# Compulsory License Threat CP

#### CP Text: Member nations of the WTO should inform patent holders that unless they reach voluntary licensing agreements with countries in need the WTO will pursue compulsory licensing.

### 1NC

#### The CP is mutually exclusive- licensing requires IP protections. The CP doesn’t reduce IP, it *solidifies* it

Raju, PhD, 17

(K D , Rajiv Gandhi School of Intellectual Property Law, Indian Institute of Technology Kharagpur, West Bengal-721 302, India Received 27 March 2016; accepted 11 November 2016 Compulsory v Voluntary Licensing: A Legitimate way to Enhance Access to Essential Medicines in Developing Countries Journal of Intellectual Property Rights Vol 22, January 2017, pp 23-31)

It has been observed that the pharmaceutical patents under the TRIPS Agreement have increased the drug prices exorbitantly, especially in developing countries. This made the patent regime itself most unpopular especially in developing countries. Right to health is the heart of the idea of CL provisions. Voluntary licenses and patent pools are promising and a new approach to delivering affordable medicines to developing and least developed countries under the TRIPS regimes of intellectual property protection. These concepts may be converted into practical realities in treating poor patients throughout the world rather than only protecting the intellectual property rights and the interest of multinational pharmaceutical companies. There must be a balancing act between the social welfare and the protection of innovation and intellectual property rights. The system of voluntary license in any form will make the medicines more affordable and faster delivery in developing country markets. The WTO members should promote voluntary agreement system at international level like MPP and through their domestic legal system with more incentives for VL. It is not an easy task for the developing countries on the background that CL is always issued when VL is denied.

#### The Counterplans threat of compulsory licensing causes companies to approve voluntary licenses. This is goldilocks- its solves the advantage while avoiding any DA

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(K D , Rajiv Gandhi School of Intellectual Property Law, Indian Institute of Technology Kharagpur, West Bengal-721 302, India Received 27 March 2016; accepted 11 November 2016 Compulsory v Voluntary Licensing: A Legitimate way to Enhance Access to Essential Medicines in Developing Countries Journal of Intellectual Property Rights Vol 22, January 2017, pp 23-31)

The philosophy of granting patent is to provide incentive to innovation and monopoly for a limited period of time.1 The patenting supporter argues that the patent system is indispensable as it encourages research and creativity, and enhances a country’s technological and economic development.2 However, patent rights should not be a license to exploit and misused by the benefit of the multinational companies that are detrimental to the interest of public health protection. The social good and public rights cannot be overridden by private rights under the intellectual property protection umbrella of the TRIPS agreement. The human right to health guarantees a system of health protection for all under many international law conventions.3 “Compulsory licensing (CL)” is a nonvoluntary licensing from the Government without the consent of the patentee in order to protect public interest which acts as a cushion to balance the interest between patentee’s rights and rights of public at large. Thus the “CL therefore serves to strike balance between two disparate objectives- rewarding patentees for their invention and making the patented products, particularly pharmaceutical products, available to large population in developing and under developed countries at a cheaper and affordable price”.4 The CL may constitute an important tool to promote competition and increase the affordability of drugs, while ensuring that the patent owner obtains compensation for the use of the invention.5 However, the pharmaceutical industry all over the world has opposed to CL and they argue that it will kill innovation and discourage R&D.6 India issued its first compulsory licensing order in favour of a domestic pharma company NATCO against the pharmaceutical giant Bayer, which has generated a lot of attention all over the world and compulsory licensing, has been viewed as a remedy to curb abuse of exclusivity protected by IPRs. One of the conditions for granting CL is that, before filing of an application, the applicant must take efforts to get a voluntary license from the patent owner in mutual terms and such effort must have been failed. The first CL grant itself is met with stiff opposition from the multinational pharma companies and end up in a series of litigations and apex court later upheld the validity of the CL. These litigations take lot of time, cost and tension between the patent owner and the prospective licensees. On the other hand, voluntary licensing between the patent holder and another manufacturer in developing countries may reduce the cost as well as offer opportunities to the patent owner as well as the licensee. The kind of opportunity depends upon the terms of license and the capacity of the licensee to build a relationship in a longer term within the purview of the intellectual property regimes. This paper argues that a threat of issuing CL encourages the parties to negotiate a voluntary licensing and agreements which enable reduction of opportunity cost and availability of patented drugs in developing countries. But it is not my intention to argue that voluntary licensing can be replaced by CL in all circumstances. It analyses the CL provisions in the TRIPS agreement followed by CL provisions in the Indian patent law and first CL case in India in order to expose the arguments of multinational companies and will examine how India was successful in granting the CL. Third part of the paper will examine the voluntary licensing system and agreements which can demonstrate how it can provide an alternate mechanism for a harmonious relationship between the patent owner and the domestic industries and thus a viable and TRIPS legitimate mechanism to enhance access to medicines in developing countries.  
**Waiving IP in any instance sets a precedent devastating Pharma research- the CP avoids the DA**

