# 1NC

## 1NC -- K -- Colonial Capitalism

#### Intellectual property is rooted in the universal exportation of the Western liberal philosophical tradition that idealizes private property arrangements – patent law is an extension of cultural imperialism invested in the preservation of whiteness at the expense of the global South.

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In this article, I am interested in exploring the legal doctrine of copyright from the standpoint of a postcolonial critic. According to Shelley Wright, there is a ‘deep and continuing grip of colonial thinking on all systems currently in place, from the personal and local to the global.’1 And the law of copyright is no exception. Like other areas of intellectual property, copyright as a Western philosophical idea, is deeply imbued with the values of the European Enlightenment, liberalism, and a society founded on a print-based culture. As Wright suggests, copyright continues to be one of ‘the quintessential representations of the modern, public world of bourgeois expansion, male dominance and European colonial infl uence in the creation of political and economic systems in Europe and the colonies.’2 Indeed, the Western history of copyright is inextricably tied to the Western history of colonialism. A major argument in this article is that copyright (like other forms of intellectual property) is not a natural right, but instead embodies a particular set of values and assumptions – such as the need to commodify ideas, and also the expression of those ideas. As a product of the European Enlightenment, the concept of copyright has been infused with the ideals of the liberal legal tradition, and these ideals – such as ‘private property’, ‘authorship’ and ‘possessive individualism’ – are not universal principles of property law, but instead are Western ones. Consequently, the supposedly universally-shared view of copyright law embodied in international agreements such as the Berne Convention and the TRIPS Agreement are not simply ‘agreements’, but rather are multifaceted projects (or dominant narratives) which are laden with values stemming from particular cultural traditions, and which have evolved from particular historical moments in Western history. However, while these values have been packaged and exported around the globe based on their apparent universality, it is signifi cant to note that copyright remains a foreign concept in many cultures. Indeed, a number of societies take a radically different view as to ‘what constitutes property or what may rightfully be the subject of private ownership.’3 Several cultures also consider ‘copying’ or sharing ideas within a community as a sign of respect and recognition – not as piracy, or a violation of private property rights.4 Before moving on to explore the concept of copyright law in more detail, I should outline my reasons for wishing to scrutinise the laws in this area using a postcolonial lens. Copyright is a multi-billion dollar global industry, which has increasingly become an enormous source of revenue for countries of the North.5 From a postcolonial perspective, the export of copyright products raises particular concerns as these items are not simply just another trade commodity, but emblematise the exporting cultures’ values and traditions. In other words, Disney movies and MTV songs are not simply just another product because they represent the cultural signs and symbols of the dominant narrative.6 Due to the enormous volume and dominant position of Western popular culture on a global scale, critics have labeled this essentially one-way traffi c as a form of ‘cultural imperialism’ in this postcolonial era. As Fredric Jameson suggests, the export of American culture around the globe has had a far deeper impact than earlier forms of colonisation, imperialism or simple tourism, as these cultural goods (along with agribusiness and weapons) constitute the principal economic exports for the US.7 Moreover, the current imbalance in global information fl ows is in many ways merely an extension of the exploitative colonial past. For this reason, Philip Altbach asserts that ‘[c]opyright must not be seen in isolation from issues of access to knowledge, the needs of Third World nations, and the broad history of colonialism and exploitation.’8 I also wish to examine the concept of copyright law in more detail in order to partially fi ll the gap in understanding of the negative impact of an overly prescriptive international copyright regime. This is important, as most of the opposition in the late 1990s to the international intellectual property regime primarily focused on the dire effects of patents for countries in the South.9 This article will begin by exploring the concept of copyright law as essentially a Western idea, and then move on to discuss copyright and the colonial process, the Berne Convention and the TRIPS Agreement as colonial (and postcolonial) constructs, and the role of international copyright law in continually othering the South in the global publishing and software industries. The Western liberal idea of intellectual property law has now been globalised through the Agreement on Trade-Related Aspects of Intellectual Property Rights or TRIPS.78 The TRIPS Agreement was established as part of the World Trade Organization (WTO) regime that came into operation on 1 January 1995. TRIPS is one of the number of agreements which make up the WTO, and links intellectual property rights to WTO obligations. This international legally binding agreement establishes minimum standards for intellectual property rights, which members of the WTO must implement through national legislation. Under TRIPS, the 151 members of the WTO (at 27 July 2007) are required to give effect to a set of basic minimum principles and rules covering copyright, trademarks, patents, layout-designs of integrated circuits, geographical indications, industrial designs, and protection of undisclosed information. There are also uniform remedies available for the enforcement of these rights. In many cases, nations are applying higher standards than were previously applied in their domestic law. For example, longer terms of protection, fewer exceptions to the scope of rights, and sometimes new rights. While the Agreement has only been in force for thirteen years, it has been heavily criticised by Southern nations as essentially a neocolonial instrument – privileging the colonial view over the postcolonial ambitions of the Other.79 Copyright protection is provided for in Articles 9–14 of the TRIPS Agreement. These provisions are discussed briefl y below.

#### WTO is a Trojan Horse for accumulation by dispossession and global imperialism---the regime of credibility surrounding it is ideologically manufactured

Screpanti 14 – Ernesto Screpanti, Professor of Political Economy at the University of Siena, Global Imperialism and the Great Crisis: The Uncertain Future of Capitalism, p. 110-113)

The Role of International Organizations

Of the international economic organizations, those that work most effectively to achieve the expansion of “freedom” are the World Trade Organization, the International Monetary Fund, and the World Bank, the three main political institutions charged with preparing the world for capitalist penetration.

The WTO was founded with the primary aim of favoring the expansion of international trade, and was equipped with effective instruments for disciplining opportunist countries. It fulfills the function of issuing international trade rules and rendering them enforceable better than any national empire has ever managed to do. It achieves this through multilateral agreements carrying binding commitments for signatory states. With the Dispute Settlement Understanding (DSU) these agreements are enforceable. The “judgments” handed down by the WTO’s Dispute Settlement Body (DSB) oblige noncompliant countries to conform to the rules, under the threat of economic sanctions ranging from compensating an injured country for damages to the implementation of retaliatory measures.

The rules, especially those known as “nondiscriminatory clauses,” are supposed to foster the expansion of free trade. In reality, they effectively force member states to accept penetration by multinational corporations. The National Treatment clause, for example, obliges governments to extend the best treatment afforded to national firms, including state-owned companies, to foreign ones. The Market Access clause, in turn, prohibits governments from hindering the entrance of multinational firms.60 Together these rules have contributed to creating a norm that encapsulates the essence of the whole set of regulations, a sort of “most favored firm” clause. If an advantage is granted to a firm, for example, a national company, it must be granted to all firms. This implies, among other things, that once a state-owned company has been privatized there is hardly any going back, even if it results in a market failure.

The TRIPs (Trade-Related Aspects of Intellectual Property Rights) serve to safeguard the ownership of the products of scientific and technological research, trademarks, and the like, and thus to guarantee the profitability of their use. Patents, which are mainly registered in the countries of the imperial Center, cannot be used by developing countries unless they pay the royalties established by the multinational companies to which the patents belong, often even if they apply to vital drugs.61 In the TRIPs, the World Trade Organization clearly reveals its nature as a political organization with the purpose of safeguarding the interests of multinationals. Not by chance, the big corporations played a key role in drawing up the TRIPs agreements.62 While all the other agreements formally have the aim of expanding competition and free trade, the TRIPs agreement takes the form of a protectionist regulation. It explicitly seeks to protect monopoly positions and the monopoly profits provided by scientific and technological research, an activity in which the big multinationals of the North excel.

Even more blatant are the agreements known as TRIMs (Trade- Related Investment Measures). Their content is essentially disciplinary, as they prohibit the adoption of the economic policy instruments63 that the governments of many countries use to protect their economies from certain negative consequences of foreign direct investments. The TRIMs serve to disarm states in their attempts to implement industrial and commercial policies for the benefit of local populations. They mete out discipline in the interests of the multinationals.

But possibly the most brazen of all these agreements is the GATS (General Agreement on Trade in Services), which regulates a highly heterogeneous sector (with 160 sub-sectors) effectively covering the production of all nonmaterial goods, from finance to postal services, from water supply to electricity, from telecommunications to transport, from insurance to banks, from education to health. The sector is so vast that it accounts for two-thirds of global output.

The GATS was expressly proposed, prepared, and armed by certain Anglo-American financial multinational lobbies whose names are well known.64 According to economic science, a large part of the goods covered generate market failures65—because they are produced in conditions of natural monopoly (for example, water supply), because they generate significant externalities (for example, pollution), or because they are commons (for example, woods), public goods (for example, justice), or merit goods (for example, education). This is why their production was traditionally controlled or regulated by the state in the public interest. The GATS instead considers policies that pursue public aims in the production of services as discriminatory. Under the pretense of making markets competitive, it forces signatory states to dismantle public sectors that regulate services and sell off the firms that provide them. In contrast to the other agreements, the GATS is not confined to regulating existing markets but plays a fundamental role as a creator of markets. It seeks to commodify public goods, public utilities, and commons, and to privatize natural monopolies.

Joining the WTO implies acceptance of the rules of national treatment and market access, as well as the principle that public monopolies and public services are unacceptable. Then, when a serious economic crisis arises and leaves a country in need of financial help from the IMF and the WB, the government is forced to sell off state-owned companies and commons to the multinationals.

