## 1

#### Interpretation: medicine refers to treatments and cures only. Affirmatives must not reduce other medical IP protections.

#### CDC 14

[No Author, 5-14-2019, "Medication Safety Program," No Publication, https://www.cdc.gov/medicationsafety/index.html]

Medicines are used to treat diseases, manage conditions, and relieve symptoms. Medicines are generally safe when used as prescribed or as directed on the label, but there are risks in taking any medicine.**Violation: they read only covid medicines**

#### Prefer –

#### Precision -- we cite the CDC and WHO which proves common usage -- they add a whole new caselist based on social medicine which kills predictability -- that's k2 pre-tournament prep and deep clash around the core topic controversy. Reject counter-interps without a positive vision of the topic -- otherwise they can always shift the goalposts

#### No RVIs – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance, b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c) baiting – incentivizes good debaters to be abusive, bait theory, then collapse to the 1AR RVI, d) topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory

#### Evaluate T before 1AR theory – a) norms – we only have a couple months to set T norms but can set 1AR theory norms anytime, b) magnitude – T affects a larger portion of the debate since the aff advocacy determines every speech after it

## 2

#### Counterplan Text: The member nations of the World Trade Organization ought to 1] reduce intellectual property protections for COVID-19 medicines except for dual-use biotechnologies and 2] offer a 3 year patent extension on dual use biotechnologies conditioned on accompanying countermeasures.

#### The counterplan incentivizes development into countermeasures and removes terrorist access to biotechnologies.

Million-Perez, H. (2016). Addressing duel-use technology in an age of bioterrorism: Patent extensions to inspire companies making duel use technology to create accompanying countermeasures. AIPLA Quarterly Journal, 44(3), 387-436. Rachael Million-Perez is an associate with Fitzpatrick, Cella, Harper & Scinto and a graduate of the George Washington University Law School. //sid

Although previous congressional proposals, Acts, and committees aimed to fund and incentivize countermeasures, each failed to target dual-use technology countermeasure development. This article proposes, therefore, that the USPTO offer a patent-term extension for patents directed to dual-use technology on the condition that the patent owner creates an accompanying countermeasure. This article argues for an extension of three years 251 for patent owners who meet this condition in addition to any patent-term adjustments afforded to the patent owner pursuant to Title 35 of the U.S. Code or legislative acts. A. Patent Extension for Dual-Use Technologies in Exchange for an Accompanying Countermeasure is an Appropriate and Realistic Incentive that Could Yield Significant Benefit The conditional patent-term extension proposed here provides an incentive that will: (1) reduce unbridled accessibility to dual-use technologies, (2) make countermeasure development an attractive and cost-effective business investment, and (3) take advantage of companies and individuals who currently specialize in the dual-use technology field, and who possess the necessary resources to create accompanying counter-measures. The conditional patent-term extension proposed here provides an incentive that will reduce unbridled accessibility to dual-use technologies. Although accessibility to dual-use technology is essentially ungovernable in the Internet age, providing a three-year patent-term extension to a dual-use technology will motivate companies to collaborate with the U.S. Government to identify and enjoin individuals infringing their patented dual-use technology. As a result, biohackers and terrorist organizations will have diminished access to these technologies. Dissimilar to previous and current countermeasure incentives, the conditional patent-term extension proposed here will make countermeasure development an attractive and cost-effective business investment, because it will be easily applicable, lower the financial risk of countermeasure development, and potentially lead to profits. Unlike previous incentives, a patent-term extension on a dual-use technology in exchange for creating a countermeasure to that technology presents a simple and easily-applicable business model. Private companies need not contort themselves to meet the demands of legislation, like Project BioShield. Rather, a patent-term extension on the dual-use technology will be granted when the company identifies a dual-use quality of one of its innovations and opts to develop a countermeasure to the dual use of that specific innovation. Upon successful development of a countermeasure, the USPTO will then extend the company's dual use technology patent. Because the company likely has already received approval of the dual-use technology, it need not worry about whether the extension is affected by the countermeasure's approval time. The simplicity of this proposed regime would attract companies and individuals frustrated with other complicated or inapplicable incentives. In addition, the length and specificity of this proposed extension renders it a strong incentive that will lower the financial risk of countermeasure investment. The length of patent-term extension incentive must be able to generate participation by virtually guaranteeing a return on the company's investment in countermeasure production. As discussed above, the risk of countermeasure development is incredibly high, and thus the promise that a company may recoup or even profit from developing a countermeasure will entice companies who had previously avoided countermeasure investment.253 For these reasons, this article proposes a three-year patent term extension. Recent studies showed an increase in domestic R&D investment and new pharmaceutical product development when the patent-term extension changed from seventeen years to twenty years in both the United States and Canada.254 A similar surge may occur for dual-use technology countermeasure investment under the proposed extension. Over the additional three years of the patent term, companies are likely to receive the benefit of extending their monopoly on a profitable dual-use technology such that the company will likely recoup countermeasure development costs and, potentially, profit. As a result, dual-use technology countermeasure production is likely to increase. Additionally, proponents of patent extension, like Dr. Josh Bloom, Director of Chemical and Pharmaceutical Sciences at the American Council on Science and Health, contend that three-year patent extensions are likely appropriate for patents related to the company's portfolio.255 Unlike previous and current countermeasure incentives, the extension proposed here would neither under- nor over-compensate companies. For example, the six-month to two-year extension- offered in S. 975 and S. 3-are too short in length to ensure both that small and large companies find the incentive desirable.25 6 A three-year extension, however, would further assure that any size company would recoup its investment. Furthermore, unlike a wild card patent extension, which would permit a company to extend the life of any blockbuster product and thus accrue arguably unwarranted financial gain, under this proposal a company can only extend the life of a narrowly defined dual-use technology. A dual-use technology may or may not be a blockbuster. The chances that a dual-use technology has blockbuster status, however, are slim, considering only around 30 percent of newly-introduced pharmaceutical drugs have profits that exceed average R&D costs.257 As a result, large companies do not have an unfair advantage, nor do small companies have an unfair disadvantage. Rather, if a dual-use technology is not a blockbuster, both smaller biotechnology companies, with less than $500 million in annual revenue, and large companies will need a patent extension lengthy enough to guarantee cost recoup.258 Therefore, unlike the previously proposed extensions, three-year extensions to a dual-use technology patent will afford companies a considerable, yet fair, return on their investment in countermeasure development. A conditional patent-term extension like the one proposed here will also leverage companies' expertise and resources. Because a countermeasure to a dual-use technology will likely require the same expertise and resources used to develop the dual-use technology, a company may avoid some R&D costs when it develops both. Furthermore, tapping into a company's foundation of expertise and resources may expedite production of countermeasures to dual-use technology. Unlike acquiring separate countermeasures via mergers or acquisitions, using this expertise and resources springboard for countermeasure 259 The Monsanto herbicide, Roundup@, and the Roundup Ready@ crops genetically modified to be resistant to Roundup illustrates when a patent owner could be taking advantage of her expertise and resources. In the 1970s, Monsanto created the Roundup herbicide farmers use today.260 By the mid-90's, Monsanto neared the expiration date on its patent of Roundup and faced the possibility of losing the production rights of the blockbuster.261Yet Monsanto was able to use genetic engineering to create Roundup-Ready crops resistant to Roundup in 1996.262 In particular, Monsanto was able to create these plants after working on its herbicide when one of its scientists accidentally discovered Roundup-resistant bacteria. 263 Exploiting this discovery, the company worked diligently to splice the 26 resistant gene into a working plant model. 4 Because these crops were resistant to Roundup, a farmer used the herbicide in the fields to eliminate unwanted foliage while not harming the main crop. 265 Notably, Monsanto did not make a countermeasure to its herbicide, but similar to Monsanto's ability to create two technologies from a single concept, companies producing dual-use technologies can exploit discoveries made in their pursuit of creating a dual-use technology to eventually create an accompanying countermeasure. In sum, unlike previous countermeasure incentives, the conditional patent-term extension proposed here provides an incentive that reduces terrorist or biohacker accessibility to dual-use technologies, makes countermeasure development an attractive investment, and takes advantage of companies' resources and expertise.

