Hofstra University Model United Nations Conference

United Nations General Assembly Legal Committee

Sixth Committee

Nicholas Aprea
Chairperson
Dear Delegates,

Welcome to the 2015 Hofstra University’s High School Model United Nations Conference HUMUNC! My name is Nicholas Aprea and I will be your chair for the General Assembly’s Legal Committee. I hope we have fun and accomplish the passing of some interesting resolutions in legal this year.

I was born and raised on Long Island, where I attended Connetquot High School. I am the current president of Hofstra’s Model UN and am an active member of Hofstra’s club lacrosse team. At Hofstra I am double majoring in Philosophy and History. I’m excited to meet you all and have an amazing committee this year. See you there!

Sincerely,

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Introduction to the Committee and to the Issues

Commonly referred to as the Legal Committee, the Sixth Committee of the United Nations General Assembly is the primary forum for dealing with international legal issues in the U.N. system. The issues debated in this committee range from maritime law to the International Court of Justice. At the 2015 Hofstra University High School Model United Nations Conference, the Legal Committee will debate two important topics: human cloning and international corporate espionage.

With the advancement of cloning technology, a growing concern is the potential application of this technology to humans and the ethical and moral questions the cloning of humans and related issues raise. Without some sort of international legal framework, this issue could become extremely divisive. The Legal Committee should address this important topic to provide a way for the international community to both encourage continued scientific progress while ensuring there is a structure that addresses outstanding legal and ethical issues.

The second issue the Legal Committee will address is international corporate espionage. Corporate espionage is clearly frowned upon by the international community, but there are few international legal regulations prohibiting such activity. Because of the potentially huge financial implications, however, some nations have enacted domestic legislation to prevent corporate espionage. For instance, the United States has the Economic Espionage act of 1996, but this applies only to corporations in the United States and has no bearing internationally. Delegates to the Legal Committee should work to develop an international legal framework to deal with this growing problem.
Topic A: Human Cloning

The issue of human cloning has been in contentious debate since its inception decades ago. Many of these debates are a result of the technology used for the research for human cloning such as testing through the use of stem cells. With many states around the world capable of developing the technology and numerous divergent stances on the issue coming from a multitude of cultural, religious, and other sources, cloning could become a divisive issue for the international community. It is the Legal Committee’s task to sort through the key points in these arguments and develop a legal framework that can provide guidance on cloning for all members of the United Nations.

Background Information

The idea of cloning has been around for well over a century, beginning when Hans Spemann split a salamander embryo in 1901. After splitting the embryo, Han realized that it had actually grown into two separate and complete organisms. The result of this testing brought forth the knowledge that embryo cells contain enough genetic material to develop into a whole new being. Little more than ten years later, Spemann was successful in his first nuclear transfer experiment. Through Han Spemann provided the first scientific basis to suggest cloning was possible, it was not until 1995 that cloning would gain worldwide attention. It was at the Roslin institute in Scotland that cloning would gain the limelight when Ian Wilmut and Keith Campbell were successful in cloning two sheep named Megan and Morag using embryonic-cell method. Not long after, the famous Dolly the sheep was cloned using adult cells, proving that even adult
animals can be cloned, and not just embryonic cells. Dolly the Sheep lived what would otherwise be considered a normal animal life, having a working immune system and even being able to mate naturally. While there is clearly some opposition to cloning in all its forms, others argue that this technology has many different beneficial uses including saving endangered species, medical advancements, food production, and other such issues.

There are three main types of artificial cloning: gene cloning, which is copying of DNA; reproductive cloning, which is making an exact copy of the subject; and therapeutic cloning, which is the process in which embryonic cells are taken to reproduce injured or dead cells. With reproductive cloning, the DNA is taken out of any cell from the donor’s body (with the exception of a sperm or egg cell) and injected into an egg cell that then reproduces an exact replica of the DNA donor. Reproductive cloning produces whole copies of the original animal, and this issue is where most of the ethical conflicts come into play. While therapeutic cloning is achieved with a similar process, it has received much less scrutiny and criticism because it is used more so to replace injured cells and tissue using stem cells. Still, a large issue with therapeutic cloning is that the embryo is destroyed after it is done emulating the injured cell.

