

ETHICAL AND LEGAL APPROACH TO ANIMAL RESEARCH: VIETNAM HAS MUCH TO LEARN FROM NEW ZEALAND'S LAW

ABORDAGEM ÉTICA E LEGAL DA PESQUISA COM ANIMAIS: O VIETNÃ TEM MUITO A APRENDER COM A LEGISLAÇÃO DA NOVA ZELÂNDIA

Article received on: 7/25/2025

Article accepted on: 9/26/2025

Hoang Thi Hai Yen*

*University of Law, Hue University (HUL), Hue, Vietnam

Orcid: <https://orcid.org/0009-0008-3346-7965>

hthyen@hueuni.edu.vn

The authors declare that there is no conflict of interest

Abstract

Animal research refers to the use of animals in various scientific activities such as observation, experimentation, testing, and education. This practice has generated widespread ethical debate, especially concerning the legal and moral boundaries of animal welfare. Policymakers face the challenge of balancing animal rights with human interests and reconciling protective standards with economic demands. In New Zealand, the use of animals in research and education is guided by the Three Rs principle: Replacement, Reduction, and Refinement. This framework reflects a national commitment to humane and responsible scientific practice. In contrast, Vietnam, despite mentioning animal use in laws related to animal husbandry and veterinary medicine, lacks a unified legal system dedicated to animal protection. This gap highlights the need for Vietnam and other developing countries to study and adopt ethical and legal models from nations like New Zealand to strengthen their approach to animal welfare in research and education.

Keywords: New Zealand. Vietnam. Animal Ethics. Biomedical Research. Legal Frameworks.

Resumo

A pesquisa com animais refere-se ao uso de animais em diversas atividades científicas, como observação, experimentação, testes e educação. Essa prática tem gerado amplos debates éticos, especialmente no que diz respeito aos limites legais e morais do bem-estar animal. Os formuladores de políticas enfrentam o desafio de equilibrar os direitos dos animais com os interesses humanos e de conciliar padrões de proteção com demandas econômicas. Na Nova Zelândia, o uso de animais em pesquisa e educação é orientado pelo princípio dos Três Rs: Substituição, Redução e Refinamento. Esse modelo reflete o compromisso nacional com práticas científicas humanas e responsáveis. Em contraste, o Vietnã, embora mencione o uso de animais em leis relacionadas à pecuária e à medicina veterinária, carece de um sistema jurídico unificado dedicado à proteção animal. Essa lacuna destaca a necessidade de o Vietnã e outros países em desenvolvimento estudarem e adotarem modelos éticos e legais de nações como a Nova Zelândia para fortalecer sua abordagem ao bem-estar animal na pesquisa e na educação.

Palavras-chave: Nova Zelândia. Vietnã. Ética Animal. Pesquisa Biomédica. Estruturas Legais.

1 INTRODUCTION

The use of animals in scientific research has long been a cornerstone of human advancement in medicine, biology, and education. From ancient anatomical studies to modern biomedical breakthroughs, animal models have played an indispensable role in



expanding our understanding of living systems. However, this progress has come with growing ethical concerns, particularly regarding the treatment and welfare of research animals. As public awareness and philosophical discourse have evolved, legal systems around the world have sought to balance scientific necessity with moral responsibility.

Among various ethical frameworks, utilitarianism has emerged as the most practical foundation for regulating animal research. This approach, which prioritizes minimizing harm while maximizing benefit, underpins the legal architecture of countries like New Zealand. The Animal Welfare Act 1999 exemplifies this balance, offering a comprehensive system of oversight through institutions such as the National Animal Ethics Advisory Committee, Codes of Ethical Conduct, and Animal Ethics Committees.

In contrast, Vietnam's legal provisions on animal welfare remain fragmented and largely aspirational. While recent legislation has begun to acknowledge the importance of humane treatment, enforcement mechanisms and institutional support are still lacking. This paper explores the historical development of animal research, compares the legal and ethical frameworks of New Zealand and Vietnam, and proposes a series of recommendations aimed at strengthening Vietnam's approach to animal welfare in scientific contexts.

