

*Tackling the Worldwide Illegal
Trafficking of Organs*

Committee Guide

Third Committee of the General Assembly



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1. Personal Introduction

Dear delegates of this year's GA 3rd committee,

My name is David Sperling and I'm honored to welcome you to this year's conference, I'm sure that OLMUN 2018 will turn out to being the greatest of all time! I am 20 years old and enrolled at the law school of Münster, Germany, finishing up my second semester.

A lot of you are going to be "first-timers" and I know that you probably have lots of questions regarding MUNs in general and also OLMUN in particular... Feel free to ask my colleagues and me whenever you come across any! Though it is my first time chairing at an OLMUN (or any MUN of this size), I have taken part in a couple of OLMUNs, a MUNSH as a delegate and organized some MUN related courses at my former schools and participations at MUNs as local director. Interestingly, my very first English MUN was in Oldenburg, taking part in the GA 3rd as Iraq.

I would like to encourage each and every one of you to take part in not only the debates, but also the social aspect of OLMUN! Don't miss out on improving your English, debating and social skills, trust me, it's going to be a fun week.

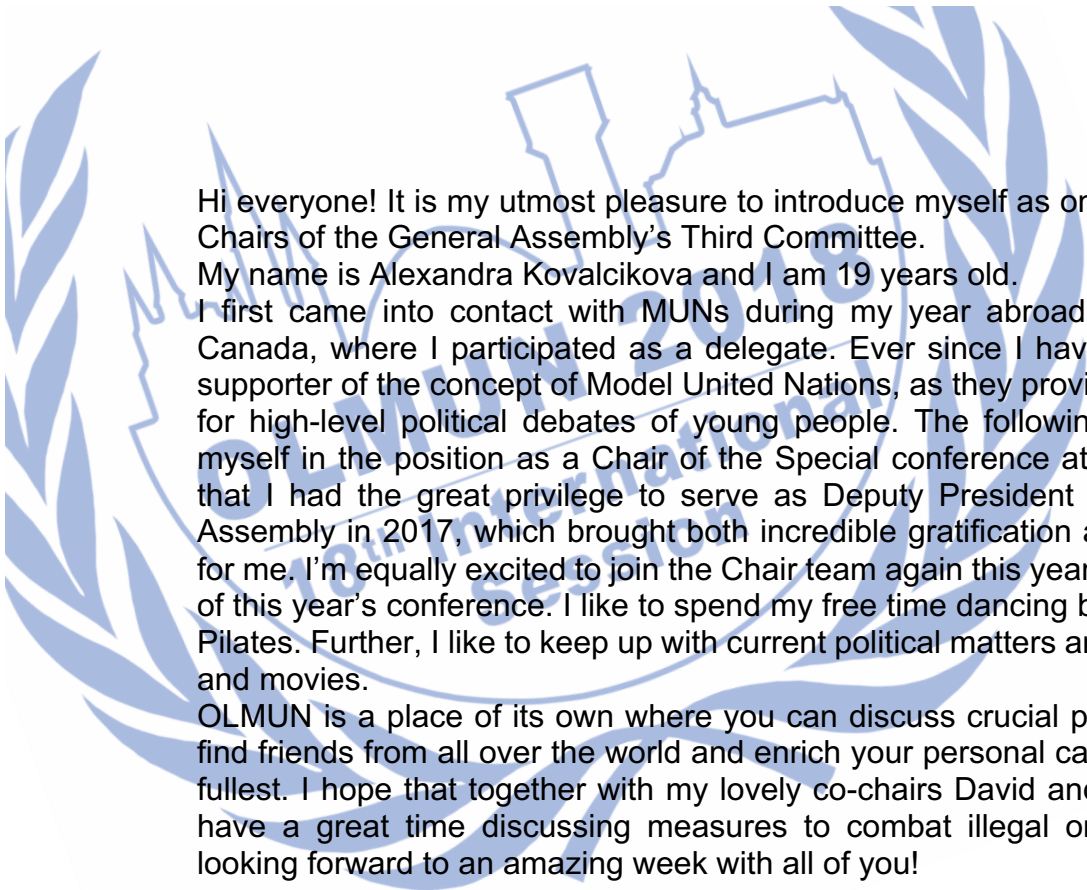
I am sincerely looking forward to meeting all of you,
David Sperling

