### Framing

#### Extinction ows, we agree death is bad just on a bigger scale

**Bostrom 11**

Nick Bostrom (Future of Humanity Institute & Professor at Oxford). “Infinite Ethics.” *Analysis and Metaphysics*, Vol. 10 (2011): pp. 9-59. http://www.nickbostrom.com/ethics/infinite.pdf

By discounting values that are spatiotemporally remote from the decision‐maker, one could prevent dangerous infinities from arising in certain cases. The cost of this option, however, is forbidding. To be effective, it would have to involve both temporal and spatial discounting. Temporal discounting, as an alleged feature of fundamental axiology, rather than as a merely practically convenient proxy, is often viewed with great suspicion. Spatial discounting has been seen as a patent absurdity. Thus, Derek Parfit:

Remoteness in time roughly correlates with a whole range of morally important facts. So does remoteness in space… But no one suggests that, because there are such correlations, we should adopt a Spatial Discount Rate. No one thinks that we would be morally justified if we cared less about the long‐range effects of our acts, at some rate n percent per yard. The Temporal Discount Rate is, I believe, as little justified.26

If overall death affects these then our case matters too

### cp

#### CP: The member nations of the World Trade Organization ought to enact a COVID-19 Vaccine Investment and Trade Agreement.

#### Precursor supply chain coordination and lack of subsidies is the biggest bottleneck to expanding vaccine production, which the CP solves.

Bown and Bollyky 3/18 (Chad P. Bown [Reginald Jones Senior Fellow since March 2018, joined the Peterson Institute for International Economics as a senior fellow in April 2016. His research examines international trade laws and institutions, trade negotiations, and trade disputes. With Soumaya Keynes, he cohosts Trade Talks, a weekly podcast on the economics of international trade policy.] and Thomas J. Bollyky, “Here’s how to get billions of COVID-19 vaccines to the world” 18 Mar. 2021, <https://www.piie.com/blogs/trade-and-investment-policy-watch/heres-how-get-billions-covid-19-vaccine-doses-world> Harker NA)

