# 1AC – WTO IPP

## COVID-19

#### Reducing IP protections is vital to reduce vaccine inequality and bring the pandemic under control—empirics disprove all pro-patent arguments.

Kumar, 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.

#### **Factories are ready to make hundreds of millions of vaccines, but patents won’t allow them to.**

Cheng and Hinnant, 21

Cheng, Maria and Hinnant, Lori. “Countries Urge Drug Companies to Share Vaccine Know-How.” AP NEWS, Associated Press, 20 Apr. 2021, apnews.com/article/drug-companies-called-share-vaccine-info-22d92afbc3ea9ed519be007f8887bcf6.

In an industrial neighborhood on the outskirts of Bangladesh’s largest city lies a factory with gleaming new equipment imported from Germany, its immaculate hallways lined with hermetically sealed rooms. It is operating at just a quarter of its capacity. It is one of three factories that The Associated Press found on three continents whose owners say they could start producing hundreds of millions of COVID-19 vaccines on short notice if only they had the blueprints and technical know-how. But that knowledge belongs to the large pharmaceutical companies who have produced the first three vaccines authorized by countries including Britain, the European Union and the U.S. — Pfizer, Moderna and AstraZeneca. The factories are all still awaiting responses. Across Africa and Southeast Asia, governments and aid groups, as well as the World Health Organization, are calling on pharmaceutical companies to share their patent information more broadly to meet a yawning global shortfall in a pandemic that already has claimed over 2.5 million lives. Pharmaceutical companies that took taxpayer money from the U.S. or Europe to develop inoculations at unprecedented speed say they are negotiating contracts and exclusive licensing deals with producers on a case-by-case basis because they need to protect their intellectual property and ensure safety. Critics say this piecemeal approach is too slow at a time of urgent need to stop the virus before it mutates into even deadlier forms. WHO called for vaccine manufacturers to share their know-how to “dramatically increase the global supply.” “If that can be done, then immediately overnight every continent will have dozens of companies who would be able to produce these vaccines,” said Abdul Muktadir, whose Incepta plant in Bangladesh already makes vaccines against hepatitis, flu, meningitis, rabies, tetanus and measles. All over the world, the supply of coronavirus vaccines is falling far short of demand, and the limited amount available is going to rich countries. Nearly 80% of the vaccines so far have been administered in just 10 countries, according to WHO. More than 210 countries and territories with 2.5 billion people hadn’t received a single shot as of last week. The deal-by-deal approach also means that some poorer countries end up paying more for the same vaccine than richer countries. South Africa, Mexico, Brazil and Uganda all pay different amounts per dose for the AstraZeneca vaccine — and more than governments in the European Union, according to studies and publicly available documents. AstraZeneca said the price of the vaccine will differ depending on local production costs and how much countries order. “What we see today is a stampede, a survival of the fittest approach, where those with the deepest pockets, with the sharpest elbows are grabbing what is there and leaving others to die,” said Winnie Byanyima, executive director of UNAIDS.

#### Continued COVID spread causes great power war--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.”

#### Risk of U.S.-China nuclear escalation is high – Chinese planners don’t believe nuclear weapons would be used and U.S. decisionmakers are too confident in limited nuclear war.

Cunningham and Fravel, 19

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]

#### Taiwan buying vaccines made elsewhere or receiving donations increases Taiwan-China tensions—China sees Taiwan making vaccine deals and receiving donations as them claiming independence.

Zhong and Schuetze, 21

Zhong, R., Schuetze, C. F. (2021, June 16). Taiwan Accuses China of Blocking Access to BioNTech Vaccines. The New York Times. Raymond Zhong joined The New York Times as a technology reporter in 2017. Christopher F. Schuetze joined the Berlin bureau of The New York Times in 2018 to help cover German politics, society and breaking news. https://www.nytimes.com/2021/06/16/business/taiwan-china-biontech-vaccine.html

