

**Horace Mann Model United  
Nations Conference XXII**



**Legal Committee  
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# Legal (Sixth Committee)

Topic Area A: Cyberterrorism

Topic Area B: The Pharmaceutical Black Market

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## History of the Legal Committee

The Sixth Committee of the General Assembly (The Legal Committee) is a subcommittee tasked specifically with advising on “international legal matters.” Therefore, issues on the General Assembly agenda regarding legal matters are referred for discussion to the Sixth Committee.

The Sixth Committee’s primary tasks are the creation of International Law and the review of international treaties. The Sixth Committee works closely with other international law bodies including the International Court of Justice, International Criminal Court (ICC), and the International Law Commission (ILC) in the creation of laws and regulations. Often, resolutions passed by the Legal Committee reference these bodies and call upon them to strengthen the resolution.

As with all General Assembly sub-committees all member states of the United Nations are represented. Consensus for resolutions is gained through debate and discussion and all members are given a single vote on procedural and substantive matters. Vetoing power (the ability to unilaterally vote down a resolution) is not given to any countries on the committee.



The Sixth Committee’s room at the United Nations

Similar to the other five main subcommittees of the General Assembly, all resolutions passed by the Legal Committee are nonbinding and therefore it is crucial that delegates attempt to achieve universal consensus on all substantive matters. Due to the non-binding nature of these resolutions the ultimate effectiveness of international law created by the committee depends on the individual will of each member nation to monitor and uphold the committee’s decisions within its own borders. Achieving consensus in the Legal Committee is the first priority.

Despite the nonbinding nature of its resolutions, in years past Legal Committee has been a force in determining the legal interactions between United Nations member states. Examples of recent discussion by the Sixth Committee include the legality of human cloning, International Trade Law, the impact of international sanctions, and the official definition of terrorism. These four examples represent only a small portion of the topics discussed by the Sixth Committee. Note also that discussion has not ended on any of these complicated topics and that only the issue of human cloning has come to any sort of finality (the United Nations has officially released a position against to cloning).

As delegates of the Sixth Committee it is your job to discuss the legal issues surrounding the difficult topics of Cyberterrorism and the Pharmaceutical Black Market. Creating concise resolutions, which take into account the desires of all member nations, should be the ultimate goal. The foundation of the Sixth Committee is based on consensus building, and any solution created must appeal to an overwhelming majority.

# Topic Area A:



## **Introduction**

In today's world communication has become almost synonymous with computer and internet technology. Print mail has been made almost obsolete with the advent of E-Mail, and even phone systems through Internet connections are becoming more and more prevalent. This integration of communications with computer networking has united economies, societies and cultures throughout the globe. Developing nations which were previously unable to access information developed or discovered by Western nations are able to do so now with ease. However, the same technology that has benefited the world, has not gone unnoticed by terrorists and those wishing to do harm.

As modern information technology systems have become more advanced and easy to use, reliance on them has increased dramatically. Many record keeping systems, previously stored in hardcopy, exist only in the memory of a computer or server. Sensitive data, previously stored in heavy safes, is now accessible on web pages, with only a password and username as protection. Terrorists seeking to cause harm have begun to take advantage this global necessity as they move their terrorist activities to attacks on companies, governments and individuals.

According to United Nations reports, statistics on Internet use and abuse show that the need for cyberspace law is becoming more critical every day. "At the end of 2005, almost 973 million of the world's 6.4 billion people were using the Internet: 68 per cent in North America; 53 per cent in Oceania and Australia; 36 per cent in Europe; 13 per cent in Latin America and the Caribbean; 9 per cent in Asia and the Middle East; and 2.7 per cent in Africa," Patricia Szczerba of the *United Nations Chronicle* wrote.

This committee should consider provisions for the definition of cyberterrorism, the actions needed to prevent cyberwar, and the methods which should be used to track and punish cyberterrorists. The internet is a global network and criminal activities on such a network must be dealt with by the global peacemaker, the United Nations.

