### Developing Countries CP

#### CP Text: The Nation of Kenya should increase intellectual property rights for medicines. The rest of the member nations of the WTO should reduce intellectual property protections for medicines during pandemics.

#### Counterfeit drugs are

WHO 99, WHO. Counterfeit drugs guidelines for the development of measures to combat counterfeit drugs. WHO/EDM/QSM/99.1. Geneva: WHO, 1999. http://whqlibdoc.who.int/hq/1999/WHO\_EDM\_QSM\_99.1.pdf (accessed 10 Apr 2011).

A counterfeit medicine is one which is deliberately and fraudulently mislabelled with respect to identity and/or source. Counterfeiting can apply to both branded and generic products and counterfeit products may include with the correct ingredients or with the wrong ingredients, without active ingredients, with insufficient active ingredient or with fake packaging.

#### Tons of counterfeit medicines in the Kenyan market – it’s a domestic crisis.

ICC no date ICC. *International Chamber of Commerce* Promoting and Protecting Intellectual Property in Kenya. [https://iccwbo.org/content/uploads/sites/3/2017/01/ICC-Value-Of-IP-Kenya-031113.pdf //](https://iccwbo.org/content/uploads/sites/3/2017/01/ICC-Value-Of-IP-Kenya-031113.pdf%20//) Debatedrills AS

While some of the effects of counterfeits are immediate (e.g. illness from ingesting counterfeit foodstuffs), other effects may be long term (e.g. injury from using counterfeit cosmetics or drug resistance from fake medicines). Various reports show that the pharmaceutical sector in Kenya is among the sectors most harmed by counterfeiting and piracy. According to the Kenyan Association of Pharmaceutical Industry, approximately 30% of the drug market is counterfeit and Kenyans are believed to be spending about Kshs. 4 Billion (US$47 million) each year on fake medicine.55 The Kenya Anti-Counterfeit Agency (ACA) believes that as much as 40% of all malaria drugs in the Kenyan market are counterfeit. There are several examples of the commonness of fake drugs: In December 2008 a consignment of drugs branded “Panadol Extra” worth Kshs. 5 Million was impounded and destroyed by the Pharmacy & Poisons Board after it was tested and found not to contain any active ingredient but mere chalk.56 Medicines tested by the Drug Inspectorate Unit in Nyanza proved to be composed of ordinary chalk and in 2004, tests by Government inspectors in the Nyamira District revealed that veterinary medicine was being sold as anti-malaria drugs.57 These findings suggest that there are an overwhelming number of fake products on the market, constituting a serious health concern to Kenyan consumers.

#### Reject arguments that aren’t specific to the situation in African countries like Kenya – counterfeits are particularly devastating for these countries.

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The infiltration of substandard counterfeit medicines in African countries is of particular concern. According to estimates by the World Health Organization (WHO), up to 30% of medications on the African market are counterfeit.36 Of the more than 655 000 malaria deaths globally each year, 90% occur in Africa.37 The WHO estimates fake anti-malaria drugs alone kill 100,000 in Africa a year, and the black market deprives governments of 2.5% to 5% of their revenue.38 The U.S. National Institutes of Health found after analyzing data collected from 21 sub-Saharan African nations that 35% of anti-malarial drugs failed chemical testing because they were poorly manufactured, while another 20% were complete fakes.39 The use of substandard drugs not only prevents treatment, it can also promote the development of drug resistant strains, in turn decreasing the effectiveness of legitimate medicines.

#### Low-quality counterfeit drugs empirically cause thousands of deaths nationally and internationally.

Bronshtein 8 Dina M. Bronshtein, (2008). Counterfeit Pharmaceuticals in China: Could Changes Bring Stronger Protection for Intellectual Property Rights and Human Health*?*, 17 Pac. Rim L & Pol'yJ. 439, <https://digitalcommons.law.uw.edu/cgi/viewcontent.cgi?article=1494&context=wilj> //Debatedrills AS

According to WHO, counterfeit drugs account for ten percent of the world’s pharmaceuticals, though this number may be as high as **sixty percent** in some developing countries.15 Counterfeit drugs will be worth approximately seventy-five billion dollars globally by 2010.16 Due to China’s significant contribution to this mass production, the United States has placed China on its “priority watch list”17 of countries failing to protect IP rights adequately and reduce infringement levels significantly.18

The counterfeit pharmaceuticals market presents a serious health risk to both Chinese citizens and to the international community. This growing problem is due to the fact that approximately fifty percent of China’s drug supply is counterfeit.19 According to Shenzhen Evening News, a Chinese government-run news station, approximately 192,000 people died in China in 2001 due to consumption of counterfeit drugs.20 In considering this figure, it is important to remember that although this may not seem significant in comparison to China’s population of over one billion, the actual death toll is likely to be much higher than the reported number.21

Counterfeit drugs cause fatalities through both **immediate and latent effects**.22 For example, some counterfeits can accelerate the growth of drug- resistant virus strains.23 This occurs when the counterfeit contains too little of the necessary active ingredients making up the legitimate drug and, therefore, does not kill all the disease agents, causing the strains to spread.24 This problem is especially evident in developing countries that lack the resources and political will to fight against counterfeiting; residents of such countries are often those that need the most legitimate medical attention.25

#### **Independently, counterfeit drugs disincentivize life-saving medical innovation and deter pharma companies – multiple warrants.**

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The detrimental economic effects **of pharmaceutical counterfeiting** reach beyond the borders of the source country.26 Producers of counterfeit drugs do not comply with safety regulations and do not pay taxes on their goods.27 This reduces government revenue because legitimate drug producers are less likely to enter the market and thus pay taxes if that market is highly saturated with counterfeits.28 Additionally, the counterfeit drug market stifles investment and innovation.29 The cost of investigating and prosecuting infringers is expensive for both companies and the government.30 In countries where counterfeiting is widespread, it can cost millions of dollars annually to track down infringers and pay the litigation costs associated with prosecuting them.31 Often, even if a company prevails in litigation, the financial results are far from cost-effective.32 These **expenses will** likely **deter new companies from entering the pharmaceutical market and existing companies from investing** in innovative efforts that could lead to life-saving discoveries**.** This results in stifled pharmaceutical innovation, which harms both economies and public welfare globally.

#### The CP solves --

#### 1] Increased criminalization of IP violations can deter offenders.

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Kenya’s Anti-Counterfeit Act, 2008, provides criminal measures. Section 35 stipulates in the case of a first conviction the offender will be jailed for a term not exceeding five (5) years or a fine of not less than three (3) times the prevailing retail price of the genuine product or both. In the case of a second/subsequent conviction, imprisonment for a term not exceeding fifteen (15) years or a fine not less than five (5) times the prevailing retail price of the genuine goods or both.

