# 1AC

## Framework

#### The standard should be preserving human life

#### Epistemic modesty breaks any tie and answers all AC pre-empts.

#### Bostrom 12

#### Nick Bostrom, Existential Risk Prevention as a Global Priority, 2012. NS

These reflections on moral uncertainty suggest an alternative, complementary way of looking at existential risk. Let me elaborate. Our present understanding of axiology might well be confused. We may not now know—at least not in concrete detail—what outcomes would count as a big win for humanity; we might not even yet be able to imagine the best ends of our journey. If we are indeed profoundly uncertain about our ultimate aims, then we should recognize that there is a great option value in preserving—and ideally improving—our ability to recognize value and to steer the future accordingly. Ensuring that there will be a future version of humanity with great powers and a propensity to use them wisely is plausibly the best way available to us to increase the probability that the future will contain a lot of value.

## Case

#### Contention 1: Vaccine Inequality

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

Fink 7-30-21

(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. IP protections are the vital internal link to reduce vaccine inequality. Empirics disprove all pro patent arguments

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 companies share the know-how.27 Recently, Vietnam also said that the country could satisfy COVID-19 vaccine production requirements once it obtains vaccine patents.28 Countries like the United Arab Emirates (UAE), Turkey, Cuba, Brazil, Argentina and South Korea have the capacity to produce high-quality vaccines but lack technologies and know-how. However, Africa, Egypt, Morocco, Senegal, South Africa and Tunisia have limited manufacturing capacities, which could also produce COVID-19 vaccines after repurposing. Moreover, COVID-19 vaccine IPR runs across the entire value chain – vaccine development, production, use, etc. A mere patent waiver may not be enough to address the issues related to its production and distribution. 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. Failure to contain COVID-19 causes extinction

Guy R. **McPherson, PhD, 20** [PhD Range Science, Professor Emeritus, University of Arizona School of Natural Resources and Department of Ecology & Evolutionary Biology], “Will COVID-19 Trigger Extinction of All Life on Earth?” Eart & Envi Scie Res & Rev, Volume 3 Issue 2, 4-8-2020, <https://opastonline.com/wp-content/uploads/2020/04/will-covid-19-trigger-extinction-of-all-life-on-earth-eesrr-20-.pdf>

Small lives matter. Indeed, the “human body contains about 100 trillion cells, but only maybe one in 10 of those cells is actually — human” [1]. We are comprised of bacteria and other tiny living organisms, as well as non-living entities such as viruses. One such virus has captured the attention of the world, and with good reason. **The novel coronavirus could trigger extinction of humans, and therefore the extinction of all life on Earth**. I frequently hear and read that COVID-19 is a nefarious attempt by the so-called “elite” among us to depopulate the burgeoning human population on Earth. Other conspiracy theories abound, including COVID-19 as an attempt to further reduce human rights, promote expensive medical therapies, and otherwise enrich the wealthy at the expense of the bamboozled masses. I do not doubt the ability of the informed wealthy to fleece the ignorant masses. Nor do I doubt the ability of the informed wealthy to turn virtually any situation into an opportunity for monetary gain. A quick glance at the past two centuries provides plenty of examples. However, I doubt the monetarily wealthy among us are interested in accelerating human extinction, even for financial gain. As I explain below, **the ongoing reduction in industrial activity as a result of COVID-19 almost certainly leads to loss of habitat for human animals, hence putting us on the fast track to human extinction**. I doubt the knowledgeable “elite” are interested in altering the sweet deal they are experiencing with the current set of living arrangements. The aerosol masking effect, or global dimming, has been described in the peer-reviewed literature since at least 1929 [2, 3]. **Coincident with industrial activity adding to greenhouse gases that warm the planet, industrial activity simultaneously cools the planet by adding aerosols to the atmosphere. These aerosols block incoming sunlight, thereby keeping cool our pale blue dot. Reducing industrial activity by as little as 35 percent is expected to cause a global-average temperature rise of 1 degree Celsius within a few weeks**, according to research on the aerosol masking effect [4]. Such research was deemed collectively too conservative by a paper in the 17 January 2019 issue of Science [5]. As pointed out by the lead author of the latter paper on 22 January 2019 “Global efforts to improve air quality by developing cleaner fuels and burning less coal could end up harming our planet by reducing the number of aerosols in the atmosphere, and by doing so, diminishing aerosols’ cooling ability to offset global warming” [6].

The cooling effect is “nearly twice what scientists previously thought,” and the paper by Rosenfeld et al. [5] cites the conclusion by Levy et al. [4], indicating as little as 35% reduction in industrial activity drives a 1 C global-average rise in temperature, thereby suggesting that as little as a 20% reduction in industrial activity will drive a 1 C spike in temperature within a few weeks [7]. Additional, recent support for the importance of the aerosol masking effect comes from [8, 9]. Furthermore, loss of aerosols exacerbates heat waves [10]. Human extinction might have been triggered several years ago when the global-average temperature of Earth exceeded 1.5 C above the 1750 baseline. According to a comprehensive overview published by European Strategy and Policy Analysis System in April, an “increase of 1.5 degrees is the maximum the planet can tolerate; … at worst, [such a rise in temperature above the 1750 baseline will cause] the extinction of humankind altogether” [11, 12]. Earth’s global-average temperature hit 1.73 C above the 1750 baseline by April, 2018 the highest global-average temperature experienced by Homo sapiens on Earth [13, 14].

By 13 March 2020, 2 C above the 1750 baseline was crossed [11]. In other words, human extinction via the death-by-a-thousandcuts route might be locked in with no further heating of Earth. In light of the ongoing pandemic, the ongoing Mass Extinction Event, and abrupt, irreversible climate change, it is pleasantly surprising that humans still occupy Earth. The pandemic-induced reduction in industrial activity may have already reduced the aerosol masking effect sufficiently to trigger a 1 C temperature spike. The outcome is not yet obvious because the timing of the outbreak of the novel coronavirus was favorable for human habitat. Trees produced leaves in the Northern Hemisphere spring of 2020 as a result of carbohydrates stored the previous year and grain crops were harvested before the novel coronavirus emerged. Results of the recent and ongoing rise in temperature, which have already been reported in China and India, will become obvious to most humans when many more trees die. Large-scale die-off of trees likely will approximately correspond with catastrophic crop failure. This might occur by the end of this year, although I would rather it not. **Every civilization requires bread and circuses**. There is little doubt **the circuses attendant to industrial civilization will continue until the end of the planetary show for Homo sapiens. Bread, however, requires wheat. Wheat production requires a delicate balance of growing conditions that, like habitat for humans, teeters on the brink** [15]. **The path to near-term human extinction thus runs from a tiny virus underlying a pandemic through a reduction of industrial activity that overheats a planet already running a fever**.

**The outbreak of COVID-19 could very well be the event that accelerates human extinction via reduction of industrial activity, hence loss of habitat for Homo sapiens. As a result of the rapid environmental change likely to follow, we are almost certain to lose all life on Earth** [16]. History is replete with examples of human hubris. We thought we were mighty, and we certainly have left our mark on Earth. **How embarrassing for the big-brained human species that a microscopic virus could pull the trigger on our extinction** [15].

