## I. Vaccine Apartheid

#### A TRIPS waiver for covid vaccines will not pass in the squo. Baschuk 7/26

Bryce Baschuk [Reporter, Bloomberg Economics], 21 - ("WTO Holiday From Vaccine Equity Talks Draws Calls for Action," Bloomberg, 7-26-2021, accessed 8-18-2021, https://www.bloomberg.com/news/articles/2021-07-26/wto-s-holiday-from-vaccine-equity-talks-draws-calls-for-action)//ML

An urgent global effort to rebalance the inequity between rich, vaccinated nations and poor nations sliding further into pandemic misery is colliding with an immovable calendar conflict: the European summer holiday. Next week World Trade Organization delegates are planning to depart Geneva for their August break and, in doing so, pause their fractious debate over a proposal to waive intellectual-property protections for Covid-19 shots until the second week of September.¶ Before they leave, members will adopt a report that acknowledges they’ve made scant headway on the proposal aimed at making doses more widely available, which the world’s top health expert says is critical to ending a “moral failure.”¶ “With so many lives on the line, profits and patents must come second,” World Health Organization Director-General Tedros Adhanom Ghebreyesus [said](https://www.who.int/director-general/speeches/detail/who-director-general-s-opening-remarks-at-the-wto---who-high-level-dialogue-expanding-covid-19-vaccine-manufacture-to-promote-equitable-access) during a virtual summit last week.¶ WTO Director-General Ngozi Okonjo-Iweala previously urged ambassadors to shorten their usual six-week summer holiday to focus on pressing issues like the waiver. Nevertheless, members aren’t planning to reconsider the matter until the week of Sept. 6, according to officials familiar with the planning.¶ “August doesn’t matter in Geneva; it doesn’t matter if people are dying around the world,” said Shailly Gupta, a spokesperson at Médecins Sans Frontières. “We hope members will move at a faster pace.”¶ Disagreement persists on the fundamental question of whether a waiver is the “appropriate and most effective way” to address the shortage of vaccines, according to a draft status report produced by Dagfinn Sørli, the chairman of WTO council on Trade-Related Aspects of Intellectual Property Rights, or TRIPS.¶ That split could sink prospects for an ambitious vaccine waiver because WTO decisions must be taken on the basis of consensus -- which means any of the 164 members can veto a final agreement for any reason.¶ ”The WTO’s response to Covid is the most critical issue before our organization right now,” WTO spokesman Keith Rockwell said a phone interview. “Millions have died and lives are at stake. Finding a pragmatic outcome by December is essential.”¶ Proponents of the waiver had hoped to conclude their negotiations by the [end of July](https://pmindiaun.gov.in/public_files/assets/pdf/Statement_as_delivered_on_Waiver_Proposal.pdf) and are now criticizing the European Union and other developed nations for sandbagging the talks.¶ EU ‘Not Interested’¶ The European Commission, which [opposes a WTO TRIPS waiver](https://ec.europa.eu/commission/presscorner/detail/en/STATEMENT_21_2361), has proposed a [series of measures](https://www.bloomberg.com/news/articles/2021-06-03/eu-s-trade-response-to-pandemic-stops-short-of-vaccine-ip-waiver) that it argues will create greater legal certainty for nations to leverage existing trade tools in order to expand their production capacities.¶ “The EU is not interested,” Gupta said. “Switzerland, Norway and the United Kingdom are not engaging. They’re saying: ‘This or that won’t work; the waiver won’t work.’ There is no intention of engaging.”¶ A spokesman for the EU mission in Geneva declined to comment.§ Critics counter that the proposal from Brussels is a distraction to redirect focus from India and South Africa’s earlier waiver proposal and to prevent members from engaging in more detailed negotiations.¶ “The EU’s actions are incredibly cynical and dangerous,” said Lori Wallach, the founder of Public Citizen’s Global Trade Watch. “They have submitted a paper that basically conflicts with the text-based negotiations by saying ‘We don’t want a waiver.’”¶ The U.S., meanwhile, has taken a back seat in the process and enthusiasm about Washington’s engagement on the issue has begun to wane in the three months since Trade Representative Katherine Tai announced American [support for a waiver](https://twitter.com/AmbassadorTai/status/1390021205974003720?s=20).¶ Though Tai’s surprise announcement briefly knocked shares of [Moderna Inc.](https://www.bloomberg.com/quote/MRNA:US), [Pfizer Inc.](https://www.bloomberg.com/quote/PFE:US), and [BioNTech SE](https://www.bloomberg.com/quote/BNTX:US), the stocks quickly rebounded and all are now trading at or near their highest levels of the year.¶ “People feel that message from Ambassador Tai is not playing out on the ground or being implemented in a meaningful way,” said Thiru Balasubramaniam a managing director at [Knowledge Ecology International](https://www.bloomberg.com/quote/0746610D:US) in Europe.

