



Keynote address by

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General Conference**

**at the opening ceremony of the
Joint Session of the International Bioethics
Committee (IBC) and
the Intergovernmental Bioethics Committee
(IGBC)**

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Chairpersons,
Excellencies, dear Colleagues,
Ladies and gentlemen,

It is a pleasure and a privilege for me to open this joint session of the International Bioethics Committee (IBC) and the Intergovernmental Bioethics Committee (IGBC).

The two bodies gathered here today are precious and unique international mechanisms through which we can address the social and ethical challenges of our times as well as those emerging on the horizon. The dialogue between their respective constituencies is crucial because, as you are well aware and will shortly witness, the conclusions resulting from expert debates often point towards the need for specific State action. As such, these Committees are providing UNESCO with a comparative advantage that has made our Organization a leading agency in the field of bioethics.

Ladies and gentlemen,

Our joint session will be examining several items of global import: the Universal Declaration of Human Rights and its connection with bioethics; human cloning and international governance, and lastly social responsibility and health.

In my capacity as President of UNESCO's General Conference, you will readily understand that the discussion you will be having on appropriate international governance mechanisms addressing human cloning raises our particular concern.

The complexity of ethical questions arising from human cloning is as deep as the existing range of religious and cultural perspectives on the issue. This is hardly surprising considering that human cloning, whether for reproductive or research purposes, begs the fundamental question about the dignity and beginning of life and the status of the embryo.

For the past ten years, human cloning and the appropriate international system for its governance has stirred intense reflection and debate within the United Nations and in the international community at large. Reflection began here in fact, in UNESCO, in 1997, after a Scottish team announced the birth of Dolly, the very first cloned

mammal. Six months later, Member States arrived at a consensus position on human reproductive cloning: The *Universal Declaration on the Human Genome and Human Rights* was adopted unanimously and by acclamation in 1997 by the 29th session of UNESCO's General Conference.

Later that year, in my region, the Council of Europe also spearheaded an attempt to define a framework for scientific research and cloning practices. The *European Convention on Human Rights and Biomedicine*¹ prohibits human cloning in one of its additional protocols², even though it must be noted that this protocol has only been ratified by Greece, Spain and Portugal.

Prompted by these deliberations, the United Nations General Assembly launched discussions in 2001 following a French-German initiative to draft a convention against the reproductive cloning of human beings. As we all know, these negotiations were difficult³. Two differing perspectives emerged⁴:

- Some held the position that both reproductive and research cloning should be banned;
- Others argued that only reproductive cloning should be banned, while research cloning should be addressed separately.

Unable to reach a consensus on a binding convention in March 2005, Member States adopted, by a vote, a non-binding *United Nations Declaration on Human Cloning*. The wording of this document, that leaves ample room for very different interpretations of the text, clearly shows that Member States were not ready to commit themselves any further at that time.

As we are about to re-examine the matter in this joint session of the IBC and IGBC, we must ask ourselves the fundamental question: "**what has changed since 2005**"?

- More specifically, are there **any new scientific, social, political or even economic challenges and developments that require a renewed effort** to strengthen international governance mechanisms on human cloning?
- Is the international community **closer today to a consensus position on the ethical principles underlying human cloning techniques and purposes**?
- Are we witnessing a trend towards the **harmonization of national regulatory practices** that can support the development of an international framework?

Should we be convinced that there are indeed new threats that cannot be addressed by the two existing normative instruments, we must ask ourselves if we believe that it is timely, relevant and appropriate for the international community to engage in the elaboration of a new binding normative instrument aiming at harmonizing both policy practices and principles in this area? Or should we be considering alternative methods of international governance?

¹ Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine; also known as the "Convention on Human Rights and Biomedicine", or the Oviedo Convention; adopted in 1997.

² The Additional Protocol to the Convention on Human Rights and Biomedicine, on the Prohibition of Cloning of Human Beings, adopted in 1998.

³ "Variations and voids: the regulation of human cloning around the world" in *BMC Medical Ethics* 2004, 5:9 by Shaun Pattinson & Timothy Caulfield (<http://www.biomedcentral.com/1472-6939/5/9>)

⁴ *Human Cloning – Ethical Issues*; UNESCO; 2005

There are many valid arguments for and against these propositions. The International Bioethics Committee discussed these points during their meeting that was held just before our joint session. The Chairperson of the IBC Working Group on Human Cloning will be presenting the progress of its work this afternoon.

What is certain is that, in the absence of a clear international framework, the practices associated with reproductive, as well as therapeutic or research cloning are governed by national laws, policies and directives. This leaves many parts of the world hospitable to scientists who are committed to carrying out research in these areas.

A review of over fifty national legislations concerning human cloning is included in your documentation for your information. What emerges from this overview and other similar studies⁵ is that the only area where we observe a convergence of views is on the refusal to adopt legislation or guidelines permitting reproductive cloning⁶. As a result there are only two predominant regulatory approaches to reproductive cloning: prohibition and what some have coined “regulatory silence”. “Regulatory silence” means that reproductive cloning is technically legal in a jurisdiction, though if it were attempted, there would more than likely be a rapid regulatory response⁷.