2 A BRIEF OVERVIEW OF ANIMAL RESEARCH

Throughout thousands of years of cohabitation, humans and animals have long developed an “evolving mutual dependency” in which animals play a vital role in the progress of human knowledge (Sandgren et al., 2020). Since as early as 500 BC, when some inceptive forms of animal research were found in ancient Greek writings, laboratory animals have expressly contributed to every aspect of science and particularly the biomedical advance (The Editors of ProCon.org, n.d.). Much of fundamental primitive understanding in physiology were derived from researching an animal. Without animal research, a vast majority of today's vaccines against infectious diseases and toxicology, such as Pasteur rabies virus, would not have been in their place (Hau & Schapiro, 2010). Back in the 1900s, laboratory mice helped scientists broaden their understanding in the field of tissue transplantation (Barker & Markmann, 2013). Then colossal amounts of investments in animal research were carried out in the mid-21st Century (Rollin, 2006). Until these days, the use of such rodents as mice, rat maintains to be invaluable,

accounting for about 95 percent of laboratory animals (National Association for Biomedical Research, n.d.). On the other hand, among the variety of animals, non-human primates happen to perform an enormous scale of application for their close biological relationship with humans. They have become essential in neuroscience involving behavior, perception, and fundamental neurobiological studies (Hau & Schapiro, 2010). Not only the field of human health, but animal research also advances veterinary or food production. Generally, the use of animals in research can be summarized in three categories, including (1) fundamental studies of science, (2) pharmaceutical, medical and other applied scientific products, (3) testing samples for toxic products and substances (Hau & Schapiro, 2010).

These days, the appearance of cell-based systems offers a feasible alternative for traditional laboratory animals. However, regardless of its useful functions, the current cell-based systems, or *in vitro* research, have exposed a number of barriers that refrain it from replacing the whole body of animals. While cell-based research provides a mere independent testing sample, the laboratory animals enable scientists to examine the interactions between research subjects and functional organs and operations of living bodies (Garattini & Grignaschi, 2017). Other potential replacements for animal models, such as biological technologies, computer models, machine learning, suffer a similar obstacle as the cell-based system. Although a complete replacement is viable, this shall require a harmonized and effective strategy in the longer term (Karmaus et al., 2020). Therefore, the use of alternative systems in research is currently limited as a supplement for laboratory animals.

The use of animals in research has undeniably contributed to the development of science, but it normally costs the welfare of research animals as the trade-off. During the research process, animals may suffer from both mental and physical damage, particularly if they are used as testing samples for toxic substances such as rabbits in cosmetic production. In many cases, specifically in a large number of toxicity testings, animals were harmfully suffered from human research without any compensatory benefit (Rollin, 2006). In fact, it is in the past ages that scientific and medical research was hardly restrained by any ethical considerations (Garrett, 2012,). It was not until the 19th Century that the public started the outcry over the treatment of animals in experimentation because a large majority of research adopt living animals (The Editors of ProCon.org, n.d.). However, some concepts of animal ethics have initiated since the ancient age. Galen, in

the 2nd Century, regardless of his uncertain feeling about animal sufferings, suggested the alternative use of pigs or goats for primates in a dissection that occasionally had “unpleasant expression” (Hubrecht, 2010). The concerns about ethical aspects of animal research continued growing, particularly in the 18th Century, when philosophers expressly recognized the animal ability to have feelings and emotions, and therefore, be worth moral consideration (Hubrecht, 2010).

3 NEW ZEALAND'S LAWS ON ANIMAL RESEARCH

Balancing between ethical and scientific importance is the substantial objective of legal systems in most “first-world countries”, including New Zealand that expressly described this approach under the Animal Welfare Act 1999 (AWA) (Tomkins, 2015). In detail, animal research is regulated under Part 6 of the AWA, which enacts a framework of duty for the involved parties to oblige.

3.1 Basic rules of the Animal Welfare Act on animal research

First of all, the AWA widely defines the scope of animal research that is the use of animals in *research*, *testing*, and *teaching* (hereinafter generally referred to as animal research). There is no expressly differentiation among these three activities; instead, it embraces any investigation, experimental, diagnostic, testing, or teaching work that involves animal manipulation. It also includes the work for producing biological products, but not in the immediate care of a veterinarian (New Zealand Government, 2018). The term ‘manipulation’ is further described as abnormal procedures, for example, radiation or electrical stimulation, and any deprive of the usual animal care. Moreover, the term was then extended by the Animal Welfare Amendment Act 2015 to include two new activities of (1) the killing of an animal (except for wild animals) in such above manner, and (2) the breeding or production of an animal that is more susceptible or risky for the birth of an animal. On the other hand, the AWA remains the power for the Minister to declare any procedure not to be manipulated for the defined purpose. However, certain manipulation activities are not considered as animal research, including acts of animal assistance, trapping, weighing, assessing, or routine manipulation and other minor modifications. (New Zealand Government, 2018). It also needs to differentiate between

animal research and normal veterinary activities. Accordingly, such medical treatments for the welfare of animals as using drugs or vaccines are not subject to the requirements in Part 6 (National Animal Ethics Advisory Committee, 2000).

In terms of ‘animal’, the AWA covers most of living beings except for humans, varying from mammal, bird, reptile, amphibian, fish and other water creatures, and any other member that is further defined by the Governor-General. Such developmental stages of animals as the pre-natal, pre-hatched, larval are not included in the AWA, excluding those of the avian, reptilian, marsupial pouch, and mammal (New Zealand Government, 2018).

