



58th General Assembly

Sixth Committee

**Working Group on an International Convention
against the Reproductive Cloning on Human Beings**

Statement by

Mr. Christian Much

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Mr. Chairman,

Since I have the honour to take the floor also on behalf of the French delegation, please allow me in both our names to express our pleasure to see you, Ambassador Juan Gómez-Robledo, guiding us through this important and maybe even decisive meeting of the working group of the 6th Committee. We truly hope that, under your able leadership and with the committed efforts of all delegations here present, we will be able to reach a result acceptable to all participants which will allow the process to be carried forward in a consensual manner.

At the beginning of our debate today I should like to raise three points:

1. What is at stake?
2. What have we achieved so far?
3. How should we proceed further?

First: What is at stake?

- Two years ago, France and Germany took the initiative and proposed a global ban on reproductive cloning of human beings. Recent developments underscored how timely and justified this initiative was. 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. More than ever, this has highlighted the urgent need for an international ban on reproductive cloning of human beings.
- But we must also be concerned about other forms of cloning. At present, there are no universally binding regulations dealing with any type of cloning of human beings. At the national level we find a similar situation: In many cases, no prohibitions or even regulations dealing with either form of cloning exist.
- Hence irresponsible scientists see the lack of any regulations as an open invitation to undertake research of a kind we find morally repugnant and which we should not be willing to accept.
- Against this background and given the significance of this issue for the human species as well as the keen and growing interest of the general public, France and Germany believe that it is important to reach a consensus at least on how we could move forward during this session of the 6th Committee with a view to reaching agreement on these issues by way of further negotiation.

Second: What have we achieved so far?

- Since the United Nations General Assembly in autumn 2001 took the decision to include the "elaboration of an international convention against the reproductive cloning of human beings" as a new item on its agenda, the debate on the issue of cloning has intensified tremendously at both the international and the national level. France and Germany believe this alone is already a very positive result, to which the French-German UN initiative on cloning has contributed.
- General Assembly resolution 56/93 of 12 December 2001, which established an Ad Hoc Committee to consider the elaboration of such a convention, was co-sponsored by 50 states. Negotiations so far have shown, however, that a consensus on the substance of a mandate seems very difficult to reach.
- Whatever our position on these substantive questions may be, we should all agree on one thing. The honest answer to the question "what have we achieved so far" is: way too little. The decision taken last fall to postpone consideration of the issue must not mean that we shy away from our responsibility to act. It means we must redouble our efforts this year to launch a negotiating process everyone can support. While the outcome of such a process obviously cannot be predicted at this stage, the mere fact of launching negotiations would be an extremely important signal and a first step towards achieving consensus.

Third: How should we proceed further?

- France and Germany firmly believe that the difficult questions at hand can only be dealt with successfully by consensus. In our opinion, it is of the utmost importance to include as many countries as possible in the negotiating process. That should be self-evident when negotiating issues relating to human dignity and human rights. Furthermore, any convention that is not supported by a large number of countries - including those that have already developed advanced cloning technologies - would be of questionable value.
- At this point, let me make one thing very clear: At the national level Germany has prohibited all forms of cloning of human beings by means of the Embryo-Protection-Act of 1990. Therefore Germany strives for a convention that comes as close as possible to a total ban on all different forms of cloning.
- The French Parliament is also discussing a bill aiming at the prohibition both of reproductive cloning and of research cloning, the former even being considered as a "crime against mankind", a new category of offence to be created specially in this new piece of legislation.
- But both of our delegations are perfectly well aware and take into consideration that a number of countries take a different view. We are ready to respect these views in our search for a consensus.

- Some may ask: Why be concerned with consensus if we don't know whether consensus is possible in the end? But France and Germany believe that - although it is too early to tell if a consensus will be found and what it will look like - consensus is not impossible. This spring, the Human Rights Commission adopted, by consensus, a resolution on "human rights and bioethics", sponsored by 44 states. That should be seen as a positive signal for our negotiations. What counts now is to open negotiations, and to do so on the basis of consensus, not on the basis of imposition, without totally prejudging the final outcome of the negotiation. As to where those negotiations might lead, in a non-paper distributed to all of you, Germany and France have suggested a possible basis for consensus which would address all forms of cloning of human beings in one single convention and to take this process forward on that basis. We ask you to consider the non-paper not as an opening bid for negotiations, but as an indication that it might be feasible to bridge our differences.
- We believe therefore that the United Nations General Assembly should decide, as a matter of urgency, to convene an Ad hoc Committee in early 2004 to elaborate a convention addressing all forms of cloning of human beings. The broad interest this issue is attracting shows that it must remain on the agenda of the General Assembly.
- As I mentioned at the beginning, both our delegations are entering discussions with an open mind and stand ready to cooperate with other delegations in order to find a truly global solution for a most pressing global problem.