## 1

#### Interp: If debaters have a navigation box for their hsld 21-22 wiki then they must adhere to it

#### Violation: Their navigation says that theory will be titled as 01 but they tagged dispo bad under their contact info section – screenshot in doc. Graphical user interface, text, application, email Description automatically generated

#### Norming – Navigations panels lose their entire purpose when you don’t follow it and causes unnecessary confusion.

#### Two Impacts – (a) we waste time figuring out topical offense which decks pre-round prep o/ws since quantifiable skews are the only verifiable impact. (b) Its an independent voter for lying about your citations which encourages academic dishonesty.

## 2

#### Interpretation: Debaters may not justify 1ar theory is dtd, no rvi, competing interps, no 2n theory paradigm issues , and it’s the highest layer

#### Violation: its all in the underview

#### Standard: Infinite Abuse - their norm justifies the affirmative auto winning every round since they can read a risk free 1AR shell with DTD and Competing interps which I cannot answer since the theory shell since they make paradigm issues like evaluate the theory debate after the 1ar in the 1ar. And since I don’t have 2n paradigm issues I can’t contest it. Even if I try to uplayer the shell and read meta theory to get an out in the 2NR I can’t since your shell is the highest layer and nor can I go for paradigm issues like reasonability to gut check the shell since you denied that as well. Norming is an independent voter since justifying the value of debate necessarily justifies the norms of the activity being good in order for debate to be valuable.

#### Drop the debater—the abuse has already occurred and my time allocation which leads to severance in the 1ar which ow/s on magnitude b) to deter future abuse, big punishment incentivizes people to stop bad practices especially true with infinte abuse standard that means the aff will always win

#### Competing interps – a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm b] it creates a race to the top where we create the best possible norms for debate.

#### No RVIs – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c) chilling effect – forces you to split your 2AR so you can’t collapse and misconstrue the 2NR, d) topic ed – prevents 1AR blip storm scripts and allows us to get back to substance after resolving theory d) Double Bind – either 1) my Theory shell is unwarranted in which case you shouldn’t have any problem answering it or 2) you’re actually abusive in which case the whole shell stands and outweighs.

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology and 1st and last speech 3] Infinite perms and uplayering in the 1AR.

#### 1NC theory first a] If I was abusive it was because the 1AC was b] We have more speeches to norm over whether it’s a good idea c] 2AR answers to the 2NR counter-interp are always new, which means their interp is easier to win.

## 3

#### 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 **advances towards climate change solutions**, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course [we dispute this notion](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 **compensation and** no **recourse**. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all. Forced Tech Transfer Could Be on The Table When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so. In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new **seed technologies and sustainable biomass, reducing greenhouse gases** in manufacturing **and** transportation, **capturing** and sequestering **carbon** in soil and products, and more, **would be required to turn over their proprietary know-how** to global competitors. While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating **to voluntary international collaborations**. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company. Necessary Investment Could Diminish Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation [raised over $1 billion in investment in the second quarter of 2019 alone](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 **invest at** the current and **required levels.**

#### Climate Patents are critical to solving Warming – only way to stimulate Renewable Energy Technology Investment.

Aberdeen 20 Arielle Aberdeen October 2020 "Patents to climate rescue: how intellectual property rights are fundamental to the development of renewable energy" <https://www.4ipcouncil.com/application/files/4516/0399/1622/Intellectual_Property_and_Renewable_Energy.pdf> (Caribbean Attorney-at-Law with extensive experience in legal research and writing.)//Elmer

