### T – Reduce

#### Interp: Reductions exclude changing terms

Supreme Court of Missouri 73 – (State ex rel. Cason v. Bond, 495 S.W.2d 385, Lexis)//BB

"\* \* \* The fact that this section relates solely to appropriation bills, in conjunction with the word 'reduce,' indicates clearly that the expression 'items or parts of items' refers to separable fiscal units. They are appropriations of sums of money. Power is conferred upon the Governor to reduce a sum of money appropriated, or to disapprove the appropriation entirely. No power is conferred to change the terms of an appropriation except by reducing the amount thereof. Words or phrases are not 'items or parts of items.' This principle applies to the condition [\*\*14] attached to the appropriation now in question. That condition is not an item or a part of an item. The veto power conferred upon the Governor was designed to enable him to recommend the striking out or reduction of any item or part of an item. In the present instance His Excellency the Governor did not undertake to veto the appropriation of $100,000 made by item 101, or any part of it, nor to reduce that amount or any part of it apportioned to a specific purpose. He sought, rather, as shown by his message, to enlarge the appropriation made by the General Court by throwing the $100,000 into a common fund to be used for any one of several different purposes. We are of opinion that the power conferred upon him by said article 63 does not extend to the removal of restrictions imposed upon the use of the items appropriated."

#### Violation – they just change the terms of when trips waivers are used

#### Trips waivers are already a thing

WTO 7-21 [World Trade Organization “TRIPS Council agrees to continue discussions on IP response to COVID-19” Published: July 20, 2021; Accessed: September 5, 2021] [https://www.wto.org/english/news\_e/news21\_e/trip\_20jul21\_e.htm] || SM

At a meeting of the Council for Trade-Related Aspects of Intellectual Property Rights (TRIPS) on 20 July 2021, WTO members agreed to continue consideration of the proposal for a temporary waiver of certain TRIPS obligations in response to COVID-19 and other related proposals. Members approved a status report which they tasked the chair to deliver at the General Council at its next meeting on 27-28 July.

#### Standards:

#### 1] Limits and ground – changing terms explodes the topic to functionally \*infinite\* extra-T affs since they’ll just claim “change terms”. Makes it impossible to negate since the aff can do whatever they want. K2 fairness cuz it controls access to the ballot. K2 education cuz we lose clash.

#### DTD –

#### A] Deters future abuse

#### B] Drop the arg cant solve – the abuse has already happened

#### Competing interps –

#### A] Reasonability is Arbitrary and invites judge intervention – impossible to determine what is reasonable, which means debating over specific interps is best and we don’t know you’re bs meter or what you think is reasonable

#### B] Intervention – judges have to intervene and determine what is reasonable which is bad bc it forces judges to make decisions along preferred biases, which causes biased and possibly discriminatory decisions.

#### C] Collapses – we would just debate over the bright line which is functionally competing interps

#### 

#### No RVI’s

#### A] Baiting – that invites maximally abusive praxis bc people will just prep out the shell

#### B] Chilling – if we drop by trying to enforce a norm that we think is good then we wont do it again – this means were never able to create norms which ows on magnitude

#### C] Illogical – you shouldn’t win for meeting your burden if that was the case, affs could just win by saying they affirm the topic.

### 1NC – Consult WHO CP

#### Text: the member nations of the World Trade Organization should engage in binding prior consultation with the World Health Organization for an evidence-based analysis of [plan] impact on pharmaceutical innovation

#### The WHO has authority and solves

WTO et al 20 [World Trade Organization, World Health Organization and World Intellectual Property Organization, 2020 “Promoting Access to Medical Technologies and Innovation Intersections between public health, intellectual property and trade 2nd Edition” WTO, WIPO, WHO, Accessed 8-8-2021, <https://www.wto.org/english/res_e/booksp_e/who-wipo-wto_2020_e.pdf> ww

1. World Health Organization¶ The WHO is the directing and coordinating authority for health within the United Nations system. It is responsible for providing leadership on global health matters, shaping the health research agenda, setting norms and standards, articulating evidence-based policy options, providing technical support to countries, and monitoring and assessing health trends.¶ Monitoring the impact of trade and intellectual property rights (IPRs) on public health is one of the strategic areas of the work of the WHO. Following the adoption of the TRIPS Agreement, the Forty-ninth World Health Assembly (WHA), in May 1996, adopted the first mandate of the WHO to work on the interface between public health and IP.11 In subsequent years, many more resolutions were adopted, continually broadening and reinforcing the WHO mandate to work on issues related to public health, IP and trade.¶ In May 2003, WHO member states decided to establish the Commission on Intellectual Property Rights, Innovation and Public Health (CIPIH) to examine the interface between IPRs, innovation and public health.12 Its 2006 report (WHO, 2006a) contained 60 recommendations aimed at fostering innovation and improving access to medicines. It concluded that: “Intellectual property rights have an important role to play in stimulating innovation in health-care products in countries where financial and technological capacities exist, and in relation to products for which there are profitable markets. In developing countries, the fact that a patent can be obtained may contribute nothing or little to innovation if the market is too small or scientific and technological capability inadequate. [...] Where most consumers of health products are poor, as are the great majority in developing countries, the monopoly costs associated with patents can limit the affordability of patented health-care products required by poor people in the absence of other measures to reduce prices or increase funding.”¶ Following CIPIH recommendations, WHO member states adopted in 2008 and 2009 the GSPA-PHI, which was a major step forward in the process of achieving global consensus on practical action on public health, innovation and IP. The GSPA-PHI reaffirmed and extended the mandate of the WHO to work at the interface of public health and IP. A comprehensive evaluation and an overall programme review of the GSPA-PHI were published in 2016 and 2017, respectively (Capra International, 2016; WHO, 2017e).¶ In 2019, the WHO Secretariat developed a new, comprehensive Access Roadmap, which outlines the programming of the WHO’s work on access to medicines and vaccines for the period 2019–2023, covering implementation of the GSPA-PHI as well as other relevant strategic documents, such as the WHO Global Strategy on Human Resources for Health: Workforce 2030.13 The WHO has produced a large body of material to provide evidence-based guidance to its member states in order to support them during the process of shaping their policies on public health and IP. Examples of such guidance include patent landscape analyses for key hepatitis C medicines (WHO, 2016d), a range of detailed analyses of opportunities and challenges in local production14 and a technical background document on intersections in trade and health (WHO, 2015d). The WHO also fulfils technical functions outside the scope of the GSPA-PHI that are of significant relevance to the intersection of medicines, IP and trade. For example, the Model List of Essential Medicines (EML),15 reviewed every two years, comprises the medicines that satisfy the priority health-care needs of the population,16 and is used by many countries as a basis for developing national formularies (lists) to guide procurement, among other purposes. As another example, the WHO provides a quality assurance mechanism through its Prequalification platform.17 Hundreds of medicines and other health products have been quality assured through WHO prequalification, without which, in many cases, quality assurance would have been difficult or impossible (see Chapter IV, section A.11(a)).

#### WHO says yes – it supports increasing the availability of generics and limiting TRIPS

Hoen 03 [(Ellen T., researcher at the University Medical Centre at the University of Groningen, The Netherlands who has been listed as one of the 50 most influential people in intellectual property by the journal Managing Intellectual Property, PhD from the University of Groningen) “TRIPS, Pharmaceutical Patents and Access to Essential Medicines: Seattle, Doha and Beyond,” Chicago Journal of International Law, 2003] JL

However, subsequent resolutions of the World Health Assembly have strengthened the WHO’s mandate in the trade arena. In 2001, the World Health Assembly adopted two resolutions in particular that had a bearing on the debate over TRIPS [30]. The resolutions addressed:

– the need to strengthen policies to increase the availability of generic drugs;

– and the need to evaluate the impact of TRIPS on access to drugs, local manufacturing capacity, and the development of new drugs

#### Consultation displays strong leadership, authority, and cohesion among member states which are key to WHO legitimacy

Gostin et al 15 [(Lawrence O., Linda D. & Timothy J. O’Neill Professor of Global Health Law at Georgetown University, Faculty Director of the O’Neill Institute for National & Global Health Law, Director of the World Health Organization Collaborating Center on Public Health Law & Human Rights, JD from Duke University) “The Normative Authority of the World Health Organization,” Georgetown University Law Center, 5/2/2015] JL

Members want the WHO to exert leadership, harmonize disparate activities, and set priorities. Yet they resist intrusions into their sovereignty, and want to exert control. In other words, ‘everyone desires coordination, but no one wants to be coordinated.’ States often ardently defend their geostrategic interests. As the Indonesian virus-sharing episode illustrates, the WHO is pulled between power blocs, with North America and Europe (the primary funders) on one side and emerging economies such as Brazil, China, and India on the other. An inherent tension exists between richer ‘net contributor’ states and poorer ‘net recipient’ states, with the former seeking smaller WHO budgets and the latter larger budgets.

Overall, national politics drive self-interest, with states resisting externally imposed obligations for funding and action. Some political leaders express antipathy to, even distrust of, UN institutions, viewing them as bureaucratic and inefficient. In this political environment, it is unsurprising that members fail to act as shareholders. Ebola placed into stark relief the failure of the international community to increase capacities as required by the IHR. Guinea, Liberia and Sierra Leone had some of the world's weakest health systems, with little capacity to either monitor or respond to the Ebola epidemic.20 This caused enormous suffering in West Africa and placed countries throughout the region e and the world e at risk. Member states should recognize that the health of their citizens depends on strengthening others' capacity. The WHO has a central role in creating systems to facilitate and encourage such cooperation.

