. MAIN OBJECTIVE OF THE PROPOSAL

(1) The comprehensive objective intended to be achieved and the expected impacts, outputs and outcomes

The comprehensive objective intended to be achieved through the revision of the existing Act is to enhance the effective implementation of the Livestock Act and effective regulation of livestock aspects for the benefit of present and future generations of the Bhutanese people. The expected impacts, outputs and outcomes are to:

- a) Ensure that the required standards and guidelines are incorporated in the Act;
- b) Ensure that the new emerging and re-emerging animal health and biosecurity issues that are not addressed by the current Act are adequately incorporated into the Act;
- c) Have a statutory body to regulate veterinary and para-veterinary professionals in the country; and
- d) Align with the Constitution of the Kingdom of Bhutan, Civil and Criminal Procedure Code of Bhutan, Penal Code of Bhutan, Forest and Nature Conservation Act and other existing relevant legislations of the country.

(2) Account of any previously established objectives

The previously considered objective was to revise the existing Act since it does not provide for having standards and guidelines to regulate the trade of animal and animal products, address the challenges of emerging and re-emerging issues on animal health and biosecurity and regulation of veterinarians.

(3) The rationale for the objective

The rationale to revise the existing Act is to establish a veterinary statutory body, empower the formulation of standards and guidelines to regulate the trade of animal and animal products, provisions on animal welfare measures, animal biosecurity, improvement of animal health, animal

feed and its raw materials, veterinary clinical services, intervention to increase animal production, adopt necessary sanitary measures, regulate the release of domestic animals in the wild and specify clear powers and functions for the effective implementation of the Act.

The revised Act will also have provisions on occupation safety and health for the veterinarian, import risk analysis, surveillance and biosecurity measures, regulation of pet animals, animal nutrition and regulation of in-country movement of animal and animal products, to enhance good animal husbandry practices.

4. POLICY RATIONALE FOR THE PROPOSAL

(1) Clear statement of the issues or problems the proposal is intended to address

The current Act does not provide a basis for standard import procedure requirements during the import of the animal and animal products, thereby resulting in the incursion of diseases, and damage to imported animal products making it unsafe and unhealthy for human consumption. The revision of the Act will ensure the implementation of sanitary and biosecurity measures in compliance with the standards and guidelines during the trade of animal and animal products thereby resulting in the import of healthy and safe animal and animal products for consumption which will minimize the public health hazards.

Moreover, the revision will broaden the scope of the Act to include those domestic and other species of animals, and help regulate, which are otherwise excluded in the current Act. Further, it will also provide clear powers and functions of the competent authorities such as the Department of Livestock and BAFRA for effective implementation of the provisions of the Act which are not clear in the current Act.

The revised Act will have comprehensive provisions on animal welfare measures, occupation safety and health for the veterinarian, import risk analysis, surveillance and biosecurity measures, regulation of pet animals, animal nutrition and regulation of in-country movement of animal and animal products, to enhance good animal husbandry practices which is a very critical aspect of animal health.

(2) Why legislation rather than an administrative arrangement, is required

Considering numerous aforementioned issues that need to be addressed, the revision of the current Livestock Act of Bhutan, 2001 is necessary rather than opting for some other administrative arrangement. Even with the previous initiative of revising the Livestock Rules and Regulations in 2017, some of the provisions do not have any legal standing if challenged on the grounds of its legality and basis in the Livestock Act. Therefore, any administrative arrangements will not address the issue and the revision of the current Livestock Act of Bhutan, 2001 is required.

Regulating veterinary services cannot be done through any administrative measures as it might lead to certain violations where the penalty would be pertinent measures.

(3) A clear explanation of the policy to be implemented - what has to be done and why?

The Livestock Act of Bhutan, 2001 is a pre-constitutional law and over time, animal health has become more important in terms of disease prevention and control, and safe international trade of animals and animal products while avoiding unnecessary impediments to trade. To address these changing trends, provisions have to be incorporated into the Act on new emerging challenges or issues which are not addressed by the current Act. For this, a complete revision of the existing Livestock Act is required.

5. OPTIONS AVAILABLE TO ACHIEVE THE OBJECTIVES

(1) The basic approach to reach the objective

The basic approach to reach the objective is to revise the existing Act to have comprehensive provisions to govern all aspects of animal welfare and biosecurity measures including improvement of animal health and veterinary clinical services, intervention to increase animal production, standards and guidelines to regulate the trade of animal and animal products; and to have a veterinary statutory body to govern the professional conduct and ethics of the veterinarian.

