# 1NC

## 1

### Framing

#### I’m conceding their framework, but extinction outweighs and consequences matter

#### [1] All intentions are forward looking ie. You only act based on a consequence

#### [2] Intent cannot be action guiding without a conception of consequences because you cannot act without one

Induction fails – a) it takes out the aff too because it relies on a peoperty of IP being bad but without induction there wont be those properties b) it doesn’t fail bc we can make predictions and probability c) reject calc indicts they kill topic education and policy- answers butterfly – probability sovles

#### [3] Extinction outweighs

#### A) Reversibility – we can never improve society because our impact is irreversible which proves moral uncertainty

#### B) Prerequisite – you can’t do the aff if you’re dead, threats to bodily security preclude action

#### C) Resolvability – body count is the most objective way to calculate impacts because comparing suffering is unethical anything else means judge intervention

#### D) Reciprocity – you can weigh your impacts under different frameworks, I should be able to as well

#### E) Phil education – MacAskill 14

[William, Oxford Philosopher and youngest tenured philosopher in the world, Normative Uncertainty, 2014]

The human race might go extinct from a number of causes: asteroids, supervolcanoes, runaway climate change, pandemics, nuclear war, and the development and use of dangerous new technologies such as synthetic biology, all pose risks (even if very small) to the continued survival of the human race.184 And different moral views give opposing answers to question of whether this would be a good or a bad thing. It might seem obvious that human extinction would be a very bad thing, both because of the loss of potential future lives, and because of the loss of the scientific and artistic progress that we would make in the future. But the issue is at least unclear. The continuation of the human race would be a mixed bag: inevitably, it would involve both upsides and downsides. And if one regards it as much more important to avoid bad things happening than to promote good things happening then one could plausibly regard human extinction as a good thing.For example, one might regard the prevention of bads as being in general more important that the promotion of goods, as defended historically by G. E. Moore,185 and more recently by Thomas Hurka.186 One could weight the prevention of suffering as being much more important that the promotion of happiness. Or one could weight the prevention of objective bads, such as war and genocide, as being much more important than the promotion of objective goods, such as scientific and artistic progress. If the human race continues its future will inevitably involve suffering as well as happiness, and objective bads as well as objective goods. So, if one weights the bads sufficiently heavily against the goods, or if one is sufficiently pessimistic about humanity’s ability to achieve good outcomes, then one will regard human extinction as a good thing.187 However, even if we believe in a moral view according to which human extinction would be a good thing, we still have strong reason to prevent near-term human extinction. To see this, we must note three points. First, we should note that the extinction of the human race is an extremely high stakes moral issue. Humanity could be around for a very long time: if humans survive as long as the median mammal species, we will last another two million years. On this estimate, the number of humans in existence in the The future, given that we don’t go extinct any time soon, would be 2×10^14. So if it is good to bring new people into existence, then it’s very good to prevent human extinction. Second, human extinction is by its nature an irreversible scenario. If we continue to exist, then we always have the option of letting ourselves go extinct in the future (or, perhaps more realistically, of considerably reducing population size). But if we go extinct, then we can’t magically bring ourselves back into existence at a later date. Third, we should expect ourselves to progress, morally, over the next few centuries, as we have progressed in the past. So we should expect that in a few centuries’ time we will have better evidence about how to evaluate human extinction than we currently have. Given these three factors, it would be better to prevent the near-term extinction of the human race, even if we thought that the extinction of the human race would actually be a very good thing. To make this concrete, I’ll give the following simple but illustrative model. Suppose that we have 0.8 credence that it is a bad thing to produce new people, and 0.2 certain that it’s a good thing to produce new people; and the degree to which it is good to produce new people, if it is good, is the same as the degree to which it is bad to produce new people, if it is bad. That is, I’m supposing, for simplicity, that we know that one new life has one unit of value; we just don’t know whether that unit is positive or negative. And let’s use our estimate of 2×10^14 people who would exist in the future, if we avoid near-term human extinction. Given our stipulated credences, the expected benefit of letting the human race go extinct now would be (.8-.2)×(2×10^14) = 1.2×(10^14). Suppose that, if we let the human race continue and did research for 300 years, we would know for certain whether or not additional people are of positive or negative value. If so, then with the credences above we should think it 80% likely that we will find out that it is a bad thing to produce new people, and 20% likely that we will find out that it’s a good thing to produce new people. So there’s an 80% chance of a loss of 3×(10^10) (because of the delay of letting the human race go extinct), the expected value of which is 2.4×(10^10). But there’s also a 20% chance of a gain of 2×(10^14), the expected value of which is 4×(10^13). That is, in expected value terms, the cost of waiting for a few hundred years is vanishingly small compared with the benefit of keeping one’s options open while one gains new information.

#### Uncerainty -

## 2

### OFF

#### Intellectual property rights cannot be discriminated on the basis of field, or place of invention

WTO <https://www.wto.org/english/docs_e/legal_e/27-trips_04c_e.htm>, Article 27.1, Section 5 on patents, World trade Organization, WTO, Part II — Standards concerning the availability, scope and use of Intellectual Property Rights

Subject to the provisions of paragraphs 2 and 3, patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application. [(5)](https://www.wto.org/english/docs_e/legal_e/27-trips_04c_e.htm#fnt-5) Subject to paragraph 4 of Article 65, paragraph 8 of Article 70 and paragraph 3 of this Article, patents shall be available and patent rights enjoyable without discrimination as to the place of invention, the field of technology and whether products are imported or locally produced.

