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### NC – Thesis

#### The affirmative has mystified the condition of violence. It has colluded in liberal efforts at pacification by portraying war and the ills of society as individual aberrations in (il)liberal nation-state competition and world-making. The affirmative’s rush to existential magnitude in debate persists in a settler-colonial ordering of who controls the justification for violence, wherein the colonized are bound to pathology, but extracted for “value”.

Baron et. al 19 – [(Ilan Zvi, Associate Professor in the School of Government and International Affairs at Durham University; Jonathan Havercroft is an Associate Professor in International Political Theory at the University of Southampton; Isaac Kamola is assistant professor of political science at Trinity College; Jonneke Koomen is Associate Professor of Politics, Sociology and Women’s and Gender Studies at Willamette University; Alex Prichard is senior lecturer in International Relations at the University of Exeter) “Liberal Paciﬁcation and the Phenomenology of Violence,” March 2019, pg. 204-206] TDI //cut wwajd

The Romans understood violence as a necessary condition for pax. The liberal imagination blinds itself to the ways that paciﬁcation functions as violence in our world order. International relations scholarship’s strict distinction between peace and violence reinforces this obfuscation. Yet, the violence of (and in) paciﬁcation is central to the contemporary world. A phenomenological approach shows that moments of violent rupture are not aberrations of the world order. Violent outbreaks are breakdowns of paciﬁcation. It follows that multiple structures of the world order function as the violence of paciﬁcation, of pacavere.12 These structures include liberal capitalism, colonialism and the postcolonial aftermath, and war. Each functions as a key site of paciﬁcation. Anarchist thought reveals the paciﬁcation in liberal capitalism. Postcolonial thought reveals the paciﬁcation of colonial projects. Both anarchist and postcolonial thought demonstrate how war is a breakdown of paciﬁcation, revealing the hidden violent structures of our worldhood.

Anarchist critiques of capitalism, unlike Marxist and liberal interpretations, take seriously the decisive role of state violence in structuring society and markets. Anarchists view the state as an institution that sustains elite appropriations of political and economic power (Proudhon [1861] 1998; Sorel 1999; Prichard 2015). Those at the bottom of the social hierarchy bear the costs of this enforced order. The state diffuses violence (paciﬁcation) throughout the entire society—often in ways that go unrecognized by its subjects (Sorel 1999, 65). The naturalization of violence consolidates arbitrary regimes of domination in society. While speciﬁc, countable incidents of violence may decline, the social order is largely premised on the threat of violence for contravening social norms making speciﬁc, countable incidents of violence relatively rare (Kinna and Prichard, forthcoming).

Anarchist thinkers view rising inequality in the context of declining riots, insurgencies, and assassinations (see Figure 1) as evidence of paciﬁcation. Incidents of proletarian violence, anticolonial violence, riots, and protests are all examples of resistance to the “regimes of domination” that shape contemporary society, regimes easily identiﬁable by those subject to them (Gordon 2007, 33). Drawing on these accounts, we interpret declining rates of riots as a sign of increased paciﬁcation, rather than evidence that the system is becoming less violent. Conversely, eruptions of antistate and anticapitalist direct violence are signs of a breakdown in paciﬁcation. Much like Heidegger’s example of broken equipment (1962, 102–3, 412–13), which draws our attention to the background structures of our world, brief instances of direct violence reveal violently structured social relations.

Although the liberal imagination obscures the centrality of violence, violence has always been central to the liberal world order—to the liberal worldhood—particularly during the colonial and imperial projects of the nineteenth and twentieth centuries (Bell 2007a, 2007b). Colonial violence was diffused throughout the entire society, often in ways that went unrecognized by the colonized themselves. The violence of paciﬁcation structured the very existence of the colonized subject. This violence transformed the colonized subjects into a different “species” (Fanon 1963, 35– 40, 43). Colonial paciﬁcation was more than direct and indirect violence; it was sufﬁciently diffuse to remake the psyche of the colonized, affecting their mental health and emotions (Fanon 1963, 35–106). Fanon (1963, 31) described it as “atmospheric violence,” a “violence rippling under the skin.” Unable to lashout against the colonizer, the colonized lived everyday within a world ordered by violence. In this world, the colonized could not respond to the colonizers for fear of directly violent reprisals and would turn to symbolic activities such as a dance circle to expose the violence experienced on a daily basis (Fanon 1963, 57). For the colonized, rituals such as the dance were a means of expressing existential frustrations with and resistance to the violence of colonial paciﬁcation through reenactments of direct violence. Ultimately, anticolonial struggles exposed the violence of colonialism by directing that violence back on its authors. Practices of colonial rule were central to developing liberal norms of sovereignty, as well as to the domination and control of recalcitrant populations whether within Europe, such as the English domination of the Welsh, Irish, and Scots, or outside of Europe by settler colonialists against indigenous populations (Deloria Jr 1974; Anghie 2005; Miller 2006; Havercroft 2008; Shaw 2008; Barkawi and Stanski 2012; Coulthard 2014; Simpson 2014; Lightfoot 2016; Rueda-Saiz 2017). This civilizing imagination functioned phenomenologically. It produced insiders as civilized and peaceful and outsiders as violent, external threats to civilization. In doing so, this imagination successfully obscured how the structures of liberalism produced colonial violence.13

The idea of war as an external practice of states, not tied to their internal workings and located according to speciﬁc normative projections of Western identity, followed from this colonial mentality. This mentality legitimized the exporting of violence to create a Western imperial pax and was so widespread that it shaped the development of modern warfare (Ellis 1986; Proudhon [1861] 1998). The colonial wars reproduced and reinforced ideologies of Western superiority, evidenced in part by the West’s superior military technology. A consequence of this racist hubris was the inability to foresee the destructive tendencies of Western warfare when unleashed against themselves (Ellis 1986). The discipline of international relations, founded in response to the unexpectedly destructive character of the First World War, reproduced this understanding of war.14 This understanding disguises the possibility of increasing violence within the liberal world by presuming a historical narrative of progress and being shocked by its aberration. War, however, is not the absence of peace or an aberration of liberal progress, but is instead a phenomenological breaking of the liberal worldhood.15 Once a liberal order of democracy, free markets, and international institutions are spread throughout the world, liberal ideology imagines peace as the end state. Yet, states often deploy war under liberal guises.16 Wars under the aegis of humanitarian values and regime change are examples of the multifaceted character of liberal paciﬁcation. Liberal regimes emphasize the violence of those that they are invading, while minimizing the violence involved in these military undertakings and the violence necessary to sustain the liberal societies themselves. What Pierre-Joseph Proudhon called “the moral phenomenology of war” (Prichard 2015, 112–34; Proudhon [1861] 1998) becomes an integral part of the everyday workings of society that shape innumerable aspects of our daily language. The upshot is that, within liberal ideology, the violence committed by liberal states is justiﬁed, whereas the violence committed by illiberal states is not.

Postcolonial and anarchist scholarship focuses on the incorporation of violence in the production of liberal spaces (Barkawi and Laffey 1999). These same concerns can be directed onto the liberal order itself. Seen from the perspective of marginalized and oppressed populations, the structures of liberal paciﬁcation take on a distinctly violent aspect. The liberal world is not less violent. Rather, the liberal world involves a sophisticated phenomenological process of legitimating certain types of violence in order to render other types of violence invisible.

### Link – COVID

#### Science proves that framing COVID-19 as an existential threat makes people anxious and gets coopted to justify blatant prejudice against Chinese people.

Tabri, Hollingshead, and Wohl 20 – [(Nassim, Department of Psychology, Carleton University; Samantha, Department of Psychology, Carleton University; Michael, Department of Psychology, Carleton University) “Framing COVID-19 as an Existential Threat Predicts Anxious Arousal and Prejudice towards Chinese People,” 3-29-2020, pg. 12-14] TDI //cut wwajd

Results reported herein are consistent with prior research that found perceived threat of a viral illness pandemic to be positively associated with worry and feelings of anxiety (e.g., Bults et al., 2011; Marshall et al., 2012; Wheaton et al., 2012). However, the extant research has been correlational in nature, thus undermining any causal inferences. In the current research, we showed that framing COVID-19 as an existential threat elicited anxious arousal expressed through acute anxiety symptoms, feelings of state anxiety, and collective angst. Thus, when COVID-19 is perceived as an existential threat it can place people at risk for developing distress and possibly anxiety disorders. The reason is that one of the three pathways to fear and anxiety disorders involves the transmission of information about threats to survival (Rachman, 1977). These findings are in line with research showing that greater exposure to media content about terrorist threat (Bodas, Siman-Tov, Kreitler, et al., 2015) or a virus outbreak (Thompson et al., 2017)) is associated with greater distress and elevated symptoms of acute anxiety. Of note, some symptoms of acute anxiety mimic many of the symptoms of COVID-19 (e.g., difficulty breathing).

An important direction for future research would be a longitudinal assessment of how COVID-19 related existential anxiety ebbs and flows over time and whether existential anxiety has prognostic importance for understanding the onset and maintenance of anxiety and stress-related disorders. If existential anxiety is sustained, it may have a host of psychological, physiological, and behavioral ramification that could be witnessed on a global scale for years to come. In other words, a mental health pandemic may follow this physical health pandemic.

Anxious arousal also has social consequences. It leads to attitudes and action tendencies that are deemed capable of reducing or eliminating the existential threat (see Barlow, 1988; Becker, 1973/2007; Wohl et al., 2012). In the current research, we showed one outcome of COVID-19 related anxious arousal is blatant prejudice against Chinese people. This may have both short- and long-term negative consequences for social capital (i.e., the networks of relationships among people who live and work in a particular society; Putnam, 2000), which can further degrade people’s health and well-being (Elgar et al., 2011). One way to help mitigate the negative consequences of COVID-19 based prejudice is to disseminate information to the general public about how and why people should feel less personally vulnerable to infection should they come into contact with Chinese people or their compatriots of Asian descent (Wohl et al., 2012).