The utilitarian approach of the AWA is affirmed through the purposes described under Section 80 of Part 6, in which the most important is that the animal research’s benefits must outweigh the potential harm to the animals. Moreover, any person involved shall ensure the research findings to enhance at least one of the following aspects:

- The understanding of humans, animals or ecosystems.
- The protection of human or animal welfare.
- The management and protection of ecosystems, including plants, animals, or native fauna.
- The productivity of animal production.
- The educational achievements (New Zealand Government, 2018).

On the other hand, animal research is also guaranteed by the AWA to be fully conducted once it is approved. Regardless of regulations on the care of animals and permissible conducts toward animals, nothing in the AWA shall prevent the use of animals for the purpose of research, testing, and teaching in accordance with part 6 (New Zealand Government, 2018). In other words, the welfare of research animals might be deprived provided that the sacrifice will be compensated with greater benefits. However, there must be a reasonable upper limit for the harm to animals. The killing of animals as the endpoint of research is strongly discouraged under any circumstances, excluding where the pain exceeds reasonable levels, then the killing can take place in a humane method (National Animal Ethics Advisory Committee, 2000). This rule appears to be an essential tool to balance between animal welfare and scientific significance.

3.2 The 'Three Rs' principle

As referred earlier, the principle of Reduction, Refinement, and Replacement is a fundamental instrument to apply the utilitarian approach. The Three Rs was proposed by Russel and Burch in 1959 before it was widely recognized in New Zealand and other national laws (Grant Shackell, 2019). Under Section 80(2)(b) of the AWA, the principle is prescribed as mandatory purposes that anyone involving animal research must effort to promote. (New Zealand Government, 2018)

The 'Three Rs' establishes three basic terms to follow, including:

- (1) Reduction: Which aims to minimize the number of animals used in research purpose while maximizing the benefits. Scientists, therefore, have to obtain findings from the fewer animals, or more findings from the same number of animals (Understanding Animal Research, n.d.).
- (2) Refinement: Any animal used in research must be exposed to as little pain and suffering as possible throughout the husbandry, experimentation, and termination (Tomkins, 2015). Further, good practice and scientific knowledge must be adopted to fulfill the physical, health, and behavioral demands of animals. In case of illness or injury, animals must receive reasonable treatment to mitigate sufferings (National Animal Ethics Advisory Committee, 2000).
- (3) Replacement: Any alternative must be used instead of animal research when it is applicable. There are absolute replacements (such as cell-based system, computer model, machine learning) and relative replacements (such as replacing 'less' sentient animals, like insects, for vertebrates) (Canadian Council on Animal Care, n.d.). This is also the most recommended approach to animal research under the Three Rs principle.

3.3 Procedures of the animal research approval

Under the AWA, there are three important institutions for the approval and monitor of animal research: *The National Ethics Advisory Committee* (NEAC), *Codes of Ethical Conduct* (CEC), and *Animal Ethics Committees* (AEC).

3.3.1 The National Ethics Advisory Committee (NEAC)

The AWA established the NEAC as a consultancy body for the Minister and the Director-General of the Ministry for Primary Industries on issues arising from animal research. The NEAC can propose recommendations or advice on the development and review of the CEC concerning the approval, amendment, suspension, or revocation of any code. Besides, independent review on the approved research projects would also be done by accredited reviewers recommended by the NAEAC (New Zealand Government, 2018).

The members of NAEAC are limited to ten and have to cover a certain range of expertise areas, including: veterinary, medical and biological, research commercial use, animal ethical standards, education, animal manipulation, conservation management, and animal welfare advocacy. (New Zealand Government, 2018).

3.3.2 Codes of Ethical Conduct (CEC)

An approved CEC is essentially a license to conduct any use of animals in research, testing, and teaching (Ministry for Primary Industries, n.d.). The code, which must comply with the purposes of the AWA and be submitted for the approval of the Director-General, is a framework of further policies and procedures in accordance with the animal research of the code holder (New Zealand Government, 2018). Those provisions must first enable the AEC to do its function, then provide support for the adequate monitoring of compliance and specify animal management practices and facilities as well (New Zealand Government, 2018).

3.3.3 Animal Ethics Committees (AEC)

Meanwhile, the AEC, a mandatory body established by the code holder, considers and determines every specific project under the corresponding CEC. Besides, the AEC has also to monitor the compliance, modification, revocation, or suspension of these project approvals (New Zealand Government, 2018). An AEC consists of at least four members, one of whom must be a veterinarian appointed by the code holder on the

nomination of the New Zealand Veterinary Association and the other two external members from an approved animal welfare organization and a regional/territorial council.

