# HC Rd. 5

## 1

#### The role of the judge should be to be an ethical decision maker – there are several net benefits:

#### Solves Best – it’s not self-serving because they can still win if they prove the 1AC is ethical

#### Policy workshop DA – Fiat is illusory, no policy will be passed outside this round. Only way to have a productive debate is through good subject formation in ethical manners. Even if they win that fairness is good, we still win that their model of debate is bad. Each link proves that they are complicit in bad subject formation which outweighs fairness. Working under their “debate is a game only” model does not lead to an increase in ethical decisionmakers and instead creates debaters who mindlessly advocate for unethical and misconceived policies that will always retrench status quo impacts through the continued legitimizing of bad policy.

#### Capitalist orientation means we can only view people as commodities – this means that capitalism predetermines intellectual property policy so there’s Ethics DA. If we prove the aff is under an unethical pretense you don’t evaluate it

#### You have an ethical obligation to reject capitalist methodology

**Zizek and Daly 2004**

(Slavoj, PhD in Philosophy @ the University of Ljubljana, Senior Research in Sociology @ the University of Ljubljana, Professor of Philosophy and Psychoanalysis @ the European Graduate School, has been a visiting professor @ University of Chicago, Columbia University, Princeton, University of London, and NYU, International Director of the Birkbeck Institute for the Humanities, president of the Society for Theoretical Psychoanalysis, and Glyn, has been a Professor @ Essex University and Manchester University, Conversations with Zizek page 14-16)

For Zizek it is imperative that we cut through this Gordian knot of postmodern protocol and recognize that our ethico-political responsibility is to confront the constitutive violence of today’s global capitalism and its obscene naturalization / anonymization of the millions who are subjugated by it throughout the world. Against the standardized positions of postmodern culture – with all its pieties concerning ‘multiculturalist’ etiquette – Zizek is arguing for a politics that might be called ‘radically incorrect’ in the sense that it break with these types of positions 7 and focuses instead on the very organizing principles of today’s social reality: the principles of global liberal capitalism. This requires some care and subtlety. For far too long, Marxism has been bedeviled by an almost fetishistic economism that has tended towards political morbidity. With the likes of Hilferding and Gramsci, and more recently Laclau and Mouffee, crucial theoretical advances have been made that enable the transcendence of all forms of economism. In this new context, however, Zizek argues that the problem that now presents itself is almost that of the opposite fetish. That is to say, the prohibitive anxieties surrounding the taboo of economism can function as a way of not engaging with economic reality and as a way of implicitly accepting the latter as a basic horizon of existence. In an ironic Freudian-Lacanian twist, the fear of economism can end up reinforcing a de facto economic necessity in respect of contemporary capitalism (i.e. the initial prohibition conjures up the very thing it fears). This is not to endorse any kind of retrograde return to economism. Zizek’s point is rather that in rejecting economism we should not lose sight of the systemic power of capital in shaping the lives and destinies of humanity and our very sense of the possible. In particular we should not overlook Marx’s central insight that in order to create a universal global system the forces of capitalism seek to conceal the politico-discursive violence of its construction through a kind of gentrification of that system. What is persistently denied by neo-liberals such as Rorty (1989) and Fukuyama (1992) is that the gentrification of global liberal capitalism is one whose ‘universalism’ fundamentally reproduces and depends upon a disavowed violence that excludes vast sectors of the world’s populations. In this way, neo-liberal ideology attempts to naturalize capitalism by presenting its outcomes of winning and losing as if they were simply a matter of chance and sound judgment in a neutral market place. Capitalism does indeed create a space for a certain diversity, at least for the central capitalist regions, but it is neither neutral nor ideal and its price in terms of social exclusion is exorbitant. That is to say, the human cost in terms of inherent global poverty and degraded ‘life-chances’ cannot be calculated within the existing economic rationale and, in consequence, social exclusion remains mystified and nameless (viz. the patronizing reference to the ‘developing world’). And Zizek’s point is that this mystification is magnified through capitalism’s profound capacity to ingest its own excesses and negativity: to redirect (or misdirect) social antagonisms and to absorb them within a culture of differential affirmation. Instead of Bolshevism, the tendency today is towards a kind of political boutiquism that is readily sustained by postmodern forms of consumerism and lifestyle. Against this Zizek argues for a new universalism whose primary ethical directive is to confront the fact that our forms of social existence are founded on exclusion on a global scale. While it is perfectly true that universalism can never become Universal (it will always require a hegemonic-particular embodiment in order to have any meaning), what is novel about Zizek’s universalism is that it would not attempt to conceal this fact or reduce the status of the abject Other to that of a ‘glitch’ in an otherwise sound matrix.

