## 1.

#### Climate Patents and Innovation high now and solving Warming but COVID waiver sets a dangerous precedent for appropriations - the mere threat is sufficient is enough to kill investment.

Brand 5-26, Melissa. “Trips Ip Waiver Could Establish Dangerous Precedent for Climate Change and Other Biotech Sectors.” IPWatchdog.com | Patents & Patent Law, 26 May 2021, www.ipwatchdog.com/2021/05/26/trips-ip-waiver-establish-dangerous-precedent-climate-change-biotech-sectors/id=133964/. //sid

The biotech industry is making remarkable advancestowards 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](https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/)), 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](https://www.ipwatchdog.com/2021/05/05/tai-says-united-states-will-back-india-southafrica-proposal-waive-ip-rights-trips/id=133224/) 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. 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 compensationand 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 proprietaryknow-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 internationalcollaborations. 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](https://www.bio.org/sites/default/files/2021-04/Climate%20Report_FINAL.pdf). 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 investat the current and required levels**.**

#### Private sector innovation is key to solve climate change – short term politicking and priority shifts means government can’t solve alone.

Henry 17, Simon. “Climate Change Cannot Be Solved by Governments Alone. How Can the Private Sector Help?” World Economic Forum, 21 Nov. 2017, www.weforum.org/agenda/2017/11/governments-alone-cannot-halt-climate-change-what-can-private-sector-do/.  Programme Director, International Carbon Reduction & Offset Alliance (ICROA) //sid

Climate leadership is also an opportunity for many organizations, and this was the most popular reason for purchasing carbon credits in Ecosystem Marketplace’s [2016 survey of buyers](http://www.forest-trends.org/documents/files/doc_5677.pdf%5Bforest-trends.org%5D). Companies are looking to differentiate from their competitors, and build their brand, by taking a leadership role on climate. Offsetting plays an integral role in delivering this climate leadership status, alongside direct emissions reductions. The survey indicated that companies that included offsetting in their carbon management strategy typically spend about 10 times more on emissions reductions activities than the typical company that doesn’t offset.

Beyond these direct commercial reasons for companies to take voluntary action, there are many broader, societal motivations at play. Climate change is a global, multidecade challenge that needs solutions and input from all stakeholders. It transcends the short-term nature of politics, which will inevitably experience changes in priorities, personnel and knowledge. Because of this, climate change cannot be solved by governments alone. Instead, it needs significant and long-term investment from the private sector. Companies that take a longer-term outlook recognise this and want to contribute to the solution to help secure the viability of their businesses.

#### [Turns War] Warming causes War

Klare 15 Michael Klare 11-5-2015 “The water wars are coming: Civilization will never survive climate calamity” <https://www.salon.com/2015/11/05/the_water_wars_are_coming_civilization_will_never_survive_climate_calamity/> (professor of peace and world security studies at Hampshire College and defense correspondent for The Nation)//Elmer

**A failure to cap carbon emissions guarantees** another result as well, though one far less discussed. It will, in the long run, bring on **not just climate shocks**, but also worldwide instability, insurrection, and warfare. In this sense, COP-21 should be considered not just a climate summit but a peace conference — perhaps the most significant peace convocation in history. To grasp why, consider the latest scientific findings on the likely impacts of global warming, especially the 2014 report of the Intergovernmental Panel on Climate Change (IPCC). When first published, that report attracted worldwide media coverage for predicting that unchecked climate change will result in **severe droughts, intense storms, oppressive heat waves, recurring crop failures, and coastal flooding, all leading to widespread death and deprivation**. Recent events, including a punishing drought in California and crippling heat waves in Europe and Asia, have focused more attention on just such impacts. The IPCC report, however, suggested that global warming would have devastating impacts of a **social and political nature as well**, **including economic decline, state collapse, civil strife, mass migrations, and** sooner or laterresource wars.

### Underview

#### Reject 1AR theory – 7-6 rebuttal time skew means I’m inevitably behind. 2AR collapse means they get 3 minutes of uncontested offense that we can’t respond to – o/w it’s a question of when the theory debate starts

#### Drop the argument on 1ar theory – There’s a 7-6 time skew after the 1NC – means the 2NR has to frontline the 2AR, respond to the 1AR, and extend offense in order to win which is impossible if you read theory in the 1ar.

#### Give us new 2nr responses to blippy 1AC tricks – blipstorms bad logic is bidirecational

lbl

Yes 2nr I meets – or we auto-lose to a shell we don’t violate

Yes 2nr theory – key to check about abusive 1ars like severance perms

Yes 2nr paradigm issues – key to contextual evaluation of 1ar interps

Presumption negates – the aff has a burden to prove that passing the plan is desierable to the squo, or the aff would just win by saying nothing

Permissibility negates – the aff has to prove a moral obligation

Reject permissibility and presumption triggers – encourages cheapshots in favor of substantive engagement.

## Covid ADV

#### Top-Level:

#### 1] A vaccine waiver greenlights counterfeit medicine – independently turns Case by increasing vaccine hesitancy.

Conrad 5-18 John Conrad 5-18-2021 "Waiving intellectual property rights is not in the best interests of patients" <https://archive.is/vsNXv#selection-5353.0-5364.0> (president and CEO of the Illinois Biotechnology Innovation Organization in Chicago.)//Elmer

The Biden's administration's support for India and South Africa's proposal before the World Trade Organization to temporarily waive anti-COVID vaccine patents to boost its supply will fuel the **development of counterfeit vaccines and weaken the already strained global supply chain**. The proposal will not increase the effective number of COVID-19 vaccines in India and other countries. The manufacturing standards to produce COVID-19 vaccines are **exceptionally complicated**; it is unlike any other manufacturing process. To ensure patient safety and efficacy, only manufacturers with the **proper facilities and training should produce the vaccine, and they are**. Allowing a temporary waiver that permits compulsory licensing to allow a manufacturer to export counterfeit vaccines will **cause confusion and endanger public health**. For example, between 60,000 and 80,000 children in Niger with fatal falciparum malaria were treated with a counterfeit vaccine containing incorrect active pharmaceutical ingredients, resulting in more than **100 fatal infections.** Beyond the patients impacted, counterfeit drugs erode public confidence in health care systems and the pharmaceutical industry. Vaccine hesitancy is a rampant threat that feeds off of the distribution of misinformation. Allowing the production of vaccines from improper manufacturing facilities further opens the door for antivaccine hacks to stoke the fear fueling **vaccine hesitance**.

#### 2] Lack of key supplies

Tepper 21 James Tepper, 4/10 [James Tepper, (James M. Tepper is an American neuroscientist currently a Board of Governors Professor of Molecular and Behavioral Neuroscience and Distinguished Professor at Rutgers University and an Elected Fellow of the American Association for the Advancement of Science.)]. "Global Covid vaccine rollout threatened by shortage of vital components." Guardian, 4-1-2021, Accessed 8-8-2021. https://www.theguardian.com/world/2021/apr/10/global-covid-vaccine-rollout-threatened-by-shortage-of-vital-components // duongie

Vaccine-makers around the world face shortages of vital components including large plastic growbags, according to the head of the firm that is manufacturing a quarter of the UK’s jab supply. Stan Erck, the chief executive of Novavax – which makes the second vaccine to be grown and bottled entirely in Britain – told the Observer that the shortage of 2,000-litre bags in which the vaccine cells were grown was a significant hurdle for global supply. His warning came as bag manufacturers revealed that some pharmaceutical firms were waiting up to 12 months for the sterile single-use disposable plastic containers, which are used to make medicines of all kinds, including the Pfizer, Moderna and Novavax Covid-19 vaccines. But Erck and his British partners said they were confident they had enough suppliers to avoid disruption to the supply of Novavax. The vaccine is waiting for approval from the Medicines and Healthcare products Regulatory Agency (MHRA) but the first of 60 million doses ordered by the government are already in production in Teesside. The Fujifilm Diosynth Biotechnologies factory began growing the first cells for the Novavax vaccine in Billingham, County Durham this month and in a few weeks they will fill the bioreactor bag, ready to be transported to GlaxoSmithKline’s plant at Barnard Castle to be put into vials for distribution. “The first hurdle is showing it works and we don’t have that hurdle any more,” Erck said. But he added there were others still to overcome. “There’s the media that the cells have to grow in,” Erck said. “You grow them in these 2,000-litre bags, which are in short supply. Then you pour it out and you have to filter it, and the filters are in short supply. The little things count.” Novavax almost ran out of bags at one of its 20 factories earlier this year, but there had been no delays for the UK operation, according to Martin Meeson, global chief executive of Fujifilm Diosynth. “We started working on our part of the supply chain in summer last year,” he said. “We had to accelerate some of the investment here, but the commitment we made last summer to start manufacturing in February has been fulfilled.” Production of coronavirus vaccines is being ramped up. Production of coronavirus vaccines is being ramped up. Photograph: Christophe Archambault/AP Both Meeson and Erck said the UK’s vaccine taskforce had been helpful in sorting out supply issues so far, but other countries and other medical supplies might be affected. ABEC makes bioreactor bags at two plants in the US and two in Fermoy and Kells in Ireland, and delivered six 4,000-litre bags to the Serum Institute in India last year for its Covid vaccines. Brady Cole, vice-president of equipment solutions at ABEC, said: “We are hearing from our customer base of lead times that are pushing out to nine, 10, even 12 months to get bioreactor bags. We typically run out at 16 weeks to get a custom bioreactor bag out to a customer.” He said ABEC was still managing to fulfil orders at roughly that rate. “The bag manufacturing capacity can’t meet demand right now,” he added. “And on the component side, the tubes and the instruments and so forth that also go into the bag assembly – those lead times are also starting to get stretched as well. But the biggest problem we see is it really is just the ability to get bags in a reasonable amount of time.” ABEC expanded its factories last year and has now started making 6,000-litre bags, which are roughly the size of a minibus. Other firms including MilliporeSigma, part of German company Merck, have also been expanding their manufacturing facilities. American firm Thermo Fisher Scientific expects it will finish doubling its capacity this year. The US government has also blocked exports of bags, filters and other components so it can supply more Pfizer vaccines for Americans. Adar Poonawalla, the chief executive of the Serum Institute of India, said the restrictions were likely to cause serious bottlenecks. Novavax is hoping to avoid delays and “vaccine nationalism” by operating on four continents, with 20 facilities in nine countries. “One year ago, we had exactly zero manufacturing capacity,” Erck said. “We’re self-sufficient. The two main things we need to do are done in the UK. And in the EU we have plants in Spain and the Czech Republic and fill-and-finish in Germany and the Netherlands.” There was no need for vaccines to cross borders to fulfil contracts, he said. The Oxford/AstraZeneca vaccine was hit by a delay to a delivery of 5 million doses from India and a problem with a batch made in Britain, and the company has been dragged into a lengthy row between the UK and the EU over vaccine exports.

