# 1NC

## T—Waivers

#### Interpretation: The affirmative must defend a topical plan text under the resolution.

#### Violation: The India/South Africa plan is extra-T – the TRIPs waiver includes things other than medicines, like manufacturing.

5/25 <https://www.crowell.com/NewsEvents/AlertsNewsletters/all/Three-Takeaways-From-the-May-21-Revised-TRIPS-Waiver-Proposal>

***Second***, paragraph 1 of the revised proposal, in contrast to same paragraph in the original proposal, provides additional clarity as to the scope of the proposed waiver. Specifically, the scope encompasses “health products and technologies including diagnostics, therapeutics, vaccines, medical devices, personal protective equipment, their materials or components, and their methods and means of manufacture for the prevention, treatment or containment of COVID-19.” As in the original proposal, the scope of the revised waiver likewise applies to the implementation, application, and enforcement of TRIPS provisions regarding copyright and related rights (Part II, section 1), industrial designs (section 4), patents (section 5), and the protection of undisclosed information (section 7). The scope of potential “health products and technologies” remains unclear, not least because the specified list does not appear to be exhaustive. What is certain, however, is that the scope of the revised proposal remains broad including, among others, COVID-19 vaccines and diagnostic tests, as well as underlying manufacturing technologies, and covering various types of intellectual property. Whether, during subsequent negotiations, the scope of the waiver is reduced, such as limiting the health products and technologies or applicable TRIPS provisions, will be critical for stakeholders. Notably, Ambassador Tai’s statement earlier this month specifically reflects the Biden-Harris Administration’s support for a temporary waiver for COVID-19 vaccines only, not other health products or technologies.

#### Standards

1. **Semantics**: The topic is the only reasonable focal point for debate, anything else destroys the possibility of debate. Violating semantics justifies the aff talking about whatever has zero neg prep and destroys predictability. Also, you can’t vote for them because the ballot says to vote for the better debater in the context of the resolution.
2. **Limits**: You explode the topic since your extra-topical. Under your interp you could select a trivial aff to make prevent generic neg prep. You can’t predict what permutation of IP protections in additions to medicines they’ll ban.
3. **Topic Education**: We won’t get any education if they choose to write an aff that skirts the topic and functions outside of it, and they delineate from lots of ground on the topi

#### TVA – Defend Whole Rez with the Waivers as an advantage

**Voters for Fairness & Education**

#### Paradigm Issues

1. **Drop the Debater**:A loss deters future abuse
2. **No RVIs**
   1. The opponent shouldn’t win for being fair; Illogical to turn defensive counterinterps intro offensive voters
   2. Encourages debaters to be abusive and prep for T
   3. Because of the chilling effect, I wouldn’t initiate theory against abuse if I could lose
   4. Enables a return to substantive debate
3. **Competing Interps**
   1. Any brightline for reasonability is arbitrary, which forces unclear intervention
   2. Fosters a race to the top by promoting better norms

## K—Cap

**The pandemic has revealed the power of the TRIPS IP regime to preserve Western imperial hegemony and sustain neoliberal accumulation. Reform to this system will always fail as it was never made to be “emancipatory” but rather is circumscribed by capitalist imperialist structures driven by profit and not human need. This includes COVID waivers.**

