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#### At least three-quarters of WTO member nations, excluding the United States, should reduce intellectual property protections for medicines during pandemics.

#### Entirely solves while avoiding politics (although its not normal means which answers pdcp)

Siripurapu 21 Anshu Siripurapu covers economics, energy, and geopolitics, BA in political economy from the University of Southern California. "The Debate Over a Patent Waiver for COVID-19 Vaccines: What to Know." Council on Foreign Relations, May 26, 2021, [www.cfr.org/in-brief/debate-over-patent-waiver-covid-19-vaccines-what-know](http://www.cfr.org/in-brief/debate-over-patent-waiver-covid-19-vaccines-what-know).

WTO negotiations are notoriously slow, and it could take months before countries reach an agreement, particularly over the scope and duration of a waiver. Decisions are normally made unanimously, and though a TRIPS waiver could be granted by a three-quarters vote of WTO members, it is unlikely that members would break precedent.

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#### The United States federal government should commit to purchasing sufficient doses of COVID-19 vaccines to meet global demand and establish public-private partnerships to expand global vaccine manufacturing capacity.

#### Buying and exporting vaccines solves while avoiding the innovation DA.

Gianna **Gancia 21**, (IT, ID) is a member of Parliament’s Development Committee, “Why waiving patents on vaccines is not a good idea,” Parliament Magazine, 5-14-2021, https://www.theparliamentmagazine.eu/news/article/why-waiving-patents-on-vaccines-is-not-a-good-idea

In fact, there would be no incentive for pharmaceutical companies to conduct research, not only into COVID-19 (let's not forget that much still needs to be done to achieve an effective and minimally invasive therapeutic treatment in case of infection and severe symptoms) **but also for future pandemic crises that, in a globalised world, are unfortunately entirely predictable.** But the negative effects would not stop with pandemic crises. What would happen if one day, hopefully very near, an extremely effective anti-cancer drug was discovered by a pharmaceutical company? Would patents be suspended yet again? **It is obvious that investment in cancer drug research would be drastically reduced.** I strongly believe that the US position is short-sighted in this case, and to align with it would mean thwarting efforts to build an autonomous, strategic, and resilient European pharmaceutical sector. Such a decision would strongly disincentivise private investors and would effectively undermine the European sector's ability to be a world leader in research. We must remember that the United States has contributed very marginally to the export of vaccine doses, unlike the European Union which has exported 200 million doses, as many as the US has administered to its own citizens. Suspending the patents is a very hypocritical decision. If the United States really wants to help eradicate the virus from the world, the only thing they have to do is **heavily subsidise, with public money, the production of a large number of vaccines by their pharmaceutical companies**. “Giving” the patent to these countries is a cynical way of appearing good and humanitarian, without contributing in any way to actually helping them.

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#### Pharmaceutical innovation is the bedrock of US competitiveness and economic growth now – boosts the US manufacturing base and helps us outrun China.

Robert D. Atkinson, PhD, 19 [President @ Information Technology & Innovation Foundation, PhD City and Regional Planning], "China’s Biopharmaceutical Strategy: Challenge or Complement to U.S. Industry Competitiveness?," Information Technology & Innovation Foundation, 8-12-2019, <https://itif.org/publications/2019/08/12/chinas-biopharmaceutical-strategy-challenge-or-complement-us-industry> C.VC

Over the last two decades, China has successfully challenged American industrial competitiveness in many industries, but as China has gone all in on its “Made in China 2025” strategy, the challenge will increasingly be to U.S. advanced and innovation-based industries. However, America still maintains competitive advantage over many nations, including China, in the biopharmaceutical industry. In fact, since 2001, while U.S. manufacturing jobs have fallen, the number of biopharmaceutical jobs has increased over 20 percent. In short, biopharma is a U.S. manufacturing success story.

However, “Made in China 2025,” as well as other plans, target life sciences for global leadership. China is taking a range of steps, including regulatory changes, funding of biomedical research and venture capital (VC), restructuring of the industry to eliminate many smaller producers, expanding medical tourism, and expediting listings on the Hong Kong exchange, to propel China to become a major global biopharma competitor—particularly by developing a world-class generics industry. However, while some of these policy actions are fair and legitimate, many are not because they are “innovation mercantilist” in nature, seeking to unfairly benefit Chinse firms at the expense of U.S. and other foreign firms. In other words, China is seeking to challenge the United States in one of the most high-value-added, innovation-intensive industries in the world—the kind of industry for which the United States has held a competitive advantage for decades.

To be sure, the Chinese market is large, growing rapidly, and represents significant market opportunities for producers in the United States, so U.S. policy should continue to push for market access. However, Chinese policies, if coupled with potential U.S. policy errors—particularly drug price controls that would slow down U.S. biopharma innovation—could mean that within the next decade or two, the U.S. biopharmaceutical industry could lose significant market share and jobs to China, hurting not only the U.S. economy and workers, but also global biopharmaceutical innovation.1 However, unlike when the United States lost emerging technology industries such as solar panels to China, today, no one should be able to claim ignorance of China’s playbook and end game. Should U.S. policymakers decide it is in the U.S. national interest to have a globally leading life-sciences industry, they will need to respond appropriately, particularly ensuring U.S. policies, including drug-pricing policies, support industry investment in research and development (R&D) and innovation.

This report first discusses the competitive position of the U.S. biopharmaceutical industry and why a competitive industry is in the U.S. national interest. It then examines the competitive position of China’s biopharma industry, followed by a review of Chinese mercantilist industrial policies in other industries. The report then reviews China’s strategy and policies for growing the biopharmaceutical industry. Finally, it discusses how the U.S. government should respond.

The biopharmaceutical sector includes research, discovery, testing, and manufacturing of medicines and therapeutics that cure disease and improve patient health. As life-sciences industry experts David Beier and George Baeder have written, there are at least four essential policy components nations need for a strong life-sciences innovation industry: “1) strong research and development infrastructure (including skilled researchers); 2) effective intellectual property protection; 3) integration in global standards of trade, IP [intellectual property], and drug regulation; and 4) functioning markets offering sufficient reimbursement.”2 The United States is one of the few nations with all four components, which is a major reason why it is highly competitive in life sciences, although with recent calls for drug price controls, it is at risk of seeing a weakening of the second and fourth f actors.

These strengths are why employment in the biopharmaceutical industry (classified as a manufacturing industry by the U.S. government) grew 26 percent between 1998 and 2019, while total U.S. nonfarm employment increased 23 percent, and employment in manufacturing declined 27 percent.3 Moreover, wages in the industry exceeded the average private wage by 50 percent or more in 43 states, and by more than 75 percent in 24 states.4

The sector, along with medical devices, performed $111.8 billion of R&D in 2016 (the most recent year for which public data is available), of which $85.9 billion was self-funded.5 Of the total research performed, $79.4 billion was invested in the United States. Partly because 19 percent of its domestic employment was involved in research, the pharmaceutical industry accounted for 20.4 percent of all domestic R&D in the United States.6 Moreover, the United States increased its share of pharmaceutical R&D expenditures among developed countries between 1995 and 2010 from 43 percent to 57 percent.7 One reason is U.S. firms have kept most of their research activity at home, while European and Japanese firms have shifted some R&D to the United States.

This is why the United States remains the predominant powerhouse of drug discovery and production, ranking first in nearly all measures of innovation.8 The Biopharmaceutical Competitiveness and Investment Survey ranked the United States first among mature markets in 2017, followed by Switzerland, Germany, and the United Kingdom.9 The United States scored higher than the average of its top-three competitors in each of the survey’s five categories, in addition to recently being ranked as the top location for life-sciences jobs in the world.10 That same year, 11 of the top 25 pharmaceutical companies were headquartered in the United States, accounting for 48 percent of total sales from this group. Moreover, in 2015, the United States attracted 74 percent of all worldwide venture-capital investments in the biopharmaceutical industry.11

The United States leads the world in life-sciences innovation. In the 2000s, more new chemical entities were developed and approved by regulatory authorities in the United States than in the next five nations—Switzerland, Japan, the United Kingdom, Germany, and France—combined.12 Broadening the lens to the years 1997 to 2016, U.S.-headquartered enterprises accounted for 42 percent of new chemical and biological entities introduced and approved around the world, far outpacing contributions from European Union member countries, Japan, China, and other nations.13

But this has not always been the case. In the latter half of the 1970s, European-headquartered enterprises introduced more than twice as many new drugs to the world as did those in the United States (149 to 66).14 Throughout the 1980s, fewer than 10 percent of new active substances were introduced first in the United States, as figure 1 shows. And, as recently as 1990, the global research-based pharmaceutical industry invested 50 percent more in Europe than in the United States.15 As Shankar Singham of the Institute of Economic Affairs noted, “Europe was the unquestioned center of biopharmaceutical research and development for centuries, challenged only by Japan in the post-war period.”16

Figure 1: U.S. share of new active substances (NAS) launched in world market17

Yet, in recent decades, that picture has changed. Whereas less than 10 percent of new drugs were first introduced in the United States in the 1980s, by the 2010s, more than 60 percent of new drugs were first introduced in the United States.18 By 2006, pharmaceutical companies invested 40 percent more in the United States than in Europe. And the United States has been the world’s largest funder of biomedical R&D investment over the past two decades—a share some analysts have estimated has reached as high as 80 percent.19 This has contributed to an unprecedented era of life-sciences innovation, and the retention and creation of good U.S. jobs. Over the last decade, biopharmaceutical companies have invested over half a trillion dollars in R&D, while more than 350 new medicines—many firsts of their kind—have been approved by the Food and Drug Administration (FDA).20

America’s wresting of global life-sciences leadership has been no accident, but rather the result of a series of intentional policy decisions designed to make America the world’s preeminent location for life-sciences research, product commercialization, and production. For instance, the United States’ introduction of the world’s first R&D tax credit in 1981 played a catalytic role in spurring greater levels of private-sector R&D. In the life-sciences sector, this was complemented by the 1986 introduction of the orphan drug tax credit, which allows drug manufacturers to claim a tax credit on research costs for orphan drugs (i.e., drugs for rare diseases affecting 200,000 or fewer U.S. patients). The 1992 introduction of the bipartisan Prescription Drug User Fee Act, which authorized the FDA to collect user fees associated with applications from the biopharmaceutical industry for regulatory approval of new human-drug submissions, has played a pivotal role in reducing the time it takes the FDA to make safety and efficacy determinations for new drugs—from the over 30 months it took on average in the mid-1980s to less than 10 months today.21 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.