#### 3] Hurts Innovation

**Value Ingenuity 20** [Value Ingenuity, (The Value Ingenuity project is telling the story of innovation, its roots, its impact, its social and moral imperatives, and the public policy prescriptions that will assure a continued upward trajectory for the generations to follow. Our objective is to advance globally a shared purpose of mutual investment in sustainable innovation.)]. "WTO IP Waiver Would Undermine Covid Innovation." 10-2-2020, Accessed 8-5-2021. https://www.valueingenuity.com/2021/05/18/wto-ip-waiver-would-undermine-covid-innovation/ // duongie

A TRIPS waiver for vaccines would do nothing to help — and could in fact hurt — the effort to produce billions of vaccine doses and get them in arms. Supply of these high-tech products is ramping up quickly, with about 10 billion doses projected to be produced by the end of 2021 — we shouldn’t distract attention away from that all-important goal. IP is not a barrier to vaccine access. It already enabled the creation of three vaccines, in record-breaking time, that have received FDA authorization. IP is also safely facilitating international partnerships (275+ to date) to share technology and information more easily with trusted partners across borders. An IP waiver could lead to untested and unregulated copycats. Some nations are looking to manufacture sophisticated vaccines without permission, exacerbating the shortage of the critical materials (raw materials, tubing, vials etc.) and increasing vaccine hesitancy due to the development of unsafe products and medicines. The proposal jeopardizes U.S. manufacturing & jobs. Allowing other countries to take and commercialize American-made technologies conflicts with President Biden’s goal to build up American infrastructure and create manufacturing jobs. In the U.S. alone, biopharmaceutical companies support 4 million jobs across all 50 states, with many more across innovation ecosystems in labs, finance, and SMEs. Waiving IP undermines America’s leadership in the life sciences. We should not be forfeiting IP to countries looking to undermine America’s global leadership in biomedical technology and innovation. IP protections enabled decades of R&D by biopharmaceutical research companies, allowing them to move quickly and effectively against COVID-19. Business welcomes the Biden Administration’s support for the global vaccine program, COVAX. This type of program can have a significant positive, practical impact on global rollout of vaccines and therapies without disrupting the incredible IP-enabled progress that has been made to date to defeat the pandemic. Its effects will be even more effective as trade barriers are removed and all countries allow vaccines to be exported internationally. GOOD TO KNOW: Today 57% of all new medicines globally come from the United States with its world-class IP ecosystem, and private companies in the life sciences community make up more than 80% of the investment in the research and development of those new drugs. The U.S. biopharmaceutical industry directly and indirectly supports over 4 million American jobs. SCIENTISTS, ACADEMICS, ADVOCATES AND POLITICAL LEADERS SKEPTICAL OF WAIVING IP RIGHTS “The goal is noble, but the demand [for an IP waiver] is more slogan than solution … patents on vaccines are not the central bottleneck, and even if turned over to other nations, would not quickly result in more shots. This is because vaccine manufacturing is exacting and time-consuming. Look at the production difficulties encountered by Emergent BioSolutions, a vaccine manufacturer in Baltimore, where 15 million doses were contaminated. That was caught before the shots were distributed, but one can imagine the horrific consequences of a failure to maintain quality control elsewhere in the world.” WASHINGTON POST EDITORIAL BOARD, May 4, 2021 “The goal is noble, but the demand [for an IP waiver] is more slogan than solution … patents on vaccines are not the central bottleneck, and even if turned over to other nations, would not quickly result in more shots. This is because vaccine manufacturing is exacting and time-consuming. Look at the production difficulties encountered by Emergent BioSolutions, a vaccine manufacturer in Baltimore, where 15 million doses were contaminated. That was caught before the shots were distributed, but one can imagine the horrific consequences of a failure to maintain quality control elsewhere in the world.” WALL STREET JOURNAL EDITORIAL BOARD, May 6, 2021 “The U.S. decision to support a temporary waiver of intellectual-property protections for Covid-19 vaccines won’t end debate on the issue, much less end the pandemic. Reaching a formal agreement could take months and even then may not accelerate vaccine production; opposition from countries such as Germany could yet doom any compromise.” BLOOMBERG EDITORIAL BOARD, May 12, 2021 “The collaboration that’s happened in the midst of this pandemic I think points to the ways in which IP has actually not been a barrier, but a facilitator of critical, cutting-edge innovation […] I don’t think that waiving IP rights will suddenly enable other countries to ramp up the manufacturing of complex vaccines.” SEN. CHRIS COONS (D-DE), CSIS: April 22, 2021 “There are only so many vaccine manufacturers in the world […] people are very careful about the safety of vaccines […] The thing that is holding us back is not IP. There is no idle factory with regulatory approval that makes magically safe vaccines […] we have all the rights from the vaccine companies and the work is going at full speed” BILL GATES, Sky News: April 25, 2021 “There are enough manufacturers, it just takes time to scale up. And by the way, I have been blown away by the cooperation between the public and private sectors in the last year, in developing these vaccines.” ADAR POONAWALLA, CEO SERUM INSTITUTE OF INDIA, February 14, 2021 “These [vaccines] are complex to make so just waiving IP and patents isn’t going to help […] you can only get trade secrets and knowhow with the cooperation of the originator companies, and they don’t have the bandwidth to do this in every part of the world … the only immediate solution is for rich countries to donate or sell their surplus vaccine to COVAX or other countries.” JAYASHREE WATAL, GEORGETOWN LAW PROFESSOR & FORMER WTO IP COUNSELOR, April 22, 2021 “It is also unclear whether a waiver of IP rights will make a difference […] Furthermore, as others have pointed out, IP rights are only a piece of what is needed to produce vaccines. There is currently a global shortage of raw materials and proper manufacturing facilities.” SAPAN KUMAR, LAW FOUNDATION PROFESSOR OF LAW AT THE UNIVERSITY OF HOUSTON LAW CENTER, May 9, 2021 “This is technology that’s every bit as critical as munitions and encryption codes […] It’s a platform technology that can be used to make all manner of treatments going forward, including vaccines.” DAVID KAPPOS, FORMER U.S. PATENT AND TRADEMARK OFFICE FOR PRESIDENT OBAMA, April 22, 2021 “The notion that we would then turn around and go to the World Trade Organization and basically endorse a policy of DARPA-funded technology transfer to China is just inconceivable. You’re basically aiding and abetting China’s ‘Made in China 2025’ plans for technological dominance.” CLETE WILLEMS, FORMER SPECIAL ASSISTANT TO THE PRESIDENT FOR INTERNATIONAL TRADE, INVESTMENT, AND DEVELOPMENT, April 22, 2021.