#### The only way to solve the pandemic is global vaccination, but current production is woefully short.

Public Citizen 3/29 - Public Citizen [“Public Citizen is a nonprofit consumer advocacy organization that champions the public interest in the halls of power. We defend democracy, resist corporate power and work to ensure that government works for the people – not for big corporations. Founded in 1971, we now have 500,000 members and supporters throughout the country. We don’t participate in partisan political activities or endorse any candidates for elected office. We take no government or corporate money, which enables us to remain fiercely independent and call out bad actors – no matter who they are or how much power and money they have.”], “Waiver of the WTO’s Intellectual Property Rules: Facts vs. Common Myths,” *Public Citizen Global Trade Watch Series*. March 29, 2021. Accessed Aug. 10, 2021. <https://www.citizen.org/article/waiver-of-the-wtos-intellectual-property-rules-myths-vs-facts/> AT

The COVID-19 public health disaster and resulting economic crises won’t end anywhere unless people everywhere are vaccinated. Despite this obvious truth, rich countries with only 14% of the global population have secured preferential access to over 50% of projected global vaccine supplies. Ongoing outbreaks anywhere allow the virus to mutate, threatening the whole world with vaccine-resistant variants or more deadly or easily spread variants. Governments invested billions to create the vaccines. But, there is a dire shortage, with no end in sight. As we enter the second quarter, about one billion doses have been produced in 2021. We need 10 to 12 billion to reach global herd immunity. And we will need far more if, like flu vaccines, they must be repeated or require booster shots. In every region, there are existing firms that could gear up production and governments willing to invest in expanding supply. But WTO rules require countries to guarantee pharmaceutical corporations monopoly control. More than 100 countries support a temporary, emergency suspension of these WTO rules, so more vaccines, treatments and diagnostic tests can be manufactured in as many places as possible. The United States and a handful of other WTO members are blocking the waiver: They won’t even agree to negotiate about waiver language to address whatever concerns that they may have with the current text. Donald Trump started this self-defeating blockade. President Joe Biden must reverse it to speed the end of the COVID-19 pandemic.

**Changing IP laws is key to combatting global health inequality and vaccine apartheid. Rich countries hoard vaccine supply, which means donor models never solve and reinforce colonialism. Harman et al 6/21**

Sophie Harman [professor of Politics and International Relations, Queen Mary University of London], Parsa Erfani [Fogarty Global Health Fellow at the University of Global Health Equity and a medical student at Harvard Medical School], Tinashe Goronga [Community Organiser Equal Health Global Campaign Against Racism at EqualHealth], Jason Hickel, Michelle Morse, Eugene T Richardson 6/21 - ("Global vaccine equity demands reparative justice — not charity," BMJ Global Health, 6/21/2021, <https://gh.bmj.com/content/6/6/e006504)//ML>

