# 1AC (5:15)

## Contention 1 - Developing Countries

3:15

#### Continued increases in IP protections limit access to medicine in socioeconomically disadvantaged countries

**Jung and Kwon 15** [Jung, Youn, Institute of Health and Environment, Seoul National University, Seoul, Republic of Korea and Soonman Kwon, School of Public Health, Seoul National University, Seoul, Republic of Korea, July 2015, “The Effects of Intellectual Property Rights on Access to Medicines and Catastrophic Expenditure,” *International Journal of Health Services, vol. 45*, no. 3, pp. 507–29. DOI.org (Crossref), doi:10.1177/0020731415584560]/ Triumph Debate

\*IPR = Intellectual Property Rights

Discussion This study investigated how the national level of IPR is associated with individuals’ access to medicines and households’ experience of catastrophic expenditure for medicines. **First, our results show that higher level of IPR is associated with low access to prescribed medicines. This adverse relationship between IPR and access to medicines is significant even after controlling for country income level and individuals’ socioeconomic status and demographic characteristics**. Adding other variables, which reflect the characteristics of each country’s healthcare system, in the model did not change the significant effect of IPR on access to medicines, although the magnitude of the effect slightly decreased. **These results imply that strengthened IPR for pharmaceuticals is functioning as a barrier to people’s access to medicines. Even though each country’s policy efforts, such as [after]  strengthening the infrastructure of healthcare provision and increasing the public expenditure for healthcare, have contributed to offsetting the negative impact of IPR on medicine utilization to some extent, the effect of IPR was still significant.** Our results also show that IPR exerts an influence on medicine utilization only in countries above a certain income level. We did not observe the significant effect of IPR on access to medicines in low-income countries where GDP per capita is below $1000, whereas it was negatively associated with access to medicines in middle-income countries. These results are more likely to be related with access to healthcare, which is the premise of utilizing the prescription drugs. This study only included the population for whom medicines were prescribed when they visited health care providers, excluding the population who could not see healthcare providers even though they were in need. Given that a greater number of people are suffering from poor access to healthcare in low-income countries than in middle-income ones, no association between IPR and access to 524 International Journal of Health Services 45(3) medicines in low-income countries is more likely to be explained by this kind of sample selection problem. Furthermore, a gap between rules and practice in the enforcement of IPR may contribute to the non-significant impact of IPR in low-income countries. As Shadlen and colleagues pointed out,41 low-income countries may have a large gap between rules and reality with regard to IPR, considering their limited resources for implementation and enforcement of IPR. The GP index that we used as an index of IPR in this study was developed by a text-based approach using the existing legal and institutional arrangements for patent systems, so it may not show us the full picture of actual protection level for IPR. Thus, we cannot exclude the possibility of this type of measurement error in low-income countries. We also found that those who live in rural areas have better access to medicines than those who live in urban areas. This may be related to sample selection process. Rural areas are likely to have inferior healthcare infrastructure, so rural residents have more difficulties in utilizing healthcare service. Because rural residents included in this study are those who visit healthcare providers despite this barrier, it is possible that they have more propensity to use healthcare, including prescribed medicines, than urban residents. This possibility is supported by the result that the coefficient of rural residence is bigger and significant in lowincome countries, but not in middle-income countries, because the difference in healthcare infrastructure between rural and urban areas would be bigger in low-income countries than in middle-income ones. Next, our results show that the effects of the national healthcare system on access to medicines are not the same across countries with different income levels. Although essential medicines lists and the number of doctors had positive significant relationships with access to medicines in low-income countries, only a public share of total health expenditure had a significant impact in middleincome countries. This suggests that the main types of access barrier that countries face are different according to their income level. Middle-income countries tend to suffer from nonaffordable price of medicines rather than availability problems, whereas low availability of essential medicines is a more serious issue for low-income countries. Last, our results show that IPR is not associated with households’ catastrophic expenditure for medicines even though it is significantly associated with access to prescribed medicines. This is due to the possibility that many people cannot purchase medicines at all because of their poor purchasing capacity and the high price of medicines. As a result, they are likely to be excluded from the analysis. **Accordingly, the results of this study provide strong empirical evidence for the linkage between IPR and access to medicines in developing countries. As we hypothesized, strengthening IPR led to lower access to medicines in developing countries, and particularly lower access for the poorest of the poor. This result Jung and Kwon 525 supports previous theoretical debate that patent protection may result in welfare loss in developing countries**.6,18,42