#### Reducing IP protections kills incentives for medical advancements – harms innovation and long-term economic growth.

James Bacchus, JD, 20 [Adjunct Fellow @ Cato Institute, JD Florida State University, MA History from Yale, former Congressman from Florida], "An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines," Cato Institute, 12-16-2020, <https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines> C.VC

At the heart of this emerging trade debate is a belief by many people worldwide that all medicines should be “global public goods.” There is little room in such a belief for consideration of any rights to IP. As one group of United Nations human rights experts expressed: “There is no room for … profitability in decision‐​making about access to vaccines, essential tests and treatments, and all other medical goods, services and supplies that are at the heart of the right to the highest attainable standard of health for all.”16

This view is myopic. Subordinating IP rights temporarily to pressing public needs during a pandemic or other global health emergency is one thing. Eliminating any consideration of “profitability” in all policymaking relating to “access to vaccines, essential tests and treatments, and all other medical goods, services and supplies” is quite another.17 To be sure, there is a superficial moral appeal in such a view. But does this moral appeal hold up if such a “human rights” approach does not result in meeting those urgent public needs?

With the belief that medicines should be “public goods,” there is literally no support in some quarters for the application of the WTO TRIPS Agreement to IP rights in medicines. Any protection of the IP rights in such goods is viewed as a violation of human rights and of the overall public interest. This view, though, does not reflect the practical reality of a world in which many medicines would simply not exist if it were not for the existence of IP rights and the protections they are afforded.

Technically, IP rights are exceptions to free trade. A long‐​standing general discussion in the WTO has been about when these exceptions to free trade should be allowed and how far they should be extended. The continuing debate over IP rights in medicines is only the most emotional part of this overall conversation. Because developed countries have, historically, been the principal sources of IP rights, this lengthy WTO dispute has largely been between developed countries trying to uphold IP rights and developing countries trying to limit them. The debate over the discovery and the distribution of vaccines for COVID-19 is but the latest global occasion for this ongoing discussion.

The primary justification for granting and protecting IP rights is that they are incentives for innovation, which is the main source for long‐​term economic growth and enhancements in the quality of human life. IP rights spark innovation by “enabling innovators to capture enough of the benefits of their own innovative activity to justify taking considerable risks.”18 The knowledge from innovations inspired by IP rights spills over to inspire other innovations. The protection of IP rights promotes the diffusion, domestically and internationally, of innovative technologies and new know‐​how. Historically, the principal factors of production have been land, labor, and capital. In the new pandemic world, perhaps an even more vital factor is the creation of knowledge, which adds enormously to “the wealth of nations.” Digital and other economic growth in the 21st century is increasingly ideas‐​based and knowledge intensive. Without IP rights as incentives, there would be less new knowledge and thus less innovation.

In the short term, undermining private IP rights may accelerate distribution of goods and services—where the novel knowledge that went into making them already exists. But in the long term, undermining private IP rights would eliminate the incentives that inspire innovation, thus preventing the discovery and development of knowledge for new goods and services that the world needs. This widespread dismissal of the link between private IP rights and innovation is perhaps best reflected in the fact that although the United Nations Sustainable Development Goals for 2030 aspire to “foster innovation,” they make no mention of IP rights.19

As Stephen Ezell and Nigel Cory of the Information Technology and Innovation Foundation wrote, “A fundamental fault line in the debate over intellectual property pertains to the need to achieve a reasoned balance between access and exclusive rights.”20 This fault line is much on display in the WTO rules on IP rights. These rules recognize that “intellectual property rights are private rights” and that rules and disciplines are necessary for “the provision of effective and appropriate means for the enforcement of trade‐​related intellectual property rights.”21 Yet, where social and economic welfare is at stake, WTO members have sought to strike a balance in these rules between upholding IP rights and fulfilling immediate domestic needs.

Conclusion

The solution is not another impassioned and prolonged multilateral impasse inside the WTO. The solution is multilateral action in international institutions and international endeavors outside the WTO. It is the slow pace and the uncertain success in those other global arenas that have led developing countries to seek a waiver from the WTO. Rather than continuing to press for an unnecessary WTO waiver, they should redouble their combined efforts to reach solutions in those other arenas. And the United States, the European Union, the United Kingdom, and other developed countries should do more to work with them toward that end.

In no event should IP rights become legal obstacles to ensuring early access to affordable medicines for everyone in the world during a pandemic that has already killed more than a million people worldwide and threatens to kill millions more. But also, in no event should WTO members act in ways that would eliminate the incentives that are essential to inspire the innovations that make new medicines possible.

The right balance in the WTO trade rules on IP is a balance that provides all countries with sufficient flexibility to protect IP rights while also promoting access to life‐​saving medicines.22 For COVID-19 medicines, there is no proof at this time that this balance does not exist. Maintaining this balance must remain the aim of the WTO, and it must be the aim of every endeavor of multilateral cooperation in the fight to end this pandemic.

#### Decline of US economic leadership destabilizes the international order and causes extinction.

Haas 17 – Richard Haas, President of the Council on Foreign Relations, former Director of Policy Planning for the US State Department (2001-2003), and President George W. Bush's special envoy to Northern Ireland and Coordinator for the Future of Afghanistan. [A World in Disarray: American Foreign Policy and the Crisis of the Old Order, 1-10-17, Penguin Press]

A large portion of the burden of creating and maintaining order at the regional or global level will fall on the United States. This is inevitable for several reasons, only one of which is that the United States is and will likely remain the most powerful country in the world for decades to come. The corollary to this point is that no other country or group of countries has either the capacity or the mind-set to build a global order. Nor can order ever be expected to emerge automatically; there is no invisible hand in the geopolitical marketplace. Again, a large part of the burden (or, more positively, opportunity) falls on the principal power of the day. There is more than a little self-interest at stake. The United States cannot remain aloof, much less unaffected by a world in disarray. Globalization is more reality than choice. At the regional level, the United States actually faces the opposite problem, namely, that certain actors do have the mind-set and means to shape an order. The problem is that their views of order are in part or in whole incompatible with U.S. interests. Examples would include Iran and ISIS in the Middle East, China in Asia, and Russia in Europe.

It will not be an easy time for the United States. The sheer number and range of challenges is daunting. There are a large number of actors and forces to contend with. Alliances, normally created in opposition to some country or countries, may not be as useful a vehicle in a world in which not all foes are always foes and not all friends are always friendly. Diplomacy will count for a great deal; there will be a premium on dexterity. Consultations that aim to affect the actions of other governments and their leaders are likely to matter more than negotiations that aim to solve problems.

Another reality is that the United States for all its power cannot impose order. Partially this reflects what might be called structural realities, namely, that no country can contend with global challenges on its own given the very nature of these challenges. The United States could reduce its carbon footprint dramatically, but the effect on global climate would be modest if India and China failed to follow suit. Similarly, on its own the United States cannot maintain a world trading system or successfully combat terrorism or disease. Adding to these realities are resource limits. The United States cannot provide all the troops or dollars to maintain order in the Middle East and Europe and Asia and South Asia. There is simply too much capability in too many hands. Unilateralism is rarely a serious foreign policy option. Partners are essential. That is one of the reasons why sovereign obligation is a desirable compass for U.S. foreign policy. Earlier I made the case that it represents realism for an era of globalization. It also is a natural successor to containment, the doctrine that guided the United States for the four decades of the Cold War. There are basic differences, however. Containment was about holding back more than bringing in and was designed for an era when rivals were almost always adversaries and in which the challenges were mostly related to classical geopolitical competition.1 Sovereign obligation, by contrast, is designed for a world in which sometime rivals are sometime partners and in which collective efforts are required to meet common challenges.

Up to this point, we have focused on what the United States needs to do in the world to promote order. That is what one would expect from a book about international relations and American foreign policy. But a focus on foreign policy is not enough. National security is a coin with two sides, and what the United States does at home, what is normally thought of as belonging to the domestic realm, is every bit as much a part of national security as foreign policy. It is best to understand the issue as guns and butter rather than guns versus butter.

When it comes to the domestic side, the argument is straightforward. In order to lead and compete and act effectively in the world, the United States needs to put its house in order. I have written on what this entails in a book titled Foreign Policy Begins at Home.2 This was sometimes interpreted as suggesting a turn away from foreign policy. It was nothing of the sort. Foreign policy begins at home, but it ends there only at the country’s peril.3

Earlier I mentioned that the United States has few unilateral options, that there are few if any things it can do better alone than with others. The counterpart to this claim is that the world cannot come up with the elements of a working order absent the United States. The United States is not sufficient, but it is necessary. It is also true that the United States cannot lead or act effectively in the world if it does not have a strong domestic foundation. National security inevitably requires significant amounts of human, physical, and financial resources to draw on. The better the United States is doing economically, the more it will have available in the way of resources to devote to what it wants and needs to do abroad without igniting a divisive and distracting domestic debate as to priorities. An additional benefit is that respect for the United States and for the American political, social, and economic model (along with a desire to emulate it) will increase only if it is seen as successful.