By late April, more than 80% of the world’s COVID-19 vaccines had gone to people in wealthy countries, with just 0.3% to people in low-income countries.[1](https://gh.bmj.com/content/6/6/e006504#ref-1) This reprehensible imbalance is no accident. High-income countries have used neocolonial negotiating power, global policy leverage and capital to procure enough doses to cover 245% of their citizens while leaving few doses for poorer countries.[2](https://gh.bmj.com/content/6/6/e006504#ref-2) As a result, lower-income countries may not be able to vaccinate their populations until 2023.[3](https://gh.bmj.com/content/6/6/e006504#ref-3)¶ Such inequity is yet another example of how the interests of racial capitalism run roughshod over the golden rule of global solidarity—attend to the highest risk first.[4](https://gh.bmj.com/content/6/6/e006504#ref-4) Currently, older and medically vulnerable individuals are dying from COVID-19 disproportionately in poor countries, while young, healthy individuals are getting vaccinated in wealthy ones.[5](https://gh.bmj.com/content/6/6/e006504#ref-5) Vaccine apartheid is a not novel phenomenon. The notion that only certain corners of the world get to benefit from life-saving treatments is an everyday reality of a global health system driven by a capitalist, philanthropic model.[6 7](https://gh.bmj.com/content/6/6/e006504#ref-6) But in times of crises—and as new variants threaten the vaccination plans of wealthy countries—these inequities and their solutions come to the forefront of global debate.[8](https://gh.bmj.com/content/6/6/e006504#ref-8)¶ Policy-makers in rich nations are aware of these issues. But the solutions they have proposed so far do nothing to address the underlying structural problems. They offer charitable donations and partial, temporary fixes that are designed to deflect the substantive demands for reform that global South countries are fighting for, including challenges to unethical intellectual property (IP) regimes.[9](https://gh.bmj.com/content/6/6/e006504#ref-9) This approach will not work, because it is not designed to ‘work.’ If we want to end vaccine apartheid, we need to target the root causes of global health inequities. We need reparative justice.¶ Three limited ‘solutions’ to vaccine inequity¶ There are currently three approaches to reduce inequity in COVID-19 vaccine distribution: bilateral charity, multilateral charity and temporary waivers or suspensions of IP.¶ The first is the most straightforward. States that stockpile COVID-19 vaccines have committed to sharing their leftovers with low-income and middle-income countries. Norway was one of the first nations to accede to donating doses to poorer countries in parallel with its vaccine programme.[10](https://gh.bmj.com/content/6/6/e006504#ref-10) This is the weakest form of equity as it is unclear if this will be done for free, at a lower cost, tied to diplomacy or conditionality, or crucially, when these vaccines will be made available, where they will go, or how many will be delivered. The bilateral charity approach has little to do with equity and more to do with geopolitics, wealth and aid dependency.[11 12](https://gh.bmj.com/content/6/6/e006504#ref-11)¶ The second is multilateral charity, best exemplified by COVAX. In 2020, COVAX emerged as an international collaboration by the World Health Organisation (WHO), United Nations Children’s Fund, Gavi and the Coalition for Epidemic Preparedness Innovations to ensure equitable global access to COVID-19 vaccines.[13](https://gh.bmj.com/content/6/6/e006504#ref-13) Rich countries can access doses for 10%–50% of their populations, depending on how much they have paid in, and poor countries can access doses for 20% through the scheme. It is the 20% for poor countries that has come to be COVAX’s unique selling point: here is a mechanism that ensures every country in the world can get the vaccine regardless of ability to pay. This is the first time such an initiative has been trialled.¶ The shortcomings of COVAX are numerous. If vaccines are delivered as planned, COVAX may reach 27% of the population in lower-income countries by the end of 2021—a depressing goal compared with the estimated 70% coverage needed for herd immunity and the open vaccine access currently granted to Americans.[14 15](https://gh.bmj.com/content/6/6/e006504#ref-14) Furthermore, COVAX is still significantly underfunded and there are concerns regarding supply chains. While capital and resource transfer from wealthy countries to poorer ones is surely needed in the current pandemic response, any system that solely relies on aid will ultimately fail to achieve equity. In the setting of vaccine scarcity, in which suppliers are unable to deliver doses as scheduled and countries are banning exports to keep vaccines at home, there is a risk that COVAX aid-recipient states will fall further down the priority list, awaiting the leftover vaccines from the rich country stockpiles.[16–18](https://gh.bmj.com/content/6/6/e006504#ref-16)¶ What may be most pernicious about the COVAX scheme, however, is that rich countries and their pharmaceutical companies have repeatedly used it as a shield to deflect demands for IP waivers. This is an enduring problem with aid: it papers over and distracts our attention away from the underlying structural violence. And in so doing, it maintains and perpetuates inequalities. Over 50 years ago, Kwame Nkrumah observed how aid is a ‘revolving credit’ which returns to countries of the global North in the form of increased profits.[19](https://gh.bmj.com/content/6/6/e006504#ref-19) To the extent that COVAX is being leveraged to protect corporate patents and profits, Nkrumah’s words continue to be germane¶. The third approach is focused on pooling, temporary waivers, or suspension of IP. In May 2020, the WHO created the COVID-19 Technology Access Pool for companies to share IP and transfer technologies in a coordinated manner. But to date, not a single company has utilised the transfer process—likely because such forms of global IP sharing would quell profits, even if royalties are included.[20](https://gh.bmj.com/content/6/6/e006504#ref-20) Pharmaceutical companies and universities prefer one-off transfer deals because it enables them to set their own terms with non-disclosure agreements. Given that they are accountable to shareholders and boards—not patients—financial incentives will drive transfer decisions, not public health demand.¶ Following the blockages at the WHO around IP, attention shifted towards the World Trade Organisation (WTO). In October 2020, India and South Africa proposed a temporary waiver of IP rights to COVID-19 technologies for the duration of the pandemic, so that all manufacturers with sufficient capacity and shared know-how could start production.[21](https://gh.bmj.com/content/6/6/e006504#ref-21) Although backed by over 100 countries within the WTO and a global campaign for the ‘People’s Vaccine,’ the proposal has been repeatedly blocked at every committee meeting since then by select wealthy countries with large pharmaceutical industries, including the UK, Japan and EU states.[22 23](https://gh.bmj.com/content/6/6/e006504#ref-22)¶ Those who oppose the IP waiver argue that it will not do anything to solve the problem: even if you were to liberate the recipe for the vaccines, low-income and middle-income countries do not have the capacity to produce it.[24](https://gh.bmj.com/content/6/6/e006504#ref-24) But this argument is specious. For one, several middle-income countries—including India, Brazil, Senegal and South Africa—do have the ability to ramp up production by repurposing existing manufacturing capacity.[25](https://gh.bmj.com/content/6/6/e006504#ref-25) In addition, an IP waiver can and should be supplemented with technology transfers, logistical support and financial investment to facilitate this repurposing process. And the most important point is that such a waiver could drastically reduce costs across the board, making vaccine imports more affordable for poor countries.¶ Opponents of the waiver also claim that IP-related obstacles can be addressed through existing arrangements for ‘compulsory licensing’ under the WTO’s Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS).[26](https://gh.bmj.com/content/6/6/e006504#ref-26) But the past evidence suggests that this process is slow, cumbersome and subject to various shaming practices by the international community.[27 28](https://gh.bmj.com/content/6/6/e006504#ref-27) Some point instead to the possibility of voluntary licensing. But voluntary licenses are often executed secretly and are limited to companies or governments that can afford them. The University of Pennsylvania, which owns IP rights relating to the mRNA vaccines, is helping Chulalongkorn University in Bangkok develop a vaccine production facility. This partnership was possible because Thailand—unlike other middle-income countries—was able to put up the money.[29](https://gh.bmj.com/content/6/6/e006504#ref-29) Poorer countries are left out. Sharing of IP and technology transfers can and will accelerate global vaccine production. The question is on whose terms. Organisations such as the WHO and African Union are currently mobilising support and resources to accelerate production in low-income and middle-income countries.[30 31](https://gh.bmj.com/content/6/6/e006504#ref-30) But these efforts will be to waste unless IP for COVID-19 technologies is shared broadly and quickly.¶ Vaccine coloniality¶ Donor-based approaches to vaccine equity are grounded in old, even colonial ideas of aid and dependency, which have failed to serve the health needs of the Majority World or deliver on health equity. This failed model has not promoted health equity in the past and is clearly inadequate in the present, on account of dependency on donor whims (the bilateral ‘leftovers’ approach), persistent funding gaps and shortfalls (COVAX), and time-consuming diplomacy and filibustering over what is or is it not within current trade rules (WTO).¶ Once again in the political economy of global health, the charitable model of COVAX becomes the smokescreen for inequitable systems. When states are asked about their stockpiling, they point to COVAX. When pharmaceutical companies are asked about IP, they point to COVAX or their low-cost commitment. The focus on a donor-based model of aid in achieving vaccine equity has distracted leaders from the ideologies, economic systems and trade regulations that leave access to medicine to the forces of the marketplace rather than global health priorities.[32](https://gh.bmj.com/content/6/6/e006504#ref-32) Achieving global vaccine justice requires a rapid shift in trade regulations and contract transparency that streamlines IP sharing and technology transfers. The resultant collaborations across economies will not only accelerate vaccine production but will also increase competition and push vaccine prices down.¶ Finally, old models of vaccine equity have not kept pace with changes in discourse and thinking around global health governance, equity and justice. 2021 is not the early 2000s, where new public–private partnerships or funding models were de rigueur. Donor countries are increasingly wary of aid dependency as they pay the cost of continuing high profile health programmes with diminishing strategic returns. Aid-recipient countries are similarly exasperated by funding gaps that lead to delays and materiel shortfalls, the NGO-industrial complex and attendant consultants that rationalise them, and fundamentally, by the notion that their populations only seem to matter when another state can capitalise on them.¶ Conclusion¶ Vaccine apartheid is only one symptom of broader global health inequalities that have their roots in colonialism and persist today because of neocolonial forms of power. As Grosfoguel writes, ‘The heterogeneous and multiple global structures put in place over a period of 450 years did not evaporate with the juridical–political decolonisation of the periphery over the past 50 years. We continue to live under the same ‘colonial power matrix.’ With juridical–political decolonisation we moved from a period of ‘global colonialism’ to the current period of ‘global coloniality.’[33](https://gh.bmj.com/content/6/6/e006504#ref-33) Vaccine justice starts with moving beyond aid models of vaccine donation, in which poorer countries are gifted vaccine leftovers. It demands rapidly achieving global consensus for the IP waiver, democratising vaccine IP and know-how and supporting low-income and middle-income countries to build manufacturing capacity for this pandemic and the next. These steps can mark the start of a reparative justice movement in global health that demands we confront and overturn colonial legacies that continue to devastate the health of low- and middle-income countries.[34](https://gh.bmj.com/content/6/6/e006504#ref-34) A commitment to funding vaccine justice in the face of the COVID-19 pandemic can be a first step in this direction.