## **History of Cyberterrorism**

Although as of yet there has been no cyberterrorism with known permanent negative long term impact, numerous cyberattacks (attacks without political motive) have occurred since widespread use of the internet began. Small-time "hackers," computer savvy individuals who use their skills to damage networks or steal data, have been causing problems for computer users the world over.

### *Titan Rain*

During September 2003, a group of cyberterrorists, later determined to be of Chinese origin, broke into computer servers owned by Lockheed Martin the chief defense supplier of the world. According to Shawn Carpenter, a government agent tasked with tracking the attackers, these hackers were different than the norm. "Most hackers, if they actually get into a government network, get excited and make mistakes. Not these guys.

They never hit a wrong key,” he said. These hackers were dubbed “Titan Rain” by the United States government who quickly attempted to trace the attacks.

The same hackers were able to infiltrate Sandia National Laboratories, a subset of Lockheed Martin, which possesses sensitive information related to nuclear weaponry. They also broke into the networks of Redstone Arsenal military base, National Aeronautics and Space Administration (NASA) in the U.S., and even the United Nations operated World Bank. They managed to steal data which was “subject to strict export laws” meaning that at the very least it was deemed sensitive enough to cause harm to the United States populace if it were to fall in foreign hands.

It is now believed that these hackers were agents of the Chinese military unit with the purpose of stealing United States’ military secrets. China denied any involvement in the matter and China’s State Council Information Office said that charges about cyberspying and Titan Rain were “totally groundless, irresponsible and unworthy of refute.”

The Titan Rain Incident is acknowledged as the largest breach of Internet security to date.

### *The Russia – Estonia Cyberwar*

In April 2007 the Estonian Government finalized plans to relocate the Bronze Soldier, a World War Two (WWII) monument constructed in 1947 honoring fallen Russian troops in battles against Nazi Germany. The statue, which was located in Tallinn, the capital of Estonia, before its relocation served as a reminder to Estonians of the hardships of the Soviet Union’s occupancy during WWII.



The Bronze Soldier, which has stood on Tõnismägi Hill since 1947 in Tallinn, the capital of Estonia.

On April 27<sup>th</sup>, the day after which the statue was cordoned off to hide the relocation process, cyber attacks began on prominent Estonian websites, including those of the

government, news agencies and banks. Most attacks came in the form of denial of service attacks, which aimed to disable access to a website or server by its intended users by spamming servers. Given the proximity of the attacks to the dismantling of the Bronze Soldier, it is plausible that the Russian government was involved in the cyber attacks. It took three weeks before the Estonian government, with United States' assistance, was able to halt the attacks.

On May 2<sup>nd</sup>, an investigation was officially opened to determine the source of the cyberattacks. Despite accusations of Russian involvement, the attackers were traced to various locations throughout the globe. Some of these locations, however, were under the jurisdiction of the Russian Federation. When asked to assist in the investigation, the Russian government refused. At the close of the investigation, no hard evidence was found to place the blame of the attacks on the Russian government, but Estonian officials still remain unconvinced.

### *United Nations Efforts*

The United Nations has become aware of cyberterrorism in recent years, but is yet to make any direct effort to stymie its growth.

General Assembly Resolution A/55/593 was passed on January 20<sup>th</sup>, 2001 “Combating the criminal misuse of information technologies,” calling upon the cooperation of member nations against cybercrime, but cyberterrorism was not specifically addressed in the resolution and no specific provisions were enacted against cybercrime or cyberterrorism.

Punishing international crime, the category into which cyberterrorism usually falls, is under the jurisdiction of the ICC. The Cyber Crime Unit (CCU) is the cybercrime prevention unit of the ICC. This unit works closely with Interpol to track and prevent cybercrime.

### **Statement of the Problem**

Despite serious losses to businesses and the significant danger posed to sensitive data stored electronically, the United Nations has been unable legislate against cyberterrorism.

