# 1ar

### 1AR – PANDEMICS

#### The Covid-19 pandemic is destroying the world and the plan effectively solves for disease insecurity spurred by a lack of even access that’s Kumar 21, and patent waivers spur production and innovation of better vaccines, which is necessary to end covid-19 before it escalates nuclear security threats and results in lack of climate reform

#### While patents first-glance may seem like a good idea, the problem is that many corporations use them to get rid of rivals, functionally monopolizing the market. As a result, medical innovation has slowed down tremendously.

**Gubby 19** [Hellen Gubby, professor at the Rotterdam School of Management at Amarus University with a PhD in law, 9-6-2019, "Is the Patent System a Barrier to Inclusive Prosperity? The Biomedical Perspective," Wiley Online Library, https://onlinelibrary.wiley.com/doi/10.1111/1758-5899.12730]/Kankee

As the economy has largely shifted from industrial manufacturing to high-tech, life science and information processing industries, intellectual property has become more and more important. **Corporations have become increasingly aware** **of the potential of the patent**, **not just as a shield to protect against imitation, but as a strategic tool to block competition** **and dominate markets**. Patents have come to have a broader strategic function in which **innovation may only play a small part**. Although many patents do not produce any income: ‘In terms of strategy, though, the patent can be much more valuable’ (Macdonald, 2004, p. 143). Patent strategy is directly related to the business context. The Carnegie Mellon Survey of the US manufacturing sector in 1994 revealed that **firms often used patents as strategic tools, rather than** as simply **a means of protecting an invention from wrongful imitation** (Cohen et al., 2000). In their examination of motives to patent, Blind et al. (2009) recognised that, although protection from imitation was still the most important factor, ‘the importance of the strategic motives to patent are confirmed’ (Blind et al., 2006, p. 671). Patent strategies **The decision to patent has become** in part uncoupled from the original core purpose of the patent: **to protect an invention from unfair imitation by other market participants**. **Larger firms, with the capital assets to pay for the cost of patenting, use their patent portfolios strategically**. **Patents have become** useful as **bargaining chips; they provide leverage**. **Large patent portfolios are a means to get access to important co-operations or cross-licensing arrangements** (Blind et al., 2009, p. 431). Yet while building **the portfolio** requires enormous legal costs, it **contributes little to research incentives**. Furthermore, **these** **portfolios** can be used not just to oblige competitors to take licences, but also the terms of these licences can **restrict competitors to certain areas of technology** (Barton, 2000). **Larger firms** **can** afford to play the ‘wrap around’ strategy. Instead of **apply**ing **for** a single patent to cover an invention, other **patents** are filed **around the main patent**. **These** **related** **patents lock down the discrete features of an invention**. **The tactic hinders entry to the market**. **Competitors will be put to time, effort and cost to fight their way through all the relevant patents covering the technology**. Furthermore, **the chance** that **the competitor's invention may infringe one of the many claims in one of the many patents is high**. Not only can **damages be awarded for infringement, but also an injunction**. **Injunctions prevent the party accused of infringement from producing any products that require the use of the tech**nology **covered by the infringed patent and all infringing products are removed from the market.** Patents may be used simply to block competitors. **Using a patent as a blocking strategy is common practice** (Neuhäusler, 2012). **Defensive blocking is used to protect a firm's own freedom to operate**: **it does not want to be shut out by the patents of its rivals**. An offensive blocking strategy is where **patents are filed to cover products or processes that the firm does not intend to practice itself, but which could be viable alternatives to competitors**. **By patenting all conceivable alternatives, research by competitors that might threaten their own technological lead can be thwarted**. As in general **a patentee is under no obligation to license out its technology to another, the strategy can deter market entry or new product launch.** This offensive blocking of competitors by means of **patents**, ‘is clearly a case of the patent system being used for purposes other than for which it was originally intended’ (Blind, 2009, p. 436). However, both defensive and offensive **blocking** should be a policy concern, as they **can reduce economic** **efficiency**. **Defensive patenting increases cost to firms without necessarily producing any benefit and offensive patenting can reduce technological progress and increase consumer costs by reducing competition** (Thumm, 2004, p. 533). Using data from a large-scale survey of patent applications, Torrisi discovered that **a substantial share of patents remained unused and a substantial number of patent applications were filed to block other patents**. There were institutional differences; there were more unused patents in Japan and the EU than in the USA. Although cautious to make generalisations about unused patents, as some unused patents are there to ensure freedom to operate or simply because of management inefficiency, Torrisi et al. did conclude that: ‘[**o**]**ur results highlight that there might be substantial benefits that patent owners draw from being able to keep patent rights unused**. These would have to be balanced against possible harm imposed on other economic agents’ (Torrisi et al., 2016; , p. 1384). These strategies show a disconnect with the original purpose of the patent system. Patent strategies impact on innovation, and this in turn impacts on society. Concern was already expressed quite forcibly some years ago by Turner: Surely when the framers of the [US] Constitution empowered Congress to grant monopolies to ‘promote the progress of science and the useful arts’, they did not envision the beneficiaries of this grant would use it to bury new technologies to protect market share or capital investments. (Turner, 1998, p.209) Administrative failures Patent offices have been struggling to cope with the increasing number of patent applications: in 2017, more than 3 million patent applications were filed worldwide (WIPO, 2018). This influx has resulted in substantial application backlogs, with an increasingly long time between the patent filing and the patent grant: five years is not unusual. Complaints of poor quality control have been made concerning the US Patent and Trademark Office as well as the European Patent Office (Abbott, 2004; Mabey, 2010). The WIPO recognised a consistent upward trend in patent filings is putting patent offices under enormous pressure (WIPO, 2017, p. 13). Why are these administrative failings dangerous from a societal perspective? **Patents** **grant a monopoly that can impact innovative processes for 20 years or more**. **Patents have been granted that should not have been granted**. **When an overly broad patent is granted, this can block further innovation by others**. **Broad patents may mean** that **access to vital research is not available because** the **results** of that research **are covered by patent claims**. In particular, **broad** basic **patents on fundamental research** **can block and deter follow-on** **research**. **The incentive to innovate is reduced** (Barton, 2000; Henry and Stiglitz, 2010).1 Back in 1966, the societal implication of overly broad grants was expressed clearly by the US Supreme Court when it rejected a broad claim covering a group of chemicals: ‘**Such a patent may confer power to block off whole areas of scientific development** without compensating benefits to the public.’2

#### Empirics prove our thesis– up to 80% of all new patents are not new drugs but old ones.

**Feldman 2** Robin Feldman 18, May your drug price be evergreen, Journal of Law and the Biosciences, Volume 5, Issue 3, December 2018, Pages 590–647, <https://doi.org/10.1093/jlb/lsy022> Arthur J. Goldberg Distinguished Professor of Law, Albert Abramson ’54 Distinguished Professor of Law Chair, and Director of the Center for Innovation (Study Notes: Presenting the first comprehensive study of evergreening, this article examines the extent to which evergreening behavior—which can be defined as artificially extending the protection cliff—may contribute to the problem. The author analyses all drugs on the market between 2005 and 2015, combing through 60,000 data points to examine every instance in which a company added a new patent or exclusivity.)//sid

The study results demonstrate definitively that the pharmaceutical industry has strayed far from the patent system's intended design. The patent system is not functioning as a time-limited opportunity to garner a return, followed by open competition. Rather, companies throughout the industry seek and obtain repeated extensions of their competition-free zones. Moreover, the incidence of such behavior has steadily increased between 2005 and 2015, especially on the patent front and for certain highly valuable exclusivities. Most troubling, the data suggest that the current state of affairs **is harming innovation** in tangible ways. Rather than creating new medicines—sallying forth into new frontiers for the benefit of society—**drug companies are focusing their time and effort extending the patent life of old products.** **This**, of course, **is not the innovation one would hope for**. The greatest creativity at pharmaceutical **companies should be in the lab, not in the legal department**.115 The following sections describe the results obtained through our analysis in detail, but below are the key takeaways from the study: Rather than creating new medicines, pharmaceutical companies are recycling and repurposing old ones. In fact, **78% of the drugs associated with new patents** in the FDA’s records **were not new drugs** coming on the market, but existing drugs. In some years, the percentage reached as high as 80%. Adding new patents and exclusivities to extend the protection cliff is particularly pronounced among blockbuster drugs. Of the roughly 100 best-selling drugs, more than 70% extended their protection at least once, with more than 50% extending the protection cliff more than once. Looking at the full group, almost **40% of all drugs** available on the market **created additional market barriers by having patents or exclusivities added** to them. Many of the drugs adding to the Orange Book are ‘serial offenders’—returning to the well repeatedly for new patents and exclusivities. Of the drugs that had an addition to the Orange Book, 80% of those had an addition to the Orange Book on more than one occasion, and almost half of these drugs had additions to the Orange Book on four or more occasions. The number of drugs with a high quantity of added patents in a single year has substantially increased. For example, the number of drugs with three or more patents added to them in one year has doubled. Similarly, the number of drugs with five or more added patents has also doubled. Overall, the quantity of patents added to the Orange Book has more than doubled, increasing from 349 patents added in the year 2005 to 723 in 2015. The number of drugs that had a patent added to them in the Orange Book almost doubled. There were striking increases in certain exclusivities, such as orphan drug exclusivity, new patient population exclusivity, and new product exclusivity. In particular, the number of drugs with an added orphan drug exclusivity tripled. In addition, the number of times a use code was added to a patent more than tripled, suggesting that this has become a new favored game. To provide a broad sense of the types of metrics we are using, some could be characterized as ‘intensity’ measures, which capture the breadth and depth of patent and exclusivity activity in the industry. Another set of our metrics can be characterized as ‘temporal’ measures, which evaluate whether there are any trends in the behavior under examination across time during our 11-year timeframe from 2005 to 2015.