#### Contention 2: US-China War

#### 1. 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.”

#### 2. 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]

#### 3. 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.

#### Contention 3: WTO

#### 1. COVID vaccine debate will kill the WTO- there are no alternate causes and solvency is reverse causal

Meyer 6-18-21

(David, Senior Writer, https://fortune.com/2021/06/18/wto-covid-vaccines-patents-waiver-south-africa-trips/)

The World Trade Organization knows all about crises. Former U.S. President Donald Trump threw a wrench into its core function of resolving trade disputes—a blocker that President Joe Biden has not yet removed—and there is widespread dissatisfaction over the fairness of the global trade rulebook. The 164-country organization, under the fresh leadership of Nigeria's Ngozi Okonjo-Iweala, has a lot to fix. However, one crisis is more pressing than the others: the battle over COVID-19 vaccines, and whether the protection of their patents and other intellectual property should be temporarily lifted to boost production and end the pandemic sooner rather than later. According to some of those pushing for the waiver—which was originally proposed last year by India and South Africa—the WTO's future rests on what happens next. "The credibility of the WTO will depend on its ability to find a meaningful outcome on this issue that truly ramps-up and diversifies production," says Xolelwa Mlumbi-Peter, South Africa's ambassador to the WTO. "Final nail in the coffin" The Geneva-based WTO isn't an organization with power, as such—it's a framework within which countries make big decisions about trade, generally by consensus. It's supposed to be the forum where disputes get settled, because all its members have signed up to the same rules. And one of its most important rulebooks is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS, which sprang to life alongside the WTO in 1995. The WTO's founding agreement allows for rules to be waived in exceptional circumstances, and indeed this has happened before: its members agreed in 2003 to waive TRIPS obligations that were blocking the importation of cheap, generic drugs into developing countries that lack manufacturing capacity. (That waiver was effectively made permanent in 2017.) Consensus is the key here. Although the failure to reach consensus on a waiver could be overcome with a 75% supermajority vote by the WTO's membership, this would be an unprecedented and seismic event. In the case of the COVID-19 vaccine IP waiver, it would mean standing up to the European Union, and Germany in particular, as well as countries such as Canada and the U.K.—the U.S. recently flipped from opposing the idea of a waiver to supporting it, as did France. It's a dispute between countries, but the result will be on the WTO as a whole, say waiver advocates. "If, in the face of one of humanity's greatest challenges in a century, the WTO functionally becomes an obstacle as in contrast to part of the solution, I think it could be the final nail in the coffin" for the organization, says Lori Wallach, the founder of Public Citizen's Global Trade Watch, a U.S. campaigning group that focuses on the WTO and trade agreements. "If the TRIPS waiver is successful, and people see the WTO as being part of the solution—saving lives and livelihoods—it could create goodwill and momentum to address what are still daunting structural problems." Those problems are legion. Reform needs Top of the list is the WTO's Appellate Body, which hears appeals in members' trade disputes. It's a pivotal part of the international trade system, but Trump—incensed at decisions taken against the U.S. —blocked appointments to its seven-strong panel as judges retired. The body became completely paralyzed at the end of 2019, when two judges' terms ended and the panel no longer had the three-judge quorum it needs to rule on appeals. Anyone who hoped the advent of the Biden administration would change matters was disappointed earlier this year when the U.S. rejected a European proposal to fill the vacancies. "The United States continues to have systemic concerns with the appellate body," it said. "As members know, the United States has raised and explained its systemic concerns for more than 16 years and across multiple U.S. administrations." At her confirmation hearing in February, current U.S. Trade Representative Katherine Tai reiterated those concerns—she said the appellate body had "overstepped its authority and erred in interpreting WTO agreements in a number of cases, to the detriment of the United States and other WTO members," and accused it of dragging its heels in settling disputes. "Reforms are needed to ensure that the underlying causes of such problems do not resurface," Tai said. "While the U.S. [has] been engaging [with the WTO] it hasn't indicated it would move quickly on allowing appointments to the Appellate Body," says Bryan Mercurio, an economic-law professor at the Chinese University of Hong Kong, who opposes the vaccine waiver. "This is not a good sign. In terms of WTO governance, it's a much more important step than supporting negotiations on an [intellectual property] waiver." It's not just the U.S. that wants to see reform at the WTO. In a major policy document published in February, the EU said negotiations had failed to modernize the organization's rules, the dispute-resolution system was broken, the monitoring of countries' trade policies was ineffective, and—crucially—"the trade relationship between the U.S. and China, two of the three largest WTO members, is currently largely managed outside WTO disciplines." China is one of the key problems here. It became a WTO member in 2001 but, although this entailed significant liberalization of the Chinese economy, it did not become a full market economy. As the European Commission put it in February: "The level at which China has opened its markets does not correspond to its weight in the global economy, and the state continues to exert a decisive influence on China's economic environment with consequent competitive distortions that cannot be sufficiently addressed by current WTO rules." "China is operating from what it sees as a position of strength, so it will not be bullied into agreeing to changes which it sees as not in its interests," says Mercurio. China is at loggerheads with the U.S., the EU and others over numerous trade-related issues. Its rivals don't like its policy of demanding that Chinese citizens' data is stored on Chinese soil, nor do they approve of how foreign investors often have to partner with Chinese firms to access the country's market, in a way that leads to the transfer of technological knowhow. They also oppose China's industrial subsidies. Mercurio thinks China may agree to reforms on some of these issues, particularly regarding subsidies, but "only if it is offered something in return." All these problems won't go away if the WTO manages to come up with a TRIPS waiver for COVID-19 vaccines and medical supplies, Wallach concedes. "But," she adds, "the will and the good faith to tackle these challenges is increased enormously if the WTO has the experience of being part of the solution, not just an obstacle." Wallach points to a statement released earlier this month by Asia Pacific Economic Cooperation (APEC) trade ministers, which called for urgent discussions on the waiver. "The WTO must demonstrate that global trade rules can help address the human catastrophe of the COVID-19 pandemic and facilitate the recovery," the statement read in its section about WTO reform. Okonjo-Iweala's role The WTO's new director general, whose route to the top was unblocked in early 2021 with the demise of the Trump administration, is certainly keen to fix the problems that contributed to the early departure of her predecessor, Brazil's Robert Azevedo. "We must act now to get all our ambassadors to the table to negotiate a text" on the issue of an IP waiver for COVID vaccines, Ngozi Okonjo-Iweala, director general of the World Trade Organization, has said. Dursun Aydemir—Anadolu/Bloomberg/Getty Images Earlier this week, when the U.S. and EU agreed a five-year ceasefire in a long-running dispute over Boeing and Airbus aircraft subsidies, Okonjo-Iweala tweeted: "With political will, we can solve even the most intractable problems." However, Mercurio is skeptical about her stewardship having much of an effect on the WTO's reform process. "Upon taking [over she] stated it was time for delegations to speak to each other and not simply past each other, but at the recent General Counsel meeting delegations simply read prepared statements in what some have described as the worst meeting ever," he says. "On the other hand, Ngozi is very much someone who will actively seek solutions to problems, and in this way different to her predecessor. If the role of mediator is welcomed, she could have an impact not in starting discussions but in getting deals over the finish line." A spokesperson for the WTO Secretariat declined to offer comment on Mlumbi-Peter and Wallach's suggestions that the organization's credibility rests on the vaccine patent waiver issue, but pointed to a May speech in which Okonjo-Iweala said the WTO could help tackle vaccine supply chain monitoring and transparency, helping manufacturers scale up production, and creating a more geographically diversified manufacturing base. In her speech, the WTO chief also said members "must address issues related to technology transfer, knowhow and intellectual property," including the waiver proposal. "We must act now to get all our ambassadors to the table to negotiate a text," she said.

#### 2. The WTO dampens US-China great power conflict which is crucial to solve a laundry list of existential threats. Cooperation on global vaccine distribution is a vital test case

Shaffer, JD Stanford, 21

(Gregory Shaffer is Chancellor’s Professor at the University of California, Irvine, and author of the forthcoming book, “Emerging Powers in the World Trading System: The Past and Future of International Economic Law.” <https://thehill.com/opinion/international/559049-the-us-must-engage-with-china-even-when-countering-china>, 6-21)

A policy statement heard around the world is that U.S. engagement with China “has come to an end.” It suggests that the Biden administration is taking a hawkish approach toward China. That stance seemed clear as the U.S. worked the G7 and NATO communiqués to confront China with an “alliance of democracies.” Yet, peeling the layers, one comes to the necessity for a much more complex U.S. approach to China. Rather than ending engagement, the U.S. should be thinking about engagement’s different dimensions. Indeed, Kurt Campbell, coordinator for Indo-Pacific affairs on the National Security Council, who made the remark, implicitly addressed three necessary forms of engagement that have been lacking. First, even when the United States aims to counter China, engagement remains essential. The U.S. will most effectively counter Chinese actions in the South China Sea, the Taiwan Strait, along the border with India, and against allies’ economies, if the U.S. works closely with others. The Trump administration was notoriously unreliable and antagonistic towards allies. The United States and its allies will bolster their position in relation to China if they coordinate — an approach underscored at the recent G7 and NATO summits. ADVERTISEMENT Yet, even in high-conflict situations, diplomacy and bargaining with China also will be important. Trade and technology policies are rife with rivalry and competition. These policies can trigger harmful tit-for-tat escalations if they are not grounded in agreed rules and understandings. These risks become particularly salient when economic and financial crises strike. Third-party institutions such as the World Trade Organization (WTO) can help parties manage their conflicts so that they are not mutually destructive. China will be indispensable in any U.S. effort to update and “reform” WTO rules. Second, the United States needs to work with China to effectively address common global, existential challenges. Campbell mentioned three: climate change, global pandemics, and nuclear proliferation. A signal success of the Obama administration was getting China to make commitments for the first time on emissions, which gave rise to the Paris Agreement. The U.S. also worked with China to stem Iran’s ability to develop nuclear weapons under the Joint Comprehensive Plan of Action. It needs to do the same regarding North Korea’s nuclear program. Even in these areas of mutual concern, competition and rivalry are present. Yet such competition also can lead to mutually beneficial outcomes, such as to provide vaccines globally and to develop green technologies.