The most basic test of the success of the model will be economic growth. U.S. growth levels may appear all right when compared with what a good many other countries are experiencing, but they are below what is needed and fall short of what is possible. There is no reason why the United States is not growing in the range of 3 percent or even higher other than what it is doing and, more important, not doing.4

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#### Infrastructure and reconciliation are the priority now. they’ll pass by new deadline

Alemany 10/12 [Jacqueline Alemany and Theodoric Meyer, "The new deadline to pass Biden's agenda is coming up fast", 10/12/21, https://www.washingtonpost.com/politics/2021/10/13/new-deadline-pass-biden-agenda-is-coming-up-fast/]

New deadline, old problems: Less than two weeks after House Democrats missed a deadline to hold a vote on the infrastructure bill, the party is staring down another one.

House Speaker Nancy Pelosi and Senate Majority Leader Chuck Schumer say they’re aiming to pass the $1.2 trillion infrastructure bill and a larger package stuffed full of Democrats’ child care, health care and climate change priorities by Oct. 31, when a short-term extension of highway funding is set to run out.

Coincidentally, Oct. 31 is the day before the much-anticipated United Nations climate summit kicks off in Glasgow, where administration officials are eager to show off legislation that would establish credibility in negotiations with foreign governments. White House press secretary Jen Psaki told reporters last month that Biden expected the reconciliation bill — much of which is focused on fighting climate change — would “move forward in advance of that.”

(Asked about it on Tuesday, Psaki said Biden would tout the administration's commitment to combating climate change in Glasgow “regardless of where the package stands.”)

And two days later, Virginians will head to the polls to elect a new governor in a contest lawmakers and the White House are watching closely. Former Democratic Gov. Terry McAuliffe has implored Democrats in Washington to pass the infrastructure bill by Election Day.

The 18-day sprint

Can Democrats really pass two massive bills in the next 18 days?

“Yes,” Rep. Gerry Connolly (D-Va.) told The Early yesterday evening. “Will it is a different matter. But can it? Yeah. We’re experts at coming right up against the edge and pulling a miracle.”

#### Pushing ratification takes time, energy, and political capital away from domestic legislation – big pharma and EU allies

**Bhadrakumar 5/9** M K Bhadrakumar is a former Indian diplomat. "Biden’s talk of vaccine IP waiver is political theater." Asia Times, May 9, 2021, asiatimes.com/2021/05/bidens-talk-of-vaccine-ip-waiver-is-political-theater.

On the other hand, Biden, whose political life of half a century was largely spent in the US Congress, is well aware of the **awesome clout** of the pharmaceutical companies in American politics. From that lobby’s perspective, the patent waiver “amounts to the expropriation of the property of the pharmaceutical companies whose innovation and financial investments made the development of Covid-19 vaccines possible in the first place,” as a senior scholar at the Johns Hopkins Center for Health Security puts it. The US pharmaceutical industry and congressional Republicans have already **gone on the offensiv**e blasting Biden’s announcement, saying it undermines incentives for American innovation. Besides, the argument goes, even with the patent waiver, vaccine manufacturing is a complex process and is not like simply flipping a switch. Senator Richard Burr, the top Republican on the US Senate Health Committee, denounced Biden’s decision. “Intellectual property protections are part of the reason we have these life-saving products,” he said. “Stripping these protections only ensures we won’t have the vaccines or treatments we need when the next pandemic occurs.” The Republican senators backed by Republican Study Committee chairman Jim Banks propose to introduce legislation to block the move. Clearly, Biden would rather **spend his political capital on getting the necessary legislation through Congress to advance his domestic reform agenda rather than spend time and energy to take on the pharmaceutical industry** to burnish his image as a good Samaritan on the world stage. Conceivably, Biden could be counting on the “text-based negotiations” at the WTO **dragging on for months, if not years**, without reaching anywhere. The US support for the waiver could even be a tactic to persuade pharmaceutical firms to back less drastic steps like sharing technology and expanding joint ventures to boost global production quickly. So far Covid-19 vaccines have been distributed primarily to the wealthy countries that developed them, while the pandemic sweeps through poorer ones such as India, and the real goal is, after all, expanded vaccine distribution. Biden is well aware that there will be **huge opposition** to the TRIPS waiver from the United States’ **European allies as well**. The British press has reported that the UK has been in closed-door talks at the World Trade Organization in recent months along with the likes of Australia, Canada, Japan, Norway, Singapore, the European Union and the US, who all opposed the idea.

#### The consensus of recent research proves PC is real

Dr. Jason S. Byers 20, PhD in Political Science at the University of Georgia, Postdoctoral Fellow at the University of Michigan, BA from the College of Charleston, et al., “Policymaking by the Executive: Examining the Fate of Presidential Agenda Items”, Congress & the Presidency, Volume 47, Issue 1, Taylor & Francis

A number of studies have shown that Congress considers current levels of presidential approval when passing legislation (Brady and Volden 1998; Cohen et al. 2000; Edwards 1980, 1989). Early studies were able to find correlations between approval ratings and success in Congress (see, e.g., Edwards 1980; Ostrom and Simon 1985). However, later research depicts the relationship between approval ratings and legislative success as more conditional (Canes-Wrone and De Marchi 2002; Edwards 1989). Supporting a piece of legislation championed by an unpopular president could ultimately result in negative consequences for members of Congress. If presidents propose legislation to Congress that is salient with the mass electorate and has higher levels of approval, however, then members stand to gain from supporting the president.9

On a similar note, the honeymoon period of a president’s initial time in office has been shown to increase the likelihood of legislative success (Beckmann and Godfrey 2007; Brace and Hinckley 1991; Farnsworth and Lichter 2011; McCarty 1997). Presidents lose their favorability with the public and with Congress the longer that they are in office (McCarty 1997), which is why they often push for significant legislative accomplishments early in their term. Members of Congress are uniquely aware of the public’s sentiments after a presidential election, especially because they share a common constituency with the president and are more likely to capitulate to a president’s agenda.10 Therefore, a president should receive more cooperation from members of Congress for their legislative agenda items earlier in his term.

We should also expect the president to have varying levels of success depending on the policy in question (Ragsdale 2014). One area where the president is more likely to succeed in Congress is in foreign policy. The amount of knowledge the president possesses in matters of foreign policy, compared to members of Congress, is usually much greater (Canes-Wrone, Howell, and Lewis 2008; Wildavsky 1966). This information asymmetry in foreign policy leads Congress to be relatively deferential to the president’s proposals, therefore often negating their need to act unilaterally in order to achieve the president policy goals (Marshall and Pacelle 2005).11 Furthermore, members of Congress often have little incentive to get involved in foreign policy as there is little or no direct electoral return for them (Mayhew 1974).12

A president’s ability to pursue policies with Congress is also affected by institutional features such as unified government, polarization, filibuster or veto pivots, and the partisan composition of the chambers (Bond and Fleisher 1990; Howell 2005; Krehbiel 1998; Mayhew 2011). Much of the previous work on presidential success in Congress has focused on the distinction between unified versus divided government and has found that presidents are more likely to shift policy when there is unified government, which makes intuitive sense (Barrett and Eshbaugh-Soha 2007; Bond and Fleisher 1990; Mayhew 2011). If the same party controls the presidency and both chambers of Congress, then it is reasonable to assume that a majority of the legislation that is proposed by the president will at least make it onto the legislative agenda. It also follows that during times of divided government, the president would have a harder time getting legislation passed through Congress as a result of more divergent policy preferences, which therefore impedes their ability to form the necessary coalition needed to move the status quo (Mayhew 2005; Ragusa 2010).13 The effect of divided government is likely to be exacerbated with greater polarization as well. As the parties’ ideologies diverge, fewer opportunities exist for bipartisan compromise on issues, therefore potentially hampering the president’s ability to move policy.

Beyond simple majority status, the actual size of the president’s party within Congress also matters. Prior research demonstrates that the size of the coalition that the president has within Congress affects the likelihood that policy change is enacted (Bond and Fleisher 1990; Deering and Maltzman 1999). A bare majority is insufficient unless there is no diversity among members’ ideologies, and even substantial majorities may not suffice if one faction holds substantially different policy preferences from the rest of the party (such as the Southern Democrats during the 1950s and 1960s). Therefore, simple majority status is not sufficient for understanding policy changes. Instead, one must consider the size of the president’s coalition and its ideological homogeneity as well (Rohde 1991). Increasing the size of the coalition the president has in Congress should result in an easier path in passing legislation.14 This should be especially true during times of distinctly different ideological preferences between the majority and minority parties.

A variety of factors could influence the success of a president’s legislative proposal in Congress. Based on the president’s proclivity to have legislative proposals realized through law, the previous factors will influence the success or failure of a president’s ability to have proposals make it through Congress. Although presidents may not witness a specific proposal become law, this does not mean their initiatives will necessarily remain unrealized. Allowing an issue to remain at its status quo is indeed an option; however, the president may also decide (or be forced) to move policy unilaterally.15 There are a multitude of reasons that a legislative proposal would receive no action by Congress or the president. At times it is unclear why no action is initially taken in Congress, because it is difficult to ascertain a legislator's motivations in not pursuing a particular course of action. In addition, the use of the Hastert Rule in the House and the filibuster in the Senate could result in no action taken on specific policy proposals. Gridlock is an issue that must be addressed before legislation moves out of either chamber, which would stall progress and result in no action taken by the legislative body. Unpopular presidents usually struggle to have their legislative proposals acted on by Congress (Canes-Wrone and De Marchi 2002); based on the fact that the public does not support the president, Congress will decide not to act. When dealing with legislative proposals, there are two specific endings—either the status quo is changed (i.e., Congress or the president creates a policy shift) or the status quo remains the same and the proposal receives no action.

