## T

**Interpretation: Affirmatives must reduce intellectual property protections for medicines unconditionally and permanently.**

**Reynolds 59**: Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959, lexis)

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway.  [\*\*\*13]  The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

#### Violation: The waiver is temporary.

#### No plan text in a vacuum – the offense defines what the plan looks like. Worst case scenario, you vote neg on presumption because all their solvency evidence is about a waiver.

#### Prefer my interpretation:

#### 1] Limits: they open the door to an infinite number of affs – from any condition to any time restriction. Each one becomes its own new aff.

#### 2] Ground: condition and delay counterplans are all ground we are entitled to because they disprove the idea of passing the plan right now.

#### Vote on fairness – debate is a competitive activity governed by rules.

#### Drop the arg is incoherent because it’s their advocacy so they must defend their model.

#### No RVI’s – they shouldn’t win for being topical because it’s their job. Outweighs fairness claims – even if it would be reciprocal to let the aff read counter-plans it would be illogical.

#### Prefer competing interps to reasonability – reasonability creates a race to the bottom with both debaters being as abusive as possible and collapses to competing interps because it uses an offense-defense paradigm.

### K

### Framework

#### [Reid-Brinkley] CURRENT DEBATE RENDERS BLACK SCHOLARSHIP INVISIBLE – it distances us from the real-world violence of white power structures.

Reid-Brinkley: Reid-Brinkley, Dr. Shanara. [Ph.D., Assistant Professor and Co-Director of Forensics at California State University, Fullerton] “The Harsh Realities of ‘Acting Black’: How African-American Policy Debaters Negotiate Representation Through Racial Performance and Style.” University of Georgia, Spring 2008. CV/CH

Genre Violation Four: Policymaker as Impersonal and the Rhetoric of Personal Experience. Debate is a competitive game. 112 It requires that its participants take on the positions of state actors (at least when they are affirming the resolution). Debate resolutions normally call for federal action in some area of domestic or foreign policy. Affirmative teams must support the resolution, while the negative negates it. The debate then becomes a “laboratory” within which debaters may test policies. 113 Argumentation scholar Gordon Mitchell notes that “Although they may research and track public argument as it unfolds outside the confines of the laboratory for research purposes, in this **approach** students witness argumentation beyond the walls of the academy as spectators**, with little or no apparent recourse to directly participate or alter the course of events.**” 114 Although debaters spend a great deal of time discussing and researching government action and articulating arguments relevant to such action, **what happens in debate rounds has limited or no real impact on contemporary governmental policy making. And participation does not result in the majority of the debate community engaging in activism around the issues they research**. Mitchell observes that the stance of the policymaker in debate comes with a “sense of detachment associated with the spectator posture.” 115 In other words, its **participants are able to engage in debates where they are able to distance themselves from the events that are the subjects of debates. Debaters can throw around terms like torture, terrorism, genocide and nuc**lear **war without blinking. Debate simulations can only serve to** distance **the debaters from real world participation in the political contexts they debate about**. As William Shanahan remarks: …the topic established a relationship through interpellation that inhered irrespective of what the particular political affinities of the debaters were. The relationship was both political and ethical, and needed to be debated as such. When we blithely call for United States Federal Government policymaking, **we are not immune to the colonialist legacy that establishes our place on this continent**. **We cannot wish away the horrific atrocities** perpetrated everyday in our name simply **by refusing to acknowledge** these implications” (emphasis in original). 116 The “objective” stance of the policymaker is an impersonal or imperialist persona. The policymaker relies upon “acceptable” forms of evidence, engaging in logical discussion, producing rational thoughts. As Shanahan, and the Louisville debaters’ note, such a stance is **integrally** **linked to the normative, historical and contemporary practices of power that produce and maintain varying networks of oppression.** In other words, the discursive practices of policyoriented debate are developed within, through and from systems of power and privilege. Thus, these practices are critically implicated in the maintenance of hegemony. So, rather than seeing themselves as government or state actors, Jones and Green choose to perform themselves in debate, violating the more “objective” stance of the “policymaker” and require their opponents to do the same.

#### [ROJ] The Role of the Judge is to Promote Access to Black Scholarship, meaning they must prioritize Black authors in their approach to the topic.

#### [King] This is a prereq to any understanding of IPP, since anything else results in serial policy failure by ignoring why violence happens – Band-Aid solutions don’t work.

King: King, Colbert I. [Pulitzer Prize-winning columnist for *The Washington Post*] “The key reason why racism remains alive and well in America.” *The Washington Post*, June 26, 2015. https://www.washingtonpost.com/opinions/why-racism-still-flourishes/2015/06/26/d0e1f2e4-1b6e-11e5-ab92-c75ae6ab94b5\_story.html CH

In our faltering efforts to deal with race in this country, a great deal of time is devoted to responding to symptoms rather than root causes. That may help explain why racism keeps repeating itself. Exhibit One is the recurring cases of racism at colleges. In February 2013, Sigma Alpha Epsilon fraternity was suspended by Washington University in St. Louis after the fraternity’s pledges were accused of singing racial slurs to African American students. Last November, the University of Connecticut suspended Pi Kappa Alpha fraternity after a confrontation with members of the historically black Alpha Kappa Alpha sorority in which AKAs were called racially and sexually charged epithets. This year in March, a University of Maryland student resigned from Kappa Sigma fraternity after being suspended for sending an e-mail containing racially and sexually suggestive language about African American, Indian and Asian women. Also this year, disciplinary action was taken against members of Sigma Alpha Epsilon fraternity at the University of Oklahoma who participated in a racist chant, caught on video, about lynching African Americans. We have not seen the end of racist fraternity and sorority actions on college campuses. That’s because the actions taken in response to these incidents by well-meaning universities were directed at symptoms. Epithets, chants and derogatory language about African Americans are indicators of an underlying problem within the offending white students, namely an antagonism against blacks based upon feelings of white superiority. With suspensions and expulsions, the college community rids itself of a particular manifestation but not the underlying problem, which is racial prejudice. The United States has been treating evidence of racism, and not the causes, since the Civil War. Slavery; “separate but equal”; segregated pools, buses, trains and water fountains; workplace and housing discrimination; and other forms of bias and animus have served as painful barometers of the nation’s racial health. They have been, however, treated like the pain that accompanies a broken leg. The effort was to treat or reduce the agonizing symptoms of the break rather than fix it. The 13th, 14th and 15th amendments to the Constitution extended civil and legal protections to former slaves. They eased the pain, but the leg was still broken. Anti-lynching laws scattered the lynch mobs. But the pain flared up again with beatings, bombings and assassinations. Our nation responded to racial anguish with a variety of measures: the 1954 Brown school desegregation decision, the Civil Rights Act of 1964, the 1965 Voting Rights Act and numerous rules and regulations to address those things that caused generations of African Americans — when the shades were drawn — to groan, weep, grit their teeth and swear that their children would not experience the demeaning, disrespectful and immoral treatment that they had to endure. However, these legal remedies, while addressing the excruciating racial pain, didn’t deal with the enduring problem: the racism itself that caused the South to secede from the Union; that led state legislatures and governors to birth Jim Crow laws; that sparked the KKK’s reign of terror; and that encouraged school districts and town zoning officials to institutionalize barriers against black citizens in housing, education and employment. And racism is still at it in the 21st century. All you have to do is look at those frat boys cited above to see that it’s going strong. Witness, too, the enactment of laws passed since President Obama’s 2008 election to make it harder for African Americans to vote. And then there is Dylann Roof, the alleged Charleston, S.C., assassin who takes his place among storied anti-black murderers such as James Earl Ray, who killed the Rev. Martin Luther King Jr.; the Klansmen who bombed the 16th Street Baptist Church in Birmingham, Ala., killing four little black girls; and Samuel H. Bowers Jr., the imperial wizard of the Mississippi White Knights of the Ku Klux Klan, who with his KKK brethren murdered three civil rights workers. Oh, yes, Roof has plenty of company; not necessarily in his homicidal rage but in his ideology. The manifesto that he purportedly wrote is replete with bigoted remarks common to right-wing talk radio and posted on Web sites. Dylann Roof is this week’s manifestation of our racial sickness. But Roof and his ideological forbear President Jefferson Davis of the Confederate States of America and those Sigma Alpha Epsilon brothers are symptoms of the same problem. Until we get at the root cause, the problem lives on.

