# 1

#### Interp - Debaters must disclose all constructive positions, this must include plan text, tags, cites, and advantage area on the 2021-22 NDCA LD wiki 3 min before flip decision the round in which they read them and/or provide contact information to get this information. To clarify they must disclose a wikify version 3 min before flip time is up.

#### Violation – they sent the aff after the time was up for decision, time stamps in the screenshot, original request was at 11:21 and it was sent at 11:31 a min after flip timer was up

#### 

#### Standards:

#### Strat skew – I don’t know the any positions they read so it is impossible for the to make a decision on the flip, this kills all strat I can get from the flip.

#### Shiftiness – allow them change the aff/neg strat according to the flip, while we are forced to stay static.

#### 1 - Theory is DTD – [1] set future norms [2] skew before round fairness means round is unfair [3] nothing to drop for this interp

#### 2 - Use competing interps on T – A) - reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation b) race to top c) sidestep norms

#### 3 - No RVIs – A - discourages checking real abuse B – it is just illogical they shouldn’t win for being fair C - Encourages baiting – outweighs because if the shell is frivolous, they can beat it quick

#### 4 - Comes before aff theory — A - If we had to be abusive it’s because couldn’t know what there were going to read, B - Theroy outweighs on scope because their abuse affected every speech starting with the 1ac

# 2

#### Interp: Debaters must disclose round reports when requested on the 2021-22 NDCA LD wiki or over email/text for every round they have debated this season. Round reports disclose which positions (AC, NC, K, T, Theory, etc.) were read/gone for in every speech.

#### Violation: screenshot in the doc – they don’t have it on the wiki and didn’t when asked over text

Also send the disclosure doc in email.

A screenshot of a phone

Description automatically generated with low confidence

Graphical user interface

Description automatically generated with medium confidence

#### Standards:

#### 1] Level Playing Field – big schools can go around and scout and collect flows but independents are left in the dark so round reports are key to prep- they give you an idea of overall what layers debaters like going for so you can best prepare your strategy when you hit them. Accessibility first and independent voter – it’s an impact multiplier

#### 2] Strategy Education – round reports help novices understand the context in which positions are read by good debaters and help with brainstorming potential 1NCs vs affs – helps compensate for kids who can’t afford coaches to prep out affs

#### c/a paradigm issues

# 3

#### Brink. US/PRC on the brink of nuclear confrontation.

Gerson 8/4/2021 {Joseph, Executive Director of the Campaign for Peace, Disarmament and Common Security and Vice-President of the International Peace Bureau] “IN A DANGEROUS TIME: TOWARD PREVENTING A DISASTROUS U.S.-CHINA WAR,” **Foreign Policy in Focus** <https://fpif.org/in-a-dangerous-time-toward-preventing-a-disastrous-u-s-china-war/EDM>

U.S.-Chinese relations are worse than at any time since the renewal or relations began in the early 1970s. As in the late 1940s, we are witnessing, and suffering, the restructuring of the global disorder into a new, extremely dangerous, and totally unnecessary confrontation analogous, but not identical, to the Cold War. As Zhu Zhiqun, my colleague at the Committee for a SANE U.S.-China Policy has written, “the Biden Administration has convinced itself that China is an existential threat to US national interests and…must be pushed back at all costs.” Trump, and now Biden, Blinken and others, blinded by their self-righteousness, have forged a new Washington and national consensus: China poses an existential threat to freedom and democracy around the world; therefore the U.S. must aggressively defend freedom and democracy – militarily, diplomatically, technologically, and otherwise. That the United States has enforced an Asia-Pacific empire since 1898, that human rights do not exist in Guantanamo, that racist Republicans – like Modi, Washington’s new partner in India – are disenfranchising minority voters, and that the United States is deeply allied with repressive governments around the world are inconvenient truths consigned to an Orwellian memory hole. At root are the inevitable tensions between rising and declining powers, the Thucydides Trap, that many times in history has climaxed in catastrophic wars. Compounding the Cold War analogy, there are disturbing parallels to the years before World War I: tensions between rising and declining powers and complex alliance structures that now include the QUAD, intense nationalism with attendant hatreds, territorial disputes, arms races with new technologies, international economic integration and competition, autocracies, and wild-card actors. Like the 1914 Sarajevo gunshots, an incident, accident, or miscalculation –a collision of warships in the South or East China Seas or near Taiwan – could escalate to a major, potentially nuclear, war.

#### China manipulates the WTO process. WTO = China steals tech and manipulates trade.

Wemer 2019 [David A., Assistant director, editorial, at the Atlantic Council] “What is wrong with the WTO?” **The Atlantic Council** <https://www.atlanticcouncil.org/blogs/new-atlanticist/what-is-wrong-with-the-wto/EDM>

Criticisms of the WTO by the United States and others, such as the European Union and Japan, fall into three major categories: the ability of WTO members to self-identify as “developing” countries in order to receive special treatment, the failure of many WTO members to properly notify the WTO and other WTO members of government subsidies in accordance with specific agreement rules, and alleged overreach by the Appellate Body. Much of this criticism is directed at the actions of China, which the United States and other WTO members say is skirting WTO rules in the behavior of state-owned enterprises, dumping products, and stealing intellectual property.