The cloning of animals and use of them can benefit humanity in ways such as providing food and other byproducts such as wool. The Scottish researchers that cloned Dolly, “have cloned other sheep that have been genetically modified to produce milk that contains a human protein essential for blood clotting” with the hope that “someday this protein can be purified from the milk and given to humans whose blood does not clot properly.” In addition, cloned animals may be especially useful to test new drugs
because the identical genetic makeup of the animals allows for more precise pharmaceutical trials.4

Other examples of the application of cloning in today’s society would be the use of cloning to help endangered species stimulate population growth, and help lower rapidly increasing extinction and endangered rates over the globe. In fact scientists have already worked in this area:

In 2001, researchers produced the first clone of an endangered species: a type of Asian ox known as a guar. Sadly, the baby guar, which had developed inside a surrogate cow mother, died just a few days after its birth. In 2003, another endangered type of ox, called the Banteg, was successfully cloned. Soon after, three African wildcats were cloned using frozen embryos as a source of DNA. Although some experts think cloning can save many species that would otherwise disappear, others argue that cloning produces a population of genetically identical individuals that lack the genetic variability necessary for species survival.5

Recently, there has been a debate on whether to clone the wooly mammoth, an animal extinct for thousands of years. A Harvard University geneticist suggests, “reintroducing the mammoth to tundra regions could help bring back the ancient dry, grassy "mammoth steppe" ecosystem shaped by their grazing. That in turn could replace the boggy permafrost and delay the melting of the Arctic due to climate change by, for example, reducing the proportion of dark-coloured plants that absorb heat.”6 While there may be benefits for climate change if wooly mammoths can ever be successfully cloned, many issues, including regarding potentially negative effects on what are thought to be highly social animals, would certainly be raised.

With regard to the cloning of animals, in 2008 the U.S. Food and Drug Administration (FDA) came to the conclusion that meat and milk from cloned animals
are “just as safe as non-cloned animals.” And as noted above, there are potentially many other uses for cloned animals. But clearly cloning raises the question many moral questions. Is it ethically acceptable to clone an animal simply for the benefit of humanity? Even if it is used to cure a human disease, is it fair to test on a cloned animal life just because of the fact that it is a clone? Does the fact of being a clone change anything?

Such questions are magnified many times over when dealing with humans. Would human clones would they be considered a “life” or simply be a test subject used for testing medicines and vaccines? What, if any, are the acceptable uses of cloning for humans?

These questions are not just hypothetical. While there has been no successful cloning of humans, there have been multiple attempts:

In 1998, scientists in South Korea claimed to have successfully cloned a human embryo, but said the experiment was interrupted very early when the clone was just a group of four cells. In 2002, Clonaid, part of a religious group that believes humans were created by extraterrestrials, held a news conference to announce the birth of what it claimed to be the first cloned human, a girl named Eve. However, despite repeated requests by the research community and the news media, Clonaid never provided any evidence to confirm the existence of this clone or the other 12 human clones it purportedly created.

In 2004, a group led by Woo-Suk Hwang of Seoul National University in South Korea published a paper in the journal Science in which it claimed to have created a cloned human embryo in a test tube. However, an independent scientific committee later found no proof to support the claim and, in January 2006, Science announced that Hwang’s paper had been retracted.
These failures to clone humans thus far may be due to the inherent difficulty of cloning humans. But cloning technology will inevitably progress and scientists will get closer and closer to having the ability to clone human beings. As this happens, more and more legal, religious, and ethical complications will be encountered.