#### Turns the Aff – Delta Variant proves current vaccines aren’t enough – we need new innovations.

Guarino 8-18 Ben Guarino 8-18-2021 “Vaccines show declining effectiveness against infection overall but strong protection against hospitalization amid delta variant” <https://archive.is/pvuzL#selection-747.0-750.0> (Education: University of Pennsylvania, BSE in bioengineering; New York University, MA in journalism)//Elmer

**Results** from a trio of studies, published in the CDC’s weekly report, **motivated** the **Biden** administration **to** **consider** **booster shots**. **Three studies published** Wednesday by the Centers for Disease Control and Prevention **show** that **protection against the** **coronavirus from vaccines** **declined** in the midsummer months **when** the more contagious **delta variant rose** to dominance in the United States. At the same time, protection against hospitalization was strong for weeks after vaccination, indicating the shots will generate immune fighters that stave off the worst effects of the virus and its current variations. Data from these studies persuaded the Biden administration to develop a plan for additional doses to bolster the immune systems of people vaccinated months earlier. The trio of reports, published Wednesday in the Morbidity and Mortality Weekly Report, the CDC’s scientific digest, also **reinforce** the **idea** that **vaccines** **alone will be unable to lift the nation out of the pandemic**. Masks and other precautions should be part of “a layered approach centered on vaccination,” wrote researchers from the New York State Department of Health and the University at Albany School of Public Health in their study of vaccine effectiveness across New York state. All three reports measure vaccine effectiveness, which compares the rates of infection or hospitalization among vaccinated people with the rates among people who had not been vaccinated. Until now, evaluations of vaccine effectiveness amid delta largely relied on observations from outside the United States. A recent New England Journal of Medicine study concluded the Pfizer vaccine was 88 percent effective against infections that caused symptoms in England. Others, such as **a study in Israel**, **found** **larger declines in protection against infection**. One U.S. report that has not yet gone through peer review, collecting data from Mayo Clinic Health System facilities in five states, **found** a **drop in** the **Pfizer**-BioNTech **vaccine’s** **effectiveness** **against delta infections to 42 percent**. The other mRNA vaccine, made by Moderna, was 76 percent effective. The new study from New York is the first to assess vaccine protection against coronavirus infection across the entirety of a U.S. state amid delta. The study authors found a modest drop in effectiveness: It descended from 92 percent in May to 80 percent in late July. Twenty percent of new infections and 15 percent of hospitalizations from covid-19, the disease caused by the coronavirus, were among vaccinated people. The second of the three studies published Wednesday by the CDC found effectiveness against infection declined for nursing home residents after delta emerged. It dropped from 75 percent in March through May to 53 percent in June and July. Vaccination for visitors and staff is crucial, the study authors wrote, and “additional doses of COVID-19 vaccine might be considered for nursing home and long-term care facility residents.” The third report, an analysis of patients at 21 hospitals in 18 states, found sustained protection against hospitalization. Effectiveness was steady at 86 percent, even in the midsummer months when delta outcompeted other variants of concern. For adults who do not have compromised immune systems, that effectiveness stood at 90 percent.

#### 4] Skill Disparities and Trade Secrets – Moderna proves IP isn’t the root cause.

Silverman 3-15 Rachel Silverman 3-15-2021 "Waiving vaccine patents won’t help inoculate poorer nations" <https://www.washingtonpost.com/outlook/2021/03/15/vaccine-coronavirus-patents-waive-global-equity/> (Rachel Silverman is a policy fellow at the Center for Global Development)//Duong

Reality is more complicated, however. Because of the technical complexity of manufacturing coronavirus vaccines, waiving intellectual-property rights, by itself, would have **little effect**. It could even backfire, with companies using the move as an excuse to disengage from global access efforts. There are more effective ways to entice — and to pressure — companies to license and share their intellectual property and the associated know-how, without broadly nullifying patents. The Moderna vaccine illustrates the limits of freeing up intellectual property. Moderna announced in October that it would **not enforce IP rights** on its coronavirus vaccine — and yet it has **taken no steps to share information** about the vaccine’s design or manufacture, citing commercial interests in the underlying technology. Five months later, production of the Moderna vaccine remains entirely under the **company’s direct control** within its owned and contracted facilities. Notably, Moderna is also the only manufacturer of a U.S.- or British-approved vaccine not yet participating in Covax, a global-aid-funded effort (including a pledged $4 billion from the United States) to purchase vaccines for use in low- and middle-income countries. It is true, however, that activist pressure — including threats to infringe upon IP rights — can encourage originators to enter into voluntary licensing arrangements. So the global movement to liberate the vaccine patents may be useful, even if some advocates make exaggerated claims about the effects of waivers on their own. We focused on covid. Now our other patients are suffering. One reason patent waivers are unlikely to help much in this case is that vaccines are harder to make than ordinary drugs. Because most drugs are simple chemical compounds, and because the composition of the compounds is easily analyzable, competent chemists can usually reverse-engineer a production process with relative ease. When a drug patent expires, therefore — or is waived — generic companies can readily enter the market and produce competitive products, lowering prices dramatically. Vaccines, in contrast, are complex biological products. Observing their contents is insufficient to allow for imitation. Instead, to produce the vaccine, manufacturers need access to the developer’s “soft” IP — the proprietary recipe, cell lines, manufacturing processes and so forth. While some of this information is confidentially submitted to regulators and might theoretically be released in an extraordinary situation (though not without legal challenge), manufacturers are at an enormous disadvantage without the originator’s cooperation to help them set up their process and kick-start production. Even with the nonconsensual release of the soft IP held by the regulator, the process of trial and error would cause long delays in a best-case scenario. Most likely, the effort would end in expensive failure. Manufacturers also need certain raw ingredients and other materials, like glass vials and filtration equipment; overwhelming demand, paired with disruptive export restrictions, has constricted the global availability of some of these items.

#### [AT Erfani] – 1] Doesn’t answer limited supplies and 2] Trade Secrets still thump – your ev only says “domestic manufacturers agree” but ZERO evidence that COVID pharma companies sign-on.

#### The Impact:

#### 1] Be extremely skeptical of the brink or uniqueness for this – COVID has happened for nearly two years and we have yet to see a great power conflict.

#### 2] No Correlation and best studies show COVID decreases Conflict.

Salemi 20 Colette Salemi 10-15-2020 "Does COVID-19 raise the risk of violent conflict? Not everywhere" <https://archive.is/h591O#selection-309.0-312.0> (Colette Salemi is a PhD student in applied economics at the University of Minnesota. Her research focuses on conflict, forced displacement, environmental degradation and their intersections.)//Elmer

How we did our research We **used** the Armed Conflict Location and Event Data (**ACLED**), a **database** **that counts** the **number of conflict events daily around the world**. For 2019 and 2020, ACLED includes more than 100 countries in Africa, Asia, Latin America and Eastern Europe — and tracks three categories of violent conflict: battles, violence against civilians and explosions/remote violence. We examine trends in the number of conflict events over time. To see whether the trend changes in response to covid-19, we look at what happened after the World Health Organization declared a global pandemic (March 11) or the country declared a lockdown. [Don’t miss any of TMC’s smart analysis! Sign up here for our newsletter.] The **relationship between pandemics and conflict is theoretically unclear.** In some countries, job losses from the covid-19 pandemic mean people have fewer income-generating options — that can make participation in violence seem a more viable alternative. But if **market disruptions** and reduced global demand are **driving down** the **value of natural resources** such as oil wells, then **we** may **see less conflict** over control of such resources. We then **conducted** case **studies** based **on** our knowledge of countries with high rates of violent conflict before **covid**-19. These include countries with active civil wars (such as Syria) as well as countries with violent militia groups (such as the Philippines). Conflict during the coronavirus pandemic varies greatly **Worldwide**, **we didn’t observe an increase in violent conflict**. **If anything, conflict has decreased**, as the figure below shows. **Violent conflict** between March and August 2020 **was 23 percent lower** than violent conflict during the same period in 2019. Comparing these time periods, battles are down 20 percent and remote violence and bombings are down 40 percent. But violence against civilians — the deliberate attack of unarmed noncombatants by armed groups — continued at similar rates globally.

Chart, line chart

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#### 3] Cooperation and Solidarity Check.

Ide 21, Tobias. "COVID-19 and armed conflict." World development 140 (2021): 105355. (School of Geography, The University of Melbourne, 221 Bouverie St, Carlton, VIC 3053, Australia Institute of International Relations, Brunswick University of Technology)//Elmer

**COVID**-19 might also **provide** a **chance to demonstrate solidarity and good intentions**, and hence lessen grievances. The literature on health diplomacy, for example, discusses how **cooperation on** shared h**ealth challenges can increase** the **prospects for peaceful relations**. The empirical success of such efforts is so far been limited (Kelman, 2019). However, research on environmental peacebuilding has revealed that low-level, mutually beneficial cooperation can yield peace dividends in certain contexts (Ide, 2019). Furthermore, **ceasefires** **to deliver health benefits** **have** at least temporally **reduced armed conflict intensity** on several occasions **in the past** (Chattu & Knight, 2019). **In response to the pandemic** (and António Guterres’ call), **armed groups in 14 countries have announced ceasefires** to support responses to COVID-19 (Rustad, 2020).

#### 4] Actors turn inward NOT outward.

Ide 21, Tobias. "COVID-19 and armed conflict." World development 140 (2021): 105355. (School of Geography, The University of Melbourne, 221 Bouverie St, Carlton, VIC 3053, Australia Institute of International Relations, Brunswick University of Technology)//Elmer

However, **COVID**-19 might also **shape** **opportunity costs in a way** **to reduce armed conflict risks**, at least temporarily. If a **state’s capability is strained** and there is an **urgent need to deal with a health emergency**, **military offensives are** certainly **unlikely** (Price-Smith, 2009). Furthermore, existing as well as potential **rebel groups** and militias **face similar challenges** in the face of the pandemic. They need to raise money and food to supply to their fighters during an economic recession, convince their members to take part in operations rather than staying at home (to reduce infection risks and support their family or community), and deal with the logistical constraints of lockdowns and border closures. **Starting** or intensifying **attacks** **during** the **COVID**-19 crisis is **likely to decrease** the local (and international) **legitimacy** of armed groups, especially if health infrastructure is affected. The ceasefire declarations by armed conflict parties in several countries can also be interpreted as a sign that COVID-related capability and legitimacy concerns are warranted.

#### LBL 1AC Recna Warrants:

#### 1] Commander Miscalc Warrant is literally “they die” – a] other diseases like Flu also cause death and b] natural causes – chain of command solves.

#### 2] Confusion as Aggressive Cover Warrant doesn’t account for double-edged effects of pandemics.

#### 3] Zero warrant for this Proliferation Warrant – less likely in pandemics since technology and money is re-directed at social and health spending.