A person who obstructs an inspector in the discharge of his duties, fails to comply with the requirements of an inspector, fails to give assistance/information to an inspector or gives false information to an inspector, is liable to imprisonment for a term not exceeding three (3) years or a fine of Kenya Shillings Two Million (Kshs. 2,000,000/=) (approximately US$24,000) or both.

The Act does not, however, provide for a mandatory custodial sentence93 irrespective of the flagrancy of the offence. Neither does it provide for minimum penalties within the result that too much discretion is left in the hands of the court. As currently drafted, it is quite possible for a habitual offender to be sentenced to a lesser fine or jail term than a first offender.

Recommendations:

Review the fines upwards to achieve deterrent minimum fines.

Amend the law to introduce a mandatory custodial sentence for the third/subsequent

offence of a minimum (2) years depending on the flagrancy of the offence.

#### 2] Only the counterplan creates the momentum for additional solvency.

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Combating counterfeiting and piracy is an important but challenging task that cannot be accomplished in isolation. Protection of IPR should not solely be a priority of state authorities, but needs to be considered as a goal shared broadly by all sectors of society. As a result, public officials, international governmental organizations, industry and even consumers need to work together more closely to develop more creative and effective methods to fight this economic and societal problem.

The Kenyan government has shown increased awareness of the consequences of a lack of IP protection and of the importance of collectively fighting counterfeiting and piracy. Over the past years, the country has initiated legal and institutional reforms, as well as programs to educate the people about the risks of counterfeit products.

## Africa DA

#### RTAs now, but weak WTO key --- they’re proliferating due to frustration with WTO ineffectiveness

Shongwe 17 Musa Njabulo Shongwe, Dr. Musa Njabulo Shongwe LLB (University of Swaziland), LLM, LLD (International law- University ofJohannesburg) and Post-Doctoral Research Fellow at the South African Research Chair in International Law, “THE FRAGMENTATION OF THE MULTILATERAL TRADING SYSTEM: THE IMPACT OF REGIONALISM ON WTO LAW.” Amsterdam Law Forum, Volume 9, No. 3. 2017. <https://heinonline.org/HOL/Page?handle=hein.journals/amslawf9&div=4&g_sent=1&casa_token=&collection=journals>

Regionalism is described in the Dictionary of Trade Pobiy Terms as 'actions by governments to liberalise or facilitate trade on a regional basis, sometimes through free-trade areas or customs unions'." RTAs have been successful in achieving trade liberalisation at a much faster speed than the WTO." States, therefore, enter into regional trading agreements for this reason, and for different other reasons, some of which are economic, political and security considerations. This part examines the nature and proliferation of RTAs, as well as how their unclear relationship with the WTO has affected the multilateral trading system. 111.1 Defining RTAs Regional Trade Agreements are defined as institutions or groupings of countries formed with the objective of reducing barriers to trade between member countries." These institutions, based on a treaty, may be concluded between countries not necessarily belonging to the same geographical region. Depending upon their level of integration, RTAs can be broadly divided into different categories" such as: Preferential Trade Agreements (PTAs), Free Trade Agreements (FTAs), or Customs Unions (CUs). A PTA is a union in which member countries impose lower trade barriers on goods produced within the union. A Free Trade Area (ETA) is a special case of PTA, where member countries completely abolish trade barriers (both tariff barriers and non-tariff barriers) for goods origination within the member countries. A Customs Union (CU) provides deeper integration than an FTA because, unlike FTAs where member countries are free to maintain their individual level of tariff barriers for goods imported from non-member countries, in a CU, member countries also apply a common external tariff (CET) on goods imported from outside countries." The CET can vary across goods but not across union partners. Cross-regional RTAs are also increasingly being negotiated and signed between countries in different regions of the world." Thus, the concept of 'regional' has also changed from intra-regional to inter-regional agreements.6 111.2 The proliferation of RTAs (1948 - 2012) The multilateral trade system has witnessed phenomenal growth in the number, coverage, and scope of RTAs." Contemporary literature on trade regionalism distinguishes between what is known as 'old regionalism' and 'new regionalism'." Old regionalism was characterised by regional trade agreements formed in the bipolar war context of the 1960s and 1970s." Regionalism during this period was characterised by strong protectionist standards and the unwillingness of trading partners within a region to have dependency on foreign products." Regional trade arrangements established after the 1980s are known as new regionalism. New regionalism is characterised by RTAs formed in a multi-polar context, and having environmental, political, social and democratic objectives." It is also characterised by integration across the North-South divide, with a number of schemes involving both developing and industrialised countries. Several of the new agreements are cross-regional in that the members extend over more than one of the world's geographic regions. The increased interest in regionalism in the 1980s was prompted by the uncertainty of a successful conclusion of the Uruguay Round of multilateral trade negotiations (1986-1994)." The uncertain fate of the Uruguay Round prompted many countries to pursue preferential deals as an insurance against an eventual failure of multilateral trade negotiations." But even after the successful conclusion of the Uruguay Round and the establishment of the WTO, interest in RTA formation did not diminish." Instead, there has been a boom in RTA negotiations from that time on. In the period between 1948 and 1994, the GATT received 123 notifications of RTAs (relating to trade in goods), and, since the creation of the VTO in 1995, over 300 additional arrangements covering both trade in goods or services have been notified." With the Doha Round stalling, legislative focus in the international trade sphere shifted to the negotiation of more RTAs.72 At the end of 2012, the WTO Secretariat published the following chart, which shows the facts and figures of all RTAs notified to the GATT/WTO from 1948 to 2012 by year of entry into force: From the above chart, it appears that the proliferation of RTAs has accelerated exponentially since the years of the Uruguay Round negotiations. We can also see that, by the end of 2012, there had been over 300 RTAs in force and over 500 notifications. As of 10 January 2013, some 546 notifications of RTAs (counting goods, services and accessions separately) had been received by the GATT/WTO.14 Of these, 354 were in force. There are approximately 100 RTAs in the pipeline (signed, not yet in force or under negotiation)." These figures prove without a doubt that 'RTAs are a major and perhaps irreversible feature of the multilateral trading system'." The impasse in the Doha Development Agenda negotiations is further strengthening WTO members' resolve to conclude RTAs, and indeed new RTA initiatives have emerged in recent years whose effects will be felt in the years to come. A notable feature in the recent rise of regionalism is that countries that had traditionally favoured the multilateral approach to trade liberalisation, including Australia, New Zealand, Japan, Singapore, India and the Republic of Korea, have now joined the RTA bandwagon." This shows that the shift to regionalism is an inevitable trend. Motivations behind the proliferation of RTAs vary across regions. The formation of RTAs is driven by a variety of factors which include economic", political and security considerations." It is important to understand those factors or reasons because they allow a greater understanding of the feasibility of any proposal to regulate RTAs, so as to reduce their negative impacts on the WTO multilateral regime. Firstly, due to their less-crowded nature, RTAs have provided a comparatively efficient means by which members can pursue their trade liberalisation goals, through the negotiation of reduced trade barriers and also improved rules. Therefore, RTAs are easier to administer. Mutually beneficial relations also increase RTA members' bargaining power in multilateral negotiations, by securing commitment first on a regional basis." Secondly, the conclusion of RTAs is driven by the search of access to larger markets, which are easier to engineer at the regional or bilateral level, particularly in the absence of a willingness among WTO members to liberalise further on a multilateral basis." Thirdly, membership in RTAs also provides a means of securing foreign direct investment, particularly for developing countries with low labour costs, which have access to larger more developed markets: developing countries commit themselves to signing reciprocal RTAs with developed countries in order to secure access to their markets.82 Political considerations also foster regional trading arrangements. Governments seek to increase regional security and consolidate peace with their RTA partners.3 For example, the original European Economic Community and European Coal and Steel Community were famously motivated by a desire to make war between Germany and France impossible." According to Bhagwati," frustration with the multilateral trading system is also another factor driving the proliferation of RTAs. Governments view regionalism as an easier alternative because the large number of participants in multilateral trade negotiations creates rigidity in the system. Also according to Bhagwati," modern trade barriers are much more complicated to negotiate in a multilateral forum, and most countries find it easier to deal with these issues on a bilateral or regional level. This means that negotiations are more efficient at regional level because the regimes are less complex. Progress is very slow in the multilateral agenda. 8 Therefore, the stagnation in multilateral negotiations may, for example, create incentives for states to pursue preferential trade liberalisation and encourage exporters to lobby their governments for more PTAs. It has also been observed that RTAs have proliferated because multilateral negotiations on a global scale have become more difficult in certain areas, as the subjects of multilateral negotiations in the WTO framework have been expanded into politically sensitive areas such as trade and investment, trade and competition policy, intellectual property rights and epidemics." As an alternative to multilateral negotiations on a global scale that could take years to reach any consensus, nations have begun to resort to trade negotiations among a more limited number of countries sharing common interests in trade and investment, closer economic and cultural ties and geographic proximity. This trend has led to the formation of more RTAs around the world.

