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### Sixth Committee

#### Summary record of the 16th meeting

Held at Headquarters, New York, on Thursday, 17 October 2002, at 3 p.m.

*Chairman:* Mr. Prandler . . . . . (Hungary)

### Contents

Agenda item 162: International convention against the reproductive cloning of human beings

Agenda item 161: Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel (*continued*)

Agenda item 159: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (*continued*)

Agenda item 155: Report of the United Nations International Commission on Trade Law on the work of its thirty-fifth session (*continued*)

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02-64518 (E)

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*The meeting was called to order at 3.35 p.m.*

**Agenda item 162: International Convention against the Reproductive Cloning of Human Beings (A/57/51; A/C.6/57/L.3-L.4 and A/C.6/57/L.8).**

1. **The Chairman** recalled that following the adoption of General Assembly resolution 56/93, an ad hoc committee had been established to consider the preparation of a mandate for the negotiation of an international convention against the reproductive cloning of human beings. The work had continued in a working group convened during the current session. The report of the Ad Hoc Committee (A/57/51) and the report of the Working Group (A/C.6/57/L.4) were currently before the Committee, together with two draft resolutions on the item, A/C.6/57/L.3 and L.8.

2. **Mr. Tomka** (Slovakia), Chairman of the Ad Hoc Committee and of the Working Group, introduced their reports. The Ad Hoc Committee, meeting at Headquarters from 25 February to 1 March 2002, had opened its work with an exchange of information and technical assessments provided by experts on genetics and bioethics. Five experts had provided information on scientific, technical, ethical, philosophical and legal aspects of human cloning. The views expressed within the Committee were reflected in chapter II, part A of its report. The issue of the list of legal issues to be addressed was considered in chapter II, part B, and the question of a list of international instruments to be taken into consideration was covered in part C. The Working Group, in the course of seven meetings held from 23 to 27 September 2002, had continued work on the topic and had discussed the question of elaborating a mandate for the negotiation of an international convention against reproductive cloning of human beings. There was general agreement that such cloning should be banned, because it raised ethical, moral, religious, scientific and other concerns, and had far-reaching implications for human dignity. However, different views had been expressed concerning the scope of the proposed ban. One view favoured a step-by-step approach: an international convention banning the reproductive cloning of human beings would be elaborated as a priority, and other forms of cloning would be addressed at a later stage. Supporters of that approach believed it was a matter of urgency to elaborate a convention against reproductive cloning, in order to send a clear message that such a practice would be intolerable. Others preferred a convention

providing for a comprehensive ban, to include cloning for other purposes, such as therapeutic and experimental purposes. They believed that a partial ban would be ineffective, because the technology used for other forms of cloning was essentially the same as for reproductive cloning. According to that view, such a ban would send the wrong signal to the international community, since it might implicitly authorize the creation and destruction of embryos for experimental purposes.

3. Other suggested approaches included the adoption of a declaratory statement opposing all forms of human cloning; imposing either temporary or permanent moratoria; and attempting regulation at the domestic level.

4. The importance of defining basic terms was noted. It had been suggested that an international cloning commission be established, to monitor scientific and biotechnological developments in the field of genetic and reproductive medicine.

5. It seemed essential to reach agreement as to whether the issue of reproductive cloning of human beings and its immediate consequences should be dealt with as a matter of urgency, which would necessitate the step-by-step approach, or whether the ban should be a comprehensive one, focusing on the process of human cloning rather than its end result.

6. **Mr. Much** (Germany), speaking on behalf of the French delegation as well as his own, introduced draft resolution A/C.6/57/L.8, and said that the Czech Republic, Iceland and Lithuania had joined the sponsors. The draft resolution proposed immediate negotiations to ban reproductive cloning. Once that had been achieved, other related concerns would be addressed immediately, by methods which would include one or more appropriate separate international instruments. That approach would make it possible to move fast where consensus existed, and as fast as possible on other concerns. It offered a chance to win the race against the Italian doctor Antinori and the United States-based doctor Zavos, who had announced that the first cloned baby might be born within a year or two. The approach reflected in the other draft resolution before the Committee (A/C.6/57/L.3) proposed mixing consensual and non-consensual issues in a single negotiating process. That posed the risk that the opportunity to ban reproductive cloning forthwith would be missed. Moreover, the "all or nothing"