## WTO Adv

### 1NC – Top-Level [Link]

#### Conceding WTO Credibility – the WTO is bad – yes the I/L is reverse causal since 1AC Meyer says collapse will happen in the Status Quo and the Plan prevents it.

### 1NC – WTO Bad [Regionalism Good]

#### 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**.

### 1NC – AT: Dispute Settlement Impact [AT Hamaan]

#### The Hamaan Impact:

#### 1] No Brink Scenario – no explanations of conflicts/tensions that are escalating now.

#### 2] China thumps Compliance – your “no Alt Causes” card is about alt causes to credibility, not compliance which is the I/L to Hamaan – China is not listening because they don’t believe the WTO but because they simply don’t care.

Webster 14, Timothy. "Paper compliance: How China implements WTO decisions." Mich. J. Int'l L. 35 (2014): 525. (Director of East Asian Legal Studies & Assistant Professor of Law, Case Western Reserve University)//Elmer

Since the number of WTO cases involving China is small, certitude about China's future conduct in the DSB would be inapt. But certain patterns are clear. First, in the majority of cases, China has revised its legal and regulatory systems to comply with the DSB rulings. It has done so typically within the reasonable period of time in which it agreed to do so and has accumulated a strong record in terms of the quality of its implementation. Moreover, as of July 2013, no Chi-nese case has gone into compliance proceedings, wherein an arbitration panel determines the costs of one country's non-compliance to other WTO members. This is a significant difference from other major trading partners, such as the United States, E.U., and Japan, all of which have been respondents in compliance proceedings. n256 Some of these cases have dragged on for more than a decade, indicating a resistance to WTO rulings far and above anything that China has exhibited. Second, **China has found ways to resist WTO rulings** and norms. Inconsistent regulations remain in effect. In the three cases discussed above - DS 362 (intellectual property enforcement), DS 363 (trading rights for publications) DS 373 (financial information services) - inconsistent regulations either continue in effect or were revised so as not to ef-fectuate [\*573] the purpose of the ruling. This lacuna could be a function of institutional capacity. China's capa-cious bureaucratic institutions produce reams of regulations; it is unclear whether many of them keep close tabs on the various regulations they produce, and quite definite that some of them have not repealed regulations found to be in-consistent. Or there may be a more sinister explanation: **China wants to keep the inconsistent regulations** in place, and understands that its regulatory maze may be **too labyrinthine for** other **WTO** members **to navigate**. Whether by design or neglect, a number of inconsistent regulations continue to plague China's compliance record. Moreover, local and provincial-level regulations often amplify the effects of inconsistent national regulations. In cases such as DS 363 and DS 373, lower-level government agencies have promulgated policies that reference regulations that were either revoked or found inconsistent. This means that WTO-inconsistent regulations will cast a regulatory afterglow at various levels of the Chinese legal system. The most striking case of non-compliance, so far, has been the trading rights case (DS 363). The revisions suggest-ed by the DSB challenged China's censorship regime and long-held monopoly on cultural information. Not only did China not comply within a reasonable period of time, but it also left in place several regulations that the DSB deemed inconsistent with WTO disciplines. This suggests that, in particularly sensitive areas, China will not fulfill its implemen-tation obligations. **As China continues to gain experience with WTO litigation**, **instances of non-implementation are likely to increase**. China has, in essence, learned that it can "get away" without fully complying with DSB rulings and recommendations. Indeed, as noted above, two recent rulings show just how far China is willing to push the implemen-tation envelope. Third, reforming laws in China means less than it would in Western liberal democracies with robust legal institu-tions. One-party rule, coupled with a unitary governance structure, allow the party-state to control the passage of laws and regulations, dictate revisions to the domestic legal environment, and coordinate changes with a maximum of speed and minimum of institutional friction. **China** has tinkered with the literal letter of its law, but it **continues** to produce **a whole range of programs that violate WTO** principles. **It is** perhaps **unrealistic to think the DSB can induce compliance** more broadly, that is, outside of the regulation challenged. But it is doubtful that China's domestication of DSB rulings has meaningfully influenced the development of its political economy. Many basic norms - market capitalism, dereg-ulation, strong protection of intellectual property, limits on subsidies - remain alien to China. Fourth, many WTO violations take place in the interstices of law, areas where government officials exercise discre-tion: whether or not to register a foreign company, to issue it a business license, or to prosecute someone for IP theft. Likewise, **China distributes trade regulations to** governmental **agencies as "internal guidance"** (neibu cankao) that should be published under China's WTO transparency obligations, but in fact [\*574] never are. n257 The dispute set-tlement system provides a very rough tool by which to reshape a member's domestic legal system and to monitor its implementation of WTO commitments. A range of violations takes place, either below the radar or without meaningful recourse for investors or manufacturers outside of China. Finally, China deploys the tactical features of the dispute settlement system to buffer the ruling's impact. China settles "easy" cases early and prolongs decisions that seriously disrupt its political system, harm core economic interests, or require significant internal reform to implement. Like any other national actor, China seeks to maximize its interests and minimize disruptions that international law and institutions may inflict upon its domestic legal and regulatory sys-tems.

#### Hamaan concedes it thumps.

1AC Hamann 09 GEORGIA L. Hamann is an associate in Lewis, Roca, Rothberger’s Litigation Practice Group, J.D. from Vanderbilt University Law School, May 2009, “Replacing Slingshots with Swords: Implications of the Antigua-Gambling 22.6 Panel Report for Developing Countries and the World Trading System”, <http://www.vanderbilt.edu/jotl/manage/wp-content/uploads/hamann-cr_final_final.pdf> //Re-cut by Elmer

Voluntary compliance with WTO rules and procedures is of the utmost importance to the international trading system.100 Given the increasingly globalized market, the coming years will see an increase in the importance of the WTO as a cohesive force and arbiter of disputes that likely will become more frequent and injurious.101 The work of the WTO cannot be overstated in a nuclear-armed world, as the body continues to promote respect and even amity among nations with opposing philosophical goals or modes of governance.102 Demagogues in the Unites States may decry the rise of China as a geopolitical threat,103 and extremists in Russia may play dangerous games of brinksmanship with other great powers, but trade keeps politicians’ fingers off “the button.”104 The WTO offers an astounding rate of compliance for an organization with no standing army and no real power to enforce its decisions, suggesting that governments recognize the value of maintaining the international construct of the WTO.105 In order to promote voluntary compliance, the WTO must maintain a high level of credibility.106 Nations must perceive the WTO as the most reasonable option for dispute resolution or fear that the WTO wields enough influence to enforce sanctions.107 The arbitrators charged with performing the substantive work of the WTO by negotiating, compromising, and issuing judgments are keenly aware of the responsibility they have to uphold the organization’s credibility.108 [Footnote 106 begins here] 106. See Rufus Yerxa, supra note 100, at 4 (“The WTO System works only to the extent Members want it to work, and only if they decide that compliance is in their overall economic interest. It therefore rests on the credibility of the rules, and also on the credibility of the dispute settlement decisions.”); see also DEBRA P. STEGER, PEACE THROUGH TRADE: BUILDING THE WTO 290–91 (2004) (linking issues of the WTO’s “external legitimacy” to the effectiveness of the institutional decision). 107. The goal of the WTO is to prevent unilateral decisions as to the justifiability of trade retaliation, a goal which can only be upheld by global adherence to the WTO and condemnation of unilateral retaliation outside it. See Gabrielle Marceau, Consultations and the Panel Process in the WTO, in KEY ISSUES IN WTO DISPUTE SETTLEMENT: THE FIRST TEN YEARS, supra note 17, at 29, 30–31; see also Marcelo de Paiva Abreu, Trade in Manufactures: The Outcome of the Uruguay Round and Developing Country Interests, in THE URUGUAY ROUND AND THE DEVELOPING COUNTRIES, supra note 12, at 59, 69 (discussing the importance of “the WTO’s capacity to create a level playing field among contracting parties of different sizes and heterogeneous bargaining power”). [Footnote 107 ends here] Credibility is lost where a supranational organization appears irredeemably partisan or where nations lack a sense of obligation **to give effect to the organization’s judgments**.109 GATT, the precursor to the WTO, could not approach the level of effectiveness of the WTO due to the system’s close ties to the interests of the developed nations.110 Developing nations saw no advantage associated with participation in GATT.111 Thus, a secondary organizational goal of the WTO was to create a system to accurately reflect the changing nature of economic development.112 To some extent, developed economies may feel a sense of responsibility to help developing and less-developed nations who desire material prosperity;113 however, WTO compliance and participation need not rest on humanitarian considerations alone— the rise of previously imperiled economies such as India demonstrates the continual flux of the global economy and the correlating incentives.114 Although developed nations frequently feel a sense of responsibility to nations whose people live in poverty, developed nations also recognize the advantages of incorporating developing economies into the global trade system and encouraging peaceful trade within and among such economies.115 [Footnote 115 begins here] 115. Ruggiero, supra note 101, at 17 (noting that, absent inclusion in the trading system, rising nations such as India and China will develop preferential trading agreements along potentially questionable lines). [Footnote 115 ends here] Accordingly, the interests of developing nations have garnered a considerable amount of attention within the organization116 and the critical literature surrounding the undertakings of the WTO.117 The participation of developing nations has increased, but not sufficiently.118 The global trading system (both the WTO as an institution and the countries with an economic stake in a smoothly-functioning global economy) must work to encourage these nations to utilize the availability of WTO proceedings as a means of resolving economic disputes.119 The decision in Antigua-Gambling has an impact analogous to a marketing campaign—promoting incentives for developing countries to join the WTO.120 If Antigua can successfully challenge the U.S. refusal to comply with WTO arbitration,121 and if there are mechanisms in place to enable Antigua to effect meaningful change in U.S. economic,122 then the WTO truly is a forum where each member nation can expect a fair remedy.