Miron, PhD, and Soares, 21

(Jeffrey, Director of Economic Studies, Pedro, Grad Student@Pontifical Catholic <https://www.cato.org/commentary/waiving-covid-19-vaccine-patents-would-be-disastrous> , 5-19)

Pharmaceutical companies operate in a heavily regulated sector with enormous research costs, whereas restaurants face milder regulation coupled with lower product‐​development costs. Perhaps it makes sense that drugs be patentable, but not recipes. But stripping away IP protection from the current holders of COVID-19 vaccines patents is deeply misguided. Pharmaceutical companies have created a product of astronomical value. One estimate suggests 3 billion vaccine courses in 2021 would generate a global benefit of $17.4 trillion, or over $5,800 per course. Ex‐​post appropriation of existing patents signals both domestically and abroad that the U.S. government puts political expedience before the rule of law. This sets a terrible precedent. Imagine if governments demanded repayment of Social Security benefits because deficits are getting large or reversed antitrust‐​approved mergers because key political supporters opposed them. Society cannot function unless individuals and organizations can rely on previously settled deals. Some believe the U.S. government is entitled to the IP benefits of COVID‐​related research because it played a major funding role both directly and indirectly. Operation Warp Speed indeed spent $12.4 billion by December 2020, but almost half was entirely on manufacturing, with the other half not differentiating between manufacturing and development. Pfizer PFE, -1.17%, for example, took no government money for its vaccine research. Indirectly, National Institutes of Health (NIH)-funded basic research has helped our understanding of mRNA mechanisms. But successful vaccine products took decades of large, risky research by private companies like Moderna MRNA, -0.70%. All this discussion, moreover, misses a fundamental point. When government decided to fund companies through Operation Warp Speed or research through the NIH, it did not do so with the caveat that companies would have to forego IP rights in the future. If this had been clear from the outset, it would be defensible for government to claim the right to waive patents now. But had the companies known, they might not have taken the money or conducted the research in the first place. Further, the waiver is not likely to achieve the goals of increased production in the short term. Many experts have stressed that IP is not the hurdle keeping production from increasing in the near future. AstraZeneca AZN, 0.14% AZN, 0.08% has licensed production to 15 countries and 25 manufacturing sites and Moderna stated it would not enforce its COVID-19 related patents during the pandemic. Instead, manufacturing components and raw materials are the relevant bottlenecks. Finally, even if patents were an obstacle to increased production, an alternative for producing more vaccines exists: pay for them. Governments could buy patents, or doses, from pharmaceutical companies and donate them around the world. Such buyouts have the same upsides as waivers, but without risking long‐​term vaccine innovation. The rule of law could live to see another day.

**1NC -- Disease**

**Biotech strong now -- boosted by COVID and it's an inherently stable sector**

**Cancherini et al. 4-30** [Laura Cancherini, Engagement Manager @ McKinsey & Company. Joseph Lydon, Associate Partner @ McKinsey & Company. Jorge Santos da Silva, Senior Partner @ McKinsey & Company. Alexandra Zemp, Partner @ McKinsey & Company. "What’s ahead for biotech: Another wave or low tide?," McKinsey &amp; Company, 4-30-2021, accessed 8-25-2021, https://www.mckinsey.com/industries/pharmaceuticals-and-medical-products/our-insights/whats-ahead-for-biotech-another-wave-or-low-tide] HWIC

