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## Sixth Committee

### Summary record of the 17th meeting

Held at Headquarters, New York, on Friday, 18 October 2002, at 10 a.m.

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

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*The meeting was called to order at 10 a.m.*

**Agenda item 153: Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives** (*continued*) (A/C.6/57/L.18)

*Draft resolution A/C.6/57/L.18*

1. **Mr. Landstrom** (Finland), introducing the draft resolution entitled “Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives” said that Suriname had become a sponsor. One of the main objectives of the draft resolution was to establish the reporting mechanism for violations of the protection and security of diplomatic and consular missions and representatives, as well as missions and representatives with diplomatic status to international intergovernmental organizations. Up to now, States had been requested to provide the relevant information and the Secretary-General had had to issue a report on the item on an annual basis. Taking into account the aim of streamlining reporting in the United Nations system in general, the Secretary-General would now be requested to issue a report on a biennial basis. The new mechanism would not create any delay in the transfer of information to States, since it was envisaged that the Secretary-General would circulate to all States, upon receipt, the reports received by him.

2. He drew attention to the contributions made by various delegations to the draft resolution, and especially the legal advice and practical assistance of the Office of Legal Affairs. In view of the importance of the draft resolution for all Governments, the sponsors hoped that it would be adopted without a vote.

**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, L.13 and L.14)

*Draft resolution A/C.6/57/L.12*

3. **The Chairman** drew attention to draft resolution A/C.6/57/L.12, entitled “Report of the United Nations Commission on International Trade Law on the work of its thirty-fifth session”, and said that the former

Yugoslav Republic of Macedonia had become a sponsor.

*Draft resolution A/C.6/57/L.12 was adopted.*

*Draft resolution A/C.6/57/L.13*

4. **The Chairman** drew attention to draft resolution A/C.6/57/L.13, entitled “Model Law on International Commercial Conciliation of the United Nations Commission on International Trade Law”, submitted by the bureau.

*Draft resolution A/C.6/57/L.13 was adopted.*

*Draft resolution A/C.6/57/L.14*

5. **The Chairman** drew attention to draft resolution A/C.6/57/L.14, entitled “Enhancing coordination in the area of international trade law and strengthening the secretariat of the United Nations Commission on International Trade Law”, submitted by the bureau.

6. **Ms. Flores** (Mexico), speaking in explanation of vote before the vote, said that her delegation would join in the consensus since it shared the objective of enhancing coordination in the area of international trade law and strengthening the secretariat of the United Nations Commission on International Trade Law (UNCITRAL).

7. It was regrettable, however, that there had been no opportunity to consider the draft resolution in depth, particularly the last preambular paragraph, according to which the increased work programme of UNCITRAL had resulted in increased demands on its secretariat. When UNCITRAL had decided, at its thirty-fourth session, to increase the number of working groups, the secretariat had indicated that it would be able to deal with the workload entailed; however, the draft resolution suggested the opposite. Mexico called upon UNCITRAL to define clearly the priority to be given to each of its projects and to stagger their implementation.

*Draft resolution A/C.6/57/L.14 was adopted.*

8. **The Chairman** said that another draft resolution on the item would be introduced during the following week.

**Agenda item 162: International convention against the reproductive cloning of human beings** (*continued*)  
(A/57/51, A/C.6/57/L.3, L.4 and L.8)

9. **Mr. Srisodapol** (Thailand) said that the process of negotiating a convention against the reproductive cloning of human beings had opened a Pandora's box. Starting with the Universal Declaration on the Human Genome and Human Rights, article 11 of which specified that practices that were contrary to human dignity, such as reproductive cloning of human beings, were not permitted, the debate seemed to be edging towards the banning of other types of cloning, in particular for therapeutic purposes. Human stem cell research was still in a relatively early stage and gave rise to arguments on scientific, moral, religious, philosophical or other grounds which could lend themselves to endless debate. However, the lives of millions of people around the world, who had placed their hopes in possible cures that could be derived from research in that area, could be affected.

10. Thailand, whose Medical Council prohibited the reproductive cloning of human beings, believed, in principle, that therapeutic cloning could be important in the treatment of diseases. In that regard, the Thai National Center for Genetic Engineering and Biotechnology had appointed a bioethics team to develop the appropriate guidelines, maintaining a balance between freedom of scientific research and respect for human dignity and human rights.

