

COMPLETION REPORT

Safety and welfare of animals captivated in zoos and wildlife parks: A comparative study of Malaysian and Japanese laws

Dr. Kamal Halili Hassan
Professor
Faculty of Law
Universiti Kebangsaan Malaysia,

This study compares the operations of zoo regulations in Malaysia and Japan with special emphasis on animal welfare. Zoos are a major tourist attraction and house various wildlife species either for display purposes or for animal performances. The main concern is the welfare of the animals in terms of their enclosures, diet, health, etc. The legislations of the two countries are examined to compare their similarities and differences. The methodological approach of this paper is purely legal and is limited only to provisions in the relevant statutes. This study concludes that Malaysia has more comprehensive regulations on zoo operations compared to Japan. It will be interesting to observe whether legislation on wildlife and in particular animal welfare in zoos is similar or otherwise. Whether a developed country possesses superior legislation on wildlife compared to its developing counterpart? The relevant legislation on zoo operations and animal welfare in Malaysia is the Wildlife Conservation Act 2010 (Act 716). However, it relates more to protection of wildlife in general as only a few of its provisions refer to zoo operations (Kamal, 2014). The Act empowers the Minister to make regulations which resulted in the enactment of the Wildlife Conservation (Operation of Zoo) Regulations 2012. To begin, Act 716 will be reviewed in terms of the relevant provisions on zoo operations. Under that Act “wildlife” means “any species of wild animal or wild bird, whether totally protected or protected, vertebrate or invertebrate, live or dead, mature or immature and whether or not may be tamed or bred in captivity”. This broad definition includes wildlife in captivity and therefore it certainly includes animals kept in zoos. In the case of Japan, there are several legislations concerning zoo operations and animal welfare (Shoji, 2007). A legal framework for animal welfare can be found in Law No.105 of 1973, the main purpose of which is to prevent cruelty to animals and ensure the suitable treatment and protection of animals. A statute entitled “Standards relating to the Keeping and Custody of Animals for Exhibition etc 1973” has been enacted for zoo operations. Other relevant legislations are the Wildlife Protection and Hunting Law, the Law for the Conservation of Endangered Species of Wild Fauna and Flora, the Nature Conservation Law, and the Natural Parks Law (Takahari, 2009). Zoos in Japan are more self-regulated. Malaysia has special regulations on zoo operators, namely the Wildlife Conservation (Operation of Zoo) Regulations 2012 which has detailed provisions aimed at protecting animal welfare. In addition, many aspects of animal welfare are provided for such as enclosures, diet upkeep, health, etc. Being a regulation, the Wildlife Conservation (Operation of Zoo) Regulations 2012 has legal standing and any violation can be subject to legal action including prosecution. The Japanese counterpart lacks regulations on zoo operations and consequently animal welfare is less protected. Zoos in Japan operate on the principle of self-regulation and individual prefectures have the liberty to make their own regulations on them.

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