# NC

### FW

#### I negate the resolution, “The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines”.

#### and value Justice, as implied by the ought in the resolution.

#### As no one is born with more worth than anyone else, systemic exclusion of particular groups arbitrarily denies due.

Winter & Leighton: Winter, Deborah DuNann [Professor of Psychology, Whitman College], and Dana C. Leighton, Ph.D. [Assistant Professor of Psychology, Southern Arkansas University]. “Peace, Conflict, and Violence: Peace Psychology in the 21st Century.” New York: Prentice Hall, 2001. CH

Finally, to recognize the operation of structural violence forces us to ask questions about how and why we tolerate it, questions which often have painful answers for the privileged elite who unconsciously support it. A final question of this section is how and why we allow ourselves to be so oblivious to structural violence. Susan Opotow offers an intriguing set of answers, in her article Social Injustice. She argues that our normal perceptual cognitive processes divide people into in-groups and out-groups. Those outside our group lie outside our scope of justice. Injustice that would be instantaneously confronted if it occurred to someone we love or know is barely noticed if it occurs to strangers or those who are invisible or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. Those who fall outside are morally excluded, and become either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer. Moral exclusion is a human failing, but Opotow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, we must be vigilant in noticing and listening to oppressed, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity. Like Opotow, all the authors in this section point out that structural violence is not inevitable if we become aware of its operation, and build systematic ways to mitigate its effects. Learning about structural violence may be discouraging, overwhelming, or maddening, but these papers encourage us to step beyond guilt and anger, and begin to think about how to reduce structural violence. All the authors in this section note that the same structures (such as global communication and normal social cognition) which feed structural violence, can also be used to empower citizens to reduce it. In the long run, reducing structural violence by reclaiming neighborhoods, demanding social justice and living wages, providing prenatal care, alleviating sexism, and celebrating local cultures, will be our most surefooted path to building lasting peace.

#### Next, since morality requires rectifying actual mistreatment, we should address material conditions of violence first.

Pappas: Pappas, Gregory Fernando. [Texas A&M University] “The Pragmatists’ Approach to Injustice.” The Pluralist, Volume 11, Number 1, Spring 2016. CH

In Experience and Nature, Dewey names the empirical way of doing philosophy the “denotative method” (LW 1:371).18 What Dewey means by “denotation” is simply the phase of an empirical inquiry where we are concerned with designating, as free from theoretical presuppositions as possible, the concrete problem (subject matter) for which we can provide different and even competing descriptions and theories. Thus an empirical inquiry about an injustice must begin with a rough and tentative designation of where the injustices from within the broader context of our everyday life and activities are. Once we designate the subject matter, we then engage in the inquiry itself, including diagnosis, possibly even constructing theories and developing concepts. Of course, that is not the end of the inquiry. We must then take the results of that inquiry “as a path pointing and leading back to something in primary experience” (LW 1:17). This looping back is essential, and it neverends as long as there are new experiences of injustice that may require a revi- sion of our theories.¶ Injustices are events suffered by concrete people at a particular time and in a situation. We need to start by pointing out and describing these problematic experiences instead of starting with a theoretical account or diagnosis of them. Dewey is concerned with the consequences of not following the methodological advice to distinguish designation from diagnosis. Definitions, theoretical criteria, and diagnosis can be useful; they have their proper place and function once inquiry is on its way, but if stressed too much at the start of inquiry, they can blind us to aspects of concrete problems that escape our theoretical lenses. We must attempt to pretheoretically designate the subject matter, that is, to “point” in a certain direction, even with a vague or crude description of the problem.

He adds:

