# WTO Covid Aff 1.0

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### Covid 1AC 2.0

#### Contention 1: Vaccine Inequality

#### 1. Global health inequality threatens progress in fight vs COVID-19 encouraging vaccine resistant mutations

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(Jenni, https://www.newsweek.com/who-warns-world-blind-understanding-covid-spread-hurting-ability-end-pandemic-1614722)

A lack of testing for COVID-19 in parts of the world is preventing countries from having a clear picture of how the virus is spreading and therefore hurting the world's chances at fighting the virus and ending the pandemic, according to the World Health Organization. Health inequities throughout the world have plagued the global response to COVID-19 from the outset and WHO has pushed higher income countries to help lower income countries in the interest of ending the pandemic. Along with restricted access to vaccines, lower income countries have struggled to have sufficient testing, meaning the virus is likely going undetected in certain areas, further enabling its ability to spread. Low testing rates is "leaving the world blind to understanding where the disease is and how it's changing," Dr. Tedros Adhanom Ghebreyesus, director general of the WHO said on Friday during a press briefing. Without improving global testing rates, Ghebreyesus said the world can't "fight the disease" or mitigate the risk it poses to people around the globe. who blind covid spread cases On Friday, the World Health Organization warned the world is "blind" to how COVID-19 is spreading because of a lack of testing in certain places. WHO Director-General Tedros Adhanom Ghebreyesus attends a daily press briefing on the new coronavirus dubbed COVID-19, at the WHO headquaters on March 2, 2020, in Geneva. FABRICE COFFRINI//AFP/GETTY IMAGES NEWSWEEK NEWSLETTER SIGN-UP > One of Ghebreyesus' biggest frustrations with the pandemic response is the failure to evenly distribute the vaccine around the world. In some countries, like the United States and other higher-income nations, significant portions of the population have been vaccinated. While those large vaccinated populations help reduce the spread of the virus in some areas, other countries, especially those in Africa, haven't been able to vaccinate even 10 percent of their population. This puts the entire world at risk because when the virus is able to spread throughout communities it has the ability to mutate, thereby increasing the possibility that a mutation could evade the vaccines. It's a scenario public health officials have been warning about for months and Ghebreyesus said on Friday that "hard won gains are in jeopardy" or have already been lost because the virus has been able to spread. Nearly 30 countries have high or rising oxygen needs and the shortage of life-saving oxygen could lead to increased deaths. More than 196 million cases of COVID-19 have been reported around the world, according to a Johns Hopkins University tracker, and more than 4.2 million people have died. Ghebreyesus suspected the number of cases would top 200 million within the next two weeks and warned that health systems in many countries are being overwhelmed. Preventing hospitals from exceeding capacity was a massive concern when the pandemic first broke out and a year later, parts of the U.S. are having their health systems strained as the more transmissible Delta variant spreads. On Thursday, Arkansas Governor Asa Hutchinson declared a public health emergency that allows the state to bring in health care workers from outside Arkansas and makes it easier for retired health care workers and medical students to become licensed. The goal is to help alleviate stress on health care systems and Hutchinson said they've had people waiting in ambulances because there wasn't an open spot in a hospital. That strain will only become more exacerbated if a mutation occurs that evades the vaccine, as inoculations have proven effective at helping to keep people out of the hospital. Ghebreyesus warned that more variants will emerge if global access to vaccines and testing doesn't improve. "The pandemic will end when the world chooses to end it. It is in our hands. We have all the tools we need. We can prevent this disease. We can test for it and we can treat it," Ghebreyesus said.

#### 2. Eliminating IP protections is crucial to reduce global vaccine inequality which threatens mutations. Every pro-waiver argument is disproven

Kumar, PhD, 7-12-21

(Rajeesh, Associate Fellow Manohar Parrikar Institute for Defence Studies and Analysis, https://www.idsa.in/issuebrief/wto-trips-waiver-covid-vaccine-rkumar-120721)