**Climate change is** the **most pressing** global **challenge** and with the international commitment to reduce greenhouse gas emissions under the Paris Agreement,1 there **needs to be a global energy revolution** and transition.2 This is where **innovative technology can help** meet the challenge of reducing our dependency on finite natural capital resources. The development and deployment of innovative technology play a pivotal role in enabling us to replace fossil fuel use with more sustainable energy solutions. **Patents** have **facilitated** the **development of such innovative technologies** thus far **and** will **continue to be the catalyst for this transition**. Patents are among a group of intellectual property rights (‘IPRs’). 3 These are private and exclusive rights given for the protection of different types of intellectual creations. IPRs are the cornerstone of developed and knowledge-based economies, as they encourage innovation, drive the investment into new areas and allow for the successful commercialisation of intellectual creations. IPRs are the cornerstone of developed and knowledge-based economies. Empirical evidence has shown that a **strong IPRs** system **influences** both the **development and diffusion of technology**. Alternatively, **weak IPRs** protection has been shown to **reduce** **innovation**, **reduce investment** and prevent firms from entering certain markets.4 Once patent protection has been sought and granted, it gives a time-limited and exclusive rights to the creator of an invention. This allows the inventor or patentor the ability to restrict others from using, selling, or making the new invented product or process. Thereby allowing a timelimited monopoly on the exploitation of the invention in the geographical area where it is protected. During the patent application procedure, the patentor must make sufficient public disclosure of the invention. This will allow others to see, understand and improve upon it, thereby spurring continuous innovation. Therefore, the patent system through providing this economic incentive is a successful tool which has encouraged the development and the dissemination of technology. Patents like all IPRs are key instruments in the global innovation ecosystem.5 When developing innovative technology, patents play a role throughout the “technological life cycle”,6 as shown in Figure 1. This lifecycle involves the invention, research and development (‘R&D’), market development and commercial diffusion. Patents are most effective when sought at the R&D stage. Once a patent has been granted, it becomes an asset which can then be used to7: Gain Market Access: Patents can create market advantages; to develop and secure market position; to gain more freedom to operate within a sector and reduce risks of infringing on other patents; protect inventions from being copied, and removes delaying by innovative firms to release new or improved technology and encourage the expansion of their markets. Negotiation leverage: Patents can build a strong brand or company reputation which can enhance the company’s negotiation power and allow for the creation of equal partnerships. Funding: Patents can generate funding and revenue streams for companies. Having a strong patent portfolio especially in small businesses or start-ups can be used to leverage investor funding; while also be a source of revenue for companies through licensing fees, sales, tax incentives, collateral for loans and access to grants and subsidies. Strategic value: Patents can be used to build “synergistic partnerships”8 through which collaboration on R&D and other partnerships; be used to improve in-house R&D and build and/ or develop more products. As such, obtaining and managing patent as part of a patent and broader IPRs strategy are key tools for business success, especially within highly innovative and technology-driven industries.9 Renewable Energy: The Basics Renewable energy is derived from natural unlimited sources which produce little to no harmful greenhouse gases and other pollutants. 10 Innovative renewable energy technologies (‘RETs’) have created the ability to tap into these sources and convert them to energy which can then be stored, distributed, and consumed at a competitive cost. RETs have developed into a technology ecosystem which consists of alternative energy production, energy conservation and green transportation.11 For energy production, RETs have been developed to generate energy from six main sources. These are: Wind energy: Technology, via off-shore and/or on-shore wind turbines, harnesses the energy produced by the wind. Solar energy: Technology either through concentrated solar power (‘CSP’)and solar photovoltaic (‘PV’) harnesses the energy produced by the sun. Hydropower: Technology either through large-scale or small-scale hydropower plants, captures energy from flowing water. Bioenergy: Technology is used to convert organic material into energy either through burning to produce heat or power or through converting it to a liquid biofuel. Geothermal: Technology is used to capture the energy from the heat produced in the earth’s core. Ocean/Tidal energy: Technology is used to capture the energy produced from waves, tides, salinity gradient energy and ocean thermal energy conversion. Out of these six sources, the wind, solar and hydropower energy sectors are the biggest, the most developed and the most widely used. While geothermal and ocean energy sources are used in a more limited capacity. In particular, the RETs in ocean energy is still at its infancy and thus presents an opportunity for future innovation and commercialisation. Renewable energy is the fastest-growing energy source, with the electricity sector showing the fastest energy transition. 12 In 2016, renewable energy accounted for 12% of final global energy consumption and in 2018, a milestone was reached with renewables being used to generate 26% of global electricity. The source of this energy has been driven by renewable hydropower, as shown in Figure 2, with wind and solar energy trailing behind in energy production. However, the International Energy Agency (‘IRENA’) forecasts that Solar PV will lead RETs to increase capacity in the upcoming years. 13 This rise in renewable energy is due to the increased investment into the sector and the development, diffusion and deployment of innovative RETs. For the period between 2010 and 2019, there were 2.6 trillion US dollars invested in renewable energy. 14 The majority of which being focused on solar energy. 15 This investment has surpassed the investment made into the traditional fossil fuel energy 16 and has been heavily driven by the private sector. 17 The International Energy Agency recent report showed that its members increased the public budgets for energy technology R&D, with the biggest increase in the low-carbon sectors.18 The geographic sources of this investment shown in Figure 3, reveals that the European Union, the United States and Japan are part of the largest investors. This reflects the historic involvement these countries have had in the renewable energy arena and the development of RETs. However, there is now the emergence of China, India and Brazil as large investors in this field. This trend in investment has also coincided with the increase in patenting technology in renewable energy compared to fossil fuels.19 Reports from the World Intellectual Property Office (WIPO), have shown that there has been a **steady increase in patent filing rates in RETs since the mid-1990s**.20 This increase has occurred in the four major renewable sectors, 21 where RETs patents applications were growing steadily from 2005 until reaching a peak in 2013.22 Post-2013, there has been a slight decline in patent filings, which can indicate a maturing of sectors and deployment of technologies.23 Each renewable energy sector is at a different stage of maturity and thus there is a variation of patent ownership. The wind sector is the most mature and consequently has the highest intellectual property ownership and patent grants compared to that of the biofuel sector. 24 IRENA also provides a comprehensive and interactive database for RETs patents. As seen in Figure 4 below, they have collected patent data from the major patent filing jurisdiction25 which shows the breakdown of the patents per type. This information reveals that there is a dominance of patent filings focused on solar technology. This data corresponds to the focus of the investment in renewable energy into solar energy. Upon closer look at the data, the geographic source of these patents shows that RETs patents have been concentrated in a few developed OECD countries and China. This also corresponds to the source of investment shown in Figure 3 and reflects the historical concentration of RETs innovation within these countries. 26 The latest WIPO report for 2019, which looks at the data for PCT patent applications, shows that 76 % of all PCT patent application came from the United States, Germany, Japan, the Republic of Korea and China.27 China is the newest entry into the top ten list and has made one of the largest jumps to become one of the biggest RETs patent filers at the PCT. This geographic data is also mirrored by IRENA’s statistics, as shown in Figure 5 below. This data also reflects China’s emerging renewable dominance. China is heavily **investing in solar energy** **technology** and has filed numerous patents in this area and the underlying technologies.28 The successful flow of investment in this sector can only **occur in** the **presence of a strong IPRs system** and protection. Government policies and initiatives to improve the **patent system** can be used to promote the development of RETs and drive private capital and investment into this area.29 This direct **effect on RETs** through policies was **shown in** the United States with the ‘**Green Tech Pilot Program’**.30 This was a special accelerated patent application procedure developed by the United States Patent and Trademark Office for inventions falling under the green technology category. This program ran from 2009-2011 and led to a boost in RETs patent applications, with the office issuing 1062 RETs patents from the programme. Other jurisdictions, such as the European Union and China have used policy and incentives to promote the development of RETs and the advancement of their renewable energy sector. In particular, the European Union and China began the renewable energy path at different starting points but are now both dominant players in this area.