The two sides have traded accusations about whether political motivations are keeping the Taiwanese people from receiving immunizations amid the island’s first major Covid-19 outbreak. TAIPEI, Taiwan — This is the age of “vaccine diplomacy.” It is also the era of its bitter, mudslinging opposite. For months, Taiwan has been unable to purchase doses of the BioNTech coronavirus vaccine, and the island’s leaders blame “Chinese intervention.” China, which regards Taiwan as its own territory, calls this accusation “fabricated out of nothing.” It is unclear what steps, if any, the government in Beijing has taken to disrupt Taiwan’s dealings with BioNTech, the German drugmaker that developed the vaccine with Pfizer. BioNTech declined to comment. But the crux of the problem is that a Chinese company claims the exclusive commercial rights to distribute BioNTech’s vaccine in Taiwan. And for many people in the self-governing democracy, buying shots from a mainland Chinese business is simply unpalatable. The impasse is exacerbating Taiwan’s vaccine shortage as the island confronts its first major outbreak of Covid-19 since the start of the pandemic. It is a bleak illustration of how deeply entrenched the long-running conflict across the Taiwan Strait has become, with a degree of mutual distrust that not even a global medical emergency can allay. Beijing’s efforts to stand between Taiwan and the wider world began spilling into public health a long time ago. China has for years blocked the island from participating in the World Health Assembly, the policy body of the World Health Organization. China has a say in Taiwan’s inoculation campaign because BioNTech last year teamed up with a Shanghai company, Fosun Pharma, to distribute its Covid vaccine in mainland China, Hong Kong, Macau and Taiwan. BioNTech’s partner in the United States, the European Union and other places is Pfizer. China says Taiwan is flouting this arrangement by trying to buy doses directly from BioNTech. Taiwan says it respects the companies’ partnership but hopes their relationship will not get in the way of the island’s vaccine purchases. Beijing also warned against “meddling in China’s internal affairs” after Japan said it was donating 1.2 million AstraZeneca doses to Taiwan. Chinese officials were similarly peeved this month when three U.S. senators visited the island to announce a donation of 750,000 doses. On Tuesday, Taiwan said 28 Chinese military aircraft had entered the island’s southwestern air defense identification zone, the largest such show of force in months. As Covid infections have spread in Taiwan, Chinese representatives have accused the island’s leaders of putting politics above health by refusing to accept Chinese-made vaccines. Chinese state news media has underlined the point by highlighting the “Taiwan compatriots” who have gotten vaccinated in China. “On the vaccine issue or the pandemic issue, I think China is trying to exploit any opportunity they can have,” said Lee Che-chuan of the Institute for National Defense and Security Research, a think tank funded by Taiwan’s government. Beijing, Mr. Lee said, is telling Taiwan: “You are part of China. I can give you vaccines. But if you want to purchase them from some other countries, you have a political purpose: You’re trying to indicate you are independent from China.” Taiwan’s inoculation efforts have taken on greater urgency since a wave of new Covid cases caused the island to enter a soft lockdown last month. The government has placed orders with AstraZeneca, Moderna and two domestic vaccine makers. But shipments have been slow to materialize. Fewer than 5 percent of the island’s 23.5 million people have been vaccinated so far. Taiwan began talking with BioNTech about buying five million doses last August, the island’s health minister, Chen Shih-chung, said during a recent news conference. The two sides had largely agreed on a contract by December, according to Mr. Chen. On Jan. 8, BioNTech approved Taiwan’s draft news releases announcing the deal in Chinese and English. But four hours later, BioNTech came back with a request, Mr. Chen said. The company wanted the word “country” in the Chinese-language news release to be replaced with “Taiwan.” Beijing is extremely sensitive to any suggestion that Taiwan is an autonomous nation. Taiwanese officials agreed to make the change, Mr. Chen said. But BioNTech said it needed to consider the matter further. The deal has been on hold ever since. “It wasn’t because of a problem within the contract, but rather a problem outside the contract,” Mr. Chen said. The chief executive of Fosun Pharma, BioNTech’s partner for Greater China, recently told China’s Xinhua state news agency that the company would gladly supply vaccines to “Taiwan compatriots.” Whether Taiwan would accept those doses is more complicated. Taiwanese law forbids the import of Chinese-made vaccines. But Mr. Chen suggested on Wednesday that Taiwan would be open to importing BioNTech shots if Fosun acted only as their distributor, not manufacturer. Fosun didn’t respond to a request for comment. Recently, discussions have taken place about a vaccine deal for Taiwan that would involve not only BioNTech and Fosun but also Zuellig Pharma, a Swiss-owned health services, cold storage and logistics company, according to two people familiar with the matter. Such a deal might allow BioNTech to honor its partnership with Fosun while also satisfying the Taiwanese authorities by reducing Fosun’s role. Zuellig has worked with Moderna to supply Moderna’s vaccine in Southeast Asia, Hong Kong, Macau and Taiwan. A Zuellig spokeswoman declined to comment, as did Taiwan’s central epidemic command center. BioNTech and Fosun have already delivered vaccines from Germany to Hong Kong and Macau, and they are preparing to manufacture BioNTech’s vaccine at a Fosun facility for the China market. Fosun Pharma’s parent company is Fosun International, a Shanghai-based conglomerate with interests in insurance, property, fashion, retail, tourism and more. In a poll conducted in late May by researchers at Taiwan’s National Chengchi University, three-quarters of respondents said they wouldn’t take a Chinese vaccine.