Belying this downbeat mood, biotech has in fact had one of its best years so far. By January 2021, venture capitalists had invested some 60 percent more than they had in January 2020, with more than $3 billion invested worldwide in January 2021 alone.5 IPO activity grew strongly: there were 19 more closures than in the same period in 2020, with an average of $150 million per raise, 17 percent more than in 2020. Other deals have also had a bumper start to 2021, with the average deal size reaching more than $500 million, up by more than 66 percent on the 2020 average (Exhibit 3).6 Exhibit 3 We strive to provide individuals with disabilities equal access to our website. If you would like information about this content we will be happy to work with you. Please email us at: McKinsey\_Website\_Accessibility@mckinsey.com What about SPACs? The analysis above does not include special-purpose acquisition companies (SPACs), which have recently become significant in IPOs in several industries. Some biotech investors we interviewed believe that SPACs represent a route to an IPO. How SPACs will evolve remains to be seen, but biotechs may be part of their story. Fundamentals continue strong When we asked executives and investors why the biotech sector had stayed so resilient during the worst economic crisis in decades, they cited innovation as the main reason. The number of assets transitioning to clinical phases is still rising, and further waves of innovation are on the horizon, driven by the convergence of biological and technological advances. In the present day, many biotechs, along with the wider pharmaceutical industry, are taking steps to address the COVID-19 pandemic. Together, biotechs and pharma companies have more than 250 vaccine candidates in their pipelines, along with a similar number of therapeutics. What’s more, the crisis has shone a spotlight on pharma as the public seeks to understand the roadblocks involved in delivering a vaccine at speed and the measures needed to maintain safety and efficacy standards. To that extent, the world has been living through a time of mass education in science research and development. Biotech has also benefited from its innate financial resilience. Healthcare as a whole is less dependent on economic cycles than most other industries. Biotech is an innovator, actively identifying and addressing patients’ unmet needs. In addition, biotechs’ top-line revenues have been less affected by lockdowns than is the case in most other industries. Another factor acting in the sector’s favor is that larger pharmaceutical companies still rely on biotechs as a source of innovation. With the top dozen pharma companies having more than $170 billion in excess reserves that could be available for spending on M&A, the prospects for further financing and deal making look promising. For these and other reasons, many investors regard biotech as a safe haven. One interviewee felt it had benefited from a halo effect during the pandemic. More innovation on the horizon The investors and executives we interviewed agreed that biotech innovation continues to increase in quality and quantity despite the macroeconomic environment. Evidence can be seen in the accelerating pace of assets transitioning across the development lifecycle. When we tracked the number of assets transitioning to Phase I, Phase II, and Phase III clinical trials, we found that Phase I and Phase II assets have transitioned 50 percent faster since 2018 than between 2013 and 2018, whereas Phase III assets have maintained much the same pace. There could be many reasons for this, but it is worth noting that biotechs with Phase I and Phase II assets as their lead assets have accounted for more than half of biotech IPOs. Having an early IPO gives a biotech earlier access to capital and leaves it with more scope to concentrate on science. Looking forward, the combination of advances in biological science and accelerating developments in technology and artificial intelligence has the potential to take innovation to a new level. A recent report from the McKinsey Global Institute analyzed the profound economic and social impact of biological innovation and found that biomolecules, biosystems, biomachines, and biocomputing could collectively produce up to 60 percent of the physical inputs to the global economy. The applications of this “Bio Revolution” range from agriculture (such as the production of nonanimal meat) to energy and materials, and from consumer goods (such as multi-omics tailored diets) to a multitude of health applications.

**Strong IP protection spurs innovation by encouraging risk-taking and incentivizing knowledge sharing -- prefer statistical analysis of multiple studies**

**Ezell and Cory 19** [Stephen Ezell, vice president & global innovation policy @ ITIF, BS Georgetown School of Foreign Service. Nigel Cory, associate director covering trade policy @ ITIF, MA public policy @ Georgetown. "The Way Forward for Intellectual Property Internationally," Information Technology & Innovation Foundation, 4-25-2019, accessed 8-25-2021, https://itif.org/publications/2019/04/25/way-forward-intellectual-property-internationally] HWIC

IPRs Strengthen Innovation

Intellectual property rights power innovation. For instance, analyzing the level of intellectual property protections (via the World Economic Forum’s Global Competitiveness reports) and creative outputs (via the Global Innovation Index) shows that counties with stronger IP protection have more creative outputs (in terms of intangible assets and creative goods and services in a nation’s media, printing and publishing, and entertainment industries, including online), even at varying levels of development.46

IPR reforms also introduce strong incentives for domestic innovation. Sherwood, using case studies from 18 developing countries, concluded that poor provision of intellectual property rights deters local innovation and risk-taking.47 In contrast, IPR reform has been associated with increased innovative activity, as measured by domestic patent filings, albeit with some variation across countries and sectors.48 For example, Ryan, in a study of biomedical innovations and patent reform in Brazil, found that patents provided incentives for innovation investments and facilitated the functioning of technology markets.49 Park and Lippoldt also observed that the provision of adequate protection for IPRs can help to stimulate local innovation, in some cases building on the transfer of technologies that provide inputs and spillovers.50 In other words, local innovators are introduced to technologies first through the technology transfer that takes place in an environment wherein protection of IPRs is assured; then, they may build on those ideas to create an evolved product or develop alternate approaches (i.e., to innovate). Related research finds that trade in technology—through channels including imports, foreign direct investment, and technology licensing—improves the quality of developing-country innovation by increasing the pool of ideas and efficiency of innovation by encouraging the division of innovative labor and specialization.51 However, Maskus notes that without protection from potential abuse of their newly developed technologies, foreign enterprises may be less willing to reveal technical information associated with their innovations.52 The protection of patents and trade secrets provides necessary legal assurances for firms wishing to reveal proprietary characteristics of technologies to subsidiaries and licensees via contracts.