In October 2020, India and South Africa had submitted a proposal to the World Trade Organization (WTO), suggesting a waiver of certain provisions of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement for the “prevention, containment and treatment of COVID-19”. The proposal seeks the waiver of “the implementation, application, and enforcement of sections 1, 4, 5 and 7 of part II of the TRIPS agreement”, which are stipulations referring to copyright, industrial design, patents, and undisclosed information (trade secrets).1 The proponents of the proposal argue that a waiver will enable timely and equitable access to affordable health products and technologies, including vaccines. Though many member countries had supported and co-sponsored the proposal, a small but influential group of countries, mainly Australia, Canada, the European Union (EU), Japan, the United Kingdom (UK) and the United States (US), opposed it. They argued that existing exceptions under the TRIPS Agreement are sufficient to address the concerns mentioned in the proposal. This resulted in sidelining of the waiver proposal for months. However, on 5 May 2021, the Joseph Biden administration announced its support for waiving intellectual property protections for COVID-19 vaccines.2 It was a significant step towards breaking the seven-month gridlock, and led to many more countries modifying their position on the waiver proposal. On 25 May 2021, the co-sponsors of the waiver proposal submitted a revised proposal that specified the scope of the waiver as applying to “health products and technologies” and also added a section on the proposed duration of the waiver, i.e., three years.3 At present, more than 100 countries, including the US and China support this proposal. The principal opponent of the waiver is the EU and in June 2021, it submitted an alternative proposal to the TRIPS Council, which requested to keep TRIPS’ provisions intact and focused on compulsory licensing and removing vaccine export restrictions to address the concerns raised by India and South Africa.4 The EU proposal also stated that the TRIPS Agreement does not prevent countries from taking measures to protect public health.5 At the meeting of the TRIPS Council on 8–9 June 2021, the member states agreed to text-based negotiations focusing on two proposals tabled by members. The members also decided to hold a series of meetings till the end of July 2021 to take stock of the text-based negotiations. However, the latest developments show that the waiver discussions hit a hurdle due to a split between the developed and developing countries over the negotiation text. This brief discusses how TRIPS becomes a barrier to the equitable access of COVID-19 vaccines. It also examines how a waiver will help India in its fight against COVID-19 at home and abroad. TRIPS and its Exceptions TRIPS, a comprehensive multilateral agreement on Intellectual Property (IP), was an outcome of the Uruguay Round (1986–94) of negotiations of the General Agreement on Tariffs and Trade (GATT). The Agreement came into force on 1 January 1995 and offers a minimum standard of protection for Intellectual Property Rights (IPR).6 In WTO, IPR are divided into two main categories. First, copyright and related rights (Articles 9 to 14, Part II of the TRIPS Agreement). Second, industrial property that includes trademarks, geographical indications, industrial designs, patents, integrated circuit layout designs, and undisclosed information (Articles 15 to 38, Part II of the TRIPS Agreement).7 Article IX.3 and IX.4 of the Marrakesh Agreement Establishing the WTO deals with TRIPS waivers. Article IX.3 says that in “exceptional circumstances” the Ministerial Conference may waive off an obligation imposed on WTO member countries.8 Such a decision requires the support of three-fourths of the WTO membership. According to Article IX.4, any waiver granted for more than one year will be reviewed by the Ministerial Conference. Based on the annual review, the Conference may extend, modify, or terminate the waiver. The TRIPS Agreement provides some flexibility primarily in the form of compulsory licensing and research exceptions through Articles 30 and 31. While Article 30 permits WTO members to make limited exceptions to patent rights, Article 31 provides a detailed exception, provided certain conditions are met. Compulsory licensing is the process of granting a license by a government to use a patent without the patent holder's consent. Article 31 permits granting compulsory license under circumstances such as “national emergencies”, “other circumstances of extreme urgency”, “public noncommercial use”, or against “anti-competitive” practices.9 In addition to these original waivers, the Declaration on the TRIPS Agreement and Public Health, adopted at the 2001 Doha Ministerial Meeting, also recognises some exceptions, for instance, in situations of a public health emergency, member countries have the freedom to determine the grounds upon which compulsory licenses are granted. Similarly, under Article 66.1, the least developed countries (LDCs) are given waivers for implementing TRIPS on pharmaceuticals till 1 January 2033. COVID-19 and TRIPS Waiver Two significant factors rekindled the debate on TRIPS waiver for essential medical products—first, vaccine inequity, and second, the insufficiency of existing waiver provisions in fighting the COVID-19 pandemic. COVID-19 is an exceptional circumstance, and equitable global access to the vaccine is necessary to bring the pandemic under control. However, the world is witnessing quite the reverse, i.e., vaccine nationalism. Vaccine nationalism is “my nation first” approach to securing and stockpiling vaccines before making them available in other countries. A TRIPS waiver would be instrumental in addressing the growing inequality in the production, distribution, and pricing of the COVID-19 vaccines. Vaccine Inequity According to Duke Global Health Innovation Center, which monitors COVID-19 vaccine purchases, rich nations representing just 14 per cent of the world population have bought up to 53 per cent of the most promising vaccines so far. As of 4 July 2021, the high-income countries (HICs) purchased more than half (6.16 billion) vaccine doses sold globally. At the same time, the low-income countries (LICs) received only 0.3 per cent of the vaccines produced. The low and middle-income countries (LMICs), which account for 81 per cent of the global adult population, purchased 33 per cent, and COVAX (COVID-19 Vaccines Global Access) has received 13 per cent.10 Many HICs bought enough doses to vaccinate their populations several times over. For instance, Canada procured 10.45 doses per person, while the UK, EU and the US procured 8.18, 6.89, and 4.60 doses per inhabitant, respectively.11 Source:“Tracking COVID-19 Vaccine Purchases Across the Globe”, Duke Global Health Innovation Center, Updated 9 July 2021. Consequently, there is a significant disparity between HICs and LICs in vaccine administration as well. As of 8 July 2021, 3.32 billion vaccine doses had been administered globally.12 Nonetheless, only one per cent of people in LICs have been given at least one dose. While in HICs almost one in four people have received the vaccine, in LICs, it is one in more than 500. The World Health Organization (WHO) notes that about 90 per cent of African countries will miss the September target to vaccinate at least 10 per cent of their populations as a third wave looms on the continent.13 South Africa, the most affected African country, for instance, has vaccinated less than two per cent of its population of about 59 million. This is in contrast with the US where almost 47.5 per cent of the population of more than 330 million has been fully vaccinated. In Sub-Saharan Africa, vaccine rollout remains the slowest in the world. According to the International Monetary Fund (IMF), at current rates, by the end of 2021, a massive global inequity will continue to exist, with Africa still experiencing meagre vaccination rates while other parts of the world move much closer to complete vaccination.14 This vaccine inequity is not only morally indefensible but also clinically counter-productive. If this situation prevails, LICs could be waiting until 2025 for vaccinating half of their people. Allowing most of the world’s population to go unvaccinated will also spawn new virus mutations, more contagious viruses leading to a steep rise in COVID-19 cases. Such a scenario could cause twice as many deaths as against distributing them globally, on a priority basis. Preventing this humanitarian catastrophe requires removing all barriers to the production and distribution of vaccines. TRIPS is one such barrier that prevents vaccine production in LMICs and hence its equitable distribution. TRIPS: Barrier to Equitable Health Care Access The opponents of the waiver proposal argue that IPR are not a significant barrier to equitable access to health care, and existing TRIPS flexibilities are sufficient to address the COVID-19 pandemic. However, history suggests the contrary. For instance, when South Africa passed the Medicines and Related Substances Act of 1997 to address the HIV/AIDS public health crisis, nearly 40 of world’s largest and influential pharma companies took the South African government to court over the violation of TRIPS. The Act, which invoked the compulsory licensing provision, allowed South Africa to produce affordable generic drugs.15 The Big Pharma also lobbied developed countries, particularly the US, to put bilateral trade sanctions against South Africa.16 Similarly, when Indian company Cipla decided to provide generic antiretrovirals (ARVs) to the African market at a lower cost, Big Pharma retaliated through patent litigations in Indian and international trade courts and branded Indian drug companies as thieves.17 Another instance was when Swiss company Roche initiated patent infringement proceedings against Cipla’s decision to launch a generic version of cancer drug, “erlotinib”. Though the Delhi High Court initially dismissed Roche's appeal by citing “public interest” and “affordability of medicines,” the continued to pressure the generic pharma companies over IPR. 18 Likewise, Pfizer’s aggressive patenting strategy prevented South Korea in developing pneumonia vaccines for children.19 A recent document by Médecins Sans Frontières (MSF), or Doctors Without Borders, highlights various instances of how IP hinders manufacturing and supply of diagnostics, medical equipment, treatments and vaccines during the COVID-19 pandemic. For instance, during the peak of the COVID-19 first wave in Europe, Roche rejected a request from the Netherlands to release the recipe of key chemical reagents needed to increase the production of diagnostic kits. Another example was patent holders threatening producers of 3D printing ventilators with patent infringement lawsuits in Italy.20 The MSF also found that patents pose a severe threat to access to affordable versions of newer vaccines.21 Source:“COVID-19 Vaccine R&D Investments”, Global Health Centre, Graduate Institute, Geneva, Updated 9 July 2021. The opponents of the TRIPS waiver also argue that IP is the incentive for innovation and if it is undermined, future innovation will suffer. However, most of the COVID-19 medical innovations, particularly vaccines, are developed with public financing assistance. Governments spent billions of dollars for COVID-19 vaccine research. Notably, out of $6.1 billion in investment tracked up to July 2021, 98.12 per cent was public funding.22 The US and Germany are the largest investors in vaccine R&D with $2.2 billion and $1.5 billion funding. Source:“COVID-19 Vaccine R&D Investments”, Global Health Centre, Graduate Institute, Geneva, Updated 9 July 2021. Private companies received 94.6 per cent of this funding; Moderna received the highest $956.3 million and Janssen $910.6 million. Moreover, governments also invested $50.9 billion for advance purchase agreements (APAs) as an incentive for vaccine development. A recent IMF working paper also notes that public research institutions were a key driver of the COVID-19 R&D effort—accounting for 70 per cent of all COVID-19 clinical trials globally.23 The argument is that vaccines are developed with the support of substantial public financing, hence there is a public right to the scientific achievements. Moreover, private companies reaped billions in profits from COVID-19 vaccines. Source: Katharina Buchholz, “COVID-19 Vaccines Lift Pharma Company Profits”, Statista, 17 May 2021. One could argue that since the US, Germany and other HICs are spending money, their citizens are entitled to get vaccines first, hence vaccine nationalism is morally defensible. Nonetheless, it is not the case. The TRIPS Agreement includes several provisions which mandates promotion of technology transfer from developed countries to LDCs. For instance, Article 7 states that "the protection and enforcement of IP rights should contribute to the promotion of technological innovation and the transfer and dissemination of technology, to the mutual advantage of producers and users of technical knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations."24 Similarly, Article 66.2 also mandates the developed countries to transfer technologies to LDCs to enable them to create a sound and viable technological base. The LMICs opened their markets and amended domestic patent laws favouring developing countries’ products against this promise of technology transfer. Another argument against the proposed TRIPS waiver is that a waiver would not increase the manufacturing of COVID-19 vaccines. Indeed, one of the significant factors contributing to vaccine inequity is the lack of manufacturing capacity in the global south. Further, a TRIPS waiver will not automatically translate into improved manufacturing capacity. However, a waiver would be the first but essential step to increase manufacturing capacity worldwide. For instance, to export COVID-19 vaccine-related products, countries need to ensure that there are no IP restrictions at both ends – exporting and importing. The market for vaccine materials includes consumables, single-use reactors bags, filters, culture media, and vaccine ingredients. Export blockages on raw materials, equipment and finished products harm the overall output of the vaccine supply chain. If there is no TRIPS restriction, more governments and companies will invest in repurposing their facilities. Similarly, the arguments such as that no other manufacturers can carry out the complex manufacturing process of COVID-19 vaccines and generic manufacturing as that would jeopardise quality, have also been proven wrong in the past. For instance, in the early 1990s, when Indian company Shantha Biotechnics approached a Western firm for a technology transfer of Hepatitis B vaccine, the firm responded that “India cannot afford such high technology vaccines… And even if you can afford to buy the technology, your scientists cannot understand recombinant technology in the least.”25 Later, Shantha Biotechnics developed its own vaccine at $1 per dose, and the UNICEF (United Nations Children’s Emergency Fund) mass inoculation programme uses this vaccine against Hepatitis B. In 2009, Shantha sold over 120 million doses of vaccines globally. India also produces high-quality generic drugs for HIV/AIDS and cancer treatment and markets them across the globe. Now, a couple of Indian companies are in the last stage of producing mRNA (Messenger RNA) vaccines.26 Similarly, Bangladesh and Indonesia claimed that they could manufacture millions of COVID-19 vaccine doses a year if pharmaceutical. What is more important here is to share the technical know-how and information such as trade secrets. Therefore, the existing TRIPS flexibilities, such as compulsory and voluntary licensing, are insufficient to address this crisis. Further, compulsory licensing and the domestic legal procedures it requires is cumbersome and not expedient in a public health crisis like the COVID-19 pandemic.

#### 3. Continued COVID spread causes great power war and is the death knell of the LIO -diversion, nationalism, psychology

Kitfield 20

(James, the only three-time winner of the prestigious Gerald R. Ford Award for Distinguished Reporting on National Defense, <https://breakingdefense.com/2020/05/will-covid-19-kill-the-liberal-world-order/>, 5-22)