OBSTACLES TO SCALING OUT VACCINE MANUFACTURING GLOBALLY Quickly scaling up vaccine manufacturing during a pandemic requires policy support, as the American experience has shown. But the expansion cannot and should not be pursued by America alone.[8] Even spreading production to other wealthy countries is unlikely to result in swift enough action to meet global vaccine needs. Some pharmaceutical companies, such as AstraZeneca and Novavax, have already engaged contract manufacturers in emerging-market economies. But there is even more production capacity to tap, and scaling up vaccine manufacturing in this pandemic will require its use. Finally, the most resilient supply chain for future pandemics will be a distributed one that can survive regional or single-country disruptions. The Coalition for Epidemic Preparedness Innovations (CEPI), Gavi, and the COVAX facility have provided seed funding and led match-making efforts to convince manufacturers to start scaling out global production. The early agreement between Oxford/AstraZeneca and the Serum Institute of India—a company with the capacity to produce billions of doses annually—was the largest and most well-known. Others include Novavax, also a CEPI funding recipient, partnering with the Serum Institute. Novavax also contracted with Takeda in Japan, SK Bioscience in South Korea, Baxter in Germany, and Biofabri in Spain, conditional on its vaccine being approved. CSL in Australia has also agreed to manufacture the Oxford/AstraZeneca vaccine, with subsidies from the Australian government, after the home-grown University of Queensland candidate did not pan out. Despite the efforts of CEPI and its partners, however, a shortage of inputs and the ongoing threat of export restrictions is impeding the necessary expansion of global vaccine production.[9] Establishing new COVID-19 vaccine manufacturing sites also requires new supply chains to provide them with sufficient inputs—capital equipment, raw materials, and ancillary supplies (see again figure)—to make and deliver those vaccines. Bioreactor bags, lipids, and other inputs are already facing shortages, being used up in the United States and Europe. Specialty syringes are scarce in Japan. Further scaling out global manufacturing requires the cooperation of multiple countries to subsidize the production capacity of outputs and inputs. One problem is that many of the countries with reliable contract vaccine manufacturers do not have all the necessary local companies to subsidize capacity expansion of needed inputs.[10] Governments elsewhere may have the input-making companies, but in the absence of policy coordination, they don’t have the public health incentive to provide subsidies to reach the scale needed to satisfy global demand. Those input manufacturing countries would only enjoy the “externality“ benefits—i.e., solving their local public health crisis—if they were guaranteed access to other countries’ vaccine output through trade.[11] For that reason, the ongoing threat of “vaccine nationalism”—in the form of imposing export restrictions on vaccines—is thus another important factor discouraging the subsidization of input capacity. By limiting exports of locally produced vaccines, the United States, European Union, Italy, and India have established a worrisome precedent. The threat that countries with new manufacturing coming online might themselves deploy vaccine export restrictions creates an additional disincentive for other governments to subsidize critical input-providers. PROPOSING A COVID-19 VACCINE INVESTMENT AND TRADE AGREEMENT A COVID-19 Vaccine Investment and Trade Agreement (CVITA) is needed to create the incentives to ensure the timely and sizable scaling up of output and input investments to respond to this pandemic and future pandemic threats. Baby steps toward such an agreement are found in the Trade and Health Initiative that a small, but influential, group of World Trade Organization (WTO) members proposed in late 2020. But much more is required. First, CVITA should be aligned to leverage COVAX, the umbrella for the public and private international organizations that already have joined together for the purchase and distribution of vaccines. Linking the agreement to existing networks of regulators, such as the International Coalition of Medicines Regulatory Authorities, would also help ease concerns and create a more transparent pathway to the licensing of vaccines, instilling global confidence, reducing development costs, and expediting access in poorer markets. Second, the investment component of the agreement must create a framework to subsidize the full vaccine manufacturing supply chain and especially coordinate expansion of input production capacity, including for bioreactors, bags, cellular materials, vials, stoppers, syringes, and other ancillary supplies. Governments would pay into the investment fund on a subscription basis. Participation of the poorest countries should be heavily subsidized or free. Third, the agreement should include an enforceable commitment on the part of participating countries to not place export restrictions on supplies of vaccines and related materials destined for other countries participating in the agreement.[12] In effect, subsidized imported inputs would be exchanged for future doses of an exported vaccine. Countries should agree that imposing export restrictions on vaccine output will be swiftly met with trading partners jointly restricting their supply of inputs to the export-restricting country.[13] This potential mechanism for reciprocity, if made explicit, can be used to convince skeptical domestic audiences that hoarding—while politically tempting—will not work, because everyone will lose. Protections against export restrictions would also provide an incentive for nations to join the CVITA. Fourth, this type of international policy cooperation demands unprecedented levels of transparency. Trust can only be maintained—decreasing the likelihood of hoarding—if access to information on COVID-19 vaccines and inputs reduces uncertainty. In response to dozens of countries imposing export restrictions on staples during a perceived food crisis in 2008-2011, the G20 created the Agricultural Market Information System (AMIS) to improve transparency and coordinate policy in the event of sudden scarcity. That system generated information and trust that arguably

## Adv 1

### Plan already done

#### WTO already did the AFF – Doha Declaration nullifies medical patents for developing countries struggling with pricing

**World Trade Organization 17** (World Trade Organization – you should know who this is, “WTO IP rules amended to ease poor countries’ access to affordable medicines”, <https://www.wto.org/english/news_e/news17_e/trip_23jan17_e.htm>, 23 January 2017, EmmieeM)

**An amendment to** the agreement on **intellectual property entered** into force today (23 January) **securing for developing countries a legal pathway to access affordable medicines under WTO rules**.

The amendment to the WTO Trade Related Aspects of Intellectual Property Rights (TRIPS) Agreement marks the first time since the organization opened its doors in 1995 that WTO accords have been amended.

The WTO Secretariat has received in recent days notifications from five members that they have ratified the protocol amending the WTO TRIPS Agreement. These notifications — from Burkina Faso, Nigeria, Liechtenstein, the United Arab Emirates and Viet Nam — brought to two-thirds the number of WTO members which have now ratified the amendment. The two-thirds threshold was needed to formally bring the amendment into the TRIPS Agreement.

Members took the decision to amend the TRIPS Agreement **specifically to adapt** the **rules** of the global trading system **to the public health needs of people in poor countries**. This action follows repeated calls from the multilateral system for acceptance of the amendment, most recently by the United Nations General Assembly High-Level Meeting on Ending AIDS in June 2016.