#### 3] No DSB usage even if it’s credible.

Alavi 7 Amin Alavi 2007 “African Countries and the WTO’s Dispute Settlement Mechanism” <http://www.worldtradelaw.net/articles/alaviafrica.pdf> (PhD Researcher @ Danish Institute for International Studies)//Elmer

The passing of time has modified most observers’ earlier enthusiasm about the DSM.3 It has become clear that **the DSM has shortcomings**. These include some **conflicting deadlines** (better known as sequencing), a **weak enforcement mechanism**, **questionable quality of some of its rulings**, and the **possibility of prolonging disputes** (see, for example, Mavroidis et al., 1998). Increasingly too, the absence from the scene of a majority of developing countries, including the SSA ones, has also been acknowledged.4 One question that is now raised is whether or not the DSM has in fact been a success, and especially whether it represents a gain for developing countries. But this latter discussion is only now emerging and only a few observers have taken part in it. Furthermore, it does not yet constitute a distinct field of debate. The prime focus of academic commentary on the DSM remains on how it has been used, rather than why it has not been used. A majority of researchers working on the DSM do so from within the legal tradition and have studied it as a litigation process by analysing case law and the rulings. They implicitly regard the system as a success in allowing countries to settle their disagreements. However, the DSM is also a political process, and cases have important economic impacts. Recently, lawyers have been joined by economists and political scientists in analysing the DSM. Unlike the lawyers, these last two groups are interested in determining the conditions under which countries participate in the DSM, and the costs and benefits of this participation. A first set of observations from this source concerns possible relations between countries’ levels of engagement in the DSM, their shares and patterns of trade, and the retaliation opportunities that these provide (Bown and Hoekman, 2005; Horn et al., 1999; Nordstrom, 2005). The authors cited consider countries’ shares of world trade, numbers of traded products and numbers of trading partners as determinants of their participation. Their hypothesis is that ‘the probability of encountering disputable trade measures is proportional to the diversity of a country’s exports over products and partners, which means that larger and more diversified exporters would be expected to bring more complaints than smaller and less diversified exporters’ (Horn et al., 1999: ii). They find that the hypothesis ‘goes quite far toward predicting the actual pattern of complaints across countries’ (ibid.),5 especially when the cost of litigation is controlled for. However, they also find that the **G4 countries**6 are **overrepresented** **in the DSM**, relative to their positions with regard to these attributes.7 A second, related set of observations regards the negative consequences a case may have as a reason why small developing countries especially have not been active in the DSM. Examples of this are provided by Bown (2005), who develops a model to analyse a subset of disputes, namely, those dealing with issues of market access. He finds that lost market access and economic losses determine countries’ decisions to initiate cases. However, ‘several other **political** economy **factors affect the decision not to litigate** ... Other things being equal, adversely affected exporters are less likely to participate when they are involved in a preferential trade agreement with the respondent, when they **lack the capacity to retaliate** against the respondent by withdrawing trade concessions, **when they are poor or small**, and when they are particularly reliant on the respondent for bilateral assistance’ (ibid.: 291). Bown’s arguments partly recapitulate those of Hoekman and Mavroidis (2000) whose list of countries’ reasons for not initiating cases includes practising policies similar to those that a case tries to change, and fear of the political as well as economic impact of a case on bilateral relations with another state. A final set of observations from this literature focuses on biases and inequalities within and between institutions managing trade, including the WTO in general and the DSM in particular (Busch and Reinhardt, 2003; Shaffer, 2003). Here, the main problem identified is that the **DSM** (and the WTO) has **become too technically complex and demanding for** most **developing countries** to use effectively in the absence of adequate assistance. Underlying this is the observation that there is too much law and too little politics in the system. Proponents of this position link these observations to others concerning developing countries’ typically weak trade-policy infrastructures, their shortage of trained personnel, and their lack of knowledge about the system. This view is systematically elaborated by Hoekman and Mavroidis (2000), who present the overall dispute process in two stages – ‘upstream’, which is that part of the process before a case is officially brought before the DSM, and ‘downstream’, which is after a case has been officially initiated. During the first stage, a country’s trade-policy infrastructure plays the central role. It is here that information is gathered, analysed and transferred to the government, which then decides whether to pursue a case or not. Not only the existence but also the functioning of trade-policy infrastructures is critical for countries’ engagement in the system, according to Shaffer (2003). His study of the infrastructures of the US and the EU finds that an institutionalised linkage between private companies and officials is a key characteristic of the major users of the system. While under existing WTO rules only member states may initiate a case, this generally occurs on the basis of persuasion from private companies. This is facilitated where local private companies are strong and where the established infrastructure gives private companies a voice and the chance to lead their case informally through the initial stage.

#### 4] Zero historic compliance

Lida 4, Keisuke. "Is WTO Dispute Settlement Effective?." global governance 10.2 (2004): 207-225. (Prof. Pol. Sci. @ Aoyama Gakuin U)//Elmer

What is the overall track record of dispute resolution? This question, while simple, is not so easy to answer. It depends on the analyst's judgment as to what counts as a "satisfactory" outcome. I have tried to rely on the parties' assessment as much as possible. There aretwo main categories of satisfactory outcome: (1) the parties have implemented the WTO rulings, and (2) the parties have settled the dispute between themselves, with or without WTO adjudication. While the first type is relatively easy to track, the second category is not. Therefore, I have relied on the parties' notification to the WTO as to whether or not they have reached a mutually agreed solution. A third "possibly satisfactory" category is one in which the WTO found no wrongdoing on the part of the defendants, and hence no action was required. This could be considered a "successful" dispute outcome, at least from a legal point of view. All of these cases are classified as "resolved" in Figure 1. There are two classes of pending cases. One is the class of cases that are still going through the adjudication procedures or have gone through adjudication and are in the implementation stage. The WTO allows a "reasonable period of time" for implementation, which ranges from several months to a maximum of fifteen months. Anumber of cases are at this stage. This class is named "ongoing" in Figure 1. The second class of pending cases (denoted as "pending" in Figure 1) comprises those cases on which consultations have been heldwithout reaching concrete agreement. It is possible that some of these cases have actually been settled, but the parties have not notified the WTO of that fact, thereby making the interpretation of this class of cases difficult. Finally, there are a few cases for which the final result is not known. Figure 1 shows the classification of disputes according to these criteria. (10) The complaints are divided according to the year in which they were initially filed. This shows that during the first two to three years of dispute settlement, the WTO had a good track record, but **from 1998** on, **the number of possibly unsatisfactory outcomes increased**. This may be partly due to the fact that not enough time has elapsed since the inception of disputes. This can be seen in the numberof "ongoing" cases since 1998. However, a majority of unresolved cases are so-called pending consultations cases, as seen in Figure 1. For this class of cases, especially those on which consultations were held in 1998 or 1999, it is hard to argue that the parties have not had enough time. I suspect that for a large proportion of cases in thiscategory, the complainants have all but abandoned the complaint, forone reason or another, but have not made this fact public. Based on this analysis, we could tentatively conclude that in the first few years of **dispute settlement**, the WTO performed well, whereas since 1998, it **has not been working as smoothly**. A comparison with the track record of GATT may be useful. Robert Hudec has assembled the most comprehensive data on GATT disputes, and of 207 cases that were filed at GATT from 1948 to 1989 (data for the cases from 1990 through 1994 are missing), there were 88 rulings, of which 20 were no-violation findings and 68 were violation findings. Since no action was required for the 20 no-violation cases, they wouldbe included in our "success" category. Of the 68 violation rulings, 45 led to fully satisfactory outcomes and 15 led to partly satisfactory outcomes. Of 64 cases that were settled or conceded without GATT rulings, 37 led to fully satisfactory outcomes and 25 reached partly satisfactory outcomes. Therefore, by the most conservative measure, the **overall success rate** of the GATT dispute system was 102 of 207 cases, **or 49 percent**. Hudec reports a different figure, using only the cases with known results (139 cases). According to his calculation (excluding those with nonviolation findings), the success rate is 60 percent. (11) That said, a decade-by-decade breakdown shows some fluctuations, with success rates lower in the 1950s and 1960s. [FIGURE 1 OMITTED] Therefore, the performance of the first few years of the WTO dispute settlement is comparable to, or above, the success rate of the GATT system, but the rate has been below that of GATT since 1998. It hasto be admitted that the number and nature of disputes filed are different and that no totally comparable analysis can be made. Nevertheless, it should be emphasized that the **conventional wisdom that the WTO is** extremely "**effective**" **in resolving disputes** (in particular, relative to GATT**) should be questioned**. (12) One possible explanation for the decline in the effectiveness of the WTO dispute system since 1998 is the complication of U.S.-EuropeanUnion relations. The WTO ruled on two of the most difficult cases in1997--bananas and beef hormones--and on finding the European Union'scompliance insufficient in the banana dispute and nonexistent in thebeef dispute, the United States resorted to sanctions in 1999 in both cases. This soured U.S.-European Union relations considerably. The subsequent case brought by the European Union against the United States over foreign sales corporations, (13) for example, is widely reputed to have been a retaliatory suit. In addition, according to negotiators in Geneva, political bargaining is often suspended during the panel and AB proceedings, with haggling restarting only after all the legal procedures are exhausted. This is not an efficient use of time, since it causes substantial delays.