The continuing inability of the international community to define the word “cyberterrorism” is of major concern to the UN. Many countries have established their own laws for cyberterrorism, but these laws are often divergent. Given the global nature of the cyberspace based attacks, the cooperation of the international community would be required for all loopholes in cyber law to be plugged and to achieve any success in ending the threat of cyber-attacks and the possibility of cyberwar.

The low cost nature and ease executing cyberterrorism in comparison to traditional terrorist attacks will continue to contribute to its spread. All a prospective cyberterrorist

needs is a personal computer and a telephone connection. The terrorist does not need to buy conventional arms such as bombs, or guns. Years ago such attacks on computers would not have been life threatening, but computer systems have begun to take a role in monitoring and administrating life-sustaining functions.

Such was the case in October 2001 when an Australian man was arrested after being found guilty for hacking into the Maroochy Shire, Queensland computerized waste management system and spilling millions of gallons of waste into the parks and rivers of the surrounding area killing marine life and turning the creek water a black color. Some waste even spilled into the grounds of a nearby hotel.

A more severe incident occurred in 2003 when two criminals from Romania hacked into computer network controlling the life support systems for some 50 scientists wintering in Antarctica. Due to an outstanding FBI investigation, the two perpetrators were tracked to Romania and the crisis was averted.

Another difficulty exists in the anonymity of cyberterrorism. Unlike with conventional terrorism, there can be no physical barriers to block a cyberterrorist. The attack comes through an electronic network and thusly the defense must also be electronically based. Due to the rapid rate at which technology advances, keeping the defense stronger than the offensive can be a trying and expensive task for organizations and businesses. Cyberterrorism can also be conducted remotely, which allows for attacks to be conducted away from the target and away from the immediate watch of investigators.

The ability of cyberterrorist attacks to affect a large group of people rapidly makes this form of terrorism even more appealing. As a larger and larger number of people acquire personal computers, the list of potential targets and sub-targets grows larger.

Cyberterrorism has become a legitimate concern for the international community as an increasing number of processes rely on computer technology and networking. The potential for an attack with dire consequences, such as tampering with air traffic control to cause plane collision or shutting down power in a region means that the United Nations and the Legal Committee must work quickly to devise a solution.

## **Analysis/Possible Solutions**

The first task of the Legal Committee should be to define the word cyberterrorism. A definition of the word terrorism may also be useful, but past United Nation's failings to create consensus on this issue may result in a halt in discussion on the important issue of cyberterrorism. As a starting point, the generally accepted definition for terrorism is the use of violence for political objectives and to create fear amongst a population.

It is acknowledged by Anti-Crime-Specialists that attacks launched thus far, including Titan Rain and the Estonian cyberwar, have been relatively harmless in comparison to potential damage an organized attack could cause.

Any solution to the advancing threat of cyberterrorism must involve international cooperation. The Legal Committee could consider early warning systems whereby countries could share information regarding potential cyberterrorist threats. The Committee might also consider creating a team to assist in the increase of security software for networks worldwide. However, here there are questions of who would make up the team and from where the funding for such a project would be obtained. Another potential solution lies in raising awareness amongst the consumer base so that the home users who often unknowingly become part of attack networks are more aware of the threat of cyberterrorism and are better able to protect themselves with the most up-to-date protection software. The Committee could also consider opening discussions with the private sector in the hopes of finding potential security threats in a wider range of networks and suppressing them before they are exploited.

Prior to all other solutions the Committee should consider adopting global guidelines for the punishment of cyberterrorist and globally acknowledge such actions as illegal. For any measures to be truly effective, a unified world needs to implement the same laws against cyberterrorism on the domestic level.