#### Compulsory licensing is not sufficient – drug company resistance, IP thickets, and devolved decision-making.

Stiglitz & Wallach 4/26 - Joseph E. Stiglitz and Lori Wallach [Joseph E. Stiglitz, co-recipient of the 2001 Nobel Memorial Prize in Economics Sciences, teaches at Columbia University. Lori Wallach is the director of Public Citizen’s Global Trade Watch.], “Opinion: Preserving intellectual property barriers to covid-19 vaccines is morally wrong and foolish,” *Washington Post* (Web). April 26, 2021. Accessed Aug. 10, 2021. <https://www.washingtonpost.com/opinions/2021/04/26/preserving-intellectual-property-barriers-covid-19-vaccines-is-morally-wrong-foolish/> AT

Unfortunately, the drug companies have consistently done whatever they can to preserve their monopoly control. Even today, as they battle the waiver and argue that existing compulsory licensing rights are sufficient, they lobby the U.S. government to sanction countries that use that tool.¶ These corporations have also undermined this option by building “thickets” of intellectual property barriers. They fortify their monopolies by registering exclusive rights to industrial designs and undisclosed data, such as trade secrets and test data, in addition to numerous patents and copyrights for each medicine. Each element would require a license, and the WTO’s flexibilities might not even encompass all of them.¶ Making matters more difficult, “product-by-product” and “country-by-country” compulsory licensing is nigh impossible to coordinate across countries for medicines with complex global supply chains, such as covid-19 vaccines.

**Vaccine shortfall causes widespread death and poverty.**

**Public Citizen 3/1 -** Public Citizen [“Public Citizen is a nonprofit consumer advocacy organization that champions the public interest in the halls of power. We defend democracy, resist corporate power and work to ensure that government works for the people – not for big corporations. Founded in 1971, we now have 500,000 members and supporters throughout the country. We don’t participate in partisan political activities or endorse any candidates for elected office. We take no government or corporate money, which enables us to remain fiercely independent and call out bad actors – no matter who they are or how much power and money they have.”], “Backgrounder: WTO-Required Monopolies for Pharmaceutical Corporations Obstruct Global Production of COVID-19 Vaccines & Treatment,” *Public Citizen Global Trade Watch Series*. March 1, 2021. Accessed Aug. 12, 2021. <https://www.citizen.org/article/wto-required-monopolies-for-pharmaceutical-corporations-obstruct-global-production-of-covid-19-vaccines-and-treatments/> AT

It is obvious that current production capacity cannot supply enough vaccines for the entire world. Many people in low- and middle-income countries around the globe will not get vaccinated until at least 2022 unless the world manufactures many more doses, according to the British Medical Journal. The world’s poorest countries may wait until 2024 for mass immunization, if it happens at all, reports the Economist Intelligence Unit.

The global vaccine apartheid unfolding right now could cost millions of lives and push tens of millions more into poverty. The devastation will be felt for a generation. A new International Chamber of Commerce report concluded that the world could face economic losses of more than $9 trillion under the scenario of wealthy nations being fully vaccinated by mid-2021, but poor countries largely shut out. Wealthy countries like the United States would bear nearly half of that hit. Vaccinating just half of low- and middle-income countries’ populations could reduce global losses by $5.5 trillion.

