# 1NC-round4-presentation

## 1

#### CP: France, Germany, Sweden, and Italy should:

* substantially increase COVID vaccine production to meet the global demand
* sign bilateral intellectual property licensing contracts with low and middle-income countries to share vaccines
* donate all necessary vaccines at no cost to low and middle-income nations unable to license intellectual property rights

#### Eliminating IPR for vaccines gives China a massive competitive edge on innovation broadly – tanks pharma, undermines pandemic response, and tech leadership – BUT domestic production and distribution solves

Okutsu & Sharma 21 [Akane, staff writer for Nikkei International, and Kiran, LPC, The College of Law, Guildford, 1997 BA (Hons), Law, Gonville & Caius College, Cambridge University, 1996. “Vaccine Patent Waiver: COVID Stopper or Innovation Killer?” https://asia.nikkei.com/Spotlight/Coronavirus/COVID-vaccines/Vaccine-patent-waiver-COVID-stopper-or-innovation-killer]

Western pharmaceutical companies are telling U.S. officials that they fear exposing their technologies to China, the Financial Times reported. The still-under-wraps expertise could be used not only for COVID-19 shots but other vaccines and therapeutics, stripping the companies of their competitive edge.

Pfizer and Moderna have produced what are called messenger RNA vaccines, a new technology that does not contain live virus and instead instructs cells to produce a protein found in the coronavirus, creating immunity. China's vaccine producers, meanwhile, have relied on conventional methods using weakened virus.

The Pharmaceutical Research and Manufacturers of America released a statement that the U.S. stance on the waiver means "handing over American innovations to countries looking to undermine our leadership in biomedical discovery."

But some say the waiver would not be an automatic win for China.

One reason is that its pharmaceutical companies would not be immune if prices fall. "There would be competitive pressure and a negative impact on pharmaceutical companies in and outside of the U.S." including China, said Banri Ito, professor at Japan's Aoyama Gakuin University.

The stock market seems to agree. Chinese vaccine makers including CanSino Biologics and Shanghai Fosun Pharmaceutical Group fell after the U.S. announcement, just like the shares of Pfizer and Moderna.

China's state media has been lukewarm toward the U.S. move, calling it a "political tactic."

How would it affect the pharmaceutical industry over the long term?

One major concern is a loss of incentives for costly research and development.

Pharmaceutical research has a low success rate and requires enormous sums of money. Without the profits generated from intellectual property rights, "there would be no new drugs," as companies would have no hope of recouping their investments, a JPMA spokesperson said.

Ito said this raises "concerns about how to respond to future pandemics." Speedy vaccine development, he said, is driven in part by the chance to corner the market.

If the patents are to be waived, Ito suggested other steps to spur innovation will be needed, such as establishing a fund to buy such knowledge. But setting prices and deciding how to deal with the technical secrets would be no easy task.

Ito said a quicker solution might be for Group of Seven countries to "consider policies to expand production capacity and strengthen the [World Health Organization's] COVAX initiative to purchase and distribute vaccines to developing countries."

#### Biopharma innovation is key to overall competitiveness – US still has a razor thin lead but IP is uniquely key

Ezell 20 [Stephen Ezell, Director of Global Innovation Policy at the Information Technology and Innovation Foundation (ITIF). "Ensuring U.S. Biopharmaceutical Competitiveness." 7/16/20. https://itif.org/publications/2020/07/16/ensuring-us-biopharmaceutical-competitiveness]

Nations are competing for increased market share in a wide array of advanced-innovation industries, understanding that these industries are the key to competitiveness, national security, and good jobs. China’s “Made in China 2025” strategy is perhaps the most visible of these efforts, but by no means the only one.

Many nations, including China, have targeted the biopharmaceuticals industry—an industry which the United States has long led—especially in drug innovation. One result has been that over the last decade U.S. biopharmaceutical manufacturing value-added output has fallen by almost one-third, as the U.S. trade deficit in drugs and inputs has increased. Fortunately, America still leads in innovation and drug development, in large part due to effective life-science policies, including significant federal investment in life-sciences basic research, robust intellectual property (IP) protections, effective technology transfer policies, investment incentives, and, importantly, drug pricing policies that enable companies to invest in high-risk drug development.

But if the story of the past decline, and even loss, of other critical U.S. industries provides any guide, loss of U.S. production will ultimately lead to the loss of innovation capabilities as well. It is not enough for the United States to lead in drug development, it must also at least hold its own in drug production. This is especially true given the coming challenge from China, which intends to dominate the global drug industry, at all phases, from innovation to production to marketing.

Now is not the time for free-market complacency, hoping that America’s entrepreneurial spirit and rule of law will somehow suffice (the United States didn’t gain its biopharma lead from a laissez faire approach, and it certainly won’t keep its lead with it alone). Nor is it the time for drug populism, a political movement that both sides of the aisle, but especially progressives, have unfortunately embraced. Drug populism and its accompanying policies of weaker IP protections and draconian drug price controls would likely result in cheaper drugs. But there should be no confusion that it will lead to a hollowing out of U.S. capabilities, not just in production but also in innovation (and, not to mention, fewer new lifesaving drugs). If the United States is serious about competitiveness overall, and competitiveness in the biopharma sector specifically, an industry that the United States still has strong capabilities in—unlike the telecom equipment or flat-panel display industries, to name just two—then it’s time for Washington to articulate and embrace a robust national biopharmaceutical competitiveness strategy.

#### Chinese tech leadership causes nuke war

Kroenig & Gopalaswamy 18, \*Associate Professor of Government and Foreign Service at Georgetown University and Deputy Director for Strategy in the Scowcroft Center for Strategy and Security at the Atlantic Council. \*\*Director of the South Asia Center at the Atlantic Council. He holds a PhD in mechanical engineering with a specialization in numerical acoustics from Trinity College, Dublin. (Matthew & Bharath, 11-12-2018, "Will disruptive technology cause nuclear war?", *Bulletin of the Atomic Scientists*, https://thebulletin.org/2018/11/will-disruptive-technology-cause-nuclear-war/)

Rather, we should think more broadly about how new technology might affect global politics, and, for this, it is helpful to turn to scholarly international relations theory. The dominant theory of the causes of war in the academy is the “bargaining model of war.” This theory identifies rapid shifts in the balance of power as a primary cause of conflict.