## **Bloc and Individual Country Positions**

**United States of America:** The United States has taken an active role in defending itself against cyberterrorism. In the aftermath of the 9/11 attacks Richard Clarke was appointed as Special Advisor to the President on Cybersecurity. The United States focuses on trying to secure already existing networks and create new ones, rather than limiting access for the general populous. A Joint Cyber-Terrorism Initiative was also created with India which examined security issues in various networks and discussed possible solutions. The United States already has legislation in place which allows for the tracking and punishment of cyberterrorists in the form of the Patriot Act. The act describes the methods that should be used to punish one who “causes unauthorized damages to a protected computer.” The United States has also lead various North Atlantic Treaty Organization (NATO) initiatives against cyberterrorism and discussed with Estonia after the incident about establishing a cybernetic NATO base in the country.

**People’s Republic of China:** In 2003 Microsoft made the source code for its Windows operating available to the Chinese government. Since then attacks have been traced from China to strategic points in Taiwanese and United States’ owned networks. It is believed that these attacks originate from China’s People’s Liberation Army (PLA), their military organization. China has stated that it is looking to establish “electromagnetic dominance” and to this end has significantly bolstered the protection on its own computer networks and their offensive cyber abilities. When questioned about their perceived antagonistic efforts, Foreign Ministry Spokesman Jiang Yu discounted this train of thought. "Each sovereign state has the right and obligation to develop necessary national defense strength to safeguard its national security and territorial integrity. It is totally erroneous and invalid for the U.S. report to play up the so-called 'China Threat.'" China would probably be unwilling to make any sort of binding commitment to cyberterrorism prevention, citing its right to defense as a prime reason for continuing a cyber program.

**Russian Federation:** The recent incident in Estonia has drawn Russia into the world spotlight. Russian representatives have repeatedly denied involvement in the incident, despite evidence of involvement by individuals linked to the Russian government. On June 7, 2006 Russian Foreign Minister Sergei Lavrov said that the Ministry of Foreign Affairs was considering measures to coordinate Internet controls to counter cyberterrorism. He cited terrorist's use of the internet for recruiting, communication, training and propaganda as reasons for the new measures. Lavrov stated that "although the Russian government would like to work through the United Nations to achieve universal legislation against terrorist threats, in some cases regional organizations could prove more flexible and innovative." In recent months Russia has worked to extend its censorship of television networks and newspapers to internet connectivity citing their desire to end the cyberterrorist threat as reasons for such repressive measures.

**The European Union (EU):** The European Commission has established the European Union Forum on Cybercrime which according to its website, "brings together law enforcement agencies, service providers, network operators, consumer groups, data protection authorities, civil liberties organizations, and other interested parties with the aim of increasing mutual understanding and cooperation at the EU level. The EU Forum seeks, inter alia, to raise public awareness of the risks posed by criminals on the Internet, promote best practices for security, identify effective counter-crime tools and procedures to combat computer-related crime, and encourage further development of early warning and crisis management mechanisms." Denmark, a member of the EU, suffered cyberattacks last year after the controversial comics criticizing jihadists were published in a Danish magazine. The Members of the EU would support a global effort to prevent cyberterrorism.

**Middle East:** A recent report by security experts showed that the six countries most vulnerable to cyberattacks were located in the Middle East. Yearly attacks incur billions of dollars of losses for industry and government throughout. Attacks by pro-Israeli and pro-Palestinian groups on websites of their foes are common, with targets including Hezbollah websites and the Bank of Israel. Many other terrorist groups throughout the region have adopted web technology.

**Asia:** Japan has signed an agreement with the United States to cooperate on cyberterrorism. Asia-Pacific countries have also discussed prevention methods in their regional forums.

**Africa:** Only 2.7% of Africans have access to internet so cyber attacks are not the primary concern for the developing African governments and nations. Nevertheless, the countries would be interested in providing security for their growing computer networks in order to prepare for the future.