#### The WTO’s appellate body no longer exists to mediate disputes, without immediate buy in by states, and no mechanism to make disobedient states obey, the system collapses

Horton, 08/3, Lessons from Trump’s assault on the World Trade Organization, https://www.chathamhouse.org/2021/08/lessons-trumps-assault-world-trade-organization, Chatham House – International Affairs Think Tank, Communications Manager; Project Lead, Common Futures Conversations

The WTO is unique amongst international institutions because it has a powerful enforcement mechanism – the dispute settlement system. However, the fundamental vulnerability is that if powerful states like the US and others won’t participate in the system and be bound by its rules, they quickly risk becoming irrelevant. And that’s the situation we’re in right now with the appellate body crisis, where, without a functioning mechanism to ensure that WTO rules are enforced, the entire system of global trade rules risk collapsing. Ironically, the United States has been the leader of the liberal trading order for the past 70 years, but since Trump, it has become its leading saboteur.

#### A major country operating outside WTO consensus wrecks global trade norms

Bacchus 20 [James Bacchus, member of the Herbert A. Stiefel Center for Trade Policy Studies, the Distinguished University Professor of Global Affairs and director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida, 12-16-2020, "An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines," Cato Institute, [https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines]/Kankee](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines%5d/Kankee)

In a sign of their increasing frustration with global efforts to ensure that all people everywhere will have access to COVID-19 vaccines, several developing countries have asked other members of the World Trade Organization (WTO) to join them in a sweeping waiver of the intellectual property (IP) rights relating to those vaccines. Their waiver request raises anew the recurring debate within the WTO over the right balance between the protection of IP rights and access in poorer countries to urgently needed medicines. But the last thing the WTO needs is another debate over perceived trade obstacles to public health. Unless WTO members reach a consensus, the multilateral trading system may be further complicated by a delay like that in resolving the two‐​decades‐​old dispute between developed and developing countries over the compulsory licensing and generic distribution of HIV/AIDS drugs. A new and contentious “North‐​South” political struggle definitely would not be in the interest of the developed countries, the developing countries, the pharmaceutical companies, or the WTO. Certainly it would not be in the interest of the victims and potential victims of COVID-19. Background In early October 2020, India and South Africa asked the members of the WTO to waive protections in WTO rules for patents, copyrights, industrial designs, and undisclosed information (trade secrets) in relation to the “prevention, containment or treatment of COVID-19 … until widespread vaccination is in place globally, and the majority of the world’s population has developed immunity.”1 India and South Africa want to give all WTO members freedom to refuse to grant or enforce patents and other IP rights relating to COVID-19 vaccines, drugs, diagnostics, and other technologies for the duration of the pandemic. In requesting the waiver, India and South Africa have argued that “an effective response to the 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.” They have said that “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 prices to meet global demand.”2 Later in October, the members of the WTO failed to muster the required consensus to move forward with the proposed waiver. The European Union, the United States, the United Kingdom, and other developed countries opposed the waiver request.3 One WTO delegate, from the United Kingdom, described it as “an extreme measure to address an unproven problem.”4 A spokesperson for the European Union explained, “There is no evidence that intellectual property rights are a genuine barrier for accessibility of COVID‐​19‐​related medicines and technologies.”5 In the absence of a consensus, WTO members have decided to postpone further discussion of the proposed waiver until early 2021. Balancing IP Rights and Access to Medicines Not New to WTO This waiver controversy comes nearly two decades after the end of the long battle in the multilateral trading system over access to HIV/AIDS drugs. At the height of the HIV/AIDS crisis at the turn of the century, numerous countries, including especially those from sub‐​Saharan Africa, could not afford the high‐​priced HIV/AIDS drugs patented by pharmaceutical companies in developed countries. Having spent billions of dollars on developing the drugs, the patent holders resisted lowering their prices. The credibility of the companies, the countries that supported them, and the WTO itself were all damaged by an extended controversy over whether patent rights should take precedence over providing affordable medicines for people afflicted by a lethal disease. Article 8 of the WTO Agreement on the Trade‐​Related Aspects of Intellectual Property Rights (the TRIPS Agreement) provides that WTO members “may, in formulating or amending their laws and regulations, adopt measures necessary to protect public health … provided that such measures are consistent with the provisions of this Agreement.” In similar vein, Article 7 of the TRIPS Agreement provides that the “protection and enforcement of intellectual property rights” shall be “in a manner conducive to social and economic welfare.”6 It can be maintained that these two WTO IP rules are significantly capacious to include any reasonable health measures that a WTO member may take during a health emergency, such as a pandemic. Yet there was doubt among the members during the HIV/AIDS crisis about the precise reach of these provisions. As Jennifer Hillman of the Council on Foreign Relations observed, ordinarily the “inherent tension between the protection of intellectual property and the need to make and distribute affordable medicines” is “resolved through licensing, which allows a patent holder to permit others to make or trade the protected product—usually at a price and with some supervision from the patent holder to ensure control.”7 But, in public health emergencies, it may be impossible to obtain a license. In such cases, “compulsory licenses” can be issued to local manufacturers, authorizing them to make patented products or use patented processes even though they do not have the permission of the patent holders.8