Just as with the doctor, empirical inquirers about injustice must return to the concrete problem for testing, and should never forget that their conceptual abstractions and general knowledge are just means to ameliorate what is particular, context-bound, and unique. In reaching a diagnosis, the doc- tor, of course, relies on all of his background knowledge about diseases and evidence, but a good doctor never forgets the individuality of the particular problem (patient and illness).¶ The physician in diagnosing a case of disease deals with something in- dividualized. He draws upon a store of general principles of physiology, etc., already at his command. Without this store of conceptual material he is helpless. But he does not attempt to reduce the case to an exact specimen of certain laws of physiology and pathology, or do away with its unique individuality. Rather he uses general statements as aids to direct his observation of the particular case, so as to discover what it is like. They function as intellectual tools or instrumentalities. (LW 4:166)¶ Dewey uses the example of the doctor to emphasize the radical contex- tualism and particularism of his view. The good doctor never forgets that this patient and “this ill is just the specific ill that it is. It never is an exact duplicate of anything else.”22 Similarly, the empirical philosopher in her in- quiry about an injustice brings forth general knowledge or expertise to an inquiry into the causes of an injustice. She relies on sociology and history as well as knowledge of different forms of injustice, but it is all in the service of inquiry about the singularity of each injustice suffered in a situation.¶ The correction or refinement that I am making to Anderson’s character- ization of the pragmatists’ approach is not a minor terminological or scholarly point; it has methodological and practical consequences in how we approach an injustice. The distinction between the diagnosis and the problem (the ill- ness, the injustice) is an important functional distinction that must be kept in inquiry because it keeps us alert to the provisional and hypothetical aspect of any diagnosis. To rectify or improve any diagnosis, we must return to the concrete problem; as with the patient, this may require attending as much as possible to the uniqueness of the problem. This is in the same spirit as Anderson’s preference for an empirical inquiry that tries to “capture all of the expressive harms” in situations of injustice. But this requires that we begin with and return to concrete experiences of injustice and not by starting with a diagnosis of the causes of injustice provided by studies in the social sciences, as in (5) above. For instance, a diagnosis of causes that are due to systematic, structural features of society or the world disregards aspects of the concrete experiences of injustice that are not systematic and structural.¶ Making problematic situations of injustice our explicit methodological commitment as a starting point rather than a diagnosis of the problem is an important and useful imperative for nonideal theories. It functions as a directive to inquirers toward the problem, to locate it, and designate it before venturing into descriptions, diagnosis, analysis, clarifications, hypotheses, and reasoning about the problem. These operations are instrumental to its ame- lioration and must ultimately return (be tested) by the problem that sparked the inquiry. The directive can make inquirers more attentive to the complex ways in which such differences as race, culture, class, or gender intersect in a problem of injustice. Sensitivity to complexity and difference in matters of injustice is not easy; it is a very demanding methodological prescription because it means that no matter how confident we may feel about applying solutions designed to ameliorate systematic evil, our cures should try to address as much as possible the unique circumstances of each injustice. The analogy with medical inquiry and practice is useful in making this point, since the hope is that someday we will improve our tools of inquiry to prac- tice a much more personalized medicine than we do today, that is, provide a diagnosis and a solution specific to each patient.

#### Thus, the value criterion is Promoting Social Equality. Promoting social equality means acknowledging that all people have a role in rectifying structural violence. This is a consequentialist standard that looks to policies’ outcomes with respect to equality, not util. Thus, generic disadvantages and big impacts don’t link to the framework.

### C1: IP Solves Pandemics

#### The biopharma industry is doing well.

Terry & Taylor 21: Terry, Colin [UK Life Science and Health Care Leader] Taylor [Director of Deloitte] “Seeds of change Measuring the return from pharmaceutical innovation 2020” May 2021 AA

Although biopharma R&D is under mounting pressure, our analysis shows an uptick for the first time in six years (from 1.6% in 2019 to 2.5% in 2020). While forecast peak sales per pipeline asset have increased by 17.9% (from $357 million in 2019 to $421 million in 2020), companies are still facing rising costs of developing an asset. The average cost to bring an asset to market has risen for the seventh year in a row to $2,4 billion, due in part to longer cycle times. The growing complexities of drug development and increasing numbers of oncology trials have made it difficult to enroll and retain clinical trial participants. In addition, the rising number of therapies targeted at unmet needs and smaller patient subgroups has further increased competition to recruit from the limited pool of available trial participants. These factors have created delays and have been contributing to year-over-year growth in cycle times. Amid growing cycle times, regulators have put in place several pathways to expedite the development and approval of new drugs and accelerate patient access to life-saving innovative therapies. However, despite this, average clinical cycle times have continued to lengthen. Nevertheless, the seeds of change have been sown, with moves to integrate the application of AI and other digital technologies to transform drug development and clinical trials. The use of real-world evidence (RWE) and enhanced segmentation of patients and disease can contribute to shorter cycle times, but upscaling their use will be essential.

