

### French-German non-paper

(1) Recent developments, especially the announced births - albeit yet to be confirmed - of cloned babies have made people all over the world increasingly aware of medical practices that are contrary to human dignity and highlighted the urgent need for an international ban on the reproductive cloning of human beings.

(2) The United Nations General Assembly in autumn 2001 made the decision to include the "elaboration of an international convention against the reproductive cloning of human beings" as a new item on its agenda.

(3) Under the General Assembly resolution 56/93 of 12 December 2001, co-sponsored by 50 states, an Ad Hoc Committee was established to consider the elaboration of such a convention.

(4) The discussions of the Ad Hoc Committee in February 2002 and the working group in autumn 2002 revealed a consensus among all delegations on the need for a ban on the reproductive cloning of human beings. However, it also became clear that some countries opposed reproductive cloning but were reluctant to negotiate a convention limited solely to this type of cloning, believing the only morally justifiable position was a complete ban on all types of cloning. Other countries, by contrast, refused to accept any reference in the draft mandate to types of human cloning other than reproductive cloning.

The informal negotiations held in the autumn 2002 under the auspices of the Sixth Committee did not allow for a consensus to be reached. Under these circumstances the General Assembly decided to continue the work in progress and convene a working group in this connection, from 29 September to 3 October 2003.

The Working Group will probably face a situation, where a number of countries will express themselves for a total ban on all forms of cloning, while other countries will differentiate between reproductive cloning, which they would like to see banned, and other forms of cloning like therapeutic or research cloning, which they are reluctant to ban for the meanwhile.

(5) Against this background France and Germany believe that, given the significance of this issue for the human species as well as the keen and growing interest of the general public, it is important to continue negotiations within the United Nations in order to reach an agreement on this issue.

(6) France and Germany wonder whether a consensus could be found on one single convention that would contain the following elements :

- reproductive cloning: an obligation on all contracting parties to ban reproductive cloning with no possibility to make any reservations;
- other types of cloning: an obligation on all contracting parties to ban or impose a moratorium on other types of cloning or otherwise regulate them by means of national legislation.

(7) Without prejudging the results of the discussions, it appears desirable that the United Nations General Assembly takes the decision to convene the Ad hoc Committee, twice in 2004, to elaborate a convention on cloning of human beings, in view of the former works. This is the purpose of the attached draft resolution.