

# *The UN Declaration on Human Cloning*

## *A Survey and Assessment of the Debate*

Rev. Robert John Araujo, S.J.

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One of the most important recent declarations issued by the United Nations was its call to end all human cloning. Although treated by the media as a subject of passing interest, the document, approved by a significant majority of the member states, takes the monumental position that all forms of human cloning should be prohibited under law: “Member states are called upon to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life.”<sup>1</sup> This statement was a hard-won victory among those who seek to preserve the integrity of the human person at all stages of existence, and behind its apparently straightforward language is an extraordinary story of struggle.

This paper examines the debates and legislative maneuvers in one of the more remarkable chapters in UN history, which was swiftly forgotten by our secular media, and a matter of indifference to the vast majority of our academic institutions. Specifically, this article serves as a public record of the events leading up to the

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Rev. Robert John Araujo, S.J., J.D., S.T.L., is Professor Ordinarius at the Pontifical Gregorian University in Rome. Unless otherwise noted, all the documents referenced in this article can be found at the UN Web site, <http://www.un.org>. These documents include the complete lists of sponsoring countries and voting breakdowns. A history of UN Sixth Committee activities that led to adoption of the Declaration can be found at <http://www.un.org/law/cloning>.

<sup>1</sup> General Assembly, Fifty-ninth Session, *United Nations Declaration on Human Cloning* (A/RES/59/280), March 23, 2005.

adoption of the landmark UN Declaration on Human Cloning. There were many twists and turns along the way, some of them regrettable. What began as an effort to secure a convention—an international treaty—against all human cloning had to be reformulated as a humbler declaration, but a careful examination of the record shows that there was never any possibility of arriving at a consensus suitable to the formulation of a convention, at least for the foreseeable future. The result, nonetheless, represents an achievement of considerable importance, for the declaration against human cloning will serve as the benchmark for all future reflection on this topic—a topic of vital importance to those who favor life.

### **Introduction and Background**

In the fall of 2001, the UN General Assembly, at the request of France and Germany, agreed to examine the question of human cloning and adopted a resolution requesting the Sixth Committee (legal affairs) of the General Assembly to begin the work of studying the issue. It became clear that many delegations were concerned with the ethical and moral implications of human cloning. Fueling this concern were the then still-unproven claims of groups such as the Raelians that they had successfully cloned a human being. But as the debate matured, other significant issues began to emerge. They included questions about the products of human cloning, and what should be done with the human life that results.

In response to the disturbing developments promised by the Raelians, the Permanent Missions of France and Germany submitted a letter on August 7, 2001, to the Secretary-General of the United Nations detailing their concerns.<sup>2</sup> This letter, in addition to stating concerns about reproductive cloning of human beings, attached a proposal for a draft General Assembly resolution to commence work on an international convention against the practice.

It is important to understand the different forms of human cloning, some of which are morally objectionable and some which are not. First, there is research (sometimes called “scientific” or “therapeutic”) cloning. Research cloning involves the use of human embryos developed by cloning. Cellular materials, specifically stem cells, are extracted from the embryo for the research. This inevitably leads to the destruction of the embryo and the new human life. Research cloning is morally objectionable in Catholic teaching because it destroys the nascent human life that is the product of cloning. The other type of cloning entails the development of mature adult cells rather than human embryos. It is morally licit in that it does not lead to the destruction of human life.

At a meeting of the Sixth Committee, on November 19, 2001, the representative of France, on behalf of a large number of other members of the United Nations, introduced a draft resolution titled “International Convention against the Reproductive Cloning of Human Beings.”<sup>3</sup> The draft resolution acknowledged that there was a

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<sup>2</sup> General Assembly, Fifty-sixth Session, “Request for the inclusion of a supplementary item in the agenda” (A/56/192), August 7, 2001.

<sup>3</sup> General Assembly, Fifty-sixth Session, Sixth Committee, “International convention against the reproductive cloning of human beings: draft resolution” (A/C.6/56/L.19), November 13, 2001.

rapid development in life sciences research that promised “tremendous prospects for the improvement of the health of individuals and mankind as a whole.” However, it also noted that certain practices posed potential dangers to the integrity and dignity of the human person. The draft resolution also provided that an ad hoc committee would be established with the goal of preparing a draft international convention against “the reproductive cloning of human beings.”<sup>4</sup> An “all states” formula was used to invite states to participate in the future negotiations.

The significance of such an invitation was that the Holy See, which is not a state member of the United Nations, but is a member of specialized agencies and the International Atomic Energy Agency, would be able to participate as a full member of and a negotiating partner in the ad hoc committee. The draft resolution also requested the Secretary-General to invite the specialized agencies of the UN system which have an interest and expertise in bioethics to participate as observers. As it turned out, during the subsequent meetings of the ad hoc committee, specialized agencies such as UNESCO offered their views on substantive issues that related to their expertise. The draft resolution, 56/93, was adopted by the General Assembly on December 12, 2001.

The first meeting of the ad hoc committee convened several weeks later, from February 25 to March 1, 2002. The principal task of the first session was to develop a mandate for the negotiation of the projected convention. Other work included the preparation of a list of existing treaties relevant to the subjects likely to be considered, and a catalog of issues to be addressed by the projected instrument. The first session also enabled delegates to hear the views of international “experts” on genetics and bioethics in order that delegations could be better informed on the technical subjects associated with the draft convention. Finally, the first session sketched a framework for anticipated work that would be pursued after the conclusion of the first session of the ad hoc committee.<sup>5</sup>

As the work of the committee progressed, a conspicuous division separating two principal factions began to appear. While there was general agreement that “reproductive cloning of human beings” raised grave and unethical issues of the use of biotechnology that threatened “human dignity,” it became apparent that the use of the same nomenclature did not have the same meaning for all delegations. Paragraph 12 of the committee’s first report is telling in this regard:

Some delegations expressed their preference for a focused approach and a negotiating mandate on a universal ban on the reproductive cloning of human beings, in an international convention. It was noted that a focused approach was necessary in view of the urgency of the matter and that it was also necessary, at least initially, to have the broadest consensus even on a more restricted objective in order to conclude as quickly as possible. Furthermore, the Gen-

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<sup>4</sup> *Ibid.*, operative paragraph 1, p. 2.