#### Surrendering US IP benefits to WTO members kills US competitive edge. SQ IPR best.

Atkinson 2019 [Robert, Founder and president of the Information Technology and Innovation Foundation] “China’s Biopharmaceutical Strategy: Challenge or Complement to U.S. Industry Competitiveness?” **Information Technology & Innovation Foundation** <https://itif.org/publications/2019/08/12/chinas-biopharmaceutical-strategy-challenge-or-complement-us-industry/EM>

America’s strong IP system—including allowing 12 years of data exclusivity for biologics and providing a period of marketing exclusivity for drugs independent of exclusive patent rights, as well as providing patent linkage and patent term extension through the Hatch-Waxman Act—has helped spur investment. Robust funding for the National Institutes of Health (NIH), especially the doubling of funding in the late 1990s and early 2000s, has helped lay the groundwork for robust biopharma innovation.22 The United States also benefits greatly from having a drug-pricing system that permits companies to earn sufficient revenues from one generation of biomedical innovation to reinvest in the next. That matters greatly because, as the Organization for Economic Cooperation and Development (OECD) has written, “There exists a high degree of correlation between pharmaceutical sales revenues and R&D expenditures.”23 Limited government price controls also make investing in the United States more attractive than in many other nations.24 The lesson of the U.S. gain in global competitive advantage in the biopharmaceutical industry should be clear. It was not based on absolute advantage (e.g., some nations being good in agriculture because they have a lot of arable land). Rather, it was and is based on competitive advantage (e.g., factors that are malleable by policy, such as a strong drug-approval system and reasonable drug pricing). As such, have competitive advantage in industries such as biopharmaceutical is something that has to be earned and worked at to retain. As some European nations and nations such as Japan found to their distress, competitive advantage is not a birthright; it can be lost. That should be the message for the United States: while the United States is doing well in the industry now, it could easily lose that advantage, particularly to China, which has targeted the industry for global leadership. This means that the United States needs to keep in place the right policies and make them even stronger while at the same time continuing to press China to roll back its innovation mercantilist practices in this industry.

#### Medical edge increases PRC military

Kuo 17 [Mercy A; Executive Vice President at Pamir Consulting; “The Great US-China Biotechnology and Artificial Intelligence Race,” The Diplomat; 8/23/17; <https://thediplomat.com/2017/08/the-great-us-china-biotechnology-and-artificial-intelligence-race/>EDM

Trans-Pacific View author Mercy Kuo regularly engages subject-matter experts, policy practitioners, and strategic thinkers across the globe for their diverse insights into the U.S. Asia policy. This conversation with Eleonore Pauwels – Director of Biology Collectives and Senior Program Associate, Science and Technology Innovation Program at the Wilson Center in Washington D.C. – is the 104th in “The Trans-Pacific View Insight Series.” Explain the motivation behind Chinese investment in U.S. genomics and artificial intelligence (AI). With large public and private investments inland and in the U.S., China plans to become the next AI-Genomics powerhouse, which indicates that these technologies will soon converge in China. China’s ambition is to lead the global market for precision medicine, which necessitates acquiring strategic technological and human capital in both genomics and AI. And the country excels at this game. A sharp blow in this U.S.-China competition happened in 2013 when BGI purchased Complete Genomics, in California, with the intent to build its own advanced genomic sequencing machines, therefore securing a technological knowhow mainly mastered by U.S. producers. There are significant economic incentives behind China’s heavy investment in the increasing convergence of AI and genomics. This golden combination will drive precision medicine to new heights by developing a more sophisticated understanding of how our genomes function, leading to precise, even personalized, cancer therapeutics and preventive diagnostics, such as liquid biopsies. By one estimate, the liquid biopsy market is expected to be worth $40 billion in 2017. Assess the implications of iCarbonX of Shenzhen’s decision to invest US$100 million in U.S.-company PatientsLikeMe relative to AI and genomic data collection. iCarbonX is a pioneer in AI software that learns to recognize useful relationships between large amounts of individuals’ biological, medical, behavioral and psychological data. Such a data-ecosystem will deliver insights into how an individual’s genome is mutating over time, and therefore critical information about this individual’s susceptibilities to rare, chronic and mental illnesses. In 2017, iCarbonX invested $100 million in PatientsLikeMe, getting a hold over data from the biggest online network of patients with rare and chronic diseases. If successful, this effort could turn into genetic gold, making iCarbonX one of the wealthiest healthcare companies in China and beyond. The risk factor is that iCarbonX is handling more than personal data, but potentially vulnerable data as the company uses a smartphone application, Meum, for customers to consult for health advice. Remember that the Chinese nascent genomics and AI industry relies on cloud computing for genomics data-storage and exchange, creating, in its wake, new vulnerabilities associated with any internet-based technology. This phenomenon has severe implications. How much consideration has been given to privacy and the evolving notion of personal data in this AI-powered health economy? And is our cyberinfrastructure ready to protect such trove of personal health data from hackers and industrial espionage? In this new race, will China and the U.S. have to constantly accelerate their rate of cyber and bio-innovation to be more resilient? Refining our models of genomics data protection will become a critical biosecurity issue. Why is Chinese access to U.S. genomic data a national security concern? Genomics and computing research isinherentlydual-use**,** therefore a strategic advantagein a nation’s security arsenal. Using AI systems to understand how the functioning of our genomes impacts our health is of strategic importancefor biodefense. This knowledge will lead to increasing developments at the forefront of medical countermeasures, including vaccines, antibiotics, and targeted treatments relying on virus-engineering and microbiome research. Applying deep learning to genomics data-sets could help geneticists learn how to use genome-editing (CRISPR) to efficiently engineer living systems, but also to treat and, even “optimize,” human health, with potentialapplications in military enhancements. A $15 million partnership between a U.S. company, Gingko Bioworks, and DARPA aims to genetically design new probiotics as a protection for soldiers against a variety of stomach bugs and illnesses. China could be using the same deep learning techniques on U.S. genomics data to better comprehend how to develop, patent and manufacture tailored cancer immunotherapies in high demand in the United States. Yet, what if Chinese efforts venture into understanding how to impact key genomics health determinants relevant to the U.S. population? Gaining access toincreasingly largeU.S. genomicdata-sets gives China aknowledge advantage into leading the next stepsin bio-military research**.** Could biomedical data be used to develop bioweapons? Explain. Personalized medicine advances mean that personalized bio-attacks are increasingly possible. The combination of AI with biomedical data and genome-editing technologies will help us predict genes most important to particular functions. Such insights will contribute to knowing how a particular disease occurs, how a newly-discovered virus has high transmissibility, but also why certain populations and individuals are more susceptible to it. Combining host susceptibility information with pathogenic targeted design, malicious actors could engineer pathogens that are tailored to overcome the immune system or the microbiome of specific populations.