Dear delegates of the GA3rd,

My Name is Keno Hillmer, I'm 17 years old and I'm very pleased to be chairing this year's GA3rd committee at OLMUN 2018 together with Alexandra and David. Currently, I'm attending the 11th grade of Gymnasium Eversten Oldenburg. I'm very eager in occupying myself with problems and wishes of students from Oldenburg in our City Student Council. If I don't have too much to do in my free time, I'll be going to the gym, listening to different kinds of music or doing something fun with my friends. I also like to watch Netflix but honestly, who doesn't? Last year, I represented the Egyptian delegation in this very committee and I really liked the atmosphere and the commitment to discuss many different fields of UN-politics, such as social, humanitarian and cultural issues, especially the subject of developing guidelines for sustainable urban development sounded very appealing to me.

For me, MUN combines three important attitudes: getting to know other people around the whole world, travelling and dealing with political, economic and social questions. As there will be a lot of you who participate for the first time, I would like to emphasize the chance to really contribute to the discussions and later to the resolution. If you are well prepared, you will easily be able to participate in hot debates to convey your delegation's point of view. I'm very confident that we will have a lot of fruitful debates!

I'm looking forward to meeting all of you very soon!



Hi everyone! It is my utmost pleasure to introduce myself as one of this year's Chairs of the General Assembly's Third Committee.

My name is Alexandra Kovalcikova and I am 19 years old.

I first came into contact with MUNs during my year abroad in Vancouver, Canada, where I participated as a delegate. Ever since I have been a great supporter of the concept of Model United Nations, as they provide the grounds for high-level political debates of young people. The following year I found myself in the position as a Chair of the Special conference at OLMUN. After that I had the great privilege to serve as Deputy President of the General Assembly in 2017, which brought both incredible gratification and experience for me. I'm equally excited to join the Chair team again this year and being part of this year's conference. I like to spend my free time dancing ballet and doing Pilates. Further, I like to keep up with current political matters and watch series and movies.

OLMUN is a place of its own where you can discuss crucial political matters, find friends from all over the world and enrich your personal capabilities to the fullest. I hope that together with my lovely co-chairs David and Keno, we will have a great time discussing measures to combat illegal organ trade. I'm looking forward to an amazing week with all of you!

Yours sincerely,
Alexandra

2. General Introduction

Honorable delegates of the General Assembly's Third committee,

we are glad to welcome you to Oldenburg and we are looking forward to having some interesting debates. You all know that it is hard to debate when you do not have any information about the topic you are debating about. That is why we made this committee guide: To give you guidelines for your research and provide you with some general information. In order to be fully prepared we are also advising you to read the rules of procedure which can be found on the OLMUN website even though we are going to help you to understand how the OLMUN works during our time together. Another advice would be to not only do your research on your own country, but also concentrate on possible allies and supporters for the policy of your country. Furthermore, you will find links at the end of the guide that will help you to do your research.