<sup>5</sup> General Assembly, Fifty-seventh Session, “Report of the ad hoc committee on an international convention against the reproductive cloning of human beings” (A/57/51), February 25–March 1, 2002.

eral Assembly resolution under which the Ad Hoc Committee had been convened had mentioned only the reproductive cloning of human beings.<sup>6</sup>

As it turned out, those UN members only concerned about reproductive cloning were not troubled by the fact that research cloning would lead to the destruction of new human life. The only morally objectionable project for them was the making of new children from cloned embryos—“Dolly children,” if you will. However, delegations that supported the comprehensive approach, while finding the cloning of human beings morally objectionable, concluded that developing human embryos for research and subsequent destruction was also morally reprehensible and must be stopped by the law of the international order.

The division within the ad hoc committee manifested itself in the diverging views of those delegations that favored the “focused” approach (a convention that only addressed and prohibited the making of new persons through cloning technology), and those delegations that supported the comprehensive approach (that would ban all technology creating new human life in all forms, i.e., embryonic stem cell research). Advocates for the focused approach emphasized the immediacy of the danger of reproducing human beings, and suggested that other human cloning issues, such as making human embryos from which stem cells would be harvested, could be discussed at a later time.

However, advocates for the comprehensive approach were skeptical that this would ever take place once the “reproductive” ban was in place. Moreover, some of the delegations that favored the comprehensive approach began to clarify what they meant by the “reproductive cloning of human beings”—that is, any type of cloning of a human person or embryo regardless of purpose. In turn, they exhorted the need to include a ban on human cloning for research, as I have defined earlier.<sup>7</sup> For clarification, in this paper reproductive cloning (of human beings) will refer to the focused approach, and human cloning will refer to the comprehensive approach.

As delegates that favored the comprehensive approach explained, it was just as urgent to ban the creation of cloned embryos that could be used to harvest stem cells or tissue for transplantation, and this affront to human dignity needed to be addressed quickly. Most of the supporters of the comprehensive approach also noted that they endorsed scientific progress to assist medical research and benefits to mankind. In this regard, they suggested that human adult stem cells should be used for research purposes. They also noted that the mandate of the General Assembly contained in the resolution was to consider a convention to ban reproductive cloning and a more comprehensive treatment of the subject was consistent with that mandate.<sup>8</sup>

From this point in the discussions, the delineation of the two principal camps became clearer. It went beyond the more narrow issues charted by the delegations of France and Germany, who pushed only for the “reproductive cloning” ban at this

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<sup>6</sup>Ibid., n. 12.

<sup>7</sup>Ibid., n. 13.

<sup>8</sup>Ibid.

stage. Supporters of the comprehensive approach argued that the social, cultural, and ethical aspects should also be examined, as well as the impact on women, who would have to be the source of the great number of human ova needed for scientific and research cloning. Some of the comprehensive-approach delegations also raised questions about how emerging biotechnologies would affect developing countries.<sup>9</sup>

Detecting opposition from the focused-approach delegations, the comprehensive-approach supporters argued that the mandate of the ad hoc committee was not limited to a ban on “reproductive cloning.” Instead, they argued, it was to elaborate the mandate for a proposed convention, and the General Assembly’s resolution 56/93 did not predetermine the scope of the proposed convention.<sup>10</sup> To reinforce this tack, the comprehensive-ban supporters noted that one could not logically pursue the focused approach, because the processes for both reproductive and research cloning were the same, and to ban only the former might suggest that it was permissible to clone for research purposes.<sup>11</sup> Adoption of the type of ban the focused-approach supporters proposed would therefore be ineffective because of the identical nature of the technologies used to generate the embryos needed for reproduction and for research.

The focused-approach supporters would not relent in their quest to achieve the more limited objective, however. They countered by arguing that the ad hoc committee should work to elaborate a mandate with a sense of urgency, since it was conceivable that the first successful cloning of a human being would take place soon. (Five years later, in 2007, this evidently has not yet happened.) It was proposed that a “pragmatic approach” should be pursued, whereby the committee would initially concentrate on the areas of general agreement that existed among delegations, namely, a ban on reproductive cloning. It was pointed out that widening the scope of the potential convention to include issues for which “no consensus” existed would threaten the entire exercise. It was further suggested that the proposed convention needed to receive universal acceptance in order to prevent the establishment of “cloning havens,” where reproductive cloning activities could occur uninhibited without any international regulation.<sup>12</sup>

In order to assuage those delegations holding onto strong principled approaches against human cloning, including the comprehensive-ban supporters, some focused-approach delegations stated that it was not their intention to draw a distinction between different ethical “priorities.” It became evident that this was a suggestion, not a commitment, that other forms of cloning could be discussed by the international community once a ban on reproductive cloning was in place. Thus, it was suggested that different approaches to pressing issues *might* be pursued—including future discussions covering other forms of cloning—that would still permit the rapid adoption of an international instrument that banned only reproductive cloning.

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<sup>9</sup> *Ibid.*, n. 19.

<sup>10</sup> *Ibid.*, n. 20.

<sup>11</sup> *Ibid.*, n. 22.

<sup>12</sup> *Ibid.*, n. 24.

This came to be known as the “step-by-step” approach, which would begin with a convention that banned reproductive cloning and could then be followed by work on a second treaty dealing with other aspects of human cloning.<sup>13</sup> It was pointed out that nothing in the focused approach would prohibit those states interested in a comprehensive ban to begin working on this objective through national legislation.<sup>14</sup> But the comprehensive-ban supporters pointed out that the step-by-step approach had noticeable flaws, in that the adoption of a global ban on reproductive cloning would not limit the creation of embryos that would be destroyed in scientific research; moreover, states interested only in the focused approach could also adopt national legislation addressing reproductive cloning as quickly as possible.

With regard to general legal issues for any convention, it was noted that the definition of critical terms would depend on the scope of the convention itself. It was therefore proposed that, if it were accepted that all cloning was reproductive cloning, a distinction would need to be made between “live birth” and “research,” or “therapeutic,” cloning.<sup>15</sup> But concern was raised about the need to avoid specifying particular cloning techniques, since too much detail could magnify the risk of an outdated convention as new techniques were developed. Some delegations thought that any definition for the term “cloning” might be formulated so as to reflect intended results rather than specific techniques used in the cloning process.<sup>16</sup>

Other matters were also discussed at this initial session for the draft convention. These included the preamble, which could reference relevant human rights instruments and the *Universal Declaration on the Human Genome and Human Rights*; a provision that required periodic review of the convention; the need to consider whether the ban would be limited to a period of time or would be permanent; the need to mention the precautionary principle for the protection of human health; the scope and relevance of intellectual property rights protection; a mechanism for providing for international cooperation against reproductive cloning; and the necessary action to be taken if, despite the ban, a cloned embryo were to be implanted in a womb.<sup>17</sup>

At this stage, it will be useful to take stock of positions of key delegations in the ad hoc committee debate.

