# NC

## 1

#### Interp: “The member nations” is a definite plural, thus the aff must not defend any subset of member states.

Marriam Webster https://www.merriam-webster.com/dictionary/definite%20article

the word *th*e used in English to refer to a person or thing that is identified or specified

#### The use of the word “the” in the res denotes to all 164 member nations of the WTO.

#### Violation: The plan text specs the [US]

#### Standards

#### 1] Limits—there are 164 new affs, explodes neg prep since we cant have 160 specific links

WTO “WTO Members and Observers," No Publication, https://www.wto.org/english/thewto\_e/whatis\_e/tif\_e/org6\_e.htm

164 members since 29 July 2016 , with dates of WTO membership. Click any member to see key information on trade statistics, WTO commitments, disputes, trade policy reviews, and notifications.

#### 2] Precision—anything other interp lets affs do away with random words in the res a] that means no solid neg ground b] The judge doesn’t have the jurisdiction to vote on affs that don’t affirm

#### Voters

#### Fairness first—debate is a game if it’s not fair people won’t play

#### DTD—a] debaters only listen to ballots it creates the best norms, and they ruined my ability to compete b] the argument is their case that means the debate can’t start

#### No RVI a] debaters will bait theory for RVI’s making LD more abusive b] you don’t get a cookie for being fair

#### Competing interps a] Reasonability is arbitrary and requires judge intervention b] competing interps is a race to the top for the best norms

#### T before theory a] I only get 2 months to set norms they get 4 years b] any NC abuse was a necessary check against 1AC abuse

## 2

#### The aff’s positioning of competition as intrinsic good acts to maintain the stability of capital accumulation.

Christophers 16 [Brett Christophers, Professor in the Department of Social and Economic Geography at Uppsala University, “The Great Leveler: Capitalism and Competition in the Court of Law,” 2016, Harvard University Press, pp. 8-15, EA]

The aforementioned argument that capitalism has historically migrated from a state of competitiveness to a state of monopoly or oligopoly is deficient in four primary respects, both empirical and conceptual in nature.

First, there is something deeply misleading about the either/or nature of this historical narrative. One of the most important—although rarely acknowledged—of Marx’s insights was that capitalism always, everywhere, requires both. It needs competition, assuredly, not least to drive technological innovation and the reinvestment of profits, and thus growth. But it also needs monopoly—not merely to enhance visibility within and control over otherwise potentially chaotic business environments, but also to underwrite capitalist, market-based trade per se. Not for nothing does David Harvey argue, after Marx, that the “monopoly power of private property” is “both the beginning point and the end point of all capitalist activity.”20 For the legal institution of private property does confer monopoly: the exclusive power to dispose of said property as the owner alone sees fit.

Capital’s seemingly paradoxical need for both competition and monopoly is explored in Chapter 1, which extracts from Marx a conceptualization of capitalism that critically informs the remainder of the book: that of capitalism always, necessarily, teetering on a knife edge, balanced precariously between the contradictory forces of competition and monopoly, and perennially in danger of lapsing too far to one side or the other. “The problem,” Harvey shrewdly observes, “is to keep economic relations competitive enough while sustaining the individual and class monopoly privileges of private property that are the foundation of capitalism as a political-economic system.”21

And it is here that our economic laws crucially enter the picture. In metaphorical terms, the law acts as a powerful leveler: a pincer of sorts on the critical, combustible nexus of monopoly and competition, applicable from one side of the knife edge, the other, or both. Antitrust (competition) law, meaningfully enforced, serves to constrain monopoly power where it coheres too readily, thus boosting competition; IP law acts from the other side, allowing a degree of monopoly power where none “naturally” coheres, and limiting competition in the process. This conceptualization of economic law is sketched out in Chapter 3. Together, such laws help to ensure that over the long term, market-based capitalism is not too competitive (driving down prices and profits) but, in Harvey’s terms, remains competitive enough (avoiding stagnation and rent-seeking). In the process, the laws in question historically have contributed substantially to keeping capitalist accumulation regimes broadly in balance.

At the pivot of this overall mechanism sits the phenomenon of profit. Following the lead of scholars such as Robert Brenner, this book places front and center the relationship between profitability and the interrelated dynamics of competition and monopoly.22 As, indeed, did the classicals: Profit rates were, as Chapter 1 will show, fundamental to their theorization of competition. But it is vital to recognize, as writers such as Keith Cowling have done, that this relationship does not assume a simplistic less-competition-means-more-profit form, isolated as it were from other contributory factors.23 Indeed, the book shows that excesses neither of competitive intensity nor of monopoly power support long-term stability of profit-making and accumulation.

Instead, it leans more toward the type of argument proffered by Gérard Duménil and Dominique Lévy, which is that the dynamics of profitability strongly influence the state’s attempts to regularize regimes of accumulation, and that stabilizing capitalism is thus in no small part a question, ultimately, of stabilizing profitability.24 Or, as David Gordon and coauthors have written, the reproduction of capitalism is “fundamentally conditioned by the level and stability of capitalist profitability. As profits go, in short, so goes the economy.”25 The book’s particular slant on such conceptions is to consider corporate profits more in relative than absolute terms—and relative to, especially, labor and wages. While a comparable focus has recently been adopted by Thomas Piketty in his much discussed Capital in the Twenty-First Century, the inspiration underlying the approach taken here lies much further back in time, in the work in particular of Michal Kalecki.26 For as Kalecki showed both historically and conceptually, the relation of capital with labor, and profit with wages, is centrally implicated in the monopoly-competition relation and the balance that capitalism requires of it. Kalecki, it is fair to say, would have had some very interesting things to say about the Apple wage-suppression antitrust lawsuit.

A second and related problem with the linear historical narrative of from-competition-to-monopoly is its positing of monopoly and competition not only as mutually exclusive alternatives, but as separable ones. Once more, we can turn to Marx for an effective disabusal of this figuring. Monopoly and competition, he argued, are much more closely related, and much more closely connected, than is typically recognized. “Monopoly produces competition, competition produces monopoly,” he maintained, somewhat aphoristically, in a letter he wrote to Pavel Annenkov in 1846.27 Capital not only requires both but is in fact the expression, inter alia, of their synthesis—a synthesis that Marx, in trademark dialectical fashion, described not as a “formula” but as a “movement,” specifically “the movement whereby a true balance is maintained between competition and monopoly.”28 Such movement comprises opposing but connected economic dynamics of centralization and decentralization. When one or the other dynamic becomes disproportionately powerful, Marx argues, the “counteracting tendency” kicks in to return capital to a balanced configuration of monopoly and competition.

This balanced organization of productive forces—always inherently unstable and always prone to knife-edge slippages—is very close to what Edward Chamberlin would later call “monopolistic competition.”29 Such monopolistic competition internalizes monopoly and competition in dialectical relation with one another and is the capitalist norm—and always has been. “The notion of a bygone ‘competitive’ stage of capitalism where firms were price-takers is,” as Duménil and Lévy insist, “a fiction derived from the neoclassical analytical apparatus.”30 Equally fictional, albeit a fiction usually emanating from a very different analytical source, is the notion of a contemporary “monopoly” stage of capitalism absent meaningful competition.31

The historical, U.S.- and U.K.-based narrative related in this book therefore turns on precisely this dialectical, restless synthesis of monopoly and competition, and its ever-evolving, historically and geographically specific forms. In recent years, it is Harvey who has provided the most provocative reading of this dialectic and of its centrality to capitalism. It is, Harvey argues, one of numerous “moving” contradictions that plague the capital form, and with which capital constantly wrestles as it enters into and out of crisis.32 Harvey repeats Marx’s observation that capital requires a balance of competitive and monopolistic forces. He then derives from this postulate the propositions that crisis occurs when such forces become imbalanced—although this is not the only cause of crisis—and that such crisis can only be “fixed” once balance is restored. The result is that capital historically “oscillates” between relative excesses of monopoly and competition, always finding balance hard to achieve, let alone sustain.33 Understanding capital and its historical development in this particular regard, Harvey insists, requires us to recognize “how successful capital has generally been in managing the contradictions between monopoly and competition” and that “it uses crises to do so.”34

Such success, and the role played by crises or by threats thereof, are two of this book’s central, recurring themes. However, Harvey’s framing raises two vital questions that he fails, in his admittedly brief account of monopoly and competition, to answer.