### Link – Economic Growth

#### The valorization of economic growth turns black life into death. The impact is the negation of value.

Bledsoe and Wright 18 – [(Adam, Assistant professor in the Department of Geography and African American Studies Program at Florida State University; Willie Jamaal; Assistant professor of geography at Florida State University) “The anti-Blackness of global capital,” 10-18-2018, pg. 4-7] TDI //cut wwajd

The increasing globalization of capital and spatial marginalization of “superfluous” populations is fundamentally tied to the negation of Black life and assumptions of Black nonbeing. The treatment of Black lives as the embodied absence of value, or, “the very condition of existence and the determination of value,” underpins Black non-being and the assumed lack of Black cartographic capacity in the dominant spatial imaginary, making global capitalism possible (Ferreira da Silva, 2017: 1). The interconnected nature of capitalism and race is a well-worn topic. Scholars have theorized race as an ideological outgrowth of the economy (Hall, 1996); as an apparatus used to facilitate flows of people and commodities (Lowe, 2015); as a central component of capitalist maturation (James, 1989); and as a phenomenon necessary for the establishment of the world system (Robinson, 2000), among countless other approaches. Geographers, too, have unpacked the ways in which regimes of capitalism employ racialized concepts to reproduce. Geographic interrogations of racial capitalism have analyzed the role of racist assumptions in implementing neoliberal reforms in the wake of a natural disaster (Derickson, 2014); the manipulation of racial distinction to prevent labor organizing (Wilson, 2000); how resistance to Black landownership underpinned early 20th-century industrial agriculture (Williams, 2017); the role of capitalism in perpetuating environmental racism (Pulido, 2017); and the centrality of plantation relations to numerous variations of capitalism (Woods, 1998).

Nonetheless, we must push further to explicate the ways in which capitalism is actually dependent on anti-Blackness to realize itself, instead of understanding anti-Black racism as a secondary effect of the economy or a phenomenon that emerges periodically. That is to say, reflections on the interlinked nature of race and capitalism must move beyond an assumption of economic causality and grapple with the ways in which anti-Blackness is actually an always-present precondition for capital accumulation. In explicating anti-Blackness, we draw on an Afro-Pessimist framework, as Afro-Pessimism makes distinct claims about the nature of Blackness in the modern world. An Afro-Pessimist analysis of anti-Blackness does not treat anti-Black racism as a contingent phenomenon (Wilderson, 2011: 3–4) but rather as a global, ever-present factor that exists as the basis “for expansion and unending space within the symbolic economy of settlement” (King, 2014). Such an approach forces us to recognize how anti-Blackness punctuates the modern epoch by identifying the underlying logics that inform concrete manifestations of anti-Black racism around the world. In this way, Afro-Pessimism adds new dimensions to already-existing work on the connections between anti-Blackness and political economy by recognizing that, while capitalism exploits all of the world’s populations, it does not dominate all of them in the same way. With regard to the question of space, anti-Blackness helps us understand how the afterlife of slavery (Hartman, 2007: 6) leads to Black populations being conceptually unable to legitimately create space, thereby leaving locations associated with Blackness open to the presumably “rational” agendas of dominant spatial actors. Black populations, then, serve as the guarantor of capitalism’s need to constantly find new spaces of accumulation. In this section, we offer an explanation of how capitalism relies on anti-Blackness by foregrounding anti-Blackness as a phenomena with its own internal logics and concrete expressions.

Capitalism is rooted in violent forms of captivity and murder unleashed on indigenous and Afro-descendant populations the world over (Ferreira da Silva, 2004; James, 1989; Rodney, 1972; Williams, 2014; Wynter, 1995). At its origin and in its contemporary manifestations, then, capitalism is systemically related to slavery and its various global permutations (Robinson, 2000: 313–314). The assumption that Black populations lack both humanity and “space, that is ethno- or politico-geography,” defines the treatment of enslaved Black peoples. Today, the assumed a-spatiality that defined conditions of chattel slavery continues to imprint the socio-spatial relations that reproduce global capital (Robinson, 2000: 81, 200).

Black populations are deemed a-spatial as a result of the fact that modern notions of space and practices of spatial production are rooted in specific relations of power (Massey, 2005: 64, 100–101). These power relations are themselves organized around logics that have particular historical roots (Santos, 2008: 21). In the colonial epoch, chattel slavery—the social, legal, and political reduction of Africans to the status of nonhumans—produced the figure of the Black, which had a nullified spatial capacity (Wilderson, 2010: 279), was disavowed as a human being (Ferreira da Silva, 2015: 91), and was a priori structurally prevented from enacting “rational” spatial expressions (Santos, 2009: 24). Locations associated with Black populations became wholly “unhallowed” spaces, which would never receive recognition as legitimately occupied (Wynter, 1976: 81). This is not to suggest that Black peoples were or are understood as not physically present. Black bodies are certainly recognized as existing in exteriority (Raffestin, 2012: 129). Still, this recognition of physical presence does not signify that Black populations’ are understood as establishing legible space. Despite physical presence, Black populations nonetheless remain rendered “ungeographic” in dominant understandings of space (McKittrick, 2006: x). Hence, the geographic locations in which Black populations reside are treated as open to the varied agendas espoused by dominant spatial actors.

Capitalism’s new rounds of accumulation require access to spaces that previously had different relations to capitalist practices. The assumed a-spatiality of Black populations often leads to purveyors of capitalism treating locations inhabited by Black people as available for emerging modes of accumulation. Put another way, spaces that were once marginal or peripheral to the perpetuation of capital accumulation become sites of appropriation precisely because the (Black) populations occupying them receive no recognition as viable spatial actors. The spaces necessary for new forms of accumulation are thus conceptually open because of this assumed a-spatiality and subsequently physically opened via the spatial removal and dispersal of Black residents. This dispersal entails violent actions that are a priori legitimate because of the assumed lack of Black spatial agency. In other words, new spaces of “investment have been mapped onto previous racial and colonial (imperial) discourses and practices” evidencing an inextricable relationship between anti-Black notions of space, capitalism’s logic of perpetual expansion, and the acceptable subordination of Black physical presence (Chakravartty and Silva, 2012: 368). This is what Frank Wilderson terms the “deterritorialisation of Black space” (2003: 238) that is necessary for accumulating capital vis-a`-vis emerging political economic practices. Katherine McKittrick similarly notes that Black geographies are cast as “the lands of no one” and “emptied out of life” in order that “suitable capitalist life-support systems” be put into place and globally propagated (McKittrick, 2013: 7).

A number of present-day practices demonstrate the reliance of capital on this notion of empty, lifeless, Blackened spaces, such as capital disinvestment, white flight, gentrification, urban renewal, incarceration, and policing. These spatial arrangements identify Black peoples as inhuman and locations associated with Black populations as lacking a legitimate form of occupation and usage. Such assumptions contribute to the subordination of Black populations and spaces to dominant notions of “appropriate” uses of space, while “illegitimate” spaces of Blackness remain under siege by purveyors of capital. As this occurs, new spaces of accumulation open in areas formerly peripheral to the capitalist agenda. At the same time that these new rounds of accumulation take place, sovereign expressions of power serve to forcibly remove Black people and ensure they remain separated from these new spaces of accumulation. Subsequently, Black people are routinely harassed for existing in the communal spaces in which they have resided for generations.1

Along with public policy shifts, policing, incarceration, and extrajudicial killings simultaneously disqualify Black spatial agency and remove Black bodies from spaces deemed open for appropriation by capitalism’s purveyors, thereby simultaneously spatializing anti-Blackness and reproducing global capital. The systemic casting of Black spaces as lifeless and open to appropriation for the continuation of capital breathes new life into “civil society’s political economy: [the Black body] kick-starts...capital at its genesis and rescues it from its over-accumulation crisis at its end—black death is its condition of possibility” (Wilderson, 2003: 238). Put simply, the endless accumulation of capital and its legitimating sovereign practices are, in part, made possible through the continued societal insistence on Black inhumanity and a Black lack of cartography, which casts Black spaces as empty.

Hence, there exists an unquestionable connection between the colonial logics inaugurated centuries ago and today’s capitalist agenda. The lack of recognition of Black humanity underpins both projects. Early capitalism flourished thanks to the relegation of enslaved Blacks to the ontological and legal condition of non-humans on the plantations, in the forests, and in the mines of the Americas, while slaveholders and early insurance companies made fortunes off their investments in the transatlantic slave trade. Similarly, real estate speculation (Harvey, 2010), urban renewal (Perry, 2013), the roll-back of social wages (Wacquant, 2009), and the explosion of prisons (Gilmore, 2007)—all of which have allowed present-day capitalism to continue its agenda of accumulation—are only possible via the understanding of spaces inhabited by Black populations as empty and naming and treating those same populations as abject, inhuman beings. In this way, the anti-Blackness and assumed lack of Black being that originated in and defined the colonial epoch remains present with us today, despite the new material practices and justifications it takes on.

Anti-Blackness remains an ever-present condition, defining the modern world. Scholars can and should look to Black thinkers and activists to help make sense of the interrelated phenomena of anti-Blackness and global capital, as Black grassroots actors explicate the linkages between these phenomena (Burton, 2015).

### Link – Multilateralism/Liberal International Order

#### The Liberal International Order that their commitment to multilateralism upholds is one that breeds explicitly settler colonial ideology, which is how presidents like Trump get produced and conservative policy gets produced. That means our critique controls a stronger internal link to a foreign policy impact than the aff does because it’s the United States that produces the crises that they are talking about through the pathologization of colonized subjects and countries that differ in class ideology.

Parmar 18 – [(Inderjeet, Professor of international politics, and head of the Department of International Politics at City, University of London and an Honorary Research Fellow at the University of Manchester) “The US-led liberal order: imperialism by another name?” 7-26-2018, <https://www.chathamhouse.org/sites/default/files/images/ia/INTA94_1_9_240_Parmar.pdf>] TDI //cut wwajd

The overall finding is that liberal internationalist thinking/theory is, in effect (albeit unconsciously on the part of its proponents), a legitimating ideology rather than an effective explanatory frame for understanding the way in which the LIO actually works. That conclusion is reached, in part, by suggesting the applicability of a rather different perspective on the operations of the LIO and US power: specifically, a synthesized Gramscian–Kautskyian framework, explained below.