#### Regionalism is key to African trade and development --- global arrangements don’t allow for African integration --- that’s key to economic development

Owoeye 16 Olasupo Owoeye, Lecturer in Law at the School of Law, University of South Australia and, recently, a Humboldt Research Fellow at the University of Augsburg, Germany, “Regionalism and WTO Multilateralism: The Case for an African Continental Free Trade Area.” Journal of World Trade, Volume 50, No. 6. Pp 1085-1110. 2016. https://www.kluwerlawonline.com/document.php?id=TRAD2016043&PHPSESSID=fi567pdmv3ap5g47rk0guk7g82

After the Second World War, twenty three countries adopted the General Agreement on Tariffs and Trade (GATT), an agreement which was negotiated primarily for the purposes of tariff reduction.76 The GATT was founded on the non-discrimination Most Favoured Nation and the National Treatment principles.77 Although the GATT was successful in achieving tariff reduction, its major weaknesses included the absence of a strong dispute settlement mechanism, challenges relating to GATT’s status as an international organization and its inability to restrain protectionist measures that were frustrating cooperation in the multilateral trading system.78 The WTO was subsequently established to remedy the shortcomings of the GATT by unifying obligations under the GATT with new obligations under the WTO’s internationally recognized institutional framework.79 Following the establishment of the WTO, many African countries became members of the organization.80 Whilst many of these countries became full members of the WTO, there were special provisions affording concessions to developing countries especially in Africa.81 Such provisions, otherwise tagged ‘flexibilities’ allowed extra time for developing countries to comply fully with their obligations under WTO law and developed countries are generally required to protect the interest of developing economies.82 The WTO plays a major role in monitoring RTAs.83 GATT Article XXIV provides the WTO governing framework for RTAs and it requires nations forming RTAs to notify the WTO of the formation of such free trade agreements. Developing countries can also rely on Part IV of GATT on Trade and Development as well as the 1979 Enabling Clause to form RTAs that are not bound by the WTO non-discrimination principles.84 The controversy relating to the interpretation of Article XXIV has increased the interest in the existence and significance of RTAs.85 It has been argued that rather than focusing on the economic consequences of RTAs, the WTO’s institutional structure may also be criticized for hindering the easy incorporation of RTAs into the WTO system.86 A factor that may have limited the impact of RTAs on trade in Africa may be the inherently discriminatory nature of the existing RTAs in the continent.87 African countries are yet to take full advantage of the remarkable level of trade intensity in the continent. Trade liberalization can be pursued within the continent by basing trade policies on the Most Favoured Nation principle to foster open market opportunities.88 It has also been suggested that it may be more beneficial for Africa to look beyond RTAs to pursue other liberal trade policies.89 It might indeed be plausible that placing much emphasis on RTAs as the solution to Africa’s economic problems ignores the inability of the continent to compete in the global market.90 Africa’s overwhelming reliance on traditional exports like agricultural products and raw materials accounts for the continent’s relatively low competitive standing in the global market.91 The situation could be much better by boosting the continent’s manufacturing capacity in various sectors and placing more emphasis on the production of finished products.92 There is also the fear that economic disagreements within RTAs may trigger political instability in fragile African states.93 RTAs have the potential of increasing the bargaining strength and influence of African nations on the world stage if African states can agree on common social and economic policies.94 It has been suggested that African nations should reduce trade restrictions applying to countries that are not part of their individual RTAs95 and liberalize more trade with non-African nations in order to benefit more from market opportunities with developed nations.96 The Doha Development Agenda in particular may help Africa become much more competitive in areas like agriculture where the continent has more comparative economic advantages.97 By maintaining open and free markets, African nations will continue to expand their trade whilst also meeting their obligations under WTO law.98 The Cotonou Agreement was signed on 23 June 2000 by representatives of the European Union (EU) and seventy-seven African, Caribbean and Pacific (ACP) countries to replace the Lome IV Convention which expired that year. 99 The Cotonou Agreement is a trade and aid accord that consolidates on a quarter of a century cooperation between Members States from the North and South.100 In 2001, the New Partnership for Africa’s Development (NEPAD) was adopted by African leaders as a strategic framework for the socio-economic development policies of the African Union (AU).101 The objective of NEPAD is to promote democracy and efficient economic management in Africa.102 The Cotonou Agreement affirms parties agreement to work together to achieve poverty eradication, sustainable development and the gradual integration of the ACP nations into the global economy.103 The Agreement seeks to foster the socio-economic and cultural development of ACP states and to promote political stability and democracy amongst contracting states. It emphasizes the importance of regional economic integration and identifies it as a development strategy and a major aspect of economic and trade cooperation.104 Regional integration can help ACP countries, especially in Africa, to achieve larger and more unified markets in the form of free trade areas or a common market.105 Successful regional integration can lead to bigger markets, increased competition, efficient allocation of resources and a more conducive investment climate.106 It has been opined that trade liberalization is not the route to economic development in Africa, nor is it an effective way of enhancing global prosperity because the element of social justice is lacking in its execution.107 The commentator further argues that trade liberalization is no more than a rapacious and amoral concept being used to inflict lasting damage and unimaginable misery on developing countries.108 Whilst the argument above might be too radical to be defensible, a major problem with the WTO system might nonetheless be the unwillingness of many developed countries to make the necessary sacrifices and desist from anti free trade policies.109 Western countries continue to use high tariff barriers and trade subsidies to protect agricultural products despite the fact that such measures are not countenanced by WTO rules.110 Such tariffs and subsidies have tremendous negative impact on the products of farmers in developing countries and make it increasingly difficult for them to compete in the global market.111 Indeed, a strong argument against free trade is that countries that are highly developed did not achieve that status through open markets but through the adoption of strong protectionist measures and subsidies.112 Nonetheless, regionalism may be a real panacea to the challenges associated with WTO multilateralism especially for developing countries. Whilst it might be correct to argue that highly developed countries did not attain the status through open markets but largely protectionist measures, it will be very difficult indeed for Africa to become highly competitive in the global market through overtly protectionist measures. African nations can certainly curb imports to protect local industries where such measures are necessary. This position is supportable under WTO law as the GATT does allow individual states to increase trade protection in certain circumstances for the benefit of local industries.113 Regionalism in Africa can provide a fine balance between the protection of regional interests and full integration into the global economy. The absence of strong development policies has contributed to the poor state of socio-economic and human development in Africa.114 The inability to provide adequate funding for public health, education, housing, electricity and other social amenities, has resulted in a deplorable state of human development in the continent.115 It is very true that free trade is not the complete solution to Africa’s development problem. For regional integration to be successful in Africa and for the continent to be able to benefit from gaining access to new market, African nations must be ready to provide access to free or affordable education, unnecessary obstacles to private investment will have to be removed and there should be improved public investment in infrastructure.116