### **Positions of Key Delegations**

While preliminary views were aired at the first session of the ad hoc committee, greater elaboration of positions was made during the second, which was held in October and November 2002 during the regular meetings of the Sixth Committee.<sup>18</sup>

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<sup>13</sup> *Ibid.*, n. 25.

<sup>14</sup> *Ibid.*, n. 26.

<sup>15</sup> *Ibid.*, n. 27.

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*, n. 34.

<sup>18</sup> General Assembly, Fifty-seventh Session, Sixth Committee, “International Convention against the Reproductive Cloning of Human Beings: report” (A/57/569), November 11, 2002.

At that time, the alliances of the two basic blocs of delegations materialized, the first that favored the focused approach and the second that sponsored the comprehensive approach. The first bloc introduced a draft resolution that began with broad references recalling the importance of developing life sciences for the benefit of mankind “with full respect for the integrity and dignity of the human being.”<sup>19</sup> In this context, the draft resolution suggested that the rapid development in this type of scientific research promised, as was stated earlier, hope for health and human dignity while at the same time avoiding dangers that could threaten humanity. This draft resolution also acknowledged that states’ parties to the anticipated convention *could* adopt “stricter national regulations” than those that would be established under the convention should they choose to do so.

In addition, the focused-approach supporters expressed their hope that, due to the “urgency” of the matter, a draft convention against reproductive cloning could be completed by the end of 2003 and would include the following elements. First, the draft convention should define the scope of the instrument (i.e., what would it cover?); contain necessary definitions; prohibit reproductive cloning; provide for national implementation; include provisions specifying penalties, preventive measures, and jurisdiction; promote and strengthen international cooperation and technical assistance; and provide for the collection, exchange, and analysis of information and mechanisms for monitoring implementation of the treaty. Second, in order to be clear that the convention was not permissive of developments that might threaten human dignity, it should specify that the prohibition against reproductive cloning would not imply the endorsement of any other form of human cloning for any purpose. Third, the draft convention needed to be explicit that states’ parties would not be prevented from adopting or maintaining stricter regulations on human cloning not addressed in the convention.

As a modest concession to those who sought a comprehensive convention, the focused-approach supporters indicated that they would consider “as a priority” additional proposals that might address other forms of human cloning leading to subsequent “separate international instruments,” *once* the negotiations on the first convention addressing only “reproductive cloning” were concluded. As it turned out, the coalition of comprehensive-approach delegations, while not directly questioning the sincerity of this last provision, asked about the probability of drafting other human cloning conventions once the work on the first text was completed. The answer to this question was not immediately forthcoming.

Interestingly, the initial draft submitted by the focused-approach supporters would call on states that have not yet done so to adopt national legislation prohibiting reproductive cloning. In another move intended to be conciliatory, this group would ask but not demand that states adopt moratoria or prohibitions on other forms of cloning human beings “that are contrary to human dignity.” While the subtle use of language was not yet fully understood, it would subsequently become clear that there

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<sup>19</sup> General Assembly, Fifty-seventh Session, Sixth Committee, “International convention against the reproductive cloning of human beings: draft resolution” (A/C.6/57/L.8), October 8, 2002, and corrigendum (A/C.6/57/L.8/Corr.1), November 7, 2002.

was a significant distinction between arguing for other bans on “cloning human beings” versus “human cloning.” As it turned out, the reference to “cloning human beings” could suggest that the human had to be born for the ban to be considered protective; however, the formulation “human cloning” would be more expansive, thereby applying not only to human beings but also to human embryos from which stems cells might be extracted. The extraction process, not incidentally, is lethal to the developing human embryo.

In support of the draft resolution of the focused-approach group, the delegations of France and Germany submitted an explanatory memorandum (*aide-memoire*) of their views.<sup>20</sup> In this auxiliary text, they first alerted everyone to the speed with which scientific progress was being made in the fields of biotechnology and genetic technology. As they suggested, virtually every day researchers report new insights into the understanding about the secret of life; nevertheless, these developments can and do pose challenges for society and public-policy makers.

The *aide-memoire* asserted that the principal ethical challenge for the world concerned reproductive cloning. To substantiate this claim, the paper called attention to some scientists’ contentions that they have attempted to generate cloned children by implanting embryos in women. As of early 2007, however, no evidence has been produced showing that these attempts either were made or succeeded. The *aide-memoire* continued by stating that, as a result of the initial meetings of the ad hoc committee, there was “a clear consensus that the reproductive cloning of human beings had far-ranging implications for human dignity and should therefore be banned.”<sup>21</sup> This concern was viewed as a “race against time” to produce an international convention that would thwart attempts at reproductive cloning by adopting a convention in the year 2003.

In response to the comprehensive-approach delegations, the French/German *aide-memoire* alleged that the international consensus to ban reproductive cloning did not encompass a consensus for banning research or “therapeutic” cloning or other forms of genetic engineering. This paper also asserted that any attempt to achieve the comprehensive ban would undermine the efforts to draft a convention against reproductive cloning, which they believed demanded urgent action. They exhorted fellow delegates with the message that the opportunity to “accomplish what can be accomplished before it is too late would be lost.” In the estimation of France and Germany, this was something “we cannot afford.”<sup>22</sup>

Taking note of the concerns of the delegations who endorsed the comprehensive approach, France and Germany again proposed a “step-by-step” plan to “these complex bioethical issues” by first completing and adopting a convention that would ban reproductive cloning. Then, at a “later stage,” interested states could subse-

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<sup>20</sup> General Assembly, Fifty-seventh Session, Sixth Committee, “Aide-memoire relating to the proposal submitted by France and Germany” (A/C.6/57/WG.1/CRP.1/Add.1), September 17, 2002; not available online.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.



quently begin work on how to best regulate other types of human cloning that *could* lead to a separate convention. However, the French/German *aide-memoire* did not guarantee that this would happen, nor did it offer support or cooperation for participating in such an endeavor.