3.3.4 Independent reviews

Independent reviews will be carried out through the 5-year duration of a CEC to review compliance by a code holder and by each AEC with the requirements and standards of the AWA. There are two independent reviews by accredited reviewers to be completed before the period of the approval has expired (New Zealand Government, 2018).

3.4 Restrictions and exclusion

New Zealand is the first jurisdiction to enact a restriction on non-human hominids, also known as great apes, in any research, testing, and teaching (Wells, 2004). Being different from other animals, research on the great apes can only be carried out for the best interest of themselves, or the species they belong to, provided that the findings are not outweighed by the potential harm to them (New Zealand Government, 2018). The use of non-human hominids shall be directly approved by the Director-General with the consultancy of the NAEAC for each project (New Zealand Government, 2018). It should be cautious that 'the species to which the non-human hominid belongs' does not include humans. For instance, it is not allowed to use great apes for research on AIDS (Acquired Immuno-deficiency Syndrome) (National Animal Ethics Advisory Committee, 2000). The rule described above seems to be partially an approach of animal rights where non-human hominids are granted a certain level of rights due to their close biological relationship with human beings.

The only absolute prohibition of animal research in the AWA can be found in the use of animals for making cosmetics, representing the first time a research activity is banned based on an indicated end product (Tomkins, 2015). It is not allowed for any person to develop, make, or test a cosmetic or an ingredient used in cosmetics on animals. Nevertheless, in case an ingredient is multi-functional, only the use for cosmetic is banned (New Zealand Government, 2018).

On the other hand, some cases do not follow the CEC and AEC approval procedures. Firstly, when the research is necessary for the national interest. These situation covers the protection of New Zealand's biosecurity, human or animal health, or the international obligations of New Zealand, and will be decided by the Minister (New Zealand Government, 2018).

Secondly, the NAEAC further excludes a range of simple activities in schools from the definition of animal manipulation. Hence, such uses in studies do not require the approval procedure of AEC. Those simple activities toward animals are described as below:

- Observation of behavior or body structure and function;
- Measurement of growth;
- Identification of diet preferences and food treats;
- Observation of animal response to different cage equipment;
- Breeding to teach reproduction and development; and
- Animal care and handling techniques (National Animal Ethics Advisory Committee, 2000).

4 VIETNAM'S LAWS ON ANIMAL RESEARCH IN COMPARISON WITH NEW ZEALAND'S

Although the application of animals in science is a fairly common practice in Vietnam, the regulations on animal welfare and animal research, in particular, are very primitive. Before 2015, animal welfare issues were almost exclusively posed in some ethical and legal studies. By 2015, when the Law on Veterinary Medicine was enacted, the Vietnamese parliamentary system, for the first time, recognized a minor aspect of animal welfare. Specifically, Article 21 of this law requires any organizations and individuals using animals shall:

- (1) Manage and care for animals in a manner suitable to each animal species;
- (2) Minimize pain, fear, and other sufferings for animals and treat them humanely in farming or aquaculture, transportation, slaughter, and scientific research (National Assembly of Vietnam, 2015).

In accordance with the Three Rs principle, the above regulation expressly prescribes the '*Refinement*'. Thus, Vietnamese legislation seems to initially choose the

approach of animal welfare under utilitarianism, which is similar to the laws of New Zealand and other advanced countries. However, it is a fact in Vietnam that an act shall put into practice through the system of by-laws by the state executive branch. However, there has been, by far, no such document to interpret and guide Article 21 of Law on Veterinary Medicine. Therefore, the actual validity of the regulation is almost limited as a recommendation, not enforcement.

On the other hand, wild animals in Vietnam are regulated under the law and by-law documents on forestry and biodiversity. Generally, it is allowed to conduct animal research, but any works involving endangered species must be monitored by the provincial Department of Forest Rangers (Government of Vietnam, 2019). There is no further guideline of the monitor over the research.

Pharmacology is the only area where the author can find a code of conduct by the Ministry of Health that covers the treatment of animals used in research. These rules can be considered fairly close to the Three Rs principle that New Zealand is applying. In detail, before clinical testing and circulation approvals, medicines must be through the pre-clinical testing, which is usually conducted on animals ((National Assembly of Vietnam, 2016). Testing on animals according to the instructions must ensure the following principles in the selection of testing models, including:

- (1) Models of animal research shall be designed to maximize the collecting of information
- (2) Models that do not use or use a small number of experimental animals are prioritized (Ministry of Health, 2015).

