## Off

### 1NC

#### The biotech industry is strong now---it’s weathered the COVID storm.

Cancherini et al. 21 – Consultant in M`cKinsey’s Brussels office

Laura Cancherini, Joseph Lydon, Jorge Santos da Silva, Alexandra Zemp, “What’s ahead for biotech: Another wave or low tide?,” McKinsey & Company, April 2021, https://www.mckinsey.com/industries/life-sciences/our-insights/whats-ahead-for-biotech-another-wave-or-low-tide

Unlike most industries in these extraordinarily challenging times, biotech is experiencing a high. Executives in many other sectors are becoming more pessimistic about the outlook for their businesses as the global pandemic continues to spread.1 But the search to understand and find treatment or preventive solutions to COVID-19 has focused intense government, media, and public attention on science and medicine, reinforcing the perception that biotech acquisitions and partnerships represent a good investment.

In an effort to understand worldwide biotech financing in the context of the COVID-19 crisis, McKinsey analyzed the sector’s financial performance and interviewed 20 C-level executives from small and midsize biotechs and venture-capital (VC) firms.

The pandemic has had an enormous financial impact on many sectors, but biotech has weathered the storm: after a brief downturn early in the crisis, it recovered quickly (Exhibit 1). Between January 2020 and January 2021, the average share price for European and US biotechs increased at more than twice the rate of the S&P 500, and Chinese biotechs performed more than six times better, with their average share price more than doubling in a year. Overall, biotech is outperforming its sister industry, pharmaceuticals, as well as many household-name consumer-goods and technology companies.

With acquisitions, partnerships, IPOs, and fundraising still increasing, biotech’s star has, if anything, risen higher than it was before the pandemic. The industry’s response to the crisis, its record of innovation, and its reputation as a safe haven for investment have all served it well. But whether biotech can sustain this performance is open to question. This article looks at the industry’s record of growth, its resilience during the global pandemic, and the factors that could determine whether the biotech wave continues.

#### Biotech is key to climate change solutions---waiving IP rights decks it by setting a sweeping precedent that chills innovation.

Brand 21 – Assistant General Counsel and Director of Intellectual Property at the Biotechnology Innovation Organization

Melissa Brand, “TRIPS IP Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors,” IP Watchdog, May 2021, https://www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/

While the discussions around waiving intellectual property (IP) rights set forth in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) are currently (and somewhat amorphously) limited to COVID-19 related drug and medical products, it is probably shortsighted to ignore the implications for other technologies critical to sustaining our environment and advancing a more healthful world. In fact, if we want to ensure continued investment in these technologies, we should be very concerned about the message conveyed by the international political tide: if you overcome a challenging scientific problem and your solution has the potential to save lives, be prepared to be subjected to intense political pressure and to potentially hand over your technology without compensation and regardless of the consequences.

The biotech industry is making remarkable advances towards climate change solutions, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course we dispute this notion), can we really feel confident that this or some future Administration will not apply the same logic to the climate crisis? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth? United States Trade Representative (USTR) Katherine Tai was subject to questioning along this very line during a recent Senate Finance Committee hearing. And while Ambassador Tai did not affirmatively state that an IP waiver would be in the future for climate change technology, she surely did not assuage the concerns of interested parties.

International Pressure May Be Influencing Domestic IP Policy

The United States has historically supported robust IP protection. This support is one reason the United States is the center of biotechnology innovation and leading the fight against COVID-19. However, a brief review of the domestic legislation arguably most relevant to this discussion shows just how far the international campaign against IP rights has eroded our normative position. The Clean Air Act, for example, contains a provision allowing for the mandatory licensing of patents covering certain devices for reducing air pollution. Importantly, however, the patent owner is accorded due process and the statute lays out a detailed process regulating the manner in which any such license can be issued, including findings of necessity and that no reasonable alternative method to accomplish the legislated goal exists. Also of critical importance is that the statute requires compensation to the patent holder. Similarly, the Atomic Energy Act contemplates mandatory licensing of patents covering inventions of primary importance in producing or utilizing atomic energy. This statute, too, requires due process, findings of importance to the statutory goals and compensation to the rights holder.

A TRIPS IP waiver would operate outside of these types of frameworks. There would be no due process, no particularized findings, no compensation and no recourse. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all.

Forced Tech Transfer Could Be on The Table

When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so.

In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new seed technologies and sustainable biomass, reducing greenhouse gases in manufacturing and transportation, capturing and sequestering carbon in soil and products, and more, would be required to turn over their proprietary know-how to global competitors.

While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating to voluntary international collaborations. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company.

Necessary Investment Could Diminish

Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation raised over $1 billion in investment in the second quarter of 2019 alone. If investors cannot be confident that IP will be in place to protect important climate change technologies after their long road from bench to market, it is unlikely they will continue to invest at the current and required levels.

Next on the Chopping Block

It is quite reasonable to be worried about the broad implications of a TRIPS IP waiver precedent. International campaigns to weaken IP rights seem to be taking hold in U.S. domestic policy. The TRIPS IP waiver discussions will not conclude in the near term and will not yield more shots in people’s arms. This is not even truly disputed, as our own administration acknowledges that the goal here is technology transfer abroad. Given the signaling that our Administration believes waiving IP rights is an appropriate measure to end global crises, it is proper to worry that facets of the biotech sector addressing climate change may be next on the chopping block.

#### Biotech innovation is uniquely key to combatting climate change.

McMurry-Heath 21 – Physician-scientist and the president and CEO of the Biotechnology Innovation Organization

Michelle McMurry-Heath, “To help solve climate change, look to the biosciences,” STAT News, May 2021, https://www.statnews.com/2021/05/21/climate-change-solutions-from-biosciences/

President Biden’s pledge to cut U.S. greenhouse gas emissions in half by 2030 is an admirable and ambitious undertaking. It’s nearly double the goal set by President Obama in 2015. And it establishes the United States as a world leader in battling climate change.

But reaching the president’s target in just under 10 years is a monumental task. It’s so big, in fact, that we’ll never get there by government action alone. No amount of vehicle efficiency standards, forest conservation efforts, or gas taxes can fully solve the problem.

We have to science our way out of it.

The biosciences, including biotechnology, will play a pivotal role in the fight against climate change. It is already leading the way on several fronts. According to a report from BIO, the organization I work for, the biotech industry’s green initiatives could mitigate the equivalent of 3 billion tons of carbon dioxide every year by 2030, or about half of the country’s annual CO2 emissions.

Take food, for example.

Food consumption — and production — is central to human existence. Global food production accounts for one-quarter of greenhouse gas emissions. A recent report from an international team of researchers concluded that even if all other fossil fuel emissions were eliminated, emissions from food production alone would prevent us from reaching a key goal of the climate change agreement signed in Paris: preventing the global temperature from rising more than 2 degrees Celsius.

Halting food production isn’t an option, so biotech companies are helping farmers become part of the climate solution. Take, for example, Boston-based Joyn Bio. It is engineering bacteria that pull nitrogen directly from the atmosphere. These microbes then pass the nitrogen to crops like wheat and corn, reducing the need to make, transport, and apply nitrogen fertilizers, which reduces greenhouse gas emissions.

Minnesota-based Acceligen is using a technique it calls precision breeding that improves the health of livestock while reducing their waste, greenhouse gas emissions, and water usage.