“This is an **extremely important amendment**. It **gives legal certainty that generic medicines can be exported at reasonable prices to satisfy the needs of countries with** no pharmaceutical production capacity, or those with **limited capacity**. By doing so, **it helps the most vulnerable** access the drugs that meet their needs, helping to deal with diseases such as HIV/AIDS, tuberculosis or malaria, as well as other epidemics. I am delighted that WTO members have now followed through on their commitment and brought this important measure into force,” said WTO Director-General Roberto Azevêdo. In video statements available here, some of the key players share their thoughts on the TRIPS amendment.

Unanimously adopted by WTO members in 2005, the protocol amending the TRIPS Agreement **makes permanent a mechanism to ease poorer WTO members’ access to affordable generic medicines produced in other countries**. The amendment **empowers** importing **developing and least-developed countries facing public health problems and lacking** the **capacity to produce drugs** generically to seek such medicines from third country producers under "compulsory licensing" arrangements. Normally, most medicines produced under compulsory licences can only be provided to the domestic market in the country where they are produced. This amendment allows exporting countries to grant compulsory licences to generic suppliers exclusively for the purpose of manufacturing and exporting needed medicines to countries lacking production capacity.

“As important as trade policy is, health and well-being must take precedence,” said Amina Mohamed, Kenya’s Foreign Minister who chaired the WTO General Council at the time when the amendment was approved in December 2005. “WTO members recognise this and have proven how seriously they take health issues by ratifying and putting into force an amendment to WTO rules which will facilitate access to essential medicines in low income countries.”

The amendment provides **a secure and sustained legal basis for** both potential exporters and importers to adopt legislation and establish the means needed to allow **countries** with limited or no production capacity **to import affordable generics from countries where pharmaceuticals are patented**. More and more WTO members are taking practical steps to implement the system in their laws. The bulk of global medicine exports is covered by laws enabling exports under this system, opening up new options for potential beneficiaries to access a wider range of potential suppliers and enabling new, innovative procurement strategies.

### AT Developing Countries

#### It doesn’t solve – there are tons of barriers to access to vaccines, especially in developing countries. Even if it’s legal to make generics, lack of raw materials, expertise, and production facilities mean the plan is a drop in the bucket for responding to global covid

Herper et al 21 [Matthew Herper Senior Writer, Medicine, Editorial Director of Events at STAT. "Waiver of patent rights on Covid-19 vaccines, in near term, may be more symbolic than substantive." https://www.statnews.com/2021/05/06/waiver-of-patent-rights-on-covid-19-vaccines-in-near-term-may-be-more-symbolic-than-substantive/]

Prashant Yadav, a supply chain expert and senior fellow at the Center for Global Development, said the biggest barrier to increasing the global vaccine supply is a lack of raw materials and facilities that manufacture the billions of doses the world needs. Temporarily suspending some intellectual property, as the U.S. proposes to do, would have little effect on those problems, he said.

“My take is: By itself, it will not get us much benefit in increased manufacturing capacity,” Yadav said. “But as part of a larger package, it can.”

That larger package would include wealthy nations like the U.S. mounting an Operation Warp Speed-style effort to invest in manufacturing in low-income countries, he said, using their vast financial resources to actually produce vaccine doses rather than solely targeting patents.

Lawrence Gostin, director of the O’Neill Institute for National and Global Health Law at Georgetown Law, said the waiver is necessary but hardly sufficient. It will likely take months of international infighting before the proposal would take effect, he said, months during which would-be manufacturers would not have the right to start producing vaccines.

“We’re not talking about any immediate help for India or Latin America or other countries going through an enormous spread of the virus,” Gostin said. “While they’re going to be negotiating the text, the virus will be mutating.”

## Adv 2 - bio weapon da

#### WTO decline spurs regionalism – it better promotes trade and stops war

Brkic 13, Economics Prof at U of Sarajevo (Snježana, 3/25, Regional Trading Arrangements – Stumbling Blocks or Building Blocks in the Process of Global Trade Liberalization?, papers.ssrn.com/sol3/papers.cfm?abstract\_id=2239275)