2.1 How to use this guide

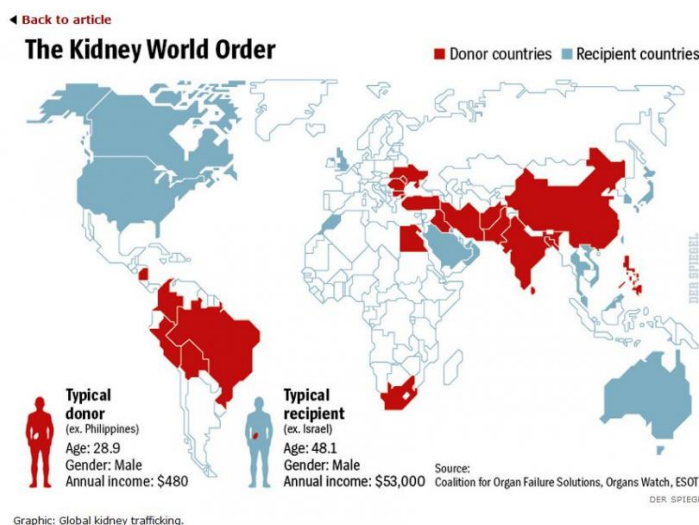
Even though this guide is supposed to help you to get started on your research, your research should not only consist of the information which are given in the guide. Try to find other information about your country's past, present, cultural factors, political structure, you name it... Another important thing to remember is that your opinion might not be similar to your country's opinion. For the sake of the debates it is necessary that you stick to your country's policy. Furthermore, we ask you to write a policy statement for your country and a resolution that you are supposed to send to us by the 31st of May. If you have problems formulating one of these, you will be able to find more detailed information to either one in the official hand book.

3. Introduction to the General Assembly Third Committee

The GA 3rd (also called the Social, Humanitarian and Cultural Affairs Committee) is one of the six main committees in the UN where all 193 UN members are represented and have the same rights. In our committee there will also be Non-Governmental Organisations (NGOs) present, but they will not have the right to vote during the voting procedures. The committees of the General Assembly have a long history and their functions have changed over the past. The first session of the third committee was in 1946. This date proves the committee's long history. The importance of this committee as a part of the OLMUN is therefore not hard to explain. In the last years, the OLMUN has had the topics Statelessness, similar human rights issues and guidelines for sustainable urban development in the GA 3rd. This year's topic will be "organ-trafficking" which is very much-debated due to the global need or demand for healthy body parts for transplantation, far exceeding the numbers available.

4. Organ Trafficking

All over the world, there is a tremendous need for organ donations. As of 2011, about 90,000 people were reported to be waiting for a new organ in the United States. On average, an individual will wait approximately three and a half years until an organ becomes available for surgery. Despite the fact that there is a worldwide shortage of organs available for transplantation, commercial trade was at one point illegal in all countries except Iran. Certainly, the legal status of organ trade is changing around the world. In 2013, Australia as well as Singapore legalized financial compensation for living organ donors. Most donations come from living or deceased people who have elected to be organ donors; however, despite the rise in number of organ failure most people are reluctant to become organ donors themselves, resulting in a shortage of organs. Consequently, certain patients, especially from developed countries, will travel to foreign countries to illegally buy organs in hopes to save their lives. This is also known as transplant tourism. The World Health Organization estimates that 5-10% of kidney transplants, the most common transplant procedure, are from organ trafficking. Furthermore, according to Global Financial Integrity, the illegal organ trade generates \$600 million to \$1.2 billion in profits annually, with desperate patients paying up to \$200,000 USD for a kidney. Organ trafficking is considered an organized crime. Major players include recruiters, transporters, hospital/clinic staff, medical professionals, contractors, brokers and other middlemen. Moreover, organ prices are very dependent on different markets. In Iran's legal markets, the price of a kidney ranges from 2,000 to 4,000 dollars. On the black market, however, the price may be above 160,000 dollars, most of which is taken by middlemen. The statistic shows the typical donor and recipient countries in the world, the average donor will be a man around 29 years with an annual income of 480 dollars, whereas the typical recipient will register an annual income of around 53,000 dollars at an age of 48 years. Canada, the United States and Canada are more likely to receive organ transplantations, whereas countries like China or Brazil are more likely to donate organs.