International politics often presents states with conflicts that they can settle through peaceful bargaining, but when bargaining breaks down, war results. Shifts in the balance of power are problematic because they undermine effective bargaining. After all, why agree to a deal today if your bargaining position will be stronger tomorrow? And, a clear understanding of the military balance of power can contribute to peace. (Why start a war you are likely to lose?) But shifts in the balance of power muddy understandings of which states have the advantage.

You may see where this is going. New technologies threaten to create potentially destabilizing shifts in the balance of power.

For decades, stability in Europe and Asia has been supported by US military power. In recent years, however, the balance of power in Asia has begun to shift, as China has increased its military capabilities. Already, Beijing has become more assertive in the region, claiming contested territory in the South China Sea. And the results of Russia’s military modernization have been on full display in its ongoing intervention in Ukraine.

Moreover, China may have the lead over the United States in emerging technologies that could be decisive for the future of military acquisitions and warfare, including 3D printing, hypersonic missiles, quantum computing, 5G wireless connectivity, and artificial intelligence (AI). And Russian President Vladimir Putin is building new unmanned vehicles while ominously declaring, “Whoever leads in AI will rule the world.”

If China or Russia are able to incorporate new technologies into their militaries before the United States, then this could lead to the kind of rapid shift in the balance of power that often causes war.

If Beijing believes emerging technologies provide it with a newfound, local military advantage over the United States, for example, it may be more willing than previously to initiate conflict over Taiwan. And if Putin thinks new tech has strengthened his hand, he may be more tempted to launch a Ukraine-style invasion of a NATO member.

Either scenario could bring these nuclear powers into direct conflict with the United States, and once nuclear armed states are at war, there is an inherent risk of nuclear conflict through limited nuclear war strategies, nuclear brinkmanship, or simple accident or inadvertent escalation.

This framing of the problem leads to a different set of policy implications. The concern is not simply technologies that threaten to undermine nuclear second-strike capabilities directly, but, rather, any technologies that can result in a meaningful shift in the broader balance of power. And the solution is not to preserve second-strike capabilities, but to preserve prevailing power balances more broadly.

#### CP solves hoarding and lobbying—

#### (1) Their ev all assumes the squo—see their references to lobbying and asymmetrical negotiating power.

#### (2) CP uses fiat to compel states to make and donate vaccines—none of the “but we don’t want to donate!” stuff that the 1AC cites exists in the world of the CP—quashes drug company resistance and forcibly stops inequitable distribution.

#### (3) CP causes production in the global South—solves global production capacity as described in 1AC Public Citizen 3/29

#### (4) Its competitive – functional takes a different action than reducing IP protection and the net benefit also proves.

## 2

#### Pharmaceutical innovation is accelerating now – new medicines are substantially better than existing treatments.

Wills, MBA, and Lipkus, PhD, 20 – Todd J. Wills [Managing Director @ Chemical Abstracts Service, MBA from THE Ohio State University] and Alan H. Lipkus [Senior Data Analyst @ Chemical Abstracts Service, PhD Physical Chemistry from the University of Rochester], “Structural Approach to Assessing the Innovativeness of New Drugs Finds Accelerating Rate of Innovation,” ACS Medicinal Chemistry Letters, Vol. 11, 2020, <https://pubs.acs.org/doi/pdf/10.1021/acsmedchemlett.0c00319> C.VC

Despite recent concerns over an innovation crisis, this analysis shows pharmaceutical innovation has actually increased over the last several decades based on the structural novelty of approved NMEs. The higher proportion of Pioneers over the most recent decade is a sign that innovation within the industry is accelerating rather than slowing. It is also an encouraging sign for the state of innovation in drug discovery that these Pioneers are significantly more likely to be the source of promising new therapies that are expected to provide substantial clinical advantages over existing treatments. Drug hunters are discovering Pioneers in newer and less explored regions of chemical space as they are increasingly found on scaffolds first reported in the CAS REGISTRY five or less years prior to their IND year or on scaffolds populated with 50 or less other compounds at the time of IND.

As scale becomes less of a strategic advantage, Big Pharma’s share of Pioneers has decreased even though the number of Big Pharma originated Pioneers has increased. This has created a structural innovation gap between Big Pharma and the Rest of Ecosystem which has widened over the last two decades as the Rest of Ecosystem is now responsible for originating almost 3 out of every 4 Pioneers. Pioneers originated by the Rest of Ecosystem are increasingly on new scaffolds, while a majority of Big Pharma originated Pioneers have historically been on new scaffolds.

The work presented here was intended as a study of drug innovation at a macro level. As a result, it included substances of various sizes with different degrees of complexity belonging to a range of functional and drug classes. Even though it was outside the scope of the present work to study specific subsets, such focused studies could yield additional insights into how innovation at a more micro level has changed over time. Other interesting subsets of our data set are the shapes and scaffolds of the Settlers and Colonists. Many of these shapes and scaffolds are privileged in the sense that they are seemingly capable of serving as ligands for a diverse array of target proteins. A separate study of the Settlers and Colonists as well as their side chains could provide insights into possible target-specific innovation trends.

As it often takes more than 10 years after initial discovery for an experimental drug to gain FDA approval, any measure of drug innovation that relies on the time of approval incorporates a significant time lag between initial discovery and ultimate approval. However, characterizing drug innovation based on structural novelty provides a means to assess the forward-looking innovation potential of an experimental drug at the time of initial discovery by comparing its framework information (at the scaffold and shape level) with prior FDA-approved drugs. Therefore, a separate study of drug candidates with publically disclosed structures currently in clinical development could provide additional insights into innovation trends at an FDA regulatory review level and serve as a leading indicator of innovation trends at an FDA approval level.