The WTO has become a partial substitute for gunboats in imperial governance. Through it, the big capital clears and paves the way for expansion and accumulation on a global scale. What is more, it does so with the consent of the exploited countries, which are induced to join the organization to gain access to flows of foreign direct investments from multinationals, assistance from advanced countries, and financial aid from the IMF and WB.

As for the IMF, following the Washington Consensus (of “free market” economics) this pawnbroker for desperate states took on the role of liberator. Previously, based on the Keynesian approach of the Bretton Woods system, the IMF imposed restrictions on the demand side, while granting credit to check the severity of those restrictions as much as possible. With the success of the monetarist ideology of Milton Friedman and the Chicago School in the late 1970s, the “structural” adjustments imposed were expected to affect the supply side, that is, mainly structures of production and ownership, rather than aggregate demand alone. Moreover, a “long-run perspective” was to be preferred, rather than focusing on the “short run.” Thus, from 1979 onward, the IMF began to impose structural reforms with the aim of “relaunching development.” According to neoliberal ideology, such reforms require the deregulation and liberalization of markets. This meant the cutting of tariffs and other forms of protectionism to boost competition, the liberalization of prices to cure inflation, the deregulation of labor markets to foster flexibility and reduce labor costs, the deregulation of financial markets to encourage capital mobility, and the privatization of public utilities to balance national budgets and expand competition. Thus the IMF acts as a bulldozer, preparing the ground for the arrival of multinational capital in desperate states. It does so to make this arrival as profitable as possible: it cuts wages and the cost of raw goods, makes labor flexible, and gets states to sell off public utilities and natural resources at fire-sale prices.

Lastly, the WB plays a more subtle, but no less effective, role in bringing about the expansion of “freedom.” It offers help to developing countries by funding investments in the infrastructure necessary for industrial takeoff, or, in other words, for penetration by multinational capital. Like the IMF, with which it often acts in cooperation, the WB gives nothing for free. In particular, among the conditions for access to its loans, it also demands the demolition of trade barriers, the privatization of services, and the selling off of the commons to private companies.

Could the big multinationals let control over the great international economic organizations slip from their hands? And how could they get those organizations to serve their own interests while maintaining the decision-making autonomy of their managers? A powerful ideological campaign was called for. No sooner said than done. Having unleashed the most imaginative economists and even enlisted the help of the international academic body that decides on the recipients of the Nobel prize for economics, the right doctrines were promptly produced, one more audacious than the other: the right doctrines to replace the dated nineteenth- to twentieth-century free trade theory.66 Then the markets for allegiance, the mass media, the most prestigious U.S. universities, research institutes, and culture academies, sprang into action to defend the new orthodoxy and put the right people in the right places. This is how the great international economic organizations came to be capable of acting autonomously in the interests of multinational capital.

#### Reformism is not emancipatory but instead contributes to the iterative perfection of colonial capitalism – the transformative potential of legal change is circumscribed by hegemonic power structures that are embedded in international political systems.

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These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

**Vote neg to endorse effective indigenous resistance oriented towards the overthrow of economic globalization and racial neoliberalism and the emergence of a world outside of capital.**

Jodi **Melamed**, 20**11** (“Represent and Destroy: Rationalizing Violence in the New Racial Capitalism, <<associate professor of English and Africana Studies @ Marquette University >, P181- p186)//pk

There are hundreds of examples, from every continent except Antarctica, of indigenous peoples, on the frontlines of globalization’s expansion, who are fighting for the survival of their communities against national governments seeking to ramp up exports, against extractive industries, against pollution and waste industries, against narco-traffickers, against energy and dam projects, against tourism, and against conservation movements that seek to remove indigenous peoples from their lands for so-called wilderness conservation. These include the Yanomami tribe of northern Brazil, who are being forced off their lands by illegal mining; the U’Wa, Nukak, and others in Colombia, who are being killed and driven off lands by governmentsponsored paramilitaries, left-wing guerrillas, and the U.S.-sponsored Plan Colombia, which pays former drug traffickers to seize Indian lands to grow nonnarcotic crops; uncontacted tribes in Peru, who are facing disease and worse with the construction of an oil pipeline through their territories built by the Anglo-French oil giant Perenco; the 200,000 tribal people in the Ethiopia delta region, who are being evicted to build a giant hydroelectric dam financed by the World Bank; the Lahu, Lisu, Meo, and other Hmong highland tribes in Thailand, who are being evicted after the government’s sale of 25,000 kilometers to an international conservation organization; other “conservation refugees,” including the Masai in Kenya and the Bushmen in Botswana; overfishing jeopardizing the survival of Chukchi and Eskimo in Russia; and mining on North American Indian lands, including those of the Cree, Western Shoshone, Mohawk, and Zuni peoples. Hundreds of other examples can be found on the Web sites and in the publications of indigenous organizations and networks, advocates and NGOs, and UN agencies and other multilateral bodies. These include the Indigenous Environmental Network, the White Earth Land Recovery Project, the Tebtebba Foundation, the International Indian Treaty Council, the Asian Indigenous Women’s Network, the Inuit Circumpolar Conference, the Indigenous Peoples of Africa Coordinating Committee, Mines and Communities, the International Forum on Globalization, Amazon Watch, Survival International, Cultural Survival, the United Nations Permanent Forum on Indigenous 182 � Difference as Strategy Issues, and the International Labour Organization’s Department of Indigenous and Tribal Peoples. As indigenous people across the globe over the last forty years have experienced violences generated from the same underlying source, an economic system of accumulation through dispossession, a move to unite opposition has given rise to forceful international indigenous peoples’ movements. One of the central occupations of such movements is illuminating the global resource wars as also paradigm wars, as conflicts at the level of the material politics of knowledge. A materialist understanding of knowledge demonstrates that what counts as legitimate knowledge, emerges from contestatory processes and is not autonomous from but both shapes and is determined by material circumstances and geohistorical conditions. As Chandan Reddy has reflected, “[M]odern western knowledges . . . have been productive of certain expressions of personhood, experience, historical process, materialism, and so forth, while foreclosing other historical, material, and epistemic organizations of subjectivity, historical process, and the so-called natural world.”4 Indigenous peoples’ movements often draw attention to the fact that the material existence of globalization as an economic system relies on the functioning and legitimacy of certain rationalizing modes (e.g., corporate individualism), construals of value (e.g., the sanctity of private property rights), and expressions of personhood (e.g., people as consumers) that many indigenous people do not share. (In this chapter’s opening epigraph, Victoria TauliCorpuz makes this point.) Although most of the knowledge systems of indigenous peoples, communities, and nations have been impacted by the knowledge architecture that supports economic globalization, many yet maintain some epistemic orientations that are defective for, contradict, or offer alternatives to some of its rationalizing modes, values, and notions of personhood—including orientations to collective responsibility—and that can provide the basis for alternative expressions of materialism and economy. Contemporary indigenous cultural activism often goes to work on this epistemic level to mitigate not only the physical violences of the global resource wars but also the violences intrinsic to knowledge systems that restrict what is Difference as Strategy � 183 politically and ethically possible to extractive economies and accumulation by dispossession. Here is what is happening now: As the global resource wars have pushed onto indigenous lands, the knowledge apparatuses sustaining economic globalization have had to bring indigenous peoples into representation in a manner that explains their exploitation as inevitable, natural, or fair. But this state of affairs has also provided an opportunity for indigenous-led cultural activism to insert its own signifying systems into public discourse in order to displace the structures of legitimate knowledge, to contest dominant systems of representation, and to try to open them up to cultural meanings and epistemic orientations originating in indigenous-led interpretative communities. Reductionism and essentialism must be guarded against. The knowledge systems of indigenous peoples differ greatly from one another and are not internally homogenous. They cannot be made completely transparent to culturally nonindigenous peoples, nor can one indigenous episteme be transcoded seamlessly (or even adequately) into another, and recomprehending the world does not change it. Yet encountered on the level of media, transnational movements, and scholarship, the cultural activism of international indigenous peoples’ movements can and does insert into public discourse something like a generalized indigenous inscription of a global world system based on economies of limit and balance, reciprocal relations between people and nature, and the importance of collective rights. Not surprisingly, neoliberal multiculturalism is one of the most useful discourses functioning today to dispossess indigenous peoples of their lands and resources and to make such dispossession appear inevitable, natural, or fair. Neoliberal multiculturalism represents multiculturalism to be the spirit of neoliberalism. It represents the access of producers and investors to diverse markets and the access of consumers to diverse goods to be emblematic of multicultural values and required for global antiracist justice. It justifies the removal of indigenous peoples from their lands by describing the entire world as the rightful potential property of global multicultural citizens. At the same time, it stigmatizes indigenous peoples as monocultural, 184 � Difference as Strategy unrealistic, doomed, chauvinistic, or “tribal,” connoting a negative orientation to an exclusively defined group. If liberal multiculturalism is considered as antecedent to today’s neoliberal multiculturalism, then U.S. multiculturalisms can be seen as having long misrepresented or obscured American Indian sovereignty and land tenure claims. By treating American Indians as ethnic minorities within the framework of cultural pluralism, conventional multicultural discourse has made government-to-government relations between the United States and American Indian nations appear counterintuitive. Today, global multiculturalism can be spoken of as a valorized discourse that circulates throughout transnational political modernity in global media, in international civil society, in international NGOs, in the United Nations, and in other multilateral bodies. It can overlap with neoliberal multiculturalism, but it is not identical to it. Rather, it is a discourse in a global political register that globalizes the template of state multiculturalism (often U.S. multiculturalism) in order to represent an order of multicultural states as an adequate image of a multicultural world. One might think that within this discursive field the relationship between multiculturalism and indigenous rights would remain antagonistic, that the more one argued for indigenous peoples’ rights in the language of global multiculturalism, the more one would strengthen state multiculturalisms—that is, national governments— over and against the rights of indigenous peoples. Yet surprisingly, something new is happening. Indigenous-led cultural activism is successfully using its own version of multiculturalism to make the conceptual bases for new categories of indigenous rights and new strategies for claiming land tenure appear necessary, well founded, and just. An example of such a transcoding is in the chapteropening epigraph by Victoria Tauli-Corpuz, Igorot tribal member, founder of Tebtebba (Indigenous Peoples International Center for Policy Research and Education), and current chairperson of the United Nations Permanent Forum on Indigenous Issues. Tauli-Corpuz uses familiar multicultural language that ascribes positive value to difference and antipathy to being homogenized. Yet rather than staying within the field of meanings that multicultural language generally signals, namely Difference as Strategy � 185 that the equal rights of different and diverse peoples must be supported, Tauli-Corpuz uses multicultural reference to assert that a robust right to be different and distinct is the first step in asserting a right for indigenous peoples to opt out of economic globalization and to maintain separate economic systems, in the sense of separate circulations of knowledge, lands, and resources not inscribed within the value forms of capitalist globalization. Of particular interest is indigenous cultural activism that successfully uses its own version of multiculturalism to make the culture/land conceptual bind appear comprehensible, necessary, and well founded. This conceptual bind asserts the inseparability of indigenous peoples from the earth, so that land cannot be thought of apart from its social relations with humans and human existence cannot be thought of apart from its relations to lands, trees, plants, earth formations, waters, and animals. This chapter examines two examples: (1) an activist intervention in the field of law and rights discourse and (2) an activist intervention in the field of literary multiculturalism and how it validates and organizes knowledge about difference and personhood. First examined is how the United Nations Declaration of the Rights of Indigenous People (UNDRIP), which is largely but importantly not completely the product of international indigenous activism, transcodes multiculturalism in order to make possible the first-ever recognition by the United Nations of an indigenous right to self-determination, the firstever recognition of collective rights, a new derivation of rights, and a new right to free, prior, and informed consent. Although the final version of UNDRIP passed by the UN General Assembly was a compromise document and even though many nations recognize UNDRIP only as aspirational or in ways that defang it, should it become effective international customary law, it could provide an important legal tool for indigenous peacemaking in the context of the global resource wars. Second, this chapter offers a reading of Blood Run, a long narrative poem by Allison Hedge Coke, a Huron, Cherokee, and Métis poet and a movement builder within the emergent transnational networks of indigenous peoples’ movements. Blood Run narrativizes the mound city of Blood Run, a major precontact trading settlement that 186 � Difference as Strategy was estimated, around 1650, to have had some ten thousand inhabitants and to have comprised at least six distinct tribes, making it the most populous city in North America at the beginning of European settler colonialism. Blood Run is an epistemically resituating work that transcodes multicultural reference to make it possible for a culturally nonindigenous reader to imagine the viability of an (already existing) indigenous world system, which is to say a world-encompassing circulation of meaning, value, relationality, and matter.