<https://www.medicaldaily.com/organ-trafficking-international-crime-infrequently-punished-247493>

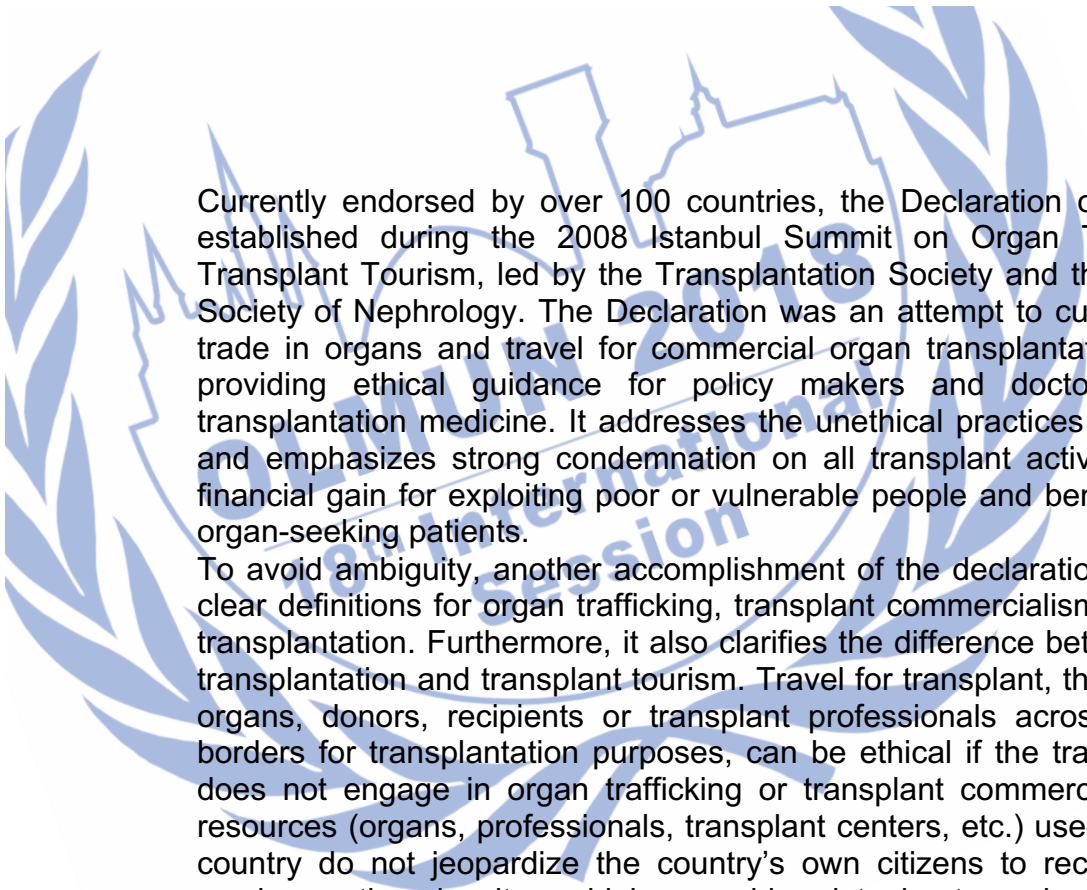
4.1 History of Organ Trafficking

There have always been previous attempts to find stable, ethical systems to deal with the high demand for organ transplants. The United States of America implemented the so-called “Uniform Anatomical Gift Act” of 1968, which allowed individuals to donate their organs after death. The law has since been revised numerous times, first to conform to other laws which outlawed the trade of organs, and most recently in 2007 to make it easier to become a donor. Later, the U.S. established a nationwide online registry for organ donors and prohibited organs from being bought or sold in the U.S. by enacting the “National Organ Transplant Act of 1984 (NOTA).” The goal was to increase organ availability from deceased individuals and to make progress in coordinating the nationwide donation process. However, together with this act, a new drug called Cyclosporine A, which works as a powerful immunosuppressant by decreasing organ rejections, came on the market. The increased assurance in transplant success was one of the main catalysts for doubling the number of organ transplants between 1988 and 2006. As this drastic growth proved to be an appealing investment opportunity, the market for legal organ sales started to take a shape. The answer to this dramatic rise of organ transplantations mostly came from the medical community, along with ethical concerns about legally selling organs. It consisted of the main concern that an unregulated market would eventually result in the rich being the only ones who could afford organs. Consequently, NOTA banned the sale of human organs and made it illegal to compensate donors in other ways. Instead, the individual has to wait for an organ to be prepared for transplant on a waitlist, the order of which is determined by a number of factors, e.g. relative need, age, transplant prognosis, and length of time on the waitlist.