Biotechnology can also help protect food from climate change. As fungal and bacterial infections accelerated by human-driven environmental disturbances threaten to wipe out Cavendish bananas, Tropic Biosciences in the United Kingdom is using CRISPR gene-editing technology to engineer infection-resistant bananas.

Companies are also rethinking how food is packaged to reduce plastic pollution and open high-tech paths to broader adoption of biodegradables. This would be a game-changer in the interlinked fight to modulate climate change and protect the oceans.

Globally, 100 million tons of plastic are produced every year, 8 million of which ends up in the oceans. The production of plastic requires at least 8% of the world’s petroleum. Greenhouse gas emissions from plastic production and incineration could rise from the current 850 million tons a year to 3 billion tons a year by 2050. And discarded plastic that ends up in the ocean slowly breaks down in sunlight, releasing greenhouse gases and toxic microplastics.

Georgia-based Danimer Scientific — partnering with the Mars Wrigley candy company — is working on biodegradable packaging that uses plant oils to manufacture “plastic” that dissolves in soil and water. Bioplastics and biopolymers can reduce greenhouse gas emissions reductions by up to 80% more compared to their petroleum-based counterparts.

Fuel is another target for biotechnology. Transportation accounts for the highest percentage of U.S. greenhouse gas emissions. While electric cars are gaining popularity, and the $174 billion allocated to support the transition to electrics in Biden’s American Jobs Plan is important, biofuels — which are carbon neutral — will be needed to help reduce emissions in transportation and need comparable support.

The biotech company Synthetic Genomics, for instance, is utilizing saltwater algae, which convert sunlight and carbon dioxide into biomass, to make sustainable auto fuel. By 2025, 10,000 barrels of the algal biofuel could be produced per day for commercial use.

Biofuels will also play an important role in air travel. While flying accounts for less than 3% of global CO2 emissions a year, on a per-mile calculation it’s the least green form of travel. With the number of air travel passengers expected to double by 2040, the Biden administration is upping the financial incentives — through tax credits — for companies that produce sustainable aircraft fuels.

Biotech firms are already stepping up. Companies like Neste, Gevo, and World Energy are using everything from algae to used or wasted cooking oil to create sustainable jet fuels. LanzaTech recycles carbon from industrial emissions and other sources and turns it into aviation fuel — and has recently partnered with other corporations to bring that fuel to market for commercial airline use.

With help from biotechnology, the U.S. can achieve the climate change goals outlined by the Biden administration and the Paris Agreement. Human progress and technology got us into this mess. That same ingenuity can help get us out.

#### It’s existential---a number of warrants.

Tonn 21 – Professor of Political Science at the University of Tennesse Knoxville

Bruce E. Tonn, “Anticipation, Sustainability, Futures and Human Extinction: Ensuring Humanity’s Journey into The Distant Future,” Routledge, May 2021, https://www.taylorfrancis.com/books/mono/10.4324/9781003000105/anticipation-sustainability-futures-human-extinction-bruce-tonn

Year 2100 – The earth appears to be on an irreversible path toward further climate change over the next century. We are already witnessing: increases in mean global and regional temperatures; sea-level rise; disappearances of glaciers; changes in geographic locations of the habitats of flora and fauna; and increases in the severity of extreme weather events, from droughts to storms.13 It can be argued that climate change is an existential risk, meaning that it could lead to the extinction of the human race. It can also be argued that climate change is just one of many existential risks facing humanity. The next chapter, Chapter 3, takes an in-depth look at a comprehensive set of such risks. The important points here are that existential risks like climate change ought not be ignored and that those seemingly being caused by humanity need to be dealt with much sooner than later. One can anticipate that this sanguinity could result in globally catastrophic collapse of our technological infrastructure, our economies, and even in the world’s population.14

Take-Home Point #4: Reducing existential risks is an essential component of long-term sustainability thinking. We can anticipate our world being in the throes of catastrophic climate change, maybe even at an unacceptably high risk of human extinction, if by the year 2100 we have not completely solved our GHG emissions problem.

#### Waiving IP protections sends a signal that encourages China to further erode U.S. IP---makes sustaining competitiveness impossible.

Staudt 21 – Current President of the Intellectual Property Owners Association, an international trade association representing members that own, or are interested in, intellectual property (IP) rights

Daniel J. Staudt, “Waiving IP Rights: The Wrong Path to the Right Goals,” IP Watchdog, June 2021, https://www.ipwatchdog.com/2021/06/15/waiving-ip-rights-the-wrong-path-to-the-right-goals/id=134546/

Waiving intellectual property (IP) protections for COVID-19 vaccines will hinder rather than further three meritorious objectives of the current U.S. Presidential Administration: ending the pandemic as soon as possible, leveling the IP playing field with China, and pursuing a worker-centric trade policy. Ensuring equitable, widespread, and successful distribution of vaccines across the globe to meet the challenges of COVID-19, ending the erosion of U.S. IP at the hands of China, and putting Americans back to work are goals that most of us in the U.S. share. An examination of the facts, however, demonstrates that waiving IP rights in the name of COVID-19 relief undermines each of these three U.S. government goals.

Waiver Would Hurt, Not Help

In terms of ending the pandemic as soon as possible, the Washington Post got it right in its May 4 editorial when it stated, “Sharing doses and know-how is better than stripping patents.” It is noteworthy that, during this global debate over whether IP protections should be waived, there have been no instances identified where IP has been used to limit access to vaccines or other COVID-related technologies. In contrast, there are many examples of innovator companies from a wide array of industries who have partnered and shared IP to create testing, vaccines, and therapies to address this pandemic. In fact, IP has enabled this innovation and facilitated this collaboration by providing the incentives that have enabled innovators to devote the resources, technical knowledge, and know-how necessary to counter the pandemic. As a result, our innovative industries have been able to create vaccines and other measures to fight the pandemic. Should an IP waiver be implemented, however, there would not be a stable framework in place to provide confidence to innovators that they can take the necessary risks associated with their inventions and creations as we continue to combat COVID-19. In fact, a waiver would have an immediate chilling effect on continued research and collaborations that are needed, for example, to overcome new variants of the virus, create vaccines for special populations, and develop new tools to help defeat the pandemic and for future vaccine development for other infectious deceases.

Waiver Would Be a Windfall for U.S. Competitors

A second stated goal of the Administration is to become more competitive with countries such as China. To that end, the Senate just passed legislation totaling well over $200 billion that’s designed to strengthen U.S. competitiveness against China. However, to achieve that goal, the United States needs to protect our IP against forced tech-transfer from foreign governments, not give it away. Providing a windfall to U.S. competitors at the same time we are purportedly trying to level the playing field with regards to IP not only makes a farce out of U.S. attempts to “get tough,” but it also sends a dangerous message – that the United States is willing to cave to global pressure and waive Word Trade Organization IP commitments, even if the efficacy of the waiver is not supported by the facts. Unfortunately, we have no reason to think that will be the last of the calls to waive such commitments.

