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Infant chimpanzees born recently at the New Iberia Research Center in Louisiana.

POLICY

Lab bred chimps despite ban

US facility says it broke no rules — but opponents cry foul.

BY MEREDITH WADMAN

The largest and most high-profile chimpanzee research centre in the United States has acknowledged to *Nature* that 137 infant chimpanzees have been born to federally owned animals under its care since 2000, despite a government moratorium on such births. The centre says that it abided by the policy because the infant chimps are not

supported by federal funds. But critics claim that any breeding of government chimps violates the spirit of the ban, which they consider was partly a response to ethical concerns about research on chimps. The United States and Gabon are the only countries whose governments are known to allow invasive chimpanzee research.

Thomas Rowell, director of the New Iberia Research Center (NIRC) in Louisiana, has told

Nature that he does not dispute allegations that 123 chimps born at the centre between 2000 and 2009 — more than one-third of the total number currently housed there — have at least one parent owned by the National Institutes of Health (NIH) in Bethesda, Maryland. The NIH brought in a breeding moratorium in 1995 that has been included in agency contracts made with chimp research facilities ever since. But Rowell says that the NIRC, which is part of the University of Louisiana at Lafayette, is not in breach of the policy because, as specified in its written agreement with the NIH, the centre assumes ownership of the infants and pays for their care.

Details of the NIRC's breeding activities were first made known to the US Senate in 2010 when the Humane Society of the United States used Louisiana and US freedom of information laws to compile birth records of chimps born at the centre during the previous decade. The investigation showed that 137 of the animals had at least one federally owned parent. Attacks by adults killed 14 of the infant chimps; of the 123 that survived, the Humane Society's data indicate, 7 are owned by the NIH and not by the chimp centre, as the agreement requires. Rowell will not discuss the seven because he says the NIH is investigating the matter.

"They are breeding in what seems to be violation of government contracts," says Kathleen Conlee, the society's senior director of programme management, who notes that the centre receives about US\$1 million per year for the upkeep of federally owned chimps. "They shouldn't be receiving funds if they are not following the grant agreement." In March, the Humane Society petitioned the US Department of Health and Human Services — the NIH's parent agency — to revoke funding to the NIRC, and asked the Department of Justice to fine the centre as much as \$30 million.

After the society's findings were reported online last week by *Wired*, Rowell told *Nature* that the centre's actions are "consistent" with the terms of the award. The NIH will neither confirm nor deny that the NIRC is in violation of its agreement.

Gregory Kaebnick, an ethicist at the Hastings Center in Garrison, New York, says that even if the NIRC did take ownership of all 123 infant chimps, its reading of the ban "may be within ►

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For more on chimp research in the United States see: go.nature.com/ugfawq

► the letter of the law but well outside the spirit of the law". The moratorium inevitably reflects ethical objections to breeding, he argues, not just its costs. Requiring the NIRC to take responsibility for offspring of federally owned chimps is a reasonable way to cover accidental births due to the failure of contraceptive methods, but it should not be taken as a licence to breed, he adds.

Rowell says that the NIRC has taken several measures to reduce the number of animals being born compared with when it was "in a breeding mode" before 1995. Then, 20–40 births per year were typical. The measures include the use of intra-uterine devices in females; discontinuing immediate weaning of offspring, so that females remain infertile for up to four years after giving birth; vasectomizing selected males; and housing males and females separately where possible.

But because of the importance of maintaining breeding capacity in case the moratorium is lifted, Rowell says, the centre chose not to sterilize all animals. "The NIRC has made a good-faith attempt to maintain our colony as a high-value resource for both immediate and future need to the biomedical research community," he says. "The additional animals play a pivotal role in addressing global human health problems."

Although the NIH states that the moratorium was instituted for economic reasons, "more and more people are becoming conscious of the fact that chimps in research suffer in horrible ways that we don't want them to be suffering," says Bruce Wagman, a partner and animal-law expert in the San Francisco office of the law firm Schiff Hardin.

In mid-December, a committee of the US Institute of Medicine is due to opine on whether the NIH should continue to fund chimp research at all. The NIH called for the study after strong protests against its efforts to move 186 semi-retired chimpanzees back into active research (see *Nature* **467**, 507–508; 2010).

Paradoxically, the NIH has benefited from the continued breeding of federal animals. The agency's National Institute of Allergy and Infectious Diseases has paid the Louisiana centre more than \$6 million since 2002 to provide it with 4 to 12 infant chimpanzees annually for studies of hepatitis C and other viral diseases. According to the data gathered by the Humane Society, 50 of these chimps were born to one or more NIH-owned animals.

"Rather than passing off the costs and therefore saying 'it's no problem', the NIH should be doing everything it can to enforce the breeding moratorium," says Wagman. "The moratorium is absolute." ■

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P. KITTIVONGSAKUL/AFP/GETTY

Nations that are vulnerable to flooding and drought stand to lose out if climate talks fail.

CLIMATE POLICY

Showdown nears for climate deal

Expected debate over Kyoto Protocol threatens to stall progress on other fronts.

BY JEFF TOLLEFSON

There's a storm brewing in South Africa, although not the kind that climate scientists warned of last week in a report linking extreme weather to global warming (see <http://dx.doi.org/10.1038/nature.2011.9397>; 2011). This one is the political tempest that is swirling around the Kyoto Protocol. Forecasts suggest that it will hit in full force when delegates to the seventeenth meeting of the United Nations Framework Convention on Climate Change gather in Durban on 28 November — and it could threaten progress on an alternative agreement.

Negotiated in 1997, Kyoto combines commitments by wealthy nations (excluding the United States, which has never ratified the agreement) to limit greenhouse-gas emissions with monetary and technical support for poor nations. The commitments are set to expire next year and nothing comparable has materialized to take their place.

The world has changed since Kyoto was negotiated. Powerhouse developing economies are now among the world's leading

carbon dioxide emitters. Today, China holds the number one spot and India is fourth behind the United States and the European Union (EU). With Western nations in the midst of a financial crisis, there is little enthusiasm for renewing Kyoto, or for the underlying assumption that the developed world should shoulder the full burden of controlling greenhouse-gas emissions. In Durban, supporters of Kyoto — mainly developing nations — will make their last stand.

"The world can't punt this issue any longer," says Robert Stavins, an environmental economist at Harvard University's John F. Kennedy School of Government in Cambridge, Massachusetts. Stavins believes that negotiators will find some way to keep the Kyoto Protocol alive, if only in spirit, but he acknowledges that the meeting could also fall apart. "Some people would say that this is the death that is required

in order to have a rebirth" in the negotiating process, he says.

Cracks began to show in the framework's political underpinnings two

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