### 1AC – Framing

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

#### 1] Only pleasure and pain are intrinsically valuable – all other frameworks collapse.

Moen 16 [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] TDI

Let us start by observing, empirically, that a widely shared judgment about intrinsic value and disvalue is that **pleasure is intrinsically valuable and pain is intrinsically disvaluable**. On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues. This inclusion makes intuitive sense, moreover, for **there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels**, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have. “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 **The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values.** If you tell me that you are heading for the convenience store, I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so, not merely for the sake of going to the convenience store, but for the sake of achieving something further that you deem to be valuable. You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the **pleasure is not good for anything further**; it is simply that for which going to the convenience store and buying the soda is good.3 As Aristotle observes: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that **pleasure and pain are both places where we reach the end of the line in matters of value.**

#### 2] Extinction first --- moral uncertainty.

**Bostrom 12** [(Nick Bostrom, Faculty of Philosophy & Oxford Martin School University of Oxford) “Existential Risk Prevention as Global Priority.” Global Policy, 2012] TDI

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

#### 3] Actor specificity: A] Governments must aggregate since every policy benefit some and harms others, which also means side constraints freeze action. B] States lack wills or intentions since policies are collective actions. C] Actor-specificity comes first since different agents have different ethical standings.

### 1AC – Plan

#### Plan – The member nations of the World Trade Organization ought to reduce intellectual property protections for COVID-19 medicines.

#### Rich countries are blocking a WTO patent-waiver proposal necessary to boost global production of COVID vaccines.

Meredith 21. [(Sam Meredith is a Correspondent at CNBC in London, covering international politics, energy and business news) “Rich countries are refusing to waive the rights on Covid vaccines as global cases hit record levels,” CNBC, April 22, 2021. <https://www.cnbc.com/2021/04/22/covid-rich-countries-are-refusing-to-waive-ip-rights-on-vaccines.html>] TDI

LONDON — The U.S., Canada and U.K. are among some of the high-income countries actively **blocking a patent-waiver proposal** designed to **boost the global production of Covid-19 vaccines.** It comes as coronavirus cases worldwide surge to their highest level so far and the World Health Organization has repeatedly admonished a “**shocking imbalance” in the distribution of vaccines amid the pandemic.** Members of the World Trade Organization will meet virtually in Geneva, Switzerland on Thursday to hold informal talks on whether to temporarily waive intellectual property and patent rights on Covid vaccines and treatments. The landmark proposal, which was jointly submitted by India and South Africa in October, has been backed by more than 100 mostly developing countries. It aims to facilitate the manufacture of treatments locally and boost the global vaccination campaign. Six months on, the proposal continues to be **stonewalled by a small number of governments** — including the U.S., EU, U.K., Switzerland, Japan, Norway, Canada, Australia and Brazil. “In this Covid-19 pandemic, we are once again **faced with issues of scarcity**, which can be addressed through diversification of manufacturing and supply capacity and ensuring the **temporary waiver of relevant intellectual property**,” Dr. Maria Guevara, international medical secretary at Medecins Sans Frontieres, said in a statement on Wednesday. “It is about saving lives at the end, not protecting systems.” The **urgency and importance of waiving certain intellectual property rights amid the pandemic have been underscored** by the WHO, health experts, civil society groups, trade unions, former world leaders, international medical charities, Nobel laureates and human rights organizations. Why does it matter? The waiver, if adopted at the General Council, the WTO’s highest-level decision-making body, could **help countries around the world overcome legal barriers** preventing them from producing their own Covid vaccines and treatments. Advocates of the proposal have conceded the waiver is not a “silver bullet,” but argue that **removing barriers** toward the development, production and approval of vaccines is **vital in the fight to prevent, treat and contain the coronavirus.**

#### The pandemic is raging through developing economies and inflicting loss on a horrific scale and prolongs economic hardships – timeframe is fast.

Lindsey 21. [(Brink Lindsey) “Why intellectual property and pandemics don’t mix,” Brookings Institution, June 3, 2021. <https://www.brookings.edu/blog/up-front/2021/06/03/why-intellectual-property-and-pandemics-dont-mix/>] TDI

\*\*cut part about economic hardships

Although focusing on these immediate constraints is vital, we cannot confine our attention to the short term. First of all, the **COVID-19 pandemic is far from over**. Although Americans can now see the light at the end of the tunnel thanks to the rapid rollout of vaccines, most of the world isn’t so lucky. The virus is **currently raging in India and throughout South America, overwhelming health care systems and inflicting suffering and loss on a horrific scale**. And consider the fact that Australia, which has been successful in suppressing the virus, recently announced it was sticking to plans to keep its borders closed until mid-2022. Criticisms of the TRIPS waiver that focus only on the next few months are **therefore short-sighted**: this pandemic could well **drag on long enough for elimination of patent restrictions to enable new vaccine producers to make a positive difference.**

#### Critics of the IP waiver are wrong- it’s the most effective way to combat covid inequality, alternatives fail

Erfani et al, 21

(Parsa Erfani, Fogarty global health scholar1 2, Agnes Binagwaho, vice chancellor2, Mohamed Juldeh Jalloh, vice president3, Muhammad Yunus, chair4, Paul Farmer, professor57, Vanessa Kerry, associate professor810 Harvard Medical School, Boston, USA 2University of Global Health Equity, Rwanda 3Sierra Leone 4Yunus Centre, Bangladesh 5Global Health and Social Medicine, Harvard Medical School, Boston, USA 6Division of Global Health Equity, Brigham and Women’s Hospital, USA 7Partners In Health, USA 8Seed Global Health, USA 9Program in Global Public Policy and Social Change, Harvard Medical School, Boston, USA 10Division of Pulmonary and Critical Care Medicine, Massachusetts General Hospital, USA Intellectual property waiver for covid-19 vaccines will advance global health equity BMJ 2021; 374 doi: https://doi.org/10.1136/bmj.n1837 (Published 03 August 2021) Cite this as: BMJ 2021;374:n1837 https://www.bmj.com/content/374/bmj.n1837.full) The barrier to adequate vaccine supply today is not lack of vaccine options, nor even theoretical production capacity; the problem is the intellectual property (IP) protection governing production and access to vaccines—and ultimately, the political and moral will to waive these protections in a time of global crisis. Without such liberty, there will not be enough vaccine fast enough to prevent the spread of variants, the avoidable deaths, and the continued choking of low and middle income countries (LMICs) through poor health. Beyond donor based models of global vaccine equity As covid-19 became a pandemic, global efforts emerged to help ensure vaccines would be delivered across the globe to the highest risk populations. One of the first was Covax, a risk sharing mechanism in which countries, tiered by means, contribute to collectively source and equitably distribute vaccines globally. The effort, however laudable in intent, has been undercut by vaccine scarcity and underfunding. Covax aims to vaccinate 20% of the population in 92 low and middle income countries by the end of 2021. At the end of April, however, it had shipped only one fifth of its projected estimates and lacked critical resources for distribution.3 LMICs are wary about participating in well worn dynamics of global health aid. Instead, they are mobilising to overcome the fundamental paucity of available vaccines by challenging established global IP rules. At issue is the 1995 Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement, which established minimum protection standards for IP—including patents, industrial designs, trade secrets, and copyright—that all 164 members of the World Trade Organization (WTO) must respect.5 Subsequent rulings (such as the Doha declaration) have strived to clarify safeguards on patents, including compulsory licensing, which allows governments to license patents to a third party without consent (table 1).6 Today, these rules provide strong IP protection for vaccine technologies and affect the quantity and location of vaccine production and availability. Table 1 Licensing of intellectual property View popupView inline In October 2020, South Africa and India submitted a proposal to the WTO to temporarily waive certain provisions of the TRIPS agreement for covid-19 health products and technologies. The waiver would prevent companies that hold the IP for covid-19 vaccines from blocking vaccine production elsewhere on the grounds of IP and allow countries to produce covid-19 medical goods locally and import or export them expeditiously (table 1). Although the proposed IP waiver is supported by over 100 countries, WTO has not reached a consensus on the proposal because of opposition and filibustering by several high income countries, including the UK, Germany, and Japan.7 Waiver opponents argue that the limited capacity of LMICs to produce complex covid-19 vaccines safely is the true barrier to global production, not IP. They suggest that the TRIPS waiver would penalise drug companies, stifle biomedical innovation, and deter future investments in research and development—in sum, that it would reduce returns on investment and dismantle an IP system that provided the goods needed to end the pandemic. Others are concerned that an IP waiver would fuel supply chain bottlenecks for raw materials and undermine ongoing production. Moreover, policy makers argue that a waiver is unnecessary as company driven voluntary licensing—in which companies decide when and how to license their technologies—and existing TRIPS flexibilities (such as country determined compulsory licensing) should suffice in establishing production in LMICs (table 1). They suggest that waiving IP for covid-19 vaccines would provide no meaningful progress, but the data do not support this. What effect would a waiver have? Contrary to detractors’ concerns about the possible effect of a temporary TRIPS waiver, global health analyses suggest that it will be vital to equitable and effective action against covid-19. LMIC’s manufacturing capabilities have been underestimated, even though several LMICs have the scientific and manufacturing capacity to produce complex covid-19 vaccines. India, Egypt, and Thailand are already manufacturing viral vector or mRNA-based covid-19 vaccines,8910 and vaccine production lines could be established within months in some other LMICs,11 offering substantial benefit in a pandemic that will last years.11 Companies in India and China have already developed complex pneumococcal and hepatitis B recombinant vaccines, challenging existing vaccine monopolies.12 The World Health Organization launched an mRNA technology transfer hub in April 2021 to provide the logistical, training, and know-how support needed for manufacturers in LMICs to repurpose or expand existing manufacturing capacity to produce covid-19 vaccines and to help navigate accessing IP rights for the technology.13 Twenty five respondents from LMICs expressed interest, and South Africa was selected as the first hub, with plans to start producing the vaccine through the Biovac Institute in the coming months.14 Removing IP barriers through the waiver will facilitate these efforts, more rapidly enable future hubs, engage a greater number of manufacturers, and ultimately yield more doses faster. Moreover, as the waiver facilitates vaccine production, demand for raw materials and active ingredients will increase. Coupled with pre-emptive planning to anticipate and expand raw material production, the waiver—which encompasses the IP of all covid-19 vaccine-related technology— can offer a path to overcome bottlenecks and expand production of necessary vaccine materials. Current licensing mechanisms inadequate Voluntary licences have not and will not keep pace with public health demand. Since companies determine the terms of voluntary licences, they are often granted to LMICs that can afford them, leaving out poorer regions.10 For example, in South Asia, AstraZeneca has voluntarily licensed its vaccine to the Serum Institute of India, even though the region has multiple capable vaccine manufacturers.9 Many covid-19 vaccine developers have not taken steps towards licensing their technologies, simply because there is limited financial incentive to do so.11 To date, none have shared IP protected vaccine information with the WHO Covid-19 Technology Access Pool (C-TAP) established last year.15 Relying on the moral compass of companies that answer to shareholders to voluntarily license their technologies will have limited effect on vaccine equity. Their market is driven by profit margins, not public health. Compulsory licensing by LMICs will also be insufficient in rapidly expanding vaccine production, as each patent licence must be negotiated separately by each country and for each product based on its own merit. From 1995 to 2016, 108 compulsory licences were attempted and only 53 were approved.6 The case-by-case approach is slow and not suitable for a global crisis that requires swift action. In addition, TRIPS requires compulsory licences to be used predominantly for domestic supply, limiting exports of the licensed goods to nearby low income countries without production capacity.5 Although a “special” compulsory licence system was agreed in the Doha declaration to allow for expeditious exportation and importation (formalised as the article 31bis amendment to TRIPS in 2017), the provision is limited by cumbersome logistical procedures and has been rarely used.16 Governments may also be hesitant to pursue compulsory licences as high income countries have previously bullied them for doing so. Since India first used compulsory licensing for sorafenib tosylate in 2012 (reducing the cancer drug’s price by 97%), the US has consistently pressured the country not to use further compulsory licences.17 During this pandemic, Gilead sued the Russian government for issuing a compulsory licence for remdesivir.18 Furthermore, while compulsory licences are primarily for patents, covid-19 vaccines often have other types of IP, including trade secrets, that are integral for production.19 The emergency TRIPS waiver removes all IP as a barrier to starting production (not just patents) and negates the prolonged time, inconsistency, frequent failure, and political pressure that accompany voluntary licensing and compulsory licensing efforts. It also provides an expeditious path for new suppliers to import and export vaccines to countries in need without bureaucratic limitations. Finally, there is no compelling evidence that the proposed TRIPS waiver would dismantle the IP system and its innovation incentives. The waiver is restricted to covid-19 related goods and is time limited, helping to protect future innovation. It would, however, reduce profit margins on current covid-19 vaccines. With substantial earnings in the first quarter of 2021, many drug companies have already recouped their research and development costs for covid-19 vaccines.20 However, they have not been the sole investors in vaccine development, and they should not be the only ones to profit. Most vaccines received a substantial portion of their direct funding from governments and not-for-profit organisations—and for some, such as Moderna and Novavax, nearly all.21 Decades of publicly funded research have laid the groundwork for current innovations in the background technologies used for vaccines.22 Given that companies were granted upfront risk protection for covid-19 vaccine research and development, a waiver that advances global public health but reduces vaccine profits in a global crisis is reasonable. Knowledge transfer An IP waiver for covid-19 vaccines is integral to boosting vaccine supply, breaking vaccine monopolies, and making vaccines more affordable in LMICs. It is, however, only a first, but necessary, step. Originator companies must transfer vaccine technology and share know-how with C-TAP, transfer hubs, or individual manufacturers to help suppliers begin production.23 In addition, governments must leverage domestic law, private sector incentives, and contract terms with pharmaceutical companies to compel companies to cooperate with such transfers.24 If necessary, governments can require technology transfers in exchange for continuing enterprise in a country or avoiding penalties. Politicians and leaders are at a critical juncture: they will either take the necessary steps to make vaccine technology available to scale production, stimulate global collaboration, and create a path to equity or they will protect a hierarchical system based on an economic bottom line. The former will not only build a vaccination trajectory that puts equal value on the lives of the rich and the poor, but will also help stem the pandemic’s relentless momentum and quell the emergence of variants. We are in the middle of one of the largest vaccination efforts in human history. We cannot rely on companies to thread the needle of corporate social and moral responsibility with shareholder and stock value returns nor expect impacted governments to endure lengthy bureaucratic licensing processes in this time of crisis. It will be a legacy of apathy and unnecessary death. As the human impact of the proposed IP waiver becomes clear, consensus behind it is growing. Countries that previously opposed the waiver—such as the US and Brazil—now support written text based negotiations.7 Opposing countries must stop blocking the waiver, engage in transparent text negotiations, and commit to reaching consensus swiftly. The longer states stall, the more people die needlessly. Covid-19 has repeatedly shown that people without access to resources such as strong health systems, health workers, medicines, and vaccines will preferentially fall ill and die. For too long, this cycle has been “other people’s” problem. It is not. It is our problem.