#### Threshold: The closer to reaching US technological edge, the higher risk of war in SCS.

Leigh et al. 2020 [12/17, Karen**]** “Troubled Waters: Where the US and China could clash in the SCS,” **Bloomberg** <https://www.bloomberg.com/graphics/2020-south-china-sea-miscalculation/EDM>

Perhaps nowhere do the U.S. and Chinese militaries come closer to each other than in the South China Sea. And the brinkmanship in the waters could soon rise under President-elect Joe Biden. As the world’s biggest economies spar on everything from trade to the coronavirus, fears have grown that a miscalculation between warships could spark a wider military confrontation. Although top defense officials from the U.S. and China have maintained communication even as broader relations have deteriorated, more fervent nationalism in both countries raises the political stakes of any crisis. President Donald Trump’s administration has increased the number of “freedom of navigation operations”—known as FONOPs—in the South China Sea to challenge China’s sovereignty claims. The current round of maneuvers, which involve naval vessels sailing within territorial limits of land features claimed by China, reached a new high of 10 last year after a total of just five in the last two years of the Obama administration. Biden looks set to maintain or even expand the number of FONOPs. Jake Sullivan, his pick for national security adviser, last year lamented the U.S.’s inability to stop China from militarizing artificial land features in the South China Sea, and called for the U.S. to focus more on freedom of navigation. “We should be devoting more assets and resources to ensuring and reinforcing, and holding up alongside our partners, the freedom of navigation in the South China Sea,” Sullivan told ChinaTalk, a podcast hosted by Jordan Schneider, an adjunct fellow at the Washington-based Center for a New American Security. “That puts the shoe on the other foot. China then has to stop us, which they will not do.” The U.S. has played a key role in maintaining security in Asian waters since World War II. Yet Beijing’s military buildup, combined with moves to fortify its hold on disputed territory in the South China Sea, has raised fears that it could look to deny the U.S. military access to waters off China’s coastline. In turn, the U.S. has increasingly sought to demonstrate the right to travel through what it considers international waters and airspace. That’s led to a handful of tense encounters. Back in 2001, a mid-air collision between a U.S. Navy reconnaissance plane and a Chinese fighter jet prompted an international incident, with the American crew held for 10 days on Hainan island. During a close call in 2018 between China’s Luyang destroyer and the USS Decatur, the Chinese warship warned the American vessel it would “suffer consequences” if it didn’t change course, according to the South China Morning Post. “We certainly don’t want to go to war over some coral rocks, but then again we don’t want to let China change the rules with their presence,” said Joe Felter, former deputy assistant secretary of defense for South Asia, Southeast Asia and Oceania in the Trump administration. “They’re going to push it as far as they can.” China claims more than 80% of the South China Sea, one of the world’s busiest shipping routes, based on a 1947 map showing vague markings that has since become known as the “nine-dash line.” The U.S. estimates that more than 30% of the global maritime crude oil trade passes through the waters. Besides China, five other governments claim land in the South China Sea: Vietnam, the Philippines, Brunei, Malaysia and Taiwan. Efforts to resolve the disputes have made little progress: Talks with Southeast Asian nations on a code of conduct in the waters have dragged on for about two decades. Beijing has also rejected a dispute resolution mechanism under the United Nations Convention on the Law of the Sea, known as Unclos. In a case unilaterally brought by the Philippines, the Permanent Court of Arbitration in The Hague ruled in 2016 that there was no legal basis for China to claim historic rights to resources in seas falling within the nine-dash line, and man-made structures don’t generate zones of sovereignty. In a military fight, China could easily take the islands from its fellow claimants. The U.S. and Japan are the only countries that “stand a chance” against China while Southeast Asian nations can only hope to “inflict a bloody nose,” said Bill Hayton, associate fellow with the Asia-Pacific Program at Chatham House and author of “The South China Sea: The Struggle for Power in Asia.” U.S. sailors conduct flight operations on the deck of the aircraft carrier USS Carl Vinson. American Navy aircraft carrier strike groups regularly patrol regional waters, fueling tensions in the South China Sea. Photographer: Mass Communication Specialist 3rd Class Matt Brown/U.S. Navy via Getty Images “We’re getting to a kind of brinkmanship phase now,” he said. “The U.S. has an edge technologically, but the closer the Chinese come to thinking they can match the U.S. the closer we get to confrontation.”

#### Chinese aggression = SCS invasion and nuclear war.

Flournoy and Chefitz 2020 [Michèle A., Former undersecretary of defense for policy, and Gabrielle, senior associate at WestExec Advisors] “China's military capabilities are gaining on the U.S. The Pentagon needs to take bold steps,” **Think** <https://www.nbcnews.com/think/opinion/china-s-military-capabilities-are-gaining-u-s-pentagon-needs-ncna1234383/EDM>

The next U.S. administration will face an increasingly emboldened and aggressive China — one that has shown a growing willingness to use coercive measures to stake its territorial claims from the South China Sea to Taiwan to the Indian border region. Although neither Washington nor Beijing wants a war, there is a real risk that miscalculation could cause a crisis to spiral into a conflict between these two nuclear-armed powers. Although neither Washington nor Beijing wants a war, there is a real risk that miscalculation could cause a crisis to spiral into a conflict between these two nuclear-armed powers. To prevent conflict, the United States must maintain the military capability to deter China by demonstrating the ability to deny the success of such aggression or impose costs so high that Beijing steps back from the brink. The problem is this: If the Pentagon's own reported war games and analysis are to be believed, the current force may well be insufficient to deter or defeat Chinese aggression in the future. The Pentagon's analysis shows that the U.S. military is equipped to fight the last war. But many of the weapon systems that gave U.S. forces the edge in conflicts in the Middle East are incredibly vulnerable to attack by the advanced electronic warfare, cyber-capabilities and precision-guided missiles of China and Russia. The U.S. must take urgent action to reverse this worrying trend. Maintaining and ultimately extending its military-technological edge over great-power competitors like China must become the Pentagon's highest investment priority — or it could lose that edge within the decade. To stay on top, the next secretary of defense must advance a much bolder vision for sharpening the U.S. military-technology edge, as recommended in our recent Center for a New American Security report, "Sharpening the U.S. Military's Edge: Critical Steps for the Next Administration." Few U.S. national security challenges are of greater consequence and urgency than preventing conflict with China and promoting a peaceful Asia-Pacific region. It is fundamental to safeguarding global trade and shipping routes, democratic norms and ideals, the future of technological governance and the security and independence of key partners and allies.