#### Vulnerabilities exposed by COVID have invigorated availability and interest in bioterror, but technical challenges remain as barriers to acquisition.

Koblentz and Kiesel 7/14 [Gregory D. Koblentz (Deputy Director of the Biodefense Graduate Program and Assistant Professor of Government and Politics in the Department of Public and International Affairs at George Mason University) and Stevie Kiesel (Biodefense PhD Student, Schar School of Policy and Government, George Mason University). “The COVID-19 Pandemic: Catalyst or Complication for Bioterrorism?”. Studies in Conflict & Terrorism. Published online 14 Jul 2021. Accessed 7/22/21. <https://www.tandfonline.com/doi/abs/10.1080/1057610X.2021.1944023?journalCode=uter20> //Xu]

Since COVID-19 was declared a pandemic in March 2020, there has been no major bioterrorist incident that challenges or validates the core beliefs of the optimists, pessimists, or pragmatists. Extremists with violent apocalyptic or accelerationist ideologies—chiefly jihadists and far-right extremists—have sought to capitalize on the pandemic, but they still rely on conventional weapons. Based on available open-source information, terrorist interest in weaponizing SARS-CoV-2 seems limited. While some individuals and groups who subscribe to violent apocalyptic or accelerationist ideologies have shown some interest in crudely spreading the virus, most terrorists have sought to exploit the conditions the pandemic created rather than the virus itself. An increase in the risk of bioterrorism cannot be completely discounted as the equipment, knowledge, and expertise to work with high-risk pathogens is increasingly available and there are a small number of groups with the ideologies and objectives consistent with the use of biological weapons. Still, important technical barriers to acquiring and using a biological weapon capable of causing mass casualties, even far below the effects of a pandemic pathogen, will remain even after the pandemic is contained. While COVID-19 graphically demonstrated the vulnerability of modern societies to infectious diseases, the lessons learned from this experience, if properly implemented, should significantly improve the capability of governments around the world to detect and respond to future pandemics as well as deliberate disease outbreaks. Counterterrorism and biodefense efforts should not be dictated by the latest “‘risk of the month’ policies crafted in the wake of visible or highly publicized events.”117 Instead, strategies for reducing the likelihood and consequences of bioterrorism in the wake of the COVID-19 pandemic should be based on a realistic appraisal of the risk and investments should be optimized to strengthen preparedness against the full spectrum of biological threats.

#### IP protections are the only limit on proliferating dual-use biotech – losing patents puts financial pressure on companies to outsource R&D, which skyrockets bioterror acquisition.

Finlay 10 [Brian Finlay (President and Chief Executive Officer of the Stimson Center, M.A. from the Norman Patterson School of International Affairs at Carleton University, a graduate diploma from the School of Advanced International Studies, the Johns Hopkins University and an honors B.A. from Western University in Canada). “The Bioterror Pipeline: Big Pharma, Patent Expirations, and New Challenges to Global Security”. The Fletcher Forum of World Affairs. Vol. 34, No. 2 (Summer 2010), pp. 51-64. <https://www.jstor.org/stable/45289504?seq=1#metadata_info_tab_contents> //Xu]

Until recently, these investment risks were frequently mitigated by income generated from past drug development successes. In most markets, that income was guaranteed by strict patent protections that closed the window to outside competition for a set period of time. More recently, however, the uncertainty of R&D investments has been complicated not only by the global economic downturn, but more importantly by looming patent expirations that will open many of big pharma's patent-protected drugs to generic competition. Between 2007 and 2012, more than three dozen drugs will lose patent protection, removing an estimated $67 billion from big pharma's annual sales.33 With existing drug development pipelines unable to fill the gaps, biopharmaceutical companies are under intense pressure not only to cut costs - which would provide only temporary relief to the bottom line - but also to rapidly replenish their development pipelines. Some industry analysts have described this "perfect storm" as an "existential" moment for big pharma.34 Many pharmaceutical companies have approached this challenge by accelerating and widening the outsourcing and off-shoring of both R&D and manufacturing, and by aggressively buying promising assets from small biotech companies through acquisitions and strategic alliances. Interestingly, these partnerships are less frequently linked with American or even Western-owned and-operated companies than in the past. Many pharmaceutical giants like Indiana-based Eli Lilly are turning to alliances with firms in Asia and elsewhere around the world, outsourcing key technical operations. Instead of functioning as fully integrated firms, big pharma companies have found value in networked relationships with independent small to large firms, universities, and non-profit biotechnology laboratories around the globe.35 The net result has accelerated technology proliferation - for both beneficial and nefarious uses - far beyond the traditional hubs for biotech innovation. Pharma's increasingly desperate search to seed and ultimately acquire innovative new biotechnologies means that foreign (non- Western) markets are pulling ahead in biotech innovation. Indeed, the quantity of biotech companies outside the United States has grown remarkably in recent years: in Israel, the number grew from 30 in 1990 to about 160 in 2000; in Brazil, from 76 in 1993 to 354 in 2001; and remarkably, in South Korea, from one in 2000 to 23 in 2003. 36 More generally, the Asia-Pacific region has emerged as one of the world s fastest-growing biotechnology hubs, with the growth of publicly traded companies handily outpacing growth in the United States and Europe over recent years.37 As fruitful partnerships lead big pharma to increasingly generate resources, technologies, and knowledge, these capacities spin off new competitor firms in a self-executing multiplier effect. With the number of facilities and highly trained individuals increasing, the likelihood of a serious biological accident or nefarious incident will similarly rise, which will be particularly risky when dual-use technologies are introduced into insufficiently regulated markets. CONCLUSIONs In statements, U.S. officials continue to cite several countries believed to have or to be pursuing a biological weapons capability.38 But globalization exports the challenge of bioproliferation far beyond these geographic boundaries and transcends multiple societal layers well beyond government actors. As a result, it is increasingly clear that states no longer have a monopoly on dual-use biological R&D. Recent evidence suggests a growing threat of terrorist acquisition of biological weapons. As technological advancement in the life sciences is progressively pushed into countries of the Global South, some of which are also potential hotbeds for terrorist activity, the nexus of science and terrorism becomes especially acute. While far from perfect, the current system of stringent controls levied by Western governments over the biopharmaceutical sector has proven remarkably effective, especially given the diffusion of technologies and the ease of their redirection for hostile purposes. As the biotech revolution continues to widen, however, advanced industrialized governments are increasingly playing catch-up with changing technological realities. As these technologies proliferate, security analysts have become uneasy with the lack of controls in many states. The dearth of legal controls, the lack of rigor in their enforcement, and the growth in private-actor involvement in dual-use activities has sobering implications for global security.