#### Warming causes Extinction

Kareiva 18, Peter, and Valerie Carranza. "Existential risk due to ecosystem collapse: Nature strikes back." Futures 102 (2018): 39-50. (Ph.D. in ecology and applied mathematics from Cornell University, director of the Institute of the Environment and Sustainability at UCLA, Pritzker Distinguished Professor in Environment & Sustainability at UCLA)//Re-cut by Elmer

In summary, six of the nine proposed planetary boundaries (phosphorous, nitrogen, biodiversity, land use, atmospheric aerosol loading, and chemical pollution) are unlikely to be associated with existential risks. They all correspond to a degraded environment, but in our assessment do not represent existential risks. However, the three remaining boundaries (**climate change**, global **freshwater** cycle, **and** ocean **acidification**) do **pose existential risks**. This is **because of** intrinsic **positive feedback loops**, substantial lag times between system change and experiencing the consequences of that change, and the fact these different boundaries interact with one another in ways that yield surprises. In addition, climate, freshwater, and ocean acidification are all **directly connected to** the provision of **food and water**, and **shortages** of food and water can **create conflict** and social unrest. Climate change has a long history of disrupting civilizations and sometimes precipitating the collapse of cultures or mass emigrations (McMichael, 2017). For example, the 12th century drought in the North American Southwest is held responsible for the collapse of the Anasazi pueblo culture. More recently, the infamous potato famine of 1846–1849 and the large migration of Irish to the U.S. can be traced to a combination of factors, one of which was climate. Specifically, 1846 was an unusually warm and moist year in Ireland, providing the climatic conditions favorable to the fungus that caused the potato blight. As is so often the case, poor government had a role as well—as the British government forbade the import of grains from outside Britain (imports that could have helped to redress the ravaged potato yields). Climate change intersects with freshwater resources because it is expected to exacerbate drought and water scarcity, as well as flooding. Climate change can even impair water quality because it is associated with heavy rains that overwhelm sewage treatment facilities, or because it results in higher concentrations of pollutants in groundwater as a result of enhanced evaporation and reduced groundwater recharge. **Ample clean water** is not a luxury—it **is essential for human survival**. Consequently, cities, regions and nations that lack clean freshwater are vulnerable to social disruption and disease. Finally, ocean acidification is linked to climate change because it is driven by CO2 emissions just as global warming is. With close to 20% of the world’s protein coming from oceans (FAO, 2016), the potential for severe impacts due to acidification is obvious. Less obvious, but perhaps more insidious, is the interaction between climate change and the loss of oyster and coral reefs due to acidification. Acidification is known to interfere with oyster reef building and coral reefs. Climate change also increases storm frequency and severity. Coral reefs and oyster reefs provide protection from storm surge because they reduce wave energy (Spalding et al., 2014). If these reefs are lost due to acidification at the same time as storms become more severe and sea level rises, coastal communities will be exposed to unprecedented storm surge—and may be ravaged by recurrent storms. A key feature of the risk associated with climate change is that mean annual temperature and mean annual rainfall are not the variables of interest. Rather it is extreme episodic events that place nations and entire regions of the world at risk. These extreme events are by definition “rare” (once every hundred years), and changes in their likelihood are challenging to detect because of their rarity, but are exactly the manifestations of climate change that we must get better at anticipating (Diffenbaugh et al., 2017). Society will have a hard time responding to shorter intervals between rare extreme events because in the lifespan of an individual human, a person might experience as few as two or three extreme events. How likely is it that you would notice a change in the interval between events that are separated by decades, especially given that the interval is not regular but varies stochastically? A concrete example of this dilemma can be found in the past and expected future changes in storm-related flooding of New York City. The highly disruptive flooding of New York City associated with Hurricane Sandy represented a flood height that occurred once every 500 years in the 18th century, and that occurs now once every 25 years, but is expected to occur once every 5 years by 2050 (Garner et al., 2017). This change in frequency of extreme floods has profound implications for the measures New York City should take to protect its infrastructure and its population, yet because of the stochastic nature of such events, this shift in flood frequency is an elevated risk that will go unnoticed by most people. 4. The combination of positive feedback loops and societal inertia is fertile ground for global environmental catastrophes **Humans** are remarkably ingenious, and **have adapted** to crises **throughout** their **history**. Our doom has been repeatedly predicted, only to be averted by innovation (Ridley, 2011). **However**, the many **stories** **of** human ingenuity **successfully** **addressing** **existential risks** such as global famine or extreme air pollution **represent** environmental c**hallenges that are** largely **linear**, have immediate consequences, **and operate without positive feedbacks**. For example, the fact that food is in short supply does not increase the rate at which humans consume food—thereby increasing the shortage. Similarly, massive air pollution episodes such as the London fog of 1952 that killed 12,000 people did not make future air pollution events more likely. In fact it was just the opposite—the London fog sent such a clear message that Britain quickly enacted pollution control measures (Stradling, 2016). Food shortages, air pollution, water pollution, etc. send immediate signals to society of harm, which then trigger a negative feedback of society seeking to reduce the harm. In contrast, today’s great environmental crisis of climate