## AT: Bad Drugs

#### The turn is a form of scientific racism – in reality, developing countries are more than adept at producing vaccines.

Annalisa **Merelli 5-28**. [(Reporter at Quartz) “Big pharma wants you to think sharing vaccine patents overseas is very dangerous” [https://qz.com/2013661/big-pharma-argues-poor-nationscant-be-trusted-to-make-vaccines/]](https://qz.com/2013661/big-pharma-argues-poor-nations-cant-be-trusted-to-make-vaccines/) TDI

When it comes to the suspension of patents for Covid-19 vaccines, it’s big pharma against the world—or most

of it, anyway. Earlier this month, the US government expressed its support of a waiver to the international agreements governing intellectual property rights. The waiver, proposed in November 2020 by India and South Africa, would allow poor countries to produce Covid-19 vaccines without paying pharmaceutical companies for patent rights, at least until the pandemic is over. This would help increase the global supply of vaccines at a lower price, and make progress toward the goal of vaccinating the global population by the end of the year. The proposal, to be negotiated through the World

Trade Organization, gained the support of many countries, especially low- and middle-income, but found resistance among rich ones, including the EU, Switzerland, the UK, Australia, Canada and, initially, the US. However, the US lifted its opposition earlier this month to expand vaccine supply and access to bring the pandemic to a faster end. With the US government putting its weight behind the proposal, its approval is much more likely. Vaccine apartheid Waiving the Trade-Related Aspects of Intellectual Property Rights agreement (TRIPS), while also allowing the sharing of manufacturing know-how, is key to boosting the global production of Covid-19 vaccine, advocates say. Ethically speaking, it’s even more urgent now than when the proposal was introduced. The world is experiencing a two-speed pandemic, with wealthy nations moving back toward normalcy, and poor ones experiencing new outbreaks and dealing with a lack of vaccines and therapeutics. It is a situation the World Health Organization (WHO) has denounced as “vaccine apartheid.” But ethics aren’t the only reason to commit to expanding vaccination capacity by any means possible. As long as there are Covid-19 outbreaks, the chance that vaccine-resistant variants might emerge persists—as goes the global health community‘s mantra “Covid anywhere is Covid everywhere.” Yet the pharmaceutical industry isn’t exactly on board with

missing out on patent profits. The International Federation of Pharmaceutical Manufacturers and Associations (IFPMA) has expressed disappointment at the US’s stand, claiming the patent waiver won’t help produce more doses, and calling instead for a lowering of trade barriers that would make it easier for western manufacturers to sell vaccines to poorer countries. “The TRIPS waiver […] could spur a spate of confusing, mutually inconsistent, and heavy-handed “compulsory” demands by governments all over the world for supply and technology transfer,” warned Michelle McMurry-Heath, the president of the Biotechnology Innovation Organization, in a statement. A false risk narrativeThe Pharmaceutical Research and

Manufacturers of America (PhRMA), the trade organization representing the biggest US drug companies, has published polling results that shows a majority of Americans oppose the waiver. But the framing of their questions betrays the not-so-subtle suggestion that suspending patents would create safety concerns—for those who would receive the vaccines. In one survey, responders were asked whether poorer countries should be allowed to manufacture the vaccines even though they may be less safe. In another, they were asked whether they were concerned about the fact that other countries might not have the same quality standards as the US, or that the risk of getting counterfeit vaccines might be higher if production was

expanded to poor countries. Unsurprisingly, a majority of people found these scenarios concerning. The myth that making vaccines in poor countries might be dangerous is very dear to pharmaceutical companies. “Entities with little or no

experience in manufacturing vaccines are likely to chase the very raw materials we require to scale our production, putting the safety and security of all at risk,” wrote Pfizer CEO Albert Bourla in a statement. A narrative as old as AIDS “**The history behind this particular tactic of questioning the safety of manufacturers in other parts of the world has been played**

**out on various** occasions,” says Tahir Amin, the co-founder of I-MAK, a US-based organization working to increase global access to medicines

Perhaps the most egregious precedent is the dispute between big pharma and poor countries over the making of antiretroviral drugs for AIDS, which cost about $10,000 per person per year before the introduction of generics that brought the price down to $300 per person per year. A famous episode of that battle culminated in court in 1998, when a coalition of multinational drugmakers and the South African Pharmaceutical Manufacturers Association sued the Nelson Mandela-led South African government for its attempts to encourage the local, patent-free production of more affordable AIDS medications, although eventually the charges were dropped. At the time, western pharmaceutical companies claimed drugs made in developing countries didn’t meet the necessary quality standards, **though research repeatedly found that there was no reason to think so.** “Had it not been for generics manufacturers in the global south, we wouldn’t have gotten more people treated with antiretrovirals, **and we’ve seen that** generics are very much safe and the quality is not

questioned,” says Amin. A matter of prejudice Granted, vaccines are more difficult than oral drugs to produce, but big vaccine makers in developing countries including India—the biggest vaccine producer in the world—have long been used by UNICEF and other global development agencies to produce their vaccines, **with constant scrutiny of their quality.** In fact, poor countries have even been able to develop their own

vaccines, as is the case of the hepatitis B vaccine developed by Shanta Biotechnics in India. The price of the vaccine made by western countries

($23 per dose in the 1980s) was prohibitive, so a local pharmaceutical company set out to develop its own formulation, at a cost of $1 per dose. This

led to a mass inoculation against the virus, with over 120 million doses distributed worldwide to poor countries. **“**There is this ‘scientific racism’ that exists in the west, that we are still living in colonial times where science was only done by the rich global north,” says Amin. The prejudice that vaccines and drugs made by poorer countries

won’t meet the standards of wealthy countries doesn’t just extend to the manufacturing capacity, but to the quality assurance provided by the governing bodies of those countries. Effectively, the US pharma industry is claiming greater expertise at verifying the quality of pharmaceutical products than the national and international bodies working with producers

outside the western world. “Nobody wants to see poor quality vaccines, but in this spotlight, I think everyone that is coming up with a version of the vaccine is going to really check their manufacturing practices,”

says Amin. What makes the skepticism toward vaccines made in poor countries even more contradictory is that often the actual

ingredients bought by western manufacturers to produce their drugs are produced in India or China. So the very same companies that are raising doubts about the quality of products made by manufacturers in poor countries trust them for their raw materials.

### Extra – Biotech Down

**Biotech stocks down now.**

**Gatlin 4/9** [(Allison, Author at Investor's Business Daily “Biotech Stocks Hit A Snag — Why Experts Say The Heyday Isn't Over“, Investor's Business Daily, ), 4-9-2021,

https://www.investors.com/news/technology/biotech-stocks-why-they-have-skidded-whyexperts-are-not-worried/)] TDI

Regulatory and drug-pricing worries have knocked biotech stocks off their Covid pedestal. After

seeing massive gains in 2020 amid the Covid-19 vaccine heyday and hitting a high point in early February, biotech stocks have collectively pulled back 21%. Investors are uneasy after the Federal Trade Commission formed a working group to more deeply scrutinize pharmaceutical mergers. Meanwhile, the Food and Drug Administration has delayed a number of drug approvals, and Sen. Bernie Sanders, I-Vt., introduced sweeping drug-pricing legislation. All of this comes amid a backdrop of rising interest rates.

# 1ac Quarters

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## Advantage 1 is WTO Credibility

**The Patent waiver is necessary to revitalize WTO’s credibility as an international dispute mechanism – creates momentum for further reform.**

**Meyer 6-18-**21. [(David Meyer is the Editor of CEO Daily and a senior writer on Fortune’s European team. Author of the digital rights primer, Control Shift: How Technology Affects You and Your Rights. “The WTO’s survival hinges on the COVID-19 vaccine patent debate, waiver advocates warn,” Fortune, June 18, 2021. <https://fortune.com/2021/06/18/wto-covid-vaccines-patents-waiver-south-africa-trips/>] TDI