#### Sustained African trade solves a myriad of impacts --- economic growth, human rights, drug access, development, and competitiveness --- regionalism is key

Owoeye 16 Olasupo Owoeye, Lecturer in Law at the School of Law, University of South Australia and, recently, a Humboldt Research Fellow at the University of Augsburg, Germany, “Regionalism and WTO Multilateralism: The Case for an African Continental Free Trade Area.” Journal of World Trade, Volume 50, No. 6. Pp 1085-1110. 2016. https://www.kluwerlawonline.com/document.php?id=TRAD2016043&PHPSESSID=fi567pdmv3ap5g47rk0guk7g82

It has already been argued that regionalism can serve as a coalition strategy for fostering the interest of African countries in the WTO and that the African Union has a very cardinal role to play in the formation of an African-wide free trade area.120 There presently exist eight different economic communities in Africa. They are121 : (1) the Community of Sahel-Saharan States (CEN-SAD); (2) the Common Market for Eastern and Southern Africa (COMESA); (3) the East African Community (EAC); (4) the Economic Community of Central African States (ECCAS); (5) the Economic Community of West African States (ECOWAS); (6) the Intergovernmental Authority on Development (IGAD) in Eastern Africa; (7) the Southern African Development Community (SADC); and (8) the Union du Maghreb Arabe (UMA). The African Union 2011 Action Plan for Boosting Intra-African Trade acknowledges the importance of trade as an engine for promoting economic growth and development.122 The Action Plan identifies one of the reasons trade has not resulted in significant economic growth in Africa as follows: A key feature of Africa’s trade, which has had some adverse implications for its impact on economic growth and development, is its high external orientation and relatively low level of intra-regional trade. Intra-African trade stands at around 10 per cent compared to 60 per cent, 40 per cent, 30 per cent intra-regional trade that has been achieved by Europe, North America and ASEAN respectively. Even if allowance is made for Africa’s unrecorded informal cross-border trade, the total level of intra-African trade is not likely to be more than 20 per cent, which is still lower than that of other major regions of the world.123 A 2013 report jointly produced by the African Development Bank, the World Bank and the World Economic Forum argues that regional integration is crucial to Africa’s competitiveness in the global market.124 The report notes that Africa is lagging behind other emerging regions particularly with respect to infrastructural development, education and technological advancement and that regional integration can play an important role in closing the competitiveness gap.125 Given the small, fragmented and isolated nature of most African nations’ economies, African countries may need to integrate regionally to maximize efficiency gains and exploit economies of scale.126 Africa’s regional integration has, so far, been unimpressive and the fact that the existing regional economic communities have done little to increase intra-regional trade calls to question the efficiency of the linear integration model in the liberalization of regional trade in the continent.127 A major reason for Africa’s disappointing trade performance is the continent’s heavy reliance on few primary export commodities.128 Thus, ensuring sustainable development in Africa will require more focus being given to trade composition, industrialization and improved infrastructural development.129 For Africa to fully enjoy the benefits of regional integration, it would have to do more than removing tariff and non-tariff trade barriers.130 Concrete measures would have to be taken to address lack of adequate infrastructure, cumbersome border administration and unnecessary duplication of procedures.131 Foreign direct investment would also have to be encouraged by providing a good investment climate, the prohibition of anti-competitive policies and the protection of property rights. 132 It is estimated that an African wide free trade area would add up to USD 34.6 billion (52.3%) to the baseline by 2022 and that the imports of African states from other parts of the world would come down by USD 10.2 billion through the exponential growth in intra-African trade expected from a continent-wide integration.133 Free trade and market integration are part of the mechanisms for remaining competitive in an increasingly globalized economy. Intra-African trade currently accounts for just about 12% of Africa’s total trade as against Europe’s 60% trade within the EU region, 40% within North America and 30% in the Association of South East Asian Nations.134 Boosting Intra-African trade will undoubtedly contribute to sustainable economic growth, poverty reduction, enhanced foreign direct investment and employment generation in Africa.135 Such a continentwide free trade alliance will also facilitate a better integration of the African economy into the global economy.136 As once observed by a former deputy chairperson of the African Union, the size of the national market in most African nations is too small for competitiveness in the global market but a common African market of 1 billion people would unleash enormous economic growth and development and enhance the economic independence of the African people.137 It has been argued in other articles that a continent-wide free trade deal in Africa can offer some solution to the access to patented pharmaceuticals problem in the continent and help build significant manufacturing capacity in the pharmaceutical sector.138 The Declaration on Boosting Intra-African Trade and the Establishment of a Free Trade Area was adopted by the AU in January 2012.139 The Declaration enjoins AU states to work towards the establishment of a Continental Free Trade Area (CFTA) for Africa by 2017.140 In preparation for the 2017 timeline for the establishment of the African CFTA, a 26-country Tripartite Free Trade Agreement spanning three existing regional economic communities namely COMESA, EAC and SADC was signed in June 2015.141 The agreement will reduce tariffs within the three regional trade groups and link them together. The Tripartite FTA is designed to create a free trade area and not a common market like the EU.142 It has been observed that none of the major players seem to be working perfectly yet. Reporting on the development, BBC Business Reporter, Matthew Davies, thus opined: COMESA still has certain tariffs within it, while inside the EAC (arguably the most integrated of the blocs) there are still issues between Kenya and Tanzania on things like share ownership. And South Africa tends to dominate SADC.143 It is indeed very doubtful if the 2017 timeline for the establishment of the CFTA will be feasible. At the African Union Summit of January 2012, an 8-country regional development association in East Africa, the Intergovernmental Authority on Development (IGAD) expressed its reservation on the 2017 CFTA plan and argued that Africa should place more emphasis on pressing issues like investment and infrastructure development, food security, removal of non-tariff barriers and trade facilitation.144 Nigerian former President Goodluck Jonathan, representing the most populous African country, was also reported to have described the goal as unrealistic.145 Whilst it is true that infrastructural development and poverty reduction are very pressing issues in Africa, trade issues are by no means less important as growth in trade can be veritable catalysts for development. Intra Africa trade facilitation is one of the ways Africa can address many of its present economic challenges and its significance should not be downplayed.The plan to have a continent-wide free trade area in Africa has been on the agenda of African states deliberations for decades. As far back as 1979, the defunct Organisation of African Unity (OAU) adopted the Monrovia Declaration of Commitment of the Heads of State and Government of the OAU to reinforce the