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Bioethical analysis of the United Nations Declaration on Human Cloning

ABSTRACT

The author analyzes in his work the process of negotiating and beginning of the United Nations Declaration on Human Cloning as well as the paragraphs of the very Declaration. The negotiation was originally conceived as a clear bioethical debate that should have led to a general agreement to ban human cloning. However, more often it had been discussed about human rights, cultural, civil and religious differences between people and about priorities in case of eventual conflicts between different value systems. In the end, a non-binding Declaration on Human Cloning had been adopted, full of numerous compromises and ambiguous formulations, that relativized the original intention of proposer states. In author's opinion it would have been better if bioethical discussion and eventual regulations on cloning mentioned in the following text had been left over to certain professional bodies, and only after the public had been fully informed about it should relevant supranational organizations have taken that into consideration.

Key words: UN Declaration, human cloning, reproductively, therapeutically, bioethics

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The Declaration on Human Cloning (No. 59/280)¹ was adopted on the 82 OUN plenary session held on 8 March 2005. This declaration represents the crown of efforts taken since 2001 by France and Germany to adopt a convention against reproductive human cloning. Instead of unanimous consent from the international community, negotiations followed that lasted 4 years and showed the diversity of the world in which we live. The negotiations were originally conceived in a completely different way, as a clear bioethical debate that should have led to general agreement to ban human cloning.² However, more often it had been discussed about human rights, cultural, civil and religious differences between people, their interactions and priorities in case of eventual conflicts between different value systems. Neither the Declaration nor the negotiations gave any answers to these difficult questions, but they did allow superficial insight into problems. They showed that international legislation does not possess the knowledge to deal with problems when there is no professional argumentation but political and other differences in the middle of discussion.

The adopted declaration represents the negotiation result, and it includes, both in bioethical and in scientific sense, ambiguous formulations that can be interpreted different ways. If one reads the declaration carefully, it has an unexpected result, since it does not ban cloning³ explicitly, not even reproductive cloning. However, the significance of years of negotiations can be hardly limited to the very Declaration. Of equal, or maybe even of more importance, is to make the public, wider scientific community and state governments aware of different bioethical questions as well as to urge the authorities and scientific associations for establishment of a suitable legislation and giving references for the explorations of stem cells.

Taken into account the fact that, at the given moment, only a small number of scientists and institutions dispose of required technical education, Germany and France held that reproductive cloning⁴ of people can affect the whole mankind,

¹ Out of 191 state members, 84 states voted in favour of the UN Declaration and 34 states voted against it. There were all together 37 abstentions, whereas representatives of 26 states were absent on the occasion of voting.

² The word »cloning« comes from Greek masculine noun κλών, translated as »stem« or »twig«. It stood for »offspring« in New Testament. To find out more on cloning dilemmas see text: A. Švajger, »Kloniranje: pojmovi, zablude, obmana i strah«, see: <http://www.vms.hr/school/klon01.htm>.

³ One of the definitors of cloning and research of stem cells says: »Cloning of an organism commonly involves a technique called somatic cell nuclear transfer, where the nucleus of an egg cell (containing its genetic material) is removed and replaced with the nucleus of a somatic cell taken from the body of an adult. If the reconstructed egg cell is then stimulated successfully to divide, it may develop to the pre-implantation blastocyst stage. In reproductive cloning, the cloned blastocyst is then implanted in the uterus of a female and allowed to continue its development until birth. However, in cloning for research or therapeutic purposes, instead of being implanted in the uterus the cloned blastocyst is converted into a tissue culture to make a stem cell line for research or clinical applications.« (InterAcademyPanel on International Issues, Statement on Human Cloning (Trieste, Italy, Sept. 22, 2003).

⁴ There is a general, if not absolute agreement, in the international community on the view that reproductive cloning, for the purpose of creating new human beings, is a deeply unethical act. Arguments against reproductive

which is why they demanded wide action. They demanded global instruments that would produce relevant normative acts and so their wish was to entrust the task to the UN General Assembly instead of to some of the specialized agencies such as the World Health Organization (WHO) or UNESCO. It was expected that, due to the stance of the European Union and UNESCO Declaration, the negotiations would be of short duration and that the stances would be quickly and easily formulated into a clear and binding convention.