#### Quickly secures the vulnerable grid.

Carney 21 [Chris, August 6; Senior Policy Advisor at Nossaman LLC, former US Representative, Former Professor of Political Science at Penn State University; JD Supra, “The US Senate Infrastructure Bill: Securing Our Electrical Grid Through P3s and Grants,” https://www.jdsupra.com/legalnews/the-us-senate-infrastructure-bill-4989100/]

As we begin to better understand the main components of the Infrastructure Investment and Jobs Act that the US Senate is working to pass this week, it is clear that public-private partnerships ("P3s") are a favored funding mechanism of lawmakers to help offset high costs associated with major infrastructure projects in communities. And while past infrastructure bills have used P3s for more conventional projects, the current bill also calls for P3s to help pay for protecting the US electric grid from cyberattacks. Responding to the increasing number of cyberattacks on our nation’s infrastructure, and given the fragile physical condition of our electrical grid, the Senate included provisions to help state, local and tribal entities harden electrical grids for which they are responsible.

Section 40121, Enhancing Grid Security Through Public-Private Partnerships, calls for not only physical protections of electrical grids, but also for enhancing cyber-resilience. This section seeks to encourage the various federal, state and local regulatory authorities, as well as industry participants to engage in a program that audits and assesses the physical security and cybersecurity of utilities, conducts threat assessments to identify and mitigate vulnerabilities, and provides cybersecurity training to utilities. Further, the section calls for strengthening supply chain security, protecting “defense critical” electrical infrastructure and buttressing against a constant barrage of cyberattacks on the grid. In determining the nature of the partnership arrangement, the size of the utility and the area served will be considered, with priority going to utilities with fewer available resources.

Section 40122 compliments the previous section as it seeks to incentivize testing of cybersecurity products meant to be used in the energy sector, including SCADA systems, and to find ways to mitigate any vulnerabilities identified by the testing. Intended as a voluntary program, utilities would be offered technical assistance and databases of vulnerabilities and best practices would be created. Section 40123 incentivizes investment in advanced cybersecurity technology to strengthen the security and resiliency of grid systems through rate adjustments that would be studied and approved by the Secretary of Energy and other relevant Commissions, Councils and Associations.

Lastly, Section 40124, a long sought-after package of cybersecurity grants for state, local and tribal entities is included in the bill. This section adds language that would enable state, local and tribal bodies to apply for funds to upgrade aging computer equipment and software, particularly related to utilities, as they face growing threats of ransomware, denial of service and other cyberattacks. However, under Section 40126, cybersecurity grants may be tied to meeting various security standards established by the Secretary of Homeland Security, and/or submission of a cybersecurity plan by a grant applicant that shows “maturity” in understanding the cyber threat they face and a sophisticated approach to utilizing the grant.

While the final outcome of the Infrastructure Investment and Jobs Act may still be weeks or months away, inclusion of these provisions not only demonstrates a positive step forward for the application of federal P3s and grants generally, they also show that Congress recognizes the seriousness of the cyber threats our electrical grids face. Hopefully, through judicious application of both public-private partnerships and grants, the nation can quickly secure its infrastructure from cyberattacks.

#### Grid vulnerabilities spark nuclear war.

Klare 19 [Michael; November; Professor Emeritus of Peace and World Security Studies at Hampshire College; Arms Control Association, “Cyber Battles, Nuclear Outcomes? Dangerous New Pathways to Escalation,” https://www.armscontrol.org/act/2019-11/features/cyber-battles-nuclear-outcomes-dangerous-new-pathways-escalation]

Yet another pathway to escalation could arise from a cascading series of cyberstrikes and counterstrikes against vital national infrastructure rather than on military targets. All major powers, along with Iran and North Korea, have developed and deployed cyberweapons designed to disrupt and destroy major elements of an adversary’s key economic systems, such as power grids, financial systems, and transportation networks. As noted, Russia has infiltrated the U.S. electrical grid, and it is widely believed that the United States has done the same in Russia.12 The Pentagon has also devised a plan known as “Nitro Zeus,” intended to immobilize the entire Iranian economy and so force it to capitulate to U.S. demands or, if that approach failed, to pave the way for a crippling air and missile attack.13

The danger here is that economic attacks of this sort, if undertaken during a period of tension and crisis, could lead to an escalating series of tit-for-tat attacks against ever more vital elements of an adversary’s critical infrastructure, producing widespread chaos and harm and eventually leading one side to initiate kinetic attacks on critical military targets, risking the slippery slope to nuclear conflict. For example, a Russian cyberattack on the U.S. power grid could trigger U.S. attacks on Russian energy and financial systems, causing widespread disorder in both countries and generating an impulse for even more devastating attacks. At some point, such attacks “could lead to major conflict and possibly nuclear war.”14

### Underview

#### They get 1AR theory but it’s not DTD- incentivizes reading 10 friv shells since they can win on any of them- AND, 1AR time advantage on 1AR theory since they get 2 speeches and 7 min, abuse is self-imposed b/c they could always better develop the shell in the 1ar; proportional- reading theory cancels out the abuse; and no reason short speech means drop the debater- just get more efficient or don’t read theory.

### Vaccine Diplomacy

#### 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.

#### Strategic interests bound the effects of vaccination. It’s only accepted when everyone knows it won’t spill over.

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4.16 International Vaccination Programmes

Throughout human history, disease has tended to be one of the most lethal types of disaster, killing millions of people each year (WHO, 2003). Basaltic flood, volcanic eruptions and strikes from astronomical objects such as comets and meteorites have the potential to exceed, in one event, the toll from several years of disease data. Such a situation would provide a useful disaster-diplomacy case study to see if enemies could collaborate regarding a global disaster threat.

Kelman (2003) examined how monitoring and warning systems for astronomical objects threatening the Earth could, but do not seem to, lead to disaster diplomacy outcomes. Consequently, given the lethality and global prevalence of disease, it is useful to explore whether or not 'disease diplomacy' exists and its contributions to disaster diplomacy work. The focus for disease diplomacy here is on **vaccination programmes**, in terms of international disease-eradication efforts and providing vaccines to enemies.

Other forms of disease diplomacy and health diplomacy exist too. Formal international health diplomacy dates back to at least the mid-nineteenth century (Fidler, 2001). A contemporary example is the UN's World Health Organization's (WHO) 'Health as Bridge for Peace' programme. It is premised on health workers being able to create peace through providing health care in post-conflict situations (Galtung, 1997).

Transboundary disease surveillance and control seeks to identify and curtail pandemics, often requiring cooperation amongst states in conflict. For example, during the 2005 Avian flu outbreak, the USA, which under President Bush from 2001-9 did not have an overly strong or constructive relationship with the UN, proposed mechanisms for international cooperation through the UN to tackle the disease (Dobriansky, 2005). Meanwhile, Israel and Jordan held talks on responding to the disease if it reached the region, although Palestinians were not invited.

Disease-eradication programmes cover efforts to collaborate internationally in order to eliminate diseases. The ethics of eradicating diseases has been questioned (Caplan, 2009), but WHO runs disease-control programmes which require cooperation from all countries.

Smallpox was declared eradicated on 8 May 1980, with the programme benefitting from multilateral support during the Cold War, even if the funds requested for the programme were rarely available (Barrett, 2003; Henderson, 1999). Other diseases targeted for elimination include dracunculiasis (Guinea worm disease; Hopkins and Ruiz-Tiben, 1991) and poliomyelitis (polio; MMWR, 2006).

Not all such programmes are affiliated with the UN. Providing vaccines to enemies at a bilateral level has been seen for North Korea (section 4.5). Another prominent case study is advocating for the American government to use vaccine diplomacy more actively. Hotez and Thompson (2009) argue that addressing diseases around the world should be part of the USA's foreign policy because it will lead to overseas populations becoming more friendly towards the USA. They also present the economic benefits of programmes to control and eliminate disease, making their proposals cost-effective foreign aid.

While their discussion is not deeply rooted in development and poverty literature, it provides a useful baseline for considering disease-diplomacy questions. In particular, how much of an impact would medical diplomacy have on the USA's stature around the world if it happens in parallel with less collaborative measures? One example of the latter is the takeover of city centres by American multinational corporations, especially food companies offering unhealthy menus. Another example is the American government continuing to spend orders of magnitude more money on defence and weapons than on development including medical diplomacy, as Hotez and Thompson (2009) highlight.

It is also possible that such discussion is spurious. Could most people be grateful for the assistance that they see day-to-day without concerning themselves about wider globalisation, politicking, and expenditures?

The proposals for the USA's medical diplomacy are based on tangible results from the past regarding international vaccination programmes. Hotez (2001a) starts in the early nineteenth century when the English inventor of the smallpox vaccine, Edward Jenner, became such a hero that he mediated prisoner exchanges between England and France. Then, during the Cold War, the polio vaccine was developed and distributed internationally through American-Soviet collaboration (Hotez, 2001a, 2001b).

Since then, Hotez (2001a, 2001b) writes, ceasefires in conflicts have been negotiated to permit polio and other vaccination campaigns under the UN to proceed in several countries. Examples are Afghanistan, the Democratic Republic of Congo, Liberia, and Sierra Leone. In Sudan in 1995, a ceasefire of six months was negotiated to combat drancunculiasis, representing the longest ceasefire in the conflict up until that time.