Besides those advocating the optimistic or pessimistic view on regionalism effect on global trade liberalization, some economists, such as Frankel and Wei, hold a neutral position, in a way. Frankel and Wei believe that forms and achievements of international economic integrations can vary and that, for this reason, regionalism can be – depending on circumstances – linked to greater or smaller global trade liberalization. In the years-long period of regional integration development, four periods have been identified during which the integration processes were becoming particularly intensive and which have therefore been named "waves of regionalism". The first wave was taking place during the capitalism development in the second half of the 19th century, in the course of British sovereign domination over the world market. Economic integrations of the time primarily had the form of bilateral customs unions; however, owing to the comparative openness of international trading system based on the golden standard automatism, this period is called the "era of progressive bilateralism". The next two waves of regionalism occurred in the years following the world wars. Since the disintegration processes caused by the wars usually spawned economic nationalisms and autarchic tendencies, it is not surprising that post-war regionalisms were marked by discriminatory international economic integrations, primarily at the level of so-called negative integration, with expressedly “beggar-thy-neighbor” policies that resulted in considerable trade deviations. This particularly refers to the regionalism momentum after the First World War, which was additionally burdened by the consequences of Big Economic Crisis. The current wave of regionalism started in late 1980s and spread around the world to a far greater extent than any previous one did: it has covered almost all the continents and almost all the countries, even those which have mis to join all earlier regional initiatives, such as the USA, Canada, Japan and China. Integration processes, however, do not show any signs of flagging. Up till now, over 200 RTAs have been registered with GATT/WTO, more than 150 of them being still in force, and most of these valid arrangement have been made in the past ten years. Specific in many ways, this wave was dubbed "new regionalism". The most specific characteristics of new regionalism include: geographic spread of RTAs in terms of encompassing entire continents; greater speed; integration forms success; deepening of integration processes; and, the most important for this theoretical discussion, generally non-negative impact on outsiders, world economy as a whole, and the multilateral liberalization process. Some theorists (Gilpin) actually distinguish between the "benign" and "malign" regionalism. On the one hand, regionalism can advance the international economic stability, multilateral liberalization and world peace. On the other, it can have mercantilist features leading to economic well-being degradation and increasing international tensions and conflicts. Analyses of trends within the contemporary integration processes show that they mainly have features of "benign" regionalism. Reasons for this are numerous. Forces driving the contemporary regionalism development differ from those that used to drive earlier regionalism periods in the 20th century. The present regionalism emerged in the period characterized by the increasing economic inter-dependence between different world economy subjects, countries attempts to resolve trade disputes and multilateral framework of trade relations. As opposed to the 1930s episode, contemporary regional initiatives represent attempts to make the members' participation in the world economy easier, rather than make them more distant from it. As opposed to 1950s and 1960s episode, new initiatives are less frequently motivated exclusively by political interests, and are less frequently being used for mercantilist purposes. After the Second World War, more powerful countries kept using the economic integration as a means to strengthen their political influence on their weaker partners and outsiders. The examples include CMEA and European Community arrangements with its members' former colonies. As opposed to this practice, the new regionalism, mostly driven by common economic interests, yielded less trade diversion than previous one, and has also contributed to the prevention of military conflicts of greater proportions. Various analyses have shown that many regional integrations in earlier periods resulted in trade deviations, particularly those formed between less developed countries and between socialist countries. In recent years, however, the newly formed or revised regional integrations primarily seem to lead to trade creation. Contrary to the “beggar thy- neighbor” model of former international economic integrations, the integrations now offer certain advantages to outsiders as well, by stimulating growth and spurring the role of market forces. The analyses of contemporary trends in world economy also speak in favor of the "optimistic" proposition. The structural analysis shows that the world trade is growing and that this growth results both from the increase in intra-regional and from the increase in extra-regional trade value (Anderson i Snape 1994.)28. Actually, the intraregional trade has been growing faster, both by total value and by its share in world GDP. The extra-regional trade share in GDP was increasing in some regions – in North America, Asia-Pacific and Asian developing countries. However, the question arises as to whether the extra-regional trade would be greater without regional integrations or not? The answer would primarily depend both on the estimate of degree of some countries' trade policy restrictedness in such circumstances, and on factors such as geographic distance, transport communications, political relations among states. One should also take into account certain contemporary integration features – the primarily economic, rather than strategic motivation, and continuous expansion, which mostly includes countries that are significant economic partners. With respect to NAFTA, many believe that the negative effects on