### 1NC – WTO Bad [Small Farms DA]

#### WTO destroys small farms – that hurts food security.

Keyman 14 Ariana Keyman 7-17-2014 “Drawing links between food security and land rights in an era of globalization” [www.e-ir.info/2014/07/17/drawing-links-between-food-security-and-land-rights-in-an-era-of-globalization/](http://www.e-ir.info/2014/07/17/drawing-links-between-food-security-and-land-rights-in-an-era-of-globalization/) //Elmer

Exacerbating the existent injustice was the imposition of **neoliberal** economic **development policies imposed by** institutions such as the World Bank, IMF, and **WTO** following independence. These policies have included trade liberalization and the subsequent **flooding** of **local markets with cheap** food **imports**, against **which local famers can hardly compete**; **cutting price supports and subsidies for food producers**; **and excessive export promotion**. This **culminated in credit being** **inadequate** or too expensive, and prices too low **for** smaller and **poorer farmers to cover** rising **production costs**. The result has been that the access of the poor to land has continued to deteriorate significantly, as they are forced to sell the land they own, cannot afford land rentals, or lose by defaulting on credit.[26] The export-led, free **trade-based, industrial ag**riculture model of large farms and land concentration has attempted to address the problem of food insecurity and hunger by boosting exports from the giant plantations owned by the wealthy as the way to generate income to import cheap food. However, not only does this **increase food insecurity** **as** the **local population** is then **subjected to** the **volatility of the international market**, but they also often cannot afford to buy what is grown as export-oriented crops in their own countries.[27] Grassroots movements led by family farmers, peasants, rural workers, and indigenous people have taken root against insecure and unjust land tenure systems in many parts of the world. Perhaps the most prominent and concentrated of these is the global alliance, La Via Campesina, founded in 1993 by farmers’ organizations from Europe, Latin America, Asia, and Africa. More recently, however, international institutions, led by the World Bank, have started to take note of the significance of land in broad-based sustainable development objectives and food security.[28] The report titled, “Rising Global Interest in Farmland: Can it Yield Sustainable and Equitable Benefits?,” published by the Bank in 2011, was perhaps the first major initiative indicative of this growing concern.

#### Food insecurity goes Nuclear

FDI 12 (Future Directions International, a Research institute providing strategic analysis of Australia’s global interests; citing Lindsay Falvery, PhD in Agricultural Science and former  Professor at the University of Melbourne’s Institute of Land and Environment, “Food and Water Insecurity: International Conflict Triggers and Potential Conflict Points,” <http://www.futuredirections.org.au/workshop-papers/537-international-conflict-triggers-and-potential-conflict-points-resulting-from-food-and-water-insecurity.html)//Elmer>

There is a growing appreciation that the **conflicts in the next century will most likely be fought over** a **lack of resources**. Yet, in a sense, this is not new. Researchers point to the French and Russian revolutions as conflicts induced by a lack of food. More recently, Germany’s World War Two efforts are said to have been inspired, at least in part, by its perceived need to gain access to more food. Yet the general sense among those that attended FDI’s recent workshops, was that the scale of the problem in the future could be significantly greater as a result of population pressures, changing weather, urbanisation, migration, loss of arable land and other farm inputs, and increased affluence in the developing world. In his book, Small Farmers Secure Food, Lindsay Falvey, a participant in FDI’s March 2012 workshop on the issue of food and conflict, clearly expresses the problem and why countries across the globe are starting to take note. . He writes (p.36), “…**if people are hungry**, especially in cities, **the state is not stable** – riots, violence, breakdown of law and order and migration result.” “Hunger feeds anarchy.” This view is also shared by Julian Cribb, who in his book, The Coming Famine, writes that if “large regions of the world run short of food, land or water in the decades that lie ahead, then wholesale, **bloody wars are liable to follow**.” He continues: “An increasingly **credible scenario for World War 3 is** not so much a confrontation of super powers and their allies, as a **festering**, self-perpetuating **chain of resource conflicts**.” He also says: “The wars of the 21st Century are less likely to be global conflicts with sharply defined sides and huge armies, than a scrappy mass of failed states, rebellions, civil strife, insurgencies, terrorism and genocides, sparked by bloody competition over dwindling resources.” As another workshop participant put it, people do not go to war to kill; they go to war over resources, either to protect or to gain the resources for themselves. Another observed that hunger results in passivity not conflict. Conflict is over resources, not because people are going hungry. A study by the International Peace Research Institute indicates that where food security is an issue, it is more likely to result in some form of conflict. Darfur, Rwanda, Eritrea and the Balkans experienced such wars. Governments, especially in developed countries, are increasingly aware of this phenomenon. The UK Ministry of Defence, the CIA, the US Center for Strategic and International Studies and the Oslo Peace Research Institute, all identify **famine as a** **potential trigger for** conflicts and possibly even **nuclear war**.

### 1NC – WTO Bad [Warming DA]

#### Stronger Dispute Mechanism deters Multilateral Environmental Agreements – threats are enough.

Chaytor 3, Beatrice, Alice Palmer, and Jacob Werksman. "Interactions with the World Trade Organisation: The Cartagena Protocol on Biosafety and the International Commission for the Conservation of Atlantic Tunas." Berlin: Ecologic, http://www. ecologic. de/projekte/interaction/results. htm (2003). (International Trade Lawyer)//Elmer