(2) Policy instruments that have been considered earlier and the reason for its failure

The policy instrument that has been considered earlier is the revision of the Livestock Rules and Regulations. However, due to lack of authority in the Act, it is viewed as legally incorrect to address all the issues and problems through revision of the Rules, since it will have legal repercussions, for not complementing the Act but for contradicting and overriding the provisions of the Act.

(3) The options available and rationale for all options

The Ministry in order to address the issues and problems highlighted above have considered the following three options and considering that the existing Livestock Act need overhaul revision has considered option 3, to repeal the existing Act and carry out complete revision.

- a) Option 1: Amend the specific provisions in the existing Act
- b) Option 2: Amend the existing Act; and
- c) Option 3: Repeal the existing Act and carry out complete revision.

(4) Design and stringency levels that have been considered

The revised bill will see a change in the design and format of the Act, which will be guided by the Legislative Drafting Manual. The chapters in the new Act will be re-arranged to include similar issues in the same chapter, which is not the case in the existing Act.

On the stringency level, the new bill will be stringent requiring compliance to procedural requirements formulated as per the standards developed, segregation of offences into administrative, civil and criminal offences; and enhancing monitoring and compliance mechanism. Further, the professional conduct and ethics of the veterinary and para-veterinary will be regulated to ensure efficiency in the delivery of services.

The new Act will also empower the Department of Livestock and the BAFRA with powers and functions for effective implementation of the revised Act, thereby making the implementing and regulatory body accountable for non-performance under the new Act. The new Act is expected to bring more clarity to the mandates of BAFRA and the Department of Livestock and proper coordination with the Department of Forests and Park Services for the animals released in the wild.

Therefore, the new Act is expected to be stringent and at the same time implementation friendly, since it will cover all aspects of issues that are necessary to regulate animal health and other procedural compliance for animal welfare and biosecurity measures.

(5) The options that have been discarded

Option 1 & 2 amendment of the existing Act has been discarded since the Act needs comprehensive revision and part revision of the Act will not address the implementation challenges and problems inherent with the existing Act.

6. IMPACTS EXPECTED FROM THE DIFFERENT OPTIONS IDENTIFIED

(1) The expected positive and negative impacts of the options selected, particularly in terms of economic, social and environmental consequences including impacts on the management of risks, in particular:

- a. The administrative compliance cost;**
- b. The impact on the budget; and**
- c. Creation of new institutions.**

❖ The revision of the Livestock Act, 2001 will not create a new institution, since it is being implemented by the Department of Livestock, which is fully functional with its Field Offices spread throughout the Dzongkhags and Gewogs in the country. Besides, there are

various centres and regional programs established, which function directly under the Department.

- ❖ The enforcement power of the Act is being shouldered by the BAFRA, which is also a fully functional regulatory body. Therefore, there will be no additional administrative cost involved.
- ❖ The proposed revision of the Livestock Act of Bhutan, 2001 will have positive impacts outweighing the negative impacts. The impacts are:
 - The revised Act will provide for the formulation of standards and guidelines necessary for the implementation of sanitary and biosecurity measures to facilitate the trade of animal and animal products. Stringent compliance to these standards and guidelines will ensure that Bhutan's trade, especially the export and import of animals and their product will be regulated as per the standard, thereby resulting in the import of healthy and safe animals, semen, embryo and animal products, which will be healthy and safe to consume thereby minimizing the public health hazards.
 - The revised Act will impose strict regulation on the trade of animals and animal products at the international and regional levels. Although, at present Bhutan do not export animal product rather imports a lot of animal product from the neighboring country and application of such standards and guidelines during the import will minimize disease incursion, enhance the shelf life of the product imported and reduce damages, thereby making healthy products readily available to the consumers at the reasonable price. Similarly, in the future, if Bhutan chooses to export animal products, the quality, health and safety of products will be certified based on international standards and would fetch good price; which will improve the economic capacity of the people thereby improving their livelihood.
 - The release of animals in the wild has been a concern for both the veterinarian from the risk of disease outbreak or spread and to the conservationist from the adverse impact such animals have on the forest through unregulated grazing. The revised Act will contain provisions to regulate the rampant release of animals in the SRF, thereby minimizing the impacts on the environment significantly.
 - The delivery of clinical services will be enhanced through the regulation of veterinary and para-veterinary professionals with the establishment of a veterinary statutory body.