change may cause some harm but there are generally long time delays between rising CO2 concentrations and damage to humans. The consequence of these delays are an absence of urgency; thus although 70% of Americans believe global warming is happening, only 40% think it will harm them (http://climatecommunication.yale.edu/visualizations-data/ycom-us-2016/). Secondly, unlike past environmental challenges, **the Earth’s climate system is rife with positive feedback loops**. In particular, as CO2 increases and the climate warms, that **very warming can cause more CO2 release** which further increases global warming, and then more CO2, and so on. Table 2 summarizes the best documented positive feedback loops for the Earth’s climate system. These feedbacks can be neatly categorized into carbon cycle, biogeochemical, biogeophysical, cloud, ice-albedo, and water vapor feedbacks. As important as it is to understand these feedbacks individually, it is even more essential to study the interactive nature of these feedbacks. Modeling studies show that when interactions among feedback loops are included, uncertainty increases dramatically and there is a heightened potential for perturbations to be magnified (e.g., Cox, Betts, Jones, Spall, & Totterdell, 2000; Hajima, Tachiiri, Ito, & Kawamiya, 2014; Knutti & Rugenstein, 2015; Rosenfeld, Sherwood, Wood, & Donner, 2014). This produces a wide range of future scenarios. Positive feedbacks in the carbon cycle involves the enhancement of future carbon contributions to the atmosphere due to some initial increase in atmospheric CO2. This happens because as CO2 accumulates, it reduces the efficiency in which oceans and terrestrial ecosystems sequester carbon, which in return feeds back to exacerbate climate change (Friedlingstein et al., 2001). Warming can also increase the rate at which organic matter decays and carbon is released into the atmosphere, thereby causing more warming (Melillo et al., 2017). Increases in food shortages and lack of water is also of major concern when biogeophysical feedback mechanisms perpetuate drought conditions. The underlying mechanism here is that losses in vegetation increases the surface albedo, which suppresses rainfall, and thus enhances future vegetation loss and more suppression of rainfall—thereby initiating or prolonging a drought (Chamey, Stone, & Quirk, 1975). To top it off, overgrazing depletes the soil, leading to augmented vegetation loss (Anderies, Janssen, & Walker, 2002). Climate change often also increases the risk of forest fires, as a result of higher temperatures and persistent drought conditions. The expectation is that **forest fires will become more frequent** and severe with climate warming and drought (Scholze, Knorr, Arnell, & Prentice, 2006), a trend for which we have already seen evidence (Allen et al., 2010). Tragically, the increased severity and risk of Southern California wildfires recently predicted by climate scientists (Jin et al., 2015), was realized in December 2017, with the largest fire in the history of California (the “Thomas fire” that burned 282,000 acres, https://www.vox.com/2017/12/27/16822180/thomas-fire-california-largest-wildfire). This **catastrophic fire** embodies the sorts of positive feedbacks and interacting factors that **could catch humanity off-guard and produce a** true **apocalyptic event.** Record-breaking rains produced an extraordinary flush of new vegetation, that then dried out as record heat waves and dry conditions took hold, coupled with stronger than normal winds, and ignition. Of course the record-fire released CO2 into the atmosphere, thereby contributing to future warming. Out of all types of feedbacks, water vapor and the ice-albedo feedbacks are the most clearly understood mechanisms. Losses in reflective snow and ice cover drive up surface temperatures, leading to even more melting of snow and ice cover—this is known as the ice-albedo feedback (Curry, Schramm, & Ebert, 1995). As snow and ice continue to melt at a more rapid pace, millions of people may be displaced by flooding risks as a consequence of sea level rise near coastal communities (Biermann & Boas, 2010; Myers, 2002; Nicholls et al., 2011). The water vapor feedback operates when warmer atmospheric conditions strengthen the saturation vapor pressure, which creates a warming effect given water vapor’s strong greenhouse gas properties (Manabe & Wetherald, 1967). Global warming tends to increase cloud formation because warmer temperatures lead to more evaporation of water into the atmosphere, and warmer temperature also allows the atmosphere to hold more water. The key question is whether this increase in clouds associated with global warming will result in a positive feedback loop (more warming) or a negative feedback loop (less warming). For decades, scientists have sought to answer this question and understand the net role clouds play in future climate projections (Schneider et al., 2017). Clouds are complex because they both have a cooling (reflecting incoming solar radiation) and warming (absorbing incoming solar radiation) effect (Lashof, DeAngelo, Saleska, & Harte, 1997). The type of cloud, altitude, and optical properties combine to determine how these countervailing effects balance out. Although still under debate, it appears that in most circumstances the cloud feedback is likely positive (Boucher et al., 2013). For example, models and observations show that increasing greenhouse gas concentrations reduces the low-level cloud fraction in the Northeast Pacific at decadal time scales. This then has a positive feedback effect and enhances climate warming since less solar radiation is reflected by the atmosphere (Clement, Burgman, & Norris, 2009). The key lesson from the long list of potentially positive feedbacks and their interactions is that **runaway climate change,** and runaway perturbations have to be taken as a serious possibility. Table 2 is just a snapshot of the type of feedbacks that have been identified (see Supplementary material for a more thorough explanation of positive feedback loops). However, this list is not exhaustive and the possibility of undiscovered positive feedbacks **portends** even greater **existential risks**. The many environmental crises humankind has previously averted (famine, ozone depletion, London fog, water pollution, etc.) were averted because of political will based on solid scientific understanding. We cannot count on complete scientific understanding when it comes to positive feedback loops and climate change.