First, how has this success been achieved? “Capital,” Harvey writes, “has organically arrived at a way to balance and rebalance the tendencies towards a monopolistic centralisation and decentralised competition through the crises that arise out of its imbalances.”35 Again, there is no objection here, except to press: “organically,” how? This book fashions an answer. This answer rests on the role of the law. When capital has become sufficiently overcentralized and monopolistic to threaten its own successful, profitable reproduction, antitrust law has been called upon to help restore the necessary degree of balance. This balance will never be perfect and at rest; in a dialectical relation, such as that between monopoly and competition, it never can be. When the dangerous excess has been of competition, by contrast, IP law has come to the rescue. Such laws, needless to say, have not effected this work of rebalancing by themselves, and this book documents their interaction with other pertinent dynamics; but their role has been paramount.

The other problematic question raised by Harvey’s framing brings us directly to our third point of divergence with the Baran and Sweezy or Foster and McChesney reading of capitalist development. Consider here the agency behind the successful, crisis-based management and rebalancing of monopolistic and competitive forces envisioned by Harvey: “capital has been successful . . .”; “capital has arrived at . . .” But what, or who, is this capital, and has its form remained constant? For Harvey, clearly, capital is the capitalist class: those that own the means of production. Yet this singularization of responsibility for regulating and reregulating the core dynamics of the capitalist economy raises all manner of questions that Harvey fails to address. Is this capitalist class homogeneous? Does it share consistent objectives in terms of economic development and management? And even if it does (and of course, it does not), what is its relation with the state and with the different tools of economic regulation, the law among them, that the state uses to govern and shape economic conduct?

If Harvey’s stimulating propositions call for circumspection on account of their simplifying structural abstractions, the connection to the “monopoly capital” thesis is that it too tends to rely upon just such totalizing, even reified, concepts. “Monopoly capital” is itself one such. One of the consistent themes of the tradition renewed by The Endless Crisis—one extending back through Baran and Sweezy’s Monopoly Capital to Rudolf Hilferding’s Finance Capital (1910) and even Lenin’s Imperialism (1917)—is its tendency not only to associate potent monopoly powers with a new stage or phase of capitalism but to depict the latter in terms of a consciously regulated and (centrally) planned system in which market-based competition largely disappears from view.36 For Lenin, this system fused the interests of capital and state (state monopoly capitalism); for Hilferding the fusion was tripartite, with finance capital also integral. But Marx, for all the stereotypes to the contrary, never saw capitalism as such. It was a totality, to be sure, but one that needs to be continually reproduced and reconstituted. This process occurs in and through the disparate actions of government, workers, consumers, businesses, and so on; when such reconstitution occurs in ways that imperil accumulation, crisis looms.

The point of saying all this is not simply to oppugn a totalizing view of “monopoly capital,” but to contrast with it the approach taken in this book, particularly to the law and its mobilization. There is not, and has not been, a single hand on the tiller, for all the obvious importance of the state as the law’s formal originator; there is no single, homogeneous entity pulling the levers, so to speak, of political-economic regulation— no consistent regime of conscious, systematic control. As with other modalities of economic regulation or governance, the law, in practice, does not “work” like that.

For one thing, there is an important difference between the written law and its interpretation. Two courts can interpret and apply the same law or laws in markedly different ways and with very different consequences. Perhaps the clearest example of this, at least in this book (Chapter 6), concerns U.S. antitrust law in the second half of the twentieth century: The nature and degree of enforcement of this law underwent a dramatic transformation in the late 1970s and early 1980s, but the law itself did not materially change. Intellectual training, social and political context, even judicial personality: These variables, and more, all matter to the law’s practical materialization. As such, we must remain constantly alive to the simple fact that, as Peter Carstensen has put it, “court doctrine is not the whole of the law in practice.”37 Relatedly, much of the enforcement of IP rights occurs at a significant remove from courts—specifically in, as argued by William T. Gallagher, the everyday practices of IP owners and their lawyers, whose “negotiations” with alleged infringers take place largely in the “shadow” of IP law.38

For another thing, just as the state never enacts new economic laws in total isolation from the influence and interests of capital, so both capital(s) and state—and indeed other economic agents—use the law to their own ends, and these ends are far from necessarily commensurate. Think, once again, about our two Apple cases. Who, in each case, instigated the legal action? Who put the law to work in their own interests? In the IP case it was Apple itself. In the class-action suit it was labor. But the latter suit was in fact itself based upon a prior government investigation launched by the Department of Justice’s Antitrust Division in 2010.39 Three legal cases, then, all driven by different actors with different motivations, but all revolving around the same political-economic locus: the knotty complex of profit generation and accumulation constituted by Apple Inc. And if the law, together with its agents, is so palpably nonsingular at the scale of the political economy of just one company, on what reasonable grounds could we ever envision it thus—as a vehicle of conscious, unified control—in relation to the political economy of capitalism more widely? The “great leveler” indicated in the book’s title, in short, is not some omnipotent regulator in charge of the law; it is the law per se.

How, then, might we more accurately characterize the human and institutional agency analyzed in the following pages in relation to the law, its mobilization, and its political-economic effects? At a general level, the conclusion reached by Paul David in his examination of the history of IP law fits particularly well: “The complex body of law, judicial interpretation, and administrative practice that one has to grapple with in this field was not created by some rational, consistent, social welfare-maximizing public agency. What one is faced with, instead, is a mixture of the intended and unintended consequences of an undirected historical process on which the varied interests of many parties, acting at different points (some widely separated in time and space), have left an enduring mark.”40 More specifically, however, we will see that although IP and competition laws have indeed performed their work under the influence of varied individuals and groups, the vast majority of the latter are ultimately committed to, and institutionally invested in, the reproduction, in as smooth a fashion as possible, of capitalism in more or less its existing form. And even more specifically, the “smoothness” here alluded to means the reproduction of capitalism especially without the kinds of problems—identified in Chapter 3—that tend to emerge when the necessary balance between monopoly and competition is substantially disrupted.

On all the above grounds, therefore, this book’s argument diverges from that which we find in the all-too-common narrative of competitive capitalism historically segueing into monopoly capitalism. Of course, none of this is to suggest that nothing has changed historically in the capitalist constellation of monopoly-competition structures and dynamics. Far from it. But the book’s fourth and final quarrel with the conventional narrative is that what has substantively, perhaps irrevocably, changed is not the relative levels of competitive intensity and monopoly power—as in, that era had more competition, this one has more monopoly—so much as the source of monopoly powers and the degree of defensibility thereof.

Capitalism, this argument runs, is always characterized by competitive undercurrents; were it not, it would not be capitalism. Meanwhile, and arising partly out of these competitive dynamics (the Marxian argument), there is an endemic drive to fashion monopoly powers. Yet the means of assembly of such powers do not remain constant, and neither does the ability of monopolistic capitalists to defend the powers thus amassed. Capitalists—and indeed the states committed to stabilizing capitalism, with the law one obvious apparatus at their disposal—must constantly find new ways of putting monopoly in place and keeping it there. “As monopoly privileges from one source diminish,” Harvey observes, “so we witness a variety of attempts to preserve and assemble them by other means.”41 Mindful, thus, of Marx’s dictum that the monopoly-versus-competition dualism is a red herring that confuses a dialectical relation for an oppositional one, this book focuses instead on the ways in which the unstable balance between the two forces is maintained—and it posits the law as the primary, necessarily mutable, instrument of such maintenance.

#### Capitalist imperialism enables hypermilitarization, dooms world economic prosperity to inevitable collapse, and plunges the human species into extinction.

