# 1

#### CP Text: The member nations of the World Trade Organization ought to reduce Patent and Copyright protection for medicines. To clarify – this is a PIC out of the Aff’s reduction of Trademark Protection – it competes per 1AC Vanni – any Perm is severance.

#### Plan includes trademarks.

WTO[https://www.wto.org/english/tratop\_e/trips\_e/intel2\_e.htm, Overview: the TRIPS Agreement] [SS]

**The areas of intellectual property that it covers are**: copyright and related rights (i.e. the rights of performers, producers of sound recordings and broadcasting organizations); **trademarks including service marks**; geographical indications including appellations of origin; industrial designs; patents including the protection of new varieties of plants; the layout-designs of integrated circuits; and undisclosed information including trade secrets and test data

#### Trademark Protection solves Counterfeit Drugs.

Magdun 21 Melanie Magdun, Trademark Enforcement of Counterfeit Drugs: A Guardian of the Rich and Poor Alike, 9 Ind. J.L. & Soc. Equality 281 (2021). (Indiana University Maurer School of Law)//Elmer

III. STRONGER TRADEMARK ENFORCEMENT: A POSSIBLE SOLUTION OR AT LEAST A STEP IN THE RIGHT DIRECTION? Consumers are at the core of this whole problem, but that means they are important in helping to stop the issues. Many attempts by governments and pharmaceutical companies have so far only addressed the supply side with the complicated supply chain, which has not been a perfect solution due to its high level of complication and high costs. On the other hand, it could be **cheaper and** more **effective** **to** try to **control what the consumer already knows**—the **appearance of** their **medicine** **and** the **trademarked information** associated with it. For brand name drugs, **trademarks** are especially **important** as they **convey** to the customer that their **product is high quality and one to be trusted.**172 Trademarks seek to protect exactly what counterfeiters target: brand recognition.173 Medicines can have many different trademarks. Marks can be obtained on the name, design, and symbols on the packaging, along with the color and shape of the pill.174 In this way, pharmaceutical companies can **protect** **every unique aspect of the appearance of their medicine** in addition to any other intellectual property the company has for the drug.175 Typically, patents on pharmaceuticals are the first line of defense, but in practice, they are less effective at stopping counterfeiters. 176 As discussed in Part I, the counterfeit drugs are not a copy of the active ingredient (what would be patented) but are imposters made of cheaper ingredients.177 Further, **trademark protection** is **available to generic drug manufacturers** whereas patent rights are not.178 Unlike in many patent lawsuits, “in many countries trademark owners can have the counterfeit goods and accompanying documents, and even sometimes manufacturing equipment immediately seized at the outset of [a] lawsuit,” allowing for quicker relief than waiting for a decision in a patent trial that could last years.179 Finally, trademarks are the cheaper option and are usually less time consuming than patent prosecution or litigation.180 Especially for developing countries that need quicker relief and have fewer resources to expend on securing and enforcing IPRs, trademarks seem to be the better remedy. In an ideal world, these trademarks on pharmaceuticals would be strictly enforced, and knockoffs would be prosecuted and removed from the market. However, it is not that simple. Right now, many **consumers** are **buying counterfeit drugs** **believing them to be legitimate**, and they are doing so **due to the high-quality packaging and appearance** of the counterfeit medicine, making it difficult, sometimes impossible, for consumers to be able to spot fake drugs.181 **In order for companies**, especially in developing countries, **to invest in trademark protection**, **they need assurance that they are not wasting their money on something that will not be enforced**, and if it is enforced, it will have meaningful relief for them. With stronger trademark enforcement comes more trust from consumers and companies, which will both deter people from buying fake drugs and encourage companies to develop their trademark portfolios. In the United States, trademark owners have had federal causes of action against unauthorized use of their marks for many years now.182 However, there is not strong enough enforcement against counterfeit trademarked goods in the United States as the laws do not wholly cover every instance of counterfeiting, which is needed to stop this problem. There are two primary federal statutes, the Lanham Act183 and the 1984 Trademark Counterfeiting Act (TCA),184 that created civil and criminal liability for trademark infringement. These statutes “define the term ‘counterfeit’ vaguely and broadly.”185 A counterfeit trademark is a “‘spurious mark’ that is ‘identical with, or substantially indistinguishable from, a registered mark,’ and whose use is ‘likely to cause confusion.’”186 The Lanham Act is a broad trademark regulator and created civil causes of action for infringement of both registered and unregistered marks.187 The TCA, amended by the 2005 Stop Counterfeiting in Manufactured Goods Act, took trademark enforcement a step further with the addition of criminal penalties for the most serious forms of infringement, which Congress considered to be the intentional trafficking of counterfeit goods.188 The penalties under this act are fines up to $5 million and 10 years imprisonment.189 In the case of counterfeit drugs, this criminalization is beneficial as it targets the trafficking of counterfeit drugs, which is the primary problem in America given that most of the drugs making it to consumers come from overseas and are illegally trafficked into the country. In theory, the TCA would be able to stop all criminals trafficking these fake drugs, but the broad definition of a counterfeit mark makes this more difficult. Under the TCA a counterfeit mark is one: (i) that is used in connection with trafficking in any goods, services, labels, patches, stickers, wrappers, badges, emblems, medallions, charms, boxes, containers, cans, cases, hangtags, documentation, or packaging of any type or nature; (ii) that is identical with, or substantially indistinguishable from, a mark registered on the principal register in the United States Patent and Trademark Office and in use, whether or not the defendant knew such mark was so registered; (iii) that is applied to or used in connection with the goods or services for which the mark is registered with the United States Patent and Trademark Office, or is applied to or consists of a label, patch, sticker, wrapper, badge, emblem, medallion, charm, box, container, can, case, hangtag, documentation, or packaging of any type or nature that is designed, marketed, or otherwise intended to be used on or in connection with the goods or services for which the mark is registered in the United States Patent and Trademark Office; and (iv) the use of which is likely to cause confusion, to cause mistake, or to deceive.190 When the law was passed, Congress noted that the “definition of ‘substantially indistinguishable’ will have to be elaborated on a case-by-case basis by the courts.”191 The “courts have been reluctant to label a mark a counterfeit, at least in the word mark context, when defendant’s mark is not a fairly clear copy of the registered trademark.”192 For example, in one case, the court analyzed a claim that a Chinese toothpaste was counterfeit because it was in a red box labeled “Colddate” and held that, although the products were “quite similar,” they were not “substantially indistinguishable.”193 There seems to be a very fine line between infringement and counterfeit, and marks are less likely to be determined counterfeit if they are not identical images of the original trademark.194 If anything, this encourages counterfeiters to make convincing fake packaging to still trick consumers without making it identical so they can escape criminal liability. In order for the TCA to help remedy the counterfeit drug issue, the definition of counterfeit and the implementation of this definition need to cover both the identical copies and those that are still close enough to trick the consumer. Although some instances of pharmaceutical counterfeiting fall under the Lanham Act or TCA, there are still situations where the criminal will escape liability. The laws combatting fake drugs, discussed earlier, offer much weaker remedies with “tepid” penalties and no relief to those harmed by the drug.195 Due to the extreme danger posed by fake pharmaceuticals, the penalties under the fake drug laws are inadequate, and trademark enforcement has been unable to ensure enforcement in every case.196 In addition to trying to control the supply chain, other countries should implement their versions of laws criminalizing counterfeit drug trafficking or the use of counterfeit marks on pharmaceutical products. Especially for developing countries, trademarks are an affordable form of intellectual property that consumers are able to identify and trust. With enforcement of these marks, countries can keep copycat drugs from reaching consumers while still punishing the perpetrators. The Madrid Protocol of 1989, which helped streamline international trademark registration between its member countries, allows someone to complete one international application and receive protection in participating countries that approve the mark as determined by their domestic law.197 In order to encourage and help developing countries, the international fee is lowered to ten percent for applications originating in the least developed countries as defined by the United Nations.198 The Madrid Protocol emphasizes the importance of international enforcement of trademarks but still relies on each individual country to enforce trademark laws. In some countries, their laws are still outdated and do not recognize this international system, so enforcement is even more of an issue.

#### Two Net Benefits:

#### 1] Counterfeit medicines kill.

Cheng 9, May M. "Is the drugstore safe? Counterfeit diabetes products on the shelves." Journal of diabetes science and technology 3.6 (2009): 1516-1520. (Certiﬁed Specialist in Intellectual Property Law (Trade- mark/Copyright), and a senior partner. She has 25 years of experience in advising clients)//Elmer

Deaths caused by counterfeit medication often do not make the news in developing countries due to how commonplace such occurrences have become. Back in 1988, Dr. Dora Nkem Akunyili, a distinguished professor of pharmacology in Nigeria, witnessed the **death of** her **21-year-old sister** due to hyperglycemia. However, it was **not diabetes that killed her**; **it was the fake insulin** supplied to her for treatment.11 A survey published in 2001 by the Nigerian Institute of Pharmaceutical Research indicated that some 80% of the drugs distributed in major pharmacies in Lagos, Nigeria, were counterfeit. Upon her appointment as head of the Nigerian National Agency for Food and Drug Administration and Control (NAFDAC) that same year, Dr. Akunyili became a crusader against counterfeit medicines, getting the police to raid premises, publicly burning mountains of fake drugs and putting suppliers behind bars. Her actions drew the wrath of the fake drug barons who firebombed NAFDAC's offices, and in a December 2003 ambush, six gunmen opened fire on her car. Undeterred, she has continued with a strong grassroots campaign that starts with educating consumers and involving all stakeholders, yielding impressive results. In 2006, the NAFDAC published a new survey showing a 90% decrease in the incidence of counterfeit drugs in circulation and a take of $100 million in counterfeit drugs seized and destroyed over a 5-year period.11 In February of 2009, it was reported that police **in China** had arrested four suspects on charges of selling **fake diabetes drugs** that **killed two patients** in the remote Northwest region of Xinjiang. The fatal drugs were **falsely labeled with a known local brand name** and contained illegal quantities of the chemical ingredient glibenclamide, which, while used in the treatment of diabetes, in excessive quantities can cause serious low blood glucose and consequent brain damage.12 Examples from developing countries are too numerous to recount. However, increasingly, the sale of counterfeit medical products in pharmacies is no longer isolated to developing countries. In recent years, there have been a number of incidents involving **counterfeit blood glucose test strips** for use with glucose meters **being sold in licensed pharmacies** in the United States. There are over 10 million Americans who measure blood glucose, many of whom rely on at-home diabetes tests to take sensitive measurements of blood sugar levels to monitor insulin requirements. OneTouch® Test Strips, manufactured by LifeScan, a Johnson & Johnson company, the world's largest consumer-health products maker, were the most successful of these products in the United States. In 2006, about one million phony OneTouch test strips turned up in at least 35 states and in a number of countries in Europe, the Middle East, and Asia. These **counterfeit** test **strip kits**, manufactured in China, were found to **give incorrect readings**, with the **potential to cause patients to inject dangerous levels of insulin.**13 The counterfeiters had accurately copied many elements of the test strip packaging, with the important exception of the lot number on the carton, which was incorrect, enabling the company to identify the fakes and issue public warnings.13 The Chinese businessman responsible for their distribution was apprehended and convicted in a Shanghai court in August 2007 and sentenced to 3.5 years in prison, among other penalties.14,15 Also in 2006, Johnson & Johnson and Lifescan successfully brought civil actions in a number of countries arising from these events [for example, Johnson & Johnson et al. v. Butt et al. (2007) 162 A.C.W.S. (3d) 232 (Ont. S.C.) and Johnson & Johnson et al. v. Alexander Vega et al. (2006) QCCS 5883 (Que. S.C.)]. The counterfeit test strips were sold via two Canadian companies to a number of U.S. distributors, which in turn ended up in over 700 U.S. pharmacies.16 The case underscores the burgeoning number of fake medical products entering the North American market and the danger of their infiltrating the legitimate supply chain through “gray market” channels that may act as a cover for dealing in illicit counterfeits.16 In another case involving defective blood glucose test strips in the United States, criminal charges led to a guilty plea in January 2009 by the president of a recycling company in Knox, Indiana.17 Bayer had discovered that Nor AmPlastics Recycling Inc. fraudulently sold previously recalled test strips on eBay for $3700 in profits, while Bayer was paying $8000 to recycle the diabetic glucose strips that were recalled by Bayer.17 Officials confirmed that over 100 people had purchased the bogus strips, but there were no reports of injuries.17