**International Action on Human Cloning**

Even though it is not yet achievable, the international community has taken a stance on human cloning. In 1997, the United Nations Education, Scientific, and Cultural Organization (UNESCO) unanimously deemed human cloning wrong. The UNESCO document, the Universal Declaration on the Human Genome and Human Rights (UDHGHR), was adopted by the UN general assembly within a year. The UDHGHR document states that, “human cloning practices which are contrary to human dignity, such as reproductive cloning of human beings, shall not be permitted.” The release of this document shows the initial discontent with human cloning on an international level. It seems that it is universally unacceptable to use reproductive cloning to make an exact DNA replica of a person as it is seen as a potential grave violation of human rights.

In 2005, the UN General Assembly passed the United Nations Declaration on Cloning, which prohibited human cloning. Clearly showing a majority of the international community’s view on human cloning, many states still expressed disapproval of the Declaration as it did not pass with consensus. Some countries that voted against the Declaration include Japan, Spain, Thailand, Republic of Korea, United Kingdom and many others who mostly voted against on similar bases of national
sovereignty and on that the text was lacking and could be misinterpreted. Specifically, the
document was argued to be vague on therapeutic cloning guidelines.\textsuperscript{10}

Subsequently in 2008 the International Bio-ethics Committee (IBC) met in Paris
at the UNESCO headquarters to debate whether there are different ways of going about
therapeutic cloning. The IBC also claims that the Declaration in 2005 does not
successfully state the issues between reproductive and non-reproductive cloning. The
IBC insists on the international ban on reproductive cloning and that an observation
group should be assembled by UNESCO to create “strategies for new ethical, legal,
social, political and scientific developments.”\textsuperscript{11}

Specifically, the results of the IBC stated that the international community would
“greatly benefit” from discussion and efforts in three areas:

**Terminology:** the IBC argues that the present frameworks and regulations are
based on inaccurate and misleading terminologies that inadequately describe the
technical procedures relevant to human cloning. The new scientific developments
call for the redefinition and clarification of some widely used terms and for the
dismissal of others.

**International governance:** the IBC considers that the existing international legal
frameworks and regulations are not sufficient to properly address the challenges
posed by the most recent developments. They are non-binding and mutually
inconsistent as a result of different views of Member States. A process should be
initiated that could lead to the establishment of a more robust mechanism, such as
an internationally effective and valuable convention or a moratorium, to prohibit
reproductive cloning.

**Dissemination:** the IBC stresses the importance of fostering public awareness by
disseminating, discussing and debating on cloning issues at all levels. This would
allow all countries, including the developing and least developed countries, to
participate in the debate and put forward their concerns regarding the new
technologies related to human cloning.\textsuperscript{12}
If the UN addresses these issues, it will “be faced with the challenging diversity of points of view and moral and cultural positions regarding human cloning technologies.” These differences must be accounted for as the entire international community is affected as the potential for human cloning, “human dignity, human rights and the very basis of the right to life of all human beings.”

**Questions to the Committee**

- Can a consensus among nations be achieved along the basis of the act of reproductive cloning being unethical?
- Can a comprehensive binding resolution be written on the methods of human cloning? And to the extent of how these methods will take place?
- Can certain methods of human cloning be used for the benefit for the human race?
- Does human cloning affect our dignity as humans?
- Does human cloning go against religion?

**Bloc Positions**

*North America:* In 1997 the United States National Bioethical Advisory Commission advised former President Clinton to emplace a moratorium on human cloning, which would prevent federal funding to any projects doing research into human cloning.\(^{14}\) In the 82\(^{nd}\) meeting of the UN General Assembly the United States representative voted in favor or a declaration to prevent all forms of human cloning on the basis that it affects human dignity.\(^{15}\) Canada also voted in favor of passing the declaration against human cloning at
the 82\textsuperscript{nd} UN General Assembly and stated that any form of reproductive cloning is and will henceforth be illegal in Canada.\textsuperscript{16}