Robinson et al 17 (Robinson, William I., et al. “Global Capitalist Crisis and Trump's War Drive.” Truthout, Truthout, 19 Apr. 2017, truthout.org/articles/global-capitalist-crisis-and-trump-s-war-drive/.)//LK [RCT] [Accessed 8/28/19]

The recent US attack on Syria and mega-bombing of Afghanistan come at a time when the Trump regime is facing a mounting scandal over alleged Russian involvement in its 2016 electoral campaign, historically low approval ratings for an incoming presidency, and a growing mass grassroots resistance movement. US rulers have often launched military adventures abroad to deflect attention from political crises and problems of legitimacy at home.¶ Beyond Syria and Afghanistan, the Trump regime has quietly escalated military intervention throughout the Middle East and has proposed an increase of US$55 billion in the Pentagon budget. It has threatened military force in a number of hotspots around the world, including Syria, Iran, Southeast Asia, along NATO’s eastern flank and in the Korean Peninsula. As rival centers of power emerge in the international system any such military adventure could snowball into a global conflagration with devastating consequences for humanity.¶ Journalists and political observers have focused on geopolitical analysis in attempting to explain rising international tensions. While such analysis is important, there are deep structural dynamics in the global capitalist system that are pushing ruling groups towards war. The crisis of global capitalism is intensifying despite what we have heard from mainstream economists and elites giddy with recent growth spurts and the inflation of stock prices. In particular, the system is facing what appears to be an intractable structural crisis of overaccumulation and of legitimacy.¶ Cyclical crises, or recessions, occur about every 10 years in the capitalist system and typically last some 18 months. There were recessions in the early 1980s, the early 1990s, and the early 2000s. Structural crisis, so called because the only way out of crisis is to restructure the system, occur approximately every 40-50 years. A new wave of colonialism and imperialism resolved the first recorded structural crisis of the 1870s and 1880s. The next structural, the Great Depression of the 1930s, was resolved through a new type of redistributive capitalism, referred to as the “class compromise” of Fordism-Keynesianism, social democracy, New Deal capitalism, and so on.¶ Capital responded to the structural crisis of the 1970s by going global. The emerging transnational capitalist class, or TCC, promoted vast neoliberal restructuring, trade liberalization, and integration of the world economy. The global economy experienced a boom in the late 20th century as the former socialist countries entered the global market and as capital, liberated from nation-state constraints, unleashed a vast new round of accumulation worldwide. The TCC unloaded surpluses and resumed profit-making in the emerging globally integrated production and financial system through the acquisition of privatized assets, the extension of mining and agro-industrial investment on the heels of the displacement of hundreds of millions from the countryside, a new wave of industrial expansion assisted by the revolution in Computer and Information Technology (CIT).¶ Yet capitalist globalization has also resulted in unprecedented social polarization worldwide. According to the development agency Oxfam, just 1 percent of humanity owns over half of the world’s wealth and the top 20 percent own 94.5 of that wealth, while the remaining 80 percent must make due with just 4.5 percent.¶ Given such extreme polarization of income and wealth, the global market cannot absorb the output of the global economy. The global financial collapse of 2008 marked the onset of a new structural crisis of overaccumulation, which refers to accumulated capital that cannot find outlets for profitable reinvestment. Data from 2010 showed, for instance, that companies from the United States were sitting on $1.8 trillion in uninvested cash that year. Corporate profits have been at near record highs at the same time that corporate investment has declined.¶ As this uninvested capital accumulates, enormous pressures build up to find outlets for unloading the surplus. Capitalist groups, especially transnational finance capital, push states to create new opportunities for profit-making. Neoliberal states have turned to four mechanisms in recent years to help the TCC unload surplus and sustain accumulation in the face of stagnation.¶ One is the raiding and sacking of public budgets. Public finance has been reconfigured through austerity, bailouts, corporate subsidies, government debt and the global bond market as governments transfer wealth directly and indirectly from working people to the TCC.¶ A second is the expansion of credit to consumers and to governments, especially in the Global North, to sustain spending and consumption. In the United States, for instance, which has long been the “market of last resort” for the global economy, household debt is higher than it has been for almost all of postwar history. US households owed in 2016 nearly US$13 trillion in student loans, credit card debt, auto loans and mortgages. Meanwhile, the global bond market — an indicator of total government debt worldwide — had already reached US$100 trillion by 2011.¶ A third is frenzied financial speculation. The global economy has been one big casino for transnational finance capital, as the gap between the productive economy and “fictitious capital” grows ever wider. Gross world product, or the total value of goods and services produced worldwide, stood at some US$75 trillion in 2015, whereas currency speculation alone amounted to US$5.3 trillion a day that year and the global derivatives market was estimated at a mind-boggling US$1.2 quadrillion.¶ All three of these financial mechanisms may resolve the problem momentarily but in the long run they end up aggravating the crisis of overaccumulation. The transfer of wealth from workers to capital further constricts the market, while debt-financed consumption and speculation increase the gap between the productive economy and “fictitious capital.” The result is ever-greater underlying instability in the global economy. Many now see a new crash as inevitable.¶ There is another mechanism that has sustained the global economy: militarized accumulation. Here there is a convergence around the system’s political need for social control and its economic need to perpetuate accumulation. Unprecedented global inequalities can only be sustained by ever more repressive and ubiquitous systems of social control and repression. Yet quite apart from political considerations, the TCC has acquired a vested interest in war, conflict, and repression as a means of accumulation. CIT has revolutionized warfare and the modalities of state-organized militarized accumulation, including the military application of vast new technologies and the further fusion of private accumulation with state militarization.¶ As war and state-sponsored repression become increasingly privatized, the interests of a broad array of capitalist groups shift the political, social, and ideological climate toward generating and sustaining social conflict — such as in the Middle East — and in expanding systems of warfare, repression, surveillance and social control. The so-called wars on drugs, terrorism, and immigrants; the construction of border walls, immigrant detention centers, and ever-growing prisons; the installation of mass surveillance systems, and the spread of private security guard and mercenary companies, have all become major sources of profit-making.¶ The US state took advantage of the 9/11 attacks to militarize the global economy. US military spending skyrocketed into the trillions of dollars through the “war on terrorism” and the invasions and occupations of Iraq and Afghanistan. The “creative destruction” of war acted to throw fresh firewood on the smoldering embers of a stagnant global economy. The Pentagon budget increased 91 percent in real terms between 1998 and 2011, and even apart from special war appropriations, it increased by nearly 50 percent in real terms during this period. In the decade from 2001 to 2011 defense industry profits nearly quadrupled. Worldwide, total defense outlays (military, intelligence agencies, Homeland Security/Defense) grew by 50 percent from 2006 to 2015, from $1.4 trillion to $2.03 trillion.¶ The cutting edge of accumulation in the “real economy” worldwide shifted from CIT before the dot-com bust of 1999-2001 to a military-security-industrial-financial complex — itself integrated into the high-tech conglomerate – that has accrued enormous influence in the halls of power in Washington and other political centers around the world. An emergent power bloc bringing together the global financial complex with the military-security-industrial complex appeared to crystallize in the wake of the 2008 collapse. The class interests of the TCC, geo-politics, and economics come together around militarized accumulation. The more the global economy comes to depend on militarization and conflict the greater the drive to war and the higher the stakes for humanity.¶ The day after Donald Trump’s electoral victory, the stock price of Corrections Corporation of America, the largest for-profit immigrant detention and prison company in the United States, soared 40 percent, given Trump’s promise to deport millions of immigrants. Military contractors such as Raytheon and Lockheed Martin report spikes each time there is a new flare-up in the Middle East conflict. Within hours of the April 6 tomahawk missile bombardment of Syria Raytheon stock increased by $1 billion. Hundreds of private firms from around the world have put in bids to construct Trump’s infamous US-Mexico border wall.¶ Populist rhetoric aside, the Trump regime’s economic program constitutes neo-liberalism on steroids. Corporate tax cuts and deregulation will exacerbate overaccumulation and heighten the power bloc’s proclivity for military conflict. Politicized and increasingly autonomous generals and retired military officials that occupy numerous posts in the regime control the US war machine. The generals may play a key role in geopolitical conjunctures and in the timing and circumstances around which US intervention and war escalate. Yet behind the Trump regime and the Pentagon, the TCC seeks to sustain global accumulation through expanding militarization, conflict, and repression. This gives a built-in war drive to the current course of capitalist globalization. Only a worldwide push back from below, and ultimately a program to redistribute wealth and power downward, can counter the upward spiral of international conflagration.