#### [ROB] Thus, the Role of the Ballot is to Confront Root Causes of Anti-Blackness. This requires endorsing a method for deconstructing anti-Blackness in our approach to the topic, since we can’t solve what we don’t understand.

### A. Links

#### 1. [Bello] First, the WTO props up U.S. neoliberal heg – reform is the wrong approach – every empiric flows neg.

**Bello:** Bello, Walden [Filipino academic, environmentalist, and social worker who served as a member of the House of Representatives of the Philippines] “Why Reform of the WTO is the Wrong Agenda” *Focus on Trade, No. 43*, December 1999, <https://www.tni.org/my/node/6851>

In the wake of the collapse of the Seattle Ministerial, there has emerged the opinion that reform of the WTO is now the program that NGOs, governments, and citizens must embrace. The collapse of the WTO Ministerial is said to provide a unique window of opportunity for a reform agenda. Cited by some as a positive sign is United States Trade Representative Charlene Barshefsky's comment, immediately after the collapse of the Seattle Ministerial, that the WTO has outgrown the processes appropriate to an earlier time. An increasing and necessary view, generally shared among the members, was that we needed a process which had a greater degree of internal transparency and inclusion to accommodate a larger and more diverse membership'. (1) Also seen as an encouraging gesture is UK Secretary of State for Trade and Industry Stephen Byers' recent statement to Commonwealth Trade Ministers in New Delhi that the WTO will not be able to continue in its present form. There has to be fundamental and radical change in order for it to meet the needs and aspirations of all 134 of its members. (2) These are, in our view, damage control statements and provide little indication of the seriousness about reform of the two governments that were, pre-Seattle, the stoutest defenders of the inequalities built into the structure, dynamics, and objectives of the WTO. It is unfortunate that they are now being cited to convince developing countries and NGOs to take up an agenda of reform that could lead precisely to the strengthening of an organization that is very fundamentally flawed. What civil society, North and South, should instead be doing at this point is radically cutting down the power of the institution and reducing it to simply another institution in a pluralistic world trading system with multiple systems of governance. Does World Trade Need the World Trade Organization? This is the fundamental question on which the question of reform hinges. World trade did not need the WTO to expand 17-fold between 1948 and 1997, from $124 billion to $10,772 billion. (3) This expansion took place under the flexible GATT trade regime. The WTO's founding in 1995 did not respond to a collapse or crisis of world trade such as happened in the 1930's. It was not necessary for global peace, since no world war or trade-related war had taken place during that period. In the seven major inter-state wars that took place in that period-the Korean War of 1950-53, the Vietnam War of 1945-75, the Suez Crisis of 1956, the 1967 Arab-Israeli War, the 1973 Arab-Israeli War, the 1982 Falklands War, and the Gulf War of 1990-trade conflict did not figure even remotely as a cause. GATT was, in fact, functioning reasonably well as a framework for liberalizing world trade. Its dispute-settlement system was flexible and with its recognition of the 'special and differential status' of developing countries, it provided the space in a global economy for Third World countries to use trade policy for development and industrialization. Why was the WTO established following the Uruguay Round of 1986-94? Of the major trading powers, Japan was very ambivalent, concerned as it was to protect its agriculture as well as its particular system of industrial production that, through formal and informal mechanisms, gave its local producers primary right to exploit the domestic market. The EU, well on the way of becoming a self-sufficient trading bloc, was likewise ambivalent, knowing that its highly subsidized system in agriculture would come under attack. Though demanding greater access to their manufactured and agricultural products in the Northern economies, the developing countries did not see this as being accomplished through a comprehensive agreement enforced by a powerful trade bureaucracy but through discrete negotiations and agreements in the model of the Integrated Program for Commodities (IPCs) and Commodity Stabilization Fund agreed upon under the aegis of UNCTAD in the late seventies. The founding of the WTO served primarily the interest of the United States. Just as it was the US which blocked the founding of the International Trade Organization (ITO) in 1948, when it felt that this would not serve its position of overwhelming economic dominance in the post-war world, so it was the US that became the dominant lobbyist for the comprehensive Uruguay Round and the founding of the WTO in late eighties and early nineties, when it felt that more competitive global conditions had created a situation where its corporate interests now demanded an opposite stance. Just as it was the US's threat in the 1950's to leave GATT if it was not allowed to maintain protective mechanisms for milk and other agricultural products that led to agricultural trade's exemption from GATT rules, so was it US pressure that brought agriculture into the GATT-WTO system in 1995. And the reason for Washington's change of mind was articulated quite candidly by then US Agriculture Secretary John Block at the start of the Uruguay Round negotiations in 1986: [The] idea that developing countries should feed themselves is an anachronism from a bygone era. They could better ensure their food security by relying on US agricultural products, which are available, in most cases at much lower cost. (4) Washington, of course, did not just have developing country markets in mind, but also Japan, South Korea, and the European Union. It was the US that mainly pushed to bring services under WTO coverage, with its assessment that the in the new burgeoning area of international services, and particularly in financial services, its corporations had a lead that needed to be preserved. It was also the US that pushed to expand WTO jurisdiction to the so-called 'Trade-Related Investment Measures' (TRIMs) and 'Trade-Related Intellectual Property Rights' (TRIPs) The first sought to eliminate barriers to the system of internal cross-border trade of product components among TNC (transnational corporations) subsidiaries that had been imposed by developing countries in order to develop their industries; the second to consolidate the US advantage in the cutting-edge knowledge-intensive industries.And it was the US that forced the creation of the WTO's formidable dispute-resolution and enforcement mechanism after being frustrated with what US trade officials considered weak GATT efforts to enforce rulings favorable to the US. As Washington's academic point man on trade, C. Fred Bergsten, head of the Institute of International Economics, told the US Senate, the strong WTO dispute settlement mechanism serves US interests because we can now use the full weight of the international machinery to go after those trade barriers, reduce them, get them eliminated. (5) In sum, it has been Washington's changing perception of the needs of its economic interest-groups that have shaped and reshaped the international trading regime. It