### 1AC – WTO Credibility

#### Advantage 1 is WTO Credibility.

#### The new head of the WTO is on track to push for reform and an increased role but is hindered now due to lack of vaccine agreement.

Baschuk 4-27. [(Bryce Baschuk is a Bloomberg Reporter) ["WTO Chief Pursues a ‘Hectic’ Agenda to Fix World Trade’s Referee," Bloomberg, April 27, 2021. https://www.bloomberg.com/news/articles/2021-04-27/wto-chief-pursues-a-hectic-agenda-to-fix-world-trade-s-referee](file:///Users/adenbarton/Downloads/%22WTO%20Chief%20Pursues%20a%20‘Hectic’%20Agenda%20to%20Fix%20World%20Trade’s%20Referee,%22%20Bloomberg,%20April%2027,%202021.%20https:/www.bloomberg.com/news/articles/2021-04-27/wto-chief-pursues-a-hectic-agenda-to-fix-world-trade-s-referee)] TDI

The head of the World Trade Organization **raised an alarm about the credibility of the multilateral trading system**, urging leaders to act fast to bolster the global economy with steps like fairer vaccine distribution and cooperate to resolve longer-term problems like overfishing. During her first two months, WTO Director-General Ngozi Okonjo-Iweala has met with trade ministers around the globe to communicate a message that **the WTO is important, it needs to be reformed and it needs to deliver results.** So far, she says the reception from world leaders has been positive, but quickly translating that goodwill into substantive outcomes during a global pandemic is just as daunting as she anticipated. “The word I would use to describe it is absolutely hectic,” Okonjo-Iweala said in a phone interview on Tuesday when asked about her first few months in the job. “The challenges we thought were there are there and getting an agreement is not as easy because of longstanding ways of negotiating business positions.” Read More: Arcane WTO Pact Moves to Center of Vaccine Debate: Supply Lines Countries need to move past the notion that one country’s gain in international commerce is another’s loss, she said. “We need to break out of the zero-sum deadlock,” Okonjo-Iweala said. “We need to remind the countries and members that the WTO is here to deliver for people. **We can’t take 20 years to negotiate something**.” Okonjo-Iweala said **her top priority is to use trade to alleviate the pandemic** and said her recent meeting with trade ministers and vaccine manufacturers provided a positive step in the right direction. ‘More Pragmatism’ “That meeting yielded quite a lot,” she said. “I see more pragmatism on both sides.” An important component of the WTO’s trade and health agenda is a proposal from India and South Africa that seeks to temporarily waive enforcement of the WTO’s rules governing intellectual property for vaccines and other essential medical products. Read More: U.S. Trade Chief Meets Pfizer, AstraZeneca About Vaccine Supply As of this week there are fresh signals that the Biden administration, which currently opposes a waiver to the WTO agreement on Trade-Related Aspects of Intellectual Property Rights, wants vaccine manufacturers like Pfizer Inc. and AstraZeneca Plc to help ramp up U.S. pandemic assistance to the rest of the world. “There is movement,” Okonjo-Iweala said. “Are we there yet? No, but there is a little bit of change in the air among members. I think hopefully we will be able to come to some sort of a framework for the WTO ministers to bless.” “We don’t have time,” she added. “People are dying.” Okonjo-Iweala said this month’s vaccine meeting also revealed areas where the developing world can increase its capacity to produce more doses rather than waiting for rich countries to send them their excess supplies. She said various emerging markets such as India, Pakistan, Bangladesh, Senegal, Indonesia and Egypt already have some capacity to begin producing vaccines for people living in developing economies.

#### Patent waiver is necessary to revitalize WTO’s credibility as an international dispute mechanism – creates momentum for further reform.

Meyer 6-18-21. [(David Meyer is the Editor of CEO Daily and a senior writer on Fortune’s European team. Author of the digital rights primer, Control Shift: How Technology Affects You and Your Rights. “The WTO’s survival hinges on the COVID-19 vaccine patent debate, waiver advocates warn,” Fortune, June 18, 2021. <https://fortune.com/2021/06/18/wto-covid-vaccines-patents-waiver-south-africa-trips/>] TDI

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

#### No alt causes – how the WTO acts now with Covid will shape its role in the international economy for decades to come.

Evenett and Baldwin 20**.** [(Simon J. Evenett is Professor of International Trade and Economic Development at the University of St. Gallen, Switzerland, and Co-Director of the CEPR Programme in International Trade and Regional Economics. Richard E. Baldwin is a professor of international economics at the Graduate Institute of International and Development Studies in Geneva. “Revitalising multilateral trade cooperation: Why? Why Now? And How?” November 10, 2020. <https://voxeu.org/content/revitalising-multilateralism-pragmatic-ideas-new-wto-director-general>] TDI

Purposeful, pragmatic steps towards noble goals Archbishop Desmond Tutu, that tireless campaigner against Apartheid, once remarked that “there is only one way to eat an elephant: one bite at a time”. **After a decade of drift and backsliding**, the task of revitalising multilateral trade cooperation may seem daunting. It may seem even more so after the disruption of the COVID-19 pandemic and the attendant slump in world trade. **Yet, in the same emergency lies the seeds of revival** – **especially, if trade diplomats can demonstrate the relevance of the WTO to national governments fighting this pandemic** – **ideally through an accord that eases the cross-border shipment of needed medical goods and medicines**. Step by pragmatic step, the **WTO can regain its centrality in the world trading system**. **Ultimately, the pandemic affords the opportunity to reframe discussions on multilateral trade cooperation away from the stalemate, frustration of recent years between governments**, and the Uruguay Round mindset that ran into diminishing returns years ago. Rather, discussions between governments need to draw lessons from the second global economic shock in 15 years so as to rebuild a system of global trade arrangements capable of better tackling systemic crises and, more importantly, better able to contribute to the growing number of first-order challenges facing societies in the 21st century. Doing so will require revisiting the very purpose of the WTO.

#### Action now over Covid creates goodwill to establish global trade as a norm and preserve the relevance of the trading system post-Covid.

González 20**.** [(Anabel Gonzalez is a nonresident senior fellow at the Peterson Institute and former Minister of Foreign Trade of Costa Rica “Revitalising multilateral trade cooperation: Why? Why Now? And How?” November 10, 2020. <https://voxeu.org/content/revitalising-multilateralism-pragmatic-ideas-new-wto-director-general>] TDI

