# 1AC R6

### 1AC – Advantage

#### The advantage is global COVID vaccination –

#### Experts agree current vaccination initiatives fail – Global South manufacturing capacity is key

Maxmen, Ph.D., 9/16 [Amy Maxmen, PhD, 9/16/21, Senior Reporter at Nature, “The fight to manufacture COVID vaccines in lower-income countries,” Nature, https://doi.org/10.1038/d41586-021-02383-z//lhs-ap]

Vaccines against COVID-19 are not reaching many people in the global south, despite donations from wealthy nations. Less than 1% of people in low-income countries are fully vaccinated, and just 10% are in lower-middle-income countries, compared with more than half in high-income countries.

Many researchers say the best way to ensure equitable access to COVID-19 vaccines is to enable countries in the global south to make their own. “Charity is good, but we can’t rely on charity alone,” says Peter Singer, an adviser to the director-general of the World Health Organization (WHO).

Since last year, health-advocacy organizations have been pressing pharmaceutical companies and governments that developed highly effective vaccines to share their patented knowledge and technology with drug manufacturers that could produce them for poorer countries. These vaccines include the messenger-RNA jabs created by Moderna in Cambridge, Massachusetts, and Pfizer in New York City and BioNTech in Mainz, Germany, and a viral-vector vaccine developed by Johnson & Johnson (J&J) in New Brunswick, New Jersey.

Calls to manufacture more vaccines in the global south have grown louder in advance of high-level pandemic discussions at the United Nations General Assembly, which began this week, and a US-led, Global COVID-19 Summit on 22 September. Advocates are clamouring for a variety of approaches. Some had pointed to the deployment of the Sputnik V vaccine as a model of pandemic diplomacy. Russia broadly licensed the jab to 34 drug companies outside its borders, including several in India and Brazil. But manufacturers are now saying that the second dose of the vaccine — which has a different composition than the first — is difficult to produce in large quantities.

In a letter signed by several Indian civil society groups — shared with Nature — advocates are urging US President Joe Biden to compel J&J to partner with drug companies in the global south, arguing that those making Sputnik V could easily pivot to the J&J vaccine because they rely on similar technologies. They estimate that the transition would take less than six months.

Achal Prabhala, an author on the letter and a coordinator at AccessIBSA, a medicines-access initiative in Bengaluru, India, thinks this switch would help to quickly protect people in places lacking vaccines (see ‘Protection divide’). He adds that partnerships with the companies that developed mRNA vaccines will also be crucial because of the shots’ effectiveness and adaptability. India, in particular, could help to tame the pandemic if the country was enabled to make more shots, he says, illustrated by its role in providing the majority of vaccines against other diseases to low- and lower-middle-income countries. “For 3.9 billion people, we are the bulwark of vaccine manufacturing. So, if there aren’t contracts here, the world suffers.”

Such calls have not yet gained traction. Outside of deals to bottle and package their vaccines, J&J has only one partnership with an Indian company, and Pfizer, BioNTech and Moderna have none in India, South America or Africa. Pharmaceutical companies have cited reasons including quality concerns and the time required to get new companies up to speed. Instead, they say they’re ramping up their own production, and they ask wealthy nations to increase vaccine donations to poorer ones. Prabhala calls their arguments “a useful canard that obscures the real barrier — an unwillingness on the part of western pharmaceutical companies to relinquish control over their patents and technology, even at the cost of millions of lives”.

Although the Biden administration supported a waiver on intellectual property surrounding COVID-19 vaccines that was proposed by India and South Africa at a World Trade Organization meeting last October, action has stalled. And the administration has not pushed US companies to partner with those in the global south. Germany, which funded the development of BioNTech’s mRNA vaccine, later licensed to Pfizer, remains opposed to patent waivers.

As months pass, some researchers have stopped hoping for partnerships to come to fruition. A group in South Africa has decided to try and re-create existing vaccines. Others argue that funds would be best spent on getting manufacturers in the global south prepared to pump out the next generation of vaccines currently in clinical trials. Most global health researchers agree that regional manufacturing is the only way to ensure worldwide vaccination in a crisis. Shahid Jameel, a virologist at the Trivedi School of Biosciences at Ashoka University in New Delhi, says, “We can’t fix vaccine inequalities until vaccine manufacturing is distributed.”