Given the tremendous opportunity represented by the vast amount of chemical space yet to be explored, drug-hunters of all types will continue pushing the boundaries to find promising new therapies in previously unexplored areas of chemical space. The race to discover these new drugs will be fueled by further advancements in screening approaches and in-silico methods (including innovations related to machine learning algorithms and molecular representations). However, comprehensive data on known shapes and scaffolds can fast track the identification of meaningful open areas of chemical space (shapes or scaffolds that are potentially important but have never been used as the basis for a molecule) to further explore.

#### The plan sets a precedent that IP means nothing – that dooms long term biopharma innovation.

Peter J. Pitts 21, former associate commissioner of the FDA, is president of the Center for Medicine in the Public Interest, “Waiving Covid-19 Vaccine Patents Is a Bad Idea and Sets a Dangerous Precedent,” 6-21-2021, https://medecon.org/waiving-covid-19-vaccine-patents-is-a-bad-idea-and-sets-a-dangerous-precedent/

It all sounds so simple: to hasten the end of the pandemic globally, suspend intellectual property protections on Covid-19 vaccines to allow swift production of low-cost copies the world over. The Biden administration has bought into exactly that strategy at the World Trade Organization.

But some simple ideas are also simplistic, and this one is dangerously so. Waiving patent rights for Covid-19 vaccines will actually slow their availability in the developing world, thereby prolonging the pandemic. The production of these breakthrough Covid-19 vaccines requires sophisticated processes, procedures, staff training, material, and manufacturing. Under typical patent-protected arrangements for new global production facilities, patent-holders voluntarily license their product information to qualified third party-manufacturers. The patent-owners work closely with the licensees to stand up facilities that meet rigorous technological specifications and standards for safety. Even under ideal conditions, it can take a year or longer to build out this infrastructure the right way. The WTO waiver blows up this careful process by allowing pretty much anyone to go into the business of producing Covid-19 vaccines. Suddenly, it’s the wild west out there, with legitimate producers trying to compete with aggressive cost and corner-cutters, to say nothing of the outright fraud that has long driven the lucrative counterfeit drug trade. All the research demonstrating the safety and efficacy of the Covid-19 vaccines goes out the window under such conditions. Nor is such a process going to produce faster results. Historically, under compulsory rather than voluntary licensing arrangements, it has taken even legitimate generic manufacturers years to receive the formulas, work out logistical challenges, and scale up production. In one case of compulsory licensing, it took over four years to bring a generic AIDS drug to Rwanda. The World Health Organization regularly publishes a list of “essential” medications, the vast majority of which patent protections have long expired. Any generic manufacturer can therefore set itself up producing them. Yet the WHO reports that availability of these medicines in many parts of the developing world remains spotty, at best. The quality of many of these essential medicines is also questionable. Yet none of the drugs on the WHO list are in the same universe of complexity as the Covid-19 vaccines. The patent system is not the problem here. But, some ask, why should private companies enjoy the property rights to innovation driven by government funding? This question likewise misses the mark. In a study of 478 drugs less than 10 percent had a public-sector patent associated with it. While providing no gain, compulsory licensing promises lots of pain. Shunting aside patent and intellectual property rights sends a dangerous signal to innovative biopharmaceutical companies and their investors. Biopharmaceutical research is risky. It costs almost $3 billion, on average, to bring a single medicine to pharmacy shelves. Biotech investors take these risks because of strong patent protection like those in the United States. Scientists in America now develop over half of all new drugs worldwide. It’s important to understand the current advocacy for a “temporary” IP waiver. A small but vocal and influential public health policy cohort believes that IP protections are the most significant cause of global healthcare disparities. Their philosophies repeat and reinforce many misconceptions about the problem of improving global access to medicines. The reality is that, in order to save the world, we must all work together as partners. A free-market healthcare paradigm for drug development, although far from perfect, works. A well-appointed armamentarium of Covid-19 diagnostic tools, therapeutics, and vaccines – all invented in under one year, speaks to the power of today’s innovation ecosystem. That ecosystem is built on IP protections. Right now, under voluntary licensing, global production capacity for Covid vaccines and treatments is expanding and accelerating. A move to nullify IP will not result in a single resident of the developing world getting vaccinated one minute sooner.

**Pharmaceutical innovation is key to protecting against future pandemics, bioterrorism, and antibiotic resistance.**

**Marjanovic and Fejiao ‘20** Marjanovic, Sonja, and Carolina Feijao. Sonja Marjanovic, Ph.D., Judge Business School, University of Cambridge. Carolina Feijao, Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitive biology, Imperial College London; B.Sc. in biology, University of Lisbon. "Pharmaceutical Innovation for Infectious Disease Management: From Troubleshooting to Sustainable Models of Engagement." (2020). [Quality Control]

As key actors in the healthcare innovation landscape, pharmaceutical and life sci-ences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a **bioterrorism con-text**.1 The general threat to public health that is posed by **antimicrobial resistance** is also **well-recognised** as an area **in need of pharmaceutical innovation**. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and compe-tition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an **indispensable** partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceu-tical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is **essential** for socially responsible companies in the sec-tor.2 It is therefore unsurprising that we are seeing indus-try-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing com-pounds to assess their utility in the fight against COVID-19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating tri-als for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests.3,4 Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (such as the Innovative Medicines Initiative effort to accel-erate the development of potential therapies for COVID-19) and supporting national efforts to expand diagnosis and testing capacity and ensure affordable and ready access to potential solutions.3,5,6 The primary purpose of such innovation is to **benefit patients** and wider **population health**. Although there are also reputational benefits from involvement that can be realised across the industry, there are likely to be rela-tively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pres-sure not to be seen as profiting from the pandemic. In the United Kingdom for example, GSK has stated that it does not expect to profit from its COVID-19 related activities and that any gains will be invested in supporting research and long-term pandemic preparedness, as well as in developing products that would be affordable in the world’s poorest countries.7 Similarly, in the United States AbbVie has waived intellectual property rights for an existing com-bination product that is being tested for therapeutic poten-tial against COVID-19, which would support affordability and allow for a supply of generics.8,9 Johnson & Johnson has stated that its potential vaccine – which is expected to begin trials – will be available on a not-for-profit basis during the pandemic.10 Pharma is mobilising substantial efforts to rise to the COVID-19 challenge at hand. However, we need to consider how pharmaceutical innovation for responding to emerging infectious diseases can best be enabled beyond the current crisis. Many public health threats (including those associated with other **infectious diseases**, **bioterror-ism** agents **and antimicrobial resistance**) are **urgently in need of pharmaceutical innovation**, **even if their impacts are not as visible** to society **as COVID**-19 is in the imme-diate term. The pharmaceutical industry has responded to previous public health emergencies associated with infec-tious disease in recent times – for example those associated with Ebola and Zika outbreaks.11 However, it has done so to a lesser scale than for COVID-19 and with contribu-tions from fewer companies. Similarly, levels of activity in response to the threat of antimicrobial resistance are still **low**.12 There are important policy questions as to whether – and how – industry could engage with such public health threats to an even greater extent under improved innova-tion conditions.