EXTRAORDINARY TIMES DEMAND EXTRAORDINARY ACTION As of 2 November 2020, there are 46.9 million COVID-19 cases across all regions, with the number of deaths exceeding 1.2 million, and rising.2 The economic and social impacts of the pandemic and its containment measures are not less daunting. Global growth is estimated at -4.9 in 2020, with over 95% of countries projected to have negative per capita income growth (IMF 2020). Trade volumes are expected to decrease by between 13% and 32% from last year,3 while foreign direct investment flows could plunge by up to 40% (UNCTAD 2020). Is it estimated that the equivalent of 555 million jobs have been lost in the first half of this year (ILO 2020), which in turn could push up to 100 million more people into extreme poverty and would almost double the number of persons suffering from acute hunger (FAO 2020). While there is some evidence that goods trade may be rebounding and that the worst-case trade scenario projected in April could be averted (CPB 2020, WTO 2020a), the recovery from the deepest global recession since World War II will depend on the sustained and effective containment of the virus and the quality of government policies. The World Bank/IMF Development Committee warned that the pandemic has the potential to erase development gains for many countries (World Bank 2020a). Some consequences may also be long-lasting, such as lower investment, erosion of human capital, and a retreat from global trade and supply linkages (World Bank 2020b). It is no understatement to say these are extraordinary times. In many countries, governments are providing significant levels of fiscal support to try to stabilise their economies, sustain companies and minimise the impact on workers; in many others, limited fiscal space and informality constraint governments’ capacity to mitigate the damage. For advanced and developing economies alike, trade is a powerful, cost-effective tool to alleviate the devastating effects of COVID-19 on the health and economic fronts. And yet, protectionism is gaining an upper hand, deepening some of pre-pandemic confrontations that were already threatening the global economy. The short-term response to the virus and longer-term growth prospects depend on strong multilateral cooperation to scale back obstacles to trade and investment, increase business certainty and leverage opportunities which the pandemic has accelerated in areas like the digital economy. **It is also needed to preserve stable and coordinated international relations to avoid that heavy threats implicit in the pandemic could result in catastrophic disorders or conflicts** (Jean 2020). But it will not happen automatically. Unless governments accelerate their efforts to collaborate, growing protectionism and increased distortions to global value chains (GVCs) risk being a by-product of the virus, at the same time further exacerbating its negative implications. **This demands extraordinary action.** This chapter addresses the question of what role for trade ministers at the WTO in times of crises with a view to activating global cooperation to overcome COVID-19. In addition to the introductory section, the second section explores the need to reactivate the WTO to underpin collaboration among governments, the third section argues that trade ministers should call the shots during crisis, the fourth section suggests eight actions for ministers to rein in protectionism and mitigate further damage, the fifth section refers to the mechanics on how and when to do it, and a final section offers concluding remarks. **REACTIVATE THE WTO** Trade needs to be part of the response to COVID-19 and its upshots, and countries cannot afford the WTO, hobbled as it has been lately, to muddle through. **Moreover, as the world confronts more frequent and severe profound shocks such as financial crises, terrorism, extreme weather and pandemics** (McKinsey Global Institute 2020), **the WTO needs to step up its role during systemic crises.** **The fact that the organisation has been faltering, that there is a leadership vacuum and that distrust runs high among major traders will not make it any easier.** Exacerbated tensions related to the pandemic can only add to the feeling that WTO rules have been conceived for a very different context, increasing the risk of a loss of legitimacy (Jean 2020). **This is not about a major reset of the WTO. It is about (re)activating the organisation to serve its members as they combat the devastating impact of the pandemic and the global recession**. The WTO needs broader reform, in particular to address structural changes in the global economy. While extremely important, this discussion should not hamper the ability of the WTO to deliver at times of systemic crisis. Moreover, should the WTO – or more accurately, its members – demonstrate they can actually rise to the occasion in the context of COVID-19, **they will also contribute to increasing trust levels** **on the ability of the organisation to produce results**. The starting point is a shift in mindset: governments need to understand that international trade is not a problem in the crisis, but rather a core element of the solution (Baldwin and Evenett 2020). Take the shortages of medical supplies. There are three methods of assuring supply: stockpiling, investments in manufacturing capacity and trade. Of these options, relying on international trade is the most efficient and economic choice, provided the WTO can help assure security of this method of supply (Wolff 2020a). To be sure, many nations have taken unilateral steps to facilitate trade, especially in medical supplies and medicines. The Global Trade Alert reports that while 91 jurisdictions have adopted a total of 202 export controls on these goods since the beginning of 2020, 106 jurisdictions have executed 229 import policy reforms on these goods over the same period.4 After initial border closures, some neighbouring countries are beginning to facilitate the cross-border flow of goods. At the regional level and among subsets of countries, governments have issued different statements to keep trade lanes open and supply chains moving (see Table A1 in the Annex). After a tepid declaration from G20 leaders, trade ministers reaffirmed their determination to cooperate and coordinate to mitigate the impact of the COVID-19 pandemic on trade and investment and to lay a solid foundation for a global economic recovery. They also endorsed a set of short-term collective actions on trade regulation, trade facilitation, transparency, operation of logistics networks and support for small enterprises, and a group of longer-term actions on WTO reform, GVC resilience and investment; monitoring of implementation was left to senior officials (G20 2020). These actions are positive and reflect the political will of governments to collaborate to some extent – even if they have not fully countered the flurry of barriers and restrictions surrounding trade in critical medical gear. They are no substitute for trade cooperation at the global level, either. In the case of medical products, for example, the EU, the US and China account for almost three-quarters of world exports (WTO 2020b); cooperation initiatives that do not include these members would fall short on impact. The venue for cooperation should be global and open to all, even if not all 164 WTO members opt to engage in all initiatives. TRADE MINISTERS SHOULD CALL THE SHOTS DURING CRISES Challenges notwithstanding, governments need to act now to empower the WTO to play an active part in coordinating the response to the pandemic. The WTO is more than an organisation immersed in myriad drama on the shores of Lake Geneva; it is a solid framework for global trade cooperation. **It is in countries’ interest to preserve the relevance of the WTO;** its role can be critical in helping members help themselves. In a member-driven organisation such as the WTO, the role of the Director-General and the Secretariat is important and can and should be enhanced, for example with greater power of initiative and strengthened monitoring and analytics capabilities. The WTO dedicated page on the pandemic is a step in the right direction.5 But the ultimate responsibility to provide direction and act rests with governments. The WTO is nothing more and nothing less than the collectivity of its members (Steger 2020), a point that is frequently forgotten in the public discourse. Without strong leadership, frequent engagement and serious interest among members in addressing its challenges, the WTO itself cannot deliver results (Cutler 2020). Paraphrasing VanGrasstek (2013), the multilateral trading system receives its inspiration from economists and is shaped primarily by lawyers, but it can only operate within the limits set by politicians.

#### Post Covid WTO legitimacy and credibility necessary to prevent a downward spiral of protectionism.

Solís 20 [(Mireya Solís is director of the Center for East Asia Policy Studies, Philip Knight Chair in Japan Studies, and a senior fellow in the Foreign Policy program at Brookings. “The post COVID-19 world: Economic nationalism triumphant?” July 10, 2020. <https://www.brookings.edu/blog/order-from-chaos/2020/07/10/the-post-covid-19-world-economic-nationalism-triumphant/>] TDI

The damage caused by the worst global health crisis in a century is vast. The new coronavirus has traveled far and fast, infecting more than 8.7 million people and killing more than 460,000. One after another, economies have gone into lockdown to slow down the spread of the disease. The combined supply and demand shocks have ravaged the world economy with the most severe downturn since the Great Depression; **anticipated drops to international trade and investment flows of 30% and 40%,** respectively; and unemployment spikes in many countries. The pandemic has cost lives and livelihoods and has erased the chances of returning to the status quo ante, but it has also brought little clarity regarding what kind of international order it will usher in. Is the future one of deglobalization, decoupling, and reshoring of economic activity? **The pandemic hit an already wounded multilateral trading system**. The chances that the World Trade Organization (WTO) can deliver a multilateral round of trade negotiations to slash tariffs across the board and update the trade and investment rulebook are nil. But the WTO has also lost its central role as arbiter of trade disputes among its members. In December 2019, the Appellate Body ceased to function due to the U.S. block of new appointments, citing judicial overreach. **At a time of rising protectionism, the erosion of a rules-based mechanism to adjudicate disputes bodes ill.** **Longstanding challenges to the WTO have been exacerbated by an abdication of leadership from the great powers to ensure its survival**. China has been the godchild of globalization, leveraging its accession to the WTO to become workshop for the world and a huge domestic market coveted by foreign firms. But China lost its appetite for economic reform, reinvesting on a state capitalism model that imposes heavy costs on other nations. Unchecked subsidies and privileges awarded to its state-owned enterprises, insufficient protection of intellectual property, foreign investment restrictions, forced technology transfers, and cyber protectionism all make the Chinese government’s self-proclamation as champion of global free trade ring hollow. The Trump administration judges the WTO incapable of tackling the China challenge, but instead of creating coalitions of like-minded countries to bring about effective multilateral trade governance, it appears determined to further harm ~~cripple~~ the international organization. It has offered no blueprint to fix the dispute settlement mechanism, has abused the national security exemption to raise tariffs against allies, and is gearing up for its most fundamental assault to date on the WTO: a tariff reset through which the U.S. may unilaterally abandon its commitments on bound tariffs and apply larger duties to force other countries to open their markets. **Trade spats as other countries retaliate in kind is a more likely result.** Tariff wars and the battle for technology supremacy have come to define U.S.-China great power competition. After a grueling trade conflict, the United States and China reached a limited trade agreement in January 2020. The deal marked a pause in the tariff war and addressed some non-tariff barriers on foreign direct investment and intellectual property; but it left intact the core of Chinese industrial policy (public subsidies and state-owned enterprises) and retained U.S. duties on $360 billion worth of Chinese products. China’s massive purchase commitments ($200 billion) were quickly rendered unattainable by the severe economic downturn in China due to COVID-19. In fighting for the new economic order, setting standards on cutting-edge technologies will be at the forefront. China is using all the levers of industrial policy to gain technological primacy in areas like AI and quantum computing. Telecom and the battle over 5G offer a preview of quarrels to come. Deeply concerned with the cybersecurity risks that Chinese telecom giants like Huawei pose, the U.S. government placed the company on its Entity List, banning American exports without a license. It has since tightened the restrictions by barring foreign companies from supplying Huawei with products manufactured with American equipment and technology. National security concerns are increasingly encroaching on existing webs of economic interdependence. Wary of China’s acquisition of critical technology, countries like the United States, Australia, and Japan have tightened their screening of foreign direct investment. The pandemic has only exacerbated concerns that weakened companies in strategic sectors are at risk of foreign takeover. COVID-19’s impact on the international trading system is twofold. It has reinforced existing trends such as the deceleration and now drop in the volume of international trade, the rise of economic security as governments expand their toolkit to restrict trade and investment flows, and it has laid bare the fallout in U.S.-China relations. But the pandemic also brought new challenges that exposed the extent to which trade cooperation is in short supply. Export protectionism has risen in prominence with national restrictions on shipments of essential medical supplies and personal protective equipment. The WTO allows for such curbs for public health purposes – provided the measures are temporary and transparent. Few countries, however, have bothered to comply with their notification commitments. **The blow comes at a time when the WTO is adrift** with the decision of Director General Roberto Azevedo to step down early, opening the search for new leadership in a climate of divisiveness. Graph detailing the number of countries that imposed export restrictions on various categories of medical supplies and devices in response to the coronavirus pandemic. Are we on the eve of a renationalized world economy? That is the aspiration of several American and European public officials who fault extended global supply chains and overdependence on China for the current mishaps in tackling the pandemic. But the view that economic nationalism and reshoring of manufacturing is a fail-safe path to security and prosperity is wrong. For one, it skirts the responsibility of governments to properly stockpile essential medical supplies. Furthermore, the export curbs will be counterproductive, eliminating incentives for producers to expand capacity and increasing the cost of much needed medicines and medical devices. If the recent lockdowns have taught us anything, it is that exclusive reliance on the domestic market is too risky. Diversification of supply, redundancies in the manufacturing chain, and stockpiling programs are better alternatives. In this endeavor, global supply chains are part of the solution, not the problem. COVID-19 will not produce an exodus of foreign companies from the Chinese market. Recent surveys of American companies with operations in China show that most firms intend to stay put. A February survey of Japanese companies conducted by Tokyo Shoko Research shows that only a fraction (4%) are considering exit from China. Therefore, the Japanese government’s $2.2 billion fund to restructure supply chains should be understood as risk management, not decoupling. When international companies map out their business strategies, they must factor in heightened risks – protectionism, national security controls, and economic lockdowns. **Hence, efforts by middle powers to offer an interim arbitration mechanism at the WTO** to handle trade disputes and to commit to maintaining open supply chains in essential medical goods **are the right antidote to rising economic nationalism**. As a staunch supporter of rules-based trade and with its decision to forego export protectionism in the current crisis, Japan has much to contribute to these efforts.