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. Reform needs Top of the list is the WTO's Appellate Body, which hears appeals in members' trade disputes. It's a pivotal part of the international trade system, but Trump—incensed at decisions taken against the U.S. —blocked appointments to its seven-strong panel as judges retired. The body became completely paralyzed at the end of 2019, when two judges' terms ended and the panel no longer had the three-judge quorum it needs to rule on appeals. Anyone who hoped the advent of the Biden administration would change matters was disappointed earlier this year when the U.S. rejected a European proposal to fill the vacancies. "The United States continues to have systemic concerns with the appellate body," it said. "As members know, the United States has raised and explained its systemic concerns for more than 16 years and across multiple U.S. administrations." At her confirmation hearing in February, current U.S. Trade Representative Katherine Tai reiterated those concerns—she said the appellate body had "overstepped its authority and erred in interpreting WTO agreements in a number of cases, to the detriment of the United States and other WTO members," and accused it of dragging its heels in settling disputes. "Reforms are needed to ensure that the underlying causes of such problems do not resurface," Tai said. "While the U.S. [has] been engaging [with the WTO] it hasn't indicated it would move quickly on allowing appointments to the Appellate Body," says Bryan Mercurio, an economic-law professor at the Chinese University of Hong Kong, who opposes the vaccine waiver. "This is not a good sign. In terms of WTO governance, it's a much more important step than supporting negotiations on an [intellectual property] waiver." It's not just the U.S. that wants to see reform at the WTO. In a major policy document published in February, the EU said negotiations had failed to modernize the organization's rules, the dispute-resolution system was broken, the monitoring of countries' trade policies was ineffective, and—crucially—"the trade relationship between the U.S. and China, two of the three largest WTO members, is currently largely managed outside WTO disciplines." China is one of the key problems here. It became a WTO member in 2001 but, although this entailed significant liberalization of the Chinese economy, it did not become a full market economy. As the European Commission put it in February: "The level at which China has opened its markets does not correspond to its weight in the global economy, and the state continues to exert a decisive influence on China's economic environment with consequent competitive distortions that cannot be sufficiently addressed by current WTO rules." "China is operating from what it sees as a position of strength, so it will not be bullied into agreeing to changes which it sees as not in its interests," says Mercurio. China is at loggerheads with the U.S., the EU and others over numerous trade-related issues. Its rivals don't like its policy of demanding that Chinese citizens' data is stored on Chinese soil, nor do they approve of how foreign investors often have to partner with Chinese firms to access the country's market, in a way that leads to the transfer of technological knowhow. They also oppose China's industrial subsidies. Mercurio thinks China may agree to reforms on some of these issues, particularly regarding subsidies, but "only if it is offered something in return." All these problems won't go away if the WTO manages to come up with a TRIPS waiver for COVID-19 vaccines and medical supplies, Wallach concedes. "**But**," she adds, "**the will and the good faith to tackle these challenges is increased enormously if the WTO has the experience of being part of the solution, not just an obstacle."** Wallach points to a statement released earlier this month by Asia Pacific Economic Cooperation (APEC) trade ministers, which called for urgent discussions on the waiver. "The WTO must demonstrate that global trade rules can help address the human catastrophe of the COVID-19 pandemic and facilitate the recovery," the statement read in its section about WTO reform. Okonjo-Iweala's role The WTO's new director general, whose route to the top was unblocked in early 2021 with the demise of the Trump administration, is certainly keen to fix the problems that contributed to the early departure of her predecessor, Brazil's Robert Azevedo. "We must act now to get all our ambassadors to the table to negotiate a text" on the issue of an IP waiver for COVID vaccines, Ngozi Okonjo-Iweala, director general of the World Trade Organization, has said. Dursun Aydemir—Anadolu/Bloomberg/Getty Images Earlier this week, when the U.S. and EU agreed a five-year ceasefire in a long-running dispute over Boeing and Airbus aircraft subsidies, Okonjo-Iweala tweeted: "With political will, we can solve even the most intractable problems." However, Mercurio is skeptical about her stewardship having much of an effect on the WTO's reform process. "Upon taking [over she] stated it was time for delegations to speak to each other and not simply past each other, but at the recent General Counsel meeting delegations simply read prepared statements in what some have described as the worst meeting ever," he says. "On the other hand, Ngozi is very much someone who will actively seek solutions to problems, and in this way different to her predecessor. If the role of mediator is welcomed, she could have an impact not in starting discussions but in getting deals over the finish line."

**Specifically, action now over Covid creates goodwill to establish global trade as a norm and preserve the relevance of the trading system post-Covid.**

**González** **20.** [(Anabel Gonzalez is a nonresident senior fellow at the Peterson Institute and former Minister of Foreign Trade of Costa Rica “Revitalising multilateral trade cooperation: Why? Why Now? And How?” November 10, 2020. <https://voxeu.org/content/revitalising-multilateralism-pragmatic-ideas-new-wto-director-general>] TDI

EXTRAORDINARY TIMES DEMAND EXTRAORDINARY ACTION As of 2 November 2020, there are 46.9 million COVID-19 cases across all regions, with the number of deaths exceeding 1.2 million, and rising.2 The economic and social impacts of the pandemic and its containment measures are not less daunting. Global growth is estimated at -4.9 in 2020, with over 95% of countries projected to have negative per capita income growth (IMF 2020). Trade volumes are expected to decrease by between 13% and 32% from last year,3 while foreign direct investment flows could plunge by up to 40% (UNCTAD 2020). Is it estimated that the equivalent of 555 million jobs have been lost in the first half of this year (ILO 2020), which in turn could push up to 100 million more people into extreme poverty and would almost double the number of persons suffering from acute hunger (FAO 2020). While there is some evidence that goods trade may be rebounding and that the worst-case trade scenario projected in April could be averted (CPB 2020, WTO 2020a), the recovery from the deepest global recession since World War II will depend on the sustained and effective containment of the virus and the quality of government policies. The World Bank/IMF Development Committee warned that the pandemic has the potential to erase development gains for many countries (World Bank 2020a). Some consequences may also be long-lasting, such as lower investment, erosion of human capital, and a retreat from global trade and supply linkages (World Bank 2020b). It is no understatement to say these are extraordinary times. In many countries, governments are providing significant levels of fiscal support to try to stabilise their economies, sustain companies and minimise the impact on workers; in many others, limited fiscal space and informality constraint governments’ capacity to mitigate the damage. For advanced and developing economies alike, trade is a powerful, cost-effective tool to alleviate the devastating effects of COVID-19 on the health and economic fronts. And yet, protectionism is gaining an upper hand, deepening some of pre-pandemic confrontations that were already threatening the global economy. The short-term response to the virus and longer-term growth prospects depend on strong multilateral cooperation to scale back obstacles to trade and investment, increase business certainty and leverage opportunities which the pandemic has accelerated in areas like the digital economy. **It is also needed to preserve stable and coordinated international relations to avoid that heavy threats implicit in the pandemic could result in catastrophic disorders or conflicts** (Jean 2020). But it will not happen automatically. Unless governments accelerate their efforts to collaborate, growing protectionism and increased distortions to global value chains (GVCs) risk being a by-product of the virus, at the same time further exacerbating its negative implications. **This demands extraordinary action.** This chapter addresses the question of what role for trade ministers at the WTO in times of crises with a view to activating global cooperation to overcome COVID-19. In addition to the introductory section, the second section explores the need to reactivate the WTO to underpin collaboration among governments, the third section argues that trade ministers should call the shots during crisis, the fourth section suggests eight actions for ministers to rein in protectionism and mitigate further damage, the fifth section refers to the mechanics on how and when to do it, and a final section offers concluding remarks. **REACTIVATE THE WTO** Trade needs to be part of the response to COVID-19 and its upshots, and countries cannot afford the WTO, hobbled as it has been lately, to muddle through. **Moreover, as the world confronts more frequent and severe profound shocks such as financial crises, terrorism, extreme weather and pandemics** (McKinsey Global Institute 2020), **the WTO needs to step up its role during systemic crises.** **The fact that the organisation has been faltering, that there is a leadership vacuum and that distrust runs high among major traders will not make it any easier.** Exacerbated tensions related to the pandemic can only add to the feeling that WTO rules have been conceived for a very different context, increasing the risk of a loss of legitimacy (Jean 2020). **This is not about a major reset of the WTO. It is about (re)activating the organisation to serve its members as they combat the devastating impact of the pandemic and the global recession**. The WTO needs broader reform, in particular to address structural changes in the global economy. While extremely important, this discussion should not hamper the ability of the WTO to deliver at times of systemic crisis. Moreover, should the WTO – or more accurately, its members – demonstrate they can actually rise to the occasion in the context of COVID-19, **they will also contribute to increasing trust levels** **on the ability of the organisation to produce results**. The starting point is a shift in mindset: governments need to understand that international trade is not a problem in the crisis, but rather a core element of the solution (Baldwin and Evenett 2020). Take the shortages of medical supplies. There are three methods of assuring supply: stockpiling, investments in manufacturing capacity and trade. Of these options, relying on international trade is the most efficient and economic choice, provided the WTO can help assure security of this method of supply (Wolff 2020a). To be sure, many nations have taken unilateral steps to facilitate trade, especially in medical supplies and medicines. The Global Trade Alert reports that while 91 jurisdictions have adopted a total of 202 export controls on these goods since the beginning of 2020, 106 jurisdictions have executed 229 import policy reforms on these goods over the same period.4 After initial border closures, some neighbouring countries are beginning to facilitate the cross-border flow of goods. At the regional level and among subsets of countries, governments have issued different statements to keep trade lanes open and supply chains moving (see Table A1 in the Annex). After a tepid declaration from G20 leaders, trade ministers reaffirmed their determination to cooperate and coordinate to mitigate the impact of the COVID-19 pandemic on trade and investment and to lay a solid foundation for a global economic recovery. They also endorsed a set of short-term collective actions on trade regulation, trade facilitation, transparency, operation of logistics networks and support for small enterprises, and a group of longer-term actions on WTO reform, GVC resilience and investment; monitoring of implementation was left to senior officials (G20 2020). These actions are positive and reflect the political will of governments to collaborate to some extent – even if they have not fully countered the flurry of barriers and restrictions surrounding trade in critical medical gear. They are no substitute for trade cooperation at the global level, either. In the case of medical products, for example, the EU, the US and China account for almost three-quarters of world exports (WTO 2020b); cooperation initiatives that do not include these members would fall short on impact. The venue for cooperation should be global and open to all, even if not all 164 WTO members opt to engage in all initiatives. TRADE MINISTERS SHOULD CALL THE SHOTS DURING CRISES Challenges notwithstanding, governments need to act now to empower the WTO to play an active part in coordinating the response to the pandemic. The WTO is more than an organisation immersed in myriad drama on the shores of Lake Geneva; it is a solid framework for global trade cooperation. **It is in countries’ interest to preserve the relevance of the WTO;** its role can be critical in helping members help themselves. In a member-driven organisation such as the WTO, the role of the Director-General and the Secretariat is important and can and should be enhanced, for example with greater power of initiative and strengthened monitoring and analytics capabilities. The WTO dedicated page on the pandemic is a step in the right direction.5 But the ultimate responsibility to provide direction and act rests with governments. The WTO is nothing more and nothing less than the collectivity of its members (Steger 2020), a point that is frequently forgotten in the public discourse. Without strong leadership, frequent engagement and serious interest among members in addressing its challenges, the WTO itself cannot deliver results (Cutler 2020). Paraphrasing VanGrasstek (2013), the multilateral trading system receives its inspiration from economists and is shaped primarily by lawyers, but it can only operate within the limits set by politicians.