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The relationship between IPR rights and innovation can also be seen in studies of how the introduction of stronger IPR laws, with regard to patents, copyrights, and trademarks, affect R&D activity in an economy. Studies by Varsakelis and by Kanwar and Evenson found that R&D to GDP ratios are positively related to the strength of patent rights, and are conditional on other factors.53 Cavazos Cepeda et al. found a positive influence of IPRs on the level of R&D in an economy, with each 1 percent increase in the level of protection of IPRs in an economy (as measured by improvements to a country’s score in the Patent Rights Index) equating to, on average, a 0.7 percent increase in the domestic level of R&D.54 Likewise, a 1 percent increase in copyright protection was associated with a 3.3 percent increase in domestic R&D. Similarly, when trademark protection increased by 1 percent, there was an associated R&D increase of 1.4 percent. As the authors concluded, “Increases in the protection of the IPRs carried economic benefits in the form of higher inflows of FDI, and increases in the levels of both domestically conducted R&D and service imports as measured by licensing fees.”55 As Jackson summarized, regarding the relationship between IPR reform and both innovation and R&D, and FDI, “In addition to spurring domestic innovation, strong intellectual property rights can increase incentives for foreign direct investment which in turn also leads to economic growth.”56

**Biopharmaceutical innovation is key to prevent future pandemics and bioterror**

**Marjanovic and Feijao 20** [Sonja Marjanovic Ph.D., Judge Business School, University of Cambridge. Carolina Feijao, Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitative biology, Imperial College London; B.Sc. in biology, University of Lisbon. "How to Best Enable Pharma Innovation Beyond the COVID-19 Crisis," RAND Corporation, 05-2020, accessed 8-8-2021, https://www.rand.org/pubs/perspectives/PEA407-1.html] HWIC

As key actors in the healthcare innovation landscape, pharmaceutical and life sciences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a bioterrorism context.1 The general threat to public health that is posed by antimicrobial resistance is also well-recognised as an area in need of pharmaceutical innovation. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and competition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an indispensable partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceutical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is essential for socially responsible companies in the sector. 2 It is therefore unsurprising that we are seeing industry-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing compounds to assess their utility in the fight against COVID19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating trials for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests.3,4 Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (such as the Innovative Medicines Initiative effort to accelerate the development of potential therapies for COVID-19) and supporting national efforts to expand diagnosis and testing capacity and ensure affordable and ready access to potential solutions.3,5,6 The primary purpose of such innovation is to benefit patients and wider population health. Although there are also reputational benefits from involvement that can be realised across the industry, there are likely to be relatively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pressure not to be seen as profiting from the pandemic. In the United Kingdom for example, GSK has stated that it does not expect to profit from its COVID-19 related activities and that any gains will be invested in supporting research and long-term pandemic preparedness, as well as in developing products that would be affordable in the world’s poorest countries.7 Similarly, in the United States AbbVie has waived intellectual property rights for an existing combination product that is being tested for therapeutic potential against COVID-19, which would support affordability and allow for a supply of generics.8,9 Johnson & Johnson has stated that its potential vaccine – which is expected to begin trials – will be available on a not-for-profit basis during the pandemic.10 Pharma is mobilising substantial efforts to rise to the COVID-19 challenge at hand. However, we need to consider how pharmaceutical innovation for responding to emerging infectious diseases can best be enabled beyond the current crisis. Many public health threats (including those associated with other infectious diseases, bioterrorism agents and antimicrobial resistance) are urgently in need of pharmaceutical innovation, even if their impacts are not as visible to society as COVID-19 is in the immediate term. The pharmaceutical industry has responded to previous public health emergencies associated with infectious disease in recent times – for example those associated with Ebola and Zika outbreaks.11 However, it has done so to a lesser scale than for COVID-19 and with contributions from fewer companies. Similarly, levels of activity in response to the threat of antimicrobial resistance are still low.12 There are important policy questions as to whether – and how – industry could engage with such public health threats to an even greater extent under improved innovation conditions.