#### Trade solves great power competition – regionalism causes militarized crises.

Lake 18 [(David Lake is a Professor of Social Sciences and Distinguished Professor of Political Science at the University of California, San Diego. "Economic Openness and Great Power Competition: Lessons for China and the United States,” April 30, 2018. <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3171196/>] TDI

I develop two central arguments. First, historically, great power competition has been driven primarily by exclusion or fears of exclusion from each power’s international economic zone, including its domestic market. Great powers in the past have often used their international influence to build zones in which subordinate polities – whether these be colonies or simply states within a sphere of influence – are integrated into their economies. These economic zones, in turn, are typically biased in favor of the great power’s firms and investors, with the effect of excluding (in whole or part) the economic agents of other great powers. These other great powers, in response, are then compelled to develop or expand their own exclusive economic zones. The “race” for economic privilege can quickly divide the world up into economic blocs. Like the security dilemma, great powers need not actually exclude one another from their zones; the fear of exclusion alone is enough to ignite the process of division. The race for privilege then draws great powers into over-expanding into unprofitable regions and, more important, militarized competition. Economic and military competition are thus linked, with the former usually driving the latter. The most significant military crises have, historically, been over where to draw the boundaries between economic zones and subsequent challenges to those boundaries. Economic closure and fear of closure have been consistent sources of great power conflict in the past – and possibly will be in the future. The major exception to this trend was the peaceful transfer of dominance in Latin America from Britain to the United States in the late nineteenth century. This suggests that economic closure and great power competition is not inevitable, but a choice of the great powers themselves. Second, this international competition is driven, in turn, by domestic, rent-seeking groups and their economic interests. In all countries, scarce factors of production, import competing sectors, and domestically-oriented firms have concentrated and intense preferences for market restricting policies, including tariffs and the formation of exclusive economic zones. Consumers and free trade-oriented groups have diffuse preferences for market enhancing policies, and thus tend to lose at the ballot box and in the making of national policy. This inequality in preference intensity does not mean protectionists always win; after 1934, the United States insulated itself by shifting authority to the executive and negotiating reductions through broad, multi-product international agreements.8 Yet, as the recent return to economic nationalism of the Trump administration suggests, protectionism often wins out. Rent-seeking is a central tendency, not an inevitable success. Contemporary great power relations are at a critical juncture. As China’s influence expands, the role of special economic interests in China is especially worrisome. In pursuit of stability, political support, or private gains, the government will always be tempted to create economic zones that favor its nationals. In this way, China will be no different than the majority of great powers before it. But, given the expansive role of the state in the Chinese economy, especially its backing of outward foreign investments by its state-owned enterprises (SOEs), and the close ties between business elites and its authoritarian political leaders, however, it will be even harder for China to resist biasing any future economic zone to benefit its own firms. Although China has gained greatly from economic openness, its domestic political system will be prone to rent-seeking demands by important constituents in areas of future influence. Critically, the United States is also moving toward economic closure with the election of President Trump on a platform of economic nationalism. Demands for protection against Chinese goods have been growing over time.9 The “China shock” that followed Beijing’s joining the World Trade Organization was a huge disruption to the international division of labor, U.S. comparative advantage, and especially U.S. industry.10 The Trans-Pacific Partnership, though now defunct, was “marketed” by President Barak Obama as a means of “containing” China, both economically and militarily, but was opposed by virtually all of the candidates in the 2016 presidential election for its trade-enhancing potential. President Trump has already signaled a much more hostile and protectionist stance toward China – as well as calling for the repeal of NAFTA and even questioning the utility of the European Union. Not only has he imposed tariffs on washing machines, solar panels, steel and aluminum, dangerously declaring the latter two issues of national security, he is making exceptions on these tariffs for friends and allies. 11 Implicitly targeting China, these protectionist moves by the administration risk creating preferential trading blocs not seen since the 1930s. He has also now proposed punitive tariffs on over $60 billions of imports from China into the United States.12 Acknowledging his inconsistencies on many policy issues, Trump’s economic nationalism has remained the core of his political agenda. The threat to the liberal international economy is not only that China might seek an economic bloc in the future, but that the United States itself is turning more exclusionary. For each great power to fear that the other might seek to exclude it from its economic zone is not unreasonable. If so, great power competition could break out in the twenty-first century not because of bipolarity or any inevitable tendency toward conflict, but because neither great power can control its own protectionist forces nor signal to the other that it would not exclude it from its economic zone. The British-U.S. case, again, suggests that exclusion and competition are not inevitable, but the current danger of economic closure is real and increasing. This article is synthetic in its theory and merely suggestive in its use of historical evidence. The theory aims to integrate current work on political economy and national security, not to develop a completely original take on this relationship. In turn, rather than testing the theory in any rigorous sense or delving into particular cases to show the theoretical mechanisms at work, so to speak, it surveys selected historical episodes to illustrate central tendencies. It is the recurring pattern across multiple cases that suggests why we should worry today. The remainder of this essay is divided in three primary sections. Section I briefly outlines the analytics of economic openness and great power competition. Section II focuses on historical instances of great power competition, highlighting the role of economic openness as a central cleavage in international politics. Section III examines contemporary policies in and between China and the United States. The conclusion suggests ways that the potential for conflict may be mitigated. The Open Economy Politics of Great Power Competition All states have a tendency towards protectionism at home and exclusive economic zones abroad. A tendency, though, is not an inevitability. The pursuit of protection and economic zones by domestic interests is conditioned by the political coalition in power at any given time and institutions that aggregate and bias the articulation of social groups. 13 The tendency is also influenced, however, by the actions of other countries. Protectionism can sour great power relations, but it is the desire for exclusive economic zones that drives great power competition and, given the possibility of coercion, influences grand strategy. Thus, the theory sketched here integrates insights from international political economy (see below), the literature on domestic politics and grand strategy,14 and systemic theories of international relations.15

#### Independently, WTO cred solves nuclear war – allows an off-track for nuclear weapons.

Hamann 09 [(Georgia Hamann is a 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,” 2009.] TDI

**Voluntary compliance with WTO rules** and procedures is of the utmost importance **to the international trading system**.'0 0 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**. **01' 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. 10 2 Demagogues in the Unites States may decry the rise of China as a geopolitical threat, 0 3 and extremists in Russia may play dangerous games of brinksmanship with other great powers, **but trade keeps politicians' fingers off "the button**. ' 10 4 **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. 10 7 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

### 1AC – India

#### Advantage 2 is India

#### India is in crisis – their infrastructure cannot solve for covid without increased vaccination rates. Modi has been inffective, killing credibility and increasing covid

New York Times, 9/17, What to Know About India’s Coronavirus Crisis, https://www.nytimes.com/article/india-coronavirus-cases-deaths.html,

A deadly second wave of [coronavirus](https://www.nytimes.com/2021/08/17/world/asia/india-covid-19.html) infections is devastating [India](https://www.nytimes.com/2021/08/17/world/asia/india-covid-19.html), leaving millions of people infected and putting stress on the country’s already overtaxed health care system. Officially, by late May, about 27 million infections had been confirmed and more than 300,000 people were dead, but experts said the [actual figures were most likely much higher](https://www.nytimes.com/interactive/2021/05/25/world/asia/india-covid-death-estimates.html). At one point, India had been responsible for more than half of the world’s daily [Covid-19](https://www.nytimes.com/2021/08/31/business/economy/india-economy-covid.html) cases and set a record-breaking pace of about 400,000 a day.The official numbers show signs of easing. The major cities of Delhi and Mumbai, hit hard at the beginning of the second wave, have reported sharp drops in new infections and deaths. [On May 31, Delhi lifted restrictions on manufacturing and construction](https://www.nytimes.com/2021/05/31/world/asia/india-covid.html), critical drivers of an economy that has been battered by the pandemic. But life in the capital city is not expected to return to normal immediately. Schools and most businesses are still closed.Still, the virus is likely spreading through [the rest of the country](https://www.nytimes.com/2021/05/11/world/asia/covid-india-ganges-oxygen.html), and only a tiny portion of the population [has been fully vaccinated](https://www.nytimes.com/2021/05/06/world/asia/india-covid-vaccines.html). For the most up-to-date figures, The New York Times [is tracking the latest case counts here.](https://www.nytimes.com/interactive/2020/world/asia/india-coronavirus-cases.html) Some in India blame a new variant.Months ago, India appeared to be weathering the pandemic. After a harsh initial lockdown, the country did not see an explosion in new cases and deaths comparable to those in other countries.But after the early restrictions were lifted, many Indians stopped taking precautions. Large gatherings, [including political rallies and religious festivals](https://www.nytimes.com/2021/04/09/world/asia/india-covid-vaccine-variant.html?action=click&module=RelatedLinks&pgtype=Article), resumed and drew millions of people. Beginning this spring, the country recorded an exponential jump in cases and deaths.By April, some vaccinated individuals, including 37 doctors at one New Delhi hospital, were found to have contracted the virus, leaving many to wonder if a more contagious variant was behind the second wave.Many in India already assume that the [variant, B.1.617](https://www.nytimes.com/2021/05/14/world/uk-covid-india.html), is responsible for the severity of the second wave. The variant is sometimes called “the double mutant,” though the name is a misnomer because it has many more mutations than two. It garnered the name because one version contains two genetic mutations found in other difficult-to-control variants.Researchers outside of India say the limited data so far suggests instead that the variant called B.1.1.7, which [has affected Britain and the United States](https://www.nytimes.com/2021/04/07/us/politics/coronavirus-variants-cdc.html), is more likely to blame.The World Health Organization has called B.1.617.2 [“a variant of concern”](https://www.nytimes.com/2021/05/10/world/asia/india-covid-virus-variant.html) and said preliminary studies suggested an increased rate of transmission. That research, however, is limited and has not yet been peer reviewed, and scientists caution that other factors could explain the viciousness of the outbreak.Whatever the outcome, the variant is [now spreading in Britain](https://www.nytimes.com/2021/05/24/world/europe/india-uk-variant-vaccine-coronavirus.html), Nepal and other places. Scientists say that the vaccines currently available appear to be effective against it.Critics cite the Modi government’s policies for worsening the crisis.At the center of the India’s crisis is Prime Minister Narendra Modi, who early this year declared victory over the virus.Mr. Modi’s Covid-19 task force did not meet for months. His health minister assured the public in March that India had reached [the pandemic’s “endgame.”](https://pib.gov.in/PressReleasePage.aspx?PRID=1703017) As infections rose, Mr. Modi allowed large gatherings to help his governing Bharatiya Janata Party and burnish its Hindu nationalist credentials. His government approved a Hindu festival with millions of worshipers. He campaigned in state elections without a mask at rallies of thousands of maskless supporters. Critics say his administration was determined to cast an image of India as back on track and open for business despite lingering risks. At one point, officials dismissed warnings by scientists that India’s population remained vulnerable and had not achieved “herd immunity” as some in his administration were suggesting.In an editorial, The Lancet, a medical journal, [wrote](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(21)01052-7/fulltext) that Mr. Modi “seemed more intent on [removing criticism” on social media](https://www.nytimes.com/2021/04/25/business/india-covid19-twitter-facebook.html) than “trying to control the pandemic.” The Indian Medical Association has called for a “complete, well-planned, pre-announced” lockdown.The growing distress across the country has tarnished Mr. Modi’s aura of political invulnerability, which he won by steamrolling the opposition and by leveraging his personal charisma to become India’s most powerful politician in decades. Opposition leaders are on the attack, and his central hold on power has increasingly made him the target of scathing criticism online. In early May, in the first local elections since the start of the second wave, Mr. Modi’s B.J.P. was unable to secure a much-sought-after victory[in West Bengal](https://www.nytimes.com/2021/05/02/world/asia/india-west-bengal-elections-modi.html?searchResultPosition=1), one of India’s most populous states. The B.J.P. won more seats in the local legislature than it did in the last election, but was unable to seize control from the opposition All India Trinamool Congress, an indication of displeasure at Mr. Modi’s handling of the Covid crisis. Government Responsibility[Prime Minister Modi’s](https://www.nytimes.com/2021/05/01/world/asia/india-covid19-modi.html?action=click&module=RelatedLinks&pgtype=Article) critics say that overconfidence and missteps have tarnished his image of invincibility. A shortage of oxygen and hospital beds leaves patients scrambling.Overwhelmed by new cases, Indian hospitals cannot cope with the demand, and patients in many cities have been abandoned to die. Clinics across the country have reported an acute shortage of hospital beds, medicines, protective equipment and oxygen. The Indian government [says that it has enough liquid oxygen](https://indianexpress.com/article/india/coronavirus-second-wave-oxygen-crisis-more-than-supply-lack-of-tankers-and-plant-location-key-challenges-7291716/) to meet medical needs and that it is rapidly expanding its supply. But production facilities are concentrated in eastern India, far from the worst outbreaks in Delhi and in the western state of Maharashtra, and it can take several days for supplies to reach there by road.Families of the sick are filling social media with pleas for oxygen as supplies run low at hospitals or because they are trying to administer care at home. Fraudsters and black marketeers [have emerged](https://www.nytimes.com/2021/05/16/world/asia/india-covid19-black-market.html). Oxygen and beds have become increasingly available in Delhi as new infections have dropped. Still, dire needs remain in other parts of the country.India makes vaccines for the world, but few Indians have been inoculated. India is one of the world’s leading vaccine manufacturers, but it has struggled to inoculate its citizens. New inoculations have fallen as supplies have tightened, leading to temporary closures of vaccination centers in Delhi and some other places. Only about 3 percent of the population has been fully vaccinated. Now, the country’s pain may be felt around the world, especially in poorer countries. India had planned to ship out millions of doses. But given its stark vaccination shortfall, [exports have essentially been shut down](https://www.nytimes.com/2021/03/25/world/asia/india-covid-vaccine-astrazeneca.html), leaving other nations with far fewer doses than they had expected.