#### Bioterrorism causes Extinction – overcomes any conventional defense.

Walsh 19, Bryan. End Times: A Brief Guide to the End of the World. Hachette Books, 2019. (Future Correspondent for Axios, Editor of the Science and Technology Publication OneZero, Former Senior and International Editor at Time Magazine, BA from Princeton University)//Elmer

I’ve lived through disease outbreaks, and in the previous chapter I showed just how unprepared we are to face a widespread pandemic of flu or another new pathogen like SARS. But a deliberate outbreak caused by an engineered pathogen would be far worse. We would face the same agonizing decisions that must be made during a natural pandemic: whether to ban travel from affected regions, how to keep overburdened hospitals working as the rolls of the sick grew, how to accelerate the development and distribution of vaccines and drugs. To that dire list add the terror that would spread once it became clear that the death and disease in our midst was not the random work of nature, but a deliberate act of malice. We’re scared of disease outbreaks and we’re scared of terrorism—put them together and you have a formula for chaos. As deadly and as disruptive as a conventional bioterror incident would be, an attack that employed existing pathogens could only spread so far, limited by the same laws of evolution that circumscribe natural disease outbreaks. But a virus engineered in a lab to break those laws could spread faster and kill quicker than anything that would emerge out of nature. It can be designed to evade medical countermeasures, frustrating doctors’ attempts to diagnose cases and treat patients. If health officials manage to stamp out the outbreak, it could be reintroduced into the public again and again. It could, with the right mix of genetic traits, even wipe us off the planet, making engineered viruses a genuine existential threat. And such an attack may not even be that difficult to carry out. Thanks to advances in biotechnology that have rapidly reduced the skill level and funding needed to perform gene editing and engineering, what might have once required the work of an army of virologists employed by a nation-state could soon be done by a handful of talented and trained individuals. Or maybe just one. When Melinda Gates was asked at the South by Southwest conference in 2018 to identify what she saw as the biggest threat facing the world over the next decade, she didn’t hesitate: “A bioterrorism event. Definitely.”2 She’s far from alone. In 2016, President Obama’s director of national intelligence James Clapper identified CRISPR as a “weapon of mass destruction,” a category usually reserved for known nightmares like nuclear bombs and chemical weapons. A 2018 report from the National Academies of Sciences concluded that biotechnology had rewritten what was possible in creating new weapons, while also increasing the range of people capable of carrying out such attacks.3 That’s a fatal combination, one that plausibly threatens the future of humanity like nothing else. “The existential threat that would be most available for someone, if they felt like doing something, would be a bioweapon,” said Eric Klien, founder of the Lifeboat Foundation, a nonprofit dedicated to helping humanity survive existential risks. “It would not be hard for a small group of people, maybe even just two or three people, to kill a hundred million people using a bioweapon. There are probably a million people currently on the planet who would have the technical knowledge to pull this off. It’s actually surprising that it hasn’t happened yet.”

## 3

#### WTO is near consensus on fisheries subsidies – success will require continued focus, flexibility, and cooperation among members

WTO 7/15 [(World Trade Organization) “WTO members edge closer to fisheries subsidies agreement,” News and Events, 7/15/2021] JL

During an all-day meeting with 104 ministers and heads of delegation, WTO members pledged to conclude the negotiations soon and certainly before the WTO's Ministerial Conference in early December, and to empower their Geneva-based delegations to do so. Members also confirmed that the negotiating text currently before them can be used as the basis for the talks to strike the final deal.

“I feel new hope this evening. Because ministers and heads of delegation today demonstrated a strong commitment to moving forward and doing the hard work needed to get these negotiations to the finish line. I applaud you for this. In 20 years of negotiations, this is the closest we have ever come towards reaching an outcome — a high-quality outcome that would contribute to building a sustainable blue economy,” said Director-General Ngozi Okonjo-Iweala.

“One fundamental conclusion that I draw from your interventions today is that members are ready to use the text as the basis for future negotiations. A second takeaway from today was that there is universal agreement about the importance of the food and livelihood security of artisanal fishers in developing and least developed countries. The prospect for a deal in the autumn ahead of our Ministerial Conference has clearly improved.”

The UN Food and Agriculture Organization estimates that one-third of global fish stocks are overfished and most of the rest is fully exploited. This is up from 10% in 1970 and 27% in 2000. Depleted stocks threaten the food security of low-income coastal communities, and the livelihoods of poor and vulnerable fishers who must go further and further from shore only to bring back smaller and smaller hauls.

Each year, governments hand out around $35 billion in fisheries subsidies, two-thirds of which go to commercial fishers. These subsidies keep at sea vessels which would otherwise be economically unviable. World leaders in 2015 made a fisheries subsidies agreement by 2020 part of the Sustainable Development Goals and trade ministers reaffirmed this pledge in 2017.

