

Towards an Animal Welfare Policy for 21st Century Science: An Opportunity for Asia

A. E. James & Cameron Richards

Animal based scientific research has increasingly been outsourced by big western pharmaceutical companies to Asia on the basis of government policies and indigenous programs in Asia which emphasise economic development priorities. As a result of this the quality of laboratory animal care in Asian contexts of science has also come under increasing scrutiny from the major stakeholders in the international bio-medical research community. Of particular concern to stakeholders with a specific interest in sustainable laboratory animal welfare is the absence of effective legislation and a culture that recognizes the value of animals or the importance of their welfare. This paper will explore the idea that the growing challenge of coming up with an appropriate animal welfare policy in Asian contexts of science also represents an opportunity to consider the requirements of a globally applicable animal welfare policy for the 21st century. It will do so in terms of also reviewing how concepts of dominion and stewardship have given way to that of duty of care in modern Western contexts. On this basis it will propose that the concept of duty of care linked together with Singer's contemporary adaptation of utilitarian philosophy might form the basis of a more sustainable 21st century animal welfare policy that could put Asia's new bio-medical research players in the vanguard of animal welfare policy.

Keywords: *animal-based, indigenous, animal welfare policy, utilitarian philosophy, animal as property, animal as beings*

Introduction

Animal based scientific research has increasingly been outsourced by big western pharmaceutical companies to Asia on the basis of government policies and indigenous programs in Asia which emphasise economic development priorities (Martino, 2008). As a result of this the quality of laboratory animal care in Asian contexts of science have also come under increasing scrutiny from the major stakeholders in the international bio-medical research community (Bayne, 2011). Of particular concern to stakeholders with a specific interest in sustainable laboratory animal welfare is the absence of effective legislation and a culture that recognises the value of animals or the importance of their welfare (Kelly & James, 2011).

This paper will not cover the current debate within animal welfare lawyers about the concept of “*animals as property*” versus “*animals as beings*” nor will it consider modern animal welfare laws which have been developed from a concept of *duty of care*.

Background Information of Current Policy Toward Animal Welfare in Research in Western Jurisdictions

This paper will explore the idea that the growing challenge of coming up with an appropriate animal welfare policy in Asian contexts of science also represents an opportunity to consider the requirements of a globally applicable animal welfare policy for the 21st century.

Of all thinkers of the latter part of the last millennium, it can be stated with little likelihood of debate that Descartes was one of the most negatively influential individuals on the progress of animal welfare. Descartes, a devout Catholic, built on Aquinas’ assertions that humankind’s unique position in the world was due to its rationality and contended that animals did not have souls because they lacked rationality and hence there was no evidence for “thinking” animals (Linzey, 2011). His views therefore did not conflict with the biblical concept of the time, that humankind, had dominion over animals. Cartesian attitudes to animals still lingered in the policies concerning animal protection and animal use well into the 1980s and, it could be argued, still hold sway today in the policies of less developed countries. However, contemporary developments that influence the policies of more developed jurisdictions have been significantly influenced by the utilitarian school of thought, often best identified by Bentham’s

famous question “the question is not, *Can they reason?* nor *Can they talk?* but *Can they suffer?*”. Eventually the debate about the use of animals by humankind was brought to the wider, contemporary community in 1975 with the publication of the book *Animal Liberation* by Peter Singer (Foex, 2007). Singer does not argue for the rights of animals but for equal consideration of their interests, particularly with respect to the equal consideration for their desire not to suffer. In Singer’s argument a sentient animal’s ability to suffer could match the human’s ability to suffer and hence against its interests. This is important because the utilitarian view does recognise circumstances in which animals could be used for research. The acceptance of utilitarianism as a broad concept, has worked its way into public policy and subsequently legislation as best reflected in UK’s 1986 Animals (Scientific Procedures) Act. The Act requires that a cost-benefit analysis be carried out in which the utility of a research procedure must be weighed against the cost to the being, used in the procedure. More recently the new European Directive 2010/63/EU (European Commission - Environment, 2010) recognises the importance of the sentience of the animals used in scientific procedures and this must also be a consideration in all procedures involving the animals, to ensure their well-being.

Time for a New Policy in Asia

None of these concepts have yet been included in the policies of most Asian jurisdictions and while it could be a source of dismay, an opposite, optimistic, view point is possible. Those countries benefiting most from the movement of biomedical research to the East have, at worst, no legislation or, at best, seriously outdated legislation and in order to become truly international, policy makers are fast realising the need to introduce world class legislation covering animals in research. Rather than transplanting laws from the West, including past mistakes, Asian policy makers have a chance to develop sustainable and enlightened animal research policies.

Elements of an enlightened policy come from two disparate sources – the pro-animal research EU Directive 2010/63/EU (European Commission - Environment, 2010) and the anti-animal research group *Voiceless* (Sharman, 2006). Both sources describe similarly essential elements of any new policy governing research using animals:

For there to be a policy there are some *a priori* fundamentals that must govern the use of animals in research:

- Animals have an intrinsic value which must be respected
- Animals should always be treated as sentient beings
- Animals have the capacity to sense and express pain, suffering, distress and experience lasting harm.
- The ultimate aim should be the total replacement of animals used for scientific purposes.

Therefore any policy involving animals must result in legislation that:

- Defines animals in a manner that provides protection to all sentient beings
- Facilitates and promotes the advancement of alternative approaches.
- Allows for harmonisation of techniques and recognition of results from research carried out in other jurisdictions in order to avoid duplication
- Only allows the use of animals for scientific purposes when a non-animal alternative is unavailable.
- Provides the strongest possible protection of animals used for scientific purposes and ensures their well-being. Such protection should include mandatory training and qualifications of researchers and animal carers and mandatory minimum conditions of movement, food, water and care throughout their lives.
- Mandates a justification for the scientific use based on a cost-benefit analysis where the likely harm to the animal should be balanced against the expected benefits of the use.

The cost-benefit analysis must ensure:

- The choice of methods should be able to provide the most satisfactory results
- Cause the minimum pain, suffering or distress.
- The choice of methods should use the minimum number of animals that would provide reliable results.
- The choice of species to be used must have the lowest capacity to experience pain, suffering, distress or lasting harm and are optimal for extrapolation into target species.
- The choice of methods selected should avoid death as an end-point

due to the severe suffering experienced during the period before death. Only more humane end- points using clinical signs should be used. Such humane endpoints determine the impending death, thereby allowing the animal to be killed without any further suffering.

- There should be an upper limit of pain, suffering and distress above which animals should not be subjected in scientific procedures. To that end, the performance of procedures that result in severe pain, suffering or distress, which is likely to be long-lasting and cannot be ameliorated, should be prohibited – that is, some research would be unlawful.

To date the most common method to enable some or most of the policy items has been via the vehicle of Animal Ethics Committees (AECs), but the AECs have generally been lacking in transparency and independence. Therefore an enlightened policy would go beyond what has been described above and ensure the true independence, full transparency and public accountability of the functions and decisions of AECs.

Conclusion

To conclude, a comment by Garner (Garner, 1993) describing Bernard Rollin's position on animal experimentation seems most fitting:

“Rollin ... adopts a significantly different position in the sense that, although he holds a right view and therefore regards animal experimentation as morally illegitimate, he also argues both that abolition is utopian and that using animals has produced significant human benefits which most of us are not prepared to sacrifice. Because of this, he suggests that a ... utilitarian approach ... be adopted whereby experimentation on animals be allowed but only where the benefits to humans (or to humans and animals) clearly outweigh the pain and suffering experienced by the experimental animals.”■

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