(2) Potential conflicts and inconsistencies between the economic, social and environmental impacts that may lead to trade-offs and related policy decision

One objective behind the revision of the existing Act is to have harmonization with the existing legislation in the country. Through this revision, any conflict or inconsistencies with various laws

and international practice is expected to be solved, thereby making the new Livestock Act implementation friendly and more stringent to ensure the safety of animal health and animal product for consumption. Therefore, there is no possibility of any trade-off for the policy decision made to completely revise the existing Act.

(3) Impacts of particular social group, economic sector or region

The revision of the Livestock Act in its entirety will have a positive impact in general. Under the new bill, citizens will have access to healthy animals and safe animal products through enforcement of stringent compliance to standards and guidelines, thereby minimizing public health hazards. Besides, the entrepreneurs engaged in the livestock business can also improve their income through the export of quality and safe animal products. Furthermore, with the proposal to regulate the release of domestic animals in the wild, it is expected to minimize environmental impacts.

7. JUSTIFICATION OF THE PREFERRED OPTION

(1) The recommended option and rationale and reasons

Of the three options considered, option three was chosen considering the need to revise the entire Act, since the existing Act is being enacted nearly two decades ago, lacks various regulatory measures to regulate animal welfare, enabling standards to improve animal health, increase the production of healthy and safe animal products and regulation of import and export of animal and animal product. Thus, the new Act will be comprehensive of all pertinent issues that need to be prescribed in the Act.

(2) Have any accompanying measures to maximize positive impacts and minimize negative impacts been taken

The Department of Livestock being the technical agency to oversee the implementation of the Act shall prescribe standards and guidelines and BAFRA as the regulatory authority shall enforce such standards and guidelines for effective implementation of the revised Act.

8. POWERS AND FUNCTIONS, DECISION MAKERS, DELEGATES AND REVIEW OF DECISIONS

(1) Clarity of power and function

- ❖ The revised Bill will clearly specify the powers and functions of various authorities under the Bill. The Act shall be under the custody of the Ministry of Agriculture and Forests and as a custodian, the Ministry shall exercise broad powers to render policy decisions that are

related to granting approvals and issuing orders to the proposal submitted by the Department of Livestock for effective implementation of the Act.

- ❖ The Department of Livestock, as a technical body, shall be responsible for the implementation of the Act. The power and function of the Departments shall be responsible for carrying out risk analysis and biosecurity surveillance, the establishment of infrastructures required for animal welfare, conservation of animal breeds and providing animal health services. Besides, the Department shall also formulate standards and guidelines for implementation by a regulatory authority including preparation of disease prevention and contingency plan to safeguard the animal from disease outbreaks.
- ❖ The Bhutan Agriculture and Food Regulatory Authority as a regulatory body shall oversee the effective implementation of regulatory measures put in place for implementation.
- ❖ The veterinary statutory body to be established under the new Act will regulate the conduct and ethics of the veterinarians including their professional enhancement.
- ❖ The powers and functions under the revised Act shall not be concentrated under one authority rather it shall spread across the various body of authorities depending on the nature of mandates they shoulder.

(2) Decision-maker and delegates

Decision making for the purpose of effective implementation of the Act shall be categorized into three tiers. When it comes to a policy decision, it shall be the Ministry who will make a decision. However, the decision of the Ministry shall be based on the technical recommendation of the Department. On the technical front, it shall be the Department that will prescribe appropriate measures based on science for enforcement. BAFRA on the other hand as a sole regulatory authority shall exercise full power to enforce the technical prescription in the field, through its Field Inspectors.

(3) Decision criteria

The decision to be rendered by each of the authorities stated above shall not be discretionary and arbitrary. All decisions shall be guided by technical reasoning based on science and the legal provisions of the laws.

(4) Review of decisions

There shall be a process for the review of decisions rendered by a different authority, any person who is aggrieved by the decisions rendered by the regulatory authority or technical department, shall seek the redressal from the Ministry. Ultimately, an aggrieved person may refer the issues to the oversight agency outside the Ministry including filing a petition to the Court.

9. STAKEHOLDER CONSULTATION

(1) Which interested parties were consulted, when in the process, and for what purpose?

