### 1NC – Escalante

#### Failure to understand how IPR are situated within the capitalist frameworks overlooks the root cause and problematizes the symptoms, a Marxist analysis of TRIPS and WTO are desperately needed to understand the topic which comes before the aff.

Rikowski 06 [(Ruth Rikowski is the author of Globalisation, Information and Libraries: the implications of the World Trade Organisation's GATS and TRIPS Agreements, Chandos publishers, 2005.)|A Marxist Analysis of the World Trade Organisation’s Agreement on Trade-Related Aspects of Intellectual Property Rights] Comrade PW

An Open Marxist Theoretical Perspective on TRIPS In my book, Globalisation, Information and Libraries (Rikowski, 2005), I place TRIPS within an Open Marxist theoretical perspective. In essence, my argument is that IPRs, through TRIPS, are being transformed into international tradable commodities. Value that is created from labour (and particularly from intellectual labour in this regard) becomes embedded in the commodity. Furthermore, value can only ever be created from labour. These commodities are then sold in the marketplace and profits are made and this ensures the continued success of global capitalism, whilst labour is exploited, alienated and objectified. Following on from Marx, we need to begin our analysis of capitalism with the commodity. The logic of capitalism is the commodification of all that surrounds us. Now, we are seeing this process A Marxist Analysis of TRIPS 407 starting to take effect in areas that were unheard of before – this includes schools, universities and libraries. These are areas that were previously thought to be something beyond commercialisation and trading. But through the WTO we are now witnessing a dramatic change. The logic of this at a future date will be that the public will probably have to pay for services, the same way that they pay for other goods in shops, and services provided by other private companies, such as a taxi service. So, the aim in TRIPS is to transform knowledge, information and ideas into IPRs that can then be traded in the marketplace. Fundamentally, the TRIPS assists with the process of commodifying more and more areas of social life. But what exactly is this value, which becomes embedded in the commodity? I consider this in depth in my dissertation on value creation through knowledge (Rikowski, 2003a), and also provide an overview of it in Globalisation, Information and Libraries (Rikowski, 2005), and further explore it in the forthcoming book that I am editing, Knowledge Management: social, cultural and theoretical perspectives (Rikowski, 2007). Capitalism goes through different stages, such as the Agricultural Revolution and the Industrial Revolution, and now we are moving into the knowledge revolution (see Rikowski, 2000a, b, 2003b). Throughout all these periods, capitalism is sustained by value, and this value can only ever be created by labour. As Marx said: ‘human labour creates value, but is not itself value. It becomes value only in its congealed state, when embodied in the form of some object’ (1867, p. 57). In the Industrial Revolution, value was largely extracted from manual labour, but in the knowledge revolution value is being increasingly extracted from intellectual labour. TRIPS assists with this extraction of value, and with the embedding of it in the commodity. Conclusion Thus, in essence global capitalism is being perpetuated and furthered through the WTO. This is because trade agreements that are being developed at the WTO, such as the GATS and TRIPS, are helping to ensure that more and more areas of social life are being commodified. Capitalism is sustained by value, and not by any set of moral principles, and this includes any possible moral issues in regard to intellectual property rights. We need to try to grasp the complexities of the world that we find ourselves in, in global capitalism today, so that we can then try to find a way to break free from it all, in order to create a better, a kinder and a fairer world. If one took a different position, and argued that global capitalism was a very good system, and that we just need to work through the various issues and dilemmas, one would quickly come up against an insurmountable number of problems (as indeed people do) in regard to issues such as IPRs, moral and humane issues, the public service ethos and the balance in copyright. A Marxist analysis is complex, but it seeks to explain and solve many of these real problems and contradictions, whilst also enabling us to face up to these contradictions. We need a theoretical analysis that helps us to understand and explain the system that we find ourselves in – global capitalism, with all its injustice, inequality, cruelty, suffering and death – and an Open Marxist theoretical analysis provides us with this, in my view. Once we have this understanding, we can then endeavour to create a better, kinder and a fairer social, economic and political system – one that is based on human wants and needs and one that will enable humans to find selfexpression and fulfilment, rather than a system that is based on the exploitation, alienation and objectification of labour, value-creation and the never-ending drive to increase profit margins.

#### The aff is essentially an appeal to ethical capitalism – as if regulating the markets, controlling the prices can ensure capitalism becomes more moral

Roberts 19 [(Inquiry Lead @ Volans. Fascinated by the future of business, sustainability and politics.) “Making Markets Moral - Volans - Medium.” Medium, Volans, 28 Nov. 2019, medium.com/volans/making-markets-moral-8b45c953936e. Accessed 18 Aug. 2021.] PW