# 4

#### Plan: The US, EU, China, Russia, Canada and India will join the WHO patent pools for infectious disease research [CTAP and MPP], providing economic support and compliance with the pool. Pool resources will be devoted to addressing inequality of access to medicines and vaccines worldwide. Funding and enforcement guaranteed.

#### WHO patent pool = best solvency. Protects innovation. Need US and others to join.

Davey 2021 [Neil, Science Writer, 2/26] “Increasing global access to COVID-19 vaccines and treatments through patent pools,” **Jolt Digest** <https://jolt.law.harvard.edu/digest/increasing-global-access-to-covid-19-vaccines-and-treatments-through-patent-pools/EDM>

Given that the Global North is responsible for a [majority of the world’s biotechnology innovation](https://science.sciencemag.org/content/294/5550/2289.3) and thereby owns most of the intellectual property (“IP”) for these technologies, a fine balance must be achieved between increasing international access to care without deterring essential [R&D]Research & Development investment. The World Health Organization (“WHO”) has created a [voluntary patent pool](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/global-research-on-novel-coronavirus-2019-ncov/covid-19-technology-access-pool/solidarity-call-to-action/) in an attempt to resolve this tension. Known as the [COVID-19 Technology Access Pool](https://www.who.int/emergencies/diseases/novel-coronavirus-2019/global-research-on-novel-coronavirus-2019-ncov/covid-19-technology-access-pool) (“C-TAP”), this effort [led by Costa Rica and the WHO](https://www.who.int/news/item/29-05-2020-international-community-rallies-to-support-open-research-and-science-to-fight-covid-19) aims to leverage collective research and incentivize international cooperation to address the pandemic. The goal of such a patent pool is to bundle multiple pieces of IP together so as to [reduce the transaction costs](https://www.thinkglobalhealth.org/article/patent-pools-and-pandemic-renewed-debate) of knowledge sharing on a patent-by-patent basis. Signatory nations to this proposal agree to sharing data, knowledge, and IP surrounding COVID-19 detection, prevention, and treatment. Thus far, [35+ countries have signed](https://www.bioworld.com/articles/435437-who-launches-covid-19-patent-pool-backed-by-35-countries), but many of the world’s leading biotechnology innovators (including the US, UK, France, Germany, China, Russia, Canada, and India) have [not joined the international effort](https://www.statnews.com/pharmalot/2020/05/29/who-covid19-coronavirus-patents/). Importantly, such a voluntary patent pool is preferable to the pharmaceutical industry relative to a compulsory licensing approach, in which countries could entirely circumvent the patents of innovator pharmaceutical companies and allow domestic generic companies to manufacture and distribute the products.

Advantage: WHO Leadership

#### Only WHO effectively promotes innovation. Overlapping involvement by WTO = policy failure. Makes the problem worse. CP solves. Gets better coordination.

Taylor 2002 [Allyn, Health policy Advisor, WHO] “Global governance, international health law and WHO: looking towards the future,” **Bulletin of the World Health Organization** <https://scielosp.org/pdf/bwho/v80n12/8012a12.pdf/EDM>

The WTO’s [TRIPs} Convention on Trade-related Aspects of Intellectual Property establishes standards for protection of [IP] intellectual property applicable to biotechnology; several other WTO agreements also apply to biotechnology related trade disputes. The United Nations Education, Scientific and Cultural Organization has announced the ‘‘possible preparation’’ of an ‘‘international instrument on genetic data’’ and a ‘‘universal instrument on bioethics’’ as a follow-up to its Universal Declaration on the Human Genome and Human Rights (32); it is unclear whether these proposed instruments would be designed as binding international law. Most recently, in December 2001, the United Nations General Assembly established an Ad Hoc Working Group of the Sixth Committee to consider an international treaty to ban reproductive cloning of human beings (20)…International law in biotechnology is thus emerging in a fragmented and amorphous manner in which intergovernmental organizations with overlapping jurisdictions are addressing sector-specific aspects of the genetics revolution in a piecemeal and incomplete manner. The splintered legal process exacerbates uncertainties about the legal regime that governs biotechnology. This is partly because standards adopted under the auspices of different international organizations are being developed in increasingly contradictory ways, including conflicting legal standards related to intellectual property (33, 34). The experience of international lawmaking in biotechnology strongly suggests that the current decentralized organizational framework is ill-equipped to deal with international legal aspects of the massive public health implications of new genetic technologies and other realms of global public health. Taking the agenda forward: WHO and international health law An international health law mandate for WHO: coordination and collective management A larger role for WHO, involving coordination of the international health law enterprise, is essential for rational development and effective implementation of international health law policy.

#### CP solves China and globalization best. WHO is proper place for US-China collaboration. Failure to support WHO governance drives crisis.

Xinhua 2020 [5/8] “Responding to crisis requires cooperation between China, U.S.: expert,” <http://www.xinhuanet.com/english/2020-05/08/c_139040592.htm/EDM>