#### Trade managed by the WTO is key to prevent warming

Roberto Azevêdo 15, 11-23-2015, (Roberto Azevêdo is the director general of the World Trade Organisation) "World trade has an important role in combating climate change," The Guardian, https://www.theguardian.com/business/economics-blog/2015/nov/23/world-trade-important-role-low-carbon-economy-wto

In a few weeks’ time world leaders will have the opportunity to usher in a new era of multilateral cooperation on climate change. This starts with the UN climate change conference in Paris, but it does not end there. Building momentum to tackle climate change is a common challenge for us all – individually and institutionally. The broader international community, including the WTO, has to play its part. Like most economic activity, trade is often linked to carbon emissions, but the world cannot stop trading – not least as trade is essential in achieving many other shared goals. Trade can help to improve the efficiency of production, it can improve food security and, above­ all, it has proven to be one of the best anti-­poverty tools in history. Trade played a key role in helping us reach the millennium development goal to cut extreme poverty by half – and it is a cross-­cutting element in many of the new sustainable development goals agreed at the UN in September, so this work will continue. The challenge is not to stop trading but to ensure that trade is an ally in the fight against climate change. We need to create a virtuous circle of trade and environmental policies which promote sustainable production and consumption while being pro­-growth and development. It is just over 20 years since the signing of the United Nations Framework Convention on Climate Change in 1992 – and it is exactly 20 years since the WTO was created. The world has witnessed a profound transformation in the debate on trade and the environment since then – and a degree of convergence between the two. While international trade flows have increased dramatically over this period, the green economy has been built into business models and investment in renewable energy has been mainstreamed. Standards and technical regulations, which are so vital for the functioning of markets and trade, have followed suit with strengthened environmental requirements. So how can we ensure that trade policy plays its full part in future? First, we must improve the dissemination of and access to climate­-friendly technologies, goods and services which support the transition towards a low­ carbon economy. In some countries, import tariffs on products such as solar water heaters are over 20%, and wind turbines over 15% –­ much higher than the average tariff of 9%. Making environmental goods and services cheaper and more accessible would help countries to leapfrog outmoded technologies and move quickly to apply climate-­friendly alternatives. A group of WTO members, who account for the majority of global trade in environmental goods, are negotiating an environmental goods agreement to lower their trade barriers on a number of important environmental products. Success here would help to disseminate cutting-­edge technologies, such as those identified by the Intergovernmental Panel on Climate Change (IPCC), at much lower costs while also stimulating innovation and strengthening the green economy around the world. Although these tariff reductions are being taken forward by a group of WTO members, the benefits would apply to the whole WTO membership. Second, we can make trade more efficient overall. Trade is often linked to carbon emissions – particularly through international transportation. Although 80% of trade volume utilises sea transport which has the lowest level of emissions of any form of transport, there is scope to do more. The International Maritime Organisation and the International Civil Aviation Organisation are working to find a global solution to emissions in the maritime and aviation sectors – and we should support these efforts. By streamlining customs processes, we also can reduce some transport emissions and cut the energy required to keep perishable goods fresh while they wait to cross the border. The WTO’s trade facilitation agreement will deliver this while also helping businesses to grow – green businesses included – and reducing trading costs by over 14% on average, and more for the poorest countries. Associated with every environmental good is a dense value chain of other goods and services suppliers. A wind turbine, for instance, consists of more than 8,000 component parts. Cutting the time that it takes to move these parts across borders would lower costs and help make climate ­friendly technologies more available. I hope that green businesses will use this opportunity. The international community is facing a historic test. We must ensure that the trade, development and environmental agendas complement each other. I am optimistic that we will rise to the challenge.

**Independently, WTO cred solves nuclear war – allows an off-track for nuclear weapons.**

**Hamann 09.** [(Georgia Hamann is a J.D. Candidate, Vanderbilt University Law School, “Replacing Slingshots with Swords: Implications of the Antigua-Gambling 22.6 Panel Report for Developing Countries and the World Trading System,” 2009.] TDI

**Voluntary compliance with WTO rules** and procedures is of the utmost importance **to the international trading system**.'0 0 Given the increasingly globalized market, the coming years will see an increase in the importance of the WTO **as a cohesive force and arbiter of disputes that likely will become more frequent and injurious**. **01' The work of the WTO cannot be overstated in a nuclear-armed world,** as the body continues to promote respect and even amity among nations with opposing philosophical goals or modes of governance. 10 2 Demagogues in the Unites States may decry the rise of China as a geopolitical threat, 0 3 and extremists in Russia may play dangerous games of brinksmanship with other great powers, **but trade keeps politicians' fingers off "the button**. ' 10 4 **The WTO offers an astounding rate of compliance** for an organization with no standing army and no real power to enforce its decisions, suggesting that governments recognize the value of maintaining the international construct of the WTO. 105 **In order to promote voluntary compliance, the WTO must maintain a high level of credibility**. 106 Nations must perceive the WTO as the most reasonable option for dispute resolution or fear that the WTO wields enough influence to enforce sanctions. 10 7 The arbitrators charged with performing the substantive work of the WTO by negotiating, compromising, and issuing judgments are keenly aware of the responsibility they have to uphold the organization's credibility. 108

#### Nuke war causes extinction – 3,000 scientists agree – ignore pseudoscientific ‘nuke war good’

Tegmark 17 Max Tegmark, 5-26-2017, "Why 3,000 Scientists Think Nuclear Arsenals Make Us Less Safe," Scientific American Blog Network, https://blogs.scientificamerican.com/observations/why-3-000-scientists-think-nuclear-arsenals-make-us-less-safe/, SJBE Max Erik Tegmark is a Swedish-American physicist and cosmologist. He is a professor at the Massachusetts Institute of Technology and the scientific director of the Foundational Questions Institute.

