The topics being addressed by the World Intellectual Property Organization are of great importance to the international community: Patent protection and access to pharmaceuticals, contemporary challenges of international intellectual property laws and practices, and traditional knowledge and folklore protection. Samoa is particularly pleased to be addressing (these three issues because they very much affect the cultural, economic and advancement future of developing states) traditional knowledge protection laws because it very much affects the indigenous culture of the small island nation. The State of Samoa believes that these issues must be actively engaged and strives to help form pragmatic solutions that will be amenable for all parties involved. While Samoa is small in physical size and population, the issues being addressed by WIPO are nonetheless crucial to Samoa, as well as the rest of the world’s population and future development.

I. Patent Protection and Access to Pharmaceuticals

Over one third of the world’s population lacks access to essential drugs with those numbers threatening to increase and a majority of these people living in LDCs. As the world population continues to grow, most rapidly in LDCs, Samoa recognizes that the current situation will only continue to be exacerbated by the harmful practices of governments and pharmaceutical companies that place patents on pharmaceuticals. Pharmaceutical patents, most of which originate in developed countries, can hinder the ability of people in LDCs to access basic medical care and life saving medicines. We view patents as an essentially western notion of international trade. The argument that patents help promote economic growth and international trade, access to technology, and the promotion of a medical industry and pharmaceutical production, ring hollow to most of the world when considering the meager economic capabilities of most LDCs.

Most LDC's, with a few exceptions, lack the ability to manufacture life saving pharmaceuticals domestically. However, state entry into the WTO requires applicant states to adopt some sort of patent protection program, which puts LDCs into the difficult position of not being able to produce generic versions of expensive medicines for life-threatening diseases like HIV/AIDS and malaria. As Samoa begins its accession into the WTO, it recognizes the long-term economic importance of future membership within the WTO. However, Samoa would like issues pertaining to the acquisition of pharmaceuticals included in TRIPs, in order to accommodate LDCs membership accession into the WTO, particularly those most affected by curable diseases. Developing countries that can manufacture medicine, at a much cheaper price than developed countries, are disadvantaged by current trade laws and treaties, preventing them from exporting pharmaceuticals cheaply. Poverty and the lack of infrastructure are fundamental development issues that affect patent protection and access to pharmaceuticals and must be jointly addressed by the WTO as well as WIPO. WIPO, in conjunction with the UN, should endeavor to provide NGOs with the ability to distribute
and manage essential medications to those countries that would benefit the most from such programs. Samoa believes that NGOs could safely distribute medicines effectively, free from some of the rules that bind states.

II. Contemporary Challenges of International Intellectual Property Laws and Practices

Samoa recognizes that intellectual property is an area already flooded with laws, patents, and disputes with no central guidelines. Samoa recognizes the importance of adequate and just patent laws for economic development. Samoa’s accession process into the WTO is supporting the development of internal patent protection laws that will coexist with existing International Patent Protection. Samoa also recognizes the importance of internal IP laws for developing countries thus Samoa would like to encourage other countries in its regional trading areas, PICTIC, to support internal IP laws, as it would help to ensure economic and trade development for the entire region. Without adequate local laws and cooperation, developing markets will never succeed in the global economy.

III. Traditional Knowledge and Folklore

Traditional knowledge is constantly evolving and by no means should be viewed in an ancient context. Traditional knowledge systems are maintained and promoted by their local community. Traditional knowledge, or the “expression of folklore”, has been narrowly defined as mostly pertaining to literary or artistic works, such as music and dance. Traditional medical and scientific practices, procedures, and advancements have been left out of the scope of IIP. Some forms of protection are available nationally under current patent and copyright laws, but Samoa believes that more should be done internationally. Currently, WIPO and UNESCO, as well as many NGOs actively promote the preservation of TK. Samoa would like to promote new policies that view TK as an intellectual and cultural asset for its native communities. Samoa was pleased with the initiatives introduced at the Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore, which laid out a tool kit to help individual countries define and protect TK. Samoa recommends that once a consensus is achieved among the member states in WIPO, the WTO could help enforce IIP laws pertaining to TK.
I.) Migration