#### Our praxis is incompatible with politically centered methodologies – the 1AC’s injection of critical scholarship into policymaking is a move to colonial instrumentalization that dilutes and resignifies indigenous thought to bolster imperialism.

Bolton and Minor ’16 -- (Michael Bolton, Associate Professor of Political Science, Pace University, Elizabeth Minor, Visiting Research Scholar @ Jindal school of international affairs, “The Discursive Turn Arrives in Turtle Bay: The International Campaign to Abolish Nuclear Weapons’ Operationalization of Critical IR Theories,” https://onlinelibrary.wiley.com/doi/full/10.1111/1758-5899.12343)

Within the IR literature there is a perennial admonition to make theory more ‘relevant’ to policy makers, but this is usually cast in problem‐solving terms: producing knowledge that solves the problems faced by the existing political framework. (Lepgold, 1998; Eriksson and Sundelius, 2005; Walt, 2005). Many of those engaged in critical theorizing resist such demands to be ‘useful,’ suspicious of the operationalization of academic work in oppressive systems, and tend towards a position of ‘resistance’ to the system as a whole. Critical security studies scholar Anna Stavrianakis (2012, p. 233) for example, calls on disarmament activists to demand ‘transgressive change that fundamentally alters the social landscape as well as generates concrete improvements’ rather than calling for ‘incremental changes that leave the parameters of an issue untouched’. Given the centrality of discourse to critical theorizing, resistance is often framed not in terms of taking territory, mobilizing bodies, changing legislation, gaining votes or raising money. Rather it tends to focus on the critical deconstruction of oppressive discourse and disruption of existing norms (e.g. Hargreaves, 2012). As a result, many critical IR scholars see their academic work – undermining dominant discourses through their scholarship and teaching – as their primary form of resistance. (Said, 1996). An emerging generation of political actors were educated by post‐positivist and critical IR scholars and conceive of their work self‐consciously in discursive terms. That is, they frame their intervention in the political arena as a deliberate attempt to reshape the way society speaks about and gives meaning to a particular phenomenon, people, group or activity. Occupy Wall Street activists drew upon critical and discursive theories to strategize their symbolic disruption of the neo‐liberal order (Welty, 2013). LGBTQA activists and ‘third wave’ feminists are trying to change dominant discourses of gender and sexuality (e.g. St. Pierre, 2000). However, critical theory has had less impact on the realm of international military and security policy, which remains heavily influenced by realist thought (Cooper, 2006). As critical theorizing has begun to be used for solving definable political problems (e.g. Davies, 2012; Merlingen, 2013), what Brown (2013) calls ‘critical problem‐solving theory’, it has eroded Cox's (1981) boundary between ‘problem‐solving’ and critical theories. What happens when a theoretical paradigm that explicitly defines itself in critical opposition is instrumentalized and used in problem‐solving ways? This question, which we begin to explore in this article, is underexamined in the literature (see Weizman, 2012, pp. 185–220 for an important exception). According to the epistemic community literature (e.g. Haas 2004), the education of policy makers can shape their later actions (Eriksson and Sundelius, 2005). Most usefully for this article, it shows how at critical junctures policy makers will turn to experts. Policy makers tend to be less interested in meta‐theory or broad academic debates about an issue. Rather, they look for knowledge that can be used instrumentally to solve a particular policy problem (e.g. Hall, 1993). But moving theoretical ideas from academia, through the activist community, to the policy arena, dilutes the original ideas and reinterprets them in instrumental ways. To help understand this, we draw on postcolonial concepts of ‘translation’ and ‘creolization’ of different ‘knowledge systems’ pushed into contact (Shih and Lionet, 2011, p. 30). We find that some ICAN campaigners responsible for its current strategy have ‘translated’ IR discursive theory into the world of disarmament policy making. In doing so, they selected the aspects of critical security studies ‘to transpose and emphasize’ (cf. Tymoczko, 2000 p. 24) as befit their specific political goals. This creative application of critical theory in a new setting, in its translation of theory into political engagement, may necessarily involve rendering it less threatening to elite audiences, in the process of seeking policy changes (cf. Jeffrey, 2013, pp. 107–131).

#### The role of debate is to disrupt the multiplicities of violence animated by colonial capitalism – we are winning the uniqueness debate as academic institutions are embedded in hegemonic power structures now – resistance is the only ethical demand your ballot should be oriented towards.

## 1NC -- Case

### 1NC -- No Solvency

#### COVID-19 waiver can’t solve – vaccine supply chains and lack of technological infrastructure constrain efficacy and cumbersome negotiations detract from pandemic control efforts.

De Bolle and Obstfeld ’21 -- Senior Fellows at PIIE (Monica de Bolle and Maurice Obstfeld, 5-12-2021, "Waiving patent and intellectual property protections is not a panacea for global vaccine distribution," PIIE, <https://www.piie.com/blogs/realtime-economic-issues-watch/waiving-patent-and-intellectual-property-protections-not>, accessed 9-3-2021) //nikki