For a brief moment it seemed that the worst global pandemic in a century might lead to increased comity between the United States, China and Russia after years of geopolitical eye-gouging. As the virus spread there were early signs of a pause in the escalating cycle of military brinksmanship, cyberattacks, disinformation campaigns and trade wars that has badly shaken the rules-based international order in this era of great power competition. Beijing seemed to initially embrace a spirit of cooperation when it donated protective gear and testing equipment to hard hit countries in Europe. President Trump for months was uncharacteristically effusive in his praise of Chinese President Xi Jinping’s efforts to combat the virus. Russian President Vladimir Putin got into the soft power act in early April when he dispatched an An-124 military transport to New York filled with donated masks and ventilators. (Of course, you can also argue it was a highly effective information operation designed to undermine U.S. standing in the world.) That moment was short lived. “Unfortunately, this crisis is likely to unfold in three consecutive waves, with a public health crisis followed by an economic crisis, quite possibly followed by a security crisis,” said David Kilcullen, author of the recent book “The Dragons and Snakes: How the Rest Learned to Fight the West,” and a former special adviser to Gen. David Petraeus in Iraq, and the U.S. Secretary of State. The United States is already experiencing high levels of domestic unrest at a time of paralyzing partisan rancor, he noted, and the discord will certainly increase as the presidential election nears in November. Adding to that combustible mixture is likely to be a second wave of the virus expected to hit in the fall, and foreign actors like Russian and China determined to use disinformation to stoke domestic divisions during the election. “Given the likelihood of internal instability and anti-government anger here and around the world, there will be a huge incentive for leaders who personalize politics like Trump, [Russian President Vladimir] Putin and [Chinese President] Xi Jinping to look for external scapegoats for their domestic troubles, which has already started to happen,” said Kilcullen. “This crisis also comes at a point when the international system that we’ve known since the end of World War II was already rotting and weaker than it appears. It may only take one big shock to bring that whole structure down, and, if we’re not very careful, the pandemic could be that shock. So this is the most dangerous geopolitical dynamic I have seen in my entire career.” Chinese President Xi Jinping inspects PLA troops As it became clear the Chinese Communist Party covered up the initial outbreak of the novel coronavirus in Wuhan, wasting precious time and allowing it to blossom into a global pandemic, Beijing launched a campaign of intimidation and economic threats to mute international criticism. Borrowing a page from Russian disinformation operations, Beijing posited the conspiracy theory that the virus originated with the U.S. military. Both China and Russia pushed alarmist narratives about the pandemic on social media to sow division and panic inside the United States. Much of the protective equipment Beijing “donated” to the West carried a price tag and turned out to be defective. In his own campaign of blame shifting and heated rhetoric, President Donald Trump accused China of being responsible for an attack on the United States that “is worse that Pearl Harbor,” and “worse than the World Trade Center” that fell in the 9/11 terrorist attacks. Chinese incompetence in dealing with the virus, Trump tweeted this week, is responsible for “mass Worldwide killing!” Trump darkly hinted in mid-April that he had information that a virology lab in Wuhan played an important role in the virus’ creation, even though the U.S. Intelligence Community consensus was that the virology lab in Wuhan had nothing to do the virus’ creation or origins. Secretary of State Mike Pompeo insisted there is “enormous evidence” the coronavirus originated in that lab. “We greatly underestimated the degree to which Beijing is ideologically and politically hostile to free nations,” Pompeo told reporters this week, after sending a rare, high-level message of congratulations to recently reelected Taiwanese President Tsai Ing-Wen, who has rejected the “one country, two systems” construct that has kept the peace between China and Taiwan for nearly half a century. As the Trump administration weighs retribution against China, it has continued to ratchet up the rhetoric and provocations, angering and worrying allies by cutting critical funding to the World Health Organization (WHO) in the midst of the pandemic, and boycotting a virtual meeting of G-20 nations that attempted to coordinate an international response to the crisis, leaving a leadership gap that China was happy to help fill. Open Skies surveillance plane On the Russian front, the Trump administration has reportedly decided to withdraw from the three-decade old Open Skies Treaty that allows 34 countries to fly over each other’s territory with sensors to confirm they are not preparing military action. The trump White House says the Russians are violating the accord by forbidding flights over military exercises and using its own flights over the United States to identify critical infrastructure that can be hit by cyberattacks.Meanwhile, populist leaders and autocratic regimes around the world are using the threat of the pandemic to assume extraordinary powers and crack down on their political opposition in what the United Nations Special Rapporteur for Counterterrorism and Human Rights called an “an epidemic of authoritarianism,” according to the The New York Times. Shaky World Order Even before the pandemic the post-WW II international order that the United States constructed and led for more than half a century was on shaky ground. The global institutions, alliances and rules governing international relations has been challenged by assertive autocratic regimes like China and Russia, and eroded from within by inward-looking nationalist-populists movements spreading throughout the Western democracies. The liberal international order has also been largely abandoned by its leader as Donald Trump’s administration retreats further into “America First” isolationism. The Trump doctrine in international affairs actively seeks to undermine the institutions of global order, whether it’s the World Health and Trade Organizations, the UN, the European Union or NATO. The administration has rejected or abolished all manner of multilateral agreements and treaties designed to peacefully constrain international rivalries, including the Trans-Pacific Partnership Agreement, the Paris Climate Agreement, the Iran nuclear deal, the Intermediate-Range Nuclear Forces treaty, and quite possibly next year the New Strategic Arms Reduction Treaty (New START). A Dark History History is rife with cautionary examples of natural disasters or economic crises conflating with geopolitical tensions, with cataclysmic results. The catastrophic 1918 Spanish flu pandemic, which killed more than 20 million victims worldwide, was accelerated and spread by troop movements during World War I. With many Americans disillusioned by the war and loss, the United States turned insular and isolationist during the 1920s, rejecting the League of Nations, dramatically curtailing immigration and erecting steep tariff barriers to trade. Much of the rest of the world followed suit. The U.S. stock market crash of 1929 was compounded the next year by one of the worst droughts in history. When the Japanese invaded China two years later, and Adolf Hitler became German chancellor soon after, there was no League of Nations nor stabilizing trading systems to contain the war fever that swept the globe and became World War II. “When you think back to 1918 and the Spanish flu, it’s worth remembering that more people died in the second wave than the first, and the Great Depression and the 1930s taught us that bad economic conditions can be transformative,” said Joseph Nye, a professor emeritus and former Dean of the Harvard’s Kennedy School of Government, speaking recently on a videoconference organized by The National Interest. “The point is, in the current pandemic we’re likely only in Act 1 of a multi-act play.” Combustible Leadership The very real potential for the pandemic crisis to propel the major powers towards outright military conflict was noted recently by the Chinese Ministry of State Security, Beijing’s top intelligence agency. In a report for Xi Jinping and the senior Chinese leadership it reportedly concluded that global anti-China sentiment being stoked by the Trump administration has reached its highest peak since the 1989 Tiananmen Square crackdown, and as a result China needs to be prepared for a worst-case scenario of armed confrontation with the United States. Despite the warnings, Xi Jinping has doubled down in recent months on provocative military maneuvers in its neighboring seas, sending its Liaoning carrier battle group and military flights off the coast of Taiwan; conducting anti-submarine exercises in contested areas of the South China Sea; ramming and sinking a Vietnamese fishing boat near the disputed Paracel Islands; dispatching a fishing boat “militia” to harass Philippine counterparts near the contested Spratly Islands; and harassing a Malaysian drillship. The littoral combat ship USS Montgomery conducts operations near drillship, the West Capella, in Malaysian waters. Some analysts see those moves as an attempt by Xi Jinping to show strength and bolster his image at home among a Chinese populace wearied by the pandemic shutdowns and economic disruptions. Those provocations are exactly the kind of saber-rattling that can escalate dangerously in a time of crisis. George Beebe is a former director of the CIA’s Russia analysis section, and author of the book “The Russia Trap: How Our Shadow War with Russia Could Spiral into Catastrophe.” “My concern is that the major power leaders Putin, Xi and Trump all tend to personalize international relations and politics. They are all going through severe economic and political distress. Each of them is convinced that their rivals are trying to exploit the pandemic crisis, and not one of them is dealing from a position of strength and confidence,” he told me. Putin has long felt betrayed and threatened by the United States, Beebe noted, and Xi Jinping is convinced that America is trying to thwart China’s rise. One of the few constants in Trump’s worldview is the conviction that China has taken advantage of the United States with trade going back decades. “So there’s a lot of fear and emotion and very little trust in the relationships between these leaders during a time of great strain, and their communications and diplomatic mechanisms to manage a crisis if one occurs have atrophied,” said Beebe. “Given that personalities and personal relationships among national leaders are far more important in international affairs than a lot of people appreciate, I do worry that we’re entering a very dangerous period when cooler heads may not prevail among the great power leaders.”

#### 4. Risk of U.S.-China nuclear escalation to total war is high – Chinese planners don’t believe nuclear weapons are usable and US decisionmakers are too confident in limited nuclear war.

Fiona **CUNNINGHAM** Poli Sci @ GW **AND** Taylor **FRAVEL** Arthur and Ruth Sloan Professor of Political Science and Director of the Security Studies Program at the Massachusetts Institute of Technology **’19** “Dangerous Confidence? Chinese Views on Nuclear Escalation” *International Security* 44 (2) p. EBSCO