outsiders will be negligible, since the USA and Canada have actually been highly integrated economies for a long time already, while the Mexican economy is relatively small. The same view was pointed out by the EU, with respect to its expansion. It particularly refers to the inclusion of the remaining EFTA countries, because this will actually only complete, in institutional terms, the EU strong economic ties with these countries. Most EFTA countries have been part of the European economic area (EEA), i.e. the original EC-EFTA agreement, for a few years already, and conduct some 70% of their total international exchange with the Union countries. EU countries are also the most significant foreign-trade partners of Central and East Europe countries, and the recent joining the Union of several of them is not expected to cause a significant trade diversion. Besides, according to some earlier studies, during the previous wave of regionalism, in the 1967-70 period, the creation of trade in EEC was far greater than trade diversion: trade creation ranged from 13 to 23% of total imports, while trade diversion ranged from 1 to 6%. In Latin America, the new regionalism resulted in the faster growth of intra-regional trade, while the extra-regional exports and imports also continued to grow. Since early 1990s, the value of intra-regional imports registered the average annual growth of 18%. In the same time, the extra-regional exports were also growing, although at a lower rate of 9% average a year; its share in the total Latin America exports at the end of decade amounted to 18% as compared to 12% in 1990. In the 1990-1996 period, the intraregional imports grew by some 18% a year. The extra-regional imports were also growing very fast, reaching the 14% rate. These data reflect a great unbalance in the trade with extra-regional markets, since the imports from countries outside the region grew much faster the exports.30 Since the described trends point to the continued growth of extra-regional imports and exports, they also show that regional integration in Latin America has had the open regionalism character. Besides, the pending establishment of FTAA – Free Trade Area of Americas will gather, in the same group, the so-called "natural" trade partners – countries that have had an extremely extensive mutual exchange for years already, and the outsiders are therefore unlikely to be affected by strengthening of regionalism in this part of the world. Contemporary research shows that intra-regional trade is growing, however, same as interdependence between North America and East Asia and between the EU and East Asia. It can also be seen that the biggest and the most powerful countries, i.e. blocs, are extremely dependent on the rest of the world in terms of trade. For the EU, besides the intra-European trade, which is ranked first, foreign trade has the vital importance since it accounts for 10% of European GDP. In early 1990s, EU exchanged 40% of its foreign trade with non-members, 16% out of which with North America and East Asia together. EU therefore must keep in mind the rest of the world as well. The growing EU interest in outsiders is confirmed by establishing "The Euro-Med Partnership", which proclaimed a new form of cooperation between the EU and the countries at its South periphery32. Besides, the past few years witnessed a series of inter-regional agreements between the EU on the one hand, and certain groups from other regions on the other (MERCOSUR, CARICOM, ASEAN and GCC). In case of North America the ratio between intra-regional and inter-regional trade is 40:60, and in East Asia, it is 45:55. Any attempt to move towards significantly closed blocs ("fortresses") would require overcoming the significant inter-dependence between major trading blocs. Besides the analysis of contemporary trends in extra- and intra-regional trade, other research was conducted that was supposed to point to the reasons why the new regionalism has mainly a non-negative impact on outsiders and global liberalization. The distinctive features of new regionalism were also affected to characteristics of international economic and political environment it sprouted in. In the 1980s, economic nationalisms were not so expressed as in the interventionism years following the Second World War; however, the neo-liberalism represented by GATT activities did not find the "fertile ground” in all parts of the world. Regionalism growth in the circumstances of multilateral system existence is, among other things, the consequence of distrust in multilateralism. „The revival of the forces of regionalism stemmed from frustration with the slow pace of multilateral trade liberalization... If the world trade regime could not be moved ahead, then perhaps it was time for deeper liberalization within more limited groups of like-minded nations... Such efforts would at least liberalize some trade... and might even prod the other nations to go along with multilateral liberalization.“33 Kennedy's round and Tokyo round of trade negotiations under GATT auspices brought a certain progress in the global trade liberalization. However, the 1980s witnessed significant changes in the world economy that the GATT trade system was not up to. Besides. GATT had not yet managed to cover the entire trade in goods, since there were still exceptions in the trade in agricultural and textile products that particularly affected the USA and developing countries. GATT system of conflict resolutions, and its organizational and administrative mechanism in general also required revision. In this vacuum that was created in promoting trade and investment multilateralism from the point when GATT inadequacy became obvious until the start of the Uruguay round and the establishment of World Trade Organization, the wave of regionalism started spreading across the world again. Prodded by the Single European Act and the success of European integration, many countries turned to an alternative solution – establishment of new or expansion and deepening of the existing economic integrations. Even the USA, the multilateralism bastion until then, made a radical turn in their foreign-trade policy and started working on designing a North American integration.

