

The Republic of Uganda

Positions for the Commission on Crime Prevention and Criminal Justice

I. Addressing the Trafficking of Fraudulent Medicines across International Borders

As a country that has experienced great progress in development over the last several decades, the Republic of Uganda is deeply concerned with the negative impact that the trafficking of fraudulent medicines across international borders has had on development and the potential for such practices to hinder further progress in our nation. Uganda wishes to pursue a set of policies that focus on the development of more efficient ways of *tracking the supply* of fraudulent medicines and enforcement of *stricter punishments* for offenders. As noted in Uganda Vision 2040, projections indicate that Uganda will reach first-world country status in the next fifty years. Our achievements are demonstrated, in part, by our success in achieving, or being on track to achieve, ten targets of the Millennium Development Goals such as to eradicate extreme poverty and hunger. While the fight against malaria has also been met with great success, our position as a least-developed country makes us more susceptible to the negative impacts of fraudulent trafficking. As one of the world's most impacted countries by diseases such as HIV/AIDS and malaria, we must import medicines in large volumes, and our concern that counterfeit medicines introduce the potential of developing new dangers such as drug-resistant parasite are heightened by the fact that we do not have adequate resources to care for our sick and must therefore rely heavily on foreign aid to heal our people. We must achieve a delicate and difficult balance between keeping fraudulent medicines out of our borders and letting generic medicines in, lest we suffer deaths that could be avoided. In order to build on the progress we have made in development, we must continue to improve our socioeconomic situation, which is made more difficult as local suppliers are hurt by the influx of cheap, substandard medicines. Uganda is only one of three countries in Africa that have prequalified drug manufacturing companies, which are subject to the Guidelines on Variation to a Registered Pharmaceutical Product of the National Drug Authority, revised in 2013 and due for review in 2016. We humbly encourage other Member States to enforce similar, frequently updated regulations. The Anti-Counterfeit Bill 2010, whose draft proposed a penalty of 10 times the cost of the counterfeit product is tabled an under discussion in Uganda. One concern is that inadequate funds make surveillance a difficult task within our nation and with such a high demand for medicines, the large volumes of medicines entering our borders are nearly impossible for us to monitor. However, developed countries that have the resources to do so are encouraged to enforce similar measures.

Uganda recognizes the great difficulty of preventing the trafficking of fraudulent medicines. Since the greatest difficulty is detecting the quality of the medicines, once the medicines have reached ill and uninformed consumers, the problem is nearly impossible to resolve. Also, much of the time it is difficult to track the trafficking of fraudulent medicines, especially because falsification can occur at any stage of the supply chain without other participants knowing. Finally, Uganda would like to stress that before any significant resolutions can be formulated, it is essential that the Commission agrees upon and encourages the WHO to endorse a single term and definition for speaking about this topic in official UN documents. Uganda would prefer to adopt the broad term "fraudulent medicine," and for this term to encompass "spurious/falsely-labeled/falsified/counterfeit medical products," expressions which were preferred at the May 2012 World Health Assembly. Finally, because brand name medicines are unaffordable for most of our nation's ill people, when agreeing upon terminology, Uganda would like to stress that it is essential that the language does not inhibit the availability of generic versions of expensive medicines.

We ask that this Commission, in accordance with Resolution 20/6, identifies Uganda and other vulnerable developing countries in the African Union as areas prone to be targeted by traffickers. We call for an increase in cooperation between Member States and for the mutual support for nations like Uganda, where the impact of the trafficking of fraudulent medicines is the greatest, while the resources to address the problem are most inadequate. Uganda believes that since the trafficking of fraudulent medicines is a complex global issue, an efficient way to carry out research would be to assign narrow areas of research to various UN organizations. Specifically, we encourage the UNODC, invited by Resolution 20/6 to strengthen their research, to develop efficient ways to test the quality of medicines and track the supply chains originating in Asia, where most of the supply of substandard medicines originates. As the host country of the organization, Uganda encourages UNAFRI, whose self-declared mission is "to identify, analyze and bring to the attention of African governments trends and patterns of criminality, their interfaces with other phenomena and processes and provides options for development of more viable crime prevention and criminal justice strategies," and whose research is currently heavily focused on various forms of trafficking, to refocus on the trafficking of fraudulent medicines in Africa. While the Republic of Uganda understands and appreciates that the WHO is currently developing a survey to this end, we emphasize that there is a still greater need for more reliable data.