The Biden administration's decision in early May 2021 to support temporary waivers of intellectual property rights (IPRs) on COVID-19 vaccines produced by the world's largest pharmaceutical companies is a welcome step intended to help countries with low access to vaccines. Unfortunately, however, the waivers by themselves will do little to aid global vaccination in the near term. In fact, these actions could be counterproductive if governments become complacent and fail to finance and organize vaccine supply chains worldwide, without which vaccines will not get to those who need them. As the pandemic has exploded in India and fears for Africa have intensified, the pressure on the United States, the European Union, and other advanced vaccine-producing countries to relax IP protections in World Trade Organization (WTO) agreements has intensified. Policymakers have also increasingly understood that no one is safe from COVID-19 until everyone is safe. Led by India and South Africa, the developing world has been arguing on moral and practical grounds that IP waivers are essential to accelerating vaccine distribution and containing the pandemic worldwide. Absent widespread vaccination in less prosperous countries, experts say, all countries, even those with high vaccination rates, would remain vulnerable. But IP waivers alone will not necessarily accomplish that goal. Among the obstacles to getting wide distribution of vaccines are bureaucratic hurdles within the WTO, the difficulty for many poor countries of producing vaccines even if they have the legal right to do so, and the fact that vaccine production depends on global supply chains that cannot quickly be mobilized to deliver shots to low- and middle-income countries. THREE KEY CHALLENGES Navigating the procedural obstacles to get WTO agreement on a streamlined mechanism for suspending IP protections is not as easy as it would seem. It is already possible to waive protections in the 1994 WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). But the WTO's track record suggests that roadblocks may lie ahead in expanding the scope of its waiver procedure. Since August 2003, the WTO has explicitly allowed emergency departures from the TRIPS agreement, enabling countries with manufacturing capacity to suspend IP protections to produce life-saving drugs and vaccines, not just for domestic use but also for export to countries that lack manufacturing capacity of their own. However, the process of negotiating the August 2003 decision—which created a temporary procedure for export waivers—took 14 months, and it was not until January 2017 that two-thirds of WTO members had ratified it as a formal amendment to the TRIPS agreement. Because of this painful negotiation process, the bureaucratic procedures for exercising IP flexibility are so cumbersome that there are very few instances of its use. The best known (though not very successful) example occurred with Canadian exports of an AIDS treatment to Rwanda in 2007. Complicating matters further has been the opposition of some major countries to revisiting the issue, as well as the likely need for WTO members to revise their domestic legal frameworks to accommodate patent waivers. These factors make it clear that renewed negotiations within the WTO are unlikely to yield results with the speed that the current health emergency demands or result in a meaningfully better framework. Recognizing the likely difficulty of negotiations, WTO Director-General Ngozi Okonjo-Iweala has suggested a December 3, 2021 deadline for completion—but like past initial deadlines in this space, this one could well prove overoptimistic. The second, and arguably more intractable, challenge is technical: Even if they overcome IP obstacles and get permission to produce vaccines, less prosperous countries lack the know-how, facilities, and trained personnel to produce them. Despite the abysmal decades-long record of vaccine distribution in those countries, existing TRIPS flexibilities have done nothing to improve the situation. A smoother IP waiver process might help, but only as a component of a broader effort. True, patent protection is the main obstacle to creation of generic small-molecule drugs, which chemists can synthesize. But other major obstacles exist for vaccines, which are biologics. For the latter category of drugs, an identical product requires an identical production technology, with most steps categorized as hard-to-replicate trade secrets rather than patentable innovations. Thus, Moderna announced in October 2020 that it would not enforce its COVID-19-related patents during the pandemic. But this step, however laudable, is of limited immediate help to would-be producers of a "generic" version of the Moderna vaccine. Without precisely replicating all steps of Moderna's production process, including the many quality controls, a generic version would have untested immunogenicity (the ability to induce the body to generate an immune response) and thus would require extensive clinical trials before release. Production glitches—such as those that afflicted the Janssen/Johnson & Johnson vaccine in the United States—could prompt widespread vaccine skepticism, damaging pandemic control efforts. The replication hurdle is especially high for the new and more sophisticated messenger ribonucleic acid (mRNA) vaccines, which have proven most effective against SARS-CoV-2 (the virus that causes COVID-19) and which are likely to provide the most adaptable platforms for the vaccines of the future. The genetic vaccines produced by Pfizer-BioNTech and Moderna require considerable technical knowledge and sophisticated techniques to generate a version of the viral spike protein that elicits a strong immune response.1 Therefore, from a biological standpoint, patent and IP waivers alone cannot resolve the existing lack of capacity in most countries to produce genetic vaccines at scale locally. A final challenge is that vaccine supply chains are intricate and global in scope. Different stages of vaccine manufacturing are spread across different parts of the globe, with various countries supplying key inputs and equipment. Patent and IP waivers cannot resolve export restrictions that these countries may decide to impose—and in fact have imposed—throughout the pandemic. Nor can poor countries with production waivers easily integrate into global supply chains. At the moment, current production capacity and quality standards continue to constrain global supply. SHORT- AND LONG-TERM PRIORITIES A streamlined mechanism for IP waivers can be useful, but the back and forth of waiver negotiations within the WTO will prove counterproductive if it distracts from necessary immediate and longer-term measures to contain the pandemic and prepare for future threats. In the short run, global vaccine production by existing producers should be ramped up with more global sharing, and at subsidized prices for poor countries. All countries can start by renouncing export restrictions that threaten global supply chains. Rich countries must also step up to provide financial support for vaccine purchases and immunization programs and also to directly share vaccine doses that are now in oversupply. Political leaders in the rich countries should explain to their citizens that aiding poor countries is in their own interest. That is because the pandemic is producing potentially more transmissible and deadlier variants that will inevitably spread worldwide. Over the long run, the global community needs to build a cooperative infrastructure to address the likelihood of the current pandemic lasting a long time, while preparing for future pandemics that could arrive with increasing frequency. In February 2021, the Group of Seven nations proposed a global health treaty that would help create a framework for more effective and coordinated pandemic response. Systematic worldwide genomic surveillance of current and potential pathogens is one aspect of such a treaty that would be imperative in order to inform public health policymakers and guide rapid vaccine development. Another useful step could be a vaccine investment and trade agreement, as suggested by Thomas J. Bollyky and Chad P. Bown, which would enable countries to coordinate vaccine development, supply chains, and production to eliminate beggar-thy-neighbor policies and speed vaccine development and deployment worldwide. The public-private partnerships underlying such an agreement might incorporate reform of the TRIPS patent and IP flexibilities acceptable to all parties. Unfortunately, finance ministers and central bank governors did little more than rehearse broad principles at their April 2021 Group of Twenty (G20) meeting, even as the COVID-19 outlook has deteriorated in India and elsewhere. Italy will host the next important international public health meeting on May 21, 2021 at a Global Health Summit in Rome. Participants may consider proposals by the High Level Independent Panel on Financing the Global Commons for Pandemic Preparedness and Response, which the G20 established in January 2021 and which Dr. Okonjo-Iweala co-chairs. International engagement over patents and other IP protections will be immensely more beneficial as a component of much broader commitments to speed vaccine deployment in the near term and build a robust cooperative framework for ongoing pandemic response. By the time of their October leaders' meeting, G20 countries should be well along in implementing an ambitious global public health framework rather than squabbling over the narrower issue of IP protections.

#### COVID-19 vaccine waiver is insufficient to narrow the structural supply gap between wealthy nations and their developing counterparts – cumbersome licensing measures and lack of technological transfer ensure failure.

Blenkinsop ’21 -- (Philip Blenkinsop, 5-20-2021, "Vaccine patent waiver will not be enough -WTO chief," Reuters, <https://www.reuters.com/business/healthcare-pharmaceuticals/vaccine-patent-waiver-will-not-be-enough-wto-chief-2021-05-20/>, accessed 9-3-2021) //nikki

BRUSSELS, May 20 (Reuters) - Waiving intellectual property rights for COVID-19 vaccines will not be enough to narrow the huge supply gap between rich and poor countries, the head of the World Trade Organization said on Thursday. South Africa and India have urged fellow WTO members to waive IP rights on vaccines to boost production. Poorer countries that make up half the world's population have received just 17% of doses, a situation the World Health Organization head has labelled "vaccine apartheid". U.S. President Joe Biden said last week he supported the waiver idea, but the European Union and other developed country opponents said it will not increase output. Speaking to the European Parliament on Thursday, WTO director-general Ngozi Okonjo-Iweala said it was clear that an IP waiver alone would not be enough. "To have solved the unacceptable problem of inequity of access to vaccines, we have to be holistic. It's not one or the other," she said, adding this could not drag out for years. World Trade Organisation (WTO) Director-General Ngozi Okonjo-Iweala attends an interview with Reuters at the WTO headquarters in Geneva, Switzerland, April 12, 2021. REUTERS/Denis Balibouse The European Commission outlined a plan on Wednesday it sees as a more effective way of boosting output, using existing WTO rules, rather than a waiver. It notes countries can grant licences to manufacturers to produce with or without the patent-holder's consent. Bolivia signed a deal last week with a Canadian company Biolyse Pharma Corp to produce the Johnson & Johnson vaccine, which would require Biolyse to secure authorisation from Johnson & Johnson or a "compulsory licence" from Canada. Okonjo-Iweala said developing countries had complained the licencing process was cumbersome and should be improved. Manufacturers should work to expand production, she said, pointing to idle capacity in Pakistan, Bangladesh, Indonesia, Thailand, Senegal, South Africa. There also needed to be a transfer of technology and know-how, with vaccines often harder to produce than drugs. "I'm convinced that we can agree a text that gives developing countries that kind of access and flexibility, whilst protecting research and innovation," she said.

#### TRIPS waiver requires the disclosure of trade secrets in order to enable effective transfer of technology to be effective – this decks solvency and increases likelihood of US circumvention.