The international trading regime governed by the World Trade Organisation (WTO) interacts with many international environmental regimes. The WTO is often a source of the interaction, invoking reactions from international environmental regimes in the design and implementation of rules which is responsive to WTO prescriptions. The vast number of WTO Members, the institution’s economic significance and its unparalleled ability to enforce its rules through its rigorous dispute settlement mechanism, contribute to the WTO’s tendency to be more effective as a source of interaction rather than as a target. Nevertheless, the WTO is also a target of interaction by international environmental regimes which are typically more proactive in seeking to inform and co-operate with the WTO. The effect of the interaction with the WTO as a source is largely disruptive, in the sense that **the WTO’s** primary objective of facilitating free trade **generates conflicts with** the principal objectives of **environment regimes** **aimed at promoting environmental protection and sustainable development**. The **mere possibility of a WTO challenge** **can inhibit negotiations and** the **implementation** of measures under the international environmental regimes. Moreover, **ambiguities in** the meaning and application of the **WTO rules** with respect to environmental measures **make it difficult to design** and implement the international **environmental regimes** in a manner that complements the WTO system. Despite these challenges, compromises are generally reached that ensure the complementary co-existence of the international trade and environment regimes This chapter examines the nature and effects of interaction between the WTO and two international environmental regimes in particular: the Cartagena Protocol on Biosafety and the International Commission for the Conservation of Atlantic Tunas (ICCAT). It commences with a description of the WTO in Part 1 and follows in Part 2 with a summary of the experience of interaction between the WTO and each of the environmental regimes considered in the GATT/WTO “inventory” which was prepared in the research for this chapter. In Part 3, the interaction between the WTO and the Biosafety Protocol and ICCAT is studied in-depth, and general observations about the interaction between the WTO and the two environment regimes are set out in Part 4. 1. Introduction to World Trade Organisation 1.1 General The WTO is an intergovernmental organisation established in 1995 and has a Membership of over 140 countries and customs territories.1 The WTO is responsible for administering the multilateral trade agreements regulating the international trade in goods and services and the protection of intellectual property rights, for providing a forum for the negotiation of new trade rules, and for operating procedures for the settlement of disputes among its Members (the WTO Agreements). The WTO aims to liberalise markets, recognising the need to make “use of the world’s resources in accordance with the objective of sustainable development” and to “protect and preserve the environment… in a manner consistent with [the Members’] respective needs and concerns at different levels of economic development”.2 The WTO’s institutional framework comprises its governing body, the General Council, and several other councils and committees that are supported by the Secretariat in Geneva. The principal organ responsible for trade and environment issues at the WTO is the Committee on Trade and Environment (CTE). Other WTO bodies that consider issues of environmental relevance include the Committee on Technical Barriers to Trade (TBT Committee) and the Committee on Sanitary and Phytosanitary Measures (SPS Committee). The General Council and specialist councils and committees administer the WTO Agreements on a day-to-day basis and Members convene a Ministerial Conference approximately every two years.3 1.2 The WTO Agreements The WTO Agreements will interact with any environmental regulation that has an impact on the international trade in goods and services among its Members, including those regulations enacted pursuant to multilateral environmental agreements (MEAs). The WTO pursues its objective of market liberalisation by requiring its Members to maintain both relative and absolute standards of treatment of goods and services in the international and domestic market place. The WTO’s relative standards prohibit WTO Members from the discriminatory treatment of “like” goods, services and service suppliers on the basis of country of origin. The WTO’s absolute standards prohibit or discourage Members from putting in place certain types of measures that directly or indirectly interfere with the trade in products and services. The three main WTO Agreements that have been of particular relevance to international environmental regimes are the General Agreement on Tariffs and Trade 1994 (GATT), the Agreement on Technical Barriers to Trade (TBT Agreement), and the Agreement on Sanitary and Phytosanitary Measures (SPS Agreement).4 At the most basic level, all three agreements share the common purpose of ensuring that measures that affect the trade in products do not discriminate on the basis of a product’s country of origin (National and Most-Favoured Nation Treatment), and that these measures are no more trade restrictive than is necessary to achieve the purpose for which they were designed. Each agreement has detailed rules, and a growing body of practice that develops these disciplines further. The so-called environmental exceptions in Article XX of the GATT and similar provisions in the TBT and SPS Agreements deserve special mention. 5 Under Article XX, a measure which is “necessary to protect human, animal or plant life or health” or which relates to “the conservation of exhaustible natural resources” is permitted under the GATT provided it is not being applied in an arbitrary or unjustifiable manner, or as a disguised restriction on international trade.6 The WTO Agreements are backed by a compulsory dispute settlement system with the ability to authorise bilateral trade sanctions (known as suspensions of concessions). Any Member that feels benefits it expected to derive from the WTO Agreements have been undermined by a trade measure put in place by another Member can initiate dispute settlement procedures. If the Members are unable to settle their differences between themselves, an ad hoc arbitral Panel of trade experts will be established, and will seek to resolve the dispute. The report of the Panel can be appealed to a permanent Appellate Body of seven independent trade jurists, appointed by the WTO Membership. The outcome is formally reviewed by the WTO Dispute Settlement Body, a committee of all Members, which can only reverse the conclusion of a Panel or the Appellate Body by consensus. The main objective of the dispute settlement system is to ensure that any trade measure that is found to be inconsistent with WTO rules be removed or made consistent. If a Member fails to correct the offending measure, it can agree to compensate the affected Member, or find itself subject to trade sanctions imposed by the affected Member at a level equivalent to the continuing harm done by the offending measure.7 The WTO Agreements, both on paper and in practice, also anticipate the need to take into account other existing international agreements, such as MEAs, and other relevant state practice. Both the SPS and the TBT Agreements make reference to international standards developed by competent international organisations operating outside the WTO system. Under the SPS Agreement, a WTO Member is required (unless it can justify the need for a higher standard) to base its SPS measures on international standards, guidelines or recommendations adopted by those international agencies specifically identified in the SPS Agreement or that may be later agreed by the SPS Committee (Article 3.1). SPS measures that are in conformity with these international standards are rebuttably presumed to be consistent with the SPS Agreement (Article 3.2). No MEA has thus far been recognised as a standard setting instrument under the SPS Agreement. Under the TBT Agreement, a WTO Member is also required to use international standards as the basis of its technical regulation (Article 2.4). A technical regulation that is put in place for an identified “legitimate objective” (which includes the protection of human heath or safety, animal or plant life or health, or the environment) and is in accordance with “relevant international standards” is rebuttably presumed to be TBT compatible (Article 2.5). Unlike the SPS Agreement, the TBT does not identify which international standards would qualify for this presumption. Many MEAs would, however, appear to meet the TBT’s general requirement that standards derive from a recognised “body or system whose membership is open to the relevant bodies of at least all of the Members.”8 1.3 Institutional Development of Trade and Environment Agenda Since the WTO’s establishment, its Committee on Trade and Environment (CTE) has had the mandate to explore the relationship between the WTO and MEAs.9 In the CTE, and other WTO organs dealing with environmental matters, Members have discussed a range of trade and environment issues. These include: the application of the WTO rules to trade measures taken pursuant to a MEA; the application of the WTO rules to measures based on process and production methods (PPMs); environmental (or eco) labelling (especially with respect to genetically modified organisms); the relevance of the precautionary principle to risk assessments based on scientific evidence (particularly in the context of the SPS Agreement); and the environmental impacts of certain subsidies, especially fisheries subsidies.10 Most observers acknowledge the usefulness of the CTE’s work in promoting a better understanding of the WTO-MEA relationship and acknowledging the legitimate role of MEAs in promoting environmental objectives. However, the CTE’s work has thus far been general and inconclusive, other than recognising that international trade rules and international environmental rules should be designed and implemented in a manner that is “mutually supportive”.11 The CTE has been widely criticised for failing to produce any conclusions or recommendations of a substantive nature that would, for example, instruct the WTO’s dispute settlement system on how to deal with a conflict should one arise.12 At the fourth WTO Ministerial Conference in Doha, November 2001, the WTO Membership agreed to include as part of a new round, substantive negotiations: without prejudging their outcome, on [. . .] the relationship between existing WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs). The negotiations shall be limited in scope to the applicability of such existing WTO rules. as among parties to the MEA in question. The negotiations shall not prejudice the WTO rights of any Member that is not a party to the MEA in question.13 The mandate is both vague and restrictive. It does, however, suggest that for the first time the WTO may produce substantive rules aimed directly and intentionally at trade-related measures contained in MEAs to which its Members are also parties. In fulfillment of the WTO’s obligation to make arrangements for cooperation with intergovernmental organisations,14 the CTE has granted observer status to intergovernmental organisations, including the Secretariats of the Convention on Biological Diversity (CBD) and ICCAT, and hosts meetings with MEA Secretariats to discuss issues relevant to the WTO and MEAs.15 The fourth WTO Ministerial Conference encouraged “efforts to promote cooperation between the WTO and relevant international environmental organisations”16 and launched negotiations between the Members on “procedures for regular information exchange between MEA Secretariats and the relevant WTO committees, and the criteria for the granting of observer status.”1 There is a wary co-existence between the WTO and the institutions overseeing the design and implementation of MEAs (environment regimes). The WTO Agreements anticipate the need to take into account MEAs, and the Appellate Body has been inclined to consider existing MEAs when clarifying relevant provisions of the GATT/WTO. Some recent MEAs, such as the Biosafety Protocol, have included language that acknowledges WTO rights and obligations. At the outset, the interaction between the WTO and environment regimes is generated by differences in regime objectives and by differences in the institutional features designed to achieve those objectives. **The WTO is designed to promote free trade; the environment regimes** in varying degrees **require** or authorise **trade restrictions** in order **to discourage** the production and consumption of specific **products with negative environmental consequences** The WTO Agreements are backed by a compulsory dispute settlement system with the ability to authorise bilateral trade sanctions, while the arrangements for dispute settlement within most MEAs are looser and less binding. Membership of the WTO and environment regimes substantially overlaps since each regime aims for universal membership. The WTO and the five environment regimes examined in the inventory prepared in researching this chapter – Montreal Protocol, Biosafety Protocol, Basel Convention, ICCAT and CCAMLR18 – have each played roles as a source and a target of interaction for the other. The GATT/**WTO** consistency of trade restrictions has been a concern that **has constrained** the respective rules and regulations of the **environment regimes (Biosafety, Montreal**, ICCAT). Yet, some environment regimes have been cited in the WTO as examples of properly functioning, multilaterally negotiated, and narrowly drawn exceptions to free trade rules (CCAMLR, Montreal).19 A summary of the nature of the interactions between the WTO and the five environment regimes is contained in Table 1. The effect of the WTO on the design of primary rules within the environment regimes has been viewed as “**chilling**”, disrupting or slowing negotiation processes (Montreal, Biosafety), and limiting the composition and reach of trade measures (Biosafety, Basel), and their further development and application (Montreal). The WTO and the Conferences of the Parties of the various environment regimes each has the mandate to act in areas that lie in the other’s jurisdiction. Thus the nature of their “influence” over each other, though implicit, is as powerful as if it were expressly stated. Although a dispute challenging a MEA provision has never been brought before the WTO dispute settlement system, the threat of a WTO “challenge” under the WTO’s dispute settlement system further influences the design of rules under the environment regimes, and the membership of the environment regimes remains acutely conscious of this interaction. While some rules and behaviour of the environment regimes have developed to accommodate WTO rules, adjustments have tended to come at the expense of the environment regimes’ objectives. In particular, there has been no satisfactory resolution of the distinctions, if any, to be made between otherwise like products on the basis of their process and production methods.

#### Warming causes Extinction and Outweighs.

* Modified for Suicide Rhetoric

McDonald 19 Sam Miller McDonald 1-4-2019 <https://www.the-trouble.com/content/2019/1/4/deathly-salvation> (writer and geography PhD student at University of Oxford studying the intersection of grassroots movements and energy transition)//Elmer