#### The US is worried, Pakistan needs to crack down on terror now before it’s too late

Trust Of India, 09/24, During meet with Modi, Harris 'suo moto' refers to Pak's role in terrorism, https://www.business-standard.com/article/international/during-meet-with-modi-harris-suo-moto-refers-to-pak-s-role-in-terrorism-121092400148\_1.html, No Publication,

US Vice President Kamala Harris, during her maiden meeting with Prime Minister Narendra Modi, has "suo moto" referred to Pakistan's role in terrorism, saying that there were terror groups working in the country and asked Islamabad to take action so that it does not impact on America and India's security. Prime Minister Modi held the meeting with Vice President Harris at the White House on Thursday during which they decided to further cement the Indo-US strategic partnership and discussed global issues of common interest, including threats to democracy, Afghanistan and the Indo-Pacific. When the issue of terrorism came up, the Vice President suo moto referred Pakistan's role in that regard (of terrorism), Foreign Secretary Harsh Vardhan Shringla told reporters when asked if the issue of Pakistan's role in terrorism came up during her meeting with Prime Minister Modi. According to Shringla, Harris said that there were terror groups that were working in [Pakistan.](https://www.business-standard.com/topic/pakistan) "She asked [Pakistan](https://www.business-standard.com/topic/pakistan) to take action so that this will not impact on US security and that of India. She agreed with the Prime Minister's briefing on the fact of cross border terrorism, and the fact that India has been a victim of terrorism for several decades now and on the need to rein in, and closely monitor Pakistan's support for such terrorist groups, Shringla said. Harris said that it is incumbent on the two nations to protect democracies in the best interests of people of the two countries. "As democracies around the world are under threat, it is imperative that we defend democratic principles and institutions within our respective countries and around the world. And that we maintain what we must do to strengthen democracies at home and it is incumbent on our nations to of course protect democracies in the best interests of people of our countries, she said. Their meeting comes a day ahead of the maiden bilateral meeting between Modi and President Joe Biden and the Quad Leaders' Summit at the White House on Friday.

#### That causes Indo-Pak conflict escalation.

Somos 20 [Christy Somos is a CTVNews.ca Writer) “COVID-19 has escalated armed conflict in India, Pakistan, Iraq, Libya and the Philippines, study finds,” CTV News, December 17, 2020. <https://www.ctvnews.ca/world/covid-19-has-escalated-armed-conflict-in-india-pakistan-iraq-libya-and-the-philippines-study-finds-1.5236738>] TDI

INDIA India saw a rise in armed conflict during the study period, with violent clashes in the Kashmir region between Kashmiri separatists facing off against the Indian military, as well as **conflicts between Pakistan and India.** “So what mostly drove the increase in conflict intensity…were basically due to two factors,” Ide said. “The first being that there is some evidence that Pakistan sponsors or supports these insurgents in Kashmir, to encourage them to increase their attacks [on Indian forces] because they **perceived them to be weak and struggling with the pandemic**.” The second factor, Ide explained, was that while Indian government enacted a “pretty comprehensive lockdown in Kashmir, and sealing it way from international media attention…**launched more intense counter-insurgency efforts** and…crack[ed] down on any pro-Pakistani sympathy expressions.” IRAQ Iraq had an increase in armed conflict, but Ide noted that the overall intensity did not change that much – a “very slight upward trend” in scale that was not linear. What did increase were attacks by ISIS in April, May, and June. “The Iraqi government was really in trouble,” he said. “They had enormous economic loss, they had to go head-to-head and use troops and funds to combat the pandemic – the international coalition supporting the government partially withdrew troops or stopped their activities.” “The Iraqi government was really in a position of weakness.” Ide said the Islamic State exploited the pandemic and the thin resources at hand to the government to expand territorial control, conquer new areas and to stage more attacks. LIBYA The civil war in Libya between the Government of National Accord’s (GNA) forces and the Libyan National Army escalated during the study period, after a ceasefire brokered in January was broken, Ide said. “As soon as international attention shifted to the pandemic…they really escalated the conflict, tried to make gains while hoping the other side is weakened because of the pandemic, hoping to score an easy military victory” Ide said. “It didn’t happen.” The UN Security Council noted in a May report that the pandemic was bolstering the 15-month conflict, citing the history of more than 850 broken ceasefire agreements and “a tide of civilian deaths” on top of a worsening outbreak. PAKISTAN The ongoing conflict with **India saw a rise in armed conflict in Pakistan** during the study period – which were unrelated to the pandemic, but also a rise in Taliban-affiliated groups and anti-government sentiments due to pandemic restrictions, Ide said. “There were a lot of anti-government grievances,” Ide said. “There were restrictions on religious gatherings, which religious groups did not like, and there were some negative **economic impacts which affected the local people**.” Ide said those two factors could have been exploited by the Taliban in a quest to recruit more followers. Later in the study period, a swath Pakistani government officials were struck with COVID-19, **leaving the country with a leadership crisis**, which saw an increase of attacks by Taliban groups in May.

#### Economic struggles encourage risk-taking and escalates disputes.

**Howell 13** (Patrick Howell – University of Georgia. “Economic Crises and the Initiation of Militarized Disputes,” <https://getd.libs.uga.edu/pdfs/howell_patrick_d_201305_ma.pdf>)

The findings are clear: economic crises are an important trigger for shifts in a state’s rate of dispute initiation. By using a large sample of states over a period of 185 years, this conclusion then can also be taken as generalizable to the entire population of states in the international system. In addition to providing support for issue crossover and the influence economic troubles can play on foreign policy decisions, the findings here also support the methodological rationale for using economic crises as explicit, observable events, instead of as trends in other variables (e.g. GDP growth). Of course, this is not to say that all work on this topic is final. There exist a number of areas where this research agenda can be improved upon and/or extended to in order to provide a more holistic account of where and how economic crises exactly apply political pressure on leaders. First, the study of diversionary war exists in both quantitative tests and in more fine toothed examinations of actual cases (Levy and Vakili 1992; Fravel 2010). Exploring the internal processes within states in such a fashion can also produce a deeper understanding of the exact causal mechanisms through which prospect theory operates. Aggregation and levels of analysis become a basic concern with applying prospect theory outside of the laboratory and to states and governments. After all, “prospect theory is developed as a theory of individual decision making, the question is whether it is applicable to collective decision making” (Vis 2011, 337). Here a unitary actor assumption is made from the outset, but it is also possible that the observed effect is driven instead by individual decision-makers themselves (for example, Fuhrmann and Early 2008, who keep the level of analysis only on President Bush). A deeper case study of a few select cases with an eye towards process might reveal whether the increase in conflict initiation is due to a single policy entrepreneur or leader, or if it is the result of collective behavior (as perhaps even aides, legislators, and bureaucrats seek to compensate for the detrimental effects that accompany an economic crisis separately or in concert). Examination of specific cases might also provide a more accurate picture for policymakers of the strategy that can accompany an economic crisis and inducement of diversionary tendencies in another state. Smith (Smith 1998) hypothesizes diversionary actions as a strategic game, and finds that potential target states should then adopt a policy of strategic avoidance – disengaging from any scenario that might make them a target from a diversionary conflict initiated by an opposing state in dire straits. This question of strategic avoidance occurs most often in the study of the United States (Fordham 2005; Meernik 2005), with evidence that other states avoid and/or initiate fewer disputes with the United States when the American economy is performing poorly. The empirical test here using a proportionbased dependent variable might already be capturing some degree of a strategic avoidance effect, in that some of the variation in the proportion of initiation could be because the rate of other states initiating disputes on the crisis-stricken state is decreasing. If strategic avoidance is occurring, it actually increases the strength of aspects of the diversionary war literature (in that other states are actually behaving according to expectations of diversionary actions), but much more work and nuance would be needed to separate where then the logic in strategic avoiders is originating. The final implication of the findings to be discussed here is the role of institutions in this analysis. As stated above, the institutional controls that were included in the estimation demonstrated null effects on the overall rate of militarized dispute initiation. This finding is interesting considering the enshrined role that institutions and regime types tend to play within scholarly work on diversionary war. Similar to the mixed results of GDP indicators, mixed and contradictory results can be found throughout the body of work on diversionary war: some find that the diversionary effects exist mainly in democratic settings (Gelpi 1997; Davies 2002; Brul´e and Williams 2009), while others find that diversionary effects occur in autocratic settings (Miller 1999; Lai and Slater 2005; Pickering and Kisangani 2010). One method of reconciling the conflicting conclusions of whether democratic or autocratic leaders are more likely to engage in diversionary behavior is in direct tests comparing the two regime types. Typically, these comparisons have either found the two regime types differ in the targets that are selected by each (Bueno De Mesquita and Siverson 1995), or have found some fault with the way that the regime types themselves are defined, due to differing incentives for differing subtypes of regimes (Pickering and Kisangani 2005). In order to examine the difference between democracies and autocracies, I split the sample from Model 2 into either of the regime types, using a score of 6 in the Polity2 measure as a cut-point. Splitting the sample has the effect of interacting regime type with all independent variables, giving regime specific effects not only for economic crises, but also all control variables.1 The results of this regime split can be found in Table 2. As can be seen here, the effect of economic crises is positive and significant in both institutional settings. Comparing the coefficients for economic crisis in Table 2 with those of the original Model 2, the likely explanation for why the institutional variables in the original model did not have an impact on crisis initiation is because all democracies and autocracies possess relatively similar incentives for increasing crisis initiation following economic crises, so any variation across institutions was only averaged out. However, the results presented in Table 2 also provide support for a difference existing in the process of how diversionary conflict might occur in either regime type, due to the differences in control variable significance. This lends some credence to the separation of democracies and autocracies for study of diversionary war, but provides no evidence that the effect should only exist in one or the other. The similarity in the main independent variable of economic crises, though, furthers the assertion that the effect of economic crises increasing dispute initiation can be viewed as a general behavior of all states in the international system. Conclusions Altogether, there can be said to be a robust, positive relationship between the occurrence of economic crises and the rate of dispute initiation by states. This effect is especially strong and demonstrable when time ordering is preserved by examining how crises in the previous year affect states in their current year. These findings can also be said to have a relatively high degree of substantive import as well. As Figure 1 showed, the occurrence of each subsequent economic crisis increases the chances of a state initiating disputes by almost 3%. The nearly 20 percentage point increase in dispute initiation across the range of the lagged economic crisis variable also represents a substantial impact, especially considering the rare event nature of militarized disputes to begin with. This generalizable finding can have far-reaching impact to both the study of diversionary war in academia, as well as directly for policymakers. In academe settings, there is good evidence to support the use of acute economic crises over those variables based on the slowershifting trends of GDP or public opinion measurements. Economic crises act as an explicit trigger that can mark a leader’s shift into a losses frame and engage in riskier behavior consistent with both prospect theory and diversionary war hypotheses. Meanwhile, applying this observed effect to the real world would seem to indicate that if a state goes through an economic crisis, other states should have increased wariness in their dealings with the crisis-stricken state and/or be more prepared for the possibility of a new dispute emerging in the wake of such an event.