### **Questions a Resolution Should Consider**

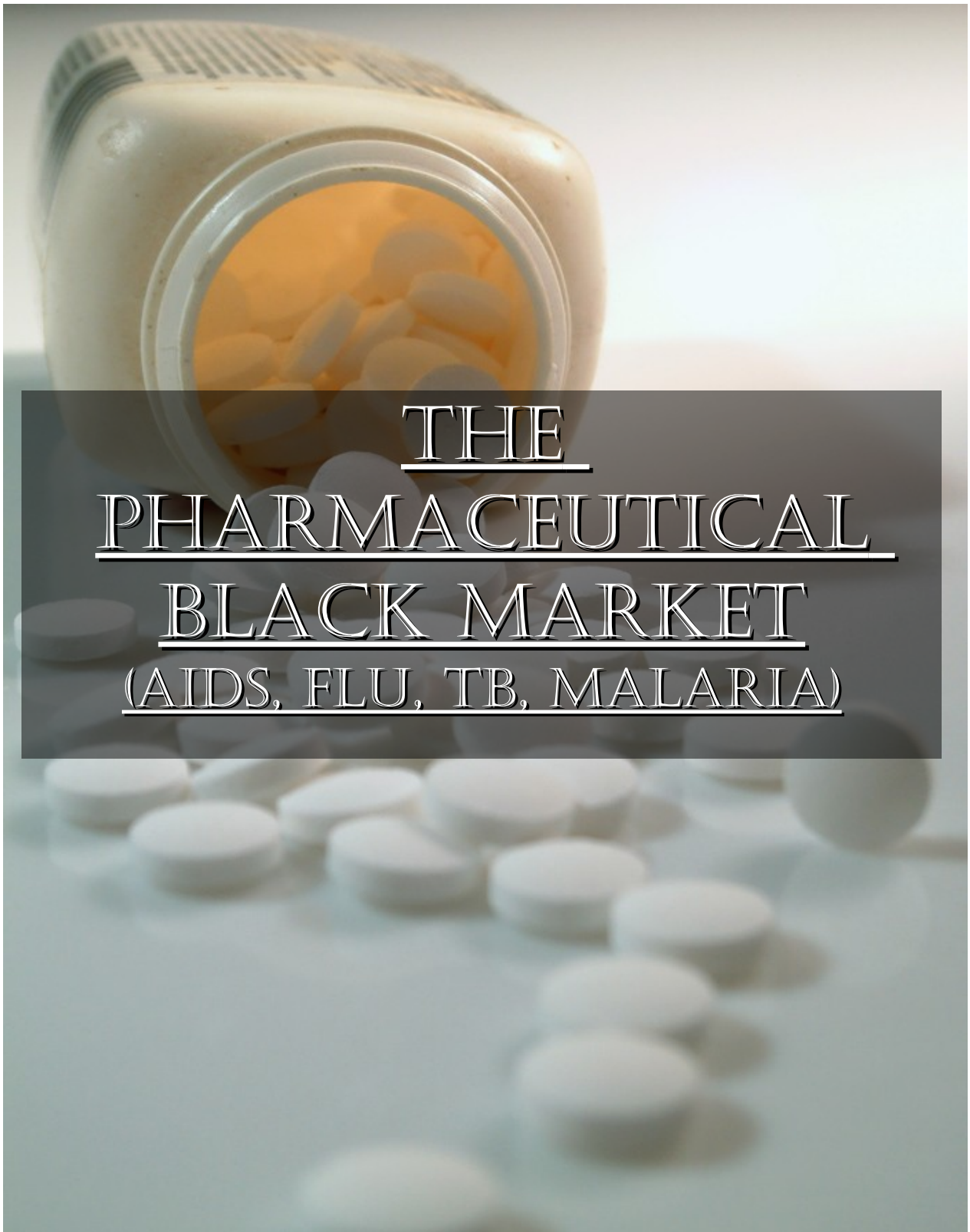
- What is cyberterrorism? What constitutes a cyberterrorist attack, what does not?

- What role should the United Nations and its bodies play in preventing cyberterrorism?
- What actions should be taken against a nation proven to be involved in cyberterrorist activities?
- Who should be responsible for tracking and prosecuting individuals and/or organizations accused of cyberterrorism?

