

Pro-Life Declaration on Human Cloning Adopted by United Nations

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by Thomas W. Jacobson

After four years of rigorous debate and multiple proposals, the Legal Affairs (6th) Committee of the United Nations General Assembly adopted the pro-life *United Nations Declaration on Human Cloning* (A/C.6/59/L.27/Add.1). For 2005, formal deliberations began on Valentine's Day, February 14, with intense negotiations and lobbying continuing throughout the week. Finally, during the last hour on Friday, February 18, and after failed attempts by BELGIUM (who led the opposition nations) to amend and gut the draft *Declaration*, the Committee approved it by vote (71 Yes; 35 No; 43 Abstain). The *Declaration* – drafted by ITALY and COSTA RICA, revised by the chairman of the 6th Committee, MOROCCAN Ambassador Mohamed Bennouna, and then finally sponsored by HONDURAS – calls upon nations “to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and the protection of human life” [par. (b)], and to “prevent the exploitation of women,” whose eggs otherwise would become prized commodities for scientific research efforts to create cloned human embryos. (See attached text of the *Honduran Declaration*.)

At the beginning of the week, L.27 did not exist. Another resolution, L.26, was the only draft declaration under consideration. In the fall of 2004, after COSTA RICA fell short of majority support for its resolution calling for an international treaty to ban all forms of human cloning, Ambassador Bruno Stagno Ugarte entered into negotiations with BELGIUM and the Europeans. No compromise was achieved until ITALY masterfully crafted the *Italian Declaration*, L.26, which met with approval by COSTA RICA when “human being” was changed to “human life”. Yet by the time L.26 was before the 6th Committee for final consideration the week of February 14, 2005, BELGIUM had withdrawn its support. By Tuesday, the 15th, Chairman Bennouna presented his own draft, seeking consensus; it (L.27) was even more pro-life than L.26, but contained the “inasmuch” phrase mentioned above. BELGIUM agreed to the text, but by Wednesday, withdrew its support again.

The greatest controversy prior to and during the February 14-18 deliberations was the inclusion of the term “human life.” BELGIUM, the UNITED KINGDOM, SINGAPORE, CHINA and other nations who are, or who seek to, create and destroy human embryos for research sought to change “human life” to “human being,” apparently to ease their consciences, not wanting to view human embryos as “human beings.” They did not succeed.

L.27 remained the most recent negotiated text when final deliberations and an expected vote came Friday morning, the 18th. However, no country had adopted the Chairman's text (the chairman is to remain neutral), so L.27 could not be considered for approval by consensus or

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vote. HONDURAS boldly stepped forward and adopted the text as its own. Intense regional (African, European) and group (Arab-Islamic) negotiations continued into the afternoon. Chairman Bennouna wanted to consider L.27 first, as the most recent negotiated text. BELGIUM called for a point of order, saying that since HONDURAS had just sponsored L.27, the Rules of Procedure stated that it could not be considered for 24 hours. However, since it was previously the chairman's text, which had been under consideration since Tuesday, a vote was taken on the procedural motion, and the Committee overcame BELGIUM's point of order. Then Chairman Bennouna immediately proceeded to a vote on L.27, but BELGIUM intervened again, asserting it wanted to offer three amendments, including removing par. (b) quoted above.

At this point, COSTA RICA Ambassador Stagno Ugarte asked for the floor, strongly objected to BELGIUM's action, politely and diplomatically rebuked its delegate for not negotiating in good faith and for violating their agreements, and called for votes on the BELGIUM amendments. As he spoke, you could have heard a pin drop in the room. (The UN committees go to great lengths to reach consensus on language that everyone can agree with, and to avoid votes.) This was now the third time BELGIUM obstructed consensus or a vote on resolutions to which they previously agreed.

It was after 5 p.m. when the BELGIUM amendments were finally voted on. One change to the preamble passed, but the two substantive proposed changes – including deleting par. (b) – were defeated. Immediately, Chairman Bennouna called for a vote on L.27, and it passed.

All at once, numerous countries asked for the floor and made statements, keeping the Committee in session well after the normal 6 p.m. scheduled conclusion. Opponents focused primarily on the fact that total consensus had never been reached, and that the term “human life” is interpreted differently by countries.

Attached is the final text of L.27, the *United Nations Declaration on Human Cloning*, which may also be called the *Honduran Declaration*.

United Nations Declaration on Human Cloning

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 December 1998, by which it endorsed the Universal Declaration on the Human Genome and Human Rights,

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.

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