Noonan ’21 -- Kevin E. Noonan is a partner with McDonnell Boehnen Hulbert & Berghoff LLP and serves as Chair of the firm’s Biotechnology & Pharmaceuticals Practice Group. (Kevin E. Noonan, "If the Devil of the WTO IP Waiver Is in the Details, What Are the Details?," Patent Docs, <https://www.patentdocs.org/2021/05/if-the-devil-of-the-wto-ip-waiver-is-in-the-details-what-are-the-details.html>, accessed 9-3-2021) //nikki

While the details of the WTO patent waiver have not been determined (or more properly negotiated), it is important to consider the structure of the international trade regime in which the waiver will operate and the consequences of any agreement defining exactly what will be waived. The GATT/TRIPS agreement is a treaty, which (of course) is an agreement between countries, and disputes and accommodations are between their governments. The extent to which a private company's patent or other IP rights are protected under the terms of these agreements depends on actions of these governments in enforcing them on the company's behalf. Thus, for protections like patents, a government can agree to "turn a blind eye" to infringement by companies in other countries (or other governments) by refusing to press the rightsholder's case before the WTO, to pressure the governments unilaterally (as in the Watch List and Special Watch List of the U.S. Trade Representative's Special 301 Report), or otherwise support a private company's private actions using an infringing country's legal system. Such "passive" actions (i.e., refusing to enforce rights in violating or "scofflaw" countries) requires very little affirmative action by a government. These are the types of de facto waivers that can be effective, for example, for patented drugs that can be produced by conventional drug production technology wherein description of an active pharmaceutical ingredient molecule. The details of COVID vaccine production have been set out in various news sources (see Neuberg et al., "Exploring the Supply Chain of the Pfizer/BioNTech and Moderna COVID-19 Vaccines"; Weiss et al., "A COVID-19 Vaccine Life Cycle: From DNA to Doses," USA Today, Feb. 7, 2021; King, "Why Manufacturing Covid Vaccine to at Scale Is Hard," Chemistry World, Mar. 23, 2021; Cott et al., "How Pfizer Makes Its Covid-19 Vaccine," New York Times, April 28, 2021). But these are certainly not disclosed in the detail necessary for commercial production, and the complexities of production are illustrated in graphics from the Times article, wherein the DNA is prepared in Chesterfield, MO and shipped to Andover, MA for mRNA production; then the mRNA shipped back to Chesterfield or Kalamazoo, MI for packaging into the vaccine nanoparticles; and then sent back to Andover for testing before release. While some of this complexity may be company-specific, it also represents the different technological requirements for preparing an effective vaccine. It is unlikely that most of the countries in favor of the waiver (except India and South Africa) have the technological infrastructure for producing the vaccine. And the company in India, the Serum Institute ("the largest vaccine maker in the world"), having the greatest likelihood of being able to reproduce the vaccine if the waiver is put in place recently was forced to "hand over its vaccines to the [Indian] government," according to an article in the New York Times (Schmall et al., "India and Its Vaccine Maker Stumble over Their Pandemic Promises," May 9, 2021). It is evident that, in the almost total absence of patents involved in COVID vaccine preparation, the disclosure needed to reproduce these vaccines (no matter how difficult that may be in practice) are protected by trade secrets. If the WTO imposes this waiver, the question will be whether the U.S. will compel disclosure of trade secret owned by U.S. companies, or have disclosed them to the extent such secrets are part of regulatory filings. Either action would constitute a "taking" under the Fifth Amendment ("Nor shall private property be taken for public use, without just compensation"); see Epstein et al., "The Fifth Amendment Takings Clause," Interactive Constitution: Common Interpretation. Seemingly simple and straightforward, almost every word in the clause is open to interpretation, none perhaps as much as determining what "just compensation" entails. It is likely that, should the government act peremptorily with regard to takings of trade secrets justified by any WTO waiver clause, the effect on trade secrets will carry the greatest consequences and be the cause of most controversy. Indeed, the prospects arising therefrom are likely some of the biggest impediments towards effectuating any waiver in a manner that could have any chance of achieving the stated goal of facilitating COVID vaccine production. This prospect also raises the issue of how any such waiver will be implemented in the U.S. Treaties are not necessarily "self-executing" and need to become enforceable through an Act of Congress. The distinguishing feature of such treaties are that "provisions in international agreements that would require the United States to exercise authority that the Constitution assigns to Congress exclusively must be deemed non-self-executing, and implementing legislation is required to give such provisions domestic legal effect." See Mulligan, "International Law and Agreements: Their Effect upon U.S. Law," Congressional Research Service 7-5700, Sep. 19, 2018. The necessity for Congress to act, although not having the heavy weight that entails approving treaties (i.e., a two-thirds majority vote in the Senate) nonetheless could be expected to face significant opposition should it be interpreted to permit the government to exercise a form of "eminent domain" over pharmaceutical companies' trade secrets. In this regard such an act could readily be characterized as "forced technology transfer" and even IP theft, should, for example, such trade secrets be capable of use to weaponize rather than immunize against viral infections. The administration's public position raises the likelihood of an infringement on private property unprecedented in the U.S. It also has implications for other aspects of foreign policy; for example, at least some of the trade secrets belong to BioNTech, a German company. Germany has not agreed to the waiver, and should the U.S disclose BioNTech's trade secrets, no doubt Germany would have cause to seek redress against America. This is but one of the possible legal consequences that the recent capitulation to the purported global "kumbaya" of the WTO waiver is likely to create. More complications will likely arise as the negotiations proceed. Provided the Administration is properly advised and the waiver properly limited (e.g., to patents) these and other deleterious consequences may be avoided. In view of the possibility of serious liability arising by improvident acquiescence to generally uninformed calls for a broad waiver, it might not be a bad idea for all those involved in innovation (universities, technology transfer offices, pharmaceutical companies, patent lawyers, and economists) counter these opinions with the facts and make their viewpoints known and voices heard.

### 1NC -- Compulsory Licensing

#### TRIPS waiver is well-intentioned but ineffectual – lack of precedent ensures failure of implementation and lengthy negotiations – expansion of compulsory licensing solves better.

Dhenne ’21 -- intellectual property attorney at IPSILON (Matthieu Dhenne, 5-13-2021, “The IP waiver for Covid-19: a wrong good idea.” Kluwer Patent Blog, <http://patentblog.kluweriplaw.com/2021/05/13/the-ip-waiver-for-covid-19-a-wrong-good-idea/>, accessed 9-3-2021) //nikki

Although he pronounced against the IP Waiver on 23 April, French President Emmanuel Macron declared having changed his mind on 6 May, following the US administration’s surprising decision on 5 May. These contradictory statements have rekindled the controversy over the IP waiver, which is a wrong path that distracts the debate from the real issue: how to make the compulsory licensing procedure effective? IP is (too?) rarely emerging from the political discourse in France and Europe. However, since the announcement on 5 May by the Biden administration, which supports the proposal for the IP waiver linked to Covid-19, which emerged at the WTO under the leadership of India and South Africa, the subject of the patents come to the forefront of public debate, since the IP waiver concern mostly patents. It should also be noted that Mrs Merkel has spoken out against the suspension of intellectual property, which is strange when you consider that a law passed in April 2020 by the German Parliament (Infektionsgesetz, summarised in English here) declares exactly the opposite: that patents linked to Covid-19 can be deprived of their effects at any time if necessary (which is contrary to Article 31 bis of the TRIPS Treaty, but then again, that’s not the case…) A reminder to political leaders: what is a patent? Often caricatured as instruments intended to fill the portfolios of the shareholders of “Big Pharma”, in particular, by keeping the secrets of their formulas, patents are in reality instruments for encouraging research, in particular for the amortization of R&D investments. A patent is in fact a property title relating to an invention which is issued by an administration (i.e. the INPI) which grants, for a period of 20 years, an exclusive right to exploit the invention it discloses. In other words, contrary to what we often hear, a patent does not guarantee any secrecy, but allows research to be disseminated, as long as it is public. Thus, expropriating patent owners would discourage investment in private research, which is far greater than investment in public research. Such a discouragement would appear, at the very least, in similar situations (e.g. pandemic with a variant requiring a new vaccine). Not to mention that in this case the patents, for the time being, do not concern vaccines as such, but manufacturing methods (such as messenger RNA) that were invented prior to the pandemic and that come solely from private investment (see a summary here). Finally, the patents are very often held by SMEs and not multinationals, as is the case with BioNTech or Moderna for example. The IP waiver proposed at the WTO Since autumn 2020, the WTO has been discussing a possible IP waiver in connection with the current pandemic. Of course, this waiver does not only concern patents, but all intellectual property, including apparently know-how, which is not only secret, but also very important for the exploitation of the lessons learned from patents. This know-how is essential for adapting production capacities, particularly for the messenger RNA technique. It should also be emphasized that the IP waiver is intended solely to prevent States from being obliged to act at national level. In other words, the aim is to avoid each State having to implement the compulsory license procedure individually, which would risk driving the pharmaceutical industry out of their territories, in favor of a collective measure to suspend intellectual property. This change of scale – from national to international – also serves as a pretext for moving from an compulsory license (limited by Article 31 bis of the TRIPS Treaty and subject to royalties proportional to the exploitation of the invention) to a pure and simple suspension (akin to expropriation which will at best be compensated by means of a patent indemnity). In any case, there is currently no precedent for this, so each country would have to devise a specific procedure, which does not exist at present, whereby the State would have to identify the patents linked to COVID-19 and assess compensation for each of them. The real problem: the lack of effectiveness of the compulsory licensing mechanism In the end, it is hard to understand why political leaders are only for or against the IP waiver, while pretending to ignore the mechanism of the compulsory license, which exists in our positive law and could facilitate the manufacture of vaccines. This lack of vision seems particularly damaging insofar as compulsory licensing would offer significant advantages: existing mechanisms and royalties proportional to the exploitation of the invention, so that a balance would be maintained between the reward that encourages research and the interest of public health.) Moreover, it would be quite conceivable for WTO members to adopt collectively, at the international level, a declaration of intent by which they would undertake to implement the automatic licensing procedure, without any question of suspension (and therefore of expropriation). It should be noted, however, that a bill tabled in the Senate on 8 April this year (see translation here), with a view to granting such a license, could (at last) make up for this unfortunate governmental deficiency.