The WHO cannot succeed unless members act as shareholders, foregoing a measure of sovereignty for the global common good. It is in all states' interests to have a strong global health leader, safeguarding health security, building health systems, and reducing health inequalities. But that will not happen unless members fund the Organization generously, grant it authority and flexibility, and hold it accountable.

#### The WHO plays a key role in responses to pandemics and disease outbreaks

Kuznetsova 20 [Lidia Kuznetsova “COVID-19: The World Community Expects the World Health Organization to Play a Stronger Leadership and Coordination Role in Pandemics Control” Published: Public Health, September 8, 2020] [https://doi.org/10.3389/fpubh.2020.00470] [Kuznetsova: Faculty of Medicine, Barcelona Institute for Global Health, University of Barcelona, Barcelona, Spain.] || SM

The coronavirus disease 2019 (COVID-19) pandemic and other recent and ongoing infectious disease outbreaks, emerging, re-emerging, and neglected infectious diseases, as well as bioterrorism, posing a threat to health security, suggest the necessity and significance of pandemics-related research. The control of pandemics is impossible without international cooperation, due to their transboundary nature, and intergovernmental organizations are to play an important role in pandemic preparedness and response. The World Health Organization (WHO) is the only source of legally binding international regulations for pandemic response, the importance of which is growing, and a provider of technical assistance and standard guidelines to the states (1). Strong national health systems are the foundation for effective pandemics prevention and control, and their strengthening is crucial, especially in low-income countries. The international system of mechanisms of response to pandemics is currently in the process of formation, and it is a dynamic process. The challenge for such system is to ensure the existence of supranational legal authority and make it function. The authority and the capacity of the WHO to lead the international response have been questioned during the Ebola outbreak and the COVID-19 pandemic. The crises also revealed the lack of resources of the WHO to effectively prevent and respond to pandemics (2). At the same time, the role of emerging influential and resourceful actors in pandemic control has been growing, including the World Bank Group, the Bill and Melinda Gates Foundation, Médecins Sans Frontières, and other organizations. One of the central issues in international efforts to prevent and control pandemics is the aid to the poorest countries to develop health systems and ensure availability and accessibility to the basic health services by their population (3).¶ The Role of the WHO in Pandemic Prevention and Control¶ The role of international mechanisms advanced significantly from adopting the WHO International Health Regulations (IHR) in 1969, focusing on just three diseases (cholera, plague, and yellow fever), to approving the current version of the IHR in 2005 and to creating the WHO Contingency Fund for Emergencies (CFE) in 2015 (4, 5).¶ During the SARS outbreak in 2003, the problem of coordinating response actions in different countries already became obvious. The existing response mechanisms were rather slow and disorganized. The outbreak revealed the necessity to modify the IHR. The revision of the IHR in 2005 allowed the WHO to declare Public Health Emergency of International Concern (PHEIC) and required the Member States to strengthen national emergency response capacity. The revised version of the IHR was tested by H1N1 influenza outbreak in 2009, when weaknesses in the global response to influenza pandemic were revealed again. The WHO issued recommendations to the Member States to create more extensive reserve global health workforce and establish $100 million contingency fund for future pandemics. However, these recommendations were not implemented until 2014 (6). The Ebola crisis revealed the importance of legal instruments and raised legal and ethical issues, due to, for example, introduction by some governments of trade and travel restrictions. This outbreak questioned the WHO credibility and the effectiveness of the IHR (7).¶ The WHO plays a key role among all intergovernmental organizations involved in tackling pandemics, and it is the only source of legal authority. The core functions of the WHO related to pandemics prevention and control include the following: support Member States in developing national capacity to respond to pandemics, support training programs, coordinate Member States for pandemic and seasonal influenza preparedness and response, develop guidelines, and strengthen biosafety and biosecurity (8).¶ The main instruments used by the WHO for pandemic prevention and control include the IHR, the Global Outbreak Alert and Response Network (GOARN), the Public Health Emergency Operations Centre Network (EOC-NET), the Contingency Fund for Emergencies, and the Pandemic Influenza Preparedness (PIP) Framework. At the strategic level in pandemic control, the WHO focuses on reinforcing national public health systems, One Health approach, and strengthening global partnership.¶ The IHR is a legally binding regime for protection and management of disease threats. It is a framework for collective response to the threats, involving one or more countries, or to public health events of global significance. The current version of the IHR entered into force on 15 June 2007, and they are binding on 196 countries across the globe, including all WHO Member States (1).

#### Specifically, WHO credibility key to compliance with recommendations

Kuznetsova 20 [Lidia Kuznetsova “COVID-19: The World Community Expects the World Health Organization to Play a Stronger Leadership and Coordination Role in Pandemics Control” Published: Public Health, September 8, 2020] [https://doi.org/10.3389/fpubh.2020.00470] [Kuznetsova: Faculty of Medicine, Barcelona Institute for Global Health, University of Barcelona, Barcelona, Spain.] || SM

The recommendations to improve the WHO capacity to prevent and control pandemics are as follows:¶ 1. Continue the ongoing reform of the WHO.¶ 2. Member States should ensure stable financing for the organization.¶ 3. The WHO should work on increasing its credibility, paying special attention to ensuring the organization's transparency, political and business neutrality, and adapting evidence-based decisions and policies.¶ 4. The member states should develop political trust, and the organization should be unbiased, distance itself from politics, and focus on its technical functions.¶ 5. Focus the international efforts to tackle pandemics on long-term development aid programs and projects.¶ 6. Concentrate efforts on developing basic health infrastructure and strengthen health systems in countries most vulnerable to pandemics.¶ 7. Further consider the options for the IHR enforcement mechanism and the IHR revision.¶ 8. Create a coordinated, adequately funded global health initiative to deliver assistance to the vulnerable countries to build their capacities to implement the IHR.¶ 9. The WHO should further collaborate with partners to resolve the issues, indirectly related to the WHO functions, that impede effective prevention and control of pandemics.

#### Causes Extinction

Piers Millett 17, Consultant for the World Health Organization, PhD in International Relations and Affairs, University of Bradford, Andrew Snyder-Beattie, “Existential Risk and Cost-Effective Biosecurity”, Health Security, Vol 15(4), http://online.liebertpub.com/doi/pdfplus/10.1089/hs.2017.0028

Historically, disease events have been responsible for the greatest death tolls on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world’s population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization.

A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to remote populations, overcome rare genetic resistances, and evade detection, cures, and countermeasures. Even evolution itself may work in humanity’s favor: Virulence and transmission is often a trade-off, and so evolutionary pressures could push against maximally lethal wild-type pathogens.5,6

While these arguments point to a very small risk of human extinction, they do not rule the possibility out entirely. Although rare, there are recorded instances of species going extinct due to disease—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also historical examples of large human populations being almost entirely wiped out by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include native American tribes exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and theWestern Abenaki (which suffered a staggering 98% loss of population).

In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But many diseases are proof of principle that each worst-case attribute can be realized independently. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, natural evolution would be an unlikely source for pathogens with the highest possible levels of transmissibility, virulence, and global reach. But advances in biotechnology might allow the creation of diseases that combine such traits. Recent controversy has already emerged over a number of scientific experiments that resulted in viruses with enhanced transmissibility, lethality, and/or the ability to overcome therapeutics.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-2

### 1NC – Midterms DA

#### Dems win now – but the margins are razor thing – Texas abortion ban is going to rally dems to the polls – answers all thumpers

Behrmann & Bailey 9-9 [Savannah Behrmann, Congressional Reporter at USA TODAY. Previously, she was a News Associate at CNN. Savannah hails originally from Utah, and attended George Mason University., Phillip M. Bailey, National political correspondent, 9-9-2021, “Texas abortion law could hurt Republicans in 2022 midterm elections, experts say” USA Today, Accessed 9-11-2021, <https://www.usatoday.com/story/news/politics/2021/09/09/texas-abortion-law-may-hurt-republicans-2022-midterms-experts-say/570180001/> ww