#### Reducing IP solves both scenarios and WTO IP rules are a barrier to scaled-up medicine production.

**Pandey 21**. [(Ashutosh Pandey) “Rich countries block India, South Africa's bid to ban COVID vaccine patents,” DW, April 2, 2021. [https://www.dw.com/en/rich-countries-block-india-south- africas-bid-to-ban-covid-vaccine-patents/a-56460175](https://www.dw.com/en/rich-countries-block-india-south-africas-bid-to-ban-covid-vaccine-patents/a-56460175)

The World Trade Organization (WTO) talks on a proposal by India and South Africa to temporarily suspend intellectual property (IP) rules related to COVID-19 vaccines and treatments hit a roadblock on Thursday after wealthy countriesbalked at the idea,Germany's dpa news agency reported. The two

developing countries say the IP waiver will allow drugmakers in poor countries to start production of effective vaccines sooner. India and South Africa had approached the global trade body in October, calling on it to waive parts of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). The suspension of rights such aspatents,industrial designs,copyright and protection of undisclosed information would ensure "**timely access to affordable medical products including vaccines and medicines or to scaling-up of research, development, manufacturing and supply of medical products essential to combat COVID**-19," they said. The proposal was vehemently opposed by wealthy nations like the US and Britain as well as the European Union, who said that a ban would stifle innovation at pharmaceutical companies by robbing them of the incentive to make huge investments in research and development. This would be especially counterproductive during the current pandemic which needs the drugmakers to remain on their toes to deal with a mutating virus, they argue. The WTO talks are taking place as some wealthy countries face criticism for **cornering billions** of COVID shots — many times the size of their populations — while **leaving poor countries** struggling for supplies. **Experts say the global scramble for vaccines, or vaccine nationalism, risks prolonging the pandemic.** "We have to recognize that this virus knows no boundaries, it travels around the globe and the response to it should also be global. It should be based on international solidarity," said Ellen 't Hoen, the director of Medicines Law & Policy — a nonprofit campaigning for greater access to medicines. "Many of the large-scale vaccine manufacturers are based in developing countries. All the production capacity that **exists should be exploited**…and that does require the sharing of Not enoughproduction capacity Supporters of the waiver,which includedozens of developing and least-developedcountries and NGOs, said the WTO's IP rules were acting as a **barrier to urgent scale-up of production of vaccines** and other much needed medical equipment in poor countries. Relaxing those standards are wholly necessary.

#### This has a few key impacts:

#### 1] The current framework for patent protections privileges socioeconomically advantaged nations, creating a global system of structural violence that entrenches dependency and crushes the capacity of developing countries to innovate.

**Moszynski 11** [Peter Moszynski- researcher for Globewise Communications, Feb 2011, “New Patent Rules Boost Profits While Safe Drugs Elude the World’s Poor, Says Oxfam,” *BMJ, vol. 342*, p. d815. www.bmj.com, [https://doi.org/10.1136/bmj.d815]/](https://doi.org/10.1136/bmj.d815%5d/) Triumph Debate

**The proliferation of substandard drugs is being used as an excuse to tighten rules on IP, boosting the profits of large drug companies while making it harder for poor people to get access to the treatments they need and forcing them into onerous debt. A report, launched in Paris this week in association with Interpol and the World Intellectual Property Organization, says that more than two billion people “lack regular access to affordable and quality medicine.”**

#### [B] This costs lives – South Africa empirically proves

**Crook 05** [Jamie Crook- director of litigation for the Center for Gender and Refugee Studies, 2005, “Balancing Intellectual Property Protection with the Human Right to Health,” *Berkeley Journal of International Law* *23*(3), 524-550, [https://lawcat.berkeley.edu/record/1119803?ln=en]/](https://lawcat.berkeley.edu/record/1119803?ln=en%5d/) Triumph Debate  
  