The key point is that the LIO is a class-based, elitist hegemony—strongly imbued with explicit and implicit racial and colonial/imperial assumptions—in both US domestic and foreign relations. At home, this analysis helps to explain in part the phenomenon of the ‘left behind’ white working/middle class, including the affluent but economically anxious voters whose salience on the right has transformed US politics since the Reagan revolution of the 1980s.2 Responding to the (minorities’) rights revolution of the 1960s, and the loss of economic opportunity and decline in living standards due to technological change and the global redistribution of industry,3 white working- and middle-class voters drifted towards the Republicans as the party of low taxes and fiscal conservatism.4 This delivered little in material terms, however; and, as inequality increased with market freedom and real wages stagnated, workers in the ‘rust belt’ and other areas grew increasingly dissatisfied with the status quo of establishment politics, their frustration exacerbated by anxieties about ethno-racial diversity and American identity as the United States moves towards a society in which whites are a minority.5 The result was the election as president in 2016 of Donald Trump on an overtly anti-conservative and barely concealed white identity platform at home and a programme of protectionism and non-interventionism—America First—abroad.6

Yet political dissatisfaction or disaffection was not confined to the political right.7 ‘Occupy Wall Street’ and other movements and groups vented their anger at the inequalities of power, wealth and income, particularly in the wake of the Iraq War and the 2008 financial crisis.8

In external policy, the analysis helps to explain the difficulty, perhaps the impossibility, of the US readily embracing a more diverse international order, as well as the character of that very embrace.9 Accepting nations of the global South on an equal footing may become a strategic necessity, but the process remains problematic given the racialized discourses of western power over the past several centuries, fortified in the United States by the experience of the slave trade, slavery, the ‘Jim Crow’ era, Orientalist views of Asians, and other factors.10 Class power helps to explain the strategic embrace of foreign elites as the sources of change and the agents of American influence, however diluted it may have been due to target states’ national interest considerations. Those at the apex of America’s hierarchies sought to forge alliances with and incorporate their foreign elite counterparts— with their full cooperation—in South Korea and China.11 Hence, the liberal internationalist ‘successes’ in the cases of South Korea and China must be qualified by considering the repercussions of developing market-oriented societies marked by economic inequality, rising social unrest and varying degrees of political repression. In ‘successful’ China and South Korea, as in India and other emerging powers, there remain major challenges underpinned by profound inequalities in power, wealth and income, associated with a politics that is frequently class-based but also heavily racialized and xenophobic.12

### NC – Alt

#### Pacification, which the affirmative is shot through with, upholds the violent ordering practices of liberalism and conditions life as fraught with suffering. Thus, the alternative is an insurgency against pacification.

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What does it mean to apply this third type of violence to our understanding of international relations? Paciﬁcation reveals liberalism as a violent process as opposed to a system that is emblematic of the absence of direct violence. There are parallels between the Pax Britannia, Pax Americana, and the ancient peace of the Pax Romana (Neocleous 2010, 13). However, our account emphasizes the crucial role of paciﬁcation as a distinct kind of violence in maintaining these paciﬁc orders. Our theory offers the novel insight that incorporating paciﬁcation into the analysis of the liberal peace reveals crucial aspects of this peace that conventional and critical accounts neglect.

A focus on paciﬁcation provides three critical insights. First, it recovers the crucial role of paciﬁcation in the historical founding of the liberal order. Second, by distinguishing between three kinds of violence (Figure 2), we account for the empirical observations of the liberal peace as leading to a decline in direct violence and an increase in violence overall as part of the paciﬁcation of the Pax Americana. Conversely, the liberal version of the Pax Americana cannot account for key anomalies. Third, our approach draws attention to the violent ordering of social relations. This dimension of violence is neglected even in Marxist, postcolonial, neo-Gramscian, and post-structuralist critiques of the liberal peace, which primarily focus on the role of direct and indirect violence in maintaining the Pax Americana.

Contemporary liberal international relations theory emphasizes the nonviolent role of the liberal triad (democracy, free markets, and institutions) in causing the liberal peace. Yet, a quick review of the history of liberalism in the nineteenth and twentieth centuries shows that key ﬁgures in liberalism, from John Stuart Mill, to Joseph Galliéni, to American foreign policy elites, understood paciﬁcation as a necessary step in establishing and maintaining the liberal order.

Mill, one of the philosophical founders of liberalism, conceptualized and deployed liberalism as a domination strategy. Mill argued that it is appropriate to impose despotism or slavery on “savages” who incline to “ﬁghting and rapine,” but the government should use force as little as possible:

What they require is not a government of force, but one of guidance. Being, however, in too low a state to yield to the guidance of any but those to whom they look up as the possessors of force, the sort of government ﬁttest for them is one [that] possesses force, but seldom uses it. (Mill 1998, 232–33)

In terms of our conceptual distinction, Mill argued that liberalism as paciﬁcation was a more effective instrument of violence than the direct modes of violence that governments usually deploy.

The history of European colonialism is replete with this line of reasoning. “[L]iberal improvement” was a regular plank of colonial strategy by France and Britain in the nineteenth century (Owens 2015, 154). Consider one example from the French colonial tradition. Galliéni, a military commander and administrator, consciously deployed liberalism as a domination strategy in the paciﬁcation of Tonkin during the 1890s. Galliéni’s strategy involved slowly spreading military outposts and deploying civil administrators to create markets, schools, and amenities. The rationale was that locals would gain a personal interest in the continuation of French control and would help to quell Chinese brigandage. “Piracy,” said Galliéni, “is the result of an economic condition. It can be fought by prosperity” (quoted in Owens 2015, 157). Galliéni devised a “theory of paciﬁcation” in which “the correct combination of force and politics can socialize, pacify, and domesticate a population into regulating itself” (quoted in Owens 2015, 157). What Mill proposed in theory, Galliéni enacted in practice; paciﬁcation—the violent reordering of social relations in a colony—was a more effective means of maintaining liberal rule than the deployment of direct violence.

While less explicit, the relationship between liberalism and imperialism remained present in the twentieth-century development of the Pax Americana. During this era, US policy makers sought to construct a zone of peace distinct from the zones of war associated with authoritarian regimes. The US State Department ﬁrst recognized the concept of “hegemonic paciﬁcation” in the Euro-Atlantic conference diplomacy of the 1920s (Cohrs 2008, 619). The United States’ “strategic restraint” in the aftermath of World War Two was motivated by this concept of liberal, hegemonic paciﬁcation (Ikenberry 2009; Ikenberry 2011, 173). US defense ofﬁcials Stimson, Patterson, McCloy, and Assistant Secretary Howard C. Peterson agreed that it was a matter of the security interests of the United States to maintain “open markets, unhindered access to raw materials, and the rehabilitation of much—if not all—of Eurasia along liberal capitalist lines” (Lefﬂer 1984, 349–56; Barkawi and Laffey 1999). Liberalism as a domination and pacifying strategy continued throughout (and long after) the Cold War (Laffey 2003; Stokes 2003), as evident in one of the founding documents of the post–World War Two liberal order, NSC-68 (Ikenberry 2011, 168). While the enforcement of a Pax Americana eventually yielded a decline in direct violence, it produced an increase in other types of violence. The ﬁrst insight of our theory is that paciﬁcation has always been part of the liberal project and that the violence in the liberal project never went away.

The second insight is that by reinterpreting the liberal peace as liberal paciﬁcation we are able to grant the empirical ﬁndings of liberal peace theorists while maintaining that the Pax Americana represents an intensiﬁcation of violence overall. In the language of positivist social science, our theory is observationally equivalent to that of liberal peace theory. We expect that the quantity of direct violence inversely associates with the degree of paciﬁcation in a society. Therefore, our interpretation challenges research that identiﬁes liberal institutions as the cause of declining violence. Liberal institutions, as apparatuses of liberal paciﬁcation, ensure that direct violence is increasingly rare while leaving the structures of violence and domination in place. The observational equivalence on particular dependent variables (in our case, all forms of direct violence) produces a theoretical change requiring the generation of novel observable implications (King, Keohane, and Verba 1994, 30).

Furthermore, increased suffering in liberal societies provides evidence contradicting the main claims of liberal peace theories, while remaining consistent with liberal paciﬁcation. At its core, liberalism is a project that tries to maximize the utility of its subjects (in other words, minimize suffering while maximizing happiness). As such, a state of liberal peace should lead to a decrease in markers of suffering. However, there is more slavery in the world today than ever before, with conservative estimates of between 12.3 and 27 million people in debt bondage, chattel, or contract slavery (Gordon 2012).17 Moreover, there is ample evidence of rising psychological disorders in liberal societies. A preponderance of evidence from the United States suggests that depression, anxiety, alienation, opioid dependency, stress, other related psychological disorders, increased social isolation, and the decline of community have increased throughout the twentieth century (Twenge, Zhang, and Im 2004, 320; Adler, Boyce, Chesney, et al. 1994; Twenge 2000; Twenge, Konrath, Foster, et al. 2008; Twenge, Gentile, DeWall, et al. 2010; Cohen and Janicki-Deverts 2012; American Society of Addiction Medicine 2016). Changes to human life associated with modernity have caused psychological stress to increase (Jackson 2014). Mortality rates have increased for some white, non-Hispanics aged 45–54 in the United States between 1999 and 2013 (Case and Deaton 2015). Modern technological advances from television to the Internet may contribute to increasing separation and alienation of the social human animal into individualized bodies connected by increasingly weak and empty bonds (Putnam 2000; Gray 2011; Turkle 2011). At minimum, new information communication technology such as Facebook can increase the stress and anxiety of its users (Lee-Won, Herzog, and Park 2015). The violent structuring of liberalism enables increases in social alienation, anxiety, stress, and human bondage through repression, economic control, and social isolation.

These are not isolated instances of suffering. They are fundamental structural features of our liberal world. If liberalism is a process of paciﬁcation rather than simply peace, then this rise in individual suffering in liberal spaces may be evidence of a similar process that Fanon equated with the psychic life of the colonist. Just as Fanon’s colonial subjects, unable to lash out at the settler through direct violence, internalized their suffering, modern liberal subjects, unable to resist liberal paciﬁcation, internalize their suffering (1982, chap. 6; cf.Sorel 1999, 118). Liberal peace should bring about a rise in happiness; that it has instead led to rising suffering is evidence of liberal paciﬁcation.

Third, in addition to offering an alternative interpretation of the liberal peace, our theory of liberal paciﬁcation supplements key insights from critical approaches to peace. Tarak Barkawi and Mark Laffey’s work on imperial processes and liberal spaces makes a similar point to ours, that the celebrated zone of liberal peace rests on practices of violence (Barkawi and Laffey 1999, 2002; cf. Neocleous et al. 2013). Their account, however, focuses on practices of direct violence, such as humanitarian interventions against authoritarian regimes or corporations hiring local militias to make work sites in the global south safe for economic extraction (Barkawi and Laffey 1999, 422). Our point is that these moments of direct violence lead to paciﬁcation wherein social relations have been so violently reordered as to make direct violence no longer necessary. Once direct violence has established liberal space, paciﬁcation functions as a structure of violence that sustains the space. Direct violence only manifests itself when paciﬁcation weakens.

#### This evidence describes what that process will look like---a complete de-securisation of society mobilized through an ethic of mutual aid and a reconfigured social schema in the face of fascism.