5. Measures taken by the international community

Created in 1987 and later endorsed by the World Health Assembly in 1991 to serve as a legal framework for organ and tissue donations worldwide, the WHO Guiding Principles on Human Cell, Tissue and Organ Transplantation was. The eleven Guiding Principles were later updated in May 2010 and endorsed by the WHA through resolution WHA63.22 in light of changes to donation and transplantation practices.





Currently endorsed by over 100 countries, the Declaration of Istanbul was established during the 2008 Istanbul Summit on Organ Trafficking and Transplant Tourism, led by the Transplantation Society and the International Society of Nephrology. The Declaration was an attempt to curb international trade in organs and travel for commercial organ transplantation as well as providing ethical guidance for policy makers and doctors working in transplantation medicine. It addresses the unethical practices of organ sales and emphasizes strong condemnation on all transplant activity that solicits financial gain for exploiting poor or vulnerable people and benefiting wealthy organ-seeking patients.

To avoid ambiguity, another accomplishment of the declaration was creating clear definitions for organ trafficking, transplant commercialism and travel for transplantation. Furthermore, it also clarifies the difference between travel for transplantation and transplant tourism. Travel for transplant, the movement of organs, donors, recipients or transplant professionals across jurisdictional borders for transplantation purposes, can be ethical if the transplant activity does not engage in organ trafficking or transplant commercialism and the resources (organs, professionals, transplant centers, etc.) used in the foreign country do not jeopardize the country's own citizens to receive transplant services, otherwise it would be considered to be transplant tourism. This definition was created to allow patients to undergo transplantation in a foreign country if receiving a donation from a genetically related family member.

The encouragement of countries to enforce programs to prevent organ failures to reduce the need for transplantation as well as to increase deceased organ donation by minimizing misconceptions through education is another milestone in the Declaration of Istanbul. Other proposals ensure the wellbeing of the donor after donation, allowing for legitimate financial reimbursements associated to donating an organ as it is considered to be a part of the recipient's care, but direct payment for the organ is not allowed. While the Declaration of Istanbul is not legally binding, its implementation of new laws prohibiting organ trade has had considerable influence on the international community by instigating Israel, China, and the Philippines to develop regulations that restrict transplant tourism.

Asserting that “access to information is [the] key” to encourage public organ donation, the WHO called for a Global Knowledge Base on Transplantation (GKT) to create a database to expand statistics on organ transplantation. Still, new markets emerge to replace the ones that shut down, relocating to countries where wealthy recipients still can take advantage of residency laws.

6. Possible Solutions

The afore-mentioned steps that have already been made by the international community are a good start to combat illegal organ transplantation and transplant tourism, still a lot needs to be done to ensure safe, legal and ethically acceptable standards for organ transplantation. Here are two possible measures that have been proposed to further curtail the worldwide illegal trade of organs.