\*ARV = Antiretroviral

In 2003, the Human Immunodeficiency Virus (HIV) newly infected an estimated five million people worldwide; three million died of complications related to Acquired Immunodeficiency Syndrome (AIDS). 2 Since its discovery in the 1980s, AIDS has killed twenty-two million people worldwide, leaving thirteen million AIDS orphans. 3 The Joint United Nations Programme on HIV/AIDS (UNAIDS) estimates that between thirty-four and forty-six million people around the world are living with the condition.4 While sub-Saharan African states have suffered the worst epidemics to date, UNAIDS and the World Health Organization (WHO) predict new outbreaks in North Africa, India, China, states in Central Asia, and the Baltic states.5 HLV/AIDS rates in Latin America are also rising.6 Globally, costly anti-retroviral drugs that prolong the lives and improve the health of [the] infected individuals do not reach the almost 90% of HIV/AIDS patients living in the poorest 10% of the world's countries. South Africa's experience with the AIDS crisis provides a representative example of the deadly combination of poverty and patent protection in the context of public health disasters. With less than 2% of the global population, South Africa is home to 30% of the world's HIV/AIDS-infected people and to 80% of those patients who cannot afford their own healthcare. 8 Though effective generic anti-retroviral drug therapies can sell for as little as $140 for one year's supply, patent protections prevent their sale in most developing countries.9 According to a lawyer for South Africa's Aids Law Project, "[i]n South Africa, tens of thousands of people are dying every year because excessive prices are charged for life-saving anti-retroviral medicines." 10 The worst is probably yet to come for South Africa, where lack of access to effective medication will facilitate the rapid spread of AIDS-related deaths over the next five years.1 1 In 2003, UNAIDS and the WHO determined that the immediate implementation of a national anti-retroviral program in South Africa would "significantly cushion the country against the impact" of the AIDS crisis. 12 Nevertheless, as of October 2003, no generic anti-retrovirals were available in South Africa, desrite the plentitude of successful generic versions produced in India and Brazil.' , HIV/AIDS patients in South Africa and throughout the global South would substantially benefit from the increased affordability of generic anti-retroviral drug therapies. Yet in 2002, out of an estimated twenty-eight million people in sub-Saharan Africa living with HIV/AIDS, only 50,000 people, or less than 0.2%, had access to such treatment. 14 This limited access largely results from patent protections held by multinational pharmaceutical corporations that maintain inflated drug prices and severely restrict the generic manufacture of anti-retrovirals. 1 Drug-patent supporters argue that patents guarantee profit returns, which in turn enable continuing research and development. Public health advocates counter that the unfolding AIDS catastrophe requires a more immediate palliative than the distant hope of discovering a cure or treatment, neither of which would likely be any more accessible to infected populations than current patented drug therapies. Tensions between intellectual property protection and the health needs of their impoverished people plague the leaders of developing states, who fear endangering trade relations with wealthy states should they violate the patent rights enforced through various international agreements. 16 This paper will explore whether existing international law creates a right to health that includes a right to generic, or at least affordable, anti-retroviral treatment, enforceable against state and non-state actors seeking to maintain patent protection. It will further consider whether relaxing patent protection is a feasible means toward the ultimate goal of substantially increasing access to anti-retroviral treatment. AIDS is a global threat with unique impacts on many regions; this paper will focus Iprimarily on the impact of U.S. patent-protection policy in sub-Saharan Africa. 1 ' Part I presents the need for increased access to anti-retroviral treatment. Part II examines patent-related barriers to access. Part III summarizes sources of international law that suggest the existence of a right to health that would be enforceable against both domestic governments and third parties, such as other states and multinational corporations. Part IV turns to policy arguments that might encourage wealthier states to take proactive measures to increase access, even at the expense of patent protection. Part V suggests methods for easing patent restrictions that would be consistent with the goal of immediately increasing access to anti-retroviral drug therapy for the world's poorest and most vulnerable HIV/AIDS victims.