#### CS extinction impact above

#### DA turns the case – if no innovation happens it doesn’t matter how many places can potential get the vaccines if they are no vaccines to exist originally.

## Case

### Underview

#### A. Only says WTO bad—doesn’t say anything about any DAs.

#### B. Reject blanket assertions of low probability—if the risk is low then they should be able to prove it, otherwise the risk isn’t low

#### C/D. They can contest issues in our causal chain by presenting their evidence to make us reckon with those confounding factors—and if people in the squo are likely to recognize the dangerous path they’re on and change course then the squo will the solve aff which the moots the 1AC.

#### E. We have qualified evidence substantiating our claims of extinction impacts—means we’re well above the baseline “negligible probability.”

### FW

#### Threat of extinction destroys the value structures of life – the idea of value assumes there will be generations after us – their contention doesn’t assume our impacts

Scheffler 13 — (Samuel Scheffler, professor of philosophy and law at New York University, is the author of the forthcoming book “Death and the Afterlife, “The Importance of the Afterlife. Seriously.“, NYT Opinionator, 9-21-2013, Available Online at https://opinionator.blogs.nytimes.com/2013/09/21/the-importance-of-the-afterlife-seriously/#more-149307, accessed 12-25-2018, HKR-AM)

My belief in life after death is more mundane. What I believe is that other people will continue to live after I myself have died. You probably make the same assumption in your own case. Although we know that humanity won’t exist forever, most of us take it for granted that the human race will survive, at least for a while, after we ourselves are gone.

Because we take this belief for granted, we don’t think much about its significance. Yet I think that this belief plays an extremely important role in our lives, quietly but critically shaping our values, commitments and sense of what is worth doing. Astonishing though it may seem, there are ways in which the continuing existence of other people after our deaths — even that of complete strangers — matters more to us than does our own survival and that of our loved ones.

Consider a hypothetical scenario. Suppose you knew that although you yourself would live a long life and die peacefully in your sleep, the earth and all its inhabitants would be destroyed 30 days after your death in a collision with a giant asteroid. How would this knowledge affect you?

If you are like me, and like most people with whom I have discussed the question, you would find this doomsday knowledge profoundly disturbing. And it might greatly affect your decisions about how to live. If you were a cancer researcher, you might be less motivated to continue your work. (It would be unlikely, after all, that a cure would be found in your lifetime, and even it were, how much good would it do in the time remaining?) Likewise if you were an engineer working to improve the seismic safety of bridges, or an activist trying to reform our political or social institutions or a carpenter who cared about building things to last. What difference would these endeavors make, if the destruction of the human race was imminent?

If you were a novelist or playwright or composer, you might see little point in continuing to write or compose, since these creative activities are often undertaken with an imagined future audience or legacy in mind. And faced with the knowledge that humanity would cease to exist soon after your death, would you still be motivated to have children? Maybe not.

Notice that people do not typically react with such a loss of purpose to the prospect of their own deaths. Of course, many people are terrified of dying. But even people who fear death (and even those who do not believe in a personal afterlife) remain confident of the value of their activities despite knowing that they will die someday. Thus there is a way in which the survival of other people after our deaths matters more to us than our own survival.

The explanation for this may seem simple: if the earth will be destroyed 30 days after we die, then everyone we care about who is alive at that time will meet a sudden, violent end. Spouses and partners, children and grandchildren, friends and lovers: all would be doomed. Perhaps it is our concern for our loved ones that explains our horror at the prospect of a post-mortem catastrophe.

But I don’t think this is the full story. Consider another hypothetical scenario, drawn from P. D. James’s novel “The Children of Men.” In Ms. James’s novel, humanity has become infertile, with no recorded birth having occurred in over 25 years. Imagine that you found yourself living in such circumstances. Nobody now alive is younger than 25, and the disappearance of the human race is imminent as an aging population inexorably fades away. How would you react?

As in the case of the asteroidal collision, many activities would begin to seem pointless under these conditions: cancer research, seismic safety efforts, social and political activism and so on. Beyond that, as Ms. James’s novel vividly suggests, the onset of irreversible global infertility would be likely to produce widespread depression, anxiety and despair.

Some people would seek consolation in religious faith, and some would find it. Others would take what pleasure they could in activities that seemed intrinsically rewarding: listening to music, exploring the natural world, spending time with family and friends and enjoying the pleasures of food and drink. But even these activities might seem less fulfilling, and be tinged with sadness and pain, when set against the background of a dying humanity.

NOTICE that in this scenario, unlike that of the asteroidal collision, nobody would die prematurely. So what is dismaying about the prospect of living in an infertile world cannot be that we are horrified by the demise of our loved ones. (They would die eventually, of course, but that is no different from our actual situation.) What is dismaying is simply that no new people would come into existence.

This should give us pause. The knowledge that we and everyone we know and love will someday die does not cause most of us to lose confidence in the value of our daily activities. But the knowledge that no new people would come into existence would make many of those things seem pointless.