The negotiations on fisheries subsidies disciplines have been ongoing for nearly 20 years. Although there has been recent progress thanks to the intensive work that led to the development of the negotiating text on which members are working, the lack of political impetus in the talks to close the remaining gaps inspired Director-General Okonjo-Iweala to call this meeting of ministers.

Among the thorniest issues to resolve has been how to extend special and differential treatment to developing and least developed country WTO members while preserving the overall objective of enhanced sustainability of the oceans. Ministers said that the livelihoods and food security of poor and vulnerable artisanal fishers in developing and least developed countries were of great importance, as was preserving the sustainability objective of the negotiations.

Amb. Santiago Wills of Colombia, who chairs the Rules Negotiating Group overseeing the fisheries subsidies negotiations, said he had received some valuable inputs from the discussions. He now has greater clarity on the path forward and the next steps that would be required to harvest an agreement. He will be consulting with the Director-General and WTO members about charting the path forward for the next stage of the talks.

“I am very heartened by the responses and messages that we have heard today. What we sought from ministers today was political guidance to help close these negotiations soon. And we did hear that guidance. We have been given the ingredients to reach a successful conclusion; a commitment to finish well ahead of our Ministerial Conference a text that can be the platform for this final stage of the negotiations and fully empowered heads of delegations in Geneva. This represents a real success,” said Amb. Wills.

The Director-General said that delegations needed to prepare for an intensive period of line by line negotiations.

“As we enter this new phase of text-based discussions, the responsibility to conclude these negotiations is truly in the hands of members. To get from here to an agreement, it will be your job to find the necessary trade-offs and flexibilities. A successful outcome by MC12 is ultimately your responsibility,” she said. “The world is watching. The fisheries subsidies negotiations are a test both of the WTO's credibility as a multilateral negotiating forum and of the trading system's ability to respond to problems of the global commons.  If we wait another 20 years, there may be no marine fisheries left to subsidise — or artisanal fishing communities to support.”

#### IP disputes fragment WTO unity and trade off with subsidies negotiation

Patnaik 3/12 [(Priti, journalist in Geneva, Switzerland, master’s in Development Studies from The Graduate Institute in Geneva and a master’s in Business and Economic Reporting from New York University) “Could Vaccine Nationalism Spur Disputes At The WTO?” Geneva Health Files, 3/12/2021] JL

To protect domestic manufacturers and constituencies, countries may resort to filing disputes, if only to send a signal to other members, experts believe. To be sure, this is not only about vaccines. Going forward, export restrictions on raw materials can have implications for therapeutics as well. So the threat of a dispute may be a tool to deal with competition for scarce medical products during the pandemic, experts say.

Although trade restrictive measures are short-sighted and not a preferred policy option, governments see them as powerful instruments to meet political goals, to send a message to domestic stakeholders, sources said.

“My hunch is that all countries are sort of sitting on both sides of the fence. On the one hand, governments would like to maintain the discretion and the ability to impose export restrictions if they need to or if they think they need to. Whether that is medical products or personal protective equipment. On the other hand, everybody dislikes it when other countries impose export restrictions. So I think there is enough of an incentive for countries to sit down and negotiate,” one legal expert noted.

Sources also pointed to political declarations last year where WTO members came together and said that they would not impose restrictive trade measures. “In order to be constructive, countries decided that they were going to signal to members that will not introduce exports restrictive measures even though it may be expedient to do so,” one trade expert said. The way out, some feel, is to find solution to placing limits on export restrictions.

It is not just trade restrictive measures that could result in trade disputes. The heated political discussions on the TRIPS waiver at WTO is also aggravating the potential for disputes, according to experts involved in litigations in international trade in Geneva. Therefore these ostensibly independent processes, can catalyse disputes.

“The waiver discussion is very heated and it is aggravating the discussion on the EU's export restrictions. If the waiver succeeds, then the opposing members cannot do anything about it. So they will be looking at other ways to beat up on behavior they do not like on the COVID-19 front,” one trade law expert said.  Do not rule out disputes against supporters of the TRIPS waiver proposal, in case the waiver is adopted, the source added.

In their statement at the WTO General Council meeting last week, the EU said, “In order to ensure that vaccines and their ingredients are not directed to export destinations in unjustified volumes, the European Union had no choice but to introduce a transparency mechanism on Covid-19 vaccine export transactions.” The EU has said that the measures are WTO-consistent.

It added “Since the entry into force of the scheme on the 1 February, we have received 150 requests for export authorisation. All of them have been accepted. I repeat, all of them.” This week, the European Commission extended transparency and authorisation mechanism for exports of COVID-19 vaccines.

The EU is also a part of the Ottawa Group proposal on Trade and Health that also spells out commitments towards export restrictions. (See also *E.U. Exports Millions of Covid Vaccine Doses Despite Supply Crunch at Home*)

“Members bring disputes all the time, even when they know that it's going to take a long time to get a result and often they bring a dispute as leverage for negotiations. Filing a dispute does not mean they are looking for a solution. It does not mean the dispute will be litigated all the way to the end,” a trade lawyer said.

It could also result in a negotiated arrangement, like it was in 2001 in the U.S.-Brazil case. “Why did the U.S. bring a case against Brazil? It gave them leverage in negotiations, and to satisfy domestic stakeholders,” the lawyer added.

The impasse at the Appellate Body may not be a deterrent for countries to dissuade countries from bringing a dispute, some believe.

“The Appellate Body not being functional is not a problem. Countries have recourse to Article 25 under the Dispute Settlement Understanding (DSU) that provides for ‘expeditious arbitration as a alternate means to dispute settlement’,” a source involved in the WTO litigation process said. (The EU, for example, is a signatory to the Multi-party interim appeal arbitration arrangement, MPIA.)

While disputes may take up precious energy and resources of members already stretched in fighting to address the pandemic, it may likely be a strategy to address trade protectionism. Not all agree.

“I think the law is not really an answer here, I hate to say that because I'm a lawyer. But I really don't think the law is an answer because the law is so generically drafted right that and it's politically so sensitive. Which WTO panel will tell a member that restricting vaccines is not legitimate? It will ultimately harm the legitimacy of the trading system,” the person added.

#### Overfishing collapses biodiversity

DUJS 12 [(Dartmouth Undergraduate Journal of Science, official open access science journal of Dartmouth College, publishing original scientific research, multidisciplinary review articles, and science news) “The Threats of Overfishing: Consequences at the Commercial Level,” 3/11/2012] JL

According to marine ecologists, overfishing is the greatest threat to ocean ecosystems today (1). Overfishing occurs because fish are captured at a faster rate than they can reproduce (2). Advanced fishing technology and an increased demand for fish have led to overfishing, causing several marine species to become extinct or endangered as a result (3, 4). In the long-term, overfishing can have a devastating impact on ocean communities as it destabilizes the food chain and destroys the natural habitats of many aquatic species (2).