#### 2] Future pandemics will become 10x more deadly – we need to build a system that can spread vaccines faster

**Ceballos 5/27** Gerardo Ceballos [PhD, Dr Gerardo Ceballos is an ecologist and conservationist at the Universidad Nacional Autonoma de Mexico. He is particularly recognized for his influential work on global patterns of distribution of diversity, endemism, and extinction risk in vertebrates. He is also well-known for his contribution to understanding the magnitude and impacts of the sixth mass extinction.], 5/27/21, “THE SIXTH MASS EXTINCTION AND THE FUTURE OF HUMANITY”, Population Matters,<https://populationmatters.org/news/2021/05/sixth-mass-extinction-and-future-humanity>

Somewhere, sometime in late 2019, a coronavirus from a wild species, perhaps a bat or a pangolin, infected a human in China. This could have been an obscure event, lost without trace in the annals of history, as it is very likely this has occurred many times in the last centuries. But this particular event was somehow different. The coronavirus became an epidemic first and a pandemic later. Covid-19 became the worst pandemic since the Spanish flu in 1918. The horrific human suffering it has caused, and its economic, social and political impacts, are still unraveling.

The reason Covid-19 and more than forty other very dangerous viruses, such as Lassa fever, HIV and Ebola, have jumped from wild animals to humans in the last four decades is the destruction of natural environments and the trafficking and consumption of wild animals.

The wildlife trade is to satisfy the insatiable and extravagant demand for these species in the Asian market, in countries such as China, Vietnam and Indonesia. The illegal wildlife trade is a gigantic business. It is as lucrative as the drug trade, but without the legal implications. The immense appetite of China and other Asian societies for exotic animals has promoted exponential growth in trade and profits. Wild and domestic animals sold in “wet markets” are kept in unsanitary and unethical conditions. There, feces, urine and food waste from cages at the top spill into cages at the bottom, creating the perfect conditions for viruses to leap from wild animals to domestic animals and humans. Thousands of wildlife species or their products are traded annually.

Wildlife trade is one of several human impacts, including habitat loss and fragmentation, pollution, toxification and invasive species, that have caused the extinction of thousands of species and threaten many more. Indeed, most people are unaware that the current extinction crisis is unprecedented in human history. Extinction occurs when the last individual of a species dies. The UN recently estimated that one million species, such as the panda, the orangutan and the Sumatran rhino, are at risk of extinction.

The second finding is that population extinctions, which are the prelude to species extinctions, are occurring at very fast rates (Ceballos et al., 2017). Around 32 percent of a sample of 27,000 species have declining populations and have experienced massive geographic range contractions. Population extinctions are a very severe and widespread environmental problem which we have called “Biological Annihilation”.

Finally, our third finding indicates that the magnitude of the extinction crisis is underestimated because there are thousands of species on the brink of extinction (Ceballos et al., 2020). Those species will likely become extinct in the near future unless a massive conservation effort is launched soon.

Many times, people have asked me why we should care about the loss of a species. There are ethical, moral, philosophical, religious and other reasons to be concerned. But perhaps the one that is most tangible for most people is the loss of ecosystem services, which are the benefits that humans derive from the proper function of nature. Ecosystem services include the proper mix of gases in the atmosphere that support life on Earth, the quantity and quality of water, pollination of wild crops and plants, fertilization of the soil, and protection against emerging pests and diseases, among many others. Every time a species is lost, ecosystem services are likely to erode and human well-being is reduced.

The loss of so many ecosystems and species is pushing us towards the point of collapse of civilization from potential disease. The good news is that there is still time to reduce the current extinction crisis. The species and ecosystems that we manage to save in the next 10 – 15 years will define the future of biodiversity and civilization. What it is at stake is the future of mankind.