#### The aff saves the WTO -- the crown jewel of modern capitalism, this is literally their meyer ev re-highlighted

Meyer 21, David Meyer, 6-18-2021, "The WTO’s survival hinges on the COVID-19 vaccine patent debate, waiver advocates warn – Fortune," Fortune, https://fortune.com/2021/06/18/wto-covid-vaccines-patents-waiver-south-africa-trips/amp/, EH and brett

The World Trade Organization knows all about crises. Former U.S. President Donald Trump threw a wrench into its core function of resolving trade disputes—a blocker that President Joe Biden has not yet removed—and there is widespread dissatisfaction over the fairness of the global trade rulebook. The 164-country organization, under the fresh leadership of Nigeria’s Ngozi Okonjo-Iweala, has a lot to fix. However, one crisis is more pressing than the others: the battle over COVID-19 vaccines, and whether the protection of their patents and other intellectual property should be temporarily lifted to boost production and end the pandemic sooner rather than later. According to some of those pushing for the waiver—which was originally proposed last year by India and South Africa—the WTO’s future rests on what happens next. “The credibility of the WTO will depend on its ability to find a meaningful outcome on this issue that truly ramps-up and diversifies production,” says Xolelwa Mlumbi-Peter, South Africa’s ambassador to the WTO. “Final nail in the coffin” The Geneva-based WTO isn’t an organization with power, as such—it’s a framework within which countries make big decisions about trade, generally by consensus. It’s supposed to be the forum where disputes get settled, because all its members have signed up to the same rules. And one of its most important rulebooks is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS, which sprang to life alongside the WTO in 1995. The WTO’s founding agreement allows for rules to be waived in exceptional circumstances, and indeed this has happened before: its members agreed in 2003 to waive TRIPS obligations that were blocking the importation of cheap, generic drugs into developing countries that lack manufacturing capacity. (That waiver was effectively made permanent in 2017.) Consensus is the key here. Although the failure to reach consensus on a waiver could be overcome with a 75% supermajority vote by the WTO’s membership, this would be an unprecedented and seismic event. In the case of the COVID-19 vaccine IP waiver, it would mean standing up to the European Union, and Germany in particular, as well as countries such as Canada and the U.K.—the U.S. recently flipped from opposing the idea of a waiver to supporting it, as did France. It’s a dispute between countries, but the result will be on the WTO as a whole, say waiver advocates. “If, in the face of one of humanity’s greatest challenges in a century, the WTO functionally becomes an obstacle as in contrast to part of the solution, I think it could be the final nail in the coffin” for the organization, says Lori Wallach, the founder of Public Citizen’s Global Trade Watch, a U.S. campaigning group that focuses on the WTO and trade agreements. “If the TRIPS waiver is successful, and people see the WTO as being part of the solution—saving lives and livelihoods—it could create goodwill and momentum to address what are still daunting structural problems.” Those problems are legion.

#### Capitalist trade is central to global warming.

Bello 08Walden, senior analyst at the Bangkok-based research and advocacy institute Focus on the Global South and professor at the University of the Philippines, July 28, “Derail Doha, Save the Climate”, <http://www.commondreams.org/views/2008/07/29/derail-doha-save-climate/> brett

There’s something surreal about the ongoing World Trade Organization talks in Geneva, which aim at coming up with a new agreement to bring down tariffs in order to expand world trade and resuscitate global growth. In the face of the looming specter of climate change, these negotiations amount to arguing over the arrangement of deck chairs while the Titanic is sinking. Indeed, one of the most important steps in the struggle to come up with a viable strategy to deal with climate change would be the derailment of the so-called “Doha Round.” Global trade is carried out with transportation that is heavily dependent on fossil fuels. It’s estimated that about 60% of the world’s use of oil goes to transportation activities which are more than 95% dependent on fossil fuels. An OECD study estimated that the global transport sector accounts for 20-25% of carbon emissions, with some 66% of this figure accounted for by emissions in the industrialized countries. Global Trade: Deeply Dysfunctional From the point of view of environmental sustainability, global trade has become deeply dysfunctional. Take agricultural trade. As the International Forum on Globalization has pointed out, the average plate of food eaten in Western industrial food-importing nations is likely to have traveled 1,500 miles from its source. Long-distance travel contributes to the absurd situation wherein “three times more food is used to produce food in the industrial agricultural model than is derived in consuming it.” The WTO has been a central factor in increasing carbon emissions from transport. A study by the OECD done in the mid-nineties estimated that by 2004, the year marking the full implementation of free-trade commitments under the WTO’s Uruguay Round, there would have been an increase in the transport of internationally traded goods by 70% over 1992 levels. This figure, notes the New Economics Foundation, “would make a mockery” of the Kyoto Protocol’s mandatory emissions reduction targets for the industrialized countries. Transportation: More Fossil Intensive than Ever Ocean shipping accounts for nearly 80% of the world’s international trade in goods. The fuel commonly used by ships is a mixture of diesel and low-quality oil known as “Bunker C,” which has high levels of carbon and sulfur. As Jerry Mander and Simon Retallack point out, “If not consumed by ships, it would otherwise be considered a waste product.” Aviation, which has the highest growth rate as a mode of transport, is also the fastest growing source of greenhouse gas emissions, with its consumption of fuel expected to rise by 65% from 1990 levels by 2010, according to one study cited by the New Economics Foundation. Other estimates are more pessimistic, with the Intergovernmental Panel on Climate Change (IPCC) suggesting that fuel consumption by civil aviation is going up at the rate of three percent a year and could rise by nearly 350% from 1992 levels by 2050. Note Mander and Retallack: “Each ton of freight moved by plane uses forty nine times as much energy per kilometer as when it’s moved by ship….A two-minute takeoff by a 747 is equal to 2.4 million lawn mowers running for twenty minutes.” In support of trade expansion and global economic growth, authorities have by and large not taxed aviation fuel as well as marine bunker fuel, which now account for 20% of all emissions in the transport sector. Along with fossil-fuel-intensive air transport, fossil-fuel-intensive road transport has also been favored by the expansion of world trade, instead of modes with less emission intensities like rail and marine traffic. In the European Union, for instance, the focus on building up a road transport network led an OECD study to comment that “the way in which the EU liberalization policy has been implemented has favored the less environment-friendly modes and accelerated the decline of rail and inland waterways.” Decoupling Growth and Energy: a Panacea There has been talk about decoupling trade and growth from energy or shifting from fossil fuels to other, less carbon-intensive energy sources. The reality is that the other energy sources being seriously considered are either dangerous, like nuclear power; with deleterious side-effects, like biofuels’ negative impact on food production; or science fiction as this stage, like carbon sequestration and storage technology. For the foreseeable future, trade expansion and global growth will fall in line with their historical trajectory of being correlated with increased greenhouse gas emissions. A sharp U-turn in consumption and growth in the developed countries and a significant decrease in global trade are unavoidable if we are to have a viable strategy against climate change. This will set the stage for a reduction in greenhouse gas emissions, including from the energy-intensive transportation sector. The outcome of the Doha negotiations will determine whether free trade will intensify or lose momentum. A successful conclusion to Doha will bring us closer to uncontrollable climate change. It will continue what the New Economics Foundation describes as “free trade’s free ride on the global climate.” A derailment of Doha won’t be a sufficient condition to formulate a strategy to contain climate change. But given the likely negative ecological consequences of a successful deal, it’s a necessary condition.

#### The alternative is a dual power approach to communist strategy. We must build independent communist institutions capable of surviving and defending themselves against the capitalist world. Not only does the alt solve for material violence in the transition period, it also eliminates the material and ideological dependences on capital that prevent revolution.