#### The WTO is inevitably a tool of accumulation for capitalist imperialism.

**(Manh 18)** Vu Manh, Researcher @ VietEra Foundation: "International institutional monopoly capitalism and its manifestations," published by Monthly Review on December 19, 2018. [https://www.researchgate.net/profile/Cuong-Vu-10/publication/331162082'International'institutional'monopoly'capitalism'and'its'manifestations/links/5c6c2588299bf1e3a5b62764/International-institutional-monopoly-capitalism-and-its-manifestations.pdf](https://www.researchgate.net/profile/Cuong-Vu-10/publication/331162082'International'institutional'monopoly'capitalism'and'its'manifestations/links/5c6c2588299bf1e3a5b62764/International-institutional-monopoly-capitalism-and-its-manifestations.pdf~~/AD)

Since its establishment, the World Trade Organization has witnessed many disputes over dumping, anti-subsidy, and safeguarded trade among member economies. Most of these arguments are related to monopoly nations. The number of quarrels is growing rapidly: over the last twenty years in particular, the World Trade Organization has had to resolve hundreds of cases

Specifically, the United States is a typical monopoly nation that is associated with the majority of the commercial disputes in the world (344 cases), followed by the European Union (316 cases), Japan (180 cases), and China (155 cases).

In the context of the multitude of interlocking and complicated disagreements, the dispute settlement mechanism of World Trade Organization constitutes the basic cornerstone maintaining the multilateral trading order. However, monopoly nations have been controlling this mechanism. If there are disputes among the strongest monopoly nations, this makes them direct competitors (these include the United States, Japan, Western Europe, Russia, and China). Thus, monopoly nations tend to compromise and align with others to monopolize the World Trade Organization. Otherwise, super-companies always plan well to avoid a devalued competition. In the case of Ford, Toyota, and the other leading auto firms, the companies did not try to undersell each other in their prices. Instead, they competed for the low-cost position by making reductions in prime production (labor and raw material) costs that could be implemented in peripheral regions.

Monopoly nations monopolize not only the World Trade Organization but also other international institutions/organizations or forums, such as the World Bank, International Monetary Fund, and regional banks. Furthermore, monopoly nations monopolize political forums like G-7, the European Union, and even the most powerful United Nations. Monopoly nations also monopolize most other regional organizations, from Asia-Pacific Economic Cooperation to the Organization of Petroleum Exporting Countries to the North Atlantic Treaty Organization and most recent the Asian Infrastructure Investment Bank. Below is a list of typical international institutions/organizations and mechanisms that the monopoly nations are monopolizing:

1. United Nations: Founded in 1945, it was monopolized at its founding by the five permanent members of the United Nations Security Council. These five members not only have the responsibility to maintain international peace and security in accordance with the principles and purposes of the United Nations but also have the power to veto, thus enabling them to oppose or prevent any proposed resolution of the other members. As a rule, as these five members become stronger, the United Nations is weaker. The weakness of the United Nations is expressed not only in the handling of the South China Sea dispute, but also in events such as Ukraine’s political crisis, the East China Sea quarrels, and its ability to eliminate wars and serious conflicts since the fall of Soviet (31) (32) (33) MR Online | International institutional monopoly capitalism and its manifestations Page 8 of 26 https://mronline.org/2018/12/19/international-institutional-monopoly-capitalism-and-… 07/01/2019 Union, specifically wars for economic purpose. For instance, the U.S. war machine engaged in Afghanistan (2001-14) and Iraq (2003-11); the Russia annexation of Crimea (2014); and the threat of a Chinese war in the South China Sea. The key motivation of the current aggressive and strongest monopoly nations is to gain control over vital strategic resources.
2. World Bank: Founded in 1944, an international institution was originally dominated by the United States and the United Kingdom. The domination of monopoly nations is evident in the voting rights of the member economies in the World Bank. Of the members, in 2013 the United States had highest voting rights at 17.69 percent, followed by Japan (6.84 percent), China (4.42 percent), Germany (4.00 percent), the United Kingdom (3.75 percent), and France (3.75 percent).
3. International Monetary Fund: Established in 1944, the International Monetary Fund’s funding is contributed by the member economies. Since its inception, the United States has always been the largest contributor (17.69 percent) and has been dominant through the majority of the voting rights, followed by other members with large holdings in 2010, such as Japan (6.56 percent), Germany (6.12 percent), the United Kingdom (4.51 percent), France (4.51 percent), and China (4.00 percent).
4. **World Trade Organization**: The World Trade Organization was established in 1995 to replacethe General Agreement on Tariffs and Trade that had been in effect since 1948. Its mission is to eliminate or minimize trade barriers to free trade. The majority of its decisions are based on negotiation and consensus. However, the negotiation process does not always reach consensus among all of its members. This process is often criticized by many developing economies because they are not welcome in the negotiations and because, according to Richard Steinberg, the trade negotiations are actually promoted and end at a negotiating position that provides special benefit for the European Union and the United States.