#### WTO deters effective implementation of the Biosafety Protocol

Eckersley 04, Poli Sci Prof at Melbourne (Robyn, May, "The Big Chill: The WTO and Multilateral Environmental Agreements," Global Environmental Politics 4.2, Project Muse)

The growth of the modern biotechnology industry carries benefits as well as risks, and these risks have been a matter of increasing disquiet by ENGOs and broader publics (although much more in Europe than the US). In the absence of conclusive scientific evidence concerning the risks to humans, animals and plants associated with the transplantation of genes from one species to another, much of the heated political debate about biosafety regulation has turned on evidentiary questions: who should bear the burden of proof, and by what standard? The Cartagena Biosafety Protocol 2000, negotiated under the UN Convention on Biological Diversity 1992, represents the international community’s first major attempt to resolve these questions in relation to the transboundary movement of living modified organisms (LMOs) by adopting a risk averse approach in cases of scientific uncertainty. The Protocol has now received the requisite number of ratifications and it came into force on 11 September 2003. The Biosafety Protocol places restrictions on the transboundary movement, transit, storage and handling of certain LMOs that are intended to be released into the environment, in order to protect biodiversity and/or human health. The Protocol provides for risk assessment, risk management, transparency, import regulations and Advanced Informed Agreement (AIA) procedures before transboundary movements of the relevant LMOs can take place. In particular, it enables the party of import to conduct a risk assessment of such LMOs prior to granting import approval.63 LMOs destined for contained use, or intended for direct use as food, feed or processing, are exempt from the AIA procedure (Articles 6 and 7.3) and are subject to less onerous provisions, and pharmaceuticals are exempted from the Protocol altogether (see Article 5).64 In both cases, however, the Protocol requires the parties to apply the precautionary principle in the case of scientific uncertainty (Articles 1, 10(6) and 11(8)).65 This principle is included in the Rio Declaration on Environment and Development and has increasingly appeared in international and national legal instruments and strategies. The Protocol, which effectively serves to restrict the free flow of trade in certain LMOs, may be applied against both parties and non-parties. In effect, it enables all parties to the Protocol to scrutinize, and where necessary prevent, restrict or control, movements of certain LMOs into their respective territory. However, trade in the products and methods of the biotechnology industry is also governed by a number of WTO Agreements, the most significant of which is the Agreement on the Application of Sanitary and Phytosanitary Measures (known as the SPS Agreement). This Agreement enables parties to restrict or regulate trade in order to protect human, animal and plant safety, provided such measures can pass the usual tests concerning nonarbitrariness, nondiscrimination and least trade restrictiveness. The provisions of the SPS Agreement extend to LMOs. However, the SPS Agreement covers a smaller range of risks than the Protocol and includes a wider variety of products (e.g. it includes pharmaceuticals). The Cartagena Biosafety Protocol 2000 is illustrative of the increasingly problematic relationship between the trade rules and MEAs in three significant respects. First, the five year negotiations on the Protocol were somewhat fraught and, in February 1999 in Cartagena, Colombia they collapsed as a result of disagreement over the relationship between the proposed provisions of the Protocol and the WTO rules. As one UNEP officer put it, “ . . . a number of countries were re-using the arguments that WTO rules prevented this moving forward.” The Miami group, made up of major exporters of biotechnology and agricultural products (US, Canada, Australia, Argentina, Chile and Uruguay), was the main group opposing any tight restrictions on trade in LMOs. The Miami group sought to make the Protocol subservient to WTO disciplines in relation to trade in agricultural commodities containing LMOs and it succeeded in ensuring that less stringent requirements applied to such commodities. Opposing the Miami groups was the “Like-Minded-Group” made up of the European Union and a coalition of developing countries, which argued that the Protocol should not be compromised by WTO rules. The upshot of these tensions in the negotiations is that the trade restrictive provisions of the Protocol were less forceful and extensive than they might have been. As Hutchison puts it, “[t]he Cartagena Protocol is a treaty that may be too self-conscious of its relationship with international trade law,” preventing the adoption of a more radical or extensive precautionary approach. The tensions are also reflected in the contradictory preamble to the Protocol, which seeks to recognize the existing rights of WTO members while also not subordinating the Protocol to other international