#### WTO cred solves wars that go nuclear.

Hamann 09 [Georgia; 2009; J.D. Candidate, Vanderbilt University Law School; “Replacing Slingshots with Swords: Implications of the Antigua-Gambling 22.6 Panel Report for Developing Countries and the World Trading System,” VANDERBILT JOURNAL OF TRANSNATIONAL LAW, http://www.jogoremoto.pt/docs/extra/duqJ53.pdf] Justin

Both Antigua and the U.S. claimed the resolution of the arbitration as a victory.99 In reality, the decision reached a midpoint between the respective countries’ positions, establishing a victory for the evolution of the international trading system itself. Voluntary compliance with WTO rules and procedures is of the utmost importance to the international trading system.100 Given the increasingly globalized market, the coming years will see an increase in the importance of the WTO as a cohesive force and arbiter of disputes that likely will become more frequent and injurious.101 The work of the WTO cannot be overstated in a nuclear-armed world, as the body continues to promote respect and even amity among nations with opposing philosophical goals or modes of governance.102 Demagogues in the Unites States may decry the rise of China as a geopolitical threat,103 and extremists in Russia may play dangerous games of brinksmanship with other great powers, but trade keeps politicians’ fingers off “the button.”104 The WTO offers an astounding rate of compliance for an organization with no standing army and no real power to enforce its decisions, suggesting that governments recognize the value of maintaining the international construct of the WTO.105 In order to promote voluntary compliance, the WTO must maintain a high level of credibility.106 Nations must perceive the WTO as the most reasonable option for dispute resolution or fear that the WTO wields enough influence to enforce sanctions.107 The arbitrators charged with performing the substantive work of the WTO by negotiating, compromising, and issuing judgments are keenly aware of the responsibility they have to uphold the organization’s credibility.108

#### Nuclear war causes extinction – mass starvation and ice age.

**Starr 15** (Steven Starr 15. “Nuclear War: An Unrecognized Mass Extinction Event Waiting To Happen.” Ratical. March 2015. <https://ratical.org/radiation/NuclearExtinction/StevenStarr022815.html>) TG

A war fought with 21st century strategic nuclear weapons would be more than just a great catastrophe in human history. If we allow it to happen, such a war would be a mass extinction event that [ends human history](https://ratical.org/radiation/NuclearExtinction/StarrNuclearWinterOct09.pdf). There is a profound difference between extinction and “an unprecedented disaster,” or even “the end of civilization,” because even after such an immense catastrophe, human life would go on. But extinction, by definition, is an event of utter finality, and a nuclear war that could cause human extinction should really be considered as the ultimate criminal act. It certainly would be the crime to end all crimes. The world’s leading climatologists now tell us that nuclear war threatens our continued existence as a species. Their studies predict that a large nuclear war, especially one fought with strategic nuclear weapons, would create a post-war environment in which for many years it would be too cold and dark to even grow food. Their findings make it clear that not only humans, but most large animals and many other forms of complex life would likely vanish forever in a nuclear darkness of our own making. The environmental consequences of nuclear war would attack the ecological support systems of life at every level. Radioactive fallout produced not only by nuclear bombs, but also by the destruction of nuclear power plants and their spent fuel pools, would poison the biosphere. Millions of tons of smoke would act to [destroy Earth’s protective ozone layer](https://www2.ucar.edu/atmosnews/just-published/3995/nuclear-war-and-ultraviolet-radiation) and block most sunlight from reaching Earth’s surface, creating Ice Age weather conditions that would last for decades. Yet the political and military leaders who control nuclear weapons strictly avoid any direct public discussion of the consequences of nuclear war. They do so by arguing that nuclear weapons are not intended to be used, but only to deter. Remarkably, the leaders of the Nuclear Weapon States have chosen to ignore the authoritative, long-standing scientific research done by the climatologists, research that predicts virtually any nuclear war, fought with even a fraction of the operational and deployed nuclear arsenals, will leave the Earth essentially uninhabitable.

## 3

### OFF

#### **EU solidarity is decreasing – populist buildup over the last decade and COVID pushed it to the brink -- legitimacy is key to maintaining European projects.**

Rankin 4/1 [Jennifer Rankin [Brussels correspondent @ The Guardian], 4-1-2020, "Coronavirus could be final straw for EU, European experts warn," Guardian, https://www.theguardian.com/world/2020/apr/01/coronavirus-could-be-final-straw-for-eu-european-experts-warn, // ajs JB]