Council of Europe Additional Protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine, on the Prohibition of Cloning Human Beings CETS No.: 168 adopted in January 1998 declares: 1. »Each intervention to create a human being identical to some other human being, either alive or dead, is forbidden.« 2. »In this article the term human being that is »genetically identical« to some other human being stands for the human being that shares the same set of genes with another human being.«⁵ Article 11 of the Universal Declaration on the Human Genome and Human Rights (adopted on 11 September 1997 under the wing of UNESCO) declares explicitly: »Actions that are opposed to human dignity, as is reproductive cloning of human beings, are not allowed. States and authorized international organizations call for cooperation in unveiling such actions and taking measures on state and international level in order to enable the respect of principles established in this Declaration.«⁶ Due to all of this, it was expected that the whole procedure would pass ceremoniously, since it, amongst other things, enables the UN General Assembly to open a new chapter on political and legal regulations of some new field.

It seemed that the initiative was welcomed because it showed the agreement of the international community on one at first sight non-disputable situation. Moreover, the French-German initiative was immediately upheld by forty-nine states. Only Vatican had reservations about it. »The Holy Chair« considered that the ban on reproductive cloning represents only a part of problem mentioned beforehand, and

cloning are of technical and medical nature such as weakening and undermining of the original idea of producing offspring and the concept of family, unclear relationship between the cloned baby and its »creator«, confusable personal identity and possible disturbance of psychologic development of the cloned baby, eugenic questions, promoting creation of babies and their »enhancement«, belief that reproductive cloning contradicts human dignity. Key argument that goes in favour of reproductive cloning is the increase of favourable reproduction possibilities. By helping infertile people with cloning one promotes their welfare, preserves their personal autonomy and satisfies their natural desire for producing offspring (C. Strong, »Cloning and adoption: a reply to Levy and Lotz«; *bioethics*, 22(2), 130-136, 2008).

⁵ Additional Protocol of the Council of Europe taken from the following web address: <http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?CM=8&CL=ENG>.

⁶ Taken from: *Unesco i bioetika*, zbirka osnovnih dokumenata, Center for Ethics and Law in Biomedicine 2008, p. 6

rejects, in moral and ethical respects, all aspects of human cloning, including the so-called therapeutic cloning.⁷

Taken into account the novelty in consideration of the aforementioned problems and unfamiliarity with medical and technical terminology, negotiations of 2002 started by informing scientists and philosophers on basic mechanisms of cloning process, as well as on the ethical implications of the aforementioned process.⁸ At first, the problem was aimed only at those states involved in genetic research or those who had capabilities to do it. Some of them thought that the French-German initiative was acceptable, since it tended to ban human cloning, on which they all agreed, leaving research of stem cells and »therapeutic cloning«⁹ by side. Other states didn't think that there's a difference between the two types of cloning, taken into account that both include the manipulation of a human embryo. The discussion on cloning had quickly turned into the discussion on when does human life begin and on dilemmas regarding abortion, the topic on which there is no agreement in international community.¹⁰

Human cloning is connected with different religious, cultural, civil, moral and ethical questions; as well as with human rights, freedom of thinking and scientific formation. In general, delegations agreed that the production of cloned babies should be banned. Still, there were disagreements regarding answers to such questions as »what is »a human being« and, already mentioned, »when does human life begin«. There were religious implications of conflicts between different states in regards to defining the beginning of human life. Vatican, for example, holds that a human embryo not implanted into the uterus is a human being and if one destroys it, one prevents the development of new human life. Therapeutic cloning, seen from this perspective, requires millions of human embryos, that will be produced in order to be destroyed in the process of scientific research. For states sharing this opinion, a

⁷ UN Doc. A/C.6/56/SR.27, supra note 5, paras. 2-26. The delegation of Vatican pinpointed that generation of children produced non-sexually, i.e. without insemination, would feel no union between their persona and a gamete; instead of imposing the person of donor to the new human being, one refuses to recognize child's human dignity.