**Poverty and disease are mutually reinforcing, causing staggering suffering and injustice.**

**Hollis & Pogge ’08 -** Aidan Hollis [Associate Professor of Economics, the University of Calgary] and Thomas Pogge [Leitner Professor of Philosophy and International Affairs, Yale University], “The Health Impact Fund Making New Medicines Accessible for All,” *Incentives for Global Health* (2008) AT

In 2004, some 970 million people, around 15 percent of the world’s population, were living below the extreme poverty line of $1 a day (more strictly defi ned, $392.88 annually) in 1993 Purchasing Power Parity (PPP) terms (Chen and Ravallion 2007, 16579).3 Furthermore, those living below this very low poverty line fell on average around 28 percent below it. Th eir average annual purchasing power therefore corresponded to approximately $420 in the US in 2008 dollars.4¶ Th ese are the poorest of the poor. Th e World Bank also uses a somewhat less miserly poverty line, namely $2 dollar a day, or an annual amount of $785.76 PPP 1993. Th e Bank’s data show that around 40 percent of the world’s population, or over 2.5 billion people, lived in income poverty so defi ned in 2004,5 with this population falling on average 41 percent below this higher line.6 Individuals in this much larger group could buy, on average, about as much in 2004 as could be bought in the US in 2008 for $690.¶ The Effects of Global Income Poverty on Health¶ The effects of such extreme income poverty are foreseeable and extensively documented. It is estimated that around 13 percent of all human beings (830 million) are chronically undernourished, 17 percent (1.1 billion) lack access to safe water, and 41 percent (2.6 billion) lack access to basic sanitation (UNDP 2006, 174, 33). About 31 percent (2 billion) lack access to crucial drugs and 25 percent (1.6 billion) lack electricity (Fogarty n.d., IEA 2002). Some 780 million adults are illiterate (UNESCO 2006), and 14 percent of children aged between fi ve and 17 (218 million) are child laborers, more than half in hazardous work (ILO 2006, 6).¶ Worldwide, diseases related to poverty, including communicable, maternal, perinatal, and nutritionrelated diseases, comprise over 50 percent of the burden of disease in low-income countries, nearly ten times their relative burden in developed countries (WHO 2006b, 3). If the developed world had its proportional share of poverty-related deaths (onethird of all deaths), severe poverty would kill some 16,000 Americans and 26,000 citizens of the European Union each week.¶ The cycle of mutually reinforcing poverty and disease besetting low income countries, and particularly the poorer communities in these countries, could be broken by signifi cantly reducing severe poverty. But it is also possible to make substantial progress against the global burden of disease more directly by improving health care in developing countries.¶ Poverty does not merely render poor people more vulnerable to disease, but also makes it less likely that they can obtain medical treatment for the diseases they contract. This is because in poor countries medical care is rarely available for free, and poor people are typically unable to buy either the care needed by themselves or their families or the insurance policies that would guarantee them such care. The price of health care in poor countries therefore also plays a crucial role in explaining the catastrophic health situation among the global poor.

## II. Solvency

#### Plan text: The member nations of the World Trade Organization ought to waive intellectual property protections for Covid-19 related medicines.

Public Citizen 6/22 - Public Citizen et. al, “Please Speedily Secure Implementation of a COVID-19 Emergency Waiver of WTO TRIPS Rules for Vaccines, Tests and Treatments,” *Open Letter to President Joe Biden*. June 22, 2021. <<https://www.citizenstrade.org/ctc/wp-content/uploads/2021/06/COVIDTRIPSWaiver_SignOnLtr2_062221.pdf#new_tab>> AT

We the undersigned organizations respectfully urge you to speedily secure a waiver that is:¶ • Comprehensive: The U.S. government must secure swift adoption of a temporary waiver of the patent, copyright, industrial design and undisclosed data rules of the WTO’s TRIPS Agreement with respect to COVID-19-related medical products. The scope of the waiver must extend beyond vaccines to also cover the diagnostic tests needed to detect outbreaks and variants; the treatments, ventilators and other medical devices necessary to shorten lockdowns and save the lives of the millions who will contract COVID-19 before sufficient vaccine doses can be made and the materials, components, means and methods of manufacturing such goods.¶ • Swift: The WTO Director General’s December 2021 deadline for a final waiver text is far too late to meet the urgency of the pandemic, which requires agreement on a waiver in a matter of weeks, not months.¶ • Long-lasting: A waiver must be of sufficient duration to incentivize and sustain increases in manufacturing capacity for and output of medical goods to prevent, contain or treat COVID19, taking into consideration that the pandemic may yet escape current vaccines. We support the waiver sponsors’ proposal that the initial waiver last three years and be regularly reviewed thereafter, particularly given uncertainties around variants, the need for boosters, and what levels of immunization may be needed.¶ Current global production capacity of COVID-19 vaccines, medicines, and diagnostic tests cannot come close to meeting global needs to detect, treat, prevent, or contain COVID-19. Absent significant increases in vaccine production, many in developing nations will not have access to vaccines until 2024. This lag would mean more deaths and the greater chances for development of new variants that can undermine vaccines' achievements to date.¶ Every country should have the right to develop and make their own vaccines free from the worry that they and their suppliers would be sued by IP holders. To date, vaccine intellectual property rightsholders have refused to issue open licenses under transparent and accountable terms and conditions, and transfer technology fully to and negotiate payment terms with qualified manufacturers in Africa, Asia, and Latin America, creating supply shortages and production bottlenecks and prohibiting urgently needed production of doses worldwide. The worst global health crisis in a century has resulted in at least 3.5 million deaths worldwide and is conservatively estimated to cost the U.S. alone $16 trillion in economic losses, accompanied by yet greater global losses that have impoverished hundreds of millions of people worldwide. We are in a race against time to save lives and prevent new variants. Absent a major increase in vaccines, treatments, diagnostic tests, ventilators, and other COVID-19-related medical supplies, the pandemic will rage largely unmitigated among a significant share of the world’s population. COVID-19 infections will increase, resulting in increased deaths and long-term damage to the health of millions of people, a dragging blow to the global economy and a risk that vaccine-resistant variants will put the world back on lockdown and evade immunity for those previously infected and/or vaccinated. The long-term impact on people’s health and the world’s health system would be unprecedented.