commitments of African states to regional solidarity and cooperation.146 This was later followed by the Lagos Plan of Action in 1980 to accentuate the commitment of Africa to regional economic integration.147 The Treaty Establishing the African Economic Community was subsequently adopted in 1991 and entered into force on 12 May 1994. The overarching objective of the African Economic Community Treaty is the creation of a common market like the EU-style bloc for Africa.148 Indeed, it would appear the scope and objectives of the African Economic Community Treaty are quite ambitious. Africa has so far not done much to actualize the objectives of the Treaty. Nonetheless, it is indisputable that the time is already ripe for an African free trade area. All the regions of the world are increasingly becoming more economically integrated and Africa will become more isolated and less competitive in the global market if it does not adopt the current approaches to enjoying the benefits of globalization. Globalization entails integration, liberalization and free flow of goods, resources and capital. Opening up borders to promote intra-African trade is a very good way of ensuring the gradual integration of African economy into the global economy. The 2011 AU Action Plan for boosting African Trade is a good step in the right direction and one that must be fervently pursued and implemented. It is conceded that a common market for Africa may be some way off and even somewhat unrealistic within the next decade. But a free trade area is an easier goal to achieve. The establishment of a CFTA is already overdue in Africa and it will not be in the continent’s interest to continuing playing the waiting game. The world is becoming increasingly globalized and Africa cannot continue to adopt largely protectionist measures adopted by industrializing countries in the eighteenth century. Most of the fears expressed by those opposing continental integration in Africa can be well addressed and allayed through the creation of a continent-wide free trade area. It does seem building intra-African trade cannot add to Africa’s burden and challenges, it can only alleviate them. The Treaty Establishing the African Economic Community (Abuja Treaty) which was adopted with the main objective of promoting African socio-economic development through regional integration149 has provided a framework for regionalism in Africa. This framework may be explored to address some of the core issues militating against African competitiveness in the global market especially in relation to industrial development, building innovative capacity and a strong technological base The Abuja Treaty outlines six major stages of variable duration for the establishment of the African Economic Community.150 The first stage involves strengthening of the existing economic communities and the establishment of new such communities where they do not exist within five years of coming into force of the Treaty.151 The second stage stipulated under the Abuja Treaty involves the stabilization of tariff and non-tariff barriers at the level of each regional economic community within a period of eight years. There should also be strengthening of sectoral integration in all areas of activity including agriculture, trade and finance at the regional and continental levels at this stage and the harmonization of their activities.152 The third stage involves the formation of a free trade area and a customs union at the level of each regional economic community within the period of ten years.153 At the fourth stage, the various regional economic communities are required to harmonize their tariff and non-tariff systems with a view to establishing a Customs Union at the continental level within two years.154 The fifth stage requires the adoption of an African Common Market through the adoption of a common policy in several areas, the harmonization of fiscal policies and the application of the right of residence of African people in any part of the continent. The fifth stage is to be completed within a period of four years.155 The sixth and final stage involves the consolidation of the African Common Market, the adoption of a single African currency, the setting up of the structure of a Pan African Parliament and the establishment of the Executive body of the African Economic Community.156 The final stage is to be completed within a period of five years157 and the cumulative transitional period from the first stage of the economic integration framework to the final stage must not exceed a period of forty years from the date of entry into force of the Treaty.158 The continent is currently at the third stage of the move towards establishing an African Economic Community although the harmonization of the activities of the regional economic communities required to be completed under the second stage cannot be said to have been realized.159 Whilst there have been a lot of criticisms on the proliferation of regional trade agreements amongst WTO Member States, it is beyond doubt that such agreements are countenanced by WTO Law. Article XXIV (4) & (5) of the GATT specifically provide: 4. The contracting parties recognize the desirability of increasing freedom of trade by the development, through voluntary agreements, of closer integration between the economies of the countries parties to such agreements. They also recognize that the purpose of a customs union or of a free-trade area should be to facilitate trade between the constituent territories and not to raise barriers to the trade of other contracting parties with such territories. 5. Accordingly, the provisions of this Agreement shall not prevent, as between the territories of contracting parties, the formation of a customs union or of a free-trade area or the adoption of an interim agreement necessary for the formation of a customs union or of a free trade area. Article XXIV (5) goes further to stipulate that the regulations imposed following the formation of the customs union or free trade area must not be higher or more restrictive than what was applicable in the constituent territories prior to the formation of the regional trade bloc.160 Every WTO Member State desiring to enter into a regional arrangement must also promptly notify the WTO and furnish the WTO with all relevant information for the formation of the free trade area or customs union.161 In addition to the foregoing, under the GATT Decision on Differential and more favourable treatment reciprocity and fuller participation of developing countries, developing countries may derogate from the WTO’s Most Favoured Nation principle when entering into regional or global arrangements with other developing countries for the purpose of reducing or eliminating tariff barriers.162 2.3 THE ABUJA TREATY’S FRAMEWORK FOR REGIONAL INTEGRATION: SOME REFLECTIONS For the purposes of the present discussion, some relevant provisions of the Abuja Treaty will be examined in relation to customs union and liberalization of trade, free movement of persons, finance and payments, food and agriculture, industry science and technology, transport and communication. Under Article 32 of the Abuja Treaty, African states agree to progressively work towards the elimination of customs duties and other trade barriers amongst Member States of the various regional economic communities and this ultimately should result in the adoption of an external customs tariff in the continent. This arrangement will inevitably facilitate the free movement of goods within the continent and result in the elimination of both tariff and administrative barriers in intra-African trade. The formation of a free trade area and the adoption of a common external tariff in the continent have the potential of promoting economic growth and provide more incentives for foreign direct investment in the continent.163 Former WTO Director General, Pascal Lamy, in a similar vein noted that Africa should no longer rely on external demand for its goods and services to support its growth but must take