#### 3] Reducing IPP is key to global pandemic eradication – vaccine inequality costs $9 trillion.

**Fernholz 21**. [(Tim Fernholz is a Senior reporter) “Wealthy countries are choosing pharma profits over global immunity,” Quartz, March 15, 2021. [https://qz.com/1983767/the-wto-is- choosing-pharmaceutical-profits-over-global-immunity/](https://qz.com/1983767/the-wto-is-choosing-pharmaceutical-profits-over-global-immunity/)] TDI

So far, about **5% of the world’s population** has been vaccinated. Around a third of those vaccinated live in the US. And so while the pace of new COVID infections is falling in the US, it is **rising around the world.** The problem for public health experts is that even if the virus can be defeated in wealthy nations, its **continued persistence** in other populations could lead to **more dangerous mutations that could set back progress** toward immunity or seed new outbreaks. At a time when civil liberties have been sacrificed to public health measures, they say that corporations can contribute their fair share. “We have seen governments locking down and entire economies sequestering people in their homes,” Mustaqeem De Gama, a South African diplomat who is one of the country’s WTO representatives, said in February. “What is the problem with **intellectual property rights?** Why are intellectual property rights so special, given the fact that a lot of the innovation that we see being used today **came from government funding**.” In the end, **rich nations will sacrifice something one way or the other**. Katie Gallogly-Swan, a researcher who works with the United Nations Conference on Trade and Development, [the] estimated that the costs of vaccine inequality to the global economy could **reach $9 trillion**. And we know that the pandemic will **not be truly defeated** anywhere until it is eradicated everywhere.

## Framework

1:45

#### The standard is Consistency with Principles Derived Under the Original Position. This requires us to be placed behind a veil of ignorance.

**Freeman, 02** [Samuel, "Original Position", The Stanford Encyclopedia of Philosophy(Spring 2012 Edition), Edward N. Zalta (ed.), URL =<http://plato.stanford.edu/archives/spr2012/entries/original-position/>>.]

The remedy forsuchbiased moral judgments is to redefine the initial situation.Rather than a state of nature Rawls situates the partiesto his social contract so that they do not have access to knowledge that can distort their judgments and result in unfair principles. Rawls's original position is an initial situation wherein the parties are without information that enables them to tailor principles of justice favorable to their personal circumstances. Rawls says, “Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance” (TJ, 12/11). This veil of ignorance deprives the parties of all knowledge of particular facts about themselves, about one another, and even about their society and its history. The parties are not however completely ignorant of facts. They know all kinds of general facts about persons and societies, including knowledge of the relatively uncontroversial laws and generalizations derivable from economics, psychology, political science, and biology and other natural sciences. They know then about the general tendencies of human behavior and psychological development, about biological evolution, and about how economic markets work, including neo-classical price theory of supply and demand. As discussed below, they also know about the circumstances of justice—moderate scarcity and limited altruism—as well as the desirability of the “primary social goods” that are needed to live a good life and to develop their “moral powers.” What they lack however is knowledge of any particular facts about their own lives or other persons' lives,as well as knowledge of any historical facts about their society and its population, level of wealth and resources, etc.. Rawls thinks that since the parties are required to come to an agreement on objective principles that supply universal standards of justice applying across all societies, knowledge of particular and historical facts about any person or society is morally irrelevant and potentially prejudicial to their decision.

#### This precludes all other frameworks because only the veil ensures impartiality by removing societal biases during decision-making

#### Prefer for a few additional reasons:

#### 1] Structural violence outweighs - it is the root of all other forms of violence, including wars fought over drug supplies. Our ability to solve drug distribution disparities through benefiting the least advantaged and thus the invisible phenomenon of structural violence is an independent reason to vote AFF.