i) Direct action against illegal sales

Even though there is legislation that provides punishment for people involved in illegal organ trade, many opponents have voiced that these do not go far enough and should be extended to deter possible illegal transplantations from happening. On the grounds that in comparison to other forms of human trafficking and exploitation, illegal organ transplants are more organized and do involve many major players such as recruiters, transporters, hospital staff, medical professionals, contractors. Organ trafficking is dependent on these key actors. Especially doctors, without whom the operation cannot take place, often consciously ignore suspicious circumstances and sometimes even mindfully perform the medical procedure themselves. These illegal transplant surgeries are condemned across the board, but often, prosecuted offenders go without punishment entirely. However, the risk of losing their medical license for not reporting suspicious activities could bring many medical professionals to stop their involvement in organ trafficking. Yet, as with in many circumstances, this could not completely prevent organ trafficking, but would rather result in increasing life-threatening operations performed without medical supervision.

ii) Improving the Current Organ Donation System

The WHO and supporters of the Declaration of Istanbul believe the best solutions to combat illegal organ trafficking involve developing deceased organ donation, encouraging altruistic living kidney donation and preventing needs for transplantation by treating diseases that lead to organ failure such as diabetes and hepatitis. As of now, there are two major legislative systems for deceased organ donation: “Opting-out”, a donation program, in which consent to use the body for donation purposes after death is presumed, unless the potential donor explicitly expresses his objection. This system is practiced in countries like Spain, which holds the record with a total of 4,818 organ transplants carried out in 2016. In general, one can observe that countries like Austria, Belgium, Norway and others, which presume consent for deceased organ donation have 20-30 % higher rates in terms of donors than countries without presumed consent. This includes nations like Germany that operate according to the so called “Opting-in” program, which requires the potential organ donor to give his explicit consent for organ donation in case of sudden death. As you may already guess, these countries entertain less organ transplantations made possible by deceased organ donation and therefore its citizens usually wait longer for an organ transplant than in “Opt-out” countries.

The dismantling of deceased organ donation programs is also preferred to live organ donation, which is also common in transplantation programs, but is conjoined with more risks, like post-operational infections.

Nevertheless, when looking at examples like Spain, one should remember that the “Opting-Out” method is only effective in an environment with optional transplantation infrastructure.

iii) Legalization of organ trade

With an acute shortage of donated organs and hundreds of ill people stuck on waiting lists, one of the “obvious solutions” at hand is the notion to allow the

buying and selling of organs. Organ trade produces millions of dollars in yearly profit, which if legalized, governments could heavily profit from, considering the potential revenue of taxes and the strengthening of international fiscal relations. Countries like Iran have legalized it in the past and have lowered the need for organ transplants. However, corruption in the Iranian legal organ trade still exists.

In the wake of considering the legalization of organ trade, one still has to consider the ethical factors that are connected with this issue. Like Luc Noel, a WHO coordinator for essential health technologies in Geneva once said: "Rich people have no reason to sell a kidney. That is the flaw that is unacceptable in any scheme involving purchasing a kidney: it's exploitative."

As already mentioned before in the Guiding Principles of the WHO, it is said that payment for organs is likely to take unfair advantage of the poorest and most desperate vulnerable groups, conveys the idea that some persons lack dignity and are objects to be used by others for own needs. The discrepancy following the legalization between the rich and the poor is debatable, as only wealthier groups could take advantage of this situation and possibly exploit groups in desperate need for financial rewards. With the help of proper legal guidelines and rules, the legalization could still be one of the ways to improve the current situation and strengthen economic ties.

7. Questions You Should Consider

While researching for your statement and draft resolution, keep in mind to what the country you have been assigned to has done in the past in terms of organ transplantation and its current legal framework for donation of organs. Moreover, here are some questions that we might stumble across during our debate.

- How can one raise awareness on organ transplantation and donation, also considering the population with little to no access to education, mass media and medical information?
- How can nations increase the amount of legal organs used in organ transplantations?
- What role does technical staff (i.e. doctors, surgeons, medical professionals, insurance companies etc.) play in illegal organ trade?
- Should one opt for a complete ban and prosecuting offenders or controlled trade with a set legal framework (national and international)? What are the pros and cons?
- How can one protect extremely poor and financially desperate populations from getting exploited by organ trade?