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## Topic Area B:



THE  
PHARMACEUTICAL  
BLACK MARKET  
(AIDS, FLU, TB, MALARIA)

## **Introduction**

When a person is diagnosed with Human Immunodeficiency Virus (HIV) or Acquired Immune Deficiency Syndrome (AIDS) usually, the government or some other form of health care will be able to cover the otherwise expensive costs of HIV or AIDS medications. However, sometimes the person lives in impoverished area and can't afford the medication. Others simply don't want to declare their AIDS infection to their health care provider and increase health care rates. Regardless, these people are forced to find alternate means of acquiring the necessary medication.

Some are able to turn to aid programs put out by some pharmaceutical companies, others to donations from organizations worldwide, but given the nature of a worldwide pandemic such as AIDS, it is impossible to provide everyone with help. Those who left with no other way of obtaining the medication are forced to purchase from the pharmaceutical black market.

Drugs purchased through illegal markets are far cheaper but they come with a large set of risks that can only be expected given the illegality of the process. Sometimes the medication that is purchased is in fact something else entirely. Other times it is contaminated or a placebo.

AIDS/HIV is not the only illnesses where black market trading is common. Flu, Malaria, and Tuberculosis drugs are also found commonly on the black markets.

Generic producers in countries such as India and Brazil who do not follow the strict patent laws common in the United States have created competition in an otherwise monopolized market and cut prices of drugs significantly. However, these drugs are not regulated to the same degree as the actual ones, and for some even the reduced price is still too much. When consumers purchase goods from the black market they circumvent the pharmaceutical companies with patents on the medications.

The Pharmaceutical Black Market poses a difficult question to the Legal Committee. From a legal standpoint, the actions perpetrated by those who buy and sell off the black market are illegal, yet many would be un-medicated if not for this alternate method for obtaining these products. Furthermore, the health issues must also be considered—what are the consequences of exposing civilians to unregulated and thus risky drugs?

## **History of the Pharmaceutical Black Market**

As long as there is demand, a market for cheaper, ill-gotten drugs will always exist. Given the nature of pandemics such as HIV/AIDS there will always be a high demand for the medication to treat the illness. This demand has given birth to a black market for a variety of medications, not all of them related to life-threatening illnesses.

### *HIV/AIDS*

The HIV/AIDS virus was first diagnosed in the late 20<sup>th</sup> century. Since its discovery the disease has spread rapidly throughout the world into a full blown pandemic. Millions die each year and despite the creation of various treatments to extend life-expectancy, the majority of infected individuals do not have access to these drugs, particularly those living in the developing world. The Black Market exists as a cheap alternative to legal methods of obtaining the drugs.

Drug dealers exist specifically for illegal buying and selling of AIDS drugs. They purchase drugs from AIDS patients, who get their drugs free from the government through programs like Medicaid. These patients looking to make some extra money, often times for their own addictions to other illegal drugs, sell their legally gotten AIDS medication on the street. The dealers ship the drugs to the other countries and sell the drugs at a huge profit, yet still lower than the cost of the original drug.

In countries such as the Dominican Republic AIDS infection is widespread, yet one sixth of the population is unemployed or make too little to afford the prescription drugs. The black market is essential for survival. Doctors in these countries will sometimes give information to patients about black market dealers knowing that the alternative is death. For some, however, even the black market is too expensive.

### *The Avian Flu*

When the threat of an Avian Flu pandemic arose in 2003 the world scrambled to create a vaccine for the virus, and then afterwards, manufacture enough to prepare for a potential worldwide pandemic if the disease were to acquire the ability to transfer from human to human.

