

## **Access to Affordable Drugs: Morocco's FTA Implementation Must Not Negatively Affect The Poor**

### **United Nations Committee Strongly Urges Morocco to Evaluate the Impact of the US-Morocco FTA on the Enjoyment of Economic, Social and Cultural Rights in the Country**

#### **Information Note 4**

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Morocco came under review last month by the United Nations Committee on Economic, Social and Cultural Rights. During this process, the UN Committee raised concerns about the effects of the United States – Morocco Free Trade Agreement (FTA) on access to affordable medicines and the enjoyment of the right to health in the country.

In its final recommendations to the Moroccan government made public in French on 19 May 2006, the UN Committee strongly urged the State to take into account its human rights obligations in all aspects of trade negotiations. Moreover, the Committee called on the State to undertake an evaluation of the impact of the FTA on the economic, social and cultural rights of the population, with a particular focus on the poorest and most vulnerable groups.

The US – Morocco FTA came into force on 1 January 2006 despite strong resistance from national and international civil society groups. This agreement includes intellectual property rules that dramatically limit Morocco's ability to manufacture, sell or import generic medicines or buy medicines under patent that are cheaper elsewhere. Also, it prevents Morocco from amending its legislation to fully use all the flexibilities reaffirmed by the WTO Doha Declaration on TRIPS and Public Health.

During the UN Committee's review of Morocco on 10 and 11 May 2006, a Committee member directly questioned the Moroccan government on the trade negotiations. He asked if the Moroccan government had taken into consideration its obligations under the International Covenant on Economic, Social and Cultural Rights (ICESCR) when initiating FTA negotiations. He also asked whether the government had realised the effects of the trade rules on Covenant rights when signing the agreement.

In response, the Moroccan delegation stressed the fact that they had signed "side-letters" to the FTA reaffirming the State's ability to take measures to protect public health. However, in the light of the legal uncertainty surrounding such side-letters' ability to override the effect of the trade rules in the core FTA, the Committee recommended that Morocco undertake an impact assessment of the entire agreement on the enjoyment of economic, social and cultural rights of the population.

The ICESCR is an international human rights treaty that has been ratified by 153 parties – a notable exception is the United States. However, the fact that the United States has signed the treaty obligates it to refrain from taking measures that prevent other parties from complying with their commitments.

Morocco, as member of the Covenant is bound to respect, protect and fulfil the right to health under article 12 of the ICESCR and must therefore take all appropriate measures to ensure access to affordable medicines for all, without discrimination.

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**3D -> Trade - Human Rights -Equitable Economy (3D) encourages decision-makers and civil society groups to use the recommendations of the Committee on Economic, Social and Cultural Rights as a tool to ensure that rules in trade agreements do not undermine access to affordable medicines and the enjoyment of all economic, social and cultural rights.**

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3D's country briefing on Morocco can be downloaded in English and French:

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