Gu cited how coronavirus pandemic outbreak took place in an era of globalization, where people, information and resources flow through a market-oriented global system. However, when a major infectious disease occurs and its enormous negative externality causes the market-oriented global trading system fail, there is an "urgent need" for a strong international governance body to step in, said Gu. Unfortunately, effective global leadership and global collective action has not emerged from this crisis, he added. For instance, The [WHO] World Health Organization, as the coordinating body for global public health, has not had the support of some of the major powers to deal with such a major global public health crisis, said Gu. Gu called the spread of this epidemic as a crisis of global governance, not a crisis of globalization" and that the aftermath of this lack of global governance has been "disastrous." In fact, globalization has played a crucial role in the fight against the epidemic, said Gu. The world has provided China with scarce medical supplies. Likewise, when the United States and Europe situation worsened, the international community, led by China, provided much support as well. This process of mutual support therefore illustrates the importance of global production and supply chain systems in supporting global disasters, and in allowing for international aid to reach disaster areas quickly, said Gu. Some might think that a shortage for medical emergency supplies like masks due to more demand is a problem caused by the global supply chain and that the future solution is to localize medical supplies, Gu said. In times of crisis, however, the reality is that the principle of efficiency or timely supply of critical goods cannot be guaranteed. "Because the probability of such rare public health emergencies occurring frequently is very small, we can't know in advance which country the crisis will occur," he said. While political interference may affect globalization in the short term, globalization will not end, as long as enterprises seek to maximise profits, and consumers pursue their interests. Hence, as globalization is inevitable, countries should make strengthening global governance their top priority, because globalization without global governance is "fragile and even dangerous," said Gu. The world has undergone fundamental changes, with the growth of developing countries which still lack a voice on global governance. As the power of the U.S. continues to wane, it cannot sustain its unipolar hegemony, and is further weakened by Trump administration's decision to pull out in many areas of global governance, said Gu. The most important need now is for the world to form a multi-polar system of governance as soon as possible, he said. This can be done through a reform of the existing governance system, as well as establishing new institutions. But either way, multilateralism and the participation of developing countries should be important elements, said Gu. For this to happen, cooperation between the two major powers of China and the United States is essential to solve many of the existential crisis facing the world.

# Case

#### Aff gets circumvented- powerful countries use bilateral agreements to force other countries to accept their IPR protections- its empirically proven

DC = developing country

NIT = Net Importers of Technology (this references developing countries)

NET = Net Exporters of Technology (countries with advanced economies)

Marcellin 16 Marcellin, Sherry (Professor, London School of Economics). The political economy of pharmaceutical patents: US sectional interests and the African Group at the WTO. Routledge, 2016./SJKS

In July 1988, prior to the Montreal Mid-Term Review, DCs had sensed that the approach being proposed by industrialised countries was desirable on the grounds that the alternative would be a proliferation of unilateral or bilateral actions (MTN.GNG/NG11/8: 31). These NITs maintained that acceptance of such an approach would be tantamount to creating a licence to force, in the name of trade, modifications in standards for the protection of IP in a way that had not been found acceptable or possible so far in WIPO (ibid). Brazil subsequently informed the Group that on October 20, 1988, unilateral restrictions had been applied by the US to Brazilian exports as a retaliatory measure in connection with an IP issue; that this type of action seriously inhibited Brazil’s participation in the work of the Group, since ‘no country could be expected to participate in negotiations while experiencing pressures on the substance of its position’ (MTN.GNG/NG11/10: 27). The Brazilian delegate maintained that such action by the US constituted a blatant infringement of GATT rules and was contrary to the Standstill commitment of the Punta del Este Declaration. ‘The United States action was an attempt to coerce Brazil to change its intellectual property legislation, and furthermore represented an attempt by the United States to improve its negotiating position in the Uruguay Round’ (ibid). A US delegate countered that the measures had been taken with regret and as a last resort after all alternative ways of defending legitimate US interests had been exhausted, and that the US further believed that the adoption of effective patent protection was in Brazil’s own interest (ibid: 28). The US had therefore applied its strategy of coercive unilateralism against one of the two most important players championing the cause of the South in the TRIPS negotiations, the other being India. Apprehensive about the resistance of this dominant Southern duo, the United States sought to utilise its market size as a bargaining tool to secure changes to national IP regimes. It therefore decided to impact the more powerful of the two at the time, thereby indirectly admonishing India and the entire coalition against strengthened IP rules, as well as their domestic export constituencies

#### Durable fait doesn’t solve this is after the aff is passed.

#### The scale up card is talking about thing like providing training, the aff does nothing to change that, ur not buying it, only the CP can do thing that creating training programs

#### IPR hasn’t harmed access – manufacturing capacity alt cause

Mercurio 2/12 (Bryan Mercurio, [Simon F.S. Li Professor of Law at the Chinese University of Hong Kong (CUHK), having served as Associate Dean (Research) from 2010-14 and again from 2017-19. Professor Mercurio specialises in international economic law (IEL), with particular expertise in the intersection between trade law and intellectual property rights, free trade agreements, trade in services, dispute settlement and increasingly international investment law.], 2-12-2021, “WTO Waiver from Intellectual Property Protection for COVID-19 Vaccines and Treatments: A Critical Review“, No Publication, accessed: 8-8-2021, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3789820) ajs

2. Intellectual property rights have not hampered access to COVID-19 vaccines

A WTO waiver is an extreme measure which should only be used when existing WTO obligations prove inadequate. This was the case in relation to the compulsory licencing provisions under Article 31 of the TRIPS Agreement, which essentially precluded Members with no or inadequate manufacturing capabilities from making use of the flexibility granted in the TRIPS Agreement. 25 This was also the case with the Kimberley Process, which attempts to eliminate trade in “conflict diamonds”. 26

Although the IP waiver proposal states that “there are several reports about intellectual property rights hindering or potentially hindering timely provisioning of affordable medical products to the patients”, 27 the sponsors did not provide further elaboration or evidence to support their declaration that “many countries especially developing countries may face institutional and legal difficulties when using flexibilities available [under the TRIPS Agreement]”. 28 Instead, many of the examples used by India and South Africa point to problems not with the TRIPS Agreement but rather to failures at the domestic level. As mentioned above, the WTO allowed for the importation of medicines under a compulsory licence in 2003, and yet many developing countries have yet to put in place any framework to allow their country to make use of the flexibility. 29 This is not an institutional problem of the international system but rather a problem at the country level.

Two additional factors which make the proposed waiver unnecessary and potentially harmful. First, pharmaceutical companies are selling the vaccine at extremely reasonable rates and several announced plans for extensive not-for-profit sales.30 Although agreements between the pharmaceutical companies and governments are not publicly disclosed, the Belgian Secretary of State Eva De Bleeker temporarily made publicly available in a tweet the prices the EU is being charged by each manufacturer. The De Bleeker tweet indicated the European Commission negotiated price arrangements with six companies, with the range of spending between €1.78 and €18 per coronavirus vaccine dosage. Specific price per dose listed for each of the six vaccines was as follows: Oxford/AstraZeneca: (€1.78), Johnson & Johnson (€8.50), Sanofi/GSK (€7.56), CureVac (€10), BioNTech/Pfizer (€12) and Moderna (€18).31

While much as been made of the fact that South Africa agreed to purchase 1.5 million doses of the Oxford/AstraZeneca from the Serum Institute of India (SII) at a cost of €4.321 per dose,32 these criticisms are directed at the lack of transparency in pharmaceutical licenses and production contracts – an issue which would be wholly unaddressed by a waiver of IPRs.