approach benefited the wrong side — irresponsible researchers, fraudulent doctors promising babies for astronomical sums of money, and obscure sects such as the United States-based Raelians who claimed that pregnancies from cloned embryos were already under way. Supporters of that approach argued that because of possible abuses, it was impossible to address one form of cloning without addressing the other. He was aware that some countries which already had anti-cloning laws and strict regulations on so-called therapeutic cloning, such as France and Germany, might be inclined to ignore the urgency of achieving a general ban on reproductive cloning. However, that was a dangerous way of thinking. Researchers banned from experimenting in some countries might seek safe havens in other, unregulated ones. It was also important to give a signal which would dry up the flow of largely private funds currently being channelled into reproductive cloning. Moreover, the absence of both national and international norms on cloning in some countries would create a dangerously permissive environment with regard to experimentation. In the absence of a consensual position in the Working Group, it was for the Sixth Committee to make the right choice between the two alternative approaches. Failure to do so would cause the United Nations to be perceived as incapable of taking preventive action in the face of a generally recognized and imminent danger.

7. **Mr. Arias** (Spain), introducing draft resolution A/C.6/57/L.3, explained that the title should read: “International convention against human cloning”. The question was crucially important because of its bearing on human integrity and dignity. Decisions about it had to be weighed with the utmost care, because they would affect the future of humanity. Draft resolution A/C.6/57/L.3 therefore dealt with the question as a whole. In the absence of consensus, the sponsors of that draft resolution thought it best to seek the broadest possible agreement concerning the initiation of negotiations conducted in an open and constructive atmosphere, with a view to the conclusion as soon as possible of an international convention against human cloning. He drew particular attention to the transitional measure in paragraph 4 of the draft resolution, which would remain in force pending the adoption of a convention.

8. **Mr. Diaz Paniagua** (Costa Rica) said the intrinsic dignity of human beings was under threat from developments in biotechnology and cloning. His

Government considered it essential to prohibit all forms of human cloning. On the basis of the American Convention on Human Rights and the decisions of its own highest constitutional court, Costa Rica took the view that human life began at the moment of conception, so that the human rights of every human embryo must be fully respected. Draft resolution A/C.6/57/L.8 reflected the views of those favouring only a partial ban on human cloning, limited to reproductive cloning. They argued that cloning for experimental purposes held out the prospect of developing new medicines or medical techniques. Apparently, some pharmaceutical and biotechnology companies stood ready to exploit the vast financial gains to be made from cloning, and some had already taken out patents on those techniques and on human genetic material. That line of argument was unacceptable, because so-called therapeutic or experimental cloning consisted of creating human embryos for the purpose of reaping their cells, and then destroying them. It was appalling that human dignity should be so disregarded at the most vulnerable stage of human development. To permit such practices for the sake of enriching certain biotechnology companies was wholly impermissible. Nor was it acceptable to take out patents on human genetic material, which was part of the common heritage of mankind. Moreover, it had not yet been shown that any useful medical techniques could be developed from such practices.

9. It had also been argued that a ban on so-called reproductive cloning would not imply that other forms of cloning were permitted. That was far from certain. If the United Nations were to prohibit only one form of cloning, that would give a clear message to the international community that other forms of cloning were not a matter for concern. Paragraph 3 (b) of draft resolution A/C.6/57/L.8 was inadequate because, in strict law, acts by private individuals which were not expressly prohibited were permitted. The step-by-step approach would mean that unless all forms of cloning were banned at the same time, those which were not banned would be implicitly permitted. Indeed, the draft resolution did not contain any real mandate for a step-by-step prohibition, since paragraph 5 concerned only the possible regulation of forms of cloning other than reproductive cloning, and offered no guarantees of an actual ban.

10. Some speakers had argued for a moratorium on all forms of cloning, and believed that could be

achieved through draft resolution A/C.6/57/L.8. However, only reproductive cloning would be subject to a moratorium under the terms of the resolution. Paragraph 8 was ambiguous, since it did not spell out which forms of cloning were contrary to human dignity and should therefore be subject to the moratorium. In the view of his delegation, they all were, and should all be prohibited outright. For that reason, he endorsed draft resolution A/C.6/57/L.3.