II. Assessing Measures of Combating Maritime Piracy

For thousands of years the sea has been a primary means of facilitating trade amongst nations. As a landlocked country, we understand the importance of the safety of the sea in order to ensure quick and reliable access to our trading partners. The Gulf of Aden is generally the quickest route for more than 20,000 vessels travelling from Asia to the Americas and Europe.ⁱ However, the Gulf of Aden, which is home to the Somali coastline, has continually recorded the most accounts of piracy attacks. Over the past three years, the Republic of Uganda has played a significant role in the decline of maritime piracy incidence on the coast of Somalia. There are still significant threats of piracy in the Gulf of Aden but recently, the Gulf of West Africa has become a great target due to large transportation of natural resources such as oil. As a result Southern African seas are increasingly becoming more attractive and reliable trade routes for private firms but unfortunately this dramatically increases shipping costs for us as a nation.

Even with the large reduction of maritime piracy incidences, the Republic of Uganda continues to stress the importance of increasing security both at sea and at the ports of coastal states. In 2010, we proposed a plan to the African Union (AU) and to the Security Council to increase the number of troops on the ground in Somalia more so than adding more navies at sea. The political and economic instability in Somalia poses great difficulties in the management of criminal activities within its territorial limits while threatening the security of other regional Member States. We believe that in the case of Somalia, increasing troops on the ground will be cheaper and more effective than naval counter piracy measures that we have focused on so far considering most of the problems start on the ground. As James Mugume, the permanent secretary at Uganda's foreign ministry stated, "The concept of operation we presented to the Security Council is: let's take over the territory of Somalia. Let's block the ports ... and the issue of piracy will automatically be reduced." The Republic of Uganda has several troops on the ground and marines standing guard off the coast of Somalia. This month alone we deployed hundreds of extra troops to Somalia and we urge Member States to make similar strides in order to aid the African Union Mission to Somalia (AMISOM) in their efforts to stabilize the nation.ⁱⁱ

As a non-coastal state that is still severely affected by acts of piracy in near coastal regions, the Republic of Uganda calls upon Member States to consider a re-evaluation of the jurisdictions brought about by United Nations Convention on the Law of the Sea (UNCLOS). We propose that sub-regional agency be given more jurisdictions within territorial limits of coastal states in order to improve security. Ensuring that both domestic and international laws regarding the criminalization of pirate activities are clearly set in place is crucial. As we have seen in Somalia, allowing a state to solely govern a part of the sea imposes a burden on other nations that depend on that coastal port for trade. Uganda calls upon the African Union to continue to support sub-regional agencies like the Economic Community of West African States (ECOWAS) which has Member States that are most severely impacted by issues of maritime piracy in Africa. Uganda continues to support other Member States surrounding the region in their attempts to find technical assistance to fund programs that ensure safety of the coasts of Africa.

We emphasize that the sea is also means by which people engage in fraudulent activities including illegal arms and drug trafficking which are current issues of concern to this committee and other committees represented by fellow members of our delegation. Dealing with issues regarding the law of the sea is of paramount importance and must be addressed on a multinational platform. We recognize that the challenges are not confined to individual countries. As stated by Asuman Kiyingi, State Minister for Regional Cooperation in the Ugandan Cabinet, "They are spread across the region and therefore require some level of integrated defense/security in order to effectively contain them." Combating maritime piracy requires more collaboration and coordination amongst UN agencies, regional agencies, governments and private firms. At the African Union assembly held in Kampala, Uganda in July 2010 [Decision Assembly/AU/ Dec.294 (XV)] Member States lent their support towards the elaboration of efforts to integrate maritime management within the continent. Hence, we call upon agencies like the International Maritime Organization (IMO), United Nations Office on Drugs and Crime (UNODC), Maritime Organization of West and Central Africa (MOWCA), and all UN Member States to work together with other private initiatives in furthering these efforts and foster cooperative strategies of reducing threats at sea. The Republic of Uganda reaffirming CCPCJ Resolution 20/5 encourages more multilateral and bilateral cooperation in order to enhance the ability of the international community to efficiently fight against any transnational organized crime at sea.

ⁱ Press TV: "French court jails 3 Somali pirates to 9 years each."

<http://www.presstv.com/detail/2013/10/19/330138/french-court-jails-3-somali-pirates/>

ⁱⁱ Nicholas Bariyo "Uganda Set to Deploy Hundreds of Extra Troops to Somalia," Wall Street Journal <http://online.wsj.com/news/articles/SB10001424052702304585004579414782761616084>