In addition, the guide also indicates that rodents are preferred for animal research. Any research on non-rodent animals (e.g., primates) should be reviewed by the academic board before proceeding (Ministry of Health, 2015). The principles outlined above are consistent with the criterion of '*Reduction*' (and partially '*Replacement*') in the Three Rs principle. Furthermore, the code sets standards for the supply, nurturing, and care for research animals as well. Accordingly, the research animals must have a clear origin, be nurtured, and cared for in an appropriate condition of housing or laboratory, with a reasonable formula for living temperature and diet (Ministry of Health, 2015). These rules are likely to meet the fundamental principle of utilitarianism that maximizes the welfare of animals affected by human actions.

However, the biggest problem is that the Ministry of Health's ruleset is a mere professional guide that recommends best practices. As a result, it has virtually no value for law enforcement, except being one of the bases for determining the responsibility of stakeholders in case of trials.

Pharmacology and medicine are probably the two areas that use the most animals in research. While animal welfare in pharmacy research benefits from a code of conduct, there is not any guideline for the use of animals in medicine and medical training. Animals are used as models not only in veterinary medicine but also in human health. In Vietnam, due to traditional customs and spiritual barriers, the donation of human corpses to medicine is unpopular, resulting in the scarcity of corpses for dissection in anatomy studies (VnExpress, 2016). Therefore, most human health training facilities must use live animals instead, among which dogs are commonly used due to the advantages of cost, size, and other biological characteristics. Although the use of live animals is not described in official teaching materials, this is widely acknowledged in the practice of dissection studies (VnExpress, 2016). Some practical cases are even recorded and posted online as learning materials for students. In addition to dissection and anatomy, dogs are also 'traditional' testing samples for new cures in cases where the effects on humans have not been proven. For example, dogs were used to test the laparoscopic surgery when it was first applied in Vietnam in 1992 (Tuoi Tre Online, 2019). Because of the low standard of animal welfare in Vietnam and the need for medical science and training, the use of animals such as dogs would still be a feasible measure in the short term.

It can be seen that Vietnamese laws have set the very first step of animal welfare from the perspective of utilitarianism, but the binding procedures and sanctions have not been regulated. Therefore, it is essential to learn experiences from countries like New Zealand to improve the animal welfare system in Vietnam today.

5 POLICY RECOMMENDATIONS

The application of animal welfare in such countries as Vietnam must be conducted in a gradual and long-term process; otherwise, it might raise public objection. For instance, in terms of food production, most producers in Vietnam are peasant households without an academic background, thus mostly being short of knowledge about animal welfare. Having used animals as a mere production tool for generations, they might find

it ridiculous to adopt a high standard of animal welfare. Moreover, a 'brute-force' enforcement of animal welfare can eventually result in the escalation of food prices to an unaffordable level for the average income of the population. However, it appears to be viable to apply animal welfare into education and scientific research in the context that scientists and academics have recently become aware of this issue (Agrinews, 2019). Regulating welfare in animal research also needs to be in a graduated procedure from recommendation to enforcement.

5.1 National Ethics Committee for animal research

The effectiveness of the NAEAC in New Zealand would be a role model for Vietnam to establish a similar functional agency. Establishing an independent ministry for animal welfare in Vietnam is virtually impossible because the current state system is too cumbersome. Therefore, the committee may be founded under the Ministry of Agriculture and Rural Development, which proposed the bill of Law on Veterinary Medicine 2015. However, the research also finds Morris's approach more feasible to handle animal welfare issues. As described above, Morris introduces a special body under the New Zealand Parliament, the Commissioner for Animal Welfare. In Vietnam, the National Assembly also establishes a number of committees whose functions are almost similar to the Commissioner in New Zealand. A separate commission responsible for animal welfare can be found; otherwise, supplementing one of the current commissions, the Committee on Social Issues, for example, with the responsibility for animal welfare.

In the initial stage, the committee's function is to advise both state agencies and researchers on animal ethics and welfare. Moreover, the committee should enact a set of best practices for animal research, which will be highly recommended for any works involving animals to follow as an instruction. In the longer term, the committee's objective is to propose a bill of informing Law on Veterinary Medicine to enhance the standard of animal welfare in accordance with common international criteria.

In fact, a Vietnam National Ethics Committee for Biomedical Research was established in 2017 (Ministry of Health, 2017). However, the function of this Committee is only to monitor the aspects of human health in biomedical research. Although the original and current function is irrelevant to animal welfare, the Committee can be supplement with a concurrent function of overseeing animal ethics. This would be a

temporary policy in the most significant area of animal research before applying to a larger scope.

5.2 Three Rs principle

As referred above, the Law on Veterinary Medicine of Vietnam introduced the very first ‘Refinement’ provision of animal treatments. Although the research has indicated the flaws of Article 21 of Law on Veterinary Medicine, that provision is undeniably a good start to legalize the whole Three Rs principle in the upcoming amendments of law. Once such a fundamental instrument of utilitarianism as the Three Rs principle is recognized under the law, the advocacy for an independent legal system of utilitarian animal welfare will become possible.