11. **Mr. Tidjani** (Cameroon) said that the exploitation of human individuals through the creation of genetically identical beings was an improper use of biology and medicine. Human cloning was unethical and a violation of human dignity, and could not be justified under any circumstances.

12. It was, of course, clear that all delegations were unanimously opposed to the reproductive cloning of human beings. In order to make that rejection a reality, however, States must adopt a binding instrument that penalized all research in that area. Accordingly, it was urgent for the international community to overcome its differences.

13. **Ms. Flores** (Mexico) said that human cloning was no longer a purely theoretical possibility; each passing day brought new information on scientific experiments carried out with the aim of realizing that possibility. The scientific advances that had made animal cloning possible increased the likelihood that in the very near future, perhaps immediately, the first cloned human embryo would come into being.

14. In that context, the United Nations must act immediately, pragmatically and responsibly. For that reason, her delegation firmly supported the adoption of an international instrument banning the reproductive cloning of human beings. Her delegation welcomed the French-German initiative as a point of departure for the building of an international consensus on other aspects of the issue.

15. More than a year after the debate had begun, States continued to have differences of emphasis that prevented agreement. It was clear that science was progressing more rapidly than law.

16. Her delegation had sought to play a constructive role by supporting the adoption of a moratorium whereby States would undertake to prohibit all types of cloning that constituted an affront to human dignity.

The moratorium would remain in effect until binding international instruments came into force.

17. The two draft resolutions before the Committee both recognized the need to elaborate an international instrument banning cloning as a matter of urgency. There were, however, substantial differences with regard to the scope of the new instrument. All possible avenues should be explored so that the General Assembly did not waste the opportunity before it.

18. **Ms. Matti** (Switzerland) said that her delegation was a sponsor of draft resolution A/C.6/57/L.8, which called for the rapid negotiation of a convention banning the reproductive cloning of human beings. Her delegation called on all States to declare an immediate moratorium on that practice if it was not already prohibited by their legislation.

19. Her Government had three reasons for sponsoring the draft resolution. First, while the reproductive cloning of human beings was a violation of human dignity, efforts to accomplish it were already under way. Second, since all States opposed the reproductive cloning of human beings, it could be banned immediately, while negotiations continued on other aspects of human cloning. Third, the draft resolution fulfilled the mandate given by the General Assembly to the Ad Hoc Committee on an International Convention against the Reproductive Cloning of Human Beings, and did so in a realistic way. Her delegation therefore hoped that it would be adopted by consensus.

20. **Mr. Erwa** (Sudan), speaking on behalf of the States members of the Organization of the Islamic Conference (OIC), said that human cloning was a complex issue that posed enormous challenges to humanity in general and to Muslim States in particular. Faced with the possibility of finding cures for diseases that had long tormented humankind, the international community was grappling with how to realize that possibility without compromising human dignity or religious and ethical beliefs.

21. There was general agreement on banning human reproductive cloning, but differences persisted on the issue of therapeutic cloning. The term "therapeutic cloning" was complicated; it involved different kinds of techniques, such as the use of embryonic stem cells, embryonic germ cells and adult stem cells. The inconclusive nature of scientific research raised serious concerns as to whether those techniques could be carried out successfully on a human being. Opposition

to human cloning also stemmed from the underlying fear that the technique could fall into the hands of unscrupulous elements.

22. Some of the ethical issues involved related to the loss of parentage and kinship, the question whether a human life should be destroyed to save another human life, and the need to ensure that a human being did not become a commodity.

23. Primarily because of insufficient information, public debate had veered away from substantive issues, and had been consumed by the hair-raising prospect of robot-like human clones being churned out by factories, as depicted in popular culture.

24. The States on whose behalf he spoke were convinced that human beings were God's creation and must not be destroyed or manipulated. The Ad Hoc Committee should be requested to proceed, as a matter of urgency, with the preparation of a draft international convention against the reproductive cloning of human beings. Once that convention was completed, negotiations should continue on the issues relating to broader aspects of human cloning.

25. States members of OIC strongly encouraged other cloning techniques to produce DNA molecules, organs, plant tissues and cells other than human embryos, and believed that such techniques should be permitted.