Karatzogianni and Robinson 17 – [(Athina, Associate Professor in Media and Communication at the University of Leicester; Andrew is an independent scholar) “Schizorevolutions versus microfascisms: The fear of anarchy in state securitization,” 7-20-2017, pg. 10-11] TDI //cut wwajd

If the security state is able to wrest control from global capital and from active and reactive networks, fascism is the likely outcome. In a new twist on the old Marxist tale of the means of production outstripping the social relations which produce them, capitalism now produces technologies which enable the exercise of diffuse power, at the same time as trying in increasingly paranoid ways to restrict them. The existing technologies vital to contemporary capitalism – such as the Internet, global travel and financial flows – are already profiled as ‘risks’ in securitisation discourse (which in many ways reflects a backlash by the state against the loss of control suffered under 1990s liberalisation). New technologies underpinning any economic revival – such as mass-market drones, artificial intelligence, three-dimensional (3D) printing, distributed ledger technologies, biological self-modification – pose even greater ‘risks’ which may prove uncontrollable. If the deep state continues to see security as the bottom line, it may ultimately have to rupture with its global capitalist allies and impose a similar generalised chilling of social life and antiproduction against unregulated flows, including those unleashed by capitalism.

There are several alternatives, all of which require de-securitising society. First, the system could switch from a subtraction to an addition of axioms approach, using social policy rather than securitisation/militarisation to respond to ‘risks’. Second, people could seek security in diffuse rather than concentrated power, moving towards smaller-scale, more densely networked patterns of life and work, which reduce both the anxiety underpinning securitisation and risks originating from global flows. Third, the securitisation system itself is ineffective so new visions developed are needed for creating possibilities for trust-building and conflict transformation in the situations of systemically produced scarcity which currently generate ‘risk’. A Clastrean balance of power among diffuse social actors, or a situation of mutual tolerance based on a global ethic of valuing locality and diversity, might succeed in keeping relations among empowered diffuse groups largely peaceful.

On the other side, we should find hope in the proliferation of resistance among the excluded. We need to see in movements of the excluded the radical potential and not only the reactive distortions. To take Tupac Shakur’s metaphor, we need to see the rose that grows from concrete, not merely the thorns. The problem is, rather, that many of the movements on the network side of the equation are still thinking, seeing and feeling like states. Such movements are potential bearers of the Other of the state-form, of networks as alternatives to states, affinity against hegemony, abundance against scarcity. Hence, as Vaneigem (1967) argues, ‘[t]o work for delight and authentic festivity is barely distinguishable from preparing for a general insurrection’ (1967: 50–51). It has been argued in utopian studies that fear and hope form part of a continuum, expressing ‘aspects of affective ambivalence’ connected to the indeterminacy of the future (McManus, 2005). The type of hope needed is active and immanent, brought into the present as a propulsive force rather than deferred to the future. Deleuze and Guattari use the term ‘absolute deterritorialisation’ for this possibility.

In his work on conflict transformation, John Paul Lederach emphasises the need to turn negative energies into creative energies and mobilising hope against fear (Lederach, 2005; Lederach and Maiese, n.d.: 2–3). How is this change in vital energies to be accomplished? Deleuze and Guattari (1983) invoke a figure of the shaman as a way to overcome reactive energies (1983: 67–68). They call for a type of revolutionary social movement ‘that follows the lines of escape of desire; breaches the wall and causes flows to move; assembles its machines and its groups-in-fusion in the enclaves or at the periphery’, countering reactive energies (Deleuze and Guattari, 1983: 277). As Zevnik (2016) discusses, disrupting scopic regimes involves moments of anxiety, where the anxious gaze puts one’s identity and one’s places in the social fantasy under question (2016: 133). Countering reactive energies while belonging to a hierarchical productive structure involves a dismantlement of the illusion, while ‘subjectification is never without a black hole in which its lodges its consciousness, passions and redundancies’ (Zevnik, 2016: 133).

Hence, it is in open spaces, safe spaces and spaces of dialogue that hope can be found to counter the spiral of terror. This opening of space, this creation of autonomous zones, should be viewed as a break with the majoritarian logics of social control. The coming ‘other worlds’ counterposed to the spaces of terror are not an integrated ‘new order’, but rather a proliferation of smooth spaces in a horizontality without borders. These ‘other worlds’ are being built unconsciously, wherever networks, affinity and hope counterpose themselves to state terror and the desire for fixed identity be it national, ethnic, religious or cultural. It is in the incommensurable antagonism between the autonomous zones of these ‘other worlds’ and the terror-state’s demands for controlled spaces to serve capital that the nexus of the conflicts of the present and near-future lies.

## 2

#### Congress doesn’t have the support to pull out now, but more agreements that perceptually favor China changes that

Johnson ’20 [Keith, senior staff writer for Foreign Policy, “U.S. Effort to Depart WTO Gathers Momentum”, 05-27-2020, https://foreignpolicy.com/2020/05/27/world-trade-organization-united-states-departure-china/]//pranav

Frustration with hyperglobalization, China’s “economic imperialism,” and a seemingly broken world trading system is boiling over into serious calls for the United States to withdraw from the World Trade Organization (WTO)—which would have potentially disastrous implications for the country if carried out. For the first time since 2005, lawmakers from both parties and both houses of Congress are pushing to pull the United States out of the trading body it helped create and which was the culmination of decades of postwar efforts to boost free trade and economic integration. By law, the United States has a chance to vote every five years on staying inside the WTO, but staying on board was such a no-brainer in recent years that no such resolution was even presented. But this year—powered by a rise in economic nationalism, growing concern about China, and frustration with two decades of paralysis at the WTO—the knives on Capitol Hill are out, to the delight of some of the trade hard-liners in the White House. “The WTO has been a disaster for the United States,” said Rep. Peter DeFazio, an Oregon Democrat, who introduced House legislation to withdraw this month. “No trade regime can last when it no longer serves the people of the countries who are part of it,” said Sen. Josh Hawley, a Missouri Republican, in a recent Senate floor speech after introducing his own resolution to leave. “Our interests and those of the WTO diverged long ago.” It’s doubtful that the measures could secure enough votes for passage in either chamber, and a tight legislative calendar makes the push for withdrawal doubly hard to pull off. But the rush for the exit is still a serious indication of deep and growing dissatisfaction with how global trade has evolved, highlighted by the vulnerability of cross-border supply chains that have begun to come apart under the stress of the COVID-19 pandemic. If the United States were to pull out of the system it helped build, the implications would be dire. Other countries would be able to discriminate against U.S. goods and services with no limits. Tariffs would almost certainly rise and export markets shrink. Meanwhile, others like China and the European Union would increasingly be in a position to write the rules of the future economy, from data protection and privacy to intellectual property and state subsidies. “We’d have no rights, and we’d lose a seat at the table,” said Wendy Cutler, a former U.S. trade negotiator now at the Asia Society. Why the big push now? For years, different aspects of the global trading system have stirred concern and at times anger in the United States and other countries; the WTO has essentially been stuck in place since the collapse of its last big negotiating round in 2008. For years, economists have debated the impact of the so-called “China shock” on U.S. jobs and manufacturing, and some evidence has shown that the competition from low-wage Chinese labor and the rapid movement of U.S. companies offshore hit the U.S. middle class harder than many economists expected. For years, Republicans have railed against international organizations—from the WTO to the International Criminal Court—that they see as encroaching on U.S. sovereignty. Now, all those forces have come together in a kind of imperfect storm. “I think the confluence of factors—the WTO’s credibility, China’s accession and all the outsourcing, and then the general animosity toward international organizations—they’re all in play,” Cutler said. For proponents of withdrawal, like Hawley, it’s mostly about China taking advantage of an open global trading system to get a leg up on countries like the United States that mostly try to play by the rules. “I think [China] is a principal factor” in the push to leave the WTO, Hawley told Foreign Policy in a recent interview. Beijing’s ability to claim special privileges inside the WTO as a so-called “developing” country, despite boasting the world’s second-largest economy, has powered its rise at the expense of countries like the United States, he said.

#### There’s bipartisan Congressional hatred for the plan – they view it as a giveaway of American tech to China.

Lopez 5/19 [Ian, Senior Reporter @ Bloomberg Law, “China Will Steal U.S. Vaccine IP Via Waiver, GOP Senators Say”, 05-19-2021, Bloomberg Law, https://news.bloomberglaw.com/health-law-and-business/china-will-steal-u-s-vaccine-ip-via-waiver-gop-senators-say]//pranav

Senate Republicans are calling on top Biden administration officials to walk back support of an international plan to waive Covid-19 vaccine IP protections, calling the decision a “giveaway” to China and India that will only promote “vaccine nationalism.” Countries like China that regularly steal U.S. intellectual property began urging the World Trade Organization to waive IP rights “almost immediately after these vaccines were proven to work,” Sens. Thom Tillis (R-N.C.) and Tom Cotton (R-Ark.) wrote in a Wednesday letter to Commerce Secretary Gina Raimondo and U.S. Trade Representative Katherine Tai. “These nations are falsely claiming that granting such a waiver would speed the development of new vaccine capacity. Nothing could be further from the truth,” they said in the letter, obtained by Bloomberg Law. Senators d Chuck Grassley (R-Neb.), Mike Lee (R-Utah), and Dan Sullivan (R-Alaska) are among the letter’s backers, according to a Republican staffer. The letter comes amid a heightening debate over whether the U.S.'s backing of a waiver would help expedite global vaccine manufacturing and distribution. “It is not surprising that China, India, and South Africa want to steal our intellectual property and medical technology,” the senators wrote. “What is surprising is that an American president, especially one who claims to be a ‘jobs’ president, would force American companies to give their medical technology and manufacturing processes to foreign adversaries like China.” A proposal before the WTO—set out by South Africa and India last year and supported by dozens of other countries—would waive obligations on the protection of IP rights for the duration of the pandemic. ‘America’s Interests Last’ Key to the debate is whether patents and other IP are an obstacle to global Covid-19 immunization. Proponents of the waiver plan—which include some Democrats and nonprofits—say it’s a step in the right direction, and, taken with other steps like increased manufacturing capacity, could help with faster world vaccination. U.S. support could help get other countries on board with global distribution while spurring efforts to ramp up vaccine production capabilities in nations struggling to immunize their populations, proponents say. Opponents say it’s bad for innovation and does little to get vaccines to those in need while opening the door to IP theft from competing countries. Among those in the latter camp are Tillis, who led a legislative effort to strengthen patent rights; former U.S. Patent and Trademark Office Director Andrei Iancu; and Sen. Chris Coons (D-Del.), who has previously criticized the idea of waiving rights around Covid-19 vaccines. “The reason why there are not enough vaccine doses at this time is simple: the supply chain lacks the technological capacity,” the letter said. “At best, all The President’s giveaway to China and India and others will do is to foster uncoordinated vaccine nationalism, as countries jump in to try to coerce technology transfer and manufacturing locally.” Tai earlier this month announced the Biden administration’s support of the IP waiver, following pressure from a group of more than 100 House Democrats, led by Rep. Jan Schakowsky (D-Ill.). Piecemeal IP licensing agreements can’t keep pace with the scope and speed of the pandemic, while temporarily waiving rights could promote technology access and sharing for vaccine production without spurring trade sanctions, they argue. House Republicans quickly followed suit, writing their own letter to Tai in opposition. The senators in their letter posed a series of questions over the details and economic impact of waiving vaccine IP rights. They called for a list and descriptions of all U.S. meetings with foreign officials about the waiver plan. They also asked if the Biden administration is considering waiving domestic IP enforcement, and whether support of the waiver is “premised on China, Russia, South Africa, India, or any other nation state supporting other foreign policy priorities of the Administration,” according to the letter. “Simply put, the Biden Administration’s support for a TRIPS waiver puts America’s interests last and China’s interests first,” the senators said.