#### Short-term competition key to prevent U.S.-China war.

Beckley & Brands 20 – Associate Professor of Political Science at Tufts University and Jeane Kirkpatrick Visiting Scholar at the American Enterprise Institute; Henry A. Kissinger Distinguished Professor of Global Affairs at the Johns Hopkins University School of Advanced International Studies and a Resident Scholar at the American Enterprise Institute

Michael Beckley, Hal Brands, “Competition With China Could Be Short and Sharp: The Risk of War Is Greatest in the Next Decade,” Foreign Affairs, December 2020, https://www.foreignaffairs.com/articles/united-states/2020-12-17/competition-china-could-be-short-and-sharp

The good news for the United States is that over the long term, competition with China may prove more manageable than many pessimists believe. Americans may one day look back on China the way they now view the Soviet Union—as a dangerous rival whose evident strengths concealed stagnation and vulnerability. The bad news is that over the next five to ten years, the pace of Sino-American rivalry will be torrid, and the prospect of war frighteningly real, as Beijing becomes tempted to lunge for geopolitical gain. The United States still needs a long-term strategy for protracted competition. But first it needs a near-term strategy for navigating the danger zone.

RED FLAGS

Much debate on Washington’s China policy focuses on the dangers China will pose as a peer competitor later this century. Yet the United States actually faces a more pressing and volatile threat: an already powerful but insecure China beset by slowing growth and intensifying hostility abroad.

China has the money and muscle to challenge the United States in key areas. Thanks to decades of rapid growth, China boasts the world’s largest economy (measured by purchasing power parity), trade surplus, financial reserves, navy by number of ships, and conventional missile force. Chinese investments span the globe, and Beijing is pushing for primacy in such strategic technologies as 5G telecommunications and artificial intelligence (AI). Add in four years of disarray in the U.S.-led world order under President Donald Trump, and it is hardly surprising that Beijing is testing the status quo from the South China Sea to the border with India.

Yet China’s window of opportunity may be closing fast. Since 2007, China’s annual economic growth rate has dropped by more than half, and productivity has declined by ten percent. Meanwhile, debt has ballooned eightfold and is on pace to total 335 percent of GDP by the end of 2020. China has little hope of reversing these trends, because it will lose 200 million working-age adults and gain 300 million senior citizens over the next 30 years. And as economic growth falls, the dangers of social and political unrest rise. Chinese leaders know this: President Xi Jinping has given multiple speeches warning about the possibility of a Soviet-style collapse, and Chinese elites are moving their money and children abroad.

Meanwhile, global anti-China sentiment has soared to levels not seen since the 1989 Tiananmen Square massacre. Nearly a dozen countries have suspended or canceled participation in Belt and Road Initiative (BRI) projects. Another 16 countries, including eight of the world’s ten largest economies, have banned or severely restricted use of Huawei products in their 5G networks. India has been turning hard against China since a clash on their shared border killed 20 soldiers in June. Japan has ramped up military spending, turned amphibious ships into aircraft carriers, and strung missile launchers along the Ryukyu Islands near Taiwan. The European Union has labeled China a “systemic rival”; and the United Kingdom, France, and Germany are sending naval patrols to counter Beijing’s expansion in the South China Sea and Indian Ocean. On multiple fronts, China is facing the blowback created by its own behavior.

HISTORY RHYMES

Many people assume that rising revisionists pose the greatest danger to international security. But historically, the most desperate dashes have come from powers that had been on the ascent but grew worried that their time was running short.

World War I is a classic example. Germany’s rising power formed the strategic backdrop to that conflict, but German fears of decline triggered the ultimate decision for war. Russia’s growing military power and mobility menaced Germany’s eastern flank; new French conscription laws were changing the balance in the West; and a tightening Franco-Russian-British entente was leaving Germany surrounded. German leaders ran such catastrophic risks in the July crisis for fear that geopolitical greatness would elude them if they did not act quickly.

The same logic explains imperial Japan’s fatal gamble in 1941, after the U.S. oil embargo and naval rearmament presented Tokyo with a closing window of opportunity to dominate the Asia-Pacific. In the 1970s, Soviet global expansion peaked as Moscow’s military buildup matured and the slowing of the Soviet economy created an impetus to lock in geopolitical gains.

Given that China is currently facing both a grim economic forecast and a tightening strategic encirclement, the next few years may prove particularly turbulent. The United States obviously needs a long-term strategy to compete with China. But it also needs to blunt a potential surge of Chinese aggression and expansion this decade.

The early Cold War offers a useful parallel. At that time, American leaders understood that winning the long-term struggle against the Soviet Union required not losing crucial battles in the short term. The Marshall Plan, unveiled in 1947, was meant to prevent economic collapse in Western Europe, because such a breakdown might allow Moscow to extend its political hegemony over the entire continent. The creation of NATO and rearmament during the Korean War forged a military shield that allowed the West to thrive. Strategic urgency was the prelude to strategic patience: the United States could exploit its lasting economic and political advantages only if it closed off more immediate vulnerabilities.

Today, the United States again needs a danger-zone strategy, which should be based on three principles. First, focus on denying China near-term successes that would radically alter the long-term balance of power. The most pressing dangers are a Chinese conquest of Taiwan and Chinese preeminence in 5G telecommunications networks. Second, rely on tools and partnerships available now or in the near future rather than assets that require years to develop. Third, focus on selectively degrading Chinese power rather than changing Chinese behavior. Seduction and coercion are out; targeted attrition is in. Such an approach entails greater risk. But the United States must act assertively now to prevent more destabilizing spirals of hostility later.

#### U.S.-China war is likely and goes nuclear.

Kulacki 16 – China Project Manager in the UCS Global Security Program

Gregory Kulacki, “The Risk of Nuclear War with China: A Troubling Lack of Urgency,” Union of Concerned Scientists, 2016, https://www.ucsusa.org/sites/default/files/attach/2016/05/Nuclear-War-with-China.pdf

It is not difficult to imagine situations that could trigger an inadvertent or accidental nuclear war. For example, PRC leaders could underestimate U.S. willingness to use nuclear weapons to stop a conventional war. U.S. leaders could underestimate PRC willingness to retaliate after a tailored U.S. nuclear attack. The PRC could launch a retaliatory nuclear attack if the United States were to launch conventional missile strikes that China mistakenly believed were nuclear. The United States could make the same mistake. Equipment in the command and control network of either nation could be destroyed or malfunction, especially given the interest of both countries in anti-satellite weapons. Decision makers may not have timely access to accurate information in the fog of a conflict.

A PRC decision to move to launch on warning would be especially dangerous. The U.S. and Soviet/Russian experience with warning systems shows that false alarms and unexpected situations occur due to human and technical errors, and they are especially likely early in the deployment and operation of such a system. Errors of this sort increased the risk of a nuclear exchange on multiple occasions for the United States and Russia both during and after the Cold War.

No Technical Exit

As long as both sides remain committed to pursuing technical solutions to their unique strategic problems, they are condemned to continue competing indefinitely. But stalemate is not a stable outcome; rather, it is a perpetual high-wire act. Twenty-four hours a day, 365 days a year, the governments of the United States and China are a few poor decisions away from starting a war that could escalate rapidly and end in a nuclear exchange.

Lack of mutual trust and a growing sense that their differences may be irreconcilable incline both governments to continue looking for military solutions—for new means of coercion that help them feel more secure. Establishing the trust needed to have confidence in diplomatic resolutions to the disagreements, animosities, and suspicions that have troubled leaders of the United States and the PRC for almost 70 years is extremely difficult when both governments take every new effort to up the technological ante as an act of bad faith.