#### **Possible miscalculation would cause war.**

Boston Globe, 21

The Editorial Board (2021, October 6). A democracy under siege as China harasses Taiwan. The Boston Globe. The Globe editorial board deliberates and takes positions on matters of policy in the public interest, holds leaders and institutions accountable for meeting high standards, and clarifies current events for the public. The board is a group of writers and editors on the Opinion team who conduct their own research and meet regularly to deliberate on the Globe's editorial viewpoint. The board meets often with policy makers, advocates, community members, political and business leaders, and academic experts to inform its positions. Editorials represent the views of the Boston Globe Editorial Board and the Globe as an institution. The Globe editorial board is led by editorial page editor Bina Venkataraman and deputy editor Alan Wirzbicki. https://www.bostonglobe.com/2021/10/06/opinion/chinese-harassment-taiwan-risks-tragic-miscalculation/

China has been sending waves of warplanes near the island for months, in what appears to be a long-term effort. It is a campaign designed to intimidate, to send a message that China still considers Taiwan part of its empire under its “one China” policy. And woe if Taiwan overreaches in exerting its independence and broadening its relationships with the rest of the world and with international organizations. The most immediate danger, of course, is the very real risk of an accident or a miscalculation that would lead to a broader conflict. The latter point was a possibility raised by the US State Department in its official reaction after the weekend escalation in activity in the skies around Taiwan. “The United States is very concerned by the People’s Republic of China’s provocative military activity near Taiwan, which is destabilizing, risks miscalculations, and undermines regional peace and stability,” said spokesman Ned Price. “We urge Beijing to cease its military, diplomatic, and economic pressure and coercion against Taiwan.” “The US commitment to Taiwan is rock solid and contributes to the maintenance of peace and stability across the Taiwan Strait and within the region,” he added. “We will continue to stand with friends and allies to advance our shared prosperity, security, and values and deepen our ties with democratic Taiwan.” The United States has in the past done far more than issue statements of support. Under the more than four-decades-old Taiwan Relations Act, the United States has supplied most of Taiwan’s weaponry. In 2019 the Trump administration, with strong bipartisan support from Congress, approved the sale of some $8 billion in F-16 fighter jets to Taiwan. This year Taiwan is expected to spend about $1.4 billion for new jets. But Taiwan’s future security is not a function of its weaponry alone. Another source of empowerment against Beijing’s incursion is the increasing acceptance of Taiwan among Western nations (a delegation of French senators arrived Monday) and as a valued member of such international groups as the World Trade Organization, where in deference to mainland China’s sensitivities it is known as the “Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu.” Now as Taiwan’s own National Day approaches this Sunday, it is once again reaching out — this time it has applied to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership. That it did so a week after China submitted its own application to join the regional trade pact may also account for the stepped-up Chinese saber-rattling. “Taiwan is Taiwan, and it is not part of the People’s Republic of China,” Taiwan’s Ministry of Foreign Affairs said in a statement over the weekend. “The People’s Republic of China has never ruled Taiwan for a single day.” To which China’s Taiwan Affairs Office responded, “Taiwan is an inalienable part of Chinese territory and has never been a country.” It added, “Taiwan independence is a dead end.” No Chinese threat should be taken as an idle one. China’s increasing dominance of Hong Kong and its steady erosion of freedoms there has been a sobering lesson for Taiwan. In fact, a record number of Hong Kong residents (more than 10,000) opted to move to Taiwan in the wake of China’s crackdown on protesters. Taiwan’s longstanding support from the United States, Japan, and Australia provides a measure of protection that should mean the current campaign of Chinese harassment is unlikely to escalate. But as Taiwan is forced to scramble its own jets, the possibility of that miscalculation Price warned of grows. Perhaps a word from President Biden himself wouldn’t hurt to emphasize the depth of this nation’s abiding interest in regional stability.