#### 3. The WTO reduces war through peace dividends, interdependence, and rule of law

Baldwin, PhD, and Nakotomi 15

(Richard Baldwin, professor of international economics at the Graduate Institute of International and Development Studies in Geneva, Michitaka, Consulting Fellow at the Research Institute of Economy, Trade and Industry (RIETI) and a Special Adviser to the Japan External Trade Organization (JETRO). <https://cepr.org/sites/default/files/policy_insights/PolicyInsight84.pdf>, July)

The WTO, and the GATT before it, has been one the planet’s precious public goods. The multilateral cooperation supports and encourages trade, which, in turn, fosters peace and rising living standards worldwide. The idea that trade fosters peace was famously expounded by Montesquieu in the 18th century: “The natural effect of commerce is to bring peace. Two nations that negotiate between themselves become reciprocally dependent, if one has an interest in buying and the other in selling. And all unions are based on mutual needs.” 2 Put simply, sellers have little interest in attacking their buyers. Perhaps the most obvious example is how bourgeoning trade between France and Germany flipped the switch from a war-pattern to a peace-pattern. After fighting three increasingly horrifying wars from 1870 to 1945, the French and the Germans are now locked in one of the most intense commercial interactions in the world. At a personal level, this has brought millions of French and Germans into frequent, direct contact. French work for German companies and vice versa, and French firms are excellent customers for German firms and vice versa. The idea that going to war to, for example, would switch the nationality of AlsaceLorraine once again is now insanity. International commerce makes Franco-German war into a ‘mutually assured destruction’ situation. When it comes to why flourishing trade is synonymous with rising living standards, there is little mystery. Trade allows the market’s efficiencyenhancing mechanisms to play out on a broader scale. With access to larger markets on the export side and a wider range of high-quality, reasonablyprices goods and services on the import side, trade allows nations to allocate resources to where they can be most productive. This enables countries to achieve greater scale and agglomeration economies that are, in turn, pro-innovation, pro-productivity, and pro-growth. Open trade also generates an imperative to innovate. As the Bhagwati-Sutherland Report put it: “Exposed to Japanese car manufacturers’ competition, Detroit car makers recognised that their system of vertical integration was less efficient than a competitive supply chain model. European farmers respond to developing world agricultural imports by moving out of bulk commodities and into boutique and specialist farm goods and foods. India’s car industry has been transformed by external competition to the extent that the worlds’ smallest and cheapest car – the Tata Nano - is a world class Indian innovation”.3 Trade, in other words, is a classic example of winwin cooperation. When all cooperate, all can win. Creating a common interest in multilateral cooperation The GATT promoted such win-win multilateral cooperation by setting up what political scientists refer to as a ‘regime’ – a collection of principles, norms, rules, and procedures around which the expectations of nations and interest groups converged. The result is what could be called the GATT/WTO ‘code of good conduct’. The code fostered a pattern of cooperation which fostered economic success (see Box 1 for a brief description of the code). The resulting economic success was nothing short of spectacular. As the GATT’s mutual-liberalisation process started working its magic, exports of manufactured goods boomed. This made it easy to view the GATT as good for exports, industry, and growth. But the really useful outcome – as far as cooperation is concerned – is the fact that manufactured exports grew two and a half times faster than manufacturing output. This made it very easy to portray multilateral cooperation as win-win. One just could not say that the ‘your’ exports were ‘stealing’ demand from ‘my’ producers. Quite the contrary, export sales around the world were outstripping production growth by a wide margin (Figure 1). All cooperated and all won. Economic success shifts mind sets This success produced a historic shift in the mindset of global political, business, and labour leaders. Recall that in the decades before the GATT, the received wisdom was that a nation should raise protection to protect its industry. Free trade was for starry-eyed idealists; unilateral protection was the savvy way to boost national industry and incomes. All this changed in the 1950s and 1960s. Mutual opening became the winning way; unilateral closing came to be viewed as a failed dogma of olden days. This manifest economic success launched a selfreinforcing cycle. Booming trade and incomes strengthened GATT members’ belief that following the code of conduct was good policy from a purely nationalistic perspective. The cycle spiralled ever higher as the code continued to produce progressive, mutually advantageous trade opening decade after decade. Perhaps even more important than this sea-change in policymakers’ minds was the shift in the thinking and expectations of political pressure groups inside each member. As nations and interest groups came to expect that the rules would be respected, they adopted behaviours that conformed to the rules – thus making rule-compliance almost automatic. Despite trade conflicts being common, the code and the win-win outcomes created a common interest among GATT members in defending multilateral cooperation. It is a precious ‘public good’ for world trade and, more generally, for world peace; multilateral cooperation on anything is a rare commodity these days. More generally, the GATT/WTO has raised respect for the rule of law in the international context almost universally. It is one part of the foundation that supports respect for the concept of international law. Creation of strong dispute settlement mechanism and prohibition of unilateral measures in the WTO further reinforced it. The GATT/WTO is the leading – and probably the only – example of a multilateral and nearuniversal framework of rules and law.

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

#### Contention 4: 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. 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.

#### 3. Waiving IPR is the vital internal link to equitable distribution- patents are a key deterrent to expanded manufacturing capabilities

Kang, PhD, et al., 7-14-21

(Hyo Yoon Kang is Reader in Law at the University of Kent. Aisling McMahon is Assistant Professor of Law in the Department of Law at Maynooth University. Graham Dutfield is Professor of International Governance at the University of Leeds. Luke McDonagh is Assistant Professor of Law in the Department of Law at the LSE. Siva Thambisetty is Associate Professor of Law in the Department of Law at the LSE. https://blogs.lse.ac.uk/politicsandpolicy/covid19-trips-waiver/)