#### Withdrawal collapses global trade & causes WWIII

Hopewell & Horton 08-03 [Kristen Hopewell is the Associate Professor and Canada Research Chair in Global Policy at the University of British Columbia, and Ben Horton is the Communications Manager; Project Lead, Common Futures Conversations, "Lessons from Trump’s assault on the World Trade Organization," 08-03-2021, https://www.chathamhouse.org/2021/08/lessons-trumps-assault-world-trade-organization]//pranav

What has this episode revealed about the strength of multilateral institutions such as the WTO, in the face of spoiling tactics from major powers? The WTO is unique amongst international institutions because it has a powerful enforcement mechanism – the dispute settlement system. However, the fundamental vulnerability is that if powerful states like the US and others won’t participate in the system and be bound by its rules, they quickly risk becoming irrelevant. And that’s the situation we’re in right now with the appellate body crisis, where, without a functioning mechanism to ensure that WTO rules are enforced, the entire system of global trade rules risk collapsing. Ironically, the United States has been the leader of the liberal trading order for the past 70 years, but since Trump, it has become its leading saboteur. What are the implications of a permanent collapse of the international trading system? The very real danger from such a breakdown is a return to what we saw in the 1930s. In response to the outbreak of the Great Depression, you had countries imposing trade barriers, blocking imports from other state, and a general escalation of tit-for-tat protectionism. This response wound up not only exacerbating the effects of the depression itself but has also been credited by some as paving the way for the outbreak of the second world war. The reason why institutions like the WTO were created in the first place was to prevent a recurrence of the 1930s protectionist trade spiral. The danger now – if those rules become meaningless and unenforceable – is the institutional foundations of postwar economic prosperity could unravel, throwing us back into economic chaos and potentially political disorder. What does the WTO’s future look like under new director-general Dr Okonjo-Iweala?

## Case

### Covid

#### **Current COVID-19 patent waivers will solve the pandemics advantage**

Pti 21 [6-10-2021, "India, South Africa’s patent waiver proposal in WTO achieved tremendous mileage, progression: Commerce Secretary," Hindu, https://www.thehindu.com/news/national/india-south-africas-patent-waiver-proposal-in-wto-achieved-tremendous-mileage-progression-commerce-secretary/article34778668.ece]

The proposal of India and South Africa on providing temporary patent waiver at the World Trade Organisation (WTO) to deal with the COVID-19 pandemic has achieved tremendous mileage and progression as the WTO member countries have agreed to commence text-based negotiations on it, a top government official said on June 10. The Trade-Related Aspects of Intellectual Property Rights (TRIPS) Council of the World Trade Organization (WTO) on June 9 agreed with consensus to start text-based negotiations on a proposal submitted by India and South Africa seeking patent waivers to deal with the COVID-19 crisis. Commerce Secretary Anup Wadhawan said that the text-based negotiations is the way forward and it means that the members have broadly and in-principle accepted the objective behind the waiver proposal. “India and South Africa’s proposal has achieved tremendous mileage and tremendous progression at a very fast pace,” he told reporters. “There is a deadline that by July-end, the members are expected to come to an agreed text. So it is a very positive development,” he added. How the objective will be given effect and to what extent and for how much duration, all that would happen though text-based negotiations, the Secretary noted. In October 2020, India and South Africa had submitted the first proposal suggesting a waiver for all WTO members on the implementation of certain provisions of the TRIPS Agreement in relation to the prevention, containment or treatment of COVID-19. In May this year, a revised proposal was submitted by 62 co-sponsors, including India, South Africa, and Indonesia. The agreement on TRIPS came into effect in January 1995. It is a multilateral agreement on intellectual property (IP) rights such as copyright, industrial designs, patents and protection of undisclosed information or trade secrets. According to the revised proposal of 62 co-sponsors, the waiver should be in force for at least three years from the date of the decision on the matter. The co-sponsors have stated that the duration has to be practical for manufacturing to be feasible and viable. The revised text has also proposed waiver for health products and technologies as the prevention, treatment or containment of COVID-19 which involves a range of things and “intellectual property issues may arise with respect to the products and technologies, their materials or components, as well as their methods and means of manufacture.”

#### member nations ALREADY can – vote neg on presumption

**Bacchus**, James. “An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines.” *Cato.org*, 16 Dec. 20**20**,www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#balancing-ip-rights-access-medicines-not-new-wto.

This waiver controversy comes nearly two decades after the end of the long battle in the multilateral trading system over access to HIV/AIDS drugs. At the height of the HIV/AIDS crisis at the turn of the century, numerous countries, including especially those from sub‐​Saharan Africa, could not afford the high‐​priced HIV/AIDS drugs patented by pharmaceutical companies in developed countries. Having spent billions of dollars on developing the drugs, the patent holders resisted lowering their prices. The credibility of the companies, the countries that supported them, and the WTO itself were all damaged by an extended controversy over whether patent rights should take precedence over providing affordable medicines for people afflicted by a lethal disease.Article 8 of the WTO Agreement on the Trade‐​Related Aspects of Intellectual Property Rights (the TRIPS Agreement) provides that WTO members “may, in formulating or amending their laws and regulations, adopt measures necessary to protect public health … provided that such measures are consistent with the provisions of this Agreement.” In similar vein, Article 7 of the TRIPS Agreement provides that the “protection and enforcement of intellectual property rights” shall be “in a manner conducive to social and economic welfare.”[6](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref6) It can be maintained that these two WTO IP rules are significantly capacious to include any reasonable health measures that a WTO member may take during a health emergency, such as a pandemic. Yet there was doubt among the members during the HIV/AIDS crisis about the precise reach of these provisions. As Jennifer Hillman of the Council on Foreign Relations observed, ordinarily the “inherent tension between the protection of intellectual property and the need to make and distribute affordable medicines” is “resolved through licensing, which allows a patent holder to permit others to make or trade the protected product—usually at a price and with some supervision from the patent holder to ensure control.”[7](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref7) But, **in public health emergencies**, it may be impossible to obtain a license. In such cases, “**compulsory licenses” can be issued to local manufacturers, authorizing them to make patented products or use patented processes even though they do not have the permission of the patent holders**.[8](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref8)After years of debate, WTO members clarified in the Doha Ministerial Declaration in November 2001 that **each WTO member “has the right to grant compulsory licenses and the freedom to determine the grounds upon which such licenses are granted.”**[9](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref9) In August 2003, WTO members followed up on the 2001 declaration by adopting a waiver that allows poorer countries that do not have the capacity to make pharmaceutical products—and thus cannot benefit from compulsory licensing—to import cheaper generic drugs from countries where those drugs are protected by patent.[10](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref10) In such a case, both the importing and exporting countries are excused from what would otherwise be their obligations under the TRIPS Agreement. This waiver was transformed into an amendment in the WTO IP rules in 2017.[11](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#_ednref11)Compulsory licensing of medicines is not popular with private drug manufacturers because it is a derogation from the customary workings of market‐​based capitalism. However, as these actions by WTO members in 2001, 2003, and 2017 illustrate, compulsory licensing is not a derogation from the balance struck by the members of the WTO between protecting IP rights and ensuring access to essential medicines. Rather, it is a crucial part of that balance. The balance struck in the WTO treaty includes the option of compulsory licensing during health emergencies.

#### TRIPs waiver doesn’t solve- it doesn’t obligate countries to do anything, just makes it legal.

Mercurio 21 [Bryan; Professor of Law, The Chinese University of Hong Kong; "The IP Waiver for COVID-19: Bad Policy, Bad Precedent," 2021; 1-6. International Review of Intellectual Property and Competition Law.] Justin

It is not only the length of time which is an issue but also the ultimate impact of the waiver. A waiver simply means that a WTO Member would not be in violation of its WTO obligations if it does not protect and enforce the COVID-19-related IPRs for the duration of the waiver. The waiver would thus allow Members to deviate from their international obligations but not obligate Members to suspend protection and enforcement of the IPRs. Members like the US who support the waiver may not implement the necessary domestic legislation to waive IPRs within the jurisdiction. It is questionable whether the US could even legally implement the waiver given that IPRs are a matter of constitutional law.17

#### The aff doesn’t solve – access to medicine is not a one-way street and there are multiple other factors that they just can’t resolve

Motari 21, Marion Motari, [Jean-Baptiste Nikiema](javascript:;), [Ossy M. J. Kasilo](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Ossy_M__J_-Kasilo), [Stanislav Kniazkov](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Stanislav-Kniazkov), [Andre Loua](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Andre-Loua), [Aissatou Sougou](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Aissatou-Sougou), [Prosper Tumusiime](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Prosper-Tumusiime) are Adjunct Faculty, Daystar University School of Law, Nairobi, Kenya, “The role of intellectual property rights on access to medicines in the WHO African region: 25 years after the TRIPS agreement”, <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y>, accessed apark 6/27/21

Although this paper focuses on the role of intellectual property rights on access to medicines, it is recognized that limited access to medicines in countries of the World Health Organization (WHO) African Region[Footnote3](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#Fn3) is a multidimensional problem. It is affected by other factors such as lack of public financing for health care and over-reliance on out of pocket expenditure[[7](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#ref-CR7)], fragile logistics, storage challenges and high transport and distribution costs [[2](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#ref-CR2)] and inadequate or inappropriate medicines regulatory frameworks [[8](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#ref-CR8)]. These factors are further exacerbated by insufficient scientific, technological and local manufacturing capabilities in the Region [[9](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#ref-CR9)].