Low yields

Companies might produce an estimated 12 billion doses of COVID-19 vaccines this year, but many more are needed, says Andrea Taylor, a global health researcher who leads a vaccine-tracking project at Duke University in Durham, North Carolina. Many wealthy nations have purchased enough doses to cover their populations several times over while some countries have very few, she says. The type of vaccine in demand has shifted, too. China’s vaccines, made from inactivated SARS-CoV-2 coronaviruses, accounted for nearly a third of jabs in lower-income countries through August. But questions about the shots’ efficacy have some countries searching for other options. Meanwhile, demand for mRNA vaccines has soared because wealthy countries are recommending third doses to, in theory, boost their populations’ immunity (see ‘Dose distribution’).

Lacking mRNA options, many nations in the global south rely on viral-vector shots that use a harmless inactivated virus to deliver their payload to cells. Indeed, 88% of the people vaccinated in India have gotten viral-vector shots developed by the University of Oxford and AstraZeneca in the United Kingdom — and produced by the Serum Institute of India, the biggest vaccine manufacturer in the world. International organizations leading COVID-19 Vaccines Global Access (COVAX), a system to supply COVID-19 vaccines to low- and middle-income countries, expected the Serum Institute to provide a bulk of their of vaccines, but that plan fell short when the Indian government restricted exports in March when the country faced a deadly surge of COVID-19 and only 2% of its population had been vaccinated. Because of issues including the export pause and a lack of donations, COVAX has shifted its goal of delivering two billion doses from this year to 2022.

Russia’s Sputnik V vaccine can’t bolster COVAX’s supply because it isn’t authorized by the WHO, despite its authorization in India, Brazil and dozens of other countries. The organization has given the green light to J&J’s jab, however — another reason that advocates support a transition to that shot. Handing off Sputnik V wasn’t simple, but manufacturers say the technology transfer process is instructive. Russian scientists gave willing drug companies essential ingredients for the vaccine and lists of equipment and supplies, and they visited the plants to teach them the manufacturing process.

#### Vaccine dependency results in imperialist exploitation of the Global South

Osborn 8/6 [Catherine Osborn is the writer of Foreign Policy’s weekly Latin America Brief. She is a print and radio journalist based in Rio de Janeiro. August 6, 2021, “COVAX Is Not Working,” Foreign Policy, https://foreignpolicy.com/2021/08/06/latin-america-covid-pandemic-who-wto-covax-vaccine-delay-delta-variant//lhs-ap]

It’s Big Pharma’s World

Last week, Paraguayan President Mario Abdo Benítez spoke with unusual candor about the problems plaguing the world’s only multilateral mechanism for equitable COVID-19 vaccine distribution, COVAX. “COVAX did not work,” he said of the initiative, operated jointly by the World Health Organization (WHO) and two nonprofits.

Last October, Paraguay made its first payment for an order of 4.3 million vaccine doses from COVAX, which was designed to get countries better prices than deals reached directly with manufacturers. But COVAX had only delivered the country 340,800 doses by the end of July. As of the most recent official data on July 25, just 4 percent of Paraguayans had been fully vaccinated.

“We bet on the COVAX mechanism to generate equity,” Abdo Benítez said. “I have to say it with pain. I cannot stay quiet.”

Globally, COVAX is running half a billion doses short of its delivery goals. Though one of its architects said COVAX aimed to “ensure that ability to pay does not become a barrier to accessing [vaccines],” the opposite appears to have occurred. Vaccine-makers have been reluctant to sell to COVAX, and wealthy countries bypassed the initiative to scoop up much of manufacturers’ available supply in direct deals. And there has been little technology transfer to expand global vaccine production, meaning that a delay at one plant can cause huge backups that ripple around the world.

Global vaccine distribution has overwhelmingly functioned according to the preferences of pharmaceutical companies and wealthy countries, rather than through an equity-based system. Though the United States, the largest vaccine donor to date, says it allocates doses based on criteria aimed at saving lives, it is doing so at a scale that is a mere one-hundredth of what the WHO says is necessary to get the pandemic under control globally.

Now, as the delta variant takes hold, several Latin American policymakers are scrambling to redefine their vaccine strategies and boost local production.

Seeking new supply. With its COVAX shots delayed, Paraguay has secured new contracts with Pfizer and Moderna. The Dominican Republic, which also complained about COVAX delays, increased its orders from China’s Sinovac.

These moves have come with their own challenges. An official from Paraguay, which diplomatically recognizes Taiwan, said a subsidiary of Chinese manufacturer Sinopharm canceled a vaccine contract for “geopolitical reasons,” while Pfizer reportedly pressured Latin American governments to sign over unprecedented sovereign assets as guarantees against the cost of potential lawsuits.