**That causes extinction, which outweighs.**

**Millett & Snyder-Beattie ‘17**. Millett, Ph.D., Senior Research Fellow, Future of Humanity Institute, University of Oxford; and Snyder-Beattie, M.S., Director of Research, Future of Humanity Institute, University of Oxford. 08-01-2017. “Existential Risk and Cost-Effective Biosecurity,” Health Security, 15(4), PubMed

In the decades to come, advanced bioweapons could **threaten human existence**. Although the **probability** of human extinction from bioweapons **may** be low, the **expected value** of **reducing** the risk could **still** be **large**, since such risks jeopardize the existence of **all future generations**. We provide an overview of biotechnological extinction risk, make some rough initial estimates for how severe the risks might be, and compare the cost-effectiveness of reducing these extinction-level risks with existing biosecurity work. We find that reducing human extinction risk can be more cost-effective than reducing smaller-scale risks, even when using conservative estimates. This suggests that the risks are not low enough to ignore and that more ought to be done to prevent the worst-case scenarios. How worthwhile is it spending resources to study and mitigate the chance of human extinction from biological risks? The risks of such a catastrophe are presumably low, so a skeptic might argue that addressing such risks would be a waste of scarce resources. In this article, we investigate this position using a cost-effectiveness approach and ultimately conclude that the expected value of reducing these risks is large, especially since such risks jeopardize the existence of all future human lives. **Historically, disease events have been responsible for the greatest death tolls** on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world's population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization. A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to **remote populations**, overcome **rare genetic resistances**, and **evade detection**, cures, and **countermeasures**. Even evolution itself may work in humanity's favor: **Virulence and transmission is often a trade-off**, and so **evolutionary pressures** could push against maximally lethal wild-type pathogens.5,6 While these arguments point to a very small risk of human extinction, they **do not rule** the possibility **out** entirely. Although rare, there are recorded instances of **species going extinct due to disease**—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also **historical examples of large human populations being almost entirely wiped out** by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include **native American tribes** exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and the Western Abenaki (which suffered a staggering 98% loss of population).9 In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But **many diseases are proof** of principle that **each worst-case attribute can be realized independently**. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, **natural evolution** would be an **unlikely** source for pathogens with the **highest possible levels of transmissibility, virulence, and global reach**. But **advances in biotech**nology might allow the creation of diseases that **combine such traits**. Recent controversy has **already emerged** over a number of **scientific experiments** that resulted in viruses with enhanced **transmissibility**, **lethality**, and/or the ability to overcome **therapeutics**.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-21 Although these experiments had scientific merit and were not conducted with malicious intent, their implications are still worrying. This is especially true given that there is also a **long historical track record** of**state-run bioweapon research** applying cutting-edge science and technology to design agents not previously seen in nature. The Soviet bioweapons program developed agents with traits such as enhanced virulence, resistance to therapies, greater environmental resilience, increased difficulty to diagnose or treat, and which caused unexpected disease presentations and outcomes.22 Delivery capabilities have also been subject to the cutting edge of technical development, with Canadian, US, and UK bioweapon efforts playing a critical role in developing the discipline of aerobiology.23,24 While there is no evidence of state-run bioweapons programs directly attempting to develop or deploy bioweapons that would pose an existential risk, the logic of deterrence and **m**utually **a**ssured **d**estruction could create such incentives in more unstable political environments or following a breakdown of the Biological Weapons Convention.25 The **possibility of a war** between great powers could also increase the pressure to use such weapons—during the World Wars, bioweapons were used across multiple continents, with Germany targeting animals in WWI,26 and Japan using plague to cause an epidemic in China during WWII.27

## Vaccine Diplomacy CP

#### Text: The People’s Republic of China should offer Chinese developed vaccines and medical technology related to HIV/AIDs to the world for free

#### The CP massively ramps up Chinese “vaccine diplomacy” which solves the case

Juecheng and Yuwei 8-13-21

(Zhao and Hu, https://www.globaltimes.cn/page/202108/1231387.shtml)