Chinese views of nuclear escalation are key to assessing the potential for nuclear escalation in a crisis or armed conflict between the United States and China, but they have not been examined systematically. A review of original Chinese-language sources and interviews with members of China's strategic community suggest that China is skeptical that nuclear escalation could be controlled once nuclear weapons are used and, thus, leaders would be restrained from pursuing even limited use. These views are reflected in China's nuclear operational doctrine (which outlines plans for retaliatory strikes only and lacks any clear plans for limited nuclear use) and its force structure (which lacks tactical nuclear weapons). The long-standing decoupling of Chinese nuclear and conventional strategy, organizational biases within China's strategic community, and the availability of space, cyber, and conventional missile weapons as alternative sources of strategic leverage best explain Chinese views toward nuclear escalation. China's confidence that a U.S.-China conflict would not escalate to the use of nuclear weapons may hamper its ability to identify nuclear escalation risks in such a scenario. Meanwhile, U.S. scholars and policymakers emphasize the risk of inadvertent escalation in a conflict with China, but they are more confident than their Chinese counterparts that the use of nuclear weapons could remain limited. When combined, these contrasting views could create pressure for a U.S.-China conflict to escalate rapidly into an **unlimited nuclear war**. Whatever the pathway, understanding the views of China's strategic community toward nuclear escalation is critical for both scholars and policymakers. Our previous research suggested that Chinese experts were relatively confident about crisis stability, defined as a situation in which neither country has an incentive to use nuclear weapons first, in a U.S.-China crisis.[ 2] This article examines the origins and consequences of this confidence. Why are most Chinese experts confident that a U.S.-China conventional war would not escalate to a nuclear war? How consistent are these views with China's operational doctrine and force structure? How much control does China think it would have over nuclear escalation in a conflict? What are the implications of these views? Understanding Chinese views of nuclear escalation is important for several reasons. To start, the dynamics of limited nuclear war are receiving renewed attention among U.S. policymakers. Their concerns that Russia's nuclear doctrine envisages the use of limited nuclear strikes to escalate to de-escalate a conventional conflict has focused U.S. attention on how to deter limited nuclear strikes.[ 3] In addition, as the conventional military superiority of the United States fades,[ 4] some former U.S. policymakers have suggested it might need to threaten limited nuclear strikes to maintain the credibility of its commitments to deter nuclear attacks on allies in Europe and East Asia.[ 5] Finally, the 2018 U.S. Nuclear Posture Review warns that China might believe that it could secure advantages through the limited use of nuclear weapons.[ 6] Second, understanding Chinese views about nuclear escalation can help illuminate the potential for inadvertent escalation in a U.S.-China conflict. Most arguments about inadvertent escalation are based on assumptions about how Chinese leaders would respond if U.S. conventional attacks on China's conventional missile forces also degraded China's nuclear capabilities by destroying some command and control infrastructure or even some nuclear-armed missiles. Chinese leaders would then face the choice of whether to use China's nuclear weapons before they lost the ability to do so.[ 7] Nevertheless, uncertainty remains regarding how China's leaders would respond under these circumstances.[ 8] Understanding Chinese views about nuclear escalation may help scholars and policymakers anticipate both how Chinese leaders might respond and the risks of such U.S. conventional attacks. Third, no previous work has comprehensively examined Chinese views of nuclear escalation, a gap this article seeks to fill. Existing studies of Chinese views of escalation examine only conventional escalation in a crisis or war, not nuclear escalation.[ 9] China's views of nuclear escalation are likely to be distinct from those of conventional escalation, given the differences between nuclear and conventional weapons.[10] A recent book chapter by Chinese experts Zhao Tong and Li Bin analyzing the entanglement of U.S. and Chinese conventional and nuclear capabilities and inadvertent escalation is a partial exception, but it investigates only one of multiple pathways to nuclear escalation.[11]

**5. Military documents prove that goes nuclear – deterrence doesn't check, reject old defense.**

Savage 5-22-21 [Charlie Savage, master’s degree from Yale Law School as part of a Knight Foundation journalism fellowship, author of “Power Wars,” published in 2015, an investigative history of national-security legal policymaking in the Obama administration, and “Takeover,” published in 2007, which chronicles the Bush-Cheney administration’s efforts to expand presidential power. "Risk of Nuclear War Over Taiwan in 1958 Said to Be Greater Than Publicly Known", NY Times, 5-22-2021, accessed 10-30-2021, https://www.nytimes.com/2021/05/22/us/politics/nuclear-war-risk-1958-us-china.html] HWIC

WASHINGTON — When Communist Chinese forces began shelling islands controlled by Taiwan in 1958, the United States rushed to back up its ally with military force — including drawing up plans to carry out nuclear strikes on mainland China, according to an apparently still-classified document that sheds new light on how dangerous that crisis was.

American military leaders pushed for a first-use nuclear strike on China, accepting the risk that the Soviet Union would retaliate in kind on behalf of its ally and millions of people would die, dozens of pages from a classified 1966 study of the confrontation show. The government censored those pages when it declassified the study for public release.

The document was disclosed by Daniel Ellsberg, who leaked a classified history of the Vietnam War, known as the Pentagon Papers, 50 years ago. Mr. Ellsberg said he had copied the top secret study about the Taiwan Strait crisis at the same time but did not disclose it then. He is now highlighting it amid new tensions between the United States and China over Taiwan.

While it has been known in broader strokes that United States officials considered using atomic weapons against mainland China if the crisis escalated, the pages reveal in new detail how aggressive military leaders were in pushing for authority to do so if Communist forces, which had started shelling the so-called offshore islands, intensified their attacks.

The crisis in 1958 instead ebbed when Mao Zedong’s Communist forces broke off the attacks on the islands, leaving them in the control of Chiang Kai-shek’s nationalist Republic of China forces based on Taiwan. More than six decades later, strategic ambiguity about Taiwan’s status — and about American willingness to use nuclear weapons to defend it — persists.

The previously censored information is significant both historically and now, said Odd Arne Westad, a Yale University historian who specializes in the Cold War and China and who reviewed the pages for The New York Times.

“This confirms, to me at least, that we came closer to the United States using nuclear weapons” during the 1958 crisis “than what I thought before,” he said. “In terms of how the decision-making actually took place, this is a much more illustrative level than what we have seen.

”Drawing parallels to today’s tensions — when China’s own conventional military might has grown far beyond its 1958 ability, and when it has its own nuclear weapons — Mr. Westad said the documents provided fodder to warn of the dangers of an escalating confrontation over Taiwan.

Even in 1958, officials doubted the United States could successfully defend Taiwan using only conventional weapons, the documents show. If China invaded today, Mr. Westad said, “it would put tremendous pressure on U.S. policymakers, in the case of such a confrontation, to think about how they might deploy nuclear weapons.”“That should be sobering for everyone involved,” he added.ImageDaniel Ellsberg in 1973.

He said he had copied the top secret study about the Taiwan Strait crisis when he received the Pentagon Papers.Credit...Ron Frehm/Associated Press

In exposing a historical antecedent for the present tensions, Mr. Ellsberg said that was exactly the takeaway he wanted the public to debate. He argued that inside the Pentagon, contingency planning was likely underway for the possibility of an armed conflict over Taiwan — including what to do if any defense using conventional weapons appeared to be falling short.

“As the possibility of another nuclear crisis over Taiwan is being bandied about this very year, it seems very timely to me to encourage the public, Congress and the executive branch to pay attention to what I make available to them,” he said about what he characterized as “shallow” and “reckless” high-level discussions during the 1958 Taiwan Strait crisis.

He added, “I do not believe the participants were more stupid or thoughtless than those in between or in the current cabinet.”

Among other details, the pages that the government censored in the official release of the study describe the attitude of Gen. Laurence S. Kuter, the top Air Force commander for the Pacific. He wanted authorization for a first-use nuclear attack on mainland China at the start of any armed conflict. To that end, he praised a plan that would start by dropping atomic bombs on Chinese airfields but not other targets, arguing that its relative restraint would make it harder for skeptics of nuclear warfare in the American government to block the plan.

“There would be merit in a proposal from the military to limit the war geographically” to the air bases, “if that proposal would forestall some misguided humanitarian’s intention to limit a war to obsolete iron bombs and hot lead,” General Kuter said at one meeting.

At the same time, officials considered it very likely that the Soviet Union would respond to an atomic attack on China with retaliatory nuclear strikes. (In retrospect, it is not clear whether this premise was accurate. Historians say American leaders, who saw Communism as a monolithic global conspiracy, did not appreciate or understand an emerging Sino-Soviet split.)

But American military officials preferred that risk to the possibility of losing the islands. The study paraphrased Gen. Nathan F. Twining, the chairman of the Joint Chiefs of Staff, as saying that if atomic bombings of air bases did not force China to break off the conflict, there would be “no alternative but to conduct nuclear strikes deep into China as far north as Shanghai.”

He suggested that such strikes would “almost certainly involve nuclear retaliation against Taiwan and possibly against Okinawa,” the Japanese island where American military forces were based, “but he stressed that if national policy is to defend the offshore islands then the consequences had to be accepted.”

#### 6. The LIO is crucial to resolve a laundry list of existential threats- alternatives will magnify existing problems post transition war

Deudney and Ikenberry, PhDs, 18

(Daniel, PoliSci@JohnsHopkins, G. John , InternationalAffairs@Princeton, <https://www.foreignaffairs.com/articles/world/2018-06-14/liberal-world>, 6-14)