26. Draft resolution A/C.6/57/L.3 requested the Ad Hoc Committee to prepare a draft international convention against human cloning, while draft resolution A/C.6/57/L.8 called for a narrower mandate to be given to the Ad Hoc Committee, namely, the preparation of a draft international convention against the reproductive cloning of human beings. The delegations on whose behalf he spoke were not in favour of a procedural battle in the Sixth Committee; he therefore urged the sponsors of the two draft resolutions to make further efforts to come up with a clear, single mandate for the Ad Hoc Committee, which should begin the preparation of a draft international convention against reproductive human cloning in early 2003.

27. **Mr. Biato** (Brazil) reaffirmed his delegation's support for a draft convention against the reproductive cloning of human beings. The complex scientific and ethical issues involved must not dissuade the Sixth Committee from holding a constructive dialogue on

how best to move ahead on an issue of great and immediate concern.

28. His delegation supported the French-German proposal, which was based on a step-by-step approach, because it was both pragmatic and principled. On the one hand, it recognized that scientific data and moral considerations gave rise to conflicting points of view that would not disappear any time soon. On the other hand, it mirrored the one fundamental point of consensus, namely, that human cloning for reproductive purposes was morally unacceptable. Moreover, the proposed convention did not preclude the adoption of stricter standards at the national level. Of course, the adoption of such a convention would not be an absolutely watertight guarantee against the folly of some, as was the case with any other legal instrument. It was vital, however, for the international community to send a clear message that such behaviour would be suppressed and punished.

29. **Mr. Niang** (Senegal) said that he associated himself with the statement made by the representative of the Sudan on behalf of OIC.

30. His delegation strongly condemned all types of human cloning, regardless of their purpose. Accordingly, any cloning technique that involved the creation and destruction of embryos should be banned. Only cloning techniques to produce DNA molecules, organs, plant tissues and cells other than human embryos should be permitted.

31. Moreover, his delegation believed that the international community should be guided by the potential medical and scientific advantages of adult stem cell research, which did not require any use or destruction of human embryos, and therefore did not lead to dehumanization, as did the cloning of human beings. At the same time, it was essential to ensure that therapeutic research was carried out with strict respect for human dignity.

32. His Government had already established a National Health Research Council, consisting of an ethics committee and a scientific committee. Its task was to ensure that all health research carried out in the country complied with the rules laid down by those two bodies.

33. **Mr. Huston** (Liechtenstein) expressed support for the French-German proposal for an international convention (A/C.6/57/L.8), which would encourage all

States to eliminate cloning practices they deemed unethical, and ban the cloning of human beings for reproductive purposes. States which believed there was a distinction between reproductive and therapeutic cloning would be encouraged to examine the ethical issues relating to the latter in a more rigorous way, while States which believed that all forms of cloning were reproductive could prohibit them.

34. He understood that in therapeutic cloning, researchers might dispose of human embryos rather than implant them in a uterus. Those who believed that the protection of the life of the embryo was an absolute moral imperative would prefer to see such a cloned embryo born rather than killed. Those who believed that cloned human beings should never be born might prefer to see such a cloned embryo killed. Those were difficult ethical dilemmas which went far beyond the mandate of the Sixth Committee. One fact was, however, certain: the French-German proposal would discourage unethical behaviour in all States and never give researchers an incentive to kill embryos. States which chose to allow some forms of cloning would do so because of domestic political decisions, and not because they had ratified the proposed convention explicitly banning only reproductive cloning.

35. The counterproposal contained in draft resolution A/C.6/57/L.3, while tempting in principle due to its comprehensive prohibition of all forms of cloning, would be too sweeping for many countries, which could therefore become safe havens for unethical researchers. In order for a cloning convention to be effective, it must be universal or at least ratified by all States where cloning experiments were likely to be carried out. The Committee must therefore support the text which enjoyed the widest possible support; draft resolution A/C.6/57/L.8, while imperfect, could be supplemented by national legislation and therefore deserved the support of all members of the Committee.