One of China’s most valued contributions to the global fair accessibility to COVID-19 vaccines is to enable more developing countries to hone their ability to produce vaccines by themselves, Zha Daojiong, professor of International Political Economy from Peking University, who closely studies the global vaccine equitable allocation framework, told the Global Times in a recent exclusive interview. Sharing his insights on widely discussed “vaccine nationalism,” “wavering vaccine intellectual property,” and “COVAX operation challenges,” Zha believes that China is advocating negotiations among countries on equitable global distribution of vaccines from a humanitarian, and global perspective. China has vowed to make efforts to provide the world with 2 billion doses of COVID-19 vaccines this year and donate $100 million to COVAX to promote global vaccine provision. This commitment comes amid the rampaging Delta variant, which is bringing more challenges for developing countries to access vaccines and combat the pandemic while the West continues to drag its heels in fulfilling its promises. The promise was made at the first meeting of a forum on international cooperation on COVID-19 vaccines held on August 5. Zha suggested that the forum, alongside the Initiative for Belt and Road Partnership on COVID-19 Vaccine Cooperation, reflect China’s efforts to support long-term cooperation in the vaccine industry globally. However, some Western media have labeled China and Russia as the pioneers of the global "vaccine diplomacy" campaign. The choice of vaccines by countries has become the epitome of global geopolitics.   Foreign comments on China using "vaccine diplomacy" in a narrow geopolitical sense reflect the real competition among COVID-19 vaccine providers, Zha told the Global Times. Due to China’s mature vaccine technologies, longer shelf life and lower requirement for storage and transportation, Chinese made vaccines are a more preferable choice for many developing countries with relatively weak vaccination infrastructure . This has been reflected in the approval of Chinese vaccines in more than 100 countries. But the phenomenon of “vaccine nationalism” was never absent in the decision by governments to choose vaccines, Zha suggested. “For example, some countries and regions would include geopolitical factors in choosing vaccines. These countries would reject certain vaccines. Moreover, some media outlets refuse to accept the fact that the professional assessment of vaccine efficacy is also a scientific process. Instead, they made comments on potential vaccines based on their geopolitical interests. This is also a kind of “vaccine nationalism”. Voices blaming “vaccine nationalism” have long been present in developed countries. For instance, Zha recalled how, during the H1N1 pandemic of 2009 which affected more than 200 countries and regions for more than a year, certain developed countries bought out entire stocks of vaccines against H1N1 once they were developed. Though some of those countries had promised to donate vaccines to others after they met their vaccination needs, the virus had long disappeared before their donations were made. Therefore, many in other nations lost the opportunity of a timely vaccination. Providing assistance from one country to another in the field of infectious or non-infectious diseases is often referred to as "health diplomacy." Some international public health research literature support "health diplomacy" because cooperation in this field is conducive to the improvement of political, economic and diplomatic relations, Zha said. China has taken important steps to close the global vaccine gap, including the acceleration of large-scale production, boosting fair distribution, and licensing local production in more countries.

#### Successful vaccine diplomacy is key to overall Chinese Soft Power

Huang, PhD, 3-11-21

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Vaccines have had a place in diplomacy since the Cold War era. The country that can manufacture and distribute lifesaving injections to others less fortunate sees a return on its investment in the form of soft power: prestige, goodwill, perhaps a degree of indebtedness, even awe. Today the country moving fastest toward consolidating these gains may be China, under President Xi Jinping, who proclaimed last May that Chinese-made vaccines against COVID-19 would become a “global public good.” Since that time, top officials have promised many developing countries priority access to Chinese vaccines, and the Chinese Foreign Ministry has announced that the country is providing free vaccines to 69 countries and commercially exporting them to 28 more. China’s competitors worry that where Beijing’s inoculations go, its influence will follow. But the field of COVID-19 vaccination is still a largely uncharted one and scattered with barriers, whether logistical, scientific, psychological, or geopolitical. China’s path through this labyrinth is neither obvious nor assured. The country faces stiffening competition from Russia and India. Now the United States, too, has entered the global stakes for equitable distribution of safe and effective vaccines. China has yet to prove that it can fulfill the role it has taken on or win the trust of those it has offered to aid. CHINA'S STAKE The Chinese government dislikes the term “vaccine diplomacy.” The implication that China would distribute vaccine doses in order to broaden its global political influence is a “sinister” one, according to the official Xinhua News Agency. Rather, the Chinese government contends that “in promoting cooperation in combating the pandemic, China does not seek any geopolitical goals or have any economic interest considerations, and it has never attached any political strings.” Xi has further stressed that by distributing necessary goods in a crisis, China is merely acting as a responsible great power should. In this regard, China may seek to succeed with vaccines where it failed with masks: last spring, quality-control issues and clumsy propaganda tarnished the country’s efforts to supply medical products to the developed world. Now China is looking to showcase its global health leadership to lower- and middle-income countries, where it is distributing vaccines. But Beijing surely has additional foreign policy objectives in mind. China began its vaccine development projects early last spring, and state media made quite clear that through them, China hoped to demonstrate its technological prowess and the superiority of its authoritarian model of governance. “We are not lagging behind the United States as far as the technology is concerned,” a Chinese virologist told the state-backed Global Times. Another scientist highlighted China’s “system advantages”: “The United States is no match for China in terms of concentrating power to accomplish big things.” Indeed, unlike in the United States, vaccine development in China was a highly state-driven process. The Chinese government simultaneously pushed several technological approaches, including inactivated vaccines, mRNA vaccines, and adenovirus vector vaccines. It mobilized at least 22 institutes and firms to work on 17 vaccine development projects. And until last summer, China was leading the global race in vaccine development. It developed a vaccine (Ad5-nCoV) as early as February 2020, started Phase 1 clinical trials on March 16, and published results of the trials in late May. General Chen Wei, the face of China’s vaccine development operation, celebrated such achievements as “an embodiment of our country’s S&T progress, an embodiment of China’s great-power image and responsibility, and, even more, a contribution to humankind.” Behind such lofty goals lie commercial objectives, too. Health-related development assistance has long offered Chinese pharmaceutical companies a low-cost means of expanding their market share in the developing world. In March 2020, President Xi explicitly linked the shipment of medical supplies overseas to the “Health Silk Road,” now an important component of the Belt and Road Initiative. Xiaofeng Liang, a former deputy director of the Chinese Center for Disease Control and Prevention, has publicly called for prioritizing BRI countries for access to Chinese vaccines. But the opportunity hardly ends there. Prior to the COVID-19 pandemic, few Chinese pharmaceutical companies had received World Health Organization prequalification to supply medical products to international organizations and donor funds. In 2019, China’s share in the value of UN-procured medical products was only 1.9 percent, compared with 21.9 percent for India. Chinese media lamented that of the 155 WHO-prequalified vaccines, only four were from China, compared with 44 from India. Indeed, Indian pharmaceutical firms produced more than 60 percent of the vaccines sold worldwide. The huge global demand for COVID-19 vaccines and “vaccine nationalism” in wealthy nations have created a great opportunity for China to break into a market that Indian and Western pharmaceutical firms have long dominated. If the vaccine were priced at $10 per dose with a 40 percent net profit margin, even a 15 percent share of the vaccine market in lower- and middle-income countries would generate total sales of $10.8 billion and a profit of $4.32 billion for the Chinese economy. In reality, Chinese vaccines are often priced higher than $10.