## 4

#### Hedonism collapses to moral egoism – even if pleasure is intrinsically good and motivating, it doesn’t follow that other subjects pleasure is also intrinsically good

#### 1] Non-sequitur – saying that x is good for me doesn’t entail that x is good for everybody.

#### 2] Solipsism – we can’t verify if other humans also are experiential subjects or are just fleshy objects.

#### 3] Dependency – Even if pleasure is good for everyone, they haven’t warranted why one agent has an obligation to any other. Outweighs – none of their metaphysical justifications are actor-specific. Moral egoism means relativism which they can’t solve.

#### Moral egoism means relativism which they can’t solve

#### 1] Schmagency – even if we know what is ethical, there’s no reason that we are bound to ethical behavior.

#### 2] Application – even if we agree on what is ethical, we’ll still disagree on what the best way on how to maximize ethical outcomes.

#### The solution is the sovereign – we must surrender moral judgement.

Williams Williams, Michael C. (Professor in the Graduate School of Public and International Affairs at the University of Ottawa). “Hobbes and International Relations: A Reconsideration.” *International Organization*, Volume 50, Number 2, pgs. 218-220. Spring 1996. [**https://www.jstor.org/stable/2704077**](https://www.jstor.org/stable/2704077). Cho recut from PZ

By themselves, the laws of nature are not enough, not because rational actors cannot trust each other enough to enter into a social contract but because in the condition of epistemological indeterminacy that Hobbes portrays as natural, this universality is at best a partial step. For even if all were to agree on the right to self-preservation, all need not necessarily agree on what comprised threats to that preservation, how to react to them, or how best to secure themselves against them. Conflict is not simply intrinsic to humanity's potential for aggression; nor can it be resolved directly through the utilitarian calcula- tions of competing and conflicting interests. On the contrary, Hobbes believes that the answer lies in recognizing the problem: namely, the inability to resolve objectively the problem of knowing facts and morals in any straightforward manner. Once this is recognized, the stage is set for Hobbes's solution, a solution that lies not-as Donald Hanson has argued-in a flight from politics but rather in an appeal to politics.19 Or, put another way, Hobbes tries to show how rational certainty and skepticism can be paradoxically combined into a solution for politics and a solution by politics. To escape the state of nature, individuals do not simply alienate their "right to everything" to a political authority.20 More fundamentally, what is granted to that authority is the right to decide among irresolvably contested truths: to provide the authoritative criteria for what is and thus to remove people from the state of epistemic and ethical anarchy that form the basis of the state of nature. Hobbes uses his skepticism both to show the necessity of his solution and to destroy (what he views as dogmatic) counterclaims to political authority based upon unsupportable (individual) claims to truth. In arguing against what he views as seditious individual claims against the authority of the sovereign in De Cive, Hobbes puts it in the following way: "the knowledge of good and evil belongs to each single man. In the state of nature indeed, where every man lives by equal right, and has not by any mutual pacts submitted to the command of others, we have granted this to be true; nay, [proved it] ... [But in the civil state it is false. For it was shown. . .] that the civil laws were the rules of good and evil, just and unjust, honest and dishonest; that therefore what the legislator commands, must be held for good, and what he forbids for evil. "21 Earlier in the same work, he phrased the argument even more unequivocally, noting that since "the opinions of men differ concerning meum and tuum, just and unjust, profitable and unprofitable, good and evil, honest and dishonest, and the like; which every man esteems according to his own judgment: it belongs to the same chief power to make some common rules for all men, and to declare them publicly, by which every man may know what may be called his, what another's, what just, what unjust, what honest, what dishonest, what good, what evel; that is summarily, what is to be done, what to be avoided in our common course of life." It follows that for Hobbes: "All judgment therefore, in a city, belongs to him who hath the swords; that is, to him who hath the supreme authority."22 These are the fundamental reasons why the sovereign must be unchallenge- able; to rebel is to return to the subjectively relative claim to know and the conflict that this inevitably entails. They also explain why the sovereign ultimately must control language (which defines what is) and clarify Hobbes's repeated stress on the importance of education rather than coercion as the essential element in a successful sovereign's rule.23 Interpretive dissent leads to political dissension and to conflict. In the words of Hobbes's patron, the Earl of Newcastle, "controversy Is a Civil Warr with the Pen which pulls out the sorde soon afterwards. "24

#### Outweighs util

#### 1] Solves skep

#### A] Relativism – the sovereign can arbitrate their truths as objective which secures moral certainty

#### B] Linguistic – obligations are always up to interpretation which means we can never follow them, like how the bible or constitution are heavily debated on. Surrendering judgement solves by declaring the sovereign’s interpretation as objectively true.

#### 2] Solves state of nature – infinite violence occurs over attempts to be the creator of meaning, the sovereign solves by eliminating all disagreements Outweighs under util – the state of nature is definitionally the epitome of pain.

#### That outweighs:

#### A] Abduction – even if util is true and motivating, they can’t explain why we don’t follow it. Answering this negates – If we were actually motivated by utilitarian obligations then the squo would be the best state of affairs.

#### B] hijacks lexical pre-req – even if util is true we can’t ever use it because we fear for our bodily security.

#### Negate

#### 1] IP rights are crucial to sovereign arbitration.

Ghosh 04 [Shubha Ghosh (B.A., Amherst College; Ph.D., University of Michigan; J.D., Stanford Law School; Professor of Law, University at Buffalo, SUNY, Law School; Visiting Professor, SMU Dedman School of Law). “PATENTS AND THE REGULATORY STATE: RETHINKING THE PATENT BARGAIN METAPHOR AFTER ELDRED”. BERKELEY TECHNOLOGY LAW JOURNAL. 2004. Accessed 9/3/21. <https://lawcat.berkeley.edu/record/1119327/files/fulltext.pdf> //Xu]

As illustration of the limits of social contract theory,46 particularly the malleability of the notions of consent and promise, consider a social contract theory of intellectual property based on the thoughts of Thomas Hobbes rather than that of John Locke. No scholar has expressly developed a Hobbesian theory of patent or of copyright, but as a challenge to social contract theory, it may be useful to imagine what such a theory would look like.47 For Hobbes, humans created the leviathan-the sovereign state-to protect themselves from each other in the state of nature. 48 Without the leviathan, the state of nature was not an idyllic paradise but a condition of savagery and brutality. In the state of nature, to the extent that any creative activity occurred, the objects of creation would be cannibalized, thoughtlessly copied, adapted, distributed, and performed or used, sold, offered to sell, and made by others. Thus, intellectual property law under the leviathan would protect individuals from this state of nature by making them absolute, immutable, bountiful, and unlimited. Humans would consent to these terms if they were enforced equally for all creations, and each author and inventor would promise to all others to abide by this form of the intellectual property social contract.

#### 2] Sequencing – a sovereign can’t be obligated to do anything because they are the ones who choose what ethics and truth – the rez tries to coerce the sovereign to do something which challenges its authority.

#### My offense o/ws on specificity because only our fw answers the question of government obligations. Their framework can’t solve skep which results impossible calculus and moral permissibility.

#### NCC – anything else allows them to concede all our framework interactions and just go for 4 minutes of turns against our NC which o/w since phil is the only thing unique to LD Debate and time is the only quantifiable metric of abuse

## 5

#### Reasonability on 1AR shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing really abusive 1NCs while still giving the 2N a chance.

#### DTA on 1AR shells - They can blow up blippy 20 second shells in the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it.

#### RVIs on 1AR theory – 1AR being able to spend 20 seconds on a shell and still win forces the 2N to allocate at least 2:30 on the shell which means RVIs check back time skew – ows on quantifiaiblity

## Case

#### [AT Lake] I’ll answer the Trade Impact here:

#### 1] Current Regional Trade isn’t Great Power Competition – it’s regional integration that’s far more open which takes out their Exclusion I/L – that’s 1NC Brkic.