The need to revise the Livestock Act, 2001 was felt long before and the groundwork for the revision of the Act was also carried out. The Act was also reviewed by the OIE. The OIE in their report also recommended revision of the Act. Based on the requirement to revise the Act, the Department of Livestock initiated the revision process considering the problems and issues associated with the implementation of the Act.

As a part of the revision, the Legislative Impact Assessment (LIA) exercise was conducted. The exercise covered officials from the Department of Livestock and BAFRA. The LIA was conducted through a qualitative survey by use of structured questionnaires to collect the views of the implementers and enforcement agencies targeting, to identify the problems and issues associated with the existing Act.

The next level of consultation will be carried out once the draft bill is finalized. The Bill will be consulted with the relevant leaders of the Dzongkhags, Departmental and inter Departmental agencies and relevant stakeholders to seek their comments and views before the finalization of the Bill to be submitted to the Parliament through the Cabinet Secretariat.

(2) What are the results of the consultations?

The LIA exercise covered five broad questions pertaining to the existing Act and at last, the general question on any other comments was also included, the questions are:

- ❖ What are the implementation issues with the existing Livestock Act, 2001? List down the issues precisely.
- ❖ Does Livestock Act give adequate authority to the enforcement officers in the field to implement the Act?
- ❖ What are the new issues that need to be incorporated into the new Bill? List down the issues.
- ❖ Are there any provisions conflicting with other laws?
- ❖ Is the existing Act in harmony with International Standard?
- ❖ Any other comments on the existing Act?

The exercise saw a response of 57.6% and 63.1% from the Department of Livestock and BAFRA, respectively. The response indicated that there are various implementation issues in the existing Act. It has also been pointed out that the Act does not provide adequate enforcement authority to the enforcement agency and various issues that need to be incorporated into the new Act are also

being raised. The respondents have also shared their concerns on the non-harmonization with the international standards.

The analysis report of the LIA exercise is as presented below:

Q.1 Implementation issues with the existing Livestock Act of Bhutan, 2001

Some issues are either inadequately covered in the act or are not in line with the OIE recommendations. These issues will have a direct or indirect impact on implementation at the field level. Some of these pertinent issues include:

1. The Act does not specify the roles and responsibilities of the institutions such as the Department of Livestock and Bhutan Agriculture and Food Regulatory Authority. This has created confusion at times in the effective implementation of the Act between the two institutions since it does not delineate clearly the power and functions of the implementing and enforcement agency. Furthermore, it is recommended that the Inspector should be adequately empowered to effectively enforce the provisions of the Act.
2. Risk analysis and assessment is one key functions of the implementation agency when importing any animal products into the country. However, the Act does not authorize the conduct of specific risk analysis and risk assessment prior to the import of risk commodities, which will have severe implementation challenges in future. On a similar note, it is generally accepted practice that animal health measures are developed in consultation with the public, However, the Livestock Act does not require the Department for public consultations, because of which all animal health measures in Bhutan are developed on an ad-hoc basis and such practice will have serious consequences and may attract legal suit from the public if the prescribed animal health measures turn out to be fatal.
3. The Act also does not authorize surveillance activities to detect animal diseases and maintain up-to-date information on the animal health status in the country, which will be very helpful in establishing disease control zones (free zones, free compartments, containment zones) and enable the Department to issue an early warning. For the lack of such information in the country, the Department is not able to issue early warning on the outbreak of such diseases and prevent its outbreak.
4. The need to implement the system for animal identification is felt necessary considering the problems of the un-controlled release of animals, which cause damage to the public property and crops. The issues of stray animals and animal trespassing on private property is one of the challenges faced by the field officials. Therefore, introducing an animal identification system would enable livestock officials to identify the rightful owner.
5. There is also a need to have a clear understanding with the relevant agency on the duties of Postal Authorities at the entry or exit point and Express Consignment Operators and Customs

Officials. The current system has no clear roles for such dealing officials. Furthermore, the Act should authorize BAFRA to designate a port of entry, so that it will help in minimizing or controlling illegal imports through the porous international border.