### 1NC -- Circumvention

#### American exceptionalism embedded in intellectual property negotiations enables circumvention – historical examples prove that WTO regulations are consistently restructured to favor American interests.

Rahmatian ’10 -- Professor of Commercial Law at the University of Glasgow (Andreas Rahmatian, 6-23-2010, "Neo-Colonial Aspects of Global Intellectual Property Protection," The Journal of World Intellectual Property, Vol. 12, No. 1, pp. 40-74, 2010, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1629228,8-27-2021 //nikki

The powerful position of the United States can also be shown in the surrounding circumstances of its decision to join the Berne Convention in 1989 after over a hundred years of hesitation (Hatch, 1989, pp. 171-2).23 The main reasons for that were initially the reluctance to give copyright protection to works by foreign authors,24 later the incompatibility of the “manufacturing clause”25 with the prohibition of formalities for copyright protection in the Berne Convention, and, after the Rome Revision of the Berne Convention in 1928, the reservation against the recognition of moral rights in Article 6bis (Hatch, 1989, pp. 173-175). The eventual accession of the United States was probably decisive in turning the Berne Convention into the principal international copyright convention as opposed to the Universal Copyright Convention (UCC),26 and accordingly, TRIPs incorporates the Berne Convention,27 but does not mention the UCC. However, the UCC was initiated mainly by the United States as an alternative international copyright protection measure under the auspices of UNESCO which would not conflict with existing US copyright law and compensate for the United States’ absence from the Berne Convention (Hatch, 1989, p. 176).28 When the United States withdrew from UNESCO in 1983, the utility of UNESCO for promoting US interests through the UCC diminished exceedingly, as well as US-American influence on international copyright law in general. This triggered a renewed interest of the United States to join Berne (Drahos with Braithwaite, 2002, p. 130; Bettig, 1996, pp. 221-3), coupled with the need to get a better grip on increasing piracy of US copyright material. At the same time the US sought to preserve existing national copyright law to the greatest extent possible, in that it decided to adopt a minimalist approach to compliance with the requirements of the Berne Convention (Hatch, 1989, pp. 178, 189). The Berne Convention Implementation Act of 1988 therefore abolished the obligation for foreign authors to register their copyright as a prerequisite for an infringement action, but preserved it for United States authors (Hatch, 1989, p. 194). Furthermore, it did not enact moral rights, and the United States maintained that existing statutes and common law fulfilled Article 6bis, including remedies based on the Copyright Act,29 the Lanham Act,30 and common law remedies under contract, defamation and unfair competition laws (Hatch, 1989, p. 182). Article 6bis (3) perhaps indicates the acceptability of such an interpretation. But the UK, which initially took the same approach to moral rights as the US, eventually felt obliged to enact specific moral rights in the Copyright Act 1988 in order to comply with Article 6bis, 31 and the same happened more recently in Australia.32 It was in fact not entirely clear whether the United States copyright regime really conformed to the moral rights obligations under Berne, but the US declared unilaterally that it did conform, and the US Congress stated that the implementing bill would neither expand nor reduce the scope of existing US copyright law. As an additional precaution, the US Congress made clear that the Berne Convention and its moral right provisions would not become self-executing upon ratification (Hatch, 1989, pp. 189-90). Given the political and economic position of the United States, a challenge as to the accuracy of these statements is probably confined to academic discussion; a political impact is unlikely. Any possible political pressure from other countries on the United States to adopt a more expansive moral rights regime, which would obviously conflict with the interests of the large US copyright industries, would realistically have no effect. The position of the United States on moral rights also left traces in TRIPs: the Berne Convention has been made part of TRIPs to a large extent, but its moral rights provisions under Article 6bis have been excluded,33 in part as a result of the successful opposition by the US film industry (Macmillan, 2002, p. 491; Drahos with Braithwaite, 2002, p. 176). Theoretically, however, if existing law of the United States had indeed been compliant with Article 6bis, the inclusion of the moral rights provisions in TRIPs should have been unproblematic. The fact that the Western world, particularly the United States, can dictate the terms of international legal rules by virtue of their obvious economic superiority, and can at the same time interpret these rules in a form suitable to their own interests without any realistic challenge, indicates a legal framework on which an “informal empire” is being built. Would a country like Togo or Oman be able to produce similar effects on the making of international trade conventions? In the future, however, especially China could have a very substantial influence.

### 1NC -- Generic Drugs Bad

#### Generic drugs send their worst quality drugs to LDCs where risk of inspection is the lowest – this is a form of medical colonialism that only the alt solves.

**Eban 19** [Katherine Eban, an investigative journalist and the author of the New York Times bestseller Bottle of Lies: The Inside Story of the Generic Drug Boom, May 17 2019, “How Some Generic Drugs Could Do More Harm Than Good,” Time Magazine, <https://time.com/5590602/generic-drugs-quality-risk/> ]/Triumph Debate

For the 16 years that Dr. Brian Westerberg, a Canadian surgeon, worked volunteer missions at the Mulago National Referral Hospital in Kampala, Uganda, scarcity was the norm. The patients usually exceeded the 1,500 allotted beds. Running water was once cut off when the debt-ridden hospital was unable to pay its bills. On some of his early trips, Westerberg even brought over drugs from Canada in order to treat patients. But as low-cost generics made in India and China became widely available through Uganda’s government and international aid agencies in the early 2000s, it seemed at first like the supply issue had been solved. Then on February 7, 2013, Westerberg examined a feverish 13-year-old boy who had fluid oozing from an ear infection. He suspected bacterial meningitis, though he couldn’t confirm his diagnosis because the CT scanner had broken down. The boy was given intravenous ceftriaxone, a broad-spectrum antibiotic that Westerberg believed would cure him. But after four days of treatment, the ear had only gotten worse. As Westerberg prepared to operate, the boy had a seizure. With the CT scanner working again, Westerberg ordered an urgent scan, which revealed small abscesses in the boy’s skull, likely caused by the infection. When a hospital neurosurgeon looked at the images and confidently declared that surgery was unnecessary and the swelling and abscesses would abate with effective antibiotic treatment, Westerberg was confused. They had already treated the boy with intravenous ceftriaxone, which hadn’t worked. His confusion deepened when his colleague suggested that they switch the boy to a more expensive version of the drug. Why swap one ceftriaxone for another? Most people assume that a drug is a drug — that Lipitor, for example, or a generic version, is the same anywhere in the world, so long as it’s made by a reputable drug company that has been inspected and approved by regulators. That, at least, is the logic that has driven the global generic-drug revolution: that drug companies in countries like India and China can make low-cost, high-quality drugs for markets around the world. These companies have been hailed as public-health heroes and global equalizers, by making the same cures available to the wealthy and impoverished. PAID PARTNER CONTENT 6 Prepaid Funeral Plan Myths: Learn More BY DIGNITY MEMORIAL But many of the generic drug companies that Americans and Africans alike depend on, which I spent a decade investigating, hold a dark secret: they routinely adjust their manufacturing standards depending on the country buying their drugs, a practice that could endanger not just those who take the lower-quality medicine but the population at large. These companies send their highest-quality drugs to markets with the most vigilant regulators, such as the U.S. and the European Union. They send their worst drugs — made with lower-quality ingredients and less scrupulous testing — to countries with the weakest review. The U.S. drug supply is not immune to quality crises — over the last ten months, dozens of versions of the generic blood pressure drugs valsartan, losartan and irbesartan have been subject to sweeping recalls. The active ingredients in some, manufactured in China, contained a probable carcinogen once used in the production of liquid rocket fuel. But the patients who suffer most are those in so-called “R.O.W. markets” — the generic-drug industry’s shorthand for “Rest of World.” In swaths of Africa, Southeast Asia and other areas with developing markets, some generic drug companies have made a cold calculation: they can sell their cheapest drugs where they will be least likely to get caught. In Africa, for instance, pharmaceuticals used to come from more developed countries, through donations and small purchases. So when Indian drug reps offering cheap generics started arriving, the initial feeling was positive. But Africa soon became an avenue “to send anything at all,” said Kwabena Ofori-Kwakye, associate professor in the pharmaceutics department at the Kwame Nkrumah University of Science and Technology in Kumasi, Ghana. The poor quality has affected every type of medication, and the adverse impact on health has been “astronomical,” he told me. Multiple doctors I spoke to throughout the continent said they have adjusted their medical treatment in response, sometimes tripling recommended doses to produce a therapeutic effect. Dr. Gordon Donnir, former head of the psychiatry department at the Komfo Anokye teaching hospital in Kumasi, treats middle-class Ghanaians in his private practice and says that almost all the drugs his patients take are substandard, leading him to increase his patients’ doses significantly. While his European colleagues typically prescribe 2.5 milligrams of haloperidol (a generic form of Haldol) several times a day to treat psychosis, he’ll prescribe 10 milligrams, also several times a day, because he knows the 2.5 milligrams “won’t do anything.” Donnir once gave ten times the typical dose of generic Diazepam, an anti-anxiety drug, to a 15-year-old boy, an amount that should have knocked him out. The patient was “still smiling,” Donnir said. Many hospitals also keep a stash of what they call “fancy” drugs — either brand-name drugs or higher-quality generics — to treat patients who should have recovered after a round of treatment but didn’t. Confronted with the ailing boy at the Mulago hospital, Westerberg’s colleagues swapped in the more expensive version of ceftriaxone and added more drugs to the treatment plan. But it was too late. In the second week of his treatment, the boy was declared brain dead. Westerberg’s Ugandan colleagues were not surprised. Their patients frequently died when treated with drugs that should have saved them. And there were not enough “fancy” drugs to go around, making every day an exercise in pharmaceutical triage. It was also hard to keep track of which generics were safe and which were not to be trusted, said one doctor in Western Uganda: “It’s anesthesia today, ceftriaxone tomorrow, amoxicillin the next day.” Westerberg, shaken by his newfound knowledge, flew back to Canada and teamed up with a Canadian respiratory therapist, Jason Nickerson, who’d had similar experiences with bad medicine in Ghana. They decided to test the chemical properties of the generic ceftriaxone that had been implicated in the Ugandan boy’s death. Another of Westerberg’s colleagues brought him a vial from the Mulago hospital pharmacy. The drug had been made by a manufacturer in northern China, which also exported to the U.S. and other developed markets. But when they tested the ceftriaxone at Nickerson’s lab, it contained less than half the active drug ingredient stated on the label. At such low concentration, the drug was basically useless, Nickerson said. He and Westerberg published a case report in the CDC’s Morbidity and Mortality Weekly Report. Although they couldn’t say with certainty that the boy had died due to substandard ceftriaxone, their report offered compelling evidence that he had. Some companies claim that, while their drugs are all high-quality, there may be some variance in how they are produced because regulations differ from market to market. But Patrick H. Lukulay, former vice president of global health impact programs for USP (formerly U.S. Pharmacopeia), one of the world’s top pharmaceutical standard-setting organizations, calls that argument “totally garbage.” For any given drug, he says, “There’s only one standard, and that standard was set by the originator,” meaning the brand-name company that developed the product. It’s not just those in developing markets who should be alarmed. Often, substandard drugs do not contain enough active ingredient to effectively cure sick patients. But they do contain enough to kill off the weakest microbes while leaving the strongest intact. These surviving microbes go on to reproduce, creating a new generation of pathogens capable of resisting even fully potent, properly made medicine. In 2011, during an outbreak of drug-resistant malaria on the Thailand-Cambodia border, USP’s chief of party in Indonesia Christopher Raymond strongly suspected substandard drugs as a culprit. Treating patients with drugs that contain a little bit of active ingredient, as he put it, is like “putting out fire with gasoline.” USP is so concerned about this issue that in 2017 it launched a center called the Quality Institute, which funds research into the link between drug quality and resistance. In late 2018, Boston University biomedical engineering professor Muhammad Zaman studied a commonly used antibiotic called rifampicin that, if not manufactured properly, yields a chemical substance called rifampicin quinone when it degrades. When Zaman subjected bacteria to this substance, it developed mutations that helped it resist rifampicin and other similar drugs. Zaman concluded from his work that substandard drugs are an “independent pillar” in the global menace of drug resistance. The low cost of generic drugs makes them essential to global public health. But if those bargain drugs are of low quality, they do more harm than good. For years, politicians, regulators and aid workers have focused on ensuring access to these drugs. Going forward, they must place equal value on quality, through an exacting program of unannounced inspections, routine testing of drugs already on the market and strict legal enforcement against companies manufacturing subpar medicine. One model is the airline industry, which through international laws and treaties, has established clear global standards for aviation safety. Without something similar for safe and effective drugs, the twin forces of subpar medicine and growing drug resistance will be so destructive that developed countries won’t be able to ignore them. As Elizabeth Pisani, an epidemiologist who has studied drug quality in Indonesia, put it, “The fact is, pathogens know no borders.”