One of the most ardent focused-approach supporters, Singapore, contended that it respected “the right of states to decide for themselves on matters that did not yet enjoy international consensus.” This was viewed by many supporters of the comprehensive approach that the “step-by-step” plan was doomed to failure once a convention dealing only with reproductive cloning was completed. In addition, the Singapore delegation noted that while the comprehensive-approach supporters said that scientific cloning raised ethical concerns, it had to be recognized that “many valuable discoveries had resulted from difficult research.” Singapore acknowledged that “the heart of the problem was the definition of human life and the point at which it began.” However, this delegation found solace in referring to Senator Orrin Hatch’s support for scientific cloning because “there was no greater way to promote life than to find a way to defeat death and disease.”<sup>23</sup>

It was apparent from the senator’s remarks that he supported research cloning because it might lead to new medical treatments that would cure paralysis caused by traumatic injury, or maladies such as diabetes and Parkinson’s disease that destroy nerve cells. Of course, his assertion did not mention that procedures acceptable to comprehensive-approach supporters were providing the basis for new methods of arresting or defeating life-threatening diseases.

By the conclusion of the debate on the cloning declaration, the Singapore delegation expressed its view that one group of states was trying to impose their “value judgments” on all states, and one Singapore delegate scolded this group for their “inflexible” and “unconstructive attitude” that prevented the international community from taking urgent action to outlaw reproductive cloning, which the entire international community opposed. In short, the approach of the comprehensive group was viewed as “divisive.” To the Singapore delegation, this “was not the way to forge universal norms,” because when some states insist on their viewpoint on controversial issues through a vote rather than through the adoption by consensus, great harm can befall the United Nations.<sup>24</sup> The fact that there may be a need to use the democratic method—permitted under the deliberative process of the United Nations—did not enter this delegation’s presentations.

Those delegations that favored the comprehensive approach did not delay in submitting their own counter-proposal, under the leadership of Spain, the Philippines, and the United States of America. This proposal was titled “International Convention against Human Cloning.” The use of language in the title of the draft

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<sup>23</sup> Statement by Permanent Representative Vanu Gopala Menon on Agenda Item 150, International Convention against the Reproductive Cloning of Human Beings, October 21, 2004, [http://app.mfa.gov.sg/pr/read\\_content.asp?View,4057](http://app.mfa.gov.sg/pr/read_content.asp?View,4057).

<sup>24</sup> General Assembly, Fifty-ninth Session, Sixth Committee, “Summary record of the 11th meeting” (A/C.6/59/SR.11), January 14, 2005, pp. 6–7.

convention now reflected the division between the two groups.<sup>25</sup> Like the focused-approach supporters, the coalition that favored the comprehensive approach expressed the need to prepare an international convention “as a matter of urgency.” Unlike the other coalition, however, the comprehensive-approach group specified that the convention would pertain to “human cloning” and would not be restricted to the “reproductive cloning of human beings.”

The coalition favoring the comprehensive approach was clear in expressing support for scientific research. They stated that the convention would not “prohibit the use of nuclear transfer or other cloning techniques to produce DNA molecules, organs, plants, tissues, cells other than human embryos or animals other than humans.”<sup>26</sup> This coalition also noted the concern that the human body and its parts (e.g., single cells) should not be used for financial gain, for this would “commodify” humanity. This expression was undoubtedly a reference to the international black market in the trading of human organs and body parts, whose origins are from questionable sources.

Like the other group, the comprehensive-approach supporters approved of the inclusion of provisions detailing scope, definitions, the ultimate objective, preventive measures, jurisdictional matters, international cooperation, the exchange of information, and mechanisms for monitoring implementation of the treaty. The text proposed by the comprehensive-approach sponsors also stated that, pending the adoption of an international convention against human cloning, states must not permit any research, experiment, development, or application of any technique aimed at any kind of human cloning. This draft would also take steps to prohibit any technique of genetic engineering that might adversely affect human dignity.

To further the draft resolution proposing the comprehensive approach, the Spanish delegation prepared and distributed an explanatory *aide-memoire*.<sup>27</sup> Most significantly, this paper acknowledged that human cloning for the purposes of scientific research would result in the inevitable destruction of new human life.<sup>28</sup> This

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<sup>25</sup> General Assembly, Fifty-seventh Session, Sixth Committee, “International convention against human cloning: draft resolution” (A/C.6/57/L.3/Rev.1), October 18, 2002, and corrigendum (A/C.6/57/L.3/Rev.1/Corr.1), November 7, 2002.

<sup>26</sup> Draft resolution A/C.6/57/L.3/Rev.1, p. 2.

<sup>27</sup> General Assembly, Fifty-seventh Session, Sixth Committee, “The Spanish position on the draft international convention on human cloning: memorandum” (A/C.6/57/WG.1/CRP.2), September 24, 2002; not available online.

<sup>28</sup> Interestingly, some influential sources, including those from unlikely backgrounds, have contributed to the public misinformation about the status of the cloned or in-vitro-produced embryo. For example, a review of the play “The Life of Galileo” (*Tablet*, July 15, 2006, p. 29) stated: “It seems fairly clear that a parallel is being drawn between the daft cardinals who mock and then block Galileo’s astronomy and the church leaders who today oppose, for example, abortion and stem-cell research. The problem with this analogy is that it confuses anti-rationalism (which the Catholic Church of the time was guilty of towards astronomy) with moralism or anti-libertarianism. Whereas Galileo’s views were incontrovertibly proved by science, there can be no comparable demonstration of fact with regard to the status of stem-cells and embryos, which remains a personal calculation.”

paper pointed out that article 18.2 of the European Convention on Human Rights and Biomedicine (the Oviedo Convention), ratified in 1999 by a number of European States and adopted by Spain in 2000, expressly prohibits “the creation of human embryos for research purposes.” In short, there was already an international law that prohibited the very exploitative procedure that France and Germany alleged *might* be the basis for a subsequent international convention after the ban on reproductive cloning was finalized.

The Spanish *aide-memoire* highlighted the important fact that the same laboratory procedures are used to make embryos for both reproductive and scientific objectives. In reality, this fact would pose significant problems for those who asserted that the real threat was in reproducing human beings. As the Spanish paper properly noted, “Only a total prohibition will prevent embryos theoretically destined for research from being implanted for other purposes.”<sup>29</sup>

There remained other substantive concerns, which the Spanish *aide-memoire* pointed out. A partial prohibition that banned only reproductive cloning would paradoxically have at least two undesired effects in the domestic law of the states that accepted a convention based on the French/German proposal. In the first place, a partial prohibition of human cloning could be viewed as a tacit acceptance of other results of human cloning which are not prohibited. In the second place, adoption of a convention that bans only reproductive cloning would inevitably strengthen any movement favoring the express authorization of research, or “therapeutic,” cloning. There would also be increased temptations to pressure women into becoming factories for the vast number of ova needed to support scientific cloning; moreover, an international black market for trade in human ova could easily materialize to satisfy the need for them. As it turned out, the practices of allowing “human cloning for scientific purposes” in South Korea demonstrated that these concerns were real.<sup>30</sup>

In terms of practical experience based on animal cloning, the Spanish paper presented evidence that demonstrated cloning poses considerable risks of embryonic malformation and deformation. In addition, this evidence suggested that human cloning could generate cell lines hazardous to human health, thereby giving rise to cancerous diseases and genetic anomalies. The paper also noted that it is possible to generate cloned embryonic mother cells carrying unknown genetic anomalies that would subsequently be incorporated into the tissues and organs of patients, thereby undoing regenerative therapies that used the cloned material.