In many respects, today's liberal democratic malaise is a byproduct of the liberal world order's success. After the Cold War, that order became a global system, expanding beyond its birthplace in the West. But as free markets spread, problems began to crop up: economic inequality grew, old political bargains between capital and labor broke down, and social supports eroded. The benefits of globalization and economic expansion were distributed disproportionately to elites. Oligarchic power bloomed. A modulated form of capitalism morphed into winnertake- all casino capitalism. Many new democracies turned out to lack the traditions and habits necessary to sustain democratic institutions. And large flows of immigrants triggered a xenophobic backlash. Together, these developments have called into question the legitimacy of liberal democratic life and created openings for opportunistic demagogues. Just as the causes of this malaise are clear, so is its solution: a return to the fundamentals of liberal democracy. Rather than deeply challenging the first principles of liberal democracy, the current problems call for reforms to better realize them. To reduce inequality, political leaders will need to return to the social democratic policies embodied in the New Deal, pass more progressive taxation, and invest in education and infrastructure. To foster a sense of liberal democratic identity, they will need to emphasize education as a catalyst for assimilation and promote national and public service. In other words, the remedy for the problems of liberal democracy is more liberal democracy; liberalism contains the seeds of its own salvation. Indeed, liberal democracies have repeatedly recovered from crises resulting from their own excesses. In the 1930s, overproduction and the integration of financial markets brought about an economic depression, which triggered the rise of fascism. But it also triggered the New Deal and social democracy, leading to a more stable form of capitalism. In the 1950s, the success of the Manhattan Project, combined with the emerging U.S.-Soviet rivalry, created the novel threat of a worldwide nuclear holocaust. That threat gave rise to arms control pacts and agreements concerning the governance of global spaces, deals forged by the United States in collaboration with the Soviet Union. In the 1970s, rising middle-class consumption led to oil shortages, economic stagnation, and environmental decay. In response, the advanced industrial democracies established oil coordination agreements, invested in clean energy, and struck numerous international environmental accords aimed at reducing pollutants. The problems that liberal democracies face today, while great, are certainly not more challenging than those that they have faced and overcome in these historically recent decades. Of course, there is no guarantee that liberal democracies will successfully rise to the occasion, but to count them out would fly in the face of repeated historical experiences. Today's dire predictions ignore these past successes. They suffer from a blinding presentism. Taking what is new and threatening as the master pattern is an understandable reflex in the face of change, but it is almost never a very good guide to the future. Large-scale human arrangements such as liberal democracy rarely change as rapidly or as radically as they seem to in the moment. If history is any guide, today's illiberal populists and authoritarians will evoke resistance and countermovements. THE RESILIENT ORDER After World War II, liberal democracies joined together to create an international order that reflected their shared interests. And as is the case with liberal democracy itself, the order that emerged to accompany it cannot be easily undone. For one thing, it is deeply embedded. Hundreds of millions, if not billions, of people have geared their activities and expectations to the order's institutions and incentives, from farmers to microchip makers. However unappealing aspects of it may be, replacing the liberal order with something significantly different would be extremely difficult. Despite the high expectations they generate, revolutionary moments often fail to make enduring changes. It is unrealistic today to think that a few years of nationalist demagoguery will dramatically undo liberalism. Growing interdependence makes the order especially difficult to overturn. Ever since its inception in the eighteenth century, liberalism has been deeply committed to the progressive improvement of the human condition through scientific discovery and technological advancements. This Enlightenment project began to bear practical fruits on a large scale in the nineteenth century, transforming virtually every aspect of human life. New techniques for production, communication, transportation, and destruction poured forth. The liberal system has been at the forefront not just of stoking those fires of innovation but also of addressing the negative consequences. Adam Smith's case for free trade, for example, was strengthened when it became easier to establish supply chains across global distances. And the age-old case for peace was vastly strengthened when weapons evolved from being simple and limited in their destruction to the city-busting missiles of the nuclear era. Liberal democratic capitalist societies have thrived and expanded because they have been particularly adept at stimulating and exploiting innovation and at coping with their spillover effects and negative externalities. In short, liberal modernity excels at both harvesting the fruits of modern advance and guarding against its dangers. This dynamic of constant change and ever-increasing interdependence is only accelerating. Human progress has caused grave harm to the planet and its atmosphere, yet climate change will also require unprecedented levels of international cooperation. With the rise of bioweapons and cyberwarfare, the capabilities to wreak mass destruction are getting cheaper and ever more accessible, making the international regulation of these technologies a vital national security imperative for all countries. At the same time, global capitalism has drawn more people and countries into cross-border webs of exchange, thus making virtually everyone dependent on the competent management of international finance and trade. In the age of global interdependence, even a realist must be an internationalist. The international order is also likely to persist because its survival does not depend on all of its members being liberal democracies. The return of isolationism, the rise of illiberal regimes such as China and Russia, and the general recession of liberal democracy in many parts of the world appear to bode ill for the liberal international order. But contrary to the conventional wisdom, many of its institutions are not uniquely liberal in character. Rather, they are Westphalian, in that they are designed merely to solve problems of sovereign states, whether they be democratic or authoritarian. And many of the key participants in these institutions are anything but liberal or democratic. Consider the Soviet Union's cooperative efforts during the Cold War. Back then, the liberal world order was primarily an arrangement among liberal democracies in Europe, North America, and East Asia. Even so, the Soviet Union often worked with the democracies to help build international institutions. Moscow's committed antiliberal stance did not stop it from partnering with Washington to create a raft of arms control agreements. Nor did it stop it from cooperating with Washington through the World Health Organization to spearhead a global campaign to eradicate smallpox, which succeeded in completely eliminating the disease by 1979. More recently, countries of all stripes have crafted global rules to guard against environmental destruction. The signatories to the Paris climate agreement, for example, include such autocracies as China, Iran, and Russia. Westphalian approaches have also thrived when it comes to governing the commons, such as the ocean, the atmosphere, outer space, and Antarctica. To name just one example, the 1987 Montreal Protocol, which has thwarted the destruction of the ozone layer, has been actively supported by democracies and dictatorships alike. Such agreements are not challenges to the sovereignty of the states that create them but collective measures to solve problems they cannot address on their own. Most institutions in the liberal order do not demand that their backers be liberal democracies; they only require that they be status quo powers and capable of fulfilling their commitments. They do not challenge the Westphalian system; they codify it. The UN, for example, enshrines the principle of state sovereignty and, through the permanent members of the Security Council, the notion of great-power decision-making. All of this makes the order more durable. Because much of international cooperation has nothing at all to do with liberalism or democracy, when politicians who are hostile to all things liberal are in power, they can still retain their international agendas and keep the order alive. The persistence of Westphalian institutions provides a lasting foundation on which distinctively liberal and democratic institutions can be erected in the future. Another reason to believe that the liberal order will endure involves the return of ideological rivalry. The last two and a half decades have been profoundly anomalous in that liberalism has had no credible competitor. During the rest of its existence, it faced competition that made it stronger. Throughout the nineteenth century, liberal democracies sought to outperform monarchical, hereditary, and aristocratic regimes. During the first half of the twentieth century, autocratic and fascist competitors created strong incentives for the liberal democracies to get their own houses in order and band together. And after World War II, they built the liberal order in part to contain the threat of the Soviet Union and international communism. The Chinese Communist Party appears increasingly likely to seek to offer an alternative to the components of the existing order that have to do with economic liberalism and human rights. If it ends up competing with the liberal democracies, they will again face pressure to champion their values. As during the Cold War, they will have incentives to undertake domestic reforms and strengthen their international alliances. The collapse of the Soviet Union, although a great milestone in the annals of the advance of liberal democracy, had the ironic effect of eliminating one of its main drivers of solidarity. The bad news of renewed ideological rivalry could be good news for the liberal international order.

#### Plan: Member nations of the World Trade Organization ought to reduce intellectual property protections for medicines for COVID-19

#### Communication from India and South Africa to the WTO 20

(WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION,

CONTAINMENT AND TREATMENT OF COVID-19 <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True>, 10-2)

5. An effective response to COVID-19 pandemic requires rapid access to affordable medical products

including diagnostic kits, medical masks, other personal protective equipment and ventilators, as

well as vaccines and medicines for the prevention and treatment of patients in dire need.

6. The outbreak has led to a swift increase in global demand with many countries facing acute

shortages, constraining the ability to effectively respond to the outbreak. Shortages of these

products has put the lives of health and other essential workers at risk and led to many avoidable

deaths. It is also threatening to prolong the COVID-19 pandemic. The longer the current global crisis

persist, the greater the socio-economic fallout, making it imperative and urgent to collaborate

internationally to rapidly contain the outbreak.

7. As new diagnostics, therapeutics and vaccines for COVID-19 are developed, there are significant

concerns, how these will be made available promptly, in sufficient quantities and at affordable price

to meet global demand. Critical shortages in medical products have also put at grave risk patients

suffering from other communicable and non-communicable diseases.

8. To meet the growing supply-demand gap, several countries have initiated domestic production

of medical products and/or are modifying existing medical products for the treatment of COVID-19

patients. The rapid scaling up of manufacturing globally is an obvious crucial solution to address the

timely availability and affordability of medical products to all countries in need.

9. There are several reports about intellectual property rights hindering or potentially hindering

timely provisioning of affordable medical products to the patients.3

It is also reported that some

WTO Members have carried out urgent legal amendments to their national patent laws to expedite

the process of issuing compulsory/government use licenses.

10. Beyond patents, other intellectual property rights may also pose a barrier, with limited options

to overcome those barriers. In addition, many countries especially developing countries may face

institutional and legal difficulties when using flexibilities available in the Agreement on Trade-Related

Aspects of Intellectual Property Rights (TRIPS Agreement). A particular concern for countries with

insufficient or no manufacturing capacity are the requirements of Article 31bis and consequently the

cumbersome and lengthy process for the import and export of pharmaceutical products.

11. Internationally, there is an urgent call for global solidarity, and the unhindered global sharing

of technology and know-how in order that rapid responses for the handling of COVID-19 can be put

in place on a real time basis.

12. In these exceptional circumstances, we request that the Council for TRIPS recommends, as

early as possible, to the General Council a waiver from the implementation, application and

enforcement of Sections 1, 4, 5, and 7 of Part II of the TRIPS Agreement in relation to prevention,

containment or treatment of COVID-19.

13. The waiver should continue until widespread vaccination is in place globally, and the majority

of the world's population has developed immunity hence we propose an initial duration of [x] years

from the date of the adoption of the waiver.

14. We request that the Council for TRIPS urgently recommends to the General Council adoption of

the annexed decision text.