#### International institutional monopoly capitalism turns aff – causes war, environmental degradation, and extinction. Three links:

**(Manh 18)** Vu Manh, Researcher @ VietEra Foundation: "International institutional monopoly capitalism and its manifestations," published by Monthly Review on December 19, 2018. [https://www.researchgate.net/profile/Cuong-Vu-10/publication/331162082'International'institutional'monopoly'capitalism'and'its'manifestations/links/5c6c2588299bf1e3a5b62764/International-institutional-monopoly-capitalism-and-its-manifestations.pdf](https://www.researchgate.net/profile/Cuong-Vu-10/publication/331162082'International'institutional'monopoly'capitalism'and'its'manifestations/links/5c6c2588299bf1e3a5b62764/International-institutional-monopoly-capitalism-and-its-manifestations.pdf~~/AD)

1. **The concentration and centralization of capital in super-companies:** The increasing strength and expansion of super-companies, especially over the last five decades, have advanced economic internationalization and globalization. Globally, the 500 largest companies generated $31.1 trillion in 2014. They accounted for nearly 40 percent of world income –up 20 percent from less than 20 percent in 1960. Super-companies not only have a monopoly within one country’s borders but also are dominant in other countries worldwide. The overseas assets of the world’s 100 largest non-financial super-companies in 2011 accounted for 63 percent of their total assets, whereas foreign sales reached 65 percent of their total. This is reflected in the intensification of foreign direct investment (FDI); the significant transfer of employment, technology and international financial operations; and the strong rise of financial systems, bank credit, and insurance. Many super-companies with powerful finances (assets, revenues) can far exceed the gross domestic product (GDP) of many economies. For example, Procter & Gamble (ranked 100 in the list of the largest companies), as noted in Table 1,has revenues that are higher than the GDP of Oman,which is the largest economy in a group of 124 smalland medium-sized economies, with $81.8billion in 2014. Supercompanies can dramatically influence small and/or poor countries as they pressure governments to condone environmental degradation, violation of national labor laws, and abuse of labor rights. They can force these governments to tender incentives, which maximize their profits by allowing extremely poor working conditions and low wages. Some super-companies actively destroy local agriculture and kill marine life, which has sparked mass protests. They often hire military personnel to open fire on peaceful protestors and make assassinations
2. **The mass exploitation of workers**: The division of labor extends throughout the world. In 2011, the employment of foreign affiliates worldwide reached sixty-nine million jobs, up by 8 percent from 2010. Specifically, the total number of employees of the ten largest companies worldwide in 2014 exceeded 9.8 million, which is more than the population of many independent nations.  This international division of labor is a product of monopoly capitalism, seeking to avoid the “law of declining rate of profit” and striving to increase the rate of profit. John Bellamy Foster and John Smith have clearly presented this trend, using archetypical examples of the labor and production associated with iPhones, T-shirts, and coffee, which involve super-exploitation overseas by super-companies. As a result, over the last three decades, an enormous amount of surplus value has been produced in the periphery, but captured by super-companies within monopoly nations. Through the international division of labor and expansion of branches worldwide, super-companies promote alliances in the form of complex cooperation among themselves and between themselves and small- and medium-sized companies. They adopt a “divide and rule” approach to control labor worldwide. These super-companies take advantage of the economies of scale to increase their market shares and influence. Once they are in place in peripheral countries, they influence habits and traditional customs. Workers re-align themselves to earn a living wage.
3. **The symbiotic growth of monopoly nations and super-companies:** Both the state and capital rely on each other to exploit existing internal natural resources (e.g., OECD with its oil); control major production resources throughout the world (e.g., the United States in regard to Iraq’s oil, China influence on its neighbors’ sea routes and exclusive economic zone in the East and South China Seas); and possess key technologies, such as weapons, cell cloning, artificial intelligence robots, patent medicine develop, or media and communication.