The bilateral dialogues on strategic stability aim to manage the military competition, but they do not seek to end it. Although the two governments work very hard at avoiding conflict, they have yet to find a way out of what Graham Allison called their “Thucydides trap”—the risk of conflict between a rising power and an established power invested in the status quo (Allison 2015). Allison’s warning not to minimize the risks of war is sage advice, even if he does not say how the United States and China can escape the trap he describes.

PRC leaders believe it is possible to prosecute a major war without risking a U.S. nuclear attack. The leaders of the United States believe stopping the PRC from prosecuting such a war may depend, in certain contingencies, on a credible threat to use nuclear weapons—a threat U.S. leaders state they are prepared to execute. These mismatched perceptions increase both the possibility of war and the likelihood it will result in the use of nuclear weapons.

Well-informed U.S. officials tend to dismiss the possibility that the United States and the PRC could wander into a nuclear war. For example, Admiral Dennis Blair, a former Director of National Intelligence whose final military post was Commander in Chief of the U.S. Pacific Command, assured a large gathering of U.S. arms-control experts that “the chances of a nuclear exchange between the United States and China are somewhere between nil and zero.” J. Stapleton Roy, a former U.S. ambassador to the PRC, wholeheartedly agreed (Swaine, Blair, and Roy 2015). Similarly, PRC military strategists and arms control experts believe that the risk of nuclear war with the United States is not an urgent concern even if that risk may not be zero (Cunningham and Fravel 2015).

This lack of urgency is troubling. For example, the United States reportedly told the PRC it would risk military escalation to prevent or stop a proposed PRC island reclamation project in the Scarborough Shoal (Cooper and Douglas 2016). The PRC reportedly responded by committing to move ahead with the project later in 2016 (Chan 2016). This particular contest of wills is part of a steadily increasing number of unresolved diplomatic spats that have escalated to the level of overt military posturing reminiscent of U.S.-Soviet jousting during the Cold War.

The United States and the PRC are decades-old enemies, preparing for war and armed with nuclear weapons. Good faith efforts by the leaders of both nations have failed to stop accelerating preparations for war, including new investments in their nuclear forces. Miscommunication, misunderstanding, or poor judgment could spark a conflict that both governments may find difficult to stop.

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#### CP: Member nations of the World Trade Organization should reduce intellectual property protections for medicines except Remdesivir.

#### Remdesivir patents are key to profits that enable continued production and future innovation

Mossoff 20 [(Adam, Professor of Law at Antonin Scalia Law School, George Mason University, teaches a wide range of courses at the law school, including property, patent law, trade secrets, trademark law, remedies, and internet law, Visiting Intellectual Property Fellow at the Heritage Foundation, JD from the University of Chicago Law School) “US Should Not Confiscate Gilead's Remdesivir Patent,” Law360, 8/21/2020] JL

These politicians allege that since the U.S. helped pay for some of remdesivir's clinical trials, the federal government can use its march-in power in a 1980 law to appropriate Gilead's patent and license it to generic manufacturers to lower the price and increase availability of the drug.  
  
At first glance, their argument may seem appealing. Unfortunately, the state AGs' letter is another example of populist rhetoric contrary to both law and reason. The state AGs clearly don't understand the law in question — or the drug development process. If they succeed, this would sanction government theft of patents that will chill innovation and harm patients.  
  
First, consider how their proposal rests on a foundation of sand.  
  
The 1980 law they cite, the Bayh-Dole Act, was not enacted for the purpose of government confiscation of patents. Congress enacted this law to facilitate universities and other research institutions to obtain patents and then license their innovations in the marketplace. Before 1980, no one knew who owned inventions if one cent of federal funding was used in the basic research that led to the patent. As a result, life-saving innovations sat on the shelf in the university lab.  
  
Bayh-Dole changed this. As former Sen. Bob Dole, R-Kan., recently observed, his legislation spurred the licensing of new innovations, promoted thousands of startups, and led to massive economic growth. It contributed to the explosion in new drugs over the past 40 years that have turned what were once death sentences into manageable conditions — from cancer to diabetes to hepatitis.  
  
Bayh-Dole does authorize a march-in power for the federal government to take patents and license them under very limited conditions. Contrary to the state AGs' claim, this is not an authorization for the federal government to confiscate patents merely to lower a price by expanding production. The National Institutes of Health has repeatedly stated that "the extraordinary remedy of march-in is not an appropriate means of controlling prices."  
  
Since 1980, bipartisan administrations have consistently rejected lobbying efforts to use the march-in power for the purpose of lowering prices of drugs. They did so for one simple reason: Bayh-Dole does not authorize it.  
  
But there's a more basic legal problem with the state AGs' letter: Bayh-Dole doesn't even apply to remdesivir. The company readily acknowledges working with universities and the U.S. military in testing the drug, but it was invented by and patented by Gilead researchers. The chief patent counsel for the U.S. Army Medical Research Institute of Infectious Diseases, or USAMRIID, which assisted Gilead in some of the later-stage testing, recently stated that its contributions did "not qualify USAMRIID as a joint inventor of the compound."  
  
Remdesivir is an example of the miracle drugs created by the modern biopharmaceutical sector. Researchers at Gilead labored for more than a decade and ultimately the company will spend more than a billion dollars in R&D expenditures on the drug. This is typical of the average time and R&D expenditures that lead to all life-enhancing drugs today.  
  
The federal government's total funding of remdesivir's testing, and the additional funding provided in response to the COVID-19 pandemic, ranged from $30 million to $70 million. These federal monies are a minuscule fraction — approximately 3% to 7% — of the total $1 billion plus in private investments ultimately made by Gilead in this life-saving medicine. For this, the state AGs would have the federal government confiscate Gilead's entire patent.  
  
This is not what Bayh-Dole was intended to do, as Dole has made clear. It was not enacted to justify confiscation of the patents that this law made possible in the first place. It was especially not enacted to justify confiscation simply to lower prices given massive disparities in federal funding versus private funding of the R&D in a life-saving drug.  
  
The politicians and activists lobbying since February for the government to invoke its march-in power for any COVID-19 drugs do a disservice to innovators and to the American patients who benefit from the fruits of their inventive labors.  
  
If the government can twist the Bayh-Dole law and arbitrarily decide when to confiscate patents, companies like Gilead will no longer risk billions of dollars and decades of research in creating miracle drugs like remdesivir. We will never see cures for diseases like Alzheimer's and ultimately for pandemics like COVID-19.

#### Remdesivir substantially reduces COVID mortality – turns case

Antrim 7/27 [(Aislinn, assistant editor at Pharmacy Times, BA in journalism from the University of North Carolina) “Remdesivir Associated With Reduction in Mortality Rate in Hospitalized Patients with COVID-19,” Pharmacy Times, 7/27/2021] JL

Three analyses of large, retrospective, real-world data sets have found that remdesivir was associated with a reduction in mortality rates in patients hospitalized with COVID-19, according to a Gilead press release. Remdesivir is indicated for hospitalized adults and pediatric patients 12 years of age and older and weighing at least 40 kg for the treatment of COVID-19.

The 3 data analyses include 98,654 patients who were hospitalized with COVID-19. Two of the studies observed treatment trends and outcomes in the United States using the HealthVerity and Premier Healthcare databases, whereas the third analysis compared clinical outcomes in patients receiving a 10-day treatment course of remdesivir in the extension phase of the SIMPLE-Severe study.

