

## Japanese Animal Advocates Get Creative

## -To Close Mink Fur Farm-

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In 2012, there were at least two fur farms in Japan which are both located in Niigata prefecture.<sup>1</sup> However, with the complaint from the Animal Rights Center, a Japanese animal rights non-profit organization, the local government found out they were violating the Invasive Species Act<sup>2</sup> as they were keeping American Minks without a license.<sup>3</sup> After receiving advice from the government, one of the farms which was a small-scale farm, decided to close the facility as the owner concluded that they could not meet the legal requirements to reform the cages in order to prevent animals' escape and find a veterinarian for their minks.<sup>4</sup> This February, Otsuka Mink Farm, the other and currently only mink fur farm in Japan now received an administrative action regarding their possession of American Minks without a license.<sup>5</sup>

Although the operation of a fur farm facility does not require any licenses, keeping American Minks is not allowed under the Invasive Species Act to prevent damages to the environment and human resources from designated invasive species. Since 2006, Article 4 of the Act has banned the possession of specific invasive species. The American Mink is defined as an invasive species in Japan under the Invasive Species Act.<sup>6</sup> Therefore, without a license, keeping American Minks at the Otsuka Mink

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<sup>1</sup> Animal Rights Center (An animal rights organization created in 1987 which covers various animal welfare issues but focuses on fur issues), Let's Close Domestic Mink Farm, (June 18, 2014), <http://www.arcj.org/animals/fur/00/id=404#.U7zHYKjrh7w>

<sup>2</sup> Invasive Species Act, June 2, 2004, Law No. 78, (Amended on June 12, 2013, Law No.38)

<sup>3</sup> Animal Rights Center, *supra*

<sup>4</sup> Animal Rights Center, *supra*

<sup>5</sup> News Q3, 40 Years Possession of Mink-Why Now, (May 1, 2014)

<sup>6</sup> Nature Conservation Bureau of Ministry of Environment (NCB), List of Regulated Living Organisms under the Invasive Species Act, (June 11, 2014), <http://www.env.go.jp/nature/intro/1outline/list/#ho>

Farm, which is presumed to possess around 2500 minks including American Minks,<sup>7</sup> was not allowed. The owner of the farm responded in an interview that they did not know about the 2006 amendment of the Act which included the American Mink to the designated invasive species list.<sup>8</sup> Although both the Nagaoka district public prosecutor's office and the ministry of the environment refused to provide detailed information, the owner of the Otsuka Mink Farm is liable to be punished either by imprisonment with work for not more than three years, a fine of not more than 3,000,000 yen<sup>9</sup> or both, under the Article 32.<sup>10</sup>

However, it is up to the Otsuka Mink Farm whether they wish to continue their fur business by keeping Japanese minks which do not violate the Invasive Species Act, getting a license to use American Minks, or to close their facility. If they choose, they can consider keeping the fur farm as there are some exceptions to the ban from Article 4.<sup>11</sup> If the purpose of possessing a designated species was for academic research, the display of animals at zoos and other related facilities, education, maintenance of livelihood, and other necessary reasons, keeping the designated species is allowed.<sup>12</sup> Furthermore, the possession of American Minks for fur is allowed if the business was started before the 2006 amendment. Since the Otsuka Mink Fur Farm started its business about 40 years ago, the exception applies to this farm.

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[http://www.env.go.jp/nature/intro/1outline/files/siteisyu\\_list\\_e.pdf](http://www.env.go.jp/nature/intro/1outline/files/siteisyu_list_e.pdf)

<sup>7</sup> Animal Rights Center, *supra* (Even the government does not know the exact number of minks since mink fur farmers do not need licenses.)

<sup>8</sup> MSN Sanke News, Suspected Possession of 2500 Minks without a license, Japanese Only Fur Farm "Did Not Know," (February 24, 2014)

<sup>9</sup> 21,921.08 Euro (currency exchange rates on August 10, 2014)

<http://ja.exchange-rates.org/converter/JPY/EUR/3000000>

<sup>10</sup> Article 32, The Invasive Species Act,

<sup>11</sup> Article 4, The Invasive Species Act, June 10, 2005 (revised June 11, 2014),

<sup>12</sup> Article 3, Regulations for Enforcement of the Invasive Species Act, June 10, 2005 (revised June 11, 2014), <http://www.env.go.jp/nature/intro/2law/files/kisoku.pdf>

The Law for the Humane Treatment and Management of Animals (the Animal Welfare Law)<sup>13</sup> does not have a specific regulation regarding the humane treatment of animals used for fur farming, but its general principle of humane treatment applies to all animals.<sup>14</sup> Article 2 of the Animal Welfare Law states that owners of animals have to provide reasonable environment taking into consideration the animals' natural behavior, and their food and water needs.<sup>15</sup> The Animal Rights Center reported that the cages for minks of the Otsuka Farm were not clean and there was mud and moss on the water bowls.<sup>16</sup> The organization also submitted a petition signed by citizens to close the last fur farm in Japan to the Ministry of Environment and the local government of the prefecture,<sup>17</sup> but the local government only entered and inspected the facility.<sup>18</sup> After the inspection, the local government of Niigata prefecture responded that they had not witnessed any violation of the Animal Welfare Law.<sup>19</sup>

The final decision of the Otsuka Fur Farm is not yet known, but this incident illustrates that Japanese advocates have been getting creative using various laws related to animals in order to protect animals similar to what is commonly seen in the U.S. While there is lack of strong animal welfare legislative legislation, the current situation requires Japanese advocates to become creative and active.

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<sup>13</sup> The Law for the Humane Treatment and Management of Animals, Law No. 105, October 1, 1973, revised June 12, 2013

<sup>14</sup> Interview with the local government office of Animal Welfare and Public Health via e-mails, (July 8, 2014)

<sup>15</sup> Article 2, The Law for the Humane Treatment and Management of Animals,

<sup>16</sup> <http://www.no-fur.org/campaign/detail/id=140#.U7zO4ajrh7w>

<sup>17</sup> Animal Rights Center, Submission of the Petition, (Last viewed on July 8, 2014)

<http://www.no-fur.org/campaign/detail/japanesefurfarm.html#.U70Hn6gt2jE>

<sup>18</sup> Interview with the local government office of Animal Welfare and Public Health, *supra*

<sup>19</sup> Animal Rights Center, An Interim Report of the Closing of the Last Japanese Fur Farm Campaign, (Last viewed on July 8, 2014)