**No solvency and reject "empirical" claims -- vaccines require complex infrastructure to manufacture, not just patents**

**Hotez 5/10** [Peter J. Hotez, Maria Elena Bottazzi, and Prashant Yadav. "Producing a Vaccine Requires More Than a Patent," Foreign Affairs, 5-10-2021, accessed 8-8-2021, https://www.foreignaffairs.com/articles/united-states/2021-05-10/producing-vaccine-requires-more-patent] HWIC

On May 5, President Joe Biden announced that the United States would support an international bid to waive intellectual property rights to vaccines for the duration of the coronavirus pandemic, thereby ostensibly allowing other countries to ramp up production even of the sophisticated technology behind the Pfizer-BioNTech and Moderna vaccines against COVID-19. Many in the global health community and developing world welcomed the decision as a victory for greater equity in vaccine distribution, in which middle- and low-income countries are lagging far behind wealthy ones. But the jubilation may be premature. The drive for intellectual property waivers originates in part from the world’s experience fighting the last war, against HIV/AIDS. Patent pools, intellectual property waivers, and other liberalizing mechanisms were urgent in assuring equity of access to lifesaving drugs during that epidemic. But these tools are better suited to medicines and other pharmaceuticals than to vaccines. Producing vaccines—particularly those as technologically complex as the messenger RNA (mRNA) inoculations against COVID-19—requires not only patents but an entire infrastructure that cannot be transferred overnight. The sharing of patents is an important and welcome development for the long term, but it may not even be the most pressing first step. JUST OPEN THE SPIGOT At the turn of the millennium, multinational pharmaceutical companies were charging $10,000 per patient for a daily drug regimen that could keep those infected with HIV/AIDS alive. Those in low- and middle-income countries in Africa and elsewhere could access this cocktail only under limited circumstances. Then, in 2001, the Indian drug manufacturer Cipla Limited began producing versions of a triple antiretroviral drug cocktail for a mere $350. Cipla, in collaboration with Médecins Sans Frontières (Doctors Without Borders), helped usher in a new era of global access to essential medicines—one that justified relaxing or even ignoring international patents and other property rights to produce and distribute an important and lifesaving drug as a generic. Since that time, global health advocacy organizations have found increasingly sophisticated ways to work with multinationals in ensuring access to essential medicines for low- and middle-income countries. In the 2010s, the global health initiative Unitaid helped create a Medicines Patent Pool, in which pharmaceutical companies from all over the world offered antiretroviral drug licenses, thereby creating a path for developing generic versions so long as the patent holders received royalties. The mechanism supplied voluntary licenses to new producers even while protecting the legal rights of the drugs’ original manufacturers. Companies such as Gilead, for example, have supplied voluntary licenses for their antivirals directly to generic manufacturers, allowing for tiered pricing across countries. Barely any COVID-19 vaccines have been administered in the African continent or in low- or middle-income countries in Asia and Latin America. Global health professionals have understandably sought to ascertain whether a similar approach could help make the distribution of COVID-19 vaccines less lopsided. More than one billion vaccine doses have now been administered—but overwhelmingly to people living in just a few countries. More than half have been administered in the United States (250 million) and China (290 million) alone, followed by India (160 million), the United Kingdom (51 million), and Germany (32 million). In contrast, for all practical purposes, barely any COVID-19 vaccines have been [administered](https://www.nytimes.com/interactive/2021/world/covid-vaccinations-tracker.html) in the African continent or in low- or middle-income countries in Asia and Latin America. Global health advocates have responded to this inequity by seeking to apply the lessons they learned from antiretroviral drugs and demanding patent pools or other intellectual property waivers for COVID-19 vaccines. In March 2021, Médecins Sans Frontières organized protests at the World Trade Organization (WTO) headquarters in Geneva, unfurling a banner that read, “No COVID Monopolies—Wealthy Countries Stop Blocking TRIPS Waiver,” referring to the organization’s Agreement on Trade-Related Aspects of Intellectual Property Rights. The assumption underlying such demands is that intellectual property is a crucial barrier blocking vaccine developers, especially in low- and middle-income countries, from producing COVID-19 vaccines to scale—particularly the high-performing mRNA vaccines that Pfizer-BioNTech and Moderna currently produce. These vaccines elicit more than 90 percent protective immunity against both symptomatic illness and documented infection, including asymptomatic infection, with COVID-19. They are successfully driving the recovery of the United States, Israel, and other nations. But so far, mRNA vaccines are mostly invisible to Africa, Latin America, and low- and middle-income countries in other regions. The hope of those pushing for TRIPS waivers and patent pools is that these will unleash the technology to make the recovery global. IT TAKES A WHOLE ECOSYSTEM Intellectual property sharing may be helpful in the long term. But producing complicated biologics, especially innovative ones such as mRNA or adenovirus-vectored vaccines, is not solely a matter of patent access. Small-molecule antiviral drugs are comparatively straightforward: the multistep chemical processes through which they are synthesized are often fully detailed in published patents or scientific papers. Chemists and formulation experts can often synthesize and scale up production just from knowing the drug structure. But vaccines are different. Producing and manufacturing lipid-encased mRNA molecules, recombinant adenoviruses, or even the proteins or whole inactivated viruses used in older-generation vaccines requires a far higher level of sophistication than is needed for producing small-molecule drugs. Moreover, vaccine production must meet stringent requirements for quality control, quality assurance, and regulatory oversight. The **effective transfer of such complex technology requires a receiving ecosystem that can take years, sometimes decades, to build**. Countries seeking to ramp up vaccine production will need to train staff scientists and technicians. They will also need scientific administrators versed not only in basic research and development but also in detailed record keeping, including specific documentation practices such as batch production records. Moreover, they will need strong quality control systems and regulatory guardrails. Building such an infrastructure requires intensive training and often considerable financial investment and risk. It also takes time—by some estimates, vaccine development requires at least 11 years, and even then the probability that such efforts will result in bringing a vaccine to market is less than ten percent. Consider that the COVID-19 vaccines were themselves the outcome of decades of research and development. Few nations are prepared to take such risks. Only a handful of low- or middle-income countries currently have the capacity to produce new vaccines. Only a handful of low- or middle-income countries currently have the capacity to produce new vaccines. The most notable and largest is India, which currently makes the adenovirus-vectored vaccines developed by Janssen and by Oxford and AstraZeneca, as well as an older-technology recombinant protein vaccine and a whole inactivated virus vaccine. Manufacturers in Brazil, Cuba, and some Southeast Asian countries have experience producing childhood vaccines and may be able to develop the capacity to make COVID-19 vaccines as well. Other possibilities may develop elsewhere, including in the Middle East and Africa. But in the near term, such manufacturers will require financing, access to very large amounts of raw materials and supplies (possibly including relaxation of export controls), and some technical expertise in manufacturing and quality control if they are to produce the existing vaccines against COVID-19. Vaccinating India alone will require almost two billion doses, and more than 12 billion doses will be required to vaccinate the world. The emergence of new variants and the need for booster doses may increase demand even further. Whether mRNA vaccine technology can be scaled to produce billions of doses in 2021, or even by early 2022, remains entirely unknown, but the goal is worth pursuing. To this end, some kind of patent relaxation may be necessary, but far from sufficient. Would-be producers will need technical know-how, regulatory controls, and components that are currently in very short supply, such as nucleotides and lipids.

#### Tech transfer is key and not included under IP

Smith 05/05

(Laura Smith-Spark; Newsdesk Editor, CNN Digital; (05-05-21) Rich nations urged to share vaccine knowledge while WTO debates waiving patents; CNN; <https://www.cnn.com/2021/05/05/world/covid-19-vaccine-patents-wto-intl/index.html>; CKD)

Thomas Bollyky, director of the Global Health Program at the Council on Foreign Relations, told CNN on Friday that what's really needed to scale up global manufacturing of vaccines is technology transfer. "It's not just a matter of intellectual property. It's also the transfer of know-how," he said. "I don't think there's clear evidence that a waiver of an intellectual property is going to be the best way for that technology transfer to occur." Waiving patents will not work in the same way for vaccines as it has for drugs, Bollyky said. For HIV drugs, for example, manufacturers were more or less able to reverse engineer them without much help from the original developer. "It's very different for vaccines, where it's really a biological process as much as a product. It's hard to scale up manufacturing in this process for the original company, let alone another manufacturer trying to figure this out without assistance," he said. "It requires a lot of knowledge that's not part of the IP." The deal between AstraZeneca and the Serum Institute of India is a successful example of such technology transfer, Bollyky said, where the licensing of IP happened voluntarily. "The question is what can we do to facilitate more deals like the one between AstraZeneca and the Serum Institute of India to have this transfer," he said. Michael Head, senior research fellow in global health at the University of Southampton, in England, told CNN that increasing regional manufacturing capacity, particularly in the global south, was key -- and should be a focus between pandemics. "Sharing intellectual property during the pandemic is something that should happen but that doesn't resolve the issues," he said. "Manufacturing vaccines is hard. It's hard to rapidly set up a new site with all the equipment, infrastructure, all the vaccine ingredients, with suitable staff to produce a large number of high quality vaccine products." Philanthropist Bill Gates, a major supporter of [global Covid-19 vaccine equity](https://www.cnn.com/2021/02/05/world/covax-explainer-intl/index.html) through the Bill & Melinda Gates Foundation, also [told Sky News](https://news.sky.com/story/covid-19-bill-gates-hopeful-world-completely-back-to-normal-by-end-of-2022-and-vaccine-sharing-to-ramp-up-12285840) last month that he did not believe overriding IP rules was the answer. "There's only so many vaccine factories in the world and people are very serious about the safety of vaccines," he said. "The thing that's holding things back in this case is not intellectual property. There's not, like, some idle vaccine factory with regulatory approval that makes magically safe vaccines. You've got to do the trials on these things and every manufacturing process has to be looked at in a very careful way."