was not global necessity that gave birth to the WTO in 1995. It was the US's assessment that the interests of its corporations were no longer served by a loose and flexible GATT but needed an all-powerful and wide-ranging WTO. From the free-market paradigm that underpins it, to the rules and regulations set forth in the different agreements that make up the Uruguay Round, to its system of decision-making and accountability, the WTO is a blueprint for the global hegemony of Corporate America. It seeks to institutionalize the accumulated advantages of US corporations. Is the WTO necessary? Yes, to the United States. But not to the rest of the world. The necessity of the WTO is one of the biggest lies of our time, and its acceptance is due to the same propaganda principle practised by Joseph Goebbels: if you repeat a lie often enough, it will be taken as truth. Can the WTO Serve the Interests of the Developing Countries? But what about the developing countries? Is the WTO a necessary structure - one that, whatever its flaws, brings more benefits than costs, and would therefore merit efforts at reform When the Uruguay Round was being negotiated, there was considerable lack of enthusiasm for the process by the developing countries. After all, these countries had formed the backbone of UNCTAD, which, with its system of one-country/one-vote and majority voting, they felt was an international arena more congenial to their interests. They entered the Uruguay Round greatly resenting the large trading powers' policy of weakening and marginalizing UNCTAD in the late seventies and early eighties.Largely passive spectators, with a great number not even represented during the negotiations owing to resource constraints, the developing countries were dragged into unenthusiastic endorsement of the Marrakesh Accord of 1994 that sealed the Uruguay Round and established the WTO. True, there were somedeveloping countries, most of them in the Cairns Group of developed and developing country agro-exporters, that actively promoted the WTO in the hope that they would gain greater market access to their exports, but they were a small minority. To try to sell the WTO to the South, US propagandists evoked the fear that staying out of the WTO would result in a country's isolation from world trade ('like North Korea') and stoked the promise that a 'rules-based system' of world trade would protect the weak countries from unilateral acts by the big trading powers. With their economies dominated by the IMF and the World Bank, with the structural adjustment programs pushed by these agencies having as a central element radical trade liberalization, much weaker as a bloc owing to the debt crisis compared to the 1970's, the height of the 'New International Economic Order', most developing country delegations felt they had no choice but to sign on the dotted line. Over the next few years, however, these countries realized that they had signed away their right to employ a variety of critical trade measures for development purposes. In contrast to the loose GATT framework, which had allowed some space for development initiatives, the comprehensive and tightened Uruguay Round was fundamentally anti-development in its thrust. This is evident in the following: Loss of Trade Policy as Development Tool In signing on to GATT, Third World countries were committed to banning all quantitative restrictions on imports, reduce tariffs on many industrial imports, and promise not to raise tariffs on all other imports. In so doing, they have effectively given up the use of trade policy to pursue industrialization objectives. The way that the NICs, or 'newly industrializing countries', made it to industrial status, via the policy of import substitution, is now effectively removed as a route to industrialization. The anti-industrialization thrust of the GATT-WTO Accord is made even more manifest in the Agreement on Trade-Related Investment Measures (TRIMs) and the Agreement on Trade-Related Intellectual Property Rights (TRIPs). In their drive to industrialize, NICs like South Korea and Malaysia made use of many innovative mechanisms such as trade-balancing requirements that tied the value of a foreign investor's imports of raw materials and components to the value of his or her exports of the finished commodity, or 'local content' regulations which mandated that a certain percentage of the components that went into the making of a product was sourced locally. These rules indeed restricted the maneuvering space of foreign investors, but they were successfully employed by the NICs to marry foreign investment to national industrialization. They enabled the NICs to raise income from capital-intensive exports, develop support industries, bring in technology, while still protecting local entrepreneurs' preferential access to the domestic market. In Malaysia, for instance, the strategic use of local content policy enabled the Malaysians to build a 'national car', in cooperation with Mitsubishi, that has now achieved about 80 per cent local content and controls 70 per cent of the Malaysian market. Thanks to the TRIMs accord, these mechanisms used are now illegal. The Restriction of Technological Diffusion Like the TRIMs agreement, the TRIPs regime is seen as effectively opposed to the industrialization and development efforts of Third World countries. This becomes clear from a survey of the economic history not only of the NICs but of almost all late-industrializing countries. A key factor in their industrial take-off was their relatively easy access to cutting-edge technology: The US industrialized, to a great extent by using but paying very little for British manufacturing innovations, as did the Germans. Japan industrialized by liberally borrowing US technological innovations, but barely compensating the Americans for this. And the Koreans industrialized by copying quite liberally and with little payment US and Japanese product and process technologies. But what is 'technological diffusion' from the perspective of the late industrializer is 'piracy' from that of the industrial leader. The TRIPs regime takes the side of the latter and makes the process of industrialization by imitation much more difficult from hereon. It represents what UNCTAD describes as 'a premature strengthening of the intellectual property system... that favors monopolistically controlled innovation over broad-based diffusion'. (6) The TRIPs regime provides a generalized minimum patent protection of 20 years; increases the duration of the protection for semi-conductors or computer chips; institutes draconian border regulations against products judged to be violating intellectual property rights; and places the burden of proof on the presumed violator of process patents. The TRIPs accord is a victory for the US high-tech industry, which has long been lobbying for stronger controls over the diffusion of innovations. Innovation in the knowledge-intensive high-tech sector - in electronic software and hardware, biotechnology, lasers, opto-electronics, liquid crystal technology, to name a few - has become the central determinant of economic power in our time. And when any company in the NICs and Third World wishes to innovate, say in chip design, software programming, or computer assembly, it necessarily has to integrate several patented designs and processes, most of them from US electronic hardware and software giants like Microsoft, Intel, and Texas Instruments. (7) As the Koreans have bitterly learned, exorbitant