#### A waiver would increase leverage over pharma and provide legal certainty needed to spur critical production.

Stiglitz & Wallach 4/26 - Joseph E. Stiglitz and Lori Wallach [Joseph E. Stiglitz, co-recipient of the 2001 Nobel Memorial Prize in Economics Sciences, teaches at Columbia University. Lori Wallach is the director of Public Citizen’s Global Trade Watch.], “Opinion: Preserving intellectual property barriers to covid-19 vaccines is morally wrong and foolish,” *Washington Post* (Web). April 26, 2021. Accessed Aug. 10, 2021. <https://www.washingtonpost.com/opinions/2021/04/26/preserving-intellectual-property-barriers-covid-19-vaccines-is-morally-wrong-foolish/> AT

A waiver would immediately increase government leverage over vaccine makers that refuse to license the technology. Firms could choose to either expand production by negotiating with governments, alternative suppliers and global initiatives, or risk governments circumventing them and forcing the transfer of technology.¶ A waiver would also provide legal certainty for governments and investors that are inclined to repurpose existing pharmaceutical manufacturing or build new facilities but are fearful of intellectual property liability. And it could boost production of covid-19 treatments unavailable in much of the world, as well as diagnostic tests and vaccine supply chain products.

#### Legal certainty unlocks global production.

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Most critically, there simply is not enough supply to go around now or for every year in the future during which the whole world will need regular COVID vaccination to keep the virus under control. Thankfully, scores of countries are ready to invest in building new or repurposing existing production capacity. That is why more than 100 countries support a waiver of the WTO’s Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). These countries seek certainty that if they adjust their domestic laws and practices to support that investment by providing access to the necessary technology, they will not get dragged into expansive WTO litigation or face retaliatory sanctions from countries claiming WTO violations. The waiver will also serve as a worldwide buffer against the political pressure and legal harassment to which Big Pharma subjects countries that seek to promote affordable access to medicines.¶ In many countries, the regulatory authorities that had to approve domestic use of various vaccines and other COVID-related medical products have significant information from the firms that they could share with skilled teams from local universities, government agencies and pharmaceutical manufacturers — if they were not obliged by WTO rules to guarantee monopoly control of it. And world-class pharmaceutical firms already are making generic versions of new cutting-edge HIV-AIDS medicines and pumping out vaccines based on the platform that, for instance, the Johnson & Johnson vaccine uses.

**Manufacturing capacity is widespread around the world.**

**Public Citizen 3/29 -** Public Citizen [“Public Citizen is a nonprofit consumer advocacy organization that champions the public interest in the halls of power. We defend democracy, resist corporate power and work to ensure that government works for the people – not for big corporations. Founded in 1971, we now have 500,000 members and supporters throughout the country. We don’t participate in partisan political activities or endorse any candidates for elected office. We take no government or corporate money, which enables us to remain fiercely independent and call out bad actors – no matter who they are or how much power and money they have.”], “Waiver of the WTO’s Intellectual Property Rules: Facts vs. Common Myths,” *Public Citizen Global Trade Watch Series*. March 29, 2021. Accessed Aug. 10, 2021. <https://www.citizen.org/article/waiver-of-the-wtos-intellectual-property-rules-myths-vs-facts/> AT