Moreover, while the disparity in pricing is concerning the overall per dosage rate South Africa is paying nevertheless represents value for money given the expected health and economic returns on investment. Despite the disparity in pricing between nations, the larger point remains that the industry has not only rapidly produced vaccines for the novel coronavirus but is making them available at unquestionably reasonable prices.

Second, the proposed waiver will do nothing to address the problem of lack of capacity or the transfer of technology and goodwill. Pharmaceutical companies have not applied for patents in the majority of developing countries – in such countries, any manufacturer is free to produce and market the vaccine inside the territory of that country or to export the vaccine to other countries where patents have not been filed.33 Patents cannot be the problem in the countries where no patent applications have been filed, but the lack of production in such countries points to the real problem – these countries lack manufacturing capacity and capability.

While advanced pharmaceutical companies will have the technology, know-how and readiness to manufacture, store and transport complex vaccine formulations, such factories and logistics exist in only a handful of countries.34 Regardless of whether an IP waiver is granted, the remaining countries will be left without enhanced vaccine access and still reliant on imported supplies. With prices for the vaccine already very low, it is doubtful that generic suppliers will be able to provide the vaccine at significantly lower prices. Under such a scenario, the benefit of the waiver would go not to the countries in need but to the generic supplier who would not need to pay the licence fee or royalty to the innovator. Thus, the waiver would simply serve to benefit advanced generic manufacturers, most of which are located in a handful of countries, including China and Brazil as well as (unsurprisingly) India and South Africa. Countries would perhaps be better off obtaining the vaccine from suppliers that have negotiated a voluntary licence from the patent holder, as such licences include provisions for the transfer of technology, know-how and ongoing quality assurance support.

#### Squo solves – plan increases price of scarce materials and results in costly, ineffective facilities

Mcmurry-Heath 8/18 (Michelle Mcmurry-Heath, [physician-scientist and president and CEO of the Biotechnology Innovation Organization.], 8-18-2021, “Waiving intellectual property rights would harm global vaccination“, STAT, accessed: 8-19-2021, https://www.statnews.com/2021/08/18/waiving-intellectual-property-rights-compromise-global-vaccination-efforts/) ajs

Covid-19 vaccines are already remarkably cheap, and companies are offering them at low or no cost to low-income countries. Poor access to clinics and transportation are barriers in some countries, but the expense of the shot itself is not. In fact, if the World Trade Organization grants the IP waiver, it could make these vaccines more expensive.

Here’s why. Before Covid-19 emerged, the world produced at most [5.5 billion doses](https://www.barrons.com/articles/a-plan-to-break-the-vaccine-manufacturing-bottleneck-51621952245) of various vaccines every year. Now the world needs an additional [11 billion doses](https://www.who.int/director-general/speeches/detail/director-general-s-opening-remarks-at-the-g7-summit---12-june-2021) — including billions of doses of mRNA vaccines that no one had ever mass-manufactured before — to fully vaccinate every eligible person on the planet against the new disease.

Even as Covid-19 vaccines were still being developed, pharmaceutical companies began retrofitting and upgrading existing facilities to produce Covid-19 vaccines, at a cost of $40 to $100 million each. Vaccine developers also licensed their technologies to well-established manufacturers, like the Serum Institute of India, to further increase production. As a result, almost every facility in the world that can quickly and safely make Covid-19 vaccines is already doing so, or will be in the next few months.

#### MRNA expert shortages.

Garde et al 21 [Damian Garde (National Biotech Reporter), Helen Branswell (Senior Writer, Infectious Disease)Matthew Herper (Senior Writer, Medicine, Editorial Director of Events), 5/6/21, Waiver of patent rights on Covid-19 vaccines, in near term, may be more symbolic than substantive, <https://www.statnews.com/2021/05/06/waiver-of-patent-rights-on-covid-19-vaccines-in-near-term-may-be-more-symbolic-than-substantive/>] Justin

In October, Moderna vowed not to enforce its Covid-19-related patents for the duration of the pandemic, opening the door for manufacturers that might want to copy its vaccine. But to date, it’s unclear whether anyone has, despite the vaccine’s demonstrated efficacy and the worldwide demand for doses.

That underscores the drug industry’s case that patents are just one facet of the complex process of producing vaccines.

“There are currently no generic vaccines primarily because there are hundreds of process steps involved in the manufacturing of vaccines, and thousands of check points for testing to assure the quality and consistency of manufacturing. One may transfer the IP, but the transfer of skills is not that simple,” said Norman Baylor, who formerly headed the Food and Drug Administration’s Office of Vaccines Research and Review, and who is now president of Biologics Consulting.

While there are factories around the world that can reliably produce generic Lipitor, vaccines like the ones from Pfizer and Moderna — using messenger RNA technology — require skilled expertise that even existing manufacturers are having trouble sourcing.

“In such a setting, imagining that someone will have staff who can create a new site or refurbish or reconfigure an existing site to make mRNA [vaccine] is highly, highly unlikely,” Yadav said.

