### Text

#### World Trade Organization member nations ought to reduce intellectual property protections for vaccines.

#### Standard: Utilitarianism – maximizing expected well-being

### 1

#### Without reducing vaccine IPR, millions in developing countries will die from the current “vaccine apartheid” due to medical monopolies and a lack of access

Lennard 21 [Natasha Lennard, educator of Critical Journalism at the New School for Social Research and Contributing Writer for the Intercept, 6-11-2021, "The G7 Upheld Vaccine Apartheid. Officials From the “Global South” Are Pushing Back.," Intercept, <https://theintercept.com/2021/06/17/vaccine-g7-covid-internationalism-summit/>]/Kankee

IF THE GROUP of Seven summit in the United Kingdom last week made anything clear, it is that those powers cannot be trusted to end the urgent crises facing life on Earth — for humans and nonhumans alike. When it comes to the Covid-19 pandemic, the G7 nation-states reaffirmed their commitment to global vaccine apartheid through neoliberal governance, only slightly obscured under a guise of charitable offerings. The concessions are insufficient at best. Amnesty International condemned the G7’s pledge to provide 1 billion doses to middle- and low-income countries as a “drop in the ocean.” G7 leaders failed to agree to waive vaccine intellectual property rules and commit to knowledge and technology sharing. Under the current medicine monopoly regime, it is projected to take until 2078 for the world’s poorest countries to vaccinate their populations. G7 countries are expected to vaccinate their populations by January 2022. Later this week, government ministers from many of the countries that will suffer most — and have already suffered — from this abhorrent vaccine inequality are convening online alongside scientists and global health advocates to forge a different path out of the pandemic. The summit, hosted by Progressive International, recognizes vaccine internationalism as the necessary order of the day. Politicians from states including Cuba, Venezuela, Vietnam, Kenya, Kerala — which is in India — and Argentina will attend, alongside Western parliamentarian progressive allies like the U.K.’s Jeremy Corbyn and Greece’s Yanis Varoufakis. The question is whether a solidarity-based bloc can be established with sufficient power and cooperation to undo vaccine apartheid. The stakes could not be higher. Covid-19 is all but assured to shift from a pandemic into an endemic disease, with the victims of historic and ongoing colonialism left to die by the millions. “We do not have a system that protects against unequal access,” Varsha Gandikota-Nellutla, an India-based coordinator with Progressive International, told me by email. She pointed to the disparities between the European Union and countries in Africa. “Consider this: the EU has already made a deal with BioNTech/Pfizer for 1.8 billion booster shots even as the entire continent of Africa has vaccinated less than 2 percent of its population with the first and second doses.” Gandikota-Nellutla noted that at current rates, it will take nearly six decades for the world to be vaccinated — a statistic echoed by the People’s Vaccine Alliance, a coalition of organizations including Amnesty International, Health Justice Initiative, Oxfam, Stop AIDS Campaign, and UNAIDS. She said, “We’re witnessing the ills of nationalism, imperialism, and racial capitalism all play out in the most grotesque of ways in the vaccine race.” WE KNOW WHAT vaccine nationalism looks like: Powerful countries, aided by World Trade Organization regulations, make deals with leviathan pharmaceutical companies to buy up and hoard vaccines. Poorer countries are forced into positions of dependence on insufficient charity; Big Pharma gets bigger. Meanwhile, intellectual property fetishist Bill Gates asserts, despite evidence from international scientists to the contrary, that poorer nations are per se incapable of developing, regulating, and distributing vaccines safely and efficiently. A system of health care scarcity is developed by design, with results no less than genocidal. The basic means of surviving a pandemic are held as a political cudgel by the richest countries over the poorest. At present, for example, Venezuela has been shut out of receiving any of the half a billion Pfizer vaccine doses President Joe Biden pledged to donate to COVAX, short for COVID-19 Vaccines Global Access, the initiative purportedly committed to equitable international vaccine distribution. Despite Biden stating that vaccine donations “don’t include pressure for favors or potential concessions,” Venezuela has been shut out of COVAX access due to ongoing, brutal U.S. sanctions against the country. “No country has the right to obstruct the access to health of any other,” Venezuelan Foreign Minister Jorge Arreaza, who will be attending the Summit for Vaccine Internationalism, said in a statement. “Obstructing a people’s access to vaccines during the pandemic is a crime against humanity and the free peoples of the world must unite and design mechanisms to avoid this medical apartheid, where a few have access to vaccines and others are excluded.” ANY SORT OF robust vaccine internationalism — in which collective potentials for vaccine production and distribution are truly unlocked — has so far been off the table. Yet we have seen a number of recent examples of production and sharing outside the top-down control of powers like the U.S. and the EU. At the end of May, Mexico received its first batches of locally produced AstraZeneca vaccines and sent half the consignment to its production partner, Argentina. Alongside establishing a stronger political bloc to put pressure on Western nation-states and the WTO, the upcoming summit could see agreements made for future vaccine production and sharing partnerships, which eschew precarious dependence on the world’s richest countries. “This is not going to be another talking shop,” David Adler, general coordinator for Progressive International, tweeted, referring to the summit. “These governments are really coming together to build something new — a system based on South-South cooperation, a serious plan to end the pandemic where the G7 refused to find one.” As Gandikota-Nellutla told me, inspiration for the “New International Health Order” that the summit aims to create can be found in the New International Economic Order first proposed in the 1970s. The plan, introduced by a number of poorer nations to challenge the post-war economic colonialism of the West, was adopted by the United Nations in 1974. As with vaccine internationalism, the idea of the New International Economic Order was to foster greater cooperation between heavily exploited countries, while ensuring states’ sovereignty over their resources, and a dramatic overhaul of the rules and procedures of unequal international trade, particularly as related to commodities. Nearly half a century later, and aside from a few concessions, the plan has never been even close to fully realized; U.S. hegemony and the neoliberal order of corporate globalization and extractivism won the day. The prospect of a New International Health Order may seem equally beyond reach, yet the extraordinary circumstances of this pandemic have, in a number of ways, created openings for previously foreclosed political economic shifts. In the U.S. alone, although too short-lived and too temporary, pandemic exigencies led to eviction moratoria and fair unemployment benefits. The government leaders and advocates meeting to build vaccine internationalism are all too aware of the urgency of the project. “Our very survival is at stake,” Gandikota-Nellutla told me. “Not only are we set on resolving vaccine access in our countries in the present pandemic, but strengthening the foundations of a world order that will not allow such injustices to ever occur again.”

#### A TRIPS waiver is key to counteract neoliberal capitalism and colonialism

Paremoer 21 [Lauren Paremoer, Senior Lecturer in Political Studies at the University of Cape Town with a focus on global health governance, 3-11-2021, "A Pandemic of Vaccine and Technology Hoarding: Unmasking Global Inequality and Hypocrisy," Cairo Review of Global Affairs, https://www.thecairoreview.com/essays/a-pandemic-of-vaccine-and-technology-hoarding-unmasking-global-inequality-and-hypocrisy/Vaccine Apartheid ]/Kankee