The global economy is hurtling humanity toward extinction. Greenhouse gas emissions are on track to warm the planet by six degrees Celsius above preindustrial averages. A six-degree increase risks **killing most life on earth**, as global warming did during the Late Permian when volcanoes burned a bunch of fossilized carbon (e.g., coal, oil, and gas). Called the Great Dying, that event was, according to New York Magazine, “The most notorious [extinction event…]; it began when carbon warmed the planet by five degrees, accelerated when that warming triggered the release of methane in the Arctic, and ended with 97 percent of all life on Earth dead.” Mainstream science suggests that **we’re on our way there**. During the winter of 2017, the Arctic grew warmer than Europe, sending snow to the Mediterranean and Sahara. The planet may have already passed irreversible thresholds that could **accelerate further feedback loops like permafrost melt and loss of polar ice**. Patches of permafrost aren’t freezing even during winter, necessitating a rename (may I suggest ‘nevafrost’?). In the summer of 2018, forests north of the Arctic Circle broke 90 degrees Fahrenheit and burned in vast wildfires. We’re reaching milestones far faster than scientists have even recently predicted. As Guardian columnist George Monbiot noted, “The Arctic meltdown […] is the kind of event scientists warned we could face by 2050. Not by 2018.” **Mass marine death** that rapidly emits uncontrollable greenhouse gasses is another feedback loop that seems ready to strike. The ocean is now more acidic than **any time in the last 14 million years**, killing everything from snails to whales. It’s growing rapidly more acidic. Meanwhile, from the global South to wealthier industrialized countries, people are already dying and being displaced from the impacts of extreme climate change via extreme droughts, floods, wildfires, storms, and conflicts like the Syrian civil war. Authoritarianism is on the rise due directly to these climate emergencies and migrations. The IPCC has recently alerted the world that we have about a decade to dramatically cut emissions before collapse becomes inevitable. **We could prevent human extinction if we act immediately.** But the world is unanimously ignoring climate change. Nations will almost certainly fail to avert biosphere collapse. That is because doing so will require a rapid decarbonization of the global economy. But why does decarbonization--an innocuous enough term--seem so implausible? Well, let’s put it this way: a sufficient transition to non-carbon energy would require all the trains, buses, planes, cars, and ships in the world to almost immediately stop and be replaced with newly manufactured vehicles to run on non-carbon fuel, like hydrogen cells, renewable electricity, or some carbon-neutral biofuel. All this new manufacturing will have to be done with low-carbon techniques, many of which don’t exist yet and may be impossible to achieve at scale. This means all the complex supply chains that move most of the world’s food, water, medicine, basically all consumer goods, construction materials, clothing, and everything else billions of people depend on to survive will have to be fundamentally reformed, in virtually every way, immediately. It also means that all the electric grids and indoor heating and cooling systems in the world must be rapidly transformed from centralized coal and gas power plants to a mixture of solar, wind, and nuclear—both distributed and centralized—dispersed through newly built micro-grids and smart-grids, and stored in new battery infrastructure. These new solar panels, batteries, and nuclear plants will somehow have to be built using little carbon energy, again something that may be impossible to achieve at a global scale. The cost of this transition is impossible to know, but surely reaches the tens of trillions of dollars. It needs to happen in just about every industrialized nation on the planet and needs to happen now—not in 2050, as the Paris Agreement dictates, or the 2030s, as reflected in many governments’ decarbonization goals. The engineering and administrative obstacles are immense; disentangling century-old, haphazard electric grid systems, for example, poses an almost unimaginable cascade of institutional and logistical hurdles. Imagine the difficulty of persuading millions of municipalities around the world to do anything simultaneously; now, imagine convincing them all to fundamentally shift the resource infrastructure on which their material existence depends immediately. Perhaps even more daunting are the political obstacles, with diverse financial interests woven together in a tapestry of inertia and self-interest. Virtually all retirement funds, for instance, are invested in fossil fuel companies. Former and current fossil fuel industry managers sit on all manner of institutional committees in which energy and investment decisions are made: trustee boards of universities, regulatory commissions, city councils, congressional committees, philanthropic boards, federal agencies, the Oval Office couch. Lots of people make lots of money from fossil fuels. Will they sacrifice deeply vested interests to prevent collapse? They certainly have not shown signs of doing so yet, when the stakes are as dire as they’ve ever been; most have instead ruthlessly obstructed meaningful action. Will enough people be willing to do what it takes to forcibly remove them from the most powerful institutions in the world? That also seems unlikely, given meager public involvement in this issue so far. This is the obstacle of collective action: everyone has to sacrifice, but no one wants to start. Who will assent to giving up their steady returns from fossil fuels if everyone else refuses? When people are living so precariously as it is (43% of American can’t afford basic necessities), how can we ask them to undertake energy transition? The US drags its feet on decarbonizing and justifies it by arguing that China has not made strong enough commitments. Which country will voluntarily give up access to strategic fossil fuel reserves? Much of our geopolitical dynamics and wars have revolved around access to mineral resources like oil. Is the US going to put itself in a disadvantaged position for the climate? Shell withdraws research funding for renewables because ExxonMobil goes full steam ahead on oil, and, hey, they must compete. Fossil fuel funded politicians of both parties certainly will not aid transition. If untangling the webs of influence, interests, and engineering preventing decarbonization weren’t daunting enough, the world will also have to suck billions of tons of greenhouse gases out of the atmosphere that have already been emitted. Keeping the planet to even a deadly 1.5 degrees Celsius increase of warming depends on it. This sounds simpler than it is, as if a big vacuum cleaner could siphon particulates from the sky. But no one really knows how to extract and sequester carbon at the scale necessary to prevent catastrophic climate change. Engineers have thrown out a lot of ideas—some more plausible than others—but most scientists who have looked at proposals generally agree that it’s wishful thinking. As Huffington Post quotes Clive Hamilton, “In order to capture just a quarter of the emissions from the world's coal-fired power plants we would need a system of pipelines that would transport a volume of fluid twice the size of the global crude-oil industry.” Of course, manufacturing, shipping, and constructing those pipelines would require immense carbon energy inputs and emissions. And that’s just to capture the emissions from coal! Like energy transition, carbon capture and sequestration requires governments to act collectively to invest trillions of dollars in risky, experimental, and probably mostly ineffectual sequestration technologies. Again, it’s a collective action problem: nobody wants to be the one to sacrifice while no one else is putting themselves on the line. And the miniscule likelihood that energy transition will occur under a Trump-Digs-Coal presidency—and the Trumpian nationalists winning elections across the world—casts further doubt on the possibility of rapid decarbonization. The administration’s energy department has projected that, “The carbon footprint of the United States will barely go down at all for the foreseeable future and will be slightly higher in 2050,” as InsideClimateNews notes. The world, today, is still setting records for carbon emissions and there’s no sign that will change anytime soon. The only period in US history the nation has undertaken anything near the magnitude of collective action necessary for mitigation was during the Second World War and the rebuilding effort in its aftermath. But even those projects involved a fraction of the capital and coordination that will be necessary for sufficient energy transition and carbon sequestration. More importantly, today’s collective action will have to be politically justified without the motivation of defeating a personified enemy—a Hitler, if you will. Today, with interpersonal alienation running rampant and extremely consolidated wealth and power, industrial economies seem infinitely far from a cultural, political atmosphere in which collective action policies are even close to possible. To the contrary, wealthy countries are all still slashing public goods, passing austerity budgets, and investing heavily in fossil fuel infrastructure. Even most elected Democrats are dragging their feet on passing climate policy. The world is going in the exact opposite direction from one in which humans can live. We’ve tied ourselves in a perfect Gordian knot. The global economy is a vast machine, operating beyond the control of even the most powerful individuals, and it has a will of its own to consume and pollute. It’s hard to believe that this massive metal beast will be peacefully undone by the people who survive by it, and we all survive by it in some way, often against our wills; it bribes and entraps us all in ways large and small. But a wrench could clog the gears, and maybe only a wrench can stop it. One wrench that could slow climate disruption may be a large-scale conflict that halts the global economy, destroys fossil fuel infrastructure, and throws particulates in the air. At this point, with insane people like Trump, Putin, Xi, May, and Macron leading the world’s biggest nuclear powers, large-scale conflagration between them would probably lead to a nuclear exchange. Nobody wants nuclear war. Rather, nobody sane and prosocial wants nuclear war. It is an absolute horror that would burn and maim millions of living beings, despoil millions of hectares, and scar the skin of the earth and dome of the sky for centuries, maybe millennia. With proxy conflict brewing between the US and Russia in the Middle East and the Thucydides trap ready to ensnare us with an ascendant China, nuclear war looks like a more realistic possibility than it has since the 1980s. A devastating fact of climate collapse is that there may be a silver lining to the mushroom cloud. First, it should be noted that a nuclear exchange does not inevitably result in apocalyptic loss of life. Nuclear winter—the idea that firestorms would make the earth uninhabitable—is based on shaky science. There’s no reliable model that can determine how many megatons would decimate agriculture or make humans extinct. Nations have already detonated 2,476 nuclear devices. An exchange that shuts down the global economy but stops short of human extinction may be the only blade realistically likely to cut the carbon knot we’re trapped within. It would decimate existing infrastructures, providing an opportunity to build new energy infrastructure and intervene in the current investments and subsidies keeping fossil fuels alive. In the near term, emissions would almost certainly rise as militaries are some of the world’s largest emitters. Given what we know of human history, though, conflict may be the only way to build the mass social cohesion necessary for undertaking the kind of huge, collective action needed for global sequestration and energy transition. Like the 20th century’s world wars, a nuclear exchange could serve as an economic leveler. It could provide justification for nationalizing energy industries with the interest of shuttering fossil fuel plants and transitioning to renewables and, uh, nuclear energy. It could shock us into reimagining a less ~~suicidal~~ civilization, one that dethrones the death-cult zealots who are currently in power. And it may toss particulates into the atmosphere sufficient to block out some of the solar heat helping to drive global warming. Or it may have the opposite effects. Who knows? What we do know is that humans can survive and recover from war, probably even a nuclear one. Humans cannot recover from runaway climate change. Nuclear war is not an inevitable extinction event; six degrees of warming is.

### 1NC – AT: “We solve bad WTO”

#### I’ll answer the 1AR’s inevitable “we solve the reasons WTO is bad” –

#### 1] We’ve impact turned the goal of the WTO which is globalized liberalization that eliminates regional trade blocks – even if it’s more “effective” – that’s bad.

#### 2] The reason for Ngozi solving is “more assertive” in WTO problem-solving – that makes China more non-compliant since China wants a weaker WTO.