agreements.70 The Cartagena Biosafety Protocol provides strong evidence that the “long shadow of the WTO” is having a disciplinary effect on the negotiating phase of MEAs, irrespective of whether a legal dispute erupts in the future. Attempts to ensure that MEAs are “mutually supportive” with the WTO remain lopsided, in the sense that trade rules are increasingly invoked to restrict the scope and operation of MEAs, but the objectives and provisions of MEAs do not appear to have much influence in trade negotiations. Second, despite this self-censoring process, the Biosafety Protocol still sits uneasily alongside the WTO’s agreements, particularly the SPS Agreement, which was negotiated at the conclusion of the Uruguay round in 1994. The Biosafety Protocol overlaps with the SPS Agreement in significant ways and the trade measures in the Protocol have been described as “the leading candidate” for a WTO dispute. In particular, the risk assessment provisions of the Protocol operate on the basis of somewhat different evidentiary rules than the WTO’s SPS Agreement. The Protocol enables the importing party to apply the precautionary principle when carrying out its own risk assessment prior to the import of LMOs. The SPS Agreement also allows countries to set their own standards but provides that measures to ensure food safety and to protect the health of animals and plants should be based as far as possible on the analysis and assessment of objective and accurate scientific data. Moreover, such measures should be applied only to the extent necessary to protect human, animal or plant life or health, and they should not arbitrarily or unjustifiably discriminate between countries where identical or similar conditions prevail. The SPS Agreement also encourages states to base their national measures on the international standards, guidelines and recommendations developed by WTO member governments in other international organizations. It remains unclear whether the Protocol would be accepted as a “standard” for the purposes of the SPS Agreement. The SPS agreement only permits the precautionary principle to be applied on an interim basis while a risk assessment is being conducted (Article 5(7)) whereas the Biosafety Protocol contains no such restriction (nor any requirements for periodic review). The overlap between the Protocol and the SPS Agreement combined with different evidentiary rules and approaches to risk management, have sown the seeds for future controversy. As of February 2004, 87 countries have ratified the Protocol, including the European Union. 73 However, this leaves a large number of potential WTO challengers (particularly among the Miami group) who may seek to uphold the less restrictive provisions of the SPS Agreement against the relatively more cautious provisions of the Protocol. 74 Neither the US nor Australia are parties to the Protocol. The likelihood of a dispute is not idle conjecture given that the US is a major producer and exporter of GM products and anxious to remove restrictions to its export markets. Moreover, strong differences have already emerged between the US and the EU over questions of food safety, with the US displaying increasing frustration with what it sees as a complicated and time-consuming structure of product authorization by EU members (which effectively provided a de facto embargo on the development and testing of GM crops in Europe since 1998). 75 After a period of frustrated diplomacy, in May 2003 the US and Canada (with the support of Monsanto and later a number of other states) 76 officially initiated proceedings in the WTO against the European Union’s de facto moratorium on the grounds that it violates a number of WTO trade agreements, including the SPS Agreement. 77 The EU moratorium has since been lifted with the adoption of two new regulations in July 2003, which simplify and streamline the authorization procedures for GMOs released into the environment and for GM food and feed. However, the regulations remain stringent, particularly in the areas of traceability and labeling. Although the challenge by the US and its co-complainants continues, it is not clear whether it will run its full course. 78 This US challenge does not involve the Biosafety Protocol, and the decision in Shrimp Turtle suggests that the AB might uphold the Cartagena Protocol if a dispute was brought before it. Nonetheless, there is no guarantee, and growing US frustration is likely to have an extremely chastening effect on parties to the Protocol, who must now conduct their risk assessments of US products containing LMOs under the watchful eye of vigilant US trade representatives. The US has applied considerable pressure to other WTO members to support its WTO challenge. For example, the US responded to Egypt’s refusal to join the challenge by suspending proposed free-trade talks concerning a possible USEgypt Free Trade Agreement. 79 Moreover, US frustration in its failure to find markets for its GM products is likely to grow. Even impoverished African nations, such as Zambia, have been unwilling to accept unsold US GM food that has been recycled by the US as food aid under the World Food Program.

