Prioritising Healthcare in the Implementation of the AfCFTA

TRALAC Annual Conference 2021

Dr. Ify Ogo

23 July 2021
COVID–19 health crisis led to economic contractions and social dislocations

Health considerations cut across implementation of the AfCFTA
Health in the AfCFTA: Goods

Tariffs
- Medicines
- Hospital/laboratory/personal protective equipment

Non-tariff barriers
- Eliminating/reducing tariffs on made in Africa health +pharma products
- Cooperation on standards - mutual recognition of products by standards authorities
- Trade infrastructure: cold rooms/cold trucks, storage
Healthcare professionals in Professional Services – Business/Professional Services Sector

1. Business Services
A.h. Medical and Dental Services
A.i. Veterinary Services
A.j. Services provided by Midwives, Nurses, Physiotherapists and Para-Medical Personnel.
A.k. Other

8. Health Related and Social Services
A. Hospital services 9311
B. Other Human Health Services 9319
C. Social Services 933
D. Other

16 Countries have made commitments at the World Trade Organisation
- Sierra Leone = commitments in all four sub-sectors.
- Botswana, the Gambia, Lesotho, Liberia, Seychelles and South Africa = commitments in three sub-sectors.
- Burundi, the Democratic Republic of the Congo, Malawi and Zambia = commitments in two sub-sectors.
- Cabo Verde, Eswatini, Guinea, Rwanda and Senegal = commitments in one sub-sector.

9 Countries have made commitments at the World Trade Organisation
- Sierra Leone has made commitments in all four sub-sectors.
- The Gambia, Liberia and Seychelles = three sub-sectors.
- Burundi, Malawi and Zambia = commitments in two sub-sectors.
- Eswatini and Guinea = commitments in one sub-sector.
Health in the AfCFTA: Investment and Competition

Investment

- Hospitals
- Laboratories
- Education/Skills Training
- Research/Development
- Production facilities: equipment, pharmaceuticals
- Health-related trade infrastructure

Competition Policy

- Avoid predatory practices
- Limit price fixing
- Support fair competition between businesses
- Promote good quality products
Health in the AfCFTA: Intellectual Property

Descriptions of types of Intellectual property rights

- International Union for the Protection of New Varieties of Plants (UPOV); WIPO Utility Models

**Patents**: exclusive right granted for an invention, a product or process that provides a new way of doing something, or that offers a new technical solution to a problem.

**Trademarks**: distinctive signs that identify goods or services of one enterprise as different from those of another.

**Industrial designs**: ornamental or aesthetic aspects of an article, such as those applied to electric appliances, watches, jewelry, handicraft and textile goods.

**Geographical indications**: used on goods that have a specific geographical origin and possess qualities or a reputation due to that place of origin.

**Copyright and related rights**: grant authors, artists and other creators protection for their literary and artistic creations, generally referred to as "works".

**Plant variety protection**: "plant breeder's right", is granted to the breeder of a new plant variety.

**Utility models**: similar to patent for incremental inventions.

World Trade Organization
Trade Related Aspects of Intellectual Property Rights

African Regional Intellectual Property Organization

Organisation Africaine de la Propriété Intellectuelle

Pan-African Intellectual Property Organization

Arrangements in Regional Economic Communities
Health in the AfCFTA: E-Commerce/Digital Trade

**E – Consultations**
- ‘Virtual’ Doctor’s Consultations - Mode 1 - Business/Professional Services

**Cross – Border Trade in Medical Goods**
- Import – export of products (medicines, equipment..) within Africa – transactions/payments on e-channels

**Digital Services**
- Health trackers, apps and software as a service used by individuals and businesses (e.g. hospital/pharmacy management, patient IDs..)
Summary

**Goods:**
- Prioritize medical/pharmaceutical products for elimination of tariffs
- Mutual recognition arrangements for medical products

**Services:**
Market access commitments affecting the mobility of health professionals and firms

**Investment**
- Incentives and protections for health-related investments

**Digital Trade/E-Commerce:**
- Digitally supplied services related to health - Goods purchased via e-channels

**Intellectual Property**
- Accounting for policy objectives, limitations and instruments

**Competition Policy**
- Clear rules
- Monitoring and enforcement

Building on progress at regional level/learning from limitations encountered

Visa rules

Finance and Insurance

Cross-border data flows

Taxation

Regulation
Thank you for listening

Any Questions?