The temporary TRIPS waiver – as proposed by India and South Africa and supported by more than 100 countries – is a necessary and proportionate legal measure towards the clearing of existing intellectual property barriers to scaling up of production of COVID-19 health technologies in a direct, consistent and effective fashion. We call on the governments of the United Kingdom of Great Britain and Northern Ireland, Australia, Brazil, Japan, Norway, Switzerland and the European Union to drop their opposition to the TRIPS Waiver proposal at the World Trade Organisation and to support the waiver. Intellectual Property (IP) rights – including patents, copyrights, trade secrets and other undisclosed information – are not, and have never been, absolute rights and are granted and recognised under the condition that they serve the public interest. IP rights must not be allowed to stand in the way of measures designed to make accessible the health technologies needed to fight the COVID-19 pandemic, where universal global access is essential for the global public good. We acknowledge that legal factors beyond IP, such as trade and export restrictions, also shape the ability to produce and access COVID-19 vaccines and therapeutics. Nonetheless, it is the case that IP rights, and monopolies over tacit and informal information, are also implicated in the current lack of global capacity for vaccine production and other health technologies, as well as in enabling their inequitable distribution. Current strategies to address the vast inequity in the distribution of COVID-19 vaccines have focused on solutions which build on the existing IP system, such as the World Health Organisation (WHO) COVAX initiative or voluntary licensing provisions. Such proposals have had limited and insufficient success to date at providing vaccines to low- and middle-income countries. We note that as of June 2021 the voluntary COVAX donation scheme has delivered only 90m out of a promised 2bn doses. Pharmaceutical companies who hold relevant IP rights have also failed to engage with the WHO’s voluntary COVID-19 Technology Access Pool (C-TAP) of IP and know-how. Meanwhile, several solicitations of collaboration to produce vaccine by companies, such as from Teva in Israel, Biolyse in Canada, Bavarian Nordic in Denmark, and Incepta in Bangladesh, have not engendered a positive response from vaccine IP holding companies. Moreover, the shortcomings of vaccine production are not the only problem: distribution of existing vaccine supply has been profoundly unequal, with pre-purchasing and hoarding of doses by several high-income countries. This has underlined the need for globally distributed, local vaccine manufacturing hubs in low and middle-income countries in order to guarantee sustainable supply. Given the ongoing absence of sufficient voluntary engagement by the pharmaceutical industry with proposed global mechanisms to share IP rights, data and know-how to address the pandemic, the ability to suspend rules under the TRIPS Agreement is crucial to enable a radical increase in manufacturing capacity, and thus supply, of COVID-19 vaccines. This will facilitate a globally coordinated and transparent pathway to achieve global equitable access. The proposed TRIPS waiver would provide more companies with the freedom to operate in order to produce COVID-19 vaccines and other health technologies without the fear of infringing another party’s IP rights and the attendant threat of litigation. Furthermore, in light of the considerable public financing of COVID-19 vaccine research, development, production and purchase, claims of inviolability of private IP monopoly rights cannot be justified. The IP system has failed in the past to create market incentives for vaccine development – a finding that is acknowledged and analysed by scholars in the field. In the case of COVID-19 vaccines, such a market failure has been mitigated with unprecedented public funding and de-risking of R&D costs through advance market commitments by governments. These tailored public interventions addressed the pressing need for vaccine development, and in doing so compensated for the failure of IP incentives on their own to promote vaccine research and development. The TRIPS waiver is necessary at this time because the existing provisions within the TRIPS Agreement are not sufficient in a pandemic context, whereby global access to vaccines produced at speed and scale is in all our interests. For example, compulsory licence provisions under Art. 31 and Art. 31bis of TRIPS are insufficient to tackle already existing and emerging patent thickets and data exclusivity rules that impede production by manufacturers other than the IP rightsholders. Furthermore, compulsory licences do not address the need for technology transfer and the sharing of know-how needed to build local and regional manufacturing capacity. Building such capacity would enable sustainable solutions for this and future pandemics by increasing domestic/regional manufacturing capacity for vaccine production. Governments must work with IP holders to make available and incentivise the disclosure of information held as trade secrets (and other undisclosed information) on grounds of Art. 73 (b)(iii) TRIPS, as well as through the strengthening of domestic public interest provisions under Art. 39(3) TRIPS. There are precedents for this, including US production of penicillin in WWII in which the US government oversaw the necessary pooling of technology and knowledge by companies and universities to rapidly increase penicillin production. Last year, the US government used the Defense Production Act to prioritise the production of components for national supply as needed to combat COVID-19. The proposed TRIPS waiver will enable the temporary suspension of the relevant TRIPS rules for the duration of the COVID-19 pandemic, allowing freedom to operate. It is thus a necessary ingredient as part of a multi-pronged approach to combat the pandemic. This approach must also encompass other steps, including: global co-ordination of supply chains; streamlining regulatory approval processes and sharing exclusive data from regulatory dossiers; and investment in the WHO’s C-TAP and the mRNA technology transfer hub in South Africa. The TRIPS waiver will thus facilitate the technical resilience of lower- and middle-income countries in view of present and future pandemic action and preparedness. This is in line with the commitment in the TRIPS Agreement to balance the rights of IP holders in high-income countries with the promise of technology transfer to lower- and middle-income countries. It is time to fulfil this promise and, in so doing, to end the pandemic.

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## Case

### AT: Can’t Solve

#### 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#

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IP rights must not be allowed to stand in the way of measures designed to make accessible the health technologies needed to fight the COVID-19 pandemic, where universal global access is essential for the global public good. We acknowledge that legal factors beyond IP, such as trade and export restrictions, also shape the ability to produce and access COVID-19 vaccines and therapeutics. Nonetheless, it is the case that IP rights, and monopolies over tacit and informal information, are also implicated in the current lack of global capacity for vaccine production and other health technologies, as well as in enabling their inequitable distribution. Current strategies to address the vast inequity in the distribution of COVID-19 vaccines have focused on solutions which build on the existing IP system, such as the World Health Organisation (WHO) COVAX initiative or voluntary licensing provisions. Such proposals have had limited and insufficient success to date at providing vaccines to low- and middle-income countries. We note that as of June 2021 the voluntary COVAX donation scheme has delivered only 90m out of a promised 2bn doses. Pharmaceutical companies who hold relevant IP rights have also failed to engage with the WHO’s voluntary COVID-19 Technology Access Pool (C-TAP) of IP and know-how. Meanwhile, several solicitations of collaboration to produce vaccine by companies, such as from Teva in Israel, Biolyse in Canada, Bavarian Nordic in Denmark, and Incepta in Bangladesh, have not engendered a positive response from vaccine IP holding companies. Moreover, the shortcomings of vaccine production are not the only problem: distribution of existing vaccine supply has been profoundly unequal, with pre-purchasing and hoarding of doses by several high-income countries. This has underlined the need for globally distributed, local vaccine manufacturing hubs in low and middle-income countries in order to guarantee sustainable supply. Given the ongoing absence of sufficient voluntary engagement by the pharmaceutical industry with proposed global mechanisms to share IP rights, data and know-how to address the pandemic, the ability to suspend rules under the TRIPS Agreement is crucial to enable a radical increase in manufacturing capacity, and thus supply, of COVID-19 vaccines. This will facilitate a globally coordinated and transparent pathway to achieve global equitable access. The proposed TRIPS waiver would provide more companies with the freedom to operate in order to produce COVID-19 vaccines and other health technologies without the fear of infringing another party’s IP rights and the attendant threat of litigation. Furthermore, in light of the considerable public financing of COVID-19 vaccine research, development, production and purchase, claims of inviolability of private IP monopoly rights cannot be justified. The IP system has failed in the past to create market incentives for vaccine development – a finding that is acknowledged and analysed by scholars in the field. In the case of COVID-19 vaccines, such a market failure has been mitigated with unprecedented public funding and de-risking of R&D costs through advance market commitments by governments. These tailored public interventions addressed the pressing need for vaccine development, and in doing so compensated for the failure of IP incentives on their own to promote vaccine research and development. The TRIPS waiver is necessary at this time because the existing provisions within the TRIPS Agreement are not sufficient in a pandemic context, whereby global access to vaccines produced at speed and scale is in all our interests. For example, compulsory licence provisions under Art. 31 and Art. 31bis of TRIPS are insufficient to tackle already existing and emerging patent thickets and data exclusivity rules that impede production by manufacturers other than the IP rightsholders. Furthermore, compulsory licences do not address the need for technology transfer and the sharing of know-how needed to build local and regional manufacturing capacity. Building such capacity would enable sustainable solutions for this and future pandemics by increasing domestic/regional manufacturing capacity for vaccine production. Governments must work with IP holders to make available and incentivise the disclosure of information held as trade secrets (and other undisclosed information) on grounds of Art. 73 (b)(iii) TRIPS, as well as through the strengthening of domestic public interest provisions under Art. 39(3) TRIPS. 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Bonadio 15 evidence not specific to COVID.