\textit{Europe:} While there is a general consensus among European states about the immorality of reproductive cloning for humans, there is diversity as to the wording of the declaration that was passed at the 82\textsuperscript{nd} meeting of the General Assembly, which tries to prohibit reproductive cloning as a whole. There were also concerns as to the extent that certain research methods can be used to benefit human life. Representatives from France and the Russian Federation were upset at the failure to get consensus on the United Nations Declaration on Cloning in 2005, although both states voted in favor of the declaration. The U.K. voted against the 2005 declaration, stating the term for “human life” could bring a ban to all forms of human cloning, which could inhibit future research. The U.K. holds the belief that reproductive cloning should be prohibited but therapeutic cloning may be valuable for scientific research.\textsuperscript{17}

\textit{Asia:} Most countries in the Asia Bloc reject reproductive cloning. It is illegal in most sovereign states, with therapeutic cloning being guided by state mandated laws. Both India and China have laws against any form of reproductive cloning and closely observe therapeutic cloning and research on the subject in their respective states.\textsuperscript{18} Japan has also been working on legislation to make any form or practice of reproductive cloning illegal. If the Japanese legislation calls for a sentence of three to seven years in prison for anyone
found carrying out any form of reproductive cloning would be three to seven years in prison according to Japan’s Science and Technology Agency.¹⁹

_Africa:_ Across Africa there seems to be general agreement among states against the use of reproductive cloning, whether it be for ethical or religious reasons. Until recently, both therapeutic and reproductive cloning were illegal in South Africa under the Human Tissue Act. But under the National Health Act, the South African government made therapeutic cloning legal under strict government guidelines which specify that special permission must be given to any person wishing to partake in any form of therapeutic cloning.²⁰ Egypt also permits the study and use of therapeutic cloning so long as human rights and dignity are respected along the process.

_South America:_ Most countries in South America have bans on both reproductive and therapeutic cloning and legally prohibit partaking in any form of it. Columbia is the only exception, as it allows therapeutic but not reproductive cloning. Many South American states do not explicitly ban embryotic stem cell research, but Brazil is prominent example of a state that does.²¹
**Topic B: International Economic / Corporate Espionage**

Before the release of the movie “The Interview,” North Korea launched a cyber-attack on Sony Pictures resulting in tremendous economic damage to the corporation. According to Michael Lynton, the head of Sony Pictures, “They came in house, stole everything, then burned down the house. They destroyed servers, computers, wiped them clean of all data and took the data.” While there seems to be a political motive to this cyber attack, the Sony hack by North Korea has brought the issue of cyber espionage and international electronic corporate espionage into sharp view lately.22

**Background Information**

International corporate espionage is nothing new. It has grown into something that relies very heavily on breaking into computer systems – thus, the label of cyber-attacks or, more simply, hacking – but this type of activity has been around for a very long time. In 1968, the Soviet Union unveiled a supersonic jet that bore a remarkable resemblance to the not-yet-released Anglo-French supersonic jet, the Concorde. Nicknamed the “Concordski” in the West, the jet was later to be found to be the product of thousands of pages of stolen technical specifications of the Concorde.

After the end of the Cold War, international corporate espionage has arguably increased dramatically. In the early 1990’s there were allegations from the U.S. and other countries that Air France was bugging first class seats of corporate leaders from foreign countries.23 France of course denied these allegations but their former chief of secret services, Pierre Marion, confirmed that France was indeed bugging and watching
U.S. corporate workers while flying Air France. Marion would also later admit to spying on U.S. companies such as IBM and Texas Instrument while he was chief of the French Secret Service due to them being competition for French state-owned companies.

In 2001 Proctor & Gamble – the American consumer goods giant – was accused of searching through the rubbish of Unilever – its Anglo-Dutch rival – for commercially sensitive information. Proctor & Gamble, which settled a lawsuit brought by Unilever out of court, “admitted to breaking its own rule on corporate espionage to obtain information on Unilever’s hair care business.” In 2002, Sweden alleged Russia conducted espionage at the Swedish electronics and defense corporation, Erikson. This case mixed corporate interests with state interests, as Sweden feared sensitive information on a Anglo-Swedish fighter jet (which Erikson had been a key manufacturer of advanced technology for) may have been gained by Russia.