Similar with the AIDS drugs, the Avian Flu treatment, Tamiflu, is very expensive, and due to high demand very hard to acquire. A thriving black market based largely online offers cheaper versions of the drug. However, unlike the AIDS market, the drug is far harder to come by. Purchases online are even more likely to be fake. Oftentimes the less effective Amantadine Hydrochloride is mislabeled as Tamiflu and sold as the actual product. Drug traffickers have also stolen and stored quantities of the drug from F. Hoffmann-La Roche, Ltd., the Swiss healthcare company which produces it.



## *Tuberculosis*

Tuberculosis (TB) is a common infectious disease in the developing world but with proper treatment it can be cured. Without treatment it can be deadly. However, antibiotic resistant strains of the disease exist, strains which none of the existing medications have the ability to fight.

TB is a disease which primarily affects the poor and because of this little research has been done and a new TB drug has not been developed for over forty years. To prevent the development of more antibiotic resistant strains of TB doctors prescribe multiple drugs to make sure that no resistant bacteria is allowed to survive. However, those who purchase TB drugs from the back market will usually purchase only one drug, and while the drug can often cure the patient, strains of the bacteria may escape and lead to increased spread of drug resistant TB. The World Health Organization (WHO) has reported, “Resistance of *Mycobacterium tuberculosis* to anti-TB drugs is man-made. Wild isolates of *M. tuberculosis* that have never been exposed to anti-TB drugs are virtually never clinically resistant.”

## *Malaria*

At the end of 2003 the ACT treatment for Malaria was developed. This new treatment involves taking the several anti-malarial treatments at one time. Similar to TB, antibiotic resistant strains of Malaria have begun to appear, and this treatment provides a higher chance of success than the norm. However, in the African countries where Malaria is most prevalent they are unable to even afford the \$16 per packet cost—a price which could actually feed an entire family for about five days.

These people are forced to look in the streets for their cure, where like all other prescription drugs found in the black market, some medicine has passed expiration dates, some are placebos, and some have been explicitly banned by the government for harmful side effects.

## *United Nations Efforts*

Although the United Nations has made efforts to control the narcotic black market, no real effort has been made to control the black market trade of prescription drugs.

Since 2000, negotiations between WHO, UNICEF and the drug companies who hold the patents for the various anti-AIDS medications have slashed the drug prices and made the pills more affordable. This indirectly reduced the need for a black market.

## **Statement of the Problem**

The pharmaceutical black market is different from other black markets in that it is helpful as well as harmful. Where other black markets for arms and narcotics only serve

to feed addiction and violence, the pharmaceutical black market has emerged out of desperation for survival by those otherwise unable to obtain medications for their life-threatening illnesses. For them the most expensive medicines are simply beyond reach.

They resort to the more dangerous black market only because the rest of the world has been as of yet unable to provide medications and aid. Thusly, this issue becomes an ethical question as well as a legal one. While some member states may jump quickly at the illegality of the actions, time must be taken to understand the ramifications of controlling the black market. Despite the risks associated with drugs purchased from dealers, in many cases, these illegal drugs do save the lives of their consumers.

However, the risks more often outweigh the benefits with many black market drugs being ineffective and at times dangerous. Many deaths are caused because the drug that was supposed to save a person's life is no more than a sugar tablet.

The United Nations has tried to give aid to these those too poor to afford regulated prescription drugs for their illnesses by negotiating price cuts with pharmaceutical companies, but despite price cuts for certain regions the price still remains too high for many to purchase.

The United Nations and many NGOs have supported the production of generics, unpatented versions of the drug that sell for much cheaper than the original. However, generics undercut the profits of the drug companies which have spent hundreds of millions of dollars researching the medication. The companies which produce generic drugs are able to charge less because they have not incurred the overhead cost of research needed to develop these drugs. In the short term this may seem beneficial but members of the committee must also consider the long term effects of undercutting the pharmaceutical industry. If drug companies find themselves unable to make a profit off of drugs for infectious diseases, they may choose instead to focus on developing drugs for other illnesses that are more common in the developed world where there are greater resources to pay for these products. This, in fact, has already occurred to some extent with the lack of a new TB drug in over 40 years. It is only recently that research for a new TB treatment has recommenced, and only because the research is funded by donations.