#### 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.

## Off-Case

### AT: Heg Solves War

#### Empirics go neg – most qualified studies disprove hegemonic stability theories.

Fettweis 17 –Christopher J. Fettweis is an American political scientist and the Associate Professor of Political Science at Tulane University. “Unipolarity, Hegemony, and the New Peace, Security Studies” 26:3, 423-451; EG)

Even the most ardent supporters of the hegemonic-stability explanation do not contend that US influence extends equally to all corners of the globe. The United States has concentrated its policing in what George Kennan used to call “strong points,” or the most important parts of the world: Western Europe, the Pacific Rim, and Persian Gulf.64 By doing so, Washington may well have contributed more to great power peace than the overall global decline in warfare. If the former phenomenon contributed to the latter, by essentially providing a behavioral model for weaker states to emulate, then perhaps this lends some support to the hegemonic-stability case.65 During the Cold War, the United States played referee to a few intra-West squabbles, especially between Greece and Turkey, and provided Hobbesian reassurance to Germany’s nervous neighbors. Other, equally plausible explanations exist for stability in the first world, including the presence of a common enemy, democracy, economic interdependence, general war aversion, etc. The looming presence of the leviathan is certainly among these plausible explanations, but only inside the US sphere of influence. Bipolarity was bad for the nonaligned world, where Soviet and Western intervention routinely exacerbated local conflicts. Unipolarity has generally been much better, **but whether or not this was due to US action is again unclear.** Overall US interest in the affairs of the Global South has dropped markedly since the end of the Cold War, as has the level of violence in almost all regions. There is less US intervention in the political and military affairs of Latin America compared to any time in the twentieth century, for instance, and also less conflict. Warfare in Africa is at an all-time low, as is relative US interest outside of counterterrorism and security assistance.66 **Regional peace and stability exist where there is US active intervention, as well as where there is not**. No direct relationship seems to exist across regions. If intervention can be considered a function of direct and indirect activity, of both political and military action, a regional picture might look like what is outlined in Table 1. These assessments of conflict are by necessity relative, because there has not been a “high” level of conflict in any region outside the Middle East during the period of the New Peace. Putting aside for the moment that important caveat, some points become clear. The great powers of the world are clustered in the upper right quadrant, where US intervention has been high, but conflict levels low. **US intervention is imperfectly correlated with stability, however. Indeed, it is conceivable that the relatively high level of US interest and activity has made the security situation in the Persian Gulf and broader Middle East worse.** In recent years, substantial hard power investments (Somalia, Afghanistan, Iraq), moderate intervention (Libya), and reliance on diplomacy (Syria) have been equally ineffective in stabilizing states torn by conflict. While it is possible that the region is essentially unpacifiable and no amount of police work would bring peace to its people, it remains hard to make the case that the US presence has improved matters. **In this “strong point,” at least, US hegemony has failed to bring peace.** In much of the rest of the world, the United States has not been especially eager to enforce any particular rules. Even rather incontrovertible evidence of genocide has not been enough to inspire action. Washington’s intervention choices have at best been erratic; Libya and Kosovo brought about action, but much more blood flowed uninterrupted in Rwanda, Darfur, Congo, Sri Lanka, and Syria. The US record of peacemaking is not exactly a long uninterrupted string of successes. During the turn-of-the-century conventional war between Ethiopia and Eritrea, a highlevel US delegation containing former and future National Security Advisors (Anthony Lake and Susan Rice) made a half-dozen trips to the region, but was unable to prevent either the outbreak or recurrence of the conflict. Lake and his team shuttled back and forth between the capitals with some frequency, and President Clinton made repeated phone calls to the leaders of the respective countries, offering to hold peace talks in the United States, all to no avail.67 The war ended Table 1. Post-Cold War US intervention and violence by region. High Violence Low Violence High US Intervention Middle East Europe South and Central Asia Pacific Rim North America Low US Intervention Africa South America Former Soviet Union in late 2000 when Ethiopia essentially won, and it controls the disputed territory to this day. The Horn of Africa is hardly the only region where states are free to fight one another today without fear of serious US involvement. Since they are choosing not to do so with increasing frequency, something else is probably affecting their calculations. Stability exists even in those places where the potential for intervention by the sheriff is minimal. Hegemonic stability can only take credit for influencing those decisions that would have ended in war without the presence, whether physical or psychological, of the United States. It seems hard to make the case that the relative peace that has descended on so many regions is primarily due to the kind of heavy hand of the neoconservative leviathan, or its lighter, more liberal cousin. Something else appears to be at work.

## Heg Unsustainable

#### Decline in hegemony inevitable and good – COVID, Iraq, financial crisis, and Trump thump, and China is stability-oriented.

Karabell, PhD IR@Harvard, 07-13-20

(Karabell, Zachary (Founder of Progress Network@New America, President@River Twice Research, Contributing Editor@Politico, Snr. Advisor@Business for Social Responsibility, PhD IR/History@Harvard, with a focus on US-USSR relations during the Cold War). “The Anti-American Century,” Foreign Policy Magazine, July 13, 2020. https://foreignpolicy.com/2020/07/13/anti-american-century-united-states-order//SHL)

The remainder of the century saw the United States bestride the world as the dominant power, sometimes for better and often for worse. But Luce was correct that it was the American Century (or at least half-century). As of 2020, though, the 21st century has become **“the Anti-American Century,”** an identity already well-advanced before the pandemic but certainly **accelerated and cemented** by it. The Anti-American Century may turn out to be aggressively hostile to the United States, but for now it is anti-American mostly in the sense of being antithetical to the American Century. The **three pillars of American strength**—military, economic, and political—that defined the last century have each been **undermined if not obliterated**. In this moment, those failures may seem like profound negatives. In his most recent book, the writer Robert Kagan laments that, without American leadership around the world, the jungle will grow back. In the United States’ absence, Beijing may be able to define a less liberal world order. In terms of domestic politics, the left and the right are oddly united in their despair at the erosion of the American Century, as the left bemoans the failure of the American experiment in an age of racial divisions and government ineptitude and the right defends to the hilt “Make America Great Again” redux.

Yet the dawn of the Anti-American Century may be **precisely what both the world and the United States need** to meet the particular challenges of today. A world of nearly 7.8 billion people demands multiple nodes of support, **not one hegemon** or two jockeying for power. And a United States of great affluence and great deficiencies needs to accept that it is **not ordained to lead** and that its past results are, as investors like to disclaim, no guarantee of future success. The first step to solving a problem is acknowledging that you have one; **failure to do so**—to believe only that one’s country is uniquely powerful and destined by history and culture for greatness—is a **recipe for a fall**. At the dawn of the new millennium, a scant 20 years ago that feels like an eternity, the United States was able to say to itself and the world that it had found a **uniquely potent formula** for how to manage democracy. It pointed to its **role as a global superpower** and its resilient and **flourishing economy**. It asserted that it had excelled in advanced research, education, and innovation and stood as an example to countries everywhere. All that was never nearly as true as Americans wished it to be, but those strengths were, relative to much of the world, undeniable. The pandemic has exposed **structural fissures** in the United States. It has also underscored that a country whose central government is constrained not just by the three-branch structure of the federal government but also by substantial local and state autonomy is **not** particularly **well suited to marshaling a forceful national effort** that isn’t an actual war. But the tut-tutting and eye-rolling abroad about the anemic U.S. response to the COVID-19 pandemic (“The world is taking pity on us,” went the line in one prominent column and in many other since) is simply the **next iteration of a process** that has been unfolding for two decades.

The first pillar of the American Century to be **knocked aside was military**. The U.S. invasion of Afghanistan after 9/11 enjoyed considerable support internationally as a justified response to the Taliban’s sheltering of al Qaeda and Osama bin Laden. But the subsequent invasion of **Iraq** in March 2003 with a paucity of international support followed by a **bungled occupation** and years of **guerrilla war** against American troops evoked the Vietnam War. Initial misgivings were **exponentially** **magnified** by revelations of American-sanctioned torture in Iraq, at the Guantánamo Bay detention facility, and at various sites around the world, in clear **contravention of the Geneva** Conventions that the United States had long defended. Add to that revelations of spying on domestic citizens in the name of national security and the war on terrorism, and many of the **pieties of American strength crumbled**. The United States emerged by 2008 from its Iraq imbroglio with its military still second to none in size and capacity but with its image **severely undermined**.

The second pillar to crumble was **economic**. One of the central conceits of Luce’s American Century was that the unique virtues of the American economic system would act as a powerful **rebuke** of communism. And even after the fall of the Soviet Union, the flourishing American economy was a **magnet for talent and innovation**, with U.S. technology firms defining the first internet boom of the 1990s and then the next wave in the 2000s. Meanwhile, the Washington Consensus that coalesced in the 1980s about how to structure free markets was the **blueprint for post-1989 reconstruction** of Eastern Europe and Russia. It was also used as a loose framework by both the International Monetary Fund and the World Bank in their efforts to push countries around the world to drop trade barriers, end state-run businesses, and open up their capital accounts to global flows. While some countries, especially Russia, suffered mightily from this medicine, the sheer economic power of the United States **left little alternative** for most nations. China was the notable exception, and its size and the widespread perception that it would eventually move toward the U.S. model after joining the World Trade Organization allowed it to evolve along its own path. China’s economic success **eroded American dominance**, but it was the **financial crisis** of 2008-2009 that **truly knocked away the economic pillar**. For years, the question in investors’ minds had been: “When would the bad loans on the books of China’s state-owned banks lead to a crash in China?” It turned out that it wasn’t China’s banks that were the problem; it was banks in the United States. And they were a **contagion that went global**. The U.S.-led financial system survived, but the **economic reputation** of the United States—the prestige that Luce understood as a key element of its power—was devastated.