36. All States should negotiate at all times in good faith, in particular with regard to the elaboration of an international convention. They should avoid the temptation to take a strong moral stance without regard to the practical and legal consequences, even if those consequences would in fact undermine the moral stance taken. The Sixth Committee had a duty to elaborate potentially universal legal norms, which reflected a morality all parties could agree on for the benefit of all. Failure would allow unethical researchers to exploit the resulting disunity. Adoption

of draft resolution A/C.6/57/L.8 by consensus was the best hope of grappling with an exceedingly complex moral issue in the context of an achievable legal framework, sending an unmistakable signal to the world that reproductive cloning was unacceptable.

37. **Mr. Mézémé-Mba** (Gabon) associated himself with the statement made by the representative of the Sudan on behalf of the OIC and said that given the serious ethical problems posed by human cloning, it was necessary to act promptly to elaborate international legal instruments in that area. Noting the division between those who wished to ban all human cloning and those who wished to ban only reproductive cloning, the complexity of the issue and the need to find a short-term solution, he expressed support for the French-German proposal to deal first with reproductive cloning (A/C.6/57/L.8). Although he would have preferred more specific and binding provisions regarding the subsequent negotiation of complementary legal instruments, he supported the proposal as a necessary step forward.

38. **Mr. Jacovides** (Cyprus) said the reproductive cloning of human beings raised far-reaching ethical, moral, philosophical, scientific and legal issues. His Government was firmly opposed to the reproductive cloning of human beings and had endorsed the first additional protocol to the European Convention on Human Rights and Biomedicine, which prohibited the cloning of human beings for reproductive purposes. He therefore supported draft resolution A/C.6/57/L.8 on the elaboration of an international convention which would ban the reproductive cloning of human beings, confirming the universal attitude of the international community.

39. Although he understood the concerns of other delegations as expressed in the counterproposal contained in draft resolution A/C.6/57/L.3, he favoured the step-by-step approach. The basic difference between the two proposals centred on therapeutic and experimental cloning and the issue of timing. Further scientific research could improve medical knowledge and also shed light on the other issues involved. Constructive suggestions had been put forward in the Working Group and, given the need for urgent action, the French-German proposal, as revised and modified in draft resolution A/C.6/57/L.8, provided a timely and pragmatic solution which his delegation supported.

40. **Mr. Eriksen** (Norway) said that his Government believed in the inviolability of life and the equal value of all human beings and therefore opposed both reproductive and therapeutic human cloning. The former was already banned under Norwegian law and a bill to ban the latter had been introduced in Parliament. He therefore understood the concerns of the sponsors of draft resolution A/C.6/57/L.3, on an international convention prohibiting all forms of human cloning.

41. There was, however, an urgent need to adopt a convention banning the reproductive cloning of human beings and his Government had therefore decided to support the French-German proposal (A/C.6/57/L.8) in the hope that such a ban could be adopted quickly, following which an international instrument could be elaborated to prohibit therapeutic cloning. Failure to follow that step-by-step approach could delay the process and be detrimental to the common aim of banning cloning. He welcomed in particular the amendments to paragraph 5 of A/C.6/57/L.8 and, following the adoption of an international instrument prohibiting reproductive cloning, would look forward to rapid progress towards an international instrument banning therapeutic cloning.

42. **Mr. Siv** (United States of America) expressed the hope that the Sixth Committee would endorse the call of the World Youth Alliance for a complete ban on human cloning in order to protect and respect the dignity of all human beings. His country, as a sponsor of A/C.6/57/L.3, considered that cloning to produce human beings was wrong, as was creating and destroying human embryos for experimentation. A ban on reproductive cloning only would be difficult to enforce in an environment permitting therapeutic cloning in laboratories, for once human embryos were available, it would be virtually impossible to control what was done with them. It would be wrong to apply the logic that many things which had legitimate uses could be misused by persons intent on doing so, because human beings were different from other animate and inanimate objects. It was widely recognized that the human body and its parts should not become commodities traded for financial gain. Furthermore, accepted principles of medical science dictated that experiments should not be conducted in cases where there was good reason to believe that death or disabling injury to a human being would occur.