I think this shows that some widespread assumptions about human egoism are oversimplified at best. However self-interested or narcissistic we may be, our capacity to find purpose and value in our lives depends on what we expect to happen to others after our deaths. Even the egotistic tycoon who is devoted to his own glory might discover that his ambitions seemed pointless if humanity’s disappearance was imminent. Although some people can afford not to depend on the kindness of strangers, virtually everyone depends on the future existence of strangers.

Similarly, I think that familiar assumptions about human individualism are oversimplified. Even though we as individuals have diverse values and goals, and even though it is up to each of us to judge what we consider to be a good or worthy life, most of us pursue our goals and seek to realize our values within a framework of belief that assumes an ongoing humanity. Remove that framework of belief, and our confidence in our values and purposes begins to erode.

There is also a lesson here for those who think that unless there is a personal afterlife, their lives lack any meaning or purpose. What is necessary to underwrite the perceived significance of what we do, it seems, is not a belief in the afterlife but rather a belief that humanity will survive, at least for a good long time.

But will humanity survive for a good long time? Although we normally assume that others will live on after we ourselves have died, we also know that there are serious threats to humanity’s survival. Not all of these threats are human-made, but some of the most pressing certainly are, like those posed by climate change and nuclear proliferation. People who worry about these problems often urge us to remember our obligations to future generations, whose fate depends so heavily on what we do today. We are obligated, they stress, not to make the earth uninhabitable or to degrade the environment in which our descendants will live.

I agree. But there is also another side to the story. Yes, our descendants depend on us to make possible their existence and well-being. But we also depend on them and their existence if we are to lead flourishing lives ourselves. And so our reasons to overcome the threats to humanity’s survival do not derive solely from our obligations to our descendants. We have another reason to try to ensure a flourishing future for those who come after us: it is simply that, to an extent that we rarely recognize or acknowledge, they already matter so much to us.

#### Extinction o/ws under any framework, even under moral uncertainty – infinite future generations

Pummer 15 — (Theron Pummer, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford, “Moral Agreement on Saving the World“, Practical Ethics University of Oxford, 5-18-2015, Available Online at http://blog.practicalethics.ox.ac.uk/2015/05/moral-agreement-on-saving-the-world/, accessed 7-2-2018, HKR-AM) \*\*we do not endorse ableist language=

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But that is a huge mistake. Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; it is not the view that the latter don’t matter. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. We should also take into account moral uncertainty. What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

#### Santos and Butler are incoherent—(a) presuppose that we destroy something to save a greater whole which we don’t, (b) they don’t provide reasons to prioritize structural violence over extinction—no specific comparative analysis to the logic justifying extinction impacts outweighing.

### Advantage

#### Aff doesn’t increase knowledge sharing for the same reasons as the squo not allowing IP waivers—without compelling, production will still be stuck in the global North.

#### Tons of alt causes to health inequality – access, structural wealth inequality, private monopolies

#### Squo solves – plan increases price of scarce materials and results in costly, ineffective facilities

Mcmurry-Heath 8/18 (Michelle Mcmurry-Heath, [physician-scientist and president and CEO of the Biotechnology Innovation Organization.], 8-18-2021, “Waiving intellectual property rights would harm global vaccination“, STAT, accessed: 8-19-2021, https://www.statnews.com/2021/08/18/waiving-intellectual-property-rights-compromise-global-vaccination-efforts/) ajs

Covid-19 vaccines are already remarkably cheap, and companies are offering them at low or no cost to low-income countries. Poor access to clinics and transportation are barriers in some countries, but the expense of the shot itself is not. In fact, if the World Trade Organization grants the IP waiver, it could make these vaccines more expensive.

Here’s why. Before Covid-19 emerged, the world produced at most [5.5 billion doses](https://www.barrons.com/articles/a-plan-to-break-the-vaccine-manufacturing-bottleneck-51621952245) of various vaccines every year. Now the world needs an additional [11 billion doses](https://www.who.int/director-general/speeches/detail/director-general-s-opening-remarks-at-the-g7-summit---12-june-2021) — including billions of doses of mRNA vaccines that no one had ever mass-manufactured before — to fully vaccinate every eligible person on the planet against the new disease.

Even as Covid-19 vaccines were still being developed, pharmaceutical companies began retrofitting and upgrading existing facilities to produce Covid-19 vaccines, at a cost of $40 to $100 million each. Vaccine developers also licensed their technologies to well-established manufacturers, like the Serum Institute of India, to further increase production. As a result, almost every facility in the world that can quickly and safely make Covid-19 vaccines is already doing so, or will be in the next few months.

#### Vaccines are too hard to replicate – IP waiver does nothing

Ana Santos Rutschman 21, Assistant Professor of Law at Saint Louis University School of Law., “The COVID-19 Vaccine Patent Waiver: The Wrong Tool for the Right Goal,” Bill of Health, 5-5-2021, https://blog.petrieflom.law.harvard.edu/2021/05/05/covid-vaccine-patent-waiver/

Unlike vaccines, the drugs at stake then were much less difficult to replicate, and third parties availing themselves of a compulsory license faced no significant knowledge deficit. Moreover, there was sufficient production capacity and the necessary raw materials for these drugs to be produced and distributed. Compulsory licensing was thus the right tool for this particular public health problem. By contrast, a waiver of COVID-19 vaccine patents is the wrong legal and policy tool because it does not address the lack of knowledge sharing nor the shortage of raw materials and manufacturing capacity. Furthermore, the use of a waiver is politically fraught — as was the use of compulsory licenses in the context of HIV/AIDS. We submit that battles of the political economy are best fought when prevailing on the use of a legal tool that actually solves the underlying practical problems. For the reasons stated above, that is not the case with waivers. It can be appealing to see a patent waiver as an attractive short-term solution. Yet, even the short-term needs are too intense and the challenges too complex for waivers to fully address the infrastructural and knowledge gaps, as well as the additional problem of inequitable distribution of existing vaccines.