### Great Power War

#### Literally read mcpherson it’s so terrible – makes the claim that emissions \*cool\* the earth with 0 warrant and denying the consensus of almost every climate scientist – reject on face

#### IP developed COVID vaccines rapidly and produced collaboration – turns case and proves international co-op true

Stevens and Schultz 21 [Philip Stevens and Mark Schultz, “WHY INTELLECTUAL PROPERTY RIGHTS MATTER FOR COVID-19”. Geneva Network, January, 2021. https://geneva-network.com/wp-content/uploads/2021/01/Why-IP-matters-for-Covid-19.pdf]

Some asserted that intellectual property would inevitably hold up urgent research. They theorised that the “winner-takes-all” nature of intellectual property rights, especially patents, would prevent scientists from rapidly disclosing research results, and discourage the sharing of unpatentable insights that may potentially lead to patentable treatments with further work. Members of Congress warned that IP would “put public health at risk”, while NGO Médecins Sans Frontières (MSF) called for “no patents or profiteering” on yet to be developed health technologies. A coalition of over 500 NGOs claimed that IP rights were a “hindrance” to efforts to tackle the pandemic, calling for all COVID-19-related IP to be rescinded. As events demonstrated, critics of IP were wrong by a wide margin. In January 2020 very little was known about COVID-19. By January 2021, three safe and highly efficacious vaccines had been authorised for use by stringent regulatory authorities, with several others poised to follow. As of 21st December 2o20, there were 1052 COVID-19-19 vaccines, therapeutics and diagnostic tools under development or approved globally, of which 219 are vaccines. This major achievement is a testament to how well the IP system has worked during the pandemic. Calls to override intellectual property rights in the early stages of the pandemic were seductive and were backed by respected global humanitarian NGOs and prominent political figures. But it is to the credit of the majority of governments that they held their nerve and ignored such calls, despite the growing urgency of the situation over 2020. V BUILDING ON EXISTING IP IP is the bedrock upon which today’s COVID-19 vaccines have been built. The technologies they are based on did not come out of thin air at the beginning of the pandemic, but had been under development for decades, with substantial research in academic labs followed by years of risky investment by commercial start-ups. Consider the messenger RNA (mRNA) technology that is the basis for two of the first vaccines approved in Western countries. Scientists discovered in 1961 that mRNA could be used to “reprogram” cells to battle disease. It took decades of lab research and private sector-funded development by startups BioNTech and Moderna to overcome major difficulties and turn the technology into an effective vaccine that can be safely given to patients. Both companies and their investors have spent billions of dollars on mRNA research prior to the pandemic. While academic research is fundamental, the end result would not have been possible without the private sector, which depends on intellectual property rights. Shortly before the pandemic started, we spoke to Dr. Derrick Rossi, the academic founder of Moderna. When asked whether the treatments could be brought from the academic lab to patients without the help of the private sector, Dr. Rossi’s reply was categorical: “Not a chance. Academics are good at academia and fundamental science. They are not good at developing drugs for patients.”

Dr. Rossi explains that bringing a drug to market takes many professionals, sharing their labour and diverse expertise. “This industry of professionals is out there... The more people that are involved in the chain, post-academic discovery, the more you have pros involved — all the way from IP filings to VCs to due diligence to assembling a team,” the more likely you are to develop a viable treatment. Developing a practical application for a great academic insight takes vast sums, and investors need some prospect of a return on that investment. As Dr. Rossi explains, “you can be working on the coolest thing, but investors need to know that there is some protection for their investment, plain and simple.” V IP HELPS NOT HINDERS R&D COLLABORATION The other claim frequently heard at the beginning of the pandemic was that IP poses a barrier to collaboration and knowledge sharing, so in a time of emergency any related IP should be open licensed or pooled. In reality, the IP system encouraged the rapid establishment of dozens of partnerships around COVID-19-19, with even commercial rivals prepared to cooperate and share capital and proprietary intellectual resources such as compound libraries. Examples of consortia between the private sector and research centres include the COVID-19-19 Therapeutics Accelerator to evaluate new and repurposed drugs and biologics, the EU-backed Swift COronavirus therapeutics REsponse, Corona Accelerated R&D in Europe (CARE) as well as dozens of bilateral agreements between companies. Indeed, the Pfizer vaccine is the result of its collaboration with BioNtech, where partners shared and combined knowhow and proprietary knowledge to create the first vaccine authorized in the U.S. Far from being a barrier to such collaborations, IP is fundamental. Because patent rights require public disclosure, they enable drug developers to identify partners with the right intellectual assets such as knowhow, platforms, compounds and technical expertise. Without patents most of this valuable proprietary knowledge would be kept hidden as trade secrets, making it impossible for researchers to know what is out there. Second, the existence of laws protecting intellectual property helps rights-holders make the decision to collaborate in the first place. By allaying concerns about confidentiality, IP enables companies to open up their compound libraries, and to share platform technology and know-how without worrying they are going to sacrifice their wider business objectives or lose control of their valuable assets. For instance, rights holders might contribute IP that is useful for entirely different diseases to COVID-19 collaborations. IP rights and licensing ensure those rights can only be used for the agreed reason, preventing competitors freeriding to gain an unfair advantage in other areas. As the former Director General of WIPO noted in June 2020, the main challenge at the time was “not access to vaccines, treatments or cures for COVID-19-19, but the absence of any approved vaccines, treatments or cures to have access to. The policy focus of governments at this stage should therefore be on supporting science and innovation”. During this initial phase of the pandemic, the majority of governments followed this advice, especially by not threatening to remove IP of products yet to be invented. No government from a country with a significant life-science R&D industry, for instance, backed the WHO’s “Solidarity Call to Action” in which companies were asked to unilaterally cede IP and data related to COVID-19 to its new technology and IP pool, C-TAP. The WHO embarked on this initiative with no evidence that IP would stand in the way of R&D and access efforts, distracting efforts away from more practical initiatives that stood greater chance of success. V WHAT ABOUT THE PRICE OF PATENTED VACCINES AND THERAPEUTICS? Nevertheless, the emergence of several competing vaccines has shifted the debate. There are increasingly loud calls to suspend IP rights in order to promote affordable prices for low and middle-income countries, and to mandate forced transfer of know-how and technology in order to scale up global manufacturing . These calls have culminated in proposals at the WTO to implement a temporary suspension of certain provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), including obligations regarding patent rights and the protection of undisclosed information on all COVID-19-related technologies Such extreme proposals are based on muddled thinking. Specifically, the political campaigns that underpin them mischaracterise IP rights as “monopolies” that allow companies to charge unaffordable prices. One eminent scholar of patents, Prof. Edmund Kitch described the application of the term “monopoly” to patents as one of the “elementary and persistent errors in the economic analysis of Intellectual Property”. In reality, IP rights drive the emergence of competing products in the same category, putting a lid on the ability of manufacturers to charge premium prices. Owning IP rarely gives control over a market and IP markets are often intensely competitive. In medicines, for instance, there are usually many substitutes and alternatives. For example, a patient needing a cholesterol drug has a host of statins from which to choose, both patented and generic. Similarly, patients with osteoporosis and their doctors can choose from Fosamax®, Actonel®, or Boniva®. Recent years have seen the emergence of competing shingle vaccines, increased competition in the lung cancer therapeutic space, and a slew of promising clinical trials and new drug launches in the under-served area of lung disease. Each of the owners of patents in these products has a temporary exclusive right to their product; none of them has a monopoly over the market for this type of treatment. The most spectacular demonstration of this point is the recent emergence of multiple competing hepatitis C cures, which have opened up a wide range of treatment options and placed downward pressure on prices. As Geoffrey Dusheiko and Charles Gore wrote in The Lancet, “The market has done its work for HCV treatments: after competing antiviral regimens entered the market, competition and innovative price negotiations have driven costs down from the initially high list prices in developed countries.” Every step of the development of this new market in hepatitis C cures was accompanied by calls to override their IP by civil society and certain intergovernmental organizations. Had those calls been heeded, it is doubtful such a competitive market would exist today. A similar story is unfolding in the COVID-19 vaccine space. Pharmaceutical market analysts predict competition will hold COVID-19 vaccine prices down even in the unlikely scenario of rights holders declining to license their IP to other manufacturers. “In two years’ time, there could be 20 vaccines on the market,” Emily Field, head of European pharmaceutical research at Barclays told the BBC. “It’s going to be difficult to charge a premium price.” V THE REAL CHALLENGES IP has underpinned the research and development that has led to the arrival of several game-changing vaccines. But the challenge does not end there. Perhaps the biggest hurdle is manufacturing billions of doses or new antibody treatments while maintaining the highest quality standards. There’s more to it than starting a global manufacturing free for all by overriding or ignoring patents. A spokesperson for Regeneron, a manufacturer of a novel COVID-19 antibody treatment explained to The Lancet: “Manufacturing antibody medicines is incredibly complex and transferring the technology takes many months, as well as significant resources and skill. Unfortunately, it is not as simple as putting a recipe on the internet and committing to not sue other companies during the pandemic” John-Arne Røttingen, chair of the WHO COVID-19 Solidarity trial, explains that technology transfer will be crucial to scaling up production, but voluntary mechanisms are better: “If you want to establish a biological production line, you need a lot of additional information, expertise, processes, and biological samples, cell lines, or bacteria” to be able to document to regulatory agencies that you have an identical product, he explains. The TRIPS waiver, he says, is the “wrong approach” because COVID-19 therapeutics and vaccines are complex biological products in which the main barriers are production facilities, infrastructure, and know-how. “IP is the least of the barriers”, he says. Then there is the problem of distributing the vaccines to billions of people in every country. Even with plentiful supplies, a range of issues need to be considered such as regulatory bottlenecks; supply chain, transport and storage; maintenance of the cold chain; adequately trained staff; data tracking; and vaccine hesitancy amongst the population. The costs of the vaccine itself is only a small component of the total cost of delivering doses to millions of people. The UK, for example, has spent around £2.9bn on procuring vaccines, far less than the official estimate of £8.8bn to be spent on distributing and delivering them. Comparable costs will exist for all other countries, even if they are subsidised by Overseas Development Assistance. Even then, the combined costs of vaccination are dwarved by the other economic costs of the pandemic. V IP IS PART OF THE SOLUTION Far from being a problem, IP has repeatedly proven itself to be part of the solution in fighting disease. It allows innovators to manage production scale-up by selecting and licensing technology to partners who have the skills and capacity to reliably manufacture large quantities of high-quality products, which they distribute at scale in low and middle-income countries. It would make no sense for IP owners to use it to withhold access, when they can profit from supplying all demand. IP licensing is the way this is done. This is the model unfolding for COVID-19, with new manufacturing licensing deals such as those between AstraZeneca and the Serum Institute in India (1bn doses), China’s BioKangtai (200m doses), Brazil’s FioCruz, Russia’s R-Pharm and South Korea’s SK Bioscience. Collectively, such deals will see the manufacture of 2 billion doses by the end of 2021. The Serum Institute has also entered into manufacturing licenses with a number of developers of yet to be approved COVID-19 vaccines, as have several other Indian vaccine manufacturers. Many of these doses will be procured on a non-profit basis by new collective procurement bodies such as COVAX, for distribution to low and middleincome countries. IP is important because it allows the innovator to control which partners manufacture the product, ensuring the quality of supplies, while maximising low-cost access for low and middle-income countries. It also allows the innovator to preserve its ability to recoup costs from richer markets, meaning the preservation of incentives for future R&D investment. Voluntary licensing has worked well in the past, particularly for low and middle-income countries. A recent academic analysis of hepatitis C voluntary licenses published by The Lancet Global Health concluded that they have increased access to medicines at a considerably faster pace than alternative access models, by avoiding the need for lengthy patent disputes and bringing to bear intercompany competition and economies of scale. But again, these licenses model were criticised by public health NGOs and other stakeholders, who called for the confiscation of IP rights via compulsory licensing. Time has shown such calls to be mistaken. As of January 2021, there are three vaccines approved by stringent regulatory authorities with several more likely to follow in the coming months. Prices of COVID-19 vaccines vary between more expensive but complex to manufacture, and cheaper ones based on existing technologies. Companies are offering their vaccines at cost, with pooled procurement mechanisms such as COVAX ready to leverage their enormous purchasing power to drive economies of scale and bring prices down further for developing countries, many of which will have the cost of vaccination subsidised by Overseas Development Assistance. Meanwhile, the existence of multiple vaccines means there is no COVID-19 vaccine “monopoly”, and minimal risk of premium pricing. In fact, there is a competitive marketplace in which manufacturers are incentivised to refine and improve their vaccines – vital given the new strains of the virus which constantly emerge. Providing COVID-19 vaccines rapidly at scale is a pressing challenge for all countries but there is no evidence that overriding intellectual property rights will achieve more than the licensing agreements currently being forged between innovators and reputable vaccine manufacturers in countries like India and Brazil. Manufacturing of COVID-19 vaccines is continuing at speed, and mechanisms are gearing up to ensure a rapid global role out. Forceable tech transfer and other forms of IP abrogation such as those proposed by India and South Africa at the WTO TRIPS Council would throw manufacturing supply chain planning, financing and distribution systems into chaos for little upside. Instead of sowing division and creating major distractions at venues such as the WTO, opponents of IP should stop the rhetoric. The IP system has put us in a position to end the pandemic. We should allow it to continue doing its job.