In the past, fishing was more sustainable because fishermen could not access every location and because they had a limited capacity for fish aboard their vessels. Today, however, small trawlers and fishing boats have been replaced by giant factory ships that can capture and process extremely large amounts of prey at a given time (2). These ships use sonar instruments and global positioning systems (GPS) to rapidly locate large schools of fish (1). Fishing lines are deployed with thousands of large hooks that can reach areas up to 120 kilometers deep. The trawling vessels and machines can even reach depths of 170 kilometers and can store an extraordinarily large volume of fish. Each year, these huge trawling ships comb an area twice the size of the United States. They use massive nets 50 meters wide with the capacity to pull the weight of a medium-sized plane (2). They also have several plants for processing and packing fish, large freezing systems, fishmeal processing plants, and powerful engines that can carry this enormous fishing gear around the ocean. Because these ships have all the equipment necessary to freeze and tin fish, they only need to return to their base once they are full. Even when the ships are filled, however, the fish are often transferred to refrigerated vessels in the middle of the ocean and are processed for consumption later (4). As such, industrial fishing has expanded considerably and fishermen can now explore new shores and deeper waters to keep up with the increased demand for seafood. In fact, it has been reported by the United Nations Food and Agricultural Organization (FAO) that over 70 percent of the world’s fisheries are either ‘fully exploited’, ‘over exploited’ or ‘significantly depleted’ (5). The annual total global catch of fish is 124 million metric tons, which is equivalent in weight to 378 Empire State Buildings (2).

Fishing gear is often non-selective in the fish it targets. For example, any fish that are too big to get through the mesh of a net are captured. Therefore, overfishing does not only threaten the species of fish that is targeted for food, but also many non-target species. As a result, these other species, including marine mammals and seabirds, are accidentally caught in the fishing gear and killed (6). For example, for every ton of prawn caught, three tons of other fish are killed and thrown away. Those in the trade refer to this practice of inadvertent catching of other species as bycatch (4). The FAO has pointed out that about 25 percent of the world’s captured fish end up thrown overboard because they are caught unintentionally, are illegal market species, or are of inferior quality and size. Many of the fish caught this way include endangered and over exploited species, 95 percent of which are eventually thrown away (2). Bycatch is not just limited to just unwanted fish, but rather affects all types of marine life, including whales, dolphins, porpoises, fur seals, albatrosses, and turtles. For example, tuna fisheries are indirectly responsible for the deaths of an estimated one million sharks annually due to bycatch. Small cetaceans, such as dolphins and porpoises, are also targets of bycatch as they are often caught in fishing nets. In fact, hundreds of dolphin corpses are washed up on the beaches of Europe every year, bringing attention to the growing scale of this problem (6).

Many modern fishing methods are also irreversibly destructive. For example, bottom trawling, a technique that uses extremely wide nets armed with heavy metal rollers, can crush everything in the path of the gear, destroying fragile corals, smashing rock formations, and killing several tons of fish and animals as bycatch (7). As such, these practices can wreak havoc on delicate marine ecosystems.

Not surprisingly, it has been reported that industrial fishing takes between only 10 and 15 years to wipe out a tenth of whichever species it targets (2). In fact, several marine species have already been fished to commercial extinction, and this number is rapidly increasing (1). One of the reasons for this is that the regulation of fishing vessels and the fishing industry is universally inadequate. Roughly two-thirds of the ocean is free of laws and fishing vessels only follow the laws ratified by their country of origin. However, most fishing countries have not ratified any international convention to protect the sea or marine life (2). Moreover, fishing factory ships and companies are given access to fisheries before the long–term impact of their fishing practices is understood (1).

Today, the number of fish caught worldwide is actually shrinking as the fishing industry is in decline from many years of overfishing (2). The year 1988 was the first time in human history that global wild fish catches dropped and they have continued to fall ever since. In European waters, four out of every five known fish stocks are already beyond safe biological limits (7). Illegal and unreported fishing have also contributed a great deal to the depletion of the oceans and continues to be a serious problem.

A new study conducted by the International Union for Conservation of Nature (IUCN) found that 5 out of the 8 tuna species are at risk of extinction (8). All three species of bluefin tuna, for example, are threatened with extinction and are at a population that makes their recovery practically irreversible (2). The IUCN has also reported that freshwater fish are among the most endangered species, with more than a third facing extinction. Not surprisingly, among those at the greatest risk are species like the Mekong giant catfish, the freshwater stingray, and the European eel, which are used to make some of the most expensive caviars. The Mekong giant catfish is the closest to extinction, with as few as 250 left. Overfishing has reduced the numbers of Mekong freshwater stingray by over 50 percent in Southeast Asia and has reduced the giant Mekong salmon carp population by over 90 percent (9).

As previously mentioned, shark populations have also been greatly affected by overfishing. There are already more than 135 species of shark on the IUCN’s list of endangered animals and more are being added each year. For example, the number of scalloped hammerhead shark has decreased by 99% over the past 30 years. Other species recently added to the endangered list include the smooth hammerhead, shortfin mako, common thresher, big-eye thresher, silky, tiger, bull, and dusky (10). Besides being caught as bycatch, sharks are now also being targeted by commercial fishermen for their fins which can fetch a substantial price on the Asian food market. Sharks are particularly vulnerable to exploitation because they have long life spans, are exceptionally slow to mature (taking as long as 16 years in some cases), and are relatively unprolific breeders (11). Recent reports suggest that over fishing has caused a 90% decline in shark populations across the world’s oceans and up to 99% along the US east coast, which are some of the best managed waters in the world. Because sharks are at the top of the food chain, a decline in their numbers has devastating consequences on marine ecosystems (10).

Overfishing impacts not just the particular species that is exploited, but also damages other species of fish and disrupts local ecosystems. The stability of ecological communities depends largely on the interactions between predators and prey (12). Thereby, the balance of the food chain is disturbed when certain species are removed. As a result, many ocean species are disappearing and losing their habitats. The evolutionary process of marine species is also being altered, causing cycles of premature reproduction and relative decreases in the size of fish across generations. As predators diminish, the populations of smaller fish escalate because they were previously the food source of the bigger fish. In addition, the disappearance of these species affects many other species, like seabirds and sea mammals, which are vulnerable to the lack of food (2).