The [**European Union**](https://www.theguardian.com/world/eu) has weathered the storms of eurozone bailouts, the migration crisis and Brexit, but some fear coronavirus could be even more destructive. In a rare intervention [Jacques Delors](https://www.theguardian.com/profile/jacques-delors), the former European commission president who helped build the modern EU, broke his silence last weekend to warn that **lack of solidarity posed “a mortal danger to the European Union”.** Enrico Letta, a former prime minister of [Italy](https://www.theguardian.com/world/italy), has said the **EU faces a “deadly risk” from the global pandemic.** “We are facing a crisis that is different from previous crises,” he told the Guardian – partly, he said, because of the unpredictable progression of the virus, partly because “**Europeanism” has been weakened by other crises of the past decade. “The communitarian spirit of**[**Europe**](https://www.theguardian.com/world/europe-news)**is weaker today than 10 years ago,”** he said, adding that the biggest danger for the EU was “the Trump virus”. If everyone took the strategy of “Italy first”, “Belgium first” or “Germany first”, he said, “we will all sink altogether”. **“This is definitely a make-it-or-break-it moment for the European project**,” said Nathalie Tocci, a former adviser to the EU foreign policy chief. “**If it goes badly this really risks being the end of the union. It fuels all the nationalist-populism.”** She points out, however, that so far Italy’s far-right leader, Matteo Salvini, has [plummeted in the polls](https://www.politico.eu/europe-poll-of-polls/italy/), while the popularity of the lawprofessor-turned-prime minister, Giuseppe Conte, has risen. “In some respects, **the public actually want the rational, moderate, reassuring but firm kind of leader.”** Europe has moved on from an initial me-first response, where some countries imposed export bans on vital medical kit, or put up border controls that left other European citizens stranded. Germany, Austria and Luxembourg have opened their hospitals to treat patients from the hardest-hit countries. France and Germany have donated more masks to Italy than China, according to the EU executive, which trumpeted the statistics on social media amid alarm it was losing the [“the global battle of narratives”](https://eeas.europa.eu/headquarters/headquarters-homepage/76379/corona-virus-pandemic-and-new-world-it-creating_en) over “the politics of generosity”. In the early phase of the crisis, Russia and China sent medical supplies to Italy, while [its nearest neighbours failed to immediately respond to Rome’s calls for help](https://www.theguardian.com/world/2020/mar/11/italy-criticises-eu-being-slow-help-coronavirus-epidemic). While European leaders have converged on a response to the public health crisis - a pledge to revamp the EU crisis management system, funding for vaccine research and [joint procurement of medical kit](https://www.theguardian.com/world/2020/mar/30/uk-discussed-joint-eu-plan-to-buy-covid-19-medical-supplies-say-officials) - countries remain divided over how to help the economy weather the storm. **The pandemic has reopened the wounds of the eurozone crisis, resurrecting stereotypes about “profligate” southern Europeans and “hard-hearted” northerners. “Each crisis has reduced trust between member states and within the whole system and this is a real problem,”** said Heather Grabbe, a former adviser to the EU enlargement commissioner. The Dutch finance minister, Wopke Hoekstra, [voiced contrition](https://www.politico.eu/article/dutch-finance-minister-acknowledges-lack-of-empathy-on-corona-bonds/)this week after infuriating his neighbours by asking why other governments didn’t have fiscal buffers to deal with the financial shock of the coronavirus. His comments were described as “repugnant”, “small-minded” and “a threat to the EU’s future” by Portugal’s prime minister, António Costa. Europe is still entrenched in two camps over how to respond to the economic fallout caused by Covid-19. France, Italy, Spain and at least half a dozen others want to break with convention by issuing joint eurozone debt, so-called “corona bonds”. Germany, Austria and the Netherlands continue to shun the idea. **At a summit last week**[**European leaders failed to reach a decision**](https://www.theguardian.com/world/2020/mar/26/eu-leaders-clash-over-economic-response-to-coronavirus-crisis)**, passing the problem to finance ministers**, who have been instructed to find a way out of the impasse by next week. Meanwhile, the all-consuming coronavirus crisis threatens to divert EU attention from the erosion of democratic standards in Hungary. A **newly adopted emergency law caps Viktor Orbán’s decade-long project of centralising power that has left Hungary the first EU country to be classed as only**[**“partly free” by Freedom House.**](https://freedomhouse.org/country/hungary) Grabbe, who now leads the Open Society European Policy Institute in Brussels, thinks attention on the virus risks lessening attention on Hungary. “Orbán is very skilled at choosing his political moment,” she says. “He has often done this before when politicians in other countries are distracted. He introduces new measures and waits for the fuss to die down.” Luuk van Middelaar, a professor of EU law who worked for the European council president during the eurozone crisis, believes the EU can improvise a way out of current divisions. “**The EU is internally ill-equipped to deal with any crisis or unforeseen circumstances**, and yet each time under the pressure of events it improvises solutions.” During the eurozone crisis it took “two years of drama and near-death experiences” to fashion the solution of European banking union, “as it always takes time for interests and minds to converge ... **This time we don’t have that much time so that is worrying.”** Tocci, director of Italy’s Institute for International Affairs, thinks the EU can rescue the situation by moving the coronabonds debate on to more “cool-headed, technical” terrain. “Who is actually going to emit these bonds … What are these bonds going to be for? And if one actually manages to give specific technical answers to these questions then it could be an opportunity to break the ice on a debate that has become so polarised.” Letta envisages a “corona deal” that avoids the divisive question of mutualised debt by having bonds issued by the European Investment Bank, the EU’s lending arm. But Germany and the [Netherlands](https://www.theguardian.com/world/netherlands) also need to move, according to the Italian former prime minister. “The key point to the Germans and the Dutch: please don’t block, don’t stop European measures that we can take together.” Any deal carries the seeds of a future argument. Every time the EU has strengthened its hand in response to a crisis, whether centralised refugee policy or oversight of national budgets, there has been resistance and resentment, according to Middelaar. “The Germans have still not fully digested the role of the European Central Bank as the lender of last resort,” he said while mandatory refugee quotas deepened the cleavage between western and central European countries. “It’s just worth remembering that Italy does not have a monopoly on Eurosceptic politicians. In Germany and the Netherlands there are also Eurosceptics waiting to exploit this issue.” **European leaders’ response will ultimately shape public opinion.** When Italians felt they had been left alone by Europe in the early phase of the pandemic, confidence in the European project shrank. A [poll conducted on 12-13 March](https://www.ecfr.eu/article/commentary_whatever_it_takes_italy_and_covid_19_crisis) found that 88% of Italians felt Europe was failing to support Italy, while 67% saw EU membership as a disadvantage - a remarkable result for a founding member state, where the EU once basked in high levels of support. If European division prevails, the memory will stick of the time when China and Russia rushed to Italy’s aid, thinks Tocci. Italian confidence in the EU “depends more on what Europe does than what the Chinese and Russia do”. “I think that **the jury is still out as to whether Europe is going to do what it takes to come out stronger from this.”**