#### Chinese leadership stops global secessionist conflict

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I began the article by claiming that the Pax Sinica would be better for international order. In making this claim I define “better” in narrow terms emphasizing territorial stability, which can be assessed in several ways. How often do either external aggressors or internal separatists shift sovereign borders through violence? What is the frequency of secessionist civil war? How much international discord is there on the topic of secession and recognition? This is the ledger I use when comparing the Pax Sinica with the post-1945 American-led order. There are many other factors, to be sure, and critics might point to a number of ways in which Chinese hegemony would be worse. For example, they may question the support for human rights under Chinese leadership. I do not argue that Chinese hegemony would be better in all ways—there are pros and cons to any order—but I contend that there are net benefits where territorial stability is concerned. Analyzed under these terms the key differences between the American order and the imagined Chinese order have to do with the politics of secession and sovereign recognition. International order matters because it determines diplomatic practices and shapes behavior. It sets the rules of the game. The American-led order over the last seventy years has attempted to balance the norms of territorial integrity and self-determination by establishing rules for what nations are eligible for independence. But, as Fabry notes, that is an enormously challenging project because developing clear rules that separate the lucky fxrom the unlucky requires that states derive agreed-upon criteria in a constitutive process.73 Given the politics and conflicting principles of international life (and the evolving nature of normative arguments), inconsistency, ambiguity, and accusations of hypocrisy are unavoidable. The resulting political space creates uncertainty for states and nationalist movements over when self-determination applies and when it should be subordinated to territorial integrity. Incidents like the Ukrainian crisis cast a shadow over separatist crises elsewhere. The leadership in Azerbaijan detects double standards in American policy, wondering why it “punishes Russia for annexing Crimea, but not Armenia for similar behavior in Karabakh.”74 Such uncertainly can makes states feel vulnerable, as it has in Azerbaijan, change the incentives for key actors, and increase the chance of conflict. Secessionist civil war is a common feature of contemporary times. Scholars estimate that at least half of the civil wars since 1945 have involved secessionism, and Barbara F. Walter argues that secessionism is the chief source of violence in the world today.75 Erica Chenowith and Maria Stephan find that secessionism is one of the few (if only) forms of political protest where violent tactics are more effective than nonviolent.76 Meanwhile, Tanisha Fazal and I identify fifty-five secessionist movements as of 2011 and record that many of these movements feel they have a reasonable chance of gaining independence in light of the somewhat flexible practices surrounding recognition.77 Given the strategic environment in which secessionists operate, where violence can be effective and where sovereignty is thought to be obtainable, it should come as no surprise that conflict is common. In regard to territorial stability, the concern of contemporary times is not traditional territorial conquest, but the threat posed by state fragmentation.78 This is where Chinese hegemony ought to improve international order.

