Ethics of human cloning and international governance

Current international texts on human cloning are challenged by the latest technological developments and by new prospects for the therapeutic use of stem cells. UNESCO is leading fresh international reflection on this issue, revisiting ethical positions adopted in the past to ensure their continuing adequacy in an evolving context.

Ethical questions arising from human cloning are complex and reflect a range of religious and cultural perspectives. The cloning debate – often heated - involves scientists, legislators, religious leaders, philosophers, international bodies, civil society groups, the media and public opinion. While there has been widespread support for the view that reproductive human cloning should be banned, there are deep divisions over research or ‘therapeutic’ cloning.

It is hardly surprising that this is an emotive and divisive issue, considering that human cloning raises fundamental moral questions about the beginning of life, the dignity of life, and the status of the embryo, as well as legal, social and cultural concerns.

A Debate with a History

Over the years, human cloning and an appropriate international system for its governance have been the focus of extensive reflection and debate within the United Nations and in the international community at large. This reflection began in UNESCO some 15 years ago when the world’s first cloned mammal – Dolly the sheep – was born.

Finally, a consensual position of Member States on human reproductive cloning emerged, as reflected in Article 11 of the Universal Declaration on the Human Genome and Human Rights, adopted unanimously by acclamation by the General Conference of UNESCO in 1997 (see box). However, the negotiations that began in 2001 in the General Assembly of the United Nations did not achieve the same degree of consensus and did not lead to a binding international convention. After almost four years of discussion, these talks led to the adoption of the non-binding United Nations Declaration on Cloning on 8 March 2005.

The fact that the Declaration had to be adopted by a vote rather than by acclamation and that the wording chosen leaves ample room for different interpretations, clearly show that nations were not ready to overcome divisions at that time. The main point of contention was the question of linking the issues of reproductive and non-reproductive cloning (see box). This was problematic for a number of States, which then abstained or voted against the Declaration.

Recent technological developments and new prospects for the use of stem cells in the therapeutic treatment of human diseases have once again posed the question of whether the international texts providing guidance on this area of research are adequate.

In the absence of a legally binding international framework, practices associated with reproductive, as well as with therapeutic or research cloning, are regulated by national law and policy. This leaves a legal vacuum in many parts of the world within which scientists can pursue unrestricted research into reproductive cloning.

The 2007 UNU-IAS report

A fresh look at the issues was taken in 2007, when the United Nations University Institute of Advanced Studies (UNU-IAS) published a report entitled Is Human Reproductive Cloning Inevitable: Future Options for UN Governance. This report examined the then most up-to-date technical information on cloning, the ethical issues accompanying it and the current state of international governance regarding cloning.

The authors express the view that “the challenge for the international community in choosing the appropriate option(s) is to find a compromise position that allows for

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adoption of a respected and effective mechanism to govern human cloning” and they envisage three options:-

a. the International Bioethics Committee of UNESCO (IBC) takes up the issue of reproductive and research cloning;

b. the sixth committee of the General Assembly takes up the issue of customary international law on cloning;

c. dissemination, discussion and debate on cloning issues at the international level, such that all countries including the developing and least developed countries can participate and put forward their concerns regarding this new technology.

UNESCO’s Role
As the report concludes, ‘the challenge for the international community in choosing the appropriate option(s) is to find a compromise position that allows for adoption of a respected and effective mechanism to govern human cloning’. UNESCO, with an ethical mandate that remains unique within the United Nations system, can help meet this challenge. With its wide-based platforms, the International Bioethics Committee (IBC) and the Intergovernmental Bioethics Committee (IGBC), UNESCO hopes to demonstrate its capacity to respond.

The IBC and IGBC, as advisory bodies of this Organization, play a pivotal role in the international bioethics system. In revisiting the debate on human cloning and its international regulation, they can provide Member States and the international community with timely suggestions and possible orientations for a more intensified engagement in this field over the coming years.

This is why, in response to the publication of the 2007 UNU-IAS report, the Director-General of UNESCO Koïchiro Matsuura expressed his wish that the IBC focus again on this issue.

In response to his call, the IBC set up a working group under the chairmanship of Professor Toivo Maimets (Estonia), which began its work in 2008 to explore whether the scientific, ethical, social, political and legal developments on human cloning in recent years justify a new initiative at international level.

Is the international community ready today to engage in a new initiative aiming at harmonising practices and principles in this field? It is difficult to say - the debate is likely to continue for some time.

What is certain is that civil society rightly expects the international community to show itself capable of strong commitment to an effective and pragmatic approach, learning the lessons of past ethical consultative processes to achieve a global ethical consensus through compromise.

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International framework


Article 11
Practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted. States and competent international organizations are invited to co-operate in identifying such practices and in taking, at national or international level, the measures necessary to ensure that the principles set out in this Declaration are respected.

- United Nations Declaration on Cloning of 8 March 2005 (84 countries in favour, 34 against, 37 abstentions)

Paragraph b):
Member States are called upon to prohibit all forms of human cloning inasmuch as they are incompatible with human dignity and protection of human life.

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