#### Specifically, in COVID.

FDA 10/6

[Food and Drug Administration, 10/6/21, <https://www.fda.gov/consumers/consumer-updates/beware-fraudulent-coronavirus-tests-vaccines-and-treatments>, Beware of Fraudulent Coronavirus Tests, Vaccines and Treatments] [SS]

While we remain vigilant to protect our families and communities from COVID-19, some people might be tempted to buy or use questionable products that claim to help diagnose, treat, cure, and even prevent coronavirus disease. Vaccination is one of the best ways to protect everyone 12 and older from COVID-19. The U.S. Food and Drug Administration has approved Comirnaty for the prevention of COVID-19 in people ages 16 and older. The vaccine has the same formulation as the Pfizer-BioNTech COVID-19 Vaccine that continues to be available under emergency use authorization (EUA), including for people ages 12 to 15. The FDA has also authorized other COVID-19 vaccines for emergency use in people 18 and older. For the latest information on vaccines, visit this FDA page. The FDA continues to work with vaccine and drug manufacturers, developers, and researchers to help facilitate the development and availability of medical products – such as additional vaccines, antibodies, and medicines – to prevent or treat COVID-19. Meanwhile, some people and companies are trying to profit from this pandemic by selling unproven and illegally marketed products that make false claims, such as being effective against the coronavirus. Unlike the products approved or authorized by the FDA, fraudulent products that claim to cure, treat, or prevent COVID-19 haven’t been evaluated by the agency for safety and effectiveness and might be dangerous to you and your family. The FDA is particularly concerned that these deceptive and misleading products might cause people to delay or stop appropriate medical treatment for COVID-19, leading to serious and life-threatening harm. It’s likely that the products do not do what they claim, and the ingredients in them could cause adverse effects and could interact and potentially interfere with medications to treat many underlying medical conditions. The FDA has also seen unauthorized fraudulent test kits for COVID-19 being sold online. You will risk unknowingly spreading COVID-19 or not getting treated appropriately if you use an unauthorized test. For more information on COVID-19, visit: FDA: Coronavirus Disease 2019 (COVID-19) FDA: COVID-19 Vaccines CDC: Coronavirus (COVID-19)

#### 2] Counterfeit Drugs deters people from taking Medicine altogether since they don’t know what’s safe – turns case.

Cockburn 5, Robert, et al. "The global threat of counterfeit drugs: why industry and governments must communicate the dangers." PLoS medicine 2.4 (2005): e100. //Elmer

Paucity of Warnings about Fake Drugs That many **pharmaceutical companies**, professional organizations, and governments, both in developed and developing countries are **not releasing warnings** is manifested by the paucity of warnings relative to the scale of the problem. The industry's history of **secrecy over** data about **fake drugs**, and claims of a commercial motivation, go back over 20 years. In 1982, a spokesperson for the Association of the British Pharmaceutical Industry said, “It is difficult to declare a [fake drug] problem without damaging legitimate business” [13]. This impression of secrecy is supported by historical statements, such as the following: “The Society [Royal Pharmaceutical Society of Great Britain] is not issuing press releases [about counterfeit drugs] because it believes that as much as possible should be done behind the scenes…and that no great publicity should be sought because it could damage public confidence in medicines” [19]. But the Royal Pharmaceutical Society of Great Britain has recently revised its position. David Pruce, Director of Practice and Quality Improvement for the organization, told us (E-mail letter, 14 February 2005), “If there is a risk that a patient has been dispensed a counterfeit medicine, then it is vital that they are informed. There have been two recent cases in Great Britain where counterfeit medicines appeared in the legitimate pharmacy supply chain. The public **announcement** of the problem of the counterfeit medicines was therefore entirely proper and **necessary**.” He added, “It is important that news stories of this type are handled responsibly **so** that the **public's confidence in their medicines is not undermined**. **This could deter patients from taking genuine medicines.”**

# 2

#### CP: The member nations of the World Trade Organization ought to reduce intellectual property protections for all medicines except for medicines created by indigenous folks, for which all ownership ought to be transferred to the indigenous communities that originally developed the medicine.

Ngoc **Tang**, 3-24-**2020**, *Finance Major, CSULB 2021,* "The Importance of Native American Intellectual Property," California State University, Long Beach, <https://www.csulb.edu/college-of-business/legal-resource-center/article/the-importance-of-native-american-intellectual> //SR \*brackets in text\*

Native Americans are known for their distinctive cultures and special symbols. Protecting these cultures from being abused is difficult. In the article "Intellectual Property, Traditional Knowledge, and Traditional Cultural Expressions in Native American Tribal Codes,” author Dalindyebo Bafana Shabalala explains what is considered as Native American intellectual property and why it needs protection. According to Shabalala, Native American intellectual property includes traditional knowledge, traditional cultural expressions, and genetic resources (Shabalala par. 4). Traditional knowledge is skills, practices, and innovation concerning biodiversity, agriculture or health (par. 8). Various forms of art such as symbols, designs, painting, dance, music, literature, and performance are considered as cultural expressions (par. 10). Genetic resources include plants, seeds, and medicine formulas. There have been many cases where the Native American intellectual property has been used without first obtaining permission and authorization from the Native Americans. As mentioned in Shabalala’s article, Allergan, a pharmaceutical company, was using the Saint Regis Mohawk tribe’s formula to make their eye drop drug. However, that is not their original formula, so “on Friday, September 8, 2017, the pharmaceutical company” had to “[transfer] ownership of all federal U.S. patents for its Restasis drug to the Saint Regis Mohawk tribe; the tribe then licensed them back to the company” (par. 1). Another interesting case mentioned in the article is about the series Twilight ​​by author Stephanie Myers. The author of this book used the Quileute tribe’s origin story and incorporated it with the fictitious werewolf story without the permission of the tribe. Shabalala says that although the book or the movie “may have a valid copyright in the realm of federal property, the unauthorized use of the Quileute origin story may cause harm when outsiders begin viewing the unauthorized use of the cultural property as a true reflection of the source culture” (par. 11). These actions not only abuse the use of Native American intellectual property, but they also affect the images, the stories, and the cultures of the native people. With these cases of the property being misused, Shabalala raises a question of how the Native Americans protect their cultural properties and how the current federal law acts in protecting these properties. Each Native American tribe has its own laws and rules; these laws and rules are called tribal codes. In his study of a hundred tribal codes, Shabalala shows that there are only nine codes mentioned about intellectual property or something related to intellectual property. This study demonstrates that the native people are unaware in protecting their cultural property. The native people are unaware because they do not know or think that other people would use these properties for their own purposes. However, the current federal laws are not providing enough protection for Native American intellectual property. Shabalala mentions the Trademark Law Treaty Implementation Act (,TLTIA) and the Indian Arts and Crafts Act (IACA). The purpose of the TLTIA is “to provide international uniformity of trademark registration’ (par. 77); however, “the Congressional Record regarding TLTIA is absent of any authority or mention of providing protection to Native American tribes” (par. 83). The purpose of the IACA is to prevent fraud in the Indian arts and crafts market. However, according to Shabalala’s research, “the IACA trademark system does not provide sufficiently, and arguably any, protection for Native American tribes' cultural property, nor was it ever intended to” (par. 46). Another act is the Native American Graves Protection and Repatriation Act (NAGPRA), an act with the purpose to provide “protection, return, and repatriation of Native American remains and artifacts found on federal or tribal lands” (par. 66). However, according to the article “An Analysis of the Lack of Protection for Intangible Tribal Cultural Property in the Digital Age,” author Chante Westmoreland states that the NAGPRA did “offer some protection for the tangible cultural property but omit protection for the sacred traditional knowledge the object conveys” (Westmoreland par. 10). There are many acts that try to provide protection concerning intellectual property, but they do not provide enough protection for the Native American intellectual property including traditional property, traditional cultural expressions, and genetic resources. According to the article called “Group Right to Cultural Survival: Intellectual Property Rights in Native American Cultural Symbols,” Terence Dougherty states that, “Intellectual property law in the context of cultural appropriation is particularly relevant to many Native Americans” (Dougherty par. 44). Dougherty also explains that with the significant misuse of the native symbols, cultural appropriation can greatly affect the cultural survival of the native people. Furthermore, in Westmoreland’s article, he states that “sacred traditional knowledge is not merely information, it is essential to the tribal way of life” (par. 9). This demonstrates that the intellectual property of the Native Americans is extremely important to them in their living and their culture. Therefore, to avoid the misuse that can cause a negative impact on the native people, anyone who wants to use the property must have authorization from the native people. Moreover, the federal government needs to provide a law that specifically protects Native American traditional knowledge, traditional cultural expressions, and genetic resources.

#### Specifically in COVID – Indigenous peoples need Traditional Indian Medicines which the government has tried to steal.

Hallow ‘20

[The Role of Traditional Indian Medicine in the COVID-19 Pandemic MARCH 31, 2020 by Walter Hallow M. D., https://www.nihb.org/covid-19/partner-blog/the-role-of-traditional-indian-medicine-in-the-covid-19-pandemic/ President, Association of American Indian Physicians Faculty , Puyallup Tribal Health Authory, Family Medicine Residency Program Clinical Association Professor, Dept. Family Medicine, UW School of Medicine] [SS]

The COVID-19 pandemic in Indian Country provides many opportunities for Modern Western Medicine (MWM) to work with Traditional Indian Medicine (TIM) healers as they treat Indian patients and their families. In pre-Columbian times, TIM was a health care system that met the physical, mental and spiritual health needs of Indian people. Currently, TIM holds a place of high respect among Tribes across the United States. Most of the nation’s nearly six million Indians, both on and off reservations, consult traditional healers for their health problems. With the Coronavirus in Tribal communities, we will need to encourage TIM healers to utilize telephones and computers as they interact with Indian patients to minimize person-to-person contact when that is feasible. The healers may also need to consider video interactions instead of in-person ceremonies when that is possible. If personal contact is required by the healer, MWM will need to make PPE available for healers to prevent self-infection with the Coronavirus. MWM will need to educate TIM healers on how to safely interact with Indian patients suffering from COVID-19 or those that may have been infected. Practitioners within the Indian/Tribal/Urban (I/T/U) health systems are becoming increasingly aware of Indian patients who have substantial TIM use rates and are also using western allopathic medicine for their health problems. Estimates of the Indian Health Service (IHS), however, range from 70% to 90%. Thankfully, there is data from case studies that demonstrate the positive effect of TIM when coupled with MWM. The data shows how TIM led to successful health outcomes because it dealt with the needs of Tribal patients when MWM did not. The TIM integrated a Tribal belief system about illness that dealt with modalities relevant to the Tribe’s concept of illness which contributed to the eventual healing of Tribal patients. European contact with Indians in the Americas and the subsequent establishment of the U. S. government effected TIM in many ways. In the early contact period, TIM was openly practiced by Indians and was their sole source of health care. In 1887, the U.S. Congress passed the Dawes Act, making it illegal for Indians to practice TIM. TIM was covertly practiced by Indian people from 1887 until 1978, when the Indian Religious Freedom Act made it legal for Indians to use TIM. During this public health crisis, TIM can and will help meet the mental and spiritual needs of our Indian patients suffering from the COVID-19 epidemic. It is my hope that all Indian patient’s needs will be met with better collaboration between MWM practitioners and TIM healers. Western medicine should make a commitment to develop a cooperative spirit to create opportunities in which traditional healers can work side-by-side as peers in the care of Indian patients.

#### The CP gives indigenous nations resources for self sovereignty and centers discussions around native demands, which better allows for the accessibility of those medicines

Simon **Brascoupé and** Karin **Endemann**, Fall **1999**, INTELLECTUAL PROPERTY AND ABORIGINAL PEOPLE: A WORKING PAPER <https://www.wipo.int/export/sites/www/tk/en/databases/creative_heritage/docs/ip_aboriginal_people.pdf> //SR

Traditional Knowledge and Intellectual Property The Aboriginal legacy of traditional knowledge comes in two distinct forms. On one hand, an Aboriginal community is the custodian of a store of sacred knowledge, including ceremonies, symbols, and masks that is increasingly open to unauthorized commercial exploitation by individuals, companies or institutions. Some Aboriginal people contend it is not appropriate to use IP law to protect sacred traditional knowledge. On the other hand, many products and services associated with traditional lifestyles of Aboriginal people may have commercial value that could help to support the continuation of these lifestyles and the Aboriginal goal of self-sufficiency. The limited Aboriginal use of Canada’s current IP laws suggests that these laws may not be particularly well suited to protecting either of these forms of traditional knowledge. A distinction must be made between traditional knowledge held by an Aboriginal community and the innovations or new creations of an individual or an Aboriginal company. New products and works of art by Aboriginal inventors and artists qualify for protection under existing IP laws. Music, songs, dance, stories, designs and symbols are passed on in many Aboriginal communities from memory and by word of mouth. Each community is both a conveyer and a user of traditional knowledge. This knowledge is dynamic and evolves with the culture, so it is the product of a continuing creative process. Many Aboriginal artists and artisans create works inspired by the traditional knowledge of their community, and use copyright law extensively. Issues that are not addressed widely are: how Aboriginal people relate to their community in the context of the traditional and dynamic aspects of traditional knowledge; and how traditional knowledge itself can be effectively protected. Protecting Traditional Knowledge Within an Aboriginal Community Few legal mechanisms exist to help indigenous communities protect and preserve traditional knowledge. It is urgent that such mechanisms be developed, because of the increasing pace at which control of traditional knowledge is being lost due to misappropriation and pressures from the non-indigenous world. In the meantime, the use of existing legal tools can be part of a “web” of strategies to help Aboriginal communities better protect and control their traditional knowledge, and ensure benefits are shared in a way that meets community needs. These strategies could include: ! developing local mechanisms within communities to control and protect traditional knowledge; ! more effective use of contractual arrangements to recognize traditional customs and knowledge; ! developing guidelines to ensure that third parties secure proper and informed consent before an Aboriginal community shares traditional knowledge; and ! using existing IP laws. Many Aboriginal people have said that they need to consider how they share and protect traditional knowledge within their communities before deciding whether and how they will share this knowledge with others. Once a community identifies its traditional knowledge and adopts community-based measures governing the use of this knowledge, then the community will be more secure in its ownership and more effective in any negotiations to share its knowledge. It is important that Aboriginal communities develop a strategy to protect traditional knowledge. This will help them avoid losing control over this knowledge to third parties seeking academic advancement or commercial gain. Public disclosure of traditional knowledge has the potential to jeopardize an Aboriginal community’s ability to obtain protection under Canada’s IP laws. This is because knowledge that is disclosed may no longer qualify for IP protection because it is in the public domain. Aboriginal communities considering these issues should identify the scope and nature of traditional knowledge in their community. Part of this process is to identify what knowledge is most important to the community, and how the preservation of traditional knowledge and practices is at risk. Is traditional knowledge being lost because elders have been unable to pass their wisdom to the next generation? Is knowledge being lost because Aboriginal people are being displaced from their traditional environment or because they are influenced by outside media and culture? Has traditional knowledge been allowed into the public domain or been misappropriated by commercial or scientific interests from outside the Aboriginal community? Some Aboriginal people have identified a need for dialogue about traditional ways of sharing and preserving traditional knowledge. What are the obligations of individuals to their community when they use or share traditional knowledge? These issues are just beginning to be discussed within Aboriginal communities and First Nations, at the federal level in Canada, and internationally among indigenous peoples and within international organizations. It is also important for Aboriginal communities to consider what traditional knowledge is sacred and what knowledge may be shared with others or used commercially. Only after a full dialogue will these communities be in a position to determine the best mechanisms to control access to their traditional knowledge, and what knowledge they want to share with others. A number of approaches will be needed to reflect the varied nature and use of the community’s traditional knowledge. One option may be for Aboriginal communities to develop guidelines to prevent unwanted disclosure, and to ensure that traditional knowledge remains within the community. The process of developing guidelines will help ensure that the entire community is consulted in decisions concerning the protection of traditional knowledge and control over its commercialization. These guidelines would need to be enforced by the community, since an Aboriginal community may not have any recourse to the courts if one of its members violates the guidelines. Community guidelines might include policies on the publication of traditional knowledge, its use by others or the use of the community’s symbols. Aboriginal communities may also want to ensure that sharing traditional knowledge within the community continues, and is not restricted more than it was traditionally.

# 3

#### China is using a lack of alternate COVID vaccines to engage in aggressive vaccine diplomacy and expand influence – the Plan’s increase of access to perceptively more efficacious vaccines devastates those efforts.

Zhao 4-29 Suisheng Zhao 4-29-2021 "Why China’s vaccine diplomacy is winning" <https://www.eastasiaforum.org/2021/04/29/why-chinas-vaccine-diplomacy-is-winning/> (Professor and Director of the Center for China–US Cooperation at the Josef Korbel School of International Studies, University of Denver)//Elmer

Chinese COVID-19 vaccines have been shipped to more than **80 countries** for market or emergency use. Among them, 53 countries received vaccines for free (including developing countries in Africa and some strategically important Asian countries such as the Philippines and Pakistan) and 27 middle-income countries paid for doses. Rolling out of vaccines to developing countries, Beijing has framed itself as **a solution to the pandemic** rather than the origin of the coronavirus. China’s advanced vaccine diplomacy stands in contrast **to the ‘me first policies’** of the **United States and the European Union**. With a shortfall in supplies, US and EU leaders have faced high infection rates and death tolls at home and feel the need to inoculate their domestic populations first. This has left the world’s poorest and most vulnerable people without vaccine supply and at risk. China has not faced these problems and can afford to send vaccines abroad. Just by showing up and helping plug gaps in the global supply of vaccines, China has g**ained ground** in vaccine diplomacy. President Xi Jinping pledged that Chinese vaccines would be provided as a global public good. But a large portion of Chinese vaccines are not free — some countries have paid Chinese vaccine makers. Still the absence of the United States and European Union from vaccine diplomacy **is not lost** on countries struggling to put shots in people’s arms. Many countries would prefer US or EU-made Pfizer and Moderna vaccines over China’s vaccines if given the choice, **yet they cannot access them**. These countries are desperate and have jumped at the opportunity to receive Chinese vaccines. Chinese companies are also more willing than their western counterparts **to strike licensing deals** to produce vaccines in foreign countries. For example, Indonesia has become a regional hub for Sinovac’s CoronaVac through its state pharmaceuticals company Bio Farma. The United Arab Emirates (UAE) chose Sinopharm because it was willing to conduct phase three clinical trials in the UAE and build native vaccine production capabilities. Sinopharm also arranged to manufacture its vaccine in the UAE for regional distribution. Beijing’s vaccine diplomacy involves propaganda to boost **perceptions of China as a generous and responsible power**. Chinese media has covered every delivery of vaccine shipment. The scene is set by a standard script. When a cargo plane lands, it is greeted by senior local leaders accompanied by Chinese ambassadors fawning over the vaccine cargo. Vaccine diplomacy has helped **increase China’s influence** and enabled it to capitalise **on new opportunities**. China has rolled vaccines out to participants of its Belt and Road Initiative (**BRI**) **and enhanced preferential access to jabs alongside investments in infrastructure and connectivity projects**. According to an April Think Global Health report, of the 56 countries to which China pledged doses, all but one were participants in its BRI. Naming it the Health Silk Road, vaccine diplomacy has provided a foothold for China’s pharmaceutical industry that has been plagued by scandals and low levels of trust at home and abroad. Making Sinovac and Sinopharm household names in foreign countries, China may change these perceptions. Although Chinese vaccine makers were among the earliest in the world to begin clinical trials and self-reported some key results, many have not published complete data in peer-reviewed journals. This has fuelled scepticism about their safety and effectiveness. Gao Fu, director of China’s Centre for Disease Control and Prevention, noted in April that Chinese vaccines were not as effective as hoped and mixing them was among the strategies being considered to boost their effectiveness. Some countries have been reluctant to greenlight Chinese vaccines. Singapore received its first shipment of Sinovac vaccines in February, but Singaporean regulators have not approved its use, moving ahead with using Pfizer and Moderna vaccines. Polish President Andrzej Duda spoke with President Xi about buying Chinese jabs in March. Yet Poland’s health authorities have recommended against using Chinese vaccines because of a lack of data. Concerns have also arisen about whether China’s production capacity is able to keep pace with an ever-expanding list of overseas customers and its domestic vaccination campaign. The Turkish government ordered 20 million doses of China’s Sinovac vaccine. But delayed shipments forced the government to repeatedly revise its vaccination timetable. Egypt purchased a total of 40 million doses of the vaccine from Sinopharm in January but had received only a tiny percentage of its vaccine order from China by the middle of April. This tension will intensify as China’s domestic demand for vaccines increases. China has continued with vaccine diplomacy in the absence of the United States and other Western countries. These countries should compete and cooperate with China to overcome bottlenecks in the global distribution of vaccines and ensure that all nations, particularly developing countries, receive the vaccines they need to finally beat COVID-19.

#### Chinese leadership solves existential threats – independently turns case

Yamei 18 Shen Yamei 18, Deputy Director and Associate Research Fellow of Department for American Studies, China Institute of International Studies, 1-9-2018, "Probing into the “Chinese Solution” for the Transformation of Global Governance," CAIFC, <http://www.caifc.org.cn/en/content.aspx?id=4491>

As the world is in a period of great development, transformation and adjustment, the international power comparison is undergoing profound changes, global governance is reshuffling and traditional governance concepts and models are confronted with challenges. The international community is expecting China to play a bigger role in global governance, which has given birth to the Chinese solution. A. To Lead the Transformation of the Global Governance System. The “shortcomings” of the existing global governance system are prominent, which can hardly ensure global development. First, the traditional dominant forces are seriously imbalanced*.* The US and Europe that used to dominate the global governance system have been beset with structural problems, with their economic development stalling, social contradictions intensifying, populism and secessionism rising, and states trapped in internal strife and differentiation. These countries have not fully reformed and adjusted themselves well, but rather pointed their fingers at globalization and resorted to retreat for self-insurance or were busy with their own affairs without any wish or ability to participate in global governance, which has encouraged the growth of “anti-globalization” trend into an interference factor to global governance. Second, the global governance mechanism is relatively lagging behind. Over the years of development, the strength of emerging economies has increased dramatically, which has substantially upset the international power structure, as the developing countries as a whole have made 80 percent of the contributions to global economic growth. These countries have expressed their appeal for new governance and begun policy coordination among themselves, which has initiated the transition of global governance form “Western governance” to “East-West joint governance”, but the traditional governance mechanisms such as the World Bank, IMF and G7 failed to reflect the demand of the new pattern, in addition to their lack of representation and inclusiveness. Third, the global governance rules are developing in a fragmented way, with governance deficits existing in some key areas. With the diversification and in-depth integration of international interests, the domain of global governance has continued to expand, with actors multiplying by folds and action intentions becoming complicated. As relevant efforts are usually temporary and limited to specific partners or issues, global governance driven by requests of “diversified governance” lacks systematic and comprehensive solutions. Since the beginning of this year, there have been risks of running into an acephalous statein such key areas as global economic governance and climate change*.* Such emerging issues as nuclear security and international terrorism have suffered injustice because of power politics*.* The governance areas in deficit, such as cyber security, polar region and oceans, have “reversely forced” certain countries and organizations to respond hastily*.* All of these have made the global governance system trapped in a dilemma and call urgently for a clear direction of advancement. B. To Innovate and Perfect the International Order. Currently, whether the developing countries or the Western countries of Europe and the US are greatly discontent with the existing international order as well as their appeals and motivation for changing the order are unprecedentedly strong. The US is the major creator and beneficiary of the existing hegemonic order, but it is now doubtful that it has gained much less than lost from the existing order, faced with the difficulties of global economic transformation and obsessed with economic despair and political dejection. Although the developing countries as represented by China acknowledge the positive role played by the post-war international order in safeguarding peace, boosting prosperity and promoting globalization, they criticize the existing order for lack of inclusiveness in politics and equality in economy, as well as double standard in security, believing it has failed to reflect the multi-polarization trend of the world and is an exclusive “circle club”. Therefore, there is much room for improvement. For China, to lead the transformation of the global governance system and international order not only supports the efforts of the developing countries to uphold multilateralism rather than unilateralism, advocate the rule of law rather than the law of the jungle and practice democracy rather than power politics in international relations, but also is an important subject concerning whether China could gain the discourse power and development space corresponding to its own strength and interests in the process of innovating and perfecting the framework of international order. C. To Promote Integration of the Eastern and Western Civilizations. Dialog among civilizations, which is the popular foundation for any country’s diplomatic proposals, runs like a trickle moistening things silently. Nevertheless, in the existing international system guided by the “Western-Centrism”, the Western civilization has always had the self-righteous superiority, conflicting with the interests and mentality of other countries and having failed to find the path to co-existing peacefully and harmoniously with other *civilizations.* So to speak, many problems of today, including the growing gap in economic development between the developed and developing countries against the background of globalization, the Middle East trapped in chaos and disorder, the failure of Russia and Turkey to “integrate into the West”, etc., can be directly attributed to lack of exchanges, communication and integration among civilizations. Since the 18th National Congress of CPC, Xi Jinping has raised the concept of “Chinese Dream” that reflects both Chinese values and China’s pursuit, re-introducing to the world the idea of “all living creatures grow together without harming one another and ways run parallel without interfering with one another”, which is the highest ideal in Chinese traditional culture, and striving to shape China into a force that counter-balance the Western civilization. He has also made solemn commitment that “we respect the diversity of civilizations …… cannot be puffed up with pride and depreciate other civilizations and nations”; “facing the people deeply trapped in misery and wars, we should have not only compassion and sympathy, but also responsibility and action …… do whatever we can to extend assistance to those people caught in predicament”, etc. China will rebalance the international pattern from a more inclusive civilization perspective and with more far-sighted strategic mindset, or at least correct the bisected or predominated world order so as to promote the parallel development of the Eastern and Western civilizations through mutual learning, integration and encouragement. D. To Pass on China’s Confidence. Only a short while ago, some Western countries had called for “China’s responsibility” and made it an inhibition to “regulate” China’s development orientation. Today, China has become a source of stability in an international situation full of uncertainties. Over the past 5 years, China has made outstanding contributions to the recovery of world economy under relatively great pressure of its own economic downturn. Encouraged by the “four confidences”, the whole of the Chinese society has burst out innovation vitality and produced innovation achievements, making people have more sense of gain and more optimistic about the national development prospect. It is the heroism of the ordinary Chinese to overcome difficulties and realize the ideal destiny that best explains China’s confidence. When this confidence is passed on in the field of diplomacy, it is expressed as: first, China’s posture is seen as more forging ahead and courageous to undertake responsibilities ---- proactively shaping the international agendas rather than passively accepting them; having clear-cut attitudes on international disputes rather than being equivocal; and extending international cooperation to comprehensive and dimensional development rather than based on the theory of “economy only”. In sum, China will actively seek understanding and support from other countries rather than imposing its will on others with clear-cut Chinese characteristics, Chinese style and Chinese manner. Second, China’s discourse is featured as a combination of inflexibility and yielding as well as magnanimous ---- combining the internationally recognized diplomatic principles with the excellent Chinese cultural traditions through digesting the Chinese and foreign humanistic classics assisted with philosophical speculations to make “China Brand, Chinese Voice and China’s Image get more and more recognized”. Third, the Chinese solution is more practical and intimate to people as well as emphasizes inclusive cooperation, as China is full of confidence to break the monopoly of the Western model on global development, “offering mankind a Chinese solution to explore a better social system”, and “providing a brand new option for the nations and peoples who are hoping both to speed up development and maintain independence”. II.Path Searching of the “Chinese Solution” for Global Governance Over the past years’ efforts, China has the ability to transform itself from “grasping the opportunity” for development to “creating opportunity” and “sharing opportunity” for common development, hoping to pass on the longing of the Chinese people for a better life to the people of other countries and promoting the development of the global governance system toward a more just and rational end. It has become the major power’s conscious commitment of China to lead the transformation of the global governance system in a profound way. A. To Construct the Theoretical System for Global Governance. The theoretical system of global governance has been the focus of the party central committee’s diplomatic theory innovation since the 18th National Congress of CPC as well as an important component of the theory of socialism with Chinese characteristics for a new era, which is not only the sublimation of China’s interaction with the world from “absorbing and learning” to “cooperation and mutual learning”, but also the cause why so many developing countries have turned from “learning from the West” to “exploring for treasures in the East”. In the past 5 years, the party central committee, based on precise interpretation of the world pattern today and serious reflection on the future development of mankind, has made a sincere call to the world for promoting the development of global governance system toward a more just and rational end, and proposed a series of new concepts and new strategies including engaging in major power diplomacy with Chinese characteristics, creating the human community with common destiny, promoting the construction of new international relationship rooted in the principle of cooperation and win-win, enriching the strategic thinking of peaceful development, sticking to the correct benefit view, formulating the partnership network the world over, advancing the global economic governance in a way of mutual consultation, joint construction and co-sharing, advocating the joint, comprehensive, cooperative and sustainable security concept, and launching the grand “Belt and Road” initiative. The Chinese solution composed of these contents, not only fundamentally different from the old roads of industrial revolution and colonial expansion in history, but also different from the market-driven neo-liberalism model currently advocated by Western countries and international organizations, stands at the height of the world and even mankind, seeking for global common development and having widened the road for the developing countries to modernization, which is widely welcomed by the international community. B. To Supplement and Perfect the Global Governance System. Currently, the international political practice in global governance is mostly problem-driven without creating a set of relatively independent, centralized and integral power structures, resulting in the existing global governance systemcharacterized as both extensive and unbalanced**.** China has been engaged in reform and innovation, while maintaining and constructing the existing systems, producing some thinking and method with Chinese characteristics. First, China sees the UN as a mirror that reflects the status quo of global governance, which should act as the leader of global governance, and actively safeguards the global governance system with the UN at the core. Second, China is actively promoting the transforming process of such recently emerged international mechanisms as G20, BRICS and SCO, perfecting them through practice, and boosting Asia-Pacific regional cooperation and the development of economic globalization. China is also promoting the construction of regional security mechanism through the Six-Party Talks on Korean Peninsula nuclear issue, Boao Forum for Asia, CICA and multilateral security dialog mechanisms led by ASEAN so as to lay the foundation for the future regional security framework. Third, China has initiated the establishment of AIIB and the New Development Bank of BRICS, creating a precedent for developing countries to set up multilateral financial institutions. The core of the new relationship between China and them lies in “boosting rather than controlling” and “public rather than private”, which is much different from the management and operation model of the World Bank, manifesting the increasing global governance ability of China and the developing countries as well as exerting pressure on the international economic and financial institution to speed up reforms. Thus, in leading the transformation of the global governance system, China has not overthrown the existing systems and started all over again, but been engaged in innovating and perfecting; China has proactively undertaken international responsibilities, but has to do everything in its power and act according to its ability. C. To Reform the Global Governance Rules. Many of the problems facing global governance today are deeply rooted in such a cause that the dominant power of the existing governance system has taken it as the tool to realize its own national interests first and a platform to pursue its political goals. Since the beginning of this year, the US has for several times requested the World Bank, IMF and G20 to make efforts to mitigate the so-called global imbalance, abandoned its commitment to support trade openness, cut down investment projects to the middle-income countries, and deleted commitment to support the efforts to deal with climate change financially, which has made the international systems accessories of the US domestic economic agendas, dealing a heavy blow to the global governance system. On the contrary, the interests and agendas of China, as a major power of the world, are open to the whole world, and China in the future “will provide the world with broader market, more sufficient capital, more abundant goods and more precious opportunities for cooperation”, while having the ability to make the world listen to its voice more attentively. With regard to the subject of global governance, China has advocated that what global governance system is better cannot be decided upon by any single country, as the destiny of the world should be in the hands of the people of all countries. In principle, all the parties should stick to the principle of mutual consultation, joint construction and co-sharing, resolve disputes through dialog and differences through consultation. Regarding the critical areas, opening to the outer world does not mean building one’s own backyard, but building the spring garden for co-sharing; the “Belt and Road” initiative is not China’s solo, but a chorus participated in by all countries concerned. China has also proposed international public security views on nuclear security, maritime cooperation and cyber space order, calling for efforts to make the global village into a “grand stage for seeking common development” rather than a “wrestling arena”; we cannot “set up a stage here, while pulling away a prop there”, but “complement each other to put on a grand show”. From the orientation of reforms, efforts should be made to better safeguard and expand the legitimate interests of the developing countries and increase the influence of the emerging economies on global governance. Over the past 5 years, China has attached importance to full court diplomacy, gradually coming to the center stage of international politics and proactively establishing principles for global governance. By hosting such important events as IAELM, CICA Summit, G20 Summit, the Belt and Road International Cooperation Forum and BRICS Summit, China has used theseplatforms to elaborate the Asia-Pacific Dream for the first time to the world, expressing China’s views on Asian security and global economic governance, discussing with the countries concerned with the Belt and Road about the synergy of their future development strategies and setting off the “BRICS plus” capacity expansion mechanism, in which China not only contributes its solution and shows its style, but also participates in the shaping of international principles through practice. On promoting the resolution of hot international issues, China abides by the norms governing international relations based on the purposes and principles of the UN Charter, and insists on justice, playing a constructive role as a responsible major power in actively promoting the political accommodation in Afghanistan, mediating the Djibouti-Eritrea dispute, promoting peace talks in the Middle East, devoting itself to the peaceful resolution of the South China Sea dispute through negotiations. In addition, China’s responsibility and quick response to international crises have gained widespread praises, as seen in such cases as assisting Africa in its fight against the Ebola epidemic, sending emergency fresh water to the capital of Maldives and buying rice from Cambodia to help relieve its financial squeeze, which has shown the simple feelings of the Chinese people to share the same breath and fate with the people of other countries. D. To Support the Increase of the Developing Countries’ Voice. The developing countries, especially the emerging powers, are not only the important participants of the globalization process, but also the important direction to which the international power system is transferring. With the accelerating shift of global economic center to emerging markets and developing economies, the will and ability of the developing countries to participate in global governance have been correspondingly strengthened. As the biggest developing country and fast growing major power, China has the same appeal and proposal for governance as other developing countries and already began policy coordination with them, as China should comply with historical tide and continue to support the increase of the developing countries’ voice in the global governance system. To this end, China has pursued the policy of “dialog but not confrontation, partnership but not alliance”, attaching importance to the construction of new type of major power relationship and global partnership network, while making a series proposals in the practice of global governance that could represent the legitimate interests of the developing countries and be conducive to safeguarding global justice, including supporting an open, inclusive, universal, balanced and win-win economic globalization; promoting the reforms on share and voting mechanism of IMF to increase the voting rights and representation of the emerging market economies; financing the infrastructure construction and industrial upgrading of other developing countries through various bilateral or regional funds; and helping other developing countries to respond to such challenges as famine, refugees, climate change and public hygiene by debt forgiveness and assistance.

#### That solves the Case – China has the vaccine production capacity to vaccinate the world.

Mallapaty 6-9 Smriti Mallapaty 6-9-2021 "China is vaccinating a staggering 20 million people a day" <https://www.nature.com/articles/d41586-021-01545-3> (She has a master of science degree in environmental technology from Imperial College London.)//Elmer

For more than a week, an average of about **20 million people** have been vaccinated against COVID-19 **every day in China**. At this rate, the nation would have fully vaccinated the entire UK population in **little more than six days**. China now accounts for more than half of the 35 million or so people around the world receiving a COVID-19 shot each day. Zoltán Kis, a chemical engineer in the Future Vaccine Manufacturing Research Hub at Imperial College London, doesn’t know of “anything **even close to those production scales**” for a vaccine. “The manufacturing efforts required in China to reach this high production throughput are tremendous,” he says. The majority of doses are of one of two vaccines, both of which have been approved for emergency use worldwide by the World Health Organization (WHO). CoronaVac — produced by Beijing-based company Sinovac — showed an efficacy of 51% against symptoms of COVID-19 in clinical trials, and much higher protection against severe disease and death. The second jab was developed in Beijing by state-owned firm Sinopharm and has demonstrated an efficacy of 79% against symptomatic disease and hospitalization. Supplying vaccines to the world China’s current vaccine production rate could potentially **make a significant dent in global demand**, says Kis; that would be “**a huge step in reducing the health-care and economic burden of the COVID-19 pandemic**”. China has already supplied 350 million doses of the two vaccines to more than 75 nations, and WHO approval should now trigger the further distribution of both vaccines to low-income countries. “China’s vaccination campaign got off to a slow start, but has rapidly picked up pace,” says Rongjun Chen, a biomaterials scientist also at the Future Vaccine Manufacturing Research Hub. As recently as mid-April, China was administering only about five million doses a day. According to an official at China’s National Health Commission, the nation aims to produce some three billion doses of COVID-19 vaccines in 2021 — and up to **five billion per year after that**. To achieve such high production rates, many things need to go according to plan across the entire production and distribution chain, from sourcing raw materials to manufacturing active ingredients, filling vials and distributing doses to vaccination centres, says Kis. “It is crucial that everything arrives at the right location at the right time.”

#### 1AR theory is skewed towards the aff – a) the 2NR must cover substance and over-cover theory, since they get the collapse and persuasive spin advantage of the 3min 2AR, b) their responses to my counter interp will be new, which means 1AR theory necessitates intervention. Implications – a) reject 1AR theory since it can’t be a legitimate check for abuse, b) drop the arg to minimize the chance the round is decided unfairly

#### Condo’s good – a) prep skew – they’re more familiar with the aff so I need to be able to leverage multiple forms of prep, b) reciprocity – no condo means every perm becomes a no risk issue which creates NIBs to ballot access

# 4

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

Prefer:

#### **1**] use epistemic modesty – multiply probability of the fwk times the magnitude of the impacts A) clash – encourages both substantive and phil debates so that we talk about all the offense B) leads to the net most morality and proves that only beating fwk is not enough to win the debate

2] Role playing as policy makers is key to solving real world problems-so the role of the ballot is to evaluate the hypothetical consequences of the plan and vote for the best hypothetical policy action. Discussion about specific policy actions and scenario analysis is pedagogically valuable and key to solving capitalism – cross apply coverstone that only by understanding state action can we lead to the conclusion of the K and know how to make change. Coverstone

(Alan H., “Acting on Activism: Realizing the Vision of Debate with Pro-social Impact,” Paper presented at the National Communication Association Annual Conference, 11/17/05)

 After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing**.** Absent that discussion and debate, much of **the motivation for personal political activism is** also **lost**. Those who have co-opted Mitchellâ€™s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, â€œOf course not, but you donâ€™t either!â€ The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchellâ€™s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it â€œviews fiat as a concrete course of action, it is bounded by the limits of pragmatismâ€ (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which **the relative efficacy of concrete political strategies** for pro-social change **is debated**. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchellâ€™s goals here should take care at such a blanket assertion. Â¶ However, **contest debate teaches students to combine personal experience with the language of political power.** Powerfulpersonal **narratives unconnected to** political **power are** regularly **co-opted** by those who do learn the language of power. One needlook no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called **role-playing** that public policy contest debates encourage **promotes**active **learning** ofthe vocabulary and levers of **power** in America**.** Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place.Â¶ Iâ€™m up againstâ€¦their aversion to the role of public spokesperson that formal writing presupposes. Itâ€™s as if such students canâ€™t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Todayâ€™s students lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57)Â¶ The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. **Simulation of success**in the public realm **is**far more **empowering** to students than completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that nothing they can do in a contest debate can ever make any difference in public policy.â€ Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. **Imagining myself starting a socialist revolution** in America **is no less of a fantasy than imagining myself** making a difference **on Capitol Hill.** Furthermore, both fantasies influenced my personal and political development virtually ensuring a life of active, pro-social, political participation. Neither fantasy reduced the likelihood that I would spend my life trying to make the difference I imagined**. One fantasy**actually **does make a greater difference: the one that speaks the language of political power.**The **other** fantasy **disables action by making one a laughingstock** to those who wield the language of power.

#### **3] extinction first**

Pummer 15 [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. “Moral Agreement on Saving the World” Practical Ethics, University of Oxford. May 18, 2015] AT

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

#### 4] Ontological prerequisite—other theories presume a moral subject that can create value, so biological existence is a prerequisite

**Paterson 03** – Department of Philosophy, Providence College, Rhode Island (Craig, “A Life Not Worth Living?”, Studies in Christian Ethics, http://sce.sagepub.com)

Contrary to those accounts, I would argue that it is death per se that is really the objective evil for us, not because it deprives us of a prospective future of overall good judged better than the alter- native of non-being. It cannot be about harm to a former person who has ceased to exist, for no person actually suffers from the sub-sequent non-participation. Rather, death in itself is an evil to us because it ontologically destroys the current existent subject — it is the ultimate in metaphysical lightening strikes.80 The evil of death is truly an ontological evil borne by the person who already exists, independently of calculations about better or worse possible lives. Such an evil need not be consciously experienced in order to be an evil for the kind of being a human person is. Death is an evil because of the change in kind it brings about, a change that is destructive of the type of entity that we essentially are. Anything, whether caused naturally or caused by human intervention (intentional or unintentional) that drastically interferes in the process of maintaining the person in existence is an objective evil for the person. What is crucially at stake here, and is dialectically supportive of the self-evidency of the basic good of human life, is that death is a radical interference with the current life process of the kind of being that we are. In consequence, death itself can be credibly thought of as a ‘primitive evil’ for all persons, regardless of the extent to which they are currently or prospectively capable of participating in a full array of the goods of life.81 In conclusion, concerning willed human actions, it is justifiable to state that any intentional rejection of human life itself cannot therefore be warranted since it is an expression of an ultimate disvalue for the subject, namely, the destruction of the present person; a radical ontological good that we cannot begin to weigh objectively against the travails of life in a rational manner. To deal with the sources of disvalue (pain, suffering, etc.) we should not seek to irrationally destroy the person, the very source and condition of all human possibility.82

# Case

OV – don’t let them get access to all of the impacts of racial cap

FW

#### **ROJ – 1] Prove our specific extinction scenario false 2] TURN – use policymaking positively, we’re not objective to violence – we say it’s bad**

#### ROB – 1] Exclusivity 2] Centering around policy actions is a prerequisite to understanding capitalism

#### Vanni – 1] proves the ruse of solvency – even if you’re able to solve for COVID disparities the US will just use that as an excuse to never help again which leaves people to die in other pandemics 2] Authorized Generics decimate competition – turns the drug prices internal link.

Sipkoff 4 Martin Sipkoff 8-4-2004 "Big Pharma uses effective strategies to battle generic competitors" <https://www.drugtopics.com/view/big-pharma-uses-effective-strategies-battle-generic-competitors> (Healthcare Writer)//Elmer

But, according to Cutting Edge, brand-name pharmaceutical companies have begun flanking generics in an inventive way: They enter into manufacturing and distribution agreements with a generic company before a patent is about to expire, attempting to preempt market share. "A typical agreement specifies that the generic company will serve as a distributor of the nonbranded, generic form of the drug, which will continue to be produced in the branded drug company's manufacturing facilities," said Hess. "It's an increasingly popular strategy, often stemming from out-of-court patent lawsuit settlements." A successful flanking strategy can be beneficial to a generic manufacturer because it saves on capital outlay by not having to build or modify manufacturing facilities. "The brand-name pharmaceutical company benefits because the partnership enables it to continue to operate its manufacturing lines and turn a profit, thereby recouping more of its R&D investment in the drug and more of its capital investment in the manufacturing plant," said Hess. Here's an example of effective flanking: Generic drugmaker Apotex launched a version of GlaxoSmithKline's blockbuster drug Paxil in September 2003, threatening to significantly dent GSK's $3.2 billion-a-year bestseller. In response to Apotex's entry into the market, GSK struck a licensing agreement with another generic drugmaker, Par Pharmaceutical, in April 2003. The agreement specifies that GSK will supply Par with generic Paxil, in immediate-release form. The tablets are made by a GSK subsidiary, and Par—which pays a royalty to GSK on sales—distributes them in the United States. "The royalty payments help GSK capture a small segment of the generic Paxil market, which offsets the losses of its branded Paxil sales following the drug's patent expiration," said Hess. Flanking is very controversial because it virtually derails competition. In fact, some generic manufacturers say it's illegal. It's very similar to what the Generic Pharmaceutical Association and others regard as the illegitimate strategy of "authorized generics." "It's an easy concept to describe," said Robert Reznick, a partner with the national law firm Hughes Hubbard & Reed. He chairs the firm's Pharmaceutical and Healthcare Practice Group and has written about the legality of authorized generics. "An authorized generic is like any other generic in that it is deemed equivalent to a brand-name drug," he said. "But rather than being made by an independent generic drug manufacturer pursuant to an Abbreviated New Drug Application, it is either made by or under a license from the New Drug Application holder itself. It may be marketed by an affiliate of the brand-name manufacturer or by a third party." In a white paper titled "Are Authorized Generics Lawful?" Reznick and his colleagues recently concluded that agreements between brand and generic manufacturers to create authorized generics may be legal under antitrust law, but the issue has yet to be fully settled.

#### Pirtle – 1] Controls the internal link – even if racial cap makes it worse, if we can prevent pandemics from happening in the first place then that solves 2] Proves extinction bad because it perpetuates racial cap

#### SO – 1] IPR hasn’t harmed access – manufacturing capacity alt cause

Mercurio 2/12 (Bryan Mercurio, [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.], 2-12-2021, “WTO Waiver from Intellectual Property Protection for COVID-19 Vaccines and Treatments: A Critical Review“, No Publication, accessed: 8-8-2021, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3789820) ajs

2. Intellectual property rights have not hampered access to COVID-19 vaccines A WTO waiver is an extreme measure which should only be used when existing WTO obligations prove inadequate. This was the case in relation to the compulsory licencing provisions under Article 31 of the TRIPS Agreement, which essentially precluded Members with no or inadequate manufacturing capabilities from making use of the flexibility granted in the TRIPS Agreement. 25 This was also the case with the Kimberley Process, which attempts to eliminate trade in “conflict diamonds”. 26 Although the IP waiver proposal states that “there are several reports about intellectual property rights hindering or potentially hindering timely provisioning of affordable medical products to the patients”, 27 the sponsors did not provide further elaboration or evidence to support their declaration that “many countries especially developing countries may face institutional and legal difficulties when using flexibilities available [under the TRIPS Agreement]”. 28 Instead, many of the examples used by India and South Africa point to problems not with the TRIPS Agreement but rather to failures at the domestic level. As mentioned above, the WTO allowed for the importation of medicines under a compulsory licence in 2003, and yet many developing countries have yet to put in place any framework to allow their country to make use of the flexibility. 29 This is not an institutional problem of the international system but rather a problem at the country level. Two additional factors which make the proposed waiver unnecessary and potentially harmful. First, pharmaceutical companies are selling the vaccine at extremely reasonable rates and several announced plans for extensive not-for-profit sales.30 Although agreements between the pharmaceutical companies and governments are not publicly disclosed, the Belgian Secretary of State Eva De Bleeker temporarily made publicly available in a tweet the prices the EU is being charged by each manufacturer. The De Bleeker tweet indicated the European Commission negotiated price arrangements with six companies, with the range of spending between €1.78 and €18 per coronavirus vaccine dosage. Specific price per dose listed for each of the six vaccines was as follows: Oxford/AstraZeneca: (€1.78), Johnson & Johnson (€8.50), Sanofi/GSK (€7.56), CureVac (€10), BioNTech/Pfizer (€12) and Moderna (€18).31 While much as been made of the fact that South Africa agreed to purchase 1.5 million doses of the Oxford/AstraZeneca from the Serum Institute of India (SII) at a cost of €4.321 per dose,32 these criticisms are directed at the lack of transparency in pharmaceutical licenses and production contracts – an issue which would be wholly unaddressed by a waiver of IPRs. Moreover, while the disparity in pricing is concerning the overall per dosage rate South Africa is paying nevertheless represents value for money given the expected health and economic returns on investment. Despite the disparity in pricing between nations, the larger point remains that the industry has not only rapidly produced vaccines for the novel coronavirus but is making them available at unquestionably reasonable prices. Second, the proposed waiver will do nothing to address the problem of lack of capacity or the transfer of technology and goodwill . Pharmaceutical companies have not applied for patents in the majority of developing countries – in such countries, any manufacturer is free to produce and market the vaccine inside the territory of that country or to export the vaccine to other countries where patents have not been filed.33 Patents cannot be the problem in the countries where no patent applications have been filed, but the lack of production in such countries points to the real problem – these countries lack manufacturing capacity and capability. While advanced pharmaceutical companies will have the technology, know-how and readiness to manufacture, store and transport complex vaccine formulations, such factories and logistics exist in only a handful of countries.34 Regardless of whether an IP waiver is granted, the remaining countries will be left without enhanced vaccine access and still reliant on imported supplies. With prices for the vaccine already very low, it is doubtful that generic suppliers will be able to provide the vaccine at significantly lower prices. Under such a scenario, the benefit of the waiver would go not to the countries in need but to the generic supplier who would not need to pay the licence fee or royalty to the innovator. Thus, the waiver would simply serve to benefit advanced generic manufacturers, most of which are located in a handful of countries, including China and Brazil as well as (unsurprisingly) India and South Africa. Countries would perhaps be better off obtaining the vaccine from suppliers that have negotiated a voluntary licence from the patent holder, as such licences include provisions for the transfer of technology, know-how and ongoing quality assurance support.

#### **Jackson – 1] Specificity 2] this isn’t about debate- it’s talking about the media 3] not mutually exclusive – we can solve extinction and then also solve inequality 4] controls the i/l – extinction hits minorities the hardest**

#### COVID waivers are a form of American Imperialism.

Patanè 21 Andrea Patanè 5-15-2021 "COVID-19 pandemic: patents and profits" <https://www.marxist.com/covid-19-pandemic-patents-and-profits.htm> (Northern California Functional Medicine | Modern Natural Health.)//Elmer

A “calculated risk” Far from an act of ‘international solidarity', this latest **move from the US** government **is a calculated political risk,** and will be **implemented** **in the interests of US imperialism**. A section of the more serious wing of the **bourgeoisie understands** that a proper **economic recovery** can **happen** **only if** the **pandemic is suppressed** worldwide. As we have explained elsewhere, wealthy countries risk losing billions of dollars if the pandemic is brought under control only within their own borders, because new variants (like those in India and Brazil) can always mutate elsewhere and reinfect their populations, causing further economic disruption. Therefore, even on a capitalist basis, it is expedient in the long-term for the rich countries to facilitate a global vaccination campaign. Even Pope Francis anointed the demand from his seat in Rome! Biden’s announcement is also an **act of vaccine diplomacy.** America’s main rivals, China and Russia, have been shoring up their spheres of influence by distributing their Sinopharm and Sputnik V vaccines to poor countries left out by the vaccine nationalism of the US and Europe. Chinese and Russian vaccines have been exported into countries traditionally under western spheres of influence, including Brazil and Hungary. **Pushing to waive IP protections on** **COVID**-19 vaccines **is** therefore partly an effort to push back against the encroachment of rival imperialist powers, which have so far outcompeted Washington in the global vaccination drive. Biden’s announcement is also an **attempt to restore** the **standing and authority of US imperialism** on the world stage, which has been bruised by the ‘America First’ vaccine nationalist policy started by Donald Trump, and continued by Biden. According to the FT, Katherine Tai (top US trade envoy) and Jake Sullivan (national security adviser) made the case to Biden that pushing for the waiver “was a low-risk way to secure a diplomatic victory”, after coming under fire for not “respond[ing] quickly enough to the unfolding COVID-19 crisis in India”. Here you have it, straight from the horse’s mouth. Under capitalism, **vaccines** – rather than providing a way out of the pandemic – **are tools for ‘low-risk diplomatic victories’**. As if this was some sort of football match between world leaders! In short, Biden is stepping in to prioritise the interests of US imperialism as a whole over the immediate interests of the Big Pharma capitalists. But we should say clearly: this cynical attempt to claim the moral high ground came only after the US used its massive economic clout to secure enough vaccines to inoculate its own population several times over. And in fact, the wartime Defense Production Act is still in effect, which forces US manufacturers to fulfil domestic demands for medical equipment before exports are permitted. This de facto export ban has created bottlenecks in the supply chain that have already undermined the WHO-led COVAX programme to vaccinate poor countries. Rest assured, Biden’s policy remains ‘America First’, just by somewhat more calculated means than his predecessor.

#### The 1AC misdiagnoses the problem – the problem isn’t production of vaccines it’s the demand for them – means no solvency

Reed 21 (TRISTAN REED|JUNE 17, 2021, In the COVID-19 vaccine market, the problem has always been demand, n, ot supply, WorldBank Blogs, <https://blogs.worldbank.org/developmenttalk/covid-19-vaccine-market-problem-has-always-been-demand-not-supply)//ww> pbj

Some economies have now vaccinated more than half of their populations against COVID-19 and are reopening, while low- and middle-income economies still have limited access in the face of devastating outbreaks. Supply bottlenecks have been blamed. Though vaccine manufacturers report substantial capacity, essential vaccine manufacturing supplies like giant plastic bags and glass vials are hard to come by, understandably, as countries ordered more vaccines at one time than ever before. However, these supply-side challenges are overemphasized. The reason why low- and middle-income countries are not further along in their vaccination campaigns comes down to insufficient demand. As Ruchir Agarwal of the IMF and I show in a recent research paper, even though governments have substantial experience implementing vaccination campaigns and most individuals are not hesitant to take vaccines, governments did not commit to buy Covid-19 vaccines from manufacturers early enough (Figure 1). Figure 1: As of April 2021, despite available capacity for 10 vaccines showing effectiveness in Phase 3 trials, there were not enough advance purchases to cover the world’s population

#### Medicine increases liberal governance by attempting to save everything under the transparent gaze of western biomedicine which paradoxically results in the elimination of the very lives they seek to preserve.

Yau 7, Wing-kit. "Representing illness: patients, monsters, andmicrobes." HKU Theses Online (HKUTO) (2007). (Medical Graduate Student at Hong Kong University)//Elmer

History shows that political and economic colonialism that took over geographical area can be justified with a utopian vision, and the modernisation that follows eventually improve the standard of the colonised up to that of the coloniser. **Medical colonisation**, in the same vein, can also be considered as **a humanitarian endeavour**. Western medicine ‘**colonises’** the **field of medicine**, **taking over traditional** and other indigenous medical **practices** **and render them** as ‘**unscientific’** and ‘superstitious’ while celebrating the achievement of scientific method that is the basis for our bio-medical culture as the real life savour. 91 Fortunately or unfortunately, Frank believes this period of medical colonisation has probably ended. He regards this new era medical post-colonisation when political issues and national security are now closely allied and fusing with the medical curriculum, further **alienating** the **patients** and turning the city space into a space of thoroughly-sanitised, isolating environs. It also means that in medical post-colonisation, the meaning of public health is now synonymous with global health. Under this new name, its area of administration reaches beyond the microscopic world of biological border-crossing virus and germs to the border-crossing people and other political agenda as well. Different from other diseases, infectious disease does not confine itself to a particular stigmatisable population. Take SARS for example, it is quite different from other re-emerging diseases that are, to this date, still a regional plague limited to third-world countries (where medical facilities are inadequate and people are living under deprived conditions). The primary risk group during the outbreak in Hong Kong, however, is not the stigmatised ‘other’ – typically the poor or the under-privileged class, but the medical workers in hospitals – who are usually esteemed as professionals and from a prestigious group in our society even today. Christine Loh sums up the impact of SARS and the fusing of medicine with politics in the following way: Events happened quickly. Healthcare professionals had to face enormous personal risks in fighting the disease on the frontline […] Need has been the mother of a number of useful inventions, such as the contact tracing system developed in Hong Kong. SARS also touched almost every other aspect of personal and community life in affected areas [including Toronto, Singapore and Taiwan]. Ministers and officials lost their jobs. Many businesses suffered. Ordinary people were forced to reassess their priorities. Communities had to find useful ways of coping with panic while continuing to fight the disease.92 Paul Virilio has already warned us that the fear of contamination by a viral agent is not, and should not be the sole object of horror in this day and age, but the fear of extinguishments engendered by the hyperfragility of the technological process of our society.93 Although infectious disease is only a viral contamination, and it is by no means comparable to the kind of weapon that is designed to function as another network to cause a wide-spread breakdown of our existing life-dependent networks (such as power supplies), Peter Chan’s Memory has shown how this fear of risk has undergone a series of re-configuration, from being contaminated by the foreign invasion of a virus, to the fear of isolation and incommunicability. Perhaps it is helpful to compare this change of our subject of anxiety in terms of the colonial-era ideologies of medicine and post-colonial ideologies of global health, as there is increasing emphasis on information and commodity exchange networks intertwining with space and territoriality, as Nicholas B King puts it: While colonial anxiety revolved around fears of contamination as certain (white, European, male) bodies moved into vulnerable places and faced novel contaminating environments and (non-white, non-European, female) peoples, postcolonial anxiety revolves around the contamination of space itself by mobile bodies and motile environments. This is not the horror of matter (or bodies) out of place, which presupposed the identification of a place for matter; instead, it is the horror of places no longer mattering, of a ‘third-worlding’ at home.94 The horror in Memory is not the ghostly figure played by Tony Leung. It is true that while he is wandering and happens to see the masked Eugenia Yuan sitting by herself staring out of a café’s window, there is a brief moment of tacit recognition, or as another film critic remarks, it is a moment when Leung and the Yuan (who plays a ghostly figure in another Peter Chan’s film Going Home) meets and it dawns on the audience that Leung, too, is a ghost.95 Nonetheless, the ‘ghosts’ here are just as powerless as the imprisoned people in the building in the sick, infected city. They no more understand the snow in Hong Kong, nor the hearses that are passing by than we do. That is to say, they are not from another world different to ours. The real horror comes from the uniqueness of SARS and the new realisation that it came with – not only does it mean that **biomedicine is no longer the guarantee for health**, but it also paints a grimmer picture of reality that says this new epidemic cannot be reduced to just another ‘difficult time’ for the local people to overcome, and that it, like so many adversities in the past decades, can be overcome. That explains why critics of the 1:99 Short Film Series have been negative, mostly toward the films’ focus on the disease as an ‘adversary’ that Hong Kong people are facing collectively rather than treating SARS as a unique, (un)timely disease.96 In Hong Kong is the Best (Dir. Alan Mak Siu-Fai, Andrew Lau Wai-Keung), for example, SARS is even treated as an equivalent to other pandemics/disasters in the past, as if the disease were just another difficult time that the locals can, and will go through collectively, that what it causes (the other) will not destroy us (the self) because, as the title suggests, Hong Kong is the best. Memory addresses the post-SARS trauma by showing how the disease has caught Hong Kong people getting weary of human-to-human contact – everyone is imprisoned in the round windows in solitude, expressionless and masked. These people have been through mass anxiety and paranoia about the disease, and panic over being infected with the virus, which, like the rest of the influenza viral strain, is still not preventable. In Hystories, Elaine Showalter remarks that mass hysteria usually takes place within a community, especially a tight-knit one like that of Hong Kong, where rumours can develop with the social network to sustain it.97 In the example of SARS, there was once a time when rumour first hit the locals that a mysterious flu has killed people in Guangzhou. And the locals were seen as reacting with irrational fear by stocking up white vinegar98 and the market also reacted by increasing the prices of all kinds of disinfectants, such as Clorox, Dettol and even masks. Interestingly, such mass hysteria did not last long. As masks are being discarded, fear is also being forgotten. Our memories do not seem to hold on for long to our previous experience and soon drifts into oblivion before it disappears completely. As a result, the epidemic itself never plays a major role in shaping the Hong Kong society, and there leaves very little room for artistic production in response to its devastating period of outbreak.99 [cont.] It has become increasingly clear that health and the proper management of illness (especially of infectious diseases) are now individual moral responsibilities in real life. Individuals (lay people) are expected to have improved assess to (medical) knowledge through popular science and mass media that would enable them to better self-surveillance, risk assessment, and ultimately, prevention. In the meantime, we have what Adele E. Clarke et al. calls the ‘biomedicalisation’ process that, ‘through the complex, multisided, multidirectional process of medicalisation and application of technoscience,’ has given us both new individual and collective identities according to our ‘risk status’, DNA profiles, or whether we are ‘Syndrome X sufferers,’ etc.106 Interestingly, if medicalisation is a process in which ‘unwanted’ social phenomenon or behaviours are passed from the jurisdiction of law to that of medicine, (e.g. branding/classifying someone as sick just because (s)he does not fit the social norm, and thereby treating it as an illness and disease), then biomedicalisation can be understood as a process that medicalises health (e.g. classifying somebody as belonging to a ‘high-risk’ group based on lifestyle and genetic make-up or even social class, and treating it as a cause of illness and disease). Disease used to be conceptualised at the level of organs and cells, so that when there is a disease in the heart or the liver, we are simply known as the heart disease patient, or liver disease patient, etc. However, today’s risks and **diseases are** conceptualised at the level of genes and molecules, which are the **codes from which our biological identity is constituted**. As noted by Clarke et al., **health policy is no longer about problem-solving** (i.e., patients visits the physicians with a physical symptoms, with clear test results and unambiguous diagnosis, followed by treatment that cures the disease by removing the symptoms) **but** more about **problem finding** (i.e. patients are tested and classified by risks, for instance, high cholesterol, too skinny, too fat, etc).107 In other words, physical condition becomes a disease to be treated. Thus, it is not difficult to see that selling disease and commodifying health are basically two sides of the same coin. Therefore, the notion of ‘safe space’ in terms of our understanding of Carol’s environmental illness becomes an encapsulation of what biomedicine (and even environmentalists and alternative medicine) are preoccupied with today – that of bodies and space. Peter Donning, the Wrenwood guru, in his welcoming speech to the new ‘long-timers’, made the following statements: ‘what you’re seeing outside is a reflection of what you feel from within,’ and, ‘I’ve stopped reading the papers. I’ve stopped watching the news on TV…I’ve seen their fatalistic, negative attitude and I’ve finally realised once and for all, I don’t need it. So I transform that negative stimulus into something that will not do harm to me.’ The sole reason why Donning calls Wrenwood an ‘environmentally safe place’ is due to his belief that how he feels in his head can directly or indirectly influence his organs (especially his immune system) to behave in a certain way. In other words, within this space, safety is ensured – it is only you and your thinking that is hazardous to your health. Once again, it shows that the spaces and the bodies that inhabit or travel within these spaces have become the primary concern for health maintenance. Film critics like Roddy Reid remarks that Safe is about the experience of our bodies understood as sites of struggle between medical discourses, health-care practices, pathogens, and visual inscriptions108. It is a struggle because we are most disturbed by the opacity of the environment and the ‘unfathomable mystery’ of the body. With the body and the surrounding disappearing into the internal psychological space, one’s past and history have become an alternative form of toxin where repressed dark memories are dug up and turned into an enemy. With new enemy, de-toxification can then begin in yet another form of speech to cleanse the body ‘system’ in the name of ‘self-love.’ However, such promise of speech and self-knowledge is just as groundless as the belief that a fruit diet Carol is on can cleanse the body of the toxins one cannot avoid taking in everyday. The more transparent our body and space is, the easier for surveillance, so that barriers can be set; risks can be assessed. **We are**, in effect, **living as the Boy in the Bubble**, or in Jean Baudrillard’s own words, it is ‘a transparent envelope in which we have taken refuge and where we remain, bereft of everything yet overprotected, **doomed to artificial immunity**, continual transfusions and, at the slightest contact with the world outside, instant death.’109 As a result, the proliferating health product and alternative treatment, in cooperation with the transnational pharmaceutical industry, has now made even high-cholesterol and osteoporosis a disease. Consequently, we are self-conscious of the level of cholesterol in what we eat; the level of pollutants in the air we breathe and the water we drink. But how much transparency is transparent enough? In order to see and know what is doing harm to our bodies, we are **obsessed with information**, and one of the examples would be labels on food packages. Borrowing again from Baudrillard’s idea of ‘absolute communication’ in which the ultra-rapid circulation of signs is operating so fast for the sole reason that it never passes via the mediation of meaning, we may also understand body and health as contaminated by the same sign-circulation process: meat is bad, vegetables are good; city air is polluted, country air is more healthy. The **transparency** of food products **makes us feel safe**, at the same time such transparency corresponds to the pervasiveness of our body which made us believe that we are vulnerable to the invisible killers such as germs, chemical compounds and smoke, and that makes us ‘un-safe’. This conflict illustrates nicely the paradox of the Freudian pleasure principle, which Slavoj Zizek sarcastically remarks: You have a society which is ostensibly oriented toward pure pleasure, but you pay for it through a whole series of "you can't." The hidden prohibitions: eat whatever you want, but beware of fat and cholesterol; smoke, but beware of nicotine; sex, but safe sex. Yet the ultimate consequence of this pleasure principle is that **everything is prohibited** in a way; you can't smoke: there's nicotine; you can't eat: there's fat; you can't have sex: you'll get sick. So this is a kind of everyday confirmation of the Lacanian paradox.111 These are all telling us that nothing is safe. At first glance, it is no wonder why the Wrenwood Centre is a ‘perfect safe space’ – it is toxin-free: no exhaust, no aerosol, no fumes – our desire for transparency has landed us into a vacuum that is also known as a sanatorium. There is finally no prohibition – because it is ubiquitous, it seems like safety is found in this nostalgia afforded by this pre-modern space. However, after all external aggressions are eliminated by a place like Wrenwood; the body has become the Other and become its own internal virulence: Carol’s reaction appears to have been alleviated at Wrenwood but she is becoming more visibly sick as evidenced by her lesions and swollen eyes. In the final scene, Carol succumbs to Wrenwood’s preaching about self-love, and starts to practise saying ‘I love you’ in front of the mirror. However, there is no reconciliation between the utterance and the mirrored image,112 instead, it is more like one more letting down by speech and knowledge, uncovering the same emptiness within the inner psychic realm in which she attempts to create protection. Her facial expression remains bland and vacuous, and all we can see is the Carol that is metamorphosing into ‘the other.’ The sentence ‘I love you’ carries no weight in it because what is there to refer to in a vacuum that is now within and around her? She has not yet become the ‘other’ but we do not have the chance to see this metamorphoses completed as the film ends with a black-out, leaving us in this permanent stage of disease with Carol and with her image in the mirror. Medical sociologist Deborah Lupton argues that due to our dependence on rationality and individualism which is the legacy of Western societies ever since the Enlightenment, together with “**the turn to biomedicine** and science **as** the ultimate **weapons** **against** illness, **disease** and premature death have **generated** **discourses** and practices **which** tend to **deny the fragility** and mortality **of the human body**.”113 But are we really as innately fragile as we think we are? In our attempt to create a safe environment, we are setting up more and more barriers against risks such as toxins and pollutants that are the natural basis of the industrial, modernised society. Yet at the same time, we are **letting our bodies** become **increasingly vulnerable** because bodies are, too, a transparent, porous entity. In such transparent space where everything is made visible, and our visual world has required us to by-pass the mediation of consciousness and meaning, disease soon becomes the only escape(ade) for us to let our natural defence system, i.e. our antibodies, fight against virulence, the same way Carol runs away from her well-protected middle class home in a Californian suburban valley to find salvation in a sanatorium in a New Mexican desert – an excursion on Carol’s part that she is actively doing something about her unknown, undetermined illness . However, there is no escape; just as there is no outside to our environment, nor is there an alternative outside to the existing system into which we can adventure. Outside the Bubble means instant death, thus, there can only be Bubble after Bubble. The same goes for the audience, if watching Safe is a process of immersing ourselves into a world of unknown, unforeseeable environmental risks, a threatened sense of safety and partial knowledge, we are also destined to reach a vacuum with Carol where every last bit of materiality in our environmental space is made to disappear (through speech and discourse on risk and surveillance) into a vacuum where there is no more ‘other’. Disease becomes dis-ease when there are no longer any barriers to put up against anything except the vacuous self that can only be pacified by a self-resistance against an imagined ‘other’114. However, we should also take into consideration the fact that the (female, suffering) body is not just an abstracted object belonging always to someone else, which means also the clinical gaze. The body is also what phenomenologist Vivian Sobchack so forcefully argues, in her collection of essays on the body and illness entitled Carnal Thoughts, that it is also a lived body as ‘objective subject’ and the ‘subjective object,’ with materialised capacities and the agency to make sense of, to feel, both ourselves and the others. She also points out that embodiment is never ‘a priori to historical and cultural existence.’115 Sobchack’s perspective on the lived body shows that suffering is part of our capacities to make sense of, and to feel the body, and therefore, should be taken as a part of life, but it is also something that high technological intervention and our expanding scientific knowledge base would like to deny. What we subsequently have is what Arthur Kleinman calls ‘the facile expectations that psychotherapy and psychopharmacology can relieve residual pain and suffering. In this respect, the culture of biomedicine, which does not value the core illness experience at the same level as the diagnosis and treatment of disease pathology, conspires with the popular culture to treat death as the enemy’ especially for the chronically ill and people suffering from cancer. In Medicine as Culture, Lupton draws from the way medicine is experienced, perceived and socially constructed to provide different theoretical perspectives on the socio-cultural dimension of medicine, illness, and the body. She comments that scientific medicine is merely disillusionment. According to her, ‘the construction of the medical practitioner as omnipotent inevitably leads to disappointment and disillusionment when things go wrong […] there are few explanations that can provide meaning to the [unexpected happenings].’117 Part of the disillusionment also comes from our increasing dependence upon biomedicine (the use of biotechnologies, geneticization, nanoscience, genetic engineering, etc), and we respond by idealizing the physicians as the final saviour.118 While diseases like cancer and chronic illness are today’s worst fear among the ageing population, Jean Baudrillard finds **medicine the real culprit for** the cause of their **incurability**, as he tells us: ‘[**medicine**] **treats cancer or AIDS** **as** if they were **conventional** illnesses, **when** in fact **they are** illnesses **generated by** the **very success of** prophylaxis and **medicine**, illnesses bred of the disappearance of illnesses, of elimination of pathogenic forms.’119 By conventional illness, it means the kind of illness that is believed to be caused by pathogens-bacteria or biochemical imbalance; its symptoms are common enough to be dealt with by conventional treatments – ones that are done by scientific tests for diagnosis and medications and surgery are the key methods of treatment. The problem with treating ‘unconventional’ illnesses the ‘conventional’ way is that when you have somebody like Safe’s Carol in the Safe Room, it is simply denying her physical experience and regarding her as an object – by placing it somewhere safe in the hope that it can become well again through regular monitoring and examination, and elimination of all other invading pathogenic forms. However, environmental illness is not like tuberculosis or liver disease, where the patient can travel to a mountainous area to breathe cleaner air to relieve his/her symptoms, or to have a liver transplant to replace the ailing one. Patients with a disease of an organ can seek help externally, for example, by changing one’s living environment or eating habits, or even taking medicine in order to heal; or in some cases, have the organ replaced or removed surgically, as in the case of cancer. Environmental illness, on the other hand, is not a disease of the organ. It affects the organs but it is not organ-specific. One cannot say that it is the organ that has failed so that there are symptoms, rather, it is something that has gone wrong with the body’s system and it is manifested through the body symptomatically. Environmental illness cannot look to the external for help, for it is not a conventional, scientifically defined disease by traditional Western medicine. This makes way for an easy shift of focus from the body to the soul, especially when the disease is believed to be caused by the mind, or ‘psychological weaknesses’ – the way we tend to explain and understand Carol’s sickness. The idea of the shift from the suffering of the body to the suffering of the mind resonates with the classical study of punishment and the prisoner’s body in Foucault’s Discipline and Punish. During the 18th century when La Mettrie first published Man the Machine, the human body was understood as the materialist reduction of the soul and there was an emphasis of the body as ‘docile’, as Foucault himself writes after La Metrrie: ‘The classical age discovered the body as object and target of power. It is easy enough to find signs of the attention then paid to the body – to the body that is manipulated, shaped, trained, which obeys, responds, becomes skilful and increases its forces.’120 Because of the need to exert control and power over the people that are being governed ‘without the slightest detail escaping [Napoleon’s] attention’, rigorous discipline had to be imposed under his reign, and from here on, Foucault believes that discipline has to proceed from the ‘distribution of individuals in space’, as he explains: ‘Discipline sometimes requires enclosure, the specification of a place heterogeneous to all others and closed in upon itself. It is the protected place of disciplinary monotony.’ 121 Let us now perceive the environment as such a ‘disciplinary space.’

#### Expansion of medical access is a form of settler colonial biomedical onslaught – humanitarian promotions of health proliferate genocidal assimilation.

Klausen 13, Jimmy Casas. "Reservations on hospitality: contact and vulnerability in Kant and indigenous action." Hospitality and World Politics. Palgrave Macmillan, London, 2013. 197-221. (Associate Professor in the Instituto de Relações Internacionais at the Pontifícia Universidade Católica do Rio de Janeiro)//Elmer

On the other hand and by contrast, the **governmental reach of public health initiatives** that would effect the improvement of isolated indigenous populations’ health **accords** with Kantian philanthropy – **with all the risks of violated freedom and smothered life** that entails. Public **health advocates** would **repair** the **disadvantaged morbidity profile of** isolated **indigenous groups through** a policy of initiating contact supported by the provision of modern **biomedical** health **care**

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