Two words have been become commonplace in our conversations about the management of the COVID-19 pandemic: apartheid and solidarity. The second seems to offer hope; the first, despair. Apartheid is of course frequently used to describe the unequal distribution of access to vaccines globally. Vaccine apartheid is a now-familiar shorthand used to highlight that as of June 23, 2021 more than 2 billion COVID-19 vaccine doses had been distributed globally, with the lion’s share of 85 percent administered in high-income countries (HICs) and by contrast only 0.3% administered in low- and middle-income countries (LMICs). Vaccine apartheid is a predictable consequence of the unequal power relations between states, particularly LMICs and pharmaceutical corporations, that was brought into being with the TRIPS regimen. This imbalance in power relations was highlighted in the work of Susan K Sell, a Professor of Political Science and International Affairs at George Washington University, who has written extensively on intellectual property and international development. In the early 2000s, she vividly illustrated the importance of the human rights obligations of global pharmaceutical companies to allow the sick access to antiretroviral medications. Mirroring the racial apartheid of the South African regime prior to 1994, access to COVID-19 vaccines has been extremely limited in those parts of the world that historian Vijay Prashad has referred to as the “darker nations”—those African and Asian countries which newly liberated themselves from colonialism and declared their vision for remaking the world anew at the Bandung Conference of 1955. This vision of Third World internationalism shared at Bandung centered on economic cooperation aimed at securing human welfare, anti-racism, and political solidarity. The interdependent nature of these important principles was echoed in two other declarations that anchored the Third World political project: 1974’s the Declaration on a New International Economic Order (NEIO) and the Alma Ata Declaration (1978). The close connections drawn between racial domination, technological progress and political independence are particularly striking in the NIEO, which was adopted at the Sixth Special Session of the UN General Assembly on May 1, 1974. The preamble of the NIEO declares that the international community wishes to “work urgently” to “make it possible to eliminate the widening gap between the developed and the developing countries and ensure steadily accelerating economic and social development and peace and justice for present and future generations”. Its opening paragraph frames technological progress as something that can ensure the welfare of “the community of free peoples”, but that this potential is undermined in the context of “the remaining vestiges of alien and colonial domination, foreign occupation, racial discrimination, apartheid and neo-colonialism in all its forms” perpetuated by a “system which was established at a time when most of the developing countries did not even exist as independent States and which perpetuates inequality”. The solution to this, the Declaration argues, is not simply more aid and greater technology transfer, but a fundamental restructuring of political power within global governance structures. It calls for “active, full and equal participation of the developing countries in the formulation and application of all decisions that concern the international community”. Like the NIEO, 1978’s Alma Ata Declaration explicitly argues that the value of technological progress and the global economy lies, first and foremost, in the ability to promote human welfare. Furthermore, it argues that promoting human welfare is unlikely to occur unless both technological progress and the global economy are subject to political oversight, and in particular, democratic decision-making procedures at the global governance level that include meaningful participation by the global South. Focusing on the right to health in particular, the Alma Ata Declaration emphatically maintains that “The people have the right and duty to participate individually and collectively in the planning and implementation of their health care”. These formulations are striking in their efforts to frame solidarity as a multi-dimensional and relational process that transforms everyone involved in it. Former President of Mozambique Samora Machel said solidarity is “not an act of charity, but mutual aid between forces fighting for the same objective” and involves both “political tasks and material support”. His words are striking because in the context of vaccine apartheid, solidarity is more often framed as an act of giving by those who have to those who don’t, rather than a process. The ailing COVID-19 Vaccines Global Access (COVAX) initiative is perhaps the most striking example of this approach to overcoming vaccine apartheid. It is explicitly described as a “global solidarity initiative” and prioritizes providing material support to LMICs by subsidizing the price of vaccines for eligible countries and attempting to pool procurement. This objective has been undermined by the rapacious behavior of countries in the global North that have bypassed COVAX by using bilateral deals to purchase excessive amounts of vaccines in proportion to their population size—effectively monopolizing access to the already-limited global supply of vaccines. This focus on material aid to countries that have been priced out of the market for vaccines effectively reduced COVAX to a charity mechanism. Moreover, the marginal role of the World Health Organization (WHO)—and its member states—in its decision-making structures ignores the “political tasks” that are necessary to enact solidarity. COVAX does not aim to dismantle the IP thickets that impede access to vaccines, and which have contributed to an official global death toll that has currently surpassed 4 million people. It certainly does not aim to dismantle the injustice created by the unequal control of money, power and resources that has intensified since the 1990s, and that reflects a longstanding extractivist orientation established in the colonial period, These have led to COVID-19 disproportionately damaging the livelihoods and taking the lives of racial and ethnic minorities, women, migrants, indigenous peoples, and the poor. As the extracts from the declarations above show, a commitment to this political work was encoded in the forms of internationalism that led to, and were endorsed in the Bandung Declaration, NIEO, and the Alma Ata Declaration. Social Vaccines The challenge then becomes how to address Third World concerns whether another more equitable mechanism is possible. Endorsing the TRIPS waiver request submitted to the WTO by South Africa and India in October 2020 is one necessary approach. The waiver has been challenged on the grounds that it will not make a meaningful difference in increasing access to vaccine supply in the short-term, given that it will take some time for countries in the global south to build up local manufacturing capacity. A second argument is that we don’t need the waiver, as existing TRIPS flexibilities are sufficient for addressing supply shortages. These arguments miss the political and normative significance of the TRIPS waiver. The power of the waiver is that it sets a legal precedent in favor of prioritizing public good over profiteering, and it affirms this principle as non-negotiable and unambiguous in the context of international trade, R&D, and manufacturing practices. To borrow from Austro-Hungarian economist Karl Polanyi, it re-embeds the market in society, thereby introducing a significant normative shift in light of the neoliberal discourse that’s become hegemonic in recent years. The waiver, much like the important recommendations of the UN High Level Panel on Access to Medicines released in 2016 (and since systematically erased from initiatives to reform the global R&D landscape for essential medicines), affirms that the market works to promote collective wellbeing. It also creates legal certainty—something that currently doesn’t exist when countries in the global South attempt to use TRIPS flexibilities. This is worth implementing because the space created by discounting the threat of retaliation (on the grounds of alleged copyright infringement) can create forms of collective action and collaboration that are currently not possible in the context of the existing legal and political landscape. From a technical point of view, patents might thus seem to be a small impediment to accessing vaccines. However, from a political and normative point of view, an IP waiver on the copyrights, industrial designs, patents and undisclosed information relevant to COVID-19 diagnostics, therapeutics, and vaccines is potentially revolutionary, as it reasserts political control over the market. This aspect of the waiver and the precedent it sets is perhaps why it is being resisted at all costs by big pharma and some powerful countries in the global North. Law functions as an important mechanism for regulating the interplay of public health and for-profit or private interest. The historical declarations cited above demonstrate that while legal reforms are a necessary component of addressing this crisis, they are insufficient. As argued by Australian social scientist Fran Baum, in addition to these reforms, an investment in “social vaccines” is needed: “A social vaccine is a process of social and political mobilization which leads to increased government and other institutions’ willingness to intervene with interventions, applied to populations rather than individuals, aimed at mitigating the structural social and economic conditions that make people and communities vulnerable to disease, illness and trauma. While medical vaccines help develop immunity against disease, social vaccines develop the ability of communities to resist and change social and economic structures and processes that have a negative impact on health and force governments to intervene and regulate in the interests of community health.” The vaccine apartheid has legalized racially based discrimination. Today, the TRIPS regime is implemented in a manner that means people suffer pain, discomfort, death and permanent disability because they do not have the money to pay for patented medicines, and because their governments cannot easily manufacture or import these medicines or their generic equivalents. The hoarding of vaccines in the global North, their “gifting” to the global South, and the profound hesitancy to support local manufacturing of a life-saving technology in these countries, are all part of a long and disturbing history of global capitalism, which has allowed a small group of elites the power “to foster life or disallow it to the point of death,” in the words of French philosopher Michel Foucault. It is exactly this necropolitics—this undemocratic concentration of power which dictates how people live and die—that was supposed to be challenged by the multilateral system born out of World War II and that the liberated nations of the Third World aimed to reshape. The TRIPS waiver offers an entry point for reversing this tide and must be supported as a matter of urgency. In tandem, we need transparent, multilateral mechanisms that allocate vaccines based on medical need—not purchasing power—and that allow governments of the global south meaningful participation in decisions about collective procurement and allocation of global vaccines supplies.