In the press and on Capitol Hill, Big Pharma is pushing a Big Lie. The claim is that a lack of manufacturing capacity, not pharmaceutical corporation’s monopoly intellectual property (IP) protections, are thwarting greater production of COVID-19 vaccines. A related argument, with decidedly racist overtones, is that COVID-19 vaccines are too complicated for producers in developing countries to make successfully. The reality is that in every region of the world, there are multiple producers that could be greatly increasing global vaccine supplies if the technology and know-how were shared.¶ Just in Africa, “Biovac and Aspen in South Africa, Institute Pasteur in Senegal, and Vacsera in Egypt could rapidly retool factories to make mRNA vaccines,” notes a group of medicine-production experts in a recent Foreign Policy article. Indeed, a former Moderna director of chemistry revealed that with enough technology transfer and know- how-sharing, a modern factory should be able to get mRNA vaccine production online in, at most, three to four months. The Serum Institute in India already is slated to produce the AstraZeneca and Novavax vaccines, while Moderna declined to partner with a qualified Bangladeshi vaccine maker, claiming its engineers were too busy to focus beyond U.S. and EU production. In Latin America, existing facilities in Brazil, Argentina and Mexico under contract to monopoly holders are already pumping out vials, and in countries like Chile and Colombia, the pharmaceutical industry has expressed willingness to kickstart vaccine production.¶ Existing and planned contract manufacturing arrangements prove facilities in developing countries certainly can produce COVID-19 vaccines. But unless technology and know-how are shared more openly, the monopoly holders maintain absolute control over how much can be produced, what the price is and where it will be sold. So, 91% of the Johnson & Johnson vaccine that South African firm Aspen will manufacture must be shipped for sale outside South Africa, according to South Africa’s WTO Counselor. And the Serum Institute is barred from supplying upper- middle-income and high-income countries with the AstraZeneca vaccines it makes, meaning AstraZeneca can artificially segment the global market and ensure that it is the only supplier of the Oxford vaccine in the most profitable national markets, according to Doctors Without Borders.¶ Most critically, there simply is not enough supply to go around now or for every year in the future during which the whole world will need regular COVID vaccination to keep the virus under control. Thankfully, scores of countries are ready to invest in building new or repurposing existing production capacity. That is why more than 100 countries support a waiver of the WTO’s Agreement on Trade-Related Aspects of Intellectual Property (TRIPS). These countries seek certainty that if they adjust their domestic laws and practices to support that investment by providing access to the necessary technology, they will not get dragged into expansive WTO litigation or face retaliatory sanctions from countries claiming WTO violations. The waiver will also serve as a worldwide buffer against the political pressure and legal harassment to which Big Pharma subjects countries that seek to promote affordable access to medicines.¶ In many countries, the regulatory authorities that had to approve domestic use of various vaccines and other COVID-related medical products have significant information from the firms that they could share with skilled teams from local universities, government agencies and pharmaceutical manufacturers — if they were not obliged by WTO rules to guarantee monopoly control of it. And world-class pharmaceutical firms already are making generic versions of new cutting-edge HIV-AIDS medicines and pumping out vaccines based on the platform that, for instance, the Johnson & Johnson vaccine uses.

## Underview

**Their disads will surely be ridiculous.**

**(A) Ethics – WTO countries are complicit in hoarding lifesaving medicines from the world’s most vulnerable people. Apply a *VERY* high standard of proof to any rationalization of that policy.**

**(B) Compound Probability - Multiplied probabilities of long link chains have negligible net probabilities. This is the slippery slope fallacy.**

**(C) Causal Direction - They will say the fractional probability of a huge impact still has a large expected value, but it’s impossible to determine the direction of low-probability links. Does the butterfly flapping its wings cause the hurricane or prevent it? Disregard tiny-probability links because they don’t guide decision-making.**

**(D) Complexity – the DA presents a simplistic and deterministic narrative that fails to account for the myriad confounding factors that can disrupt or reverse the link chain of the DA. The most important of these is the probability that people will recognize the dangerous path they’re on and change course, e.g. leaders backing down during the Cuban Missile Crisis.**

**(E) Decision Gridlock – Every course of action or inaction has a negligible possibility of causing extinction. This makes it impossible to prioritize averting existential risk over all else because such risk is unavoidable. We have no choice but to prioritize REALISTIC probabilities.**

#### (F) Apocalyptic rhetoric is an independent voter – justifies violence, trades off with addressing real risks, and causes nihilism.

**Pinker ’18** - Steven Pinker [Johnston Professor of Psychology, Harvard U.], Enlightenment Now: The Case for Reason, Science, Humanism, and Progress. New York: Viking. (2018). pp. 291-292

At first glance one might think that the more thought we give to existential risks, the better. The stakes, quite literally, could not be higher. What harm could there be in getting people to think about these terrible risks? The worst that could happen is that we would take some precautions that turn out in retrospect to have been unnecessary.¶ But apocalyptic thinking has serious downsides. One is that false alarms to catastrophic risks can themselves be catastrophic. The nuclear arms race of the 1960s, for example, was set off by fears of a mythical “missile gap” with the Soviet Union.1 The 2003 invasion of Iraq was justified by the uncertain but catastrophic possibility that Saddam Hussein was developing nuclear weapons and planning to use them against the United States. (As George W. Bush put it, “We cannot wait for the final proof—the smoking gun—that could come in the form of a mushroom cloud.”) And as we shall see, one of the reasons the great powers refuse to take the common-sense pledge that they won’t be the first to use nuclear weapons is that they want to reserve the right to use them against other supposed existential threats such as bioterror and cyberattacks.2 Sowing fear about hypothetical disasters, far from safeguarding the future of humanity, can endanger it.¶ A second hazard of enumerating doomsday scenarios is that humanity has a finite budget of resources, brainpower, and anxiety. You can’t worry about everything. Some of the threats facing us, like climate change and nuclear war, are unmistakable, and will require immense effort and ingenuity to mitigate. Folding them into a list of exotic scenarios with minuscule or unknown probabilities can only dilute the sense of urgency. Recall that people are poor at assessing probabilities, especially small ones, and instead play out scenarios in their mind’s eye. If two scenarios are equally imaginable, they may be considered equally probable, and people will worry about the genuine hazard no more than about the science-fiction plotline. And the more ways people can imagine bad things happening, the higher their estimate that something bad *will* happen.¶ And that leads to the greatest danger of all: that people will think, as a recent New York Times article put it, “These grim facts should lead any reasonable person to conclude that humanity is screwed.”3 If humanity is screwed, why sacrifice anything to reduce potential risks? Why forgo the convenience of fossil fuels, or exhort governments to rethink their nuclear weapons policies? Eat, drink, and be merry, for tomorrow we die! A 2013 survey in four English-speaking countries showed that among the respondents who believe that our way of life will probably end in a century, a majority endorsed the statement “The world’s future looks grim so we have to focus on looking after ourselves and those we love.”4¶ Few writers on technological risk give much thought to the cumulative psychological effects of the drumbeat of doom. As Elin Kelsey, an environmental communicator, points out, “We have media ratings to protect children from sex or violence in movies, but we think nothing of inviting a scientist into a second grade classroom and telling the kids the planet is ruined. A quarter of (Australian) children are so troubled about the state of the world that they honestly believe it will come to an end before they get older.”5 According to recent polls, so do 15 percent of people worldwide, and between a quarter and a third of Americans.6 In The Progress Paradox, the journalist Gregg Easterbrook suggests that a major reason that Americans are not happier, despite their rising objective fortunes, is “collapse anxiety”: the fear that civilization may implode and there’s nothing anyone can do about it.