43. Promising experiments with adult stem cells, which neither assaulted human dignity, nor

transgressed medical ethics, offered an alternative to the use of cloned embryo cells. Human cartilage and bone damaged by injury or disease could be repaired with adult stem cells from animals. The sponsors of A/C.6/57/L.3 therefore hoped that broad agreement could be achieved on immediate action against all human cloning. The draft resolution would not, however, prevent the cloning of animals or other techniques including experimentation with adult stem cells. A moratorium on cloning human embryos should be declared pending the negotiation and adoption of a comprehensive convention, because reproductive and therapeutic cloning were indivisible intellectually, scientifically and practically. The international community should outlaw in its entirety the most troubling and serious assault on human dignity the United Nations had ever confronted.

44. **Mr. Ortúzar** (Chile) said that in discussing the issue of human cloning, it was necessary to distinguish between cloning of some part of the human body, such as genes or stem cells, which could not in any circumstances create a complete human being, and cloning of any biological structure, not just an embryo, which could lead to the creation of one or more human beings genetically identical to the original. The latter included not only procedures for nuclear transfer or the separation of embryonic cells early in their development but also any other artificial procedure offering the possibility of creating such a human being.

45. The ethical issues surrounding therapeutic cloning were limited to those of intellectual property, production, commercialization, confidentiality, patents, genetically modified organisms, and so on. Reproductive cloning, however, raised theological arguments in some countries as well as the universal issue of violation of human dignity. Such a violation occurred when one human being intentionally imposed on another the genetic identity of a third human being, either living or dead or produced another human being in order to prolong his existence.

46. The alleged difference between reproductive and therapeutic cloning was however an artificial one, since both constituted cloning of human beings and violated human dignity. Therapeutic cloning would impose a genetic identity on a human being, who would be prevented from completing his natural development and treated as a mere supplier of parts for another genetically identical human being or for scientific research. His delegation therefore did not accept the

distinction made between reproductive and therapeutic cloning and stressed the fundamental right to human dignity as recognized in the Constitution of Chile and in international instruments.

47. **Ms. Álvarez Núñez** (Cuba) said her delegation fully supported draft resolution A/C.6/57/L.8, of which it was a sponsor. The text provided a clear and practical solution to the need to act quickly to control human cloning. It was balanced and took into account the points of view of all delegations and safeguarded human dignity, to which her delegation attached great importance. She hoped the Sixth Committee would assume its responsibilities and adopt the draft resolution by consensus.

48. **Ms. Telalian** (Greece) stressed the need to act rapidly to adopt an international convention prohibiting reproductive cloning of human beings. The moral and ethical implications of rapid progress in scientific research had made international legal standards necessary. She noted that the European Union had banned the cloning of human beings as being ethically unacceptable and the International Bioethics Committee of the United Nations Educational, Scientific and Cultural Organization (UNESCO) had likewise raised the issue of practices which violated human dignity, including the need to ban reproductive cloning of human beings, in the Universal Declaration on the Human Genome and Human Rights. Many States, including Greece, had already enacted legislation to ban the reproductive cloning of human beings.

49. Although there seemed to be an international consensus on the need to ban the reproductive cloning of human beings, some delegations preferred a ban on all cloning, including therapeutic cloning, in part because they feared that a ban on reproductive cloning only would implicitly authorize all other types of cloning. However, the French-German proposal (A/C.6/57/L.8) had taken those concerns into account and represented a reasonable balance between the opposing views. The draft resolution would allow for the banning of reproductive cloning of human beings while holding out the possibility of subsequent instruments to deal with other forms of cloning. That step-by-step approach was a pragmatic response to the urgent need to ban reproductive cloning of human beings. Failure to act could lead to abuses and her delegation had therefore co-sponsored the draft resolution, which she hoped the Committee would

approve for presentation to the General Assembly during the current session.

50. **Father Araujo** (Observer for the Holy See) said that, as was well known, the Holy See was in favour of a worldwide comprehensive ban on human embryonic cloning for reproductive and other purposes, since it was an affront to human dignity and a threat to fundamental human rights, even when it was carried out in the name of bettering humanity. Regardless of its purpose and goals, human embryonic cloning was an assault on the integrity of the human person. Cloning a human embryo while planning its demise would institutionalize the deliberate, systemic destruction of nascent human life in the name of the unknown and questionable “good” of potential therapy or scientific discovery. Human life was the most sacred and inviolable earthly reality. It was not possible to invoke peace and despise life. If cloning and the use of human embryos for research were justified by an appeal to freedom, cultural progress and the advancement of mankind, the very idea of the human family built on the values of personal trust, respect and mutual support would be dangerously eroded. A civilization based on love and peace must oppose such experiments. Draft resolution A/C.6/57/L.3 was sound, prudent and a vital step towards protecting all humanity from the tragedy of embryonic cloning.