Renault, the French car manufacturer, claimed in 2011 “suspected industrial espionage against its business poses a serious threat to its ‘strategic assets’.” The French Industry Minister – an official of the French government, not the corporate body – warned that the country was facing “economic war” and that the situation at Renault “appears serious.” This is a large problem for Renault and France, as “hundreds of thousands of French jobs depend on the motor trade.”

China has been accused of being one of the most aggressive actors when it comes to economic espionage. Chinese efforts are “bold and ambitious” according to some, and include dozens of cases:

A single program once targeted dozens of companies, foreign governments, and Tibetan activists. Google lost search technologies that helped its Chinese
competitor. Chinese spies sat on Nortel’s networks for years, harvesting data until
the company went out of business. Spies hacked into U.S. nuclear labs and stealth
research centers. When Germany helped build China’s high-speed trains, it found
its own design dumped for an indigenous product that looked remarkably similar.
Coca-Cola, planning to acquire a Chinese firm, suddenly saw its networks hacked
for business information -- what the head of Britain’s MI5 called “normal
business practice” for Beijing. China's government, which has spent billions to
control the Internet, cannot argue that it is unwitting of these acts. In fact, it
supports them.26

In the U.S., the National Counterintelligence Executive’s report to Congress in 2011
publicly identified China as the leading threat of economic espionage six of the seven
cases litigated under the Economic Espionage Act of 1996 (discussed below) involved
China.27

It is clear that international economic / corporate espionage (sometimes also
called industrial) is a very large problem for the international community and individual
UN member states. One of the issues that is at the root of the problem of international
corporate espionage is that states have always engaged in traditional espionage.

Traditional espionage can be described as “a government's efforts to acquire
clandestinely classified or otherwise protected information from a foreign government.”28

Nearly all states have intelligence agencies that “spy” on friends and allies. The United
States, for example, collects massive amounts of information through the Central
Intelligence Agency (CIA) and sweeps up huge amounts of electronic intelligence with
the National Security Agency (NSA).

Even though espionage can be seen as violating state sovereignty, states that
engage in espionage are not necessarily breaking international law. Bodies of
international law under which espionage arises – rules on armed conflict and diplomatic
relations, for example, do not “prohibit or seriously constrain espionage or economic espionage.” Thus, “participation in, and tolerance of, spying indicates that espionage and economic espionage do not constitute wrongful acts triggering state responsibility under international law.”

Because it is so embedded in international politics, some states have gone so far as to more or less formalize spying arrangements. One of the very prominent examples of this is the so-called Five Eyes Group. The U.S., U.K., New Zealand, Australia, and Canada have agreed to not spy on each other. The group was originally formed after the conclusion of World War II as the UKUSA Agreement of 1946, where the U.S. agreed to not spy on U.K. or its Dominions (which included Canada and New Zealand at the time) in exchange for the same treatment and for cooperation in the realm of espionage.

Later expanded to include Australia, Canada, New Zealand, the countries in the Five Eyes Group still work closely today. For instance, Australia set up listening stations to send information to the U.S. Although the states were not only spying on corporations, it was revealed that the U.S. through Australia was spying on the mobile phones of Indonesian government officials, specifically the Indonesian President. When asked about it, the Australian Prime Minister Tony Abbott exclaimed “First of all, all governments gather information and all governments know that every other government gathers information... the Australian government never comments on specific intelligence matters. This has been the long tradition of governments of both political persuasions and I don't intend to change that today.” This is a testament to the fact that states have always spied on each other regardless of allegiance, but can cooperate on espionage issues when there is a common interest.
While it is commonly accepted that geopolitical competitors spy on each other—for example, the US and Russia or China—there are other examples where even allies spy on each other. A recent prominent example is a German Program called “Project Rahab” which is used to gather signals intelligence (SIGINT). The German program is a signal interception technology that takes information from databases from foreign business competition. Project Rahab is run by the German foreign intelligence agency Bundesnachrichtendienst (referred to as the BND) and has been used to spy on corporations from countries such as Russia, U.K., and the U.S. to provide German state owned businesses with a competitive edge. Project Rahab caused a stir when it was accused of breaking into and monitoring the Society for Worldwide Interbank Financial Telecommunication, or SWIFT. By monitoring SWIFT, German corporations would be able to see where money is moving around the globe and what corporations are communicating with each other. Documents released by the former NSA contractor Edward Snowden reveal that the NSA also monitors SWIFT. Clearly, then, the NSA could be collecting economic/industrial information in what could be considered economic espionage as well.