Delegates from most United Nations member states are gathering in New York next month to negotiate a nuclear weapons ban, and 30 Nobel Laureates, a former U.S. Secretary of Defense and over 3,000 other scientists from 84 countries have signed an [open letter](https://futureoflife.org/nuclear-open-letter/) in support. Why? We scientists like to geek out about probabilities, megatons and impact calculations, so we see the nuclear situation differently than many politicians and pundits. From the public debate, one might think that the cold war threat is over and that the most likely way to be killed by a nuke is by being attacked by Iran, North Korea or terrorists, but that’s not what nerdy number crunching reveals. Those media-dominating scenarios could potentially kill millions of people—except that Iran has no nukes and North Korea lacks missiles capable of reliably delivering their dozen or so Hiroshima-scale bombs. But scientific research has shown that a nuclear war between the superpowers might kill hundreds or potentially even thousands of times more people, and since it’s not a hundred times less likely to occur, the laws of statistics tell us that it’s the nuke scenario most likely to kill you. Why is superpower nuclear war so risky? First of all, massive firepower: there are more than [14,000 nuclear weapons](https://fas.org/issues/nuclear-weapons/status-world-nuclear-forces/) today, some of which are hundreds of times more powerful than North Korea’s and those dropped on Japan. Over 90 percent of these belong to Russia and the US, who keep thousands on hair-trigger alert, ready launch on minutes notice. A [1979 report by the US Government](https://www.princeton.edu/~ota/disk3/1979/7906/7906.PDF) estimated that all-out war would kill 28-88 percent of Americans and 22-50 percent of Soviets (150-450 million people with today’s populations). But this was before the risk of nuclear winter was discovered in the 1980’s.Researchers realized that regardless of whose cities burned, massive amounts of smoke could spread around the globe, blocking sunlight and transforming summers into winters, much like when asteroids or supervolcanoes caused mass extinctions in the past. A peer-reviewed analysis published by Robock et al (2007) showed cooling by about 20°C (36°F) in much of the core farming regions of the US, Europe, Russia and China (by 35°C in parts of Russia) for the first two summers, and about half that even a full decade later. Years of near-freezing summer temperatures would eliminate most of our food production. It is hard to predict exactly what would happen if thousands of Earth’s largest cities were reduced to rubble and global infrastructure collapsed, but whatever small fraction of all humans didn’t succumb to starvation, hypothermia or epidemics would probably need to cope with roving, armed gangs desperate for food. There are large uncertainties in Nuclear Winter predictions. For example, how much smoke is produced and how high up it rises would determine its severity and longevity. Given this uncertainty, there is no guarantee that most people would survive. It has therefore been argued that the traditional nuclear doctrine of Mutual Assured Destruction (MAD) be replaced by Self-Assured Destruction (SAD): even if one of the two superpowers were able to launch its full nuclear arsenal against the other without any retaliation whatsoever, nuclear winter might still assure the attacking country’s self-destruction. Recent research has suggested that even a limited nuclear exchange between India and Pakistan could cause enough cooling and agricultural disruption to endanger up to [2 billion people](https://hinwcampaignkit.org/section-4/section-4/), mostly outside the warring countries. The fact that nuclear powers are taking the liberty to endanger everyone else without asking their permission has led to growing consternation in the world’s non-nuclear nations. This has been exacerbated by a seemingly endless [series of near-misses](https://futureoflife.org/background/nuclear-close-calls-a-timeline/) in which nuclear war has come close to starting by accident, and leaders of many non-nuclear nations feel less than thrilled by the idea of being destroyed by something as banal as a malfunctioning early warning-system in a nation that they are not threatening. Such concerns prompted 185 non-nuclear nations to sign the 1970 Non-Proliferation-Treaty (NPT), promising to remain nuke-free in return for the nuclear nations phasing out theirs in accordance with NPT Article VI, whereby each party "undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament, and on a Treaty on general and complete disarmament under strict and effective international control”. Nearly 50 years later, many of these "have-nots” have concluded that they were tricked, and that the "haves” have no intention of ever keeping their end of the bargain. Rather than disarming, the U.S. and Russia have recently announced massive investments in novel nuclear weapons. Russia has recently touted a cobalt-encased doomsday bomb reminiscent of the dark comedy "Dr. Strangelove,” and the U.S. plans to spend a trillion dollars replacing most of its nuclear weapons with new ones that are more effective for a first strike. Adding insult to injury, India, Pakistan and Israel have been allowed to join the nuclear club without major repercussions. "The probability of a nuclear calamity is higher today, I believe, that it was during the cold war," said former U.S. Secretary of Defense William J. Perry, who signed the open letter. This disillusionment from the “have-nots” prompted 123 of them to launch an initiative in the United Nations General Assembly, where the nuclear nations lack veto power. In late 2016, they voted to launch the aforementioned UN negotiations that may produce a nuclear weapons ban treaty this summer. But a ban obviously wouldn’t persuade the nuclear ``haves” to eliminate their nukes the next morning, so what’s the point of it? The way I see it, most governments are frustrated that a small group of countries with a minority of the world's population insist on retaining the right to ruin life on Earth for everyone else with nuclear weapons. Such “might makes right” policy has precedent. In South Africa, for example, the minority in control of the unethical Apartheid system didn't give it up spontaneously, but because they were pressured into doing so by the majority. Similarly, the minority in control of unethical nuclear weapons won't give them up spontaneously on their own initiative, but only if they're pressured into doing so by the majority of the world's nations and citizens. The key point of the ban is to provide such pressure by stigmatizing nuclear weapons. Nuclear ban supporters draw inspiration from the 1997 Ottawa treaty banning landmines. Although the superpowers still refuse to sign it, it created enough stigma that many people now associate mines not with national security, but with images of children who have had limbs blown off while playing in peace-time. This stigma caused leading arms manufactures to half production in response to investor pressure and dwindling demand. In 2014, the Pentagon announced that it was halting landmine use outside of the Korean peninsula. Today, the global landmine market has nearly collapsed, with merely a single manufacturer (South Korean Hanwa) remaining. The "have-not” negotiators hope that a nuclear ban treaty will similarly stigmatize nuclear weapons, persuading us all that we’re less safe with more nukes—even if they are our own. If this happens, it will increase the likelihood that the ``haves” trim their nuclear arsenals down to the minimum size needed for effective deterrence, reverting from SAD back to MAD and making us all safer. Here is the text of the letter. A list of some of the notable signatories follows. AN OPEN LETTER FROM SCIENTISTS IN SUPPORT OF THE UN NUCLEAR WEAPONS NEGOTIATIONS Nuclear arms are the only weapons of mass destruction not yet prohibited by an international convention, even though they are the most destructive and indiscriminate weapons ever created. We scientists bear a special responsibility for nuclear weapons, since it was scientists who invented them and discovered that their effects are even more horrific than first thought. Individual explosions can obliterate cities, radioactive fallout can contaminate regions, and a high-altitude electromagnetic pulse may cause mayhem by frying electrical grids and electronics across a continent. The most horrible hazard is a nuclear-induced winter, in which the fires and smoke from as few as a thousand detonations might darken the atmosphere enough to trigger a global mini ice age with year-round winter-like conditions. This could cause a complete collapse of the global food system and apocalyptic unrest, potentially killing most people on Earth – even if the nuclear war involved only a small fraction of the roughly 14,000 nuclear weapons that today’s nine nuclear powers control. As Ronald Reagan said: “A nuclear war cannot be won and must never be fought.” Unfortunately, such a war is more likely than one may hope, because it can start by mistake, miscalculation or terrorist provocation. There is a steady stream of accidents and false alarms that could trigger all-out war, and relying on never-ending luck is not a sustainable strategy. Many nuclear powers have larger nuclear arsenals than needed for deterrence, yet prioritize making them more lethal over reducing them and the risk that they get used. But there is also cause for optimism. On March 27 2017, an unprecedented process begins at the United Nations: most of the world’s nations convene to negotiate a ban on nuclear arms, to stigmatize them like biological and chemical weapons, with the ultimate goal of a world free of these weapons of mass destruction. We support this, and urge our national governments to do the same, because nuclear weapons threaten not merely those who have them, but all people on Earth.

## Advantage 2 is The Pandemic

#### Only the plan can solve covid access – inequalities heighten the risk of mutations and uneven development – neg objections miss the boat.

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According to Duke Global Health Innovation Center, which monitors COVID-19 vaccine purchases, rich nations representing just 14 per cent of the world population have bought up to 53 per cent of the most promising vaccines so far. As of 4 July 2021, the high-income countries (HICs) purchased more than half (6.16 billion) vaccine doses sold globally. At the same time, the low-income countries (LICs) received only 0.3 per cent of the vaccines produced. The low and middle-income countries (LMICs), which account for 81 per cent of the global adult population, purchased 33 per cent, and COVAX (COVID-19 Vaccines Global Access) has received 13 per cent.10 Many HICs bought enough doses to vaccinate their populations several times over. For instance, Canada procured 10.45 doses per person, while the UK, EU and the US procured 8.18, 6.89, and 4.60 doses per inhabitant, respectively.11

Consequently, there is a significant disparity between HICs and LICs in vaccine administration as well. As of 8 July 2021, 3.32 billion vaccine doses had been administered globally.12 Nonetheless, only one per cent of people in LICs have been given at least one dose. While in HICs almost one in four people have received the vaccine, in LICs, it is one in more than 500. The World Health Organization (WHO) notes that about 90 per cent of African countries will miss the September target to vaccinate at least 10 per cent of their populations as a third wave looms on the continent.13 South Africa, the most affected African country, for instance, has vaccinated less than two per cent of its population of about 59 million. This is in contrast with the US where almost 47.5 per cent of the population of more than 330 million has been fully vaccinated. In Sub-Saharan Africa, vaccine rollout remains the slowest in the world. According to the International Monetary Fund (IMF), at current rates, by the end of 2021, a massive global inequity will continue to exist, with Africa still experiencing meagre vaccination rates while other parts of the world move much closer to complete vaccination.14

This vaccine inequity is not only morally indefensible but also clinically counter-productive. If this situation prevails, LICs could be waiting until 2025 for vaccinating half of their people. Allowing most of the world’s population to go unvaccinated will also spawn new virus mutations, more contagious viruses leading to a steep rise in COVID-19 cases. Such a scenario could cause twice as many deaths as against distributing them globally, on a priority basis. Preventing this humanitarian catastrophe requires removing all barriers to the production and distribution of vaccines. TRIPS is one such barrier that prevents vaccine production in LMICs and hence its equitable distribution.

TRIPS: Barrier to Equitable Health Care Access

The opponents of the waiver proposal argue that IPR are not a significant barrier to equitable access to health care, and existing TRIPS flexibilities are sufficient to address the COVID-19 pandemic. However, history suggests the contrary. For instance, when South Africa passed the Medicines and Related Substances Act of 1997 to address the HIV/AIDS public health crisis, nearly 40 of world’s largest and influential pharma companies took the South African government to court over the violation of TRIPS. The Act, which invoked the compulsory licensing provision, allowed South Africa to produce affordable generic drugs.15 The Big Pharma also lobbied developed countries, particularly the US, to put bilateral trade sanctions against South Africa.16

Similarly, when Indian company Cipla decided to provide generic antiretrovirals (ARVs) to the African market at a lower cost, Big Pharma retaliated through patent litigations in Indian and international trade courts and branded Indian drug companies as thieves.17 Another instance was when Swiss company Roche initiated patent infringement proceedings against Cipla’s decision to launch a generic version of cancer drug, “erlotinib”. Though the Delhi High Court initially dismissed Roche's appeal by citing “public interest” and “affordability of medicines,” the continued to pressure the generic pharma companies over IPR. 18 Likewise, Pfizer’s aggressive patenting strategy prevented South Korea in developing pneumonia vaccines for children.19

A recent document by Médecins Sans Frontières (MSF), or Doctors Without Borders, highlights various instances of how IP hinders manufacturing and supply of diagnostics, medical equipment, treatments and vaccines during the COVID-19 pandemic. For instance, during the peak of the COVID-19 first wave in Europe, Roche rejected a request from the Netherlands to release the recipe of key chemical reagents needed to increase the production of diagnostic kits. Another example was patent holders threatening producers of 3D printing ventilators with patent infringement lawsuits in Italy.20 The MSF also found that patents pose a severe threat to access to affordable versions of newer vaccines.21

The opponents of the TRIPS waiver also argue that IP is the incentive for innovation and if it is undermined, future innovation will suffer. However, most of the COVID-19 medical innovations, particularly vaccines, are developed with public financing assistance. Governments spent billions of dollars for COVID-19 vaccine research. Notably, out of $6.1 billion in investment tracked up to July 2021, 98.12 per cent was public funding.22 The US and Germany are the largest investors in vaccine R&D with $2.2 billion and $1.5 billion funding.