The Spanish *aide-memoire* refuted the notion that opposition to human cloning constitutes an obstacle to progress in science and genetic research that could benefit mankind. It was noted that the use of adult stem cells contained much promise for scientific research without the ethical and medical unease posed by the manufacturing of embryonic stem cells. By way of illustration, the paper noted that bone

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<sup>29</sup> “The Spanish position” memorandum (A/C.6/57/WG.1/CRP.2).

<sup>30</sup> See, for example, Associated Press, “Disgraced Korean Cloning Scientist Indicted,” *New York Times*, May 12, 2006; and James Brooke, “Korean Leaves Cloning Center in Ethics Furor,” *New York Times*, November 25, 2005.

marrow cells have been used successfully to regenerate blood cells.<sup>31</sup> In addition, some success has been achieved in regenerating different tissue types from adult stem cells. There has also been other progress in using adult stem cells to multiply and separate into a wide variety of cell types.<sup>32</sup>

The ensuing debate on these two different proposals consumed the remaining time allocated during the work of the committee in the Fifty-seventh General Assembly. As a result of the emerging impasse, principally regarding the scope of the draft convention, the General Assembly adopted a decision that a working group of the sixth committee would be reconvened during the Fifty-eighth Session of the General Assembly, from September 29 to October 3, 2003, in order to continue the work undertaken during the Fifty-seventh Session.

### Subsequent Developments

In the spring of 2003, the stalemate for developing a mandate for negotiating a convention solidified. In an effort to make some substantive progress, the Costa Rica delegation submitted and circulated a draft text for an international convention for the prohibition of all forms of human cloning.<sup>33</sup> The April 2, 2003, Costa Rican draft was intended to provide a constructive contribution to the negotiation process and serve as the basic document for further discussion. In its preambular section, the draft raised important points about the Universal Declaration of Human Rights' recognition of the inherent dignity and equal and inalienable rights of "all members of the human family" that are the foundation of freedom, justice, and peace in the world. The draft stated that human cloning, regardless of the goal, is "morally repugnant, unethical and contrary to respect for the person and constitutes a grave violation of fundamental human rights which cannot under any circumstances be justified or accepted."<sup>34</sup>

After presenting a series of key terms and definitions, this draft stated that it would be a crime for any person to engage in any action, such as somatic cell nuclear transfer or embryo splitting, that resulted in the "creation of a living organism, at any stage of physical development, that is genetically virtually identical to an existing or previously existing human organism."<sup>35</sup> The draft continued with conventional principles regarding jurisdiction, duties of states parties, international cooperation, penal-

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<sup>31</sup> "The Spanish position" memorandum (A/C.6/57/WG.1/CRP.2).

<sup>32</sup> See, for example, the testimony of Dr. Catherine Verfaillie to the President's Council on Bioethics, April 25, 2002, [http://www.bioethics.gov/transcripts/apr02/apr25\\_full.html#2](http://www.bioethics.gov/transcripts/apr02/apr25_full.html#2). Her testimony covers a wide range of options involving the development of stem cells from adult cells rather than human embryos.

<sup>33</sup> General Assembly, Fifty-eighth Session, "Annex I to the letter dated 2 April 2003 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General: draft international convention on the prohibition of all forms of human cloning" (A/58/73), April 17, 2003.

<sup>34</sup> *Ibid.*, preamble, p. 2.

<sup>35</sup> *Ibid.*, article 2(1), p. 3.

ties, and provisions on extradition and rights of the accused, preventive measures, and dispute resolution between states parties.

In an accompanying explanatory memorandum, the Costa Rican delegation expressed the view that the draft did not seek to regulate abortion, stem cell research, or in vitro fertilization. It avoided other contentious areas such as defining the term “human being” or reaching any conclusion about when the life of a “human person” begins. To further this paper’s objectives, the title of the draft convention used the expression “human cloning” rather than “cloning of human beings.” Needless to say, the nomenclature chosen for the title could have a broad impact on the eventual application of an instrument that followed the Costa Rican model. This point was made clear by another preambular section, which stated that all forms of human cloning are “immoral” and “violate human rights.”

With this draft convention text in distribution, it became evident that the renewed General Assembly debate on the human cloning issue would intensify during the upcoming Sixth Committee action that would begin in the fall of 2003.

*Fall 2003 Action*

For four days in October and early November 2003, the Sixth Committee resumed its work on the international cloning convention. The effort was earnest but did not make much progress. Furthermore, the intensity of the debate demonstrated once more that the divisions were deepening rather than being bridged. In an effort to reach consensus on certain issues, the committee elected Ambassador Juan Manuel Gómez-Robledo of Mexico to serve as the chairman of the working group. The two basic camps began work on their respective draft resolutions for adoption by the General Assembly later in the current session.

The supporters of the comprehensive approach, now consisting of sixty-eight delegations, prepared a draft resolution titled “International Convention against Human Cloning.”<sup>36</sup> The text repeated content previously made by the group, especially in the Costa Rican draft. However, the language employed was now sharper. For example, in the preambular section, the group stated the conviction that “human cloning, for any purpose whatsoever, is unethical, morally repugnant and contrary to due respect for the human person, and that it cannot be justified or accepted.”<sup>37</sup> The text also included a statement that there were serious difficulties of a medical, physical, psychological, and social nature that human cloning could entail for the individuals involved, and it expressed alarm that human cloning would inevitably result in the exploitation of women who could be pressured in various ways to donate their ova, with risk to their physical and mental well-being.

In its operative section, this draft resolution presented three substantive points: the first posited that states must prohibit any research, experiment, development, or application of any technique aimed at human cloning pending the adoption of an

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<sup>36</sup> General Assembly, Fifty-eighth Session, Sixth Committee, “International convention against human cloning: draft resolution” (A/C.6/58/L.2), September 26, 2003.