WASHINGTON – As the United States pulled out of Afghanistan and chaos ensued, Republican lawmakers were swift to condemn President Joe Biden's handling of the withdrawal.¶ The violence that erupted in Kabul gave GOP officials an opening to attack the Democratic president, whose approach to the withdrawal was later met with disapproval in national polls. It quickly became political campaign fodder for Republicans who need a net gain of only five seats in the House and one in the Senate to recapture total control of Congress in next year's midterm elections.¶ Weeks later, conservatives were handed a victory when the Supreme Court sided with Texas Republicans in not blocking the most restrictive abortion law in the nation – in one of the United States' largest red states. But, unlike Afghanistan, it was met with a dim response from high-profile conservatives, most of whom didn't publicly celebrate the law that experts said could spell trouble for congressional Republicans when voters head to the polls next year.¶ 'Day of reckoning': GOP unified in blaming Biden for Afghanistan bombing, divided on refugees and next steps¶ Political strategists and academics pointed to a shifting narrative for people in the "middle" on abortion, and some suggested the new law may tilt too far to the right for even some in the Republican base. ¶ "Republicans have been bleeding support among suburban women throughout the Trump era," Republican pollster Whit Ayers told USA TODAY. "(Texas) makes that problem worse, not better."¶ A divided Supreme Court last week denied an effort by abortion rights groups to halt the new Texas law that bans people from having the procedure after six weeks of pregnancy. ¶ The Texas law, known as SB 8, and signed by Republican Gov. Greg Abbott in May, bans abortions when a fetal heartbeat is detected, usually at about six weeks. The law doesn't include traditional exceptions for abortion such as for rape or incest but allows women to have the procedure for "medical emergencies." ¶ 'Near-total ban': Texas doctors, women assess nation's strictest abortion law¶ The GOP base is largely religious and mostly anti-abortion. Around eight-in-ten Republican registered voters are Christian, and 63% of Republicans and those who lean toward the GOP say abortion should be illegal in all or most cases, according to Pew Research.¶ Brian Conley, professor of political science and director of the political science graduate program at Suffolk University, said that, especially following the Texas ruling and possibly others to come, the law may benefit the left because it may mobilize single-issue pro-choice voters. ¶ "It's galvanizing and solidifying as a single issue for a lot of folks because it appears as though we're on the precipice, if you will, of some type of meaningful change, some type of significant change in abortion rights in United States." ¶ Conley noted Afghanistan could have "really been a very big win for [Republicans] but then all of a sudden there's this other issue which, if you will, will probably displace discussions about Afghanistan."¶ New law may be too extreme¶ Although abortion remains one of the thornier issues in the country, surveys have shown a consistent consensus among most Americans who favor certain restrictions but oppose throwing out Roe v. Wade as a whole.¶ Asked whether the Supreme Court should “overturn” abortion or “let it stand” a month before the 2020 president contest, 62% of likely voters in a Fox News poll said the high court should let it remain.¶ Charles Bullock, a University of Georgia political science professor, said similar surveys showed the same thing.¶ A Quinnipiac University poll released during that time period found 66% of likely voters said they agreed with the 1973 decision establishing a woman’s right to terminate a pregnancy. And a Kaiser Family Foundation poll published in October 2020 showed 69% of Americans disagree with overturning Roe, including 76% of independents. ¶ Bullock said given the slim majorities controlling Congress, Republicans are pausing to calculate how the electorate will respond.¶ “Because while it may play very well in Texas, or at least in some legislative districts in Texas, (SB 8) may be a net loser nationwide,” he said.¶ If allowed to remain in force, the Texas law would be the most dramatic restriction on abortion rights in the U.S. since Roe v. Wade. Citing Roe, federal courts have shot down similar bans in other conservative states for years.¶ Pro-choice activists supporting legal access to abortion protest during a demonstration outside the US Supreme Court in Washington, D.C., in 2020.¶ But what makes the Texas law more controversial, and has rankled women's reproductive health advocates and providers – and may be difficult for Republicans to navigate in more moderate electorates – is a provision in the measure that deputizes individual citizens as the chief enforcer of the new anti-abortion rules.¶ Under that provision, private citizens can sue abortion providers and anyone involved in "aiding and abetting" abortions, including someone driving a person to an abortion clinic. A successful plaintiff could be entitled to at least $10,000 in damages, according to the law. ¶ Shana Kushner Gadarian, chair of political science at Syracuse University's Maxwell School of Citizenship and Public Affairs, said within the Republican Party the average voter is not necessarily supportive of these types of bills, "even though they're more supportive of restricting access, or moving the timeline of when women can access abortion back."¶ "This kind of very extreme ban is not super popular," she said.¶ Imani Gandy, senior editor of law and policy at Rewire.News, said it's hard to imagine the legal ramifications if the Supreme Court or lower federal bench doesn't move against that piece of the law.¶ "It really does create this sort of mercenary society where we're a nation of people who are snitching and surveilling each other," she said.¶ Some GOP pollsters say giving other citizens the right to pursue enforcement could spark privacy concerns among parts of the base that have resisted COVID-19 regulations.¶ "The enforcement mechanism is truly a bizarre and probably unconstitutional," Ayers said. "The libertarian wing of the party will be appalled by the enforcement mechanism in SB 8."¶ All the while, abortion is top-of-mind for voters. ¶ Gallup reported 47% of those polled in May, months before the Supreme Court's decision, said the issue of abortion will be one of the most important factors in voting for a candidate of a major office. Simultaneously, 24% say they will vote only for candidates who share their views on abortion. That number is significantly higher than in other years. ¶ Republicans largely silent ¶ Major Republicans and conservative organizations haven't been proactive in voicing support for the bill since it went into effect, or have shunned whether they back the law. ¶ The National Republican Senatorial Committee, the campaign arm for Senate Republicans, did not post about the new Texas law on Twitter in the days following, but posted more than 20 times on Afghanistan. The organization did not post a public statement.¶ The Republican Governor's Association has not made any statement either in the past week, but it has retweeted Abbott's messages about immigration, election security and business and infrastructure investments. ¶ Similarly, the National Republican Congressional Committee, which raises money for House Republicans, did not post about the Texas law on social media, and no public statement was found. ¶ USA TODAY reached out to the Republican party's campaign arms for comment or direction to public statements and was told none were available. ¶ Texas' Republican Sens. John Cornyn and Ted Cruz, have been mostly silent on social media regarding the law, and posted no public statements. ¶ Sen. John Cornyn R-TX speaks about border security during a press conference with Sen. Ted Cruz R-TX at the Anzalduas International Bridge in Mission, Tx on Thursday, Jan. 10, 2019. The senators accompanied president President Donald Trump on his trip to the southern border earlier in the day. (Via OlyDrop)¶ Cornyn retweeted a few posts analyzing the bill and USA TODAY was told from his office they didn't have more at the moment to add. Cruz's office did not point USA TODAY to any public statement.¶ A spokesman for Senate Minority Leader Mitch McConnell, R-Ky., told USA TODAY their office would forward any statements on the law if the GOP leader made any. But McConnell did offer a brief and reserved reaction about the law when speaking at an event in Kentucky last week.¶ “I think it was a highly technical decision,” he told reporters. “Whether it leads to a broader ruling on Roe vs. Wade is unclear at this point.”¶ House Minority Leader Kevin McCarthy, R-Calif., hadn't posted a public statement, either. The official GOP Twitter account also had not mentioned the abortion bill.¶ Sen. Bill Cassidy, R-La., said on ABC News he believes the Supreme Court will ultimately overturn the Texas law, despite its refusal to last week. ¶ "I think the Supreme Court will swat it away once it comes to them in an appropriate manner. If it is as terrible as people say it is, it will be destroyed by the Supreme Court," Cassidy said.¶ As for Democrats, they've attacked the bill with vengeance. ¶ "The Supreme Court’s cowardly, dark-of-night decision to uphold a flagrantly unconstitutional assault on women’s rights and health is staggering," said House Speaker Nancy Pelosi, D-Calif., in a statement. “SB8 delivers catastrophe to women in Texas, particularly women of color and women from low-income communities."¶ Pelosi said the House will vote later this month on a bill that would protect the right to abortion across the country by codifying Roe v. Wade.¶ Congress:Pelosi says House will vote on abortion access bill in response to Supreme Court decision on Texas law¶ The bill brings abortion into high-profile races¶ The Texas law will likely play a role in next year's battle for the Senate where there is currently a 50-50 party breakdown.¶ In the battleground state of Pennsylvania, for instance, candidates from both sides are rushing to succeed retiring Republican Sen. Pat Toomey.¶ Democratic candidate Val Arkoosh pounced on the Texas abortion law, tweeting: "Say it with me: End the filibuster. Codify Roe v. Wade. The Senate should come back and do it — now."¶ The five-person Pennsylvania GOP field, however, has been mostly quiet.¶ None of the Republican contenders responded to USA TODAY's request for comment except for Craig Snyder, a former chief of staff for the late former Sen. Arlen Specter who is running as an anti-Trump candidate.¶ Snyder, who said he supports the unborn and "autonomy" of women, said the law is "clearly unconstitutional" based on Supreme Court precedent. He said it represents a sharp departure from what most general election voters think about abortion.¶ "I think it's another victory for extremism over the views of what I think is the American majority," Snyder said.¶ In other states, Republican candidates have avoided touting Texas' law specifically while still framing the abortion fight as a weakness for Democrats.¶ One of the high-profile races in 2021 will be Virginia's gubernatorial contest between Republican Glenn Youngkin and Democrat Terry McAuliffe.¶ The Youngkin campaign fired off a press release Tuesday afternoon chastising McAuliffe for his past comments on abortion, but it made no mention of the Texas law.¶ Youngkin dodged a CNN reporter when asked three times on Tuesday if a similar 6-week ban such as the one in Texas should be made law in Virginia, only saying that he's "pro-life."¶ Youngkin campaign spokeswoman Macaulay Porter said from the start of the race he's been an anti-abortion candidate, who "believes in exceptions in the case of rape, incest and when the mother’s life is in jeopardy."¶ "Terry McAuliffe is trying to divide us and distract from his own extreme, pro-abortion position," she said in a statement. "The Texas law is not something that is here in Virginia. What is in Virginia is Terry McAuliffe’s extreme agenda, which advocates for abortion, all the way up through and including birth.”¶ The McAuliffe campaign has gone on the offensive with a series of attack ads to remind Virginians about Youngkin's anti-abortion stances. It also revived a video released by a liberal activist in July showing Youngkin telling a voter he is keeping quiet about his anti-abortion views.¶ McAuliffe said if elected to another term he will "enshrine" abortion rights into the state constitution, and fight for new protections. He also expressed confidence that left-leaning and independent voters will come out big this November as a warning shot to Republicans in 2022 about how they have overstepped.¶ "The future of this country is going to be a battle to protect and preserve woman's rights to make their own decisions about their own body," McAuliffe said.¶ Supreme Court back in the spotlight?¶ Democrats see the Texas law as a way to remind voters of the importance of the Supreme Court — and how Senate control plays into that longer game.¶ Historically, the party not in control of the White House has success in midterms, which could have a direct impact on the court because the Senate is tasked with confirming nominees. With three Donald Trump nominees on the bench, conservatives now hold a comfortable 6-3 majority. ¶ Jazmin Vargas, the national press secretary for the Democratic Senatorial Campaign Committee, said Democrats plan on highlighting the abortion ruling over the Texas law and the Supreme Court's power in the midterm elections.¶ “The freedom for women to make our own health care decisions is on the ballot in 2022 and in key Senate battleground states. Democrats will be holding Republican Senate candidates accountable for their anti-choice record and we will be reminding voters of the stakes in next year’s election – and why we must defend a Democratic Senate majority with the power to confirm or reject Supreme Court justices," she said in a statement to USA TODAY.¶ This Friday, Sept. 3, 2021, photo shows the Supreme Court in Washington. The Supreme Court's decision this past week not to interfere with the state's strict abortion law, provoked outrage from liberals and cheers from many conservatives. President Joe Biden assailed it. But the decision also astonished many that Texas could essentially outmaneuver Supreme Court precedent on women's constitutional right to abortion. (AP Photo/J. Scott Applewhite) ORG XMIT: DCSA117¶ The House Democrats' campaign arm also came out swinging on the new law. ¶ “We’re going to make clear to the American people that this type of draconian law – that targets people seeking reproductive care and places bounties on the heads of those who help them – risks becoming the norm under a Republican majority, and Democrats won’t allow that to happen," said Democratic Congressional Campaign Committee spokesperson Nebeyatt Betre.¶ But CNN political commentator Scott Jennings, a longtime Republican adviser, said Democrats and others should pump their brakes before thinking the lack of a GOP rally in the days after the Texas law took effect represents a tectonic shift in a nearly half-century old debate.¶ "Are there any voters out there who don't know that the Republican Party is the pro-life party and the Democratic Party is the abortion party? It's been a clear contour of our elections for a long time," he said.¶ Jennings said outside of Texas each conservative candidate at the Senate and gubernatorial level is making their own decision on how to handle the issue, but that the GOP isn't going to abandon its anti-abortion base. ¶ "There's an assumption by Democrats that they're going to be able to make an entire election about abortion, when you got runaway inflation, Afghanistan debacle and COVID is now re-surging," he said. ¶ Anti-abortion activists aren't fretting about Republican reticence thus far, saying that Texas legislators have inspired leaders in other Republican-controlled state legislatures to say they are looking to mimic the law.¶ "We are in the early days, so time will tell," said Kristan Hawkins, president of Students for Life of America. ¶ She said social conservative activists are inspired by the "innovative ways to protect life" that Texas Republicans used to enforce the 6-week ban and there is a growing expectation that politicians will follow through. ¶ "Empowering private citizens was a response to a legal and political class failing to do their jobs and enforce the law," Hawkins said.¶ The Supreme Court's work on abortion isn't over. The court is expected to hear a blockbuster challenge to Mississippi's ban on most abortions after 15 weeks of pregnancy.¶ That dispute, which could be argued at the court later this year and decided next summer right before the elections, is expected to address central questions about the constitutionality of abortion and restrictions on it imposed by states.¶ Ayers, the GOP pollster, said abortion will remain an "unresolvable moral issue" but added that Democratic and Republican campaigns are measuring how much Texas has tipped the political scales, even if by inches.¶ "Americans as a whole view abortion as a moral dilemma that I believe will never be fully resolved to the satisfaction of people on either extreme of the debate," he said.