#### Contention 2: Solvency

#### 1. The plan creates a new goldilocks patent law that exempts pandemics

Lindsey, JD Harvard, 21

(Brink, <https://www.brookings.edu/blog/up-front/2021/06/03/why-intellectual-property-and-pandemics-dont-mix/>, 6-3)

Waiving patent protections is certainly no panacea. What is needed most urgently is a massive drive of technology transfer, capacity expansion, and supply line coordination to bring vaccine supply in line with global demand. Dispensing with patents in no way obviates the need for governments to fund and oversee this effort. Although focusing on these immediate constraints is vital, we cannot confine our attention to the short term. First of all, the COVID-19 pandemic is far from over. Although Americans can now see the light at the end of the tunnel thanks to the rapid rollout of vaccines, most of the world isn’t so lucky. The virus is currently raging in India and throughout South America, overwhelming health care systems and inflicting suffering and loss on a horrific scale. And consider the fact that Australia, which has been successful in suppressing the virus, recently announced it was sticking to plans to keep its borders closed until mid-2022. Criticisms of the TRIPS waiver that focus only on the next few months are therefore short-sighted: this pandemic could well drag on long enough for elimination of patent restrictions to enable new vaccine producers to make a positive difference. Furthermore, and probably even more important, this is almost certainly not the last pandemic we will face. Urbanization, the spread of factory-farming methods, and globalization all combine to increase the odds that a new virus will make the jump from animals to humans and then spread rapidly around the world. Prior to the current pandemic, the 21st century already saw outbreaks of SARS, H1N1, MERS, and Ebola. Everything we do and learn in the current crisis should be viewed from the perspective of getting ready for next time. THE NATURE OF THE PATENT BARGAIN When we take the longer view, we can see a fundamental mismatch between the policy design of intellectual property protection and the policy requirements of effective pandemic response. Although patent law, properly restrained, constitutes one important element of a well-designed national innovation system, the way it goes about encouraging technological progress is singularly ill-suited to the emergency conditions of a pandemic or other public health crisis. Securing a TRIPS waiver for COVID-19 vaccines and treatments would thus establish a salutary precedent that, in emergencies of this kind, governments should employ other, more direct means to incentivize the development of new drugs. Here is the basic bargain offered by patent law: encourage the creation of useful new ideas for the long run by slowing the diffusion of useful new ideas in the short run. The second half of the bargain, the half that imposes costs on society, comes from the temporary exclusive rights, or monopoly privileges, that a patent holder enjoys. Under U.S. patent law, for a period of 20 years nobody else can manufacture or sell the patented product without the permission of the patent holder. This allows the patent holder to block competitors from the market, or extract licensing fees before allowing them to enter, and consequently charge above-market prices to its customers. Patent rights thus slow the diffusion of a new invention by restricting output and raising prices. The imposition of these short-run costs, however, can bring net long-term benefits by sharpening the incentives to invent new products. In the absence of patent protection, the prospect of easy imitation by later market entrants can deter would-be innovators from incurring the up-front fixed costs of research and development. But with a guaranteed period of market exclusivity, inventors can proceed with greater confidence that they will be able to recoup their investment. For the tradeoff between costs and benefits to come out positive on net, patent law must strike the right balance. Exclusive rights should be valuable enough to encourage greater innovation, but not so easily granted or extensive in scope or term that this encouragement is outweighed by output restrictions on the patented product and discouragement of downstream innovations dependent on access to the patented technology. Unfortunately, the U.S. patent system at present is out of balance. Over the past few decades, the expansion of patentability to include software and business methods as well as a general relaxation of patenting requirements have led to wildly excessive growth in these temporary monopolies: the number of patents granted annually has skyrocketed roughly fivefold since the early 1980s. One unfortunate result has been the rise of “non-practicing entities,” better known as patent trolls: firms that make nothing themselves but buy up patent portfolios and monetize them through aggressive litigation. As a result, a law that is supposed to encourage innovation has turned into a legal minefield for many would-be innovators. In the pharmaceutical industry, firms have abused the law by piling up patents for trivial, therapeutically irrelevant “innovations” that allow them to extend their monopolies and keep raising prices long beyond the statutorily contemplated 20 years. Patent law is creating these unintended consequences because policymakers have been caught in an ideological fog that conflates “intellectual property” with actual property rights over physical objects. Enveloped in that fog, they regard any attempts to put limits on patent monopolies as attacks on private property and view ongoing expansions of patent privileges as necessary to keep innovation from grinding to a halt. In fact, patent law is a tool of regulatory policy with the usual tradeoffs between costs and benefits; like all tools, it can be misused, and as with all tools there are some jobs for which other tools are better suited. A well-designed patent system, in which benefits are maximized and costs kept to a minimum, is just one of various policy options that governments can employ to stimulate technological advance—including tax credits for R&D, prizes for targeted inventions, and direct government support. PUBLIC HEALTH EMERGENCIES AND DIRECT GOVERNMENT SUPPORT For pandemics and other public health emergencies, patents’ mix of costs and benefits is misaligned with what is needed for an effective policy response. The basic patent bargain, even when well struck, is to pay for more innovation down the road with slower diffusion of innovation today. In the context of a pandemic, that bargain is a bad one and should be rejected entirely. Here the imperative is to accelerate the diffusion of vaccines and other treatments, not slow it down. Giving drug companies the power to hold things up by blocking competitors and raising prices pushes in the completely wrong direction.