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From the onset, the TRIPS IP regime created imbalance between innovation, market monopoly, and medicines access, because it failed to take into consideration the health burden, development needs and local conditions of the various countries that make up the WTO. This has led to several issues. First, the market monopoly of IP rights, which allows the corporation to set the market for drugs, has created a privileged societal class with access to lifesaving medication distinguishing them from those excluded from access to available medications. This phenomenon is vividly illustrated in the HIV/AIDS crisis of the 1990s and early 2000s. While HIV/AIDS patients in developed countries were able to afford antiretroviral (ARVs) treatments, which had been developed, approved and patented as early as 1987, many patients in Africa and other parts of the developing world could not afford the approximately USD 12,000 per annum treatment at that time. By 2001, approximately 2.4 million people in the region had died of AIDS. The South African government intervened to reduce the cost of ARVs by amending its domestic patent laws to allow the authorization of parallel imports of patented pharmaceuticals and to encourage the use of generic drugs, but it was sued by the US industry group Pharmaceutical Research and Manufacturers of America (PhRMA). Though the lawsuit was eventually dropped, it highlights the measures pharmaceutical corporations, backed by some national governments, are willing to take to protect their profits at the cost of human lives. Significantly, we see how law (or the threat of legal action) is used not only to protect and expand the profitability of a certain kind of property but, as Anjali Vats and Deidré Keller have taught us, also reveals IP law’s racial investments in whiteness and its continuing implications for racial (in)equality, particularly in the way it informs systems of ownership, circulation, and distribution of knowledge. Similarly, Natsu Saito takes up the analysis of IP, race and capitalism by theorizing some of the ways in which ‘value’ in IP law concentrated in the hands of large corporations is calculated in terms of its profitability rather than what it contributes to the well-being of society. However, the proverbial chickens have come home to roost as even rich countries are beginning to feel the bite of the dysfunctional IP system. The issue of excessive pricing for medicines is a growing problem in developed countries as well and has now become the single biggest category of healthcare spending in these states, particularly the US. An empirical report by I-MAK reveals how excessive pharmaceutical patenting is extending monopolies and driving up drug prices. The report, for example, notes that over half of the top twelve drugs in the US have more than 100 attempted patents per drug. Specifically, the report revealed that Humira® by AbbVie (used in the treatment of Crohn’s disease and the US’s highest grossing drug) has been issued 130 patents. The drug costs USD 44,000 annually and generated more than USD 19.2 billion for the company in 2019 alone. The Report also notes that the first patent filed for Herceptin® – used in the treatment for certain breast and stomach cancers – was in 1985 but currently has pending patent applications that could extend its market monopoly for 48 more years. Meanwhile, Celgene has over 105 patents for its oral cancer drug Revlimid® (used in the treatment of multiple myeloma) extending its monopoly until the end of 2036 – a patent lifespan of 40 years. In addition to excessive patenting and pricing, we have also come to understand the power of data in this context. Health inequity and inequalities in vaccine access are not unfortunate outcomes of the global IP regime; they are part of its central architecture. The system is functioning exactly as it is set up to do. Second, regulatory agencies worldwide require drugs to undergo safety and efficacy testing to ensure they are harmless before approval. These tests, known as clinical trials, involve human subjects and are costly because they can run up to three separate phases. The data collected during these clinical trials are the proprietary materials of the company conducting the tests. Because it is expensive and time-consuming, generic drug companies usually rely on the safety and efficacy data of brand name companies to seek regulatory approval as long as they can prove their generic version is chemically and biologically equivalent to the original. Relying on the test data of brand name companies reduces the production cost for generic medicines and allows for quicker market entry. However, recent years have seen a promotion of time-limited, legally mandated protection against the non-proprietary use of such data by generic companies. This is known as data exclusivity. Put differently, data exclusivity is a period when a generic company cannot use the clinical trial data of an innovator pharmaceutical company to receive regulatory approval for a generic medicine. In so doing, data exclusivity provides a layer of protection in addition to patent protection to further delay market entry of generic medicines. Data exclusivity periods vary depending on the jurisdiction. For example, it is twelve years in US and ten years in the EU. While the TRIPS Agreement does not create property rights over registration data, the US and the EU have continued to champion and export data exclusivity through free trade agreements, particularly for biologics. For example, the US Affordable Health Care for America Act in 2009 extended a 12-year exclusivity period for biologics. This US interpretation for registration data was also included in the United States-Mexico-Canada Agreement (USMCA), which sought a 10-year data exclusivity for new biologics. However, after intense negotiations, the data exclusivity protection was reduced to 5 years for new pharmaceuticals. In this instance, we see a crystallising of Euro-American ideas of property and a willingness to promote those property interests through the law, both domestic and international. In fact, certain scholars assert that this pursuit of higher TRIPS standards is driven, in part, by the US desire to achieve levels of protection it anticipated from the TRIPS Agreement but failed to secure. Given the influence of the industry and its representative group, PhRMA, in seeking stronger protection on a global scale, it is not surprising that the US’s post-TRIPS policies continue to rachet up standards in ways that undermine access to affordable medicines, and perpetuate social hierarchy and subordination. Third, patent practices in recent decades have seen pharmaceutical companies engaging in trivial and cosmetic tweaking of a drug whilst still reaping the benefit of 20 years of patent protection. This tweaking sometimes involves making minor changes to patented drugs, such as changes in mode of administration, new dosages, extended release, or change in color of the drug. These changes normally do not offer any significant therapeutic advantage even though pharmaceutical companies argue they provide improved health outcomes to patients. These additional patents on small changes to existing drugs, known as evergreening or patent thickets, block the early entry of competitive, generic medicines that drive medicine prices down. For example, while not mandated by TRIPS, many US led TRIPS-plus free trade agreements have expanded the scope for evergreening. These include the US-Jordan FTA (2000), US-Australia FTA (2004) as well as the US-Korea FTA (2007), which allow for the patenting of new forms, uses, or methods of using existing products. The development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. The cancer drug Gleevec®, owned by Novartis, is another example of how pharmaceutical companies often secure patents on new, more convenient versions with marginal therapeutic benefit to patients whilst blocking the entry of generic medicines. In 2013, Novartis’ patent application for Gleevec®– the β crystalline form of the salt imatinib mesylate – was rejected by the Indian Supreme Court because it lacked novelty. However, the company has secured patents for this product in other jurisdictions such as the US and has maintained a high price of Gleevec there. But in India the price of Gleevec® was reduced from approximately USD 2,200 to USD 88 for one month’s treatment in the generic drugs market as a result of the 2013 Indian Supreme Court judgement. Novartis is not the only culprit. The depression drug Effexor® by Pfizer was granted an evergreen patent when the company introduced an extended-release version, Efexor-XR®, even though there was no additional benefit to patients. Eventually, the patent was declared invalid, but by then it had already cost an estimated USD 209 million to Australian taxpayers and kept generic competition off the market for two and a half years. In another instance, Pfizer went on to secure an additional patent for the Pristiq®, which contained identical chemical compound as Efexor-XR®,and again with no added therapeutic benefit. These evergreening practices, of course, have material effects. Apart from delaying the entry of generic versions, they give brand-name pharmaceutical companies free reign in the market, which allows them to set the market price. Recent years have seen monopoly prices rise exorbitantly causing significant financial strain to patients, domestic healthcare services