<sup>37</sup> *Ibid.*, p. 2.

“international convention against human cloning.” Second, the draft resolution called on states to adopt the measures needed to prohibit any techniques of genetic engineering that could have adverse consequences on the respect for human dignity. Finally, the draft resolution encouraged states and “other entities” (such as those engaged in medical research) to redirect funds that might otherwise be allocated for human cloning technologies to existing urgent issues confronting developing countries, such as famine, desertification, infant mortality, and communicable diseases, including the HIV/AIDS syndrome.

States that supported the focused approach, now numbering twenty-four, also prepared a draft resolution for consideration by the General Assembly.<sup>38</sup> In its preambular section, the text concentrated only on the dangers that reproductive cloning could pose to the integrity and dignity of individuals. But like the comprehensive-approach group, the members who supported the focused approach urged the next General Assembly to finalize a convention; however, the international convention would be limited to “the reproductive cloning of human beings.”

In the operative paragraphs, the focused-approach draft advocated action in four areas: First, all states parties would ban reproductive cloning without the right to make any reservations to the convention. Second, states parties would be obliged to regulate other forms of human cloning either by banning them *or* by imposing a moratorium or other regulation through national legislation. Third, it would call on states, pending the convention’s going into force, to adopt national legislation prohibiting reproductive cloning. And last, it would encourage, but not require, states to regulate other forms of human cloning pending the adoption of the convention against reproductive cloning. Only the first two of these provisions, however, would be mandated by the convention; therefore, only reproductive cloning would be banned, implicitly allowing human cloning for other purposes.

With the political barometer forecasting another stalemate, a bold development surfaced. In a procedural move to arrest the growing support for the comprehensive approach, the Organization of the Islamic Conference introduced a motion under rule 116 of the Rules of Procedure of the General Assembly to adjourn the debate on the cloning convention until the Sixtieth Session of the General Assembly, which would begin in the fall of 2005. A delay would enable the Islamic countries more time to assess the implications of Islamic law on research cloning; however, from the perspective of the supporters of the focused approach, the delay would also arrest the growing support for the comprehensive approach. The practical result of the motion would halt further discussions on the draft resolutions for the remainder of the General Assembly session. Clearly, the proponents of the focused approach no longer felt a strong urgency, as they had professed earlier, to move this matter quickly to a vote.

Under the rule, two delegates would speak on behalf of the motion and two could speak against the motion. The two supporting delegates were from Belgium (a

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<sup>38</sup> General Assembly, Fifty-eighth Session, Sixth Committee, “International convention against reproductive cloning of human beings: draft resolution” (A/C.6/58/L.8), October 2, 2003.

leader on the focused approach) and India. The delegates that opposed the motion were Uganda and Spain, both of which co-sponsored the comprehensive approach.

On November 6, 2003, the conference room in which the committee had been working was packed in anticipation of the dramatic vote on the motion to adjourn the debate. Most delegations were represented by either their permanent representatives or other high-level officials accredited to the delegations. As the votes began to register, the initial results quickly demonstrated that the race would be very close. The tension in the conference room built as the machine continued to register yes and no votes in approximately equal proportions. When the chairman of the committee requested that the machine be locked (thereby concluding the voting), the motion to adjourn the debate won by the slightest possible majority of one vote.

The recorded vote was eighty votes approving the motion, and seventy-nine votes against the motion. There were fifteen abstentions, and four delegations previously supporting the comprehensive approach proposal did not register any preference whatsoever.<sup>39</sup> Had at least one of them voted no, the outcome would have been different; a tie vote would have meant that the motion failed. It was evident that the Organization of the Islamic Conference was not necessarily siding with the focused-approach supporters; rather, many, but not all, of its members were wrestling with the cloning issue because Islamic religious authorities had not developed a definitive position. As a result of the successful motion, no action would be taken on the two draft resolutions. The motion's text also stated that nothing would happen on the cloning issue until two years later, during the Sixtieth General Assembly.

After the motion carried, supporters of the comprehensive approach did not despair, lose hope, or fret over the negative results of the extremely close vote. They quickly mustered forces and began to lobby states to revitalize the issue before the conclusion of the Fifty-eighth and current session of the General Assembly. Their efforts reaped dividends, because on December 9, 2003, the General Assembly issued a decision (no. 58/523) that the cloning issue would be restored to the agenda of the Fifty-ninth Session, which would commence work in the fall of 2004. The element of the motion to adjourn the debate for two years until 2005 was quickly superseded.

The next General Assembly would therefore tackle the project of developing an international convention on human cloning. The Sixth Committee met on October 21 and 22, 2004, and continued its deliberations on November 19. During this period, the Holy See, in accordance with General Assembly resolution 58/314 of July 1, 2004, formalized its right of participation in the work of the General Assembly, and distributed an information paper for the benefit of the delegations.<sup>40</sup> The substance of this information paper covered the following areas:

- The Holy See supports and promotes scientific research for the benefit of humanity and encourages investigations that are being carried out in the fields of medicine and biology with the goal of curing diseases and of improving the

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<sup>39</sup> Details of the vote are available at <http://www.un.org/law/cloning/#2003>.

<sup>40</sup> General Assembly, Fifty-ninth Session, Sixth Committee, "Considerations of the Holy See on human cloning" (A/C.6/59/INF/1), October 7, 2004.

quality of life of all, provided that such research is respectful of the dignity of the human being. This respect demands that any research that is inconsistent with the dignity of the human being must be stopped.

- The Holy See opposes the cloning of human embryos for the purpose of destroying them in order to harvest their stem cells, even for a noble purpose, because it is inconsistent with the ground and motive of human biomedical research: the respect for the dignity of human beings. The Holy See applauds and encourages research using adult stem cells, because their use in research is compatible with respect for the dignity of human beings. Moreover, the use of adult stem cells is not susceptible to the serious risks associated with cloned embryonic material, e.g., the development of tumors or genetic abnormalities.
- The touted benefits from embryonic stem cell research (misnamed “therapeutic research” by some) have not been proved to exist.