#### 2. Critics of the IP waiver are wrong- it’s the most effective way to combat covid inequality, alternatives fail

Erfani et al, 21

(Parsa Erfani, Fogarty global health scholar1 2, Agnes Binagwaho, vice chancellor2, Mohamed Juldeh Jalloh, vice president3, Muhammad Yunus, chair4, Paul Farmer, professor57, Vanessa Kerry, associate professor810 Harvard Medical School, Boston, USA 2University of Global Health Equity, Rwanda 3Sierra Leone 4Yunus Centre, Bangladesh 5Global Health and Social Medicine, Harvard Medical School, Boston, USA 6Division of Global Health Equity, Brigham and Women’s Hospital, USA 7Partners In Health, USA 8Seed Global Health, USA 9Program in Global Public Policy and Social Change, Harvard Medical School, Boston, USA 10Division of Pulmonary and Critical Care Medicine, Massachusetts General Hospital, USA Intellectual property waiver for covid-19 vaccines will advance global health equity BMJ 2021; 374 doi: https://doi.org/10.1136/bmj.n1837 (Published 03 August 2021) Cite this as: BMJ 2021;374:n1837 https://www.bmj.com/content/374/bmj.n1837.full) The barrier to adequate vaccine supply today is not lack of vaccine options, nor even theoretical production capacity; the problem is the intellectual property (IP) protection governing production and access to vaccines—and ultimately, the political and moral will to waive these protections in a time of global crisis. Without such liberty, there will not be enough vaccine fast enough to prevent the spread of variants, the avoidable deaths, and the continued choking of low and middle income countries (LMICs) through poor health. Beyond donor based models of global vaccine equity As covid-19 became a pandemic, global efforts emerged to help ensure vaccines would be delivered across the globe to the highest risk populations. One of the first was Covax, a risk sharing mechanism in which countries, tiered by means, contribute to collectively source and equitably distribute vaccines globally. The effort, however laudable in intent, has been undercut by vaccine scarcity and underfunding. Covax aims to vaccinate 20% of the population in 92 low and middle income countries by the end of 2021. At the end of April, however, it had shipped only one fifth of its projected estimates and lacked critical resources for distribution.3 LMICs are wary about participating in well worn dynamics of global health aid. Instead, they are mobilising to overcome the fundamental paucity of available vaccines by challenging established global IP rules. At issue is the 1995 Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which established minimum protection standards for IP—including patents, industrial designs, trade secrets, and copyright—that all 164 members of the World Trade Organization (WTO) must respect.5 Subsequent rulings (such as the Doha declaration) have strived to clarify safeguards on patents, including compulsory licensing, which allows governments to license patents to a third party without consent (table 1).6 Today, these rules provide strong IP protection for vaccine technologies and affect the quantity and location of vaccine production and availability. Table 1 Licensing of intellectual property View popupView inline In October 2020, South Africa and India submitted a proposal to the WTO to temporarily waive certain provisions of the TRIPS agreement for covid-19 health products and technologies. The waiver would prevent companies that hold the IP for covid-19 vaccines from blocking vaccine production elsewhere on the grounds of IP and allow countries to produce covid-19 medical goods locally and import or export them expeditiously (table 1). Although the proposed IP waiver is supported by over 100 countries, WTO has not reached a consensus on the proposal because of opposition and filibustering by several high income countries, including the UK, Germany, and Japan.7 Waiver opponents argue that the limited capacity of LMICs to produce complex covid-19 vaccines safely is the true barrier to global production, not IP. They suggest that the TRIPS waiver would penalise drug companies, stifle biomedical innovation, and deter future investments in research and development—in sum, that it would reduce returns on investment and dismantle an IP system that provided the goods needed to end the pandemic. Others are concerned that an IP waiver would fuel supply chain bottlenecks for raw materials and undermine ongoing production. Moreover, policy makers argue that a waiver is unnecessary as company driven voluntary licensing—in which companies decide when and how to license their technologies—and existing TRIPS flexibilities (such as country determined compulsory licensing) should suffice in establishing production in LMICs (table 1). They suggest that waiving IP for covid-19 vaccines would provide no meaningful progress, but the data do not support this. What effect would a waiver have? Contrary to detractors’ concerns about the possible effect of a temporary TRIPS waiver, global health analyses suggest that it will be vital to equitable and effective action against covid-19. LMIC’s manufacturing capabilities have been underestimated, even though several LMICs have the scientific and manufacturing capacity to produce complex covid-19 vaccines. India, Egypt, and Thailand are already manufacturing viral vector or mRNA-based covid-19 vaccines,8910 and vaccine production lines could be established within months in some other LMICs,11 offering substantial benefit in a pandemic that will last years.11 Companies in India and China have already developed complex pneumococcal and hepatitis B recombinant vaccines, challenging existing vaccine monopolies.12 The World Health Organization launched an mRNA technology transfer hub in April 2021 to provide the logistical, training, and know-how support needed for manufacturers in LMICs to repurpose or expand existing manufacturing capacity to produce covid-19 vaccines and to help navigate accessing IP rights for the technology.13 Twenty five respondents from LMICs expressed interest, and South Africa was selected as the first hub, with plans to start producing the vaccine through the Biovac Institute in the coming months.14 Removing IP barriers through the waiver will facilitate these efforts, more rapidly enable future hubs, engage a greater number of manufacturers, and ultimately yield more doses faster. Moreover, as the waiver facilitates vaccine production, demand for raw materials and active ingredients will increase. Coupled with pre-emptive planning to anticipate and expand raw material production, the waiver—which encompasses the IP of all covid-19 vaccine-related technology— can offer a path to overcome bottlenecks and expand production of necessary vaccine materials. Current licensing mechanisms inadequate Voluntary licences have not and will not keep pace with public health demand. Since companies determine the terms of voluntary licences, they are often granted to LMICs that can afford them, leaving out poorer regions.10 For example, in South Asia, AstraZeneca has voluntarily licensed its vaccine to the Serum Institute of India, even though the region has multiple capable vaccine manufacturers.9 Many covid-19 vaccine developers have not taken steps towards licensing their technologies, simply because there is limited financial incentive to do so.11 To date, none have shared IP protected vaccine information with the WHO Covid-19 Technology Access Pool (C-TAP) established last year.15 Relying on the moral compass of companies that answer to shareholders to voluntarily license their technologies will have limited effect on vaccine equity. Their market is driven by profit margins, not public health. Compulsory licensing by LMICs will also be insufficient in rapidly expanding vaccine production, as each patent licence must be negotiated separately by each country and for each product based on its own merit. From 1995 to 2016, 108 compulsory licences were attempted and only 53 were approved.6 The case-by-case approach is slow and not suitable for a global crisis that requires swift action. In addition, TRIPS requires compulsory licences to be used predominantly for domestic supply, limiting exports of the licensed goods to nearby low income countries without production capacity.5 Although a “special” compulsory licence system was agreed in the Doha declaration to allow for expeditious exportation and importation (formalised as the article 31bis amendment to TRIPS in 2017), the provision is limited by cumbersome logistical procedures and has been rarely used.16 Governments may also be hesitant to pursue compulsory licences as high income countries have previously bullied them for doing so. Since India first used compulsory licensing for sorafenib tosylate in 2012 (reducing the cancer drug’s price by 97%), the US has consistently pressured the country not to use further compulsory licences.17 During this pandemic, Gilead sued the Russian government for issuing a compulsory licence for remdesivir.18 Furthermore, while compulsory licences are primarily for patents, covid-19 vaccines often have other types of IP, including trade secrets, that are integral for production.19 The emergency TRIPS waiver removes all IP as a barrier to starting production (not just patents) and negates the prolonged time, inconsistency, frequent failure, and political pressure that accompany voluntary licensing and compulsory licensing efforts. It also provides an expeditious path for new suppliers to import and export vaccines to countries in need without bureaucratic limitations. Finally, there is no compelling evidence that the proposed TRIPS waiver would dismantle the IP system and its innovation incentives. The waiver is restricted to covid-19 related goods and is time limited, helping to protect future innovation. It would, however, reduce profit margins on current covid-19 vaccines. With substantial earnings in the first quarter of 2021, many drug companies have already recouped their research and development costs for covid-19 vaccines.20 However, they have not been the sole investors in vaccine development, and they should not be the only ones to profit. Most vaccines received a substantial portion of their direct funding from governments and not-for-profit organisations—and for some, such as Moderna and Novavax, nearly all.21 Decades of publicly funded research have laid the groundwork for current innovations in the background technologies used for vaccines.22 Given that companies were granted upfront risk protection for covid-19 vaccine research and development, a waiver that advances global public health but reduces vaccine profits in a global crisis is reasonable. Knowledge transfer An IP waiver for covid-19 vaccines is integral to boosting vaccine supply, breaking vaccine monopolies, and making vaccines more affordable in LMICs. It is, however, only a first, but necessary, step. Originator companies must transfer vaccine technology and share know-how with C-TAP, transfer hubs, or individual manufacturers to help suppliers begin production.23 In addition, governments must leverage domestic law, private sector incentives, and contract terms with pharmaceutical companies to compel companies to cooperate with such transfers.24 If necessary, governments can require technology transfers in exchange for continuing enterprise in a country or avoiding penalties. Politicians and leaders are at a critical juncture: they will either take the necessary steps to make vaccine technology available to scale production, stimulate global collaboration, and create a path to equity or they will protect a hierarchical system based on an economic bottom line. The former will not only build a vaccination trajectory that puts equal value on the lives of the rich and the poor, but will also help stem the pandemic’s relentless momentum and quell the emergence of variants. We are in the middle of one of the largest vaccination efforts in human history. We cannot rely on companies to thread the needle of corporate social and moral responsibility with shareholder and stock value returns nor expect impacted governments to endure lengthy bureaucratic licensing processes in this time of crisis. It will be a legacy of apathy and unnecessary death. As the human impact of the proposed IP waiver becomes clear, consensus behind it is growing. Countries that previously opposed the waiver—such as the US and Brazil—now support written text based negotiations.7 Opposing countries must stop blocking the waiver, engage in transparent text negotiations, and commit to reaching consensus swiftly. The longer states stall, the more people die needlessly. Covid-19 has repeatedly shown that people without access to resources such as strong health systems, health workers, medicines, and vaccines will preferentially fall ill and die. For too long, this cycle has been “other people’s” problem. It is not. It is our problem.

#### 3. Removing IP protections will increase production, diversify supply, and spur innovations that protect against future pandemics

Human Rights Watch 6-3-21 https://www.hrw.org/news/2021/06/03/seven-reasons-eu-wrong-oppose-trips-waiver#

Intellectual property is currently a barrier to swiftly scaling up and diversifying the production of Covid-19 health products, including vaccines. The European Commission claims that intellectual property (IP) is not a barrier to scaling up the manufacturing of vaccines or other health products needed for the Covid-19 response, suggesting that sharing IP would not immediately speed up manufacturing. Right now, there are manufacturers with capacity to produce additional Covid-19 vaccines and other health products at factories in Bangladesh, Canada, Denmark, India, and Israel, but they are unable to contribute because they do not yet have the right licenses. So, IP is a barrier to them. The TRIPS waiver proposal sponsors and experts at the leading science journal Nature, Médecins Sans Frontières (MSF) Access Campaign, the Third World Network, and others have presented many other concrete examples of how enforcement of IP rules blocked, delayed, or limited production of chemical reagents for Covid-19 tests, ventilator valves, Covid-19 treatments, and elements of Covid-19 vaccines. IP constraints have not only led to vaccine shortages but have also led to shortages of key raw materials like bioreactor bags and filters. Rather than manufacturers being held back by an inherent lack of manufacturing and technological capability, studies have shown that transnational claims to IP impede new manufacturers from entering and competing in the market. The same dynamics are playing out today with Covid-19. Even though a waiver will not automatically expand production overnight, it paves the way for speedy technology transfers and manufacturing. The waiver by itself will not automatically result in widespread and diversified manufacturing, but it will ease complex global rules governing IP and exports and give governments freedom to collaborate on technology transfers and exports without fearing trade-based retaliation. It will help reduce the dependence on any one country or region for medical products and mitigate the risks of export restrictions. With new variants emerging and some evidence that repeat vaccine boosters may be needed, the waiver will enable governments around the world to be prepared for a long-term response to Covid-19. Experts have mapped out plans for how the manufacturing of mRNA and other vaccines, could be dramatically expanded in a relatively short period of time. Waiving certain IP rules in the TRIPS agreement over the next three years could help create diverse regional manufacturing hubs and protect the EU and the rest of the world from future pandemics, supply chain disruptions, and resulting economic disaster. Concerns that widening the universe of producers may lower or compromise quality standards are unfounded because stringent regulatory authorities and the World Health Organization (WHO) would continue to play their existing role as arbiters of quality and safety for vaccines, which have a very stringent process for approval.

#### Contention 3 is framing:

#### The standard is maximizing expected well-being

#### 1. Weighability – only consequentialism can explain the ethical difference in breaking a promise to take someone to the hospital and breaking a promise to take someone to lunch – that outweighs –

#### A] Resolvability – there’s no way to weigh between competing offense under their fw which means their fw can’t guide action

#### B] Intuitions – they’re a necessary side constraint on all ethics – if a very well justified, logical theory concluded "rape good” you wouldn’t say “huh I guess rape is good” you would abandon it

#### 2. Uncertainty and social contract require governments use util - calc indicts are empirically disproven because governments use util

Gooden, 1995 **(**Robert, philsopher at the Research School of the Social Sciences, Utilitarianism as Public Philosophy. P. 62-63)

Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices—public and private alike—are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have on them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy-makers to use the utilitarian calculus—if they want to use it at all—to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rules.