#### 2] Their card concedes a] the impact isn’t inevitable BUT driven by contingent choices which we control the U/Q that countries won’t by driven by those Great Power competitions and b] protectionism is driven by domestic forces – if that’s true, then WTO credibility doesn’t matter and they’ll defy the WTO anyways – here’s a re-highlighting.

1AC Lake 18. [(David Lake is a Professor of Social Sciences and Distinguished Professor of Political Science at the University of California, San Diego. "Economic Openness and Great Power Competition: Lessons for China and the United States,” April 30, 2018. <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3171196/>] TDI

I develop two central arguments. First, historically, great power competition has been driven primarily by exclusion or fears of exclusion from each power’s international economic zone, including its domestic market. Great powers in the past have often used their international influence to build zones in which subordinate polities – whether these be colonies or simply states within a sphere of influence – are integrated into their economies. These economic zones, in turn, are typically biased in favor of the great power’s firms and investors, with the effect of excluding (in whole or part) the economic agents of other great powers. These other great powers, in response, are then compelled to develop or expand their own exclusive economic zones. The “race” for economic privilege can quickly divide the world up into economic blocs. Like the security dilemma, great powers need not actually exclude one another from their zones; the fear of exclusion alone is enough to ignite the process of division. The race for privilege then draws great powers into over-expanding into unprofitable regions and, more important, militarized competition. Economic and military competition are thus linked, with the former usually driving the latter. The most significant military crises have, historically, been over where to draw the boundaries between economic zones and subsequent challenges to those boundaries. Economic closure and fear of closure have been consistent sources of great power conflict in the past – and possibly will be in the future. The **major exception** to this trend **was** the **peaceful transfer of** **dominance** **in Latin America** from Britain to the United States in the late nineteenth century. This suggests that **economic closure and great power competition** **is not inevitable**, **but a choice of the great powers themselves**. Second, this **international competition is driven**, in turn, **by domestic**, rent-seeking groups and their economic **interests**. In all countries, scarce factors of production, import competing sectors, and domestically-oriented firms have concentrated and intense preferences for market restricting policies, including tariffs and the formation of exclusive economic zones. Consumers and free trade-oriented groups have diffuse preferences for market enhancing policies, and thus tend to lose at the ballot box and in the making of national policy. This inequality in preference intensity does not mean protectionists always win; after 1934, the United States insulated itself by shifting authority to the executive and negotiating reductions through broad, multi-product international agreements.8 Yet, as the recent return to economic nationalism of the Trump administration suggests, protectionism often wins out. Rent-seeking is **a central tendency, not an inevitable success.** Contemporary great power relations are at a critical juncture. As China’s influence expands, the role of special economic interests in China is especially worrisome. In pursuit of stability, political support, or private gains, the government will always be tempted to create economic zones that favor its nationals. In this way, China will be no different than the majority of great powers before it. But, given the expansive role of the state in the Chinese economy, especially its backing of outward foreign investments by its state-owned enterprises (SOEs), and the close ties between business elites and its authoritarian political leaders, however, it will be even harder for China to resist biasing any future economic zone to benefit its own firms. Although China has gained greatly from economic openness, its domestic political system will be prone to rent-seeking demands by important constituents in areas of future influence. Critically, the United States is also moving toward economic closure with the election of President Trump on a platform of economic nationalism. Demands for protection against Chinese goods have been growing over time.9 The “China shock” that followed Beijing’s joining the World Trade Organization was a huge disruption to the international division of labor, U.S. comparative advantage, and especially U.S. industry.10 The Trans-Pacific Partnership, though now defunct, was “marketed” by President Barak Obama as a means of “containing” China, both economically and militarily, but was opposed by virtually all of the candidates in the 2016 presidential election for its trade-enhancing potential. President Trump has already signaled a much more hostile and protectionist stance toward China – as well as calling for the repeal of NAFTA and even questioning the utility of the European Union. Not only has he imposed tariffs on washing machines, solar panels, steel and aluminum, dangerously declaring the latter two issues of national security, he is making exceptions on these tariffs for friends and allies. 11 Implicitly targeting China, these protectionist moves by the administration risk creating preferential trading blocs not seen since the 1930s. He has also now proposed punitive tariffs on over $60 billions of imports from China into the United States.12 Acknowledging his inconsistencies on many policy issues, Trump’s economic nationalism has remained the core of his political agenda. The threat to the liberal international economy is not only that China might seek an economic bloc in the future, but that the United States itself is turning more exclusionary. For each great power to fear that the other might seek to exclude it from its economic zone is not unreasonable. If so, great power competition could break out in the twenty-first century not because of bipolarity or any inevitable tendency toward conflict, but because neither great power can control its own protectionist forces nor signal to the other that it would not exclude it from its economic zone. The British-U.S. case, again, suggests that exclusion and competition are not inevitable, but the current danger of economic closure is real and increasing. This article is synthetic in its theory and merely suggestive in its use of historical evidence. The theory aims to integrate current work on political economy and national security, not to develop a completely original take on this relationship. In turn, rather than testing the theory in any rigorous sense or delving into particular cases to show the theoretical mechanisms at work, so to speak, it surveys selected historical episodes to illustrate central tendencies. It is the recurring pattern across multiple cases that suggests why we should worry today. The remainder of this essay is divided in three primary sections. Section I briefly outlines the analytics of economic openness and great power competition. Section II focuses on historical instances of great power competition, highlighting the role of economic openness as a central cleavage in international politics. Section III examines contemporary policies in and between China and the United States. The conclusion suggests ways that the potential for conflict may be mitigated. The Open Economy Politics of Great Power Competition All states have a tendency towards protectionism at home and exclusive economic zones abroad. A tendency, though, is not an inevitability. The pursuit of protection and economic zones by domestic interests is conditioned by the political coalition in power at any given time and institutions that aggregate and bias the articulation of social groups. 13 The tendency is also influenced, however, by the actions of other countries. Protectionism can sour great power relations, but it is the desire for exclusive economic zones that drives great power competition and, given the possibility of coercion, influences grand strategy. Thus, the theory sketched here integrates insights from international political economy (see below), the literature on domestic politics and grand strategy,14 and systemic theories of international relations.15