#### Colonial Discourse globalizes Racial Hierarchy – This is the DECIDING FACTOR in ALL War and Genocide

Batur, 2009 – Vassar Sociology Professor

Pinar Batur, PhD @ UT-Austin – Prof. of Scociology @ Vassar, ‘7 [“The Heart of Violence: Global Racism, War, and Genocide,” in Handbook of the The Soiology of Racial and Ethnic Relations, eds. Vera and Feagin, p. 441-443]

War and genocide are horrid, and taking them for granted is inhuman. In the 21st century, our problem is not only seeing them as natural and inevitable, but even worse: not seeing, not noticing, but ignoring them. Such act and thought, fueled by global racism, reveal that racial inequality has advanced from the establishment of racial hierarchy and institutionalization of segregation, to the confinement and exclusion, and elimination, of those considered inferior through genocide. In this trajectory, global racism manifests genocide. But this is not inevitable. This article, by examining global racism, explores the new terms of exclusion and the path to permanent war and genocide, to examine the integrality of genocide to the framework of global antiracist confrontation. Racist legitimization of inequality has changed from presupposed biological inferiority to assumed cultural inadequacy. This defines the new terms of impossibility of coexistence, much less equality. The Jim Crow racism of biological inferiority is now being replaced with a new and modern racism (Baker 1981; Ansell 1997) with “culture war” as the key to justify difference, hierarchy, and oppression. The ideology of “culture war” is becoming embedded in institutions, defining the workings of organizations, and is now defended by individuals who argue that they are not racist, but are not blind to the inherent differences between African-Americans/Arabs/Chinese, or whomever, and “us.” “Us” as a concept defines the power of a group to distinguish itself and to assign a superior value to its institutions, revealing certainty that affinity with “them” will be harmful to its existence (Hunter 1991; Buchanan 2002). How can we conceptualize this shift to examine what has changed over the past century and what has remained the same in a racist society? Joe Feagin examines this question with a theory of systemic racism to explore societal complexity of interconnected elements for longevity and adaptability of racism. He sees that systemic racism persists due to a “white racial frame,” defining and maintaining an “organized set of racialized ideas, stereotypes, emotions, and inclinations to discriminate” (Feagin 2006: 25). The white racial frame arranges the routine operation of racist institutions, which enables social and economic reproduction and amendment of racial privilege. It is this frame that defines the political and economic bases of cultural and historical legitimization. While the white racial frame is one of the components of systemic racism, it is attached to other terms of racial oppression to forge systemic coherency. It has altered over time from slavery to segregation to racial oppression and now frames “culture war,” or “clash of civilizations,” to legitimate the racist oppression of domination, exclusion, war, and genocide. The concept of “culture war” emerged to define opposing ideas in America regarding privacy, censorship, citizenship rights, and secularism, but it has been globalized through conflicts over immigration, nuclear power, and the “war on terrorism.” Its discourse and action articulate to flood the racial space of systemic racism. Racism is a process of defining and building communities and societies based on racialized hierarchy of power. The expansion of capitalism cast new formulas of divisions and oppositions, fostering inequality even while integrating all previous forms of oppressive hierarchical arrangements as long as they bolstered the need to maintain the structure and form of capitalist arrangements (Batur-VanderLippe 1996). In this context, the white racial frame, defining the terms of racist systems of oppression, enabled the globalization of racial space through the articulation of capitalism (Du Bois 1942; Winant 1994). The key to understanding this expansion is comprehension of the synergistic relationship between racist systems of oppression and the capitalist system of exploitation. Taken separately, these two systems would be unable to create such oppression independently. However, the synergy between them is devastating. In the age of industrial capitalism, this synergy manifested itself imperialism and colonialism. In the age of advanced capitalism, it is war and genocide. The capitalist system, by enabling and maintaining the connection between everyday life and the global, buttresses the processes of racial oppression, and synergy between racial oppression and capitalist exploitation begets violence. Etienne Balibar points out that the connection between everyday life and the global is established through thought, making global racism a way of thinking, enabling connections of “words with objects and words with images in order to create concepts” (Balibar 1994: 200). Yet, global racism is not only an articulation of thought, but also a way of knowing and acting, framed by both everyday and global experiences. Synergy between capitalism and racism as systems of oppression enables this perpetuation and destruction on the global level. As capitalism expanded and adapted to the particularities of spatial and temporal variables, global racism became part of its legitimization and accommodation, first in terms of colonialist arrangements. In colonized and colonizing lands, global racism has been perpetuated through racial ideologies and discriminatory practices under capitalism by the creation and recreation of connections among memory, knowledge, institutions, and construction of the future in thought and action. What makes racism global are the bridges connecting the particularities of everyday racist experiences to the universality of racist concepts and actions, maintained globally by myriad forms of prejudice, discrimination, and violence (Balibar and Wallerstein 1991; Batur 1999, 2006). Under colonialism, colonizing and colonized societies were antagonistic opposites. Since colonizing society portrayed the colonized “other,” as the adversary and challenger of the “the ideal self,” not only identification but also segregation and containment were essential to racist policies. The terms of exclusion were set by the institutions that fostered and maintained segregation, but the intensity of exclusion, and redundancy, became more apparent in the age of advanced capitalism, as an extension of post-colonial discipline. The exclusionary measures when tested led to war, and genocide. Although, more often than not, genocide was perpetuated and fostered by the post-colonial institutions, rather than colonizing forces, the colonial identification of the “inferior other” led to segregation, then exclusion, then war and genocide. Violence glued them together into seamless continuity. Violence is integral to understanding global racism. Fanon (1963), in exploring colonial oppression, discusses how divisions created or reinforced by colonialism guarantee the perpetuation, and escalation, of violence for both the colonizer and colonized. Racial differentiations, cemented through the colonial relationship, are integral to the aggregation of violence during and after colonialism: “Manichaeism [division of the universe into opposites of good and evil] goes to its logical conclusion and dehumanizes” (Fanon 1963:42). Within this dehumanizing framework, Fanon argues that the violence resulting from the destruction of everyday life, sense of self and imagination under colonialism continues to infest the post-colonial existence by integrating colonized land into the violent destruction of a new “geography of hunger” and exploitation (Fanon 1963: 96). The “geography of hunger” marks the context and space in which oppression and exploitation continue. The historical maps drawn by colonialism now demarcate the boundaries of post-colonial arrangements. The white racial frame restructures this space to fit the imagery of symbolic racism, modifying it to fit the television screen, or making the evidence of the necessity of the politics of exclusion, and the violence of war and genocide, palatable enough for the front page of newspapers, spread out next to the morning breakfast cereal. Two examples of this “geography of hunger and exploitation” are Iraq and New Orleans.

### 2

#### Contention 2: WTO Credibility

#### Successful TRIPS COVID waiver is critical to all future WTO credibility – the entire organization rests on this decision

Kanth, 7/27/21 - South-North Development Monitor (SUNS) WTO Journalist

D Ravi Kanth is a columnist and commentator on global trade issues. Since 1986, he had worked for the Press Trust of India (PTI), and several newspapers - Indian Post, Independent, The Economic Times, and Business Standard - in New Delhi. Ravi wrote extensively on the Uruguay Round negotiations in The Economic Times and Business Standard, Asia Times, and BNA where he broke several major news stories. He covered the Marrakesh ministerial meeting that established the WTO in 1994. At the invitation of SUNS (South North Development Monitor), Ravi moved to Geneva in 1998. He wrote news stories and op-eds on the developments at the WTO in Deccan Herald (Bangaluru), the World Trade Agenda (Geneva), the Economic and Political Weekly (EPW), Business Standard (India), Mint (India) and SUNS (Geneva). His reports in Washington Trade Daily are source of information on the happenings within the closed-door meetings of the WTO for delegations, since 2000. “South countries warn credibility of WTO hangs in balance at MC12”, TWN Info Service on WTO and Trade Issues (Jul21/23), Third World Network, 27 July 2021, Published in SUNS #9395 dated 27 July 2021, <https://www.twn.my/title2/wto.info/2021/ti210723.htm>, accessed 8/31/21, sb

Geneva, 26 Jul (D. Ravi Kanth) – Trade envoys from many developing countries on 23 July warned that the credibility of the World Trade Organization hangs in the balance at the 12th ministerial conference (MC12) if it fails to deliver on the mandated issues and on the temporary TRIPS waiver aimed at halting the increasing scale of deaths worldwide due to the COVID-19 pandemic, said people familiar with the development. At an informal Doha Trade Negotiations Committee (TNC) meeting on 23 July, the United States, the European Union, and other developed countries drew their “red-lines” on delivering outcomes on the permanent solution for public stockholding programs for food security (PSH), special safeguard mechanism (SSM), and other mandated issues. The US maintained that “there is little scope for negotiated outcomes.” It cautioned against a host of new work plans and working groups on which there is little chance of consensus. Significantly, the US shot down the director-general Ms Ngozi Okonjo-Iweala’s proposed $20 million plan to establish a WTO fund for technical assistance and capacity-building. The EU, which is a strong supporter of the proposed WTO fund, admitted that there are significant gaps in all areas, and called for focused work after the summer break (which takes place in the month of August). The group of developed countries advanced the agenda of plurilateralization of the WTO, with Australia and other members suggesting that they are on the verge of striking an agreement on the Joint Statement Initiative (JSI) on domestic regulation in services, as well as on digital trade, said people familiar with the development. In sharp contrast, the developing countries, including Indonesia, South Africa, India, the ACP (African, Caribbean and Pacific) Group, Barbados on behalf of the CARICOM (Caribbean Community), and the least-developed countries (LDCs) raised their specific concerns regarding what they viewed as an “imbalanced” fisheries subsidies text. They also highlighted the outstanding and unresolved issues in their proposed inclusive and developmental agenda. TNC MEETING SHARPLY POLARIZED The informal TNC meeting was convened to discuss what needs to be accomplished at MC12, to be held in four months’ time in Geneva. There is little common ground, nor convergence, on any of the “deliverables” such as on fisheries subsidies, agriculture, the proposed WTO reforms, special and differential treatment (S&DT), and on the WTO’s response to the COVID-19 pandemic, said people familiar with the meeting. “EXAGGERATED OPTIMISM” Commenting on the somewhat hyperbolic comments made by the WTO director-general (DG) during the press conference after the 15 July ministerial meeting on fisheries subsidies, Russia cautioned her about the dangers of “exaggerated optimism” and how “harmful” and artificially exaggerated expectations of success could undermine MC12. A seemingly aggrieved DG said that “I have to come back directly to optimism and exaggerated optimism” expressed by Russia, saying that her concluding statements were put out on the WTO’s website. Ms Okonjo-Iweala stated that she merely said that ministers have a basis to discuss the text, and that she did not say that they blessed the text, said people familiar with the development. The DG said she cannot be held responsible for the media reports (see SUNS #9390 dated 19 July 2021). However, the claims made by the DG and the chair of the Doha fisheries subsidies negotiations about ministers having agreed to the full text were displayed on YouTube. In her opening statement at the TNC meeting, Ms Okonjo-Iweala urged members to identify “two, three or four areas that we should focus our attention on from now through MC12”. “Either we continue to bring everything to the table, or we see what we can realistically achieve. To the extent we are on the same page, with a shared game plan, the likelier we are to get to meaningful outcomes,” she said. The DG acknowledged that “a lot of gaps remain to be bridged” on the draft negotiating text. She called on trade envoys to operate “with the E.N.D. in mind – Engage, Negotiate and Deliver.” Commenting on the high-level dialogue convened by the WHO-WTO with Big Pharma on 21 July, she said the participants discussed several issues, including the stark and enduring inequities in vaccine access. She said that only 1.5% of people in Africa are vaccinated and a mere 0.3% of people in low-income countries, compared to over 42% in developed countries. She expressed confidence in the General Council-appointed facilitator New Zealand Ambassador David Walker’s work on bringing members’ various pandemic-related proposals into a potential agreement. The DG said that “a WTO framework covering issues such as supply chain openness and monitoring, increased investment in production and intellectual property would be a valuable complement to governments’ ongoing attempts to put in place financing and governance arrangements to be better prepared for future pandemics.” “This is an area where we need to have an outcome not only for now but for the future,” she said. Concerning the TRIPS waiver discussions, she underscored the need to “move with a sense of urgency – people’s lives are at stake”. In the same breadth, the DG expressed hope that delegations would look at the continuum from additional flexibilities to compulsory licences, voluntary licences, waivers and other intellectual property options and make enough progress by the end of July to provide a sense of what might be achievable. Effectively, she chose to confound the options for the WTO’s response to the pandemic, said several people, who asked not to be quoted. “The outside world expects us to come up with a practical and forward-looking solution to these issues,” the DG said. She also spoke about the need to make progress on the G90 proposals to make special and differential treatment simple and effective, as well as on agriculture and WTO reforms. At the meeting, the chairs of the negotiations on fisheries subsidies, S&DT improvements, and agriculture made their respective reports. “A positive conclusion of the fisheries subsidies negotiations is within reach,” said Ambassador Santiago Wills from Colombia, the chair of these negotiations. He suggested that members have two options: act according to comfort zone of failure or working boldly with responsibility. Ambassador Wills said members must work with the second option. Without mentioning the Joint Statement Initiatives, the DG referred to the advanced discussions on micro, small and medium-sized enterprises (MSMEs), trade and gender, e-commerce, trade and environment issues, services domestic regulation, and investment facilitation. DEVELOPMENTAL AGENDA FOR MC12 In sharply nuanced statements, the developing countries highlighted their inclusive and developmental agenda. Indonesia’s trade envoy Ambassador Syamsul Bahri Siregar drove home a strong message for an urgent solution on the TRIPS waiver, citing the devastating pandemic in his country. He said that options like export restrictions, removing impediments in global value chains, and voluntary licensing agreements may not yield the anticipated results like the temporary TRIPS waiver. On fisheries subsidies, Ambassador Siregar said members need to do much work because the draft consolidated text issued by the chair Ambassador Wills is “imbalanced” and “much work needs to be done to resolve imbalances and other technical issues to move forward with the negotiations.” Ambassador Siregar argued that “respecting the principle of common but differentiated responsibility in this discipline is a key ingredient to achieve a balanced discipline.” Ambassador Siregar called for outcomes on the critically mandated issues such as the permanent solution for public stockholding programs for food security and special safeguard mechanism. Commenting on the 1998 e-commerce work program, he said Indonesia strongly believes that “the outcome on the e-commerce moratorium at MC12 will depend on our ability to clarify the scope and definition of electronic transmissions.” He said the pandemic has created massive fiscal and economic crises that compels members to have a fresh look on the moratorium and its impact on customs duties. According to an UNCTAD study in 2019, the loss of revenue suffered by the developing countries due to the moratorium on customs duties on e-commerce is to the tune of $10 billion annually. SOUTH AFRICA CALLS FOR RESOLUTION OF OUTSTANDING ISSUES In a nuanced statement, South Africa emphasized on the resolution of long-outstanding issues, particularly the need to deliver on “the WTO developmental imperatives.” It reiterated that “the development agenda from which the TNC derives its mandate should remain the cornerstone of our work towards MC12.” South Africa said the “vaccine inequity is resulting in a two-track recovery process”, with low economic growth of 2.1% in African countries. South Africa’s trade envoy Ambassador Xolelwa Mlumbi-Peter said that “the hardest hit are resource-dependent regions of Africa.” She said that “Africa must build better by prioritizing health outcomes and economic recovery that is centered on structural transformation.” She said that “the long-outstanding issues must remain the focus for the membership and the Secretariat if we are to achieve the Ministerial mandates and deliver on the WTO developmental imperatives.” Given the economic and social crises following the pandemic, South Africa said that “the road to recovery is going to be difficult.” “To get meaningful and credible outcomes at MC12, we must get our priorities right,” she said. TRIPS WAIVER & PEOPLE-CENTRED APPROACH Ambassador Xolelwa said that “for South Africa, the WTO response to COVID-19 is key,” while expressing disappointment that members “are still not in solution mode in the text-based negotiations on the TRIPS Waiver.” She said the TRIPS waiver “is a necessary temporary, targeted and proportionate component for any outcome on a WTO response to COVID-19.” Ambassador Xolelwa reiterated that “the cost of inaction by the WTO is measured in human lives.” She underscored the need to “move beyond ideological debates towards a balanced outcome underpinned by a people-centered approach.” To make progress, she said members “must focus on (i) how to come up with a Waiver that addresses the interests and concerns of all, and (ii) get out of the binary between the Waiver and the EU CL [compulsory license] proposal.” Ambassador Xolelwa said “the two are not substitutes but contribute from different perspectives and should both be welcomed with a view to finding landing zones on both.” She emphasized that “a WTO response to COVID-19 is fundamental to a meaningful outcome at MC12.” “The credibility of the outcome will be judged on the basis of whether it is boosting and diversifying production across the world,” she emphasized. On agriculture, she said members “need to work on a food security and livelihoods package and in this regard, our views are well articulated in the submissions that the African Group recently tabled.” South Africa said the outcome at MC12 “cannot be limited to transparency and a work programme.” She said South Africa “will continue to advocate for substantial reform of Trade Distorting Domestic Support, including on Cotton, as well as PSH and SSM.” She said that S&DT “must be integral to any outcome on agriculture, and must preserve policy space, including under Art 6.2.” (Under Article 6.2 of the WTO’s Agreement on Agriculture, developing countries are allowed to continue to provide input and irrigation subsidies.) Commenting on the fisheries subsidies negotiations, she said “the Chair’s text could form basis of an outcome but remains unbalanced in respect of various elements.” Ambassador Xolelwa said, “in order to make progress, the text needs to be re-configured to more closely align to the mandate to address harmful subsidies and to provide appropriate SDT.” She said the “flexibilities provided to big subsidizers under the sustainability approach is extraordinarily wide, while SDT flexibilities that are mandated are narrow in application.” “Common but differentiated responsibility is going to be critical,” she said, adding that “the disciplines must target large-scale fishing and the biggest subsidizers must take the greatest responsibility.” On special and differential treatment, she said members “must preserve the principles that underpin the WTO both in terms of consensus decision making and S&D,” arguing that “multilateralism is important now more than ever.” She emphasized that S&D “is a treaty embedded right and remains important in ensuring fair and equitable outcomes in the WTO.” She urged the chair of the Doha Committee on Development Ambassador K. Hassan of Djibouti to “deliver on its mandate on the G90 ASPs (agreement-specific proposals) if we are to move forward.” She expressed concern about the lack of constructive engagement on the G90’s agreement-specific proposals, suggesting that “the level of ambition cannot be lowered further.” Commenting on development, South Africa reaffirmed “the importance of implementing WTO Ministerial and GC Decisions, that keep development at the centre of the work program.” On e-commerce, she said that “the multilaterally mandated work is the work programme and the outcome on the e-commerce moratorium at MC12 will depend on clarifications with regard to the scope and definition of ET (electronic transmissions).” She also reiterated South Africa’s position “on the TRIPS NVC moratorium.” She expressed concern over “the dysfunctionality of the Appellate Body (AB)”, saying that it remains a concern. South Africa said that “MC12 must agree on a framework or at least a pathway towards urgent resolution of this.” “This will need to be in its own track given its systemic nature and not be linked to WTO reform discussions,” she said, adding that “a dysfunctional AB renders the further negotiations pointless since new and current outcomes cannot be enforced.” South Africa said “in relation to WTO reform, the paper on Strengthening the WTO to promote development and inclusivity (WT/GC/W/778/Rev.3) remains our departure point.” She said that “trade is not an end in itself, it is a means to enhance livelihoods, employment and sustainable development.” South Africa emphasized that “WTO reform does not mean accepting either inherited inequities or new proposals that would worsen imbalances. Reforms must be premised on the principles of inclusivity and development.” On the issue of JSIs, especially the paper (WT/GC/W/819) on the “The legal status of JSIs and their negotiated outcomes”, she said it “captures our views, including the new systemic challenges presented by JSIs.” In conclusion, she said, “success at MC12 will depend on delivery of multilateral outcomes.” INDIA’S GRAVE CONCERNS India expressed grave concern about the mutating SARS-CoV-2 virus that is producing “new deadly variants and unfortunately it is not going on vacation.” Commenting on the WTO’s response to the pandemic, Ambassador Brajendra Navnit from India said that members must deliver on some of the proposals on the table, and not try to “push market access agenda and take away policy space available for Members and impose cumbersome obligations that serve to benefit a few in the name of the pandemic.” He said “doing away with the legitimate policy instrument of export restrictions or aiming for making temporary elimination of tariffs a permanent measure or calling for stringent transparency obligations will not guarantee access to vaccines, therapeutics or diagnostics, and access to food for the most vulnerable.” Referring to the waiver proposal for suspending certain TRIPS provisions relating to copyrights, industrial designs, patents and protection of undisclosed information, he said that “it is unfortunate that a few members have failed to engage in the text-based negotiation.” Without naming the countries, he said “a few Members ensured that we are unable to meet the deadline set by the TRIPS Council Chair for reaching the necessary landing zone by end-July.” To restore the credibility of the WTO in terms of its response to the pandemic, he said the TRIPS waiver is an integral part. “Therefore, it is high time this organization prioritizes saving human lives and livelihoods over all other priorities.”

#### WTO is critical to solve climate change – reform in the WTO key

Worland, 2/12/2021 – TIME Senior Correspondent

Justin Worland is a Washington D.C.-based senior correspondent for TIME covering climate change and the intersection of policy, politics and society. ”Ngozi Okonjo-Iweala Believes the WTO Can Change the World. But First It Needs Reform”, FEBRUARY 12, 2021 8:56 PM EST, <https://time.com/5938816/ngozi-okonjo-iweala-wto-climate-change/>, accessed 9/2/21, sb

On its surface, the mandate of the World Trade Organization is relatively circumscribed: to make and enforce the rules of the road for global trade and resolve problems when they arise. Ngozi Okonjo-Iweala has much loftier goals for the organization she is expected to take the helm of next week—the first woman to ever hold the position of WTO director-general. She tells TIME that global trade can help ease the COVID-19 pandemic, tackle climate change and restore faith in the system of cooperation that has faltered in recent years. The WTO has a central role to play as facilitator, Okonjo-Iweala says. “If the WTO did not exist,” she says, “you would have to invent it.” But to get the WTO to a place where it can execute on that agenda will take some work. And the only way to get the WTO back on track, she says, is to remake the institution. “The world needs the WTO,” she said in a Jan. 29 interview with TIME over Zoom. “And the WTO needs extensive and serious reform.” Okonjo-Iweala was born in Nigeria in 1954, then under British colonial control, and received her primary education there before coming to the U.S. to study, first as an undergraduate at Harvard and later a PhD student at MIT. She worked in the U.S. after graduating, addressing the challenges posed to economies in the Global South while working as a development economist at the World Bank. In 2003, she began a three-year stint as Nigeria’s finance minister; she returned again to reprise that role in 2011. In Nigeria, she earned a reputation as a corruption fighter as well as an artful dealmaker, helping negotiate a write off of $18 billion in national debt. Since then she’s been a fixture on the international stage, speaking frequently on issues like climate change, public health and global development. It’s in part this experience in the U.S. and Nigeria—she describes herself as “someone who has lived both realities”—that Okonjo-Iweala and her supporters say makes her well-suited to run the WTO in this particular moment. “There’s much mistrust within the WTO: it’s not just between the U.S. and China. It’s between the U.S. and Europe; it’s between Europe and China; it’s between developing and developed countries,” Okonjo-Iweala said. “Bridging the gap among all these groups, I think, is something that I can really bring.” Okonjo-Iweala’s accession to the top spot at the WTO follows a long and winding process. The previous head stepped down in August, and Okonjo-Iweala emerged as the favorite of the organization’s 160-plus member states in October. Still, the Trump Administration unilaterally blocked her candidacy, one of a series of actions from the former president that stymied the organization. On Feb. 5, Biden trade officials expressed “strong support,” and Okonjo-Iweala became the presumptive next WTO director-general. Cleaning up the immediate mess left behind by Trump will inevitably be high on Okonjo-Iweala’s agenda. Trump blocked new appointments to the WTO’s appellate body, leaving it unable to rule on trade disputes and effectively giving Trump’s tariffs a free pass. Okonjo-Iweala said the panel is ripe for change. “There’s criticism of the appellate body, the dispute settlement system,” she said. “That needs to be taken care of and reformed to a point where all members, big and small, believe and trust in the system and can use it.” But Okonjo-Iweala is looking far beyond the Trump Administration as she considers how to restore faith in the WTO. In part that means looking backward to the organization’s founding. Okonjo-Iweala noted that many of the countries subject to WTO rules today were under colonial rule when the current international financial regime was established after World War II. “I think multilateralism itself has been under attack for some time—and I think that attack intensified in the last four years—but it’s been under attack because these institutions like the WTO were developed 76-77 years ago,” she said. “There are questions about the rules: how does this work? Is this fit for purpose?” This means finding ways to ensure that small developing countries benefit as much from global trade as their wealthier counterparts. “They need a level playing field,” she said. Reforming the WTO also means looking forward to address challenges unimaginable in 1947 when countries signed the General Agreement on Tariffs and Trade, an international agreement that served as a precursor to the WTO. Chief among them is the warming planet and all of the attendant challenges. Climate change isn’t officially included as part of the WTO’s mandate, but the agency could take on outsized importance for the global climate agenda as a growing number of countries consider trade barriers for high-carbon products from countries without a comprehensive climate program. Opponents of such measures say they fly in the face of the principles of free trade and are likely to be struck down by the WTO, but Okonjo-Iweala said that if constructed carefully they could offer an important solution. “I don’t see anything in the WTO rules that is against them,” she said. “But then again you have to be careful how they are put into the rules so that they are applied in a way that is fair and that works.” Why We New Orleanians Keep Coming Back After Every Storm Okonjo-Iweala has spent recent years as a co-chair of Global Commission on the Economy and Climate, an initiative of former high-ranking government officials, executives and members of civil society working to make climate change a central consideration in global economic policy. She sees working at the WTO as an avenue to further that push. When asked about the link between climate change and trade, she said that policymakers should consider policies to address the climate implications of the logistics conducting trade—namely, how goods are transported—as well as the carbon-content of traded goods themselves. In particular, she calls for a carbon tax, which she said “could be seen by finance ministers as another way of bringing in additional revenue whilst encouraging better economic behavior with respect to climate change.” While climate is a clear focus for Okonjo-Iweala, the response to the COVID-19 pandemic got her the most animated during our 45-minute conversation. In December, Okonjo-Iweala wrapped up a five-year term leading the board of GAVI, the global alliance that helps developing countries secure access to vaccines. The organization, which works to distribute vaccines for diseases like measles, pivoted quickly last year to work on COVID-19 vaccine access in the developing world. Today, there’s a significant gap in access to the vaccines between developed and developing countries despite commitments from leaders in the Global North to support wide access. The WTO, Okonjo-Iweala said, can help ensure that vaccines and other treatments make it across the globe by pushing back against trade restrictions designed to keep supplies at home even when they’re needed elsewhere, and by working “with other organizations to improve accessibility and affordability of vaccines, therapeutics and diagnostics.”

#### Climate change causes extinction---effects will make the planet inhospitable while increasing the risk of global conflict.

Brook and Schwartz 20

Dan Brook, Richard H. Schwartz , PHDs, 9-30-2020, "Climate change: An existential threat to humanity and how we can survive," The Jerusalem Post | JPost, https://www.jpost.com/jerusalem-report/climate-change-an-existential-threat-to-humanity-and-how-we-can-survive-643267//ZR

Our climate crisis is the biggest social, political economic and environmental problem facing our planet and its inhabitants, affecting every country and every species, mostly in negative ways. Climate change refers to the increasing average surface temperature of the Earth’s air and water, and its various environmental effects. People are becoming increasingly aware of, and concerned about, the climate crisis and its consequences, despite corporate misinformation and some media obfuscation, due to frequent reports regarding record heat, droughts, wildfires, an increase in the number and severity of storms and other extreme weather events, the melting of glaciers – about 80% of the world’s glaciers are rapidly shrinking – permafrost, and polar ice caps, as well as decreasing snow on Mt. Kilimanjaro and other tropical mountains, shrinking lakes, rising sea levels, flooding, submerged islands, changes in wind directions, acidification of the oceans, endangered species and extinctions, spreading diseases, environmental refugees,and other ominous signs of disaster. Greenhouse gas levels in the atmosphere continue to rise and there are fears of “tipping points” from which we could not come back. Climatologists have asserted that concentrations of 350 parts per million (ppm) of atmospheric CO2 is a threshold level of atmospheric carbon dioxide, which had hovered below 285 ppm for thousands of years prior to the Industrial Revolution, yet surpassed 418 ppm on June 1, 2020, the highest value in human history, indeed the highest level in about three million years. As Jerry Brown, the former governor of California, a state subjected to many severe climate events, commented, “Humanity is on a collision course with nature,”calling this era “the new abnormal,” and warning that various environmental disasters will only “intensify” over the coming years. “Right now, we are facing a man-made disaster of global scale,” says David Attenborough. “Our greatest threat in thousands of years. Climate change. If we don’t take action, the collapse of our civilizations and the extinction of much of the natural world is on the horizon.” Global climate change is also endangering polar bears, penguins, seals, walruses, salmon, elephants, giraffes, frogs, butterflies, birds, bees and many other animals, threatening up to one-third of all fauna species. In contrast, increases in carbon dioxide and heat levels will lead to an increase in the number and range of mosquitoes, further spreading discomfort and disease. Additionally, there is an increase in food insecurity, terrorism, ethnic violence and war, according to various militaries and intelligence agencies, especially in Central America, South Asia, Africa, and the Middle East, including Syria. In December 2019, World Meteorological Organization secretary-general Petteri Taalas lamented that we will witness “ever more harmful impacts on human well being” if we do not substantially reverse course.

### 3

#### Contention 3: Biopiracy

#### The WTO TRIPS agreement creates, enables, and endorses biopiracy where US pharmaceutical companies exploit the Global South

Babaoglu/ Dhonchak, 2020

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Biopiracy refers to the unethical appropriation or commercial exploitation of biological substances typically used by political actors in the Global North to extract, appropriate and benefit exclusively from indigenous biological knowledge in the Global South, such as medicinal plant extracts that are native to a particular country or region, without providing fair financial compensation to the people or government of that territory. As Western researchers and companies increasingly draw on Indigenous traditional knowledge about the properties of particular plants, animals, and chemical compounds, biopiracy has become a serious concern. Traditional knowledge is often a crucial constituent of the culture, religion, spirituality, physical environment and lifestyle of local communities and represents a significant source of their identity. Hence, biopiracy is rebranding of colonialism under the pretext of globalization. In 2019, with the help of a German lawyer, the controversial patent on Ethiopia’s national grain teff has been challenged. A Dutch company had been holding the patent on processed teff flour, the grain that Ethiopian farmers have been cultivating for nearly 3,000 years. What makes this particularly glaring, apart from the fact that teff is native to Ethiopia, is that the Dutch company concerned had also collaborated for research on teff with the Ethiopian government and agreed to share the findings. The Dutch teff patent not only stripped millions of Ethiopian farmers of their rights, but also led to a rise in the prices of teff, thereby making it inaccessible for poorer urban Ethiopians. Moreover, an anti-fungal product derived from Azadirachta indica, commonly known as neem or Indian lilac, was patented by the United States Department of Agriculture and W. R. Grace and Company. Neem is a tree that is native to the Indian subcontinent and has been used for its medical benefits for more than 2,000 years. The Indian government successfully challenged the patent on the grounds of prior use and obtained a ruling in its favour by the European Patent Office (EPO). W. R. Grace subsequently appealed on the ground that prior art of the product had never been published in any scientific journal. However, the appeal was lost and the EPO invalidated the Neem patent. Another example of biopiracy is the British patent by Syngenta for the strain of Impatiens walleriana, also known as Busy Lizzie. Syngenta bred a new strain of Busy Lizzie called the Spellbound Busy Lizzie that “can achieve at maturity, trails of 70cm masses of large flowers”. An analysis of Syngenta’s new “floral invention” revealed that Syngenta cross-bred the Busy Lizzie with a rare African plant called Impatiens usambarensis, native and unique to the Usambara region of Tanzania. Currently, the company is making a fortune selling these plants by monetising their natural disease resistant qualities but nothing is being paid to the native communities of Tanzania. A recent study demonstrated that Africa may be losing more than $15 billion USD from its biodiversity as medicines, cosmetics, agricultural products, and indigenous knowledge relating to these are being patented illegally, despite prior use by local communities for generations as illustrated by multinational companies, without there being evidence of benefits accruing to local communities in the countries of origin. Biopiracy emerged as a global issue after the inclusion of the Agreement on Trade Related Aspects of Intellectual Property (TRIPS) by the WTO which universalised Euro-American notions of patentability, enabling the extraction of traditional knowledge from the Global South as the “common heritage of mankind” and its return to the South as a commodity. As per the TRIPS, WTO member countries must comply with a minimum threshold of IP protection, which encompasses patentability of life forms that can be deemed to be ‘invented.’ Thus, it comes as no surprise that the inclusion of IPR by the WTO was a direct result of US lobbying because the benefits of this predictably flow to many US based agro-chemical and pharmaceutical industries. Further, the Convention on Biodiversity 2000 was meant to treat biodiversity as a category of nationally sovereign genetic resources, inscribing a propertied meaning upon components of the often-sacralised natural world of local communities. This global reduction of nature, locally considered as a “quasi-rational and moral whole or even as an autonomous world of living beings endowed with measure of dignity” to an “object of right capable of alienation” can be used as a Marxist theoretical starting point to critique the expansion of Western Intellectual Property Rights regimes tyrannising the most marginalised populations in the Global South. The WIPO Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC),constituted in 2000, was tasked with the negotiation for a legal framework for protection of traditional knowledge, folklore and genetic resources. The IGC’s efforts have been further complemented by the Nagoya Protocol on Access and Benefit Sharing in 2010. However, even as the mandate of the IGC has been renewed to the next biennium (2020-2021), the legitimacy of its processes and terms of negotiation continues to be suspect due to the woeful lack of participation by indigenous communities as well as little budgetary allocation to enable their participation in the IGC’s negotiations. Biopiracy is illustrative of the developmental monoculture and agenda underscoring Global IP regimes and their exploitative extension to the developing world. The chronopolitics of these negotiations are fascinating because indigenous communities are now being increasingly compelled to defend their culture at, what is regarded by dominant Western narratives as, the cost of the public domain. However, the countries currently championing the public domain in the context of Traditional Knowledge, led by the US were the same ones that relentlessly bolstered IP protection over the decades to exclusively reap the benefits of the ‘knowledge’ they ‘sophisticated’ by utilising raw materials from the Global South. It is vital to explore both the material, human and social costs as well as impact of Global IP protection in the status quo while imagining alternative and more contextual non-Eurocentric methodologies to protect traditional knowledge, that place native welfare and social justice instead of commerce and efficiency at the centre.

#### Biopiracy is prevalent in vaccines

Quadri, 2021 – Ohio State University

Iman Quadri, Undergraduate Research Thesis, “Neocolonial Relations of Biopiracy in Vaccine Production and Distribution”, Neocolonial Relations of Biopiracy in Vaccine Production and Distribution, April 2021, <https://kb.osu.edu/bitstream/handle/1811/92593/IMAN_QUADRI_Hons_Thesis.pdf?sequence=1&isAllowed=y>, accessed 9/2/21, sb

Abstract The thesis explores structural violence and inequality in neocolonial settings. Within the theoretical framework of neocolonialism, illness and mortality due to preventable diseases is a major field of study. Specifically, the thesis focuses on biopiracy and the influenza vaccine distribution. Geographically, the thesis focuses on a biopiracy issue in Indonesia that occurred in 2007 and the subsequent events that followed. Indonesia was mandated by international law to share its influenza strains with a WHO committee known as the Global Influenza Surveillance and Response System (GISRS). However, WHO shared viral samples with third party pharmaceutical companies that patented the strains for vaccine production without Indonesia’s knowledge or consent. These vaccines were then offered to Indonesia at prohibitive prices. This event exposed the institutional inequalities that exist in WHO between central and peripheral global actors. While globalization has made it impossible for diseases and viruses to be isolated by countries or borders, the thesis argues that “developing” nations with long colonial histories continue to be exploited in neocolonial contexts, while global institutions such as WHO continue to perpetuate forms of structural violence and inequality. Intellectual property policy on the global scale can be situated in the context of vaccines and their distribution. This thesis argues that issues of biopiracy involving diseases and vaccines in Indonesia in 2007 allows us to understand how neo-colonial relations operate today. In other words, global vaccine production and distribution can be analyzed from the viewpoint of structural violence and inequality in neocolonial settings. International law mandates that countries share their influenza strains with a World Health Organization (WHO) committee known as the Global Influenza Surveillance and Response System (GISRS). Developing nations like Indonesia that have been subject to colonial histories continue to be exploited in neocolonial contexts. This is seen by the actions of the WHO, who shared viral samples with third party pharmaceutical companies that patented the strains of vaccine production without Indonesia’s knowledge or consent. These pharmaceutical companies further then offered their vaccines to Indonesia at prohibitive prices. The institutional inequalities that exist in WHO between central and peripheral global actors became apparent in 2007 through an event in Indonesia related to an 3 influenza strain. Even though diseases and vaccines cross borders, the biopiracy of virus strains in “developing” nations by global actors, including international organizations such as WHO, reveals how “developed” countries benefit extensively when it comes to vaccine accessibility and distribution for combatting the virus.

#### Biopiracy destroys global biodiversity/environment

Amarasinghem, 2018 – University of Colombo Faculty of Law

Kusal Kavinda Amarasinghe, LL.B (Undergraduate) (University of Colombo), Faculty of Law, University of Colombo - Sri Lanka, “Bio-piracy and its impact on Biodiversity: A special review on Sri Lankan context.", <https://www.researchgate.net/publication/324312963_Bio-piracy_and_its_impact_on_Biodiversity_A_special_review_on_Sri_Lankan_context>, accessed 8/30/21, sb

Bio-piracy means unauthorized access of biological material and using them for commercial purposes and gaining of exclusive monopoly rights against institution regarding certain biological material or indigenous knowledge, while those resources belong to a community, region or another country. Nowadays bio-piracy has resulted in major impacts on biodiversity at a global scale. As a result of biopiracy, biodiversity is facing an unprecedented threat today. Sri Lanka is a tiny tropical island, which is surrounding the Indian ocean. This island has rich ecological-diversity because of its topography and climatic heterogeneity as well as its coastal influence. A significant feature of Sri Lanka's biodiversity is the remarkable high proportion of endemic species among its flora and fauna. Because of its rich biodiversity, this small tropical environment has become a well-formed hunting ground for bio-pirates. Keywords Bio-piracy, Bio-prospecting, Bio-diversity 1. Introduction The ecological crises are increasing all around the world. Bio-piracy is one of the main environmental issues which has arisen in today. Bio-piracy means the practice of commercially exploiting naturally occurring biochemical or genetic material, especially by obtaining patents that restrict its future use, while failing to pay fair compensation to the community from which it originates.1 Today, most of the tropical environmental areas in the world have been victimized by Bio-piracy. 90% of the world's remaining biodiversity is concentrated in tropical and sub-tropical regions within developing countries.2 The indigenous people in tropical countries did not use their traditional knowledge for commercial purposes. Therefore, they were able to maintain their indigenous knowledge without any damage within past centuries. But today, as biological resources and related knowledge become a source of high-priced assets in the capital market. Although there are many legal frameworks internationally and locally to protect the environment, due to the inadequacy of these existing legal frameworks, bio-piracy is becoming one of the most serious environmental problems in the world.