**None of the case studies led to conflict reduction or resolution**. Hotez (2001a: 865) does not overplay the results: 'No evidence is currently available to suggest that aggressive vaccination together with its expected decrease in childhood mortality would pre-empt an armed conflict.' The parties involved were content to **hold a ceasefire for the vaccinations and then to pick up arms again afterwards**.

Arguably, the vaccine-related ceasefires were successful because **no attempt was made to link them to wider conflict resolution or conflict reduction**. The combatants, potentially, had little interest in peace. Consequently, they permitted the medical diplomacy **because they knew that it would not affect the violent conflict**. That is not a failure of the vaccination efforts. It does indicate the **limited impact** of disease diplomacy, with Hotez's (2001a: 865) caution that 'it would be of interest to examine the long-term impact of childhood vaccination on a nation's foreign policy'.

As well, none of the case studies intimated more insidious motivations, such as the vaccinations providing a healthier population to draw upon for soldiers. Yet the vaccine diplomacy analyses do not acknowledge the possibility that a peace based on disease eradication could **crumble** once the disease-related goal has been achieved. That would emulate the hostilities recurring after the vaccination-related ceasefires ended.

In fact, Hotez's (2010) vision for improved American foreign policy towards and relations with Islamic countries based on medical diplomacy does not recognise that the medical diplomacy might **fail** if improved relations are **deemed undesirable** by the parties involved. That does not immediately preclude the attempts. That does suggest that greater awareness of the **realism surrounding diplomatic interactions** might indicate that **less optimism is warranted** for assuming that medical and health interventions must be positive for diplomacy.

This brief review of this vast case study across multiple dimensions suggests that most disease diplomacy efforts tend to avoid strident political paths. Successes are seen in the programmes moving forward and having an impact on the ground, at least in terms of health. **Few tangible outcomes** emerge beyond health. The focus on the health outcomes, rather than diplomatic outcomes, might lead to the successes witnessed by narrowing goals to target a specific disease, rather than trying to be all-encompassing by bringing peace to a region. Conversely, the final health outcomes desired are not always achieved, such as eradicating targeted diseases.

#### China’s drive for regional hegemony is peaceful and not zero-sum with the US – aggressive containment increases risk of war

Heer 19 [Paul, National Intelligence Officer for East Asia in the Office of the Director of National Intelligence from 2007 to 2015, the Robert E. Wilhelm Research Fellow at the Massachusetts Institute of Technology’s Center for International Studies and an Adjunct Professor at George Washington University’s Elliott School of International Affairs, Jan 8, 2019, “Rethinking U.S. Primacy in East Asia,” <https://nationalinterest.org/print/blog/skeptics/rethinking-us-primacy-east-asia-40972>]

First, China is pursuing hegemony in East Asia, but not an exclusive hostile hegemony. It is not trying to extrude the United States from the region or deny American access there. The Chinese have long recognized the utility—and the benefits to China itself—of U.S. engagement with the region, and they have indicated receptivity to peaceful coexistence and overlapping spheres of influence with the United States there. Moreover, China is not trying to impose its political or economic system on its neighbors, and it does not seek to obstruct commercial freedom of navigation in the region (because no country is more dependent on freedom of the seas than China itself). In short, Beijing wants to extend its power and influence within East Asia, but not as part of a “winner-take-all” contest.

China does have unsettled and vexing sovereignty claims over Taiwan, most of the islands and other features in the East and South China Seas, and their adjacent waters. Although Beijing has demonstrated a willingness to use force in defense or pursuit of these claims, it is not looking for excuses to do so. Whether these disputes can be managed or resolved in a way that is mutually acceptable to the relevant parties and consistent with U.S. interests in the region is an open, long-term question. But that possibility should not be ruled out on the basis of—or made more difficult by—false assumptions of irreconcilable interests. On the contrary, it should be pursued on the basis of a recognition that all the parties want to avoid conflict—and that the sovereignty disputes in the region ultimately are not military problems requiring military solutions. And since Washington has never been opposed in principle to reunification between China and Taiwan as long as it is peaceful, and similarly takes no position on the ultimate sovereignty of the other disputed features, their long-term disposition need not be the litmus test of either U.S. or Chinese hegemony in the region.

Of course, China would prefer not to have forward-deployed U.S. military forces in the Western Pacific that could be used against it, but Beijing has long tolerated and arguably could indefinitely tolerate an American military presence in the region—unless that presence is clearly and exclusively aimed at coercing or containing China. It is also true that Beijing disagrees with American principles of military freedom of navigation in the region; and this constitutes a significant challenge in waters where China claims territorial jurisdiction in violation of the UN Commission on the Law of the Sea. But this should not be conflated with a Chinese desire or intention to exclusively “control” all the waters within the first island chain in the Western Pacific. The Chinese almost certainly recognize that exclusive control or “domination” of the neighborhood is not achievable at any reasonable cost, and that pursuing it would be counterproductive by inviting pushback and challenges that would negate the objective.

So what would Chinese “hegemony” in East Asia mean or look like? Beijing probably thinks in terms of something much like American primacy in the Western Hemisphere: a model in which China is generally recognized and acknowledged as the de facto central or primary power in the region, but has little need or incentive for militarily adventurism because the mutual benefits of economic interdependence prevail and the neighbors have no reason—and inherent disincentives—to challenge China’s vital interests or security. And as a parallel to China’s economic and diplomatic engagement in Latin America, Beijing would neither exclude nor be hostile to continued U.S. engagement in East Asia.

A standard counterargument to this relatively benign scenario is that Beijing would not be content with it for long because China’s strategic ambitions will expand as its capabilities grow. This is a valid hypothesis, but it usually overlooks the greater possibility that China’s external ambitions will expand not because its inherent capabilities have grown, but because Beijing sees the need to be more assertive in response to external challenges to Chinese interests or security. Indeed, much of China’s “assertiveness” within East Asia over the past decade—when Beijing probably would prefer to focus on domestic priorities—has been a reaction to such perceived challenges. Accordingly, Beijing’s willingness to settle for a narrowly-defined, peaceable version of regional preeminence will depend heavily on whether it perceives other countries—especially the United States—as trying to deny China this option and instead obstruct Chinese interests or security in the region.

#### China rise is peaceful – they’re a defensive reactive power

Shifrinson 19 [Joshua Shifrinson is an Assistant Professor of International Relations with the Pardee School of Global Affairs at Boston University. Should the United States Fear China’s Rise? Winter 2019. www.bu.edu/pardeeschool/files/2019/01/Winter-2019\_Shifrinson\_0.pdf]

In short, limited predation—not an overt and outright push to overtake and challenge the United States—is the name of China’s current and highly rational game. As significantly, it appears Chinese leaders are aware of the structural logic of the situation. Despite ongoing debate over the extent to which China has departed from its long-standing “hide strength, bide time” strategy first formulated by Deng Xiaoping in favor a more assertive course seeking to increase Chinese influence in world affairs, Chinese leaders and China watchers have been at pains to point out that Chinese strategy still seeks to avoid provoking conflict with the United States.49 As one analyst notes, China’s decision to carve out a more prominent role for itself in world politics has been coupled with an effort to reassure and engage the United States so as to avoid unneeded competition while facilitating stability.50 Chinese leaders echo these themes, with one senior official noting in 2014 that Chinese policy focused on “properly addressing] conflicts and differences through dialogue and cooperation instead of confrontational approaches.”51 Xi Jinping himself has underlined these currents, arguing even before taking office that U.S.-Chinese relations should be premised on “preventing conflict and confrontation,” and more recently vowing that “China will promote coordination and cooperation with other major countries.”52 Ultimately, as one scholar observes, there is “hardly evidence that [... China has] begun to focus on hegemonic competition.”53 Put another way, China’s leaders appear aware of the risks of taking an overly confrontational stance toward a still-potent United States and have scoped Chinese ambitions accordingly.

#### No heg impact

Fettweis 17 [Christopher Fettweis, associate professor of political science at Tulane University. Unipolarity, Hegemony, and the New Peace. May 8, 2017. http://www.tandfonline.com/doi/pdf/10.1080/09636412.2017.1306394?needAccess=true]

After three years in the White House, Ronald Reagan had learned something surprising: “Many people at the top of the Soviet hierarchy were genuinely afraid of America and Americans,” he wrote in his autobiography. He continued: “Perhaps this shouldn’t have surprised me, but it did … I’d always felt that from our deeds it must be clear to anyone that Americans were a moral people who starting at the birth of our nation had always used our power only as a force for good in the world…. During my first years in Washington, I think many of us took it for granted that the Russians, like ourselves, considered it unthinkable that the United States would launch a first strike against them.” 100 Reagan is certainly not alone in believing in the essential benevolent image of his nation. While it is common for actors to attribute negative motivations to the behavior of others, it is exceedingly difficult for them to accept that anyone could interpret their actions in negative ways. Leaders are well aware of their own motives and tend to assume that their peaceful intentions are obvious and transparent.

Both strains of the hegemonic-stability explanation assume not only that US power is benevolent, but that others perceive it that way. Hegemonic stability depends on the perceptions of other states to be successful; it has no hope to succeed if it encounters resistance from the less powerful members of the system, or even if they simply refuse to follow the rules. Relatively small police forces require the general cooperation of large communities to have any chance of establishing order. They must perceive the sheriff as just, rational, and essentially nonthreatening. The lack of balancing behavior in the system, which has been puzzling to many realists, seems to support the notion of widespread perceptions of benevolent hegemony.101 Were they threatened by the order constructed by the United States, the argument goes, smaller states would react in ways that reflected their fears. Since internal and external balancing accompanied previous attempts to achieve hegemony, the absence of such behavior today suggests that something is different about the US version.

