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**International Bioethics
Committee (IBC)**

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Draft Final Statement of IBC on Human Cloning and International Governance

At this stage, this draft final statement constitutes a working document to be examined and finalized by IBC at its 18th (ordinary) session (Baku, Azerbaijan, 31 May – 2 June 2011).

As it stands, it does not necessarily represent the final opinion of IBC and it is subject to further modifications.

I. Historical Background

Since the birth of the first mammal clone – Dolly the sheep - - in 1997, the issue of human cloning and the appropriate international system of governance have been triggering off profound reflection and debates at national and international levels, including within the United Nations system. A number of norms have been elaborated at the international level which address directly or indirectly the issue of human cloning, in particular (in chronological order) the Universal Declaration on the Human Genome and Human Rights (UNESCO, 1997); the World Health Organization resolutions WHA50.37 (1997) and WHA51.10 (1998); the Universal Declaration on Bioethics and Human Rights (UNESCO, 2005); and the United Nations Declaration on Human Cloning (2005).

A particularly intense debate took place in the UN General Assembly in regards to elaborating and voting for the United Nations Declaration on Human Cloning. While there was a unity in the commitment to uphold fundamental ethical principles that safeguard human dignity and human rights, the international community found itself divided in their approach to addressing the ethical challenges arising from advancement in cloning technologies.

In 2008, subsequent to the publication in 2007 of the report entitled *Is Human Reproductive Cloning Inevitable: Future options for UN Governance* by the Institute of Advanced Studies, United Nations University (UNU-IAS), the Director-General of UNESCO expressed his wish that the International Bioethics Committee (IBC) add the examination of this report to its agenda.

The issue of human cloning and international governance was therefore added to the work programme of IBC for 2008-2009 with the specific mandate to explore whether there was any scientific, social or political change that would justify a new initiative at the international level, and a working group was established under the chairmanship of Professor (Mr) Toivo MAIMETS (Estonia).

On the basis of the deliberations of the IBC working group, as well as the discussions held during the fifteenth session of IBC, and the joint session of IBC and the Intergovernmental Bioethics Committee (IGBC) in October 2008, IBC finalized its [Report on Human Cloning and International Governance](#) and transmitted it to the Director-General of UNESCO on 9 June 2009.

At its sixth session (Paris, July 2009), IGBC expressed its appreciation for the balance and the comprehensiveness of the Report of IBC and concurred with IBC that an international dialogue on the international governance of human cloning is needed and should be pursued. IGBC also *supported* the assessment of IBC that a review of the terminology used would be highly beneficial.

Based on this positive feedback from IGBC and on an extensive discussion held at the 16th session of IBC (Mexico, November 2009) on the main issues raised during the preparation and finalization of the 2009 Report, IBC decided to continue the work on the issue of human cloning and international governance in 2010-2011. It should be stressed that IBC did not initiate a new ethical analysis of the whole issue of human cloning as such during this period, but that it has rather focused on three main areas:

- new scientific developments in the field, the terminology used and its ethical impact;
- legal developments and different options for legal regulation of human reproductive cloning (including the possibility of a moratorium); and
- proposals for activities designed to disseminate information and raise public awareness on the issue of human cloning and its governance.

II. Final conclusions of IBC

After a four-year reflection that has benefited from the contribution of a broad spectrum of stakeholders from the scientific, political and ethics communities (in particular through hearings with scientific and legal specialists in the field, representatives of scientific associations and representatives of national bioethics committees), IBC has reached the following conclusions concerning international governance of human cloning:

New scientific developments and the ethical dimension

IBC recognizes the complexity of ethical questions arising from human cloning technologies and is aware of the differences in moral and cultural positions in this respect and the persisting difficulty in reconciling them. The cloning of a human being, whether for reproductive or research purposes, as well as other techniques of manipulation of human embryo, raise fundamental questions about dignity of life, the beginning of life and the status of the embryo.