#### Biodiversity loss threatens human extinction and global crises.

Brad Plumer, 5-6-2019, "Humans Are Speeding Extinction and Altering the Natural World at an ‘Unprecedented’ Pace (Published 2019)," No Publication, https://www.nytimes.com/2019/05/06/climate/biodiversity-extinction-united-nations.html

WASHINGTON — Humans are transforming Earth’s natural landscapes so dramatically that as many as one million plant and animal species are now at risk of extinction, posing a dire threat to ecosystems that people all over the world depend on for their survival, a sweeping new United Nations assessment has concluded. The 1,500-page report, compiled by hundreds of international experts and based on thousands of scientific studies, is the most exhaustive look yet at the decline in biodiversity across the globe and the dangers that creates for human civilization. A [summary of its findings](https://www.ipbes.net/news/ipbes-global-assessment-summary-policymakers-pdf), which was approved by representatives from the United States and 131 other countries, was released Monday in Paris. The full report is set to be published this year. Its conclusions are stark. In most major land habitats, from the savannas of Africa to the rain forests of South America, the average abundance of native plant and animal life has fallen by 20 percent or more, mainly over the past century. With the human population passing 7 billion, activities like farming, logging, poaching, fishing and mining are altering the natural world at a rate “unprecedented in human history.” At the same time, a new threat has emerged: Global warming has become a major driver of wildlife decline, the assessment found, by shifting or shrinking the local climates that many mammals, birds, insects, fish and plants evolved to survive in. When combined with the other ways humans are damaging the environment, climate change is now pushing a growing number of species, [such as the Bengal tiger](https://www.nytimes.com/2019/05/06/science/tigers-climate-change-sundarbans.html?smtyp=cur&smid=tw-nytclimate), closer to extinction. As a result, biodiversity loss is projected to accelerate through 2050, particularly in the tropics, unless countries drastically step up their conservation efforts. The report is not the first to paint a grim portrait of Earth’s ecosystems. But it goes further by detailing how closely human well-being is intertwined with the fate of other species. “For a long time, people just thought of biodiversity as saving nature for its own sake,” said Robert Watson, chair of the [Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services,](https://www.ipbes.net/) which conducted the assessment at the request of national governments. “But this report makes clear the links between biodiversity and nature and things like food security and clean water in both rich and poor countries.” A [previous report by the group had estimated](https://www.ipbes.net/system/tdf/2018_americas_full_report_book_v5_pages_0.pdf?file=1&type=node&id=29404) that, in the Americas, nature provides some $24 trillion of non-monetized benefits to humans each year. The Amazon rain forest absorbs immense quantities of carbon dioxide and helps slow the pace of global warming. Wetlands purify drinking water. Coral reefs sustain tourism and fisheries in the Caribbean. Exotic tropical plants form the basis of a variety of medicines. But as these natural landscapes wither and become less biologically rich, the services they can provide to humans have been dwindling. Humans are producing more food than ever, but land degradation is already harming agricultural productivity on 23 percent of the planet’s land area, the new report said. The decline of wild bees and other insects that help pollinate fruits and vegetables is putting up to $577 billion in annual crop production at risk. The loss of mangrove forests and coral reefs along coasts could expose up to 300 million people to increased risk of flooding. The authors note that the devastation of nature has become so severe that piecemeal efforts to protect individual species or to set up wildlife refuges will no longer be sufficient. Instead, they call for “transformative changes” that include curbing wasteful consumption, slimming down agriculture’s environmental footprint and cracking down on illegal logging and fishing. “It’s no longer enough to focus just on environmental policy,” said Sandra M. Díaz, a lead author of the study and an ecologist at the National University of Córdoba in Argentina. “We need to build biodiversity considerations into trade and infrastructure decisions, the way that health or human rights are built into every aspect of social and economic decision-making.” Scientists have cataloged only a fraction of living creatures, some 1.3 million; the report estimates there may be as many as 8 million plant and animal species on the planet, most of them insects. Since 1500, at least 680 species have blinked out of existence, including the Pinta giant tortoise of the Galápagos Islands and the Guam flying fox. Though outside experts cautioned it could be difficult to make precise forecasts, the report warns of a looming extinction crisis, with extinction rates currently tens to hundreds of times higher than they have been in the past 10 million years. Editors’ Picks The Pill Helped Start the Sexual Revolution. What Will Phexxi Do? The Story of a Famous Covid Widow Everyone Has a Theory About Shopping Carts Continue reading the main story “Human actions threaten more species with global extinction now than ever before,” the report concludes, estimating that “around 1 million species already face extinction, many within decades, unless action is taken.” Unless nations step up their efforts to protect what natural habitats are left, they could witness the disappearance of 40 percent of amphibian species, one-third of marine mammals and one-third of reef-forming corals. More than 500,000 land species, the report said, do not have enough natural habitat left to ensure their long-term survival. Over the past 50 years, global biodiversity loss has primarily been driven by activities like the clearing of forests for farmland, the expansion of roads and cities, logging, hunting, overfishing, water pollution and the transport of invasive species around the globe. In Indonesia, the replacement of rain forest with palm oil plantations has ravaged the habitat of critically endangered orangutans and Sumatran tigers. In Mozambique, ivory poachers helped kill off nearly 7,000 elephants between 2009 and 2011 alone. In Argentina and Chile, the introduction of the North American beaver in the 1940s has devastated native trees (though it has also helped other species thrive, including the Magellanic woodpecker). All told, three-quarters of the world’s land area has been significantly altered by people, the report found, and 85 percent of the world’s wetlands have vanished since the 18th century. And with humans continuing to burn fossil fuels for energy, global warming is expected to compound the damage. Roughly 5 percent of species worldwide are threatened with climate-related extinction if global average temperatures rise 2 degrees Celsius above preindustrial levels, the report concluded. (The world has already warmed 1 degree.) “If climate change were the only problem we were facing, a lot of species could probably move and adapt,” Richard Pearson, an ecologist at the University College of London, said. “But when populations are already small and losing genetic diversity, when natural landscapes are already fragmented, when plants and animals can’t move to find newly suitable habitats, then we have a real threat on our hands.” The dwindling number of species will not just make the world a less colorful or wondrous place, the report noted. It also poses risks to people. Today, humans are relying on significantly fewer varieties of plants and animals to produce food. Of the 6,190 domesticated mammal breeds used in agriculture, more than 559 have gone extinct and 1,000 more are threatened. That means the food system is becoming less resilient against pests and diseases. And it could become harder in the future to breed new, hardier crops and livestock to cope with the extreme heat and drought that climate change will bring. “Most of nature’s contributions are not fully replaceable,” the report said. Biodiversity loss “can permanently reduce future options, such as wild species that might be domesticated as new crops and be used for genetic improvement.” The report does contain glimmers of hope. When governments have acted forcefully to protect threatened species, such as the Arabian oryx or the Seychelles magpie robin, they have managed to fend off extinction in many cases. And nations have protected more than 15 percent of the world’s land and 7 percent of its oceans by setting up nature reserves and wilderness areas. Still, only a fraction of the most important areas for biodiversity have been protected, and many nature reserves poorly enforce prohibitions against poaching, logging or illegal fishing. Climate change could also undermine existing wildlife refuges by shifting the geographic ranges of species that currently live within them. So, in addition to advocating the expansion of protected areas, the authors outline a vast array of changes aimed at limiting the drivers of biodiversity loss. Farmers and ranchers would have to adopt new techniques [to grow more food on less land](https://www.nytimes.com/2018/12/05/climate/agriculture-food-global-warming.html). Consumers in wealthy countries would have to waste less food and become more efficient in their use of natural resources. Governments around the world would have to strengthen and enforce environmental laws, cracking down on illegal logging and fishing and reducing the flow of heavy metals and untreated wastewater into the environment. The authors also note that efforts to limit global warming will be critical, although they caution that the development of biofuels to reduce emissions could end up harming biodiversity by further destroying forests.