“Clinical trials help us understand the efficacy and safety profile of a treatment, but their size can limit our ability to assess all potential aspects of a treatment’s effect due to low event rates in the trials,” said Robert L. Gottlieb, MD, PhD, a cardiologist at the Baylor University Medical Center, in a press release. “Large real-world datasets with greater sample sizes and robust methodologies can be helpful to assess treatment effects in both the overall patient population and in clinically relevant subsets of patients.”

This reduction in mortality was observed across a spectrum of baseline oxygen requirements, and the results were consistent at different timeframes over the course of the pandemic and across geographies, according to the researchers. Two of the studies also found that patients who received remdesivir had a significantly increased chance of discharge from the hospital by day 28.

The analysis of data from HealthVerity matched 24,856 patients treated with remdesivir 1:1 with matched controls between May 1, 2020, and May 3, 2021. Researchers found that in the overall population, patients receiving remdesivir had a statistically significant 23% lower mortality risk compared with patients in the control arm, regardless of baseline oxygen requirement.

Investigators also observed a significantly greater likelihood of discharge by day 28 in patients who completed a full 5-day course of remdesivir compared with patients in the control arm. This result was most pronounced in patients with lower oxygen requirements at baseline.

Similarly, an analysis of data from the Premier Healthcare Database found that patients treated with remdesivir had a significantly lower risk of mortality at days 14 and 28 compared with patients who did not receive remdesivir. Patients who received remdesivir and either no oxygen, low-flow oxygen, invasive mechanical ventilation, or extracorporeal membrane oxygenation (ECMO) at baseline had a significantly lower risk of 14-day mortality.

A significant reduction in mortality was also seen at day 28 for these same groups of patients, and patients on high-flow oxygen at baseline who received remdesivir also had significantly lower 14-day mortality. At 28 days, the difference in mortality in patients receiving high-flow oxygen at baseline was not statistically significant.

The SIMPLE-Severe study evaluated hospitalized adult patients with severe COVID-19. Investigators found that in the overall population, treatment with remdesivir was associated with a statistically significant 54% lower mortality risk at 28 days compared to patients who were not treated with remdesivir, regardless of baseline oxygen requirements.

Furthermore, patients who completed a full 10-day course of treatment had a significantly shorter time to discharge within 28 days, compared to patients who did not receive remdesivir. The result for time to discharge was not significant for patients receiving mechanical ventilation or ECMO at baseline.

Finally, in the double-blind, placebo-controlled ACTT-1 clinical trial, investigators noted a trend toward reduced mortality at day 29 among patients who were treated with remdesivir compared with placebo, although this result was not statistically significant.

Researchers also conducted a post-hoc analysis with no adjustment for multiple testing and determined that patients who required low-flow oxygen at baseline and who received remdesivir achieved a statistically significant 70% reduction in mortality at day 29, although this reduction was not statistically significant in the other groups.

### 1NC

#### Text: The member nations of the World Trade Organization ought to mandate compulsory licensing for [the aff’s medicine].

#### Compulsory licensing is distinct from the aff and solves.

Chopskie 21 – Partner at Squire Batton Boggs

Greg Chopskie, “When Compulsory Licenses Apparently Just Won’t Do: The US Backs Waiver of Rights to IP Relating to COVID-19,” Global IP & Technology Law Blog, May 2021, https://www.iptechblog.com/2021/05/when-compulsory-licenses-apparently-just-wont-do-the-us-backs-waiver-of-rights-to-ip-relating-to-covid-19/

The Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) set the minimum standards for intellectual property protection in the world today. Relevant here, TRIPS permits WTO Member states to engage in compulsory licensing as part of the agreement’s overall attempt to strike a balance between promoting access to existing drugs and promoting intellectual property incentives.

The term “compulsory licensing” does not appear in TRIPS. Rather, Article 31 of TRIPS permits a Member State to “allow[] for other use of the subject matter of a patent without the authorization of the right holder” as long as “the following provisions [are] respected.”

Two provisions are particularly relevant here.

Article 31(b) generally requires that “such use may only be permitted if, prior to such use, the proposed user has made efforts to obtain authorization from the right holder.” That requirement, however, “may be waived by a Member in the case of a national emergency or other circumstances of extreme urgency or in cases of public non-commercial use.”

Second, Article 31(h) requires that, regardless, “the right holder shall be paid adequate remuneration in the circumstances of each case, taking into account the economic value of the authorization.”

TRIPS does not, however, purport to establish a “one size fits all” approach to intellectual property, a fact made clear by the 2001 Doha Declaration. In that Declaration, the WTO stated:

“Each member has the right to grant compulsory licences and the freedom to determine the grounds upon which such licences are granted.”

“Each member has the right to determine what constitutes a national emergency or other circumstances of extreme urgency, it being understood that public health crises, including those relating to HIV/AIDS, tuberculosis, malaria and other epidemics, can represent a national emergency or other circumstances of extreme urgency.”

Nonetheless, in October 2020, South Africa and India pushed the WTO for more, demanding that the Council essentially impose a ban on COVID-19 patents. Despite widespread support, that request has stalled. Likely not for much longer. The issue of a waiver—despite the compulsory license provisions of TRIPS—will certainly be the center of discussion at the June 8-9 meeting of the TRIPS Council. With the US backing and support of an India/South Africa-style “waiver” of TRIPS provisions relating to COVID-19, it may just pass.

#### Doesn’t link to the net benefit---compulsory licensing maintaining intellectual property protections.

Bacchus 20 – Member of the Herbert A. Stiefel Center for Trade Policy Studies, the Distinguished University Professor of Global Affairs and director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida

James Bacchus, “An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines,” Free Trade Bulletin, No. 78, CATO Institute, December 2020, <https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines#balancing-ip-rights-access-medicines-not-new-wto>

Compulsory licensing of medicines is not popular with private drug manufacturers because it is a derogation from the customary workings of market-​based capitalism. However, as these actions by WTO members in 2001, 2003, and 2017 illustrate, compulsory licensing is not a derogation from the balance struck by the members of the WTO between protecting IP rights and ensuring access to essential medicines. Rather, it is a crucial part of that balance. The balance struck in the WTO treaty includes the option of compulsory licensing during health emergencies.

## Case

### 1

#### Low WTO causes regional trade – yes trade-off

Isfeld 14 Gordon Isfeld 3-17-2014 business.financialpost.com/2014/03/17/with-rise-of-shot-gun-trade-agreements-is-the-wto-even-relevant-anymore/ “With the rise of 'shot-gun' trade agreements, is the WTO even relevant anymore” //Elmer