Escalante 19 [Alyson Escalante is a Marxist-Leninist, Materialist Feminist and Anti-Imperialist activist. "Communism and Climate Change: A Dual Power Approach" in Regeneration. March 26, 2019. [https://regenerationmag.org/communism-and-climate-change-a-dual-power-approach/] KZaidi](https://regenerationmag.org/communism-and-climate-change-a-dual-power-approach/%5d%20KZaidi) //LK [RCT 12/10/19]

Much has been written over the last few years about a dual power approach to communist strategy. I have written extensively about it at The Forge News, and discussed in video format in my YouTube video, Climate Change, Imperialism, and The End of The World. I will not be using this article to give a comprehensive recap on what dual power strategy is, so I suggest checking out those two links. In short: dual power strategy is an approach to communist revolution which seeks to build independent socialist institutions which exist in parallel to the currently existing capitalist state, in order to serve the masses. The goal of a dual power strategy is not to compete with capitalism or reform it out of existence, but rather to radicalize the masses through meeting their needs, to recognize and politicize capitalist crisis as it occurs, and to have a real infrastructure in place for a revolutionary movement to self-sustain at the point that it must inevitably combat the capitalist state. This strategy focuses on building counter-institutions like tenants’ unions, agricultural cooperatives, radical labor unions, and Serve the People programs that not only demonstrate on-the-ground worker power but can provide for the needs of the masses without an appeal to reforming the currently existing capitalist state. I previously argued that a crucial advantage to dual power strategy is that it gives the masses an infrastructure of socialist institutions which can directly provide for material needs in times of capitalist crisis. Socialist agricultural and food distribution programs can take ground that the capitalist state cedes by simultaneously meeting the needs of the masses while proving that socialist self-management and political institutions can function independently of capitalism. This approach is not only capable of literally saving lives in the case of crisis, but of demonstrating the possibility of a revolutionary project which seeks to destroy rather than reform capitalism. One of the most pressing of the various crises which humanity faces today is climate change. Capitalist production has devastated the planet, and everyday we discover that the small window of time for avoiding its most disastrous effects is shorter than previously understood. The Intergovernmental Panel on Climate Change predicts that we have twelve years to limit (not even prevent) the more catastrophic effects of climate change. The simple, and horrific, fact that we all must face is that climate change has reached a point where many of its effects are inevitable, and we are now in a post-brink world, where damage control is the primary concern. The question is not whether we can escape a future of climate change, but whether we can survive it. Socialist strategy must adapt accordingly. In the face of this crisis, the democratic socialists and social democrats in the United States have largely settled on market-based reforms. The Green New Deal, championed by Representative Alexandria Ocasio-Cortez and the left-wing of the Democratic Party, remains a thoroughly capitalist solution to a capitalist problem. The proposal does nothing to challenge capitalism itself but rather seeks to subsidize market solutions to reorient the US energy infrastructure towards renewable energy production, to develop less energy consuming transportation, and the development of public investment towards these ends. The plan does nothing to call into question the profit incentives and endless resource consumption of capitalism which led us to this point. Rather, it seeks to reorient the relentless market forces of capitalism towards slightly less destructive technological developments. While the plan would lead to a massive investment in the manufacturing and deployment of solar energy infrastructure, National Geographic reports that “Fabricating [solar] panels requires caustic chemicals such as sodium hydroxide and hydrofluoric acid, and the process uses water as well as electricity, the production of which emits greenhouse gases.” Technology alone cannot sufficiently combat this crisis, as the production of such technology through capitalist manufacturing infrastructure only perpetuates environmental harm. Furthermore, subsidizing and incentivizing renewable energy stops far short of actually combating the fossil fuel industry driving the current climate crisis. The technocratic market solutions offered in the Green New Deal fail to adequately combat the driving factors of climate change. What is worse, they rely on a violent imperialist global system in order to produce their technological solutions. The development of high-tech energy infrastructure and the development of low or zero emission transportation requires the import of raw material and rare earth minerals which the US can only access because of the imperial division of the Global South. This imperial division of the world requires constant militarism from the imperial core nations, and as Lenin demonstrates in Imperialism: The Highest Stage of Capitalism, facilitates constant warfare as imperial states compete for spheres of influence in order to facilitate cheap resource extraction. The US military, one of many imperialist forces, is the single largest user of petroleum, and one of its main functions is to ensure oil access for the US. Without challenging this imperialist division of the world and the role of the US military in upholding it, the Green New Deal fails even further to challenge the underlying causes of climate change. Even with the failed promises of the Green New Deal itself, it is unlikely that this tepid market proposal will pass at all. Nancy Pelosi and other lead Democrats have largely condemned it and consider it “impractical” and “unfeasible.” This dismissal is crucial because it reveals the total inability of capitalism to resolve this crisis. If the center-left party in the heart of the imperial core sees even milquetoast capitalist reforms as a step too far, we ought to have very little hope that a reformist solution will present itself within the ever-shrinking twelve-year time frame. There are times for delicacy and there are times for bluntness, and we are in the latter. To put things bluntly: the capitalists are not going to save us, and if we don’t find a way to save ourselves, the collapse of human civilization is a real possibility. The pressing question we now face is: how are we going to save ourselves? Revolution and Dual Power If capitalism will not be able to resolve the current encroaching climate crisis, we must find a way to organize outside the confines of capitalist institutions, towards the end of overthrowing capitalism. If the Democratic Socialists of America-backed candidates cannot offer real anti-capitalist solutions through the capitalist state, we should be skeptical of the possibility for any socialist organization doing so. The DSA is far larger and far more well-funded than any of the other socialist organizations in the US, and they have failed to produce anything more revolutionary than the Green New Deal. We have to abandon the idea that electoral strategy will be sufficient to resolve the underlying causes of this crisis within twelve years. While many radicals call for revolution instead of reform, the reformists often raise the same response: revolution is well and good, but what are you going to do in the meantime? In many ways this question is fair. The socialist left in the US today is not ready for revolutionary action, and a mass base does not exist to back the various organizations which might undertake such a struggle. Revolutionaries must concede that we have much work to be done before a revolutionary strategy can be enacted. This is a harsh truth, but it is true. Much of the left has sought to ignore this truth by embracing adventurism and violent protest theatrics, in the vain hope of sparking revolutionary momentum which does not currently exist. If this is the core strategy of the socialist left, we will accomplish nothing in the next twelve years. Such approaches are as useless as the opportunist reforms pushed by the social democrats. Our task in these twelve years is not simply to arm ourselves and hope that magically the masses will wake up prepared for revolution and willing to put their trust in our small ideological cadres. We must instead, build a movement, and with it we must build infrastructure which can survive revolution and provide a framework for socialist development. Dual power is tooled towards this project best. The Marxist Center network has done an impressive amount of work developing socialist institutions across the US, largely through tenants organizing and serve the people programs. The left wing factions within the DSA itself have also begun to develop mutual aid programs that could be useful for dual power strategy. At the same time, mutual aid is not enough. We cannot simply build these institutions as a reform to make capitalism more survivable. Rather, we must make these institutions part of a broader revolutionary movement and they ought to function as a material prefiguration to a socialist society and economy. The institutions we build as dual power outside the capitalist state today ought to be structured towards revolutionary ends, such that they will someday function as the early institutions of a revolutionary socialist society. To accomplish this goal, we cannot simply declare these institutions to be revolutionary. Rather they have to be linked together through an actual revolutionary movement working towards revolutionary ends. This means that dual power institutions cannot exist as ends in and of themselves, nor can abstract notions of mutual aid cannot be conceptualized as an end in itself. The explicit purpose of these institutions has to be to radicalize the masses through meeting their needs, and providing an infrastructure for a socialist movement to meet the needs of its members and the communities in which it operates. Revolutionary institutions that can provide food, housing, and other needs for a revolutionary movement will be crucial for building a base among the masses and for constructing the beginnings of a socialist infrastructure for when we eventually engage in revolutionary struggle. What I want to suggest here is that the production of food through dual power institutions should be a central project for this revolutionary movement. There are several reasons why I think this is the case. First, food production allows us to meet the most immanent needs of the masses. The US is plagued by food deserts which deprive huge portions of the population access to fresh food. Poverty exacerbates this further, and the devastating effects of lack of access of healthy food due to poverty are well documented. This is an urgent need that socialists can meet in order to demonstrate to the masses that it is socialists who can serve them where the capitalist state has failed. Second, food production is a major contributor to climate change. Large-scale meat production produces massive amounts of greenhouse gas, and the transportation of food from rule agricultural areas to urban populations centers is a major contributor as well. Urban agricultural projects and the development of sustainable permaculture are not sufficient to fix these problems, as they are not able to overthrow the capitalist system of agricultural production. However, paired with a broader revolutionary movement, these projects allow us to undertake scientific experimentation with meeting food needs, in order to test and demonstrate the effectiveness of alternative food production methods that can eventually replace the current unsustainable capitalist model. After all, if our revolution cannot replace unsustainable production models, we will not be able to resolve climate change any better than the capitalists. Given these considerations, I think it is crucial that the revolutionary socialist movement begin to investigate and develop food production strategies that are part of a broader dual power project. If we hold that revolution is the only way to resolve climate crisis within the next twelve years, we need to have tested, demonstrably superior methods of food production ready to go. A revolutionary movement which cannot demonstrate an ability to meet the needs of the masses does not deserve their support, and food production is a crucial need. I am incapable of providing a comprehensive strategy here, I want to look at the ongoing organopónicos in Cuba, in order to demonstrate that the successes of Cuban urban agriculture can be of great a source of insight and strategy for our dual power projects. Learning from Cuba: Organopónicos Thankfully, we do not have to start from scratch when developing food production strategies. The development of urban agriculture in Cuba provides some important insights that can inform our own projects. In the 1990s, the collapse of the Soviet Union had a devastating effect on Cuba. The loss of a major trade partner paired with an ongoing imperialist embargo forced the Cuban state to pursue experimental solutions to food shortages. The loss of trade not only produced a food shortage but also ended import of agricultural machinery and pesticides needed for large-scale industrial farming. Access to gasoline also diminished, forcing the Cuban state to prioritize urban agriculture which did not need to be transported long distances. This crisis led to Cuba, almost incidentally, developing a sustainable and ecologically-oriented project of urban agriculture. Over the course of many years, this led to a system of civilian controlled organopónicos. This system of urban gardens, run by community members, has since grown to significant proportions. By 2003, Havana produced 90% of the fresh produce within the city because of the success of the organopónicos, largely without pesticides and with minimal fossil fuel expenditure for transportation. That same year, the Cuban Ministry of Agriculture reported a 50% decrease in fossil fuel usage. The system is made up of a variety of institutions, from state owned and operated plots, to cooperatively purchased and maintained gardens. In total, 87,000 acres of land are now being used for urban agriculture in Havana. Although the organopónicos are largely run by communities themselves, they receive support and funding from the Cuban state. For an incredibly in-depth analysis of the organopónico system, I highly recommend this impressively thorough report from Monthly Review. We must now ask: how might the development of the organopónico system inform dual power projects today? First, it is worth noting that the system cannot be directly copied and pasted into urban centers within the US. Subsidies from the Cuban state are crucial to maintaining the system at such a large-scale. Any projects undertaken in a dual power context will necessarily be smaller, due purely to funding for land acquisition. One other complication is that the population of US urban centers is largely unfamiliar with agriculture, a problem that was not so serious in Cuba. As such, application of lessons learned from the organopónico system will require socialist organizations in the US to develop agricultural education alongside actual food production. Despite these differences, the organopónico system proves that socialist approaches to food production are viable, and more importantly, environmentally sustainable. Not only has the socialist Cuban state found a way for its urban centers to collectively produce much of their food, it has done so without using environmentally destructive pesticides, and while driving down fuel consumption by a huge margin. There is more learning and experimenting to be done, as organopónicos do not yet provide complete self-sustenance for the cities in which they exist, but they demonstrate that socialist solutions can move us in that direction. For socialists in the US who are invested in dual power, the organopónico system ought to inspire us to begin our own collective production of food. For those who can acquire access to land in urban areas, it is possible to begin to develop small-scale projects integrating the lessons learned from the organopónico system. This not only allows us to combat the effects of food deserts by producing fresh produce within those deserts themselves but allows us to begin to further investigate and experiment with agricultural models that can be scaled up in a revolutionary socialist society to meet the needs of the populace. For those who cannot access sizable plots of land, small-scale permaculture can still be developed in yards, with windowsill gardens, and with public gardening spaces. The development of permaculture skills should be prioritized even if it can only occur at a small-scale. We must take a scientific, not a utopian, approach to socialism, and that means beginning to experiment and develop socialist infrastructure here and now. A climate catastrophe is on the horizon now. Even if we manage to achieve the revolutionary overthrow of capitalism within the twelve-year window, we will still see many devastating effects of climate change. Unfortunately, it is likely that global capitalism will survive much longer than twelve more years, so learning how to meet needs in a state of crisis will be crucial for socialist projects of the future. We will be forced to begin developing socialist projects in less than ideal conditions. As such, the lessons learned from organopónicos are of extra importance. Cuba’s urban agriculture is a product of crisis and demonstrates that even under conditions of intense crisis, socialist states can create solutions to meet the needs of the masses. I have not offered a particularly thorough investigation into the organopónico system in this article. For that, I really do recommend the Monthly Review piece linked above. Regardless, I hope that I have demonstrated that climate change poses a serious challenge for socialist organizing. It creates an intense urgency and requires us to develop strategies which can respond to horrific instances of crisis. I truly believe that dual power remains the best strategy for responding climate change, but it must be scientifically informed, and capable of actually providing sustainable socialist alternatives. We should be grateful for the Cuba’s experiments with organopónicos, and should commit to investigation and study of their experiments in order to inform our own projects. We are running out of time to act, and the stakes have never been higher.