#### Vaccine diplomacy fails---every empirical example shows no impact

Ilan **Kelman 14,** Reader in Risk, Resilience and Global Health at University College London, Senior Research Fellow at the Norwegian Institute of International Affairs, Thematic Director for Global Environmental Sustainability at the UCL Institute of Global Governance, “Does Disaster Diplomacy Improve Inter-State Relations?”, e-International Relations, 11-4, http://www.e-ir.info/2014/11/04/does-disaster-diplomacy-improve-inter-state-relations/

Does Disaster Diplomacy Work? Disasters place human suffering on display—of friends and enemies alike. As part of the common human spirit, we often hope that, no matter who is troubled by calamity, we would be moved to help and that help would be graciously accepted. That process turns out to be tricky in international politics, when countries experience cataclysms and multilateral relations determine who provides and who accepts humanitarian aid. Research into ‘disaster diplomacy’ investigates this topic. Disaster diplomacy investigates how and why disaster-related activities do and do not influence conflict and cooperation (Kelman, 2012). The key phrase is ‘disaster-related activities’ covering (i) pre-disaster efforts including prevention, preparedness, planning, and damage mitigation, and (ii) post-disaster actions including response, reconstruction, and recovery. Disaster diplomacy case studies are not just about what happens when a volcano erupts in a war zone (Klimesova, 2011) or when enemies consider sending and accepting humanitarian aid (Akcinaroglu et al., 2011). They also examine the situation before a disaster manifests, such as how a flood warning system could potentially bring together communities (Ahmad and Ahmed, 2003) or how **vaccination campaigns** might generate lasting ceasefires (Hotez, 2010). Based on the **empirical evidence** of case studies, the overall conclusion from disaster diplomacy is that disaster-related activities do **not** create new initiatives in achieving peace or reducing conflict, but a diplomatic process with pre-existing conditions can be catalysed or supported (Kelman, 2012). If that catalysis occurs, then the disaster-related activities influence diplomacy in the short-term, but not in the long-term. In the short-term, over weeks and months, all forms of disaster-related activities have the potential to affect diplomacy, such as by spurring it on or by providing a space in which peace efforts can be pursued. For that to occur, a pre-existing basis must exist for the reconciliation. This could be ongoing negotiations, formal or informal cultural connections, or trade links. **Even over the short-term**, disaster diplomacy is not necessarily successful, since disaster-related activities can sometimes foment conflict and reduce diplomatic opportunities—or have **no impact at all** on peace and conflict. Irrespective of what happens over the short-term, over longer time periods, non-disaster factors have a **more significant impact** on diplomacy than disaster-related activities. Examples of non-disaster factors are leadership changes, **mutual distrust**, belief that an **historical grievance** should supersede current humanitarian considerations, or a desire for conflict due to the advantages gained from it. These conclusions have been **corroborated through case studies** covering inter-state conflict, intra-state conflict, disaster risk reduction, disaster response, bilateral relations, and multilateral relations. The analysis and conclusions have been extended to sub-national case studies, including para-diplomacy (international relations conducted by non-sovereign jurisdictions) and non-state-level relations and conflicts. Thus far, the evidence shows that disaster diplomacy has the potential (not inevitability) for improving inter-state, and other, relations only in the short-term and only if a non-disaster-related pre-existing basis is available. Case Study 1: The 26 December 2004 Earthquake and Tsunami On 26 December 2004, a large-magnitude, shallow earthquake shook Aceh, Indonesia, causing tsunamis which raced across the Indian Ocean, inundating communities in more than a dozen countries around Asia and Africa. The two countries with the highest death tolls, Indonesia and Sri Lanka, were each embroiled in long-standing, internal political conflicts which had been particularly violent over the previous three decades. Aceh, Indonesia, and eastern Sri Lanka were particularly badly hit by the tsunami and were also centres for the violence. Consequently, clear disaster diplomacy opportunities emerged. Both areas sorely needed major efforts at post-conflict and post-tsunami reconstruction, neither of which could be completed by the local or national authorities alone. With a large international presence, with the world watching as survivors were assisted, and with the need for extensive efforts to clean up and rebuild from the waves and the wounds, would this disaster bring the warring parties together and reconstruct a society alongside the infrastructure? Amidst the international humanitarian response, the Indonesian government and militants in Aceh negotiated for and eventually signed a peace deal on 15 August 2005. Despite violence flaring on occasion and, still ten years after, many aspects of the post-tsunami and post-conflict reconstruction being unresolved or incomplete, the peace is lasting in Aceh. Surely this is a classic case of disaster diplomacy succeeding? The answer is ‘no’ because negotiations had started between the two parties on 24 December 2004, just 48 hours before the earthquake and tsunami (Gaillard et al., 2008). There is no doubt that the catastrophe provided a diplomatic space in which peace could succeed if the parties involved sought that. We will never know if the ongoing negotiations would have succeeded in the absence of a disaster, as many previous efforts had failed. But when the shaking and waves struck Aceh, the conflicting parties were already in the process of reducing conflict and aiming for long-term peace. Consequently, the disaster could be used as an excuse to achieve their long-term goal of an agreement if they wanted it—and that happened (see also Enia, 2008; Klimesova, 2011; Le Billon and Waizenegger, 2007). Simultaneously in Sri Lanka, distribution of the humanitarian aid, access to areas in the north and east of the country which were not under government control, and perceptions that people affected in the south were not being treated fairly led to a spiralling of the violent and non-violent conflict. Deals were reached and then broken or overturned. In November 2005, Sri Lanka elected a hard-line president who campaigned on pursuing military means for ending the conflict. That was achieved in 2009, when Sri Lanka’s military could finally declare that they had ended the armed struggle against Colombo. An uneasy peace continues in Sri Lanka. Why did disaster diplomacy never take off in Sri Lanka? The major parties involved had other reasons for not seeking peace, with examples being the personal power given by continuing the conflict, concern that dealing with the violent parties in the north and east would legitimise them, and mistrust of the other side (see also Beardsley and McQuinn, 2009; Hyndman, 2011; Wickremesinghe, 2006). These aspects dominated efforts at conflict resolution through disaster response and further hindered distribution of post-tsunami aid. Case Study 2: Low-lying Islands under Climate Change Contemporary climate change is causing major impacts for communities of low-lying island atolls such as in Papua New Guinea, the Maldives, and Tuvalu. While no certainty exists of island disappearance or islander evacuation (Kelman, 2014; Webb and Kench, 2010), some communities, such as on the Carteret Islands of Papua New Guinea, have been forced to move due to climate change (Connell, 1997). This situation has led to a discourse of so-called ‘climate refugees’ who are said to be waiting in huge hordes to invade other countries, leading