Hegemonic-stability theorists purport to understand the perceptions of others, at times better than those others understand themselves. Complain as they may at times, other countries know that the United States is acting in the common interest. Objections to unipolarity, though widespread, are not “very seriously intended,” wrote Kagan, since “the truth about America’s dominant role in the world is known to most observers. And the truth is that the benevolent hegemony exercised by the United States is good for a vast portion of the world’s population.” 102 In the 1990s, Russian protests regarding NATO expansion—though nearly universal—were not taken seriously, since US planners believed the alliance’s benevolent intentions were apparent to all. Sagacious Russians understood that expansion would actually be beneficial, since it would bring stability to their western border.103 President Clinton and Secretary of State Warren Christopher were caught off guard by the hostility of their counterparts regarding the issue at a summit in Budapest in December 1994.104 Despite warnings from the vast majority of academic and policy experts about the likely Russian reaction and overall wisdom of expansion itself, the administration failed to anticipate Moscow’s position.105 The Russians did not seem to believe American assurances that expansion would actually be good for them. The United States overestimated the degree to which others saw it as benevolent.

Once again, the culture of the United States might make its leaders more vulnerable to this misperception. The need for positive self-regard appears to be particularly strong in North American societies compared to elsewhere.106 Western egos tend to be gratified through self-promotion rather than humility, and independence rather than interdependence. Americans are more likely to feel good if they are unique rather than a good cog in society’s wheel, and uniquely good. The need to be perceived as benevolent, though universal, may well exert stronger encouragement for US observers to project their perceptions onto others.

The United States almost certainly frightens others more than its leaders perceive. A quarter of the 68,000 respondents to a 2013 Gallup poll in sixty-five countries identified the United States as the “greatest threat to world peace,” which was more than three times the total for the second-place country (Pakistan).107 The international community always has to worry about the potential for police brutality, even if it occurs rarely. Such ungratefulness tends to come as a surprise to US leaders. In 2003, Condoleezza Rice was dismayed to discover resistance to US initiatives in Iraq: “There were times,” she said later, “that it appeared that American power was seen to be more dangerous than, perhaps, Saddam Hussein.” 108 Both liberals and neoconservatives probably exaggerate the extent to which US hegemony is everywhere secretly welcomed; it is not just petulant resentment, but understandable disagreement with US policies, that motivates counterhegemonic beliefs and behavior.

To review, assuming for a moment that US leaders are subject to the same forces that affect every human being, they overestimate the amount of control they have over other actors, and are not as important to decisions made elsewhere as they believe themselves to be. And they probably perceive their own benevolence to be much greater than do others. These common phenomena all influence US beliefs in the same direction, and may well increase the apparent explanatory power of hegemony beyond what the facts would otherwise support. The United States is probably not as central to the New Peace as either liberals or neoconservatives believe.

In the end, what can be said about the relationship between US power and international stability? Probably not much that will satisfy partisans, and the pacifying virtue of US hegemony will remain largely an article of faith in some circles in the policy world. Like most beliefs, it will remain immune to alteration by logic and evidence. Beliefs rarely change, so debates rarely end.

For those not yet fully converted, however, perhaps it will be significant that corroborating evidence for the relationship is extremely hard to identify. If indeed hegemonic stability exists, it does so without leaving much of a trace. Neither Washington’s spending, nor its interventions, nor its overall grand strategy seem to matter much to the levels of armed conflict around the world (apart from those wars that Uncle Sam starts). The empirical record does not contain strong reasons to believe that unipolarity and the New Peace are related, and insights from political psychology suggest that hegemonic stability is a belief particularly susceptible to misperception. US leaders probably exaggerate the degree to which their power matters, and could retrench without much risk to themselves or the world around them. Researchers will need to look elsewhere to explain why the world has entered into the most peaceful period in its history.

The good news from this is that the New Peace will probably persist for quite some time, no matter how dominant the United States is, or what policies President Trump follows, or how much resentment its actions cause in the periphery. The people of the twenty-first century are likely to be much safer and more secure than any of their predecessors, even if many of them do not always believe it.

#### No transition impact- only comprehensive study

**MacDonald and Parent 11**—Professor of Political Science at Williams College & Professor of Political Science at University of Miami [Paul K. MacDonald & Joseph M. Parent, “Graceful Decline? The Surprising Success of Great Power Retrenchment,” International Security, Vol. 35, No. 4 (Spring 2011), pp. 7–44]

In this article, we question the logic and evidence of the retrenchment pessimists. To date there has been neither a **comprehensive study** of great power retrenchment nor a study that lays out the case for retrenchment as a practical or probable policy. This article fills these gaps by **systematically examining** the relationship between acute relative decline and the responses of great powers. We examine **eighteen cases** of acute relative decline since 1870 and advance three main arguments. First, we challenge the retrenchment pessimists’ claim that domestic or international constraints inhibit the ability of declining great powers to retrench. In fact, when states fall in the hierarchy of great powers, **peaceful retrenchment** **is the most common** response, even over short time spans. Based on the empirical record, we find that great powers retrenched in no less than eleven and no more than fifteen of the eighteen cases, a range of 61–83 percent. When international conditions demand it, states renounce risky ties, increase reliance on allies or adversaries, draw down their military obligations, and impose adjustments on domestic populations. Second, we find that the magnitude of relative decline helps explain the extent of great power retrenchment. Following the dictates of neorealist theory, great powers retrench for the same reason they expand: the rigors of great power politics compel them to do so.12 Retrenchment is by no means easy, but necessity is the mother of invention, and declining great powers face powerful incentives to contract their interests in a prompt and proportionate manner. Knowing only a state’s rate of relative economic decline explains its corresponding degree of retrenchment in as much as 61 percent of the cases we examined. Third, we argue that the rate of decline helps explain what forms great power retrenchment will take. How fast great powers fall contributes to whether these retrenching states will internally reform, seek new allies or rely more heavily on old ones, and make diplomatic overtures to enemies. Further, our analysis suggests that great powers facing acute **decline are less likely to** initiate or **escalate** militarized interstate disputes. **Faced with diminishing resources**, great **powers** **moderate their** foreign policy **ambitions** and offer concessions in areas of lesser strategic value. Contrary to the pessimistic conclusions of critics, **retrenchment neither requires aggression nor invites predation**. Great powers are able to rebalance their **commitments through compromise, rather than conflict**. In these ways, states respond to penury the same way they do to plenty: they seek to adopt policies that maximize security given available means. Far from being a hazardous policy, retrenchment can be successful. States that retrench often regain their position in the hierarchy of great powers. Of the fifteen great powers that adopted retrenchment in response to acute relative decline, 40 percent managed to recover their ordinal rank. In contrast, none of the declining powers that failed to retrench recovered their relative position. Pg. 9-10

### Disease

#### No “spare domestic manufacturing capacity”

Hans **Sauer 21,** Deputy General Counsel and Vice President for Intellectual Property for the Biotechnology Innovation Organization, “Waiving IP Rights During Times of COVID: A ‘False Good Idea’,” IPWatchdog, 4-19-2021, https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/

The Proposed Waiver is Unlikely to Help the Fight Against the Pandemic To begin with, one would think, the burden of establishing the need for such an extreme and disruptive measure should be on its proponents. Yet, in the face of unprecedented progress towards COVID vaccines, tests and treatments in record time, the waiver proponents can point to no credible instances in which IP has in fact hindered the development or production of COVID-19 countermeasures. Readers should judge for themselves by perusing the joint South African/Indian TRIPS Council submission purporting to demonstrate such IP barriers. Even cursory inspection shows that this proof consists of a number of pending patent applications, a handful of patents that haven’t been asserted, a few statements by politicians, and historical narratives having nothing to do with COVID-19. There have been a few instances of patent litigation, but none to block or delay COVID products. Interestingly, royalty-free licenses by drug originators to dozens of manufacturers in developing countries are counted as IP barriers to access. Perhaps recognizing the lack of affirmative proof supporting the need for a COVID IP waiver, proponents are increasingly trying to shift the burden to those who oppose the waiver, maybe best exemplified by World Health Organization Director General Tedros Ghebreyesus’ stance: “if not now, then when would a WTO waiver ever be justified?” Yet this is a poor substitute for an actual rationale, especially when the TRIPS Agreement and its addenda are already replete with IP flexibilities that have been justified for both national and multilateral use on the ground that they will be necessary in a public health emergency. The same proponents who have for decades with significant traction argued for an ever-growing expansion of these flexibilities now say that it is not worth even trying to use them; only the effective abrogation of all IP rights in relation to COVID-19 would be a quick enough measure to deal with the present crisis while it lasts. However, the proposed blanket suspension of IP rights is no quick fix for the pandemic, as it is unlikely to accelerate the delivery of COVID-19 vaccines. Waiver proponents have been unable to document the existence of idle global COVID vaccine manufacturing capacity **that could be unleashed by suspending IP rights.** Existing capacity to produce traditional vaccines with conventional manufacturing technology simply cannot quickly or easily be converted to produce the advanced COVID-19 vaccines currently deployed. Thus, developing country manufacturers that currently make e.g. diphtheria, yellow fever, or tetanus vaccines, cannot simply be re-tooled to make the high-end mRNA or vectored COVID vaccines we are eagerly waiting for. Very different facilities will be needed, and getting these built, certified, and operational will take time, money, and precious expertise. Waiver proponents also seem to forget that someone must keep making the whooping cough, polio, MMR, and other childhood vaccines against diseases that kill more children in the developing world than COVID ever will. Current global need for non-COVID vaccines is estimated at 3.5-5.5 billion doses per year, and those who talk about using existing capacity must realize that we cannot convert current manufacturing away from these critically-important products. On top of that, an estimated 14 billion doses of COVID vaccines will be needed globally. As GAVI – The Vaccine Alliance explains, it was always clear that demand for COVID vaccines would be high, immediate, and impossible to meet in the short term. This is no fault of the IP system. Vaccine manufacturing processes are complex, require specific know-how and equipment, and just cannot happen overnight. Some COVID-19 vaccines involve new technologies, such as mRNA and lipid nanoparticle encapsulation, for which no large-scale manufacturing facilities or copious raw materials existed at the outset of the pandemic. The worldwide capacity to build or convert new plants is likewise limited, specialized manufacturing equipment is difficult or impossible to source, and none of this is or was ever going to be achievable within a few months as the proponents of the TRIPS waiver assert. Not even counting the time it takes to construct and equip a new plant, just the regulatory certification of a completed new facility takes several months before it can begin commercial production, and the manufacture and quality control of a single batch of COVID-19 vaccine takes 3-4 months before it can be released. Anywhere between 100 and 1,000 quality controls are done at each step of the manufacturing process. Those who argue that an IP waiver would enable the free flow of COVID vaccines within months are raising impossible expectations.