⁸ Habermas (J. Habermas) tends to claim that ethics is the best approach to deal with the problem of cloning. As long as cloning remains the consequence of human actions, it also remains a subject to human responsibility, therefore to ethics as well. J. Habermas, *Postmetafizičko mišljenje*, Beogradski krug, Beograd 2002

⁹ Some scientists call therapeutic cloning »cloning for research purposes«, or »research cloning«. The intention is to avoid the use of the term »therapeutic«, which, in their view, can have positive connotations, but since they are not proven at this moment, it is suggested to use a more neutral syntagm. Be that as it may, it is expected that therapeutic cloning will help in the treatment of many serious and chronic diseases, of which most oftenly mentioned are Parkinson's disease, Alzheimer's disease or diabetes. The biggest ethical question regarding therapeutic cloning is concerned with debates on moral status of the embryo.

¹⁰ The international community could not agree not even on whether these themes should be subject to debate on international level.

partial ban on human cloning or partial approval of the same, break fundamental religious principles, according to which life begins with a human embryo.

States whose religious beliefs suggest that the moment of conception is, by itself, not of crucial importance for their belief system, or states who took no stands on certain questions, were not willing to accept the positions of other denominations. During the negotiations, Iran, who spoke on behalf of the Organization of the Islamic Conference members (OIC), supported the ban on human cloning only for reproduction purposes, adding that OIC members did not form their joint position on the research of stem cells and that they are not ready to vote for a ban of such research at the given moment. The state members of the Organization of the Islamic Conference based their stands on potential profit from research of stem cells.

States sharing a dominantly secular view of things opposed therapeutic cloning from a religious perspective by suggesting arguments against the use of anesthetics and *in vitro* insemination (IVF). Many of them thought it was inappropriate to impose one religious value system in such a diverse and sensitive world, not only in regards to religious norms but others as well. The challenge was to achieve an agreement in the human cloning debate, that would respect cultural, civil, ethical and religious diversity, thereby not obstructing human freedom. In order to bridge a gap, the use of terminology was suggested, similar to the one from the Additional Protocol to the Ban on Human Cloning from 1998, in which the »human being« is defined by national legislation.¹¹

The concept of human rights was also a subject of debate, as the additional argument for defending one's own positions. Both opposing sides agreed that creating human beings with the help of cloning would hurt and weaken human individuality and dignity.¹² In later debates, the representatives of Vatican claimed therapeutic cloning was, from an ethical perspective, even worse than reproductive cloning, since it uses a newly created »human being« as a mere laboratory material. »Such instrumentalistic use of a human being seriously hurts human dignity and human species.«¹³ So, the production of embryos that are going to be destroyed after the

¹¹ This suggestion was unacceptable to those states supporting universal ban on all forms of cloning.

¹² The very concept of human dignity is not defined specifically. Representatives of the universal ban on all forms of cloning related this term to non-sexual production of human beings. The representative of Vatican tried to define dignity as an intrinsic value, common and equal for all human beings, no matter their social, intellectual or human condition. Human dignity was also often brought in connection with Kant's second formulation of categorical imperative (»Act in such a way that you treat humanity whether in your own person or in the person of any other, always at the same time as an end and never merely as a means to an end.« I. Kant, *Zasnivanje metafizike morala*, Dereta, Beograd 2004, p. 74), i.e. with the fact that creation of children by means of cloning could lead to treatment of offspring as an object, i.e. as a material thing as is a house or car (H. Putnam, »Cloning People«, in: J. Burley, ed., *The genetic revolution and human rights*, Oxford University Press, Oxford 1997, p. 1-13).

¹³ UN Doc. A/C.6/59/INF/1, para. 8 (2004).

research ends, according to this view, directly abolishes human rights of the embryos.