multiple royalty payments to what has been called the American 'high tech mafia' keeps one's profit margins very low while reducing incentives for local innovation. The likely outcome is for a Southern manufacturer simply to pay royalties for a technology rather than to innovate, thus perpetuating the technological dependence on Northern firms.Thus, TRIPs enables the technological leader, in this case the United States, to greatly influence the pace of technological and industrial development in rival industrialized countries, the NICs, and the Third World. Watering Down the 'Special and Differential Treatment' Principle The central principle of UNCTAD (United Nations Conference on Trade and Development) - an organization disempowered by the establishment of the WTO - is that owing to the critical nexus between trade and development, developing countries must not be subjected to the same expectations, rules, and regulations that govern trade among the developed countries. Owing to historical and structural considerations, developing countries need special consideration and special assistance in leveling the playing field for them to be able to participate equitably in world trade. This would include both the use of protective tariffs for development purposes and preferential access of developing country exports to developed country markets. While GATT was not centrally concerned with development, it did recognize the 'special and differential status' of the developing countries. Perhaps the strongest statement of this was in the Tokyo Round Declaration in 1973, which recognized the importance of the application of differential measures in developing countries in ways which will provide special and more favourable treatment for them in areas of negotiation where this is feasible. (8) Different sections of the evolving GATT code allowed countries to renegotiate tariff bindings in order to promote the establishment of certain industries; allowed developing countries to use tariffs for economic development and fiscal purposes; allowed them to use quantitative restrictions to promote infant industries; and conceded the principle of non-reciprocity by developing countries in trade negotiation. (9) The 1979 Framework Agreement known at the Enabling Clause also provided a permanent legal basis for General System of Preferences (GSP) schemes that would provide preferential access to developing country exports. (10) A significant shift occurred in the Uruguay Round. GSP schemes were not bound, meaning tariffs could be raised against developing country until they equaled the bound rates applied to imports for all sources. Indeed, during the negotiations, the threat to remove GSP was used as a form of bilateral pressure on developing countries. (11) SDT was turned from a focus on a special right to protect and special rights of market access to one of responding to special adjustment difficulties in developing countries stemming from the implementation of WTO decisions. (12) Measures meant to address the structural inequality of the trading system gave way to measures, such as a lower rate of tariff reduction or a longer time frame for implementing decisions, which regarded the problem of developing countries as simply that of catching up in an essentially even playing field. STD has been watered down in the WTO, and this is not surprising for the neoliberal agenda that underpins the WTO philosophy differs from the Keynesian assumptions of GATT: that there are no special rights, no special protections needed for development. The only route to development is one that involves radical trade (and investment) liberalization. Fate of the Special Measures for Developing Countries Perhaps the best indicators of the marginal consideration given to developing countries in the WTO is the fate of the measures that were supposed to respond to the special conditions of developing countries. There were three key agreements which promoters of the WTO claimed were specifically designed to meet the needs of the South: The Special Ministerial Agreement approved in Marrakesh in April 1994, which decreed that special compensatory measures would be taken to counteract the negative effects of trade liberalization on the net food-importing developing countries; The Agreement on Textiles and Clothing, which mandated thart the system of quotas on developing country exports of textiles and garments to the North would be dismantled over ten years; The Agreement on Agriculture, which, while 'imperfect', nevertheless was said to promise greater market access to developing country agricultural products and begin the process of bringing down the high levels of state support and subsidization of EU and US agriculture, which was resulting in the dumping of massive quantities of grain on Third World markets. What happened to these measures? The Special Ministerial Decision taken at Marrakesh to provide assistance to 'Net Food Importing Countries' to offset the reduction of subsidies that would make food imports more expensive for the 'Net Food Importing Countries' has never been implemented. Though world crude prices more than doubled in 1995/96, the World Bank and the IMF scotched an idea of any offsetting aid by arguing that the price increase was not due to the Agreement on Agriculture, and besides there was never any agreement anyway on who would be responsible for providing the assistance. (13) The Agreement on Textiles and Clothing committed the developed countries to bring under WTO discipline all textile and garment imports over four stages, ending on January 1, 2005. A key feature was supposed to be the lifting of quotas on imports restricted under the Multifiber Agreement (MFA) and similar schemes which had been used to contain penetration of developed country markets by cheap clothing and textile imports from the Third World. Developed countries retained, however, the right to choose which product lines to liberalize when, so that they first brought mainly unrestricted products into the WTO discipline and postponed dealing with restricted products till much later. Thus, in the first phase, all restricted products continued to be under quota, as only items where imports were not considering threatening-like felt hats or yarn of carded fine animal hair - were included in the developed countries' notifications. Indeed, the notifications for the coverage of products for liberalization on January 1, 1998 showed that even at the second stage of implementation only a very small proportion" of restricted products would see their quotas lifted. (14) Given this trend, John Whalley notes that the belief is now widely held in the developing work that in 2004, while the MFA may disappear, it may well be replaced by a series of other trade instruments, possibly substantial increases in anti-dumping duties. (15) When it comes to the Agreement on Agriculture, which was sold to developing countries during the Uruguay Round as a major step toward providing market access to developing country imports and bringing down the high levels of domestic support for first world farming interests that results in dumping of commodities in third world markets, little gains in market access after five years into developed country markets have been accompanied by even higher levels of overall subsidization-through ingenious combinations of export subsidies, export credits, market support, and various kinds of direct income payments. The figures speak for themselves: the level