#### Goes nuclear!

Toon et al. 19 — Owen B. Toon, Laboratory for Atmospheric and Space Physics, Department of Atmospheric and Oceanic Sciences, University of Colorado, Boulder; Charles G. Bardeen, Atmospheric Chemistry Observations and Modeling Laboratory, National Center for Atmospheric Research; Alan Robock, Department of Environmental Sciences, Rutgers University; Lili Xia, Department of Environmental Sciences, Rutgers University; Hans Kristensen, Federation of American Scientists; Matthew McKinzie, Natural Resources Defense Council; R. J. Peterson, Department of Physics, University of Colorado, Boulder; Cheryl S. Harrison, School of Earth, Environmental, and Marine Sciences, University of Texas Rio Grande Valley, Institute of Arctic and Alpine Research, University of Colorado, Boulder; Nicole S. Lovenduski, Department of Atmospheric and Oceanic Sciences, Institute of Arctic and Alpine Research, University of Colorado, Boulder; and Richard P. Turco, Department of Atmospheric and Oceanic Sciences, University of California, Los Angeles; October 2nd ("Rapidly expanding nuclear arsenals in Pakistan and India portend regional and global catastrophe", Science Advances, volume 5, number 10, https://advances.sciencemag.org/content/5/10/eaay5478, accessed 12-1-2019) TDI

To help evaluate the consequences of a nuclear conflict between India and Pakistan, table S1 provides a specific scenario for a war assumed to take place in 2025. Although this scenario has Pakistan first launching nuclear weapons, we do not mean to imply that they are more likely to do this than India. Because large numbers of weapons are assumed to be used by both sides, we would expect our results to be similar no matter how the war started. Moreover, we would expect the global outcomes projected here to apply equally well—with relevant recalibration for weapon sizes and targets and related smoke emissions—to any nuclear conflict between nuclear-armed states that involves a corresponding total yield detonated essentially in urban areas. Many scenarios of an India-Pakistan conflict in 2025 are possible, ranging from no nuclear weapons deployed to as many as 500 nuclear weapons—many with yields above 100 kt—detonated. We chose the scenario outlined in table S1 as plausible following advice from a number of military and policy experts. In addition, the information presented in this paper and the Supplementary Materials can be used as a basis to compute the results for other scenarios. The main determinants of casualties and climate effects are the number of weapons used, the yield of the weapons, and the targets for the weapons, each of which is unknown in advance. The discussion in the following paragraphs exemplifies scenario factors that have been widely considered in the literature concerning conflicts between India and Pakistan, which might be varied in alternative scenarios including the role of the number of potential targets in choosing the sizes of arsenals; the characteristics, such as failure rates, of available weapons and delivery systems; the events that might lead to an escalating nuclear conflict; resolution of the Kashmir problem that might lessen the likelihood of a dangerous confrontation; the importance of urban targets in contributing to fatalities and climate effects owing to high population densities and fuel loadings; the difficulty of preventing a conflict from going nuclear because of the destabilizing effects of tactical nuclear weapons on both sides; the importance of Indian concerns about China in making it difficult for Pakistan and India to reduce their nuclear stockpiles; and the possible role of the disproportionate sizes of the countries, militaries, and populations of India and Pakistan in motivating the initial use of nuclear weapons. In the scenario outlined in table S1, we assumed that each country would have 250 nuclear weapons in 2025 (5, 9). We also adopted a highly simplified scenario in which only urban targets are considered, and these are attacked using airbursts. Many military or strategic targets in rural areas are likely to be attacked as well, but these would involve smaller populations and lower fuel loading, which would not add significantly to the near-term fatalities or smoke emissions. Therefore, we do not specifically track them in our scenario. Likewise, some targets, such as buried military facilities, might attract ground bursts, which would produce significant radioactive fallout and many additional fatalities—effects that are not explicitly considered in this work. India has one of the largest conventional militaries in the world, with about 1.4 million active duty personnel. India has not deployed tactical nuclear weapons. Indian nuclear strategy requires that a significant number of high-yield bombs be held back in case China joins a war on the side of Pakistan (10). Because Pakistan is a small country with only about 60 cities with more than 100,000 people, India would not need all of its 250 weapons to destroy Pakistan’s cities. We assume that India will keep 100 nuclear weapons in its arsenal to deter China from entering the war. Chinese involvement would greatly amplify the destruction discussed below. As China expands its presence in Pakistan as part of the China-Pakistan Economic Corridor, which is an element of China’s broader “Belt and Road Initiative,” the odds of a Pakistani-Indian war spreading to China would appear to be increasing. Of India’s 150 weapons that can be used against Pakistan, we assume that about 15% will fail. In this case, failure is primarily due to the weapons not being delivered or failing to explode. Most urban targets in Pakistan are so large that precise targeting is not needed to hit them. Therefore, our scenario suggests 125 weapons actually exploding. We further assume that there are 25 targets in Pakistan that are isolated military bases or industrial facilities located in regions with low populations and little combustible material. We do not include these in computing fatalities or environmental damage. Therefore, we assume that India has 100 strategic nuclear weapons to use on urban countervalue targets or military counterforce targets that are located within urban areas, such as military bases, industrial facilities, oil refineries, nuclear weapons facilities, and airports. Pakistan also has one of the largest militaries in the world, with about half as many active duty personnel as India has. We assume that, in 2025, Pakistan will have 50 tactical weapons with yields of 5 kt to be used against an invading Indian army. We assume that 20% of these will fail or be overrun by the Indian Army. Many of these tactical weapons might be used in sparsely populated areas with little flammable material. Accordingly, we only consider the remaining 200 strategic weapons when computing fatalities or smoke created from fires. Of these 200 strategic weapons, we assume that 15% will fail to be delivered to the target but that the remaining 170 will be detonated over their targets. We further assume that 20 of these explosions will be over isolated military, nuclear, or industrial areas. The balance, 150 weapons, will thus be used against India’s urban countervalue targets and military counterforce targets located within urban areas. The yields of modern Indian and Pakistani weapons are unknown and not easily constrained. India detonated a ~40-kt yield weapon in 1998, which, they claimed, was a two-stage bomb. Kanwal (10) suggests that this design could produce 200-kt yields. Pakistan claimed that its weapons tested in 1998 used boosted fission. Possibly, these could also produce yields of 200 kt. Given the lack of reliable information about yield, we will explore the consequences of using strategic weapons with yields of 15, 50, and 100 kt. Our scenario, as outlined in table S1, begins with a terrorist attack on the Indian government, similar to the one that occurred on 13 December 2001, but with massive fatalities among members of India’s government. As happened in January 2002, we assume that India and Pakistan mobilize their troops within a few weeks of the terrorist attack. Indian troops would likely be dispersed along the border and in Kashmir. Skirmishes would break out, resulting in deaths on both sides. Similar skirmishes happened in 2002 and now occur with regularity, most recently with a conflict in the Kashmir region beginning with a terrorist event on 14 February 2019. In the 2002 confrontation, the United States, Russia, and other countries intervened, eventually convincing India and Pakistan to end the confrontation, which had continued into the summer of 2002 until Pakistan agreed to control terrorist groups within its borders. A crisis simulation exercise in Sri Lanka during 2013 organized by the U.S. Naval Postgraduate School and involving retired senior military and civilian analysts from India and Pakistan found that “a limited war in South Asia will escalate rapidly into a full war with a high potential for nuclear exchange” (12). In our scenario, with the Indian government having been severely damaged, the Indian Army brings a number of tanks to the border and crosses into Pakistan and also crosses the Line of Control in Kashmir. On day 1 of the nuclear conflict, Pakistan uses 10 tactical atomic bombs with 5-kt yield inside its own borders with low air bursts against the Indian tanks (table S1). The conflict continues on day 2 when Pakistan uses another 15 tactical weapons with 5-kt yield on the battlefield, whereas India detonates two air bursts against the Pakistani garrison in Bahawalpur and deploys 18 other weapons to attack Pakistani airfields and nuclear weapons depots, partially degrading Pakistani retaliatory capabilities. Nevertheless, on day 3, Pakistan responds with a barrage of nuclear ballistic and cruise missiles on garrisons, weapon depots, naval bases, and airfields in 30 locations in Indian cities (30 air bursts with 15- to 100-kt yield each) plus another 15 tactical bursts with 5-kt yield. India also uses 10 strategic weapons against Pakistani military bases on day 3. Because of panic, anger, miscommunication, and protocols, escalation cannot be stopped now. On days 4 to 7, cities in India are hit with 120 strategic weapons, and those in Pakistan are struck with 70 air bursts with 15- to 100-kt yield. In total, Pakistan’s urban areas are hit with 100 nuclear weapons using airbursts, and India’s urban areas are hit with 150 nuclear weapons using airbursts. In addition, Pakistan has used 40 tactical nuclear weapons successfully and 20 strategic weapons successfully on targets not in urban areas, whereas India has used 25 strategic weapons successfully on targets not in urban areas. In previous simulations (13, 14), all of the smoke produced during the nuclear exchange (as described below) was initially distributed uniformly over a broad area of India and Pakistan in January 1. Here, the smoke is injected above individual targeted urban regions (at the grid scale of the climate model) on the day of the detonations. Hence, the smoke injection varies in location and time in accordance with the evolution of the specific war scenario (e.g., as illustrated in fig. S1 for the scenario with 50-kt weapons). Further, in the present climate simulations, the smoke injection is assumed to start on 15 May and extend over the duration of the exchange (e.g., 6 days for the case in fig. S1). We did not evaluate the sensitivity of the results to the time of year the war begins. In (14), it was found that a war initiated on 1 January or 15 May made little difference to the ultimate climatic effects. On the other hand, a war occurring in Northern Hemisphere summer might lead to enhanced impacts initially, as implied by earlier nuclear winter studies.

#### 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.

#### The plan solves both scenarios and WTO IP rules are a barrier to scaled-up vaccine production.

Pandey 21 [(Ashutosh Pandey) “Rich countries block India, South Africa's bid to ban COVID vaccine patents,” DW, April 2, 2021. <https://www.dw.com/en/rich-countries-block-india-south-africas-bid-to-ban-covid-vaccine-patents/a-56460175>

The World Trade Organization (WTO) talks on a proposal by India and South Africa to temporarily suspend intellectual property (IP) rules related to COVID-19 vaccines and treatments hit a roadblock on Thursday after wealthy countries balked at the idea, Germany's dpa news agency reported. The two developing countries say the IP waiver will allow drugmakers in poor countries to start production of effective vaccines sooner. India and South Africa had approached the global trade body in October, calling on it to waive parts of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). The suspension of rights such as patents, industrial designs, copyright and protection of undisclosed information would ensure "**timely access to affordable medical products including vaccines and medicines or to scaling-up of research, development, manufacturing and supply of medical products essential to combat COVID**-19," they said. The proposal was vehemently opposed by wealthy nations like the US and Britain as well as the European Union, who said that a ban would stifle innovation at pharmaceutical companies by robbing them of the incentive to make huge investments in research and development. This would be especially counterproductive during the current pandemic which needs the drugmakers to remain on their toes to deal with a mutating virus, they argue. The WTO talks are taking place as some wealthy countries face criticism for **cornering billions** of COVID shots — many times the size of their populations — while **leaving poor countries** struggling for supplies. **Experts say the global scramble for vaccines, or vaccine nationalism, risks prolonging the pandemic.** "We have to recognize that this virus knows no boundaries, it travels around the globe and the response to it should also be global. It should be based on international solidarity," said Ellen 't Hoen, the director of Medicines Law & Policy — a nonprofit campaigning for greater access to medicines. "Many of the large-scale vaccine manufacturers are based in developing countries. All the production capacity that **exists should be exploited**…and that does require the sharing of Not enough production capacity Supporters of the waiver, which include dozens of developing and least-developed countries and NGOs, said the WTO's IP rules were acting as a **barrier to urgent scale-up of production of vaccines** and other much needed medical equipment in poor countries.