States supporting all bans on cloning thought that the techniques of reproductive and therapeutic cloning are the same. Therefore, the approval of therapeutic cloning would enhance the very technology of cloning. If the human embryo would be available and useful one could not fully control the use of it. If the technique of cloning would be raised to the perfect level one could not withstand requests for »ordered« babies, in spite of the present legal restraints. Supporters of all bans on cloning claim that, if a healthy cloned baby is born, people could not withstand the »production« of new babies. Therefore, partial ban on cloning would be ineffective and preventing the development of such technology would provide a better chance for a total ban to stop the occurrence of human cloning.

States that were only pro-ban on reproductive cloning, rejected, explicitly or implicitly, the perception of an embryo as a human being, as well as the application of human rights and levels of protection to the very embryo. Their arguments were based on view, according to which *in vitro* insemination, certain forms of birth control and abortion, also destroy embryos. Therefore, according to this interpretation, there is no justification for not banning therapeutic cloning, although the aforementioned procedures are at the same time allowed.

Beneficial to therapeutic cloning was the mentioning of the rights on freedom of thought and freedom of scientific research. Article 12b of the Universal Declaration on the Human Genome and Human Rights was quoted as relevant: »Freedom of research which is necessary for the progress of knowledge, is part of freedom of thought. The applications of research, including applications in biology, genetics and medicine, concerning the human genome, shall seek to offer relief from suffering and improve the health of individuals and humankind as a whole.«¹⁴ It was emphasized that cloning techniques had, to a large degree, been used with DNA genes and cells, in the vaccine production, diagnostics and pharmaceuticals, thereby not provoking special ethical dilemmas and controversies.

In an effort to secure the agreement from a larger number of states, France and Germany complemented their first suggestion to ban reproductive human cloning, with the idea to include regulations for research of stem cells. Their suggestion was immediately supported by Belgium, China, India, Japan, Russia, Singapore, South Ko-

¹⁴ Taken from: *Unesco i bioetika*, zbirka osnovnih dokumenata, Center for Ethics and Law in Biomedicine 2008, p. 6. Parts of the Universal Declaration on Human Rights (art. 18 and 19) and International Agreement on economic, social and cultural rights (Art. 15(3)), were also quoted as arguments that go in favour to research connected with therapeutic cloning.

rea and Great Britain; these being either the states already involved in the research of stem cells or the states that intended to move their research in that direction. Contra-suggestion on convention that would ban all forms of cloning, was given by Costa Rica and supported by Vatican, Italy, Portugal, Spain and the United States of America. These states also made certain concessions in order to make their suggestion more acceptable to a larger number of states. For this purpose, the transfer of nucleus or other cloning techniques for obtaining DNA molecules, organs, plants, animals tissues and cells, with the exception of human embryos, were excluded from the suggestion for a general ban. The gap between the blocks of these states was large and the issue they dealt with was not the reconciliation of opposite positions, but lobbying among other undecided states in favour of their own viewpoint. In a specific stalemate position, Iran's suggestion was accepted on behalf of the Organization of the Islamic Conference, in order to postpone the negotiations of opposing sides for two years, more precisely for 2005.¹⁵

Publicity provoked by the aforementioned controversy raised the interest of the public for these issues. Non-governmental organizations, which supported inviolable right to life, were, of course, supportive of a general ban on cloning. Scientific organizations and many scientists, alternatively, were concerned that such radicalization of stances would lead to either limitations or a complete ban on research of stem cells. »The InterAcademy Panel on International Issues (IAP)«, an association composed of sixty national academies of science from different parts of the world, published a notice on 22 September 2003, opposing the ban on therapeutic cloning and supporting the ban on reproductive human cloning.

The key group of states from the Organization of the Islamic Conference finally decided to accept only the declaration on which they would achieve a consensus. This accelerated the negotiations of opposing sides in order to create the text of the resolution that would be acceptable to all. After many turning-points, a compromised version suggested by Habermas was accepted, along with Belgium's amendment to the first preambular paragraph.¹⁶ The long negotiations and eventual compromise certainly enabled both sides to proclaim »freedom«, and to interpret paragraphs according to their own standpoint. To make it clear how much the positions had changed during four years of the negotiation process, it is suffice to say that initial proposers adjourned after the final voting. France voted against the Declaration and Germany in favour of the Declaration! Great Britain and the USA, two close allies on many fronts, also found themselves on opposing sides. The British could not

¹⁵ The suggestion was accepted by a vote of only 80 in favour to 79 against, with 15 abstentions.