6. The Act is silent on animal nutrition including all components such as feed & fodder quality, safety, standards, laboratory, research and extension. Thus, it has been one of the implementation challenges for the enforcement agency in the field, since they lack the capacity to monitor such activities. Therefore, there is a need for a laboratory for feed safety, monitoring and regulation, which will regulate and monitor feed and fodder production, utilization and trade to enhance the use of local resources for improved animal productivity.
7. In the event of a disease outbreak that has the potential to affect human health, livestock officials have to cull birds or animals to protect human health and the spread of infection. In such a scenario, there have been concerns raised from the owners or farmers on the need to compensate them for such loss. Therefore, it is suggested that the revision of the Act may also look into this matter and come up with the appropriate compensation scheme, as deemed fit.
8. Chapter 2, Section 4.5 of the Act requires any person, farmers in particular, to immediately report any disease outbreak to the nearest local office of the Ministry, which is very vague and there has been a confusion among the people as to where they should report such case since there are many offices under the Ministry. Therefore, the new Act should specifically mention the need to report to the nearest Livestock Office. Similar to this, there is another provision under Section 19.1, which also requires specific mention of the nearest Livestock Office.
9. Chapter 8 Section 19.1- states that the Pesticides Act of Bhutan, 2000 and any other related legislation of the country will govern the disposal of obsolete veterinary biological and therapeutic substances. However, as of now, there are no such procedures outlined for the disposal of absolute veterinary and therapeutic substances.
10. As stated earlier, the Act does not specifically mention BAFRA as an enforcement agency thus it is on the assumption that BAFRA officials are considered “Inspectors” for performing regulatory functions under the Act. However, there is a risk of serious legal repercussion, if the authority exercised by BAFRA officials are challenged in the Court since the Act does not designate BAFRA officials as Inspector under the Act.
11. There has been a legal battle on the sale of puppies through publicity on social media, However, BAFRA has not been able to stop the breeding and sale of puppies through unregistered networks, as it is not provided by the Act. Therefore, it is important to regulate such practice and allow the sale of puppies only through the registered breeders.
12. The Act prohibits the slaughter and sale of animals and the sale of meats during the prohibited months and days, but it is silent on the import of animal and animal products during such period, and this has created confusion amongst the implementer in the field. Therefore, it needs clarity in the new Act.

13. The exception provided under Section 8.2 of the Act on the non-requirement of import permit in the frontier zones for the import of live animals for immediate slaughter for meat, milk and dairy products has opened up the avenue for the illegal import on the pretext of immediate slaughter. In such a scenario, the implementers were not able to apprehend the illegal importers. Therefore, it is recommended that such an exception should be removed.

Q.2. Does Livestock Act give adequate authority to the enforcement officers in the field to implement the Act? If No, what are the implementation gaps and what are the expected provisions to be included in the new Bill?

The general response to this question is, the Livestock Act does not empower Enforcement Officers with adequate regulatory authority to implement the provisions of the Act in the field. The reasons for the lack of adequate authority are cited as follows:

1. The regulatory agency has no control over the veterinary and para-veterinary practices.
2. There is no prohibition to regulate the establishment of a veterinary clinic in the country by unauthorized or unqualified personnel.
3. There is no proper linkage of the offence committed under the Act to the legal sanctions in the Act.
4. There is no provision to deal with the offence of animal cruelty, which is an act prohibited in the world.
5. There is also no provision to regulate the use of animals in research or experiment or animal show.
6. The regulatory authority has no power to regulate private breeding farms, observation of antibiotics withdrawal from the farm and biosecurity measures on the farm.
7. Inspector has no authority to check all types of vehicles including military conveyance.

Q.3. New issues that need to be incorporated into the new Bill

The respondents to the RIA exercise have pointed out various issues that are missing in the existing Act and recommended inclusion in the new bill. The issues are as listed below:

1. Provision on emerging animal welfare and *Tshethar* practice including cruelty to animals committed through (maiming, poisoning, bestiality, setting traps/related devices, shooting arrows/ guns, harmful chemicals agents, vehicular injuries etc) and the roles and obligations of the Animal Welfare Organizations (NGOs).
2. Provisions on occupational safety and health risks with prescription of mandatory facilities, personal protective equipment, risk allowance etc to the veterinarian.