#### Capitalism is the root cause of every impact – climate change, war, structural inequality, and psychological violence

**Robinson PhD ’18** (William, American professor of sociology at the University of California, Santa Barbara, “Accumulation Crisis and Global Police State”)/ly

Each major episode of crisis in the world capitalist system has presented the potential for systemic change. Each has involved the breakdown of state legitimacy, escalating class and social struggles, and military conflicts, leading to a restructuring of the system, including new institutional arrangements, class relations, and accumulation activities that eventually result in a restabilization of the system and renewed capitalist expansion. The current crisis shares aspects of earlier system-wide structural crises, such as of the 1880s, the 1930s or the 1970s. But there are six interrelated dimensions to the current crisis that I believe sets it apart from these earlier ones and suggests that a simple restructuring of the system will not lead to its restabilization – that is, our very survival now requires a **revolution against global capitalism** (Robinson, 2014). These six dimensions, in broad strokes, present a “big picture” context in which a global police state is emerging. First, the system is fast **reaching the ecological limits** of its reproduction. We have already passed tipping points in climate change, the nitrogen cycle, and diversity loss. For the first time ever, human conduct is intersecting with and fundamentally altering the earth system in such a way that threatens to bring about a **sixth mass extinction** (see, e.g., Foster et al., 2011; Moore, 2015). These ecological dimensions of global crisis have been brought to the forefront of the global agenda by the worldwide environmental justice movement. Communities around the world have come under escalating repression as they face off against transnational corporate plunder of their environment. While capitalism cannot be held solely responsible for the ecological crisis, it is **difficult to** imagine that the environmental catastrophe can be **resolved** within the capitalist system given capital’s implacable **impulse to accumulate** and its accelerated **commodification of nature**. Second, the level of global social polarization and **inequality** is **unprecedented.** The richest one percent of humanity in 2016 controlled over half of the world’s wealth and 20 percent controlled 95 percent of that wealth, while the remaining 80 percent had to make do with just five percent (Oxfam, 2017). These escalating inequalities fuel capitalism’s chronic problem of overaccumulation: the TCC cannot find productive outlets to unload the enormous amounts of surplus it has accumulated, leading to chronic stagnation in the world economy (see next section). Such extreme levels of social polarization present a challenge of social control to dominant groups. As Trumpism in the United States as well as the rise of far-right and neo-fascist movements in Europe so well illustrate, cooptation also involves the manipulation of fear and insecurity among the downwardly mobile so that **social anxiety** is channeled towards **scapegoated communities**. This **psychosocial mechanism** of displacing mass anxieties is not new, but it appears to be increasing around the world in the face of the structural destabilization of capitalist globalization. Extreme inequality requires extreme violence and repression that lend themselves to projects of 21st century fascism. Third, the sheer magnitude of the means of violence and social control is unprecedented, as well as the magnitude and concentrated control over the means of global communication and the production and circulation of symbols, images, and knowledge. Computerized wars, drone warfare, robot soldiers, bunker-buster bombs, a new generation of nuclear weapons, satellite surveillance, cyberwar, spatial control technology, and so forth, have **changed the face of warfare**, and more generally, of systems of social control and repression. We have arrived at the panoptical surveillance society, a point brought home by Edward Snowden’s revelations in 2013, and the age of thought control by those who control global flows of communication and symbolic production. If global capitalist crisis leads to a new world war the destruction would simply be unprecedented. Fourth, we are reaching limits to the extensive expansion of capitalism, in the sense that there are no longer any new territories of significance to integrate into world capitalism and new spaces to commodify are drying up. The capitalist system is by its nature **expansionary.** In each earlier structural crisis, the system went through a new round of extensive expansion – from waves of colonial conquest in earlier centuries, to the integration in the late 20th and early 21st centuries of the former socialist countries, China, India and other areas that had been marginally outside the system. There are no longer any new territories to integrate into world capitalism. At the same time, the privatization of education, health, utilities, basic services, and public lands is turning those spaces in global society that were outside of capital’s control into “spaces of capital,” so that intensive expansion is reaching depths never before seen. What is there left to commodify? Where can the system now expand? New spaces have to be violently cracked open and the peoples in these spaces must be repressed by the global police state. Fifth, there is the rise of a vast surplus population inhabiting a “planet of slums” (Davis, 2007) pushed out of the productive economy, **thrown into the margins,** and subject to sophisticated systems of social control and to destruction, into a mortal cycle of **dispossession-exploitation exclusion**. Crises provide capital with the opportunity to accelerate the process of forcing greater productivity out of fewer workers. The processes by which surplus labor is generated have accelerated under globalization. Spatial reorganization has helped transnational capital to break the territorial-bound power of organized labor and impose new capital–labor relations based on fragmentation, flexibilization, and the cheapening of labor. These developments, combined with a massive new round of primitive accumulation and displacement of hundreds of millions, have given rise to a new global army of superfluous labor that goes well beyond the traditional reserve army of labor that Marx discussed. Global capitalism has no direct use for surplus humanity. But indirectly, it holds wages down everywhere and makes new systems of 21st century slavery possible.1 Dominant groups face the challenge of how to contain both the real and potential rebellion of surplus humanity. In addition, surplus humanity cannot consume and so as their ranks expand the problem of overaccumulation becomes exacerbated. Sixth, there is an acute political contradiction in global capitalism: economic globalization takes places within a nation-state system of political authority. Transnational state apparatuses are incipient and have not been able to substitute for a leading nation-state with enough power and authority to organize and stabilize the system, much less to impose regulations on transnational capital. In the age of capitalist globalization governments must attract to the national territory transnational corporate investment, which requires providing capital with all the incentives associated with neoliberalism – downward pressure on wages, deregulation, austerity, and so on – that **aggravate inequality, impoverishment, and insecurity** for working classes. Nation-states face a contradiction between the need to promote transnational capital accumulation in their territories and their need to achieve political legitimacy. As a result, states around the world have been experiencing spiraling **crises of legitimacy**. This situation generates bewildering and seemingly contradictory politics and also helps explain the resurgence of far-right and neo-fascist forces that espouse rhetoric of nationalism and protectionism even as they promote neo-liberalism.