#### 3] Regionalism solves – it’s a building block – prefer gradual change to immediate ones.

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

There are **over 180 independent states** in the modern world, most of which **differ** enormously **in economic development and power**. World economy is therefore a battlefield of varied interests expressed in the action of different national economic policies. In such conditions, **attempts to integrate** world **economy** **by global liberalization of** international **trade cannot yield** significant **results overnight.** Global free trade is considered the first best solution, but is not feasible immediately and at once, since too many people believe that they would lose with global liberalization. According to the view believed to be optimistic, creation of international economic integrations could be a distinctive inter-step in the process of free world market creation. Lester Thurow points out: "In the long run, **regionalism** development **could be favorable** for the world. **Free trade within regions** and regulated trade between regions **could be** the **proper road to free world trade in a long term**. The shift from national to world economy at once would be too big a jump. One should first make a few smaller inter-steps, and pseudo-trading blocs coupled with regulated trade could be such a necessary inter-step." The essential rationale of this view is actually the speed of reforms - the gradual versus “big bang” approach. Many contemporary economists, in their analyses of world economy trends, conclude that political forces behind regional integration show signs of consistency with those acting towards global world trade. According to the optimistic view, the multilateralization process is slowed down by different standpoints on the free trade usefulness, by economic nationalisms, even by varying political interests, and therefore another way had to be found in order to achieve the world market integration – a slower one, but more effective in the existing constellation of international economic relations. This view denies the opposition between regionalism and multilateralism, and explains it as follows: Since integration improves economic relations between members through removing trading and other barriers, and since all these integrated regions are part of the world territory, the advancement of economic relations within regions can be understood as the advancement of global economic relations. Regional trading, i.e. economic blocs would in this case be only a bypass towards the creation of unified world market. "... What could not be achieved in global relations was achieved within regions, through multilateralization of the European economic area. These achievements were later followed by many countries in other world regions, in their mutual relations practice. Practically, we thus got regional multilateralisms." Regionalism advocates also point out that the formation of economic integrations could facilitate the pending WTO negotiation rounds. Actually, the Uruguay round was partly protracted due to a great number of participants and the "free riders" issue. Viewed in broader context, one could say that regionalism contributes to overall globalization as well, since these are processes motivated from the same source. Both regionalism and globalization are driven by big capital interests, and that these two phenomena are actually ways to make the centuries-long capitalism aspiration – unified world market - come true. According to this view, the globalization process as a process of world economy functional integration under the circumstances of imperfect market and hegemony weakening early in the 20th century has to be supported by the institutional component, either on a multilateral basis through international organizations and institutions such as the World Bank, IMF and WTO, or on regional scale through regional trading arrangements.

#### 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.

#### China thumps protectionism – they’ll never listen.

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.

#### Non-Unique - India COVID improving.

The Economist 5-24 5-24-2021 "India's COVID-19 crisis is beginning to ease" <https://archive.is/rpQ63#selection-579.0-582.0> //Elmer

Yet even India’s faulty government numbers now give **reason for hope**. The parts of the country where counting is fairly reliable show a clear trend. The virus’s vicious **second wave** is **rolling back almost as fast as it rolled in**. In early May, India was recording some 400,000 new cases a day. This has now fallen below 250,000. The number of **daily** **new cases** **in Mumbai**, the country’s commercial capital and one of the first places to see a surge, is now **about one-seventh of its peak**. In **Delhi**, the hard-hit capital, the proportion of covid **tests** proving **positive** in April reached a frightening 36%. This has now tumbled **below 3%.** The corresponding national “positivity rate”, heavily weighted towards cities where more tests are performed, has fallen from 24% to under 12%. In the main cities at least, the **desperate fight to get** **oxygen** to gasping patients **has** been **won**. Daily demand for liquid medical oxygen (LMO), which reached some 9,000 metric tons—three times the demand during India’s first peak in September—has now begun to drop, says a government task-force. Jokers point to another indicator of improving fortunes. Leaders whose visibility faded notably as the tragedy mounted have suddenly grown less camera-shy. “You know cases are going down because...Modi has reappeared,” joked one tweet, referring to the prime minister, Narendra Modi, who very publicly appeared to choke with emotion during a televised Zoom call with doctors in his parliamentary constituency.

#### No escalation – their evidence only says “nuclear” in the context of a previous “ominous hint” for a convention for another conflict which disproves escalation risk AND “continue escalating” is nonsense w/o a brink scenario – we’ll insert another re-cutting.

Roblin 21. [(Sébastien Roblin holds a master’s degree in Conflict Resolution from Georgetown University and served as a university instructor for the Peace Corps in China, "If the Next India-Pakistan War Goes Nuclear, It Will Destroy the World," The National Interest, March 26, 2021. <https://nationalinterest.org/blog/reboot/if-next-india-pakistan-war-goes-nuclear-it-will-destroy-world-181134>] TDI