steps to accelerate regional integration and greater intra-African trade.164 Article 43 of the Abuja Treaty enjoins African states to progressively adopt measures to ensure the free movement of persons and the right of residence of citizens of each Member State in other states of the African Union. This provision can be crucial to the problem of man power supply and skilled labour shortage in many parts of the continent. By Article 44 of the Abuja Treaty, Member States are enjoined to work towards the harmonization of their monetary, financial and payment policies to foster intra-African trade and promote monetary and financial cooperation amongst African nations. The implementation of this provision is likely to open African states to enormous foreign direct investment opportunities as it will substantially eliminate the barriers to the free movement of capital within the continent.165 ECOWAS has been working on a common currency zone for Gambia, Ghana, Guinea, Nigeria and Sierra Leone, which is expected to be merged with the West African Economic and Monetary Union (popularly known by the French acronym UEMOA) at a later date to create a common ECOWAS currency.166 Similar plans are underway within the SADC, COMESA and EAC.167 There have however been concerns about the downsides of having a currency union. An ECOWAS monetary union for instance may entail more economic diversity as Nigeria’s GDP is higher than the combined GDP of all the UEMOA states.168 Similar concerns have been expressed in relation to the EAC’s monetary union plan.169 These concerns seem to be reinforced by the fact that UEMOA faces serious challenges emanating from the need to provide shock smoothing mechanisms without having the mechanisms for doing so.170 The literature and empirical studies nonetheless suggest that monetary union can facilitate regional trade in Africa.171 Whilst there are controversies regarding the benefits accruable from monetary unions in Africa, it would seem monetary integration can be of benefit to regional trade in Africa if it is accompanied by complementary economic policies capable of creating favourable conditions for regional trade.172 African countries agree in Article 46 of the Abuja Treaty to collaboratively work towards the development of agriculture, forestry and livestock to promote food security and increased agricultural productivity. Given the fact that agricultural products are the major export commodities of most African states, regional integration within the continent will go a long way in boosting trade in agricultural products and facilitating access to cheaper and better quality products.173 Regional integration is expected to enable African agricultural sectors to fully exploit opportunities in regional markets, stabilize prices and secure domestic market supply.174 Of particular significance to economic and industrial development in Africa is the provision of Article 48 of the Abuja Treaty, which for the sake of emphasis is reproduced below: (1) For the purpose of promoting industrial development of Member States and integrating their economies, Member States shall within the Community harmonize their industrialization policies. (2) In this connection, Member States shall: (a) Strengthen the industrial base of the Community, in order to modernize the priority sectors and foster self-sustained and selfreliant development; Promote joint industrial development projects at regional and Community levels, as well as the creation of African multinational enterprises in priority industrial sub-sectors likely to contribute to the development of agriculture, transport and communications, natural resources and energy. The above provision may be used to address many of the socio-economic challenges of the African people including access to affordable pharmaceutical products, social infrastructural development, access to energy, climate change, food security and much more. The quest for industrial revolution in Africa will require the availability of large markets to drive competitive production to meet the forces of demand and supply.175 A continent-wide free trade area can provide such a market. The existing regional economic communities have taken steps to harmonize infrastructure policies to enhance regional integration of African markets.176 Structures have also been set up to regulate some sectors, especially energy and communication.177 Article 48 encourages African states to collaborate at regional and continental levels by pooling resources together to address some of Africa’s most fundamental problems that might be too difficult to address at national or even regional level. A joint report by the UN Economic Commission for Africa and the African Union has already noted that a joint development of energy generation resources and the supply of electricity through regional power pooling would go a long way in enhancing the growth of Africa’s regional resources.178 Finally Article 61 of the Abuja Treaty obliges African states to collaboratively work towards the development of a continental transport and communications network. Lack of adequate facilities for the timely shipment of goods is one of the major economic problems in Africa and addressing this at the level of the African Union will be one of the necessary strategies for boosting social and economic development in the continent.179 It has been observed that achieving universal access to communications technology is one of Africa’s major challenges and it is recommended that regional and national lines should be used to provide broadband infrastructure whilst improving regulatory framework to attract private investment.There is a strong link between trade facilitation and development. Intra-regional trade in Africa can offer great benefits to African states and also help address challenges associated with strengthening public health systems and human development. Regional integration has been used to enhance trade expansion and economic growth in different parts of the world. Intra-African trade remains the least significant in comparison with trade in other regions such as Europe, ASEAN and North America. Africa also remains the least developed continent with the highest number of least developed countries in any region of the world.181 Whilst it is true that there are many socio-economic challenges contending with economic growth and development in Africa, boosting intra-regional trade through regional integration is a very important way of addressing the African economic crisis. As can be seen through the regional integration framework envisaged under the Abuja Treaty, regionalism can be used to address myriads of social economic challenges confronting the African continent ranging from agricultural productivity to technological advancement and industrial development. The regionalism envisaged under the Abuja Treaty transcends the contours of mere trade liberalization or facilitation. It is an all-encompassing economic blueprint for advancing the social and economic development of African states through regional cooperation and collaboration. Opponents of trade liberalization and African regional integration may argue that there are more important pressing issues that ought to be urgently addressed. The challenges people in Africa are experiencing are largely as a result of factors such as corruption, illiteracy, a long history of conflicts, boundary disputes, poverty, poor social infrastructure and inadequate primary healthcare. Expanding international trade and moving towards gradual continent-wide regional integration can be effective strategies for solving many of the current prevailing African socio-economic problems. The African Economic Community Treaty envisages the formation of a common market in Africa. Whilst the actualization of that goal may be a long way off, the creation of an African Free Trade Area is a good step in the right direction and it is a step that will also be relevant in solving some of Africa’s most pressing socio-economic problems