#### **The risk of war in the squo is dangerous. A small difference in tension could change the course of history.**

Buckley and Myers, 21

Buckley, C., Myers, S. L. (2021, October 9). U.S. and China Enter Dangerous Territory Over Taiwan. The New York Times. Chris Buckley is chief China correspondent and lived in China for most of the past 30 years after growing up in Sydney, Australia. Before joining The Times in 2012, he was a correspondent in Beijing for Reuters. Steven Lee Myers is the Beijing bureau chief for The New York Times. He joined The Times in 1989 and has previously worked as a correspondent in Moscow, Baghdad and Washington. He is the author of “The New Tsar: The Rise and Reign of Vladimir Putin,” published by Alfred A. Knopf in 2015. https://www.nytimes.com/2021/10/09/world/asia/united-states-china-taiwan.html?campaign\_id=9&#38;emc=edit\_nn\_20211010&#38;instance\_id=42511&#38;nl=the-morning&#38;regi\_id=111326935&#38;segment\_id=71276&#38;te=1&#38;user\_id=4ba0fa874fa3253e713b5e8ae88770e2

The 25 Chinese fighter jets, bombers and other warplanes flew in menacing formations off the southern end of Taiwan, a show of military might on China’s National Day, Oct. 1. The incursions, dozens upon dozens, continued into the night and the days that followed and surged to the highest numbers ever on Monday, when 56 warplanes tested Taiwan’s beleaguered air defenses. Taiwan’s jets scrambled to keep up, while the United States warned China that its “provocative military activity” undermined “regional peace and stability.” China did not cower. When a Taiwanese combat air traffic controller radioed one Chinese aircraft, the pilot dismissed the challenge with an obscenity involving the officer’s mother. As such confrontations intensify, the balance of power around Taiwan is fundamentally shifting, pushing a decades-long impasse over its future into a dangerous new phase. After holding out against unification demands from China’s communist rulers for more than 70 years, Taiwan is now at the heart of the deepening discord between China and the United States. The island’s fate has the potential to reshape the regional order and even to ignite a military conflagration — intentional or not. “There’s very little insulation left on the wiring in the relationship,” Danny Russel, a former assistant secretary of state, said, “and it’s not hard to imagine getting some crossed wires and that starting a fire.” China’s military might has, for the first time, made a conquest of Taiwan conceivable, perhaps even tempting. The United States wants to thwart any invasion but has watched its military dominance in Asia steadily erode. Taiwan’s own military preparedness has withered, even as its people become increasingly resistant to unification. All three have sought to show resolve in hopes of averting war, only to provoke countermoves that compound distrust and increase the risk of miscalculation. At one particularly tense moment, in October 2020, American intelligence reports detailed how Chinese leaders had become worried that President Trump was preparing an attack. Those concerns, which could have been misread, prompted Gen. Mark A. Milley, the chairman of the Joint Chiefs of Staff, to call his counterpart in Beijing to assure otherwise. “The Taiwan issue has ceased to be a sort of narrow, boutique issue, and it’s become a central theater — if not the central drama — in U.S.-China strategic competition,” said Evan Medeiros, who served on President Obama’s National Security Council. China’s ambitious leader, Xi Jinping, now presides over what is arguably the country’s most potent military in history. Some argue that Mr. Xi, who has set the stage to rule for a third term starting in 2022, could feel compelled to conquer Taiwan to crown his era in power. Mr. Xi said Saturday in Beijing that Taiwan independence “was a grave lurking threat to national rejuvenation.” China wanted peaceful unification, he said, but added: “Nobody should underestimate the staunch determination, firm will and powerful ability of the Chinese people to defend national sovereignty and territorial integrity.” Few believe a war is imminent or foreordained, in part because the economic and diplomatic aftershocks would be staggering for China. Yet even if the recent flights into Taiwan’s self-declared air identification zone are intended merely as political pressure, not a prelude to war, China’s financial, political and military ascendancy has made preserving the island’s security a gravely complex endeavor. Until recently, the United States believed it could hold Chinese territorial ambitions in check, but the military superiority it long held may not be enough. When the Pentagon organized a war game in October 2020, an American “blue team” struggled against new Chinese weaponry in a simulated battle over Taiwan. An undated photo from Taiwan’s defense ministry showing a Chinese H-6 bomber. The ministry said that H-6 bombers were among the planes that China flew recently near the island. China now acts with increasing confidence, in part because many officials, including Mr. Xi, hold the view that American power has faltered. The United States’ failures with the Covid-19 pandemic and its political upheavals have reinforced such views. Some advisers and former officers in China argue that the United States no longer has the will to send forces if a war were to break out over Taiwan. Under the right conditions, others suggest, the People’s Liberation Army could prevail if it did. “Would the United States court death for Taiwan?” Teng Jianqun, a former Chinese navy captain, said in a recent interview on Chinese television. Such posturing, in turn, ignites more tensions. In Taiwan, China’s military provocations have bolstered political support for the island’s president, Tsai Ing-wen, who has sought to forge ties with countries increasingly wary of China. The Biden administration is trying to bolster Taiwan’s defense capabilities and international standing, hoping to delay or prevent the need