#### IP rights are key to incentivize innovation.

Bacchus: Bacchus, James [adjunct scholar at CATO] “An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines,” December 16th, 2020, <https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#does-novel-virus-present-novel-issues>

Technically, IP rights are exceptions to free trade. A long‐​standing general discussion in the WTO has been about when these exceptions to free trade should be allowed and how far they should be extended. The continuing debate over IP rights in medicines is only the most emotional part of this overall conversation. Because developed countries have, historically, been the principal sources of IP rights, this lengthy WTO dispute has largely been between developed countries trying to uphold IP rights and developing countries trying to limit them. The debate over the discovery and the distribution of vaccines for COVID-19 is but the latest global occasion for this ongoing discussion. The primary justification for granting and protecting IP rights is that they are incentives for innovation, which is the main source for long‐​term economic growth and enhancements in the quality of human life. IP rights spark innovation by “enabling innovators to capture enough of the benefits of their own innovative activity to justify taking considerable risks.”18 The knowledge from innovations inspired by IP rights spills over to inspire other innovations. The protection of IP rights promotes the diffusion, domestically and internationally, of innovative technologies and new know‐​how. Historically, the principal factors of production have been land, labor, and capital. In the new pandemic world, perhaps an even more vital factor is the creation of knowledge, which adds enormously to “the wealth of nations.” Digital and other economic growth in the 21st century is increasingly ideas‐​based and knowledge intensive. Without IP rights as incentives, there would be less new knowledge and thus less innovation. In the short term, undermining private IP rights may accelerate distribution of goods and services—where the novel knowledge that went into making them already exists. But in the long term, undermining private IP rights would eliminate the incentives that inspire innovation, thus preventing the discovery and development of knowledge for new goods and services that the world needs. This widespread dismissal of the link between private IP rights and innovation is perhaps best reflected in the fact that although the United Nations Sustainable Development Goals for 2030 aspire to “foster innovation,” they make no mention of IP rights.19

#### Only pharma innovation solves global pandemics.

Sachs: Sachs, Jeffrey [Professor of Sustainable Development, Health Policy and Management @ Columbia University, Director of the Earth Institute @ Columbia University and Special adviser to the United Nations Secretary-General on the Millennium Development Goals] “Important lessons from Ebola outbreak,” Business World Online, August 17, 2014, <http://tinyurl.com/kjgvyro>

Ebola is the latest of many recent epidemics, also including AIDS, SARS, H1N1 flu, H7N9 flu, and others. AIDS is the deadliest of these killers, claiming nearly 36 million lives since 1981. Of course, even larger and more sudden epidemics are possible, such as the 1918 influenza during World War I, which claimed 50-100 million lives (far more than the war itself). And, though the 2003 SARS outbreak was contained, causing fewer than 1,000 deaths, the disease was on the verge of deeply disrupting several East Asian economies including China’s. There are four crucial facts to understand about Ebola and the other epidemics. First, most emerging infectious diseases are zoonoses, meaning that they start in animal populations, sometimes with a genetic mutation that enables the jump to humans. Ebola may have been transmitted from bats; HIV/AIDS emerged from chimpanzees; SARS most likely came from civets traded in animal markets in southern China; and influenza strains such as H1N1 and H7N9 arose from genetic re-combinations of viruses among wild and farm animals. New zoonotic diseases are inevitable as humanity pushes into new ecosystems (such as formerly remote forest regions); the food industry creates more conditions for genetic recombination; and climate change scrambles natural habitats and species interactions. Second, once a new infectious disease appears, its spread through airlines, ships, megacities, and trade in animal products is likely to be extremely rapid. These epidemic diseases are new markers of globalization, revealing through their chain of death how vulnerable the world has become from the pervasive movement of people and goods. Third, the poor are the first to suffer and the worst affected. The rural poor live closest to the infected animals that first transmit the disease. They often hunt and eat bushmeat, leaving them vulnerable to infection. Poor, often illiterate, individuals are generally unaware of how infectious diseases -- especially unfamiliar diseases -- are transmitted, making them much more likely to become infected and to infect others. Moreover, given poor nutrition and lack of access to basic health services, their weakened immune systems are easily overcome by infections that better nourished and treated individuals can survive. And “de-medicalized” conditions -- with few if any professional health workers to ensure an appropriate public-health response to an epidemic (such as isolation of infected individuals, tracing of contacts, surveillance, and so forth) -- make initial outbreaks more severe. Finally, the required medical responses, including diagnostic tools and effective medications and vaccines, inevitably lag behind the emerging diseases. In any event, such tools must be continually replenished. This requires cutting-edge biotechnology, immunology, and ultimately bioengineering to create large-scale industrial responses (such as millions of doses of vaccines or medicines in the case of large epidemics). The AIDS crisis, for example, called forth tens of billions of dollars for research and development -- and similarly substantial commitments by the pharmaceutical industry -- to produce lifesaving antiretroviral drugs at global scale. Yet each breakthrough inevitably leads to the pathogen’s mutation, rendering previous treatments less effective. There is no ultimate victory, only a constant arms race between humanity and disease-causing agents.