#### *Another Round of Draft Resolutions*

With the arrival of the Fifty-ninth General Assembly session in the fall of 2004, and the need to provide the assembly with an appropriate draft resolution, the delegations associated with the comprehensive approach began their work expeditiously. On October 21, 2004, this group circulated the text of a draft resolution titled “International Convention against Human Cloning.”<sup>41</sup> The preambular and operative sections of this draft addressed previously covered ground. The delegations that supported the focused approach also introduced a draft resolution that reflected the earlier one, calling for only the mandatory prohibition against the reproductive cloning of human beings.<sup>42</sup> This draft also responded to concerns previously expressed about certain dangers—specifically, that embryos cloned for research might still be implanted in women—by stating that “the results of therapeutic cloning are not used to advance reproductive cloning.” The subtext of this provision was that research cloning was to be permitted unless it was directed toward the production of a live-birth baby.

It became clear that the delegations staunchly supporting either of the options had no further concessions to make. The impasse over the convention against human cloning was being reinforced. The Italian delegation, which supported the comprehensive approach, began to consult with delegations from both camps to ascertain if a declaration might be substituted for an international convention until such time as work on the convention could resume.<sup>43</sup> The objective of the Italian proposal was

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<sup>41</sup> General Assembly, Fifty-ninth Session, Sixth Committee, “International convention against human cloning: draft resolution” (A/C.6/59/L.2), September 29, 2004.

<sup>42</sup> General Assembly, Fifty-ninth Session, Sixth Committee, “International convention against reproductive cloning of human beings: draft resolution” (A/C.6/59/L.8), October 6, 2004.

<sup>43</sup> General Assembly, Fifty-ninth Session, Sixth Committee, “International convention against reproductive cloning of human beings: draft resolution” (A/C.6/59/L.26), January 14, 2005.



for the United Nations to adopt a declaration raising moral concerns about “the reproductive cloning of human beings.” This declaration would also acknowledge the “serious medical, physical, psychological and social dangers that human cloning may imply for the individuals involved,” and “the need to ensure that human cloning does not give rise to the exploitation of women.” The Italian proposal also expressed the widely held conviction of the urgent need to prevent the potential dangers that human cloning posed to human dignity.

In its substantive provisions, the draft declaration stated that:

- Member states are called to prohibit “any attempts to create human life through cloning processes and any research intended to achieve that aim.” The term “human being” was not used in this provision; rather, the term “human life” was included, which implicitly meant that even nascent human life—for example, a fertilized egg—must be protected.
- The declaration also called on member states to ensure that developments in the life sciences respect human dignity and avoid the exploitation of women. Both of these objectives would be complemented by the adoption of appropriate national legislation.
- Last of all, the declaration called on member states to adopt necessary measures prohibiting genetic engineering techniques that are contrary to human dignity.

Informal consultations among interested delegations proceeded on the new task of drafting the Declaration. The chairman of the Sixth Committee then announced, on November 19, 2004, that a working group would be established to finalize the text for the UN Declaration on Human Cloning, using as a basis of its work the Italian proposal.<sup>44</sup> As time was of the essence, this work would not be deferred until the next session of the General Assembly but would be completed during the current Fifty-ninth Session—in effect, during the early part of 2005.

On December 23, 2004, the General Assembly, in decision 59/547, adopted the recommendation of the Sixth Committee, and established a working group to finalize the text of the UN Declaration on Human Cloning, based on the Italian delegation’s draft, and to report to the Sixth Committee during the Fifty-ninth Session. The Sixth Committee work group subsequently met on February 14 and 15, 2005. Moreover, a draft declaration on human cloning was prepared and presented to the working group on February 18, 2005.

Insofar as supporters of the focused approach remained dissatisfied with the idea of a draft declaration and its proposed text, the Belgian delegation proposed three amendments. The first amendment succeeded and was added at the end of the second preambular paragraph: “and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as the reproductive cloning of

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<sup>44</sup> General Assembly, Fifty-ninth Session, “International convention against reproductive cloning of human beings: report of the Sixth Committee” (A/59/516), November 19, 2004.

human beings, shall not be permitted.” While the addition of this phrase in the amendment gave a renewed emphasis to concerns about reproductive cloning, it did not blunt the impact of the declaration’s condemnation of research cloning. The amendment could not be adopted by consensus and was adopted by a vote of fifty-nine in favor and forty-seven against, with forty-one abstentions.<sup>45</sup>

The second Belgian amendment was an effort to delete operative paragraph (a) from the declaration, which provides, “*member states are called upon to adopt all measures necessary to protect adequately human life in the application of life sciences.*” This amendment was rejected by a vote of fifty-seven against to forty-eight in favor, with forty-two abstentions.<sup>46</sup> The effect of this amendment, had it been successful, would have been to eliminate protection of all human life, including embryos (regardless of how they were formed: naturally, in vitro, or by cloning) from scientific experimentation that could harm or even destroy them. The amendment might also have had an impact on efforts to reduce or eliminate abortion or to prohibit euthanasia.

The third and final amendment, which also failed, would have replaced operative paragraph (b) with the following substituted language: “*Member states are called upon to prohibit the reproductive cloning of human beings; they are also called upon to prohibit other forms of human cloning inasmuch as they are incompatible with human dignity.*” This amendment, however, was defeated by a vote of fifty-five against to fifty-two in favor, with forty-two abstentions.<sup>47</sup> The effect of this amendment, had it been successful, would have been to eliminate reproductive cloning; any other restrictions on human cloning were subject to the ambiguous qualification that the cloning must be “incompatible with human dignity.”

With the three amendments to the draft declaration voted on and disposed of, the committee then proceeded to adopt the declaration, as amended and discussed above, by a vote of seventy-one in favor and thirty-five against, with forty-three abstentions.<sup>48</sup> The UN Declaration on Human Cloning approved by the Sixth Committee reads as follows:

*The General Assembly,*

*Guided by the purposes and principles of the Charter of the United Nations, Recalling the Universal Declaration on the Human Genome and Human Rights, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization on 11 November 1997, and in particular article 11 thereof, which states that practices which are contrary to human dignity, such as the reproductive cloning of human beings, shall not be permitted.*

*Recalling also its resolution 53/152 of 9 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,*

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<sup>45</sup> General Assembly, Fifty-ninth Session, “Report of the Working Group established pursuant to General Assembly decision 59/547 to finalize the text of a United Nations declaration on human cloning” (A/59/516/Rev.1), February 23, 2005.