and even insurance companies in developed countries. A notorious example is Martin Shkreli, who in 2015 bought the rights to an anti-malarial drug, then raised the price by 5,000 per cent from a cost of USD 13.50 to USD 750. Similarly, a white paper by I-MAK shows how excessive patenting and related strategies are driving families to overspend on lifesaving medicines. Celgene, the makers of Revlimid® raised the price of the drug by more than 50 per cent since 2012 to over USD 125,000 per year of treatment. Using the example of Solvadi® by Gilead, which costs USD 84,000 per treatment, Feldman notes the drug would cost the US Department of Defense more than USD 12 billion to treat all hepatitis-infected patients in US Veterans Affairs. But the US is not alone. In Europe, expensive drugs have prompted a growing backlash against pharmaceutical corporations. Reacting to these price hikes, Dutch pharmacies are bypassing these exorbitant prices by preparing medicines in-house for individual patients. The broken IP system ranging from an extraordinarily low standard for granting patents to permissions of patent thickets around a single molecule has not only severely distorted the system of innovation, but they have also skewed access to life-saving drugs. As a result, prices for new and existing medicines are constantly rising, making essential medicines inaccessible for millions of people around the world. COVID-19, Intellectual Property and Vaccine Imperialism This brings us to the present and how this dysfunction continues to be normalised in the current pandemic. Moderna, for example, has filed over 100 patents for the mRNA technology used in its vaccine, despite receiving funds from the US government with its IP partly owned by the US National Institutes of Health. Pfizer/BioNTech have also filed multiple patents on not only their COVID-19 vaccine product, but also on the manufacturing process, method of use and related technologies even though BioNtech was given $450 million by the German government to speed up vaccine work and expand production capacity in Germany. It has become increasingly plain that IP makes private rights out of public funds while benefitting particular corporate interests. In fact, reports show the US government under Operation Warp Speed led by the US Department of Health also funded other vaccines developed in 2020 by several pharmaceutical corporations including Johnson and Johnson, Regeneron, Novavax, Sanofi and GlaxoSmithKline, AstraZeneca, and others. In spite of this boost from public funds, and with many governments wholly taking on the risks for potential vaccine side effects, drug manufacturers fully own the patents and related IP rights and so can decide how and where the vaccines get manufactured and how much they cost. As a result, taxpayers are paying twice for the same shot: first for its development, then again for the finished product. Meanwhile, a New York Times report has revealed that in some of the agreements between pharmaceutical companies and states, governments are prohibited from donating or reselling doses. This prohibition helps explain the price disparity in vaccine purchases among countries where poor countries are paying more. For example, Uganda is paying USD 8.50 per dose of the AstraZeneca vaccine while the EU is paying only USD 3.50 per dose. By prioritizing monopoly rights of a few western corporations, IP dysfunction not only continues to reproduce old inequities and inequality in health access, but helps frame our understanding about the creation and management of knowledge. And perhaps we begin to see the refusal of drug makers to share knowledge needed to boost global vaccine supply for what it truly is: an extension in capitalist bifurcation of who is imagined as a legitimate intellectual property owner and who is envisioned as a threat to the (intellectual) propertied order. Supporters and opponents of a TRIPS waiver for the COVID-19 vaccines (February 2021) Despite calls to make COVID-19 vaccines and related technologies a global public good, western pharmaceutical companies have declined to loosen or temporarily suspend IP protections and transfer technology to generic manufacturers. Such transfer would enable the scale-up of production and supply of lifesaving COVID-19 medical tools across the world. Furthermore, these countries are also blocking the TRIPS waiver proposal put forward by South Africa and India at the WTO despite being supported by 57 mostly developing countries. The waiver proposal seeks to temporarily postpone certain provisions of the TRIPS Agreement for treating, containing and preventing the coronavirus, but only until widespread vaccination and immunity are achieved. This means that countries will not be required to provide any form of IP protection on all COVID-19 related therapeutics, diagnostics and other technologies for the duration of the pandemic. It is important to reiterate the waiver proposal is time-limited and is different from TRIPS flexibilities, which are safeguards within the Agreement to mitigate the negative impact of patents such as high price of patented medicines. These safeguards include compulsory licenses and parallel importation. However, because of the onerous process of initiating these flexibilities as well as the threat of possible trade penalties by the US through the United States Trade Representative (USTR) “Special 301” Report targeting countries even in the absence of illegality, many developing countries are reluctant to invoke TRIPS flexibilities for public health purposes. For example, in the past, countries such as Colombia, India, Thailand and recently Malaysia have all featured in the Special 301 Report for using compulsory licenses to increase access to cancer medications. It is these challenges that the TRIPS waiver seeks to alleviate and, if approved, would also provide countries the space, without fear of retaliation from developed countries, to collaborate with competent developers in the R&D, manufacturing, scaling-up, and supply of COVID-19 tools. However, because this waiver is being opposed by a group of developed countries, we are grappling with the problem of artificially-created vaccine scarcity. The effect of this scarcity will further prolong and deepen the financial impact of this pandemic currently estimated to cost USD 9.2 trillion, half of which will be borne by advanced economies. Thus, in opposing the TRIPS waiver with the hopes of reaping huge financial rewards, developed countries are worsening pandemic woes in the long term. Perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. Another kind of scarcity caused by vaccine nationalism has also reduced equitable access. Vaccine nationalism is a phenomenon where rich countries buy up global supply of vaccines through advance purchase agreements (APA) with pharmaceutical companies for their own populations at the expense of other countries. But perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. **If we take seriously the argument put forward by Antony Anghie on the colonial origins of international law, particularly how these origins create a set of structures that continually repeat themselves at various stages, we will begin to see COVID-19 vaccine accumulation not only as political, but also as imperial continuities manifesting in the present**. Take, for instance, the report released by the Duke Global Health Innovation Center that shows that high-income countries have already purchased nearly 3.8 billion COVID-19 vaccine doses. Specifically, the United States has secured 400 million doses of the Pfizer-BioNTech and Moderna vaccines, and has APAs for more than 1 billion doses from four other companies yet to secure US regulatory approval. The European Union has similarly negotiated nearly 2.3 billion doses under contract and is negotiating for about 300 million more. With these purchases, these countries will be able to vaccinate their populations twice over, while many developing states, especially in Africa, are left behind. In hoarding vaccines whilst protecting the IP interests of their pharmaceutical multinational corporations, the afterlife of imperialism is playing out in this pandemic. Moreover, these bilateral deals are hampering initiatives such as the COVID-19 Vaccine Global Access Facility (COVAX) – a pooled procurement mechanism for COVID-19 vaccine – aimed at equitable and science-led global vaccine distribution. By engaging in bilateral deals, wealthy countries impede the possibility of effective mass-inoculation campaigns. While the usefulness of the COVAX initiative cannot be denied, it is not enough. It will cover only the most vulnerable 20 per cent of a country’s population, it is severely underfunded and there are lingering questions regarding the contractual obligations of pharmaceutical companies involved in the initiative. For instance, it is not clear whether the COVAX contract includes IP-related clauses such as sharing of technological know-how. Still, even with all its faults, without a global ramping-up of production, distribution and vaccination campaigns via COVAX, the world will not be able to combat the COVID-19 pandemic and its growing variants. Health inequity and inequalities in vaccine access are not unfortunate outcomes of the global IP regime; they are part of its central architecture. The system is functioning exactly as it is set up to do. These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivize innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