Private companies received 94.6 per cent of this funding; Moderna received the highest $956.3 million and Janssen $910.6 million. Moreover, governments also invested $50.9 billion for advance purchase agreements (APAs) as an incentive for vaccine development. A recent IMF working paper also notes that public research institutions were a key driver of the COVID-19 R&D effort—accounting for 70 per cent of all COVID-19 clinical trials globally.23 The argument is that vaccines are developed with the support of substantial public financing, hence there is a public right to the scientific achievements. Moreover, private companies reaped billions in profits from COVID-19 vaccines.

One could argue that since the US, Germany and other HICs are spending money, their citizens are entitled to get vaccines first, hence vaccine nationalism is morally defensible. Nonetheless, it is not the case. The TRIPS Agreement includes several provisions which mandates promotion of technology transfer from developed countries to LDCs. For instance, Article 7 states that "the protection and enforcement of IP rights should contribute to the promotion of technological innovation and the transfer and dissemination of technology, to the mutual advantage of producers and users of technical knowledge and in a manner conducive to social and economic welfare, and to a balance of rights and obligations."24 Similarly, Article 66.2 also mandates the developed countries to transfer technologies to LDCs to enable them to create a sound and viable technological base. The LMICs opened their markets and amended domestic patent laws favouring developing countries’ products against this promise of technology transfer.

Another argument against the proposed TRIPS waiver is that a waiver would not increase the manufacturing of COVID-19 vaccines. Indeed, one of the significant factors contributing to vaccine inequity is the lack of manufacturing capacity in the global south. Further, a TRIPS waiver will not automatically translate into improved manufacturing capacity. However, a waiver would be the first but essential step to increase manufacturing capacity worldwide. For instance, to export COVID-19 vaccine-related products, countries need to ensure that there are no IP restrictions at both ends – exporting and importing. The market for vaccine materials includes consumables, single-use reactors bags, filters, culture media, and vaccine ingredients. Export blockages on raw materials, equipment and finished products harm the overall output of the vaccine supply chain. If there is no TRIPS restriction, more governments and companies will invest in repurposing their facilities.

Similarly, the arguments such as that no other manufacturers can carry out the complex manufacturing process of COVID-19 vaccines and generic manufacturing as that would jeopardise quality, have also been proven wrong in the past. For instance, in the early 1990s, when Indian company Shantha Biotechnics approached a Western firm for a technology transfer of Hepatitis B vaccine, the firm responded that “India cannot afford such high technology vaccines… And even if you can afford to buy the technology, your scientists cannot understand recombinant technology in the least.”25 Later, Shantha Biotechnics developed its own vaccine at $1 per dose, and the UNICEF (United Nations Children’s Emergency Fund) mass inoculation programme uses this vaccine against Hepatitis B. In 2009, Shantha sold over 120 million doses of vaccines globally.

India also produces high-quality generic drugs for HIV/AIDS and cancer treatment and markets them across the globe. Now, a couple of Indian companies are in the last stage of producing mRNA (Messenger RNA) vaccines.26 Similarly, Bangladesh and Indonesia claimed that they could manufacture millions of COVID-19 vaccine doses a year if pharmaceutical companies share the know-how.27 Recently, Vietnam also said that the country could satisfy COVID-19 vaccine production requirements once it obtains vaccine patents.28 Countries like the United Arab Emirates (UAE), Turkey, Cuba, Brazil, Argentina and South Korea have the capacity to produce high-quality vaccines but lack technologies and know-how. However, Africa, Egypt, Morocco, Senegal, South Africa and Tunisia have limited manufacturing capacities, which could also produce COVID-19 vaccines after repurposing.

Moreover, COVID-19 vaccine IPR runs across the entire value chain – vaccine development, production, use, etc. A mere patent waiver may not be enough to address the issues related to its production and distribution. What is more important here is to share the technical know-how and information such as trade secrets. Therefore, the existing TRIPS flexibilities, such as compulsory and voluntary licensing, are insufficient to address this crisis. Further, compulsory licensing and the domestic legal procedures it requires is cumbersome and not expedient in a public health crisis like the COVID-19 pandemic.

India’s Role in Ensuring Vaccine Equity India's response to COVID-19 at the global level was primarily two-fold. First, its proactive engagements in the regional and international platforms. Second, its policies and programmes to provide therapeutics and vaccines to the world. Since the beginning of the COVID-19 pandemic, India has been advocating international cooperation and policy coordination in fighting it. For instance, in April 2020, India co-sponsored a UN resolution that called for fair and equitable access to essential medical supplies and future vaccines to COVID-19. Later, in October 2020, India also put pressure on developed countries with a joint WTO proposal for TRIPS waiver. India’s Vaccine Maitri initiative also aims vaccine equity. As of 29 May 2021, India has supplied 663.698 lakh doses of COVID-19 vaccines to 95 countries. It includes 107.15 lakh doses as a gift to more than 45 countries, 357.92 lakh doses by commercial sales, and 198.628 lakh doses to the COVAX facility.29 The COVAX initiative aims to ensure rapid and equitable access to COVID-19 vaccines for all countries, regardless of their income level. India has decided to supply 10 million doses of the vaccine to Africa and one million to the UN health workers under the COVAX facility. India has also removed the IPR of Covaxin that would help platforms like C-TAP once WHO and developed countries’ regulatory bodies approve the vaccine. If agreed, the waiver would benefit India in many ways. First, more vaccines will help the country to control the pandemic and its recurring waves. Second, it will be a boost to India's pharma industry, particularly the generic medicine industry. According to the Biotechnology Innovation Organization, 834 unique active compounds are involved in the current R&D of COVID-19 therapeutics, vaccines, and diagnostics. It means that thousands of new patents are awaited, and that will hinder India's ability to produce COVID-19 related medical products. Only through a waiver, this challenge can be addressed. Similarly, scientists note that mRNA is the future of vaccine technology. However, manufacturing mRNA vaccines involves complex processes and procedures. Only a very few Indian manufacturers have access to this technology; however, that too is limited. Once Indian companies have access to mRNA technology, it will help country’s generic medicine industry and boost India’s economy. Therefore, even if the WTO agrees on a waiver for a period shorter than proposed, India should accept it. In addition, mRNA vaccines can be produced in lesser time compared to the traditional vaccines. While traditional vaccines’ production takes four to five months, mRNA needs only six to eight weeks. Access to this technology will be vital for India in expediting the fight against COVID-19 and future pandemics. Finally, a waiver may strengthen India's diplomatic soft power. At present, what hinders India's Vaccine Maitri initiative is the scarcity of vaccines at home. On the other hand, China is increasing its standing in Africa, South America and the Pacific through vaccine diplomacy. The WHO approval of the Chinese vaccines and lack of access to vaccines by most developing countries, opens up huge space for China to do its vaccine diplomacy. Here, India should convince its Quad partners, particularly Australia and Japan, who oppose the waiver that vaccine production in developing countries through TRIPS waiver will enable the grouping to deliver its pledged billion doses of COVID-19 vaccine in the Indo-Pacific region. In short, the proposed waiver, if agreed, will help India in addressing the public health crisis by producing more vaccines and distributing them at home; economically, by boosting its generic pharmaceutical industry, and diplomatically, providing vaccines to the developing and least-developed countries. Therefore, India should use all available means and methods, from trade-offs to pressurising, to make the waiver happen.

#### Yes scale-up for covid.

Erfani et al 21 [Parsa; Lawrence Gostin; Vanessa Kerry; Parsa Erfani is a Fogarty Global Health Scholar at Harvard Medical School and the University of Global Health Equity. Lawrence Gostin is a professor at Georgetown University Law Center, director of the school’s O’Neill Institute for National and Global Health Law, and director of the World Health Organization Center on National and Global Health Law. Vanessa Kerry is a critical care physician at Massachusetts General Hospital, director of the Program for Global Public Policy at Harvard Medical School, and CEO of Seed Global Health, a nonprofit that trains health workers in countries with critical shortages; “Beyond a symbolic gesture: What’s needed to turn the IP waiver into Covid-19 vaccines,” STAT; 5/19/21; <https://www.statnews.com/2021/05/19/beyond-a-symbolic-gesture-whats-needed-to-turn-the-ip-waiver-into-covid-19-vaccines/>] Justin

Currently many idle suppliers can’t begin vaccine production until they upgrade and repurpose existing manufacturing capacity for new technology. Opponents often argue that this step is the true barrier to rapid scale-up. One high-profile detractor, BIO President and CEO Michelle McMurry-Heath, argues that “handing [needy countries] the blueprint to construct a kitchen that — in optimal conditions — can take a year to build will not help us stop the emergence of dangerous new Covid variants.”

This argument ignores two core truths: In many cases, manufacturing capacity needs only repurposing which can take mere months. And Covid-19, at the current global response and vaccination rates, will be a threat for years.

Both truths suggest that we pass the blueprint and build the kitchen.

Facilitating structures to transfer technology and capacity are already in place. The WHO launched the mRNA technology transfer hub model last month to provide manufacturers in low- and middle-income countries with the financial, training, and logistical support needed to scale up vaccine manufacturing capacity. Scores of manufacturers in these countries have already expressed interest. This initiative, however, requires recipient manufacturers to acquire the IP necessary for mRNA technologies— which is currently missing.

#### Corona escalates security threats that cause extinction – cooperation thesis is wrong.

Recna 21 [Research Center for Nuclear Weapon Abolition; Nagasaki, Japan; “Pandemic Futures and Nuclear Weapon Risks: The Nagasaki 75th Anniversary pandemic-nuclear nexus scenarios final report,” Journal for Peace and Nuclear Disarmament; 5/28/21; <https://www.tandfonline.com/doi/full/10.1080/25751654.2021.1890867>] Justin

The Challenge: Multiple Existential Threats

The relationship between pandemics and war is as long as human history. Past pandemics have set the scene for wars by weakening societies, undermining resilience, and exacerbating civil and inter-state conflict. Other disease outbreaks have erupted during wars, in part due to the appalling public health and battlefield conditions resulting from war, in turn sowing the seeds for new conflicts. In the post-Cold War era, pandemics have spread with unprecedented speed due to increased mobility created by globalization, especially between urbanized areas. Although there are positive signs that scientific advances and rapid innovation can help us manage pandemics, it is likely that deadly infectious viruses will be a challenge for years to come.