As modern transportation networks make travel less difficult, a large number of people throughout the world have begun migrating to find refuge, employment and a better way of life. As a developing country, Samoa knows the effects of worker migration and its associated problems. Nearly one-fourth of Samoa’s workforce has emigrated to work beyond its borders, creating a “brain drain” within the country. However, the Samoan economy is arguably the largest recipient of remittances in the Pacific. Overseas Samoan communities contributed nearly $183 million to the Samoan economy in 2002. Samoa understands that migration is an important global issue that must be addressed. To remedy the problems associated with migration, further funding is needed to facilitate growth in infrastructure and education within developing countries. By implementing internal remedies of job growth, education and infrastructure, developing countries will retain their workforce and establish domestic businesses that will help facilitate a decrease the need for financing development.

II.) Establishment of Nuclear-Free Zones

During the upcoming session, the United Nations General Assembly will attempt to solve the issues surrounding the establishment of Nuclear-Free Zones (NFZs) and Nuclear-Weapons-Free Zones (NWFZs). Nuclear weapons are banned in both types of zones, but NFZs differ from NWFZs in that they completely forbid nuclear technology where NWFZs allow non-military nuclear development. Currently, three pacts set up NFZs and NWFZs around the world—the Treaty of Tlatelolco established the Latin American NWFZ, the Treaty of Rarotonga set up an a NFZ in the South Pacific, and the Treaty of Bangkok founded a NWFZ in Southeast Asia. Two other NWFZ agreements, the Central Asian NWFZ and the Treaty of Pelindaba, would establish zones encompassing the Central Asian states and the African continent, but are not yet operable. Key to implementing these nuclear-free spheres is the Non-Proliferation Treaty (NPT) which allows the five permanent Security Council countries (known as P5) to possess nuclear weapons but also calls on the P5 states to reduce and eliminate their nuclear stockpiles. The P5 countries play a major role in the establishment of these zones.

Samoa strongly supports the establishment of Nuclear-Free Zones as a means to lessen the threat of nuclear weapons. As enumerated in GA Resolution 52/35, NFZs and NWFZs “assist in strengthening the security of states” within regions. At the 2000 UN Millennium Summit, Samoa reiterated its firmly-held belief that the entire global arsenal of nuclear weapons ought to be eliminated, and Samoa places a high priority on eliminating the threat posed by nuclear weapons. Samoa is among many Southern-Hemisphere countries that are interested in the establishment of the long-debated NWFZ in the Southern Hemisphere. At the upcoming session, Samoa aims to form a coalition of countries that support a NWFZ encompassing the entire Southern Hemisphere, and this bloc will work with the P5 states to ensure the successful establishment of this NWFZ. While working with all interested states, Samoa hopes to create a plan of action with goals and a timetable for the eventual establishment of the Southern Hemisphere NWFZ.

III.) Financing for Development

As the wealth gap between the developed and least-developed countries continues to widen, determining a viable finance plan for sustainable development becomes more crucial. Several different forms of financing, including debt relief, official development assistance (ODA), direct foreign investment (FDI), and others, currently serve as the monetary sources of development aid; however, other forms of finance are being proposed, including international taxes. In the past decade, the world has witnessed a pronounced shift away from official assistance to private investment. According to the 1999 United Nations Conference on Trade and Development (UNCTAD) report, “there has been a sea-change in the attitudes of developing countries towards FDI,” and “all developing countries now welcome foreign direct investment.” Any possible plan for future developmental finance ought to greatly consider this recent trend of utilizing private capital as the bedrock of development.
In order to obtain substantial amounts of direct foreign investments, states must ensure that they offer a positive investment environment. Samoa has recently undergone the rigors of economic reform, and it now has a vibrantly growing private sector that is playing a major role in its development. Samoa realizes the importance of having a strong private sector in attracting direct foreign investments, and it aims to create UN guidelines that will foster positive investment environments in the less-developed countries of the world.
Country: Independent State of Samoa
Committee: General Assembly Third
Delegate: Nathan Walker, Wichita State University

The Samoan Delegation to the United Nations takes great interest in the issues being addressed by the General Assembly’s Third Committee. Samoa remains deeply committed to the worldwide cause of ensuring that human rights become universally protected among all people of the world. Samoa also believes that all citizens of the world should be free of racism and enjoy equal protection under the law. Samoa feels very strongly that all states must accept responsibility for such a situation to be realized.