#### Our alternative is to vote negative to refuse to participate in activities which support capitalism. We must hollow out capitalist structures by refusing to invest our energy in reforms and rescue operations

**Herod ‘4**

(James, Getting Free, http://site.www.umb.edu/faculty/salzman\_g/Strate/GetFre/06.htm)

It is time to try to describe, at first abstractly and later concretely, a strategy for **destroying capitalism**. This strategy, at its most basic, **calls for pulling time, energy, and resources out of capitalist civilization** and putting them into building a new civilization. The image then is one **of emptying out capitalist structures, hollowing them out, by draining wealth, power, and meaning out of them until there is nothing left but shells.**

This is definitely an aggressive strategy. It requires great militancy, and constitutes an attack on the existing order. The strategy clearly recognizes that capitalism is the enemy and must be destroyed, but it is not a frontal attack aimed at overthrowing the system, but an inside attack aimed at gutting it, while simultaneously replacing it with something better, something we want.

Thus **capitalist structures** (corporations, governments, banks, schools, etc.) **are not seized so much as simply abandoned. Capitalist relations are not fought so much as they are simply rejected. We stop participating in activities that support** (finance, condone) **the capitalist world** and *start participating* in activities that build a new world while simultaneously undermining the old. We create a new pattern of social relations alongside capitalist relations and then we continually build and strengthen our new pattern while doing every thing we can to weaken capitalist relations. **In this way our new democratic**, non-hierarchical**, non-commodified relations can eventually overwhelm the capitalist relations and force them out of existence.**

**This is how it has to be done. This is a** plausible**, realistic strategy**. To think that we could create a whole new world of decent social arrangements overnight, in the midst of a crisis, during a so-called revolution, or during the collapse of capitalism, is foolhardy. **Our new social world must grow** within the old, and **in opposition** to it, **until it is strong enough to dismantle and abolish capitalist relations.** Such a revolution will never happen automatically, blindly, determinably, because of the inexorable, materialist laws of history. **It will happen**, and only happen, **because we want it to**, and because we know what we’re doing and know how we want to live, and know what obstacles have to be overcome before we can live that way, and know how to distinguish between our social patterns and theirs.

But we must not think that the capitalist world can simply be ignored, in a live and let live attitude, while we try to build new lives elsewhere. (There *is* no elsewhere.) There is at least one thing, wage-slavery, that we can’t simply stop participating in (but even here there are ways we can chip away at it). **Capitalism must be explicitly refused** and replaced by something else**. This constitutes War**, but it is not a war in the traditional sense of armies and tanks, but **a war fought on a daily basis, on the level of everyday life**, by millions of people. It is a war nevertheless because the accumulators of capital will use coercion, brutality, and murder, as they have always done in the past, to try to block any rejection of the system. They have always had to force compliance; they will not hesitate to continue doing so. Nevertheless, there are many concrete ways that individuals, groups, and neighborhoods can gut capitalism, which I will enumerate shortly.

We must always keep in mind how we became slaves; then we can see more clearly how we can cease being slaves. We were forced into wage-slavery because the ruling class slowly, systematically, and brutally destroyed our ability to live autonomously. By driving us off the land, changing the property laws, destroying community rights, destroying our tools, imposing taxes, destroying our local markets, and so forth, we were forced onto the labor market in order to survive, our only remaining option being to sell, for a wage, our ability to work.

It’s quite clear then how we can overthrow slavery. We must reverse this process. We must begin to reacquire the ability to live without working for a wage or buying the products made by wage-slaves (that is, we must get free from the labor market and the way of living based on it), and embed ourselves instead in cooperative labor and cooperatively produced goods.