#### **Their only piece of evidence that COVID has a global impact is from 7 months ago – millions have been vaccined since then – the impact is way smaller now.**

#### Vaccine diplomacy fails---every empirical example shows no impact

Ilan Kelman 14, Reader in Risk, Resilience and Global Health at University College London, Senior Research Fellow at the Norwegian Institute of International Affairs, Thematic Director for Global Environmental Sustainability at the UCL Institute of Global Governance, “Does Disaster Diplomacy Improve Inter-State Relations?”, e-International Relations, 11-4, http://www.e-ir.info/2014/11/04/does-disaster-diplomacy-improve-inter-state-relations/

Does Disaster Diplomacy Work?

Disasters place human suffering on display—of friends and enemies alike. As part of the common human spirit, we often hope that, no matter who is troubled by calamity, we would be moved to help and that help would be graciously accepted. That process turns out to be tricky in international politics, when countries experience cataclysms and multilateral relations determine who provides and who accepts humanitarian aid. Research into ‘disaster diplomacy’ investigates this topic.

Disaster diplomacy investigates how and why disaster-related activities do and do not influence conflict and cooperation (Kelman, 2012). The key phrase is ‘disaster-related activities’ covering (i) pre-disaster efforts including prevention, preparedness, planning, and damage mitigation, and (ii) post-disaster actions including response, reconstruction, and recovery. Disaster diplomacy case studies are not just about what happens when a volcano erupts in a war zone (Klimesova, 2011) or when enemies consider sending and accepting humanitarian aid (Akcinaroglu et al., 2011). They also examine the situation before a disaster manifests, such as how a flood warning system could potentially bring together communities (Ahmad and Ahmed, 2003) or how vaccination campaigns might generate lasting ceasefires (Hotez, 2010).

Based on the empirical evidence of case studies, the overall conclusion from disaster diplomacy is that disaster-related activities do not create new initiatives in achieving peace or reducing conflict, but a diplomatic process with pre-existing conditions can be catalysed or supported (Kelman, 2012). If that catalysis occurs, then the disaster-related activities influence diplomacy in the short-term, but not in the long-term.

In the short-term, over weeks and months, all forms of disaster-related activities have the potential to affect diplomacy, such as by spurring it on or by providing a space in which peace efforts can be pursued. For that to occur, a pre-existing basis must exist for the reconciliation. This could be ongoing negotiations, formal or informal cultural connections, or trade links. Even over the short-term, disaster diplomacy is not necessarily successful, since disaster-related activities can sometimes foment conflict and reduce diplomatic opportunities—or have no impact at all on peace and conflict. Irrespective of what happens over the short-term, over longer time periods, non-disaster factors have a more significant impact on diplomacy than disaster-related activities. Examples of non-disaster factors are leadership changes, mutual distrust, belief that an historical grievance should supersede current humanitarian considerations, or a desire for conflict due to the advantages gained from it.

These conclusions have been corroborated through case studies covering inter-state conflict, intra-state conflict, disaster risk reduction, disaster response, bilateral relations, and multilateral relations. The analysis and conclusions have been extended to sub-national case studies, including para-diplomacy (international relations conducted by non-sovereign jurisdictions) and non-state-level relations and conflicts. Thus far, the evidence shows that disaster diplomacy has the potential (not inevitability) for improving inter-state, and other, relations only in the short-term and only if a non-disaster-related pre-existing basis is available.

Case Study 1: The 26 December 2004 Earthquake and Tsunami

On 26 December 2004, a large-magnitude, shallow earthquake shook Aceh, Indonesia, causing tsunamis which raced across the Indian Ocean, inundating communities in more than a dozen countries around Asia and Africa. The two countries with the highest death tolls, Indonesia and Sri Lanka, were each embroiled in long-standing, internal political conflicts which had been particularly violent over the previous three decades. Aceh, Indonesia, and eastern Sri Lanka were particularly badly hit by the tsunami and were also centres for the violence.

Consequently, clear disaster diplomacy opportunities emerged. Both areas sorely needed major efforts at post-conflict and post-tsunami reconstruction, neither of which could be completed by the local or national authorities alone. With a large international presence, with the world watching as survivors were assisted, and with the need for extensive efforts to clean up and rebuild from the waves and the wounds, would this disaster bring the warring parties together and reconstruct a society alongside the infrastructure?

Amidst the international humanitarian response, the Indonesian government and militants in Aceh negotiated for and eventually signed a peace deal on 15 August 2005. Despite violence flaring on occasion and, still ten years after, many aspects of the post-tsunami and post-conflict reconstruction being unresolved or incomplete, the peace is lasting in Aceh. Surely this is a classic case of disaster diplomacy succeeding?

The answer is ‘no’ because negotiations had started between the two parties on 24 December 2004, just 48 hours before the earthquake and tsunami (Gaillard et al., 2008). There is no doubt that the catastrophe provided a diplomatic space in which peace could succeed if the parties involved sought that. We will never know if the ongoing negotiations would have succeeded in the absence of a disaster, as many previous efforts had failed. But when the shaking and waves struck Aceh, the conflicting parties were already in the process of reducing conflict and aiming for long-term peace. Consequently, the disaster could be used as an excuse to achieve their long-term goal of an agreement if they wanted it—and that happened (see also Enia, 2008; Klimesova, 2011; Le Billon and Waizenegger, 2007).

Simultaneously in Sri Lanka, distribution of the humanitarian aid, access to areas in the north and east of the country which were not under government control, and perceptions that people affected in the south were not being treated fairly led to a spiralling of the violent and non-violent conflict. Deals were reached and then broken or overturned. In November 2005, Sri Lanka elected a hard-line president who campaigned on pursuing military means for ending the conflict. That was achieved in 2009, when Sri Lanka’s military could finally declare that they had ended the armed struggle against Colombo. An uneasy peace continues in Sri Lanka.