11. Thailand supported in principle a draft international convention that would ban the reproductive cloning of human beings; as to other forms of cloning, Thailand believed, like many other delegations, that the issue should be given further consideration.

12. **Mr. Peersman** (Netherlands) said that his delegation believed that there should be a temporary ban on the cloning of human beings for therapeutic purposes. As to the reproductive cloning of human beings, it was clear from other statements that there was general agreement about the need for an outright prohibition. His delegation therefore supported the proposal in document A/C.6/57/L.8.

13. **Mr. Kanu** (Sierra Leone) said that his delegation supported the statement made by Sudan on behalf of the Organization of the Islamic Conference; the issue of the reproductive cloning of human beings was central and urgent, since the integrity and dignity of

human beings, which was a fundamental principle of the United Nations, was at stake. The swift adoption of a mandate which addressed the pressing issue of the prohibition of that practice, without precluding the possibility, at a second stage, of adopting stricter regulations on the prohibition of other forms of cloning, was a matter of priority. His delegation would therefore support the Franco-German proposal, even though it did not fully reflect his delegation's broader position of opposition to cloning in general, and urged all delegations to consider the possibility of reaching a compromise solution.

14. Sierra Leone would continue to work for the adoption of measures at the national and international levels to prevent the use of all other cloning techniques which involved the use of human and animal embryos and constituted, in essence, a form of reproductive cloning. It endorsed the call of the Organization of the Islamic Conference for the proponents of the two resolutions to try to amalgamate their various positions.

15. **Mr. Nesi** (Italy) said that since there was general agreement among United Nations Member States that the future convention should ban the reproductive cloning of human beings, it might be wiser to concentrate on the real subject of controversy, which encompassed the former topic: human cloning.

16. Those who favoured the French-German proposal agreed on the need to prohibit human cloning as such; otherwise, it would be difficult to understand paragraph 5 of the draft resolution (A/C.6/57/L.8 and Corr.1). He wondered whether that paragraph really reflected the realistic approach and the urgency which had led the majority of supporters of a convention banning reproductive cloning to accept the French-German proposal. It must be borne in mind that only through a comprehensive ban on human cloning and possibly a moratorium as well, could it be made clear to all States, and especially to those involved in experimental human cloning, that the international community would not permit the creation, through cloning, of embryos whose final destination could be easily predicted. Italy believed that States should make every effort to adopt national legislation which unequivocally banned human cloning. Since only a few States, of which Italy was one, had thus far enacted such legislation, the adoption of an international convention on the topic would fill that legal gap and would be interpreted as a

signal that the international community would not tolerate any experimentation with human cloning.

17. **Mr. Bocalandro** (Argentina) said that Argentina was opposed to, and had enacted legislation against, all forms of experimental human cloning for either therapeutic or research purposes.

18. His Government could not agree with those who proposed a gradual approach since human dignity was inconsistent with experimentation, whatever its purpose. The entire international community must unite in defence of the vulnerable and must categorically oppose the planned creation of human beings who had been brought into existence so that their death could benefit the health, well-being or improvement of others. His delegation maintained that human cloning was a violation of the most basic principles of the international community and trusted that the United Nations would continue to defend human rights and to preserve the most fundamental values of humankind.

19. **Mr. Kottut** (Kenya) said he hoped that it would be possible to reach consensus on the Committee's mandate. Draft resolutions A/C.6/57/L.3 and Rev.1 and Corr.1 and A/C.6/57/L.8 sought to uphold the dignity of the human being by outlawing reproductive cloning. His delegation supported that goal, but it was in favour of banning all forms of cloning since it would otherwise prove impossible to control what went on in laboratories. It would therefore be best to ban the use of embryos for research, thereby preventing the reproductive cloning of human beings. To that end, Kenya was a sponsor of draft resolution A/C.6/57/L.3/Rev.1, which would provide a mandate for safeguarding humanity against the dangers of cloning.

20. **Mr. Mahbubani** (Singapore) said he agreed with the Organization of the Islamic Conference (OIC) that the Committee should proceed by consensus; however, if it was decided to hold a vote, Singapore would vote against draft resolution A/C.6/57/L.3/Rev.1 and would ask its allies to do so as well since the draft resolution would take a decision too lightly on an extremely complex issue. Decisions were taken on the basis of voting instructions from Governments, and his delegation was concerned that a decision might be taken for reasons unrelated to the issue of cloning.