## 3

#### Innovation high– postdates your ev and we have stats

Ezell 20. Stephen Ezell, July 2020, “Ensuring U.S. Biopharmaceutical Competitiveness,” Information Technology and Innovation Foundation, <http://www2.itif.org/2020-biopharma-competitiveness.pdf> sean!

Medicines are critical to health. Since 2000, the FDA has approved more than 500 new medicines. 2 As of 2020, biopharmaceutical companies in the United States have more than 3,400 drugs under clinical development, accounting for almost half of the estimated 8,000 medicines under development globally (1,100 of which are being developed to treat various forms of cancers).3 And while some have asserted that biotechnology companies focus too often on “me-too” drugs that compete with other treatments already on the market, the reality is that most of the drugs currently under development seek to tackle some of the world’s most intractable diseases, including Alzheimer’s, cancer, and communicable diseases. This includes 130 coronavirus vaccines under development globally as well as 144 active trials of coronavirus therapeutic agents, and another 457 development programs for new therapeutic agents, which the FDA is tracking through its Coronavirus Treatment Acceleration Program.4 Moreover, such arguments miss that many of the drugs developed in recent years have in fact been first of their kind. For instance, in 2014, the FDA’s Center for Drug Evaluation and Research (CDER) approved 41 new medicines (the most since 1996 at that point), many of which were first-in-class medicines, meaning they represent a possible new pharmacological class for treating a medical condition.5 In that year, 28 of the 41 drugs approved were considered biologic or specialty agents, and 41 percent of medicines approved were intended to treat rare diseases. In 2018, CDER approved a record 59 novel drugs, and in 2019, 48 novel drugs, making 2019 the third-largest approval class in the past 25 years.6 As of 2020, 74 percent of medicines in clinical development in the United States are potentially first-in-class medicines, including 86 percent for Alzheimer’s, 70 percent for various forms of cancer, and 73 percent for cardiovascular diseases

#### Removing patents for just covid undermines incentives to innovate

NC Bioscience Organization, “Vaccine patent waiver breaks faith with American companies, stifles innovation” https://www.ncbioscience.net/2021/05/13/55544/