#### Generics don’t solve; they are wildly more expensive in LDCs due to the effects of colonial capitalism that fractures drug markets in the global south

**Glassman 19** [Amanda Glassman Executive Vice President of CGD, CEO of CGD Europe, and Senior Fellow, JUNE 17, 2019, “New Study Finds Some Poor Countries Paying 20 to 30 Times More for Basic Medicines Than Others,” Center for Global Development, <https://www.cgdev.org/article/new-study-finds-some-poor-countries-paying-20-30-times-more-basic-medicines-others> ]/Triumph Debate

WASHINGTON – Basic, everyday drugs can cost up to 20 to 30 times more in some poor countries than others, according to a new study released today by the Center for Global Development. The study examined billions of dollars of health spending on common, life-saving medicines in developing countries, mostly in Africa and Asia. To date, it is one of the largest-ever studies on global health procurement. “Developing countries are often paying far more for everyday drugs than they should be. Why do some poor countries pay 20 to 30 times as much as others for common medicines to relieve pain or treat hypertension? In large part, because of flawed drug buying practices and broken generic medicines markets,” said Amanda Glassman, one of the authors of the study and the executive vice president at the Center for Global Development. “A robust market for generic drugs is a core part of an affordable health system. But in way too many countries, generic drug markets are broken and patients are paying the price,” said Kalipso Chalkidou, the director of global health policy at the Center for Global Development and an author of the study. “You need enough competition to keep prices low and quality assurance that consumers trust, or essential medicines are going to be much more expensive than they should be.” The study had three main findings: In developing countries, prices for basic generic medicines can vary widely and far exceed wealthy-country prices. Some purchasers in low- and middle-income countries pay as much as 20 to 30 times more for basic generic medicines like omeprazole, used to treat heartburn, or acetaminophen (also known as paracetamol), a common pain reliever. Low- and middle-income countries purchase more expensive branded generic drugs rather than unbranded quality-assured generics. In the US, most drugs are either on-patent medicines or unbranded generics, but in many developing countries more expensive brand-name generics are widely used, because people are concerned about unsafe or counterfeit drugs. In the poorest countries, unbranded generics are only 5 percent of the pharmaceutical market by volume—in comparison to the US where unbranded quality-assured generics are 85 percent of the market by volume. There is little competition in the supply of essential medicines in low- and middle-income countries. The largest seller of products like contraceptives, cancer medicines, and antiparasitics can account for upwards of 85 percent of all sales in some countries. “We’re talking about access to common medications for pain or high blood pressure, not the latest cutting-edge cancer drugs,” Glassman said. “It’s not as exciting to talk about procurement as new health technologies or biotech breakthroughs,” she continued. “But drug purchasing is incredibly important, and if it’s done badly you end up with the poorest countries in the world paying some of the highest drug prices.”

### 1NC -- Squo Solves

#### COVAX delivered vaccines to more than 100 economies 42 days after first international delivery

**WTO 21.** [World Trade Organization, “COVAX reaches over 100 economies, 42 days after first international delivery.” WTO. April 8 2021. <https://www.unicefusa.org/stories/covax-mission-forges-ahead-vaccinate-world-against-covid-19/38636>. ] /Triumph Debate

The COVAX Facility has now delivered life-saving vaccines to over 100 economies since making its first international delivery to Ghana on 24 February 2021. So far, more than 38 million doses of vaccines from manufacturers AstraZeneca, Pfizer-BioNTech and Serum Institute of India (SII) have now been delivered, including 61 economies eligible for vaccines through the Gavi COVAX Advance Market Commitment. COVAX aims to supply vaccines to all participating economies that have requested vaccines, in the first half of 2021, despite some delays in planned deliveries for March and April. More than one hundred economies have received life-saving COVID-19 vaccines from COVAX, the global mechanism for equitable access to COVID-19 vaccines. The milestone comes 42 days after the first COVAX doses were shipped and delivered internationally, to Ghana on 24 February 2021. COVAX has now delivered more than 38 million doses across six continents, supplied by three manufacturers, AstraZeneca, Pfizer-BioNTech and the Serum Institute of India (SII). Of the over 100 economies reached, 61 are among the 92 lower-income economies receiving vaccines funded through the Gavi COVAX Advance Market Commitment (AMC). Despite reduced supply availability in March and April – the result of vaccine manufacturers scaling and optimizing their production processes in the early phase of the rollout, as well as increased demand for COVID-19 vaccines in India – COVAX expects to deliver doses to all participating economies that have requested vaccines in the first half of the year. “In under four months since the very first mass vaccination outside a clinical setting anywhere in the world, it is tremendously gratifying that the roll-out of COVAX doses has already reached one hundred countries,” said Dr Seth Berkley, CEO of Gavi, the Vaccine Alliance. “COVAX may be on track to deliver to all participating economies in the first half of the year yet we still face a daunting challenge as we seek to end the acute stage of the pandemic: we will only be safe when everybody is safe and our efforts to rapidly accelerate the volume of doses depend on the continued support of governments and vaccine manufacturers. As we continue with the largest and most rapid global vaccine rollout in history, this is no time for complacency.” “COVAX has given the world the best way to ensure the fastest, most equitable rollout of safe and effective vaccines to all at-risk people in every country on the planet,” said Dr Tedros Adhanom Ghebreyesus, WHO Director-General. “If we are going to realize this great opportunity, countries, producers and the international system must come together to prioritize vaccine supply through COVAX. Our collective future, literally, depends on it.” "This is a significant milestone in the fight against COVID-19. Faced with the rapid spread of COVID-19 variants, global access to vaccines is fundamentally important to reduce the prevalence of the disease, slow down viral mutation, and hasten the end of the pandemic,” said Dr Richard Hatchett, CEO of the Coalition for Epidemic Preparedness Innovations (CEPI). “The extraordinary scientific achievements of the last year must now be matched by an unprecedented effort to protect the most vulnerable, so the global community must remain firmly focused on reducing the equity gap in COVID-19 vaccine distribution." “In just a month and a half, the ambition of granting countries access to COVID vaccines is becoming a reality, thanks to the outstanding work of our partners in the COVAX Facility,” said Henrietta Fore, UNICEF Executive Director. “However, this is no time to celebrate; it is time to accelerate. With variants emerging all over the world, we need to speed up global rollout. To do this, we need governments, along with other partners, to take necessary steps to increase supply, including by simplifying barriers to intellectual property rights, eliminating direct and indirect measures that restrict exports of COVID-19 vaccines, and donating excess vaccine doses as quickly as possible.” According to its latest supply forecast, COVAX expects to deliver at least 2 billion doses of vaccines in 2021. In order to reach this goal, the COVAX Facility will continue to diversify its portfolio further, and will announce new agreements with vaccine manufacturers in due course. Furthermore, in March it was announced that the United States government will host the launch event for the 2021 Gavi COVAX AMC Invest Opportunity to catalyze further commitment and support for accelerated access to vaccines for AMC-supported economies. An additional US$ 2 billion is required in 2021 to finance and secure up to a total of 1.8 billion donor-funded doses of vaccines. COVAX is also working to secure additional sourcing of vaccines in the form of dose-sharing from higher income countries.