#### The impact is great power nuclear war and a collapse of institutions---the Chinese model is preferable because the US will call for partitions

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Civil wars of separatist nationalism raged around the globe in the 1990s, in the Balkans, India, Russia, Azerbaijan, Sudan, Indonesia, Britain (Northern Ireland), Turkey, Georgia, the Philippines, and Burma, to name only some of the more prominent examples. These wars have caused considerable loss of life, massive refugee crises, economic devastation, significant strains on great power relations and important international institutions like NATO and the United Nations, and a significant risk of nuclear war in South Asia. What should be done? Thus far, the western powers’ approach has been ad hoc, with little public discussion of the broader implications of particular cases and the problems for the international system posed by separatist nationalism.1 At least five sorts of ad hoc responses can be identified: 1. The imposition of weak international protectorates by stronger states through international organizations, as at Dayton, over Kosovo, Northern Iraq, and, earlier, Cyprus. 2. Disapproval but little or no direct action, either due to lack of interest (Kurds in Turkey, Tamils in Sri Lanka, Southerners in Sudan, Tuaregs in Mali, and many other such cases) or due to the power of the states involved (Russia/Chechnya, China/Tibet, India/Kashmir). 3. Weak international attempts to facilitate partition when this is by mutual consent of some sort (East Timor, Eritrea, the Czech Republic and Slovakia, the West Bank in a halting way). 4. Stable cease-fires and de facto partitions, as in Nagorno-Karabagh and Somaliland. 5. Some efforts to help negotiate power-sharing agreements, as in Northern Ireland and Angola (the latter with a largely ethnic but not separatist war). That international responses to wars of separatist nationalism have been ad hoc is not surprising. International relations is the realm of the ad hoc, and even if it were possible it is hard to imagine a general, one-size-fits-all approach that would make sense. But the lack of discussion about the broader implications of different possible policies in particular cases is surprising. Here is a possible explanation. For the western powers, separatist nationalism is so perplexing and fundamental a problem that it has to be ignored as a general phenomenon. The problem is that the overwhelmingly accepted diagnosis of the cause of separatist nationalism implies a policy remedy no major power can stomach. In brief, the standard diagnosis is Wilsonianism, the theory that separatist nationalism stems from bad borders and incompatible cultures. Wilsonianism holds that violent separatism arises when state borders are not properly aligned with national groups, which are fixed, preexisting entities. Separatism is due to the injustice of depriving proper nations of proper states. If one accepts this, then the remedy for nationalist wars is obvious. Just redraw the borders. Impose partitions. And indeed with each nationalist war foreign policy analysts in the U.S. and elsewhere have called for partition as the obvious and proper solution.2 In the wake of the intense killing and brutality in Bosnia and Kosovo, partition has often seemed, reasonably, “inevitable.” Even if these people lived together once, analysts say, how can they live together now? If one accepts the general diagnosis, the argument for partition seems inescapably strong. So why not do it? Why aren’t the major powers leaping on partition as the obvious solution, rather than setting up costly and ineffectual protectorates? Are there any good reasons to oppose partition, or are the western powers just misguided, cowardly, or transfixed by a naive and dangerous commitment to multiculturalism (Mearsheimer and Van Evera 1995; Mearsheimer and Pape 1993)? I argue in this paper that there are indeed good reasons to be skeptical of partition as a general solution to nationalist wars. The most important of these, and the least explored, are two types of incentive effects. First, ad hoc partition applied to one trouble spot may help produce more violent separatist nationalist movements elsewhere, in addition to making existing nationalist wars more difficult to resolve. The Wilsonian diagnosis is wrong. The world is not composed of a fixed number of true nations, so that peace can be had by properly sorting them into states. Rather, there is literally no end of cultural difference in the world suitable for politicization in the form of nationalist insurgencies. As long as controlling a recognized state apparatus is a desirable thing and “nationhood” is understood to ground claims to a state, ambitious individuals will try to put together nationalist movements to claim statehood. A (de facto) policy of partition that says, in effect, “You may get a state if you can get a bloody enough nationalist insurgency going” provides the wrong incentives. The more general point is that whether partition is good idea depends in part on one’s theory of what causes separatist nationalism. I will argue that the dominant theory of Wilsonianism is misleading, and implies ad hoc “solutions” that states are right to shy away from.

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