for American military intervention. “The three sides have seen their interactions caught in a vicious spiral,” Jia Qingguo, a professor of international relations at Peking University who advises the Chinese government, recently wrote. “The process of vicious interactions between Taipei, Beijing, and Washington resembles the forming of a perfect storm.” Two days after the fall of Kabul in August, as the Biden administration scrambled to evacuate thousands stranded by the American withdrawal, China staged military exercises explicitly designed to show off its prowess. Chinese warships fired missiles into the sea south of Taiwan, while amphibious landing vehicles swept ashore a beach in China. It was one of the largest exercises ever to simulate an invasion across the Taiwan Strait. In previous drills, the People’s Liberation Army maintained a gauze of deniability about its imagined adversary, but this time it left no doubt. One officer on Chinese television warned the United States and Taiwan “not to play with fire on the Taiwan issue and immolate themselves.” The question is whether Mr. Xi intends to act. He has vowed to lead the “great rejuvenation of the Chinese nation,” including bringing Taiwan under Chinese control. Some interpret that to mean within a decade, if not sooner. His hard-line policies have made it less likely that Taiwan could ever willingly agree to China’s terms, especially after Mr. Xi throttled political freedoms in Hong Kong. Every leader since Mao has vowed to absorb Taiwan, but Mr. Xi is the first who commands a military strong enough to make forced unification plausible, albeit still a formidable task. Any assault on Taiwan, which lies 100 miles off the coast, would require overwhelming military advantage. Even if Chinese forces seized control over the island of 24 million, the war would badly shake China’s economy and international relations, while exacting a significant human toll. “Even moderate voices in Beijing have been calling for tossing out peaceful reunification,” said Oriana Skylar Mastro, a fellow at Stanford University’s Freeman Spogli Institute for International Studies. “I think the military option is the option now.” China’s leaders began the long, politically fraught process of overhauling the People’s Liberation Army after watching the United States put its military power on display in the Persian Gulf war against Iraq in 1990. Six years later, they understood just how far behind their military had fallen when the United States dispatched two aircraft carriers near Taiwan in response to China firing missiles into the seas near the island. After the American show of force, China backed down. Robert L. Thomas, a former vice admiral who commanded the United States Navy’s Seventh Fleet in Japan, recalled a meeting with a Chinese admiral in 2015. The admiral told him that the 1996 confrontation still stung nearly two decades later. “It’s clear to me that they won’t allow themselves to be embarrassed again by a Taiwan Strait crisis where the U.S. Seventh Fleet shows up and says, ‘Everybody calm down,’” Mr. Thomas said. Since then, China’s leaders have poured money into the People’s Liberation Army. In a decade, military spending grew by 76 percent, reaching $252 billion in 2020, according to the Stockholm International Peace Research Institute. (The United States spent $778 billion on its military last year.) Mr. Xi has also reorganized the military, raising the status of naval and air forces and pushing commanders to master joint warfare. In an exercise last year, the military conducted a drill that simulated sealing off the Taiwan Strait from outside forces. What was unthinkable in 1996 could now be within reach. The exercise was like “trapping a turtle in a jar,” said a website run by China’s office for Taiwan affairs. When the United States Air Force held its own war games over Taiwan in autumn last year, the outcome rattled Washington’s political and military establishment. In war games since at least 2018, American “blue” teams have repeatedly lost against a “red” team representing a hypothetical Chinese force — in part by design, since the exercises are intended to test officers and war planners. In a game simulating a war around 2030, reported earlier by Defense News, the “blue” team struggled even when given new advanced fighter planes and other weapons still on the Pentagon’s drawing board. The classified game culminated with China launching missile strikes against American bases and warships in the region, and then staging an air and amphibious assault on Taiwan, according to a Defense Department official. The officials concluded that Taiwan, backed by the United States, could hold out for maybe two or three days before its defenses crumbled. The Pentagon’s annual assessments of China’s military have since 2000 chronicled its evolution from a large but ineffective force into a potential rival. Its latest report said Chinese capabilities have already surpassed the American military in some areas, including shipbuilding, conventional ballistic and cruise missiles, and integrated air defense systems. All three would be essential in any conflict over Taiwan. “I worry that they are accelerating their ambitions to supplant the United States,” Admiral Philip S. Davidson, the retiring commander of the Indo-Pacific Command, told the Senate Armed Services Committee in March. “Taiwan is clearly one of their ambitions before then, and I think the threat is manifest during this decade; in fact, in the next six years.” His bleak prediction has since colored debates in Washington over what to do. Some have argued that explicit security guarantees for Taiwan are needed. Others have called for building up of military forces around China, and helping Taiwan to do the same. “To us, it’s only a matter of time, not a matter of if,” Rear Admiral Michael Studeman, the director of intelligence with the United States’ Indo-Pacific Command in Hawaii, said in a July talk, about the possibility of armed conflict over Taiwan.