<sup>46</sup> *Ibid.*

<sup>47</sup> *Ibid.*

<sup>48</sup> *Ibid.*

*Aware* of the ethical concerns that certain applications of rapidly developing life sciences may raise with regard to human dignity, human rights and the fundamental freedoms of individuals,

*Reaffirming* that the application of life sciences should seek to offer relief from suffering and improve the health of individuals and humankind as a whole,

*Emphasizing* that the promotion of scientific and technical progress in life sciences should be sought in a manner that safeguards respect for human rights and the benefit of all,

*Mindful* of the serious medical, physical, psychological, and social dangers that human cloning may imply for the individuals involved, and also conscious of the need to prevent the exploitation of women,

*Convinced* of the urgency of preventing the potential dangers of human cloning to human dignity,

*Solemnly declares* the following:

(a) Member States are called upon to adopt all measures necessary to protect adequately human life in the application of life sciences;

(b) Member States are called upon to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life;

(c) Member States are further called upon to adopt the measures necessary to prohibit the application of genetic engineering techniques that may be contrary to human dignity;

(d) Member States are called upon to take measures to prevent the exploitation of women in the application of life sciences;

(e) Member States are also called upon to adopt and implement without delay national legislation to bring into effect paragraphs (a) to (d);

(f) Member States are further called upon, in their financing of medical research, including of life sciences, to take into account the pressing global issues such as HIV/AIDS, tuberculosis and malaria, which affect in particular the developing countries.

### **Conclusion**

The General Assembly adopted the Declaration in resolution 59/280 on March 23, 2005. The vote was eighty-four in favor and thirty-four against, with thirty-seven abstentions. Some of the delegations not voting in favor of the Declaration complained that the text was incapable of being adopted by consensus (without a vote).<sup>49</sup> However, during the three years leading up to the substitution of a convention with a declaration, the debate in the committee demonstrated a divide that appeared incapable of being reconciled. The belief that the United Nations, at this time, could adopt any convention on human cloning was illusory. Evidence supporting this was to be found in some of the rhetoric of the final debate that harshly critiqued the proponents of the comprehensive approach.

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<sup>49</sup> Comments from the delegations are included in General Assembly, Fifty-ninth Session, 82nd plenary meeting (A/59/PV.82), March 8, 2005.

After the Declaration was adopted by the General Assembly, France expressed its regret over the failure to find consensus. Its delegation was convinced that there was a clear consensus regarding the prohibition of reproductive cloning. But France could not agree with any prohibition against all forms of human cloning. Singapore's representative stated that his delegation had voted against the resolution because it did not capture the "diversity of views" on the subject of human cloning. Its representative stated that it was unfortunate that that initiative to ban reproductive cloning was "hijacked."

After the 2004 election of the Zapatero government in Spain, the Spanish delegation's position on the issue changed dramatically. The representative of Spain said that the term "human life" contained in the text was confusing and should be replaced by the term "human being." Spain also asserted that there had been no consensus on the issue after four years of discussion, and this was demonstrated in the "precarious" text adopted. Spain was opposed to reproductive cloning, but now favored human cloning for scientific research.

The representative of the Republic of Korea indicated that his delegation had voted against the Declaration; moreover, the Declaration was not, in his estimation, binding. Therefore, it would not affect Korea's desire to pursue scientific and research cloning, which could reaffirm human dignity by offering new remedies to combat pain and suffering. However, in a few short months, Korean researchers and the country's government would be embarrassed by false claims made by some of its most prominent researchers who were pursuing human cloning techniques.<sup>50</sup>

The representative of the United Kingdom stated that the General Assembly had missed an opportunity to adopt a convention prohibiting reproductive cloning because of the "intransigence" of those who were not prepared to recognize that other sovereign states might permit strictly controlled applications of "therapeutic cloning." He believed that the Declaration was a weak, non-binding political statement that would not alter the United Kingdom's strong support of stem cell research.

Belgium's representative regretted that it was not possible to find agreement on a declaration that could have found consensus in the assembly. He opined that rather than bringing states together, the enactment of the Declaration divided them. Of course, he did not mention that they were already divided on the proposals that only addressed reproductive cloning.

Other views that celebrated the passage of the Declaration were expressed. The representative of Costa Rica said that the adoption of the Declaration constituted an historic step to promote human rights and guarantee human dignity. The text urged the scientific community to make advances that would protect human dignity and human life. The Declaration, moreover, would advance medical science in a clear framework of ethical norms.

The representative of Uganda said that her delegation favored the Declaration because it opposed the destruction of human embryos and would protect human dignity. The Declaration was also consistent with mankind's responsibility to protect the sanctity of human life. The representative of Nigeria indicated that his delegation supported the Declaration because there was no present alternative available and because human life is sacrosanct and must never be violated. For him, it was an

inconceivable paradox for the proponents of research cloning to promote the sacrifice of one human life to serve another. He stressed that human cloning was unethical and a direct assault on human dignity.

The UN Declaration on Human Cloning, finalized in 2005, is now a reality. This reality is the fruit of a long and difficult struggle to make progress in medical science and protect human dignity—in particular nascent human life. While it is true that the Declaration is not a binding juridical instrument, its significance must not be underestimated. One need only look at the Universal Declaration of Human Rights in this regard. Today, many consider this latter declaration to be customary international law. In time, the same may well be said of the Declaration on Human Cloning. The fact that two and one half times as many delegations voted for it as opposed to against it would suggest not only the possibility but the probability of this happening. While the glass of expectations may appear to the pessimist to be one that is half-empty, the more optimistic view is that it is half-full—with the additional hope that one day it may be followed with a comprehensive convention.

In the meantime, debates on this pressing issue may well continue. If they do, it is likely that some opponents of the comprehensive approach may revive their earlier criticism of the desire to halt the cloning of human embryos. One tack that might be taken against the supporters of the comprehensive approach would be to accuse them of being like the opponents of Galileo, who silenced scientific advance with “papal censorship.”<sup>50</sup> Implicit in any reference to Galileo is the message that even though Galileo bowed to pressure in his recantation, he continued to acknowledge the fact that “[the earth] still moves.” But, it will also have to be remembered in any renewed debate on human cloning, as was noted in the 2003 and 2004 debates by the Holy See delegation, that science also acknowledges that the embryo, regardless of its origin (through sexual intercourse, in vitro fertilization, or cloning), still lives. And it is this life that the Declaration on Human Cloning was designed to protect.

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<sup>50</sup> Statement by Permanent Representative HE Mr. Kishore Mahbubani at Ad Hoc Committee on the International Convention against the Reproductive Cloning of Human Beings, September 29, 2003, [http://app.mfa.gov.sg/pr/read\\_content.asp?View,3553](http://app.mfa.gov.sg/pr/read_content.asp?View,3553).