3. Authority for the Department to notify the occurrence of Aquatic notifiable diseases, its prevention and control measures.
4. Adherence to biosecurity policies and strategies such as Sanitary and Phytosanitary measures during the import and export of live animals, genetic materials and animal products including the import and export of semen, embryos, vaccines and other biologicals for research and development.
5. Provisions on Import Risk Analysis, Surveillance and Biosecurity measures.
6. Provisions on one health and infectious diseases occurring from the human-animal-ecosystem interface.
7. Provision to regulate import and export of pet animals.
8. Provision on animal nutrition including all components such as feed & fodder quality (import of feed raw materials, fodder germplasm and finished feed products), safety, standards, laboratory, research and extension.
9. Provision to establish Veterinary Statutory Body to safeguard and regulate Veterinarians and para-veterinarians.
10. Provision to manage and regulate livestock waste including disposal of the animal carcass or their parts for the death resulting from zoonotic and notifiable animal diseases (dead or slaughtered) to avoid spread through contamination.
11. Provision to allow breeding and sale of pet animals through registered breeders only
12. Provision on the management of stray dogs, stray animals, abandoned or unproductive animals.
13. Provisions on authority for prescriptions of veterinary drugs or biologicals.
14. Provisions to cover all other species and breeds of animals for vaccination to prevent the spread of diseases, the existing Act covers only breeding stock.
15. Provisions to regulate the in-country movement of animal and animal products.
16. Provision on the need for periodic assessment of the quality of veterinary drugs or prophylactic substances, vaccines and other biologicals used in coordination with the Drug Regulatory Authority.
17. Provision on observation of withdrawal period before the food originated from livestock is being consumed or brought to the market for sale when the animal is exposed to diseases and antibiotics administration.
18. Provision on the need to adhere to good animal husbandry practice during the administration of prophylactic and therapeutic treatment to the animal.

Q.4. Conflicting Provisions with other laws

1. Section 5.2 of the Act is in conflict with the Bhutan Standard Act on the authority to prescribe a standard for laboratory units. While Livestock Act authorizes the Ministry to prescribe the

authority, Bhutan Standard Act mandates the Bhutan Standard Bureau to formulate and approve all standards in the country.

2. Section 18.1 of the Act is in direct conflict with the Medicine Act of Bhutan, 2003 on the authority to register and issue the license for importation, production and distribution of biological and therapeutic substances. Whereas the Livestock Act authorizes the Ministry to register and issue the license and the Medicine Act authorizes the Drug Regulatory Authority the same function. Therefore, it is recommended for harmonization between the two laws.
3. Section 25.2 and 25.3 of the Act are inconsistent with the fundamental rights enshrined in the Constitution of the Kingdom of Bhutan. The Act provides absolute power to the Inspector to enter into any premise, search and seize without a Court warrant, which would result in a violation of fundamental rights.
4. Section 10.1 of the Act authorizes inspectors under the Ministry to inspect veterinary drugs whereas, the Medicine Act of Bhutan authorizes officials of the Drug Regulatory Authority with the inspection authority to inspect drugs including veterinary drugs.

Q.5. Is the existing Act in harmony with the International Standard?

The existing Act is not in harmony with International Standard since it is not in harmony with World Organization for Animal Health Codes i.e., Terrestrial Animal Health Code and Aquatic Animal Health Code. The Act also need to streamline with the OIE standards and guidelines to regulate the import and export of animal, semen, embryo and animal products including by-products.

Furthermore, the Act does not provide a basis for disease-free zones recognition through zonation and compartmentalization of livestock as provisioned under the OIE Code. Therefore, Bhutan as a member of OIE, it is mandatory for Bhutan to comply with these standards and Codes. Thus, the new Act will cover all the international treaty obligations to the extent that can be applicable in the Bhutanese society and market setup.

Q.6. Any other comments on the existing Act?

As required for the effective implementation of the Livestock laws, the Department of Livestock has developed many guidelines and standards. However, some do not have legal authority in the Act. Therefore, the new Act must authorize the Department to develop necessary guidelines and standards to avoid legal complications in future.

The implementers in the field have also suggested that livestock farmers and pet owners are not aware or familiar with the livestock Act. Therefore, the Department might need to support the field staff financially to carry out awareness of the Act.

The respondents have recommended the change of various definitions such as “Livestock”, “Inspector”, “Animal” and the inclusion of the definition for “Meat”, whether dry fish is meat or not.

Concerns were also raised on the rationale for the prohibition of slaughter and sale of meat in certain months and days. In the event, that the prohibition is based on the religious ground, not all religious days are included in the list of prohibited days. Therefore, it is recommended for include all religious months and days in the prohibition list.

The need to provide incentives to the informer or the concerned Inspector for reporting or apprehension of illegal activities has been raised from the field offices in order to motivate enforcement officials and help curb such illegal activities.