¹⁶ UN Doc. A/C.6/59/SR.28, para. 42 (2005).

support a political declaration which could be interpreted as a ban on all forms of human cloning. They added that one should reach a consensus on cloning within each state, taking into account the benefits these new actions could bring to millions of people. The British finally thought that the adopted Declaration was non-binding and that it does not reflect the fact that the international community had, with help of Declaration, confirmed its despise towards human cloning, and that it obliged itself to protect the sacredness of human life and respect towards human dignity. The Americans understood the Declaration as a call for the United Nations members to prescribe laws that would, without delay, ban all forms of human cloning. The USA have also emphasized that the effect of the Sixth Committee represents an important step towards life culture, in a way it would insure that scientific achievements serve to human dignity.

The representatives of following states voted, among others, in favour of the Declaration: Australia, Austria, Bosnia-Herzegovina, Chile, Croatia, Malta, Mexico, Slovenia, Switzerland, Macedonia... Some states voted against the Declaration: Brazil, Canada, China, Denmark, India, Japan, Holland, Norway, Singapore, Spain... Following states abstained: Argentina, Egypt, Indonesia, Iran, Israel, Rumania, Serbia and Monte Negro, South Africa, Turkey, Ukraine... Following states did not attend voting: Armenia, Ghana, Greece, Libia, Nigeria, Peru, Russia, Turkmenistan, Venezuela, Vietnam...

The United Nations Declaration on Human Cloning¹⁷ is short and meaningful and it consists of eight preambular and six operative paragraphs. The language of the Declaration is common and each of its paragraphs has gradual transitions, careful qualifications and key terms implications. This shows that one tried to reach balance between dissenting and hardly compatible definitions of human life, presented by opposing sides. As a result of that the Declaration conveys the consensus neither on human cloning nor on the beginning of human life, and it does not define none of the aforementioned concepts. As stated in the introduction, the Declaration neither defines human cloning nor does it directly or unconditionally ban human cloning, including reproductive cloning.

One reference to reproductive cloning can be found in the second preambular paragraph, that states: »Recalling the Universal Declaration on the Human Genome and Human Rights adopted by the General Conference of the United Nations on 11 November 1997, and in particular article 11 thereof, which states that practices that are contrary to human dignity, such as the reproductive cloning of human beings,

¹⁷ The Declaration was, as a less non-binding document, adopted instead of the originally predicted convention. The full name is »The United Nations Declaration on Human Cloning«; for its English version see: http://www.unescobkk.org/fileadmin/user_upload/shs/BEfiles/chapterE.eng/E8.2E.pdf.

shall not be permitted.« Other paragraphs in the preambular part discuss the application of »life sciences«. This syntagm »life science« was a subject to objections coming from state delegations pleading for the Declaration on Human Cloning to be summarized and paraphrased into the Declaration on Human Cloning for reproduction purposes. In their view, the negotiation process was never directed at the debate on life sciences in general, adding it is not clear neither what does the mentioned concept include nor what does it stand for.¹⁸ In the preambular part of the Declaration life sciences are only mentioned in relation to the concern about »human dignity«, »fundamental freedoms of individuals« as well as »relief from suffering«, »health improvement both of individuals and of mankind in general« and »benefits for all«. Therefore, no matter what life sciences actually signify, they should be understood in the context of terms with which they were brought in connection with, especially with the term »human dignity«. This is especially visible in the last eighth preambular paragraph which states that the General Assembly »is convinced of the urgency of preventing the potential dangers of human cloning to »human dignity«. Words from this paragraph that can be interpreted different ways are »potential dangers« and »human dignity«.¹⁹ Meticulously stated formulations are also visible in the emphasis of the word *potential* that stands before *danger*, suggesting that the dangers human cloning can cause to human dignity can also be interpreted as *potential*, i.e. only as *possible*.