of overall subsidization of agriculture in the OECD countries rose from $182 billion in 1995 when the WTO was born to $280 billion in 1997 to $362 billion in 1998! Instead of the beginning of a New Deal, the AOA, in the words of a former Philippine Secretary of Trade, has perpetuated the unevenness of a playing field which the multilateral trading system has been trying to correct. Moreover, this has placed the burden of adjustment on developing countries relative to countries who can afford to maintain high levels of domestic support and export subsidies. (16) The collapse of the agricultural negotiations in Seattle is the best example of how extremely difficult it is to reform the AOA. The European Union opposed till the bitter end language in an agreement that would commit it to 'significant reduction' of its subsidies. But the US was not blameless. It resolutely opposed any effort to cut back on its forms of subsidies such as export credits, direct income for farmers, and 'emergency' farm aid, as well as any mention of its practice of dumping products in developing country markets. Oligarchic Decision-Making as a Central, Defining Process Is the system of WTO decisionmaking reformable? While far more flexible than the WTO, the GATT was, of course, far from perfect, and one of the bad traits that the WTO took over from it was the system of decision-making. GATT functioned through a process called 'consensus'. Now consensus responded to the same problem that faced the IMF and the World Bank's developed country members: how to assure control at a time that the numbers gave the edge to the new countries of the South. In the Fund and the Bank, the system of decision-making evolved had the weight of a country's vote determined by the size of its capital subscriptions, which gave the US and the other rich countries effective control of the two organizations. In the GATT, a one-country one-vote system was initially tried, but the big trading powers saw this as inimical to their interests. Thus, the last time a vote was taken in GATT was in 1959. (17) The system that finally emerged was described by US economist Bergsten as one that does not work by voting. It works by a consensus arrangement which, to tell the truth, is managed by four - the Quads: the United States, Japan, European Union, and Canada.(18) He continued: Those countries have to agree if any major steps are going to be made, that is true. But no votes. (19) Indeed, so undemocratic is the WTO that decisions are arrived at informally, via caucuses convoked in the corridors of the ministerials by the big trading powers. The formal plenary sessions, which in democracies are the central arena for decision-making, are reserved for speeches. The key agreements to come out of the first and second ministerials of the WTO-the decision to liberalize information technology trade taken at the first ministerial in Singapore in 1996 and the agreement to liberalize trade in electronic commerce arrived at in Geneva in 1998-were all decided in informal backroom sessions and simply presented to the full assembly as faits accompli. Consensus simply functioned to render non-transparent a process where smaller, weaker countries were pressured, browbeaten, or bullied to conform to the 'consensus' forged among major trading powers. With surprising frankness, at a press conference in Seattle, US Trade Representative Charlene Barshefsky, who played the pivotal role in all three ministerials, described the dynamics and consequences of this system of decision-making: The process, including even at Singapore as recently as three years ago, was a rather exclusionary one. All meetings were held between 20 and 30 keycountries...And that meant 100 countries, 100, were never in the room... [T]his led to an extraordinarily bad feeling that they were left our of the process and that the results even at Singapore had been dictated to them by the 25 or 30 privileged countries who were in the room. (20) Then, after registering her frustration at the WTO delegates' failing to arrive at consensus via supposedly broader 'working groups' set up for the Seattle ministerial, Barshefsky warned delegates: ...[I] have made very clear and I reiterated to all ministers today that, if we are unable to achieve that goal, I fully reserve the right to also use a more exclusive process to achieve a final outcome. There is no question about either my right as the chair to do it or my intention as the chair to do it.... (21) And she was serious about ramming through a declaration at the expense of non-representativeness, with India, one of the key developing country members of the WTO, being routinely excluded from private talks organized by the United States in last ditch efforts to come up with a face-saving deal. (22) In damage-containment mode after the collapse of the Seattle Ministerial, Barshefsky, WTO Director General Mike Moore, and other rich country representatives have spoken about the need for WTO 'reform'. But none have declared any intention of pushing for a one-county/one-vote majority decision-making system or a voting system weighted by population size, which would be the only fair and legitimate methods in a democratic international organization. The fact is, such mechanisms will never be adopted, for this would put the developing countries in a preponderant role in terms of decision-making. Should One Try to Reform a Jurassic Institution? Reform is a viable strategy when the system is question is fundamentally fair but has simply been corrupted such as the case with some democracies. It is not a viable strategy when a system is so fundamentally unequal in purposes, principles, and processes as the WTO. The WTO systematically protects and the trade and economic advantages of the rich countries, particularly the United States. It is based on a paradigm or philosophy that denigrates the right to take actvist measures to achieve development on the part of less developed countries, thus leading to a radical dilution of their right to 'special and differntial treatment'. The WTO raises inequality into a principle of decisionmaking.The WTO is often promoted as a 'rules-based' trading framework that protects the weaker and poorer countries from unilateral actions by the stronger states. The opposite is true: the WTO, like many other multilateral international agreements, is meant to instututionalize and legtimize inequality. Its main purpose is to reduce the tremendous policing costs to the stronger powers that would be involved in disciplining many small countries in a more fluid, less structured international system. It is not surprising that both the WTO and the IMF are currently mired in a severe crisis of legitimacy. For both are highly centralized, highly unaccountable, highly non-transparent global institutions that seek to subjugate, control, or harness vast swathes of global economic, social, political, and environmental processes to the needs and interests of a global minority of states, elites, and TNCs. The dynamics of such institutions clash with the burgeoning democratic aspirations of peoples, countries, and communities in both the North and the South. The centralizing dynamics of these institutions clash with the efforts of communities and nations to regain control of their fate and achieve a modicum of security by deconcentrating and decentralizing economic and political power. In other words, these are Jurassic institutions in an age of participatory political and economic democracy.