#### **Agenda item 161: Scope of legal protection under the Convention on the Safety of United Nations and Associated Personnel** (*continued*) (A/57/52)

51. **Mr. Vasquez** (Ecuador), Coordinator of the informal consultations on the item, said that meetings had been held on 8, 9 and 11 October 2002, at which the short and longer-term measures identified in the Secretary-General's report (A/55/637) had been examined. Participants had concluded that, with regard to short-term measures, the Secretary-General should continue to seek the inclusion of key provisions of the Convention in future and existing status-of-forces and status-of-missions agreements and host country agreements. It should be recommended that host countries agree on the inclusion of those provisions in such agreements. The importance of the timely conclusion of agreements should be emphasized. The Secretary-General should be requested to inform the General Assembly whether such provisions were being incorporated in the relevant agreements. As far as the “Declaration of exceptional risk” by the Security



Council or General Assembly was concerned, consensus had been reached on the advisability of recommending that the Secretary-General should advise the Council or the Assembly when, in his view, circumstances would support a declaration of exceptional risk for the purposes of article 2, paragraph (1) of the Convention. With regard to the question of designating the Secretary-General as certifying authority, it had been agreed that a General Assembly resolution should include a provision confirming that, in keeping with his existing authority, the Secretary-General might provide, at the request of a Member State, information on matters of fact relevant to the application of the Convention.

52. The debate on longer-term measure had disclosed a need to strengthen the existing contractual link requirement in the Convention rather than to dispense with it entirely, in order to ensure certainty, clarity and objectivity. To that end, consensus had been reached on recommending in a General Assembly resolution that the Secretary-General should prepare draft model or standard provisions to make evident the existence of such a link between the United Nations and a particular humanitarian NGO, for the purposes of clarifying the application of the convention to its personnel. The Secretary-General should provide States with a list of humanitarian NGOs which had concluded agreements with the United Nations and that list should be regularly updated and forwarded to States. Lastly, it was agreed that the General Assembly should continue to discuss the issue of extending the scope of the convention to all United Nations operations by amending it, in order to determine the implications of such a step.

**Item 159: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**  
(*continued*) (A/C.6/57/L.11)

53. **Ms. Beshkova** (Bulgaria) announced that the former Yugoslav Republic of Macedonia and Turkey had joined the sponsors of the draft resolution A/C.6/57/L.11. The text of the resolution was based largely on that of General Assembly resolution 56/87, but it also took into account the findings of the Security Council Working Group on the General Issues of Sanctions, the relevant passages of the latest reports of the Secretary-General (A/57/1) and of the Special Committee on the Charter of the United Nations and on

the Strengthening of the Role of the Organization (A/57/33) and the discussions of the Sixth Committee. As the sponsors had attempted to reflect in the text ideas which might receive general support, she trusted that the draft resolution would be adopted by consensus.

**Agenda item 155: Report of the United Nations Commission on International Trade Law on the work of its thirty-fifth session** (*continued*) (A/C.6/57/L.12)

54. **Mr. Marschik** (Austria) said that India, Madagascar and Suriname had joined the sponsors. Draft resolution A/C.6/57/L.12 was similar to that adopted on the same subject the previous year (resolution 56/79), but an attempt had been made to streamline it. The preamble stressed the particular importance of international trade law for developing countries. Paragraphs 1 to 3 described the progress made by UNCITRAL at its thirty-fifth session. He drew attention to the fact that paragraph 8 formed a link with draft resolution A/C.6/57/L.14, and expressed the hope that draft resolution A/C.6/57/L.12 would be adopted by consensus.

55. **The Chairman**, on behalf of the Bureau, introduced draft resolution A/C.6/57/L.13 referring to the UNCITRAL Model Law on International Commercial Conciliation and to draft resolution A/C.6/57/L.14 on enhancing coordination in the area of international trade law and strengthening the UNCITRAL secretariat.

*The meeting rose at 6.05 p.m.*