#### The aff is massively unpopular – majority of voters oppose the aff – regardless of political affiliation

Schulte 5-4 [Gabriela Schulte, 5-4-2021, “Poll: Majority oppose proposal to temporarily waive intellectual property rights on COVID-19 vaccines” The Hill, Accessed 8-11-2021, <https://thehill.com/hilltv/what-americas-thinking/551797-poll-majority-oppose-proposal-to-temporarily-waive-intellectual> ww

A majority of voters oppose the proposal to temporarily waive intellectual property rights on COVID-19 vaccines, a new Hill-HarrisX poll finds.¶ The survey comes as the Biden administration faces mounting pressure to support a proposal led by India and South Africa that would waive an international intellectual property agreement that protects pharmaceutical trade secrets.¶ Backers of the move argue it would enable lower-income countries to manufacture the vaccines themselves while those opposed say it could make the vaccine less safe and damper production in existing locations.¶ Fifty-seven percent of registered voters in the May 3-4 survey said they oppose the proposal to waive intellectual property rights on COVID-19 vaccines. By contrast, 43 percent of respondents said they support the proposal. ¶ Sixty-four percent of Republican voters along with 52 percent of both Democratic and independent voters said they oppose waiving the intellectual property rights of vaccines.¶ "This is a complex issue with a remarkably sophisticated understanding by the public. The tension is as follows: On one hand you have the need to protect the intellectual property rights of the scientists and companies that brought about the fastest vaccine in history, and will likely need to produce new versions of the shot even faster to battle evolving strains," Dritan Nesho, chief researcher and CEO of HarrisX, told Hill.TV.¶ "On the other hand there’s the need to save lives, reaching global heard immunity and providing access to the vaccine as broadly and equitably as as possible," Nesho continued.¶ "Today a majority of 57 percent of U.S. voters would like to protect the intellectual property of vaccine makers, but as more and more people are vaccinated in advanced economies, voter pressure for broader and more equitable distribution will rise," Nesho added. "Already we see Democrats and independents here split on the issue of whether or not to waive IP rights to provide greater access to the vaccines."¶ President Biden is expected to weigh in on the proposal at a World Trade Organization meeting on Wednesday.¶ The most recent Hill-HarrisX poll was conducted online among 939 registered voters. It has a margin of error of 3.2 percentage points.

#### Midterm success k2 long term climate initiatives

Piotrowski et al 20 [Matt Piotrowski and Emma McMahon and Joshua McBee and Kyle Saukas, 12-14-2020, “Biden’s Climate Path Through the 2022 Midterms” Climate Advisers, <https://climateadvisers.org/blogs/bidens-climate-path-up-to-the-2022-midterms/> ww

\*Figures omitted\*

Joe Biden ran on a climate change agenda and has laid out his plans for early action, but what might the ‘medium-term’ for climate action and the 2022 midterms look like?¶ Beyond 2021¶ Although the configuration of the current Senate is not yet decided, political operatives are already looking forward to the 2022 mid-term election. If Democrats do not win both special elections in Georgia in January 2021, they will not have the majority in the Senate, which, as noted in earlier blogs, will greatly hamper the Democrats’ legislative agenda and make wide-ranging climate legislation a virtual impossibility.¶ However, they could capture the majority in 2022. U.S. Senators serve six-year terms, meaning that the same seats are up for re-election on a rotating six-year schedule. The seats up for re-election in 2022 pose better opportunities for Democratic gains than did the elections in 2018 or 2020, with three vulnerable Republican seats (see Figure 1 below).¶ It is too soon to tell what will happen in the mid-term elections, but the most recent data show Republicans are well-positioned to take back the House. Still, some Democrats are confident they can hold onto the House. If Democrats win majorities in both houses of Congress in 2022, then the second half of the Biden administration’s term could, unusually, be more productive than his first. This would give him greater opportunity to pass comprehensive climate legislation, which could include a carbon tax, major investments in green technology and infrastructure, and regulation of the energy sector. If Republicans maintain their lead in the Senate, with or without a majority in the House, it is unlikely that any of these would pass during Biden’s presidency.¶ With Congress shifting its focus to the mid-term elections in 2022, the Biden administration will still take advantage of its ability to advance climate initiatives in the executive branch. Increasing the use of clean fuels through government procurement, particularly in the military, is one major goal. The U.S. government spends approximately $500 billion per year on procurement, providing a large opportunity to develop a zero-emission transportation fleet. There will also be opportunities in rewriting agency rules and regulations (President Trump rolled back more than 100 environmental rules), increasing research and development in programs such as the Department of Energy’s Advanced Research Projects Agency-Energy, and prioritizing the climate issue in diplomacy.¶ At the state and local level, Republicans performed better than expected in this year’s election, gaining seats in state legislatures, giving them the advantage in the redistricting process next year. Whichever party has the ability to redraw districts, which is done every 10 years, has the power to increase the number of districts in their favor. This dynamic may help Republicans retake the U.S. House of Representatives and hold onto the majority for some time as they did from 2010-18. In the map below, the Republicans hold both the legislatures and the governorships of the states in red.¶ These state-level legislatures and governorships could set the political map for a decade to come in Republicans’ favor. This could lead to more state-level opposition to President Biden’s executive actions. The recently failed attempt by Texas’ Attorney General to sue swing states whose electoral votes secured Biden’s victory that was supported by the Attorney Generals of 17 other states is an early-warning sign of state vs. federal animosity. Additionally, these state wins for Republicans could influence voting laws to favor Republicans to be elected at the Federal level, further frustrating Biden and future Democrats’ efforts to pursue ambitious climate legislation.

#### Extinction.

Kareiva 18 [Peter,Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA, et al., September 2018, “Existential risk due to ecosystem collapse: Nature strikes back,” Futures, Vol. 102, p. 39-50

In summary, six of the nine proposed planetary boundaries (phosphorous, nitrogen, biodiversity, land use, atmospheric aerosol loading, and chemical pollution) are unlikely to be associated with existential risks. They all correspond to a degraded environment, but in our assessment do not represent existential risks. However, the three remaining boundaries (climate change, global freshwater cycle, and ocean acidification) do pose existential risks. This is because of intrinsic positive feedback loops, substantial lag times between system change and experiencing the consequences of that change, and the fact these different boundaries interact with one another in ways that yield surprises. In addition, climate, freshwater, and ocean acidification are all directly connected to the provision of food and water, and shortages of food and water can create conflict and social unrest. Climate change has a long history of disrupting civilizations and sometimes precipitating the collapse of cultures or mass emigrations (McMichael, 2017). For example, the 12th century drought in the North American Southwest is held responsible for the collapse of the Anasazi pueblo culture. More recently, the infamous potato famine of 1846–1849 and the large migration of Irish to the U.S. can be traced to a combination of factors, one of which was climate. Specifically, 1846 was an unusually warm and moist year in Ireland, providing the climatic conditions favorable to the fungus that caused the potato blight. As is so often the case, poor government had a role as well—as the British government forbade the import of grains from outside Britain (imports that could have helped to redress the ravaged potato yields). Climate change intersects with freshwater resources because it is expected to exacerbate drought and water scarcity, as well as flooding. Climate change can even impair water quality because it is associated with heavy rains that overwhelm sewage treatment facilities, or because it results in higher concentrations of pollutants in groundwater as a result of enhanced evaporation and reduced groundwater recharge. Ample clean water is not a luxury—it is essential for human survival. Consequently, cities, regions and nations that lack clean freshwater are vulnerable to social disruption and disease. Finally, ocean acidification is linked to climate change because it is driven by CO2 emissions just as global warming is. With close to 20% of the world’s protein coming from oceans (FAO, 2016), the potential for severe impacts due to acidification is obvious. Less obvious, but perhaps more insidious, is the interaction between climate change and the loss of oyster and coral reefs due to acidification. Acidification is known to interfere with oyster reef building and coral reefs. Climate change also increases storm frequency and severity. Coral reefs and oyster reefs provide protection from storm surge because they reduce wave energy (Spalding et al., 2014). If these reefs are lost due to acidification at the same time as storms become more severe and sea level rises, coastal communities will be exposed to unprecedented storm surge—and may be ravaged by recurrent storms. A key feature of the risk associated with climate change is that mean annual temperature and mean annual rainfall are not the variables of interest. Rather it is extreme episodic events that place nations and entire regions of the world at risk. These extreme events are by definition “rare” (once every hundred years), and changes in their likelihood are challenging to detect because of their rarity, but are exactly the manifestations of climate change that we must get better at anticipating (Diffenbaugh et al., 2017). Society will have a hard time responding to shorter intervals between rare extreme events because in the lifespan of an individual human, a person might experience as few as two or three extreme events. How likely is it that you would notice a change in the interval between events that are separated by decades, especially given that the interval is not regular but varies stochastically? A concrete example of this dilemma can be found in the past and expected future changes in storm-related flooding of New York City. The highly disruptive flooding of New York City associated with Hurricane Sandy represented a flood height that occurred once every 500 years in the 18th century, and that occurs now once every 25 years, but is expected to occur once every 5 years by 2050 (Garner et al., 2017). This change in frequency of extreme floods has profound implications for the measures New York City should take to protect its infrastructure and its population, yet because of the stochastic nature of such events, this shift in flood frequency is an elevated risk that will go unnoticed by most people. 4. The combination of positive feedback loops and societal inertia is fertile ground for global environmental catastrophes. Humans are remarkably ingenious, and have adapted to crises throughout their history. Our doom has been repeatedly predicted, only to be averted by innovation (Ridley, 2011). However, the many stories of human ingenuity successfully addressing existential risks such as global famine or extreme air pollution represent environmental challenges that are largely linear, have immediate consequences, and operate without positive feedbacks. For example, the fact that food is in short supply does not increase the rate at which humans consume food—thereby increasing the shortage. Similarly, massive air pollution episodes such as the London fog of 1952 that killed 12,000 people did not make future air pollution events more likely. In fact it was just the opposite—the London fog sent such a clear message that Britain quickly enacted pollution control measures (Stradling, 2016). Food shortages, air pollution, water pollution, etc. send immediate signals to society of harm, which then trigger a negative feedback of society seeking to reduce the harm. In contrast, today’s great environmental crisis of climate change may cause some harm but there are generally long time delays between rising CO2 concentrations and damage to humans. The consequence of these delays are an absence of urgency; thus although 70% of Americans believe global warming is happening, only 40% think it will harm them (http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/). Secondly, unlike past environmental challenges, the Earth’s climate system is rife with positive feedback loops. In particular, as CO2 increases and the climate warms, that very warming can cause more CO2 release which further increases global warming, and then more CO2, and so on. Table 2 summarizes the best documented positive feedback loops for the Earth’s climate system. These feedbacks can be neatly categorized into carbon cycle, biogeochemical, biogeophysical, cloud, ice-albedo, and water vapor feedbacks. As important as it is to understand these feedbacks individually, it is even more essential to study the interactive nature of these feedbacks. Modeling studies show that when interactions among feedback loops are included, uncertainty increases dramatically and there is a heightened potential for perturbations to be magnified (e.g., Cox, Betts, Jones, Spall, & Totterdell, 2000; Hajima, Tachiiri, Ito, & Kawamiya, 2014; Knutti & Rugenstein, 2015; Rosenfeld, Sherwood, Wood, & Donner, 2014). This produces a wide range of future scenarios. Positive feedbacks in the carbon cycle involves the enhancement of future carbon contributions to the atmosphere due to some initial increase in atmospheric CO2. This happens because as CO2 accumulates, it reduces the efficiency in which oceans and terrestrial ecosystems sequester carbon, which in return feeds back to exacerbate climate change (Friedlingstein et al., 2001). Warming can also increase the rate at which organic matter decays and carbon is released into the atmosphere, thereby causing more warming (Melillo et al., 2017). Increases in food shortages and lack of water is also of major concern when biogeophysical feedback mechanisms perpetuate drought conditions. The underlying mechanism here is that losses in vegetation increases the surface albedo, which suppresses rainfall, and thus enhances future vegetation loss and more suppression of rainfall—thereby initiating or prolonging a drought (Chamey, Stone, & Quirk, 1975). To top it off, overgrazing depletes the soil, leading to augmented vegetation loss (Anderies, Janssen, & Walker, 2002). Climate change often also increases the risk of forest fires, as a result of higher temperatures and persistent drought conditions. The expectation is that forest fires will become more frequent and severe with climate warming and drought (Scholze, Knorr, Arnell, & Prentice, 2006), a trend for which we have already seen evidence (Allen et al., 2010). Tragically, the increased severity and risk of Southern California wildfires recently predicted by climate scientists (Jin et al., 2015), was realized in December 2017, with the largest fire in the history of California (the “Thomas fire” that burned 282,000 acres, https://www.vox.com/2017/12/27/16822180/thomas-fire-california-largest-wildfire). This catastrophic fire embodies the sorts of positive feedbacks and interacting factors that could catch humanity off-guard and produce a true apocalyptic event. Record-breaking rains produced an extraordinary flush of new vegetation, that then dried out as record heat waves and dry conditions took hold, coupled with stronger than normal winds, and ignition. Of course the record-fire released CO2 into the atmosphere, thereby contributing to future warming. Out of all types of feedbacks, water vapor and the ice-albedo feedbacks are the most clearly understood mechanisms. Losses in reflective snow and ice cover drive up surface temperatures, leading to even more melting of snow and ice cover—this is known as the ice-albedo feedback (Curry, Schramm, & Ebert, 1995). As snow and ice continue to melt at a more rapid pace, millions of people may be displaced by flooding risks as a consequence of sea level rise near coastal communities (Biermann & Boas, 2010; Myers, 2002; Nicholls et al., 2011). The water vapor feedback operates when warmer atmospheric conditions strengthen the saturation vapor pressure, which creates a warming effect given water vapor’s strong greenhouse gas properties (Manabe & Wetherald, 1967). Global warming tends to increase cloud formation because warmer temperatures lead to more evaporation of water into the atmosphere, and warmer temperature also allows the atmosphere to hold more water. The key question is whether this increase in clouds associated with global warming will result in a positive feedback loop (more warming) or a negative feedback loop (less warming). For decades, scientists have sought to answer this question and understand the net role clouds play in future climate projections (Schneider et al., 2017). Clouds are complex because they both have a cooling (reflecting incoming solar radiation) and warming (absorbing incoming solar radiation) effect (Lashof, DeAngelo, Saleska, & Harte, 1997). The type of cloud, altitude, and optical properties combine to determine how these countervailing effects balance out. Although still under debate, it appears that in most circumstances the cloud feedback is likely positive (Boucher et al., 2013). For example, models and observations show that increasing greenhouse gas concentrations reduces the low-level cloud fraction in the Northeast Pacific at decadal time scales. This then has a positive feedback effect and enhances climate warming since less solar radiation is reflected by the atmosphere (Clement, Burgman, & Norris, 2009). The key lesson from the long list of potentially positive feedbacks and their interactions is that runaway climate change, and runaway perturbations have to be taken as a serious possibility. Table 2 is just a snapshot of the type of feedbacks that have been identified (see Supplementary material for a more thorough explanation of positive feedback loops). However, this list is not exhaustive and the possibility of undiscovered positive feedbacks portends even greater existential risks. The many environmental crises humankind has previously averted (famine, ozone depletion, London fog, water pollution, etc.) were averted because of political will based on solid scientific understanding. We cannot count on complete scientific understanding when it comes to positive feedback loops and climate change.

### 1NC – Price Controls CP

#### Text: The member nations of the world trade organization should reform their price control polices for Pharmaceuticals

#### That solves

**Lee Et Al 5-6** [Kah Seng Lee, Yaman, Nur Akmar Taha, Zainol Akbar Zainal, Faculty of Pharmacy, University of Cyberjaya, Cyberjaya, Selangor, Malaysia. Walid Kassab, Faculty of Pharmacy, Universiti Teknologi MARA, Puncak Alam, Selangor, Malaysia. “A systematic review of pharmaceutical price mark-up practice and its implementation” Exploratory Research in Clinical and Social Pharmacy, Volume 2, available online 5-6-2021, Accessed 6-27-2021, <https://doi.org/10.1016/j.rcsop.2021.100020>. Ww

4. Discussion¶ Our current review examines the schematic and regulatory framework of pharmaceutical distribution and mark-ups in the identified countries. Technically, the medicine price is considered as fair if it is affordable to the patient while covering the retailer's costs plus a reasonable profit margin. Contradictorily, from the patient's point of view, a drug price is considered as “fair” when it is affordable, sustainable, and value for money. Perhaps it is contentious to determine the accepted profit margin of a medicine price. This is because fairness in drug prices does not solely reflect the benefit of buyers. Fairness means the policy is advantageous towards the patients too. A fair price should be **inclusive of** manufacturing **costs**, research and development costs, licensing costs, and a reasonable amount of profit. This is known as the price floor. The **price ceiling** is **determined by these factors**. A **fair price** which benefits both parties should be **within the** range of price **floor** **and** price **ceiling**. If a policy places the drug pricing under the price floor, it is undeniable that drug manufacturers and sellers would be forced to delay the production of drugs. Likewise, if a policy favours the sellers and sets drug prices above the ceiling, people would not be able to afford them, thus jeopardizing the balance of supply and demand.¶ Different countries adopt their own methods of pharmaceutical market management. Some countries employ various medical and pharmaceutical policies to balance the incurred healthcare costs and income generated from mark-ups. Others, like Italy, Norway and France, provide subsidies or do not charge for medication in public healthcare facilities. Most countries have implemented price control mechanisms as recommended by the WHO, such as external reference pricing which is commonly used by most European countries to determine the mark-up margin.38,39 The external reference pricing uses the price of a pharmaceutical product in one or several countries to derive a benchmark or reference price in order to set or negotiate the price of the product in the host country.2 Such a mechanism is not without its drawbacks. First, pricing estimation using external reference pricing will be inaccurate if the market intelligence collected the wrong medicine pricing details, including in terms of strength, dosage size, pack size and active ingredients.38,39 Second, setting a low price for a medicine measured using external referencing pricing could potentially lead to a medicine going out of stock in a particular country simply because the pharmaceutical companies will tend to divert supply to neighbouring countries that offer a better price.40¶ Our findings indicate that the majority of studies on drug pricing mark-ups have been conducted in European countries. In fact, there is a lack of pharmaceutical price control especially in developing countries, for example Chile, Ghana and Somalia.41 The absence of price control policies leads to unregulated selling price. Although the price of drugs may be cheaper in such regions compared to Europe and the USA, the quality of drugs might be compromised.42,43 Furthermore, it is difficult to compare drug-pricing mark-ups among different countries, since not all of them are applying mark-up controls consistently across all type of medicines. A clearer picture will be presented if more studies focusing on medicine mark-ups are done according to the drug pharmacological grouping.¶ Among the nine Western countries examined, only the UK imposed a price cap system, which controlled the maximum retail mark-ups at 21% of the wholesale price. Italy was the sole country where fixed fees and regressive fixed fees were regulated at the retailer level.30 In general, price mark-ups across the pharmaceutical supply chain in Western countries fall within the range of 4% to 25%, which is almost 50% lower than Asian countries. This may be a consequence of the countries' varying political stances, financial situations, and pharmaceutical regulations.44,45 Most Europeans are protected by a national medical scheme or health insurance.46 The reason behind these measures might be that the original price of the drug is already high.47 Many pharmaceutical companies manufacture their products in Asia, due to the cheaper labour costs and easier access to raw materials. It seems prudent to propose that an import cost is should be added on top of the original drug price, making it difficult to raise the mark-up ceiling level in Western countries.¶ The advent of effective and reliable biologics and precision medicines are taking the pharmaceutical industry a big step forward. But new, highly individualized **drugs are meaningless** if most patients are **unable to afford** them. Similarly, there is no point in pumping funds into pharmaceutical research and development when the investors are unable to sustain the pharmaceutical lifecycle management. Hence, **every country should have a price control policy to protect the lives of patients**, and the livelihood of pharmaceutical industry players.48¶ **With price regulation, patients are able to afford medications which in most cases are extremely important to keep them healthy**.49 In the USA, it is often being cited that prescription medications are more expensive than in other countries in the region. It is estimated that around **30% of patients in the USA are unable to afford their prescriptions**, and later succumb to their illnesses.50,51 Since drugs are essential to healthcare, some companies are taking advantage of their blockbuster drugs that monopolize the market. With price control measures in place, **this situation could be avoided**. However, controlling the selling price of medicine might lead to price fluctuation in other parts of the pharmaceutical supply chain. For example, drug utilization tends to increase if the price of a drug is decreased tremendously. On the contrary, in tandem with the price drop, unfavourable marketing could lead to less demand and subsequent rationing. The equilibrium of drug supply and demand might be at risk due to the manufacturers' unwillingness to produce the required volume of drugs. In most cases, pharmaceutical companies rely on high profit margins of drug sales to sustain research and development. For instance, the leading pharma companies have drastically slashed budgets for antibiotic innovation due to an unfavourable return of investment caused by the fast development of antibiotic resistance.52,53

### 1NC – Util

#### The standard is Maximizing expected well-being –

#### 1] Binding – pain and pleasure are the only things with intrinsic value and disvalue – if I put my hand on a hot stove I will pull away – ethics must be binding bc if they arent then its impossible to generate obligations

#### 2] Death is bad – it’s impossible to pursue pleasure if you are dead, that means that we should always try to prevent death to give subjects the ability to pursue pleasure.

#### 3] Actor specificity – Governments have the obligation to maximize the pleasure of their citizens – proven through laws that are desiged to stop pain towards other subjects – Drunk driving laws, murder, robbery ect.

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

# Case

### Framing

#### 1] Extinction ows and is a preq

#### 2] Double bind – either a] extinction is bad under their fw then you negate, or b] its not and you negate bc that’s morally repugnant

#### 3] their fw isn’t binding – means it cant generate obligations so you default to util

#### 4] Obviation – the counterplans solve the affs offense so If I win a counterplan all I have to win is a risk of extinction being bad for you to negate

### 1NC – Plan text flaw

#### WTO is not accurate – means a ton of things – World toilet organization is my favorite

Acrony finder 20 "WTO." Acronym Finder. 1988-2020. AcronymFinder.com 18 Sep. 2021 <https://acronyms.thefreedictionary.com/WTO> ww

Acronym Definition¶ WTO World Tourism Organization¶ WTO World Trade Organization (now the United Nations World Trade Organization, UNWTO)¶ WTO World Trade Organization¶ WTO We're Taking Over (gaming clan)¶ WTO Warsaw Treaty Organization¶ WTO World Toilet Organisation¶ WTO Winning the Oil Endgame (ebook by Rocky Mountain Institute)¶ WTO Weltweit Taube Ohren (German: Worldwide Deaf Ears)¶ WTO Write To Operator¶ WTO Way Too Old¶ WTO Wraith: the Oblivion (game)¶ WTO Weapons Training Officer¶ WTO World Telecommunications Organization¶ WTO Windows Technical Operations

## Adv

### Solvency – Not Patents

#### Waivers don’t solve – the issue is in lack of materials. Moderna literally tried the aff

Tabarrok 21

Alex Tabarrok (Bartley J. Madden Chair in Economics at the Mercatus Center and am a professor of economics at George Mason University). “Patents are Not the Problem!” Marginal Revolution. 6 May 2021. JDN. https://marginalrevolution.com/marginal revolution/2021/05/ip‐is‐not‐the‐constraint.html [Brackets in original] || cut SM

Patents are not the problem. All of the vaccine manufacturers are trying to increase supply as quickly as possible. Billions of doses are being produced–more than ever before in the history of the world. Licenses are widely available. AstraZeneca have licensed their vaccine for production with manufactures around the world, including in India, Brazil, Mexico, Argentina, China and South Africa. J&J’s vaccine has been licensed for production by multiple firms in the United States as well as with firms in Spain, South Africa and France. Sputnik has been licensed for production by firms in India, China, South Korea, Brazil and pending EMA approval with firms in Germany and France. Sinopharm has been licensed in the UAE, Egypt and Bangladesh. Novavax has licensed its vaccine for production in South Korea, India, and Japan and it is desperate to find other licensees but technology transfer isn’t easy and there are limited supplies of raw materials:

Virtually overnight, [Novavax] set up a network of outside manufacturers more ambitious than one outside executive said he’s ever seen, but they struggled at times to transfer their technology there amid pandemic travel restrictions. They were kicked out of one factory by the same government that’s bankrolled their effort. Competing with larger competitors, they’ve found themselves short on raw materials as diverse as Chilean tree bark and bioreactor bags. They signed a deal with India’s Serum Institute to produce many of their COVAX doses but now face the realistic chance that even when Serum gets to full capacity — and they are behind — India’s government, dealing with the world’s worst active outbreak, won’t let the shots leave the country.

Plastic bags are a bigger bottleneck than patents. The US embargo on vaccine supplies to India was precisely that the Biden administration used the DPA to prioritize things like bioreactor bags and filters to US suppliers and that meant that India’s Serum Institute was having trouble getting its production lines ready for Novavax. CureVac, another potential mRNA vaccine, is also finding it difficult to find supplies due to US restrictions (which means supplies are short everywhere). As Derek Lowe said:

Abolishing patents will not provide more shaker bags or more Chilean tree bark, nor provide more of the key filtration materials needed for production. These processes have a lot of potential choke points and rate‐limiting steps in them, and there is no wand that will wave that complexity away.

Technology transfer has been difficult for AstraZeneca–which is one reason they have had production difficulties–and their vaccine uses relatively well understood technology. The mRNA technology is new and has never before been used to produce at scale. Pfizer and Moderna had to build factories and distribution systems from scratch. There are no mRNA factories idling on the sidelines. If there were, Moderna or Pfizer would be happy to license since they are producing in their own factories 24 hours a day, seven days a week (monopolies restrict supply, remember?). Why do you think China hasn’t yet produced an mRNA vaccine? Hint: it isn’t fear about violating IP. Moreover, even Moderna and Pfizer don’t yet fully understand their production technology, they are learning by doing every single day. Moderna has said that they won’t enforce their patents during the pandemic but no one has stepped up to produce because no one else can.

### Solvency – Root Cause - Rutschman

#### Covid waivers fail – they arent able to address the root of vaccine scarcity, the just disclose the recipe not the process of making the vaccine.

Rutschman and Barnes-weise 5-5 [Ana Santos Rutschman, *Assistant Professor of Law at Saint Louis University School of Law*, Julia Barnes-Weise, Executive Director of the Global Healthcare Innovation Alliance Accelerator., 5-5-2021, “The COVID-19 Vaccine Patent Waiver: The Wrong Tool for the Right Goal” Harvard Law Petrie-Flom Center, Accessed 8-14-2021, <https://blog.petrieflom.law.harvard.edu/2021/05/05/covid-vaccine-patent-waiver/> ww

As the toll of COVID-19 continues to increase in many countries in the Global South, there has been a renewed push to address the problem of vaccine scarcity through a waiver of patent rights. Calls for waivers have been recurring throughout the pandemic, from formal proposals introduced in 2020 by some of the larger developing economies (India and South Africa), to op-eds in mainstream media, and editorials in scientific publications, such as Nature. This push gained momentum in early May 2021, just before the meeting of the World Trade Organization’s General Council.¶ Waiver proposals have attracted the support of prominent names in public health. Dr. Tedros Adhanom Ghebreyesus, the Director-General of the World Health Organization, endorsed patent waivers as a tool to address the current vaccine scarcity problem in an article titled Waive Covid Vaccine Patents to Put World on “War Footing.” Others — including, most recently, Dr. Anthony Fauci — have been critical of waiver proposals.¶ In this piece, we explain the mechanics of patent waivers and argue that waivers alone are the wrong policy tool in the context of the COVID-19 pandemic. We agree with supporters of the waivers in their ultimate goal — that of scaling up the manufacturing of COVID-19 vaccines, and then distributing them according to more equitable models than the ones adopted thus far. However, we doubt that the particular types of goods at stake here can be easily replicated and produced in substantially larger quantities simply through a waiver of intellectual property rights.¶ Vaccines and Intellectual Property: The Informational Function of Patents¶ Intellectual property rights, and especially patent rights, are governmental grants embedded into national legal systems across the world for utilitarian reasons: longstanding intellectual property theory and policy rests on the idea that the prospect of obtaining a patent will incentivize players in research and development (R&D) to invest in areas that might be otherwise underfunded. While a vast body of research demonstrates that this utilitarian approach is not universally applicable to all types of goods (and especially to certain types of health goods), it remains the main driver of modern patent regimes.¶ In exchange for getting this particular type of intellectual property rights, patentees disclose critical information about the invention covered by the patent. On the one hand, a patent gives the patentee lead time on the market for a relatively lengthy period of time (formally 20 years, in practice less than that, especially for products like vaccines that must undergo review and approval by drug regulators). On the other hand, by requiring that the patent applicant share information about the invention that is subsequently published by the patent office, the patent system promotes the flow of scientific and technical information that can be used by other innovators in the field.¶ It is well known by now that existing COVID-19 vaccines — including the ones that represent the application of a new type of vaccine technology, mRNA vaccines — are covered by multiple layers of patent rights. Proponents of a patent waiver for COVID-19 vaccine emphasize the problems created by the exclusivity created by intellectual property rights, and they are correct in their diagnosis.¶ Having adopted a legal regime that grants patent rights to any inventions meeting the substantive criteria set forth in international and national patent laws (a threshold that many of the current patent applications on COVID-19 will, in all likelihood, clear), we now face the logical consequences of such a regime: absent some kind of intervention, vaccine patent holders have the ability to refuse licensing their technology to others, even against a backdrop of vaccine scarcity.¶ A waiver is thus portrayed as a mechanism to overcome this exclusionary ability that traditionally inheres to a patent: in light of the tragic proportions of our shared public health problem, let us do away with the exclusionary right for a certain period of time and other companies will be able to 1) replicate existing vaccines and 2) manufacture at scale so that considerably more doses of vaccine will start flowing towards populations in the Global South.¶ These two propositions would be accurate if the information disclosed in patents were enough to increase the supply of COVID-19 vaccines. Unfortunately, it is not.¶ A Mismatch Problem: The Informational Limitations of Patents¶ Patents cover both processes and products. In the case of vaccines, the former category includes methods of vaccine production, while the latter covers a myriad of vaccine components, from antigens (substances used to elicit a reaction from the immune system), to inactive ingredients, such as adjuvants (substances that help enhance the immune response, like oil-in-water emulsions) and stabilizers (substances that help maintain the potency of the vaccine, like sugars), to the vaccine delivery mechanism.¶ In order to understand the practical limitations of a waiver of intellectual property rights when a vaccine is involved, it may be useful to think of patents as informational mechanisms akin to the information and tools needed to turn a recipe into an edible product. One or more patents will provide a recipe for a process or a component needed to produce a vaccine. But, just as with a culinary recipe, the informational power of a patent does not cover any tips or instructions that have not been memorialized in writing, nor does it provide any access to the raw materials needed to put a vaccine together. Waivers, therefore, temporarily remove exclusionary rights, but do not address two fundamental sources of the current vaccine scarcity problem.¶ First, we are still left with a significant informational problem: as many commentators have remarked, knowledge disclosed through patents alone is often insufficient for a third party to actually be able to replicate a vaccine.¶ From a scientific perspective, vaccines are biological products, and, as such, their relative complexity makes them highly dependent on specific manufacturing processes and practices, many of which are not disclosed in a patent — think of it as the unwritten tips or instructions for a particular recipe. Some of this information may be kept secret by a company for competitive reasons; in these cases, lifting patent rights will not result in increased informational disclosure, unless the patent holders themselves are willing to collaborate. A waiver thus solves the exclusivity problem, but not the information problem that undergirds competition in vaccine manufacturing. To revisit the analogy introduced above, a waiver allows third parties to freely use the recipe. It does not, however, provide all the information that may be needed to manufacture the desired good, nor does it provide manufacturers with the tacit knowledge that only the original manufacturer possesses and is not disclosed elsewhere.¶ Second, even if all types of legal restrictions on the use of vaccine technology were lifted — or had never existed in the first place — there is simply not enough infrastructure (manufacturing facilities and equipment) nor raw materials (the components needed to manufacture and deliver vaccines) to produce and distribute COVID-19 vaccines as predicted under current waiver proposals. We have long faced a global vaccine manufacturing problem that will not be fully resolved during the current pandemic. In the case of vaccines that need to be kept at ultra-cold temperatures, these problems intensify.¶ One of us (Barnes-Weise) has been involved in the contractual negotiations for the development, manufacturing and transfer of technology related to COVID-19 vaccines. In addition to the informational gaps described above, COVID-19 vaccine manufacturers are most concerned about how well the recipients of the technology transfer will understand and be able to implement such knowledge in making vaccines of the necessary quality. Shortages do not merely affect materials necessary to manufacture vaccines and facilities adequate to manufacture the vaccines; they also affect the availability of personnel qualified to instruct the licensee and recipient of this information. Sending an employee of this caliber out of the original manufacturing site to a partner site risks reducing the capacity of the first site. And remote instruction, necessitated by the pandemic, has its own shortcomings.¶ In relation to the patents on the vaccines themselves, most of the concerns that the vaccine manufacturers express are around the protection of their vaccine platforms for the purposes of making future or non-COVID-19 vaccines. Moderna shared information about its patents in summer 2020. The manufacturers, as evidenced by the number of licenses to manufacture granted to date, are eager to find partners with the capabilities to expand production. It is not to their benefit to produce an inadequate supply of a highly sought-after vaccine. However, even willingness to transfer patented vaccine technology has faced numerous practical hurdles to date: 1) infrastructural limitations; 2) scarcity of raw materials; 3) concerns about licensees having the ability to actually manufacture effective vaccines in light of the infrastructural and product scarcity, even in situations in which there might be no informational gaps.¶ A patent waiver would not address any of the practical concerns currently at the root of tech transfer negotiations involving COVID-19 vaccine technology. Compounding these problems is the fact that, should a waiver be issued, there is no legal mechanism that can compel the transfer of certain types of know-how or trade secrets should a company be unwilling to license its intellectual property — which, again, at this point in the pandemic, is not a problem we have observed.¶ Finally, it is important to keep in mind that a waiver would be temporary: supporters of current waiver proposals should consider what will happen once demand for vaccines begins diminishing and fewer manufacturers remain on the market. Moreover, they should consider the legal and practical uncertainty that a waiver would introduce, as it is unclear how technology transfer between companies would cease (or continue) once the waiver expires.¶ Vaccines and the Long-Term Intellectual Property Game: Why Waivers Are Not the Right Tool¶ Countries in the Global South have had to implement intellectual property regimes that largely codify the commercial interests of the Global North. It is in their best interest to use all legal and policy mechanisms available to minimize the skewed allocative effects produced by the current patent culture — especially when patent rights cover goods that are critically needed for public health reasons.¶ In the past, some of these countries have used legal tools in highly effective ways. The TRIPS Agreement — the main legal international intellectual property framework, now implemented by virtually all countries — allows for the compulsory licensing of patented products in situations that include public health crises such as a pandemic or epidemic. Compulsory licensing does not extinguish or suspend patent rights, but rather consists in the governmental granting of licenses to third parties against the wishes of the patent holder. The licensee is then able to use the patent-protected technology against the payment of a royalty.¶ Many countries in the Global South issued compulsory licenses throughout the first decade of the twenty-first century on drugs needed for the treatment of HIV/AIDS. Just to list a few examples, Malaysia issued a compulsory license in 2004 for HIV/AIDS drugs patented by the pharmaceutical companies GlaxoSmithKline and Bristol-Myers Squibb; Thailand issued a compulsory license in 2007 for an HIV/AIDS drug patented by Abbot. Several other lower-income countries resorted to this mechanism, succeeding in having these drugs produced and sold in their markets at low cost. Brazil famously and wisely used the threat of compulsory licensing as a bargaining tool when negotiating the price of an HIV/AIDS patented by Merck.¶ The critical difference between the compulsory licensing dynamics in the context of HIV/AIDS and the present situation is that compulsory licensing helped solve the problem faced by populations in these countries: critical drugs were being provided at unaffordable prices; compulsory licenses dislodged exclusivity problems; and third parties were able to manufacture the relevant drugs once a license was issued, bringing prices down.¶ Unlike vaccines, the drugs at stake then were much less difficult to replicate, and third parties availing themselves of a compulsory license faced no significant knowledge deficit. Moreover, there was sufficient production capacity and the necessary raw materials for these drugs to be produced and distributed. Compulsory licensing was thus the right tool for this particular public health problem.¶ By contrast, a waiver of COVID-19 vaccine patents is the wrong legal and policy tool because it does not address the lack of knowledge sharing nor the shortage of raw materials and manufacturing capacity. Furthermore, the use of a waiver is politically fraught — as was the use of compulsory licenses in the context of HIV/AIDS. We submit that battles of the political economy are best fought when prevailing on the use of a legal tool that actually solves the underlying practical problems. For the reasons stated above, that is not the case with waivers.¶ It can be appealing to see a patent waiver as an attractive short-term solution. Yet, even the short-term needs are too intense and the challenges too complex for waivers to fully address the infrastructural and knowledge gaps, as well as the additional problem of inequitable distribution of existing vaccines.¶ We Have Contractual and Infrastructural Problems, Not an Intellectual Property Problem¶ We agree that it is accurate to say that we have an intellectual property problem if talking about the patent system at a more fundamental level — as the main legal regime designed to encourage investment in biopharmaceutical R&D. Most vaccines needed for the prevention or response to epidemics and pandemic fare poorly under predominantly market-driven R&D funding models, as one of us (Rutschman) has discussed in other venues. In this specific sense, we may question the excessive reliance on current legal regimes designed to spur innovation, which subject vaccine R&D to the same utilitarian principles that apply to vastly different types of goods.¶ However, in a more immediate sense — and in the context of the COVID-19 pandemic — the real problems are infrastructural and contractual. It is imperative that we address the current limitations on vaccine production capacity ahead of future pandemics — a problem that several countries have already turned to by investing or planning to invest in the construction of infrastructure for vaccine manufacturing.¶ It is also imperative that, against the current backdrop of vaccine scarcity, we address the allocation problems that the world has experienced so far, which have resulted in most available doses being given to populations in the Global North. We regard this as a contractual problem: currently, there is no legal mechanism that prevents two parties — a country and a vaccine manufacturer — from subjecting negotiations involving pandemic vaccines to the same bargaining and contractual dynamics that govern the production and allocation of most other commodifiable goods.¶ Setting aside cases of voluntarism, there are no enforceable legal requirements compelling higher-income countries able to appropriate large amounts of vaccine doses to share them with other countries. This is a problem worth deep discussion ahead of the next pandemic.¶ But it also the area in which immediate policy efforts are presently best deployed. Instead of advocating for a waiver, countries in the Global South, international organizations, activists, commentators and other interested parties should concentrate their efforts on mitigating the unbridled effects of existing contractual frameworks by nudging governments in the Global North to adopt more equitable approaches to the global sharing of vaccine doses. And this is also an area in which the United States, with its regained commitment to international cooperation, should have started to lead by example earlier in the pandemic.

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IIPI 2k [International Intellectual Property Institute “Patent Protection and Access to HIV/Aids Pharmaceuticals In Sub-Saharan Africa” Published: Report Prepared for the World Intellectual Property Organization, 2000] [https://www.wipo.int/export/sites/www/about-ip/en/studies/pdf/iipi\_hiv.pdf] [IIPI: The International Intellectual Property Institute (IIPI) is a nonprofit, nonpartisan organization dedicated to improving intellectual property systems around the world, thereby fostering global creativity and serving as a catalyst for world economic growth. Since 1998 the IIPI has undertaken projects aimed at teaching the use of the intellectual property system as a tool of economic, social and cultural development by all countries.] [Brackets and ellipses in source] || cut SM

In addition to the obligations regarding patent protection described above, the TRIPS Agreement includes several provisions that may provide flexibility in implementing and interpreting the provisions mentioned above relating to protection of pharmaceutical products. Article 1 which outlines the nature and scope of obligations provides that: “[m]embers may, but shall not be obliged to, implement in their law more extensive protection than is required by this Agreement, ...” Several governments and NGO’s have cited this provision in opposing efforts by some countries to seek protection beyond that mandated by the TRIPS Agreement. Article 7 which sets out the objectives of the Agreement provides: “The protection and enforcement of intellectual property rights should contribute to ... the mutual advantage of producers and users of technological knowledge and in a manner conductive to social and economic welfare, and to a balance of rights and obligations.” (our emphasis). This provision recognizes that intellectual property protection is not an end by itself, but should be balanced to benefit society as a whole. Article 8 which sets forth the principles of the Agreement provides: “1. Members may, in formulating their laws and regulations, adopt measures necessary to protect public health and nutrition, and to promote the public interest in sectors of vital importance to their socio-economic and technological development, provided that such measures are consistent with the provisions of this Agreement. 2. Appropriate measures, provided that they are consistent with the provisions of this Agreement, may be needed to prevent the abuse of intellectual property rights by right holders or the resort to practices which unreasonably restrain trade or adversely affect the international transfer of technology.” These provisions recognize that additional measures may be needed to achieve the desired balance between intellectual property protection and larger societal goals. They do require, however, that such measures be consistent with the TRIPS Agreement.