Reform, not revolution Well-functioning, well-regulated markets can be a powerful force for good, with the potential to improve lives and solve societal challenges at a pace and scale unmatched by any other model for organising human activity yet discovered. That doesn’t mean markets belong in every corner of our lives. Some things shouldn’t be monetised, privatised or optimised for profitability, efficiency and growth. But, within the context of a mixed economy, markets and for-profit enterprises have an essential role to play. Capitalism needs to be reformed, not abolished. So what are the reforms needed to make capitalism moral? What are the flaws in the fabric of contemporary capitalism that are causing the system to unravel — and how can we fix them? A four-point manifesto Complexity is often the enemy of change. Reform packages that comprise dozens of ideas are rarely as effective as those whose priority actions you can count on one hand. Just look at the stunning success of neoliberalism across the globe since the 1970s — an agenda that is basically comprised of four imperatives (three for governments; the fourth for companies): Privatise as much of the economy as possible. Deregulate the private sector. Minimise welfare spending. Maximise shareholder value. I believe that the reform agenda now required to make capitalism fair and sustainable can, similarly, be boiled down to four basic ideas: Ensure “externalities” are properly priced into market transactions. Run companies for the benefit of all stakeholders — not just shareholders. Delegitimise tax avoidance. Challenge excessive market power and break up monopolies. Let’s take a look at each of these ideas in turn. Pillar 1: pricing in externalities ‘Our sustainability predicament arises from the fact that we have increasingly organized society around a half-baked measure of profit, and then behaved as if it were the real thing.’ Duncan Austin, ‘[Greenwish: The Wishful Thinking Undermining the Ambition of Sustainable Business](https://capitalinstitute.org/wp-content/uploads/2019/07/2019-07-19-Greenwish-Essay-1.pdf)’ (2019) That companies create both positive and negative spillover effects (known as externalities), which are not reflected in traditional profit and loss statements, is not a recent discovery. The British economist Arthur Pigou argued for a tax on negative externalities as long ago as 1920. Greenhouse gas emissions are the mother of all negative externalities. The majority of global greenhouse gas emissions remain unpriced today — and most of those that are covered by carbon taxes or cap and trade schemes are subject to a price that is well below the level that experts consider necessary to meet the aims of the Paris Agreement — let alone levels of emission control likely to be effective in reversing global warming. Carbon pricing is simple in principle, much harder in practice. Without global coordination — or, more promisingly, well-designed [‘border carbon adjustments’](https://climatestrategies.org/wp-content/uploads/2017/10/CS_WP2-Brief_FINAL-1.pdf) — the risk of [‘carbon leakage’](https://ec.europa.eu/clima/policies/ets/allowances/leakage_en) is high. [In plain English: when different countries have carbon prices set at different levels, this can create an incentive for heavy-emitting industries, like cement or steel production, to relocate to countries with lower (or non-existent) carbon prices. When this happens, there is no actual benefit to the climate, since emissions (and jobs) have simply been outsourced to a different location. To prevent this from happening, countries with higher carbon prices can impose tariffs on imports from countries with lower carbon prices to equalise the cost of carbon emissions for goods produced domestically and overseas.] Despite the practical hurdles, it is feasible to envisage a market system in which businesses are obliged to internalise the full long-term cost to society of emitting greenhouse gases and damaging natural ecosystems. This is not so much a case of fixing a ‘market failure’ as intervening to set the right moral parameters within which markets can work their magic to solve problems efficiently. Left to their own devices, markets will ignore the rights and interests of nature, and of future generations. Pricing externalities is a way of ensuring that nature and future generations get a fair deal. The imposition of mechanisms to ensure environmental costs are priced into market transactions would trigger a wave of [creative destruction](https://en.wikipedia.org/wiki/Creative_destruction). Many companies — for example, fossil fuel firms that have not adequately diversified — will be driven out of business, while other sectors — for example, renewables — will grow very rapidly. Contrary to conventional wisdom, the economy as a whole need not suffer. For sure, there will be winners and losers. Some assets will be [stranded](https://www.lloyds.com/news-and-risk-insight/risk-reports/library/society-and-security/stranded-assets) (that is to say, current valuations of these assets will be proven to be fictional because they have failed to factor in non-fictional ecological limits). But the aggregate effect will be a mass reallocation of resources towards economic activities that do not undermine the natural world of which we are part — not a period of Soviet-style immiseration. Pillar 2: pursuing stakeholder value ‘The private sector can be transformed by the simple but profound expedient of replacing shareholder value with stakeholder value.’ Mariana Mazzucato, The Value of Everything (2018) Milton Friedman has a lot to answer for. It was Friedman who argued in a famous 1970 op-ed that ‘the social responsibility of business is to increase its profits’. In Friedman’s view, companies belong to their shareholders and therefore the job of corporate managers is to make as much money for their shareholders as possible — the rest be damned. This is precisely what generations of corporate managers have been trained to do — with disastrous consequences for society and the planet. Consider Boeing. A total of 346 people died as a result of two crashes of Boeing 737 Max aircraft within five months in 2018–19. In May, [Bloomberg Businessweek](https://www.bloomberg.com/news/features/2019-05-09/former-boeing-engineers-say-relentless-cost-cutting-sacrificed-safety) reported that ‘the crisis … is best understood as part of a larger drama that’s played out as Boeing has reshaped its workforce in an all-consuming focus on shareholder value.’ There are countless other examples of shareholder-value-maximising firms creating bad outcomes for customers, workers, communities and the natural world. It doesn’t have to be like this. As Professor Colin Mayer writes in his 2018 book, Prosperity: ‘The Friedman doctrine is not a law of nature… Corporations, business, and public policy do not and should not revolve around their shareholders any more than the planets revolve around the earth.’ A growing number of business leaders agree. In August, the Business Roundtable, a coalition of almost 200 CEOs of large American firms, issued a [revised statement on corporate purpose](https://www.businessroundtable.org/business-roundtable-redefines-the-purpose-of-a-corporation-to-promote-an-economy-that-serves-all-americans) espousing the view that businesses should serve all stakeholders, not just shareholders. Meanwhile, thousands of businesses in the US have become ‘benefit corporations’ since 2010. Benefit corporations are required to consider all stakeholders in their decisions. By making this requirement explicit in their company charter, benefit corporations create a protection against the vagaries of the marketplace. Their purpose — which is to create public benefit, not to maximise profit — is not up for negotiation when a new CEO or a new investor comes on board. This is not an exclusively US phenomenon. Other jurisdictions — from Italy to Puerto Rico — are also creating laws to enable companies to become benefit corporations. And many companies have created ownership and governance structures that commit them to maximising fulfilment of their social purpose, rather than maximising profit — something they can do in most countries without waiting for changes to the law. For example, several European companies — such as IKEA and Novo Nordisk — are part-owned by non-profit foundations. Others — from the John Lewis Partnership to Handelsbanken — are either partially- or wholly-owned by employees. These and other ownership models give companies a degree of protection from the aggressive Friedmanism of so many public and private equity investors. Ultimately, though, the plague of shareholder value maximisation needs to be tackled through structural, political reform. Individual companies may be able to opt out of shareholder primacy, but if they still have to operate in markets where maximising shareholder value is the norm, a more enlightened form of capitalism will struggle to take root. The monomaniacal pursuit of shareholder value by just one or two companies in a market can trigger a race to the bottom in terms of social and environmental standards. Companies that exist only to maximise shareholder value will externalise costs wherever possible, undermining the competitiveness of other companies that take a more holistic view of corporate purpose. Pillar 3: making tax avoidance history ‘Taxes, taxes, taxes: all the rest is bullshit in my opinion.’ Rutger Bregman, in a [speech at the 2019 World Economic Forum in Davos](https://www.theguardian.com/business/2019/feb/01/rutger-bregman-world-economic-forum-davos-speech-tax-billionaires-capitalism) that subsequently went viral Professor Richard Murphy, a tax expert, [estimates](https://www.taxresearch.org.uk/Blog/2019/06/19/the-uk-tax-gap-is-90-billion-a-year/) that the UK’s ‘tax gap’ (the amount that tax evasion and avoidance costs the UK exchequer every year) is approximately £90 billion. In the US, 60 Fortune 500 companies — including Amazon, Chevron, General Motors and Halliburton, among others — [paid no federal income tax at all](https://fortune.com/2019/04/11/amazon-starbucks-corporate-tax-avoidance/) in 2018. In fact, on US revenues of more than $79 billion, these companies paid an effective tax rate of -5%: that is to say, the government paid money to them, rather than vice versa. (The Trump Administration’s decision to cut the corporate tax rate from 35% to 21% was a factor in this, but the effective tax rate paid by US corporations had already been in decline for decades before Trump’s tax cuts were passed.) Corporate tax avoidance has become so normalised that these figures scarcely register as a cause for public concern — and a significant proportion of corporate executives have internalised the idea that minimising your tax bill by any legal means is simply good business. Yet, even if technically legal, corporate tax avoidance is a moral outrage and an existential threat to the stability of our economic and political system. It undermines the ability of governments to provide high quality, universal public services, and it erodes trust in all institutions, fuelling angry populism. As investigative journalist Oliver Bullough writes in his book Moneyland, ‘[tax avoidance] has neutered the core functions of democracy — taxing citizens, and using the proceeds for the common good — which in turn has disillusioned many people with the democratic experiment altogether.’ Clamping down on tax avoidance is essential if we are to make capitalism sustainable and equitable. Doing so requires government action, for sure, but it also requires action from a much broader coalition of citizens, consumers and enlightened corporate leaders to challenge the social and cultural norms that make tax avoidance seem both expected and acceptable. This is not a party political issue. Whether the tax rate should be higher or lower is a subject for legitimate political debate. Whether every individual and every business should pay tax at the required rate — without hiding profits offshore, or employing expensive lobbyists and lawyers to create, and then take advantage of, loopholes in the tax code — is not. Pillar 4: challenging monopoly power ‘Capitalism without competition is not capitalism.’ Jonathan Tepper and Denise Hearn, The Myth of Capitalism (2019) The best argument for free markets is that competition between companies drives continuous improvement in the quality and affordability of goods and services — something we all benefit from. Monopolies — whether public or private — do not face the same pressure to innovate and improve that companies in competitive markets do. Unfortunately though, competitive markets in today’s world are an endangered species. Writing about the contemporary United States, Jonathan Tepper and Denise Hearn conclude that ‘competition has not so much declined as thudded into the abyss.’ Examples of the negative consequences of excessive market concentration abound across a wide range of industries. The way the Big Tech firms use their stranglehold on markets to crush would-be competitors is well documented and a political backlash is building. But the distorting effect of excessive concentration and anti-competitive practices is not exclusively a tech industry problem. Fast-food chains (ab)use non-compete clauses to stop workers from defecting to a competitor. In theory, this is to protect intellectual property; in practice, it serves to diminish workers’ bargaining power, making it easier to suppress wage growth. Pharmaceutical companies (ab)use patent protections to keep generic drugs off the market for as long as possible, allowing them to charge sky-high prices. The industry refers to ‘value-based pricing’; critics argue this is nothing but a smokescreen for monopoly rent-seeking that harms health services and, ultimately, patients. Many of the solutions to this problem — like stronger enforcement of antitrust laws — may seem technocratic, but the issue is, again, a fundamentally moral one. When markets are dominated by a small number of big players, consumers suffer, workers suffer, local communities suffer, innovation is suppressed and inequality goes up. Yet, at least in contemporary Western culture, we tend to revere private monopolists as paragons of success. Even when public opinion turns against them — as it has against Mark Zuckerberg, for example — we focus on their failure to mitigate the negative side-effects of monopoly power (which, in Facebook’s case, include undermining privacy and destabilising democracy), rather than on the ethics of setting out to create a monopoly in the first place. Economists like Joseph Stiglitz and Mariana Mazzucato have called for a clearer distinction to be made between profits and rents, and between value creation and value extraction. Likewise, we need to become more discerning about the difference between corporate behaviour designed to beat the competition in a fair fight and corporate behaviour designed to eliminate competition altogether. The latter is both anti-capitalist and morally reprehensible.