A recent study found that overfishing is also decreasing the genetic diversity of fish worldwide. Diversity is projected to be reduced further if overfishing continues at the same rate (13). This has serious effects on nutrient recycling in marine ecosystems because fish species vary widely in their rates of nitrogen and phosphorus excretion. As such, altering fish communities creates divergent nutrient recycling patterns and disrupts the functioning of the ecosystem. Recently conducted studies in lakes affected by overfishing show that loss of species contributes to a decline in nutrient recycling and destabilizes the ecosystem (14).

While it is often overlooked for other environmental issues, overfishing has historically caused more ecological extinction than any other human influence on coastal ecosystems, including water pollution (5). Unfortunately, due to a lack of data, the extent of this damage has only recently been recognized (15).

#### Continued biodiversity loss causes extinction

Carrington 18 [(Damian, the Guardian's Environment editor) "Humanity has wiped out 60% of a animal populations since 1970, report finds," The Guardian, 10/29/18] TDI

Humanity has wiped out 60% of mammals, birds, fish and reptiles since 1970, leading the world’s foremost experts to warn that the annihilation of wildlife is now an emergency that threatens civilisation.

The new estimate of the massacre of wildlife is made in a major report produced by WWF and involving 59 scientists from across the globe. It finds that the vast and growing consumption of food and resources by the global population is destroying the web of life, billions of years in the making, upon which human society ultimately depends for clean air, water and everything else.

“We are sleepwalking towards the edge of a cliff” said Mike Barrett, executive director of science and conservation at WWF. “If there was a 60% decline in the human population, that would be equivalent to emptying North America, South America, Africa, Europe, China and Oceania. That is the scale of what we have done.”

“This is far more than just being about losing the wonders of nature, desperately sad though that is,” he said. “T**his is** actually now jeopardising the future of people. Nature is not a ‘nice to have’ – it is our life-support system.”

“We are rapidly running out of time,” said Prof Johan Rockström, a global sustainability expert at the Potsdam Institute for Climate Impact Research in Germany. “Only by addressing both ecosystems and climate do we stand a chance of safeguarding a stable planet for humanity’s future on Earth.”

Many scientists believe the world has begun a sixth mass extinction, the first to be caused by a species – Homo sapiens. Other recent analyses have revealed that humankind has destroyed 83% of all mammals and half of plants since the dawn of civilisation and that, even if the destruction were to end now, it would take 5-7 million years for the natural world to recover.

The Living Planet Index, produced for WWF by the Zoological Society of London, uses data on 16,704 populations of mammals, birds, fish, reptiles and amphibians, representing more than 4,000 species, to track the decline of wildlife. Between 1970 and 2014, the latest data available, populations fell by an average of 60%. Four years ago, the decline was 52%. The “shocking truth”, said Barrett, is that the wildlife crash is continuing unabated.

Wildlife and the ecosystems are vital to human life, said Prof Bob Watson, one of the world’s most eminent environmental scientists and currently chair of an intergovernmental panel on biodiversity that said in March that the destruction of nature is as dangerous as climate change.

“Nature contributes to human wellbeing culturally and spiritually, as well as through the critical production of food, clean water, and energy, and through regulating the Earth’s climate, pollution, pollination and floods,” he said. “The Living Planet report clearly demonstrates that human activities are destroying nature at an unacceptable rate, threatening the wellbeing of current and future generations.”

The biggest cause of wildlife losses is the destruction of natural habitats, much of it to create farmland. Three-quarters of all land on Earth is now significantly affected by human activities. Killing for food is the next biggest cause – 300 mammal species are being eaten into extinction – while the oceans are massively overfished, with more than half now being industrially fished.

Chemical pollution is also significant: half the world’s killer whale populations are now doomed to die from PCB contamination. Global trade introduces invasive species and disease, with amphibians decimated by a fungal disease thought to be spread by the pet trade.

The worst affected region is South and Central America, which has seen an 89% drop in vertebrate populations, largely driven by the felling of vast areas of wildlife-rich forest. In the tropical savannah called cerrado, an area the size of Greater London is cleared every two months, said Barrett.

“It is a classic example of where the disappearance is the result of our own consumption, because the deforestation is being driven by ever expanding agriculture producing soy, which is being exported to countries including the UK to feed pigs and chickens,” he said. The UK itself has lost much of its wildlife, ranking 189th for biodiversity loss out of 218 nations in 2016.

The habitats suffering the greatest damage are rivers and lakes, where wildlife populations have fallen 83%, due to the enormous thirst of agriculture and the large number of dams. “Again there is this direct link between the food system and the depletion of wildlife,” said Barrett. Eating less meat is an essential part of reversing losses, he said.

The Living Planet Index has been criticised as being too broad a measure of wildlife losses and smoothing over crucial details. But all indicators, from extinction rates to intactness of ecosystems, show colossal losses. “They all tell you the same story,” said Barrett.

Conservation efforts can work, with tiger numbers having risen 20% in India in six years as habitat is protected. Giant pandas in China and otters in the UK have also been doing well.

But Marco Lambertini, director general of WWF International, said the fundamental issue was consumption: “We can no longer ignore the impact of current unsustainable production models and wasteful lifestyles.”

## Case

#### COVID inevitable even with vaccines – antibodies fade and high transmissibility

Zhang 20 [(Sarah, staff writer at The Atlantic, winner of a 2018 AAAS Kavli Science Journalism Silver Award) “The Coronavirus Is Never Going Away,” The Atlantic, 8/4/2020] JL

The coronavirus is simply too widespread and too transmissible. The most likely scenario, experts say, is that the pandemic ends at some point—because enough people have been either infected or vaccinated—but the virus continues to circulate in lower levels around the globe. Cases will wax and wane over time. Outbreaks will pop up here and there. Even when a much-anticipated vaccine arrives, it is likely to only suppress but never completely eradicate the virus. (For context, consider that vaccines exist for more than a dozen human viruses but only one, smallpox, has ever been eradicated from the planet, and that took 15 years of immense global coordination.) We will probably be living with this virus for the rest of our lives.

Back in the winter, public-health officials were more hopeful about SARS-CoV-2, the coronavirus that causes COVID-19. SARS, a closely related coronavirus, emerged in late 2002 and infected more than 8,000 people but was snuffed out through intense isolation, contact tracing, and quarantine. The virus was gone from humans by 2004. SARS and SARS-CoV-2 differ in a crucial way, though: The new virus spreads more easily—and in many cases asymptomatically. The strategies that succeeded with SARS are less effective when some of the people who transmit COVID-19 don’t even know they are infected. “It’s very unlikely we’re going to be able to declare the kind of victory we did over SARS,” says Stephen Morse, an epidemiologist at Columbia University.

