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**COVID vaccine debate will kill the WTO, but the aff reverses that instability.**

**Meyer 6-18-21** (David, Senior Writer, https://fortune.com/2021/06/18/wto-covid-vaccines-patents-waiver-south-africa-trips/)

The World Trade Organization **knows all about crises**. Former U.S. President Donald Trump threw a wrench into its core function of resolving trade disputes—a blocker that President Joe Biden has not yet removed—and there is widespread dissatisfaction over the **fairness of the global trade rulebook**. The 164-country organization, under the fresh leadership of Nigeria's Ngozi Okonjo-Iweala, has a lot to fix. However, **one crisis is more pressing than the others**: **the battle over COVID-19 vaccines**, and whether the protection of their patents and other intellectual property should be temporarily lifted to boost production and end the pandemic sooner rather than later. According to some of those pushing for the waiver—which was originally proposed last year by India and South Africa—**the WTO's future rests on what happens next.** "The credibility of the WTO will depend on its ability to find a meaningful outcome on this issue that truly ramps-up and diversifies production," says Xolelwa Mlumbi-Peter, South Africa's ambassador to the WTO. "Final nail in the coffin" The Geneva-based WTO isn't an organization with power, as such—it's a framework within which countries make big decisions about trade, generally by consensus. It's supposed to be the forum where disputes get settled, because all its members have signed up to the same rules. And one of its most important rulebooks is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS, which sprang to life alongside the WTO in 1995. The WTO's founding agreement allows for rules to be waived in exceptional circumstances, and indeed this has happened before: its members agreed in 2003 to waive TRIPS obligations that were blocking the importation of cheap, generic drugs into developing countries that lack manufacturing capacity. (That waiver was effectively made permanent in 2017.) Consensus is the key here. Although the failure to reach consensus on a waiver could be overcome with a 75% supermajority vote by the WTO's membership, this would be an **unprecedented and seismic event**. In the case of the COVID-19 vaccine IP waiver, it would mean standing up to the European Union, and Germany in particular, as well as countries such as Canada and the U.K.—the U.S. recently flipped from opposing the idea of a waiver to supporting it, as did France. It's a dispute between countries, but the result will be on the WTO as a whole, say waiver advocates. "If, in the face of one of humanity's greatest challenges in a century, the WTO functionally becomes an obstacle as in contrast to part of the solution, I think **it could be the final nail in the coffin**" for the organization, says Lori Wallach, the founder of Public Citizen's Global Trade Watch, a U.S. campaigning group that focuses on the WTO and trade agreements. "If the TRIPS waiver is successful, and people see the WTO as being **part of the solution**—saving lives and livelihoods—it could **create** **goodwill and momentum to address what are still daunting structural problems**." Those problems are legion. Reform needs Top of the list is the WTO's Appellate Body, which hears appeals in members' trade disputes. It's a pivotal part of the international trade system, but Trump—incensed at decisions taken against the U.S. —blocked appointments to its seven-strong panel as judges retired. The body became completely paralyzed at the end of 2019, when two judges' terms ended and the panel no longer had the three-judge quorum it needs to rule on appeals. Anyone who hoped the advent of the Biden administration would change matters was disappointed earlier this year when the U.S. rejected a European proposal to fill the vacancies. "The United States continues to have systemic concerns with the appellate body," it said. "As members know, the United States has raised and explained its systemic concerns for more than 16 years and across multiple U.S. administrations." At her confirmation hearing in February, current U.S. Trade Representative Katherine Tai reiterated those concerns—she said the appellate body had "overstepped its authority and erred in interpreting WTO agreements in a number of cases, to the detriment of the United States and other WTO members," and accused it of dragging its heels in settling disputes. "Reforms are needed to ensure that the underlying causes of such problems do not resurface," Tai said. "While the U.S. [has] been engaging [with the WTO] it hasn't indicated it would move quickly on allowing appointments to the Appellate Body," says Bryan Mercurio, an economic-law professor at the Chinese University of Hong Kong, who opposes the vaccine waiver. "This is not a good sign. In terms of WTO governance, it's a much more important step than supporting negotiations on an [intellectual property] waiver." It's not just the U.S. that wants to see reform at the WTO. In a major policy document published in February, the EU said negotiations had failed to modernize the organization's rules, the dispute-resolution system was broken, the monitoring of countries' trade policies was ineffective, and—crucially—"the trade relationship between the U.S. and China, two of the three largest WTO members, is currently largely managed outside WTO disciplines." China is one of the key problems here. It became a WTO member in 2001 but, although this entailed significant liberalization of the Chinese economy, it did not become a full market economy. As the European Commission put it in February: "The level at which China has opened its markets does not correspond to its weight in the global economy, and the state continues to exert a decisive influence on China's economic environment with consequent competitive distortions that cannot be sufficiently addressed by current WTO rules." "China is operating from what it sees as a position of strength, so it will not be bullied into agreeing to changes which it sees as not in its interests," says Mercurio. China is at loggerheads with the U.S., the EU and others over numerous trade-related issues. Its rivals don't like its policy of demanding that Chinese citizens' data is stored on Chinese soil, nor do they approve of how foreign investors often have to partner with Chinese firms to access the country's market, in a way that leads to the transfer of technological knowhow. They also oppose China's industrial subsidies. Mercurio thinks China may agree to reforms on some of these issues, particularly regarding subsidies, but "only if it is offered something in return." All these problems won't go away if the WTO manages to come up with a TRIPS waiver for COVID-19 vaccines and medical supplies, Wallach concedes. "But," she adds, "**the will and the good faith** to tackle these challenges is **increased enormously** if the WTO has the **experience of being part of the solution, not just an obstacle."** Wallach points to a statement released earlier this month by Asia Pacific Economic Cooperation (APEC) trade ministers, which called for urgent discussions on the waiver. "The WTO must **demonstrate that global trade rules can help address the human catastrophe** of the COVID-19 pandemic and facilitate the recovery," the statement read in its section about WTO reform. Okonjo-Iweala's role The WTO's new director general, whose route to the top was unblocked in early 2021 with the demise of the Trump administration, is certainly keen to fix the problems that contributed to the early departure of her predecessor, Brazil's Robert Azevedo. "We must act now to get all our ambassadors to the table to negotiate a text" on the issue of an IP waiver for COVID vaccines, Ngozi Okonjo-Iweala, director general of the World Trade Organization, has said. Dursun Aydemir—Anadolu/Bloomberg/Getty Images Earlier this week, when the U.S. and EU agreed a five-year ceasefire in a long-running dispute over Boeing and Airbus aircraft subsidies, Okonjo-Iweala tweeted: "With political will, we can solve even the most intractable problems." However, Mercurio is skeptical about her stewardship having much of an effect on the WTO's reform process. "Upon taking [over she] stated it was time for delegations to speak to each other and not simply past each other, but at the recent General Counsel meeting delegations simply read prepared statements in what some have described as the worst meeting ever," he says. "On the other hand, Ngozi is very much someone who will actively seek solutions to problems, and in this way different to her predecessor. If the role of mediator is welcomed, she could have an impact not in starting discussions but in getting deals over the finish line." A spokesperson for the WTO Secretariat declined to offer comment on Mlumbi-Peter and Wallach's suggestions that the organization's credibility rests on the vaccine patent waiver issue, but pointed to a May speech in which Okonjo-Iweala said the WTO could help tackle vaccine supply chain monitoring and transparency, helping manufacturers scale up production, and creating a more geographically diversified manufacturing base. In her speech, the WTO chief also said members "must address issues related to technology transfer, knowhow and intellectual property," including the waiver proposal. "We must act now to get all our ambassadors to the table to negotiate a text," she said.