#### Cunningham and Fravel flows neg – it literally says that China does not believe nuclear weapons are usable – no escalation since they don’t take steps towards it

### Wto

#### WTO terminally powerless – wto has no enforcement mechanism – countries don’t care – empirics prove – brexit, trade wars, etc

#### The US has structurally undermined WTO legitimacy

Baschuk 2/22 [(Bryce, reporter for Bloomberg Economics based in Geneva, Switzerland, has been published in Bloomberg, the Washington Times, United Press International and National Public Radio) “Biden Picks Up Where Trump Left Off in Hard-Line Stances at WTO,” Bloomberg, 2/22/2021] TDI

President Joe Biden’s administration dashed hopes for a softer approach to the World Trade Organization by pursuing a pair of his predecessor’s strategies that critics say risk undermining the international trading system.

The U.S. delegation to the WTO, in a statement Monday obtained by Bloomberg, backed the Trump administration’s decision to label Hong Kong exports as “[Made in China](https://www.bloomberg.com/news/articles/2020-10-30/hong-kong-takes-formal-wto-action-on-u-s-made-in-china-order)” and said the WTO had no right to mediate the matter because the organization’s rules permit countries to take any action to protect their “essential security interests.”

“The situation with respect to Hong Kong, China, constitutes a threat to the national security of the United States,” the U.S. delegation said. “Issues of national security are not matters appropriate for adjudication in the WTO dispute-settlement system.”

Prior to 2016, WTO members generally steered clear of defending their trade actions on the basis of national security because doing so could encourage other nations to pursue protectionist policies that have little or nothing to do with hostile threats.

That changed in 2018, when the Trump administration triggered a cold war-era law to justify tariffs on foreign imports of steel and aluminum. In response, a handful of U.S. trade partners, including Canada, the EU, and China filed disputes at the WTO and a ruling in those cases is expected later this year.

Since then, more nations -- including Saudi Arabia, India, Russia and others -- have cited the WTO’s national-security exemption in regional trade fights, leading trade experts to warn that such cases could erode the organization’s ability to mediate disputes.

The Biden administration on Monday said the U.S. has consistently argued that national-security disputes are not subject to WTO review because it would infringe on a member’s right to determine what is in its own security interests.

In spite of the U.S. objection, the WTO granted Hong Kong’s dispute inquiry and will establish a panel of experts to deliberate the matter and render a decision, which could take two to three years.

At the same meeting, the Biden administration said it would not agree to appoint new members to the WTO’s appellate body, a seven-member panel of experts who until 2019 had the final say on trade disputes involving billions of dollars worth of international commerce.

The Biden administration said it could not do so because the U.S. “continues to have systemic concerns” with the functioning of the appellate body as have all previous administrations over the past 16 years.

Though the statement was not entirely unexpected, it confirms America’s bipartisan frustration with the functioning of the WTO appellate body and the new administration’s willingness to block new panelists until changes can be agreed.

Once Katherine Tai is confirmed as the U.S. Trade Representative, her office “looks forward to working with” WTO Director-General Ngozi Okonjo-Iweala to tackle the problems with WTO dispute settlement, including the unresolved issues over appellate-body overreach, USTR spokesman Adam Hodge said in an email. “These are long-standing, bipartisan concerns that we hope our trading partners will work with us to address,” he said.

The Trump administration broke precedent when it refused to consider any nominees to fill vacancies on the panel until there weren’t enough to sign off on new rulings. As a result, the WTO’s dispute-settlement system has been critically damaged because WTO members are now free to veto any adverse dispute rulings by appealing them into a legal void created by the appellate body’s paralysis.

#### Empirics confirm the WTO causes conflict --- it limits options for states to take action against others, which escalates tensions by cutting off avenues for bargaining and conflict resolution

Chatagnier and Lim 16 J. Tyson Chatagnier and Haeyong Lim, Professors of Political Science at the University of Houston, “Does the WTO Exacerbate International Conflict?” Texas Triangle. 2016. http://texastriangle.weebly.com/uploads/2/5/2/4/25249202/chatagnier\_lim\_wto\_conflict.pdf

While there has been significant empirical work on issue linkage in other areas (e.g., Davis 2004; Long and Leeds 2006; Poast 2012, 2013), there is relatively little work on the pacifying effect of issue linkage (but see Wiegand 2009). One reason might be that coding is quite demanding, and that, unlike formal alliances or trade deals, international agreements over conflict are rarely well documented.1 Nonetheless, the theoretical literature suggests that there should be a negative relationship between the ability to link issues together and the likelihood of dyadic conflict. We provide an indirect test of this hypothesis below. The GATT and the WTO In the wake of the devastation of two world wars, American and European governments looked for ways to bring about peace and prosperity in the international system. Amid fears that the destabilization of the Great Depression had been precipitated by protectionist trade policies, leaders sought to establish an institution that could facilitate trade liberalization and end trade wars. To 1This may be why Wiegand’s study—which is qualitative in nature—is one of the few that attempts to examine issue linkage directly. 5 this end, in 1947, they created the GATT. The GATT was a multilateral agreement between states (23, initially, but more than 100 by the time it was subsumed by the WTO) to reduce tariffs and other trade barriers substantially and to eliminate preferential treatment among signatories. The institution provided states with a set of agreed-upon rules, as well as a forum for negotiation, facilitating cooperation among members. When one member state believed that another was in violation of the agreement, it could invoke provisions in Articles XXII and XXIII of the agreement that called for consultation and dispute settlement. While this allowed parties to form an investigative panel to assess and resolve the dispute, Zangl (2008) points out three major obstacles to settlement: panel composition was determined by the disputants (Jackson 1997); panel reports were the result of political negotiation, rather than legal decisions (Zangl 2008); and both empanelment (Hudec 1993) and sanctions (Rosendorff 2005) required unanimous approval, meaning that the defendant ultimately held veto power. Such a system is ultimately predicated on compromise and the negotiation of self-enforcing agreements. Under GATT, aggrieved parties had no recourse but to persuade violators to alter their behavior. With the establishment of the WTO, the aforementioned problems—along with a host of other issues—were resolved. The dispute settlement mechanism (DSM) under the WTO is highly legalized, with independent judicial bodies that are charged with rendering verdicts and authorizing sanctions (Goldstein and Martin 2000; Rosendorff 2005). Under the present system, complainants have significantly increased power, and they are no longer restricted to negotiating in order to convince defendants to comply with the rules.2 For this reason, it should be unsurprising that compliance has generally increased following the judicialization of the institution (Jackson 1997; Zangl 2008). The move from the GATT framework to the WTO undoubtedly deepened the institutionalization of the trade agreement, binding its member states more tightly. Kant’s (2007 [1795]) idea of a “federation of free states” dealt primarily with the imposition of law and order upon the anarchic international system. By increasing the institution’s degree of legalization, the trade organization 2Of course, negotiation still occurs within the WTO DSM. However, disputants do so in the shadow of the panel, significantly increasing the complainant’s bargaining leverage (Poletti, De Bièvre and Chatagnier 2015). 6 brought itself closer to the Kantian ideal.3 Indeed, while the GATT satisfies only the second and fourth roles of an IGO listed above (to some extent), the WTO quite clearly fulfills all four. From this perspective, we would expect the more heavily-institutionalized WTO to reduce conflict among member states to a greater degree than its predecessor. Hypothesis 1. The establishment of the WTO reduced the instances of militarized conflict among member states. At the same time, the increase in the organization’s power has limited the actions of the constituent actors. WTO members are required to behave in a non-discriminatory manner and to abide by agreed-upon standards. Failure to comply with these rules can lead to sanctions. While many of these behaviors were prohibited under the GATT as well, the much more credible threat of punishment likely reduces a state’s economic toolkit to a greater degree. If the U.S. believes, for example, that Chinese currency manipulation is adversely affecting trade, it cannot retaliate with tariffs or import quotas without a favorable ruling from the DSM. To do otherwise would be to invite sanctions against itself. Moreover, states are stripped of a range of options that could “sweeten the deal” in negotiations. A state that attempted to offer favorable terms of trade in exchange for concessions on a different dimension would be unable to do so without offering the same terms to all other trading partners; a state that offered to rein in a trade violation would have no leverage as the opponent could appeal to the DSM to have the trade-distorting measure removed. Thus, states are left with fewer options for issue-linkage in bargaining scenarios, which suggests an opposing hypothesis.