#### The plan requires unanimous support to pass – fiat makes it must pass which further divides the EU – that kills EU multilateralism.

Welle 7/5 [Deutsche Welle, 07.05.2021, "COVID **vaccine patent waivers divide EU leaders**," DW, [https://www.dw.com/en/covid-vaccine-patent-waivers-divide-eu-leaders/a-57464976 //](https://www.dw.com/en/covid-vaccine-patent-waivers-divide-eu-leaders/a-57464976%20//) JB]

**European leaders discussed** a US **proposal for a waiver on intellectual property protections for** COVID-19 vaccines at an informal EU summit in Portugal on Friday. Though **Germany** came out strongly **against the idea**, others in the European Union (EU), such as **France, Italy and**[**Poland**](https://www.dw.com/en/fake-covid-19-vaccines-emerge-in-mexico-and-poland/a-57339202)**initially signalled support**. What European leaders say about vaccine patent waivers? Still, **French** President [Emmanuel Macron](https://www.dw.com/en/germany-france-praise-european-solidarity-against-covid/a-57341829), said the most pressing obstacle to vaccine programs **was** actually **distribution**. "**What is the problem** right now? **It isn't** really **intellectual property protection**. Can we really entrust laboratories that don't know how to produce [these vaccines] with this intellectual property and expect them to be producing tomorrow?" **Macron said**. **Macron's words** underscored comments **made** earlier on Friday **by German Health Minister** [Jens Spahn](https://www.dw.com/en/jens-spahn-germanys-third-covid-wave-appears-to-be-broken/a-57457605), who **said**: "The **main issue** is **not the question of patents**. The main issue is the question of production capacity," **noting** that more **complex vaccines like the mRNA jabs produced by BioNTech-Pfizer "can't simply be produced anywhere at any factory awarded a license."** **Portuguese** Foreign Minister Augusto Santos Silva **told** DW: "We must first enlarge capacity of production of vaccines and then export them." He pointed out that Europe led the way in donating vaccines. "We are trying to influence all our partners and allies in our effort of donating vaccines," he said. Almost **half** the **vaccines produced in the EU had been exported**, according to Macron. Speaking to reporters, **European Commission** President Ursula von der Leyen **offered** a strong **rebuke of the US proposal**, saying patent waivers would "not bring a single dose of vaccine in the short and medium term." Instead, she urged the US and other vaccine-producing countries to follow the EU's lead and export more of what they make. Von der Leyen said increased production, the removal of export barriers and the sharing of existing doses would provide a more timely solution than a debate over intellectual property rights. What does the World Trade Organization have to do with vaccines? Although South Africa and India originally brought the case for [vaccine waivers](https://www.dw.com/en/coronavirus-digest-uk-reopens-travel-to-select-countries/a-57455871) to the World Trade Organization (WTO) in October of last year, it was this week's surprising announcement of support for the move by US President Joe Biden that finally shook things up. The WTO is key in this instance as it is the ultimate authority on intellectual property rights and international trade — **still, unanimous consent would be needed for the measure to pass.** US Trade Representative Katherine Tai said she would argue President Biden's position at the organization immediately following his announcement Wednesday. What's the difference between vaccine patents and licenses? The **pharmaceutical industry**, which has **strongly opposed an outright**[**patent waiver**](https://www.dw.com/en/access-to-covid-vaccine-patents-is-not-the-same-as-access-to-vaccines/a-57448750)**, favors a system of licensing that it says is already being implemented on an unprecedented scale**. It points to AstraZeneca's deal with the world's largest vaccine maker, India's Serum Institute, and Johnson & Johnson teaming up with South Africa's Aspen Pharmacare to produce its vaccine. A licensing agreement is mostly voluntary and involves a vaccine developer sharing not just patents but the technology and complete know-how with a [manufacturer](https://www.dw.com/en/africa-wants-to-manufacture-its-own-vaccines/a-46151389). If required, governments can force developers to share their licenses. A patent waiver, on the other hand, forces a vaccine developer to share the recipe of its vaccine. A temporary IP relief by the WTO would mean that any company looking to manufacture COVID-19 vaccines would be free to do so without having to pay royalties to vaccine developers and without worrying about being sued for patent infringement.