#### Pandemics disproportionally affect black and brown people.

Dolan & Carroll: Dolan, Laura [Supervising Producer at CNN based in NY] Carroll, Jason [a national correspondent for CNN based in the network's New York bureau.] “Black Americans, hit hardest by the pandemic, feel they're hurt by both the virus and inequities tied to race,” CNN, September 3, 2020. AA

Blacks are dying at a rate 2.4 times higher than Whites, according to the COVID Tracking Project. Native Americans and Latinos are also dying at about 1.5 times the rate of that of Whites and Asian Americans, the data shows. In Michigan, nearly 40% of all deaths in the state were Blacks -- including Gambrell's father, Gary Fowler -- even though they make up only 22% of the cases, COVID Tracking Project data shows.

They add:

Long-standing inequalities in US health care have been magnified by Covid-19, according to Dr. Esmaeil Porsa, CEO of Harris Health System in Houston. "You're talking about decades, if not generationally, a segment of the population that has struggled with access to adequate health care, so they are already at a worse baseline of health, if you will, than the general population," he said. Porsa says his institutions are "safety net hospitals," which serve a predominately minority population. More than 80% of patients are Latino or Black. "A pandemic like Covid-19, it makes sense for it to disproportionately impact this population that is at risk," Porsa said. "And then you add to it other social and economic situations that this population deals with -- rental housing, multigenerational housing, work situations which exposes them to continued exposure to Covid-19, both at work and at home. Those are all the circumstances that lend themselves to this population being impacted disproportionately." Some 55% of coronavirus deaths in Texas are Latino, according to the COVID Tracking Project. "This pandemic has been with us for six months and there seems to be no end in sight," Porsa said.

### C2: Counterfeit Drugs

#### IP laws are key to prevent the development and spread of counterfeit drugs.

Mercurio: Mercurio, Bryan [the Simon F.S. Li Professor of Law at the Chinese University of Hong Kong (CUHK), having served as Associate Dean (Research) from 2010-14 and again from 2017-19. Professor Mercurio specialises in international economic law (IEL), with particular expertise in the intersection between trade law and intellectual property rights, free trade agreements, trade in services, dispute settlement and increasingly international investment law] “WTO Waiver from Intellectual Property Protection for COVID-19 Vaccines and Treatments: A Critical Review”, Virginia Journal of International Law Online (Forthcoming 2021), Feb 12, 2021

The protection of IP not only provides incentives to innovators to create, but also plays a crucial role in ensuring the safety of vaccines and helping to prevent the importation of fraudulent and dangerous goods. Unlike the typical pharmaceutical industry, the vaccine market is not a free and open market.69 Vaccines contain biological products made from living organisms and the risk of failure in vaccine development and production is high. 70 Moreover, the manufacturing process for vaccines is much more complex as it requires the use of facilities and equipment with a high degree of specialization.71 The complexity of vaccine products implies that more time and regulatory requirements are needed in order to make or “copy” the vaccine production process. Therefore, the innovator should be expected to make conscious and meticulous decisions as to when and to whom to issue licenses, as this is the most responsible way to bring their technologies to the world and safeguard global health. In addition, as the COVID-19 pandemic continues there has been a noticeable increase in the circulation of fake medicines around the world. According to the International Criminal Police Organization (Interpol), organized crime groups have been producing fake drugs and medical products and selling them for lucrative profits in developing countries.72 With the development of COVID-19 vaccines on the market, a rapid rise in the illegal sale of fake items is expected, according to the United Nations Office on Drugs and Crime (UNODC).73 Counterfeits of the legitimate products provide false promises of protection and could lead to disastrous consequences, including worsened illness and death for the individual and the retardation of herd immunity for the population at large. Effective and proactive IP procurement is essential and useful in mitigating the risks of counterfeit and substandard medicines. IP enforcement measures play a significant role in preventing these fake and illicit medicines from circulating in the market. While important during normal times, IP enforcement can take on an enhanced role of safeguarding the public during this critical period of time. Waiving all COVID-19 related IPRs raises the risk of unsafe or fake vaccines circulating in supply channels and being sold to unsuspecting governments, putting millions of human lives at risk and reducing trust in vaccines.