The final pillar was **democracy**. For decades, the United States could boast that it was the oldest and most established democracy in the world, with a singular system for preserving individual freedoms and harnessing collective energies. It routinely nudged and sometimes coerced allies and adversaries to **open up and democratize**. That in no way precluded dealing with dictators, but the presumption was that **democracy was the best bulwark against autocracy and the best path to affluence**. The United States, whatever its flaws, got democracy about as right as anyone. It was never quite the “strongest democracy” according to those who measured such things: The Scandinavian countries led there. But it was undoubtedly the **strongest of the large and dynamic democracies**, which combined with its other two pillars created the American Century. Then Donald **Trump was elected** president. Already by 2016, American democracy was showing **signs of strain**. Public faith and participation in government had **so declined** as to put the system on notice. But the election of Trump severely **eroded the ability of Americans** to say either to themselves or to the world that their process was uniquely able to **withstand** the pressures of populism and nascent authoritarianism that Americans for decades had preached against. Arguably, Trump has done much less damage than his many critics aver, and that may indeed reflect a domestic system of checks and balances that makes it devilishly difficult for any one president to commit major abuses of power. But the strength of American democracy in the world was also as a **symbol and a beacon**, one that drew immigrants and talent because of the opportunities that the United States offered and nurtured. On that score, the Trump administration dramatically **eroded the United States’ global standing**. Yes, the image of the United States also suffered mightily in the 1970s, with the humiliation of Vietnam and the revelations of American anti-democratic policies in much of what was then known as the Third World. It is possible that had the economic revival of the 1980s not happened, the American Century would have ended then. It didn’t, but then came the pandemic. Much as Chinese Premier Zhou Enlai once famously said of the legacy of the French Revolution that it was too soon to make final judgments, it is premature to start ranking nations conclusively by how well they met a pandemic that is still raging. It is clear, however, that what may be American strengths in other contexts are in this moment **a panoply of weaknesses**: decentralized domestic governance, highly contested politics, and immense cultural variations across states and regions. All of those inoculate Americans against autocracy and government overreach but leave the country **vulnerable to national crises that require a unified response**. Coming in the midst of the Trump administration, the American pandemic response has **utterly crushed the image of the United States** as an ambassador for good governance and democracy—and **with it, the last pillar of the American Century**.

Many in both the United States and throughout the world may believe that the end of the American Century is tragic, but the dawn of the Anti-American Century holds the **promise of better times for the globe** and the opportunity for **Americans to finally confront their country’s structural problems**. After all, unless one believes that the United States has a monopoly on the desire for peace, individual rights, and prosperity, 7.8 billion people and nearly 200 nations large and small are just as capable as Americans of acting in those collective interests. To believe otherwise is to hold that the only formula for international stability and prosperity is an **endless continuation** of the American Century. That inevitably leads to the **question of China** and its status as an emerging global power, especially as the United States retreats or is forced to. True, China **defines rights differently** than the United States, and many outside of China may not find that template an appealing one. But the Chinese template remains a Chinese one, propagated by a government that seems quite **interested in keeping the global peace** even while asserting its power. And whatever one thinks of China’s future, it remains true that you’d have to think that the United States is somehow a freakish and exceptional nation alone committed to peace and prosperity to believe firmly that the end of the American Century spells a backward step for humanity. As for the United State domestically, decades of global preeminence **have not done Americans well at** **home** in recent years. Standards of living have **stagnated** and not kept pace with those in numerous other countries. **Racism** **persists**. None of the countries that have excelled at education, health care, and standards of living are as large or complicated as the United States, but even by its own standards, the **country has fallen short** of what it once achieved. It spends massively on education, infrastructure, poverty alleviation, health care, and defense—but it **does not manage to spend smartly**. Yes, material life is better now for almost everyone than it was 50 years ago; people live longer, have more health care, eat better, are more educated, live in safer cities and towns, but that is true everywhere in the world. The United States **cannot toot its own horn** here. The simple fact is that success and strength—military, political, economic, and to that add cultural—are **not birthrights**. The United States doesn’t get to be great or powerful **just because it used to be**, although it certainly can help to have a head start. If the country was ever truly exceptional, it was exceptional because successive generations worked and fought and struggled to make it so, not because those generations patted themselves on the back. There have been acute moments of **hubris** and **overreach** during the decades of the American Century, but never has the disconnect between what the United States is and what Americans say it is **been so profound**. Out of this moment, therefore, is the promise not of American exceptionalism **but American humility**, a moment of recognition that, to move forward, the United States has to **let go of the American Century**, say **goodbye to exceptionalism**, and **accept that it is a normal country** like any other, just richer and with a massive military arsenal and multiple wells of strength and multiple areas of self-delusion. The end of the American Century offers the opportunity to **look at where the country falls short** and start fixing what is broken. Whether Americans will seize that opportunity, who knows. But this is not a tragedy; it is the beginning of something new.

#### Hegemony is unsustainable and crumbling – polarization, apathy, and deference to the executive is supercharged by the disaster of Trump.

Drezner, PhD, 4-16-19

(Daniel W., PoliSci@Stanford, ProfInternationalPolitics@Tufts, Fellow@Brookings, https://www.foreignaffairs.com/articles/2019-04-16/time-different, May/June Issue) BW

Despite the remarkable consistency of U.S. foreign policy, behind the scenes, some elements of American power were starting to decline. As measured by purchasing power parity, the United States stopped being the largest economy in the world a few years ago. Its command of the global commons has weakened as China’s and Russia’s asymmetric capabilities have improved. The accumulation of “forever wars” and low-intensity conflicts has taxed the United States’ armed forces.

Outward consistency also masked the dysfunction that was afflicting the domestic checks on U.S. foreign policy. For starters, public opinion has ceased to act as a real constraint on decision-makers. Paradoxically, the very things that have ensured U.S. national security—geographic isolation and overwhelming power—have also led most Americans to not think about foreign policy, and rationally so. The trend began with the switch to an all-volunteer military, in 1973, which allowed most of the public to stop caring about vital questions of war and peace. The apathy has only grown since the end of the Cold War, and today, poll after poll reveals that Americans rarely, if ever, base their vote on foreign policy considerations.

The marketplace of ideas has broken down, too. The barriers to entry for harebrained foreign policy schemes have fallen away as Americans’ trust in experts has eroded. Today, the United States is in the midst of a debate about whether a wall along its southern border should be made of concrete, have see-through slats, or be solar-powered. The ability of experts to kill bad ideas isn’t what it used to be. The cognoscenti might believe that their informed opinions can steady the hands of successive administrations, but they are operating in hostile territory.

To be fair, the hostility to foreign policy experts is not without cause. The interventions in Afghanistan, Iraq, and Libya were massive screwups. Despite what the experts predicted, globalization has not transformed China into a Jeffersonian democracy. The supposedly infallible advice enshrined in the Washington consensus ended up triggering multiple financial crises. Economists and foreign affairs advisers advocated austerity, despite the pain it caused the poor and the middle class, and consistently cried wolf about an increase in interest rates that has yet to come. No wonder both Barack Obama and Trump have taken such pleasure in bashing the Washington establishment.

Institutional checks on the president’s foreign policy prerogatives have also deteriorated—primarily because the other branches of government have voluntarily surrendered them. The passage of the Smoot-Hawley Tariff Act of 1930, which exacerbated the Great Depression, showed that Congress could not responsibly execute its constitutional responsibilities on trade. With the 1934 Reciprocal Trade Agreements Act, it delegated many of those powers to the president, marking the beginning of a sustained decline in congressional oversight. More recently, political polarization has rendered Congress a dysfunctional, petulant mess, encouraging successive administrations to enhance the powers of the executive branch. Nor has the judicial branch acted as much of an impediment. The Supreme Court has persistently deferred to the president on matters of national security, as it did in 2018 when it ruled in favor of the Trump administration’s travel ban.