OTTAWA — It’s getting awfully crowded out there in the free-trading world. The seemingly endless hunt for new global partners is redefining the traditional and hard-fought rules of engagement between nations. So much so, observers say, the old world order — remember the WTO, and GATT before it — has increasingly become a sideshow to the proliferation of bilateral, **trilateral** **and**, often, **multi-lateral** agreements. Even the term “free trade” no longer accurately describes the “new world” of negotiations — one that encompasses far more than what and how products are permitted to slide under domestic tariff radars. For Canada, we can now add South Korea and the European Union — deals long in the making but only weeks in the signing — after a string of minor agreements since the landmark free trade act 25 years ago with the United States, and later to include Mexico. Now, as the growing mass of country-to-country, region-to-region agreements has made apparent, it’s open season on anything that moves between borders — not only products, investments and intellectual property, but also new rules on competition, and the inclusion of labour laws and environmental guidelines. These are just some of the areas of possible disputes that the World Trade Organization “does not deal with,” said Debra Steger, a professor of law at University of Ottawa, specializing in international trade and development. “These are new models. These are not traditional trade agreements, per se.” Ms. Steger, who worked for the federal government on the Uruguay Round of negotiations that led to formation of the WTO, said the framework of recent deals goes “way beyond subjects that NAFTA dealt with.” “Trade, even in the WTO, isn’t only about tariffs. It’s not just about customs and border measures,” she said. “But it’s not about behind-the-border regulatory matters, like environmental regulation and labour standards, competition policy and human rights, corruption, and on and on it goes.” Free trade, between where ever, has become the go-to issue for politicians, business leaders, public-policy makers and private interest groups. Note, this month’s sudden but long-rumoured announcement by the Harper government of a free-trade deal with South Korea, nearly 10 years after talks began and stumbled, and resumed again. Arguably, the deal was finally done as a result of the resolution to Canada’s drawn-out dispute with Seoul over our beef exports — the so-called “mad cow” disease leading to a ban in that county and others. Of course, the United States, the European Union and Australia, among others, already had agreements in hand with South Korea. A few months earlier, Ottawa inked its EU deal — the Comprehensive Economic and Trade Agreement — which was again the outcome of a seemingly endless circle of negotiations that still left Canada trailing similar pacts by the U.S. and others. Even so, these pacts “affect the WTO and WTO negotiations for a number of reasons. That’s a major problem,” said Ms. Steger. “The major developed countries have gone off and started these efforts to negotiate these big FTAs [free trade agreements] as a response to the declining situation in the Doha Round. The WTO — reborn in 1995 out of the General Agreement and Tariffs and Trade, the original body created in 1948 — has been struggling to maintain its relevance as the global arbiter of trade agreements and dispute resolution. The cachet of the 159-member body, however, has been diminished in recent years as countries moved to seal their own free-trade deals with major partners in the absence, some would argue, of any significant movement by the WTO on its own 2001 trade liberalization initiative, launched in Doha, Qatar. Late last year, members managed to agree to only limited movement on trade under the Doha Round of talks. Even now, details remain to be worked out. “One of the reasons why we’re seeing this sort of shot-gun approach [to trade agreements outside of the WTO] is because a number of countries are concerned that the big global deals are probably next to impossible at this stage, given how the Doha Round went and what we ended up with there, which was next to nothing,” said Douglas Porter, chief economist at BMO Capital Markets in Toronto. “They did manage to reach a tiny deal when all was said and done, but it was very modest in terms of its scope.” The move toward bilateral or multi-lateral agreements “is a symptom of the problems that we were running into at the WTO,” Mr. Porter said. “Important players are probably quietly questioning the future for the WTO…. Is it that death knell for the WTO? I don’t think so. [But] it just means we might not be able to accomplish grand, global deals in the future.” However, “there’s really no other way to approach trade disputes with, say, a country like China, then through that body at this point.” “Even 10 years ago, I think it was more straightforward to come to global trade rules. You had two major players, Europe and the U.S., and a few next tier players, including Japan,” Mr. Porter said. “Now, though, you have all kinds of important big players that have a huge chunk of global trade, and have very different goals and aims, and it might be the nature of the global economy now — the reality that we have many different groups in many different regions. “It might be impossible to square that circle.” Over the course of 25 years, Canada has piled on more than a dozen free trade agreements. The first — taking effect on Jan. 1, 1989 — was with the United States. A heated political issue in the 1988 federal election, which Brian Mulroney’s Conservatives won, the FTA was expanded in 1994 to include Mexico and rebranded as NAFTA. Other free trade deals, though much smaller, were signed in subsequent years, some yet to take effect: Israel, Jordan and Chile, followed later by Costa Rica, Peru, Panama, Honduras and Colombia, leading up to the pacts with EU and South Korea. Negotiations are ongoing for at least another dozen agreements. For countries such as Colombia, which has had an agreement in effect with Canada since 2011, the goal is “to insert our economy into the world economy,” said Alvaro Concha, trade commissioner of Proexport Colombia, based in Toronto. “At the beginning of this decade, we had only our preferential access to over 500 million consumers,” Mr. Concha said. “With all the potential FTAs we’ve been signing with potential markets and with potential partners, we believe that not just the potential buyers of our products, but also the potential investors in our country, we have opened our preferential access to over 1.5 billion consumers.” Likely to push the WTO further into the shadows of global trade will be the Trans Pacific Partnership. “In many ways, the Trans Pacific Partnership will be, if it is successful, an updating of the NAFTA, because the U.S. and Mexico are involved, as well as some [trading] partners we already have within Latin America, like Peru,” said Ms. Steger, at the University of Ottawa. “But [there are] also some key countries in Asia that we don’t have agreements with yet. And some other developed countries in that regional, New Zealand and Australia, that we don’t have agreements with,” she adds. “So that [TPP] agreement is very, very important. It’s also the first major plur-lateral agreement that the world has seen.”

#### Regionalism promotes trade and stops war – avoids their impact because our regionalism is different than protectionist blocs.

Brkić 13, Snježana, and Adnan Efendic. "Regional Trading Arrangements–Stumbling Blocks or Building Blocks in the Process of Global Trade Liberalization?." 5th International Conference «Economic Integration, competition and cooperation», Croatia, Opatija. 2013. papers.ssrn.com/sol3/papers.cfm?abstract\_id=2239275 (Economics Prof at U of Sarajevo) //Elmer

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.

#### That outweighs—multilateral trade causes wars with a larger impact

Thoma 7 Mark Thoma July 2007 “Trade Liberalization and War” <http://economistsview.typepad.com/economistsview/2007/07/trade-liberaliz.html> (Economics Professor at the University of Oregon)//Elmer

Globalisation is by construction an increase in both bilateral and multilateral trade flows. What then was the net effect of increased trade since 1970? We find that it **generated an increase in the probability of a bilateral conflict by** around **20%** for those **countries separated by less than 1000kms,** the group of countries for **which the risk of disputes that can escalate militarily is the highest.** The effects are much smaller for countries which are more distant. Contrary to what these results (aggravated by our nationality) may suggest, we are not anti-globalisation activists even though we are aware that some implications of our work could be (mis)used in such a way. The result that bilateral trade is pacifying brings several more optimistic implications on globalisation. First, if we think of a world war as a war between two large groups or coalitions of countries, then globalisation makes such a war less likely because it increases the opportunity cost of such a conflict. Obviously, this conclusion cannot be tested but is a logical implication of our results. From this point of view, our work suggests that globalisation may be at the origin of a change in the nature of conflicts, less global and more local. Second, our results do confirm that increased trade flows **created by regional trade agreements** (such as the EU) are indeed **pacifying** as intended. Given that most military conflicts are local, because they find their origins in border or ethnic disputes, **this is not a small achievement**. These beneficial political aspects of regional trade agreements are not usually considered by economists who often focus on the economic distortions brought by their discriminatory nature. Given the huge human and economic costs of wars, this political effect of regional trade agreements should not be discounted. This opens interesting questions on how far these regional trade agreements should extend – a topical issue in the case of the EU. The entry of Turkey in the EU would indeed pacify its relations with EU countries (especially Greece and Cyprus), but also increase the probability of a conflict between Turkey and its non-EU neighbours. However, our simulations suggest that in this case, the first effect dominates the second by a large margin. More generally, our results should be interpreted as a word of caution on some political aspects of globalisation. As it proceeds and weakens the economic ties of proximate countries, those with the highest risk of disputes that can escalate into military conflicts, local conflicts may become more prevalent. Even if they may not appear optimal on purely economic grounds, regional and bilateral trade agreements, by strengthening local economic ties, may therefore **be a necessary political counterbalance to economic globalisation**.