To avoid the same failure taken place in Article 21 of Law on Veterinary Medicine, there is a need for a rigid mechanism of the enforcement for the Three Rs principle once it is passed in Vietnam laws. One method is a statutory code of conduct toward animal research, which imitates the model of CEC in New Zealand, as discussed in the next paragraph. Together with a code of conduct, there must be an internal ethics committee and a certain level of punishment, such as a fine for anyone conducting animal research without a code of conduct.

5.3 Code of conduct

The national committee must recommend all research and education institutions to have their own code of conduct toward animals used in research, testing, and teaching. Nevertheless, some changes need to be made for the code of conduct when applying in Vietnam. Under the AWA, it is inappropriate for a CEC to contain specific contents such as type of research and animals, which will be reviewed and approved by the AEC on each project (National Animal Ethics Advisory Committee, 2000). That rule might not work in Vietnam in the initial stage because it grants an agency (an ethics committee) too much power without a statutory set of standards for this type of committee. Instead, the code will describe their potential activities using animals with types of animals, an estimated number of research animals, and other conditions and requirements. The code's effect might not result in an immediate reduction of animal research because of the lack

of relevant regulations. For the first stage, it is impossible to require statutory approval for the code of conduct, but an informing system can be used instead. For example, all educational institutions testing or experimenting on sentient animals (e.g., cattle, primates) must inform and submit a copy of the code to a state body appointed by the Ministry of Education and Training. It can effectively refrain research institutions or projects from overusing animals for inessential purposes; thence, setting a step forward to a required code like the CEC in New Zealand animal welfare system.

5.4 Ban on cosmetics tested on animals

In the context of the global movement against testing cosmetics on animals, many countries, including New Zealand, has banned the use of animal based on an end product – cosmetics. There suppose to be two reasons that a prohibition on animal-tested cosmetics would be feasible. Firstly, domestic producers of cosmetics in Vietnam only accounts for 10% of the market; most of them have invested in natural products based on the advantage of Vietnamese traditional knowledge (Cosmetics Magazine, n.d.). Thus, the referred prohibition might not raise a public objection. Secondly, the European Union is among the pioneers of the ban on animal testing for cosmetics purposes, which applies since 2004 (on finished cosmetics products) (European Commission, 2016). Meanwhile, the European Council recently adopted a decision on “the final green light” to free trade agreement with Vietnam (EVFTA) (Council of the European Union, 2020), which was also ratified by Vietnam National Assembly on June 8 (Vietnam Briefing, 2020). Although the ban of cosmetics tested on animals is not a provision under the Agreement, it would be a motivation for Vietnam to acquire the EU standards for any applicable products for a fully free trade agreement with the EU.

5.5 Law on Animal Welfare

The long-term recommendation for Vietnam legislation shall be an act on animal welfare, which can only be achieved after the above step by step process. The EVFTA once again affects the effort of enacting this law in Vietnam because animal welfare is one of the concerns regulated under the Agreement (European Commission, 2025). A

recommendation for an act of animal welfare could amount to a major piece of research; therefore, it would not be further discussed in the scope of this research.

In general, the research describes the use of animals in research with a brief history, an overview of legal and ethical approaches, New Zealand and Vietnam system on animal welfare, and finally, a set of recommendations for Vietnam legislation. The modern animal research has majorly contributed to human science and health since the 18th Century, then raising the public concerns around the 19th. Scholars have developed several theories of approaches to animal welfare in research, among which the *utilitarianism* becomes the most feasible for current legal systems. This is also the approach of the New Zealand's Animal Welfare Act 1999 which prescribes a fundamental principle that animal research can only be conducted if its benefit outweighs potential sufferings. In the implementation of the AWA, the NAEAC, CEC, and AEC play the central role in monitoring the use of animals in research, testing, and teaching. However, Vietnam laws do not have that effective system because the regulations on animal welfare in Vietnam are superficial. Comparing with the ASEAN countries, the picture of animal welfare in research seems not to be much brighter. According to New Zealand's model, the research finally obtains some step-by-step measures to enhance the standard of animal welfare in Vietnam,. It would be a long-term scheme with numerous obstacles due to the difference in culture, society, and economy between the two countries.

6 CONCLUSION

Animal research has long been a driving force behind scientific and medical progress, yet it continues to raise complex ethical questions about the treatment of sentient beings. This study has traced the historical development of animal research, examined the utilitarian foundations of ethical regulation, and compared the legal frameworks of New Zealand and Vietnam. While New Zealand offers a comprehensive and enforceable system grounded in the Three Rs principle and supported by institutional oversight, Vietnam's approach remains fragmented and largely aspirational.