#### Timeframe is too long and materials thump

Damian **Garde 21,** National Biotech Reporter, “Waiver of patent rights on Covid vaccines may be mostly symbolic, for now,” STAT, 5-6-2021, https://www.statnews.com/2021/05/06/waiver-of-patent-rights-on-covid-19-vaccines-in-near-term-may-be-more-symbolic-than-substantive/

The U.S.’s stunning endorsement of a proposal to waive Covid-19 vaccine patents has won plaudits for President Biden and roiled the global pharmaceutical industry. **But, at least in the short term, it’s likely to be more of a symbolic milestone than a turning point in the pandemic.** For months, proponents of the proposal have argued that the need to waive intellectual property protections was urgent given the growth of Covid cases in low- and middle-income countries, which have been largely left without the huge shipments of vaccine already purchased by wealthy countries. But patents alone don’t magically produce vaccines. Experts suggested the earliest the world could expect to see additional capacity flowing from the waiver — if it’s approved at the World Trade Organization — would be in 2022. Prashant Yadav, a supply chain expert and senior fellow at the Center for Global Development, said the biggest barrier to increasing the global vaccine supply **is a lack of raw materials and facilities that manufacture the billions of doses the world needs.** Temporarily suspending some intellectual property, as the U.S. proposes to do, **would have little effect on those problems**, he said.

#### Vaccines are too hard to replicate – IP waiver does nothing

Ana Santos **Rutschman 21**, Assistant Professor of Law at Saint Louis University School of Law., “The COVID-19 Vaccine Patent Waiver: The Wrong Tool for the Right Goal,” Bill of Health, 5-5-2021, https://blog.petrieflom.law.harvard.edu/2021/05/05/covid-vaccine-patent-waiver/

Unlike vaccines, the drugs at stake then were much less difficult to replicate, and third parties availing themselves of a compulsory license faced no significant knowledge deficit. Moreover, there was sufficient production capacity and the necessary raw materials for these drugs to be produced and distributed. Compulsory licensing was thus the right tool for this particular public health problem. By contrast, a waiver of COVID-19 vaccine patents is the wrong legal and policy tool because it does not address the lack of knowledge sharing nor the shortage of raw materials and manufacturing capacity. Furthermore, the use of a waiver is politically fraught — as was the use of compulsory licenses in the context of HIV/AIDS. We submit that battles of the political economy are best fought when prevailing on the use of a legal tool that actually solves the underlying practical problems. For the reasons stated above, that is not the case with waivers. **It can be appealing to see a patent waiver as an attractive short-term solution. Yet, even the short-term needs are too intense and the challenges too complex for waivers to fully address the infrastructural and knowledge gaps, as well as the additional problem of inequitable distribution of existing vaccines.**

#### Other barriers prevent boosts in production.

Ana Santos **Rutschman 21**, Assistant Professor of Law at Saint Louis University School of Law., “The COVID-19 Vaccine Patent Waiver: The Wrong Tool for the Right Goal,” Bill of Health, 5-5-2021, https://blog.petrieflom.law.harvard.edu/2021/05/05/covid-vaccine-patent-waiver/

Patents cover both processes and products. In the case of vaccines, the former category includes methods of vaccine production, while the latter covers a myriad of vaccine components, from antigens (substances used to elicit a reaction from the immune system), to inactive ingredients, such as adjuvants (substances that help enhance the immune response, like oil-in-water emulsions) and stabilizers (substances that help maintain the potency of the vaccine, like sugars), to the vaccine delivery mechanism. In order to understand the practical limitations of a waiver of intellectual property rights when a vaccine is involved, it may be useful to think of patents as informational mechanisms akin to the information and tools needed to turn a recipe into an edible product. One or more patents will provide a recipe for a process or a component needed to produce a vaccine. But, just as with a culinary recipe, the informational power of a patent does not cover any tips or instructions that have not been memorialized in writing, nor does it provide any access to the raw materials needed to put a vaccine together. Waivers, therefore, temporarily remove exclusionary rights, but do not address two fundamental sources of the current vaccine scarcity problem. First, we are still left with a significant informational problem: as many commentators have remarked, knowledge disclosed through patents alone is often insufficient for a third party to actually be able to replicate a vaccine. From a scientific perspective, vaccines are biological products, and, as such, their relative complexity makes them highly dependent on specific manufacturing processes and practices, many of which are not disclosed in a patent — think of it as the unwritten tips or instructions for a particular recipe. Some of this information may be kept secret by a company for competitive reasons; in these cases, lifting patent rights will not result in increased informational disclosure, unless the patent holders themselves are willing to collaborate. A waiver thus solves the exclusivity problem, but not the information problem that undergirds competition in vaccine manufacturing. To revisit the analogy introduced above, a waiver allows third parties to freely use the recipe. It does not, however, provide all the information that may be needed to manufacture the desired good, nor does it provide manufacturers with the tacit knowledge that only the original manufacturer possesses and is not disclosed elsewhere. Second, even if all types of legal restrictions on the use of vaccine technology were lifted — or had never existed in the first place — there is simply not enough infrastructure (manufacturing facilities and equipment) nor raw materials (the components needed to manufacture and deliver vaccines) to produce and distribute COVID-19 vaccines as predicted under current waiver proposals. We have long faced a global vaccine manufacturing problem that will not be fully resolved during the current pandemic. In the case of vaccines that need to be kept at ultra-cold temperatures, these problems intensify. One of us (Barnes-Weise) has been involved in the contractual negotiations for the development, manufacturing and transfer of technology related to COVID-19 vaccines. In addition to the informational gaps described above, COVID-19 vaccine manufacturers are most concerned about how well the recipients of the technology transfer will understand and be able to implement such knowledge in making vaccines of the necessary quality. Shortages do not merely affect materials necessary to manufacture vaccines and facilities adequate to manufacture the vaccines; they also affect the availability of personnel qualified to instruct the licensee and recipient of this information. Sending an employee of this caliber out of the original manufacturing site to a partner site risks reducing the capacity of the first site. And remote instruction, necessitated by the pandemic, has its own shortcomings. In relation to the patents on the vaccines themselves, most of the concerns that the vaccine manufacturers express are around the protection of their vaccine platforms for the purposes of making future or non-COVID-19 vaccines. Moderna shared information about its patents in summer 2020. The manufacturers, as evidenced by the number of licenses to manufacture granted to date, are eager to find partners with the capabilities to expand production. It is not to their benefit to produce an inadequate supply of a highly sought-after vaccine. However, even willingness to transfer patented vaccine technology has faced numerous practical hurdles to date: 1) infrastructural limitations; 2) scarcity of raw materials; 3) concerns about licensees having the ability to actually manufacture effective vaccines in light of the infrastructural and product scarcity, even in situations in which there might be no informational gaps. A patent waiver would not address any of the practical concerns currently at the root of tech transfer negotiations involving COVID-19 vaccine technology. Compounding these problems is the fact that, should a waiver be issued, there is no legal mechanism that can compel the transfer of certain types of know-how or trade secrets should a company be unwilling to license its intellectual property — which, again, at this point in the pandemic, is not a problem we have observed. Finally, it is important to keep in mind that a waiver would be temporary: supporters of current waiver proposals should consider what will happen once demand for vaccines begins diminishing and fewer manufacturers remain on the market. Moreover, they should consider the legal and practical uncertainty that a waiver would introduce, as it is unclear how technology transfer between companies would cease (or continue) once the waiver expires.

#### Disease doesn’t cause war

Dr. Barry R. Posen 20, Ford International Professor of Political Science at MIT and Director Emeritus of the MIT Security Studies Program, “Do Pandemics Promote Peace? Why Sickness Slows the March to War”, Foreign Affairs, 4/23/2020, https://www.foreignaffairs.com/articles/china/2020-04-23/do-pandemics-promote-peace

As the novel coronavirus infects the globe, states compete for scientific and medical supplies and blame one another for the pandemic’s spread. Policy analysts have started asking whether such tensions could eventually erupt into military conflict. Has the pandemic increased or decreased the motive and opportunity of states to wage war?