#### **The U.S. joins in a China-Taiwan war—could escalate to nuclear war.**

Davis, 21

Daniel L Davis. (2021, October 5). The US must avoid war with China over Taiwan at all costs. The Guardian. Daniel L Davis is a senior fellow for defense priorities and a former lieutenant colonel in the US army who deployed into multiple combat zones. https://www.theguardian.com/commentisfree/2021/oct/05/the-us-must-avoid-war-with-china-over-taiwan-at-all-costs

Since last Friday, the People’s Republic of China has launched a total of 155 warplanes – the most ever over four consecutive days – into Taiwan’s Air Defense Identification Zone; Ned Price said the state department was “very concerned”. There have been more than 500 such flights through nine months this year, as opposed to 300 all of last year. Before war comes to the Indo-Pacific and Washington faces pressure to fight a potentially existential war, American policymakers must face the cold, hard reality that fighting China over Taiwan risks an almost-certain military defeat – and gambles we won’t stumble into a nuclear war. Bluntly put, America should refuse to be drawn into a no-win war with Beijing. It needs to be said up front: there would be no palatable choice for Washington if China finally makes good on its decades-long threat to take Taiwan by force. Either choose a bad, bitter-tasting outcome or a self-destructive one in which our existence is put at risk. The prevailing mood in Washington among officials and opinion leaders is to fight if China attempts to conquer Taiwan by force. In a speech at the Center for Strategic Studies last Friday, the deputy secretary of defense, Kathleen Hicks, said that if Beijing invades Taiwan, “we have a significant amount of capability forward in the region to tamp down any such potential”. Either Hicks is unaware of how little wartime capacity we actually have forward deployed in the Indo-Pacific or she’s unaware of how significant China’s capacity is off its shores, but whichever the case, we are in no way guaranteed to “tamp down” a Chinese invasion of Taiwan. Earlier this year, Senator Rick Scott and Representative Guy Reschenthaler introduced the Taiwan Invasion Prevention Act which, Representative Reschenthaler said, would authorize “the president to use military force to defend Taiwan against a direct attack”. In the event of an actual attack, there would be enormous pressure to fast-track such a bill to authorize Biden to act. We must resist this temptation. As I have previously detailed, there is no rational scenario in which the United States could end up in a better, more secure place after a war with China. The best that could be hoped for would be a pyrrhic victory in which we are saddled with becoming the permanent defense force for Taiwan (costing us hundreds of billions a year and the equally permanent requirement to be ready for the inevitable Chinese counter-attack). The most likely outcome would be a conventional defeat of our forces in which China ultimately succeeds, despite our intervention – at the cost of large numbers of our jets being shot down, ships being sunk, and thousands of our service personnel killed. But the worst case is a conventional war spirals out of control and escalates into a nuclear exchange.

#### **Even one nuclear strike would cause famine, nuclear winter, and the end of civilization.**

Ward ‘18

Ward, Alex. 2018. “How a Nuclear War Kills You.” Vox. Vox. October 19, 2018. https://www.vox.com/future-perfect/2018/10/19/17873822/nuclear-war-weapons-bombs-how-kill.

But that may not be too comforting, says Alexandra Bell, a nuclear expert at the Center for Arms Control and Non-Proliferation. “The chance is not zero because nuclear weapons exist,” she says. And the damage would be incalculable; all it takes is just one strike to conceivably kill hundreds of thousands of people within minutes and perhaps millions more in the following days, weeks, and years. What’s more, that first strike could trigger a series of events, leading to a widespread famine caused by a rapidly cooling climate that could potentially end civilization as we know it.

## WTO Collapse

#### COVID vaccine debate will kill the WTO

Meyer, 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.

#### The WTO dampens US-China great power conflict which is crucial to solve a laundry list of existential threats.

Shaffer, 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.

#### The WTO is crucial to make global trade equitable and reduce poverty

Narlikar, 18

(AMRITA NARLIKAR is President of the GIGA German Institute of Global and Area Studies and a professor at the University of Hamburg. <https://www.foreignaffairs.com/articles/2018-03-05/trade-war-poor>, 3-5)

Recurrent deadlocks have plagued the Doha negotiations since their launch in 2001, damaging the credibility of the organization that oversees this unfortunate negotiation process. The WTO’s Ministerial Conference in Nairobi in 2015, which coincided with the 20th anniversary of the WTO’s founding, should have been a moment for celebration. Instead, it turned out to be an embarrassment: for the first time the Ministerial Declaration reflected not consensus but fundamental division over whether even to reaffirm the Doha mandates, which had sought to launch an ambitious round of multilateral trade liberalization with a close eye on development issues. At its Ministerial Conference in Buenos Aires, in 2017, the WTO sank to a new low: this conference was unprecedented in its failure to even produce a Ministerial Declaration. The WTO seems to be whimpering its way to an inglorious end. And if the global trading mechanism does indeed collapse, the consequences will be adverse for all parties, but especially so for the poorest of the world. PUNISHING DEVELOPING COUNTRIES AND THE POOREST PEOPLE In 2010, the Millennium Development Goals reached one of its targets, of cutting extreme poverty by half. The most important factor that contributed to this achievement was economic growth in many developing countries, especially China and India. Although such growth was fueled by several factors, one critical driver was international trade. Extensive research shows that the countries and regions that harnessed the opportunities afforded by low tariffs and open markets did particularly well, aided as they were by a reliable system of enforceable trade rules—all negotiated, monitored, and implemented under the auspices of the WTO. Still, between 600 million and 700 million people currently live under $1.90 per day and are concentrated in middle-income and lower-income developing countries. For instance, 4.5 percent of Brazilians live below the extreme poverty line, six percent do in India, and 34 and 42 percent do in Afghanistan and Nigeria. Much work still has to be done to address the concerns of the poor worldwide, and a minimal step toward this would be to ensure continued market access for developing countries and to maintain the predictability of tariff and non-tariff barriers. If the WTO collapses, rich countries would easily be able to crank up tariffs against poorer countries, while introducing many other protectionist measures to discourage imports. Developing countries, which have experienced growth through exports, and have adapted their production chains to export markets, would be hit hard. A decline in their exports would directly affect their producers and workers in the affected industries, resulting in losses for poor people who can least afford such losses. The costs, moreover, would go beyond the immediate job losses and price hikes in basic goods. The first fundamental benefit that poor countries derive from the WTO is that they get a relatively level playing field for negotiating with more powerful countries. Outside the WTO, in bilateral and regional settings, it is much easier to coerce countries into accepting harsh terms in a trade deal, such as through stringent environmental and labor standards that they would find virtually impossible to meet. In contrast, the institutional setting of the WTO offers developing countries some indispensable advantages. Formally, all members in the WTO have one vote each (very different from voting procedures at the UN Security Council and the International Monetary Fund). This is a powerful equalization tool, which is rendered all the more potent by the fact that consensus-based decision-making allows even the smallest and weakest player de jure veto power. Informally, having an audience within the institution, and a range of partners to work with, enables poor countries to form coalitions with like-minded states. Some powerful coalitions have emerged over the years, which have allowed poor and middle-income countries to band together (sometimes also with developed countries) to punch considerably above their weight in the Doha negotiations. One example is the G-33. It began as a coalition of 33 developing countries including China, India, Indonesia, Nigeria, Pakistan, and others, but now comprises 47 members and has managed to resist calls for greater market opening for agricultural products in developing economies. The G-20, a coalition led by Brazil, China, and India at the time of its founding, which now includes 23 developing countries, has demanded more ambitious market opening for agricultural products in developed country markets. Without the WTO, developing countries would have neither the institutional rules to protect them nor the support of coalitions to enhance their bargaining power. The second important benefit that developing countries derive from the WTO is its Dispute Settlement Mechanism (DSM), which allows members to take another member “to court” over violating trade rules. In the event a judgment is made, the WTO can then authorize retaliatory measures against the responding party. Even though there are several deterrents that might make poor countries reluctant to make use of this facility (including the fact that bringing a dispute against a rich country requires extensive technical and legal know-how, and low-income countries sometimes lack the resources and capacity to initiate a case), the figures show considerable learning and growing effectiveness on their part. While the United States and the European Union have been the most avid users of the DSM (they have brought 115 and 97 cases, respectively, since 1995), many large developing countries have also frequently lodged complaints. China, for example, has brought 15 cases; India, 23; and Brazil, 31. Nor should one assume that the DSM has been the stomping ground of only developed countries and rising powers.

## Plan

#### Member nations of the World Trade Organization ought to reduce intellectual property protections for medicines by implementing a waiver from certain provisions of the TRIPS Agreement for the prevention, containment, and treatment of COVID-19.

#### The aff plan is to implement the patent waiver proposed by India and South Africa.

#### 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)

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.

The entire waiver proposal: <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669R1.pdf&Open=True>

## Framework - Util

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

**My Value for the debate is utilitarianism. Util is a moral system where the rightness or wrongness of an action is judged by the outcome it produces. This is the best system for debating government actions for 3 reasons:**

**1. State actor—states are not moral individuals so they can’t have Kantian intent.**

**2. Topic specific- debates about the WTO and patents inevitably regress to consequences—the patents are moral or immoral because of their ability to help or hurt the world.**

**3. Relational wording- Member nations in the resolution is plural, this implies we are debating about how the international community should be shaped and not what an individual’s moral obligations may be.**

#### Governments must use util since they can’t focus on every individual rights violation

Goodin, 95

Robert, 1995, Philosopher of Political Theory, Public Policy, and Applied Ethics. Utilitarianism as a Public Philosophy, Cambridge University Press, pg. 26-27

The great advantage of utilitarianism as a guide to public conduct is that it avoids gratuitous sacrifices, it ensures as best we are able to ensure in the uncertain world of public policy-making that policies are sensitive to people’s interests or desires or preferences. The great failing of more deontological theories, applied to those realms, is that they fixate upon duties done for the sake of duty rather than for the sake of any good that is done by doing one’s duty. Perhaps it is permissible (perhaps it is even proper) for private individuals in the course of their personal affairs to fetishize duties done for their own sake. It would be a mistake for public officials to do likewise, not least because it is impossible. The fixation on motives makes absolutely no sense in the public realm, and might make precious little sense in the private one even, as Chapter 3 shows. The reason public action is required at all arises from the inability of uncoordinated individual action to achieve certain morally desirable ends. Individuals are rightly excused from pursuing those ends. The inability is real; the excuses, perfectly valid. But libertarians are right in their diagnosis, wrong in their prescription. That is the message of Chapter 2. The same thing that makes those excuses valid at the individual level – the same thing that relieves individuals of responsibility – makes it morally incumbent upon individuals to organize themselves into collective units that are capable of acting where they as isolated individuals are not. When they organize themselves into these collective units, those collective deliberations inevitably take place under very different circumstances and their conclusions inevitably take very different forms. Individuals are morally required to operate in that collective manner, in certain crucial respects. But they are practically circumscribed in how they can operate, in their collective mode. And those special constraints characterizing the public sphere of decision-making give rise to the special circumstances that make utilitarianism peculiarly apt for public policy-making, in ways set out more fully in Chapter 4. Government house utilitarianism thus understood is, I would argue, a uniquely defensible public philosophy.

#### Extinction justifies moral loopholes – therefore, ignoring it is unethical.

Bok, 88

(Sissela Bok, Professor of Philosophy, Brandeis, Applied Ethics and Ethical Theory, Ed. David Rosenthal and Fudlou Shehadi, 1988)

The same argument can be made for Kant’s other formulations of the Categorical Imperative: “So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means”; and “So act as if you were always through actions a law-making member in a universal Kingdom of Ends.” No one with a concern for humanity could consistently will to risk eliminating humanity in the person of himself and every other or to risk the death of all members in a universal Kingdom of Ends for the sake of justice. To risk their collective death for the sake of following one’s conscience would be, as Rawls said, “irrational, crazy.” And to say that one did not intend such a catastrophe, but that one merely failed to stop other persons from bringing it about would be beside the point when the end of the world was at stake.For although it is true that we cannot be held responsible for most of the wrongs that others commit, the Latin maxim presents a case where we would have to take such a responsibility seriously—perhaps to the point of deceiving, bribing, even killing an innocent person, in order that the world not perish