Despite some initial legislative efforts, such as the inclusion of refinement principles in the Law on Veterinary Medicine, Vietnam lacks the procedural clarity and enforcement mechanisms necessary to ensure meaningful animal welfare. The

comparison reveals not only a gap in legal infrastructure but also a broader need for cultural and institutional transformation.

REFERENCES

- Barker, C. F., & Markmann, J. F. (2013). Historical overview of transplantation. *Cold Spring Harbor Perspectives in Medicine*, 3(4). <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3684003/>
- Beehive.govt.nz. (n.d.). *MAF to become Ministry for Primary Industries*. Retrieved October 15, 2025, from <http://www.beehive.govt.nz/release/maf-become-ministry-primary-industries>
- Bennett, A. J., & Ringach, D. L. (2016). Animal research in neuroscience: A duty to engage. *Neuron*, 92(3), 653–657.
- European Commission. (n.d.). *EU-Vietnam Free Trade Agreement*. Retrieved October 15, 2025, from <https://trade.ec.europa.eu/doclib/press/index.cfm?id=1437>
- Garattini, S., & Grignaschi, G. (2017). Animal testing is still the best way to find new treatments for patients. *European Journal of Internal Medicine*, 39, 32–35.
- Garrett, J. R. (2012). *The ethics of animal research: Exploring the controversy*. MIT Press.
- Gross, D., & Tolba, R. (2015). Ethics in animal-based research. *European Surgical Research*, 55(1–2), 43–50.
- Hau, J., & Schapiro, S. J. (Eds.). (2010). *Handbook of laboratory animal science: Volume I, essential principles and practices* (3rd ed.). Taylor & Francis.
- History of animal testing – ProCon.org. (n.d.). Retrieved October 15, 2025, from <https://animal-testing.procon.org/history-of-animal-testing/>
- Hubrecht, R. (2014). *The welfare of animals used in research: Practice and ethics*. John Wiley & Sons Inc.
- Jena, N. P. (2017). Animal welfare and animal rights: An examination of some ethical problems. *Journal of Academic Ethics*, 15(4), 377–390.
- Karmaus, A. L., et al. (2020). State of the science on alternatives to animal testing and integration of testing strategies for food safety assessments: Workshop proceedings. *Regulatory Toxicology and Pharmacology*, 110.
- Ministry for Primary Industries. (n.d.). *A culture of care: A guide for people working with animals in RTT*. Retrieved October 15, 2025, from <https://www.agriculture.govt.nz/dmsdocument/1473-a-culture-of-care-a-guide-for-people-working-with-animals-in-rtt>
- Ministry of Health (Vietnam). (2015). *Decision No. 141/QĐ-K2ĐT on guidance for pre-clinical and clinical testing of medicines*. Retrieved October 15, 2025, from <https://thuvienphapluat.vn/van-ban/The-thao-Y-te/Quyết-dinh-141-QĐ-K2ĐT-2015-Huong-dan-thu-nghiem-tien-lam-sang-lam-sang-thuoc-dong-y-414589.aspx>

- Ministry of Health (Vietnam). (2017). *Circular No. 45/2017/TT-BYT on the establishment, functions, tasks, and rights of biomedical research ethics committees*. Retrieved October 15, 2025, from <https://thuvienphapluat.vn/van-ban/the-thao-y-te/Thong-tu-45-2017-TT-BYT-nhiem-vu-quyen-han-Hoi-dong-dao-duc-nghien-cuu-y-sinh-hoc-354849.aspx>
- Morris, M. C. (2011). The use of animals in New Zealand: Regulation and practice. *Society & Animals*, 19(4), 368–388.
- National Animal Ethics Advisory Committee. (2000). *Users guide to Part 6 of the Animal Welfare Act 1999*. Ministry of Agriculture and Forestry.
- New Zealand Ministry for Primary Industries. (2019). *Good practice guide for the use of animals in research, testing and teaching*. Retrieved October 15, 2025, from <https://www.agriculture.govt.nz/dmsdocument/33585-good-practice-guide-for-the-use-of-animals-in-research-testing-and-teaching>
- Nuffield Council on Bioethics. (2005). *The ethics of research involving animals*. Nuffield Council on Bioethics.
- Röcklinsberg, H., Gjerris, M., & Olsson, I. A. S. (2017). *Animal ethics in animal research*. Cambridge University Press. <https://www.cambridge.org/core/books/animal-ethics-in-animal-research/11D4C3B31AD71322E74A029D19FAF871>
- Rollin, B. E. (2006). The regulation of animal research and the emergence of animal ethics: A conceptual history. *Theoretical Medicine and Bioethics*, 27(4), 285–304.
- Sandgren, E., et al. (2020). Attitudes toward animals, and how species and purpose affect animal research justifiability, among undergraduate students and faculty. *PLoS One*, 15(5), e0233204.
- Shackell, G. (2019). Using animals for research, testing and teaching: Challenge driving change. *Welfare Pulse*, 27, 1.
- Simon Lawrie Tomkins. (2015). *Problems with Part 6: Fixing New Zealand's animal research, testing and teaching regime*. University of Otago. <https://www.otago.ac.nz/law/research/journals/otago451214.pdf>
- Tap chí Mỹ Phẩm. (n.d.). *An update on the cosmetic market in Vietnam: Prospects and challenges*. Retrieved October 15, 2025, from <http://www.tapchimypham.com.vn/my-pham/691195/Cap-nhat-ve-thi-truong-my-pham-Viet-Nam-Co-hoi-va-thach-thuc-mpp.html>
- Understanding Animal Research. (n.d.). *The 3Rs and animal welfare*. Retrieved October 15, 2025, from <https://www.understandinganimalresearch.org.uk/animals/three-rs/>
- Government of Vietnam.** (1998). *Animal Welfare Act (as amended)*. Retrieved October 15, 2025, from <https://vbpl.vn>
- Government of Vietnam.** (n.d.). *Cruelty Prevention and Welfare of Animal Act*. Retrieved October 15, 2025, from <https://vbpl.vn>
- Government of Vietnam.** (2015). *Law on Animal Health No. 79/2015/QH13*. Retrieved October 15, 2025, from <https://vbpl.vn>