War is a risky business, with potentially very high costs. The historian Geoffrey Blainey argued in The Causes of War that most wars share a **common characteristic** at their outset: **optimism**. The belligerents usually start out sanguine about their odds of military success. When elites on both or all sides are confident, they are more willing to take the plunge—and less likely to negotiate, because they think they will come out better by fighting. Peace, by contrast, is served by **pessimism**. Even one party’s pessimism can be helpful: that party will be more inclined to negotiate and even accept an unfavorable bargain in order to avoid war.

When one side gains a sudden and pronounced advantage, however, this de-escalatory logic can break down: the optimistic side will increase its demands faster than the pessimistic side can appease. Some analysts worry that something like this could happen in U.S.-Chinese relations as a result of the new coronavirus. The United States is experiencing a moment of domestic crisis. China, some fear, might see the pandemic as playing to its advantage and be tempted to throw its military weight around in the western Pacific.

What these analysts miss is that COVID-19, the disease caused by the coronavirus, is **weaken**ing all of the great and middle powers more or less **equally**. None is likely to gain a meaningful advantage over the others. All will have ample reason to be pessimistic about their military capabilities and their overall readiness for war. **For the duration of** the **pandemic**, at least, and probably for years afterward, **the odds of a war between major powers will go down, not up**.

PAX EPIDEMICA?

A cursory survey of the scholarly **lit**erature on war and disease appears to confirm Blainey’s observation that pessimism is **conducive to peace**. Scholars have documented again and again how war creates permissive conditions for disease—in armies as well as civilians in the fought-over territories. But one **seldom** finds **any** discussion of **epidemics causing wars** or of wars deliberately started in the middle of widespread outbreaks of infectious disease. (The diseases that European colonists carried to the New World did weaken indigenous populations to the point that they were more vulnerable to conquest; in addition, some localized conflicts were fought during the influenza pandemic of 1919–21, but these were occasioned by major shifts in regional balances of power following the destruction of four empires in World War I.)

That **sickness slows the march to war** is partly due to the fact that **war depends on people**. When people fall ill, they can’t be counted on to perform well in combat. Military medicine made enormous strides in the years leading up to World War I, prior to which armies suffered higher numbers of casualties from disease than from combat. But pandemics still threaten military units, as those onboard U.S. and French aircraft carriers, hundreds of whom tested positive for COVID-19, know well. Sailors and soldiers in the field are among the most vulnerable because they are packed together. But even airmen are at risk, since they must take refuge from air attacks in bunkers, where the virus could also spread rapidly.

Ground campaigns in urban areas pose still greater dangers in pandemic times. Much recent ground combat has been in cities in poor countries with few or no public health resources, environments highly favorable to illness. Ground combat also usually produces prisoners, any of whom can be infected. A vaccine may eventually solve these problems, but an abundance of caution is likely to persist for some time after it comes into use.

The most important reason disease inhibits war is **economic**. Major outbreaks **damage national economies**, which are the **source** of military power. COVID-19 is a pandemic—by definition a worldwide phenomenon. All great and middle powers appear to be adversely affected, and all have **reason to be pessimistic about their military prospects**. Their economies are shrinking fast, and there is great uncertainty about when and how quickly they will start growing again.

#### It dries up popular support for war AND decreases trade that produces tension

Dr. Barry R. Posen 20, Ford International Professor of Political Science at MIT and Director Emeritus of the MIT Security Studies Program, “Do Pandemics Promote Peace? Why Sickness Slows the March to War”, Foreign Affairs, 4/23/2020, https://www.foreignaffairs.com/articles/china/2020-04-23/do-pandemics-promote-peace

LESS TRADE, LESS FRICTION

How long is the pacifying effect of pessimism likely to last? If a vaccine is developed quickly, enabling a relatively swift economic recovery, the mood may prove short-lived. But it is equally likely that the coronavirus crisis will last long enough to change the world in important ways, some of which will likely dampen the appetite for conflict for some time—perhaps up to five or ten years. After all, the world is experiencing both the biggest pandemic and the biggest economic downturn in a century.

Most governments have **not covered themselves with glory** managing the pandemic, and **even the most autocratic** worry about **popular support**. Over the next few years, people will want **ev**idence that their governments are working to protect them from disease and economic dislocation. **Citizens** will see themselves as dependent on the state, and they will be **less inclined to support adventures abroad**.

At the same time, governments and businesses will likely try to reduce their reliance on imports of critical materials, having watched global supply chains break down during the pandemic. The result will probably be **diminished trade**, something liberal internationalists see as a bad thing. But for the last five years or so, trade has **not helped improve relations** between states but rather fueled resentment. Less trade could mean **less friction** between major powers, thereby **reducing the intensity of their rivalries**.

### Plan

#### Plan doesn’t solve the WTO – China didn’t comply for years, etc.

#### WTO irrelevant

Zaki LaïDi 18, Professor of International Relations and European Affairs at Sciences Po. , 5-18-2018, "Is Multilateralism Finished?," Project Syndicate, https://www.project-syndicate.org/onpoint/is-multilateralism-finished-by-zaki-laidi-2018-05?barrier=accesspay

The Reality on the Ground Still, it does not follow that formal deregulation within the existing international system would cause it to collapse. **Though the WTO is in crisis, the essential norms of international commerce continue to function**. Most of these are long-established rules that were inherited from the GATT era – and that remain indispensable to the majority of WTO member states. Moreover, the immediate crisis of the multilateral system has only a marginal effect on the volume of world trade, which is now more dependent on global value chains – in a sense, the most effective instrument against protectionism – than on international accords. That is why we should not be excessively pessimistic about the future of the trading system, as long as the norms on which trade rests are respected. In fact, despite the repeated failures of multilateral trade negotiations over the past two decades, **world trade** since 2001 **has grown dramatically.** Trump is probably not in a position to derail this trend, which is by and large extremely favorable to US interests. In trade negotiations, individual governments adopt a mercantilist vision of international trade that bears little resemblance to reality. Contrary to Trump’s obsessive grumbling about America “losing” to other countries on trade, everyone knows that bilateral trade deficits are of only limited economic importance. A current-account deficit reflects an imbalance between national savings and investment, not necessarily economic weakness or a lack of competitiveness. Besides, gross imports and exports should not be taken at face value. As many economists have pointed out, the US trade deficit vis-à-vis China would be 33% smaller if the balance of value added was factored into the bilateral balance. Because it isn’t, an iPhone shipped to the US from China is recorded as a Chinese export worth $500, even though China added only around $20 to the final value. The gap between trade rhetoric and reality under the Trump administration has created space for protectionist policies that could precipitate a global trade war. But, barring that outcome, **the trading system will continue to allow for alternative approaches other than global-level negotiations.** For example, plurilateral agreements – such as the new iteration of the TPP, led by Japan – will probably become the primary driver of global trade in the future.

#### WTO not key to free trade

Olson, 18 – former US trade negotiator and Research Fellow at the Hinrich Foundation

(Stephen, 7/8. “Don’t just blame Trump or China for this trade war.” https://www.scmp.com/week-asia/opinion/article/2153920/dont-just-blame-trump-or-china-trade-war)

To be clear, there are problems galore with global trade regulations. We now have a trade architecture that is no longer perceived as capable of delivering mutually beneficial trade, and vulnerable to be gamed by powerful players smart enough to use its outdated provisions to their advantage. In that sense, the **Trump** administration **is not the cause of the current dysfunction in the global trade system, it is a symptom**. But the US administration’s approach to these shortcomings is no less broken, and is unlikely to help in any way.

The tariffs now being imposed on China, based on US concerns about intellectual property rights, illustrate the structural weaknesses in the current trade architecture. US trade officials have essentially conceded that at least some of their complaints against China’s intellectual property rights practices are not really violations of the WTO. This doesn’t mean that the US complaints are baseless and that China’s practices are not discriminatory. Quite the opposite. If one starts with the proposition that the rules of international trade should foster open commerce and competition across borders, and minimise or eliminate practices that put foreign companies at a disadvantage, then China’s policies would have to be regarded as contrary to that spirit and counter to the overarching objective of a rules-based trade system.

The fact however that many of these practices do not violate specific WTO rules highlights the extent to which the organisation has **failed to keep pace with the policies that regulate trade.** Under the existing rules of trade, a variety of discriminatory and even predatory practices either fall under “grey areas” of the WTO that are difficult to enforce, or in areas that are left entirely uncovered by the global trade referee, giving countries wide berth to distort trade.

Take intellectual property. Many of China’s practices are arguably in technical compliance with its WTO obligations but are implemented in ways that subvert the intention of the provision. For example, Section 7(3) of China’s Protocol of Accession to the WTO requires China to “ensure that … any means of approval for importation or investment … is not conditioned on … the transfer of technology”. Taken at face value, this seem entirely clear. However, it leaves sufficient scope for government officials to utilise the variety of levers at their disposal to exert very strong “encouragement” to multinational corporations to transfer technology.

Foreign companies wishing to do business in China are required to obtain various licences that are administered by non-transparent and highly discretionary government regulatory bodies, which essentially hold the “keys to the kingdom”. Not surprisingly, many multinationals evaluate “requests” or “suggestions” for technology transfer in light of these stark regulatory realities, and cave in.

Aside from subtle and not so subtle pressure exerted through the regulatory regime, the Chinese government also utilises its often preponderant market position to influence the decision making of foreign companies. For instance, the three largest airlines in China are all state-owned. Foreign aircraft producers have come to understand that their chances for success in winning purchase orders will be closely linked to the extent to which they establish joint ventures in China, localise production, and transfer technology.

In cases such as these, are technology transfers formally required or written into contracts, which would clearly violate the Protocol of Accession? By and large, no. But as a practical, “real world” matter, are foreign companies essentially being required to transfer technology? In many instances, yes.