Two extremely important paragraphs of the second operative part of the Declaration, paragraphs »a« and »b«, were heating the discussions between the opposing sides till the very end of the negotiation process. Paragraph (a) declares: »Member states are called upon to adopt all measures necessary to protect adequately human life (put in italics by Ž.K) in the application of life sciences.« This paragraph was supported by delegations who voted in favour of the general ban on cloning and it was strongly opposed by states supporting the ban on cloning only for reproduction purposes. Why this is so when cloning of people is not even mentioned in it? It refers to protection of human life in life sciences. The reason for opposing this paragraph lies within the fact that the phrase »protection of human life«²⁰ can be widely interpreted, including the interpretation of the abortion ban. The paragraph was also criticized because it mixes scientific definition of »human life« and determina-

¹⁸ One footnote (No. 42) from Professor Šegota in his text »Nova definicija bioetike« I. Šegota, »Nova definicija bioetike«, In: A. Čović, *Izazovi bioetike*, Pergamena, Hrv. fil. druš., Zagreb 2000, p. 22. closely defines »life sciences«. According to article 27 of the Law of Higher Education of the Republic of Serbia there are natural and mathematic, social and humanistic, medical, technical and technological sciences and fields of art. In the definition of the field area there are no life sciences mentioned. The text of the Law on Higher Education was taken from the web address: <http://www.ius.bg.ac.yu/informacije/Zakon%20o%20visokom%20obrazovanju.pdf>.

¹⁹ In the source text there are words »potential dangers« and »human dignity«.

²⁰ In the original: »to protect...human life«.

tion of »human being«, which should be a subject to legal regulations. During negotiations the adverb »adequately« was used to modify the verb »to protect«, thereby emphasizing that the phrase »adequate protection of human life« differs from eventual »full protection of human life«. State delegations supporting only ban on reproductive cloning, could not accept paragraph (a), not even with this subtle annex. In their view, therapeutic cloning includes and comprehends the human embryo, which, seen through scientific prism, can be defined as a »form of human life«, but not as a »human being«. These states simply could not agree with the formulation requiring the protection of all »forms of human life«. ²¹

Paragraph (b) is the only operative paragraph which bans human cloning, although it includes important alleviation of the original formulation. It declares: »Member states are called upon to prohibit all forms of human cloning *inasmuch as* (italics Ž.K.) they are incompatible with human dignity and the protection of human life.« This paragraph was also a subject to debate from states supporting only the ban on reproductive cloning. Although the phrase »all forms of human cloning« can be widely interpreted and it includes reproductive human cloning as well, it was alleviated and modified by the word »inasmuch as«. This expression was chosen in English because it could convey several meanings, which are »as«, »because« or »since« or in some other context »if« or »on condition that«, therefore allowing everybody to choose the interpretation that best suits them. Namely, the version of translation, in which one grasps »inasmuch as« as »since« (»Member states are called upon to prohibit all forms of human cloning *since* they are incompatible with human dignity and the protection of human life.«), is a call for a total ban on human cloning. Alternative translation, in which one interprets »inasmuch as« as »if« (»Member states are called upon to prohibit all forms of human cloning *if* they are incompatible with human dignity and the protection of human life.«), leaves the possibility open that there are forms of human cloning that can be »compatible« with the human dignity and protection of human life. ²²

Along with many restrictions and modifications paragraph (b) was unacceptable to many delegations, especially to the ones supporting only the ban on reproductive cloning. Their remarks were aimed at the fact that paragraph (b) does not explicitly ban human reproductive cloning and that it repeats phrases as »protection of human life«, which were already adequately explained in paragraph (a). For delegations supporting total ban on human cloning, paragraph (a) refers to the use of life sci-

²¹ Belgium, the leader of the countries opposing this paragraph, demanded its deletion, i.e. annulment, but its suggestion was rejected in the Sixth committee (with 57 to 48, 42 abstentions).