#### Everyday suffering is dictated by continued structures of power that puts minorities into a continuous cycle of violence. The result is sadistic violence occurring right now— structural violence, climate change, biodiversity loss, genocide, and even economic collapse. Collapse is inevitable—the brink is now.

Robinson 16 — William I. Robinson, Professor of Sociology, Global Studies and Latin American Studies at the University of California at Santa Barbara, PhD in Sociology, 2016 (“Sadistic Capitalism: Six Urgent Matters for Humanity in Global Crisis,” Truth-Out, April 12th, Available Online at <http://www.truth-out.org/opinion/item/35596-sadistic-capitalism-six-urgent-matters-for-humanity-in-global-crisis>)//RM

In these mean streets of **globalized capitalism in crisis**, it has become **profitable** to turn **poverty and inequality into a tourist attraction**. The South African Emoya Luxury Hotel and Spa company has made a glamorized spectacle of it. The resort recently advertised an opportunity for tourists to stay "in our unique Shanty Town ... and experience traditional township living within a safe private game reserve environment." A cluster of simulated shanties outside of Bloemfontein that the company has constructed "is ideal for team building, braais, bachelors [parties], theme parties and an experience of a lifetime," read the ad. The luxury accommodations, made to appear from the outside as shacks, featured paraffin lamps, candles, a battery-operated radio, an outside toilet, a drum and fireplace for cooking, as well as under-floor heating, air conditioning and wireless internet access. A well-dressed, young white couple is pictured embracing in a field with the corrugated tin shanties in the background. The only thing missing in this fantasy world of sanitized space and glamorized poverty was the people themselves living in poverty. The "luxury shanty town" in South Africa is a fitting metaphor for global capitalism as a whole. Faced with a **stagnant global economy**, elites have managed to turn **war**, **structural violence** and **inequality** into opportunities for **capital**, **pleasure** and **entertainment**. It is hard not to conclude that **unchecked capitalism** has become what I term "**sadistic capitalism**," in which the **suffering** and **deprivation** generated by capitalism become a source of **aesthetic pleasure**, leisure and entertainment for others. I recently had the opportunity to travel through several countries in Latin America, the Middle East, North Africa, East Asia and throughout North America. I was on sabbatical to research what the global crisis looks like on the ground around the world. Everywhere I went, **social polarization** and **political tensions** have reached **explosive dimensions**. Where is the crisis headed, what are the possible outcomes and what does it tell us about global capitalism and resistance? **This crisis is not like earlier structural crises of world capitalism**, such as in the 1930s or 1970s. **This one is fast becoming systemic**. The crisis of humanity shares aspects of earlier structural crises of world capitalism, but there are six novel, interrelated dimensions to the current moment that I highlight here, in broad strokes, as the "big picture" context in which countries and peoples around the world are experiencing a descent into chaos and uncertainty. 1) The **level** of global social polarization and inequality is **unprecedented** in the face of out-of-control, **over-accumulated capital**. In January 2016, the development agency Oxfam published a follow-up to its report on global inequality that had been released the previous year. According to the new report, now just 62 billionaires -- down from 80 identified by the agency in its January 2015 report -- control as much wealth as **one half of the world's population**, and the top **1%** owns more wealth than the **other 99% combined**. Beyond the transnational capitalist class and the upper echelons of the global power bloc, the richest 20 percent of humanity owns some 95 percent of the world's wealth, while the bottom 80 percent has to make do with just 5 percent. This 20-80 divide of global society into haves and the have-nots is the new **global social apartheid**. It is evident not just between rich and poor countries, but within each country, North and South, with the rise of new affluent high-consumption sectors alongside the downward mobility, "precariatization," destabilization and expulsion of majorities. Escalating inequalities **fuel capitalism's chronic problem** of over-accumulation: The transnational capitalist class **find productive outlets to unload the enormous amounts of surplus** it has accumulated, **leading to stagnation in the world economy**. The signs of an **impending depression are everywhere**. The front page of the February 20 issue of The Economist read, "**The World Economy: Out of Ammo?**" Extreme levels of social polarization present a challenge to dominant groups. They strive to purchase the loyalty of that 20 percent, while at the same time dividing the 80 percent, co-opting some into a hegemonic bloc and repressing the rest. Alongside the spread of frightening new systems of social control and repression is heightened dissemination through the culture industries and corporate marketing strategies that depoliticize through consumerist fantasies and the manipulation of desire. As "Trumpism" in the United States so well illustrates, another strategy of **co-optation** is the **manipulation of fear and insecurity** among the downwardly mobile so that social anxiety is channeled toward **scapegoated communities**. This psychosocial mechanism of displacing mass anxieties is not new, but it appears to be increasing around the world in the face of the structural destabilization of capitalist globalization. Scapegoated communities are under siege, such as the Rohingya in Myanmar, the Muslim minority in India, the Kurds in Turkey, southern African immigrants in South Africa, and Syrian and Iraqi refugees and other immigrants in Europe. As with its 20th century predecessor, 21st century fascism hinges on such manipulation of social anxiety at a time of acute capitalist crisis. **Extreme inequality requires extreme violence and repression** that lend to projects of 21st century fascism. 2) The system is **fast reaching the ecological limits to its reproduction**. We have reached several tipping points in what environmental scientists refer to as nine crucial "**planetary boundaries**." We have already exceeded these boundaries in three areas -- **climate change**, **the nitrogen cycle** and **diversity loss**. There have been five previous mass extinctions in earth's history. While all these were due to natural causes, for the first time ever, human conduct is intersecting with and fundamentally altering the earth system. If the capitalist system doesn’t **stop expanding outward, it enters crisis and faces collapse**. We have entered what Paul Crutzen, the Dutch environmental scientist and Nobel Prize winner, termed the Anthropocene -- a new age in which humans have transformed up to half of the world's surface. We are altering the composition of the atmosphere and acidifying the oceans at a rate that undermines the conditions for life. The ecological dimensions of global crisis cannot be understated. "We are deciding, without quite meaning to, which evolutionary pathways will remain open and which will forever be closed," observes Elizabeth Kolbert in her best seller, The Sixth Extinction. "No other creature has ever managed this ... The Sixth Extinction will continue to determine the course of life long after everything people have written and painted and built has been ground into dust." Capitalism cannot be held solely responsible. The human-nature contradiction has deep roots in civilization itself. The ancient Sumerian empires, for example, collapsed after the population over-salinated their crop soil. The Mayan city-state network collapsed about AD 900 due to deforestation. And the former Soviet Union wrecked havoc on the environment. However, given capital's implacable impulse to accumulate profit and its accelerated commodification of nature, **it is difficult to imagine that the environmental catastrophe can be resolved within the capitalist system**. "**Green capitalism**" appears as an oxymoron, as sadistic capitalism's attempt[s] to turn the **ecological crisis into a profit-making opportunity**, along with the conversion of poverty into a tourist attraction. **The sheer magnitude of the means of violence is unprecedented**, as is the concentrated control over the means of global communications and the production and circulation of knowledge, symbols and images. We have seen the spread of frightening new systems of social control and repression that have brought us into the panoptical surveillance society and the age of thought control. This real-life Orwellian world is in a sense more perturbing than that described by George Orwell in his iconic novel 1984. In that fictional world, people were compelled to give their obedience to the state ("Big Brother") in exchange for a quiet existence with guarantees of employment, housing and other social necessities. Now, however, the corporate and political powers that be force obedience even as the means of survival are denied to the vast majority. Global apartheid involves the creation of "green zones" that are cordoned off in each locale around the world where elites are insulated through new systems of spatial reorganization, social control and policing. "Green zone" refers to the nearly impenetrable area in central Baghdad that US occupation forces established in the wake of the 2003 invasion of Iraq. The command center of the occupation and select Iraqi elite inside that green zone were protected from the violence and chaos that engulfed the country. Urban areas around the world are now green zoned through gentrification, gated communities, surveillance systems, and state and private violence. Inside the world's green