The COVID-19 is the most demonic pandemic threat in modern history. It has erupted at a juncture of other existential global threats, most importantly, accelerating climate change and resurgent nuclear threat-making. The most important issue, therefore, is how the coronavirus (and future pandemics) will increase or decrease the risks associated with these twin threats, climate change effects, and the next use of nuclear weapons in war.5

Today, the nine nuclear weapons arsenals not only can annihilate hundreds of cities, but also cause nuclear winter and mass starvation of a billion or more people, if not the entire human species. Concurrently, climate change is enveloping the planet with more frequent and intense storms, accelerating sea level rise, and advancing rapid ecological change, expressed in unprecedented forest fires across the world. Already stretched to a breaking point in many countries, the current pandemic may overcome resilience to the point of near or actual collapse of social, economic, and political order.

In this extraordinary moment, it is timely to reflect on the existence and possible uses of weapons of mass destruction under pandemic conditions – most importantly, nuclear weapons, but also chemical and biological weapons. Moments of extreme crisis and vulnerability can prompt aggressive and counterintuitive actions that in turn may destabilize already precariously balanced threat systems, underpinned by conventional and nuclear weapons, as well as the threat of weaponized chemical and biological technologies. Consequently, the risk of the use of weapons of mass destruction (WMD), especially nuclear weapons, increases at such times, possibly sharply.

The COVID-19 pandemic is clearly driving massive, rapid, and unpredictable changes that will redefine every aspect of the human condition, including WMD – just as the world wars of the first half of the 20th century led to a revolution in international affairs and entirely new ways of organizing societies, economies, and international relations, in part based on nuclear weapons and their threatened use. In a world reshaped by pandemics, nuclear weapons – as well as correlated non-nuclear WMD, nuclear alliances, “deterrence” doctrines, operational and declaratory policies, nuclear extended deterrence, organizational practices, and the **existential risks** posed by retaining these capabilities – are all up for redefinition.

A pandemic has potential to destabilize a nuclear-prone conflict by incapacitating the supreme nuclear commander or commanders who have to issue nuclear strike orders, creating uncertainty as to who is in charge, how to handle nuclear mistakes (such as errors, accidents, technological failures, and entanglement with conventional operations gone awry), and opening a brief opportunity for a first strike at a time when the COVID-infected state may not be able to retaliate efficiently – or at all – due to leadership confusion. In some nuclear-laden conflicts, a state might use a pandemic as a cover for political or military provocations in the belief that the adversary is distracted and partly disabled by the pandemic, increasing the risk of war in a nuclear-prone conflict. At the same time, a pandemic may lead nuclear armed states to increase the isolation and sanctions against a nuclear adversary, making it even harder to stop the spread of the disease, in turn creating a pandemic reservoir and transmission risk back to the nuclear armed state or its allies.

In principle, the common threat of the pandemic might induce nuclear-armed states to reduce the tension in a nuclear-prone conflict and thereby the risk of nuclear war. It may cause nuclear adversaries or their umbrella states to seek to resolve conflicts in a cooperative and collaborative manner by creating habits of communication, engagement, and mutual learning that come into play in the nuclear-military sphere. For example, militaries may cooperate to control pandemic transmission, including by working together against criminal-terrorist non-state actors that are trafficking people or by joining forces to ensure that a new pathogen is not developed as a bioweapon.

To date, however, the COVID-19 pandemic has increased the isolation of some nuclear-armed states and provided a textbook case of the failure of states to cooperate to overcome the pandemic. Borders have slammed shut, trade shut down, and budgets blown out, creating enormous pressure to focus on immediate domestic priorities. Foreign policies have become markedly more nationalistic. Dependence on nuclear weapons may increase as states seek to buttress a global re-spatialization6 of all dimensions of human interaction at all levels to manage pandemics. The effect of nuclear threats on leaders may make it less likely – or even impossible – to achieve the kind of concert at a global level needed to respond to and administer an effective vaccine, making it harder and even impossible to revert to pre-pandemic international relations. The result is that some states may proliferate their own nuclear weapons, further reinforcing the spiral of conflicts contained by nuclear threat, with cascading effects on the risk of nuclear war.

#### COVID-19 also impedes Climate Reform, spurring the Climate Crisis and accelerating the devastating effects of climate change.

**Chavez and Wilkinson, 20** (Luciana Chavez and Daniel Wilkinson, Researcher, Environment and Human Rights, Acting Director, Environment and Human Rights, 4-16-2020, accessed on 9-10-2021, Human Rights Watch, "How Covid-19 Could Impact the Climate Crisis", https://www.hrw.org/news/2020/04/16/how-covid-19-could-impact-climate-crisis#)

Help us continue to fight human rights abuses. Please give now to support our work @DWilkinsonNYC @lucianatellez Satellite images showing dramatic drops in air pollution in coronavirus hotspots around the globe have circulated widely on social media, offering a silver lining to an otherwise very dark story. But they are also a graphic reminder of the climate crisis that will continue when the pandemic passes. When the lockdowns are lifted and life returns to what it once was, so too will the pollution that clouds the skies and with it the greenhouse gases that fuel global warming. In fact, the rebound could be even worse. In the initial aftermath of the global financial crisis of 2008, global CO2 emissions from fossil fuel combustion and cement production decreased by 1.4 percent, only to rise by 5.9 percent in 2010. And the crisis this time could have a longer-term impact on the environment — at far greater cost to human health, security, and life — if it derails global efforts to address climate change. This was supposed to be a “a pivotal year” for those efforts to address climate change, as UN Secretary General António Guterres put it at a recent briefing on the UN’s annual climate summit, which was scheduled to take place in Glasgow in November. Ahead of the summit, 196 countries were expected to introduce revamped plans to meet the emission reduction goals established under the 2015 Paris Agreement. Yet on April 1, in the face of the spreading coronavirus pandemic, the UN announced that it was postponing the summit until sometime next year. It was only the latest sign that the casualties of Covid-19 may include global efforts to address climate change. Other international meetings related to climate — on biodiversity and oceans — have also been disrupted. While the need to mobilize governments to act on climate has never been more urgent, the inability to gather world leaders to address the issue could make it all the more difficult to do so. The coronavirus crisis also threatens local efforts to meet the climate commitments that have already been made. The European Union has come under pressure to shelve crucial climate initiatives, with Poland calling for a carbon trading program to be put on hold and the Czech Republic urging that the EU’s landmark climate bill be abandoned, while airline companies have pressed regulators to delay emissions-cutting policies. China has already announced such delays, extending deadlines for companies to meet environmental standards and postponing an auction for the right to build several huge solar farms. In the United States, after a powerful oil lobby petitioned the Trump administration to relax enforcement, the Environmental Protection Agency said it would not penalize companies that fail to comply with federal monitoring or reporting requirements if they could attribute their non-compliance to the pandemic. And in recent days it announced a rollback on car emissions rules that were a central piece of U.S. efforts to reduce greenhouse gas emissions. In Brazil, the federal environmental agency announced it is cutting back on its enforcement duties, which include protecting the Amazon from accelerating deforestation that could lead to the release of massive amounts of greenhouse gases that are stored in one of the world’s most important carbon sinks. Governments have a human rights obligation to protect people from environmental harm — and this includes a duty to address climate change. They might conceivably have valid reasons to temporarily relax the enforcement of some environmental rules as they scramble to contain the pandemic and salvage their economies. But these measures could do permanent damage if used to advance the broader anti-environmental agendas of leaders like President Donald Trump and Brazilian President Jair Bolsonaro, who oppose global efforts to address climate change. The real impact of the coronavirus crisis on climate could depend ultimately on choices made regarding how governments want their economies to look when they recover—and, in particular, how much they will continue to rely on fossil fuels. Meeting the Paris Agreement’s central goal of limiting global warming will require reducing this reliance. And here the crisis might offer some grounds for hope. Many see the efforts to contain the economic fallout of the pandemic as an opportunity to accelerate the shift to cleaner energy alternatives, such as solar and wind. Options could include ensuring that economic stimulus programs prioritize investments in cleaner energy, or conditioning assistance to businesses, especially in carbon-intensive sectors, on drastic cuts in emissions. Similarly, financial industry bailouts could require banks to invest less in fossil fuel and more in climate change mitigation and resilience efforts. In the U.S., congressional Democrats pushed for such measures when negotiating the recent stimulus package. In response, President Trump threatened a veto, tweeting “This is not about the ridiculous Green New Deal.” The proposed measures did not survive, though Democrats did manage to block $3 billion that Republicans sought to buy up oil for the strategic reserve. In Europe, the prospects for green stimulus are more promising. In response to one European leader’s call to abandon climate measures, an EU spokesperson was categorical: “While our immediate focus is on combating Covid-19, our work on delivering the European Green Deal continues. The climate crisis is still a reality and necessitates our continued attention and efforts." The struggle to ensure that human rights protections and climate commitments are not Covid-19 collateral will continue in the US, the EU and elsewhere as governments face the task of restarting their economies in the weeks and months to come. The outcome will define our capacity and will to mitigate what threatens to be a global catastrophe far greater even than the viral pandemic.