When confronted with activities that clearly target information of both friend and foe, states often claim espionage is almost a norm of international politics. For example, CIA operations officer Fred Rustmann claims “All countries spy on one another if they have the capability. The only possible exception is the U.S. and the U.K., who have a special relationship.”

Most of the time, traditional espionage relates to national security issues. But given that espionage is clearly embedded in international politics, it is no wonder states
increasingly are engaged in economic espionage. Clearly there has been an uptick of state-sponsored international economic espionage, and this occurred even before the advent of the cyber-age as the examples above indicate. With ever-increasing globalization and more and more dependence on networks that make cyber-espionage ever more possible, the international community clearly faces a significant problem. But, in addition to espionage being so prevalent in the international system, there are other issues that may impede the international community’s ability to respond to international economic espionage.

National Efforts to Deal with Economic Espionage

Many states have attempted to deal with the issue by outlawing economic espionage on a national level. In the United States, according to the Economic Espionage Act of 1996 (Title 18 of the United States Code) claims someone may be convicted of economic espionage if it fits the following definition:

Whoever, intending or knowing that the offense will benefit any foreign government, foreign instrumentality, or foreign agent, knowingly—
(1) steals, or without authorization appropriates, takes, carries away, or conceals, or by fraud, artifice, or deception obtains a trade secret;
(2) without authorization copies, duplicates, sketches, draws, photographs, downloads, uploads, alters, destroys, photocopies, replicates, transmits, delivers, sends, mails, communicates, or conveys a trade secret;
(3) receives, buys, or possesses a trade secret, knowing the same to have been stolen or appropriated, obtained, or converted without authorization;
(4) attempts to commit any offense described in any of paragraphs (1) through (3); or
(5) conspires with one or more other persons to commit any offense described in any of paragraphs (1) through (3), and one or more of such persons do any act to effect the object of the conspiracy.
With a broad definition of trade secrets, which includes all types of financial, business, scientific, technical, economic, or engineering information, those guilty of economic espionage may face significant penalties. For economic espionage, the maximum individual fine is fifteen years in prison and five million dollars and the maximum organizational fine is ten million dollars or three times the value of the stolen trade secret. Those involved with theft of trade secrets can face similar penalties.\textsuperscript{35}

This is clearly an effort by the United States to address a significant problem and is intended to be international in scope. The Act applies to “whoever knowingly performs targeting or acquisition of trade secrets” whether foreign or domestic.\textsuperscript{36} However, sovereignty comes into play at this point. States must cooperate with each other to be able to extradite a person suspected of economic espionage for prosecution. And while many besides the U.S. prohibit economic espionage, “enforcement confronts difficulties because the offensive elements [often] include foreign government participation.” Most extradition or mutual legal assistance treaties prove “ineffective when the requested state is accused of sponsoring criminal acts.” As an example, the U.S.-China mutual legal assistance treaty “is unlikely to be helpful to U.S. efforts to apply the EEA to perpetrators of economic cyber espionage linked to the Chinese government.”\textsuperscript{37} Thus, there are real limits to what states can do on their own to stop economic espionage, but some domestic models may be useful to consider for an international legal framework.
International Efforts to Deal with Economic Espionage

International efforts to deal with economic espionage are somewhat limited but could provide the basis for a stronger legal framework to deal with the problem. Some aspects of international trade law, specifically within the World Trade Organization (WTO), may be applicable. The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the WTO “requires each WTO member to protect certain types of intellectual property, including trade secrets, within its territory.” There has been little interest in pursuing remedies through the WTO, however, because it is difficult to formulate claims that economic espionage actually violates WTO agreements. Moreover, “WTO rules create obligations for WTO members to fulfill within their territories and do not generally impose duties that apply outside those limits.” Simply put, the WTO is constrained by sovereignty issues.