NCBIO is extremely disappointed that the Biden administration has chosen to support waiving critical intellectual property protections for U.S. COVID-19 vaccines. This decision, known as a TRIPS waiver, breaks faith with American innovators, punishes the ingenuity of our life sciences industry and will delay the equitable delivery of COVID vaccines to people around the globe. Giving countries in need a recipe for making a vaccine is not the same as providing them with vaccine. Production facilities, ingredients, safeguards, a trained workforce and a distribution system must all be in place before a single patient is injected. All of this can take months or years. Other world leaders know this IP waiver is a bad idea. German Chancellor Angela Merkel opposes IP waivers for vaccines, saying they would create “severe complications” for production. “The limiting factor for the production of vaccines are manufacturing capacities and high quality standards, not the patents,” [she told Bloomberg](https://www.bloomberg.com/news/articles/2021-05-06/wto-enters-covid-19-vaccine-standoff-with-a-compromise-proposal). “The protection of intellectual property is a source of innovation and this has to remain so in the future.” The president should follow through on his pledge to make the United States the world’s “[arsenal of vaccines](https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/04/28/remarks-as-prepared-for-delivery-by-president-biden-address-to-a-joint-session-of-congress/).” This policy leads in the opposite direction. A better alternative would be the COVID [Global Strategy for Harnessing Access Reaching Everyone Program](https://www.bio.org/sites/default/files/2021-05/Letter%20to%20President%20Joseph%20Biden%20-%20May%203%202021_0.pdf) proposed by the Biotechnology Innovation Organization. The SHARE program would ensure sufficient global supply of and access to vaccines and strengthen and support health care systems in low-and middle-income countries in addressing COVID. It would accomplish these goals without compromising protections for intellectual property or further stretching limited global vaccine expertise to the breaking point. We agree with Sen. Richard Burr and [Sen. Thom Tillis](https://www.tillis.senate.gov/2021/5/tillis-and-cotton-statement-on-president-biden-s-disastrous-decision-to-support-the-trips-waiver) who oppose the TRIPS waiver. Burr said in a [statement](https://www.burr.senate.gov/press/releases/burr-statement-on-intellectual-property-protections-for-covid-19-vaccines), “The partnerships developing and manufacturing the COVID-19 vaccines have been one of the biggest scientific success stories in generations – one that’s already impacting other areas of medical research. Intellectual property protections are part of the reason we have these life-saving products; stripping these protections only ensures we won’t have the vaccines or treatments we need when the next pandemic occurs.” These hits to the innovation behind vaccines could easily extend to all areas of the U.S. innovation economy. Intellectual property protections are the lifeblood of the life science industry and the same could be said for other technologies where U.S. innovation is key. North Carolina, home to many innovative early stage and biopharmaceutical manufacturing companies could see a particularly severe impact. We urge the president to protect American companies from the coerced transfer of technology by foreign governments, avoid any precedents that would work to undermine incentives to develop vaccines and treatments in future pandemics and avoid setting a precedent that undermines the entire US innovation economy.

#### Innovation is k2 stopping bioterror

Marjanovic and Fejiao ‘20 Marjanovic, Sonja, and Carolina Feijao. Sonja Marjanovic, Ph.D., Judge Business School, University of Cambridge. Carolina Feijao, Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitive biology, Imperial College London; B.Sc. in biology, University of Lisbon. "Pharmaceutical Innovation for Infectious Disease Management: From Troubleshooting to Sustainable Models of Engagement." https://www.rand.org/pubs/perspectives/PEA407-1.html (2020). [Quality Control]

As key actors in the healthcare innovation landscape, pharmaceutical and life sci-ences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a bioterrorism context.1 The general threat to public health that is posed by antimicrobial resistance is also well recognized as an area in need of pharmaceutical innovation. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and compe-tition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an indispensable partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceu-tical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is essential for socially responsible companies in the sec-tor.2 It is therefore unsurprising that we are seeing indus-try-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing com-pounds to assess their utility in the fight against COVID-19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating tri-als for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests.3,4 Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (such as the Innovative Medicines Initiative effort to accel-erate the development of potential therapies for COVID-19) and supporting national efforts to expand diagnosis and testing capacity and ensure affordable and ready access to potential solutions.3,5,6 The primary purpose of such innovation is to benefit patients and wider population health. Although there are also reputational benefits from involvement that can be realised across the industry, there are likely to be rela-tively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pres-sure not to be seen as profiting from the pandemic. In the United Kingdom for example, GSK has stated that it does not expect to profit from its COVID-19 related activities and that any gains will be invested in supporting research and long-term pandemic preparedness, as well as in developing products that would be affordable in the world’s poorest countries.7 Similarly, in the United States AbbVie has waived intellectual property rights for an existing com-bination product that is being tested for therapeutic poten-tial against COVID-19, which would support affordability and allow for a supply of generics.8,9 Johnson & Johnson has stated that its potential vaccine – which is expected to begin trials – will be available on a not-for-profit basis during the pandemic.10 Pharma is mobilising substantial efforts to rise to the COVID-19 challenge at hand. However, we need to consider how pharmaceutical innovation for responding to emerging infectious diseases can best be enabled beyond the current crisis. Many public health threats (including those associated with other infectious diseases, bioterror-ism agents and antimicrobial resistance) are urgently in need of pharmaceutical innovation, even if their impacts are not as visible to society as COVID-19 is in the imme-diate term. The pharmaceutical industry has responded to previous public health emergencies associated with infec-tious disease in recent times – for example those associated with Ebola and Zika outbreaks.11 However, it has done so to a lesser scale than for COVID-19 and with contribu-tions from fewer companies. Similarly, levels of activity in response to the threat of antimicrobial resistance are still low.12 There are important policy questions as to whether – and how – industry could engage with such public health threats to an even greater extent under improved innova-tion conditions.

#### Bioterror is the largest medical threat—it o/w’s pandemics on probability

Bakerlee ‘21 Chris Bakerlee is a Ph.D. candidate studying evolutionary genetics at Harvard University and a fellow in the Council on Strategic Risks’s Fellowship for Ending Bioweapons Programs. "Mother Nature is not 'the ultimate bioterrorist' - STAT." STAT, 8 Jan. 2021, www.statnews.com/2021/01/08/mother-nature-is-not-the-ultimate-bioterrorist. [Quality Control]

Taken together, these examples show that this meme no longer serves us well. It is undoubtedly a mistake to underestimate the threats from natural pathogens. At the same time, it is equally unwise to wield this 19-year-old expression like a magic wand, intending to briskly banish concerns about people causing harm with biology. We can’t afford to blind ourselves or others to the uncomfortable truth that, with each passing day, humans grow more capable of outdoing nature and harnessing biotechnology to cause harm on a staggering scale, by either cruelty or carelessness. Nature has no interests, motives, or political goals. To the extent it can be said to “want” anything, it is to perpetually enhance populations’ differential reproductive success, which only rarely aligns with causing greater harm to humans. Notably, the trillions of bacteria living in the average human’s colon appear to have adapted toward a peaceful and often mutually beneficial coexistence with their host. And even deadly pathogens may theoretically evolve toward making humans less sick if doing so opens up more opportunities for transmission between hosts. The process of natural selection, for all its power, is highly constrained in its ability to generate “superbugs” possessing a diabolical suite of traits. Like human bioengineers, natural selection must work around stubborn physiological trade-offs between traits, such as genome replication rate and mutation rate. But natural selection is also handicapped by near-sightedness, driving improvements in traits that enhance a population’s fitness in its current environment with no attention to maintaining or improving traits that enhance fitness in other environments. If creating an especially deadly pathogen were like winning a soccer match against a formidable opponent, natural selection would be competing with all the cunning of an especially persistent horde of 5-year-olds, glued to the ball and only ever capable of playing offense, defense, or goalie at any one time. By contrast, modern biologists are gaining the ability to see the whole field, develop an intuition about where the ball will be next, and play multiple positions simultaneously. Through a combination of rational design, directed evolution, breeding, and brute force trial and error, they can increasingly engineer organisms that excel in multiple desired functions at once, such as the ability to grow quickly in a massive industrial fermenter while churning out commercially valuable biomolecules. This growing capability promises tremendous benefits for agriculture, industry, and human health, but its potential application to the creation of pathogens poses serious concerns. It is worth emphasizing that trained biologists — let alone terrorists — still have difficulty one-upping natural selection’s creative output. Our understanding of biology is very much in its infancy. Yet our knowledge and capabilities are maturing rapidly, as evidenced by Twist’s prolific gene synthesis capabilities, along with recent feats in predicting protein structure, gene editing, and genome assembly. We are much closer to this exciting but frightening horizon today than we were in 2001, and this trend will likely persist. It’s also worth noting that, when it comes to weapons-grade biotechnology, states likely pose a greater risk than non-state terrorists. States have vastly more resources to support the development of biological weapons, and about 23 are known or suspected to have maintained biological weapons programs in the 20th century. Some programs, like North Korea’s, likely persist to this day. As countries jockey for advantage, state biological weapons programs remain an ever-present danger, despite the treaties and export controls designed to rein them in. Covid-19, which has exposed countries’ vulnerability to biological threats, has done little to mitigate this danger. Accidental releases pose an additional source of anthropogenic biorisk. Thanks to the U.S. government’s monitoring program, we know that dozens of agents and toxins with the potential to pose a severe threat to public health and agriculture are reported accidentally lost or released from U.S. labs every year. We also know that accidental releases around the world have already caused significant harm. Such risks increase as biotechnology expands across the world and gains in strength. Biotechnology, with all its promise and peril, is moving fast. It’s irresponsible of us to shrug off current and emerging biotechnological threats by reciting “Nature is the ultimate bioterrorist” like some article of faith. As with global warming, the cost of willful ignorance and inaction is high — and increasing. Our health security requires that we engage cautiously but honestly with the full spectrum of evolving biological risks, striving toward solutions with open eyes and moral courage