²² The phrase »protection of human life« can also be understood in the aforementioned context modified by the adverb »adequately«.

ence but does not explicitly mention human cloning and issues mentioned in paragraph (b). Belgium was the leader of states opposing paragraph (b) and suggested the modified version of this paragraph: »Member states are called upon to ban reproductive cloning of human beings. They are also called upon to ban all other forms of human cloning inasmuch as they are incompatible with human dignity.« This suggestion recognizes different forms of cloning based on the intention (reproductive or therapeutic), and bans reproductive cloning and other forms of cloning (therapeutic), inasmuch as they are not respecting human dignity. The suggestion was unacceptable to states supporting total ban on cloning probably due to its ambiguity and the fact that it does not mention human life. Therefore, it was rejected in the Sixth Committee.²³

The following paragraph (c), calls upon member states to adopt the measures necessary to prohibit the application of genetic engineering technique that may be contrary to human dignity.

Paragraph (d) repeats, to a certain degree, parts of the seventh paragraph from the preambular part, calling upon member states to take measures to prevent the exploitation of women in the application of life sciences.

Paragraph (e) calls upon member states to adopt and implement without delay national legislation to bring into effect paragraphs from (a) to (d).

The last paragraph (f), suggested by the group of African states, does not actually refer to human cloning at all. It calls upon all member states, in their financing of medical research, including of life sciences, to take into account the pressing global issues such as HIV/AIDS, tuberculosis and malaria, which affect in particular the developing countries. The original suggestion was to redirect state funds provided for the research of stem cells (including adult stem cells) at these urgent global health issues. Final text, however, was cleaned and generalized and does not call upon anybody to change their national legislation in the mentioned direction. This paragraph reveals diversity of state priorities with relatively poor health care compared to middle-income and high-income developed countries. Human cloning does not represent neither close nor real medical or scientific problem for most of African, and not only African developing states, since they have to deal with more important health issues.²⁴

²³ The suggestion was accepted by a vote of 55 in favour to 52 against, with 42 abstentions.

²⁴ One can confirm this thesis by taking insight into the official statistic data of the OUN. According to them, leading causes of children's death in developing countries are following diseases: pneumonia, diarrhea, malaria and measles (these being diseases that can be prevented by elementary improvement of primary health care). Each year over million people in the world die of malaria, 90% of these deaths occurring in Sub-Saharan Africa. In 2006 over 240 000 children, mostly younger than five, died of measles. In the same year 1.7 million people died of tu-

The negotiations in the United Nations about the Declaration on Human Cloning, showed that bioethical dilemmas and scientific discourse were relatively easily replaced with statements that are not formulated in regards to the interests of profession and human needs. They were heavily coloured by political, economic, cultural and religious characteristics of individual state groups or individual states. The effort to make the standard universal in order to deal with one, in scientific sense, sophisticated problem, led to significant differences and disagreements on scientific and technological development and priorities between 191 UN member states. Therefore, there was no non-binding declaration that could be adopted without numerous compromises and ambiguities, which significantly relativized the original intention of proposer states. Finally, maybe it would have been better if the bioethical debate on the cloning issue and eventual regulations had been left over to experts and suitable professional bodies,²⁵ and only after the public had been fully informed about it, should relevant supranational institutions have dealt with the problem.

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berculosis. In 2007 around 2 million people died of AIDS. Finally, each year around ten million children younger than five die of curable diseases. The official UN data taken from: *The Millennium Development Goals Report 2008*, see: <http://www.un.org/millenniumgoals/pdf/The%20Millennium%20Development%20Goals%20Report%202008.pdf>.

²⁵ The general director of UNESCO Koïchiro Matsuura also considers that scientists and bioethicists should play a leading role in discussions on cloning and main ethical questions stated in relation to cloning, which are of interest for the whole mankind. He adds that other subjects, such as public opinion, should play a significant role in the wide ethical debate on such an important question. *Human Cloning Ethical Issues*, UNESCO, Paris 2005, Preface, p. 5