Foreign policy analysts largely celebrated this concentration of power in the executive branch, and prior to Trump, their logic seemed solid. They pointed to the public’s ignorance of and Congress’ lack of interest in international relations. As political gridlock and polarization took hold, elected Democrats and Republicans viewed foreign policy as merely a plaything for the next election. And so most foreign policy elites viewed the president as the last adult in the room.

What they failed to plan for was the election of a president who displays the emotional and intellectual maturity of a toddler. As a candidate, Trump gloried in beating up on foreign policy experts, asserting that he could get better results by relying on his gut. As president, he has governed mostly by tantrum. He has insulted and bullied U.S. allies. He has launched trade wars that have accomplished little beyond hurting the U.S. economy. He has said that he trusts Russian President Vladimir Putin more than his own intelligence briefers. His administration has withdrawn from an array of multilateral agreements and badmouthed the institutions that remain. The repeated attacks on the EU and NATO represent a bigger strategic mistake than the invasion of Iraq. In multiple instances, his handpicked foreign policy advisers have attempted to lock in decisions before the president can sabotage them with an impulsive tweet. Even when his administration has had the germ of a valid idea, Trump has executed the resulting policy shifts in the most ham-handed manner imaginable.

Most of these foreign policy moves have been controversial, counterproductive, and perfectly legal. The same steps that empowered the president to create foreign policy have permitted Trump to destroy what his predecessors spent decades preserving. The other branches of government endowed the White House with the foreign policy equivalent of a Ferrari; the current occupant has acted like a child playing with a toy car, convinced that he is operating in a land of make-believe.

After Trump, a new president will no doubt try to restore sanity to U.S. foreign policy. Surely, he or she will reverse the travel ban, halt the hostile rhetoric toward long-standing allies, and end the attacks on the world trading system. These patches will miss the deeper problem, however. Political polarization has eroded the notion that presidents need to govern from the center. Trump has eviscerated that idea. The odds are decent that a left-wing populist will replace the current president, and then an archconservative will replace that president. The weak constraints on the executive branch will only make things worse. Congress has evinced little interest in playing a constructive role when it comes to foreign policy. The public is still checked out on world politics. The combination of worn-down guardrails and presidents emerging from the ends of the political spectrum may well whipsaw U.S. foreign policy between “America first” and a new Second International. The very concept of a consistent, durable grand strategy will not be sustainable.

In that event, only the credulous will consider U.S. commitments credible. Alliances will fray, and other countries will find it easier to flout global norms. All the while, the scars of the Trump administration will linger. The vagaries of the current administration have already forced a mass exodus of senior diplomats from the State Department. That human capital will be difficult to replace. For the past two years, the number of international students who have enrolled in U.S. university degree programs has fallen as nativism has grown louder. It will take a while to convince foreigners that this was a temporary spasm. After the Trump administration withdrew from the Iran nuclear deal, it forced SWIFT, the private-sector network that facilitates international financial transactions, to comply with unilateral U.S. sanctions against Iran, spurring China, France, Germany, Russia, and the United Kingdom to create an alternative payment system. That means little right now, but in the long run, both U.S. allies and U.S. rivals will learn to avoid relying on the dollar.

Perhaps most important, the Trump administration has unilaterally surrendered the set of ideals that guided U.S. policymakers for decades. It is entirely proper to debate how much the United States should prioritize the promotion of human rights, democracy, and the rule of law across the world. What should be beyond debate, however, is that it is worthwhile to promote those values overseas and enshrine them at home. Trump’s ugly rhetoric makes a mockery of those values. Although a future president might sound better on these issues, both allies and rivals will remember the current moment. The seeds of doubt have been planted, and they will one day sprout.

The factors that give the United States an advantage in the international system—deep capital markets, liberal ideas, world-class higher education—have winner-take-all dynamics. Other actors will be reluctant to switch away from the dollar, Wall Street, democracy, and the Ivy League. These sectors can withstand a few hits. Excessive use of financial statecraft, alliances with overseas populists, or prolonged bouts of anti-immigrant hysteria, however, will force even close allies to start thinking about alternatives. The American advantage in these areas will go bankrupt much like Mike Campbell in The Sun Also Rises did: “gradually and then suddenly.” Right now, the United States’ Jenga tower is still standing. Remove a few more blocks, however, and the wobbling will become noticeable to the unaided eye.

What would collapse look like? The United States would remain a great power, of course, but it would be an ordinary and less rich one. On an increasing number of issues, U.S. preferences would carry minimal weight, as China and Europe coordinated on a different set of rules. Persistent domestic political polarization would encourage Middle Eastern allies, such as Israel and Saudi Arabia, to line up with Republicans and European allies, such as Germany and the United Kingdom, to back Democrats. The continued absence of any coherent grand strategy would leave Latin America vulnerable to a new Great Game as other great powers vied for influence there. Demographic pressures would tax the United States, and the productivity slowdown would make those pressures even worse. Trade blocs would sap global economic growth; reduced interdependence would increase the likelihood of a great-power war. Climate change would be mitigated nationally rather than internationally, leaving almost everyone worse off.

WHAT, ME WORRY?

It would be delightful if, ten years from now, critics mocked this essay’s misplaced doom and gloom. The state of U.S. foreign policy seemed dire a decade ago, during the depths of the financial crisis and the war in Iraq. That turned out to be more of a blip than a trend. It remains quite possible now that Trump’s successor can repair the damage he has wreaked. And it is worth remembering that for all the flaws in the U.S. foreign policy machine, other great powers are hardly omnipotent. China’s and Russia’s foreign policy successes have been accompanied by blowback, from pushback against infrastructure projects in Asia to a hostile Ukraine, that will make it harder for those great powers to achieve their revisionist aims.

The trouble with “after Trump” narratives, however, is that the 45th president is as much a symptom of the ills plaguing U.S. foreign policy as he is a cause. Yes, Trump has made things much, much worse. But he also inherited a system stripped of the formal and informal checks on presidential power. That’s why the next president will need to do much more than superficial repairs. He or she will need to take the politically inconvenient step of encouraging greater congressional participation in foreign policy, even if the opposing party is in charge. Not every foreign policy initiative needs to be run through the Defense Department. The next president could use the bully pulpit to encourage and embrace more public debate about the United States’ role in the world. Restoring the norm of valuing expertise, while still paying tribute to the wisdom of crowds, would not hurt either. Nor would respecting democracy at home while promoting the rule of law abroad.

All these steps will make the political life of the next president more difficult. In most Foreign Affairs articles, this is the moment when the writer calls for a leader to exercise the necessary political will to do the right thing. That exhortation always sounded implausible, but now it sounds laughable. One hopes that the Church of Perpetual Worry does not turn into an apocalyptic cult. This time, however, the sky may really be falling.

### AT: Committee CP

#### The CP delay is massive and results in narrowing waiver

Reuters 3-6-21 https://www.reuters.com/world/china/vaccine-ip-waiver-could-take-months-wto-negotiate-experts-2021-05-06/

WASHINGTON, May 6 (Reuters) - World Trade Organization (WTO) negotiations on a waiver of intellectual property rights for COVID-19 vaccines could take months - provided they can overcome significant opposition from some member countries, trade experts say. The talks also are likely to focus on a waiver that is significantly narrower in scope and shorter in duration than the one initially proposed by India and South Africa last October.

# 2AR

#### Decline in hegemony inevitable and good – COVID, Iraq, financial crisis, and Trump thump, and China is stability-oriented.

Karabell, PhD IR@Harvard, 07-13-20

(Karabell, Zachary (Founder of Progress Network@New America, President@River Twice Research, Contributing Editor@Politico, Snr. Advisor@Business for Social Responsibility, PhD IR/History@Harvard, with a focus on US-USSR relations during the Cold War). “The Anti-American Century,” Foreign Policy Magazine, July 13, 2020. https://foreignpolicy.com/2020/07/13/anti-american-century-united-states-order//SHL)

The remainder of the century saw the United States bestride the world as the dominant power, sometimes for better and often for worse. But Luce was correct that it was the American Century (or at least half-century). As of 2020, though, the 21st century has become **“the Anti-American Century,”** an identity already well-advanced before the pandemic but certainly **accelerated and cemented** by it. The Anti-American Century may turn out to be aggressively hostile to the United States, but for now it is anti-American mostly in the sense of being antithetical to the American Century. The **three pillars of American strength**—military, economic, and political—that defined the last century have each been **undermined if not obliterated**. In this moment, those failures may seem like profound negatives. In his most recent book, the writer Robert Kagan laments that, without American leadership around the world, the jungle will grow back. In the United States’ absence, Beijing may be able to define a less liberal world order. In terms of domestic politics, the left and the right are oddly united in their despair at the erosion of the American Century, as the left bemoans the failure of the American experiment in an age of racial divisions and government ineptitude and the right defends to the hilt “Make America Great Again” redux.