#### The key internal link is manufacturing capacity not vaccines – Only future production resolves increased travel and new variants

Gostin 6/10 [Lawrence O. Gostin, JD, Georgetown University Law Center; June 10, 2021; “9 Steps to End COVID-19 and Prevent the Next Pandemic: Essential Outcomes From the World Health Assembly,” JAMA Health Forum. 2021;2(6):e211852. doi:10.1001/jamahealthforum.2021.1852//lhs-ap]

Chronic vaccine shortages have resulted in skewed distribution, which if not remedied, will prolong the pandemic. As SARS-CoV-2 widely circulates in low- and middle-income countries, more variants of concern will emerge—some will be more transmissible or pathogenic, while others could evade current vaccine technologies. With international travel rebounding, variants may reseed epidemics in higher-income countries. Consequently, the world needs more capacity to produce vaccines. Vaccine-producing countries and manufacturers should provide voluntary licenses and the WTO should waive intellectual property protections. Manufacturers holding multiple patents impede vaccine discovery and production in low- and middle-income countries.

#### The vaccine shortage will worsen global political instability –

#### 1 – Increases the number and severity of violent protests

Labott 7/22 [Elise Labott, a columnist at Foreign Policy and an adjunct professor at American University’s School of International Service. July 22, 2021, “Get Ready for a Spike in Global Unrest,” Foreign Policy, https://foreignpolicy.com/2021/07/22/covid-global-unrest-political-upheaval//lhs-ap]

To call 2021 the summer of discontent would be a severe understatement. From Cuba to South Africa to Colombia to Haiti, often violent protests are sweeping every corner of the globe as angry citizens are taking to the streets.

Each country has different histories and realities on the ground, particularly in Haiti, where years of violence and government corruption culminated two weeks ago in the assassination of President Jovenel Moïse. But they all faced a perfect storm of preexisting social, economic, and political hardships, which fallout from the COVID-19 pandemic only inflamed further. And they are merely a foreshadowing of the post-coronavirus global tinderbox that’s looming as existing tensions in countries across the world morph into broader civil unrest and uprisings against economic hardships and inequality deepened by the pandemic.

The coronavirus pandemic was a once-in-a-century crisis that not only shocked countries’ existing health systems but also demanded a response that impacted—and was itself shaped by—economic, political, and security considerations. The efforts to contain it may have curbed fatalities in the short term but have inadvertently deepened vulnerabilities that laid the groundwork for longer-term violence, conflict, and political upheaval and should serve as a danger sign to world leaders as countries reopen—including in the United States.

History is full of examples of pandemics being incubators of social unrest, from the Black Death to the Spanish flu to the great cholera outbreak in Paris, immortalized in Victor Hugo’s Les Miserables. Underlying it all this time around is a pervasive inequality. COVID-19 has ripped open economic divides and made life harder for already vulnerable groups, including women and girls and minority communities.

It has also exposed weaknesses in food security and dramatically increased the number of people affected by chronic hunger. The United Nations estimates around one-tenth of the global population—between 720 million people and 811 million—were undernourished last year. The impacts of climate change and environmental degradation have only compounded the despair.

Take the Sahel, where, due to a toxic cocktail of conflict, COVID-19 lockdowns, and climate change, the scale and severity of food insecurity continues to rise. Countries such as Ethiopia and Sudan are among the world’s worst humanitarian crises, with catastrophic levels of hunger. Droughts and locusts are coming at a critical time for farmers ready to plant crops and are stopping herders in their tracks from driving their livestock to greener pastures.

The global vaccine shortage is fueling the instability. A majority of Africa is lagging far behind the world in vaccinations, meaning COVID-19 will continue to constrain national economies and, in turn, become a source of potential political instability. The same is true for much of Latin America and Asia, where countries don’t have enough vaccines to protect their populations and simmering sources of protest—such as rising living costs and deepening inequalities—are more likely to boil over.

The global risk firm Verisk Maplecroft has warned that as many as 37 countries could face large protest movements for up to three years. A new study by Mercy Corps examining the intersection of COVID-19 and conflict found concerning trends that warn of potential for new conflict, deepening existing conflict, and worsening insecurity and instability shaped by the pandemic response.

The group found a collapse of public confidence in governments and institutions was a key driver of instability. People in fragile states, already suffering from diminished trust in their government, have felt further abandoned as they face disruptions in public services, rising food prices, and massive economic hardships, such as unemployment and reduced wages. Supply chains disrupted during the pandemic have seen food prices skyrocket, while in the global recession humanitarian aid budgets are being slashed, bringing many countries to the brink of famine. For the first time in 22 years, extreme poverty—people living on less than $1.90 a day—was on the rise last year. Oxfam International estimates that “it could take more than a decade for the world’s poorest to recover from the economic impacts of the pandemic.”