Why did disaster diplomacy never take off in Sri Lanka? The major parties involved had other reasons for not seeking peace, with examples being the personal power given by continuing the conflict, concern that dealing with the violent parties in the north and east would legitimise them, and mistrust of the other side (see also Beardsley and McQuinn, 2009; Hyndman, 2011; Wickremesinghe, 2006). These aspects dominated efforts at conflict resolution through disaster response and further hindered distribution of post-tsunami aid.

Case Study 2: Low-lying Islands under Climate Change

Contemporary climate change is causing major impacts for communities of low-lying island atolls such as in Papua New Guinea, the Maldives, and Tuvalu. While no certainty exists of island disappearance or islander evacuation (Kelman, 2014; Webb and Kench, 2010), some communities, such as on the Carteret Islands of Papua New Guinea, have been forced to move due to climate change (Connell, 1997). This situation has led to a discourse of so-called ‘climate refugees’ who are said to be waiting in huge hordes to invade other countries, leading to massive ‘climate conflict’—a discourse which is politically constructed and so far unsupported by empirical evidence (Hartmann, 2010; Kelman, 2014).

Nonetheless, the possibility remains that numerous island communities might need to leave due to climate change impacts, ranging from lack of freshwater and diminishing food supplies to coral reef deaths and sea-level rise. In planning for potential movement, negotiating with other countries is necessary regarding who pays for moving, where to resettle, and how to govern the migrants. Given the global political ramifications of answering these questions and the depth to which identities, cultures, and countries are being affected, it would seem to have strong potential for bringing countries together to seek a common good from the global challenge of climate change to which all of humanity has contributed.

Yet climate change diplomacy has not yet succeeded. The climate change negotiations under United Nations auspices—the annual United Nations Framework Convention on Climate Change Conference of Parties—is wracked by major disagreements and political conflict. So far, a lasting, legally binding agreement on stemming climate change causes and dealing with its consequences has not emerged, despite twenty years of meetings. Island governments and islanders, frustrated by the lack of progress and worried about the increasingly visible impacts of climate change on their communities and countries, are instead pursuing initiatives of their own, rather than waiting for the world to come together over climate change.

One such initiative is Many Strong Voices, which is about developing and implementing collaborative and strategic actions on climate change for the Arctic and small island developing states (SIDS). Recognising the need to act for themselves irrespective of the global political conflict over dealing with climate change, the Arctic and SIDS peoples are pursuing climate change adaptation (one subset of disaster risk reduction) for themselves on their own terms, especially seeking their own choices and pathways for potential migration (Kelman, 2010; McNamara and Gibson, 2009). That is difficult, given their small populations and often limited resources, meaning that they are using their ‘Many Strong Voices’ to seek external support—which so far remains limited.

This case study illustrates the disaster diplomacy pattern. Despite a long lead-time and a global political mechanism for addressing climate change, agreement has thus far not been reached, forcing those affected to address disaster risk reduction on their own. Even with a pre-existing basis in the form a negotiating forum, trying to prevent disaster emerging from the hazard driver of climate change has not yet catalysed climate change diplomacy.

The Disaster Diplomacy Process

The disaster diplomacy analyses demonstrate that, fundamentally, disaster-related activities are not a high political priority. Perceived historic wrongs and domestic politics can outweigh accepting assistance, as shown by Cuba’s refusal to accept American aid during the 1998 drought and the USA’s refusal to accept Cuba’s, Venezuela’s, and Iran’s offers of aid following Hurricane Katrina in 2005. Gaining and retaining political power can supersede peace, demonstrated by Ethiopia’s and Eritrea’s intransigence to link drought relief to conflict resolution from 1998-2000.

Such examples emerge from national governments, mainly decisions made by Heads of State, Heads of Government, and their administrations. There might yet be hope for disaster diplomacy when considering diplomacy tracks beyond government-to-government relations. Glantz (2000) details the long history of Cuban and American weather and climate scientists collaborating while Fidel Castro led Cuba. These collaborations fed into disaster risk reduction and occurred most likely because the governments were not aware of them. Ker-Lindsay (2007) explains how the media and vociferous grassroots expectations fuelled Greece-Turkey earthquake diplomacy after lethal tremors struck each country three weeks apart in 1999. He then examines how the push from below nearly derailed the careful, measured approaches towards rapprochement which the elites in each country had been enacting before the disasters.

The complex web of interactions involving all disaster and diplomacy activities means that any linear analysis of correlations and connections is likely to be flawed. A given starting point for analysing disaster diplomacy does not necessarily give a specific, predictable outcome for a case study. Given the importance of pre-existing conditions in determining whether or not disaster diplomacy becomes even a short-term catalyst, it is hard to determine where the starting point for analysis should be.

Consequently, disaster diplomacy is best viewed as a long-running process with multiple parties interacting, rather than as a snapshot phenomenon which either works or does not work. Disaster-related activities are indeed one influence amongst many on all forms of diplomacy, but trade, resource management, sports, culture, personalities, domestic politics, and non-domestic politics are also major influences.

The diplomacy tracks to emphasise are choices, deliberate or inadvertent, by all parties, including politicians, civil servants, the media, business leaders, movie and sports stars, and grassroots movements (amongst others). Similarly, the disaster-related activities to pursue are choices. Combining disaster-related and diplomatic-related activities therefore becomes a complex combination of choices and actions by a complex combination of parties. If someone or a group decides that disaster diplomacy is desirable, then actively lobbying for, supporting, and implementing it are pathways to follow. If someone or a group decides that disaster diplomacy is not desirable, then actively lobbying against it and undermining efforts for it are pathways to follow.

Attempting to influence disaster diplomacy pathways could backfire. A leader, upon being informed about how to implement disaster diplomacy, could decide that linking disaster-related activities and conflict resolution is not wanted and, consequently, might stop disaster risk reduction programmes or avoid humanitarian relief. Open attempts at reconciliation which are rebuffed by the other side would prove to be a political nightmare. Openly blocking disaster diplomacy could polarise others who then become determined to make it succeed.