Yet the dawn of the Anti-American Century may be **precisely what both the world and the United States need** to meet the particular challenges of today. A world of nearly 7.8 billion people demands multiple nodes of support, **not one hegemon** or two jockeying for power. And a United States of great affluence and great deficiencies needs to accept that it is **not ordained to lead** and that its past results are, as investors like to disclaim, no guarantee of future success. The first step to solving a problem is acknowledging that you have one; **failure to do so**—to believe only that one’s country is uniquely powerful and destined by history and culture for greatness—is a **recipe for a fall**. At the dawn of the new millennium, a scant 20 years ago that feels like an eternity, the United States was able to say to itself and the world that it had found a **uniquely potent formula** for how to manage democracy. It pointed to its **role as a global superpower** and its resilient and **flourishing economy**. It asserted that it had excelled in advanced research, education, and innovation and stood as an example to countries everywhere. All that was never nearly as true as Americans wished it to be, but those strengths were, relative to much of the world, undeniable. The pandemic has exposed **structural fissures** in the United States. It has also underscored that a country whose central government is constrained not just by the three-branch structure of the federal government but also by substantial local and state autonomy is **not** particularly **well suited to marshaling a forceful national effort** that isn’t an actual war. But the tut-tutting and eye-rolling abroad about the anemic U.S. response to the COVID-19 pandemic (“The world is taking pity on us,” went the line in one prominent column and in many other since) is simply the **next iteration of a process** that has been unfolding for two decades.

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The second pillar to crumble was **economic**. One of the central conceits of Luce’s American Century was that the unique virtues of the American economic system would act as a powerful **rebuke** of communism. And even after the fall of the Soviet Union, the flourishing American economy was a **magnet for talent and innovation**, with U.S. technology firms defining the first internet boom of the 1990s and then the next wave in the 2000s. Meanwhile, the Washington Consensus that coalesced in the 1980s about how to structure free markets was the **blueprint for post-1989 reconstruction** of Eastern Europe and Russia. It was also used as a loose framework by both the International Monetary Fund and the World Bank in their efforts to push countries around the world to drop trade barriers, end state-run businesses, and open up their capital accounts to global flows. While some countries, especially Russia, suffered mightily from this medicine, the sheer economic power of the United States **left little alternative** for most nations. China was the notable exception, and its size and the widespread perception that it would eventually move toward the U.S. model after joining the World Trade Organization allowed it to evolve along its own path. China’s economic success **eroded American dominance**, but it was the **financial crisis** of 2008-2009 that **truly knocked away the economic pillar**. For years, the question in investors’ minds had been: “When would the bad loans on the books of China’s state-owned banks lead to a crash in China?” It turned out that it wasn’t China’s banks that were the problem; it was banks in the United States. And they were a **contagion that went global**. The U.S.-led financial system survived, but the **economic reputation** of the United States—the prestige that Luce understood as a key element of its power—was devastated.

The final pillar was **democracy**. For decades, the United States could boast that it was the oldest and most established democracy in the world, with a singular system for preserving individual freedoms and harnessing collective energies. It routinely nudged and sometimes coerced allies and adversaries to **open up and democratize**. That in no way precluded dealing with dictators, but the presumption was that **democracy was the best bulwark against autocracy and the best path to affluence**. The United States, whatever its flaws, got democracy about as right as anyone. It was never quite the “strongest democracy” according to those who measured such things: The Scandinavian countries led there. But it was undoubtedly the **strongest of the large and dynamic democracies**, which combined with its other two pillars created the American Century. Then Donald **Trump was elected** president. Already by 2016, American democracy was showing **signs of strain**. Public faith and participation in government had **so declined** as to put the system on notice. But the election of Trump severely **eroded the ability of Americans** to say either to themselves or to the world that their process was uniquely able to **withstand** the pressures of populism and nascent authoritarianism that Americans for decades had preached against. Arguably, Trump has done much less damage than his many critics aver, and that may indeed reflect a domestic system of checks and balances that makes it devilishly difficult for any one president to commit major abuses of power. But the strength of American democracy in the world was also as a **symbol and a beacon**, one that drew immigrants and talent because of the opportunities that the United States offered and nurtured. On that score, the Trump administration dramatically **eroded the United States’ global standing**. Yes, the image of the United States also suffered mightily in the 1970s, with the humiliation of Vietnam and the revelations of American anti-democratic policies in much of what was then known as the Third World. It is possible that had the economic revival of the 1980s not happened, the American Century would have ended then. It didn’t, but then came the pandemic. Much as Chinese Premier Zhou Enlai once famously said of the legacy of the French Revolution that it was too soon to make final judgments, it is premature to start ranking nations conclusively by how well they met a pandemic that is still raging. It is clear, however, that what may be American strengths in other contexts are in this moment **a panoply of weaknesses**: decentralized domestic governance, highly contested politics, and immense cultural variations across states and regions. All of those inoculate Americans against autocracy and government overreach but leave the country **vulnerable to national crises that require a unified response**. Coming in the midst of the Trump administration, the American pandemic response has **utterly crushed the image of the United States** as an ambassador for good governance and democracy—and **with it, the last pillar of the American Century**.

Many in both the United States and throughout the world may believe that the end of the American Century is tragic, but the dawn of the Anti-American Century holds the **promise of better times for the globe** and the opportunity for **Americans to finally confront their country’s structural problems**. After all, unless one believes that the United States has a monopoly on the desire for peace, individual rights, and prosperity, 7.8 billion people and nearly 200 nations large and small are just as capable as Americans of acting in those collective interests. To believe otherwise is to hold that the only formula for international stability and prosperity is an **endless continuation** of the American Century. That inevitably leads to the **question of China** and its status as an emerging global power, especially as the United States retreats or is forced to. True, China **defines rights differently** than the United States, and many outside of China may not find that template an appealing one. But the Chinese template remains a Chinese one, propagated by a government that seems quite **interested in keeping the global peace** even while asserting its power. And whatever one thinks of China’s future, it remains true that you’d have to think that the United States is somehow a freakish and exceptional nation alone committed to peace and prosperity to believe firmly that the end of the American Century spells a backward step for humanity. As for the United State domestically, decades of global preeminence **have not done Americans well at** **home** in recent years. Standards of living have **stagnated** and not kept pace with those in numerous other countries. **Racism** **persists**. None of the countries that have excelled at education, health care, and standards of living are as large or complicated as the United States, but even by its own standards, the **country has fallen short** of what it once achieved. It spends massively on education, infrastructure, poverty alleviation, health care, and defense—but it **does not manage to spend smartly**. Yes, material life is better now for almost everyone than it was 50 years ago; people live longer, have more health care, eat better, are more educated, live in safer cities and towns, but that is true everywhere in the world. The United States **cannot toot its own horn** here. The simple fact is that success and strength—military, political, economic, and to that add cultural—are **not birthrights**. The United States doesn’t get to be great or powerful **just because it used to be**, although it certainly can help to have a head start. If the country was ever truly exceptional, it was exceptional because successive generations worked and fought and struggled to make it so, not because those generations patted themselves on the back. There have been acute moments of **hubris** and **overreach** during the decades of the American Century, but never has the disconnect between what the United States is and what Americans say it is **been so profound**. Out of this moment, therefore, is the promise not of American exceptionalism **but American humility**, a moment of recognition that, to move forward, the United States has to **let go of the American Century**, say **goodbye to exceptionalism**, and **accept that it is a normal country** like any other, just richer and with a massive military arsenal and multiple wells of strength and multiple areas of self-delusion. The end of the American Century offers the opportunity to **look at where the country falls short** and start fixing what is broken. Whether Americans will seize that opportunity, who knows. But this is not a tragedy; it is the beginning of something new.