## 4

#### Counterplan: The World Trade Organization ought to

#### -Increase covax support

#### -prioritize trade facilitation

#### -commit to aid for LDC’s

#### -invest in pandemic preparedness

[Violeta Gonzalez](https://www.devex.com/news/authors/1581504) 8-1-2021, "Opinion: 4 ways to promote vaccine equity through trade," Devex, https://www.devex.com/news/opinion-4-ways-to-promote-vaccine-equity-through-trade-100457

As of Monday, only [1.1 % of people in low-income countries](https://ourworldindata.org/covid-vaccinations) had received at least one COVID-19 vaccine dose. This is making it harder to battle a third wave of infections, as the highly transmissible [delta variant](https://news.un.org/en/story/2021/07/1095152) spreads across many nations. In the [World Health Organization](https://www.devex.com/organizations/world-health-organization-who-30562)’s Africa region — where a [high number](https://www.uneca.org/sites/default/files/com/2021/E2100045-English-CoM21-Progress-in-the-implementation-of-the-priority-areas-of-the-Programme-of-Action-for-the-Least-Developed-Countries-for-the-Decade-2011-2020_Istanbul-Programme-of-Action.pdf) of LDCs are located — COVID-19 fatalities [surged 44.2%](https://apps.who.int/iris/bitstream/handle/10665/342715/OEW28-0511072021.pdf) over one week in July. The coronavirus is [devastating](https://www.un.org/development/desa/dpad/2021/major-study-on-covid-19-impact-on-ldcs-released/) many LDCs’ already fragile economies and causing poverty and inequality to rise. Without equitable access to vaccines, [global economic recovery cannot be sustained](https://www.wto.org/english/news_e/news21_e/gc_05may21_e.htm) and progress toward the Sustainable Development Goals will be derailed. While trade alone cannot eradicate vaccine unequity or its negative consequences for the [economy](https://news.un.org/en/story/2021/05/1091732) and [vulnerable groups](https://observatoryihr.org/news/covid-19-vaccine-distribution-highlights-social-inequality/), it has a powerful contribution to make. Here are four actions that would make an impact: 1. Increase COVAX support Vaccine equity can only be achieved if the global community eschews vaccine nationalism. High-resource countries should [ramp up donations](https://www.devex.com/news/wto-chief-to-g-20-donate-2-3b-more-covid-19-vaccine-doses-100306) through the vaccine-sharing initiative COVAX and commit to securing a swift, workable resolution to ongoing debates around [technology transfers and intellectual property waivers](https://www.devex.com/news/wto-council-offers-hope-for-trips-vaccine-proposal-100125). While countries in the G-7 group of nations have [pledged to increase their support](https://www.who.int/news/item/13-06-2021-g7-announces-pledges-of-870-million-covid-19-vaccine-doses-of-which-at-least-half-to-be-delivered-by-the-end-of-2021) for COVAX, the initiative has faced hurdles in the form of [supply bottlenecks](https://www.devex.com/news/india-crisis-puts-covax-150-million-doses-behind-schedule-99860), [export restrictions](https://unctad.org/news/export-restrictions-do-not-help-fight-covid-19), and [logistical weaknesses](https://www.devex.com/news/the-cold-chain-storage-challenge-99869). Many currently available COVID-19 vaccines have short shelf lives and must be stored at low temperatures. LDCs can only benefit from donated doses if they have fast and efficient processing at their borders, modern transportation systems, and access to cold chain infrastructure. 2. Prioritize trade facilitation Accelerating implementation of the [World Trade Organization](https://www.devex.com/organizations/world-trade-organization-wto-44694)’s 2017 [Trade Facilitation Agreement](https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm) is critical for helping LDCs overcome these challenges. A total of [154 WTO members](https://www.tfafacility.org/ratifications) now support the agreement, which pledges investment in the simplification and modernization of the movement, release, and customs clearance of goods globally. It also aims to help low-income countries overcome these same barriers through technical assistance and capacity building. The [Global Alliance for Trade Facilitation](https://www.devex.com/organizations/global-alliance-for-trade-facilitation-102992) has made good progress in identifying barriers to vaccine equity and introducing solutions. In [Mozambique](https://www.tradefacilitation.org/article/two-new-mozambique-projects-aim-to-ease-access-to-vaccines-medical-products/), for example, the alliance is working to digitalize pre-shipment authorization for vaccine imports — a process that can take as long as two weeks, during which vaccine doses must be kept in storage. This digitalization should help Mozambique decrease wait times, improve shipment traceability, and reduce storage and inventory management costs. Yet more work remains to help governments overcome [challenges associated with implementing](https://www.wto-ilibrary.org/trade-facilitation-and-customs-valuation/world-trade-report-2015_f2985d96-en) the Trade Facilitation Agreement, such as changing domestic legislation and involving the private sector. Lower-income countries and LDCs have flagged a need around human resources and training, legal assistance, and the acquisition of information and communication technologies. 3. Commit to Aid for Trade For LDCs to participate fairly in global vaccine supply chains — as importers or exporters of inputs and finished products — they need financial and technical assistance to strengthen their [productive capacity](https://www.devex.com/news/cepi-ceo-concerted-effort-needed-to-build-lmic-vaccine-manufacturing-100013), streamline their cross-border standards and processes, and improve their logistics infrastructure and [technological know-how](https://www.wto.org/english/news_e/news21_e/dgno_21may21_e.htm). The Aid for Trade initiative exists to provide that support — but can only deliver if donor countries maintain or increase their official development assistance, or ODA. Preliminary figures from the [Organisation for Economic Co-operation and Development](https://www.devex.com/organizations/organisation-for-economic-co-operation-and-development-oecd-29872) show that [Development Assistance Committee](https://www.devex.com/organizations/development-assistance-committee-dac-100607) members [expanded their ODA by $10 billion](https://www.devex.com/news/what-to-make-of-the-2020-dac-stats-99641) between 2019 and 2020, mostly as part of their COVID-19 response. However, with several government donors having reprogrammed their aid budgets to focus on immediate health priorities, [fears are growing](https://www.weforum.org/agenda/2021/01/helping-small-businesses-build-resilience/) that their overall ODA may also be slashed — and, with this, their support for Aid for Trade. The generosity of some countries provides hope. Norway, for example, recently stepped up to help plug such gaps with [45 million Norwegian kroner](https://www.wto.org/english/news_e/news21_e/if_22jun21_e.htm) of additional funding for the WTO-backed [Enhanced Integrated Framework](https://www.devex.com/organizations/enhanced-integrated-framework-eif-78046), a global Aid for Trade program that aims to reduce poverty. 4. Invest in preparedness In 2019, only [$374 million](http://www.healthdata.org/sites/default/files/files/policy_report/FGH/2020/FGH_2019_Interior_Final_Online_2020.09.18.pdf) — or less than 1% — of the world’s total development assistance for health was spent on pandemic preparedness. Within months, the consequences of that underinvestment became clear. Integrating lower-income countries and LDCs into global and regional [pharmaceutical value chains](https://unctad.org/news/unctad-report-says-least-developed-countries-position-improve-access-medicines-through-local-0) is vital for ensuring the world is better prepared next time. Directing increased aid to help these countries become [producers and exporters](https://www.bloomberg.com/news/articles/2021-07-26/africa-must-build-vaccine-production-capacity-wto-chief-says) of medical equipment and vaccines has never been more needed. LDCs would not only receive more of the [vaccines and therapeutics they need now](https://trade4devnews.enhancedif.org/en/op-ed/access-denied-ensuring-vaccines-worlds-poorest-countries) but could actively contribute to the global response when the next pandemic inevitably hits.

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