zones, privileged strata avail themselves of privatized social services, consumption and entertainment. They can work and communicate through internet and satellite sealed off under the protection of armies of soldiers, police and private security forces. What is required is a redistribution of power downward and transformation toward a system in which social need trumps private profit. Green zoning takes on distinct forms in each locality. In Palestine, I witnessed such zoning in the form of Israeli military checkpoints, Jewish settler-only roads and the apartheid wall. In Mexico City, the most exclusive residential areas in the upscale Santa Fe District are accessible only by helicopter and private gated roads. In Johannesburg, a surreal drive through the exclusive Sandton City area reveals rows of mansions that appear as military compounds, with private armed towers and electrical and barbed-wire fences. In Cairo, I toured satellite cities ringing the impoverished center and inner suburbs where the country's elite could live out their aspirations and fantasies. They sport gated residential complexes with spotless green lawns, private leisure and shopping centers and English-language international schools under the protection of military checkpoints and private security police. In other cities, green zoning is subtler but no less effective. In Los Angeles, where I live, the freeway system now has an express lane reserved for those that can pay an exorbitant toll. On this lane, the privileged speed by, while the rest remain one lane over, stuck in the city's notorious bumper-to-bumper traffic -- or even worse, in notoriously underfunded and underdeveloped public transportation, where it may take half a day to get to and from work. There is no barrier separating this express lane from the others. However, a near-invisible closed surveillance system monitors every movement. If a vehicle without authorization shifts into the exclusive lane, it is instantly recorded by this surveillance system and a heavy fine is imposed on the driver, under threat of impoundment, while freeway police patrols are ubiquitous. Outside of the global green zones, **warfare and police containment have become normalized** and sanitized for those not directly at the receiving end of armed aggression. "Militainment" -- portraying and even glamorizing war and violence as entertaining spectacles through Hollywood films and television police shows, computer games and corporate "news" channels -- may be the epitome of sadistic capitalism. It desensitizes, bringing about complacency and indifference. In between the green zones and outright warfare are prison industrial complexes, immigrant and refugee repression and control systems, the criminalization of outcast communities and capitalist schooling. The omnipresent media and cultural apparatuses of the corporate economy, in particular, aim to colonize the mind -- to undermine the ability to think critically and outside the dominant worldview. A neofascist culture emerges through militarism, extreme masculinization, racism and racist mobilizations against scapegoats. 4) We are reaching limits to the extensive expansion of capitalism. Capitalism is like riding a bicycle: When you stop pedaling the bicycle, you fall over. If the capitalist system stops expanding outward, it enters crisis and faces collapse. In each earlier structural crisis, the system went through a new round of extensive expansion -- from waves of colonial conquest in earlier centuries, to the integration in the late 20th and early 21st centuries of the former socialist countries, China, India and other areas that had been marginally outside the system. There are no longer any new territories to integrate into world capitalism. Meanwhile, the privatization of education, health care, utilities, basic services and public land are turning those spaces in global society that were outside of capital's control into "spaces of capital." Even poverty has been turned into a commodity. What is there left to commodify? Where can the system now expand? With the limits to expansion comes a turn toward militarized accumulation -- making wars of endless destruction and reconstruction and expanding the militarization of social and political institutions so as to continue to generate new opportunities for accumulation in the face of stagnation. 5) There is the rise of a vast surplus population inhabiting a "planet of slums," alienated from the productive economy, thrown into the margins and subject to these sophisticated systems of social control and destruction. Global capitalism has no direct use for surplus humanity. But indirectly, it holds wages down everywhere and makes new systems of 21st century slavery possible. These systems include prison labor, the forced recruitment of miners at gunpoint by warlords contracted by global corporations to dig up valuable minerals in the Congo, sweatshops and exploited immigrant communities (including the rising tide of immigrant female caregivers for affluent populations). Furthermore, the global working class is experiencing accelerated "precariatization." The "new precariat" refers to the proletariat that faces capital under today's unstable and precarious labor relations -- informalization, casualization, part-time, temp, immigrant and contract labor. As communities are uprooted everywhere, there is a rising reserve army of immigrant labor. The global working class is becoming divided into citizen and immigrant workers. The latter are particularly attractive to transnational capital, as the lack of citizenship rights makes them particularly vulnerable, and therefore, exploitable. The challenge for dominant groups is how to contain the real and potential rebellion of surplus humanity, the immigrant workforce and the precariat. How can they contain the explosive contradictions of this system? The 21st century megacities become the battlegrounds between mass resistance movements and the new systems of mass repression. Some populations in these cities (and also in abandoned countryside) **are at risk of genocide**, such as those in Gaza, zones in Somalia and Congo, and swaths of Iraq and Syria. 6) There is a disjuncture between a globalizing economy and a nation-state-based system of political authority. Transnational state apparatuses are incipient and do not wield enough power and authority to organize and stabilize the system, much less to impose regulations on runaway transnational capital. In the wake of the 2008 financial collapse, for instance, the governments of the G-8 and G-20 were unable to impose transnational regulation on the global financial system, despite a series of emergency summits to discuss such regulation. Elites historically have attempted to resolve the problems of over-accumulation by state policies that can regulate the anarchy of the market. However, in recent decades, transnational capital has broken free from the constraints imposed by the nation-state. The more "enlightened" elite representatives of the transnational capitalist class are now clamoring for transnational mechanisms of regulation that would allow the global ruling class to reign in the anarchy of the system in the interests of saving global capitalism from itself and from radical challenges from below. At the same time, the division of the world into some 200 competing nation-states is not the most propitious of circumstances for the global working class. Victories in popular struggles from below in any one country or region can (and often do) become diverted and even undone by the structural power of transnational capital and the direct political and military domination that this structural power affords the dominant groups. In Greece, for instance, the leftist Syriza party came to power in 2015 on the heels of militant worker struggles and a mass uprising. But the party abandoned its radical program as a result of the enormous pressure exerted on it from the European Central Bank and private international creditors. The Systemic Critique of Global Capitalism A growing number of transnational elites themselves now recognize that **any resolution** to the global crisis must involve **redistribution downward of income**. However, in the viewpoint of those from below, a neo-Keynesian redistribution within the prevailing corporate power structure is not enough. What is required is a **redistribution of power downward and transformation toward a system in which social need trumps private profit**. A **global rebellion against the transnational capitalist class** has **spread** since the financial collapse of 2008. Wherever one looks, there is popular, **grassroots and leftist struggle**, and the rise of new cultures of resistance: **the Arab Spring**; **the resurgence of leftist politics in Greece**, **Spain and elsewhere in Europe**; **the tenacious resistance of Mexican social movements following the Ayotzinapa massacre** of 2014; **the favela uprising in Brazil** against the government's World Cup and Olympic expulsion policies; **the student strikes in Chile**; **the remarkable surge in the Chinese workers' movement**; **the shack dwellers and other poor people's campaigns in South Africa**; **Occupy Wall Street**, the **immigrant rights movement**, **Black Lives Matter**, **fast food workers' struggle** and the mobilization around the Bernie Sanders presidential campaign in the United States. This global revolt is spread unevenly and faces many challenges. A number of these struggles, moreover, **have suffered setbacks**, such as the Greek working-class movement and, tragically, the Arab Spring. What type of a transformation is viable, and how do we achieve it? How we interpret the global crisis is itself a matter of vital importance as politics polarize worldwide between a neofascist and a popular response. **The systemic critique of global capitalism must strive to influence**, from this vantage point, **the discourse and practice of movements for a more just distribution of wealth and power**. **Our survival may depend on it**.