An overarching challenge is that disaster diplomacy might be attractive because it appears to be a quick fix for solving conflict. It is naïve to expect that decades or centuries of differences could be overcome overnight, simply because a tornado destroyed a town or a multinational building code was promulgated. In contrast, it is a truism that successfully dealing with both disaster and diplomacy are long-term processes, requiring thoughtful, careful steps, whilst ensuring that all key parties continue to be on board to support the long-term goals and to serve mutual interests—at least, in theory. In practice, too much of diplomacy and disaster-related activities is done reactively with limited planning—which could mean that a disaster diplomacy case study might eventually succeed through luck.

Because, in the end, the scientific truism holds that absence of evidence is not evidence of absence. No successful examples of new diplomacy based only on disaster-related activities have yet been identified, but many historical archives have not been explored while future disaster risk reduction or disasters could overturn the current conclusions. Nonetheless, for the moment, the evidence available shows not only that disaster diplomacy is not an effective way for improving inter-state relations, but also that disaster diplomacy should not be relied on to be effective for improving any relations over the long term.

#### Trump’s trade war is causing WTO reform---that makes it resilient in the long term

Shawn Donnan 18, senior writer for Bloomberg, “Trump’s Threat to Leave the WTO Could Be a Saving Grace,” 10/12/18, https://www.bloomberg.com/news/articles/2018-10-12/trump-s-threat-to-leave-the-wto-could-be-a-saving-grace

Despite all the criticism that Trump misunderstands trade’s role in global prosperity, the U.S. assault on the WTO has also prompted the first earnest efforts to address what the European Union, Japan, and other major members concede is a need for change. In other words, by threatening to kill the WTO, Trump might force it to save itself. “This guy comes along, and he begins to shake the tree pretty hard. So let’s make sure that some fruits fall. Let’s make sure also that you don’t kill the tree by shaking it too hard,” is how Roberto Azevêdo, the WTO’s director-general, describes the conundrum.

That the efforts to save the WTO are taking place in the shadow of an escalating trade war between China and the U.S. is lost on no one. Neither are the possible consequences, nor the reality that the WTO’s 164 members have over the past two decades amassed a reputation for failing to tackle anything difficult. “There is a risk that this organization slowly or rapidly slides into marginalization,” says Marc Vanheukelen, the EU’s ambassador to the WTO. “We are not in good shape.”

But efforts to save it are under way. In September, Canada and the EU published separate blueprints for reforming the three pillars of the WTO’s work—negotiation, dispute settlement, and monitoring—and embarking on an update of global trading rules. Canada in late October will host a meeting of like-minded WTO members in Ottawa that will exclude the U.S. and China. EU officials are fanning out to Beijing, Washington, and other capitals to build support for reform.

The discussions are about more than arcane procedures. In their papers, the EU and Canada argue for an update to global trading rules that have gone largely untouched since the organi­zation was founded in the 1990s. Both also propose a growing use of “plurilateral,” sector-specific negotiations. Those allow smaller groups of members to circumvent the usual requirement for unanimity, thus eliminating the practical veto power that even a small WTO member can wield.

Much of the conversation is aimed directly at China, which the Trump administration complains the WTO has failed to keep in check. “China’s economic model is inconsistent with the norms of the WTO, and this is something that this institution really needs to grapple with if we are going to move forward,” says Dennis Shea, Trump’s ambassador to the organization.

The U.S. is joining Japan and the EU to draw up rules to address common complaints aimed at China over its industrial subsidies, state-owned enterprises, and theft of intellectual property. Also building is a push to tackle WTO rules that allow China to label itself a “developing” economy and gain extra time and flexibility to comply with some regulations.

Chinese officials have made it clear they will resist any U.S.-led attack. “For China, holding our feet to the fire never worked,” Ambassador Zhang Xiangchen told fellow WTO members in July. “Extortion, distortion, or demonization does no good to resolve the issues.”

One problem with Trump’s assault on the WTO is that it’s left the U.S. looking increasingly isolated. As China invests more in the institution, other countries complain of an absent U.S. leadership. They also question Washington’s motives.

Disdain toward the Trump administration at the WTO largely stems from its assault on the trade group’s appellate body. Washington’s block on new appointments has thinned the ranks of serving judges from seven to three, the minimum needed for an appeal. The terms of two more judges expire by the end of 2019, meaning total paralysis could be approaching.

Since the administration of George W. Bush, the U.S. has complained about the appellate body’s “overreach” and the plodding pace of its work, occasionally vetoing individual appointments. But Trump’s bare-knuckle tactics have caused many in Geneva to suspect the administration is trying to cripple the referee that might rule against its controversial China tariffs or its invocation of national security as justification for duties on steel, aluminum, and potentially auto imports.

In Trump and his trade czar Robert Lighthizer, a veteran of the Reagan administration’s Japan trade battles, many in Geneva also see two protectionists fighting to rewind the global trade order to the pre-WTO 1980s. As a lawyer for the U.S. steel industry for much of his career, Lighthizer was on the losing end of a series of WTO cases related to anti­dumping duties and the U.S.’s method of calculating punitive tariffs. He and his supporters argue that those decisions amounted to violations of U.S. sovereignty.

James Bacchus, a former Democratic congressman and onetime head of the WTO’s appellate body, says Lighthizer and his team are “a bunch of steel lawyers on the protectionist side” targeting the WTO out of spite. “They lost a number of cases they should have lost in the WTO, and now they are seeking revenge,” he says.

While the EU and some countries are suggesting changes to the appellate body’s rules to satisfy U.S. concerns, they’re also contemplating stopgap measures to keep the WTO’s dispute function from coming to a Trump-induced halt. One idea: invoking an article that allows members to resolve disputes via arbitration. Such a move might temporarily stand in for the appeals process.

That might suggest that some nations may simply hope to hunker down for a drawn-out battle to protect the WTO status quo until Trump is no longer in power, but other trade officials see hope for a near-term resolution of the WTO debate in the recent rewrite of the North American Free Trade Agreement. After years of threatening to withdraw from a pact he labeled “a disaster,” Trump in October settled for only modest changes.

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