### 1AC - Vaccine Inequality

#### Vaccine inequality threatens the whole world.

**Fink 7-30**-21

(Jenni, <https://www.newsweek.com/who-warns-world-blind-understanding-covid-spread-hurting-ability-end-pandemic-1614722>)

A lack of testing for COVID-19 in parts of the world is preventing countries from having a clear picture of how the virus is spreading and therefore hurting the world's chances at **fighting the virus and ending the pandemic**, according to the World Health Organization. **Health inequities** throughout the world have plagued the global response to COVID-19 from the outset and WHO has pushed higher income countries to help lower income countries in the interest of ending the pandemic. Along with restricted access to vaccines, lower income countries have struggled to have sufficient testing, meaning the virus is likely going undetected in certain areas, further enabling its ability to spread. Low testing rates is "leaving the world blind to understanding where the disease is and how it's changing," Dr. Tedros Adhanom Ghebreyesus, director general of the WHO said on Friday during a press briefing. Without improving global testing rates, Ghebreyesus said the world can't "fight the disease" or mitigate the risk it poses to people around the globe. who blind covid spread cases On Friday, the World Health Organization warned the world is "blind" to how COVID-19 is spreading because of a lack of testing in certain places. WHO Director-General Tedros Adhanom Ghebreyesus attends a daily press briefing on the new coronavirus dubbed COVID-19, at the WHO headquaters on March 2, 2020, in Geneva. FABRICE COFFRINI//AFP/GETTY IMAGES NEWSWEEK NEWSLETTER SIGN-UP > One of Ghebreyesus' biggest frustrations with the pandemic response is the failure to **evenly distribute the vaccine** around the world. In some countries, like the United States and other higher-income nations, significant portions of the population have been vaccinated. While those large vaccinated populations help reduce the spread of the virus in some areas, other countries, especially those in Africa, haven't been able to vaccinate even 10 percent of their population. This puts the entire world at risk because when the virus is able to spread throughout communities it **has the ability to mutate**, thereby increasing the possibility that a mutation could **evade the vaccines**. It's a scenario public health officials have been warning about for months and Ghebreyesus said on Friday that "hard won **gains are in jeopardy**" or have already been lost because the virus has been able to spread. Nearly 30 countries have high or rising oxygen needs and the shortage of life-saving oxygen could lead to increased deaths. More than 196 million cases of COVID-19 have been reported around the world, according to a Johns Hopkins University tracker, and more than 4.2 million people have died. Ghebreyesus suspected the number of cases would top 200 million within the next two weeks and warned that health systems in many countries **are being overwhelmed.** Preventing hospitals from exceeding capacity was a massive concern when the pandemic first broke out and a year later, parts of the U.S. are having their health systems strained as the more transmissible Delta variant spreads. On Thursday, Arkansas Governor Asa Hutchinson declared a public health emergency that allows the state to bring in health care workers from outside Arkansas and makes it easier for retired health care workers and medical students to become licensed. The goal is to help alleviate stress on health care systems and Hutchinson said they've had people waiting in ambulances because there wasn't an open spot in a hospital. That strain will only become more exacerbated if a mutation occurs that evades the vaccine, as inoculations have proven effective at helping to keep people out of the hospital. Ghebreyesus warned that more variants will emerge if global access to vaccines and testing doesn't improve. "The pandemic will end when the world chooses to end it. It is in our hands. We have all the tools we need. We can prevent this disease. We can test for it and we can treat it," Ghebreyesus said.

#### Boosting manufacturing capacity is critical to a timely response to COVID AND ensures preparedness for future pandemics.

Jecker & Atuire 21, Dr Nancy S Jecker, Department of Bioethics & Humanities, University of Washington School of Medicine. Department of Philosophy, University of Johannesburg, Auckland Park, Gauteng, South Africa. Caesar A Atuire, Department of Philosophy and Classics, University of Ghana, Accra, Accra, Ghana. All Souls College, University of Oxford, Oxford, Oxfordshire, UK. Journal of Medical Ethics 2021;47:595-598. “What’s yours is ours: waiving intellectual property protections for COVID-19 vaccines.” <https://jme.bmj.com/content/47/9/595> brett

Since consequentialist justifications treat the value of IP as purely instrumental, they are also vulnerable to counterarguments showing that a sought-after goal is not the sole or most important end. During the COVID-19 pandemic, we submit that the vaccinating the world is an overriding goal. With existing IP protections intact, the world has fallen well short of this goal. Current forecasts show that at the current pace, there will not be enough vaccines to cover the world’s population until 2023 or 2024.15 IP protections further frustrate the goal of universal access to vaccines by limiting who can manufacturer them. The WHO reports that 80% of global sales for COVID-19 vaccines come from five large multinational corporations.16 Increasing the number of manufacturers globally would not only increase supply, but reduce prices, making vaccines more affordable to LMICs. It would stabilise supply, minimising disruptions of the kind that occurred when India halted vaccine exports amidst a surge of COVID-19 cases.

It might be objected that waiving IP protections will not increase supply, because it takes years to establish manufacturing capacity. However, since the pandemic began, we have learnt it takes less time. Repurposing facilities and vetting them for safety and quality can often happen in 6 or 7 months, about half the time previously thought.17 Since COVID-19 will not be the last pandemic humanity faces, expanding manufacturing capacity is also necessary preparation for future pandemics. Nkengasong, Director of the African Centres for Disease Control and Prevention, put the point bluntly, ‘Can a continent of 1.2 billion people—projected to be 2.4 billion in 30 years, where one in four people in the world will be African—continue to import 99% of its vaccine?’18

#### Mutations and future pandemics escalates security threats that cause extinction – cooperation thesis is wrong.

* Miscalc Incapacitated commanders
* Social political order collapse
* First strike to take advantage of weaker nations

Recna 21 [Research Center for Nuclear Weapon Abolition; Nagasaki, Japan; “Pandemic Futures and Nuclear Weapon Risks: The Nagasaki 75th Anniversary pandemic-nuclear nexus scenarios final report,” Journal for Peace and Nuclear Disarmament; 5/28/21; <https://www.tandfonline.com/doi/full/10.1080/25751654.2021.1890867>] Justin

The Challenge: Multiple Existential Threats The relationship between pandemics and war is as long as human history. Past pandemics have set the scene for wars by weakening societies, undermining resilience, and exacerbating civil and inter-state conflict. Other disease outbreaks have erupted during wars, in part due to the appalling public health and battlefield conditions resulting from war, in turn sowing the seeds for new conflicts. In the post-Cold War era, pandemics have spread with unprecedented speed due to increased mobility created by globalization, especially between urbanized areas. Although there are positive signs that scientific advances and rapid innovation can help us manage pandemics, it is likely that deadly infectious viruses will be a challenge for years to come. The COVID-19 is the most demonic pandemic threat in modern history. It has erupted at a juncture of other existential global threats, most importantly, accelerating climate change and resurgent nuclear threat-making. The most important issue, therefore, is how the coronavirus (and future pandemics) will increase or decrease the risks associated with these twin threats, climate change effects, and the next use of nuclear weapons in war.5 Today, the nine nuclear weapons arsenals not only can annihilate hundreds of cities, but also cause nuclear winter and mass starvation of a billion or more people, if not the entire human species. Concurrently, climate change is enveloping the planet with more frequent and intense storms, accelerating sea level rise, and advancing rapid ecological change, expressed in unprecedented forest fires across the world. Already stretched to a breaking point in many countries, the current pandemic may overcome resilience to the point of near or actual collapse of social, economic, and political order. In this extraordinary moment, it is timely to reflect on the existence and possible uses of weapons of mass destruction under pandemic conditions – most importantly, nuclear weapons, but also chemical and biological weapons. Moments of extreme crisis and vulnerability can prompt aggressive and counterintuitive actions that in turn may destabilize already precariously balanced threat systems, underpinned by conventional and nuclear weapons, as well as the threat of weaponized chemical and biological technologies. Consequently, the risk of the use of weapons of mass destruction (WMD), especially nuclear weapons, increases at such times, possibly sharply. The COVID-19 pandemic is clearly driving massive, rapid, and unpredictable changes that will redefine every aspect of the human condition, including WMD – just as the world wars of the first half of the 20th century led to a revolution in international affairs and entirely new ways of organizing societies, economies, and international relations, in part based on nuclear weapons and their threatened use. In a world reshaped by pandemics, nuclear weapons – as well as correlated non-nuclear WMD, nuclear alliances, “deterrence” doctrines, operational and declaratory policies, nuclear extended deterrence, organizational practices, and the **existential risks** posed by retaining these capabilities – are all up for redefinition. A pandemic has potential to destabilize a nuclear-prone conflict by incapacitating the supreme nuclear commander or commanders who have to issue nuclear strike orders, creating uncertainty as to who is in charge, how to handle nuclear mistakes (such as errors, accidents, technological failures, and entanglement with conventional operations gone awry), and opening a brief opportunity for a first strike at a time when the COVID-infected state may not be able to retaliate efficiently – or at all – due to leadership confusion. In some nuclear-laden conflicts, a state might use a pandemic as a cover for political or military provocations in the belief that the adversary is distracted and partly disabled by the pandemic, increasing the risk of war in a nuclear-prone conflict. At the same time, a pandemic may lead nuclear armed states to increase the isolation and sanctions against a nuclear adversary, making it even harder to stop the spread of the disease, in turn creating a pandemic reservoir and transmission risk back to the nuclear armed state or its allies. In principle, the common threat of the pandemic might induce nuclear-armed states to reduce the tension in a nuclear-prone conflict and thereby the risk of nuclear war. It may cause nuclear adversaries or their umbrella states to seek to resolve conflicts in a cooperative and collaborative manner by creating habits of communication, engagement, and mutual learning that come into play in the nuclear-military sphere. For example, militaries may cooperate to control pandemic transmission, including by working together against criminal-terrorist non-state actors that are trafficking people or by joining forces to ensure that a new pathogen is not developed as a bioweapon. To date, however, the COVID-19 pandemic has increased the isolation of some nuclear-armed states and provided a textbook case of the failure of states to cooperate to overcome the pandemic. Borders have slammed shut, trade shut down, and budgets blown out, creating enormous pressure to focus on immediate domestic priorities. Foreign policies have become markedly more nationalistic. Dependence on nuclear weapons may increase as states seek to buttress a global re-spatialization6 of all dimensions of human interaction at all levels to manage pandemics. The effect of nuclear threats on leaders may make it less likely – or even impossible – to achieve the kind of concert at a global level needed to respond to and administer an effective vaccine, making it harder and even impossible to revert to pre-pandemic international relations. The result is that some states may proliferate their own nuclear weapons, further reinforcing the spiral of conflicts contained by nuclear threat, with cascading effects on the risk of nuclear war.

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

**Kumar, PhD, 7-12**-21

(Rajeesh, Associate Fellow Manohar Parrikar Institute for Defence Studies and Analysis, https://www.idsa.in/issuebrief/wto-trips-waiver-covid-vaccine-rkumar-120721)