#### 2 – Causes global terror networks including resurgent Boko Haram

Namayanja 6/10 [Rose Namayanja is a Ugandan lawyer and author. She is the former Uganda information minister and current Deputy Secretary General of the National Resistance Movement, the ruling party. She is a graduate of the Defence Academy of the United Kingdom. June 10, 2021, “ Lack of Vaccines Fuels Terrorism in Africa,” Foreign Policy, https://foreignpolicy.com/2021/06/10/vaccines-africa-terrorism-covid-19//lhs-ap]

Meanwhile, under the fog of COVID-19, the specter of conflict is rising. With African governments and their limited resources occupied by the pandemic, terrorist groups across the continent have become emboldened. We are already seeing a resurgence in attacks. Around Lake Chad, Boko Haram has revived itself, even though it had been largely defeated just a few years ago thanks to combined military efforts of the countries in the area. In northern Mozambique, Islamist militants’ attacks have sharply increased. And across the Sahel, a plethora of al Qaeda- and Islamic State-affiliated groups are terrorizing communities. These groups thrive on economic instability, profiting from poverty to turn desperate, starving people into recruits.

Without sufficient access to vaccines, instability can only worsen. Governments across Africa are reduced to blunt instruments, such as economically damaging lockdowns, to protect citizens. Subsequently, businesses and livelihoods are still stalled, severely impacting the economies of what are already some of the poorest countries in the world.

These nations risk becoming breeding grounds for militant and terrorist groups. And as groups with international affiliates strengthen their footholds on the continent, what were once localized problems become sources of sustenance to global networks of terror. All this will only make bad economic problems worse. The observation that conflict is bad for business is banal. But it could also rupture global supply chains. Costs for many extractives could rise, and given high tech’s reliance on minerals under the continent, this is worrying.

Even without factoring in conflict, the cost to the global economy if poor countries remain unvaccinated is vast. A recent study commissioned by the International Chamber of Commerce predicts the world could suffer losses exceeding $9 trillion, at least half of which would be absorbed by wealthy, vaccinated nations.

In short, if the vaccine dearth in Africa and low-income countries elsewhere is not urgently addressed, the cost for Western nations—both in terms of finance and security—will be considerably higher than sharing hoarded vaccines or investing in accelerated production. Frugality now only defers costs later. When conflict rears its head, as is the case in Africa, it is not only those directly involved that suffer the consequences. And as the president of Africa’s largest economy, Nigeria, wrote recently, “around the world, conflict and the coronavirus have never been far apart.”

#### Pandemic instability goes nuclear – Extinction

RECNA et al. 21 [Research Center for Nuclear Weapons Abolition, Nagasaki University (RECNA), Asia Pacific Leadership Network (APLN) & Nautilus Institute (2021) Pandemic Futures and Nuclear Weapon Risks: The Nagasaki 75th Anniversary pandemic-nuclear nexus scenarios final report, Journal for Peace and Nuclear Disarmament, 4:sup1, 6-39, DOI: 10.1080/25751654.2021.1890867//lhs-ap]

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.

### 1AC – Plan

#### The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines by implementing a COVID-19 vaccine waiver.

#### TRIPS waiver suspends IP protections

Adler 21 – Paul Adler is assistant professor of 20th Century U.S. in the World History at Colorado College and author of "No Globalization Without Representation: U.S. Activists and World Inequality," with University of Pennsylvania Press. (“Activism is the key to getting vaccines to the world," 4-23-2021, <https://www.washingtonpost.com/outlook/2021/04/23/activism-is-key-getting-vaccines-world/>) julian

The need to make more vaccines faster is clear. That is why a wide coalition — from the South African and Indian governments to nonprofits such as Oxfam, Public Citizen and ActionAid to 170 Nobel laureates and former heads of state — are demanding that the WTO issue a “TRIPS waiver.” This action would temporarily suspend WTO intellectual property protections, allowing more companies and countries to produce coronavirus vaccine components. So far, the idea has been met with, at best, ambivalence by representatives from key economic powers, including the European Union, Canada, Brazil and the United States. Meanwhile, major pharmaceutical companies and lobbies largely oppose a TRIPS waiver.

**Reduce includes suspending until a condition is met**

**USCA 01** – United States Court of Appeals, Fourth Circuit, per curiam opinion, 1/17/01, Carrington Gardens Associates, I v. Cisneros, 1 F. App'x 239 (2001), https://cite.case.law/f-appx/1/239/136950/

The housing contract, which specifically incorporates HUD’s regulations in section 3, establishes other remedies that HUD may exercise if an owner is in default on its obligations. Section 26 of the housing contract states that if an owner is in default, then HUD may:

(a) Pay housing assistance directly to the mortgagee in the event of default under mortgage.