- Should humans have the right to sell parts of their body and have complete autonomy over it?
- How can one facilitate the cooperation between governments, health organizations and populations in terms of organ trade? How might this improve the current situation?
- How can the United Nations stop a rebound of illegal organ trade in the future?

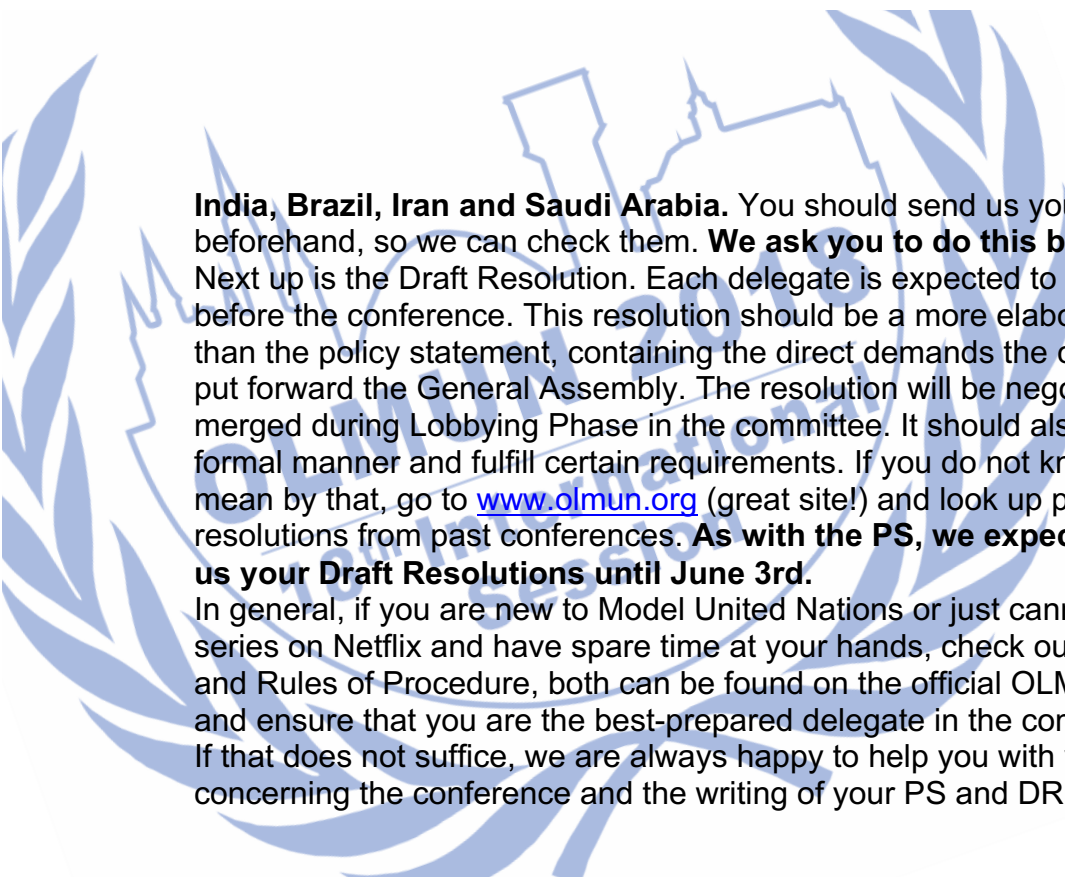
8. What Should I Do Next?

First and foremost: **START EARLY**. The earlier you will begin your research, the better the results will be. The knowledge we provide to you with this Committee Guide will not be enough and individual research is indispensable. We know, in a time of Memes, Netflix and YouTube it is hard sometimes to work consistently and procrastination has become an international issue (maybe we should debate about that next time?), however if you want to inform yourself adequately and participate in the debate properly, we recommend starting your examination on illegal organ trade out of your country's perspective as early as possible. This includes using a **variety of sources** for your research to get a comprehensive understanding. You might want to check out the links, which we included in this Committee Guide to get a hold on what has been done on a global level concerning the topic. Nevertheless, make sure to use diverse information to back up your knowledge. **ATTENTION:** using Wikipedia might be a good start for your research, but you know what is even better? Using the sources at the bottom of the page for further investigation!