**Nixon ‘11** (Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 2-3)

Three primary concerns animate this book, chief among them my conviction that weurgently need to rethink-politically, imaginatively, and theoretically-what I call "slow violence."By slow violence I mean a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all. Violence is customarily conceived as an eventor action that is immediate in time, explosive and spectacular in space, and as erupting into instant sensational visibility. We need, I believe, to engage a different kind of violence, a violence that isneither spectacular nor instantaneous, but rather incrementaland accretive, its calamitous repercussions playing out across a range of temporal scales.In so doing, we also need to engage the representational, narrative, and strategic challenges posed by the relative invisibility of slow violence. Climate change, the thawing cryosphere, toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, anda host of otherslowly unfolding environmental catastrophes present formidable representational obstaclesthat can hinder our efforts to mobilizeand act decisively. The long dyings-the staggered and staggeringly discounted casualties, both human and ecological that result from war's toxic aftermaths or climate change-are underrepresented in strategic planning as well as in human memory. Had Summers advocated invading Africa with weapons of mass destruction, his proposal would have fallen under conventional definitions of violence and been perceived as a military or even an imperial invasion. Advocating invading countries with mass forms of slow-motion toxicity, however, requires rethinking our accepted assumptions of violence to include slow violence. Such a rethinking requires that we complicate conventional assumptions about violence asa highly visible act that is newsworthy because it is event focused, time bound, and body bound. We need to account for how the temporal dispersion of slow violence affects the way we perceiveand respond to a variety of social afflictions-from domestic abuse to posttraumatic stress and, in particular, environmental calamities. A major challenge is representational: how to devise arresting stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects. Crucially, slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded.

#### 2] Under the original position, agents would adopt policies that ensure equality of opportunity and distribution of goods

**Garrett, 12** ["John Rawls on Justice." Rawls on Justice. Western Kentucky University, n.d. Web. 06 Nov. 2012. <<http://www.wku.edu/~jan.garrett/ethics/johnrawl.htm>>.]   

A self-interested rational person behind the Veil of Ignorance would not want to belong to a race or gender or sexual orientation that turns out to be discriminated-against. Such a person would not wish to be a handicapped person in a society where handicapped are treated without respect. So principles would be adopted that oppose discrimination. Likewise, a self-interested rational person would not want to belong to a generation which has been allocated a lower than average quantity of resources. So (s)he would endorse the principle: "Each generation should have roughly equal resources" or "Each generation should leave to the next at least as many resources as they possessed at the start." The corollary of this, in rights terms, is that all generations have the same rights to resources, future as well as present. Rawls argues that self-interested **rational persons behind the veil** of ignorance **would choose** two general principles of justice **to structure society** in the real world: 1) Principle of Equal Liberty:  [so that] Each person has an equal right to the most extensive liberties compatible with similar liberties for all. (Egalitarian.) 2) Difference Principle: Social and economic inequalities should be arranged so that they are both (a) to **the greatest benefit [is for] of the least advantaged persons,** and (b) attached to offices and positions open to all under conditions of equality of opportunity. (1) is egalitarian, since it distributes extensive liberties equally to all persons. (2b) is also quite egalitarian, since it distributes opportunities to be considered for offices and positions in an equal manner. (2a) is not egalitarian but makes benefit for some (those with greater talents, training, etc.) proportionate to their contribution toward benefiting the least advantaged persons. (1) obviously echoes, without exactly duplicating, [libertarianism](http://www.wku.edu/~jan.garrett/ethics/libert.htm) in its commitment to extensive liberties. What does the Difference Principle mean? It means **that society may undertake projects that require giving some persons more** power, income, status, etc. **than others**, e.g., paying accountants and upper-level managers more than assembly-line operatives, **provided that** the following conditions are met: (a) **the project will make life better off for the people who are now worst off**, for example, by raising the living standards of everyone in the community and empowering the least advantaged persons to the extent consistent with their well-being, and (b) access to the privileged positions is not blocked by discrimination according to irrelevant criteria.

#### 3] Examinng social justice and modes of oppressing the poor leads to better portable skill

**Michalowski 10**—Raymond, Regents’ Professor of Criminal Justice at the Department of Criminology and Criminal Justice at Northern Arizona University, “Keynote Address: Critical Criminology for a Global Age,” Western Criminology Review 11(1):3-10, http://wcr.sonoma.edu/v11n1/Michalowski.pdf

As we reveal the discrepant choices through which political systems tolerate grave harms while aggressively repressing lesser ones, we contribute to peeling back the many layers of social construction that normalize domination over others. While doing so does not automatically provoke justice or limit domination, it does contribute to the formulation of new understandings and new policy options to be tried when and if the political climate surrounding justice policy undergoes significant change.

#### 4] The resolution doesn’t specify any particular government or agent out of the WTO so a hypothetical position that assumes impartiality like the veil of ignorance is most germane to the resolution.

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