From a scientific point of view, new scientific developments in cloning and related technologies, such as the use of induced pluripotent stem (iPS) cells and production of synthetic DNA, creates more technical possibilities for reproductive manipulation of human embryos and for the production of reproductive cells. It therefore brings new issues into the ethical debate which call for a reinvigorated international dialogue, involving all relevant stakeholders, i.e. intergovernmental organizations, national scientific bodies, bioethics institutions and the civil society.

Terminology

The terminology used in the bioethical and legal discourse is misleading and does not adequately describe the actual and potential technical procedures relevant of human cloning. The expression “human cloning” has so far been used to point at two very different purposes. On the one hand, the so-called “reproductive cloning” refers to the hypothetical possibility of creating a human embryo from the linear DNA nuclear sequence of one single human being in order to implant it into a womb, leading eventually to the birth of an identical human being. On the other hand, in the paradigm referred to as “therapeutic” or “research cloning”, the same technique of somatic cell nuclear transfer, as well as other related techniques (embryo splitting, iPS...) lead to the production of stem cells for research.

The International Bioethics Committee considers that a revision of the terminology is needed according to the new scientific developments, and proposes to restrict the use of the term “cloning” only to cases where “reproduction” is the intended purpose of the procedure. Indeed, the term is not perfectly correct from a scientific point of view, because it would in any case be impossible to produce an absolutely identical human being. However, as the term is deeply engrained in global discourse and already features in a number of national legislation and international documents, the Committee thinks that it should be retained to encompass techniques (existing or potential) that would include but not be limited to somatic cell nuclear transfer aiming at creating a human baby whose genetic constitution is engineered to be identical (or virtually identical) to a preexisting person.

On the other hand, IBC proposes to dismiss the word “therapeutic” or “research” cloning. It would be more correct and easily understandable, also with regards to the ongoing developments of scientific knowledge and techniques, to speak of “derivation of pluripotent stem cells” through the means of nuclear transfer, together with the other procedures that make stem cells available. Of course, the difference between the procedures that entail the destruction of human embryos and those that are less ethically controversial – such as the research on “adult” stem cells – cannot be dismissed and should therefore always be made clear in the public debate.

International governance

IBC considers that the current non-binding international regulations cannot be considered sufficient in addressing the challenges posed by the contemporary scientific developments and to safeguard the interests of the developing countries that still lack specific regulations in this area.

The Committee, in its capacity as an advisory body of UNESCO, calls for a stronger international effort to take the necessary measures - including through a more robust international mechanism such as a moratorium or a convention - to ensure the prohibition of reproductive human cloning, meaning the use of any technique (existing or potential) aiming at creating a human baby whose genetic constitution is engineered to be identical (or virtually identical) to a preexisting person. The Committee considers that all other technical manipulations of human embryo, either for research or therapeutic purposes, remain controversial in a sense that their public recognition depends on the concrete social, religious and historical contexts of different countries and therefore should remain regulated nationally.

While hoping that the discussions and their outputs have provided guidance to policy makers and the scientific community in the complexity of ethical considerations behind human cloning, IBC also notes that existing differences amongst the Member States on the optimal way to regulate this issue internationally make it difficult to achieve a consensus on a binding international instrument that bans the practice of human cloning for reproductive purposes.

Dissemination

In order to promote the dissemination of information and to raise public awareness of the issues related to human cloning and its regulation, IBC considers UNESCO well-positioned to develop specific strategies and materials to promote international discourse on this topic and more actively encourage and support national research organizations, academies and national bioethics committees to foster debate on cloning issues. More specifically, two courses of action could significantly contribute to raising awareness and disseminating information concerning human cloning issues:

- Creation of a database within the framework of UNESCO's Global Ethics Observatory (GEObs) databases to serve as a clearinghouse of information and to monitor new developments that affect the ethical aspects of human cloning debate; and
- Organization of a major Conference under the auspices of UNESCO dedicated to the theme of human cloning and international governance to target policy-makers, opinion leaders, and national and international regulators.