#### Only with IPR are the elite able to sadistically control the global market. Without their IPR, corporations will fail to thrive.

Pagano 14 (Ugo Pagano, Ugo Pagano is an Italian economist and Professor of Economic Policy at the University of Siena where he is also Director of the PhD programme in Economics and President of S. Chiara Graduate School, “A Crisis of Intellectual Monopoly Capitalism”, November 2014)//RM

In the midst of the financial crisis, the Financial Times of 6 March 2009 reported that government was considering saving Opel from the possible bankruptcy of GM, only that, although the company had the same workers, machines and management0, its vanished because some legal papers had changed hands (Benoit and Schaefer, 2009): 'Our impression is that Opel has not freed itself from GM's influence and that it serious about becoming more autonomous as a business,' the insider said, confirming Mr Guttenberg and Ms Merkel were losing patience with the companies. Berlin has refused to assist Opel without cast-iron guarantees that the money will GM or be lost in the wake of a GM insolvency. Officials say Opel's restructuring suggestions far have failed to provide this guarantee. The government suspects GM has provided some of Opel's patents as collateral to the US Treasury in exchange for financial assistance. Berlin therefore doubts Opel would be shielded against a GM insolvency. Without its patents, Opel was worth nothing and could not be saved even by substantial funding from the German state. This story exemplifies the nature of intellectual monop oly capitalism and in particular the importance of intellectual property rights (IPR) for a company's future prospects and value. **Even if machines, workers and state support are still in place, a company may have no future when it is deprived of its intellectual property.** The situation is likely to be even worse if the company has had no ownership of intellectual assets since the outset. Even if we disregard the overwhelming importance of trademarks,the absence of other forms of intellectual property is sufficient to jeopardise a company's prospects. With **IPR protection lacking, all other resources, such as related skills and physical resources, are unlikely to be developed and investment opportunities may be completely blocked by the absence of a multiple set of factors. The overall blocking effect of patents appears to be even stronger if one considers that they include not only technological blueprints but also basic design patents.** In the 3 An account of cases in which traditional knowledge has been stolen by multinationals is given by Shiva (2001). 4 For example, see Shiva (2001, pp. 44-8). 5 The blocking effect of patents was first considered in Heller and Heisemberg's (1998) classic study on anti-commons. Chang (2002) considered the constraints set by patents on development opportunities. For a more recent assessment of the problem see also Jaffe and Lerner (2006). Apple even claimed ownership of geometric shapes such as rectangles with rounded corners: The following elements of Apple product designs comprise the Apple i-phone Trade Dress at issue in this case: - a rectangular product with four evenly rounded corners; - a flat clear surface covering the front of the product; - a display screen under the clear surface; - under the clear surface, substantial neutral (black or white) borders above and below the display screen; - when the device is on, a matrix of colorful icons with evenly rounded corners within the display screen; - when the device is switched on, a bottom dock of colorful square icons with evenly rounded corners set off from the other icons on the display, which does not change as other pages of the user interface are viewed. (United States District Court, 2011, pp. 18-19) However, in spite of Apple's claims, rectangles are the only reasonable shapes for these devices and corners must be rounded for safety reasons. The intellectual ownership of such elementary geometric shapes would block the entire development of the mobile communication devices industry. While Apple tries to remove rounded rectangles from the public sphere, much of the technology generating the astronomic profit-making iPhone (from Internet, semicon ductors and microchips to GPS, Siri and touch-screen technologies) comes from huge investments made by public agencies that get little or no return for their very risky investments (Mazzucato, 2013, pp. 87-110). The picture is even worse when we consider that some agents—the so-called patent trolls6—do not use their patents to protect their own technological advances but only to extract profits from companies that they can 'hold up' with their patents. While pure patent trolls may still be a minority phenomenon, the growth industry of the new millen nium (Lemley, 2008, p. 613) may be patent hold-up: Hundreds of companies are engaging in efforts to capture not just the value of what they contributed to an invention, but also a disproportionate share of somebody else's product. (Lemley, 2008, pp. 613-14) It will be argued in the next section that these multiple blockages, due to intellectual monopoly capital, must be included among the causes of the current 'Great Recession'. We can conclude this section by observing that the same blockages evidence the extent to which, under modern intellectual monopoly capitalism, the labourer is brought face to face with the intellectual potencies of the material process of production, as the property of another, and as a riding power. 6 Strictly speaking, we can define patent trolls as entities that 'license' only the right not be sued and are not engaged in any technological transfer. However most firms carry out both activities and are character ised by different mixes of them. Since the 1980 Bayh-Dole Act, universities are not only permitted but also encouraged to patent federally funded inventions and in the past three decades they have contributed to the massive surge of patenting. Universities have also made an unfortunate contribution to the growth of the hold-up industry. Indeed, since they are not directly interested in production and are engaged in more basic research, cross-licensing cannot help solve the hold-up problem, which in their case is particularly damaging because it concerns usually essential upstream knowledge (Lemley, 2008, pp. 615-19). This monopoly power the worker must face the intellectual potencies of the production process as another and as a ruling poiver setting legal limits on the development of workers' bilities and skills. In this respect, what was in Marx's time the 'future of capitalism' gone well beyond Marx's most dramatic expectations.

## Util

### Util Good

#### My value is Morality because the word “ought” implies Moral Obligation. Prefer:

#### 1] Actor specificity: Governments must aggregate since collective actions necessarily benefit some people while hurting others either due to resource tradeoffs or scope of effect.

#### 2] Util is a lexical pre-requisite to any other framework: Threats to bodily security and life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis – that inhibits the ideal moral conditions which other theories presuppose.

#### 3] Parameters –

#### A. Reciprocity – non-utilitarian frameworks can’t be turned because they’re intent based or procedural – only util has equal offense and allows for rigorous testing which O/W’s because that the constitutive purpose of debate

#### B. Ground: we both have equal ground under util whereas more ethical fw’s flow one way or the other

#### C. Clash: Util debates have more substantive clash about the topic in all of it’s aspects encourages people not to just go all in for fw and win.

#### 4] No act omission distinction – if I watch someone drown and I don’t try to save them, that is just as bad as actively drowning them because given that I know this is the consequence, my unwillingness to act promotes the consequence.

#### 5] Their framing collapses to consequentialism - we can only know what is oppressive or not oppressive based on consequentialism. This means Util is the only way to explain degrees of wrongness.

Nagel 86 (Thomas [“The View From Nowhere”, 1986])1

I shall defend the unsurprising claim that **sensory pleasure is good and pain bad, no matter who’s they are.** The point of the exercise is to see how the pressures of objectification operate in a simple case. Physical pleasure and pain do not usually depend on activities or desires which themselves raise questions of justification and value. They are just [is a] sensory experiences in relation to which we are fairly passive, but toward which we feel involuntary desire or aversion. Almost **everyone takes the avoidance of**his own **pain and**the **promotion of** his own **pleasure as subjective reason**s **for action**in a fairly simple way; they are not back up by any further reasons. On the other hand if someone pursues pain or avoids pleasure, either it as a means to some end or it is backed up by dark reasons like guilt or sexual masochism. What sort of general value, if any, ought to be assigned to pleasure and pain when we consider these facts from an objective standpoint? What kind of judgment can we reasonably make about these things when we view them in abstraction from who we are? We can begin by asking why there is no plausibility in the zero position, that pleasure and pain have no value of any kind that can be objectively recognized. That would mean that I have no reason to take aspirin for a severe headache, however I may in fact be motivated; and that looking at it from outside, you couldn't even say that someone had a reason not to put his hand on a hot stove, just because of the pain… **Without** some **positive reason to think there is nothing** in itself **good or bad about having an experience** you intensely like or dislike, **we can't** seriously **regard the common impression to the contrary as a collective illusion.** Such things are at least good or bad for us, if anything is. What seems to be going on here is that we cannot from an objective standpoint withhold a certain kind of endorsement of the most direct and immediate subjective value judgments we make concerning the contents of our own consciousness. We regard ourselves as too close to those things to be mistaken in our immediate, non ideological evaluative impressions. No objective view we can attain could possibly overrule our subjective authority in such cases. There can be no reason to reject the appearances here.

#### 6] Forecloses future improvement – we can never improve society because our impact is irreversible. We destroy infinite number of lives that could have otherwise existed. Even a small percent probability outweighs any other outcome.

#### 7] Turns suffering – mass death causes maximum suffering because people can’t get access to resources and necessities.

#### 8] Pleasure and pain are the starting point for moral reasoning—they're our most baseline desires and we have cognitive bias towards these scenarios.

#### 9] And they will try to attack “low probability” but climate change is huge impact that is getting worse by the day – make them win that our specific scenario is improbable

#### 10] Body count is the most objective way to calculate impacts because comparing suffering is unethical.

#### 11] Extinction Outweighs as reducing existential risk is the most important thing.

### A2: Structural Violence

#### 1) Structural violence excludes a whole bunch of people from its calculus

#### 2) Structural violence is subsumed Utilitarianism; in util we care about the pleasure and pain of minorities and account for them - arguments about genocides and ethnic cleansings are examples of util not interpreted correctly

#### 3) Structural violence is hard to measure, there's very little brightline

## DA — Infrastructure

#### Infrastructure will pass – recent progress proves

Bruns 9/8/21 (Tim Bruns is a reporter for Roadsbridges and is currently in charge of reporting the Infrastructure Bill, “PASSING AN INFRASTRUCTURE PACKAGE IS HIGHLY ANTICIPATED—AND MAY HAPPEN SOON” Roadsbridges, 9/9/21, https://www.roadsbridges.com/passing-infrastructure-package-highly-anticipated-and-may-happen-soon)//TN

Despite a surge in COVID cases across the country and developing news overseas dominating the headlines, this past month also saw the Senate vote to pass a $1.2 trillion bipartisan infrastructure package to address the nation’s roads, bridges, transit systems, and more. As of this writing, various news outlets are reporting that Democratic leadership in the House is hoping to pass the bipartisan bill along with the larger $3.5 trillion spending package by Sept. 27. All of this comes several months after President Biden initially rolled out his original American Jobs Plan, unveiled in late March 2021, as part of a broader economic agenda to create jobs and invest in infrastructure. While there may be varying opinions on the specifics of the bipartisan infrastructure package—dubbed the Infrastructure Investment and Jobs Act—overall the industry appears to be receptive to the legislation, which would include $110 billion dedicated to roads, bridges, and major projects; $66 billion for passenger and freight rail; $39 billion for transit systems; and $7.5 billion for electric vehicle infrastructure. After the Senate passed the bipartisan bill, AASHTO released a statement applauding “the creation of a formula-based bridge and electric vehicle infrastructure funding program, substantial action to address climate change and improve system resiliency, and improvements to the project delivery and environmental review process—are important priorities for state DOTs.”

#### Aff requires negotiations that destroys PC

Pooley 5/26 [James; Former deputy director general of the United Nations’ World Intellectual Property Organization and a member of the Center for Intellectual Property Understanding; “Drawn-Out Negotiations Over Covid IP Will Blow Back on Biden,” Barron’s; 5/26/21; <https://www.barrons.com/articles/drawn-out-negotiations-over-covid-ip-will-blow-back-on-biden-51621973675>]//RM

The Biden administration recently announced its support for a proposal before the World Trade Organization that would suspend the intellectual property protections on Covid-19 vaccines as guaranteed by the landmark TRIPS Agreement, a global trade pact that took effect in 1995. The decision has sparked furious debate, with supporters arguing that the decision will speed the vaccine rollout in developing countries. The reality, however, is that even if enacted, the IP waiver will have zero short-term impact—but could inflict serious, long-term harm on global economic growth. The myopic nature of the Biden administration’s announcement cannot be overstated. Even if WTO officials decide to waive IP protections at their June meeting, it’ll simply kickstart months of legal negotiations over precisely which drug formulas and technical know-how are undeserving of IP protections. And it’s unthinkable that the Biden administration, or Congress for that matter, would actually force American companies to hand over their most cutting-edge—and closely guarded—secrets. As a result, the inevitable foot-dragging will cause enormous resentment in developing countries. And that’s the real threat of the waiver—precisely because it won’t accomplish either of its short-term goals of improving vaccine access and facilitating tech transfers from rich countries to developing ones. It’ll strengthen calls for more extreme, anti-IP measures down the road. Experts overwhelmingly agree that waiving IP protections alone won’t increase vaccine production. That’s because making a shot is far more complicated than just following a recipe, and two of the most effective vaccines are based on cutting-edge discoveries using messenger RNA. As Moderna Chief Executive Stephane Bancel said on a recent earnings call, “This is a new technology. You cannot go hire people who know how to make the mRNA. Those people don’t exist. And then even if all those things were available, whoever wants to do mRNA vaccines will have to, you know, buy the machine, invent the manufacturing process, invent creation processes and ethical processes, and then they will have to go run a clinical trial, get the data, get the product approved and scale manufacturing. This doesn’t happen in six or 12 or 18 months.” Anthony Fauci, the president’s chief medical adviser, has echoed that sentiment and emphasized the need for immediate solutions. “Going back and forth, consuming time and lawyers in a legal argument about waivers—that is not the endgame,” he said. “People are dying around the world and we have to get vaccines into their arms in the fastest and most efficient way possible.” Those claiming the waiver poses an immediate, rather than long-term, threat to IP rights also misunderstand what the waiver will—and won’t—do. The waiver petition itself is more akin to a statement of principle than an actual legal document. In fact, it’s only a few pages long. As the Office of the United States Trade Representative has said, “Text-based negotiations at the WTO will take time given the consensus-based nature of the institution and the complexity of the issues involved.” The WTO director-general predicts negotiations will last until early December. That’s a lot of wasted time and effort. The U.S. Trade Representative would be far better off spending the next six months breaking down real trade barriers and helping export our surplus vaccine doses and vaccine ingredients to countries in need.

#### Reconciliation Infrastructure’s key to agriculture production, connectivity, and global food security

**Jahn 19** — Chris; contributor and president of The Fertilizer Institute. (“America is in desperate need of infrastructure investment: Senate highway bill a step in the right direction” The Hill. August 7, 2019. <https://thehill.com/blogs/congress-blog/politics/456602-america-is-in-desperate-need-of-infrastructure-investment-senate)>

It’s no secret that our country’s **infrastructure is in desperate need of investment** after years of neglect. We’ve all groaned and said some choice words when hitting deep potholes or been late to an appointment due to road or bridge closures. As our network of roads and bridges have continued to crumble, the situation has degraded from an occasional personal inconvenience to **a serious barrier to** national **economic growth** and **prosperity.** The infrastructure network we depend upon to move people and commercial goods has long outlived its designed lifespan and is operating on **borrowed time.** For agriculture, recent flooding in the Midwest highlights how vulnerable our network is, the extensive nature of disrepair and how quickly **critical food supply chains can be severed.** These disruptions are not just headaches for the fertilizer and farming industries; they can potentially lead to higher prices on everyday goods for all consumers. Last week Sens. [John Barrasso](https://thehill.com/people/john-barrasso) (R-Wyo.), [Tom Carper](https://thehill.com/people/tom-carper) (D-Del.), [Shelley Moore Capito](https://thehill.com/people/shelley-moore-capito) (R-W.Va.) and [Ben Cardin](https://thehill.com/people/benjamin-cardin) (D-Md.) demonstrated much needed leadership by introducing [“America’s Transportation Infrastructure Act of 2019,”](https://www.epw.senate.gov/public/index.cfm/2019/7/epw-committee-leaders-introduce-most-substantial-highway-legislation-in-history) legislation that would provide $287 billion over five years to maintain and repair our crumbling roads and bridges. The funding level authorized in the bill is a nearly 30 percent increase over current levels and will be a much-needed **economic shot in the arm** for all communities and local economies across the country. Our country’s roads and bridges have always played a critical role in getting plant nutrients to farmers’ fields when they are needed. But with [railroad rate increases](https://www.theregreview.org/2019/06/24/moore-us-freight-customers-taxed-higher-rail-rates/), rail service challenges and stalled reform efforts due to oversight board vacancies, roadway infrastructure is **more important** now **than ever.** Unfortunately, the state of our road system is hurting our industry’s ability to deliver fertilizer to customers. Last year we had truck drivers waiting in line for up to 11 hours to pick up fertilizer due to bottlenecks and breakdowns in road networks. This year we saw heavy **rains wash away** deteriorating **roads** and bridges that should have long ago been repaired and upgraded to standards **that keep our economy growing** and our communities **connected.** The Senate proposal would provide $6 billion over five years to address the backlog of bridges in poor Pcondition nationwide and alleviate and prevent future network delays. The importance of the timeliness of fertilizer deliveries cannot be overstated. The safe and **reliable delivery of fertilizer** to ensure that nutrients can be applied at just the right time in the growing process is absolutely **essential to** both keeping crop yields high enough to **sate global demand** and protecting the environment.

#### US ag and food security stabilize the globe — collapse greenlights *great power wars,* which risks extinction.

Castellaw 17—Lieutenant General, former President of the non-profit Crockett Policy Institute (John, “Opinion: Food Security Strategy Is Essential to Our National Security,” <https://www.agri-pulse.com/articles/9203-opinion-food-security-strategy-is-essential-to-our-national-security>, dml)

The United States faces many threats to our National Security. These threats include continuing wars with extremist elements such as ISIS and potential wars with rogue state North Korea or regional nuclear power Iran. The heated economic and diplomatic competition with Russia and a surging China could spiral out of control. Concurrently, we face threats to our future security posed by growing civil strife, famine, and refugee and migration challenges which create incubators for extremist and anti-American government factions. Our response cannot be one dimensional but instead must be a nuanced and comprehensive National Security Strategy combining all elements of National Power including a Food Security Strategy. An American Food Security Strategy is an imperative factor in reducing the multiple threats impacting our National wellbeing. Recent history has shown that reliable food supplies and stable prices produce more stable and secure countries. Conversely, food insecurity, particularly in poorer countries, can lead to instability, unrest, and violence. Food insecurity drives mass migration around the world from the Middle East, to Africa, to Southeast Asia, destabilizing neighboring populations, generating conflicts, and threatening our own security by disrupting our economic, military, and diplomatic relationships. Food system shocks from extreme food-price volatility can be correlated with protests and riots. Food price related protests toppled governments in Haiti and Madagascar in 2007 and 2008. In 2010 and in 2011, food prices and grievances related to food policy were one of the major drivers of the Arab Spring uprisings. Repeatedly, history has taught us that a strong agricultural sector is an unquestionable requirement for inclusive and sustainable growth, broad-based development progress, and long-term stability. The impact can be remarkable and far reaching. Rising income, in addition to reducing the opportunities for an upsurge in extremism, leads to changes in diet, producing demand for more diverse and nutritious foods provided, in many cases, from American farmers and ranchers. Emerging markets currently purchase 20 percent of U.S. agriculture exports and that figure is expected to grow as populations boom. Moving early to ensure stability in strategically significant regions requires long term planning and a disciplined, thoughtful strategy. To combat current threats and work to prevent future ones, our national leadership must employ the entire spectrum of our power including diplomatic, economic, and cultural elements. The best means to prevent future chaos and the resulting instability is positive engagement addressing the causes of instability before it occurs. This is not rocket science. We know where the instability is most likely to occur. The world population will grow by 2.5 billion people by 2050. Unfortunately, this massive population boom is projected to occur primarily in the most fragile and food insecure countries. This alarming math is not just about total numbers. Projections show that the greatest increase is in the age groups most vulnerable to extremism. There are currently 200 million people in Africa between the ages of 15 and 24, with that number expected to double in the next 30 years. Already, 60% of the unemployed in Africa are young people. Too often these situations deteriorate into shooting wars requiring the deployment of our military forces. We should be continually mindful that the price we pay for committing military forces is measured in our most precious national resource, the blood of those who serve. For those who live in rural America, this has a disproportionate impact. Fully 40% of those who serve in our military come from the farms, ranches, and non-urban communities that make up only 16% of our population. Actions taken now to increase agricultural sector jobs can provide economic opportunity and stability for those unemployed youths while helping to feed people. A recent report by the Chicago Council on Global Affairs identifies agriculture development as the core essential for providing greater food security, economic growth, and population well-being. Our active support for food security, including agriculture development, has helped stabilize key regions over the past 60 years. A robust food security strategy, as a part of our overall security strategy, can mitigate the growth of terrorism, build important relationships, and support continued American economic and agricultural prosperity while materially contributing to our Nation’s and the world’s security.

## Case

#### Aff only exacerbates the problem – causes ingredient shortages, waiver decreases accessibility

Senate RPC 20

https://www.rpc.senate.gov/policy-papers/waivers-for-vaccine-ip-folly-masquerading-as-charity

Taking away IP protections for U.S. companies like Pfizer and Moderna would hurt those companies and their employees, but due to the nature of the vaccine supply chain, would-be recipients could also be harmed by the waiver. According to some scientific authorities, the most important bottleneck in producing vaccines is not intellectual property, but a shortage of essential ingredients like nucleotides, enzymes, and lipids. At issue with the waiver are mRNA vaccines, a new type of vaccine that represents the culmination of more than two decades of research. But developing the vaccines is only one part of the process of producing them. Because of their revolutionary nature, they are not simple to make. There are a number of highly complicated aspects to their production that cannot be easily transferred, duplicated, or taught. Other companies tooling up to produce the vaccines would take raw materials away from the existing, proven producers. The new producers would invariably waste resources as they learn best practices. The current producers are already shipping vaccines outside of the United States. Pfizer alone has shipped 430 million doses to 91 countries. U.S. manufacturers are on track to produce 12 billion doses of vaccine by the end of 2022, enough to satisfy global demand. Inviting resource shortages by waiving IP will jeopardize that goal. Because of these supply problems, giving away vaccine technology and creating new producers would take years to help anyone. During that time, many would suffer from the shortage in vaccines. CHINA AND RUSSIA BENEFIT FROM A WAIVER Russia and China would stand to gain from access to mRNA vaccine technology. Both countries developed their own COVID-19 vaccines, Sputnik V and Sinovac, but they use older technology and are generally less effective. The two countries have exported vaccines en masse in an effort to build influence around the world. Though they are behind the U.S. in vaccine technology, free access to U.S. trade secrets would allow them to catch up and eventually offer their own mRNA vaccines. They could then supercharge their vaccines-for-influence campaigns.

#### No guarantee that producers will reveal trade secrets – no solvency for the AFF