#### The WTO is structurally incapable of doing anything.

Blange-Gubbay & Ossa 21 – Senior Research Fellow at the Kühne Center for Sustainable Globalization at the University of Zurich; Director of the Kühne Center for Sustainable Globalization at the University of Zurich, Kühne Foundation Professor of International Trade The WTO's major challenges

Michael Blange-Gubbay, Ralph Ossa, “A New Hope for the WTO? Past achievements, current challenges, and planned reforms,” University of Zurich, Kühne Center, IMPACT SERIES: 02–21, 2021, https://www.kuehnecenter.uzh.ch/impact\_series/2021\_03\_17-02-21-a\_new\_hope\_for\_the\_wto.html

While the WTO deserves credit for these achievements, they still fall far short of its initial goals. One challenge is that WTO members are bitterly divided over essentially all deep integration issues so that it has proven impossible to make any progress on that front. An example of this divide is the never-ending conflict between rich and poor countries about stronger intellectual property rights protection, which rich countries support and poor countries oppose. Another challenge is that the WTO has been unable to keep up with some important new trade policy issues such as e-commerce or data governance.

There are two closely related symptoms of this impasse: First, the WTO has been unable to make any significant progress through multilateral trade negotiations, a hallmark of the world trading system under the GATT. What stands out is the failure of the Doha Development Round, which started in 2001 and ended 7 years later without reaching any agreement, and with reciprocal accusations from the largest economies in the world (US, EU, India and China) for its failure. In 2013, the WTO reached the first, and only, multilateral agreement approved by all its members since its creation — the Bali Package — approving only a very small portion of the Doha Development Agenda.

Second, most trade negotiations now occur in the context of regional trade agreements (RTAs), which have proliferated since the creation of the WTO. While RTAs as such are often worthwhile initiatives, their proliferation is a clear testament to the waning importance of the WTO as the main forum for international trade policy cooperation. Since the establishment of the WTO, RTAs have risen in number, reaching 338 agreements notified as of December 2020. All 164 WTO Members are party to at least one RTA.

#### A number of crises ensure credibility is irrecoverable.

Blange-Gubbay & Ossa 21 – Senior Research Fellow at the Kühne Center for Sustainable Globalization at the University of Zurich; Director of the Kühne Center for Sustainable Globalization at the University of Zurich, Kühne Foundation Professor of International Trade The WTO's major challenges

Michael Blange-Gubbay, Ralph Ossa, “A New Hope for the WTO? Past achievements, current challenges, and planned reforms,” University of Zurich, Kühne Center, IMPACT SERIES: 02–21, 2021, https://www.kuehnecenter.uzh.ch/impact\_series/2021\_03\_17-02-21-a\_new\_hope\_for\_the\_wto.html

Ill-timed crises

On top of these major challenges, the WTO has faced multiple additional crises over the course of the last few years. What comes to mind immediately are the breakdown of trade policy cooperation during the China-US trade war and the COVID-19 pandemic, which severely damaged the credibility of the WTO as a guarantor of stable trade relations. We have extensively discussed the trade-implications of the Covid-19 pandemic in our previous two Kühne Impact Series and will therefore not further belabor this point here.2

Another crisis pertains to the WTO's Dispute Settlement Mechanism (DSM), and more precisely to its Appellate Body (AB). The DSM was often referred to as the "crown jewel" of the organization. Over the past two decades, it has been remarkably active: since its inception, 600 disputes have been initiated by WTO members. And the high rate of compliance with the decisions testified to the system's success. With time, while the dynamics of trade relationships evolved and deepened significantly, the rules and procedures of the system have not followed these developments, due to the inactivity on the legislative front. This effectively forced the DSM and the AB to make law by their rulings. As a consequence, the dispute settlement mechanism entered a deep crisis of legitimacy due to its judicial overreach. The system collapsed in December of 2019, when the United States refused to appoint new members to the AB.

#### Cred low for years -

### 2

#### The aff fails, undermines effective response, stifles innovation, and forces the U.S. to pay compensation to pharma companies.

Kowalski et al. 21 – Registered U.S. Patent Attorney, Duane Morris LLP

Thomas J. Kowalski, Deborah L. Lu, Heidi Lunasin, Brandon A. Chan, “Considerations and Implications of the Proposed Temporary Waiver of COVID-19 Vaccine-Related Intellectual Property Rights,” Lexology, May 2021, https://www.lexology.com/library/detail.aspx?g=103174a5-5d3e-45cb-9812-f07263cc8e89

On the other side, in a May 5, 2021, press release, the Pharmaceutical Research and Manufacturers of America (PhRMA) expressed opposition to this proposal, indicating that the waiver of patent protections:

[W]ill undermine our global response to the pandemic and compromise safety… and sow confusion between public and private partners, further weaken already strained supply chains and foster the proliferation of counterfeit vaccines… and does nothing to address the real challenges to getting more shots in arms, including last-mile distribution and limited availability of raw materials… the real challenges… this empty promise ignores.

Other questions remain, including whether the waiver of patent protections related to the development of COVID-19 vaccines will indeed lead to faster production of vaccine doses, especially if there is a lack of infrastructure in developing nations to produce the vaccine, and if will it actually harm and stifle future innovation because valuable vaccine information may be shared with international rivals and competitors without patent protection.

A perspective as to the United States is that a waiver of patent rights may present a number of issues. Absent an act of Congress, for instance, that claims of infringement of patent rights related to the development of COVID-19 vaccines do not fall under the provisions of 35 U.S.C. § 271, or that such claims fall under 35 U.S.C. § 287(c), which exempts medical practitioners from infringement liability of medical process patents, any administrative action that waives patent protection as to a U.S. patent is tantamount to a taking under the Takings Clause of the Fifth Amendment of the Constitution. The federal government would be taking the private rights held by the patentees for public use in distributing the COVID-19 vaccine knowledge to other nations to develop their own vaccine supply. In this situation, the patentees may have recourse to obtain just compensation for the federal government’s use of the property, namely the patent rights. Another related question is is an administrative action that allows for the waiver of patent rights outside the United States would also be considered a taking under the Takings Clause.

It is a wait-and-see situation as to whether a temporary waiver of COVID-19 vaccine-related IPR will be implemented, as well as the conditions of such a waiver, including whether there will be any compensation to patent holders as a result of the waiver (or whether patent holders will be arguing in litigation in various jurisdictions that property rights were taken through such a waiver). Moreover, the implications of the waiver may reach further beyond the current pandemic and impact patent owners and patents beyond those involving COVID-19 vaccines. Thus, we are continuing to follow developments as to COVID-19 vaccine-related IPR and will offer analysis in additional Alerts.