#### Development k2 African stability

ODNI 17

Office of the Director of National Intelligence, National Intelligence Council unclassified strategic assessment of global trends, authored by ODNI personnel including the Chairman of the NIC, THE NEAR FUTURE: TENSIONS ARE RISING, 2017, <https://www.dni.gov/index.php/global-trends/near-future>

Sub-Saharan Africa. Democratic practices have expanded, civil society groups have proliferated, and public demand for better governance has become more urgent. Still, many African states continue to struggle with “big man” rule, patronage politics, and ethnic favoritism. Many leaders remain focused on political survival rather than reform—with some defying term limits. Global economic headwinds also threaten progress by keeping commodity prices low and foreign investment weak. Even some countries that have made progress toward democracy remain fragile and prone to violence accompanying elections. Tensions between Christian and Muslim groups could escalate into conflict.

Outlook: During the next five years, growing African populations will become more youthful, urban, mobile, and networked, and better educated—and more demanding of a voice. Rapid urbanization will stress infrastructure and increase visibility of elite corruption— fueling public frustration with services or opportunities. Some 75 to 250 million Africans will experience severe water stress, likely leading to mass migration. Nonetheless, Africa will remain a zone of experimentation by governments, corporations, NGOs and individuals seeking to advance development. The progress of the past two decades—including an expanded middle class, increasingly vibrant civil society, and the spread of democratic institutions—suggests upside potential.

#### Goes nuclear

Glick, Middle East fellow at the Center for Security Policy, ‘7

(Caroline, Condi’s African holiday,http://www.carolineglick.com/e/2007/12/condis-african-holiday.php?pf=yes

The Horn of **Africa is a dangerous and strategically vital place. Small wars,** which rage continuously, **can easily escalate into big wars. Local conflicts have regional and global aspects. All of the conflicts in this tinderbox, which controls shipping lanes** from the Indian Ocean into the Red Sea, **can potentially give rise to regional, and indeed global conflagrations between** competing regional actors and **global powers.**

## Vaccine

#### US unipolarity with few formal restraints causes a drive for absolute leadership that makes conflict worse

Lee 17 Dong Sun-Lee, Professor at Korea University. Professor Dong-Sun Lee has expertise in theories of international relations and military Security. “America's International Leadership in Transition: From Global Hegemony towards Offshore Leadership.” Journal of International and Area Studies. Volume 24, No 1. Pp. 1-19. June 2017.

A unipole facing feeble systemic constraints also can readily succumb to an unsound mixture of (undue) ambition, complacence, and pride.11 Since the end of the Cold War, the American unipole has frequently shown signs of all these traits. A superpower with no peer competitor threatening its survival tends to be ambitious, pursuing secondary interests (which it otherwise would give up on) and taking on inessential (albeit occasionally significant) tasks. The promotion of democracy worldwide through active interventions rather than by successful example is one such undertaking. Washington, directly or indirectly, has involved itself in regime changes in Iraq, Libya, Syria, and Ukraine, and ended up fighting wars of choice (as opposed to wars of necessity) at times in those endeavors.12 Another relevant phenomenon is America's hasty pursuit of absolute security - seeking to eradicate all sources of present and potential dangers at once, rather than reduce them to a manageable level and seek a long-term solution (Bacevich, 2008; Preble, 2009). Such a grand quest naturally entails simultaneous offensive employments of military power for preventive as well as retaliatory purposes. Invading (rather than containing) Iraq, while waging a war in Afghanistan, was the most clear-cut manifestation of such ambition.The unipole also can be quite complacent, anticipating that its superior power would produce an easy success or a minor failure at worst. (The unipolar power's complacence has some reasonable basis: in the absence of peer competitors, few foreign policy debacles would put its survival at risk.) The Bush administration went to war against Iraq with a light heart, expecting to "shock and awe" its adversary without much trouble. The administration even anticipated that the demonstration of its military might in Iraq would likely induce Teheran and Pyongyang's obeisance with respect to their nuclear developments. This misjudgment led to Washington's abortive high-handed approach, which only accelerated their nuclear programs and resulted in the waste of a last opportunity to forestall Pyongyang's nuclear test.13 These disappointing results notwithstanding, one still can hear in Washington loud political voices for increasing military pressures against Iran and North Korea, or redeploying combat troops in Iraq. This lingering complacence partly reflects the fact that the United States, a sole superpower ensconced far away from East Asia and the Middle East, has lost little in relative terms (although quite a bit in absolute terms). For instance, the debacle in Iraq cost only small fractions of US national wealth and population, and never seriously jeopardized its survival (Mearsheimer, 2014). Moreover, a nuclear-armed North Korea has not posed a mortal danger to the United States and its allies yet (Lee, 2007).