#### **[Reform] AND** the aff is only committed to temporary and exceptional reforms like short-term waivers – that puts power in the WTO’s hands to decide when a pandemic is “over” or which types of patents to pursue.

### B. Impact

#### [Gatwiri et al] WHITE SAVIORISM: using the WTO to expand medicine is a wolf in sheep’s clothes – they use the language of inclusion to marginalize Black people – Africa proves.

**Gatwiri et al:** Gatwiri, Kathomi [lecturer based at Southern Cross University where she teaches Social Work & Social Policy] Amboko, Julians [finance and economics correspondent with the Nation Media Group] Okolla, Darius [Bachelor of Commerce - Finance degree, from Kenyatta University,] “The implications of Neoliberalism on African economies, health outcomes and wellbeing: a conceptual argument” *Soc Theory Health.* June 26, 2019

Since the late 1980s, the sub-Sahara has been struggling to address the issues of inequality that have been inflated by neoliberal policies and capitalist development policies that focus on production of labour and little on the health and wellbeing of the “producers” of the said labour. Globally, the rolling out of neoliberal policies has led to a plethora of harmful socioeconomic consequences, including increased poverty, unemployment, and deterioration of income distribution (Rotarou and Sakellariou 2017; Collins et al. 2015). Hartmann (2016, p. 2145) states that “neoliberalism typically refers to minimal government intervention, laissez-faire market policies, and individualism over collectivism [which] has been adopted by—and pressed upon—the majority of national governments and global development institution.” She further states that “neoliberal policies have contributed to the privatization and individualization of healthcare, resulting in growing health inequalities.” By privatising healthcare, education, electricity, water and housing, neoliberals argue that private institutions are more capable, effective and efficient in providing social services. Harvey (2007) states that neoliberalism is “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, … free trade” and a “hands-off” approach from the government. This is what Friedman referred to as the system of “free market capitalism” (Friedman 2009). However, (Garnham (2017) argues that decreasing public spending and government involvement in the welfare of people through the rhetoric of choice and freedom has a harmful impact on people’s health and wellbeing. The biggest conceptual challenge is that neoliberal ideology adopts the language of freedom and choice, increased foreign investments, and open markets and trade to progress policies that lead to privatisation of basic needs such as education, healthcare, water, electricity and housing. The rich can often afford these services and can compete “fairly” in the “free market”, but the poor—unable to afford health care, education or decent housing—are left marginalised. Njoya (2017) explored the use of language in promoting inequality in the healthcare system. She argued that “neoliberalism uses the language of social policy and justice but [insidiously] drives a very corporate and unequal agenda.” Neoliberalism has radically shifted the African public health space in the last two decades. Most sub-Saharan African countries drastically reduced their healthcare budgets following the International Monetary Fund (IMF) and the World Bank Structural Adjustment programs (SAPs) directives. As Hartmann (2016, p. 2146) wrote, it “decentralized health care decision-making and funding, resulting in wide-scale privatization of health care services, delivery, and insurance, which led to structural segmentation and fragmentation.” SAPs have had myriad negative impacts on African economies, including, but not limited to, “inflationary pressures, the marginalization of the poor in the distribution of educational and health benefits and a reduction in employment” (Rono 2002, p. 84). As the main impetus of the SAPs was to reduce and ration expenditure, structural adjustment in the healthcare sector slashed public spending on primary healthcare, and aided the privatisation of health systems and services. In Kenya, for example, The Bamako Initiative of 1987 anchored cost-sharing as a central tenet of public health policy, in which patients were required to pay for nearly all costs of diagnosis and treatment (Rono 2002). Outside of an emergency, patients were required to provide proof of payment before medical services are availed. By channelling funding to narrow medical interests, structural adjustment policies resulted in an uneven medical landscape, with a few prestigious fields surrounded by poorly resourced departments. Clinicians had to tailor their decisions about treatment to the limited medicine, technologies and resources available. The increased number of private healthcare organisations, coupled with a significant reduction in the role of government in the provision of healthcare services, contributed to extensive negative outcomes on the quality, effectiveness, cost and access of health systems and services, which severely impacted on people’s wellbeing. Rotarou and Sakellariou (2017, p. 497) state that the private institutions, “with their focus on increasing profits, and not on providing affordable and good-quality healthcare, have led to the deterioration of public health systems, increase in urban–rural divide, as well as increase in inequality of access to healthcare services.” Privatisation of healthcare has made services more unaffordable and less available to the population of people that need it the most. As a result, life expectancy has stagnated or fallen in most African countries, and mortality from preventable infections and diseases continues to rise. Further to this, the politics of healthcare through a neoliberal lens are often framed as “individual” issues rather than “structural and ideological” issues. This implies that the neoliberal approach to health has diminished the idea of healthcare as a universal human right. Reframing, reshaping, rethinking and re-politicising healthcare reveals the colonial attitudes that dictate who “deserves” good healthcare. Njoya (2017) states, [Politicians in Kenya] come to the rescue of the poor by paying hospital bills but will not have a conversation about the fact that we the taxpayers are paying millions [worth of] medical cover for each of them and will not engage in a conversation about the underfunding of healthcare, and the looting of the little money given to healthcare. When [the] Netherlands and the UN are helping foreign companies purchase Kenyan hospitals, [they are] supporting our government’s deafness to [our right to basic healthcare] and [promoting their] refusal to fund public hospitals. The privatisation and buying out of African hospitals by foreign companies in an attempt to “help and rescue them” is a capitalist response that undercuts universal healthcare for Africans by appropriating the language of care and inclusion. In reality, this “white saviour approach” is layered with nothing but racism, disempowerment, exploitation of people, and exclusion of those who cannot afford those “privatised” services. Access to health services, therefore, remains both a political as well as a human rights issue that’s closely tied to social justice (Braveman and Gruskin 2003b); but Africa’s colonial history, fuelled by Western greed for her resources, promotes discriminatory policies that continue to impact Africans and their wellbeing.

#### [da Silva] Second, UNEQUAL DISTRUBUTION: they refuse to consider how the so-called “benefits” of the aff will be distributed unequally and along racial lines.

**da Silva:** da Silva, Denis [Professor and Director of the Institute for Gender, Race, Sexuality, and Social Justice at the University of British Columbia, University of Minnesota Press,] “Toward a Global Idea of Race”, <https://www.upress.umn.edu/book-division/books/toward-a-global-idea-of-race>, 2007 VD