Even more problematic is that the economic espionage of greatest concern are “acts of remotely conducted economic cyber espionage” that involve “governments obtaining information from private-sector companies located outside their territories.” Thus, even if a WTO member state could make a claim that another state has violated economic espionage rules, it would have a difficult time establishing that the state in question is actually responsible for the economic espionage.

Of course, international sanctions could be applied to states that support economic espionage, do not do enough to stop economic espionage from private actors operating in their territory, or benefit from economic espionage. But the application of sanctions on a unilateral basis is often ineffective and creating more effective multilateral sanctions, through the UN Security Council or other multilateral setting, would be extremely
difficult if not impossible given the number of power of states that engage in or otherwise allow economic espionage to happen.

Other international responses include action through the Group of Eight (G8, formerly the G7 until 1998 when Russia was added). Starting in 1997, the G8 has attempted to address computer or cyber crime, including industrial and state espionage. The UN General Assembly has also attempted to address the issue, passing several resolutions on cybercrime that, while dealing with a multitude of issues, relate to the misuse of computer networks for criminal activities. In addition, the Council of Europe, the European Union (EU), the Organization for the Economic Co-operation and Development (OECD), Gulf Cooperation Council (GCC), International Telecommunications Union (ITU, a specialized agency within the UN system), and others have all addressed issues related to international economic espionage.

In addition to domestic efforts described above, any and all of these international bodies could be useful for helping the General Assembly and specifically the Legal Committee address the problem of international economic espionage. To craft a resolution that effectively addresses this important problem, the Legal Committee must pay special attention to the wide-spread use of espionage in all forms, divergent state economic interests of members, the problems that state sovereignty poses for stopping economic espionage, ways to facilitate cooperation in the international community and build a norm against international economic espionage, and a host of other issues.
Questions to the Committee

- Because most states partake in economic espionage, is it a problem that the international community must address?
- Can there be a binding resolution written to take action against nations who participate in economic espionage?
- Does there need to be a neutral third part to preside over cases of economic espionage? What organization could act in this capacity?

Bloc Positions

*North America:* North America uses intelligence to observe other nations and movement within their corporations. The United States and Canada have a long-standing agreement not only to spy on each other, but to share collected information within the Five Eyes Group. The U.S. has legislation in place to prevent and punish any person or organization that partakes in any form of economic espionage from their Economic Espionage Act of 1996.

*Europe:* Many countries in Europe also engage in economic espionage to gain economic advantage over their countries competitors. Several European nations have been accused of illegal monitoring of another nations corporations such as France and Germany. The U.K. is also a participating member of the Five Eyes Group.
**Oceana**: Australia has taken part in monitoring nations and relaying information to its allies in the west, along with monitoring of other nations head officials. Australia and New Zealand are among the members of the Five Eyes Group who freely exchange information.

**Asia-Pacific**: There have been alleged cyber-attacks from multiple nations within the Asia-Pacific bloc, with other states claiming to have experienced cyber-attacks on corporate and other computer networks that hold crucial information. Most recently, the U.S. lay blamed North Korea for the Sony Pictures incident, saying that the IP address of the attacker is used strictly by the DPRK. On May 19, 2014 the U.S. also charged five member of China’s People’s Liberation Army with allegedly hacking into American corporations and stealing trade secrets.\(^{42}\)


3 Ibid.

4 Ibid.

5 Ibid.


13 Ibid.


Ibid.

Ibid.


Ibid.

29 Ibid.


32 Ibid.


34 http://www.law.cornell.edu/uscode/text/18/1831.


36 Ibid.


38 Ibid.

39 Ibid.