The unipole may also be proud, refusing to acknowledge its lack of ability to solve a particular problem or denying a need to put more suitable states in charge of handling it. Washington has insisted on playing a leading role in disarming Pyongyang, even though its ingrained image of Pyongyang as enemy makes it ill-equipped for this mission, as explained above. The United States also has attempted to hold sway over remote regions such as the Middle East, Eastern Europe, and the Caspian littoral states, despite its lacking enough capability and resolve to overrule determined resistance by local powers like Russia and Iran. At the apogee of US power, Washington even seems to have believed in its omnipotence: a senior Bush administration official said "We're an empire now, and when we act, we create our own reality" (Bacevich, 2008). The unipole's obsession with leadership is also partly due to other states' instigation. Some states appeal to its sense of responsibility by emphasizing their predicament and incompetence. Others stoke the unipole's ambition, complacence, and/or pride. All these acts of incitement aim at harnessing the unipole's immense power for their own purposes and reducing their share of burden. The United States has had a long list of such shrewd allies and partners the world over, as befits its position of lone superpower. China keeps asserting that its leverage over North Korea is highly limited, although the latter's economic lifeline lies in its hands, and Beijing is uniquely positioned (as a sole treaty ally) to buy off Pyongyang's nuclear program with security guarantees as well as economic assistance. Beijing does no more than just hosting and mediating the nuclear talks.14 China then demands, in unison with other members of the Six-Party Talks, that the United States (which possesses lesser leverage) show supreme leadership in stopping North Korean nuclear development. In Eastern Europe and its southern periphery, countries such as Ukraine and Georgia highlight threats from Russia and call for US intervention in those areas of secondary magnitude, while not trying their best to address Moscow's legitimate concerns and thereby ward off conflicts. America's Asian allies and partners vocally express their worries about its diminishing military budget and consequently weakening credibility, while spending only small fractions of their own wealth for self-defense. They practice "cheap riding" by taking advantage of the US fixation with the credibility of its commitments and the worth of its lesser allies (Posen, 20 14). 15 As Table 1 demonstrates, none of the Asian allies spend a larger share of GDP on defense than does the United States. Japan - America's richest ally - expends only 1 percent of GDP, and South Korea - the most exertive among all the allies - invests 2.4 percent, although both provide defense facilities and financial contributions to sustain US military presence, and purchase large amounts of US weaponry.16 Australia, another US core ally, falls in between by spending 1 .5 percent of GDP on defense. The Philippines - a key contestant for the South China Sea - only spends 1 percent of GDP, while receiving defense aid worth US$50 million, on top of military and diplomatic support from the United States. Thailand, designated as a "major non-NATO ally," also collects military aid while allocating only 1.5 percent of GDP to defense. Moreover, Bangkok is transforming into a mere security partner of Washington while strengthening its security ties with Beijing (Prasirtsuk and Tow, 2015).

## Pandemics

Conceded link in CX that his link chain is based on production

### Moderna/Manufacturing

**Moderna proves- Puts aff in double bind, either moderna solves the aff or the aff won’t work**

**Silverman 21**, Rachel Silverman, Policy Fellow at the Center For Global Development, Center for Global Development “Would Exempting COVID-19 Vaccines from Intellectual Property Rights Improve Global Access and Equity?”<https://www.cgdev.org/debate/would-exempting-covid-19-vaccines-intellectual-property-rights-improve-global-access> Livingston RB

With thanks to our contributors and commentators, I think this debate has generated greater clarity and nuance—if not necessarily consensus—about whether IP poses a meaningful barrier to COVID-19 vaccine access. We largely agree that knowledge-sharing and tech transfer are the crux of the IP issue—not patents and legal strictures per se**. Moderna**, for example, **has waived IP enforcement for COVID-19 vaccines but has not widely shared its know-how; without the latter, the former action has not generated any generic production.** We are left, in that case, with two broad areas of disagreement and/or uncertainty. First, is an IP waiver important as a first step and/or symbolic gesture, even if it will have limited impact without broader knowledge sharing? Some have argued “yes”—that it provides legal clarity to protect generic manufacturers against retribution and signals a shared commitment to human life and health over company profits and wealthy-country interests. From my perspective, I continue to feel largely agnostic on this point. I recognize the symbolic value and I’m not opposed to **the waiver** per se¸ but given its relatively low impact I continue to think it **is an inefficient use of limited** global advocacy/political **capital for vaccine access**.

### AT: COVID Impacts

#### Even if IP was reduced for COVID vaccines, there would be no change in production

**Abbott 21**, Alden Abbott, Alden Abbott is a senior research fellow with the Mercatus Center at George Mason University and formerly served as the Federal Trade Commission’s General Counsel, May 7 2021, National Review, “Waiving IP Protection for COVID Vaccine Is Anti-innovation and Anti-Public Health”<https://www.nationalreview.com/2021/05/waiving-ip-protection-for-covid-vaccines-is-anti-innovation-and-anti-public-health/> Livingston RB

Waiving intellectual property protections (including patents) for COVID-19 vaccines, which, as U.S. trade representative Katherine Tai announced Wednesday, the Biden administration supports, will if implemented prove disastrous for American innovation — and detrimental to public health as well. Patents are property rights that allow inventors to exclude third parties from copying and using novel patented technologies for 20 years from the time a petition for a patent is filed. Patents are particularly important in the medical field, underpinning the “miracle drugs” and vaccines that save and better countless lives. In October 2020, India and South Africa petitioned the World Trade Organization (WTO) to bypass granting or enforcement of all forms of intellectual property (IP) rights (patents, trade secrets, industrial designs) on COVID-19-related drugs, vaccines, diagnostics, and other medical technologies for the duration of the COVID-19 pandemic. IP rights are protected under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement overseen by the World Trade Organization. U.S. support for the petition, announced by Tai, strengthens the prospect for its adoption in upcoming WTO negotiations. Patent rights were key to the unprecedentedly rapid development and rollout of COVID-19 vaccines in 2020. A number of highly successful COVID-19 vaccines (including the Moderna and Pfizer vaccines) came about due to earlier innovative mRNA research that was spurred by patents. Significantly, **patents have not affected the mass production of important COVID-19 vaccines.** As former U.S. Patent and Trademark Office chief [Andrei Iancu explains](https://www.statnews.com/2021/04/13/no-evidence-patents-slow-vaccine-access/), vaccine **makers** already **have entered into** a web of **agreements with countries** around the world, and “**almost every factory on the planet that can make these vaccines is already doing so.”** Indeed, patent experts recently indicated that patent-inspired “mRNA vaccines could open the door for the approval of other mRNA-based medicines, creating a wide range of new markets.” Indeed, as Iancu points out, “**there’s** robust collaboration and **cooperation** within the industry **to ensure that vaccines are made quickly and safely.** And **patents** actually **facilitate** such **cooperation**, **because each entity can rest assured that its proprietary technology is protected in the long run.**”

## Plan

### T-Reduce

#### Reductions must be permanent

**New York Supreme Court 3rd Appellate Division**

(MATTER OF MONTESANI v. Levitt, 9 AD 2d 51 - NY: Appellate Div., 3rd Dept. 1959) EE

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway. The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

#### Violation: their aff is temporary

#### Vote neg for limits and ground – nonpermanent affs open the floodgates to delay and conditions affs that could hypothetically result in future reductions. These affs don’t materially change the status quo which destroys neg link uniqueness and avoids core topic questions of medical IP good/bad in favor of burner condition-of-the-week affs that gain advantages from the most extreme of crises.

**Drop the debater bc you can’t drop the arg on their advocacy**

**No rvis – they can dump on theory in the 1ar, chilling us from checking abuse**

**Competing interps – reasonability is arbtiary and causes race to the bottom**

## FW

Fine