#### TURNS CASE – counterfeits cause major health crises – Niger proves.

Williams & McKnight: Williams, LaKeisha [Drug Information Specialist, Xavier University of Louisiana College of Pharmacy, New Orleans, Louisiana] McKnight, Ellen [PharmD Candidate, 2017, Xavier University of Louisiana College of Pharmacy, New Orleans, Louisian] “The Real Impact of Counterfeit Medications” June 19, 2014 AA

Counterfeiting drugs is not only illegal, but it is also a major public health concern. Counterfeit drugs often contain the correct ingredients in incorrect quantities; however, they may also contain either a wrong API—which may even be toxic—or no active substance at all.15 Treatment with ineffective counterfeit drugs such as antibiotics can lead to the emergence of resistant organisms and may have a deleterious effect on a wide section of the population. In extreme cases, counterfeit drugs may even cause death.3 For example, it has been estimated that between 60,000 and 80,000 children in Niger with fatal falciparum malaria were treated with a counterfeit vaccine containing only chloramphenicol, an antibiotic that is generally combined with another medication, which may have resulted in more than 100 fatal infections.17, 18 As a consequence of such damaging effects, counterfeit drugs may erode public confidence in healthcare systems, healthcare professionals, the suppliers and sellers of genuine drugs, the pharmaceutical industry, and national drug regulatory authorities.4

#### And, this uniquely hurts women.

Magdun: Magdun, Melanie [Indiana University Maurer School of Law], “Trademark Enforcement of Counterfeit Drugs: A Guardian of the Rich and Poor Alike”, 9 Ind. J.L. & Soc. Equality 281, 2021, https://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=1128&context=ijlse AA

Finally, women are also susceptible to the detriments of counterfeit drugs when taking birth control medications. Access to pharmaceutical contraceptives is still a challenge for some women. Even in the United States, close to twenty million women either live in a contraceptive dessert or need publicly funded contraception.124 Further, the United States is one of forty-five countries that requires a prescription to get the birth control pill.125 When drugs are difficult to get, people turn to online pharmacies, which is where counterfeit drugs are most likely to become a problem. There are two prominent examples of counterfeit birth control: (1) “in 1998, Brazil reported approximately 200 unwanted pregnancies from the use of counterfeit contraceptive pills”;126 and (2) in 2004 there was an FDA warning about online pharmacies selling contraceptive patches containing no active ingredient, which could then lead to unplanned pregnancy.127 So, while this is a global issue that has implications for everyone, some groups of people are more likely to impacted by this crime.

# Case

#### The role of the ballot is to endorse the best policy position:

#### [1] Policy education is key to advocacy. My personal positionality limits my political perspective, and portable education changes that.

Nixon 2K Makani Themba-Nixon, Executive Director of The Praxis Project. “Changing the Rules: What Public Policy Means for Organizing.” Colorlines 3.2, 2000. Organic Intellectual

Getting It in Writing Much of the work of framing what we stand for takes place in the shaping of demands. By getting into the policy arena in a proactive manner, we can take our demands to the next level. Our demands can become law, with real consequences if the agreement is broken. After all the organizing, press work, and effort, a group should leave a decision maker with more than a handshake and his or her word. Of course, this work requires a certain amount of interaction with "the suits," as well as struggles with the bureaucracy, the technical language, and the all-too-common resistance by decision makers. Still, if it's worth demanding, it's worth having in writing-whether as law, regulation, or internal policy. From ballot initiatives on rent control to laws requiring worker protections, organizers are leveraging their power into written policies that are making a real difference in their communities. Of course, policy work is just one tool in our organizing arsenal, but it is a tool we simply can't afford to ignore. Making policy work an integral part of organizing will require a certain amount of retrofitting. We will need to develop the capacity to translate our information, data, stories that are designed to affect the public conversation [and]. Perhaps most important, we will need to move beyond fighting problems and on to framing solutions that bring us closer to our vision of how things should be. And then we must be committed to making it so.

#### [2] Only the aff makes any radical movements possible – speaking the language of power redirects state policy against itself whereas their tactic fails and is coopted.

#### 1] Spillover – Rhetorical challenges do not solve their structural inherency claims.

#### 2] Ballot Turn – Tying their movement to a largely meaningless and arbitrary ballot alienates opponents ensuring the failure of their movement – Vote neg to send them back to the drawing board

#### 3] Turns case -- symbolically affirming their method despite its lack of ties to the material strengthens power.

### Turn: Policy

#### Vote neg – Policy-debate-as-pedagogy promotes information literacy, critical thought, and political engagement—these spill over to promote social justice and correct against political disaster. Debating a political controversy is key—sequencing an identity and experience focus before the resolutional question leaves debaters unprepared