My point is that the metaphor of the veil reproduces the effect of power of the sociohistorical logic of exclusion —which, as I show in Part 2, consists in a powerful tool of the analytics of raciality — which is to render racial emancipation contingent on the obliteration of racial difference. In Against Race, Paul Gilroy (2000) provides perhaps the best example of the perverse effects of this desire to recuperate the racial subaltern into an unbounded humanity. When advancing another claim for the erasure of the racial from modern political grammar, Gilroy announces that the demise of race is already under way, thanks to the radical alteration of bodies promised by genetic manipulation and the commodification of the black male body as an object for global and suburban white consumption. **Any impulse to celebrate this “emancipation” from the (racial) body dies when one learns the answer to the question of how biotechnology ushers liberation from race in Gilroy’s interpretation of “the tragic story of Henrietta Lacks,” a working -class U.S. black woman whose cervical cells have been crucial to the advancement of cancer research, which exemplifies the passage from the “biopolitics of ‘race’” to “nano -politics.” For Gilroy, the fact that her blackness is irrelevant to medical research suggests a redefinition of the idea of humanity, for the “awareness of the indissoluble unity of all life at the level of genetic materials” displaces the idea of “specifically racial differences” (20, italics in the original). It would be all too easy to stop at pointing to the irony of how humanist desire needs science (genetics) to once again denounce race’s scientific irrelevance.** But it is more interesting, I think, to point to how this desire cannot reduce or sublate the materiality (body and social position) of the economically dispossessed black female, which resists the liberating powers of “transfiguration,” “commodification,” and biotechnology. How did Henrietta Lacks’s cervical cells become available to scientific research? Why did the cellular biologist at Johns Hopkins University see it as ethical to appropriate her cells without her consent? How has the use of economically dispossessed black neighborhoods as testing camps ensured advances in public health research at that university? What cells do not reveal is how the female racial subaltern has been consistently (re)produced as a kind of human being to whom neither juridic universality nor self -determination applies. **Not only does her femaleness place Henrietta Lacks under patriarchal (divine or natural) law, away from the domain of the laws of the body politic. Her blackness also produces her as radically distinct from the kind of subject presumed in the ethical principles governing modern social configurations**. Across the earth, women still die of cervical cancer despite the advances Lacks’s stolen cells have enabled, but they do not die the same way. Economically dispossessed women of color, like Lacks, die with more pain and no hope. Not only do they lack the financial means to access even the basic technologies available for the prevention and treatment of cervical cancer; in many cases (as in the case of a Brazilian federal program for the treatment of economically dispossessed cancer patients), when given access to this technology they are treated as little more than test subjects. **This is not because blackness determines the kind of cells that will grow in their bodies, but because it determines how they live with or die from cancer. That cancer cells do not indicate dark brown skin or flat noses can be conceived of as emancipatory only if one forgets, or minimizes, the political context within which lab materials will be collected and the benefits of biotechnological research will be distributed.** Whether inspired by humanism or not, any critical ontoepistemological account couched upon the transparency thesis will ignore the conditions of production of modern subjects, how the arsenal of the modern “Will to Truth,” tools of reason, institute social (juridical, economic, ethical) subjects, the men and women who produce and reproduce (and the institutions that regulate) their own social trajectories. Whatever else can be said about the critical position Gilroy inhabits, it certainly holds onto the promises of historicity and universality, which animate postmodern humanist desires for a postracial, transparent future: “The spaces in which ‘races’ come to life,” Gilroy laments, “are a field from which political interaction has been banished” (41). What would be left, I ask, to the project of social or global justice if modern subjects were freed from raciality? This is not just a rhetorical question. **It requires a critique of modern thought that addresses scientific knowledge as a major productive site of power, one that addresses how the racial, the scientific signifier, produces social subjects who stand differentially before the institutions the transparency thesis sustains.** Perhaps it is evident now that the answer to the question of what lies behind the veil is more complicated than it appears to be. **At least for the economically dispossessed racialized gendered person for whom, as for Henrietta Lacks, physical death is only the most evident effect of the post -Enlightenment desire for transparency and the historical and scientific signifying strategies that (re)produce it.** What I am suggesting is that the moral ease with which the sociohistorical logic of exclusion captures racial subjection derives from how it (re)produces the transparency thesis by translating the obliteration of the kind of particularity the latter postulates into a demand for the obliteration of the signifier that institutes it, namely, the racial —a gesture that consistently reinstitutes the transparent subject of science and history, the proper name of the man. **For this reason, I claim, only an excavation of modern thought, an analysis of the economy of signification governed by the transparency thesis and the analytics of raciality, will enable critical ontoepistemological projects and the ethical principle that usually accompany them, which can aid in the project of global justice.**

### Thus, C. Alternative

#### [Robinson] Reject the aff and replace it with Black Marxism, a negation of the negation of a world of racial capitalism. This means we call out the aff’s *framing* of the WTO as fundamentally racist – it’s not a question of policy, but of orientation. To clarify, we interrogate the anti-Black underpinnings of neoliberal institutions like the WTO as a prerequisite to any policy action.

Robinson: Robinson, Cedric. [Professor in the Department of Black Studies and the Department of Political Science, University of California, Santa Barbara] Black Marxism: The Making of the Black Radical Tradition. University of North Carolina Press, 2000 (originally published in 1983). <https://www.jstor.org/stable/10.5149/9781469663746_robinson> GC

With each historical moment, however, the rationale and cultural mechanisms of domination became more transparent. Race **was its epistemology, its ordering principle, its organizing structure, its moral authority, its economy of justice, commerce, and power.** Aristotle, one of the most original aristocratic apologists, had provided the template in Natural Law. In inferiorizing women ("[TIhe deliberative faculty of the soul is not present at all in the slave; in a female it is present but ineffective" [Politics,i26oaiz]), non-Greeks, and all laborers (slaves, artisans, farmers, wage workers, etc.: "[Tlhe mass of mankind are evidently quite slavish in their tastes, preferring a life suitable to beasts" [Nicomachean Ethics, 1095b20]), Aristotle had articulated an uncompromising racial construct. And from the twelfth century on, one European ruling order after another, one cohort of clerical or secular propagandists following another, reiterated and embellished this racial calculus.14As **the Black Radical Tradition was distilled from the racial antagonisms which were arrayed along a continuum from the casual insult to** the most ruthless and **lethal rules of law**; from the objectifications of entries in marine cargo manifests, auction accountancy, plantation records, broadsheets and newspapers; from the loftiness of Christian pulpits and biblical exegesis to the minutia of slave-naming, dress, types of food, and a legion of other significations, the terrible culture of race was revealed. Inevitably, the tradition was transformed into a radical force**.** And in its most militant manifestation, no longer accustomed to the resolution that flight and withdrawal were sufficient, the purpose of the struggles informed by the tradition became the overthrow of the whole race-based structure. **In the studies of these struggles, and often through engagement with them, the Black Radical Tradition began to emerge and overtake Marxism** in the work of these Black radicals. W. E. B. **Du Bois,** in the midst of the antilynching movement, C. L. R. **James, in the vortex of anticolonialism, and Richard Wright**, the sharecropper**'s** son, all brought forth aspects of the militant tradition which had informed successive generations of Black freedom fighters. These **predecessors were Africans** by origins, predominantly **recruited from** the same cultural matrices, subjected to similar and **interrelated systems of servitude and oppression, and mobilized by identical impulses to recover their dignity.** And over the centuries, the **liberation projects** of these men and women **in Africa, the Caribbean, and the Americas acquired similar emergent collective forms in rebellion** and marronage, similar ethical and moral articulations of resistance; increasingly, **they merged as a function of what Hegel might have recognized as** the negation of the negation **in the world system. Hegel's "cunning of history," for one instance, was evident when in the late eighteenth and early nineteenth centuries, Franco-Haitian slaveowners fled to Louisiana, Virginia, and the Carolinas with as many slaves as they could transport, thereby also transporting the Haitian Revolution.** The outrage, courage, and vision of that revolution helped inspire the Pointe Coupee Conspiracy in 1795 in Louisiana, the Gabriel-led rebellion in 1800 in Virginia, and the rebellion organized by Denmark Vesey in 1822 outside of Charle~ton.'And, in turn, Denmark's movement informed the revolutionary tract, *APPEAL in Four Articles; Together with a Preamble, to the Coloured Citizens of the World, But in Particular, and Very Expressly, to Those of the United States of America,* penned by David Walker in Boston in 1829.

**AND NO PERMS –** they already committed to an orientation that lets the WTO try to solve racism – their reliance on neoliberal models is FUNDAMENTALLY INCOMPATIBLE with the alt.

