

The new Animal Protection Law

After several years of intensive campaigning and gathering of signatures, a new Animal Protection Law was finally passed on December 14th 1999. However there is little cause for jubilation. The law that everyone fervently campaigned for and hoped for was turned down by the LDP and replaced with a watered down version of their own. It is basically the same as the old 1973 Animal Protection and Control Law with a few cosmetic changes. We are disappointed and frustrated that the spokespeople in the coalition who were supposed to represent us didn't fight harder and that many people who signed the petition for a really effective law have been let down.

Fusako Nogami, Executive Director of ALIVE (All Life In a Viable Environment), one of the vigorous campaigners for the new law comments:



To all our members and supporters that have been demanding a revision of the old law, I can report that their passionate hope has finally become reality; however there are many omissions. The Japanese law still lags behind most countries in Europe and North America. ALIVE has published several fact sheets concerning animal welfare legislation overseas and ways to deal with animal cruelty. (These fact sheets are obtainable in Japanese from ALIVE's office.)

The definition of cruelty (in particular that animals should be kept taking into account their physiology and natural behaviour), the provision that offending establishments can be closed down, and matters relating to the handling of animals and the release of information are sadly lacking from the law. Some of the items we had demanded, have been integrated into the new law. Others, especially concerning animals experiments, are utterly lacking. The changes are as follows:

1. Name

Requested: "Law concerning the protection and control of animals"; no change needed.

Amendment: "Law concerning the (loving: aigo) protection and control of animals"

2. The definition of "animal":

Requested: "Animals are not things but living beings that can feel pain in mind and body like humans do."

Amendment: "Taking into account that animals are living beings, and taking the coexistence of animals and humans into consideration..."

3. Animals protected by the law

Requested: Mammals, birds, reptiles, amphibia (including ownerless and wild animals)

Amendment: Mammals, birds, reptiles (excluding ownerless and wild animals)

4. Definition of cruelty and penalties

Requested: Abandonment and cruelty are specified in six items, maximum fine 300,000 yen, maximum imprisonment 3 years. Amendment: Maximum fine 1,000,000 yen, maximum imprisonment 1 year in the case of killing an animal; in the case of starving or injuring or abandoning an animal the maximum fine is 300,000 yen.

(This amendment applies only to animals that are owned by someone so it means people can still abuse stray animals without fear of punishment.)

5. Rights and duties of the owner of an animal

Requested: The owner of an animal has a right to live in peace with his animal as long as he does not inconvenience any other people.

Amendment: Owners of animals shall have a good knowledge of infectious diseases, and they shall properly identify their animals.

6. Banning orders

Requested: Keepers that repeatedly inflict cruelty can be temporarily banned from keeping animals.

Amendment: Recommendations can be issued to keepers if the

manner in which they keep the animals causes a deterioration of the surrounding living environment.

7. The extent of "animal traders"

Requested: breeders, pet shops, importers, exhibitors, breeders of laboratory animals, etc.

Amendment: people that sell, keep, rent out, train, exhibit animals commercially and other categories to be determined by ordinance.

8. Regulation of animal traders

Requested: Licenses that have to be renewed annually.

Amendment: Notification. Failure to submit, or the submission of false information carries a maximum penalty of 200,000 yen. Resubmission if there are any changes. The state and the municipalities have a duty to define standards. On-site investigation are possible. Warnings can be issued to substandard traders.

9. Responsibilities

Requested: A person with the responsibility to investigate and provide guidance should be appointed. On-site investigations, and subsequent recommendations for improvements in the manner animals are kept, or the facilities where they are kept, can be issued. Animals can be temporarily placed into somebody else's custody.

Amendment: Local public authorities can appoint an animal protection officer by ordinance. This officer must be a veterinarian or other expert.

10. Involvement of the public

Requested: the appointment of an animal welfare counselor drawn from the public.

Amendment: an officer for the promotion of animal protection can be appointed. He shall advise in matters regarding the proper care and treatment of animals, the necessity of neutering, and relinquishing.

11. Publicity and activities by the state

Requested: to deepen the understanding of animal behaviour and ecology, to conduct educational activities to prevent animal

abuse.

Amendment: educational activities to promote the proper care and treatment of animals, promotion in the public media.

12. Animal experiments

Requested: experiments and facilities must be authorized. The establishment of an ethics committee with half its members drawn from the outside and various fields of knowledge. Public disclosure of relevant facts. The use of wild animals, and transfer of dogs and cats (from pet shops etc) is prohibited. Amendment: nil

13. The law shall come into force within one year of its publication.

14. The enforcement of the law will be investigated after 5 years and possible amendments made.

15. Following the reorganisation of the ministries and agencies, responsibility for this law will be transferred to the Environmental Agency.

Even though the law has now been changed, we cannot expect cruelty and maltreatment to disappear over night. Whether the law can be made effective depends entirely on our, the citizens', resolve. Since the cities and prefectures will create or adapt follow-up legislation in the coming months, lobbying local authorities will become ever more important. In order to make the law effective, the interest and concern of people that empathize with suffering animals will be essential.

Fortunately, article 14 in the law calls for a revision after five years. We shall work towards that goal by focusing on gathering reliable information about the status quo and organising study meetings.

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