\*242(b) **Reduce or suspend** housing assistance payments until the default under this Contract has been cured to the satisfaction of HUD.

(c) Withhold housing assistance payments until the default under this Contract has been cured to the satisfaction of HUD.

Therefore, if HUD finds that an owner has violated its obligations under the housing contract to maintain decent, safe, and sanitary housing, HUD may abate payments pursuant to 24 C.F.R. § 886.123 or exercise a remedy listed in section 26 of the housing contract. In this connection, we note that the meaning of abate is “a: to bring entirely down; demolish: put an end to: do away with.” Webster’s Third New Int’l Dictionary 2 (1971).

Under the regulation, 24 C.F.R. § 886.123, the payments to Carrington could have been stopped for good, the contract terms aside. For construction of the contract terms, we adopt the wording of the opinion of the district court for the next three paragraphs of this opinion which follow:

The plain meaning of the word “withhold” is “[tjo retain in one’s possession that which belongs to or is claimed or sought by another.... To refrain from paying that which is due.” Black’s Law Dictionary 1602 (6th ed.1990). Using this common meaning of “withhold,” HUD clearly has the authority to retain housing assistance payments. But, the HAP Contract’s withhold remedy also limits how long the funds may be retained. The housing assistance payments may be retained only “until the default under this Contract has been cured.” Tr.Ex. 8, § 26. Once the default is cured, HUD may no longer keep the retained funds. This remedy, therefore, creates a trust type relationship where HUD has the authority to keep the withheld funds on the owner’s account only while the owner is in default and thereafter must pay out the withheld funds when the default is cured. In contrast, the reduce-or-suspend remedy suggests a more permanent forfeiture of funds. The word “suspend” means “[t]o interrupt; to cause to cease for a time; to postpone; to stay, delay, or hinder; to discontinue temporarily, but with an expectation or purpose of resumption.” Black’s Law Dictionary 1446 (6th ed.1990). “Reduce” means “to diminish in size, amount, extent, or number.” Webster’s Third New International Dictionary 1905 (1981).3 Based on these definitions, “**reduce” is merely a less radical form of “suspend**.”

Under the common meanings of “reduce” and “suspend,” HUD has the authority to discontinue housing assistance payments entirely or diminish the size of the payments while Carrington Gardens is in default. Like the withhold remedy, this remedy limits how long payments may be discontinued or diminished— **only “until the default** under this Contract **has been cured**.” Tr.Ex. 8, § 26. After the default has been cured, therefore, HUD must resume full housing assistance payments. Unlike the withhold remedy, however, under the plain language of the reduce-or-suspend remedy, HUD is under no obligation to pay out any discontinued or diminished funds. The words “suspend” or “reduce” furnish no inference or suggestion that HUD is obligated to retain suspended or reduced funds on the owner’s account until a default is cured. This language in the HAP Contract speaks \*243only to HUD’s obligation to begin full payments after the default is cured. JA 546-548.

Thus, under the applicable regulations and the contract between the parties, the Secretary could have imposed any remedy from abatement of the payments to suspension of them for a time, with or without making up the suspended payments.

#### “reduce” excludes complete elimination

Michigan District Court 2011 “SAGINAW OFFICE SERVICE, INC., Plaintiff, v. BANK OF AMERICA, N.A., Defendant. Civil Action No. 09-CV-13889 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION,” Lexis

In determining whether the words "reduce" and "adjust" are ambiguous, the Court is directed to consider the ordinary meanings of the words, Rory, 703 N.W.2d at 28, and to harmonize [\*11] the disputed terms with other parts of the contract, Royal, 706 N.W.2d at 432 ("construction should be avoided that would render any part of the contract surplusage or nugatory"). "When determining the common, ordinary meaning of a word or phrase, consulting a dictionary is appropriate." Stanton v. City of Battle Creek, 466 Mich. 611, 647 N.W.2d 508 (Mich. 2002). The Court finds that the plain meanings of these terms do not unambiguously support the Bank's position. The dictionary definition of "adjust" is to "adapt" or "to bring to a more satisfactory state." Webster's Third New Int'l Dictionary 27 (2002) ("Webster's"). This is a fairly broad definition, which may be subject to, alternatively, narrower or more expansive scope. To say that the complete elimination of a schedule brings it to a more satisfactory state is undoubtedly an expansive viewof adjustment. It is the Court's duty to determine the intent of the contracting parties from the language of the contract itself, Rory, 703 N.W.2d at 30 ("the intent of the contracting parties is best discerned by the language actually used in the contract"), and in this case, it cannot unambiguously be said that the sense in which the parties used these [\*12] terms embraces the Bank's more expansive definition. Likewise, "reduce" means "to diminish in size, amount, extent, or number," Webster's, at 1905, but the term does not, in the context of the TSA, unambiguously embody an expansive scope that views complete deletion as a subset of diminution.