Another clarification is needed. **This strategy does not call for reforming capitalism, for changing capitalism into something else. It calls for replacing capitalism, totally**, with a new civilization. This is an important distinction, because **capitalism has proved impervious to reforms, as a system. We can sometimes in some places win certain concessions from it (usually only temporary ones) and win some (usually short-lived) improvements in our lives as its victims, but we cannot reform it piecemeal, as a system**

Thus **our strategy of gutting and eventually destroying capitalism requires at a minimum a totalizing image, an awareness that we are attacking an entire way of life and replacing it with another, and not merely reforming one way of life into something else**.

Many people may not be accustomed to thinking about entire systems and social orders, but everyone knows what a lifestyle is, or a way of life, and that is the way we should approach it.

The thing is this: in order for capitalism to be destroyed millions and millions of people must be dissatisfied with their way of life. They must *want something else* and see certain existing things as obstacles to getting what they want. It is not useful to think of this as a new ideology. It is not merely a belief-system that is needed, like a religion, or like Marxism, or Anarchism. Rather it is a new prevailing vision, a dominant desire, an overriding need. What must exist is a pressing desire to live a certain way, and not to live another way. **If this pressing desire were a desire to live free, to be autonomous, to live in democratically controlled communities**, to participate in the self-regulating activities of a mature people, **then capitalism could be destroyed. Otherwise we are doomed to perpetual slavery and possibly even to extinction.**

## 2

## Innovation

**Covid-19 has spurred pharmaceutical innovation in the status quo**

**Ramalingam & Prabhu 20** [Ben Ramalingam- Overseas Development Institute, United Kingdom. Jaideep Prabhu University of Cambridge, United Kingdom. “Innovation, development and COVID-19: Challenges, opportunities and ways forward.” OECD. 1 December 2020. Link: <https://www.oecd.org/coronavirus/policy-responses/innovation-development-and-covid-19-challenges-opportunities-and-ways-forward-0c976158/>] JV

Coronavirus (COVID-19) innovation: what is happening? A global perspective At the same time as causing a huge impact on health and livelihoods around the world, COVID-19 has a created fertile breeding ground for novel solutions and approaches (OECD Observatory of Public Sector Innovation, n.d.[2]). The most comprehensive survey of global research and development (R&D) funding commitments for COVID-19, undertaken by the US-based Policy Cures programme, shows that investment in health-related innovation has been unprecedented (Policy Cures, 2020[3]). The scale of innovation resources mobilised globally is remarkable: USD 9 billion in seven months. By comparison, the total global funding disbursed for Ebola R&D between 2014 and 2018 was USD1.9 billion. The nature of the innovation processes that have been deployed is also notable. In the six months since the outbreak began, the US Food and Drug Administration (FDA) has approved almost 100 COVID-19 tests, in contrast to the three months the FDA took to approve the first Ebola test during the 2014 West Africa outbreak. The first COVID-19 vaccine entered into human trials within a record-breaking 69 days of identifying the causative agent of the outbreak[1](https://www.oecd.org/coronavirus/policy-responses/innovation-development-and-covid-19-challenges-opportunities-and-ways-forward-0c976158/#endnotea0z2) – a remarkable achievement, considering that it took 25 months for the first vaccine to reach the human trial stage during the previous global coronavirus outbreak (SARS in 2002–04).

**Waiving patent on COVID-19 vaccine would hurt innovation needed to combat future pandemics**

**Okutsu & Sharma 21** [Akane Okutsu: Japan based reporter. Kiran Sharma: India based reporter. “Vaccine patent waiver: COVID stopper or innovation killer?” Nikkei Asia. 14 May 2021. Link: <https://asia.nikkei.com/Spotlight/Coronavirus/COVID-vaccines/Vaccine-patent-waiver-COVID-stopper-or-innovation-killer>] JV

One major concern is a loss of incentives for costly research and development. Pharmaceutical research has a low success rate and requires enormous sums of money. Without the profits generated from intellectual property rights, "there would be no new drugs," as companies would have no hope of recouping their investments, a JPMA spokesperson said. Ito said this raises "concerns about how to respond to future pandemics." Speedy vaccine development, he said, is driven in part by the chance to corner the market. If the patents are to be waived, Ito suggested other steps to spur innovation will be needed, such as establishing a fund to buy such knowledge. But setting prices and deciding how to deal with the technical secrets would be no easy task. Ito said a quicker solution might be for Group of Seven countries to "consider policies to expand production capacity and strengthen the [World Health Organization's] COVAX initiative to purchase and distribute vaccines to developing countries."