#### (G) Distrust low-probability predictions of catastrophe – subjectivity, cognitive bias, and history of failed predictions.

**Pinker ’18** - Steven Pinker [Johnston Professor of Psychology, Harvard U.], Enlightenment Now: The Case for Reason, Science, Humanism, and Progress. New York: Viking. (2018). pp. 292-295

Of course, people’s emotions are irrelevant if the risks are real. But risk assessments fall apart when they deal with highly improbable events in complex systems. Since we cannot replay history thousands of times and count the outcomes, a statement that some event will occur with a probability of .01 or .001 or .0001 or .00001 is essentially a readout of the assessor’s subjective confidence. This includes mathematical analyses in which scientists plot the distribution of events in the past (like wars or cyberattacks) and show they fall into a power-law distribution, one with “fat” or “thick” tails, in which extreme events are highly improbable but not astronomically improbable.7 The math is of little help in calibrating the risk, because the scattershot data along the tail of the distribution generally misbehave, deviating from a smooth curve and making estimation impossible. All we know is that very bad things can happen.¶ That takes us back to subjective readouts, which tend to be inflated by the Availability and Negativity biases and by the gravitas market (chapter 4).8 Those who sow fear about a dreadful prophecy may be seen as serious and responsible, while those who are measured are seen as complacent and naïve. Despair springs eternal. At least since the Hebrew prophets and the Book of Revelation, seers have warned their contemporaries about an imminent doomsday. Forecasts of End Times are a staple of psychics, mystics, televangelists, nut cults, founders of religions, and men pacing the sidewalk with sandwich boards saying “Repent!”9 The storyline that climaxes in harsh payback for technological hubris is an archetype of Western fiction, including Promethean fire, Pandora’s box, Icarus’s flight, Faust’s bargain, the Sorcerer’s Apprentice, Frankenstein’s monster, and, from Hollywood, more than 250 end-of-the-world flicks.10 As the engineer Eric Zencey has observed, “There is seduction in apocalyptic thinking. If one lives in the Last Days, one’s actions, one’s very life, take on historical meaning and no small measure of poignance.”11¶ Scientists and technologists are by no means immune. Remember the Y2K bug?12 In the 1990s, as the turn of the millennium drew near, computer scientists began to warn the world of an impending catastrophe. In the early decades of computing, when information was expensive, programmers often saved a couple of bytes by representing a year by its last two digits. They figured that by the time the year 2000 came around and the implicit “19” was no longer valid, the programs would be long obsolete. But complicated software is replaced slowly, and many old programs were still running on institutional mainframes and embedded in chips. When 12:00 A.M. on January 1, 2000, arrived and the digits rolled over, a program would think it was 1900 and would crash or go haywire (presumably because it would divide some number by the difference between what it thought was the current year and the year 1900, namely zero, though why a program would do this was never made clear). At that moment, bank balances would be wiped out, elevators would stop between floors, incubators in maternity wards would shut off, water pumps would freeze, planes would fall from the sky, nuclear power plants would melt down, and ICBMs would be launched from their silos.¶ And these were the hardheaded predictions from tech-savvy authorities (such as President Bill Clinton, who warned the nation, “I want to stress the urgency of the challenge. This is not one of the summer movies where you can close your eyes during the scary part”). Cultural pessimists saw the Y2K bug as comeuppance for enthralling our civilization to technology. Among religious thinkers, the numerological link to Christian millennialism was irresistible. The Reverend Jerry Falwell declared, “I believe that Y2K may be God’s instrument to shake this nation, humble this nation, awaken this nation and from this nation start revival that spreads the face of the earth before the Rapture of the Church.” A hundred billion dollars was spent worldwide on reprogramming software for Y2K Readiness, a challenge that was likened to replacing every bolt in every bridge in the world.¶ As a former assembly language programmer I was skeptical of the doomsday scenarios, and fortuitously I was in New Zealand, the first country to welcome the new millennium, at the fateful moment. Sure enough, at 12:00 A.M. on January 1, nothing happened (as I quickly reassured family members back home on a fully functioning telephone). The Y2K reprogrammers, like the elephant-repellent salesman, took credit for averting disaster, but many countries and small businesses had taken their chances without any Y2K preparation, and they had no problems either. Though some software needed updating (one program on my laptop displayed “January 1, 19100”), it turned out that very few programs, particularly those embedded in machines, had both contained the bug and performed furious arithmetic on the current year. The threat turned out to be barely more serious than the lettering on the sidewalk prophet’s sandwich board. The Great Y2K Panic does not mean that all warnings of potential catastrophes are false alarms, but it reminds us that we are vulnerable to techno-apocalyptic delusions.