#### Prefer actor specific obligations – different actors have different obligations.

#### Contention 4 is Method

#### Youth participatory action research (YPAR) enables *transformative resistance* by giving students the tools they need to mobilize collective social change. Research and testing of ideas is crucial to make activism work

Cammarota, PhD, and Fine, PhD, 08

(Julio, Education@Arizona, Michelle, UrbanEducation@TheGraduateCenterNYU, *Youth Participatory Action Research*

In the Matrix, Morpheus, played by Laurence Fishburne, places Keanu Reeves’ character Neo in a chair to tell him face to face about the real truth of his experience. Morpheus shows Neo a red pill in one hand and a blue one in the other, describing that the red pill will lead him “down the rabbit hole” to the truth while the blue pill will make him forget about their conversation and return everything back to “normal.” Neo looks confused and worried, hesitates for a moment, and then reaches to grab and then swallow the red pill. " e “blue and red pill” scene in ! e Matrix serves as an excellent metaphor for the relationships some educators/activists have with their students, and the kinds of choices we ask them to make. The critical educational experience offered might lead the student “down the rabbit hole” past the layers of lies to the truths of systematic exploitation and oppression as well as possibilities for resistance. A$ er he ingests the red pill, Neo ends up in the place of truth, awakening to the reality that his entire world is a lie constructed to make him believe that he lives a “normal” life, when in reality he is fully exploited day in and day out. What is “normal” is really a mirage, and what is true is the complete structural domination of people, all people. " is book, Revolutionizing Education, literally connects to the metaphorical play on chimera and veracity forwarded by the narrative in ! e Matrix. Examples are presented throughout in which young people resist the 1 normalization of systematic oppression by undertaking their own engaged praxis—critical and collective inquiry, re% ection and action focused on “reading” and speaking back to the reality of the world, their world (Freire, 1993). The praxis highlighted in the book—youth participatory action research (YPAR)—provides young people with opportunities to study social problems affecting their lives and then determine actions to rectify these problems. YPAR, and thus Revolutionizing Education, may extend the kinds of questions posed by critical youth studies (Bourgois, 1995; Fine and Weis, 1998; Giroux, 1983; Kelley, 1994; Macleod, 1987; McRobbie, 1991; Oakes et al., 2006; Rasmussen et al., 2004; Sullivan, 1989; Willis, 1977). How do youth learn the skills of critical inquiry and resistances within formal youth development, research collectives, and/or educational settings? How is it possible for their critical inquiries to evolve into formalized challenges to the “normal” practices of systematic oppression? Under what conditions can critical research be a tool of youth development and social justice work? The Matrix infers revolution by showing how Neo learns to see the reality of his experiences while understanding his capabilities for resistance. " e YPAR cases presented in this book also follow a similar pattern: young people learn through research about complex power relations, histories of struggle, and the consequences of oppression. They begin to re- vision and denaturalize the realities of their social worlds and then undertake forms of collective challenge based on the knowledge garnered through their critical inquiries. As you will read in this volume, the youth, with adult allies, have written policy briefs, engaged sticker campaigns, performed critical productions, coordinated public testimonials—all dedicated to speaking back and challenging conditions of injustice. What perhaps distinguishes young people engaged in YPAR from the standard representations in critical youth studies is that their research is designed to contest and transform systems and institutions to produce greater justice—distributive justice, procedural justice, and what Iris Marion Young calls a justice of recognition, or respect. In short, YPAR is a formal resistance that leads to transformation—systematic and institutional change to promote social justice. YPAR teaches young people that conditions of injustice are produced, not natural; are designed to privilege and oppress; but are ultimately challengeable and thus changeable. In each of these projects, young people and adult allies experience the vitality of a multi- generational collective analysis of power; we learn that sites of critical inquiry and resistance can be fortifying and nourishing to the soul, and at the same time that these projects provoke ripples of social change. YPAR shows young people how they are consistently subject to the impositions and manipulations of domi-nant exigencies. These controlling interests may take on the form of white supremacy, capitalism, sexism, homophobia, or xenophobia—all of which is meant to provide certain people with power at the expense of subordinating others, many others. Within this matrix or grid of power, the possibilities of true liberation for young people become limited. Similar to the film the Matrix, the individual, like Neo, may be unaware of the infections of power fostering oppression. The dawning of awareness emerges from a critical study of social institutions and processes in influencing one’s life course, and his/her capacity to see differently, to act anew, to provoke change. Critical youth studies demonstrate that the revolutionary lesson is not always apprehended in schools; sometimes, young people gain critical awareness through their own endogenous cultural practices. Such is the case of Willis’ (1977) Lads in Learning to Labor. Working- class youth attain insights about the reproductive function of schools through their own street cultural sensibilities. However, they use these insights to resist education en masse by forgoing school for jobs in factories. Scholars (Fine, 1991; Solórzano and Delgado- Bernal, 2001) identify this form of resistance as “self- defeating,” because the students’ choice to forgo school for manual labor contributes to reproducing them as working class. Although the Lads resist the school’s purpose of engendering uneven class relations, their resistance contributes to this engendering process by undermining any chance they had for social mobility. Young people also engage in forms of resistance that avoid self- defeating outcomes while striving for social advancement. Scholars (Fordham, 1996) identify this next level of resistance as “conformist”—in the sense that young people embrace the education system with the intention of seeking personal gains, although not necessarily agreeing with all the ideological ! ligree espoused by educational institutions. " ey use schooling for their own purposes: educational achievements that garner individual gains with social implications beyond the classroom, such as economic mobility, gender equality, and racial parity. Solórzano and Delgado- Bernal (2001: 319–20) contend that students may attain another, yet more conscious form of resistance, which they call “transformational resistance.” A transformational approach to resistance moves the student to a “deeper level of understanding and a social justice orientation.” Those engaged in transformational resistance address problems of systematic injustice and seek actions that foster “the greatest possibility for social change” (ibid.). Although Solórzano and Delgado- Bernal (2001) provide a useful typology (self- defeating, conformist, and transformational) that acknowledges the complexities of resistance, the education and development processes leading to resistances are somewhat under- discussed. Apparently, the production of cultural subjectivities (Bourgois, 1995; Levinson et al., 1996; Willis, 1977) is related to resisting ideological oppressions. However, these cultural productions tend to occur in more informal settings (non- institutional, non- organizational) such as peer groups, families, and street corners. The work presented in this volume agitates toward another framework— where youth are engaged in multi- generational collectives for critical inquiry and action, and these collectives are housed in youth development settings, schools, and/or research sites. With this series of cases, we challenge scholars, educators, and activists to consider how to create such settings in which research for resistance can be mobilized toward justice. A key question is whether resistance can develop within formal proces ses (pedagogical structures or youth development practices). If this question is left $ unattended, we risk perceiving youth resistances as “orientations” as opposed to processes. In other words, the kinds of resistances, whether self- defeating, conformist, or transformational, will be identified as emerging from some inherent fixxed, cultural sensibility. This perspective of young people sustains the ridged essentialization trap that has plagued studies of youth for years (Anderson, 1990; Newman, 1999; Ogbu, 1978). The traditional essentialized view maintains that any problem (poverty, educational failure, drug and alcohol abuse, etc.) faced by youth results of their own volition, thereby blaming the victim for the victim’s problems. Critical youth studies goes beyond the traditional pathological or patronizing view by asserting that young people have the capacity and agency to analyze their social context, to engage critical research collectively, and to challenge and resist the forces impeding their possibilities for liberation. However, another step is needed to further distance critical youth studies from essentialized perspectives by acknowledging that resistances can be attained through formal processes in “real” settings, through multi- generational collectives, and sometimes among youth alone. YPAR represents not only a formal pedagogy of resistance but also the means by which young people engage transformational resistance. (1-4)

#### Debates about IPR are necessary to deconstruct the neo-colonial relations that subtend them – there is a lack of in-depth knowledge on the intricacies of IP in the squo, which leads to systemic exploitation of the global south.

Mgbeoji, 14

[Ikechi, Prof. Law @ York University, Commissioner of Education for Abia State, Nigeria, senior lawyer @ Blackfriars LLP in Lagos: "The Comprador Complex: Africa's IPRs Elite, Neo-Colonialism and the Enduring Control of African IPRs Agenda by External Interests," (2014). Osgoode Legal Studies Research Paper Series. 43. http://digitalcommons.osgoode.yorku.ca/olsrps/43]//AD

5: Charting Escape Routes

The question that arises from this depressing state of affairs is what are the pathways to a breakout? In order to chart the way forward, we should, as Chinua Achebe once counselled, determine from whence the rain started to beat us. The first and most important task is the teaching of IPR courses in Africa’s institutions. There is a crying need for the teaching of IPR courses in Africa’s universities and tertiary institutions of learning. For nearly one hundred years, the branch of law known as IPRs has been treated by many African universities as an after-thought, an appendage to other disciplines of law such as real property. In this digital age, the significant divide between Africa and the rest of the world can be bridged through information technology. There are hundreds of tertiary institutions in Europe and North America willing, via information technology, to teach IPR courses in Africa’s tertiary institutions. Existing curriculum in universities has yet to adopt critical approaches to IPRs.

Unless the pool of IPRs scholars and activists in Africa is increased, the hegemony of Africa’s IPR elites will continue. Many African States have complained about the lack of adequate personnel who have in-depth knowledge and grasp of the various issues at stake. IPRs are technical and require people who know and understand their intricacies. Regrettably, negotiators from most African states are civil service officials lacking technical knowledge of the issues. Scarcity of human and material resources is compounded by absence of consistent and progressive IPR policy. Countries often attend negotiating summits without a clear idea of what their national IPR policy is or should be, “leaving countries vulnerable to positions taken by developed countries; this was clearly evidenced at the Uruguay Rounds.”79

This second task is for IPR administrators in African States to recognize the need for a critical engagement with the structure and process of global IPR regimes.80 Historically, all states with strong stakes in IPRs have been known to adapt their IPR regimes, especially, the administrative component of IPR regimes, to suit and serve their domestic industrial needs depending on their domestic imperatives and stages of industrial prowess.81