#### The WTO is rooted in corporate capitalism – it is established to ensure that corporate-lead globalization will not be interrupted

Johns et al 10 [(Fleur Johns is Professor in the Faculty of Law & Justice at UNSW Sydney, working in the areas of public international law, legal theory, and law and technology.)( Sundhya Pahuja is the Director of Melbourne Law School's [Institute for International Law and the Humanities](https://law.unimelb.edu.au/centres/iilah).)( Dr Richard Joyce is a Senior Lecturer in the Faculty of Law at Monash University, PhD practised as a solicitor in the intellectual property group of a leading Australian law firm.)Events: The Force of International Law | “The Emergence of the World Trade Organization”] PW

Given this final rapprochement between greater trade liberalization and the new institution of the WTO, it is tempting to argue that the greatest significance of the WTO lies in its free trade credentials. This argument gains strength from the fact that it was the US, consistently standing for the interests of trade liberalization in selected sectors, that drove the process that concluded the Uruguay Round. Given this US dominance, it does not seem unreasonable to go even further and suggest that, in its final form, the institution of the WTO serves the cause of the (sectorally selective) free traders, rather than free trade serving the cause of greater institutionalism in multilateral trading relations. If this is so, then we need to ask what motivated the free trade warriors of the late twentieth century? It is notable that, rhetorically at least, considerable emphasis was placed on the economic benefits of trade liberalization. However, leaving aside the questions that have been raised about these above and (especially) the question of the distribution of these benefits, it seems that the WTO was not in any case essential to the expansion of world trade. As Bello remarks, on the basis of the WTO’s own statistics, ‘[w]orld trade did not need the WTO to expand 87-fold between 1948 and 1997, from $124 billion to $10,772 billion’ (Bello 2000: 104, citing World Trade Organization 1998, 12). Rather as an explanation of the emergence of the WTO, it seems much more likely that the WTO was a response to that economic interdependence to which GATT had so successfully contributed. That is, the WTO was a response to the rise of so-called globalization in the form of corporate capitalism. Globalization as a vehicle of corporate capitalism was considerably inhibited by a range of non-tariff measures introduced after the ‘exogenous shocks’ (Hoekman & Kostecki 2001: 43), including the collapse of the fixed exchange rate system established under the auspices of Bretton Woods institutions and the OPEC crisis, of the 1970s and 1980s (Hoekman & Kostecki 2001: 41-4; Odell & Eichengreen 2000: 187-9). The rise of the WTO, therefore, with its emphasis on the removal of non-tariff barriers, is a response to the interruption of the process of corporate-lead globalization. Perspectives emerging from structuralist theory tend to reinforce the idea of an interdependent relationship between globalisation, corporate capitalism and the emergence of the WTO as an institution. Sociological institutionalism (Nichols 1998: 482), for example, which focuses on the interaction of individual actors and institutions in the light of the political, social and cultural environment in which those interactions take place, posits ‘that institutions are created or changed because the new institution will confer greater social legitimacy on the organization or its individuals’ (Nichols 1998: 485). Indeed, this concern with legitimacy in the context of the wider cultural, political and social milieu is a key feature of sociological institutionalism. From this theoretical perspective, the mutually constitutive relationship between globalization and international organizations like the WTO can be explicitly recognised. It is also apposite to note that it is not merely the case that globalization has a legitimating effect on the WTO. The constitution of legitimacy is mutual so that the WTO has a legitimating effect on globalization. That is, there is a compelling argument that the legalization and juridicization of the trade regime through the framework of the WTO is a legitimization of the processes of globalization (Picciotto 2003: 386; Davis & Neacsu 2001: 737). 24 Remaining within the structuralist tradition, post-Marxist accounts tend to build upon this type of approach by taking a longer and more nuanced view of the relationship between the structure of the world economy and the emergence of the WTO as an institution. Specifically, these accounts draw attention to a range of structures of varying depth and longevity. At the deep and long end, the structural development of capitalism is relevant to an account of the origins of the WTO. Occupying a median position is the birth of the Westphalian system and its relationship to the structure of international trade relations. The post World War Two bifurcated system of international law, especially its management of international economic relations and the associated rise of corporate capitalism, occupies significant space at the shallower and shorter end of the spectrum.

#### Capitalism causes every impact—poverty, inequality, democratic decline, disease, climate change, women and worker exploitation, and nuclear war

Foster 19 (John, PhD from York University, Professor at the University of Oregon Department of Sociology, “Capitalism Has Failed—What Next?,” Monthly Review, 2/1/19, <https://monthlyreview.org/2019/02/01/capitalism-has-failed-what-next/>, JLin)

Less than two decades into the twenty-first century, it is evident that capitalism has failed as a social system. The world is mired in economic stagnation, financialization, and the most extreme inequality in human history, accompanied by mass unemployment and underemployment, precariousness, poverty, hunger, wasted output and lives, and what at this point can only be called a planetary ecological “death spiral.”1 The digital revolution, the greatest technological advance of our time, has rapidly mutated from a promise of free communication and liberated production into new means of surveillance, control, and displacement of the working population. The institutions of liberal democracy are at the point of collapse, while fascism, the rear guard of the capitalist system, is again on the march, along with patriarchy, racism, imperialism, and war. To say that capitalism is a failed system is not, of course, to suggest that its breakdown and disintegration is imminent.2 It does, however, mean that it has passed from being a historically necessary and creative system at its inception to being a historically unnecessary and destructive one in the present century. Today, more than ever, the world is faced with the epochal choice between “the revolutionary reconstitution of society at large and the common ruin of the contending classes.”3 Indications of this failure of capitalism are everywhere. Stagnation of investment punctuated by bubbles of financial expansion, which then inevitably burst, now characterizes the so-called free market.4 Soaring inequality in income and wealth has its counterpart in the declining material circumstances of a majority of the population. Real wages for most workers in the United States have barely budged in forty years despite steadily rising productivity.5 Work intensity has increased, while work and safety protections on the job have been systematically jettisoned. Unemployment data has become more and more meaningless due to a new institutionalized underemployment in the form of contract labor in the gig economy.6 Unions have been reduced to mere shadows of their former glory as capitalism has asserted totalitarian control over workplaces. With the demise of Soviet-type societies, social democracy in Europe has perished in the new atmosphere of “liberated capitalism.”7 The capture of the surplus value produced by overexploited populations in the poorest regions of the world, via the global labor arbitrage instituted by multinational corporations, is leading to an unprecedented amassing of financial wealth at the center of the world economy and relative poverty in the periphery.8 Around $21 trillion of offshore funds are currently lodged in tax havens on islands mostly in the Caribbean, constituting “the fortified refuge of Big Finance.”9 Technologically driven monopolies resulting from the global-communications revolution, together with the rise to dominance of Wall Street-based financial capital geared to speculative asset creation, have further contributed to the riches of today’s “1 percent.” Forty-two billionaires now enjoy as much wealth as half the world’s population, while the three richest men in the United States—Jeff Bezos, Bill Gates, and Warren Buffett—have more wealth than half the U.S. population.10 In every region of the world, inequality has increased sharply in recent decades.11 The gap in per capita income and wealth between the richest and poorest nations, which has been the dominant trend for centuries, is rapidly widening once again.12 More than 60 percent of the world’s employed population, some two billion people, now work in the impoverished informal sector, forming a massive global proletariat. The global reserve army of labor is some 70 percent larger than the active labor army of formally employed workers.13 Adequate health care, housing, education, and clean water and air are increasingly out of reach for large sections of the population, even in wealthy countries in North America and Europe, while transportation is becoming more difficult in the United States and many other countries due to irrationally high levels of dependency on the automobile and disinvestment in public transportation. Urban structures are more and more characterized by gentrification and segregation, with cities becoming the playthings of the well-to-do while marginalized populations are shunted aside. About half a million people, most of them children, are homeless on any given night in the United States.14 New York City is experiencing a major rat infestation, attributed to warming temperatures, mirroring trends around the world.15 In the United States and other high-income countries, life expectancy is in decline, with a remarkable resurgence of Victorian illnesses related to poverty and exploitation. In Britain, gout, scarlet fever, whooping cough, and even scurvy are now resurgent, along with tuberculosis. With inadequate enforcement of work health and safety regulations, black lung disease has returned with a vengeance in U.S. coal country.16 Overuse of antibiotics, particularly by capitalist agribusiness, is leading to an antibiotic-resistance crisis, with the dangerous growth of superbugs generating increasing numbers of deaths, which by mid–century could surpass annual cancer deaths, prompting the World Health Organization to declare a “global health emergency.”17 These dire conditions, arising from the workings of the system, are consistent with what Frederick Engels, in the Condition of the Working Class in England, called “social murder.”18 At the instigation of giant corporations, philanthrocapitalist foundations, and neoliberal governments, public education has been restructured around corporate-designed testing based on the implementation of robotic common-core standards. This is generating massive databases on the student population, much of which are now being surreptitiously marketed and sold.19 The corporatization and privatization of education is feeding the progressive subordination of children’s needs to the cash nexus of the commodity market. We are thus seeing a dramatic return of Thomas Gradgrind’s and Mr. M’Choakumchild’s crass utilitarian philosophy dramatized in Charles Dickens’s Hard Times: “Facts are alone wanted in life” and “You are never to fancy.”20 Having been reduced to intellectual dungeons, many of the poorest, most racially segregated schools in the United States are mere pipelines for prisons or the military.21 More than two million people in the United States are behind bars, a higher rate of incarceration than any other country in the world, constituting a new Jim Crow. The total population in prison is nearly equal to the number of people in Houston, Texas, the fourth largest U.S. city. African Americans and Latinos make up 56 percent of those incarcerated, while constituting only about 32 percent of the U.S. population. Nearly 50 percent of American adults, and a much higher percentage among African Americans and Native Americans, have an immediate family member who has spent or is currently spending time behind bars. Both black men and Native American men in the United States are nearly three times, Hispanic men nearly two times, more likely to die of police shootings than white men.22 Racial divides are now widening across the entire planet. Violence against women and the expropriation of their unpaid labor, as well as the higher level of exploitation of their paid labor, are integral to the way in which power is organized in capitalist society—and how it seeks to divide rather than unify the population. More than a third of women worldwide have experienced physical/sexual violence. Women’s bodies, in particular, are objectified, reified, and commodified as part of the normal workings of monopoly-capitalist marketing.23 The mass media-propaganda system, part of the larger corporate matrix, is now merging into a social media-based propaganda system that is more porous and seemingly anarchic, but more universal and more than ever favoring money and power. Utilizing modern marketing and surveillance techniques, which now dominate all digital interactions, vested interests are able to tailor their messages, largely unchecked, to individuals and their social networks, creating concerns about “fake news” on all sides.24 Numerous business entities promising technological manipulation of voters in countries across the world have now surfaced, auctioning off their services to the highest bidders.25 The elimination of net neutrality in the United States means further concentration, centralization, and control over the entire Internet by monopolistic service providers. Elections are increasingly prey to unregulated “dark money” emanating from the coffers of corporations and the billionaire class. Although presenting itself as the world’s leading democracy, the United States, as Paul Baran and Paul Sweezy stated in Monopoly Capital in 1966, “is democratic in form and plutocratic in content.”26 In the Trump administration, following a long-established tradition, 72 percent of those appointed to the cabinet have come from the higher corporate echelons, while others have been drawn from the military.27 War, engineered by the United States and other major powers at the apex of the system, has become perpetual in strategic oil regions such as the Middle East, and threatens to escalate into a global thermonuclear exchange. During the Obama administration, the United States was engaged in wars/bombings in seven different countries—Afghanistan, Iraq, Syria, Libya, Yemen, Somalia, and Pakistan.28 Torture and assassinations have been reinstituted by Washington as acceptable instruments of war against those now innumerable individuals, group networks, and whole societies that are branded as terrorist. A new Cold War and nuclear arms race is in the making between the United States and Russia, while Washington is seeking to place road blocks to the continued rise of China. The Trump administration has created a new space force as a separate branch of the military in an attempt to ensure U.S. dominance in the militarization of space. Sounding the alarm on the increasing dangers of a nuclear war and of climate destabilization, the distinguished Bulletin of Atomic Scientists moved its doomsday clock in 2018 to two minutes to midnight, the closest since 1953, when it marked the advent of thermonuclear weapons.29 Increasingly severe economic sanctions are being imposed by the United States on countries like Venezuela and Nicaragua, despite their democratic elections—or because of them. Trade and currency wars are being actively promoted by core states, while racist barriers against immigration continue to be erected in Europe and the United States as some 60 million refugees and internally displaced peoples flee devastated environments. Migrant populations worldwide have risen to 250 million, with those residing in high-income countries constituting more than 14 percent of the populations of those countries, up from less than 10 percent in 2000. Meanwhile, ruling circles and wealthy countries seek to wall off islands of power and privilege from the mass of humanity, who are to be left to their fate.30 More than three-quarters of a billion people, over 10 percent of the world population, are chronically malnourished.31 Food stress in the United States keeps climbing, leading to the rapid growth of cheap dollar stores selling poor quality and toxic food. Around forty million Americans, representing one out of eight households, including nearly thirteen million children, are food insecure.32 Subsistence farmers are being pushed off their lands by agribusiness, private capital, and sovereign wealth funds in a global depeasantization process that constitutes the greatest movement of people in history.33 Urban overcrowding and poverty across much of the globe is so severe that one can now reasonably refer to a “planet of slums.”34 Meanwhile, the world housing market is estimated to be worth up to $163 trillion (as compared to the value of gold mined over all recorded history, estimated at $7.5 trillion).35 The Anthropocene epoch, first ushered in by the Great Acceleration of the world economy immediately after the Second World War, has generated enormous rifts in planetary boundaries, extending from climate change to ocean acidification, to the sixth extinction, to disruption of the global nitrogen and phosphorus cycles, to the loss of freshwater, to the disappearance of forests, to widespread toxic-chemical and radioactive pollution.36 It is now estimated that 60 percent of the world’s wildlife vertebrate population (including mammals, reptiles, amphibians, birds, and fish) have been wiped out since 1970, while the worldwide abundance of invertebrates has declined by 45 percent in recent decades.37 What climatologist James Hansen calls the “species exterminations” resulting from accelerating climate change and rapidly shifting climate zones are only compounding this general process of biodiversity loss. Biologists expect that half of all species will be facing extinction by the end of the century.38 If present climate-change trends continue, the “global carbon budget” associated with a 2°C increase in average global temperature will be broken in sixteen years (while a 1.5°C increase in global average temperature—staying beneath which is the key to long-term stabilization of the climate—will be reached in a decade). Earth System scientists warn that the world is now perilously close to a Hothouse Earth, in which catastrophic climate change will be locked in and irreversible.39 The ecological, social, and economic costs to humanity of continuing to increase carbon emissions by 2.0 percent a year as in recent decades (rising in 2018 by 2.7 percent—3.4 percent in the United States), and failing to meet the minimal 3.0 percent annual reductions in emissions currently needed to avoid a catastrophic destabilization of the earth’s energy balance, are simply incalculable.40 Nevertheless, major energy corporations continue to lie about climate change, promoting and bankrolling climate denialism—while admitting the truth in their internal documents. These corporations are working to accelerate the extraction and production of fossil fuels, including the dirtiest, most greenhouse gas-generating varieties, reaping enormous profits in the process. The melting of the Arctic ice from global warming is seen by capital as a new El Dorado, opening up massive additional oil and gas reserves to be exploited without regard to the consequences for the earth’s climate. In response to scientific reports on climate change, Exxon Mobil declared that it intends to extract and sell all of the fossil-fuel reserves at its disposal.41 Energy corporations continue to intervene in climate negotiations to ensure that any agreements to limit carbon emissions are defanged. Capitalist countries across the board are putting the accumulation of wealth for a few above combatting climate destabilization, threatening the very future of humanity. Capitalism is best understood as a competitive class-based mode of production and exchange geared to the accumulation of capital through the exploitation of workers’ labor power and the private appropriation of surplus value (value generated beyond the costs of the workers’ own reproduction). The mode of economic accounting intrinsic to capitalism designates as a value-generating good or service anything that passes through the market and therefore produces income. It follows that the greater part of the social and environmental costs of production outside the market are excluded in this form of valuation and are treated as mere negative “externalities,” unrelated to the capitalist economy itself—whether in terms of the shortening and degradation of human life or the destruction of the natural environment. As environmental economist K. William Kapp stated, “capitalism must be regarded as an economy of unpaid costs.”42 We have now reached a point in the twenty-first century in which the externalities of this irrational system, such as the costs of war, the depletion of natural resources, the waste of human lives, and the disruption of the planetary environment, now far exceed any future economic benefits that capitalism offers to society as a whole. The accumulation of capital and the amassing of wealth are increasingly occurring at the expense of an irrevocable rift in the social and environmental conditions governing human life on earth.43 Some would argue that China stands as an exception to much of the above, characterized as it is by a seemingly unstoppable rate of economic advance (though carrying with it deep social and ecological contradictions). Yet Chinese development has its roots in the 1949 Chinese Revolution, carried out by the Chinese Communist Party headed by Mao Zedong, whereby it liberated itself from the imperialist system. This allowed it to develop for decades under a planned economy largely free of constraints from outside forces, establishing a strong agricultural and industrial economic base. This was followed by a shift in the post-Maoist reform period to a hybrid system of more limited state planning along with a much greater reliance on market relations (and a vast expansion of debt and speculation) under conditions—the globalization of the world market—that were particularly fortuitous to its “catching up.” Through trade wars and other pressures aimed at destabilizing China’s position in the world market, the United States is already seeking to challenge the bases of China’s growth in world trade. China, therefore, stands not so much for the successes of late capitalism but rather for its inherent limitations. The current Chinese model, moreover, carries within it many of the destructive tendencies of the system of capital accumulation. Ultimately, China’s future too depends on a return to the process of revolutionary transition, spurred by its own population.44 How did these disastrous conditions characterizing capitalism worldwide develop? An understanding of the failure of capitalism, beginning in the twentieth century, requires a historical examination of the rise of neoliberalism, and how this has only served to increase the destructiveness of the system. Only then can we address the future of humanity in the twenty-first century.

#### The alternative is to affirm the model of the Communist Party – only the Party can provide effective accountability mechanisms to correct chauvinist tendencies, educate and mobilize marginalized communities, and connect local struggles to a movement for international liberation

**Escalante 18**  
(Alyson Escalante is a Marxist-Leninist, Materialist Feminist and Anti-Imperialist activist. “PARTY ORGANIZING IN THE 21ST CENTURY” September 21st, 2018 <https://theforgenews.org/2018/09/21/party-organizing-in-the-21st-century/> cVs)

I would argue that within the base building movement, there is a move towards party organizing, but this trend has not always been explicitly theorized or forwarded within the movement. My goal in this essay is to argue that base building and dual power strategy can be best forwarded through party organizing, and that party organizing can allow this emerging movement to solidify into a powerful revolutionary socialist tendency in the United States. One of the crucial insights of the base building movement is that the current state of the left in the United States is one in which revolution is not currently possible. There exists very little popular support for socialist politics. A century of anticommunist propaganda has been extremely effective in convincing even the most oppressed and marginalized that communism has nothing to offer them. The base building emphasis on dual power responds directly to this insight. By building institutions which can meet people’s needs, we are able to concretely demonstrate that communists can offer the oppressed relief from the horrific conditions of capitalism. Base building strategy recognizes that actually doing the work to serve the people does infinitely more to create a socialist base of popular support than electing democratic socialist candidates or holding endless political education classes can ever hope to do. Dual power is about proving that we have something to offer the oppressed. The question, of course, remains: once we have built a base of popular support, what do we do next? If it turns out that establishing socialist institutions to meet people’s needs does in fact create sympathy towards the cause of communism, how can we mobilize that base? Put simply: **in order to mobilize the base which base builders hope to create, we need to have already done the work of building a communist party.** It is not enough to simply meet peoples needs. Rather, we must build the institutions of dual power in the name of communism. We must refuse covert front organizing and instead have a public face as a communist party. When we build tenants unions, serve the people programs, and other dual power projects, we must make it clear that we are organizing as communists, unified around a party, and are not content simply with establishing endless dual power organizations. We must be clear that our strategy is revolutionary and in order to make this clear we must adopt party organizing. By “party organizing” I mean an organizational strategy which adopts the party model. Such organizing focuses on building a party whose membership is formally unified around a party line determined by democratic centralist decision making. The party model creates internal methods for **holding party members accountable**, unifying party member action around democratically determined goals, and for educating party members in communist theory and praxis. A communist organization utilizing the party model works to build dual power institutions while simultaneously educating the communities they hope to serve. Organizations which adopt the party model focus on propagandizing around the need for revolutionary socialism. They function as the forefront of political organizing, empowering local communities to theorize their liberation through communist theory while organizing communities to literally fight for their liberation. A party is not simply a group of individuals doing work together, but is a formal organization unified in its fight against capitalism. Party organizing has much to offer the base building movement. By working in a unified party, base builders can ensure that local struggles are tied to and informed by a unified national and international strategy. While the most horrific manifestations of capitalism take on particular and unique form at the local level, we need to remember that our struggle is against a material base which functions not only at the national but at the international level. The formal structures provided by a democratic centralist party model allow individual locals to have a voice in open debate, but also allow for a unified strategy to emerge from democratic consensus. Furthermore, **party organizing allows for local organizations and individual organizers to be held accountable for their actions.** It allows criticism to function not as one independent group criticizing another independent group, but rather as comrades with a formal organizational unity working together to sharpen each others strategies and to help correct **chauvinist** ideas and actions. In the context of the socialist movement within the United States, such **accountability is crucial**. As a movement which operates within a settler colonial society, imperialist and colonial ideal frequently infect leftist organizing. Creating formal unity and party procedure for dealing with and correcting these ideas allows us to address these consistent problems within American socialist organizing. Having a formal party which unifies the various dual power projects being undertaken at the local level also allows for base builders to not simply meet peoples needs, but to pull them into the membership of the party as organizers themselves. The party model creates a means for sustained growth to occur by unifying organizers in a manner that allows for skills, strategies, and ideas to be shared with newer organizers. It also allows community members who have been served by dual power projects to take an active role in organizing by becoming party members and participating in the continued growth of base building strategy. It ensures that there are formal processes for educating communities in communist theory and praxis, and also enables them to act and organize in accordance with their own local conditions. We also must recognize that the current state of the base building movement precludes the possibility of such a national unified party in the present moment. Since base building strategy is being undertaken in a number of already established organizations, it is not likely that base builders would abandon these organizations in favor of founding a unified party. Additionally, it would not be strategic to immediately undertake such complete unification because it would mean abandoning the organizational contexts in which concrete gains are already being made and in which growth is currently occurring. What is important for base builders to focus on in the current moment is building dual power on a local level alongside building a national movement. This means aspiring towards the possibility of a unified party, while pursuing continued local growth. The movement within the Marxist Center network towards some form of unification is positive step in the right direction. The independent party emphasis within the Refoundation caucus should also be recognized as a positive approach. It is important for base builders to continue to explore the possibility of unification, and to maintain unification through a party model as a long term goal. In the meantime, individual base building organizations ought to adopt party models for their local organizing. Local organizations ought to be building dual power alongside recruitment into their organizations, education of community members in communist theory and praxis, and the establishment of armed and militant party cadres capable of defending dual power institutions from state terror. Dual power institutions must be unified openly and transparently around these organizations in order for them to operate as more than “red charities.” Serving the people means meeting their material needs while also educating and propagandizing. It means radicalizing, recruiting, and organizing. **The party model** remains the most useful method for achieving these ends. The use of the party model by local organizations allows base builders to gain popular support, and most importantly, to mobilize their base of popular support towards revolutionary ends, not simply towards the construction of a parallel economy which exists as an end in and of itself. It is my hope that we will see future unification of the various local base building organizations into a national party, but in the meantime we must push for party organizing at the local level. If local organizations adopt party organizing, it ought to become clear that **a unified national party will have to be the long term goal of the base building movement.** Many of the already existing organizations within the base building movement already operate according to these principles. I do not mean to suggest otherwise. Rather, my hope is to suggest that we ought to be explicit about the need for party organizing and emphasize the relationship between dual power and the party model. Doing so will make it clear that the base building movement is not pursuing a cooperative economy alongside capitalism, but is pursuing a revolutionary socialist strategy capable of fighting capitalism. The long term details of base building and dual power organizing will arise organically in response to the conditions the movement finds itself operating within. I hope that I have put forward a useful contribution to the discussion about base building organizing, and have demonstrated the need for party organizing in order to ensure that the base building tendency maintains a revolutionary orientation. The finer details of revolutionary strategy will be worked out over time and are not a good subject for public discussion. I strongly believe party organizing offers the best path for ensuring that such strategy will succeed. My goal here is not to dictate the only possible path forward but to open a conversation about how the base building movement will organize as it transitions from a loose network of individual organizations into a unified socialist tendency. These discussions and debates will be crucial to ensuring that this rapidly growing movement can succeed.

#### We must push anti-neoliberal pedagogy into the debate space – it is the only way to produce new ideas and escape the military-industrial-academic-cultural complex – Thus the ROB is to affirm for the best method for challenging global capitalism

Giroux 14—(Henry A. Giroux, Chair for Scholarship in the Public Interest​, The Paulo Freire Distinguished Scholar in Critical Pedagogy, April 15, 2014, "Neoliberalism and the machinery of disposability," Philosophers for Change, https://philosophersforchange.org/2014/04/15/neoliberalism-and-the-machinery-of-disposability/, 6-28-2019)//don

Such movements are not simply about reclaiming space but also about producing new ideas, generating new conversations, and introducing a new political language. While there has been considerable coverage in the progressive media since 2001 given to the violence being waged against the movement protesters in Brazil, the United States, Greece and elsewhere, it is important to situate such violence within a broader set of categories that enables a critical understanding of not only the underlying social, economic and political forces at work in such assaults, but also makes it possible to reflect critically on the distinctiveness of the current historical period in which they are taking place. For example, it is difficult to address such state-sponsored violence against young people without analyzing the devolution of the social state, emergence of a politics of disposability, and the corresponding rise of the warfare and punishing state. The merging of the military-industrial-academic-cultural complex and unbridled corporate power points to the need for strategies that address what is specific about the current warfare state and the neoliberal project and how different interests, modes of power, social relations, public pedagogies, and economic configurations come together to shape its politics of domestic terrorism, cruelty, and zones of disposability. Such a conjuncture is invaluable politically in that it provides a theoretical opening for making the practices of the neoliberal revolution visible to organize resistance to its ideologies, policies and modes of governance. It also points to the conceptual power of making clear that history remains an open horizon that cannot be dismissed through appeals to the end of history or end of ideology.[20] It is precisely through the indeterminate nature of history that resistance becomes possible and politics refuses any guarantees and remains open. A number of neoliberal societies, including the United States, have become addicted to violence. War provides jobs, profits, political payoffs, research funds, and forms of political and economic power that reach into every aspect of society. As war becomes a mode of sovereignty and rule, it erodes the distinction between war and peace. Increasingly fed by a moral and political frenzy, warlike values produce and endorse shared fears as the primary register of social relations. Shared fears and the media-induced panics that feed them produce more than a culture of fear. Such hysteria also feeds the growing militarization of the police, who increasingly use their high-tech scanners, surveillance cameras and toxic chemicals on anyone who engages in peaceful protests against the warfare and corporate state. Images abound in the mainstream media of such abuses. As a mode of public pedagogy, a state of permanent war needs willing subjects to abide by its values, ideology and narratives of fear and violence. Such legitimation is largely provided through a market-driven culture addicted to production of consumerism, militarism, and organized violence, largely circulated through various registers of popular culture that extend from high fashion and Hollywood movies to the creation of violent video games and music concerts sponsored by the Pentagon. The market-driven spectacle of war demands a culture of conformity, quiet intellectuals and a largely passive republic of consumers. But it also needs subjects who find intense pleasure in the spectacle of violence.

# Case

## Framing

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.

## Inequality 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 – Garde

#### Waiving IPR is just symbolic – the aff alone cannot solve bc it does nothing about the root cause of vaccine shortages

Garde et al 5-6 [Damian Garde, National Biotech Reporter Damian covers biotech, is a co-writer of The Readout newsletter, and a co-host of "The Readout LOUD" podcast. , Helen Branswell , Senior Writer, Infectious Disease, Helen covers issues broadly related to infectious diseases, including outbreaks, preparedness, research, and vaccine development., and Matthew Herper, Senior Writer, Medicine, Editorial Director of Events Matthew covers medical innovation, 5-6-2021 , “Waiver of patent rights on Covid-19 vaccines, in near term, may be more symbolic than substantive” STAT, Accessed 8-14-2021, <https://www.statnews.com/2021/05/06/waiver-of-patent-rights-on-covid-19-vaccines-in-near-term-may-be-more-symbolic-than-substantive/> ww

The U.S.’s stunning endorsement of a proposal to waive Covid-19 vaccine patents has won plaudits for President Biden and roiled the global pharmaceutical industry. But, at least in the short term, it’s likely to be more of a symbolic milestone than a turning point in the pandemic.¶ For months, proponents of the proposal have argued that the need to waive intellectual property protections was urgent given the growth of Covid cases in low- and middle-income countries, which have been largely left without the huge shipments of vaccine already purchased by wealthy countries. But patents alone don’t magically produce vaccines. ¶ Experts suggested the earliest the world could expect to see additional capacity flowing from the waiver — if it’s approved at the World Trade Organization — would be in 2022.¶ Prashant Yadav, a supply chain expert and senior fellow at the Center for Global Development, said the biggest barrier to increasing the global vaccine supply is a lack of raw materials and facilities that manufacture the billions of doses the world needs. Temporarily suspending some intellectual property, as the U.S. proposes to do, would have little effect on those problems, he said.¶ “My take is: By itself, it will not get us much benefit in increased manufacturing capacity,” Yadav said. “But as part of a larger package, it can.”¶ That larger package would include wealthy nations like the U.S. mounting an Operation Warp Speed-style effort to invest in manufacturing in low-income countries, he said, using their vast financial resources to actually produce vaccine doses rather than solely targeting patents.¶ Lawrence Gostin, director of the O’Neill Institute for National and Global Health Law at Georgetown Law, said the waiver is necessary but hardly sufficient. It will likely take months of international infighting before the proposal would take effect, he said, months during which would-be manufacturers would not have the right to start producing vaccines. ¶ “We’re not talking about any immediate help for India or Latin America or other countries going through an enormous spread of the virus,” Gostin said. “While they’re going to be negotiating the text, the virus will be mutating.”¶ Even James Love, director of the nonprofit Knowledge Ecology International and a longtime advocate of intellectual property reform, acknowledges a patent waiver would be a valuable first step, not a panacea. The fairly narrow proposal would mostly allow countries to issue compulsory licenses, essentially allowing third-party manufacturers to make and sell other companies’ patented products, while also helping free up some information about how that manufacturing is done. But that, at least, could provide a financial incentive for those third parties to invest in vaccine production.¶ “In our experience, when the legal barriers disappear and there’s a market, capacity increases faster than you would think,” he said.¶ In October, Moderna vowed not to enforce its Covid-19-related patents for the duration of the pandemic, opening the door for manufacturers that might want to copy its vaccine. But to date, it’s unclear whether anyone has, despite the vaccine’s demonstrated efficacy and the worldwide demand for doses.¶ That underscores the drug industry’s case that patents are just one facet of the complex process of producing vaccines.¶ “There are currently no generic vaccines primarily because there are hundreds of process steps involved in the manufacturing of vaccines, and thousands of check points for testing to assure the quality and consistency of manufacturing. One may transfer the IP, but the transfer of skills is not that simple,” said Norman Baylor, who formerly headed the Food and Drug Administration’s Office of Vaccines Research and Review, and who is now president of Biologics Consulting.¶ While there are factories around the world that can reliably produce generic Lipitor, vaccines like the ones from Pfizer and Moderna — using messenger RNA technology — require skilled expertise that even existing manufacturers are having trouble sourcing.¶ “In such a setting, imagining that someone will have staff who can create a new site or refurbish or reconfigure an existing site to make mRNA [vaccine] is highly, highly unlikely,” Yadav said. ¶ There are already huge constraints on some of the raw materials and equipment used to make vaccines. Pfizer, for instance, had to appeal to the Biden administration to use the Defense Production Act to help it cut the line for in-demand materials necessary for manufacturing.¶ Rajeev Venkayya, head of Takeda Vaccines — which is not producing its own Covid vaccine but is helping to make vaccine for Novavax — said supply shortages are impacting not just Covid vaccine production but the manufacture of other vaccines and biological products as well. ¶ “This is an industry-wide … looming crisis that will not at all be solved by more tech transfers,” Venkayya said.¶ He suggested many of the people advocating for this move are viewing the issue through the prism of drug development, where lifting intellectual property restrictions can lead to an influx of successful generic manufacturing.¶ “I think in this area there is an unrecognized gap in understanding of the complexities of vaccine manufacturing by many of the ‘experts’ that are discussing it,” said Venkayya, who stressed that while he believes they have good intentions, “nearly all of the people who are providing views on the value of removing patent protections have zero experience in vaccine development and manufacturing.”¶ As Michelle McMurry-Heath, CEO of the trade group BIO, put it in a statement, “handing needy countries a recipe book without the ingredients, safeguards, and sizable workforce needed will not help people waiting for the vaccine.”

## Innovation

#### Analytics