Subsequently, we just want to quickly remind you to ensure that whatever your personal opinion on the issue is: you are expected to present your country's position on the topic, no matter how problematic it is. Model United Nations are a certain form of a play and the more convincing you portray your delegation, the more fun we will have.

Next step, what should you even do with all of your gained information? **Prepare a policy statement and a draft resolution.** Don't know what that is? Well, a policy statement is a brief statement of a country's position and opinion on the issue at hand, as well as a short description of the policies and ideas the delegation wants to put forward. Length-wise, this should not exceed a page of text and contain an **introduction** (What country are you representing? What topic are you addressing? In what ways is your country involved?...), **main part** (What issues and achievements are vital to your country? Why?) and a **conclusion**, which is basically a summary of the aforementioned.

Make sure to compose it as a speech, so that in the beginning of the debate you are prepared to present in front of the committee. Not every delegate will have to go through this, but keep in mind that **we at least expect all delegations of the P5 to present their PS as well as the delegation of**



India, Brazil, Iran and Saudi Arabia. You should send us your statements beforehand, so we can check them. **We ask you to do this before June 3rd.** Next up is the Draft Resolution. Each delegate is expected to write a DR before the conference. This resolution should be a more elaborate document than the policy statement, containing the direct demands the country wants to put forward the General Assembly. The resolution will be negotiated and merged during Lobbying Phase in the committee. It should also be written in a formal manner and fulfill certain requirements. If you do not know what we mean by that, go to www.olmun.org (great site!) and look up passed resolutions from past conferences. **As with the PS, we expect you to send us your Draft Resolutions until June 3rd.**

In general, if you are new to Model United Nations or just cannot find a good series on Netflix and have spare time at your hands, check out the Handbook and Rules of Procedure, both can be found on the official OLMUN website and ensure that you are the best-prepared delegate in the committee ;) If that does not suffice, we are always happy to help you with your questions concerning the conference and the writing of your PS and DR.

We know, this might all seem a little overwhelming and over-the-top, but remember: **the more serious you take your preparation, the more fun the debate will be.** Nobody is interested in a session, where only 7 of the 150 delegates are actively participating and if you already made the effort to show up, what harm is there in using your time, getting up on the podium and practice your debating and English skills? Try it, we promise it will be totally worth it.

See you all in June,

David, Keno and Alexandra

9. Sources And More Information

Declaration of Istanbul:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2813140/>

WHO Guiding Principles on Human Cell, Tissue and Organ Transplantation:

http://www.who.int/transplantation/Guiding_PrinciplesTransplantation_WHA63.22en.pdf

Bulletin of the WHO; The state of the international organ trade: a provisional picture based on integration of available information:

<http://www.who.int/bulletin/volumes/85/12/06-039370/en/>

WMA Statement on Organ and Tissue Donation:

<https://www.wma.net/policies-post/wma-statement-on-organ-and-tissue-donation/>



The Washington Post Article:

https://www.washingtonpost.com/news/monkey-cage/wp/2016/12/07/organ-traffickers-lock-up-people-to-harvest-their-kidneys-here-are-the-politics-behind-the-organ-trade/?utm_term=.d71a1ed87f0d

World Health Assembly Human organ and tissue transplantation WHA63.22

http://apps.who.int/gb/ebwha/pdf_files/WHA63/A63_R22-en.pdf

Human Trafficking for the Removal of Organs and Body Parts, United Nations Global Initiative to Fight Human Trafficking

<https://www.unodc.org/documents/human-trafficking/2008/BP011HumanTraffickingfortheRemovalofOrgans.pdf>