With regard to “research cloning”, variations among national regulatory responses are far more important, as are the issues that underpin them. Strong divisions persist on the legitimacy of human cloning carried out as part of research agendas even if it is conducted with the intention to deepen our knowledge in biology or help find effective cures for today’s incurable illnesses.

These diverse situations highlight some of the challenges ahead with the regulation of a controversial area of science, so profoundly embedded in ethical considerations and national histories.

Mesdames, Messieurs,

S’agissant de la pertinence aujourd’hui d’élaborer un nouvel outil normatif sur le clonage humain, permettez moi de resituer le débat dans le cadre des discussions au sein de l’UNESCO. Lors de la 33^{ème} session de la conférence générale de l’UNESCO, les arguments en faveur d’un moratoire sur l’élaboration à l’UNESCO de nouveaux instruments normatifs furent nombreux. Je ne reviendrai donc pas dessus. Pour ceux et celles qui se souviennent, cette pause dans la production normative nous est apparue effectivement primordiale afin d’apaiser les passions ou tensions qui se sont exprimées lors de nos débats autour de l’adoption de la Convention sur la diversité des expressions culturelles.

Un écueil supplémentaire nous guette aujourd’hui. Si vous me permettez d’être franc, je me dois de demander quel sens il y aurait à élaborer des conventions internationales si elles ne sont pas mises – ou avec grandes difficultés - en application? A l’heure où nous constatons des polémiques fortes autour de la mise en application de plusieurs Conventions de l’UNESCO, qu’il s’agisse de celle concernant la protection du patrimoine mondial, culturel et naturel (1972) où plus récemment encore celle sur la protection et la promotion de la diversité des expressions culturelles (2005) la question de l’effectivité de nos conventions est devenue brûlante et doit peser sur nos réflexions quant à la pertinence d’une nouvelle convention sur le clonage humain.

⁵ Op cit - Pattinson & Caulfield, 2004

⁶ Op cit – Pattinson & Caulfield, 2004

⁷ Op cit – Pattinson & Caulfield, 2004

D'autres modes de gouvernance internationale du clonage humain sont aussi proposés.

Les échanges qui ont eu lieu dans le cadre du Comité international de bioéthique hier ont notamment suggéré que l'UNESCO assure une plus grande responsabilité dans la promotion d'un débat à l'échelle internationale sur les questions relatives au clonage afin que tous les pays, y compris les pays en développement et les pays les moins avancés, puissent prendre part à la réflexion collective et faire connaître leurs préoccupations vis-à-vis de cette technique.

L'UNESCO, épaulée par ses deux comités, est effectivement particulièrement bien placée pour jouer ce rôle de forum et de laboratoire d'idées. L'Organisation est un espace privilégié où se rencontrent, sur un pied d'égalité, les valeurs universelles et les cultures du monde. L'UNESCO est un lieu où nous pouvons nourrir et valoriser l'idée que les transformations de notre monde nécessitent à la fois le changement et la stabilité, la préservation et l'innovation. Le tout guidé par des valeurs mondialement acceptées.

En temps utile, et au terme de vos délibérations, vous fournirez vos propositions à la Conférence générale afin qu'elle puisse au mieux répondre aux besoins des Etats membres. Car comme vous le savez, la « bioéthique », en tant que discipline, a été constituée pour répondre à des besoins réels de nos sociétés: que doit-on faire ? Que peut-on laisser faire ? Que doit-on prévenir et interdire ? Quoi qu'il en soit, en aucun cas, la science ne peut tenir lieu de sagesse.

Avant de conclure, il est difficile de ne pas ainsi évoquer Rabelais, qui nous rappelle que *« science sans conscience n'est que ruine de l'âme »*⁸. Cette belle formule - sans doute un peu usée par les années et parfois mal comprise - est pourtant tout aussi porteuse de sens aujourd'hui qu'il y a cinq siècles. Rabelais, médecin, savant et écrivain du XVI^e siècle, nous enseigne non pas que la dignité de l'Homme est fondée uniquement sur sa seule qualité morale mais qu'elle repose aussi sur sa capacité à fonder son jugement éthique sur la rationalité et les sciences. L'une sans l'autre entraînerait notre perte.

L'UNESCO, imprégnée de ces mêmes valeurs humanistes, s'engage ainsi activement à lutter contre l'ignorance, à promouvoir le débat public et à aider les Etats membres à réconcilier les deux pôles de notre action : la promotion de la recherche scientifique et l'impératif éthique de protéger les citoyens des effets néfastes de ces innovations.

Je vous souhaite une bonne continuation de vos travaux et vous remercie pour votre attention.

⁸ « Mais, parce que selon le sage Salomon sagesse n'entre point en âme malivole, et science sans conscience n'est que ruine de l'âme, il te convient servir, aymer et craindre Dieu, et en luy mettre toutes tes pensées et tout ton espoir, et, par foy formée de charité, estre à luy adjoinct en sorte que jamais n'en soys desamparé par péché. » François Rabelais, *Pantagruel* ; chapitre 8.