#### Waivers fail to disseminate know-how and opening up IP to the whole world is bad for long-term innovation.

Bergmann 21 – Partner at BakerHostetler, previously worked as a trial and appellate attorney for 12 years at the U.S. Department of Justice

William C. Bergmann, “COVID IP Waiver Doesn't Resolve Vaccine Production Barriers,” Law360, May 2021, https://www.law360.com/articles/1383618

Notably absent from the WTO petition, and Tai's announcement, are any details or proposed pathways with respect to how patent rights and know-how currently held by private pharmaceutical companies would be globally shared and why these companies would have any incentive to do so. Indeed, there are many hurdles that would need to be overcome to implement such as plan, including the agreement of all WTO members.

Those opposing the waiver, and there are many, argue that IP has not been a barrier, but a facilitator of critical, cutting-edge innovation to address the pandemic.[3] For example, Sen. Chris Coon, D-Del., remarked at Center for Strategic and International Studies conference in April:

If we were to simply open up to the world all of the IP at the core of these groundbreaking developments, I think we would then be at risk of losing the private sector investment in development that's critical to this moment of personalized medicine, of breakthrough vaccines and breakthrough medical diagnostics, and I think frankly the world would suffer as a result.[4]

Pharmaceutical companies point out that the reason they have been able to create vaccines so quickly is because they already had proprietary platforms that have been developed over more than a decade, at the cost of hundreds of millions of dollars of private investment.[5] The biggest hurdle to getting vaccines administered widely around the world is not IP protections, but limited infrastructure and supply chain bottlenecks.[6]

Although India is sometimes perceived as a relatively poor country, it has a well-developed generic pharmaceutical industry. The prospect of giving such a country technology that has been developed at private expense over several years raises many issues.

Although the waiver is supposed to be only for the duration of the COVID-19 pandemic, once the genie is out of the bottle there may be no way to put the genie back in.

There may be no practical way to prevent companies receiving such technology from using it to compete in the future against those companies that developed the vaccines with their own funding, particularly with respect to the knowledge of the underlying platforms that will be gained and that will have a much wider application than COVID-19 vaccines. [7]

### India

#### Limited manufacturing and poor distribution infrastructure outweigh---their evidence.

Khullar 21. [(Dhruv Khullar is a contributing writer at The New Yorker, where he writes primarily about medicine, health care, and politics. He is also a practicing physician and an assistant professor at Weill Cornell Medical College) “India’s Crisis Marks a New Phase in the Pandemic,” The New Yorker, May 13, 2021. [https://www.newyorker.com/science/medical-dispatch/indias-crisis-marks-a-new-phase-in-the-pandemic](about:blank)] TDI

Jha told me that he **worries less about I.P.** and incentives than about the **practical obstacles to vaccine production.** The primary barriers to vaccine availability, he said, are not rigid intellectual-property protections but **limited manufacturing capacity and poor distribution infrastructure.** Only a **small number of companies** have the expertise needed to manufacture covid-19 vaccines, especially ones that use new mRNA technology, and **scaling up takes time.** “The world wasn’t ready to produce five or ten billion doses of covid vaccines,” Jha said. “We don’t just have all this excess capacity sitting around. You need raw materials, production capabilities, liner bags, a whole bunch of complex machinery and supplies.” Absent “a broader package of funding, supplies, manufacturing, and people with technical know-how,” Jha said, **waiving I.P. rights wouldn’t help India escape the crisis that it faces today.**

#### Deterrence solves Indo-Pak war.

Ganguly 19 [(Sumit, Rabindranath Tagore Chair in Indian Cultures and Civilizations at Indiana University, has been a Fellow at the Woodrow Wilson International Center for Scholars in Washington, DC, a Visiting Fellow at the Center for International Security and Cooperation and at the Center on Democracy, Development and the Rule of Law at Stanford University) “Why the India-Pakistan Crisis Isn’t Likely to Turn Nuclear,” Foreign Affairs, 3/5/2019] TDI

No one can say for sure, but history suggests that there is cause for optimism. During the Kargil War, India worked to contain the fighting to the regions around Pakistan’s original incursions and the war concluded with no real threat of nuclear escalation.

Less than two years later, the two countries plunged into crisis once again. In December 2001, five terrorists from the Pakistan-based groups Lashkar-e-Tabia and Jaish-e-Mohammed attacked the parliament building in New Delhi with AK-47s, grenades, and homemade bombs, killing eight security guards and a gardener. In response, India launched a mass military mobilization designed to induce Pakistan to crack down on terrorist groups. As Indian troops deployed to the border, terrorists from Pakistan struck again. In May 2002, three men killed 34 people in the residential area of an Indian army camp in Kaluchak, in Jammu and Kashmir. Tensions spiked. India seemed poised to unleash a military assault on Pakistan. Several embassies in New Delhi and Islamabad withdrew their nonessential personnel and issued travel advisories. The standoff lasted for several months, but dissipated when it became apparent that India lacked viable military options and that the long mobilization was taking a toll on the Indian military’s men and materiel. The United States also helped ease tensions by urging both sides to start talking. India claimed victory, but it was a Pyrrhic one, as Pakistan failed to sever its ties with a range of terrorist organizations.

Other nuclear states have also clashed without resorting to nuclear weapons. In 1969, China, then an incipient nuclear weapons state, and the Soviet Union, a full-fledged nuclear power, came to blows over islands in the Ussuri River, which runs along the border between the two countries. Several hundred Chinese and Soviet soldiers died in the confrontation. Making matters worse, Chinese leader Mao Zedong had a tendency to run risks and dismissed the significance of nuclear weapons, reportedly telling Indian Prime Minister Jawaharlal Nehru that even if half of mankind died in a nuclear war, the other half would survive and imperialism would have been razed to the ground. Yet despite Mao’s views, the crisis ended without going nuclear, thanks in part to the efforts of Soviet Prime Minister Alexei Kosygin, who took the first step by travelling to Beijing for talks.

There’s reason to believe that the current situation is similar. Pakistan’s overweening military establishment undoubtedly harbors an extreme view of India and determines Pakistan’s policy toward its neighbor. The military, however, is not irrational. In India, although Prime Minister Narendra Modi has a jingoistic disposition, he, too, understands the risks of escalation, and he has a firm grip on the Indian military.

Another source of optimism comes from what political scientists call the “nuclear revolution,” the idea that the invention of nuclear weapons fundamentally changed the nature of war. Many strategists argue that nuclear weapons’ destructive power is so great that states understand the awful consequences that would result from using them—and avoid doing so at all costs. Indian and Pakistani strategists are no different from their counterparts elsewhere. Even Pakistani Prime Minister Imran Khan, a political neophyte, underscored the dangers of nuclear weapons in his speech addressing the crisis last week. And Modi, for all his chauvinism, has scrupulously avoided referring to India’s nuclear capabilities.

The decision by India and Pakistan to allow their jets to cross the border represents a major break with the past. Yet so far both countries have taken only limited action. Their principal aim, it appears, is what the political scientist Murray Edelman once referred to as “dramaturgy”—theatrical gestures designed to please domestic audiences. Now that both sides have gone through the motions, neither is likely to escalate any further. Peering into the nuclear abyss concentrates the mind remarkably.

### AT: Underview

#### Reject 1AR theory- A] 7-6 time skew means it’s endlessly aff biased B] I don’t have a 3nr which allows for endless extrapolation C] 1AR theory is skewed to the aff because they have a 2ar judge psychology warrant.

#### Reasonability on 1AR shells –it checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention