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### Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines through IP/C/W/669 also called the TRIPS waiver proposal

## Adv – Covid

#### Trips waiver is Normal Means and key to cause a global surge of covid 19 vaccines

Thrasher 21

Thrasher, Rachel. “How Will Everyone Benefit If WTO Members Sign the TRIPS COVID-19 Waiver?” Open Access Government, 15 Feb. 2021, [www.openaccessgovernment.org/trips-covid-19-waiver/103738/](http://www.openaccessgovernment.org/trips-covid-19-waiver/103738/). [researcher with the Boston University Global Development Policy Center. She works on policy issues related to trade and investment agreements, trade law and development, economic relations between developing countries, and multilateral environmental agreements. She is the author of Constraining Development: The Shrinking of Policy Space in the International Trade Regime (Anthem, forthcoming, July 2021).] // JoshDrills

\*Brackets in original article

At the informal meeting of the Council for the Agreement of Trade-Related Aspects of Intellectual Property (TRIPS) on February 4, the United States, together with the European Union, United Kingdom, Japan and Australia continued to block the **initiative to waive** certain World Trade Organization (**WTO**) **provisions** that potentially constrain manufacture and disbursal of COVID-19 medicines, diagnostics, medical equipment, and vaccines. What is the TRIPS COVID-19 waiver? This narrow waiver, **proposed** initially **by** **South Africa and India**, would temporarily **waive patent rights** over these products to facilitate increased production volume and more widespread manufacturing worldwide. Nevertheless, while the US and the EU push for more discussion about the facts of the current situation, South Africa, India, and others are seeking to negotiate the text of the proposed waiver. At the moment, the talks are at an impasse. At the moment, the talks are at an impasse. But evidence is mounting that signing the **TRIPS waiver** would not only be **good for** the current supporters of the initiative, but for the **whole world**, and maybe especially for the developed countries who are currently opposed to it. The financial costs to all countries during the pandemic goes far beyond paying for the research and development, treatments and vaccines **to manage COVID-19** cases. Economic impacts will be felt across the global economy through supply chain disruptions rooted in growing inequality within and between countries, likely costing around $9.2 trillion dollars, half of which would be borne by a handful of developed economies. **Economic impacts** […] likely costing **around $9.2 trillion dollars** The projected timeline for vaccinations exacerbates the financial costs. Initial predictions for vaccine rollout all over the world have proven optimistic at best and current projections suggest that many will have to wait at least three, and up to seven, years for substantial global immunity through vaccines, leaving low-income countries hopelessly behind. The **lack of manufacturing** capacity **by drugmakers** One of the main reasons the vaccines have not become **as** widely available as initially hoped is the lack of production capacity by key firms. For obvious reasons, a **small handful of corporations cannot produce enough** vaccines for the whole world population. Producing enough will depend heavily on licensing and transferring technology to more manufacturers. This reality is highlighted by a recent case in which a vaccine innovator company (Inovio) sued its own contracted biologics manufacturer (VGXI) because they refused to release their own trade secrets to other potential producers in order to ramp up capacity. These same supply capacity issues afflict other more well-known companies as well – including Novavax and Moderna. Pharmaceutical companies would prefer to rely on **voluntary licensing agreements** (VLAs) to increase production. These VLAs allow the patent holder to control who is producing their patented good and where they are able to sell the product. Gilead’s VLA to produce remdesivir is the most widely known example of such a process. While initially applauded for increasing access and to a potentially life-saving treatment for COVID-19 at affordable prices, further research showed that the agreement excluded 70 countries who would have to purchase the drug at the monopoly price. Given that cautionary tale, it is **unlikely** that VLAs would be enough **to ensure** widespread **access**. The rigid reality of the TRIPS Agreement Many countries who push back against a **TRIPS waiver** suggest that the TRIPS Agreement is already flexible in its allowance of compulsory licensing to facilitate generic manufacture of patented vaccines. The agreement allows member states to **authorise compulsory licenses** (CLs) under their own domestic law **in** cases of **extreme urgency**, as long as the scope and duration of the license is narrowly circumscribed. In ordinary circumstances, countries can impose a CL if they are unable to negotiate a voluntary license within a reasonable period of time. In both cases, the innovator is due “adequate remuneration” (Art. 31). Certainly, there has never been a case of extreme urgency like this one, and WTO members theoretically may have recourse to this provision. However, previous CLs issued by member states have met with both public and private opposition. The United States has repeatedly put pressure on India for its CL on an expensive cancer drug, claiming that India is “diluting” intellectual property rights and violating the TRIPS Agreement. Private pharmaceutical companies and U.S. lawmakers have even taken action to threaten sanctions against India through its Special 301 Report, a trade watch-list of sorts. Colombia faced similar backlash when they took the first steps toward issuing a CL for a leukemia treatment – Glivec. Both the Swiss government and Novartis, the patent holder, argued forcefully that CLs are “tantamount to expropriation” – code for exercising a sort of eminent domain through regulation. More recently, Malaysia attempted to use a CL to increase affordability of a Hepatitis C medication and once more the United States, together with its pharmaceutical industry, threatened to wield the power of sanctions through a Special 301 Report. As a result of these and other instances, countries have, understandably, been reluctant to develop more flexible domestic CL policies and are certainly out of practice in using them. A TRIPS COVID-19 waiver opens up global production Given the challenges of imposing compulsory licenses and the limits of voluntary ones, the TRIPS waiver offers another way for vaccine producers around the world to ramp up global production without the risks of contending with domestic and international IP disputes. the TRIPS **waiver offers** another way for vaccine producers around the world **to ramp up global production** In the first place, they argue, intellectual property protection is [what made these vaccines possible](https://insidetrade.com/daily-news/us-others-defend-ip-rights-waiver-backers-push-text-based-talks) to begin with – undermining those rights, then could undercut the potential for future lifesaving products. The protection of intellectual property is [certainly aimed at increasing innovation](https://www.journals.uchicago.edu/doi/full/10.1086/669706?casa_token=rONrWfPIP7EAAAAA%3AY7UnTSWbe2rI79fnx2KlCZ2CxOcuy9zeKeh9cPdCjfMyhoSC1g1NC-eL9KUTCKRmsZTknURuOP8&), and some studies have shown that [innovation does increase with greater protection](https://journals.sagepub.com/doi/pdf/10.1177/0976399616686860?casa_token=LEX4uDS6wnAAAAAA:CHAWXha9-HMEVK8xeAMM1Gy39L6QscB22M4TfpvxKHstG9LIKXexoUfAO6C7w8ebS_wCAvZFkSXG). At the same time, other research suggests that strong IP protection could [actually discourage subsequent innovation](https://www.journals.uchicago.edu/doi/full/10.1086/669706?casa_token=rONrWfPIP7EAAAAA%3AY7UnTSWbe2rI79fnx2KlCZ2CxOcuy9zeKeh9cPdCjfMyhoSC1g1NC-eL9KUTCKRmsZTknURuOP8&). Even without disregarding the valuable role of intellectual property protection, however, the TRIPS waiver would not dismantle our current system of innovation incentives. Rather it is a narrow, time-limited waiver aimed only at facilitating global access to COVID-19 related products. Most of the vaccine developers have already received [ample](https://grants.nih.gov/policy/natural-disasters/corona-virus.htm) [government](https://ec.europa.eu/info/live-work-travel-eu/coronavirus-response/public-health/coronavirus-vaccines-strategy_en) [support](https://www.fiercepharma.com/pharma/after-nearly-1b-research-funding-moderna-takes-1-5b-coronavirus-vaccine-order-from-u-s) for the research and development stage – diminishing the need for patent monopolies (which are supposed to make up for large up-front capital expenditure). The second argument put forward by opponents of the TRIPS waiver points out that intellectual property rights are not the real bottleneck preventing more rapid global production, at least in the case of vaccines. Rather, the manufacturing capacity of most of the world’s countries is simply [not advanced enough](https://insidetrade.com/daily-news/us-others-defend-ip-rights-waiver-backers-push-text-based-talks) to make these types of vaccines. But this argument seems to run up against the vein of the previous contention – if intellectual property rights are not the issue, if no vaccine manufacturers are going to be able to ramp up production to make any kind of real difference in distribution, then there’s no point in being concerned about temporarily waiving those rights. The current producers will still effectively benefit from their patent monopolies. The current producers will still effectively benefit from their patent monopolies. On the other hand, there is growing evidence that perhaps qualified [producers around the world stand ready](https://www.oxfam.org/en/press-releases/monopolies-causing-artificial-rationing-covid-19-crisis-3-biggest-global-vaccine) to contribute to the production of more vaccines. Despite an unknown timeline, there is a real possibility that the TRIPS waiver may make it possible for a huge increase in vaccine production, not to mention the production of other COVID-19 treatments and equipment.

#### And Covid surge has spelt economic disparity where India’s instability is escalating tensions and sparking standoffs which explode due to deteriorating relations with China sparking worry, miscalculation and escalation

CFR 21

Council on Foreign Relations. “The Strategic Consequences of India's COVID-19 Crisis.” Council on Foreign Relations, Council on Foreign Relations, 28 Apr. 2021, [www.cfr.org/blog/strategic-consequences-indias-covid-19-crisis. //](http://www.cfr.org/blog/strategic-consequences-indias-covid-19-crisis.%20//) JoshDrills

Last week, as the magnitude of the second wave of India’s coronavirus surge became increasingly clear to the world, U.S. policymakers soon began to appreciate the strategic implications of India’s national trauma. Over the weekend, President Joe Biden and his top officials [publicly pledged](https://twitter.com/POTUS/status/1386401947729633280?s=20) their commitments to send medical supplies, including oxygen, vaccine materials, and therapeutics to India, while seeking additional ways to address India’s crisis. **COVID-19** already inflicted a **crushing blow to India’s economy** last year. A national lockdown instituted by Prime Minister Narendra Modi at the early stages of the global pandemic was intended to relieve the stresses on Indian’s inadequate healthcare system, but it also delivered a [24 percent contraction in the economy](https://www.nytimes.com/2020/08/31/world/asia/india-economy-gdp.html) and led millions of migrant day laborers to flee India’s cities for lack of work. Through the late fall and winter, it seemed that somehow India would escape the worst of the pandemic, but that hope has now been dashed by a **devastating** combination of **new viral strains** and inadequate public health preparations**. India** now **faces** this wave of the virus exhausted and depleted. The Biden administration clearly [appreciates](https://timesofindia.indiatimes.com/india/covid-19-india-is-going-through-very-terrible-situation-says-dr-anthony-fauci/articleshow/82229075.cms) that the magnitude of India’s crisis turns it into a **global crisis**. With over **1.3 billion people**, India alone counts for one-sixth of humanity. And India’s crisis will not be contained within its borders. New viral strains out of India could worsen the **health threat** to all. Other second-order economic consequences will follow; at the very least, India’s lost economic productivity will **hurt global trade** and investment. Yet the geopolitical implicationsof India’s tragedy must also be keenly felt by the new Biden administration. After his election, the president’s top national security officials quickly established the aim of closer partnership with New Delhi as a cornerstone in the U.S. strategy for competition with Beijing. India’s role was highlighted by President Biden’s decision to host a virtual “[leaders’ summit](https://www.nbcnews.com/news/world/biden-set-first-summit-quad-leaders-u-s-steps-efforts-n1260721)” of the Quad in March, and by U.S. Secretary of Defense Lloyd Austin’s three-day [visit](https://thediplomat.com/2021/03/us-defense-secretary-austins-visit-to-india-a-sign-of-closer-india-us-security-ties/) to India shortly thereafter. **Hav**ing made a **strategic bet** on **India as** an important Asian **counterweight to China**, U.S. concerns about Indian health, economic growth, and **political stability** are not purely altruistic or humanitarian. As a number of prominent Indian foreign policy [analysts](https://carnegieindia.org/2021/04/23/to-friends-in-united-states-facilitate-global-vaccine-manufacturing-pub-84392) observed in the days before the Biden administration announced its plans to assist India, the promise of U.S. partnership would be severely **undermined** from India's perspective if Washington were to fall short in such a time of need. In the midst of **immense suffering**, it is tempting to assume that India’s situation could not get worse. However, the reality is that India was already facing an entirely different, daunting threat to its national security prior to this new viral wave: [a year of **heightened tensions**](https://www.bbc.com/news/world-asia-53062484) and unusual levels of violence along its contested border with China. Many of the causes of **deteriorating relations** between India and China remain unaddressed. The two sides have taken some initial steps to disengage **from** their **border conflict** in the Himalayas in early 2021, but in recent weeks their bilateral military dialogues have [stalled](https://www.financialexpress.com/defence/china-refuses-to-vacate-four-friction-points-in-ladakh-heres-everything-you-need-to-know-about-gogra-and-hot-springs/2236611/) without progress. If **Beijing** were **to seek** a **territorial advantage from India’s** ongoing **health emergency**, the compounding of multiple **crises** would **complicate New Delhi’s decision-making and** would **increas**e the **potential for** policy **miscalculation**s **and** otherwise **avoidable** **armed escalation**. The Biden administration should help India here too. As I argue in an [update of an earlier CFR Contingency Planning Memorandum](https://www.cfr.org/report/preparing-heightened-tensions-between-china-and-india) on the **risk of armed conflict** between China and India, the United States has a strong interest in preventing military escalation along their border. Through carefully calibrated defensive assistance to India, the United States can help it deter China without taking steps that make conflict more likely. Other diplomatic and economic measures can improve India’s defenses and resilience in the face of Chinese aggression, lessen regional tensions, and prepare U.S. policymakers in the event of another Himalayan standoff this year.

#### Nuke war causes extinction AND outweighs other existential risks

PND 16. internally citing Zbigniew Brzezinski, Council of Foreign Relations and former national security adviser to President Carter, Toon and Robock’s 2012 study on nuclear winter in the Bulletin of Atomic Scientists, Gareth Evans’ International Commission on Nuclear Non-proliferation and Disarmament Report, Congressional EMP studies, studies on nuclear winter by Seth Baum of the Global Catastrophic Risk Institute and Martin Hellman of Stanford University, and U.S. and Russian former Defense Secretaries and former heads of nuclear missile forces, brief submitted to the United Nations General Assembly, Open-Ended Working Group on nuclear risks. A/AC.286/NGO/13. 05-03-2016. http://www.reachingcriticalwill.org/images/documents/Disarmament-fora/OEWG/2016/Documents/NGO13.pdf

Consequences human survival 12. Even if the 'other' side does NOT launch in response the smoke from 'their' burning cities (incinerated by 'us') will still make 'our' country (and the rest of the world) uninhabitable, potentially inducing global famine lasting up to decades. Toon and Robock note in ‘Self Assured Destruction’, in the Bulletin of Atomic Scientists 68/5, 2012, that: 13. “A nuclear war between Russia and the United States, even after the arsenal reductions planned under New START, could produce a nuclear winter. Hence, an attack by either side could be suicidal, resulting in self assured destruction. Even a 'small' nuclear war between India and Pakistan, with each country detonating 50 Hiroshima-size atom bombs--only about 0.03 percent of the global nuclear arsenal's explosive power--as air bursts in urban areas, could produce so much smoke that temperatures would fall below those of the Little Ice Age of the fourteenth to nineteenth centuries, shortening the growing season around the world and threatening the global food supply. Furthermore, there would be massive ozone depletion, allowing more ultraviolet radiation to reach Earth's surface. Recent studies predict that agricultural production in parts of the United States and China would decline by about 20 percent for four years, and by 10 percent for a decade.” 14. A conflagration involving USA/NATO forces and those of Russian federation would most likely cause the deaths of most/nearly all/all humans (and severely impact/extinguish other species)

## Adv – Zoonotic

#### Locking preparatory research and techniques behind patents hinder global innovation and access to Zoonotic disease treatments

Thomas 21 Patented technologies in zoonotic vaccines: Are they truly serving as bridge or barrier to human healthcare? - Linkedin post. Preprint · February 2021 Patented technologies in zoonotic vaccines: Are they truly serving as bridge or barrier to human healthcare? Ansu Thomas <https://www.researchgate.net/publication/349029311_Patented_technologies_in_zoonotic_vaccines_Are_they_truly_serving_as_bridge_or_barrier_to_human_healthcare_-_Linkedin_post> //avery

World Organization for Animal Health (OIE) stated that 60% of global infectious diseases are zoonotic and 75% of emerging global infectious diseases have animal origin. World Health Organization-identified 200 diseases have been found to be zoonotic. Infectious, zoonotic disease frequency rises up with human encroachment into the wilderness, new millennial climate change, across-the-seas travel and or trade. How does one own a patent for a zoonotic vaccine when the origination root source of clinical data was empirically derived through vaccine application on scores of this humanity pool segment? The vaccine on reaching the state of perfection, vaccine program investor starts owning the knowledge on that vaccine wherein the instrumental knowledge-provider (tested base population) disowns their right to use that knowledge (now locked as patent) and or vaccine for free. Let us read and ponder verbatim the egalitarian wordings on Elsevier website: “Since January 2020 Elsevier created a COVID-19 resource centre (hosted on Elsevier Connect) as free information on novel coronavirus COVID- 19. Elsevier hereby grants FREE permission to make all its COVID19-related research available on COVID-19 resource centre - immediately available in PubMed Central and other publicly funded repositories, such as WHO COVID database with rights for unrestricted research re-use and analyses in any form or by any means with acknowledgement of original source”. Likewise, patentability upon a pandemic disease vaccine must be globally declared null and void by a UN treaty amongst all member nations. Just the endemic diseasevaccines however could be regionally exempted from this Universal nullifying authority for patentability. Life-saving vaccine manufacture involves three phases: procuring biological raw material, preparatory techniques and quality success rating. The raw material (as causative organism) is sourced from diseased and suffering humanity. Quality success rating is determined after years of trialed testing. Where is the question of patent ownership rights when only the preparatory techniques alone stand ethically guarded by Intellectual Property System and not the other entities? Deprivation of rights on other peer manufacturers as new entrants to vaccine manufacture is unethical, illogical and contravention of human rights-to-healthy living, quashing even inter-generational equity on utilization of vaccines. In this new millennial age of a series of pandemics, an international access to Intellectual property must be granted to interested manufacturers or government or state-owned enterprises bodies for the protection of public community health at the outset. Tailored collaborative licensing builds zone-specific research as well as a region-specific vaccine development through a sustained freedom to operate. A nominal price Royalty margin values upon the sale of every unit of vaccine sale could also sensibly protect the earnings of pandemic vaccine patent holder (specifically on the preparatory techniques). Knowledge production and knowledge sharing of zoonotic vaccine research observations and results and equally protecting the patent and its applications is suggested. Inaccessibility to the preparatory techniques prevents innovations and access on a global perspective. A one-earth and one-health thinking, approach and strategy can save the human population much faster from future pandemics awaiting on timeline.

#### Zoonotic Diseases will be used by terrorists

Lin 15 Impacts on Human Health Caused by Zoonoses 10 Chao-Nan Lin C.-N. Lin (\*) Department of Veterinary Medicine, National Pingtung University of Science and Technology, Pingtung, Taiwan, Republic of China <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7124013/> //avery

Zoonosis is an infectious disease that is transmitted between animals and humans. Zoonosis comes from the Greek words “zoon” and “osis,” which represent “animal” and “ill,” respectively. In a systematic review of 1,415 species of pathogens known to infect humans, 868 (61 %) were zoonotic. Unfortunately, the majority of emerging infectious diseases over the last three decades have been zoonotic (Taylor et al. 2001). Most zoonoses are often previously unrecognized diseases or have increased virulence in populations lacking immunity, such as henipavirus (Marsh and Wang 2012), severe acute respiratory syndrome (SARS), and influenza virus (swine-origin H1N1 or avian influenza H5N1) (Tseng 2007). The major factor influencing the appearance of novel zoonotic diseases in the human population is increased contact between humans and wildlife, such as (i) encroachment of human activity into wilderness areas and (ii) movement of wild animals into areas of human activity (Daszak et al. 2001). Zoonoses are potential bioterrorism agents (Ryan 2008). Terrorist attacks using conventional weapons cause fear, havoc, illness, and death. Bioterrorism agents include bacteria, viruses, fungal, rickettsial or chlamydial organisms, and toxins, i.e., they can be transmitted between animals and humans (Spencer 2007). The potential for a bioterrorist attack is no longer a debate of “if” but “when” one will occur. It is impossible to predict when, where, or how bioterrorism will occur (Ippolito et al. 2006). Therefore, the control and prevention of these diseases in animals can also be accomplished to reduce disease transmission between humans and other animals. This chapter documents the history, agents, routes of exposure, detection, monitoring, and prevention of zoonotic pathogens. Zoonoses Likely to Be Used in Bioterrorism Bioterrorism aimed at a society, government, and/or its citizens is meant to cause destabilization, fear, anxiety, illness, and death in people, animals, or plants (BalaliMood et al. 2013). According to the US Centers for Disease Control and Prevention (CDC), a bioterrorism attack is the intentional release of biological agents such as viruses, bacteria, fungi, rickettsial or chlamydial organisms, toxins, or other harmful agents that cause illness or death in people, animals, or plants (Balali-Mood et al. 2013). These biological agents can be spread through the air, water, or food. The intended use of biological agents might target humans directly or might be used to disrupt an economy. The disease caused by anthrax was directed at animal populations as early as World War I. Glanders, a virulent disease in horses and mules, was used in the 1910s. Typhoid was reported in a water supply in the 1970s. 212 C.-N. Lin In September and October 2001, several cases of anthrax occurred in the United States. Letters laced with infectious anthrax were concurrently delivered to the US Congress and news media offices (Spencer 2007). Zoonotic Pathogens The US CDC categorizes biological toxins and bioterrorism agents as A, B, and C. Category A includes high-priority agents that pose a risk to national security because they (i) can be easily transmitted and disseminated from person to person, (ii) cause high mortality and have potentially major public health impacts, (iii) may cause public panic and social disruption, and (iv) require special action for public health preparedness. Category A agents include anthrax, plague, tularemia, botulism, filovirus, and smallpox. Category B, the second highest priority agents, includes pathogens that (i) are moderately easy to disseminate, (ii) cause moderate morbidity and low mortality rates, and (iii) require specific enhancements to the CDC’s diagnostic capacity and disease surveillance ability. Category B agents include brucellosis, epsilon toxin, glanders, melioidosis, psittacosis, Q fever, ricin toxin, food safety threats, staphylococcal enterotoxin B, typhus fever, viral encephalitis, and water safety threats. Category C, the third highest priority agents, includes emerging pathogens that may be engineered for mass dissemination in the future because of (i) their availability, (ii) ease of production and dissemination, and (iii) potential for high morbidity and mortality rates and ability to cause major health effects. Category C agents include Nipah virus and hantavirus. Other zoonotic pathogens, such as rabies, West Nile virus, and Streptococcus suis type II, will also be discussed briefly. Table 1 summarizes the organisms and their classification by the US CDC.

#### Pharmaceutical patent bad – cant respond to bioweapons

Oriola 07 Taiwo A. Oriola, Against the Plague: Exemption of Pharmaceutical Patent Rights as a Biosecurity Strategy, 2007 U. Ill. J.L. Tech Cardiff Law School, and the ESRC Centre for Business Relationships, Accountability, Sustainability, & Society, University of Cardiff, United Kingdom <http://illinoisjltp.com/journal/wp-content/uploads/2013/10/05-05-08_Oriola_AHW_Formatted_FINAL.pdf> //avery

A critical countermeasure to bioterror attacks is a responsive and viable public health system, an integral element of which is an adequate and timely supply of essential vaccines and drugs. The 2001 anthrax attacks in the United States, which nearly precipitated a run on Bayer’s antibiotic ciprofloxacin,50 demonstrated that the public health care system could fall short of critical medicines to either the infected or stem the spread of infectious pathogens such as smallpox, anthrax and the plague. This is especially so since experts in the United States have said that pre-exposure medical countermeasures—that is, inoculation—for civilian populations is unlikely,51 despite dissenting views that immunizations should ideally be given prior to an attack.5 Time is of the essence in getting crucial drugs to victims of bioterrorism attacks to save as many lives as possible, and authorities should be able to mass-produce crucial drugs with minimal delay. Drug stockpiling is of limited practical value since most drugs and vaccines have limited shelf-life,53 and no one knows for sure when terrorists would strike. Moreover, drug stockpiling is not a feasible bioterrorism policy option for resource-poor countries that, unlike the United States and other wealthy nations,54 are already overwhelmed by HIV/AIDS, and lack functional public health infrastructures and the resources to stockpile bioterrorism-specific drugs for their populations.55 Nevertheless, securing crucial drugs in the shortest time possible for those infected in a bioterrorism attack is no less important than other public health preparedness measures. It would undoubtedly minimize loss of life and effectively contain further spread of diseases and mass hysteria.56 However, the high propensity for intellectual property rights wrangling—as exemplified by the skirmishes over Bayer’s ciprofloxacin in the wake of the September 11, 2001 anthrax attacks in the United States57 —could stymie authorities’ efforts to mass produce or parallel import crucial patented drugs within the shortest time possible, especially in resource-poor countries of Africa, Asia, and Latin America. This makes an effective bioterrorism-specific pharmaceutical patent appropriation clause in international and national patent laws bereft of the bureaucratic trappings of the contemporary patent regime, and the TRIPS access to medicines paradigms. There is a plethora of literature on public health preparedness in gene health law is not clearly defined, it has been sugg ral,58 and public health legal preparedness in particular, fostering holistic discourses on counterterrorism and natural disaster countermeasures.59 Public health legal preparedness has been described as a subtext of public health preparedness.60 Its rising profile in legal scholarship since the late 1990s has been attributed to the recognition of the integral role of law in securing and enforcing public health preparedness strategies.61 While the scope of public ested that it could be “any law that has significant consequences for the health of a defined population,”62 and that “the term may encompass such nominally foreign domains as economic development laws, tax law, and international trade law.”63 It is axiomatic that public health law encompasses intellectual property rights, especially patents and allied rights that directly regulate ownership of, and access to, critical medicines for public health needs,, particularly with regard to bioterrorism-induced diseases.64 Not the least of which because a lack of access to crucial drugs could have “significant consequences for the health of a defined population.”65 This is an ongoing, albeit unpleasant, reality for millions in resource-poor countries, arguably due, in part, to stronger pharmaceutical patents protection under the aegis of the World Trade Organization’s (“WTO”) TRIPS Agreement.67 The arrangement has effectively rooted international intellectual property rights governance in international trade rules. Despite the strong link between pharmaceutical patents and public health, most of the scholarship and regulatory regimes concerning public-health legal preparedness largely glosses over intellectual property law and access to medicines interface discourses, and instead focus mainly on the legal status of voluntary rescuers, public health employees, control of biological agents, civil liberties, and legal liability implications of compulsory quarantine and inoculation.69 While acknowledging the possible dearth of vaccines and drugs as a potentially critical logistic snag in the bioterror defense strategy, even the few articles that have explored potential patent obstacles sought solutions only within the traditional remit and the familiar ambit of the TRIPS Agreement, as well as national patent law and access to medicine paradigms, whose core is the compulsory licensing regime70 as circumscribed by the “consistency test.”7 this solution is arguably vulnerable to bureaucratic trappings and wrangling over the adequacy of royalties payable to the patentees.72 At the very least, the process is both incongruous and anachronistic in the context of time-sensitive bioterrorism countermeasures.73 Time is clearly of the essence in bioterrorism attacks, and the need for swift action is the defining element of the thesis for pharmaceutical patent appropriation clause in the bioterrorism context as proposed in this Article. This Article argues that the access to medicines package, as provided by TRIPS74 is unsuited to the need for mass production of critical drugs in bioterrorism-induced public health crises. A case will be made for a legal framework that allows pharmaceutical patents to be overridden with adequate compensation in bioterrorism-induced public health crises. This argument is predicated on ethical grounds, overriding public interests, and the dictates of the fundamental right to health and life. Part II of this Article explains bioterrorism and its attendant extraordinary public health emergency crises. Part III discusses the dynamics of pharmaceutical research and development and the relevance of pharmaceutical patents to drugs access. Part IV analyzes the inherent limitations of the TRIPS Article 30 limited exception to patent exclusivity, the TRIPS Article 31 on compulsory licensing, and the TRIPS-Doha Declaration on public health. Part V spells out the grounds for a bioterrorism-specific exception to pharmaceutical patent exclusivity. Part VI sums up the discourse and concludes the article.

#### Bioweapons cause extinction

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In the decades to come, advanced bioweapons could threaten human existence. Although the probability of human extinction from bioweapons may be low, the expected value of reducing the risk could still be large, since such risks jeopardize the existence of all future generations. We provide an overview of biotechnological extinction risk, make some rough initial estimates for how severe the risks might be, and compare the cost-effectiveness of reducing these extinction-level risks with existing biosecurity work. We find that reducing human extinction risk can be more cost-effective than reducing smaller-scale risks, even when using conservative estimates. This suggests that the risks are not low enough to ignore and that more ought to be done to prevent the worst-case scenarios. How worthwhile is it spending resources to study and mitigate the chance of human extinction from biological risks? The risks of such a catastrophe are presumably low, so a skeptic might argue that addressing such risks would be a waste of scarce resources. In this article, we investigate this position using a cost-effectiveness approach and ultimately conclude that the expected value of reducing these risks is large, especially since such risks jeopardize the existence of all future human lives. Historically, disease events have been responsible for the greatest death tolls on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world's population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization. A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to remote populations, overcome rare genetic resistances, and evade detection, cures, and countermeasures. Even evolution itself may work in humanity's favor: Virulence and transmission is often a trade-off, and so evolutionary pressures could push against maximally lethal wild-type pathogens.5,6 While these arguments point to a very small risk of human extinction, they do not rule the possibility out entirely. Although rare, there are recorded instances of species going extinct due to disease—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also historical examples of large human populations being almost entirely wiped out by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include native American tribes exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and the Western Abenaki (which suffered a staggering 98% loss of population).9 In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But many diseases are proof of principle that each worst-case attribute can be realized independently. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, natural evolution would be an unlikely source for pathogens with the highest possible levels of transmissibility, virulence, and global reach. But advances in biotechnology might allow the creation of diseases that combine such traits. Recent controversy has already emerged over a number of scientific experiments that resulted in viruses with enhanced transmissibility, lethality, and/or the ability to overcome therapeutics.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-21 Although these experiments had scientific merit and were not conducted with malicious intent, their implications are still worrying. This is especially true given that there is also a long historical track record of state-run bioweapon research applying cutting-edge science and technology to design agents not previously seen in nature. The Soviet bioweapons program developed agents with traits such as enhanced virulence, resistance to therapies, greater environmental resilience, increased difficulty to diagnose or treat, and which caused unexpected disease presentations and outcomes.22 Delivery capabilities have also been subject to the cutting edge of technical development, with Canadian, US, and UK bioweapon efforts playing a critical role in developing the discipline of aerobiology.23,24 While there is no evidence of state-run bioweapons programs directly attempting to develop or deploy bioweapons that would pose an existential risk, the logic of deterrence and mutually assured destruction could create such incentives in more unstable political environments or following a breakdown of the Biological Weapons Convention.25 The possibility of a war between great powers could also increase the pressure to use such weapons—during the World Wars, bioweapons were used across multiple continents, with Germany targeting animals in WWI,26 and Japan using plague to cause an epidemic in China during WWII.27

#### Zoonotic bioweapons cause mass biodiversity destruction

Dudley and Woodford 02 Bioweapons, Biodiversity, and Ecocide: Potential Effects of Biological Weapons on Biological Diversity: Bioweapon disease outbreaks could cause the extinction of endangered wildlife species, the erosion of genetic diversity in domesticated plants and animals, the destruction of traditional human livelihoods, and the extirpation of indigenous cultures Joseph P. Dudley, Michael H. Woodford Author Notes BioScience, Volume 52, Issue 7, July 2002, Pages 583–592, [https://doi.org/10.1641/0006-3568(2002)052[0583:BBAEPE]2.0.CO;2](https://doi.org/10.1641/0006-3568(2002)052%5b0583:BBAEPE%5d2.0.CO;2) Published: 01 July 2002 //avery

Efforts to control human disease epidemics resulting from plague and tularemia bioweapon attacks will need to take into account the eradication of potential animal reservoirs and insect vectors once initial outbreaks among human populations have been contained ([Alibek and Handelman 2000](javascript:;)). As potential disease reservoirs, rare or endangered species populations within affected areas may be subject to eradication as well. Thus, endangered species now restricted to a few relict and isolated populations within highly urbanized landscapes (e.g., Stephen's Kangagroo Rat, Dipodomys stephensi) could be at high risk for extinction under such circumstances. It is worth noting in this context that an extraordinarily high number of endangered and threatened species (including D. stephensi) are now largely or entirely restricted to habitats located in and around US military installations and military training ranges, which could be potential targets of bioweapons attacks; more than 220 federally listed threatened or endangered species have been confirmed as residents or migrants on US military lands. Although military lands represent only about 3% of all US federal lands, they contain disproportionately high percentages of habitat for endangered species of plants and animals ([Leslie et al. 1996](javascript:;)).

Wild plant and animal species that are naturally rare and species that have been severely depleted in numbers from overharvesting or habitat degradation are particularly susceptible to extinction by introduced diseases ([Dobson and May 1986](javascript:;)). Diseases to which humans and human commensals have developed immunity or high levels of resistance may cause catastrophic mortality in naive and susceptible wildlife populations. Small absolute population sizes, inbreeding depression, and exposure to exotic disease organisms are a potential recipe for the extinction of endangered and threatened wildlife species ([Singer et al. 2001](javascript:;)). There needs to be much wider recognition by scientists and the public of the danger that diseases of domesticated animals and humans pose for wildlife and endangered species populations, and of the pivotal role of human interventions in fostering the introduction and establishment of exotic diseases of plants and animals to new areas ([Dudley 1993](javascript:;), [Daszak et al. 2000](javascript:;)). Bioweapon applications are only the most extreme example of the larger invasive species problems associated with the introductions of exotic diseases and organisms to new areas as the result of deliberate or inadvertent human activities.

The potentially devastating harm of even localized disease outbreaks on endangered species is illustrated by the effects of canine distemper on the North American black-footed ferret (Mustela nigripes), the Caspian seal (Phoca caspica), and the African wild dog (Lycaon pictus). Canine distemper is a common viral disease of domesticated dogs that can spill over into wildlife populations, with appalling results on susceptible species of wild carnivores. Disturbingly, canine distemper is also a disease that has been cultured and tested in bioweapon laboratories ([Kortepeter et al. 2001](javascript:;)). During the past decade, canine distemper outbreaks resulted in the extinction of the last known wild population of the North American black-footed ferret and the African wild dog population of the Serengeti National Park in Tanzania ([Daszak et al. 2000](javascript:;)). Habitat loss and persecution, exacerbated by the effects of canine distemper on ferrets and sylvatic plague on prey populations (prairie dogs), caused the decline and ultimate extinction of black-footed ferrets from their formerly vast range within the Great Plains region of North America. Similarly, persecution and predator-control operations have reduced the once widely distributed African wild dog to a few small and scattered populations that are now gravely threatened by spillover infections of canine distemper and rabies from domestic dog populations ([Ginsberg et al. 1995](javascript:;)). An outbreak of distemper in the Serengeti region of Tanzania during the early 1990s caused the extirpation of the resident wild dog population and the death of approximately one-third of the Serengeti's resident lion population. The small resident population of endangered cheetah (Acinonyx jubatus) could have been driven to the verge of extinction in the Serengeti had they experienced rates of distemper morbidity and mortality comparable to that observed among African wild dogs and lions at this site ([Kelly 2001](javascript:;)).

Livestock breed conservation is important for the retention of the genetic raw material for morphological and physiological adaptations that may provide enhanced resistance to insects, parasites, and disease and to the effects of climate, altitude, solar radiation, and other key environmental factors. Worldwide, there are approximately 4000 recognized breeds and local breed varieties of the principal domesticated livestock species (ass, cattle, water buffalo, pig, horse, sheep, goats). This once great array of local and endemic livestock breeds has been drastically eroded over the past century ([Ruane 2000](javascript:;)). At least 700 of the surviving local and traditional breeds of these seven livestock species, including 350 breeds in Europe alone, are in imminent danger of disappearance because of the global emphasis on a few highly cosmopolitan commercial breeds. Most remaining local livestock breeds have critically small population sizes and highly localized distributions, restricted in some instances to only one or two farms located within a single village or township ([Ruane 2000](javascript:;)). Local breeds often consist of highly inbred lines that may be susceptible to extinction as the result of even an extremely localized disease outbreak ([Ruane 2000](javascript:;), [Toro et al. 2000](javascript:;)). News reports in March 2001 indicated that at least one of England's relict endemic sheep breeds had been condemned to extinction through sanitary slaughter as a consequence of the recent FMD outbreak. In view of the potential effects of sanitary slaughter on the maintenance of genetic diversity within rare livestock breeds, the European Union and British government have now established policies for exempting rare breeds from prohibitions on disease vaccination and precautionary sanitary slaughter under certain circumstances ([DEFRA 2002](javascript:;)).

Some diseases that cause high rates of morbidity and mortality in humans or domesticated animals may occur in wildlife species without manifesting clinical signs of disease infection (e.g., hantaviruses, Trypanosma spp.). Control measures for zoonotic diseases may result in concerted efforts to eradicate any and all wildlife species that may be potential reservoirs, intermediate hosts, or vectors for disease transmission to humans or domesticated animals. Containment of plague and tularemia disease outbreaks resulting from bioweapon attacks will necessitate the control or eradication of rodent populations within affected areas to prevent the subsequent transmission of the disease from infected rodents to humans ([Alibek and Handelman 2000](javascript:;)). Populations of many wildlife species are already routinely subject to stringent control or local extirpation in many areas to control the transmission of endemic diseases to domesticated animals, in some instances without any supporting evidence to validate the clinical efficacy of such efforts.

In the United States, programs to control brucellosis in cattle populations have resulted in the culling or attempted eradication of populations of bison (Bison bison), elk (Cervus canadensis), and whitetail deer (Odocoileus virginiana). Other examples of such control programs include the routine culling of wild boar (Sus scrofa) populations in several European countries to control the transmission of classical swine fever to domesticated swine. Rabies control programs target populations of red fox (Vulpes vulpes) in Europe and North America, jackals (Canis mesomelas) in eastern and southern Africa, raccoons (Procyon lotor) in southern and eastern North America. In Central and South America, vampire bats (Desmodus rotundus) and other bat species are killed in large numbers to reduce rabies infections among humans and livestock. Veterinary quarantine and control programs for wild animals have been successfully constrained or curtailed in some areas by strong public opposition, however. For example, efforts currently under way to reduce the incidence of Lyme disease among humans by the large-scale culling of whitetail deer populations in the eastern United States have been blocked in many localities as the result of political lobbying and legal challenges by animal rights organizations (e.g., [Animal Protection Institute 1997](javascript:;)).

#### Biod loss Triggers planetary extinction

Hance 18 Jeremy Hance, 1-16-2018, "Could biodiversity destruction lead to a global tipping point?," Guardian, [eremy Hance is a wildlife blogger and journalist focusing on forests, indigenous people and climate change. He is the author of Life is Good: Conservation in an Age of Mass Extinction], https://www.theguardian.com/environment/radical-conservation/2018/jan/16/biodiversity-extinction-tipping-point-planetary-boundary, SJBE

Rockström agrees that there is no evidence of a planetary tipping point when it comes to biodiversity. According to Rockström, biodiversity decline does not have a hard planetary boundary like, say, climate change. Instead he describes biodiversity as a variable that operates “under the hood of the planetary system” because it influences the stability of our climate, ozone layer and oceans – all of which Rockström contends have very clear planetary boundaries. “We have never suggested a planetary scale biodiversity tipping point...” Rockström said. “Instead, the rational for biodiversity as a planetary boundary is that the composition of trees, plants, microbes in soils, phytoplankton in oceans, top predators in ecosystems…together constitute a fundamental core contributor to regulating the state of the planet.” According to Rockström, biodiversity is one of the pillars supporting our planet – and if too much biodiversity is lost we risk “triggering a tipping point” in our climate or oceans, which in turn could risk pushing the planet into a new state. “Without biodiversity, no ecosystems. No ecosystems, no biomes. No biomes, no living regulator of all the cycles of carbon, nitrogen, oxygen, carbon dioxide and water,” he added. Rockström says biodiversity loss could risk the “safe operating space” for humans, leaving us in an alien world increasingly hostile to our own survival. For example, life would still survive under apocalyptic climate change – but we may not. While ecosystems may not fully collapse, scientists have found that some ecosystems can undergo what they are called “regime shifts.” Coral reefs, overheated by climate change, will shift to a much less productive, much less biodiverse algae-based ecosystem. [Climate change](https://www.theguardian.com/environment/climate-change), or alternatively humans with chainsaws and fire, can shift forest ecosystems to grasslands. While none of these ecosystems may wholly collapse, they will look nothing like they did after the shift occurs. Montoya admits that such regime shifts “do actually happen” and is “well established” for some ecosystems – like forests, coral reefs and Arctic sea ice – though “unclear” if it happens in all ecosystems or only a few. And he adds, perhaps most importantly, that “the mechanisms [of regime shifts] have nothing to do with biodiversity loss.” Instead, they have been driven by climate change or human actions – such as clear-cutting. Debating definitions It may be that unclear or shifting definitions are at the root of the dispute. “Fatally, the boundaries framework lacks clear definitions, or it has too many conflicting definitions, does not specify units, and fails to define terms operationally, thus prohibiting application by those who set policy,” Montoya, Donohut and Pimm write in the paper. But Rockström contends that when understood correctly the planetary boundary framework holds up to scientific scrutiny. He says planetary boundaries do not mean that humanity can just destroy and upend all the way up to a red line without consequences. “This is of course just nonsense,” he noted, arguing that the planetary boundary for biosphere integrity is magnitudes more ambitious than the Aichi Targets from the Convention on Biological Diversity, an international agreement set on preserving biodiversity – though already several goals have not been met. “If the world is able to reduce biodiversity loss below the planetary boundary this would not only require major conservation efforts across the world,” he said, adding that “once inside the safe operating space, we would of course have to continue on a sustainable pathway.” Rockström said that he believes the disputing researchers have much more in common than their infighting would imply. “We are [all] working to safeguard biodiversity for sustainable development. We are [all] in the same camp. Complementing each other, they at the ecosystem level, us at the planetary level.” But Montoya and his group stand by their criticism and are working on a second paper responding to Rockström and his team. While Montoya’s paper does not critique the other eight planetary boundaries in their paper, Montoya told me that each of the boundaries – even the physical ones – have faced “a lot of controversy.” “They all suffer from the tipping-point problem,” he said, “which we argue promotes a business-as-usual ethos and distracts us from taking the action that is urgently needed.” In many ways one could argue that the planetary boundary is an easy and simple way to explain environmental impacts to world leaders – few of whom have any education on ecology or the environment – and the public. But Montoya argues that the planetary boundaries concept is doing more harm than good. “Poor or ill-founded science ultimately brings about ineffectual policies at best – and potentially highly damaging ones – and erodes trust in scientists,” he said. And this can have real world impacts: Montoya and colleagues point to forest policy in Europe as one example. “The assumption that there is a critical biodiversity level below which forest functioning will collapse prompted managers [to] plant resilient tree species to climate change, pests, and disease,” Montoya explained, adding, “this was recommended to avoid reaching a tipping point in forest service provisioning, primarily timber production.” But the recommendations have resulted in endangered old growth forests and native species, according to Montoya. While the on-going debate over planetary boundaries is deeply academic and wonky, it is not without importance to the public. How we communicate environmental crises – and the accuracy of the science that underpins that communication – proves more important with every passing year, as the world walks into climate and ecological uncertainty. Yes, life itself survived the Permian-Triassic mass extinction event – but most species did not. Believe me, humans probably wouldn’t have survived the tens-of-millions of years that followed the Great Dying: oxygen levels were dangerously low, food would have been scarce, and the world would have looked largely barren and wasted even as some species and ecosystems managed to survive. Outside the moral dilemma of extinction, there is no question that if humans push more-and-more species into oblivion there will be impacts on our society – and they could become catastrophic. Humans evolved 248 million years later in an Earth that was far more biodiverse and rich, a kind of Eden of abundance and diversity. But our current actions risk all that – and perhaps ourselves.

## Adv – India – Vaccine Nationalism

#### IPR fuels Vaccine Nationalism – Western pharmaceutical companies refuse to give up IPR

Vanni 21 Dr. Amaka Vanni’s research interests lie at the intersection of international economic law (IEL), law and development, global political economy and global governance. Dr. Vanni’s research adopts critical analysis, empirical methods and sociolegal approach in her examination and study of IEL, particularly intellectual property. As a result, her work focuses on the constitutive power of international economic law, norms and practices to affect social relations and everyday life, especially in the developing world where this impact is felt more starkly. Her work is also attentive to how various actors (both state and non-state) and local culture interact with IEL. Dr. Vanni’s award winning book ‘Patent Games in the Global South: Pharmaceutical Patent Law-Making in Brazil, India and Nigeria’ (Hart, 2020) provides fresh theoretical insights into global intellectual property regimes with focus on the role of history, social networks and how relationships between a variety of actors shape the framing of, and subsequently the responses to, national implementation of international patent law. Further publications focus on pharmaceutical patent and access to medicines, philanthro-capitlism and the growing influence of global donor organisations, IP and technology start-ups in emerging markets. Dr. Vanni obtained her PhD and LLM degrees in International Economic Law from the University of Warwick, where her doctoral thesis was awarded the 2018 SIEL–Hart Prize in International Economic Law. She has BA(Hons) in International Relations and Politics from Keele University, where was awarded the Vice-Chancellor Partial Scholarship (2004-2007). Dr. Vanni joined the University of Leeds Law School in September 2020 and currently teaches the undergraduate and postgraduate modules in intellectual property law. She is the current President of the African International Economic Law Network (AfIELN), and also a contributing editor of Afronomicslaw.org, the leading blog on the International Economic Law landscape as it relates to Africa and the Global South. MARCH 23, 2021 TWAILR: REFLECTIONS On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism <https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/> //avery

This brings us to the present and how this dysfunction continues to be normalised in the current pandemic. Moderna, for example, has filed over 100 patents for the mRNA technology used in its vaccine, despite receiving funds from the US government with its IP partly owned by the US National Institutes of Health. Pfizer/BioNTech have also filed multiple patents on not only their COVID-19 vaccine product, but also on the manufacturing process, method of use and related technologies even though BioNtech was given $450 million by the German government to speed up vaccine work and expand production capacity in Germany. It has become increasingly plain that IP makes private rights out of public funds while benefitting particular corporate interests. In fact, reports show the US government under Operation Warp Speed led by the US Department of Health also funded other vaccines developed in 2020 by several pharmaceutical corporations including Johnson and Johnson, Regeneron, Novavax, Sanofi and GlaxoSmithKline, AstraZeneca, and others. In spite of this boost from public funds, and with many governments wholly taking on the risks for potential vaccine side effects, drug manufacturers fully own the patents and related IP rights and so can decide how and where the vaccines get manufactured and how much they cost. As a result, taxpayers are paying twice for the same shot: first for its development, then again for the finished product. Meanwhile, a New York Times report has revealed that in some of the agreements between pharmaceutical companies and states, governments are prohibited from donating or reselling doses. This prohibition helps explain the price disparity in vaccine purchases among countries where poor countries are paying more. For example, Uganda is paying USD 8.50 per dose of the AstraZeneca vaccine while the EU is paying only USD 3.50 per dose. By prioritizing monopoly rights of a few western corporations, IP dysfunction not only continues to reproduce old inequities and inequality in health access, but helps frame our understanding about the creation and management of knowledge. And perhaps we begin to see the refusal of drug makers to share knowledge needed to boost global vaccine supply for what it truly is: an extension in capitalist bifurcation of who is imagined as a legitimate intellectual property owner and who is envisioned as a threat to the (intellectual) propertied order. Supporters and opponents of a TRIPS waiver for the COVID-19 vaccines (February 2021) Despite calls to make COVID-19 vaccines and related technologies a global public good, western pharmaceutical companies have declined to loosen or temporarily suspend IP protections and transfer technology to generic manufacturers. Such transfer would enable the scale-up of production and supply of lifesaving COVID-19 medical tools across the world. Furthermore, these countries are also blocking the TRIPS waiver proposal put forward by South Africa and India at the WTO despite being supported by 57 mostly developing countries. The waiver proposal seeks to temporarily postpone certain provisions of the TRIPS Agreement for treating, containing and preventing the coronavirus, but only until widespread vaccination and immunity are achieved. This means that countries will not be required to provide any form of IP protection on all COVID-19 related therapeutics, diagnostics and other technologies for the duration of the pandemic. It is important to reiterate the waiver proposal is time-limited and is different from TRIPS flexibilities, which are safeguards within the Agreement to mitigate the negative impact of patents such as high price of patented medicines. These safeguards include compulsory licenses and parallel importation. However, because of the onerous process of initiating these flexibilities as well as the threat of possible trade penalties by the US through the United States Trade Representative (USTR) “Special 301” Report targeting countries even in the absence of illegality, many developing countries are reluctant to invoke TRIPS flexibilities for public health purposes. For example, in the past, countries such as Colombia, India, Thailand and recently Malaysia have all featured in the Special 301 Report for using compulsory licenses to increase access to cancer medications. It is these challenges that the TRIPS waiver seeks to alleviate and, if approved, would also provide countries the space, without fear of retaliation from developed countries, to collaborate with competent developers in the R&D, manufacturing, scaling-up, and supply of COVID-19 tools. However, because this waiver is being opposed by a group of developed countries, we are grappling with the problem of artificially-created vaccine scarcity. The effect of this scarcity will further prolong and deepen the financial impact of this pandemic currently estimated to cost USD 9.2 trillion, half of which will be borne by advanced economies. Thus, in opposing the TRIPS waiver with the hopes of reaping huge financial rewards, developed countries are worsening pandemic woes in the long term. Perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. Another kind of scarcity caused by vaccine nationalism has also reduced equitable access. Vaccine nationalism is a phenomenon where rich countries buy up global supply of vaccines through advance purchase agreements (APA) with pharmaceutical companies for their own populations at the expense of other countries. But perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. If we take seriously the argument put forward by Antony Anghie on the colonial origins of international law, particularly how these origins create a set of structures that continually repeat themselves at various stages, we will begin to see COVID-19 vaccine accumulation not only as political, but also as imperial continuities manifesting in the present. Take, for instance, the report released by the Duke Global Health Innovation Center that shows that high-income countries have already purchased nearly 3.8 billion COVID-19 vaccine doses. Specifically, the United States has secured 400 million doses of the Pfizer-BioNTech and Moderna vaccines, and has APAs for more than 1 billion doses from four other companies yet to secure US regulatory approval. The European Union has similarly negotiated nearly 2.3 billion doses under contract and is negotiating for about 300 million more. With these purchases, these countries will be able to vaccinate their populations twice over, while many developing states, especially in Africa, are left behind. In hoarding vaccines whilst protecting the IP interests of their pharmaceutical multinational corporations, the afterlife of imperialism is playing out in this pandemic. Moreover, these bilateral deals are hampering initiatives such as the COVID-19 Vaccine Global Access Facility (COVAX) – a pooled procurement mechanism for COVID-19 vaccine – aimed at equitable and science-led global vaccine distribution. By engaging in bilateral deals, wealthy countries impede the possibility of effective mass-inoculation campaigns. While the usefulness of the COVAX initiative cannot be denied, it is not enough. It will cover only the most vulnerable 20 per cent of a country’s population, it is severely underfunded and there are lingering questions regarding the contractual obligations of pharmaceutical companies involved in the initiative. For instance, it is not clear whether the COVAX contract includes IP-related clauses such as sharing of technological know-how. Still, even with all its faults, without a global ramping-up of production, distribution and vaccination campaigns via COVAX, the world will not be able to combat the COVID-19 pandemic and its growing variants. Health inequity and inequalities in vaccine access are not unfortunate outcomes of the global IP regime; they are part of its central architecture. The system is functioning exactly as it is set up to do.

#### India attempts to fill in the void – ushering its own form of Vaccine Nationalism.

Chatterjee et al 21 Niladri Chatterjee, Zaad Mahmood & Eleonor Marcussen (2021) Politics of Vaccine Nationalism in India: Global and Domestic Implications, Forum for Development Studies, 48:2, 357-369, DOI: 10.1080/08039410.2021.1918238 <https://www.tandfonline.com/doi/citedby/10.1080/08039410.2021.1918238?scroll=top&needAccess=true> //avery

World Health Organization officials have voiced concerns at ‘vaccine nationalism’, which could increase the risk of the coronavirus mutating further, after a week-long row over a shortfall in EU supplies of Covid-19 vaccines. The WHO has asked wealthy countries to stop hoarding the Covid-19 vaccines through advance purchase agreements. While developed countries are struggling to inoculate all of their own people, most developing countries are yet to begin inoculation for lack of vaccines. To cite one instance, at the WHO press conference on 29 January, a nurse from Pakistan and a midwife from Uganda pleaded for vaccine supplies. ‘They are right at the end of the queue’, said Michael Ryan, WHO executive director. ‘They see people at the top of the queue fighting about where they are in the line. It looks like fighting over the cake – when they don’t even have access to the crumbs’, he said, commenting on the vaccine row in Europe. “We all need to ask ourselves, ‘would I have the vaccine if I thought it meant a health worker in the south wouldn’t get that vaccine today?’ We all need to examine our own consciences, then tell our leaders what we want them to do.” (Michael Ryan, in Eaton, 2021) The WHO has explicitly stated that such vaccine nationalism, without due regard to the intensity and spread of the contagion, will not only prolong the pandemic but also constitutes a moral failure (Farge, 2021). In addition, it is epidemiologically self-defeating and clinically counterproductive. Allowing the majority of the world’s population to go unvaccinated will not only perpetuate needless illness and deaths and the pain of ongoing lockdowns but also spawn new virus mutations as Covid-19 continues to spread among unprotected populations. What is more disconcerting is that new mutants may lead to vaccine resistance. As of 21 February 2021, out of the 128 million vaccine doses administered, more than three quarters were in just 10 countries that together account for 60 per cent of global GDP. As of today, almost 130 countries, with 2.5 billion people, are yet to administer a single dose (Kretchmer, 2021). In short, as UNICEF Executive Director Henrietta Fore and WHO Director-General Dr Tedros Adhanom Ghebreyesus in a joint statement pointed out, ‘in the Covid-19 vaccine race, we either win together or lose together … Covid-19 has shown that our fates are inextricably linked. Whether we win or lose, we will do so together’ (Fore and Ghebreyesus, 2021). ‘Vaccine nationalism’ is not a new phenomenon. In fact, the WHO director referred to the 2009 H1N1 pandemic, where wealthy countries reserved huge numbers of vaccine doses, leaving developing economies to rely on donations that arrived much later. It was only when the H1N1 pandemic began to recede that developed countries offered to donate vaccine doses to poorer economies. Consequently, as one of the studies shows, an estimated range of deaths from between 151,700 and 575,400 people perished worldwide from 2009 H1N1 virus infection during the first year the virus circulated (Centers for Disease Control and Prevention [CDC], 2012). We are currently witnessing a repetition of the past phenomenon, whereby although the high-income countries have pledged to donate the excess vaccines to low and medium-income countries, that might happen only after carrying out vaccination of their own population (Furlong, 2021), similar to what happened during the H1N1 pandemic. India’s global and regional vaccine diplomacy As the world’s largest producer of vaccines, alternatively, the ‘Pharmacy of the World’ as popularized by External Affairs Minister Subrahmanyam Jaishankar (Das, 2021), India’s vaccine nationalism has taken a different turn. The scientific ability to innovate vaccines has been used as a marker of pre-eminence and for the construction of national identity. Indian pharmaceutical companies are major manufacturers of vaccines distributed worldwide, particularly those for low-income countries, supplying more than 60 per cent of vaccines to the developing world. Despite the strong manufacturing base and early access to Covid-19 vaccines, Indian companies are struggling to produce enough doses to sufficiently manage the pandemic. One of the main pharmaceutical companies involved, the Serum Institute of India (SII) – arguably the largest vaccine manufacturer of the world, and at present engaged with the manufacturing of Covishield, a local name for the Oxford-AstraZeneca vaccine – has explicitly stated that most of its vaccine would go to Indians before it goes abroad. And yet the reality seems to be moving in a different direction altogether. India has adopted a disarming vaccine policy. The Indian Prime Minister has stated that India’s vaccine production will be used for the benefit of all humanity to fight the Covid-19 pandemic. India has announced assistance of vaccines to neighbouring countries and supplied Bhutan, Maldives, Nepal and Bangladesh as ‘gifts’ or grants in line with New Delhi’s ‘Neighbourhood First’ policy (Hindustan Times, 2021; Srivastava and Kay, 2021). Consignments of Covishield vaccine doses have also been delivered to Seychelles, Mauritius and Myanmar and plans have been made to supply vaccines to Sri Lanka and Afghanistan after regulatory clearances. India is also providing contractual supplies to Saudi Arabia, South Africa, Brazil, Morocco, Bangladesh and Myanmar. Such action has been applauded by the United States as that of a ‘true friend’ (Business Today, 2021). The Covid-19 vaccine, the latest and the most sought-after commodity in international diplomacy, provides India some leverage with neighbours otherwise enamoured by Chinese investments. India has faced stiff competition from China for influence in its South Asian neighbourhood with China’s increasingly visible footprint in Sri Lanka, Maldives, Bangladesh, Nepal, African countries and elsewhere. Lacking the kind of economic resources that China commands, India’s efforts to match that influence have been largely ineffective thus far. From the point of view of international diplomacy, one cannot, therefore, blame India to take advantage of her resources and extend her geo-political diplomacy, even if that comes at a time of global health crises. It is undeniable that India’s vaccine gifts will serve to polish its global image and earn her goodwill, especially in South Asia where it is often criticized for its ‘big brother’ behaviour. It must also be noted that India’s vaccine diplomacy has not been without a challenge from China. From the very outset of the pandemic, China tried to influence, or maybe to change the Covid-19 narrative that (still) blames China for the pandemic, by providing Personal Protective Equipment, testing kits, medical aids and equipment, and even financial aids to South and South-East Asian countries (So, 2020). However, China’s initial leverage has since then been cut short (at the time of this writing), because of their lack of transparency and information in what mattered the most, the vaccine. Two of China’s pharmaceutical companies, Sinovac and Sinopharm have mainly been involved in manufacturing the Covid-19 vaccine. Researchers have published some data from phase 1 and 2 trials of the Sinovac vaccine. There has been conflicting information about its efficacy (Reuters, 2020), with researchers in Brazil reporting 50.4 per cent versus those in Turkey claiming 91.25 per cent. Similarly, Sinopharm has undergone phase 3 trials and has claimed 78 per cent efficacy, while a study in UAE puts it at 86 per cent. The international medical research community does not yet have fixed numbers to work with (Joshi, 2021). Although several South-East Asian, Middle Eastern and Latin American countries have signed deals with Sinovac, many have also expressed doubts and hesitancy. In the Philippines, lawmakers have criticized the government’s decision to buy a Chinese vaccine. Officials in Malaysia and Singapore, which both ordered doses from Sinovac, have had to reassure their citizens that they will approve a vaccine only if proved safe and effective. In addition, delays in shipping the vaccines, as well as China’s own recent history of vaccine scandals (Wee, 2020) and vaccine hesitancy have not helped (Minter, 2021; Yang et al., 2020). This is where India has scored cookie points against her Chinese counterparts. The numerous Covid-19 vaccines developed in India underline the global collaborative networks of capital and resources. The SII is in the process of developing four other Covid-19 vaccines, apart from the Covishield. Two of these in-house initiatives are developed in collaboration with Novovax and Codagenix in the US. Indian medical companies like Biologicals E have partnered to manufacture vaccine in collaboration with Janssen Pharmaceuticals in Belgium, and Baylor College of Medicine in the US (Vaidyanathan, 2020). The list is long and expanding: Indian Immunologicals in Hyderabad is working with Griffith University in Australia, to test and manufacture the university’s vaccine; Dr Reddy’s lab Gamaleya National Centre in Russia are developing Sputnik V; Gennova Biopharmaceuticals in Pune; and HDT Biotech Corporation in the US are working on yet another vaccine. Such collaborative manufacturing capacity impacts India’s position in international politics. Independent of international collaboration Indian companies – Bharat Biotech and Zydus Cadila are also developing vaccines that are currently in various stages of clinical trials (Banerjea, 2021).

#### Causes the BJP to drum up nationalism in India.

Chatterjee et al 21 Niladri Chatterjee, Zaad Mahmood & Eleonor Marcussen (2021) Politics of Vaccine Nationalism in India: Global and Domestic Implications, Forum for Development Studies, 48:2, 357-369, DOI: 10.1080/08039410.2021.1918238 <https://www.tandfonline.com/doi/citedby/10.1080/08039410.2021.1918238?scroll=top&needAccess=true> //avery

Attitudes of vaccine nationalism within India, moreover, have potential for political ramifications if it has consequences for adequate domestic supply. Here, the domestic politics of vaccine supply may assume importance particularly when the ruling Bhartiya Janata Party (BJP) had promised free vaccines to all in its Bihar Election Manifesto and in Madhya Pradesh; the government of Tamil Nadu has made a similar promise ahead of elections in the state (Hebbar, 2020). The promise of free vaccines by the central government for political outcomes will potentially create tensions by singling out particular states in a federal framework. In India, economic liberalization transformed the federal structure from cooperative federalism to competitive federalism as states vied for private capital (Saez, 2002). In the current health crisis, the central state and the local state government agreed on a plan regarding who should receive it on a priority basis and how much. Yet politics creeped into the public discourse as a free vaccine became an election promise. Many see this as the first indication that the central government will procure the vaccine – or vaccines – at rates it negotiates, and state governments may then be asked to purchase their own stocks. This will put pressure on other states to follow the same route. For the central state to assure free vaccine across the nation, it may have to be brought under the flagship Universal Immunization Programme, part of the National Health Mission, but the financial provisions for such a programme are quite inadequate. The politics around the regulatory approval for vaccines has had the effect of undermining India’s leverage. India has given emergency approval to two vaccines so far, the Covishield and Covaxin. The former is the vaccine by AstraZeneca and Oxford University while the latter is the indigenous vaccine developed by Bharat Biotech. Critics found in such haste a political desire of the government to be one-up that is amateurish, if not unprofessional and unethical (National Herald, 2021). The speed of approval has been driven by nationalistic political forces pushing for a ‘swadeshi’ – or locally made – shot, along with the firm’s own ambitions to be a frontrunner (Kay, 2021). The plan of the government was shelved after serious concerns were raised by scientists about the need for proper trials. The emergency approval to the two vaccines by the Drugs Controller General of India that states ‘approval granted for restricted use in the emergency situation, in the public interest as an abundant precaution, in clinical trial mode, to have more options for vaccinations, especially in case of infection by mutant strains’ (Government of India. Ministry of Health and Family Welfare, 2021). Such a convoluted statement is suggestive that the approval was granted not under ideal conditions with trial results and some have suggested that the regulator gave approval under duress (National Herald, 2021). To make things worse for public faith in the vaccines are concerns raised by the companies producing the vaccines about each other’s vaccine efficacy. Bharat Biotech founder Krishna Ella claimed that Covishield had reported more adverse side effects while Adar Poonawalla of SII made the snide comment that Covaxin was as safe as water (The Quint, 2021). In the middle of the controversy are important questions about the credibility of India’s regulatory regime, reinforced by the lack of transparency and absence of vaccine trial data. It is important to remember that the success of vaccine is not only based on the medical efficacy (both the vaccines have been found to effective) but also perceptions. China and Russia claim to have developed coronavirus vaccines several months ago, but the lack of data raises concerns and prevented international acceptance. India could have handled the situation better. The impact is visible in the mandatory recorded telephonic message that people in India hear every time they make a phone call, insisting they should have faith in the effectiveness of the vaccine and not give in to rumours. Although India has vaccinated more than 5 million frontline and medical workers, news reports suggest opposition to certain vaccines. The vaccine rollout has fallen flat with little over half the targeted number of people coming forward for shots – hesitation that is largely being blamed on the hasty approval of Bharat Biotech’s shot which is still deep in Phase III trials (Kay, 2021). The government has retorted to nationalism and likens objections to the rollout of the vaccines before phase three trials to questioning ‘the valour of our soldiers’ (Scroll, 2021). Of course, there is an aspect to this debate that is tied to larger epistemic questions. Critics have highlighted how structures and incentives prioritize concerns of the developed country and scale back the achievements and concerns of developing countries (Muraskin, 2017). The owners of Bharat Biotech expressed a similar sentiment when they argued that Indian companies are unfairly targeted. However, such an argument cannot undermine the need for trial-based evidence. The lack of trial data on vaccine efficacy has created vaccine hesitancy and doubt in India and internationally. The stance of the Indian government to approve vaccine before completion of stage III trials has drawn comparison to how China and Russia approved vaccines early and without releasing efficacy data. These moves did not provide either country any gain in public health. India as a major producer has much to lose by acting on an impulse to show-case an indigenous vaccine on the victory stand while undermining the scientific regulatory process. Potentially, India can now be bracketed with Russia and China into an arbitrary BRICS-like category of regulatory laxity reflected by indigenous vaccine approvals without efficacy data (Kurian, 2021).

#### BJP gains more support to use cyber violence escalating nuclear tensions with Pakistan and miscalculation due to hybrid warfare, causes nuke war

Ali 21

Ali, Syed Muhammad. “Rise of Religious Parties: Blind Love or Hybrid War?” Global Village Space, 20 Apr. 2021, www.globalvillagespace.com/rise-of-religious-parties-blind-love-or-hybrid-war/. // JoshDrills

Coincidence or careful **strategic** planning? The timing of these **violent protests** was interesting as these took place in the wake of six major regional and national developments which need to be analyzed together to understand the big picture. First, the US announcement of its troop’s departure from Afghanistan. Second, the improving security cooperation between Arab countries and Israel. Third, the recent South Asian visit of Russian Foreign Minister in which Indian Prime Minister did not meet him while the Russian leader reportedly offered Pakistan all possible cooperation. Fourth, Pakistan’s return to seeking IMF program. Fifth, the forthcoming Federal Budget, and sixth the FATF review. If these **geopolitical**, geoeconomics **and geostrategic developments** can be pieced together then it seems that this **crisis was built** up at a time **when** the **US needed Pakistan’s** good **offices** in the talks with the Afghan Taliban and **to help** facilitate a peaceful **US military departure**, the Russian interest in improving relations with Islamabad is greater than ever since the 1970s, while the Chinese commitment towards Pakistan and recently interest in Iran is also on the rise. This **indicates** a possible **Indian motive**, which does not favorably view Pakistan’s growing positive relevance with important global and regional powers. Amidst this geostrategic environment, the **revival of religious violence**, in the context of the **growing Indian clout** over the US and FATF, should be seen as providing the ideal instrument **to shape Pakistan’s** domestic **environment** in a manner that can help build a case that why Pakistan does not deserve easy terms for the IMF bailout, a FATF good grade, international trust, and significant foreign investment. Moreover, it also shakes the public confidence in the present government and **revitalizes** the **political opposition**. In addition, according to former Foreign Secretary Jalil Abbas Jilani, who has also served in Brussels, France along with Germany, virtually enjoy veto power over the decision of the European Union regarding awarding GSP Plus status to any country. Therefore, demanding Pakistan to expel the French Ambassador will badly damage good relations with the European Union and sabotage whatever goodwill Islamabad has earned through its economic diplomacy to develop France as a growing export market. Moreover, social unrest harms the national economic activity which will further reduce the government’s ability to meet the direct and indirect tax revenue targets before the upcoming Federal budget and will increase Pakistan’s reliance on external borrowing, which does not come freely or cheaply. Simply put, **social chaos harms** the **national economy**, hurts investor confidence, and makes the country more vulnerable to external economic coercion. Indian support? Furthermore, notwithstanding **the violent protestors** on the rampage **on** the streets of **Lahore**, what was most interesting was the extraordinary international support that they received from more than 380 Indian WhatsApp groups in the cyber world. An initial analysis of **400,000 hostile tweets** related to the TLP protests revealed that more than 70 percent of these were generated from fake accounts. Now let us unemotionally look at the main narrative of these 400,000 tweets. The meta narrative of most of these tweets had nothing to do with the love of religion or the last Prophet (PBUH), who according to the Holy Quran was sent as divine mercy for the entire universe, but aimed **to maximize** the **social chaos** through terms such as ‘Civil War in Pakistan’ etc. This indicates that those supporting the street protestors in the cyber world were neither merely local ragtag sympathizers, illiterate madrassa students nor religiously motivated individuals but a large force of dedicated cyber professionals who had carefully planned and intended **to strategically exploit** the environment shaped on the ground in Lahore and internationally present **Pakistan as** an **unstable country**. Earlier, some very irresponsible remarks about **Pakistan’s** missile and **nuclear program** were also made at similar rallies. Such statements from any person, particularly those **seen in** the **religious context** by the general public, also help those who intend to internationally shape a perception that **Pakistan’s nuclear arsenal** is not safe and could fall **in**to **irresponsible hands**. Lessons **from** the **crisis** and the way forward The government and the relevant national security institutions must carefully evaluate all the dimensions of this crisis and its specific dynamics **in** each **domain of national interest**. In the political domain, the government should interpret national security in a comprehensive manner and transcend beyond a silo-based approach towards foreign policy, national security policy, internal security, external security, economic security, human security, and national defense. National security should be conceptualized on the basis of 21st-century environment and national interests rather than the structures or institutions that evolved during the 20th Century and individually pursue these interests. For example, in order to deal with a situation like this, our Law Enforcement Agencies (LEA) should develop modern crisis management capabilities and regularly wargame emerging and likely internal security scenarios that should include learning how to negotiate during delicate hostage situations. It should not merely be left to the political leadership to negotiate with such situations unless they are professionally trained for it. Secondly, our institutions must develop professional capacity and skills to timely and tactically defuse a local law and order situation beyond the traditional options of buying time, offering compensation, or arresting them, before it escalates into a national crisis that forces the national leadership to take the nation into confidence. The kinetic response should always be the last resort after all options have been evaluated, tried and exhausted, because it is always politically costly for the government, weakens the public trust, and erodes investor confidence. A country that aims to become a trading nation by offering a viable and secure regional CPEC corridor cannot afford its bureaucracy and law enforcement agencies not to be public service-oriented and maintain its colonial culture. Tackling the **hybrid warfare** Our several relevant institutions regularly monitor the cyber and media trends but these also need to be comprehensively seen in the context of their co-relation and implications for other geo-economic, geo-strategic and regional geopolitical trends as well. In hybrid warfare, the physical **battleground** might be a small local neighborhood, but similar **to** the **air** and artillery support in case of a conventional land war, the psychological, media, and cyber reinforcement and support usually come from **across** the **borders**. This helps maximize, magnify and export the tactical and limited physical impact of a local incident way beyond the streets of a city, in order to psychologically disturb the entire nation, financially **disrupt** the national **economy**, **and** **shake** the **confidence** of all those around the world who have an interest or goodwill **towards Pakistan**. In short, this street protest’s somewhat crude, tactical, and local action received well-planned, extensive, and highly sophisticated international support that aimed to create the strategic impact of nationally **destabilizing and** globally **isolating Pakistan**.

#### Nuke war causes extinction apply pnd 16 down here

## Solvency

#### The TRIPS Waiver is key to increase medical R&D global and to help the medical systems in various countries on the verge of collapsing including the healthcare system of India on the verge of collapse which the plan solves

Gupta, June 2021

Gupta, Shailly. “EU, UK, Switzerland, Norway Must Stop Blocking Negotiations on Landmark Pandemic Monopoly Waiver - World.” ReliefWeb, OCHA, 7 June 2021, reliefweb.int/report/world/eu-uk-switzerland-norway-must-stop-blocking-negotiations-landmark-pandemic-monopoly.

Geneva, 7 June 2021-- Ahead of the next **World Trade Organization** (WTO) meeting **on** the landmark pandemic **monopoly waiver proposal** --- the 'TRIPS waiver' --- the international humanitarian organisation Médecins Sans Frontières/Doctors Without Borders (**MSF**) **denounced the** European Union (**EU**) and countries **including** the **UK**, **Switzerland and Norway for** employing **delay tactics** instead of agreeing to start formal negotiations **on** this **critical waiver** at a time when COVID-19 has already killed more than 3.5 million people across the globe and there are stark inequities in access to COVID-19 medical tools. One month ago, the US signaled its support for the waiver in a groundbreaking move. On 4 June, the **EU** published a **counter-proposal** focusing on 'compulsory licensing', which brings nothing significantly new to the table and instead **is** merely **a maneuver to stall** the waiver negotiation process. If adopted, **the waiver would provide countries with** a **critical policy space to address intellectual property** (IP) barriers **to increase** **collaboration in** **r**esearch **and d**evelopment, manufacturing, scale-up, and supply of COVID-19 medicines, vaccines and other health technologies. Waiving monopolies would help level the playing field in this pandemic and ensure access to critically important COVID-19 medical tools for everyone who needs them, regardless of where they live. "In the last few months, we all helplessly witnessed how healthcare workers in countries like **India**, Peru and Brazil **struggle**d **to provide** **care** for people with COVID-19," said Dr Maria Guevara, MSF's International Medical Secretary. "Their **healthcare systems** were **on** the **verge of collapsing** and it was very challenging to provide any supportive therapies to critically ill COVID-19 patients in hospitals, as the oxygen concentrators, ventilators and medicines remain in short supply. In addition to vaccines, the world urgently needs access to newer therapeutics and diagnostics to reduce the number of hospitalisations and deaths in this pandemic. Governments must do everything in their power to make sure that every country has the best chance to save as many lives as possible throughout this pandemic." The governments co-sponsoring the waiver proposal recently submitted [a revised proposal](https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669R1.pdf&Open=True%22%20%5C)to **the WTO** outlining its scope and duration, with the **objective** of progressing to formal text-based negotiations. An increasing number of countries (**63 [countries]** as of today) are **co-sponsoring the waiver** and more than 100 nations, and more recently the BRICS bloc, have come out in support and welcome the waiver overall. Brazil, however, remains reluctant to declare full support for the waiver proposal, defining its position as "open for discussion," but at the same time pushing for a longer negotiation timeline. Following the 5 May US announcement supporting the proposal and expressing willingness to engage in formal text-based negotiations, many more countries have shown an interest in moving forward with the discussions. However, **the EU has** so far **refused to engage** in productive discussions **on the proposal** and continues **to instead** **rally for voluntary measures** by pharmaceutical corporations, **which** so far **have** shown **limited success**. The EU has also been insisting that countries resort to using an existing public health measure --- 'compulsory licensing' to override patents product by product --- to facilitate production of individual COVID-19 medical tools, rather than a waiver that addresses all IP barriers up front. While MSF has long advocated for the use of compulsory licensing as needed to ensure countries benefit from the price-lowering effect of competition among generic producers to increase access to essential medicines, this route is not efficient during pandemic conditions: legal obstacles, pressure from pharmaceutical corporations and red tape make it too cumbersome, slow and complicated to address pandemic-level challenges. **The** proposed **TRIPS waiver would provide countries with an effective** and expeditious **way to remove key IP barriers in advance, rather than wait** for barriers to hit and then scramble into action. "The EU's continued insistence on the use of compulsory licensing in its counter-proposal as an excuse for opposing the original 'TRIPS waiver' is disingenuous and endangers public health globally," said DimitriEynikel,EU Policy Advisor for MSF's Access Campaign. "By focusing just on compulsory licensing, the EU is promoting a safeguard that can only bypass patents but not all IP barriers, thereby making it less effective than the proposed waiver. In this raging pandemic, countries need to have all options at their disposal to encourage the manufacturing of COVID-19 medical tools across the world. The EU and other nations opposing this waiver need to stop blocking other countries' efforts to protect their populations in a public health emergency." Meanwhile, many members of the European Parliament are making efforts to garner support for the waiver proposal. Last month, the **European** Parliament adopted a resolution on ending the HIV/AIDS epidemic by 2030, wherein a clear call was made to support the TRIPS waiver proposal. The European Parliament is expected to vote on a specific resolution in support of the waiver proposal between 7 and 10 June. A number of **countries** that continue to resist the waiver proposal are also part of the Group of 7 (G-7), whose heads of state are meeting at a summit next week. G-7 leaders should, at this critical moment in a pandemic, take concrete steps to **show global solidarity and support** this important waiver from **monopolies** to facilitate access to COVID-19 medical tools.

#### Only 1AC can solve bioweapon response

Oriola 07 Taiwo A. Oriola, Against the Plague: Exemption of Pharmaceutical Patent Rights as a Biosecurity Strategy, 2007 U. Ill. J.L. Tech Cardiff Law School, and the ESRC Centre for Business Relationships, Accountability, Sustainability, & Society, University of Cardiff, United Kingdom <http://illinoisjltp.com/journal/wp-content/uploads/2013/10/05-05-08_Oriola_AHW_Formatted_FINAL.pdf> //svv

Governments around the world have attempted to use compulsory licensure or have attempted to regulate pharmaceutical pricing. However, in the post-TRIPS era, such attempts are bound to be heavily criticized and met With stiff resistance from the pharmaceutical industry.376 For instance, in the pre-TRIPS era (1969-1987), Canada reined in drug prices and famously had some of the cheapest medicines in industrialized world for patented pharmaceuticals. The strategy purportedly saved the country an estimated US$211 million per year.378 It is extremely doubtful that Canada could reenact its pre-TRIPS, laissez faire, pharmaceutical patent policy in the current regime of patents fencing. The U.S. Congress recently encountered difficulty on May 3, 2001, when it introduced the Affordable Prescription Drugs and Medical Inventions Act, a bill that was quite audacious in its quest to make patented drugs more affordable.379 Of note was section 158(d) of the bill, whose six grounds on licensing and remunerative terms for compulsorily licensure would have, if passed into law, revolutionized the drug access paradigm.380 Not surprisingly, the bill did not make it past the House of Representatives and never became law.381 The House was undaunted, however, and the bill, rechristened the “Public Health Emergency Medicines Act”, was reintroduced in October 2005.382 Predictably, the new bill, like its predecessor, failed to become law.383 The pharmaceutical industry’s power transcends the United States, and has been exerted, directly or by proxy, in nations such as Brazil,384 South Africa,385 Canada,386 and the United Kingdom,387 to block unfavorable drug policy. In Britain, for instance, compu lsory licensure and Crown Use could, in principle, be used to derogate from patent exclusivity.388 Great Britain was confronted with the imperatives of a restrictive drug pricing policy option when it introduced a national health insurance policy for the first time in 1911.389 By 1951, when free medical care was extended to the entire population, the number of prescriptions under the National Health Service had risen to 200 million, increasing government financial commitments, and precipitating an undue government preoccupation with price regulation, much to the chagrin of the pharmaceutical industry in post-World War II Great Britain.390 In the 1960s, the British government’s attempt to grant compulsory licenses to generic-drug manufacturers became mired in litigation and was unsuccessful.391 Out of fifty applications submitted by generic manufacturers, only four were successful, due to the difficult legal procedures with which applicants had to comply.392 A similar situation occurred in Italy, where a constitutional challenge, mounted by the pharmaceutical industry to 1978 Italian legislation overriding pharmaceutical patents, was successfully upheld by the Constitutional Court.when it introduced a national health insurance policy for the first time in 1911.389 By 1951, when free medical care was extended to the entire population, the number of prescriptions under the National Health Service had risen to 200 million, increasing government financial commitments, and precipitating an undue government preoccupation with price regulation, much to the chagrin of the pharmaceutical industry in post-World War II Great Britain.390 In the 1960s, the British government’s attempt to grant compulsory licenses to generic-drug manufacturers became mired in litigation and was unsuccessful.391 Out of fifty applications submitted by generic manufacturers, only four were successful, due to the difficult legal procedures with which applicants had to comply.392 A similar situation occurred in Italy, where a constitutional challenge, mounted by the pharmaceutical industry to 1978 Italian legislation overriding pharmaceutical patents, was successfully upheld by the Constitutional Court.393 Thus, while compulsory licensure may be legally and theoretically feasible in bioterrorism contexts, it runs against the grain of the free market and could be scuttled by eco nomic and political expediencies that could potentially hamstring authorities’ political will. An unconditional and unambiguous pharmaceutical patent appropriation clause is clearly necessary not only in the bioterrorism context, but in all situations where public health is threatened.

### Framing

#### The standard is maximizing expected well-being. Prefer:

#### 1] Actor specificity – a) government actors don’t have knowledge as to the effects on specific individuals which means only aggregates can be used for calculation b) intrinsicness – focusing on intrinsic factors to policy such as aggregation is better for topics that aim to make a policy action

#### Extinction comes first – 3 warrants:

#### Moral uncertainty means preventing extinction should be our highest priority.

Bostrom 13 [Nick Bostrom, Professor in the Faculty of Philosophy @ University of Oxford, “Existential Risk Prevention as Global Priority,” Global Policy Vol. 4 Issue 1, February 2013]  
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.

#### 2] Future improvement – extinction removes possibility for future innovation or allowing development of systems or evaluation

#### 3] Bodily Security – extinction removes actors ability to act which means it’s a lexical pre-requisite as it destroys actors ability to act

## Underview

#### AFF theory – a) AFF gets it because otherwise the neg can engage in infinite abuse, making debate impossible, b) drop the debater – the 1AR is too short for theory and substance so ballot implications are key to check abuse, c) no RVIs – they can stick me with 6min of answers to a short arg and make the 2AR impossible, d) competing interps – 1AR interps aren’t bidirectional and the neg should have to defend their norm since they have more time. Aff theory first – it’s a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC which means there’s more abuse if I’m devoting a larger fraction of time.

### Method Underview

#### **The role of the ballot is to endorse the best policy position:**

#### [1] Policy education is key to advocacy – that outweighs on portable skills.

Nixon 2KMakani Themba-Nixon, Executive Director of The Praxis Project. “Changing the Rules: What Public Policy Means for Organizing.” Colorlines 3.2, 2000.

Getting It in Writing Much of the work of framing what we stand for takes place in the shaping of demands. By getting into the policy arena in a proactive manner, we can take our demands to the next level. Our demands can become law, with real consequences if the agreement is broken. After all the organizing, press work, and effort, a group should leave a decision maker with more than a handshake and his or her word. Of course, this work requires a certain amount of interaction with "the suits," as well as struggles with the bureaucracy, the technical language, and the all-too-common resistance by decision makers. Still, if it's worth demanding, it's worth having in writing-whether as law, regulation, or internal policy. From ballot initiatives on rent control to laws requiring worker protections, organizers are leveraging their power into written policies that are making a real difference in their communities. Of course, policy work is just one tool in our organizing arsenal, but it is a tool we simply can't afford to ignore. Making policy work an integral part of organizing will require a certain amount of retrofitting. We will need to develop the capacity to translate our information, data, stories that are designed to affect the public conversation [and]. Perhaps most important, we will need to move beyond fighting problems and on to framing solutions that bring us closer to our vision of how things should be. And then we must be committed to making it so.

#### [2] Pluralism is good.

**Bleiker 14** – (6/17, Roland, Professor of International Relations at the University of Queensland, “International Theory Between Reification and Self-Reflective Critique,” International Studies Review, Volume 16, Issue 2, pages 325–327)

Methodological pluralism lies at the heart of Levine's sustainable critique. He borrows from what Adorno calls a “constellation”: an attempt to juxtapose, rather than integrate, different perspectives. It is in this spirit that Levine advocates multiple methods to understand the same event or phenomena. He writes of the need to validate “multiple and mutually incompatible ways of seeing” (p. 63, see also pp. 101–102). In this model, a scholar oscillates back and forth between different methods and paradigms, trying to understand the event in question from multiple perspectives. No single method can ever adequately represent the event or should gain the upper hand. But each should, in a way, recognize and capture details or perspectives that the others cannot (p. 102). In practical terms, this means combining a range of methods even when—or, rather, precisely when—they are deemed incompatible. They can range from poststructual deconstruction to the tools pioneered and championed by positivist social sciences. The benefit of such a methodological polyphony is not just the opportunity to bring out nuances and new perspectives. Once the false hope of a smooth synthesis has been abandoned, the very incompatibility of the respective perspectives can then be used to identify the reifying tendencies in each of them. For Levine, this is how reification may be “checked at the source” and this is how a “critically reflexive moment might thus be rendered sustainable” (p. 103). It is in this sense that Levine's approach is not really post-foundational but, rather, an attempt to “balance foundationalisms against one another” (p. 14). There are strong parallels here with arguments advanced by assemblage thinking and complexity theory—links that could have been explored in more detail.

#### [3] Only the aff makes any radical movements possible – speaking the language of power redirects state policy against itself whereas their tactic fails and is coopted.

DeLeon 12 (Associate Professor & Assistant Dean for Curriculum and Programming Educational Leadership and Policy Studies @ UTSA (Abraham P, “Chapter 17: Against the Grain of the Status Quo: Anarchism behind Enemy Lines,” in Anarchist pedagogies : collective actions, theories, and critical reflections on education, edited by Robert H. Haworth, Published: Oakland, CA : PM Press, ©2012, p. 312-15)

Infiltration: a word that may evoke a host of thoughts and fantasies from soldiers operating behind enemy lines, police informants gaining access to criminal organizations, or to scenarios of radicals inserting themselves into corporations or research labs. Whatever the scenario, infiltration can be tactic that anarchists pursue when thinking about operating within current institutional realities, especially if interested in teaching in public schools. Although this claim is entangled within complex relationships of power and privilege, struggle arises wherever domination coalesces, especially within institutional structures and settings (Sharp, Routledge, Philo & Paddison, 2000). Power conjures, “the threadings, knottings and weavings” of social relationships through a intertwining of the social, political, moral, educational, and historical realities of a given society. In this way, power is “crucially and unavoidably spun out across and through the material spaces of the world” (Sharp, et al., 2000, p. 22). This chapter thus looks to situate itself and build radical pedagogy within the threads and knots of contemporary relationships of power; inbetween what Holloway (2010) has called the “cracks” of capitalism, trying to “desperately find . . . faults beneath the surface, or to create cracks by banging the walls” (p. 8). Cracks have emerged through environmental disaster, economic collapse, psychological alienation, a crisis of identity, and decades of war and imperial aggression conducted by the West. It is under these historical conditions that resistance needs to be conceptualized. Creating, finding and exploiting “cracks” within a diffused and networked capitalism demonstrates that dated narratives of revolutionary struggle are no longer viable and there is “no guarantee of a happy ending” (Holloway, 2010, p. 9). Unfortunately, although these narratives may provide comfort amid an onslaught of capitalism, war, death, terror, and alienation, they do not open up, nor allow, alternative possibilities of resistance to form outside the boundaries they construct. In some ways, these may only help to reproduce the current order we find ourselves in. This does not mean that we should resign ourselves to the throngs of nihilistic defeat, as there is indeed potential for radical hope within the cracks of Empire. The multitude, with its potential for infinite possibilities, can build a complex and dispersed resistance through the breaks, tears, and folds of our social order (Deleuze, 1992), and the tactics and pedagogies that we envision as radicals can attempt to capture this spirit. Although the manifestations of these cracks and folds is yet to be seen, I leave the reader to their own radical imaginations in devising ways to subvert a networked and diffused machine (Shukaitis, 2009). Evoking the metaphor of a “machine,” as I describe the multifaceted nature of contemporary capitalism, harkens to Trotter’s (1990) claim that colonialism operated in a very similar way, divorced from individual interactions and operating abstractly through “official” and “unofficial” discourses, forms of knowledge, ways of knowing, the morality of a given era, and the reproduction of knowledge to name a few. The analogy of a machine also challenges that human agency is solely at the center of how social system operate, because machines, “create, distribute, and organize populations and impose regimes of conduct, agency and effectivity” outside of individual actors and agency (Grossberg, 2010, p. 36). Radicals (within and outside the labor movement) had ingenious ways in which to deal with the machines of capitalism, occurring through tactics that spanned strikes, sit-ins, walking out, and subversion to even more direct forms like sabotaging machinery, bringing production to a halt. Sabotage is a tactic that anarchists need to rethink in light of how labor is now dispersed among a wide variety of institutional realities (factories, banks, corporations, and public institutions, for example), as well as the contemporary knowledge and abstract economies. The machines of capitalism that produced goods during the height of the Industrial Revolution of the nineteenth century provide us a way in which to think of societal machines and tactics that can be adapted for current conditions. How do we as anarchists, who want to teach and work with students, deal with the contradictions of being located within the same institutions that seek to discipline bodies and coerce us? How do we sabotage these machines and build a radical pedagogy from this perspective? Sabotage provides a provocative conceptual framework in which to think about building alternative forms of resistance and aligns with ways in which anarchists have historically conceptualized direct political action. This is even more interesting when we think of how this will emerge through educational practice, as teaching allows us to directly engage ideology, challenging students’ conceptions about the world around them. With this type of important, dare I say political work, why do some anarchists shun the world of public teaching and service? Education is at the “front lines” of the contemporary ideological war conducted by corporate media, official organs of the State, and influential economic institutions. Whether that emerges through corporate textbooks that omit subaltern experiences and worldviews, standardized testing that stress rote memorization, or a curriculum that reproduces Eurocentrism and Western ways of knowing, education is invested in reproducing dominant conceptions of the world. However, sabotage can take myriad forms, and this chapter will build on the conceptual idea of building politics of infiltration. It has been well established that police and other State agents have infiltrated radical political movements, especially with the rise of anarchist praxis over the past two decades (Borrum & Tilby, 2004). Anarchists should think about assuming this same tactic, using the idea of infiltration as a guiding way to think about our praxis within institutional realities and as a way to think about diffused forms of sabotage. Although anarchism is rife with identity and lifestyle politics that detests any signs of “selling out,” this has only proven to further marginalize us in the eyes of the larger society that we must work at convincing how terribly oppressive the current social arrangement is. In the end, our movement is going to have to be broadbased and span multiple identities, social locations, political affiliations, and a renewed sense of politics that seeks to look at how, “the contemporary world has been made to be what it is [and] make visible ways in which it can become something else” (Grossberg, 2010, p. 1). Stoler (2010) discusses the idea of reading and analyzing “against the grain” of archival documents to unearth new interpretations and voices. This chapter urges radicals to think of our social actions along these same lines of thought: against the grain of dominant ideologies that serve to support historically oppressive realities. In this chapter, I will attempt to propose a politics of infiltration through a peculiar anarchist lens that seeks to subvert capitalism and its accompanying institutional realities through a diffused resistance stemming from bodies; bodies immersed in oppressive institutional realities. I dance through theoretical traditions to demonstrate how infiltration can be conceptualized as not only a physical practice (such as our work in classrooms), but also can be a theoretical framework in which to situate our practice, always looking for cracks, weaknesses, and oppor- tunities to sabotage dominant conceptions of the world that demonstrates another world is possible. Although radicals may think of this action as “selling out,” I want to reframe teaching and working within institutions as a potential form of infiltration, inserting other ways of knowing and being into the academy to challenge systemically oppressive realities. Shannon (2009) reminds us that cooptation lurks around every corner and Shukaitis (2009) warns us of the recuperative nature of capitalism. Both of these realities are firmly acknowledged as risks, however, it should not immobilize us into inaction. Nor should this resign us to “ghettoizing” ourselves into intellectual enclaves where conversations are more about nodding our collective heads in agreement rather than challenging our own practices with alternative voices and tactics. Indeed, tensions can be the basis for a critical reflection about what we are actually doing in our practice and engaging a wide variety of techniques and approaches to explore these, such as writing and political organization. Communities of practice, whether in activism or through qualitative research, are an essential feature of building bridges with other like-minded activists and scholars (Rossman & Rallis, 2003). Cooptation and recuperation are indeed challenges we will face but should not stop us from doing something, keeping in mind the question that Lorde (2003) had when she struggled with the tools of the master (p. 25). This chapter will hopefully allow the conversation to continue about the role of anarchist theory in building alternative forms of praxis, pedagogy, and direct action, especially within the context of public education and the contradictions that anarchists face within hierarchical and coercive institutions.