#### G7 countries committed 1 billion vaccine doses through UNICEF’s expansion of COVAX

**Ferguson 21** [Sarah Ferguson, senior editor at UNICEF,. “COVAX Mission Forges Ahead: Vaccinate the World Against COVID-19.” June 14 2021, https://www.unicefusa.org/stories/covax-mission-forges-ahead-vaccinate-world-against-covid-19/38636. ] /TriumphDebate

As countries with high vaccination rates begin to see a steady decline in COVID-19 transmission rates, poorer nations are lagging far behind. The vast majority of people in developing countries — including frontline health care workers — still have not received their first shot. "Globally, we are still in a perilous situation," warned World Health Organization Director-General Tedros Adhanom Ghebreyesus. "Yes, vaccines are reducing severe disease and death in countries that are fortunate enough to have them in sufficient quantities, and early results suggest that vaccines might also drive down transmission. But the shocking global disparity in access to vaccines remains one of the biggest risks to ending the pandemic." UN0469997.jpg.700w.jpg A health worker administers a COVID-19 vaccine dose supplied by the COVAX Facilty in Guinea-Bissau on May 25, 2021. A health care worker administers a dose of COVID-19 vaccine supplied by the COVAX Facility in Guinea-Bissau on May 25, 2021. Guinea-Bissau is one of the world's poorest and most fragile countries. © UNICEF/UN0469995/ Now's the time to close the dangerous gap in vaccine coverage between rich and poor countries In a May 31, 2021 Washington Post op/ed, Ghebreyesus joined the leaders of the International Monetary Fund, the World Bank Group and the World Trade Organization calling for a "stepped-up coordinated strategy, backed by new financing, to vaccinate the world." The new proposal builds on the ongoing work of COVAX, the multi-agency global mechanism for equitable access to COVID-19 vaccines, a pillar of the Access to COVID-19 Tools Accelerator initiative (ACT-A). UNICEF is a key partner in COVAX and ACT-A, leading on procurement and providing on-the-ground support to prepare for and facilitate vaccine rollouts around the world. COVAX has proven it works. Designed and implemented in the midst of an unprecedented public health crisis, it has delivered almost 93 million doses to 134 countries and economies around the world since February — from remote islands to conflict settings — managing the largest and most complex rollout of vaccines in history. More than 35 countries received their first COVID-19 vaccine doses thanks to COVAX. UN0451880.jpg.700w.jpg On April 26, 2021, health workers at Hanoi Medical University flash the V for vaccinated sign after receiving their COVID-19 doses supplied through the COVAX Facility. Health workers at Hanoi Medical University in Vietnam flash the "V for vaccinated" sign after receiving their COVID-19 vaccine doses through the COVAX Facility on April 26, 2021. © UNICEF/UN0451880/Le Vu No one is safe until everyone is safe The proposed $50 billion investment will help end the pandemic faster in the developing world, preventing the spread of deadly variants, saving lives and accelerating economic recovery, generating an estimated $9 trillion in additional global output. WHO's aim to vaccinate approximately 30 percent of the eligible population by the end of 2021 through COVAX could rise to 40 percent with the new investment, and at least 60 percent by the first half of 2022. There is no time to lose. "We have issued repeated warnings of the risks of letting down our guard and leaving low- and middle-income countries without equitable access to vaccines, diagnostics and therapeutics," said UNICEF Executive Director Henrietta Fore. "We are concerned that the deadly spike in India is a precursor to what will happen if those warnings remain unheeded. While the situation in India is tragic, it is not unique. Cases are exploding and health systems are struggling in countries near – like Nepal, Sri Lanka and Maldives – and far, like Argentina and Brazil. The cost for children and families will be incalculable." You can't vaccinate your way out of a surge One of the consequences of India's crushing second wave is a severe reduction in vaccines available to COVAX. Soaring domestic demand for vaccines in India, a global hub for vaccine production, meant that 140 million doses intended for distribution to low- and lower-middle-income countries by COVAX through the end of May were not available. Another 50 million doses slated for June delivery are likely to be unavailable as well. To meet that urgent need, COVAX is continuing to diversify its portfolio and channels for accessing vaccines. Advance negotiations with other vaccine manufacturers are underway. On June 2, UNICEF signed a longterm agreement with Moderna for up to 34 million doses of the vaccine for around 92 countries and territories through COVAX in 2021. The traumatic effects of the second wave in Southeast Asia and its impact on both health care systems and global vaccine supplies underscore the need to vaccinate before a surge hits. By the time a country's case rate escalates, the same health care workers needed to administer vaccines and conduct testing and contact tracing are already working around the clock caring for those who are severely ill. Meanwhile, as the coronavirus continues to circumnavigate the globe, the threat of dangerous variants looms. These variants may require booster shots, further straining the world's vaccine supply. The simplification of Intellectual Property Rights (IPR) through voluntary and proactive licensing by IPR holders will help pave the way for product developers and manufacturers to collaborate and innovate, increasing the scale and geographic diversity of manufacturing capacity. UN0459773.jpg.700w.jpg Nurse Jeanne received her COVID-19 vaccine, supplied through the COVAX initiative, in Goma, Democratic Republic of the Congo. Nurse Jeanne received her COVID-19 vaccine, supplied through the COVAX initiative, in Goma, Democratic Republic of the Congo. The May 22 eruption of Mount Nyiragongo and subsequent earthquakes have displaced as many as 400,000 people — including 280,000 children — in and around Goma. © UNICEF/UN0459773/Wenga To meet urgent demand, wealthy nations must step up and donate all available vaccine doses to developing countries To prevent future deadly surges, wealthy nations must donate available vaccine doses to developing countries now. UNICEF analysis shows that G7 countries will soon have enough doses to donate 20 percent of their vaccines between June and August — more than 150 million doses — without significant delay to current plans to vaccinate their adult populations. On June 3, the United States announced plans to share 80 million COVID-19 vaccine doses — 13 percent of total U.S. vaccine production — by the end of June; three-quarters of the initial 25 million doses will be donated through COVAX, prioritizing Latin America and the Caribbean, South and Southeast Asia and Africa. In the lead-up to June's G7 Summit, UNICEF mobilized a global #DonateDosesNOW advocacy and communications campaign. On June 13, the G7 Group affirmed its support for all pillars of ACT-A and the COVAX Facility and announced pledges of at least 870 million additional COVID-19 vaccine doses, with the aim to deliver at least half by the end of 2021. This brings the full commitment by the G7 to 1 billion doses. G7 leaders have committed to donating 1 billion COVID-19 vaccine doses “We welcome the commitment this week by leaders of G7 nations to accelerate the rollout of safe, effective, accessible and affordable vaccines for the poorest countries, with a goal toward ending the pandemic in 2022," said UNICEF Executive Director Henrietta Fore. "Equitable access to COVID-19 vaccines represents the clearest pathway out of this pandemic for all of us — children included, and commitments announced by G7 members last week are an important step in this direction. “UNICEF is particularly pleased that some of the dose donations will be made available immediately to supplement ongoing shortfalls. However, time is still of the critical essence." UN0430550.jpg.700w.jpg On March 11, 2021, UNICEF staff oversee the delivery of Nepal's first shipment of syringes and vaccine safety boxes through the COVAX Facility at Tribhuvan International Airport in Kathmandu. UNICEF staff oversee the delivery of Nepal's first consignment of syringes and vaccine safety boxes through the COVAX Facility at Tribhuvan International Airport in Kathmandu on March 11, 2021. © UNICEF/UN0430550 UNICEF is preparing countries so they can introduce and scale up the rollout of COVID-19 vaccines Until vaccines are available for use, UNICEF is preparing countries so that they can introduce and then scale up the rollout of COVID-19  vaccines. As seen in the experience of high-income countries, this is a complex operation that requires resources, expertise and robust planning, including:  pre-positioning syringes, cold chain equipment to keep vaccines at the proper temperature and protective gear including masks and gowns for vaccinators ensuring countries have plans to deliver the vaccines to people that are outside the scope of traditional immunization programs in low-income and lower-middle-income countries putting in place communication and community engagement plans to build trust in vaccines “We have reached a grim milestone in this pandemic: There are already more dead from COVID-19 in 2021 than in all of last year," said Fore. "Without urgent action, this devastation will continue." At this historic moment, with so much at stake, UNICEF is leveraging decades of immunization expertise to help end the pandemic.