#### Climate change leads to extinction.

Spratt and Dunlop, 19 (David Spratt is a Research Director for Breakthrough National Centre for Climate Restoration, Melbourne, and co-author of Climate Code Red: The case for emergency action. Ian T. Dunlop is a member of the Club of Rome. Formerly an international oil, gas and coal industry executive, chairman of the Australian Coal Association, chief executive of the Australian Institute of Company Directors, and chair of the Australian Greenhouse Office Experts Group on Emissions Trading 1998-2000. “Existential climate-related security risk: A Scenario Approach” Breakthrough - National Centre for Climate Restoration May 2019 https://docs.wixstatic.com/ugd/148cb0\_b2c0c79dc4344b279bcf2365336ff23b.pdf)

An existential risk to civilisation is one posing permanent large negative consequences to humanity which may never be undone, either annihilating intelligent life or permanently and drastically curtailing its potential. With the commitments by nations to the 2015 Paris Agreement, the current path of warming is 3°C or more by 2100. But this figure does not include “long-term” carbon-cycle feedbacks, which are materially relevant now and in the near future due to the unprecedented rate at which human activity is perturbing the climate system. Taking these into account, the Paris path would lead to around 5°C of warming by 2100. 7 Scientists warn that warming of 4°C is incompatible with an organised global community, is devastating to the majority of ecosystems, and has a high probability of not being stable. The World Bank says it may be “beyond adaptation”. But an existential threat may 8 also exist for many peoples and regions at a significantly lower level of warming. In 2017, 3°C of warming was categorised as “catastrophic” with a warning that, on a path of unchecked emissions, low-probability, high-impact warming could be catastrophic by 2050. 9 The Emeritus Director of the Potsdam Institute, Prof. Hans Joachim Schellnhuber, warns that “climate change is now reaching the end-game, where very soon humanity must choose between taking unprecedented action, or accepting that it has been left too late and bear the consequences.” He says 10 that if we continue down the present path “there is a very big risk that we will just end our civilization. The human species will survive somehow but we will destroy almost everything we have built up over the last two thousand years.” 11

## 1AC – Plan

#### Plan text: The Member Nations of the World Trade Organization ought to provide patent waivers for COVID-19 Vaccines and for medicines during Pandemics (As declared by the WHO).

#### Enforcement through limited IP waivers solve – patent term extensions are normal means and solves innovation and scale-up.

Young and Potts-Szeliga 21 [Roberta; Counsel in Seyfarth’s Litigation department and Intellectual Property and Patent Litigation practice groups in Los Angeles; Jamaica Potts-Szeliga; Partner in Seyfarth’s Litigation department and Intellectual Property and Patent Litigation practice groups in Washington, DC. She also provides advice on FDA regulatory issues and is part of the firm’s Health Care, Life Sciences, and Pharmaceuticals team; “A Third Option: Limited IP Waiver Could Solve Our Pandemic Vaccine Problems,” IP Watch Dog; 7/21/21; <https://www.ipwatchdog.com/2021/07/21/third-option-limited-ip-waiver-solve-pandemic-vaccine-problems/id=135732/>] Justin

Limited Waiver Approach

This article suggests a third option, between voluntary vaccine donation and the full IP waiver proposal, that may offer a way forward. The third proposed solution is incentivized limited IP waivers that could encourage (or require) private companies to engage in licensing agreements with nations to share some, but not all, of the knowledge and designs covering the COVID-19 vaccines to the developing world. The limited IP waivers could cover the minimum necessary portions of the technology to produce basic COVID-19 vaccines. The waivers could be limited in time to the duration of the pandemic, or another term agreed to by the WTO. The term could also be defined as ending when widespread vaccination and immunity goals are achieved. The incentive for pharmaceutical companies to support such limited IP waivers could be provided in the form of patent term extensions for the technology covered by the limited IP waivers.

Extensions of patent term are already known and widely used. In the U.S., patent term adjustments are automatically added on to the patent lifespan to account for any delays by the USPTO in the patent prosecution process. In some cases, these mechanisms may extend the patent term for years. Patent term extensions also are available for regulatory delays (35 U.S.C. § 156). In particular, patents covering, inter alia, drug products approved by the United States Food & Drug Administration may be eligible for up to five years of additional patent term to give back time required to complete the regulatory review process. Both patent term adjustments and patent term extensions arise from activities beyond the control of the pharmaceutical companies. A pandemic patent term extension fashioned after such known extensions could be made used to compensate for the current pressing global health needs.

This third proposal may be achievable at the WTO. Hurdles remain and it could be months or years before the WTO reaches an agreement on any waiver of IP protections, and years before countries build factories, gather materials, and gain the expertise to produce the vaccines. A steep hurdle is that mRNA is a new technology, with no machines or experts for hire. Nonetheless, the third solution offers hope to find a middle ground that may begin to be implemented before the end of the current pandemic and be in place for the future.

The patent term extension could be provided for countries with patent offices and could be adapted based on laws and conditions in each country. Pandemic-related patent term extensions could be given for a period of time that the compulsory license is in force. With current pandemic projections of six months to two years for sufficient distribution, providing a patent term extension is reasonable and in line with the time period of many patent term extensions. Given that most pharmaceutical patents are prosecuted in multiple countries, this provides an incentive to participate in a limited waiver program.

Let’s Not Repeat Past Mistakes

It’s been a century since the last pandemic devastated the globe and the only certainty is that this will not be the last pandemic. Solutions created today lay a foundation for mitigation of the next pandemic. It’s been said that those who refuse to learn from history are doomed to repeat it, a thought too painful to contemplate with a pandemic. The industrial nations of the world have technology that others are literally dying to obtain—a high price to pay. Incentivized limited IP waivers may offer a compromise to bridge the gap between maintaining IP rights (and thus relying on charity alone) and arbitrary compulsory licensing that could deter the technological investment to create life-saving solutions in the future.

## 1AC – Framework

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

**pleasure and pain are intrinsically valuable. People consistently regard pleasure and pain as good reasons for action, despite the fact that pleasure doesn’t seem to be instrumentally valuable for anything.**

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

Let us start by observing, empirically, that **a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable.** **On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues.** This inclusion makes intuitive sense, moreover, for **there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have.** “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 **The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values.** If you tell me that you are heading for the convenience store, **I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so**, not merely for the sake of going to the convenience store, but **for the sake of achieving something further that you deem to be valuable.** You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” **If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.**3 As Aristotle observes**: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.**”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that **pleasure and pain are both places where we reach the end of the line in matters of value.**

**Moral uncertainty means preventing extinction should be our highest priority.  
Bostrom 12** [Nick Bostrom. Faculty of Philosophy & Oxford Martin School University of Oxford. “Existential Risk Prevention as Global Priority.” Global Policy (2012)]  
These reflections on **moral uncertainty suggest** an alternative, complementary way of looking at existential risk; they also suggest a new way of thinking about the ideal of sustainability. Let me elaborate.¶ **Our present understanding of axiology might** well **be confused. We may not** nowknow — at least not in concrete detail — what outcomes would count as a big win for humanity; we might not even yet **be able to imagine the best ends** of our journey. **If we are** indeedprofoundly **uncertain** about our ultimate aims,then we should recognize that **there is a great** option **value in preserving** — and ideally improving — **our ability to recognize value and** to **steer the future accordingly. Ensuring** that **there will be a future** version of **humanity** with great powers and a propensity to use them wisely **is** plausibly **the best way** available to us **to increase the probability that the future will contain** a lot of **value.** To do this, we must prevent any existential catastrophe.

## Underview

### I Get 1ar theory

#### Aff gets 1AR/1AC theory and RVIs – A] else neg can be infinitely abusive and no way to check back. B] Aff theory is drop the debater to deter abuse, no rvis because they could brute force us in the 2n with double our time, and competing interps because reasonability is arbitrary and invites judge intervention even with a brightline and the highest layer of the round – the 1ARs too short to be able to rectify abuse and cover substance. C] no 2NR paradigm issues, theory, RVIs, imeets or recontextualizations because you can make whole new arguments in the 2n with 6 minutes forcing me to respond in only half the time. D] Education is a voter because it controls the internal link to debate existing the first place – schools don’t fund uneducational games E] Fairness is a voter because Debate is a game with a winner and a loser – we all have different motives for winning and fairness is the means for that fulfilling motive

### CX does Check

#### Deters friv theory – They will always read a shell that has no abuse story just to dodge clash and substance. Clash outweighs because its intrinsic to debate – anything else makes this a speech event.

#### Better strategy – If I do not understand the aff before the 1N, they can say I misunderstood and no link out of everything. That outweighs because to have a cohesive debate you need a cohesive strategy.

### Presumption/Permissibility Hedge

#### Nothing in the aff triggers presumption or permissibility, but they affirm:

#### The skewed 4min 1AR has to answer 7min of offense and hedge against a 6min 2nr collapse, if the neg can’t prove the aff false you should presume its true

#### You presume statements true unless proven false – If I tell you my name is Truman you believe me unless you have evidence to the contrary

#### Presuming statements are false is impossible – we can’t operate in the world if we can’t trust anything we hear

#### Triggers kill substantive education and force a 1ar restart so you should punish them for doing so

#### Allow 2ar responses to blippy 1nc tricks—key to protect time-crunched 1ars and disincentivize blip-storms that aren’t complete arguments. Evaluate every speech in the debate—key to assessing the better debater otherwise the neg always will

### 1AR – Alt must defend Aff’s Actor

#### Interpretation: if the negative reads an alternative advocacy they must defend the same actor as the affirmative

#### Violation: they didn’t

#### Predictability – They are not restricted by the topic – They can have any possible advocacy, only same actor gives the aff some stasis for preparation – anything else explodes the prep burden and kills in-depth clash.