21. That topic should be approached with caution. He urged that all views should be respected; no one knew what the right answer was since, at the current stage of

research, it was too early to see the real dimensions of the problem. It was that lack of information which had distracted the public debate from issues of substance; he hoped that that would not happen in the Committee.

22. He reiterated his delegation's categorical opposition to the reproductive cloning of human beings and support for rapid agreement on a convention banning it, based on the universal consensus in that regard. As for therapeutic cloning, he was concerned at the general confusion regarding the views of different countries and at the extensive political manoeuvring that was taking place; the correct procedure was to address the issue in the Committee's debates in order to arrive at a consensus.

23. **Mr. Abebe** (Ethiopia) said that the preliminary discussion had enabled delegations to consider the implications of human cloning for the future and dignity of human beings. As a country in which Judaism, Christianity and Islam had coexisted for centuries, Ethiopia strongly rejected and condemned any attempt to belittle human dignity, commercialize human bodies and destroy the life of one person in order to save the life of a more privileged one.

24. There should be a total ban on human cloning. To allow therapeutic cloning would be tantamount to legalizing the killing of a human being at the embryonic stage for the purposes of medical research and the production of spare body parts. His delegation firmly believed in the obligation to protect human life by banning all research involving cloning and the destruction of embryos in order to send a clear message to researchers that their actions were illegal and they would find no protection under the law.

25. Human cloning was an attempt to create a class of human beings not as an end in themselves, but as a means of achieving the ends of others; to do so would upset the social order by confounding the meaning of parenthood and confusing the kinship relations of cloned persons. Therapeutic cloning was prejudicial and misleading since human beings had a right not to be used as experimental subjects.

26. Draft resolution A/C.6/57/L.8, which banned only the reproductive cloning of human beings, addressed none of those concerns in its entirety, but only aspects of them; it was not wise or just to do so at the current initial stage of the Committee's work. Furthermore, the draft resolution did not, as some delegations who advocated a partial ban on human cloning had claimed,

envisaged any second step. Instead, the draft resolution would complicate the matter by sending an ambiguous message that would encourage unethical researchers to continue their immoral research.

27. Lastly, human cloning should not be high on the agenda of biomedical research; there were more urgent issues for researchers to address, such as the problem of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS). His delegation therefore supported a total ban on human cloning, without prohibiting the other types of medical research mentioned in paragraph 2 of draft resolution A/C.6/57/L.3/Rev.1 (of which Ethiopia was a sponsor), and urged all other developing countries to do so as well.

28. **Ms. Morgan-Moss** (Panama) said that her delegation supported without reservation the draft resolution which Panama had sponsored, along with Spain, the United States of America and many other Member States, and that any procedure which would result in the sale or exchange of human organs was morally unacceptable and illegal.

29. The hypothetical benefits of human cloning would be available only to the few people able to pay for them. In addition, since the extraction of cells had been proven to result in the embryo's death, therapeutic cloning was a violation of the Nuremberg Code, which had ended the era of alleged racial purification by denouncing experiments where there was an a priori reason to believe that death or disabling injury would occur.

30. Panama maintained that human cloning, like abortion, posed a moral dilemma and called into question the human rights of women and, in particular, poor women, for whom the taking of special drugs to increase ovulation might lead to a new form of exploitation that could cause cancer and irreparable damage to their fertility.

31. **Ms. Beleva** (Bulgaria) said that she supported the draft resolution submitted by Germany and France because it proposed a realistic, pragmatic criterion; the key point was that States should adopt at the national level a prohibition of reproductive cloning of human beings, as stated in paragraph 7 of the draft resolution (A/C.6/57/L.8). Her delegation was convinced that banning the reproductive cloning of human beings was the best way of defending human dignity.

32. **Ms. Ikebe** (United Nations Educational, Scientific and Cultural Organization (UNESCO)), reiterated the willingness of UNESCO to provide the Committee with its expertise in the field of bioethics, in collaboration with other United Nations agencies.