## Case

## Underview

#### Reject 1ar theory: a] only one speech to respond to it which outweighs on infinite abuse because they can read infinite shells b] aff frames the round outweighs because they pick my ground and writing a better aff solves 1ar difficulty. 1ar theory is drop the arg [1] key to 2n flex  - drop the debater forces a 1ar restart [2] I only have one speech to respond whereas they have two to make the implications across flows, so 2ns enter in the dark. Also, 1ar theory is reasonability [1] anything else moots 7 minutes of NC offense [2] no 3nr means im forced to do weighing in the 2n, which means I can never compensate.

#### [Cueni 20] Companies are producing vaccines because they know their IPP is protected – current vaccine production proves.

**Cueni 20**: Cueni, Thomas. [New York Times Company] “The risk in suspending vaccine patent rules” *Wion,* 2020. JP

It is unclear how suspending patent protections would ensure fair distribution. But what is clear is that if successful, the effort would jeopardize future medical innovation, making us more vulnerable to other diseases. Intellectual property rights, including patents, grant inventors a period of exclusivity to make and market their creations. By affording these rights to those who create intangible assets, such as musical compositions, software or drug formulas — people will invent more useful new things. **Development of a new medicine is risky and costly**. Consider that scientists have spent decades — and billions of dollars — working on Alzheimer’s treatments, but still have little to show for it. The companies and investors who fund research shoulder so much risk because they have a shot at a reward. Once a patent expires, generic companies are free to produce the same product. **Intellectual property rights underpin the system that gives us all new medicines, from psychiatric drugs to cancer treatments**. In trying to defend these rights, the drug industry has made mistakes in the past that have lost people’s trust. More than 22 years ago, for example, a group of drug companies sued the South African government for trying to import cheaper anti-AIDS drugs amid an epidemic. With price standing between patients and survival, the suit, which the companies eventually dropped, was a terrible misjudgment. The current situation is not parallel. **Several major drug companies, including AstraZeneca, GlaxoSmithKline and Johnson & Johnson, have pledged to offer their vaccines on a not-for-profit basis during the pandemic**. Others are considering differential pricing for different countries. **As of last month, four major pharmaceutical companies had already agreed to eventually produce at least three billion vaccine doses for low- and middle-income nations, according to one analysis**. In South Africa and India, pharmaceutical companies are already working with local partners to make their vaccines available. Johnson & Johnson has entered into a technology transfer partnership for its candidate vaccine with South Africa’s Aspen Pharmacare, and AstraZeneca has reached a licensing agreement with the Serum Institute of India to develop up to 1 billion doses of its vaccine for low-and-middle-income countries. **Companies can afford to license patents for free, or sell drugs at cost, precisely because they know that their intellectual property will be protected. That’s not a flaw in the system; it’s how the system ensures that pharmaceutical research will continue to be funded.**

#### [Winegarden 21] Cost compromises quality – medicines will be worse quality and take longer to produce, which prolonges the pandemic and turns case.

**Winegarden 21:** Winegarden, Wayne. [Writer at the OCR] “Violating intellectual property rights jeopardizes quality health care” *The OCR: Opinion,* 2021. JP

**Policymakers across the globe are attempting to vilify the same private companies that have been invaluable partners in the fight against the COVID-19 pandemic. If these efforts are successful, it will be patients who are harmed the most.**  Globally, the World Trade Organization (WTO) wants to waive the patent rights for the companies that developed effective COVID-19 vaccines in record breaking time. Here in the U.S., states as diverse as Arkansas, California, and Texas are considering policies that use the pandemic as an excuse to violate device manufacturers’ intellectual property rights. In both cases, the proponents of violating companies’ intellectual property rights try to frame the problem as an issue of people over profits. Nothing could be further from the truth. The WTO claims that violating the patent rights will widen access to Covid-19 vaccines to low-income countries, which are still facing shortages. **But, even if the patents were violated, it would take an incredibly long time for another manufacturer to develop, test, manufacturer, and distribute its vaccine.** This time lag undermines the claims of the proponents. As a letter to President Biden from Senators Mike Lee, R-Utah, Tom Cotton, R-Arkansas, Joni Ernst, R-Iowa, and Todd Young, R-Indiana, explains, “The proponents of this scheme argue that if we just destroy the intellectual property developed by American companies, we will suddenly have more manufacturers producing COVID-19 vaccines. But the opposite is true. By destroying the intellectual property of every American company that has worked on COVID-19 vaccines and treatments we would be ending the progress—started under Operation Warp Speed—that led to the fastest development of life-saving vaccines in history.” The drive to invalidate patents in the U.S. includes California legislation Senate Bill 605. **This legislation violates the intellectual property rights of manufacturers of medical equipment such as diagnostic and imaging machines and forces these companies to disclose confidential training materials and service tools to other third-party service businesses**. The purpose of forcing manufacturers to reveal their proprietary information is to enable other service firms to become more effective competitors. Therefore, by violating their government granted property rights, these proposals will harm the original innovative manufacturers. Like the WTO, the proponents of these bills wrongly claim that violating property rights is the only way to protect public health. It is also important to note that once any state passes this law, it is in effect for all 50 states – after all, once a manufacturer has been forced to release its proprietary intellectual property in one state, it is available publicly to anyone across the globe. There is no way to prevent someone from Michigan, Arkansas, or Canada from accessing the training materials released in California. Essentially, if one state forces manufacturers to release this information it is as if they all have. **Similar to vaccines, the immediate consequences may not be what the advocates expect. In the case of servicing complex medical devices, there are serious quality concerns.** Competitor service businesses also tend to oversimplify critically important issues such as cybersecurity. As my colleague and founder of the FDA’s Office of Biotechnology, Henry Miller, notes “as medical devices became increasingly reliant on a harmonized interaction between their hardware and software components, the cybersecurity consequences of even a slightly imprecise or careless maintenance job have become increasingly stark. It’s exactly for this reason that the Food and Drug Administration holds OEMs [original equipment manufacturers] to mandatory Quality System/Current Good Manufacturing Practices, to ensure that device software updates, patches, and more comprehensive repair jobs are done correctly. Third-party servicers are held to no such standards”. The long-run consequences from violating the intellectual property rights of innovative manufacturers (whether of vaccines or medical devices) are even more troubling. After investing billions of dollars into developing a vaccine or creating a better medical device, innovative manufacturers must be able to recoup their cost of capital. When governments violate their patent rights, they make recouping these costs more difficult and uncertain. The result will be less innovation in the future. **Policies that promote violating intellectual property rights are fool’s gold: the purported benefits are illusory, but the consequences will be severe and include worse quality healthcare today and less healthcare innovation tomorrow.**