### 1AC – Solvency

#### Waiver accelerates vaccine production and innovation

Kavanagh et al. 7/1 [Matthew M. Kavanagh, PhD1,2; Lawrence O. Gostin, JD1; Madhavi Sunder, JD1; 1Georgetown University Law Center, Washington, DC; 2Department of International Health, Georgetown University, Washington, DC; July 1, 2021, “Sharing Technology and Vaccine Doses to Address Global Vaccine Inequity and End the COVID-19 Pandemic,” JAMA. 2021;326(3):219-220. doi:10.1001/jama.2021.10823//lhs-ap]

Waiving Intellectual Property

One important step is an intellectual property (IP) waiver. The Biden administration recently reversed US policy and was joined by France in endorsing a proposal by India and South Africa to temporarily waive countries’ World Trade Organization (WTO) obligations to enforce IP on COVID-19 technologies. The proposal still faces negotiations over its scope and opposition by certain high-income countries.

A WTO waiver would not remove US patents on vaccines. It would simply give governments the option to allow local manufacturers to produce, import, and export SARS-CoV-2 vaccines. Investments in production facilities could occur without concern about lawsuits or prosecution for IP infringement. Although countries have rights to issue compulsory licenses under the Trade-Related Aspects of Intellectual Property Rights (Article 31) agreement, the rules are legally complex. Messenger RNA (mRNA) vaccine technologies are covered by more than 100 patents, with many different patent holders.5 Procedures on importation of medical technologies for countries without manufacturing capacity are so cumbersome they have been used only once, by Canada and Rwanda, in a process that took years. A blanket waiver would eliminate complex regulations to facilitate vaccine manufacture.

There are some concerns that a waiver could threaten innovation. Yet COVID-19 vaccines were developed with significant public funding, also yielding high profits. Monopoly protection in every country is unnecessary for innovation. Patents have not incentivized companies to provide vaccines to LMICs. Intellectual property waivers could actually spur new discoveries and better vaccines, such as single-dose vaccines. Giving countries the freedom to produce vaccines could address both market and ethical failures.

With the pandemic escalating in LMICs, a broad, simple IP waiver that covers all IP, including patents and trade secrets, and extends to all COVID-19 technologies is urgent. Negotiators must avoid delay. Waiver negotiations among WTO members in 2003 took 9 months and governments have so far been slow in negotiating the current IP waiver proposal. Movement toward a waiver also might support voluntary action. Following President Biden’s announcement supporting an IP waiver, Moderna and Pfizer-BioNTech both pledged additional doses to LMICs, a welcome sign that waiver negotiations might incentivize sharing.

Sharing Technology and Expanding Manufacturing Capacity

On June 21, South Africa, the World Health Organization (WHO), and the Africa Centers for Disease Control (CDC) announced an important new hub for producing mRNA vaccines for the African continent and asked the US and Europe to share the technology to make these vaccines. Waiving IP removes legal barriers, but sharing knowledge on how to make vaccines, including ingredients, methods, sourcing, and technologies, is a justice-oriented move that would help LMIC manufacturers move quickly. When Moderna needed added manufacturing capacity, it contracted Swiss company Lonza and transferred technology confidentially. Production started within a few months, showing that arguments suggesting local manufacturing will take too long are unfounded. But exclusive contract manufacturing agreements limit access. Sharing technology more openly could enable manufacturers in Africa, Asia, and Latin America to make vaccines for themselves. WHO created a platform for such technology transfer; however, US-based companies have thus far not shared vital information.

The Biden administration has leverage to incentivize sharing, given extensive public funding. mRNA vaccines are a prime target for sharing because manufacturing advantages make them rapidly scalable.6 The Moderna mRNA vaccine was developed jointly with the National Institutes of Health, which also holds key patents. Operation Warp Speed allocated Moderna $2.5 billion, covering development and clinical trials. Public funding should come with ethical obligations to share knowledge for the global public good. If necessary, the Biden administration could use the Defense Production Act and government-owned patents to compel technology sharing or could pay companies to share technology.