33. In that respect, UNESCO had submitted a list of experts and made available several documents during the Ad Hoc Committee's first and second meetings, namely: the Universal Declaration on the Human Genome and Human Rights (the first international instrument that expressly repudiated the reproductive cloning of human beings); the communiqué of the Round Table of Ministers of Science, held in Paris in October 2001, which reaffirmed the need for international cooperation in that field; a document on national legislation concerning the reproductive and therapeutic cloning of human beings; and the report of the International Bioethics Committee (IBC) on the use of embryonic stem cells in therapeutic research, published in 2001. In that report, IBC examined the ethical aspects of that type of research, recognized the need for each country to debate the issue and affirmed the importance, in all aspects of research, of ensuring respect for human dignity and for the principles set out in the Universal Declaration of Human Rights and the Universal Declaration on the Human Genome and Human Rights.

34. Since 1997, UNESCO had been intensively working to assist Member States in the implementation of the principles set out in those declarations, as well as examining other bioethical issues raised by the rapid development of biotechnology and genetics, mainly through the work of IBC and the Intergovernmental Bioethics Committee.

35. In order to assist the Committee and the Ad Hoc Committee in their discussions, UNESCO, if invited to do so, would be prepared to carry out analytical and comparative studies on the scientific and ethical aspects of reproductive cloning and other related issues.

36. **Ms. Uliviti** (Fiji) said that the science of cloning was both sophisticated and complex; its purported benefits had little to do with the current ravaging experiences of poverty, which was the breeding ground for diseases such as HIV/AIDS, malaria and tuberculosis. The first priority, therefore, was to reach the Millennium Declaration goal of halving extreme poverty.

37. Her delegation did not believe in science as an end in itself; science must contribute to conserving natural resources, sustaining life, preserving human dignity, complementing traditional knowledge and intellectual property rights based on indigenous cultures and respecting human rights, especially of the most vulnerable.

38. With regard to terrorism, Fiji believed that the numerous sectoral conventions had helped resolve some concerns, but had not succeeded in preventing unprecedented terrorist attacks, such as the attack which had taken place in Bali in the previous week. There was therefore no point in continuing to discuss the scope of a convention to combat international terrorism.

39. Cloning should be approached in a comprehensive manner, not in a piecemeal fashion as envisaged in draft resolution A/C.6/57/L.8, since a partial ban left ample room for wrongdoing or regulatory abuses. A comprehensive ban would allow discussion over the next few years on how to legalize or decriminalize certain aspects of cloning, and her delegation firmly supported the proposal made in draft resolution A/C.6/57/L.3; the possibility that cloning could make it possible to create human beings should lead to a comprehensive ban on that practice.

40. It was encouraging that many of the sponsors of draft resolution A/C.6/57/L.8 had prohibited or criminalized reproductive cloning and embryonic cloning for therapeutic or research purposes. It would therefore seem that a compromise could be reached through continued discussions between delegations, scientific communities and stakeholders, including indigenous scientists and technicians, who were rarely consulted about, or benefited from, medical or scientific research. That had been the approach taken in the discussions which had led to the elaboration of the UNESCO Universal Declaration on the Human Genome and Human Rights.

**Agenda item 160: Measures to eliminate international terrorism** *(continued)*

41. **Mr. Perera** (Sri Lanka), Chairman of the working group established pursuant to General Assembly resolution 56/88, of 12 December 2001 (Measures to eliminate international terrorism), introduced the report of the working group, contained in document A/C.6/57/L.9.

42. The report described the progress achieved by the working group in its consideration of the elaboration of a convention on international terrorism, outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, and the question of convening a high-level conference to take up those issues. Section I contained the introduction, section II described the proceedings of the working group, and section III set forth the working group's recommendations and conclusions, particularly the recommendation that work should continue with the aim of finalizing the two draft conventions. The report was completed by two annexes which contained, respectively, a list of written amendments and proposals submitted to the working group and the Ad Hoc Committee, and the oral report of the coordinator on the results of the informal consultations on the two draft conventions.

43. The informal consultations had provided a clear idea of the preferences of each delegation on the basic issues and, in particular, the desire of delegations to finalize the text of the draft comprehensive convention on international terrorism.

44. Lastly, he expressed appreciation for the work of the coordinator of the informal consultations, and for the valuable contributions of all the delegations which had participated in the deliberations.

*The meeting rose at 12.05 p.m.*