- Government of Vietnam.** (2016). *Law on Pharmacy No. 105/2016/QH13*. Retrieved October 15, 2025, from <https://vbpl.vn>
- National Animal Ethics Advisory Committee.** (n.d.). *Ethical principles and guidelines for the use of animals*. Retrieved October 15, 2025, from <https://vbpl.vn>
- VnExpress. (2016, March 21). *Lack of corpses, medical students scarcely practice dissection on human corpses*. Retrieved October 15, 2025, from <https://vnexpress.net/thieu-thi-the-nghien-cuu-sinh-vien-y-it-thuc-hanh-giai-phau-xac-nguoi-3402807.html>
- VnExpress. (2016, March 23). *Dissection studies on corpses*. VnExpress Sức Khỏe. Retrieved October 15, 2025, from <https://vnexpress.net/hoc-giai-phau-tren-xac-nguoi-3404358.html>
- Anonymous. (2016, July 5). *Ban on animal testing*. Internal Market, Industry, Entrepreneurship and SMEs – European Commission. Retrieved October 15, 2025, from https://ec.europa.eu/growth/sectors/cosmetics/animal-testing_en
- Animal Welfare Act 1999 No. 142 (as at September 8, 2018). *New Zealand Legislation*. Retrieved October 15, 2025, from <http://www.legislation.govt.nz/act/public/1999/0142/latest/DLM49664.html#DLM50299>
- Tuổi Trẻ Online. (2019, February 27). *Laparoscopic surgery – The road to Vietnam's regional leadership*. Retrieved October 15, 2025, from <https://tuoitre.vn/mo-noi-soi-hanh-trinh-viet-nam-vuon-len-hang-dau-khu-vuc-20190227035206597.htm>
- Agrinews. (2019, September 13). *Actualizing the policy of animal welfare*. Retrieved October 15, 2025, from <https://agrinews.vn/hien-thuc-hoa-chinh-sach-phuc-loi-dong-vat/>
- Council of the European Union. (2020, March 30). *EU-Vietnam: Council gives final green light to free trade agreement*. Retrieved October 15, 2025, from <http://www.consilium.europa.eu/en/press/press-releases/2020/03/30/eu-vietnam-council-gives-final-green-light-to-free-trade-agreement/>
- Vietnam Briefing. (2020, June 8). *Vietnam-EU trade: EVFTA ratified by Vietnam's National Assembly*. Retrieved October 15, 2025, from <https://www.vietnam-briefing.com/news/vietnam-eu-trade-evfta-ratified-vietnam-national-assembly.html/>
- NABR. (n.d.). *Mice and rats*. Retrieved October 15, 2025, from <https://www.nabr.org/biomedical-research/laboratory-animals/species-in-research/mice-and-rats/>
- Three Rs | CCAC. (n.d.). *Three Rs*. Retrieved October 15, 2025, from <https://3rs.ccac.ca/en/about/three-rs.html>

Authors' Contribution

Both authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

How to cite this article (APA):

Yen, H. T. H. (2025). ETHICAL AND LEGAL APPROACH TO ANIMAL RESEARCH: VIETNAM HAS MUCH TO LEARN FROM NEW ZEALAND'S LAW. *Veredas Do Direito*, 22(3), e223539. <https://doi.org/10.18623/rvd.v22.n3.3539>