If not, then what does the future of COVID-19 look like? That will depend, says Yonatan Grad, on the strength and duration of immunity against the virus. Grad, an infectious-disease researcher at Harvard, and his colleagues have modeled a few possible trajectories. If immunity lasts only a few months, there could be a big pandemic followed by smaller outbreaks every year. If immunity lasts closer to two years, COVID-19 could peak every other year.

At this point, how long immunity to COVID-19 will last is unclear; the virus simply hasn’t been infecting humans long enough for us to know. But related coronaviruses are reasonable points of comparison: In SARS, antibodies—which are one component of immunity—wane after two years. Antibodies to a handful of other coronaviruses that cause common colds fade in just a year. “The faster protection goes away, the more difficult for any project to try to move toward eradication,” Grad told me.

This has implications for a vaccine, too. Rather than a onetime deal, a COVID-19 vaccine, when it arrives, could require booster shots to maintain immunity over time. You might get it every year or every other year, much like a flu shot.

Even if the virus were somehow eliminated from the human population, it could keep circulating in animals—and spread to humans again. SARS-CoV-2 likely originated as a bat virus, with a still-unidentified animal perhaps serving as an intermediate host, which could continue to be a reservoir for the virus. (SARS also originated in bats, with catlike palm civets serving as an intermediate host—which led officials to order the culling of thousands of civets.) Timothy Sheahan, a virologist at the University of North Carolina at Chapel Hill, wonders if, with SARS-CoV-2 so widespread across the globe, humans might be infecting new species and creating new animal reservoirs. “How do you begin to know the extent of virus spread outside of the human population and in wild and domestic animals?” he says. So far, tigers at the Bronx Zoo and minks on Dutch farms seem to have caught COVID-19 from humans and, in the case of the minks, passed the virus back to humans who work on the farm.

The existence of animal reservoirs that can keep reinfecting humans is also why scientists don’t speak of “eradication” for these viruses. The Ebola virus, for example, probably comes from bats. Even though human-to-human transmission of Ebola eventually ended in the West African epidemic in 2016, the virus was still somewhere on Earth and could still infect humans if it found the right host. And indeed, in 2018, Ebola broke out again in the Democratic Republic of the Congo. Ebola can be contained through contact tracing, isolation, and a new vaccine, but it cannot be “eradicated.” No one is quite sure why SARS has never reemerged from an animal reservoir, but this coronavirus could well follow a different pattern.

#### Waivers don’t improve vaccine supply or distribution, but do allow for poorly made vaccines that undermine vaccine confidence

Delgado 5/25 [(Carla, health & culture journalist who’s written for Insider, Architectural Digest, Elemental, Observer, and Mental Floss) “Experts Say Patent Waivers Aren't Enough To Increase Global Vaccination,” Verywell Health, 5/25/2021] JL

“Waiving intellectual property rights for COVID-19 vaccines is likely to only have a modest impact on global vaccine supply,” William Moss, MD, executive director of the International Vaccine Access Center at the Johns Hopkins Bloomberg School of Public Health, tells Verywell. “A vaccine IP waiver is not in itself likely to lead to increased vaccine production in less developed countries because much more needs to be in place to increase the global vaccine supply.”

For several countries outside of the U.S. that have the necessary equipment to produce mRNA vaccines effectively and safely, the IP waiver can be of great help. However, many more countries lack this capacity, and this move still leaves them behind.

“The majority of the world’s countries lack the capacity to produce and distribute COVID-19 vaccines, and especially at the scale required to get this pandemic under control,” Richard Marlink, MD, director of the Rutgers Global Health Institute, tells Verywell. “They need funding, manufacturing facilities, raw materials, and laboratory staff with the technological expertise required.”

We've already seen what can go wrong with substandard vaccine manufacturing. In April, the Food and Drug Administration (FDA) inspected the Emergent BioSolutions factory in Baltimore and consequently shut down their production after concerning observations, which include:3

The factory was not maintained in a clean and sanitary condition.

Waste handling was found to be inadequate because generated waste was transported through the warehouse before disposal, which can potentially contaminate other areas.

Employees were seen dragging unsealed bags of medical waste from the manufacturing area across the warehouse.

Peeling paint, paint flecks, loose particles/debris were observed. There were also damaged floors and rough surfaces that cannot be properly cleaned and sanitized.

Employees were seen removing their protective garments where raw materials were staged for manufacturing.

They reportedly spoiled about 15 million doses of the Johnson and Johnson COVID-19 vaccine, and more than 100 million doses are on hold as regulators inspect them for possible contamination.4

“Vaccines are complex biological products, much more complex than drugs, and need to be produced by manufacturers and in facilities with the highest quality control standards,” Moss says. “Adverse events associated with a poorly made or contaminated batch of vaccines would have a devastating impact on vaccine confidence.”

In a statement last October, Moderna announced that they will not enforce their COVID-19-related patents against those who will make vaccines during this pandemic.5 While waiving some vaccine patents may allow third-party manufacturers to make and sell COVID-19 vaccines, the transfer of skills and technology that will allow them to manage production isn't very simple.

For instance, a spokesperson for Pfizer said that the Pfizer-BioNTech vaccine required 280 different components sourced from 86 suppliers across various countries. Manufacturing the vaccine would require highly specialized equipment and complex technology transfers.6

“Technology transfer also would need to be a critical component to expand vaccine manufacturing by other companies as an IP waiver is insufficient to provide the ‘know how’ needed to manufacture mRNA or adenovirus-vectored COVID-19 vaccines,” Moss says. “And supply chains for the reagents, supplies, and equipment would be needed.”

Interested manufacturers would need to have the proper equipment to test the quality and consistency of their manufacturing. At present, the World Health Organization (WHO) has plans to facilitate the establishment of technology hubs to transfer "a comprehensive technology package and provide appropriate training" to manufacturers from lower- and middle-income countries.7

While waiving vaccine patents is necessary, it's likely not enough. Additionally, negotiations about it are still ongoing. Even though the U.S. supports the waiver of COVID-19 vaccine patents, other countries like the United Kingdom, Japan, and Germany oppose it.8

It's also important to remember that manufacturing vaccines is only one step of the process of vaccinating the global population—distributing it is yet another hurdle.

“Many countries are counting on COVAX, a global collaboration to distribute COVID-19 vaccines more equitably around the world,” Marlink says. “The single largest supplier to COVAX is in India, where exports have been suspended since March due to the country’s COVID-19 crisis.”