**Future pandemics are a non-linear, existential risk---encompasses AND outweighs other threats. Empirically proven by historic epidemics such as the Black Death and Spanish flu**

**Pamlin and Armstrong 15**, Dennis Pamlin, Executive Project Manager Global Risks, Global Challenges Foundation, and Stuart Armstrong, James Martin Research Fellow, Future of Humanity Institute, Oxford Martin School, University of Oxford, February 2015, “Global Challenges: 12 Risks that threaten human civilization: The case for a new risk category,” Global Challenges Foundation, p.30-93, <https://api.globalchallenges.org/static/wp-content/uploads/12-Risks-with-infinite-impact.pdf> //Re DE EK

4 Global A pandemic (from Greek πᾶν, pan, “all”, and δῆμος demos, “people”) is an epidemic of infectious disease that has spread through human populations across a **large region**; for instance **several continents**, or even **worldwide**. Here only worldwide events are included. A widespread endemic disease that is stable in terms of how many people become sick from it is not a pandemic. 260 84 Global Challenges – Twelve risks that threaten human civilisation – The case for a new category of risks 3.1 Current risks 3.1.4.1 Expected impact disaggregation 3.1.4.2 Probability Influenza subtypes266 Infectious diseases have been one of the **greatest causes of mortality in history**. Unlike many other global challenges pandemics have happened recently, as we can see where reasonably good data exist. Plotting historic epidemic fatalities on a log scale reveals that these tend to follow a **power law with a small exponent**: many plagues have been found to follow a power law with exponent 0.26.261 These kinds of power laws are heavy-tailed262 to a significant degree.263 In consequence most of the fatalities are accounted for by the top few events.264 If this law holds for future pandemics as well,265 then the majority of people who will die from epidemics will likely die from the **single largest pandemic**. **Most epidemic fatalities follow a power law, with some extreme events – such as the Black Death and Spanish Flu – being even more deadly.**267 There are other grounds for suspecting that such a highimpact epidemic will have a ***greater probability*** *than* ***usually assumed****.* All the features of an extremely devastating disease **already exist in nature**: essentially **incurable** (Ebola268), nearly always **fatal** (rabies269), **extremely infectious** (common cold270), and **long incubation periods** (HIV271). If a pathogen were to emerge that somehow **combined these features** (and influenza has demonstrated **antigenic shift**, the ability to combine features from different viruses272), its death toll would be extreme. Many relevant features of the world have changed considerably, making past comparisons problematic. The modern world has better sanitation and medical research, as well as national and supra-national institutions dedicated to combating diseases. Private insurers are also interested in modelling pandemic risks.273 Set against this is the fact that **modern transport** and **dense human population** allow infections to spread much more rapidly, and there is the potential for urban slums to serve as breeding grounds for disease.275 Unlike events such as nuclear wars, pandemics would not damage the world’s infrastructure, and initial survivors would likely be resistant to the infection. And there would probably be survivors, if only in isolated locations. Hence the risk of a civilisation collapse would come from the **ripple effect** of the fatalities and the policy responses. These would include **political and agricultural disruption** as well as **economic dislocation** and damage to the world’s **trade network** (including the food trade). **Extinction risk** is only **possible** if the aftermath of the epidemic **fragments and diminishes human society** to the extent that recovery becomes impossible277 before humanity succumbs to **other risks** (such as **climate change** or **further pandemics**). Five important factors in estimating the probabilities and impacts of the challenge: 1. What the true probability distribution for pandemics is, especially at the tail. 2. The capacity of modern international health systems to deal with an extreme pandemic. 3. How fast medical research can proceed in.

## case

#### Waiving patents on the COVID-19 vaccine would not guarantee generic production and could go on to hurt current production and distribution of the vaccine

**Okutsu & Sharma 21** [Akane Okutsu: Japan based reporter. Kiran Sharma: India based reporter. “Vaccine patent waiver: COVID stopper or innovation killer?” Nikkei Asia. 14 May 2021. Link: <https://asia.nikkei.com/Spotlight/Coronavirus/COVID-vaccines/Vaccine-patent-waiver-COVID-stopper-or-innovation-killer>] JV

There is a precedent for this. In the case of AIDS and HIV drugs, prices did drop thanks to relaxed intellectual property protections under the WTO Doha Declaration in 2001 and a related agreement in 2003. Countries suffering from health emergencies were allowed to make patented products without the consent of the patent owners. Countries lacking their own production capabilities were given the option of importing cheaper generics made in places such as India. But in the case of COVID-19 vaccines, information not included in the patents is needed to copy them. And pharmaceutical companies argue the waiver would not immediately mean better access. "Waiving intellectual property rights cannot assure the production of comparable vaccines," George Nakayama, president of the Japan Pharmaceutical Manufacturers Association (JPMA), said in a statement. Nakayama warned that production by more players "may accelerate the shortage of raw materials" and other necessary equipment such as vials -- with no guarantee that the alternative shots would match the originals' quality. Critics also say that materials shortages could make it harder for existing players to increase output, potentially even pushing prices up.