#### The 1AC evidence isolates that each of the problems they mention aren’t solely caused by IP, but rather expressions of the overarching system of capitalism – thus collapsing the whole system is key.

#### WTO collapse solves extinction

Hilary 15 John Hilary 2015 “Want to know how to really tackle climate change? Pull the plug on the World Trade Organisation” <http://www.independent.co.uk/voices/want-to-know-how-to-really-tackle-climate-change-pull-the-plug-on-the-world-trade-organisation-a6774391.html> (Executive Director, War on Want)//Elmer

Yet this grandiose plan soon fell victim to its own ambition. The WTO’s first summit after the launch of the Doha Round collapsed in acrimonious failure. The next was marked by pitched battles in the streets of Hong Kong as riot police fought Asian farmers desperately trying to save their livelihoods from the WTO’s free trade agenda. The WTO slipped into a coma. Government ministers must decide this week whether to turn off its life support. The answer is surely yes. It was the WTO’s poisonous cocktail of trade expansion and market deregulation that led to the economic crisis of 2008. Years of export-led growth resulted in a crisis of overproduction that could only be sustained with mountains of debt. The parallel deregulation of financial services meant that this debt soon turned out to be toxic, and the world’s banking system went into freefall. Nor is the WTO fit for purpose on ecological grounds. If last week’s climate talks in Paris taught us anything, it is that we must rethink the model of ever-expanding production and consumption in order to avoid planetary meltdown. Global capitalism may need limitless expansion in order to survive, but the planet is already at the very limits of what it can take. The choice is ours. Worst of all, it is the WTO’s ideology of unrestricted trade and corporate domination that lies behind all the bilateral trade deals that are proliferating at the moment, including the infamous Transatlantic Trade and Investment Partnership (TTIP). We need a radically different model of regulated trade and controlled investment if we are to have any chance of breaking the cycle of economic and ecological crisis. For the planet to survive, the WTO must die.

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#### CP: The United States of America, Russian Federation, and People's Republic of China ought to put $20 trillion into a global pool and divide that between the Global South. Solves the aff – it sets up manufacturing in the global south that distributes vaccines to decrease inequality and correct for inequality, while also correcting for systems of inequality stemming from financial issues.

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#### Climate Patents and Innovation high now and solving Warming but patent waivers set a dangerous precedent for appropriations - the mere threat is sufficient is enough to kill investment.

Brand 5-26, Melissa. “Trips Ip Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors.” IPWatchdog.com | Patents & Patent Law, 26 May 2021, www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/. //sid

The biotech industry is making remarkable advancestowards climate change solutions, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course [we dispute this notion](https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/)), can we really feel confident that this or some future Administration will not apply the same logic to the climate crisis? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth? United States Trade Representative (USTR) [Katherine Tai](https://www.ipwatchdog.com/2021/05/05/tai-says-united-states-will-back-india-southafrica-proposal-waive-ip-rights-trips/id=133224/) was subject to questioning along this very line during a recent Senate Finance Committee hearing. And while Ambassador Tai did not affirmatively state that an IP waiver would be in the future for climate change technology, she surely did not assuage the concerns of interested parties. The United States has historically supported robust IP protection. This support is one reason the United States is the center of biotechnology innovation and leading the fight against COVID-19. However, a brief review of the domestic legislation arguably most relevant to this discussion shows just how far the international campaign against IP rights has eroded our normative position. The Clean Air Act, for example, contains a provision allowing for the mandatory licensing of patents covering certain devices for reducing air pollution. Importantly, however, the patent owner is accorded due process and the statute lays out a detailed process regulating the manner in which any such license can be issued, including findings of necessity and that no reasonable alternative method to accomplish the legislated goal exists. Also of critical importance is that the statute requires compensation to the patent holder. Similarly, the Atomic Energy Act contemplates mandatory licensing of patents covering inventions of primary importance in producing or utilizing atomic energy. This statute, too, requires due process, findings of importance to the statutory goals and compensation to the rights holder. A TRIPS IP waiver would operate outside of these types of frameworks. There would be no due process, no particularized findings, no compensationand no recourse. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all. Forced Tech Transfer Could Be on The Table When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so. In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new seed technologies and sustainable biomass**,** reducing greenhouse gases in manufacturing and transportation, capturing and sequestering carbon in soil and products, and more, would be required to turn over their proprietaryknow-how to global competitors. While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating to voluntary internationalcollaborations. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company. Necessary Investment Could Diminish Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation [raised over $1 billion in investment in the second quarter of 2019 alone](https://www.bio.org/sites/default/files/2021-04/Climate%20Report_FINAL.pdf). If investors cannot be confident that IP will be in place to protect important climate change technologies after their long road from bench to market, it is unlikely they will continue to investat the current and required levels**.**

#### Climate change destroys the world.

Specktor 19 [Brandon writes about the science of everyday life for Live Science, and previously for Reader's Digest magazine, where he served as an editor for five years] 6-4-2019, "Human Civilization Will Crumble by 2050 If We Don't Stop Climate Change Now, New Paper Claims," livescience, <https://www.livescience.com/65633-climate-change-dooms-humans-by-2050.html> Justin