Similar to the issue of cyberterrorism, the pharmaceutical black market is a global issue. The issue exists in large part because of: 1) a lack of oversight over drug development and distribution, and 2) a lack of cooperation between nations with high rates of these illnesses and few resources to treat them, the pharmaceutical companies and the developed world. Whether it involves the United States' from where many of the drugs originate due to Medicaid fraud, or the countries of destination where the drug arrives for sale, it will require a global effort if the pharmaceutical black market is to be controlled and eventually eradicated.

## **Analysis/Possible Solutions**

This committee must first decide whether or not the market should be controlled. If it is to be controlled then the United Nations might consider more negotiations with pharmaceutical companies about potentially further cutting drug prices. However, at some point companies will be unable to cut prices any further.

The Committee might consider formally supporting the use of generics in these countries, but doing so risks undermining the pharmaceutical companies.

The committee could also establish international law and try to create consensus on guidelines that countries should implement to stop smuggling of these drugs.

Any “solution” to the black market should probably include assistance for those who will be unable to access these medications if the black market is controlled. Ultimately if the Legal Committee decides to seriously address the issue of black market medicine; it must be equally ready to support those who will be left without medications vital to survival. Whether through other United Nations organizations such as UNICEF and the WHO, or with assistance from Non-government Organizations, a true solution to the problem must come in two parts. A real end to the black market can only come when there is no longer significant demand for cheaper medicine or when the dealers are no longer able to offer the drugs at a cheaper price than that of the pharmaceutical companies.

## **Bloc and Individual Country Positions**

**United States of America:** The United States has the strictest patent laws in the world and because of these laws is suing Brazil and India for violating the patents of the United States’ pharmaceutical companies which originally developed the drugs. The United States has supported African and other nations in desperate need of medicine aid packages in addition to its large annual donations to the United Nations. Therefore the United States would probably support giving additional aid packages. However, the United States would be strongly against any resolution which supports the breaking of patent laws by making generic prescription drugs.

**Brazil/Thailand:** Brazil and Thailand all have chosen to adopt much broader patent laws than those recommended by the World Trade Organization. Their decision to do so is supported by a variety of health experts throughout the world, but they have angered the Bush administration and the pharmaceutical companies whose patents they are allowing their civilians to break. They would be in support of a resolution which used generic drugs as a cheap alternative to the brand name versions when giving assistance to the impoverished countries. They would also be in support of further price cuts for the pharmaceutical companies.

**India:** Until 2005, like Brazil and Thailand, India was a prime supplier of generics for impoverished countries. However, in order to gain acceptance into the World Trade

Organization, India passed far more restrictive patent laws replacing their broad patent laws originally created in 1970. These new patent laws have implemented a system similar to that of the United States where companies that develop new generics have a twenty year patent on the drug, but have to go through strenuous testing to assure the drug is safe for the general market. This extra testing is guaranteed to raise the price of new generic drugs produced in India due to the cost of such strenuous testing.

**Africa, South America, Central America, and the Middle East:** In these regions the civilians are the poorest and prescription drugs are almost exclusively accessible through the black market. The governments of these nations are likely to support any and efforts to aid there people with pharmaceuticals, but will hesitant and usually unable to enforce any restrictions of black market trade for fear of medical repercussions for the people of their countries.

**Asia:** Asian countries are the source of a significant number of the prescription drugs which end up in the black market. Their support would be needed in order for any significant black market reform to occur.

### **Questions a Resolution Should Consider**

- Should the United Nations attempt to curb the pharmaceutical black market?
- What guidelines if any should countries follow for prescription drug and dealer monitoring?
- Should companies be permitted to produce generic drugs in violation of patent laws?
- What role should those countries in which the population is too poor to purchase drugs play in protecting its citizens from dangerous and fake black market prescription drugs?

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