In October 2020, India and South Africa had submitted a proposal to the World Trade Organization (WTO), suggesting a waiver of certain provisions of the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement for the “prevention, containment and treatment of COVID-19”. The proposal seeks the waiver of “the implementation, application, and enforcement of sections 1, 4, 5 and 7 of part II of the TRIPS agreement”, which are stipulations referring to copyright, industrial design, patents, and undisclosed information (trade secrets).1 The proponents of the proposal argue that a waiver will **enable timely and equitable access** to affordable health products and technologies, including vaccines. Though many member countries had supported and co-sponsored the proposal, a small but influential group of countries, mainly Australia, Canada, the European Union (EU), Japan, the United Kingdom (UK) and the United States (US), opposed it. They argued that existing exceptions under the TRIPS Agreement are sufficient to address the concerns mentioned in the proposal. This resulted in sidelining of the waiver proposal for months. However, on 5 May 2021, the Joseph Biden administration announced its support for waiving intellectual property protections for COVID-19 vaccines.2 It was a significant step towards breaking the seven-month gridlock, and led to many more countries modifying their position on the waiver proposal. On 25 May 2021, the co-sponsors of the waiver proposal submitted a revised proposal that specified the scope of the waiver as applying to “health products and technologies” and also added a section on the proposed duration of the waiver, i.e., three years.3 At present, more than 100 countries, including the US and China support this proposal. The principal opponent of the waiver is the EU and in June 2021, it submitted an alternative proposal to the TRIPS Council, which requested to keep TRIPS’ provisions intact and focused on compulsory licensing and removing vaccine export restrictions to address the concerns raised by India and South Africa.4 The EU proposal also stated that the TRIPS Agreement does not prevent countries from taking measures to protect public health.5 At the meeting of the TRIPS Council on 8–9 June 2021, the member states agreed to text-based negotiations focusing on two proposals tabled by members. The members also decided to hold a series of meetings till the end of July 2021 to take stock of the text-based negotiations. However, the latest developments show that the waiver discussions hit a hurdle due to a split between the developed and developing countries over the negotiation text. This brief discusses how TRIPS becomes a barrier to the equitable access of COVID-19 vaccines. It also examines how a waiver will help India in its fight against COVID-19 at home and abroad. TRIPS and its Exceptions TRIPS, a comprehensive multilateral agreement on Intellectual Property (IP), was an outcome of the Uruguay Round (1986–94) of negotiations of the General Agreement on Tariffs and Trade (GATT). The Agreement came into force on 1 January 1995 and offers a minimum standard of protection for Intellectual Property Rights (IPR).6 In WTO, IPR are divided into two main categories. First, copyright and related rights (Articles 9 to 14, Part II of the TRIPS Agreement). Second, industrial property that includes trademarks, geographical indications, industrial designs, patents, integrated circuit layout designs, and undisclosed information (Articles 15 to 38, Part II of the TRIPS Agreement).7 Article IX.3 and IX.4 of the Marrakesh Agreement Establishing the WTO deals with TRIPS waivers. Article IX.3 says that in “exceptional circumstances” the Ministerial Conference may waive off an obligation imposed on WTO member countries.8 Such a decision requires the support of three-fourths of the WTO membership. According to Article IX.4, any waiver granted for more than one year will be reviewed by the Ministerial Conference. Based on the annual review, the Conference may extend, modify, or terminate the waiver. The TRIPS Agreement provides some flexibility primarily in the form of compulsory licensing and research exceptions through Articles 30 and 31. While Article 30 permits WTO members to make limited exceptions to patent rights, Article 31 provides a detailed exception, provided certain conditions are met. Compulsory licensing is the process of granting a license by a government to use a patent without the patent holder's consent. Article 31 permits granting compulsory license under circumstances such as “national emergencies”, “other circumstances of extreme urgency”, “public noncommercial use”, or against “anti-competitive” practices.9 In addition to these original waivers, the Declaration on the TRIPS Agreement and Public Health, adopted at the 2001 Doha Ministerial Meeting, also recognises some exceptions, for instance, in situations of a public health emergency, member countries have the freedom to determine the grounds upon which compulsory licenses are granted. Similarly, under Article 66.1, the least developed countries (LDCs) are given waivers for implementing TRIPS on pharmaceuticals till 1 January 2033. COVID-19 and TRIPS Waiver Two significant factors rekindled the debate on TRIPS waiver for essential medical products—first, vaccine inequity, and second, the insufficiency of existing waiver provisions in fighting the COVID-19 pandemic. COVID-19 is an **exceptional circumstance**, and **equitable global access** to the vaccine is necessary to **bring the pandemic under control**. However, the world is witnessing quite the reverse, i.e., **vaccine nationalism**. Vaccine nationalism is “my nation first” approach to securing and stockpiling vaccines before making them available in other countries. A TRIPS waiver would be instrumental in addressing the **growing inequality in the production**, distribution, and pricing of the COVID-19 vaccines. Vaccine Inequity According to Duke Global Health Innovation Center, which monitors COVID-19 vaccine purchases, rich nations representing just 14 per cent of the world population have bought up to 53 per cent of the most promising vaccines so far. As of 4 July 2021, the high-income countries (HICs) purchased more than half (6.16 billion) vaccine doses sold globally. At the same time, the low-income countries (LICs) received only 0.3 per cent of the vaccines produced. The low and middle-income countries (LMICs), which account for 81 per cent of the global adult population, purchased 33 per cent, and COVAX (COVID-19 Vaccines Global Access) has received 13 per cent.10 Many HICs bought enough doses to vaccinate their populations several times over. For instance, Canada procured 10.45 doses per person, while the UK, EU and the US procured 8.18, 6.89, and 4.60 doses per inhabitant, respectively.11 Source:“Tracking COVID-19 Vaccine Purchases Across the Globe”, Duke Global Health Innovation Center, Updated 9 July 2021. Consequently, there is a significant disparity between HICs and LICs in vaccine administration as well. As of 8 July 2021, 3.32 billion vaccine doses had been administered globally.12 Nonetheless, **only one per cent** of people in LICs have been given at least one dose. While in HICs almost one in four people have received the vaccine, in LICs, it is one in more than 500. The World Health Organization (WHO) notes that about 90 per cent of African countries will miss the September target to vaccinate at least 10 per cent of their populations as a third wave looms on the continent.13 South Africa, the most affected African country, for instance, has vaccinated less than two per cent of its population of about 59 million. This is in contrast with the US where almost 47.5 per cent of the population of more than 330 million has been fully vaccinated. In Sub-Saharan Africa, vaccine rollout remains the slowest in the world. According to the International Monetary Fund (IMF), at current rates, by the end of 2021, a massive global inequity will continue to exist, with Africa still experiencing meagre vaccination rates while other parts of the world move much closer to complete vaccination.14 This vaccine inequity is not only morally indefensible but also **clinically counter-productive**. If this situation prevails, LICs could be waiting until 2025 for vaccinating half of their people. Allowing most of the world’s population to go unvaccinated will also **spawn new virus mutations, more contagious viruses** leading to a steep rise in COVID-19 cases. Such a scenario could cause **twice as many deaths** as against distributing them globally, on a priority basis. Preventing this humanitarian catastrophe requires **removing all barriers** to the production and distribution of vaccines. TRIPS is one such barrier that prevents vaccine production in LMICs and hence its equitable distribution. TRIPS: Barrier to Equitable Health Care Access The opponents of the waiver proposal argue that IPR are not a significant barrier to equitable access to health care, and existing TRIPS flexibilities are sufficient to address the COVID-19 pandemic. **However, history suggests the contrary.** For instance, when South Africa passed the Medicines and Related Substances Act of 1997 to address the HIV/AIDS public health crisis, nearly 40 of world’s largest and influential pharma companies took the South African government to court over the violation of TRIPS. The Act, which invoked the compulsory licensing provision, allowed South Africa to produce affordable generic drugs.15 The Big Pharma also lobbied developed countries, particularly the US, to put bilateral trade sanctions against South Africa.16 Similarly, when Indian company Cipla decided to provide generic antiretrovirals (ARVs) to the African market at a lower cost, Big Pharma retaliated through patent litigations in Indian and international trade courts and branded Indian drug companies as thieves.17 Another instance was when Swiss company Roche initiated patent infringement proceedings against Cipla’s decision to launch a generic version of cancer drug, “erlotinib”. Though the Delhi High Court initially dismissed Roche's appeal by citing “public interest” and “affordability of medicines,” the continued to pressure the generic pharma companies over IPR. 18 Likewise, Pfizer’s aggressive patenting strategy prevented South Korea in developing pneumonia vaccines for children.19 A recent document by Médecins Sans Frontières (MSF), or Doctors Without Borders, highlights various instances of how **IP hinders manufacturing and supply of diagnostics,** medical equipment, treatments and vaccines during the COVID-19 pandemic. For instance, during the peak of the COVID-19 first wave in Europe, Roche rejected a request from the Netherlands to release the recipe of key chemical reagents needed to increase the production of diagnostic kits. Another example was patent holders threatening producers of 3D printing ventilators with patent infringement lawsuits in Italy.20 The MSF also found that patents pose a severe threat to access to affordable versions of newer vaccines.21 Source:“COVID-19 Vaccine R&D Investments”, Global Health Centre, Graduate Institute, Geneva, Updated 9 July 2021. The opponents of the TRIPS waiver also argue that **IP is the incentive for innovation** and if it is undermined, future innovation will suffer. However, most of the COVID-19 medical innovations, particularly vaccines, are developed with **public financing assistance**. Governments spent billions of dollars for COVID-19 vaccine research. Notably, out of $6.1 billion in investment tracked up to July 2021**, 98.12** per cent was public funding.22 The US and Germany are the largest investors in vaccine R&D with $2.2 billion and $1.5 billion funding. Source:“COVID-19 Vaccine R&D Investments”, Global Health Centre, Graduate Institute, Geneva, Updated 9 July 2021. Private companies received 94.6 per cent of this funding; Moderna received the highest $956.3 million and Janssen $910.6 million. Moreover, governments also invested $50.9 billion for advance purchase agreements (APAs) as an incentive for vaccine development. A recent IMF working paper also notes that **public research institutions** were a key driver of the COVID-19 R&D effort—accounting for 70 per cent of all COVID-19 clinical trials globally.23 The argument is that vaccines are developed with the support of substantial public financing, hence there is a public right to the scientific achievements. Moreover, private companies reaped billions in profits from COVID-19 vaccines. Source: Katharina Buchholz, “COVID-19 Vaccines Lift Pharma Company Profits”, Statista, 17 May 2021. One could argue that since the US, Germany and other HICs are spending money, their citizens are entitled to get vaccines first, hence vaccine nationalism is morally defensible. Nonetheless**, it is not the case**. The TRIPS Agreement includes several provisions which mandates promotion of technology transfer from developed countries to LDCs. For instance, Article 7 states that "the protection and enforcement of IP rights should contribute to the promotion of technological innovation and the transfer and dissemination of technology, to the mutual advantage of producers and users of technical knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations."24 Similarly, Article 66.2 also mandates the developed countries to transfer technologies to LDCs to enable them to create a sound and viable technological base. The LMICs opened their markets and amended domestic patent laws favouring developing countries’ products against this promise of technology transfer. Another argument against the proposed TRIPS waiver is that a waiver would not increase the manufacturing of COVID-19 vaccines. Indeed, one of the significant factors contributing to vaccine inequity is the lack of manufacturing capacity in the global south. Further, a TRIPS waiver will not automatically translate into improved manufacturing capacity. **However, a waiver would be the first but essential step to increase manufacturing capacity worldwid**e. For instance, to export COVID-19 vaccine-related products, countries need to ensure that there are no IP restrictions at both ends – exporting and importing. The market for vaccine materials includes consumables, single-use reactors bags, filters, culture media, and vaccine ingredients. Export blockages on raw materials, equipment and finished products harm the overall output of the vaccine supply chain. If there is no TRIPS restriction, more governments and companies will invest in repurposing their facilities. Similarly, the arguments such as that no other manufacturers can carry out the complex manufacturing process of COVID-19 vaccines and generic manufacturing as that **would jeopardise quality**, have also been **proven wrong in the past**. For instance, in the early 1990s, when Indian company Shantha Biotechnics approached a Western firm for a technology transfer of Hepatitis B vaccine, the firm responded that “India cannot afford such high technology vaccines… And even if you can afford to buy the technology, your scientists cannot understand recombinant technology in the least.”25 Later, Shantha Biotechnics developed its own vaccine at $1 per dose, and the UNICEF (United Nations Children’s Emergency Fund) mass inoculation programme uses this vaccine against Hepatitis B. In 2009, Shantha sold over 120 million doses of vaccines globally. India also produces high-quality generic drugs for HIV/AIDS and cancer treatment and markets them across the globe. Now, a couple of Indian companies are in the last stage of producing mRNA (Messenger RNA) vaccines.26 Similarly, Bangladesh and Indonesia claimed that they could manufacture millions of COVID-19 vaccine doses a year if pharmaceutical companies share the know-how.27 Recently, Vietnam also said that the country could satisfy COVID-19 vaccine production requirements once it obtains vaccine patents.28 Countries like the United Arab Emirates (UAE), Turkey, Cuba, Brazil, Argentina and South Korea have the capacity to produce high-quality vaccines but lack technologies and know-how. However, Africa, Egypt, Morocco, Senegal, South Africa and Tunisia have limited manufacturing capacities, which could also produce COVID-19 vaccines after repurposing. Moreover, COVID-19 vaccine IPR runs across the entire value chain – vaccine development, production, use, etc. A mere patent waiver may not be enough to address the issues related to its production and distribution. What is more important here is to share the technical know-how and information such as trade secrets. Therefore, the existing TRIPS flexibilities, such as compulsory and voluntary licensing, are insufficient to address this crisis. Further, compulsory licensing and the domestic legal procedures it requires is cumbersome and not expedient in a public health crisis like the COVID-19 pandemic.