The current climate crisis, they say, is larger and more complex than any humans have ever dealt with before. General climate models — like the one that the [United Nations' Panel on Climate Change](https://www.ipcc.ch/sr15/) (IPCC) used in 2018 to predict that a global temperature increase of 3.6 degrees Fahrenheit (2 degrees Celsius) could put hundreds of millions of people at risk — fail to account for the **sheer complexity of Earth's many interlinked geological processes**; as such, they fail to adequately predict the scale of the potential consequences. The truth, the authors wrote, is probably far worse than any models can fathom. How the world ends What might an accurate worst-case picture of the planet's climate-addled future actually look like, then? The authors provide one particularly grim scenario that begins with world governments "politely ignoring" the advice of scientists and the will of the public to decarbonize the economy (finding alternative energy sources), resulting in a global temperature increase 5.4 F (3 C) by the year 2050. At this point, the world's ice sheets vanish; brutal droughts kill many of the trees in the [Amazon rainforest](https://www.livescience.com/57266-amazon-river.html) (removing one of the world's largest carbon offsets); and the planet plunges into a feedback loop of ever-hotter, ever-deadlier conditions. "Thirty-five percent of the global land area, and **55 percent of the global population, are subject to more than 20 days a year of** [**lethal heat conditions**](https://www.livescience.com/55129-how-heat-waves-kill-so-quickly.html), beyond the threshold of human survivability," the authors hypothesized. Meanwhile, droughts, floods and wildfires regularly ravage the land. Nearly **one-third of the world's land surface turns to desert**. Entire **ecosystems collapse**, beginning with the **planet's coral reefs**, the **rainforest and the Arctic ice sheets.** The world's tropics are hit hardest by these new climate extremes, destroying the region's agriculture and turning more than 1 billion people into refugees. This mass movement of refugees — coupled with [shrinking coastlines](https://www.livescience.com/51990-sea-level-rise-unknowns.html) and severe drops in food and water availability — begin to **stress the fabric of the world's largest nations**, including the United States. Armed conflicts over resources, perhaps culminating in **nuclear war, are likely**. The result, according to the new paper, is "outright chaos" and perhaps "the end of human global civilization as we know it."

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#### Counterplan Text: The member nations of the World Trade Organization ought to 1] reduce intellectual property protections for medicines except for dual-use biotechnologies and 2] offer a 3 year patent extension on dual use biotechnologies conditioned on accompanying countermeasures.

#### The counterplan incentivizes development into countermeasures and removes terrorist access to biotechnologies.

Million-Perez, H. (2016). Addressing duel-use technology in an age of bioterrorism: Patent extensions to inspire companies making duel use technology to create accompanying countermeasures. AIPLA Quarterly Journal, 44(3), 387-436. Rachael Million-Perez is an associate with Fitzpatrick, Cella, Harper & Scinto and a graduate of the George Washington University Law School. //sid

Although previous congressional proposals, Acts, and committees aimed to fund and incentivize countermeasures, each failed to target dual-use technology countermeasure development. This article proposes, therefore, that the USPTO offer a patent-term extension for patents directed to dual-use technology on the condition that the patent owner creates an accompanying countermeasure. This article argues for an extension of three years 251 for patent owners who meet this condition in addition to any patent-term adjustments afforded to the patent owner pursuant to Title 35 of the U.S. Code or legislative acts. A. Patent Extension for Dual-Use Technologies in Exchange for an Accompanying Countermeasure is an Appropriate and Realistic Incentive that Could Yield Significant Benefit The conditional patent-term extension proposed here provides an incentive that will: (1) reduce unbridled accessibility to dual-use technologies, (2) make countermeasure development an attractive and cost-effective business investment, and (3) take advantage of companies and individuals who currently specialize in the dual-use technology field, and who possess the necessary resources to create accompanying counter-measures. The conditional patent-term extension proposed here provides an incentive that will reduce unbridled accessibility to dual-use technologies. Although accessibility to dual-use technology is essentially ungovernable in the Internet age, providing a three-year patent-term extension to a dual-use technology will motivate companies to collaborate with the U.S. Government to identify and enjoin individuals infringing their patented dual-use technology. As a result, biohackers and terrorist organizations will have diminished access to these technologies. Dissimilar to previous and current countermeasure incentives, the conditional patent-term extension proposed here will make countermeasure development an attractive and cost-effective business investment, because it will be easily applicable, lower the financial risk of countermeasure development, and potentially lead to profits. Unlike previous incentives, a patent-term extension on a dual-use technology in exchange for creating a countermeasure to that technology presents a simple and easily-applicable business model. Private companies need not contort themselves to meet the demands of legislation, like Project BioShield. Rather, a patent-term extension on the dual-use technology will be granted when the company identifies a dual-use quality of one of its innovations and opts to develop a countermeasure to the dual use of that specific innovation. Upon successful development of a countermeasure, the USPTO will then extend the company's dual use technology patent. Because the company likely has already received approval of the dual-use technology, it need not worry about whether the extension is affected by the countermeasure's approval time. The simplicity of this proposed regime would attract companies and individuals frustrated with other complicated or inapplicable incentives. In addition, the length and specificity of this proposed extension renders it a strong incentive that will lower the financial risk of countermeasure investment. The length of patent-term extension incentive must be able to generate participation by virtually guaranteeing a return on the company's investment in countermeasure production. As discussed above, the risk of countermeasure development is incredibly high, and thus the promise that a company may recoup or even profit from developing a countermeasure will entice companies who had previously avoided countermeasure investment.253 For these reasons, this article proposes a three-year patent term extension. Recent studies showed an increase in domestic R&D investment and new pharmaceutical product development when the patent-term extension changed from seventeen years to twenty years in both the United States and Canada.254 A similar surge may occur for dual-use technology countermeasure investment under the proposed extension. Over the additional three years of the patent term, companies are likely to receive the benefit of extending their monopoly on a profitable dual-use technology such that the company will likely recoup countermeasure development costs and, potentially, profit. As a result, dual-use technology countermeasure production is likely to increase. Additionally, proponents of patent extension, like Dr. Josh Bloom, Director of Chemical and Pharmaceutical Sciences at the American Council on Science and Health, contend that three-year patent extensions are likely appropriate for patents related to the company's portfolio.255 Unlike previous and current countermeasure incentives, the extension proposed here would neither under- nor over-compensate companies. For example, the six-month to two-year extension- offered in S. 975 and S. 3-are too short in length to ensure both that small and large companies find the incentive desirable.25 6 A three-year extension, however, would further assure that any size company would recoup its investment. Furthermore, unlike a wild card patent extension, which would permit a company to extend the life of any blockbuster product and thus accrue arguably unwarranted financial gain, under this proposal a company can only extend the life of a narrowly defined dual-use technology. A dual-use technology may or may not be a blockbuster. The chances that a dual-use technology has blockbuster status, however, are slim, considering only around 30 percent of newly-introduced pharmaceutical drugs have profits that exceed average R&D costs.257 As a result, large companies do not have an unfair advantage, nor do small companies have an unfair disadvantage. Rather, if a dual-use technology is not a blockbuster, both smaller biotechnology companies, with less than $500 million in annual revenue, and large companies will need a patent extension lengthy enough to guarantee cost recoup.258 Therefore, unlike the previously proposed extensions, three-year extensions to a dual-use technology patent will afford companies a considerable, yet fair, return on their investment in countermeasure development. A conditional patent-term extension like the one proposed here will also leverage companies' expertise and resources. Because a countermeasure to a dual-use technology will likely require the same expertise and resources used to develop the dual-use technology, a company may avoid some R&D costs when it develops both. Furthermore, tapping into a company's foundation of expertise and resources may expedite production of countermeasures to dual-use technology. Unlike acquiring separate countermeasures via mergers or acquisitions, using this expertise and resources springboard for countermeasure 259 The Monsanto herbicide, Roundup@, and the Roundup Ready@ crops genetically modified to be resistant to Roundup illustrates when a patent owner could be taking advantage of her expertise and resources. In the 1970s, Monsanto created the Roundup herbicide farmers use today.260 By the mid-90's, Monsanto neared the expiration date on its patent of Roundup and faced the possibility of losing the production rights of the blockbuster.261Yet Monsanto was able to use genetic engineering to create Roundup-Ready crops resistant to Roundup in 1996.262 In particular, Monsanto was able to create these plants after working on its herbicide when one of its scientists accidentally discovered Roundup-resistant bacteria. 263 Exploiting this discovery, the company worked diligently to splice the 26 resistant gene into a working plant model. 4 Because these crops were resistant to Roundup, a farmer used the herbicide in the fields to eliminate unwanted foliage while not harming the main crop. 265 Notably, Monsanto did not make a countermeasure to its herbicide, but similar to Monsanto's ability to create two technologies from a single concept, companies producing dual-use technologies can exploit discoveries made in their pursuit of creating a dual-use technology to eventually create an accompanying countermeasure. In sum, unlike previous countermeasure incentives, the conditional patent-term extension proposed here provides an incentive that reduces terrorist or biohacker accessibility to dual-use technologies, makes countermeasure development an attractive investment, and takes advantage of companies' resources and expertise.

#### Vulnerabilities exposed by COVID have invigorated availability and interest in bioterror, but technical challenges remain as barriers to acquisition.

Koblentz and Kiesel 7/14 [Gregory D. Koblentz (Deputy Director of the Biodefense Graduate Program and Assistant Professor of Government and Politics in the Department of Public and International Affairs at George Mason University) and Stevie Kiesel (Biodefense PhD Student, Schar School of Policy and Government, George Mason University). “The COVID-19 Pandemic: Catalyst or Complication for Bioterrorism?”. Studies in Conflict & Terrorism. Published online 14 Jul 2021. Accessed 7/22/21. <https://www.tandfonline.com/doi/abs/10.1080/1057610X.2021.1944023?journalCode=uter20> //Xu]

Since COVID-19 was declared a pandemic in March 2020, there has been no major bioterrorist incident that challenges or validates the core beliefs of the optimists, pessimists, or pragmatists. Extremists with violent apocalyptic or accelerationist ideologies—chiefly jihadists and far-right extremists—have sought to capitalize on the pandemic, but they still rely on conventional weapons. Based on available open-source information, terrorist interest in weaponizing SARS-CoV-2 seems limited. While some individuals and groups who subscribe to violent apocalyptic or accelerationist ideologies have shown some interest in crudely spreading the virus, most terrorists have sought to exploit the conditions the pandemic created rather than the virus itself. An increase in the risk of bioterrorism cannot be completely discounted as the equipment, knowledge, and expertise to work with high-risk pathogens is increasingly available and there are a small number of groups with the ideologies and objectives consistent with the use of biological weapons. Still, important technical barriers to acquiring and using a biological weapon capable of causing mass casualties, even far below the effects of a pandemic pathogen, will remain even after the pandemic is contained. While COVID-19 graphically demonstrated the vulnerability of modern societies to infectious diseases, the lessons learned from this experience, if properly implemented, should significantly improve the capability of governments around the world to detect and respond to future pandemics as well as deliberate disease outbreaks. Counterterrorism and biodefense efforts should not be dictated by the latest “‘risk of the month’ policies crafted in the wake of visible or highly publicized events.”117 Instead, strategies for reducing the likelihood and consequences of bioterrorism in the wake of the COVID-19 pandemic should be based on a realistic appraisal of the risk and investments should be optimized to strengthen preparedness against the full spectrum of biological threats.

#### IP protections are the only limit on proliferating dual-use biotech – losing patents puts financial pressure on companies to outsource R&D, which skyrockets bioterror acquisition.

Finlay 10 [Brian Finlay (President and Chief Executive Officer of the Stimson Center, M.A. from the Norman Patterson School of International Affairs at Carleton University, a graduate diploma from the School of Advanced International Studies, the Johns Hopkins University and an honors B.A. from Western University in Canada). “The Bioterror Pipeline: Big Pharma, Patent Expirations, and New Challenges to Global Security”. The Fletcher Forum of World Affairs. Vol. 34, No. 2 (Summer 2010), pp. 51-64. <https://www.jstor.org/stable/45289504?seq=1#metadata_info_tab_contents> //Xu]

Until recently, these investment risks were frequently mitigated by income generated from past drug development successes. In most markets, that income was guaranteed by strict patent protections that closed the window to outside competition for a set period of time. More recently, however, the uncertainty of R&D investments has been complicated not only by the global economic downturn, but more importantly by looming patent expirations that will open many of big pharma's patent-protected drugs to generic competition. Between 2007 and 2012, more than three dozen drugs will lose patent protection, removing an estimated $67 billion from big pharma's annual sales.33 With existing drug development pipelines unable to fill the gaps, biopharmaceutical companies are under intense pressure not only to cut costs - which would provide only temporary relief to the bottom line - but also to rapidly replenish their development pipelines. Some industry analysts have described this "perfect storm" as an "existential" moment for big pharma.34 Many pharmaceutical companies have approached this challenge by accelerating and widening the outsourcing and off-shoring of both R&D and manufacturing, and by aggressively buying promising assets from small biotech companies through acquisitions and strategic alliances. Interestingly, these partnerships are less frequently linked with American or even Western-owned and-operated companies than in the past. Many pharmaceutical giants like Indiana-based Eli Lilly are turning to alliances with firms in Asia and elsewhere around the world, outsourcing key technical operations. Instead of functioning as fully integrated firms, big pharma companies have found value in networked relationships with independent small to large firms, universities, and non-profit biotechnology laboratories around the globe.35 The net result has accelerated technology proliferation - for both beneficial and nefarious uses - far beyond the traditional hubs for biotech innovation. Pharma's increasingly desperate search to seed and ultimately acquire innovative new biotechnologies means that foreign (non- Western) markets are pulling ahead in biotech innovation. Indeed, the quantity of biotech companies outside the United States has grown remarkably in recent years: in Israel, the number grew from 30 in 1990 to about 160 in 2000; in Brazil, from 76 in 1993 to 354 in 2001; and remarkably, in South Korea, from one in 2000 to 23 in 2003. 36 More generally, the Asia-Pacific region has emerged as one of the world s fastest-growing biotechnology hubs, with the growth of publicly traded companies handily outpacing growth in the United States and Europe over recent years.37 As fruitful partnerships lead big pharma to increasingly generate resources, technologies, and knowledge, these capacities spin off new competitor firms in a self-executing multiplier effect. With the number of facilities and highly trained individuals increasing, the likelihood of a serious biological accident or nefarious incident will similarly rise, which will be particularly risky when dual-use technologies are introduced into insufficiently regulated markets. CONCLUSIONs In statements, U.S. officials continue to cite several countries believed to have or to be pursuing a biological weapons capability.38 But globalization exports the challenge of bioproliferation far beyond these geographic boundaries and transcends multiple societal layers well beyond government actors. As a result, it is increasingly clear that states no longer have a monopoly on dual-use biological R&D. Recent evidence suggests a growing threat of terrorist acquisition of biological weapons. As technological advancement in the life sciences is progressively pushed into countries of the Global South, some of which are also potential hotbeds for terrorist activity, the nexus of science and terrorism becomes especially acute. While far from perfect, the current system of stringent controls levied by Western governments over the biopharmaceutical sector has proven remarkably effective, especially given the diffusion of technologies and the ease of their redirection for hostile purposes. As the biotech revolution continues to widen, however, advanced industrialized governments are increasingly playing catch-up with changing technological realities. As these technologies proliferate, security analysts have become uneasy with the lack of controls in many states. The dearth of legal controls, the lack of rigor in their enforcement, and the growth in private-actor involvement in dual-use activities has sobering implications for global security.

#### Bioterrorism causes Extinction – overcomes any conventional defense.

Walsh 19, Bryan. End Times: A Brief Guide to the End of the World. Hachette Books, 2019. (Future Correspondent for Axios, Editor of the Science and Technology Publication OneZero, Former Senior and International Editor at Time Magazine, BA from Princeton University)//Elmer

I’ve lived through disease outbreaks, and in the previous chapter I showed just how unprepared we are to face a widespread pandemic of flu or another new pathogen like SARS. But a deliberate outbreak caused by an engineered pathogen would be far worse. We would face the same agonizing decisions that must be made during a natural pandemic: whether to ban travel from affected regions, how to keep overburdened hospitals working as the rolls of the sick grew, how to accelerate the development and distribution of vaccines and drugs. To that dire list add the terror that would spread once it became clear that the death and disease in our midst was not the random work of nature, but a deliberate act of malice. We’re scared of disease outbreaks and we’re scared of terrorism—put them together and you have a formula for chaos. As deadly and as disruptive as a conventional bioterror incident would be, an attack that employed existing pathogens could only spread so far, limited by the same laws of evolution that circumscribe natural disease outbreaks. But a virus engineered in a lab to break those laws could spread faster and kill quicker than anything that would emerge out of nature. It can be designed to evade medical countermeasures, frustrating doctors’ attempts to diagnose cases and treat patients. If health officials manage to stamp out the outbreak, it could be reintroduced into the public again and again. It could, with the right mix of genetic traits, even wipe us off the planet, making engineered viruses a genuine existential threat. And such an attack may not even be that difficult to carry out. Thanks to advances in biotechnology that have rapidly reduced the skill level and funding needed to perform gene editing and engineering, what might have once required the work of an army of virologists employed by a nation-state could soon be done by a handful of talented and trained individuals. Or maybe just one. When Melinda Gates was asked at the South by Southwest conference in 2018 to identify what she saw as the biggest threat facing the world over the next decade, she didn’t hesitate: “A bioterrorism event. Definitely.”2 She’s far from alone. In 2016, President Obama’s director of national intelligence James Clapper identified CRISPR as a “weapon of mass destruction,” a category usually reserved for known nightmares like nuclear bombs and chemical weapons. A 2018 report from the National Academies of Sciences concluded that biotechnology had rewritten what was possible in creating new weapons, while also increasing the range of people capable of carrying out such attacks.3 That’s a fatal combination, one that plausibly threatens the future of humanity like nothing else. “The existential threat that would be most available for someone, if they felt like doing something, would be a bioweapon,” said Eric Klien, founder of the Lifeboat Foundation, a nonprofit dedicated to helping humanity survive existential risks. “It would not be hard for a small group of people, maybe even just two or three people, to kill a hundred million people using a bioweapon. There are probably a million people currently on the planet who would have the technical knowledge to pull this off. It’s actually surprising that it hasn’t happened yet.”

### 1NC – OFF

#### Counterplan Text - Resolved: The member nations of the World Trade Organization ought to

#### eliminate intellectual property protections for medicines except for orphan drugs.

#### prioritize distribution of orphan drugs to the Global South.

#### Orphan drug legislation is specifically key to stimulate research into rare diseases

Horgan et. al 20 D, Moss B, Boccia S, Genuardi M, Gajewski M, Capurso G, Fenaux P, Gulbis B, Pellegrini M, Mañú Pereira M, M, Gutiérrez Valle V, Gutiérrez Ibarluzea I, Kent A, Cattaneo I, Jagielska B, Belina I, Tumiene B, Ward A, Papaluca M: Time for Change? The Why, What and How of Promoting Innovation to Tackle Rare Diseases – Is It Time to Update the EU’s Orphan Regulation? And if so, What Should be Changed? Biomed Hub 2020;5:1-11. doi: 10.1159/000509272 [https://www.karger.com/Article/Fulltext/509272#](https://www.karger.com/Article/Fulltext/509272) //sid

The European Union’s (EU) Regulation (EC) No. 141/2000 on orphan medicinal products (OMPs) (referred to as “the regulation” in this paper) states that “patients suffering from rare conditions should be entitled to the same quality of treatment as other patients,” and concludes that “it is therefore necessary to stimulate the research, development and bringing to the market of appropriate medications by the pharmaceutical industry” [[1](https://www.karger.com/Article/Fulltext/509272#ref1)]. Rare diseases had already been identified as a priority area for Community action within the framework for action in the field of public health [[2](https://www.karger.com/Article/Fulltext/509272#ref2)], and the regulation’s stated aim is – “to provide incentives for the research, development and placing on the market of designated orphan medicinal products.” It set up a mechanism to ensure that “orphan medicinal products eligible for incentives should be easily and unequivocally identified,” with the condition that “objective criteria for designation should be established” [[3](https://www.karger.com/Article/Fulltext/509272#ref3)]. The core incentive of the regulation is the granting of 10 years (+2 years for paediatric orphan medicines) of marketing exclusivity and a range of financial and scientific provisions granted via the European Medicines Agency to support product development and application for Marketing Authorisation. Nearly two decades later, the success of the measure has been demonstrated. Investment both from public research funders and from companies of all sizes in rare disease research has resulted in the approval of more than 150 orphan drugs – compared with just eight therapies for rare diseases available before the adoption of the regulation. That translates into a lot of patient benefit. With clinical research stimulated by the legislation, the EU sees some 2,000 clinical trials providing still more innovation or hope for treatments in the current R&D pipeline [[4](https://www.karger.com/Article/Fulltext/509272#ref4)]. But over the intervening years, the limitations in the functioning of the legislation have become apparent too, and these merit attention if the beneficial effects for patients and caregivers are to be maximised [[5](https://www.karger.com/Article/Fulltext/509272#ref5)]. This paper explores the successes and limitation of both the regulation and its implementation mechanisms in the current regulatory context, and suggests some improvements that could maximise its benefits and boost rare disease research even further. The discussion needs to be precise if it is to be effective. Review of the functioning of the regulation may coincide with a period of more intense scrutiny and concerns over containing the rise of expenditure to ensure sustainability of healthcare systems, with a particular focus on expensive innovation which are often developed within the orphan conditions. While there is undoubted importance in the wider but distinct debate over healthcare costs, it does not bear directly on reviewing the orphan medicines regulation [[6](https://www.karger.com/Article/Fulltext/509272#ref6)]. At the same time, economic questions do, however, have relevance to the debate on orphans, since patients’ access to the medicines that become available is conditioned by the national arrangements for reimbursement or listing of products: there is an increasing tension between the potential access to agents that can modify or even cure rare diseases, and the models for reimbursement available to European payers. Part of this hesitancy can be ascribed to the novelty of the challenges presented by many innovative treatments, which by their nature present unknowns to payers. Clearly, there is also a need to deal with uncertainty with regard to value demonstration, especially when value or values are perceived not to be sufficiently demonstrated. The risk is that such powerful economic reservations can have a cumulative negative impact on the motivation for pursuing research into rare disease treatments – thus running counter to the guiding principle of the legislation itself [[7](https://www.karger.com/Article/Fulltext/509272#ref7)]. Current value assessment rules across Europe for orphan drugs remain largely inadequate and can become a real fourth hurdle to effective patient access to those treatments [[8](https://www.karger.com/Article/Fulltext/509272#ref8)]. The regulation’s stimulation of new product development has also helped promote the development of EU biotech companies. The last two decades have witnessed the emergence of more than 150 small and medium enterprises (SMEs) focusing on rare diseases. No wonder that one of the prominent Members of the European Parliament over this period, Francoise Grossetête, emphasised the importance of the regulation in addressing “real medical needs” and generating “therapeutic breakthroughs” [[9](https://www.karger.com/Article/Fulltext/509272#ref9)]. The underlying strength of the concept of providing incentives for R&D in areas of unmet need is confirmed by the fact that Germany and other Member States are now exploring whether OMP-type incentives could contribute to solving the major risks of antimicrobial resistance (AMR), through promoting development of new anti-bacterials even where simple market economics do not provide sufficient motivation for investment [[10](https://www.karger.com/Article/Fulltext/509272#ref10)]. Thanks to increased investments and the associated efforts thus made possible, some rare diseases now benefit from effective treatments. There are leading examples in the area of haemophilia, paroxysmal nocturnal haemoglobinuria (PNH), and some lysosomal storage diseases such as Gaucher. The full list of conditions for which “orphans medicines” have been launched in Europe is too extensive to reproduce here, but by way of illustration it ranges from rare cancers to rare variants of common diseases (pulmonary hypertension, neonatal diabetes) and to rare congenital, mostly childhood-onset disorders (Gaucher, cystinosis, inherited hyperammonaemias) [[11](https://www.karger.com/Article/Fulltext/509272#ref11)]. However, these tales of success should not lead to any delusions that the process has been – or is becoming – easy. Successes in developing innovative treatments are hard-won. Without consistent and determined effort, innovation does not happen – and innovation in rare diseases is all the more challenging. The key elements of the innovation process are well documented, but the nature of the challenges is perhaps not always fully appreciated by those outside the healthcare sector, being seen as costs and not as investments. Rare diseases are categorized as “orphan diseases” because their occurrence in a small number of patients means that, despite apparent high unmet medical need, there is limited scientific understanding, making it difficult to justify the development risk and investment to develop new treatments. The OMP regulation was developed explicitly to support efforts in this field of innovation [[12](https://www.karger.com/Article/Fulltext/509272#ref12)].

#### Orphan diseases require time intensive care and affect millions.

**Lancet 19** [Lancet, 2-1-2019, accessed on 9-6-2021, The Lancet Diabetes & Endocrinology, "Spotlight on rare diseases", https://www.thelancet.com/journals/landia/article/PIIS2213-8587(19)30006-3/fulltext]//sid

Feb 28 is Rare Disease Day, the theme of which this year is “bridging health and social care”. This 12th annual [Rare Disease Day](https://www.rarediseaseday.org/page/news/theme-2019)highlights the need for better coordination of medical, social, and support services to lessen the burden that rare diseases—often complex, chronic, and disabling—have on the everyday lives of patients, their families, and carers. As a recent [Europe-wide survey](http://download2.eurordis.org.s3.amazonaws.com/rbv/2017_05_09_Social%20survey%20leaflet%20final.pdf)found that 80% of patients and carers had difficulty completing daily tasks, 70% found organising care time-consuming (with 60% finding it hard to manage), and 67% felt that health, social, and local services communicated poorly with each other, the theme of Rare Disease Day 2019 is timely. More than 6000 [rare diseases](https://globalgenes.org/rare-diseases-facts-statistics/) (80% with a genetic component) affect more than 300 million people worldwide. While an individual disease might be classed as rare (defined as affecting less than 1 in 2000 of the general population in the European Union or fewer than 200 000 people in the USA), the sheer number of rare diseases means that the overall numbers quickly stack up: 3·5 million people in the UK, 30 million across Europe, and 30 million in the USA are affected. Whether a single rare disease affects thousands or just one person, the impact on the affected individual and those around them can be devastating: 50% of rare diseases affect children, 30% of whom will die before age 5 years. Rare diseases present myriad challenges for patients, their families, and caregivers, including the time it takes to obtain a correct diagnosis for many patients. In a [survey](https://globalgenes.org/wp-content/uploads/2013/04/ShireReport-1.pdf) of patients and caregivers in the USA and UK, patients reported that it took on average 7·6 years in the USA and 5·6 years in the UK to get a proper diagnosis, during which time patients typically visited eight physicians (four primary care and four specialist) and received two to three misdiagnoses. As there is no approved treatment for 95% of rare diseases, a diagnosis can be a crushing reality check for patients and their families, rather than bringing hope and reassurance. As such, rare diseases impose a considerable emotional toll on patients and their caregivers. Other challenges include a lack of information and resources, the financial cost of care, and difficulty in accessing appropriate medical expertise, which is compounded by a lack of specialist training programmes for medical professionals. In this issue of The Lancet Diabetes & Endocrinology, we publish a call-to-action to address the [unmet need for subspecialty training](http://dx.doi.org/10.1016/S2213-8587(18)30369-3) in adult rare (inherited metabolic) diseases, which is crucial given that 50% of rare diseases present in adulthood and children surviving rare diseases eventually transition to adult care.

#### Rare diseases disproportionately affect people of color

**RDDC, No Date** (RDDC, No Date, accessed on 9-6-2021, Rare Disease Diversity Coalition, "Charting thePath Forwardfor Equity inRare Diseases", <https://3hqwxl1mqiah5r73r2q7zll1-wpengine.netdna-ssl.com/wp-content/uploads/2021/03/RDDC_Path_Forward_Final.pdf>)//sid

While the rare disease community continues to face hurdles generally, people of color face additional hurdles in their quest for care . Barriers to diagnosis and treatment for people of color often have deadly consequences . Flaws across the entire system have a compounding effect on the care that Black, Native American, Hispanic, Asian, and Pacific Islander Americans with rare diseases receive . Americans of color continue to be underrepresented in genome-wide association studies and clinical research trials, leading to a lack of understanding about effective treatments, particularly in diverse populations . Despite making up more than 38 percent of the U .S . population, people of color comprise only 16 percent of research study participants .20 On the patient side, people of color are less likely to have affordable access to health care and rare disease experts .21 To make matters worse, some rare diseases disproportionately impact people of color . For instance, sarcoidosis, sickle cell anemia, thalassemia, and some forms of lupus are known to affect minority populations at higher rates than the general population .22 And implicit bias particularly harms people of color with rare diseases .23

## Case

### UV

#### Reject 1AR theory- A] 7-6 time skew means it’s endlessly aff biased B] I don’t have a 3nr which allows for endless extrapolation C] 1AR theory is skewed to the aff because they have a 2ar judge psychology warrant.

#### Reasonability on 1AR shells –it checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention

### Framework

#### Reducing existential risks is the top priority in any coherent moral theory

Plummer 15 (Theron, Philosophy @St. Andrews http://blog.practicalethics.ox.ac.uk/2015/05/moral-agreement-on-saving-the-world/)

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

#### AT – Kessler

#### 1---Probability 1st Collapses – everything can be more probable in the absolute AND impossible to measure risk of probability which links to the paralysis argument

#### 2---We’re not the “most absurd scenarios”---we have robust proof of our internal links, and impacts---the bright line is arbitrary and low

#### 3---Weigh magnitude times probability---“probability first” framing is rooted in psychological biases and leads to mass death

Clarke 08 [Lee, member of a National Academy of Science committee that considered decision-making models, Anschutz Distinguished Scholar at Princeton University, Fellow of AAAS, Professor Sociology (Rutgers), Ph.D. (SUNY), “Possibilistic Thinking: A New Conceptual Tool for Thinking about Extreme Events,” Fall, Social Research 75.3, JSTOR]

In scholarly work, the subfield of disasters is often seen as narrow. One reason for this is that a lot of scholarship on disasters is practically oriented, for obvious reasons, and the social sciences have a deep-seated suspicion of practical work. This is especially true in sociology. Tierney (2007b) has treated this topic at length, so there is no reason to repeat the point here. There is another, somewhat unappreciated reason that work on disaster is seen as narrow, a reason that holds some irony for the main thrust of my argument here: disasters are unusual and the social sciences are generally biased toward phenomena that are frequent. Methods textbooks caution against using case stud- ies as representative of anything, and articles in mainstreams journals that are not based on probability samples must issue similar obligatory caveats. The premise, itself narrow, is that the only way to be certain that we know something about the social world, and the only way to control for subjective influences in data acquisition, is to follow the tenets of probabilistic sampling. This view is a correlate of the central way of defining rational action and rational policy in academic work of all varieties and also in much practical work, which is to say in terms of probabilities. The irony is that probabilistic thinking has its own biases, which, if unacknowledged and uncorrected for, lead to a conceptual neglect of extreme events. This leaves us, as scholars, paying attention to disasters only when they happen and doing that makes the accumulation of good ideas about disaster vulnerable to issue-attention cycles (Birkland, 2007). These conceptual blinders lead to a neglect of disasters as "strategic research sites" (Merton, 1987), which results in learning less about disaster than we could and in missing opportunities to use disaster to learn about society (cf. Sorokin, 1942). We need new conceptual tools because of an upward trend in frequency and severity of disaster since 1970 (Perrow, 2007), and because of a growing intellectual attention to the idea of worst cases (Clarke, 2006b; Clarke, in press). For instance, the chief scientist in charge of studying earthquakes for the US Geological Service, Lucile Jones, has worked on the combination of events that could happen in California that would constitute a "give up scenario": a very long-shaking earthquake in southern California just when the Santa Anna winds are making everything dry and likely to burn. In such conditions, meaningful response to the fires would be impossible and recovery would take an extraordinarily long time. There are other similar pockets of scholarly interest in extreme events, some spurred by September 11 and many catalyzed by Katrina. The consequences of disasters are also becoming more severe, both in terms of lives lost and property damaged. People and their places are becoming more vulnerable. The most important reason that vulnerabilities are increasing is population concentration (Clarke, 2006b). This is a general phenomenon and includes, for example, flying in jumbo jets, working in tall buildings, and attending events in large capacity sports arenas. Considering disasters whose origin is a natural hazard, the specific cause of increased vulnerability is that people are moving to where hazards originate, and most especially to where the water is. In some places, this makes them vulnerable to hurricanes that can create devastating storm surges; in others it makes them vulnerable to earthquakes that can create tsunamis. In any case, the general problem is that people concentrate themselves in dangerous places, so when the hazard comes disasters are intensified. More than one-half of Florida's population lives within 20 miles of the sea. Additionally, Florida's population grows every year, along with increasing development along the coasts. The risk of exposure to a devastating hurricane is obviously high in Florida. No one should be surprised if during the next hurricane season Florida becomes the scene of great tragedy. The demographic pressures and attendant development are wide- spread. People are concentrating along the coasts of the United States, and, like Florida, this puts people at risk of water-related hazards. Or consider the Pacific Rim, the coastline down the west coasts of North and South America, south to Oceania, and then up the eastern coast- line of Asia. There the hazards are particularly threatening. Maps of population concentration around the Pacific Rim should be seen as target maps, because along those shorelines are some of the most active tectonic plates in the world. The 2004 Indonesian earthquake and tsunami, which killed at least 250,000 people, demonstrated the kind of damage that issues from the movement of tectonic plates. (Few in the United States recognize that there is a subduction zone just off the coast of Oregon and Washington that is quite similar to the one in Indonesia.) Additionally, volcanoes reside atop the meeting of tectonic plates; the typhoons that originate in the Pacific Ocean generate furiously fatal winds. Perrow (2007) has generalized the point about concentration, arguing not only that we increase vulnerabilities by increasing the breadth and depth of exposure to hazards but also by concentrating industrial facilities with catastrophic potential. Some of Perrow's most important examples concern chemical production facilities. These are facilities that bring together in a single place multiple stages of production used in the production of toxic substances. Key to Perrow's argument is that there is no technically necessary reason for such concentration, although there may be good economic reasons for it. The general point is that we can expect more disasters, whether their origins are "natural" or "technological." We can also expect more death and destruction from them. I predict we will continue to be poorly prepared to deal with disaster. People around the world were appalled with the incompetence of America's leaders and orga- nizations in the wake of Hurricanes Katrina and Rita. Day after day we watched people suffering unnecessarily. Leaders were slow to grasp the importance of the event. With a few notable exceptions, organi- zations lumbered to a late rescue. Setting aside our moral reaction to the official neglect, perhaps we ought to ask why we should have expected a competent response at all? Are US leaders and organiza- tions particularly attuned to the suffering of people in disasters? Is the political economy of the United States organized so that people, espe- cially poor people, are attended to quickly and effectively in noncri- sis situations? The answers to these questions are obvious. If social systems are not arranged to ensure people's well-being in normal times, there is no good reason to expect them to be so inclined in disastrous times. Still, if we are ever going to be reasonably well prepared to avoid or respond to the next Katrina-like event, we need to identify the barriers to effective thinking about, and effective response to, disas- ters. One of those barriers is that we do not have a set of concepts that would help us think rigorously about out-sized events. The chief toolkit of concepts that we have for thinking about important social events comes from probability theory. There are good reasons for this, as probability theory has obviously served social research well. Still, the toolkit is incomplete when it comes to extreme events, especially when it is used as a base whence to make normative judgments about what people, organizations, and governments should and should not do. As a complement to probabilistic thinking I propose that we need possibilistic thinking. In this paper I explicate the notion of possibilistic thinking. I first discuss the equation of probabilism with rationality in scholarly thought, followed by a section that shows the ubiquity of possibilis- tic thinking in everyday life. Demonstrating the latter will provide an opportunity to explore the limits of the probabilistic approach: that possibilistic thinking is widespread suggests it could be used more rigorously in social research. I will then address the most vexing prob- lem with advancing and employing possibilistic thinking: the prob- lem of infinite imagination. I argue that possibilism can be used with discipline, and that we can be smarter about responding to disasters by doing so.

#### AT SV First -

#### 1---Prefer util---even if its flawed, alternatives are worse because they justify the same ends but create decision paralysis, and requires saying some lives are more valuable than others, which turns all their impacts

#### 2---Tautological---devolves into consequentialism---either their maxims are created to minimize harm, which means they’re utilitarian consequentialist, or they’re inflexible in cases of moral atrocity worse than utilitarianism because they requires saving some people over others

#### 3---Not our util---utilitarian framework wouldn’t justify atrocities like slavery because the magnitude of the harm to a smaller group still outweighs

#### AT: Predictions

#### 1---Make them indict our internal links---their interp justifies arbitrarily lowering the risk of dropped args, which breaks the game and collapses into endless judge intervention based on how likely you think the DA is

### Case

#### TRIPs waiver doesn’t solve- it doesn’t obligate countries to do anything, just makes it legal.

Mercurio 21 [Bryan; Professor of Law, The Chinese University of Hong Kong; "The IP Waiver for COVID-19: Bad Policy, Bad Precedent," 2021; 1-6. International Review of Intellectual Property and Competition Law.] Justin

It is not only the length of time which is an issue but also the ultimate impact of the waiver. A waiver simply means that a WTO Member would not be in violation of its WTO obligations if it does not protect and enforce the COVID-19-related IPRs for the duration of the waiver. The waiver would thus allow Members to deviate from their international obligations but not obligate Members to suspend protection and enforcement of the IPRs. Members like the US who support the waiver may not implement the necessary domestic legislation to waive IPRs within the jurisdiction. It is questionable whether the US could even legally implement the waiver given that IPRs are a matter of constitutional law.17

#### 2] The first piece of Vanni evidence has no warrants for IP being the cause – rather it’s saying that lack of access to healthcare is what is causing disproportionate minority deaths.

#### 3] 1AC solvency is contingent on winning that a vaccine waiver would solve COVID, but they never prove the infrastructure exists – prefer the NC evidence – it’s a key internal link to aff solvency that they just didn’t bother reading.