#### The plan violates the EU’s constitution

EU Parliament 6/10 [EU Parliament, 6-10-2021, "Texts adopted," No Publication, <https://www.europarl.europa.eu/doceo/document/TA-9-2021-06-10_EN.html#sdocta4> // JB]

6.  Stresses that **intellectual property protection is** a key **incentive for innovation** and research **across the globe**; notes that such protection is the basis for **voluntary licensing agreements** and know-how transfer and **is** therefore an enabler of rather than a **barrier to vaccine availability**; cautions that **under** a paradigm of **unenforceability for patents, companies** would **have to resort to** secrecy or exclusivity to protect their innovations; **underlines the threat that an** indefinite **TRIPS Agreement waiver would pose to research finance**, in particular for researchers, investors, developers and clinical trials; emphasises **that the protection of property rights, including intellectual property rights, is a constitutional obligation of the European Union and its Member States;**

#### Yes scope – violations and divide risks collapse and loss of credibility

EU Parliament 6/10 [EU Parliament, 6-10-2021, "Texts adopted," No Publication, <https://www.europarl.europa.eu/doceo/document/TA-9-2021-06-10_EN.html#sdocta4> // JB]

5.  Stresses its **concern at** the increasingly clear **indications and** the growing risk **of misuse of the Union’s budget** as a **means** to deteriorate the **rule of law in some Member States**; regrets **the inability of the Council to make** meaningful **progress in enforcing the Union’s values** in ongoing Article 7 procedures in response to the threats to common European values in Poland and Hungary; **points** out that **this failure by the Council** to make effective use of Article 7 TEU **continues to undermine the integrity of common European values, mutual trust, and the credibility of the Union as a whole**; urges the forthcoming presidencies to organise hearings regularly; recommends that the Council address concrete recommendations to the Member States in question, as enshrined in Article 7(1) TEU, as a follow‑up to the hearings, and that it indicate deadlines for the implementation of those recommendations;

#### Yes uniqueness – IP is a point of contention great power trade

EU Parliament 6/10 [EU Parliament, 6-10-2021, "Texts adopted," No Publication, <https://www.europarl.europa.eu/doceo/document/TA-9-2021-06-10_EN.html#sdocta4> // JB]

In the heat of **escalating conflict**, the US and **China** mutually enforce **norms** that **are** particularly **antagonistic towards the EU’s strategic outlook**. Through **the ongoing trade war, China** and the US **normalise** tariff-based **power play**, force each other, and others, to turn to **protectionist industrial policies**, and **undermine trust in the global trading system**. By way of **securitising the technology industry**, the oftenused **European strategy** of striking stable balances of power through interdependence **is undermined**. Ironically, the US and the **EU have** very similar **trade conflicts with China** – with state subsidies, **intellectual property protection** and market access featuring prominently on the agenda (Brattberg & Le Corre, 2020) – but very different outlooks on how to move forward. As such, the transatlantic partnership is changed by the new Eurasian politics of trade in different ways. The US will become increasingly engulfed in China and the Asia-Pacific region, potentially shifting attention away from Europe. The **EU**, on the other hand, will be **challenged** to **enhance its own Eurasian strategy**, aimed at:seeking greater connectivity with Asian markets (Okano-Heijmans, Prakash, & Zweers, 2018); managing US pressure to decouple from China; creating new allies to reform and uphold the rule-based trading system; and harmonising trade and security strategies.

#### EU collapse causes distrust and nuclear war

María Carmen and Martín Palacios 17 “What Would Happen to Security in Europe if the European Union Broke Up?”, http://www.sirjournal.org/research/2017/9/27/what-would-happen-to-security-in-europe-if-the-european-union-broke-up//ar

It is said that there is a thin line between love and hate. This popular belief also extends to the field of politics. Sometimes, historical break-ups have created tense relations between countries that once seemed to work well together.

Take as an example the dissolution of the Soviet Union. The Eastern- European scenario changed radically after the collapse of the USSR. It took years for the former communist republics to overcome the influence and control that the USSR had exercised in their political systems. Thereby, the normalization of their relations with Russia was a lengthy process and the lack of political security was present throughout it.

In fact, this adaptation process is still ongoing. Russia, nostalgic from its golden imperialist era, frequently tries to restore its past influence over some eastern countries such as Belarus and Ukraine. The latest conflict that has risen from this Russian will is the recent Crimean crisis, and it helps to show this lack of security guarantees in the easternmost part of Europe. (Delanoe, 2014).

Though the EU is not even close to what the political subject of the USSR were, we can learn a valuable lesson from its collapse: Breaking up long-term projects may lead to uncertainty, a feeling of mistrust and even a deadlock of political relations between former allies. In brief, a threat to security and balance.