to massive ‘climate conflict’—a discourse which is politically constructed and so far unsupported by empirical evidence (Hartmann, 2010; Kelman, 2014). Nonetheless, the possibility remains that numerous island communities might need to leave due to climate change impacts, ranging from lack of freshwater and diminishing food supplies to coral reef deaths and sea-level rise. In planning for potential movement, negotiating with other countries is necessary regarding who pays for moving, where to resettle, and how to govern the migrants. Given the global political ramifications of answering these questions and the depth to which identities, cultures, and countries are being affected, it would seem to have strong potential for bringing countries together to seek a common good from the global challenge of climate change to which all of humanity has contributed. Yet climate change diplomacy has not yet succeeded. The climate change negotiations under United Nations auspices—the annual United Nations Framework Convention on Climate Change Conference of Parties—is wracked by major disagreements and political conflict. So far, a lasting, legally binding agreement on stemming climate change causes and dealing with its consequences has not emerged, despite twenty years of meetings. Island governments and islanders, frustrated by the lack of progress and worried about the increasingly visible impacts of climate change on their communities and countries, are instead pursuing initiatives of their own, rather than waiting for the world to come together over climate change. One such initiative is Many Strong Voices, which is about developing and implementing collaborative and strategic actions on climate change for the Arctic and small island developing states (SIDS). Recognising the need to act for themselves irrespective of the global political conflict over dealing with climate change, the Arctic and SIDS peoples are pursuing climate change adaptation (one subset of disaster risk reduction) for themselves on their own terms, especially seeking their own choices and pathways for potential migration (Kelman, 2010; McNamara and Gibson, 2009). That is difficult, given their small populations and often limited resources, meaning that they are using their ‘Many Strong Voices’ to seek external support—which so far remains limited. This case study illustrates the disaster diplomacy pattern. Despite a long lead-time and a global political mechanism for addressing climate change, agreement has thus far not been reached, forcing those affected to address disaster risk reduction on their own. Even with a pre-existing basis in the form a negotiating forum, trying to prevent disaster emerging from the hazard driver of climate change has not yet catalysed climate change diplomacy. The Disaster Diplomacy Process The disaster diplomacy analyses demonstrate that, fundamentally, disaster-related activities are **not a high political priority**. **Perceived historic wrongs** and **domestic politics** can **outweigh** accepting assistance, as shown by Cuba’s refusal to accept American aid during the 1998 drought and the USA’s refusal to accept Cuba’s, Venezuela’s, and Iran’s offers of aid following Hurricane Katrina in 2005. Gaining and retaining political power can supersede peace, demonstrated by **Ethiopia’s and Eritrea’s intransigence** to link drought relief to conflict resolution from 1998-2000. Such examples emerge from national governments, mainly decisions made by Heads of State, Heads of Government, and their administrations. There might yet be hope for disaster diplomacy when considering diplomacy tracks beyond government-to-government relations. Glantz (2000) details the long history of Cuban and American weather and climate scientists collaborating while Fidel Castro led Cuba. These collaborations fed into disaster risk reduction and occurred most likely because the governments were not aware of them. Ker-Lindsay (2007) explains how the media and vociferous grassroots expectations fuelled Greece-Turkey earthquake diplomacy after lethal tremors struck each country three weeks apart in 1999. He then examines how the push from below nearly derailed the careful, measured approaches towards rapprochement which the elites in each country had been enacting before the disasters. The complex web of interactions involving all disaster and diplomacy activities means that any linear analysis of correlations and connections is likely to be **flawed**. A given starting point for analysing disaster diplomacy does not necessarily give a specific, predictable outcome for a case study. Given the importance of pre-existing conditions in determining whether or not disaster diplomacy becomes even a short-term catalyst, it is hard to determine where the starting point for analysis should be. Consequently, disaster diplomacy is best viewed as a long-running process with multiple parties interacting, rather than as a snapshot phenomenon which either works or does not work. Disaster-related activities are indeed one influence amongst many on all forms of diplomacy, but trade, resource management, sports, culture, personalities, domestic politics, and non-domestic politics are also major influences. The diplomacy tracks to emphasise are choices, deliberate or inadvertent, by all parties, including politicians, civil servants, the media, business leaders, movie and sports stars, and grassroots movements (amongst others). Similarly, the disaster-related activities to pursue are choices. Combining disaster-related and diplomatic-related activities therefore becomes a complex combination of choices and actions by a complex combination of parties. If someone or a group decides that disaster diplomacy is desirable, then actively lobbying for, supporting, and implementing it are pathways to follow. If someone or a group decides that disaster diplomacy is not desirable, then actively lobbying against it and undermining efforts for it are pathways to follow. Attempting to influence disaster diplomacy pathways could backfire. A leader, upon being informed about how to implement disaster diplomacy, could decide that linking disaster-related activities and conflict resolution is not wanted and, consequently, might stop disaster risk reduction programmes or avoid humanitarian relief. Open attempts at reconciliation which are rebuffed by the other side would prove to be a political nightmare. Openly blocking disaster diplomacy could polarise others who then become determined to make it succeed. An overarching challenge is that disaster diplomacy might be attractive because it appears to be a quick fix for solving conflict. It is **naïve** to expect that decades or centuries of differences could be overcome overnight, simply because a tornado destroyed a town or a multinational building code was promulgated. In contrast, it is a truism that successfully dealing with both disaster and diplomacy are long-term processes, requiring thoughtful, careful steps, whilst ensuring that all key parties continue to be on board to support the long-term goals and to serve mutual interests—at least, in theory. In practice, too much of diplomacy and disaster-related activities is done reactively with limited planning—which could mean that a disaster diplomacy case study might eventually succeed through luck. Because, in the end, the scientific truism holds that absence of evidence is not evidence of absence. **No successful examples** of new diplomacy based only on disaster-related activities have yet been identified, but many historical archives have not been explored while future disaster risk reduction or disasters could overturn the current conclusions. Nonetheless, for the moment, the evidence available shows not only that disaster diplomacy is **not an effective way** for improving inter-state relations, but also that disaster diplomacy should not be relied on to be effective for improving any relations over the long term.

#### Other influence sphere check

#### No clear exlation

#### Should have already happened