#### No ev IP hurts access, waivers don’t address root problem of capacity and turn—this hurts innovation

Mercurio 21 Bryan Mercurio [Chinese University of Hong Kong - Faculty of Law], 15 March 2021, “WTO Wavier from Intellectual Property Protection for COVID-19 Vaccines and Treatments: A Critical Review”, https://poseidon01.ssrn.com/delivery.php?ID= 732088024087092091113064080127110089026050064018017000018 0031221260080940690 05111120099022017 06202305700711703012701708109509505 1090012016041007114071124113127008068012087073001083113027126083074031005 001016117022001025118004082004113091069075097031&EXT=pdf&INDEX=TRUE accessed 7/20/2021 EH

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

#### Misconception – IP protections won’t help developing countries

Gary Locke, SEPT-8-2021, (Gary Locke, Former U.S. Secretary of Commerce) Weakening IP protections won’t help developing countries fight COVID-19, 9/8/21, Seattle Times https://www.seattletimes.com/opinion/weakening-ip-protections-wont-help-developing-countries-right-now/ //DebateDrills AP

The COVID-19 delta variant is ravaging the world and as of September, a majority of developing countries have vaccinated less than 15% of their populations.

The Biden administration needs to immediately convene an accelerated global vaccination campaign to stop the delta variant — and any new variation that may arise.

In some ways and in some parts of the world, the vaccine rollout has gone better than expected. At this time last year, many people thought it would be years until the world had effective shots. But not only have companies invented multiple inoculations, they’ve pulled out all the stops to maximize production.

The biggest vaccine developers have licensed their formulas and technology for free to generic manufacturers like the Serum Institute of India, which will make 1 billion COVID vaccine doses this year, and Aspen Pharmacare in South Africa, which will make 300 million doses of Johnson & Johnson’s vaccine. Pfizer-BioNTech teamed up with Novartis and Sanofi to expand production, and Johnson & Johnson did the same with Sanofi and Merck.

Despite this cooperation, production capacity is still limited. Every scientist and company that knows how to make the vaccines is already working to scale production. And every facility on earth that can safely and reliably produce shots is doing so. Before COVID, the world’s manufacturers produced about 5 billion vaccine doses annually for such diseases as polio, measles, chickenpox and the flu. Now, in addition to doing that, they need to produce 14 billion COVID shots.

Simply put, current production capacity is maxed out. World leaders must focus on expanding production.

President Biden pledged to donate 580 million doses to other countries. Indeed a few weeks ago, more than 188,000 of those doses were shipped to Rwanda. That’s a welcome step, but we can and must do more.

By the end of 2021, even counting “booster” shots, America will likely have hundreds of millions of surplus doses, while many countries still lack enough shots to vaccinate their populations. We should immediately start sending surplus vaccines to India and other developing countries.

In many countries, though, the barrier isn’t just a lack of vaccines, but a lack of capacity to administer them. The Democratic Republic of the Congo returned 1.3 million doses to COVAX, the global vaccination-sharing initiative, in part because it couldn’t get the doses into rural areas.

To solve such local distribution problems, the U.S. and other wealthy countries could donate ultra-cold-storage freezers to developing countries that otherwise can’t store mRNA vaccines, a new type of vaccine to protect against infectious diseases. We could deploy FEMA teams and even the military to airlift supplies into remote locations, as we have done in past times of natural disasters and famine.

We’re in a war against the coronavirus — we should spare no expense fighting it.

Unfortunately, too much energy is being spent on an initiative that won’t provide immediate relief. The Biden administration announced support for a petition before the World Trade Organization that would suspend intellectual property protections on COVID vaccines.

A suspension is not necessary, given that WTO rules already allow governments to issue compulsory licenses — which require drugmakers to license products to local manufacturers — when doing so would help end a public health crisis. Countries haven’t used this provision to fight COVID because it wouldn’t solve the actual obstacles. Licenses have already been granted around the world.

Likewise, no expert seriously thinks suspending IP protections will boost vaccine supply, given that we’re already maxing out manufacturing capacity. Legal negotiations surrounding the scope of the required tech transfers would stretch into December. And it would take years for new companies to learn to make the vaccines and build specialized factories.

People in developing countries are dying at an alarming rate. They need America and other wealthy nations to do the hard work of expanding manufacturing capacity and distributing vaccines. Some members of Congress seem to think an IP waiver is good politics. But it won’t get shots into arms when people really need it — which is right now.