I. Implications of the Struggle Against Terrorism on Human Rights

Samoa would first like to emphasize that terrorism is an affront not only to the United Nations and its founding principles, but also to humanity itself. Samoa further condemns the perpetuation of terrorism both as a state-wielded mechanism of control and as a means of rebellion.

It must be the goal of all states to eradicate terrorism as an instrument of policy. In order to combat terrorism globally states must be prepared to act multilaterally to apply constant and rigorous measures both in response to terrorist acts and, when possible, to reduce the likelihood of terrorism by addressing its root causes.

Samoa feels strongly that terrorism is not a problem that may be viewed as either the responsibility or the burden of a few states. Rather, the only way to effectively reduce terrorism is by acting collectively. Samoa believes that in many cases the stability of a region may best be affected by the states of that region. As such, Samoa supports and encourages regional efforts to combat terrorist activities and foster inter-state cooperation.

Samoa also feels that, while regional efforts can often lead to great successes, they cannot be a substitute for United Nations initiatives. Samoa is greatly supportive of the activities of the Security Council in this arena and has aligned its domestic policies with the United Nations Counter Terrorism Committee.

It is perhaps most important to note, however, what cannot be done in pursuit of the goal to eradicate international terrorism. Civil liberties and human rights should not be circumvented in an effort to eliminate terrorism. Samoa feels that it is incumbent upon all states to first respect the rights of all citizens and to be aware at all times how their anti-terrorism policies might adversely effect their populations. States must be aware of the possibility that they may set dangerous precedents by implementing draconian laws that infringe upon the rights of their citizens.
II. Follow-up to the Durban Declaration and Programme of Action (2001)

Samoa strongly supports United Nations and related efforts to combat the continuation of racism around the globe. Samoa feels however, that the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance is only a small step in the very long process of eliminating racism.

Perhaps most important in combating racism is its identification. Samoa feels that for states to be truly accountable to both their citizens and to the international community much greater efforts must be made to identify not only “everyday racism,” but also systemic racism. States must accept that the impetus for eliminating racism within their own borders must fall upon them. Samoa would call upon the entire international community to both recognize and admit to racism perpetuated by their own governments, and then to make an honest and concerted effort to address the underlying causes of racism.

III. Social and Humanitarian Situation in Post-War Iraq

In addressing the social situation of post-conflict Iraq Samoa feels it is important to emphasize that the speedy recovery of Iraq (in a social, humanitarian, and political sense) depends greatly upon the efforts of the international community as a whole. Samoa has been and will continue to be greatly supportive of United Nations efforts towards the resumption of civil services and attention towards other humanitarian needs. Samoa also acknowledges the important impact of various NGOs operating within Iraq.

Samoa feels that it falls upon each state to contribute as they are able toward the reconstruction of Iraq of the care of her people. Samoa further recognizes that while some nations are especially well equipped to render assistance (i.e. financial), others may not be so well equipped, but that all should be encouraged to do so as they are able.

Samoa feels that in order for Iraq to return to normalcy and to join the ranks of prosperous and stable states, control of the Iraqi government must be given over to the Iraqi citizenry at the earliest possible opportunity. While it is apparent that vestiges of the deposed regime are still active and that some small segments of the Iraqi population may be unfriendly toward democratic reform, Samoa feels that the majority of the Iraqi people are in favor of such reform and that its implementation is the best and most immediate manner by which to shed the “occupation versus resistance” mentality that is present within Iraq.