If technology is shared, Senegal’s Pasteur Institute has plans to make hundreds of millions of viral vector doses. Companies in South Africa, Vietnam, Brazil, India, and other countries could make mRNA vaccines with appropriate support for specialized processes involved. A Thai government-run manufacturer, which could be a model, is already working on mRNA vaccine production. A Chinese company will produce BioNTech’s vaccine, although only for Chinese markets. Far more is achievable.

Quality control is critical, but arguments that LMIC producers cannot produce quality vaccines are misplaced. Many are global companies and government-run facilities with excellent records and strong oversight. WHO’s prequalification/emergency use process can help ensure quality.

Sharing technologies openly could also allow scientists worldwide to collaborate on innovations; for example, on mRNA vaccine formulations stored at room temperature for lower-resource settings.

#### Aff innovation is key cuz current innovation is slowing

Langley 4/21 [(Kare, reporter for The Wall Street Journal in New York, where she primarily covers the U.S. stock market), “Biotech Stocks Fall Out of Favor After Disappointing Trial Results, Big Rally “, WSJ, 4/21/2021, https://www.wsj.com/amp/articles/biotech-stocks-fall-out-of-favor-after-disappointing-trial-results-big-rally-11619016330] TDI

Shares of Sarepta Therapeutics Inc., Amicus Therapeutics Inc. and Frequency Therapeutics Inc. are among the recent losers for biotech investors, having lost more than half their value so far this year. “It’s felt like a kitchen sink in terms of the number of factors weighing on biotech sentiment in the near term,” said Andy Acker, who manages the Janus Henderson Global Life Sciences Fund. Among those are disappointing clinical trials, concern about the possibility of renewed focus on drug prices in Washington and the recent rotation into economically sensitive stocks. Biotech shares enjoyed a powerful rally last year. The Nasdaq biotech gauge soared 26% in 2020 on excitement about the potential for Covid-19 treatments and vaccines as well as a broader rally in shares of companies that can perform when the economy is struggling. The S&P 500, meanwhile, gained 16% last year, and the Nasdaq Composite surged 44%. Rapid gains or losses in share prices following clinical-trial results or regulatory decisions are a feature of biotech investing, but a smattering of negative news has damped enthusiasm in recent months. Shares of Sarepta Therapeutics plunged 51% on Jan. 8 after mixed results from a study of a drug targeting a form of muscular dystrophy. The shares are now down 58% for the year. Amicus Therapeutics shares dropped 33% on Feb. 12 after trial results for its treatment of a rare disorder called Pompe disease disappointed investors. And shares of Frequency Therapeutics plunged 78% on March 23 after the company found its lead drug aimed at treating sensorineural hearing loss didn’t lead to any hearing benefit when given in a four-dose schedule. Those stocks are down 57% and 72%, respectively, this year. Also weighing on sentiment: The Federal Trade Commission has indicated it is preparing to take a harder line on drug-company mergers, which are a source of potential value for investors in small biotech shops. The commission in March said it would reconsider its approach to scrutinizing deals that could harm competition. “Biotech can be driven by mergers,’ said Jeremie Capron, director of research at ROBO Global, a research and investment-advisory firm. “A change at the FTC, it reduces the probability of a favorable outcome in terms of an acquisition.” Analysts will also be keeping an eye on any efforts in Washington to reduce drug prices. Some investors are betting against companies in the industry. Biotech stocks accounted for five of the 10 most-shorted stocks on U.S. exchanges at the end of March, according to S&P Global Market Intelligence. Short interest in Esperion Therapeutics Inc.stood at 34% of shares outstanding as of March 31, followed by Clovis Oncology Inc. at 31% and Inovio Pharmaceuticals Inc. at 26%, an S&P analysis showed. As Covid-19 vaccines reach more people and the economy picks up, investors have favored shares of banks, energy producers and other companies that tend to do well in a strong economy. They have been less interested in stocks that hold out the prospect of innovation-driven growth in fields like technology and biotech. Expectations of a strong recovery have also been seen in the bond market, where falling prices lifted the yield on the benchmark 10-year U.S. Treasury note to 1.566% on Wednesday from 0.913% at the end of last year. As yields climb, borrowing costs for businesses also rise. That often lands hard on biotech companies, where hefty bills for research and development can arrive long before revenue.

#### No alt causes – Waiver includes broader information sharing, not just patent enforcement

Labonté 5/21 [Ronald Labonté, School of Epidemiology and Public Health, University of Ottawa, Ottawa, ON, Canada; Mira Johri, École de santé publique, Université de Montréal, Montréal, QC, Canada; Katrina Plamondon, School of Nursing, Faculty of Health & Social Development, University of British Columbia, Vancouver, BC, Canada; Srinivas Murthy, Faculty of Medicine, University of British Columbia, Vancouver, BC, Canada; 21 May 2021; Canada, global vaccine supply, and the TRIPS waiver. Can J Public Health 112, 543–547 (2021). https://doi.org/10.17269/s41997-021-00541-4//lhs-ap]

Will the TRIPS waiver increase vaccine supply?