#### TRIPs waiver is a symbolic gesture that prevents vaccine production and distribution

Ikenson 6/25 [(Dan, former director of the Cato Institute's Herbert A. Stiefel Center for Trade Policy Studies, MA in economics from George Washington University) “Stop Blaming Patents For The World’s Low Vaccination Rates,” Forbes, 6/25/2021] JL

The premise of the need for a TRIPS waiver is simply absurd. It serves to divert attention from the failures of governments to protect their citizens with smart public health policies and, importantly, to demonize intellectual property protections more broadly. Governments are already free to waive IP protections and to engage in compulsory licensing in times of health crises but have not done so because patents are not the bottleneck. The bottlenecks result from limited global expertise in the highly technical process of producing the vaccine, the dearth of production facilities and capacity to ramp up production at existing facilities, the tight supply of crucial pharmaceutical ingredients (including vials, bags, and other components), and the limited distribution channels through which the proper handling of vaccines at proper temperatures can be assured.

To be sure, global health officials and biopharmaceutical companies have been working to resolve these real bottlenecks—a process that has benefited significantly from the fact that U.S. officials have more bandwidth to devote more attention and other resources to these matters precisely because U.S. vaccination efforts have been successful. And why have they been successful? In large measure, they have been successful because intellectual property protections have bred expectations of future intellectual property protections, which has invited and enabled an accumulation of R&D investment, infrastructure, and expertise in the United States.

The effort to surmount these real impediments to producing, distributing, and injecting vaccines is not made any easier by a symbolic waiver of IP protections—and may be made more difficult. The volume of vaccines necessary to ending the pandemic requires governments and public health officials to coordinate and focus on ramping up the capacity to produce and distribute, and to safeguard against the squandering of pharmaceutical ingredients by ensuring those inputs are channeled to producers with expertise in manufacturing and distribution. On the contrary, suspending IP protection might encourage novice firms with no expertise to end up wasting limited, essential ingredients.

#### Waivers antagonize drug-makers and manufacturers which reduces vaccine production

Furlong 4/21 [(Ashleigh, health care reporter for POLITICO, based in London, former reporter at the science policy publication Research Fortnight who covered biomedical research policy) “Why waiving patents might not boost global access to coronavirus vaccines,” Politico EU, 4/21/2021] JL

Lifting IP rules may make it pretty straightforward to make some types of drugs where technology transfer isn’t important, said ‘t Hoen. For example, during the pandemic, both Hungary and Russia have issued compulsory licenses for remdesivir, with both countries then producing the drug. But that’s not true for vaccines.

A vaccine patent prevents another company from producing the same product. But even without a patent in the way, the company that produced the vaccine holds an enormous amount of relevant know-how that it's not going to turn over for free. So when drugmakers make deals with other manufacturers to produce their vaccine, they transfer this knowledge along under strict agreements. For example, AstraZeneca reached a licensing agreement with the Serum Institute of India last June that ensured that SII treats AstraZeneca as a priority customer in return for access to the technology behind the Oxford/AstraZeneca vaccine.

Compulsory licensing may also be an over-hyped solution, aside from removing the possibility of being sued for patent infringement, says Guilherme Cintra, director of innovation policy at the International Federation of Pharmaceutical Manufacturers and Associations, a pharma lobby. It could actually be "an antagonistic move," he added. "In a way it removes trust, and undermines the possibility of engaging in good faith to build up manufacturing."

#### The US has structurally undermined WTO legitimacy – every WTO ruling gets vetoed

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

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

The U.S. delegation to the WTO, in a statement Monday obtained by Bloomberg, backed the Trump administration’s decision to label Hong Kong exports as “Made in China” and said the WTO had no right to mediate the matter because the organization’s rules permit countries to take any action to protect their “essential security interests.”

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

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

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

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

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

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

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

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

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

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

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

#### Alt causes to WTO disunity

EP 5/20 [(European Parliament, legislative branch of the European Union) “Getting a patent waiver is not enough, says WTO chief to Trade Committee,” European Parliament News: Press Releases, 5/20/2021] JL

She said: “Getting the intellectual property rights waiver for vaccines will not be enough”. She listed three other routes: reducing export restrictions and reinforcing supply chains for vaccines, working with manufacturers to expand production, including in emerging countries with idle capacity such as Indonesia, South Africa, Thailand or Bangladesh, and transferring the necessary technology and expertise

to produce the complicated vaccines.

“The IP waiver is a hot issue on which I cannot take sides. But we need more flexibility and automatic access for developing countries, and at the same time we have to protect research and development,” added the head of the World Trade Organisation (WTO).

MEPs also raised questions on trade and sustainability, including the proposed carbon border-adjustment mechanism and its compatibility with WTO rules.

“I think everything is in the design; its implementation is going to be quite important. But we don’t have that yet, so we cannot say [whether it is compatible], the director-general said.

MEPs asked about the ongoing WTO negotiations over fisheries subsidies that the director-general hopes will be concluded by the end of the year, and about the now defunct dispute settlement mechanism in the WTO.

“We cannot make new rules at the WTO when our system of adjudication on those rules doesn’t work. We need to go to the [Twelfth Ministerial Conference] with an idea for a new system,” Dr Okonjo-Iweala responded to the latter issue, calling for Parliament’s assistance in reaching out to the United States Congress to scout for a common understanding on the Appellate Body.

#### Empirics prove trade doesn’t solve war

Martin et. al. 8(Phillipe, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, and Centre for Economic Policy Research; Thierry MAYER, University of Paris 1 Pantheon—Sorbonne, Paris School of Economics, CEPII, and Centre for Economic Policy Research, Mathias THOENIG, University of Geneva and Paris School of Economics, The Review of Economic Studies 75)

Does globalization pacify international relations? The “liberal” view in political science argues that increasing trade flows and the spread of free markets and democracy should limit the incentive to use military force in interstate relations. This vision, which can partly be traced back to Kant’s Essay on Perpetual Peace (1795), has been very influential: The main objective of the European trade integration process was to prevent the killing and destruction of the two World Wars from ever happening again.1 Figure 1 suggests2 however, that during the 1870–2001 period, the correlation between trade openness and military conflicts is not a clear cut one. The first era of globalization, at the end of the 19th century, was a period of rising trade openness and multiple military conflicts, culminating with World War I. Then, the interwar period was characterized by a simultaneous collapse of world trade and conflicts. After World War II, world trade increased rapidly, while the number of conflicts decreased (although the risk of a global conflict was obviously high). There is no clear evidence that the 1990s, during which trade flows increased dramatically, was a period of lower prevalence of military conflicts, even taking into account the increase in the number of sovereign states.