It is true that EU countries are not tied by a common political ideology such as communism, but they share the idea of enjoying synergies from cooperation and common-policy making in certain areas. Throughout the years, EU members have progressively agreed to give up part of their sovereignty on behalf of the European Union. Therefore, if the EU collapsed, the will of recovering and safeguarding national power would probably be prioritised over other issues. This could create a hypothetical power vacuum and would pose a direct threat to security.

This scenario follows the logic of the Realist perspective, in which States seek to preserve internal security due to the Anarchy of the International arena. Consequently, governments struggle to guarantee their survival, guided by a major feeling of mistrust and suspicion towards the actions of other countries. Realist scholars such as Kenneth Waltz or Hans Morgenthau conceive the Realist paradigm from the perspective that States seek to safeguard security, rather than the pursuit of power (Ashley, 1981). This paradigm could be connected to the consequences of this possible post-break up scenario.

## 4

### OFF

#### Gauthier is indefensibly ableist and their philosophy concludes the same.

**Pfeiffer 01** [David Pfeiffer, 1-11-2001, "'Disabled Lives' commentary," No Publication, [http://www.raggededgemagazine.com/0901/0901pfeiffer.htm //](http://www.raggededgemagazine.com/0901/0901pfeiffer.htm%20//) JB]

Yet many **non-disabled people** would **describe me as** severely **disabled** and dependent, solely **because I use a wheelchair**. That is what ethicist Martha Nussbaum seems to be doing in her ["Disabled Lives: Who Cares?"](http://www.nybooks.com/articles/13956) in the January 11, 2001, issue of The New York Review of Books, which Cal Montgomery dissected so powerfully in her ["Critic of the Dawn"](http://www.raggededgemagazine.com/0501/0501cov.htm) piece (Ragged Edge, May). Nussbaum's discussion of people she calls "severely disabled" reinforces the widespread belief that all people with disabilities are very dependent upon non-disabled people. Some of us are, it's true; but **non-disabled persons are dependent on others as well. Nondisabled people receive "care," too** -- sometimes quite a lot of it. If you doubt that, just consider the level of services -- "care" -- which professional athletes receive. If the reader does not know that professional athletes receive services paid for by **tax dollars**, please take a look at the football and baseball fields and basketball courts built with tax money on which high school and college athletes prepare to become professionals. Pay attention to the amount of tax forgiveness municipalities give professional athletic teams for locating there. The state of Hawaii gives the National Football League two million dollars a year to stage the Pro Bowl here. Perhaps from ignorance, Nussbaum perpetuates a number of common misunderstandings about people with disabilities. While she notes that many elderly persons do not receive care which "shows respect for their dignity," she fails to note that many persons with disabilities do not receive services which show them respect, either. Nussbaum's discussion of "the burdens on people who provide care for dependents" reinforces the idea that people with disabilities are burdens, with little understanding that the "burden" is caused by the inequality of services, not by the person who's disabled. **This same prejudiced attitude is the basis for philosopher David Gauthier's assertion** (noted by Nussbaum) that **people who have "unusual" needs -- as they define unusual" -- cannot be a party to any moral relationship and thus cannot be equal to others**. It also underlies philosopher John Rawls' statement (also noted by Nussbaum) that society is only for people who can act to one another's mutual advantage. **Both Gauthier's and Rawls' reasoning leads one to conclude is that persons with disabilities cannot be free, equal, and independent.** **Although one can observe** that people with **disabilities are neither free, equal, nor allowed to be independent, there is a clear difference between observing our situation and justifying our segregation and forced dependency. None** of the three **ever note this distinction**; they seem not to question the rightness of the status-quo. **Gauthier**, Rawls and Nussbaum are all **making moral judgments about people with disabilities: we have no place in society so we should not exist.** Nussbaum makes an extraordinary statement: "We learn to ignore the fact that disease, old age, and accident impede the moral and rational functions, just as they impede mobility and dexterity." What? Because I had polio 58 years ago when I was nine years old and have used crutches, a cane, and now a wheelchair, "disease" and "age" "impede my moral and rational functions?" Holding a Ph.D. in political science (focusing on public choice), entering my 40th year as a university professor, having over 190 publications to my credit, being a policy analyst specializing in disability issues in the Center on Disability Studies at the University of Hawaii at Manoa, being a past president of the Society for Disability Studies, and now the editor of Disability Studies Quarterly, I would suggest that neither my moral nor my rational functions have been "impeded." I would argue that they have been heightened. It seems Nussbaum thinks people with disabilities are basically -- fundamentally -- different from people without disabilities. "We forget that the usual human life cycle brings with it periods of extreme dependency, in which our functioning is similar to that of the mentally or physically handicapped throughout their lives," she writes. To Nussbaum, it seems, there are independent people and there are dependent people -- with all people with disabilities being the dependent ones. Yet many non- disabled people I know are quite dependent, in ways many people with disabilities I know never are. At one point Nussbaum seems to be speaking directly to me: "Take two people, one in a wheelchair and one not. If they are to have a similar level of mobility, a lot more will have to be spent on helping the person in the wheelchair." Hah! I challenge Nussbaum to a five-mile race on the nearest track. Unless she is a marathoner, I shall finish the five miles well ahead of her. Her statement is pure ableism: she assumes that the status-quo lack of access is "natural" and "right." The present lack of access in our buildings is due to nothing more than policy choices, enacted in today's building codes. If access requirements had originally been included in the building codes, nothing would need to be spent to correct the prejudicial aspects of those buildings which were built to code and made inaccessible in the process. At one time slavery was "natural" and "right." Later segregation was considered "right." At one time the wife was considered the husband's chattel, his possession. Having made some (but not much) progress in overcoming those prejudicial attitudes today, we are left with Nussbaum's ableism -- that the status-quo of lack of access is "natural" and "right." Elderly persons should receive care because of their earlier periods of productivity, writes Nussbaum, **citing Gauthier; people with disabilities have not had earlier years of productivity to justify services, she and Gauthier both say**. Both simply accept as a given that people with disabilities are not economically productive. Yet **this is not true. We are not simply consumers; we are also producers**. I know many people with disabilities who work hard, earn good salaries, who contribute to the economy and to society. I know just as many people without disabilities who do not work hard, barely earn any income, and make questionable contributions to the economy and to society. And there are many people without disabilities who are quite rich and make no contribution to either the economy or to society -- people who are themselves economic and social liabilities. None of this has anything to do with being a person with or without a disability. It has to do with bigotry.

#### This is a reason to drop them – it kills accessibility to disabled people. Their author was also ableist which means they can’t cross apply the theory to defend itself because it’s whats indicted. Reps first –

#### 1] controls the form of argumentation – every arg you make is skewed because you justified them with flawed rhetoric

#### 2] prevents debaters from engaging in your arguments – if you’re arguments justify these things, they may be sensitive to debaters who identify with those groups and prevent them from effectively engaging.

#### 3] reps shape reality because we only understand arguments through how they’re conveyed, just like you won’t vote on an argument you don’t understand.

## Case

### UV

#### 1NC theory first - 1] Abuse was self-inflicted- They started the chain of abuse and forced me down this strategy 2] Norming- We have more speeches to norm over whether it’s a good idea since the shell was read earlier.

#### Reasonability on 1AR shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs on 1AR theory – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – ows on quantifiability

### Contention

#### [1] Patents are contracts, between companies and the government in which the government gives companies protections and exclusive rights to a thing and in return companies make that thing. This is an instance of mutual restraint and as a result it’s immoral to violate patents.

#### [2] The TRIPS agreement, which is a binding contract agreed to by members of the world trade organization, grants intellectual property rights to medicines – magnitude

**Supakankunti,** Siripen, **et al.** "Impact of the World Trade Organization TRIPS Agreement on the Pharmaceutical Industry in Thailand." *World Health Organization Bulletin*, 20**01**, www.ncbi.nlm.nih.gov/pmc/articles/PMC2566431/pdf/11417042.pdf. Accessed 14 Sept. 2021. ICW NW // JB

In 1947, a total of 23 countries signed the General Agreement on Tariffs and Trade (GATT). The primary objective was to promote and regulate the liberalization of international trade through rounds of trade negotiations. Between 1986 and 1994 the UruguayRound of Multilateral Trade Negotiations led to the Marrakech Agreements. These established the World Trade Organization (WTO) and extended the rules governing commercial relations between trading partners to a number of new areas, such as agriculture, services, investment measures and the protection of intellectual property rights. All of these areas had previously been excluded from trade liberalization. Since 1994, attention has focused on the WTO Agreement on Trade-Related Aspects of Intellectual PropertyRights **(TRIPS)** as **the most far-reaching international instrument ever negotiated in this field.** It **establishes minimum universal standards in all areas of intellectual property** and the intention is to implement these standards globally through a strong enforcement mechanism established in WTO. **The TRIPS agreement requires universal patent protection for any invention in any field of technology. This affects pharmaceuticals,** which many countries had previously excluded from patent protection in order to produce drugs at reduced prices and thereby contribute to the improvement of public health. **WTO member countries that did not previously recognize pharmaceutical patents must amend their patent legislation within a limited time or transition period. Any Member country failing to bring its patent law into conformity with the TRIPS agreement,** if challenged by another member country, **is subject to the WTO dispute settlement system. Sanctions may be established** in accordance with WTO procedures. The TRIPS patent system can be expected to have a great impact on the health sector and may negatively affect national drug production, drug prices, the availability of essential medicines and pharmaceutical technology, and numerous other factors in developing and least developed countries. In addition, there could be a greater concentration of drug production in industrial countries rather than a transfer of technology to, or foreign direct investment (FDI) in developing countries. No extensive review of the practical implications of the TRIPS agreement has been conducted at the global and national levels, and at the regional level onlyLatin America has been covered. The present paper examines the consequences of the agreement for the pharmaceutical industry in Thailand with a view to learning lessons applicable to all developing countries. Recommendations are given for alleviating the potential negative impact resulting from mandates set forth in the agreement. In order to determine the specific implications and potential consequences accurately and meaningfully, we identified applicable and clearly defined objectives. Relevant research methods were employed, including situation and data analyses, surveys and impact assessments, and literature reviews. The situation and data analyses and the impact assessments dealt with the effect of the 1992 Thai Patent Law on the pharmaceutical industry in Thailand and on direct foreign investment and the transfer of technology in the sector. For the first time this law covered the protection of rights for both pharmaceutical processes and products.