Yes, if patent-holding companies are willing to share the technology and know-how associated with their vaccines. Early in the pandemic, the WHO’s COVID-19 Technology Access Pool was created to promote this, but no patent-holding manufacturers have joined, and its open-access intention was ridiculed for undermining their business model. There is now a proposal to create a ‘technology transfer hub’, with WHO calling specifically for an mRNA technology transfer hub since these vaccines show the most efficacy, the greatest likelihood of adaptation to variants, and a relative ease in scaling up production capacities. To be successful, “owners…of technology and/or intellectual property rights” of these vaccines must be “willing to contribute” their “know-how and technology” (WHO 2021b).

The proposed TRIPS waiver becomes leverage to incentivize such sharing. Without it, there would be little compulsion for current vaccine patent-holders to voluntarily share, given their reluctance to do so since the race for COVID-19 vaccine discovery began. It would allow governments that presently oppose the waiver to recognize its role less as a temporary denial of intellectual property rights than acknowledgement that the ‘warp speed’ development of COVID-19 vaccines was almost entirely funded or underwritten by public funds. It will also require governments that are home countries to vaccine patentee companies to persuade them to share, which could include some modest royalties but not the multi-billion-dollar profits some of them anticipate.

#### Yes production capacity – IP is the only barrier

Fatton, Jr., 9/6 [Robert, Department of Politics, University of Virginia, Charlottesville, VA; “The Paradoxes of the Pandemic and World Inequalities;” Soc. Sci. 2021, 10, 332. doi.org/10.3390/socsci10090332//lhs-ap]

Given such obdurate limitations to developing a modicum of equity, what is to be done? The best hope is compelling pharmaceutical giants to accept a temporary waiver of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) regulating the production of COVID-19 vaccines. The waiver, which has the support of over 100 countries would grant intellectual property (IP) exemption to potential producers until a majority of the world’s population had been immunized against Covid.105 In December 2020, wealthy nations hosting “big pharma” companies pressured the World Trade Organization (WTO to reject the waiver that South Africa and India had proposed. The waiver would allow countries like India, South Africa, Thailand, Bangladesh and Brazil to manufacture the vaccines themselves, thereby increasing global production and satisfying the unmet needs of the Global South.106 As of February 2021, “only 43 per cent of reported COVID-19 vaccine production capacity [was] being used for the approved vaccines. According to the People’s Vaccine campaign, the three biggest manufacturers in the world [were] only producing vaccines for about 1.5 per cent of the global population—much less than their total capacity if patents did not stand in the way”.107 Unless the IP waiver is granted, there is a danger that “it will take seven years for enough of the world to be vaccinated to prevent further transmission”.108

#### Public funding, not intellectual property, drives vaccine innovation

Rajeesh Kumar is Associate Fellow at Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi. 7/12/21 <https://www.idsa.in/issuebrief/wto-trips-waiver-covid-vaccine-rkumar-120721>

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.

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.

#### Waiver causes production facility improvement

Rajeesh Kumar is Associate Fellow at Manohar Parrikar Institute for Defence Studies and Analyses, New Delhi. 7/12/21 <https://www.idsa.in/issuebrief/wto-trips-waiver-covid-vaccine-rkumar-120721>

Another argument against the proposed TRIPS waiver is that a waiver would not increase the manufacturing of COVID-19 vaccines. Indeed, one of the significant factors contributing to vaccine inequity is the lack of manufacturing capacity in the global south. Further, a TRIPS waiver will not automatically translate into improved manufacturing capacity. However, a waiver would be the first but essential step to increase manufacturing capacity worldwide. For instance, to export COVID-19 vaccine-related products, countries need to ensure that there are no IP restrictions at both ends – exporting and importing. The market for vaccine materials includes consumables, single-use reactors bags, filters, culture media, and vaccine ingredients. Export blockages on raw materials, equipment and finished products harm the overall output of the vaccine supply chain. If there is no TRIPS restriction, more governments and companies will invest in repurposing their facilities.

#### Feasibility concerns are overblown – Waiver quickly accelerates vaccine distribution

Erfani et al. 8/3 [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 1Harvard 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; 03 August 2021, “Intellectual property waiver for covid-19 vaccines will advance global health equity,” BMJ, <https://doi.org/10.1136/bmj.n1837//lhs-ap>] LMIC = Low and Middle Income Country

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.