#### Biosafety protocol prevents bioweapons attack

Hammond 03, Director of the Sunshint Project (Edward, October, "Biosafety, Biosecuity, and Biological Weapons," Backgrounder #11, <http://www.sunshine-project.org/publications/bk/bk11.html>)

The agreements discussed in this paper address issues of biosecurity and biosafety, broadly conceived. They are critical elements of a global biosecurity framework. Other multilateral activities of relevance to the BWC, for example, the World Health Organization’s global health response to deliberate use of biological weapons, are also treated. They are, however, discussed in lesser detail because the BWC relevance of the OIE and, especially, the CBP and IPPC have been insufficiently discussed, despite the fact that the contribution of these agreements is routinely (but vaguely) mentioned in arms control debates and discussed by States Parties in meetings of the BWC.6 A closer look at these agreements is also merited because of the currently poor prospects for progress at the Biological Weapons Convention itself. Following the 2001 collapse of negotiations for the BWC Verification Protocol, States Parties agreed to a series of annual and experts’ meetings in the lead up to its Sixth Review Conference in 2006. However, a combination of sensitivities resulting from the failed Protocol, plus the narrow scope of meetings, and resignation before the highly uncooperative stance of the US currently limit the possibility that the meetings will result in binding multilateral measures to strengthen the BWC. The agreements discussed here also merit more profound consideration because of their critical role in the international regulation of biotechnology. Biological weapons risks posed by the development and dissemination of biotechnology are nearly universally recognized. Yet there is presently very little prospect of reigning in these risks through the BWC, whose parties generally recognize the dangers of biotechnology; but have been unable to adequately respond. In contrast, the Cartagena Biosafety Protocol is the first international agreement specifically developed to address biotechnology risks – to the environment, agriculture, animal and human health – and it possesses a vibrant process. It and the IPPC and OIE are presently developing and implementing enforceable international rules and standards to contain threats, limit harm, and impose liability for damages resulting from biotechnology. These provide opportunities and synergies to strengthen the global ban on biological weapons.

#### Bioweapons cause extinction – nuke war doesn’t

Singer 01, Director of the Program in Arms Control, Disarmament, and International Security at the University of Illinois at Urbana (Clifford, Spring,. "Will Mankind Survive the Millennium?" The Bulletin of the Program in Arms Control, Disarmament, and International Security, University of Illinois at Urbana-Champaign, 13.1, http://www.acdis.uiuc.edu/research/S&Ps/2001-Sp/S&P\_XIII/Singer.htm)

In recent years the fear of the apocalypse (or religious hope for it) has been in part a child of the Cold War, but its seeds in Western culture go back to the Black Death and earlier. Recent polls suggest that the majority in the United States that believe man would survive into the future for substantially less than a millennium was about 10 percent higher in the Cold War than afterward. However fear of annihilation of the human species through nuclear warfare was confused with the admittedly terrifying, but much different matter of destruction of a dominant civilization. The destruction of a third or more of much of the globe’s population through the disruption from the direct consequences of nuclear blast and fire damage was certainly possible. There was, and still is, what is now known to be a rather small chance that dust raised by an all-out nuclear war would cause a socalled nuclear winter, substantially reducing agricultural yields especially in temperate regions for a year or more. As noted above mankind as a whole has weathered a number of mind-boggling disasters in the past fifty thousand years even if older cultures or civilizations have sometimes eventually given way to new ones in the process. Moreover the fear that radioactive fallout would make the globe uninhabitable, publicized by widely seen works such as “On the Beach,” was a metaphor for the horror of nuclear war rather than reality. The epidemiological lethal results of well over a hundred atmospheric nuclear tests are barely statistically detectable except in immediate fallout plumes. The increase in radiation exposure far from the combatants in even a full scale nuclear exchange at the height of the Cold War would have been modest compared to the variations in natural background radiation doses that have readily been adapted to by a number of human populations. Nor is there any reason to believe that global warming or other insults to our physical environment resulting from currently used technologies will challenge the survival of mankind as a whole beyond what it has already handily survived through the past fifty thousand years. There are, however, two technologies currently under development that may pose a more serious threat to human survival. The first and most immediate is biological warfare combined with genetic engineering. Smallpox is the most fearsome of natural biological warfare agents in existence. By the end of the next decade, global immunity to smallpox will likely be at a low unprecedented since the emergence of this disease in the distant past, while the opportunity for it to spread rapidly across the globe will be at an all time high. In the absence of other complications such as nuclear war near the peak of an epidemic, developed countries may respond with quarantine and vaccination to limit the damage. Otherwise mortality there may match the rate of 30 percent or more expected in unprepared developing countries. With respect to genetic engineering using currently available knowledge and technology, the simple expedient of spreading an ample mixture of coat protein variants could render a vaccination response largely ineffective, but this would otherwise not be expected to substantially increase overall mortality rates. With development of new biological technology, however, there is a possibility that a variety of infectious agents may be engineered for combinations of greater than natural virulence and mortality, rather than just to overwhelm currently available antibiotics or vaccines. There is no a priori known upper limit to the power of this type of technology base, and thus the survival of a globally connected human family may be in question when and if this is achieved.