Here's What You Need to Remember: India and Pakistan account for over one-fifth world’s population, and therefore a significant share of economic activity. Should their major cities become irradiated ruins with their populations decimated, a tremendous disruption would surely result. Between February 26 and 27 in 2019, Indian and Pakistani warplanes launched strikes on each other’s territory and engaged in aerial combat for the first time since 1971. Pakistan **ominously** hinted **it was convening its N**ational **C**ommand **A**uthority, **the institution which can authorize a nuclear strike**. The two states, which have retained an adversarial relationship since their founding in 1947, between them deploy nuclear warheads that can be delivered by land, air and sea. However, those weapons are inferior in number and yield to the thousands of nuclear weapons possessed by Russia and the United States, which include megaton-class weapons that can wipe out a metropolis in a single blast. Some commenters have callously suggested that means a “limited regional nuclear war” would remain an Indian and Pakistani problem. People find it difficult to assess the risk of rare but catastrophic events; after all, a full-scale nuclear war has never occurred before, though it has come close to happening. Such assessments are not only shockingly callous but shortsighted. In fact, several studies have modeled the global impact of a “limited” ten-day nuclear war in which India and Pakistan each exchange fifty 15-kiloton nuclear bombs equivalent in yield to the Little Boy uranium bomb dropped on Hiroshima. Their findings concluded that spillover would in no way be “limited,” directly impacting people across the globe that would struggle to locate Kashmir on a map. And those results are merely a conservative baseline, as India and Pakistan are estimated to possess over 260 warheads. Some likely have yields exceeding 15-kilotons, which is relatively small compared to modern strategic warheads. Casualties Recurring terrorist attacks by Pakistan-sponsored militant groups over the status of India’s Muslim-majority Jammu and Kashmir state have repeatedly led to threats of a conventional military retaliation by New Delhi. Pakistan, in turn, maintains it may use nuclear weapons as a first-strike weapon to counter-balance India’s superior conventional forces. Triggers could involve the destruction of a large part of Pakistan’s military or penetration by Indian forces deep into Pakistani territory. Islamabad also claims it might authorize a strike in event of a damaging Indian blockade or political destabilization instigated by India. India’s official policy is that it will never be first to strike with nuclear weapons—but that once any nukes are used against it, New Dehli will unleash an all-out retaliation. The Little Boy bomb alone killed around 100,000 Japanese—between 30 to 40 percent of Hiroshima’s population—and destroyed 69 percent of the buildings in the city. But Pakistan and India host some of the most populous and densely populated cities on the planet, with population densities of Calcutta, Karachi and Mumbai at or exceeding 65,000 people per square mile. Thus, even low-yield bombs could cause tremendous casualties. A 2014 study estimates that the immediate effects of the bombs—the fireball, over-pressure wave, radiation burns etc.—would kill twenty million people. An earlier study estimated a hundred 15-kiloton nuclear detonations could kill twenty-six million in India and eighteen million in Pakistan—and concluded that escalating to using 100-kiloton warheads, which have greater blast radius and overpressure waves that can shatter hardened structures, would multiply death tolls four-fold. Moreover, these projected body counts omit the secondary effects of nuclear blasts. Many survivors of the initial explosion would suffer slow, lingering deaths due to radiation exposure. The collapse of healthcare, transport, sanitation, water and economic infrastructure would also claim many more lives. A nuclear blast could also trigger a deadly firestorm. For instance, a firestorm caused by the U.S. napalm bombing of Tokyo in March 1945 killed more people than the Fat Man bomb killed in Nagasaki. Refugee Outflows The civil war in Syria caused over 5.6 million refugees to flee abroad out of a population of 22 million prior to the conflict. Despite relative stability and prosperity of the European nations to which refugees fled, this outflow triggered political backlashes that have rocked virtually every major Western government. Now consider likely population movements in event of a nuclear war between India-Pakistan, which together total over 1.5 billion people. Nuclear bombings—or their even their mere potential—would likely cause many city-dwellers to flee to the countryside to lower their odds of being caught in a nuclear strike. Wealthier citizens, numbering in tens of millions, would use their resources to flee abroad. Should bombs beginning dropping, poorer citizens many begin pouring over land borders such as those with Afghanistan and Iran for Pakistan, and Nepal and Bangladesh for India. These poor states would struggle to supports tens of millions of refugees. China also borders India and Pakistan—but historically Beijing has not welcomed refugees. Some citizens may undertake risky voyages at sea on overloaded boats, setting their sights on South East Asia and the Arabian Peninsula. Thousands would surely drown. Many regional governments would turn them back, as they have refugees of conflicts in Vietnam, Cambodia and Myanmar in the past. Fallout Radioactive fallout would also be disseminated across the globe. The fallout from the Chernobyl explosion, for example, wounds its way westward from Ukraine into Western Europe, exposing 650,000 persons and contaminating 77,000 square miles. The long-term health effects of the exposure could last decades. India and Pakistan’s neighbors would be especially exposed, and most lack healthcare and infrastructure to deal with such a crisis. Nuclear Winter Studies in 2008 and 2014 found that of one hundred bombs that were fifteen-kilotons were used, it would blast five million tons of fine, sooty particles into the stratosphere, where they would spread across the globe, warping global weather patterns for the next twenty-five years. The particles would block out light from the sun, causing surface temperatures to decrease an average of 2.7 degrees Fahrenheit across the globe, or 4.5 degrees in North American and Europe. Growing seasons would be shortened by ten to forty days, and certain crops such as Canadian wheat would simply become unviable. Global agricultural yields would fall, leading to rising prices and famine. The particles may also deplete between 30 to 50 percent of the ozone layer, allowing more of the sun’s radiation to penetrate the atmosphere, causing increased sunburns and rates of cancer and killing off sensitive plant-life and marine plankton, with the spillover effect of decimating fishing yields. To be clear, these are outcomes for a “light” nuclear winter scenario, not a full slugging match between the Russian and U.S. arsenals. Global Recession Any one of the factors above would likely suffice to cause a global economic recession. All of them combined would guarantee one. India and Pakistan account for over one-fifth world’s population, and therefore a significant share of economic activity. Should their major cities become irradiated ruins with their populations decimated, a tremendous disruption would surely result. A massive decrease in consumption and production would obviously instigate a long-lasting recessionary cycle, with attendant deprivations and political destabilization slamming developed and less-developed countries alike. Taken together, these outcomes mean even a “limited” India-Pakistan nuclear war would significantly affect every person on the globe, be they a school teacher in Nebraska, a factory-worker in Shaanxi province or a fisherman in Mombasa. Unfortunately, the recent escalation between India and Pakistan is no fluke, but part of a long-simmering pattern likely to continue escalating unless New Delhi and Islamabad work together to change the nature of their relationship.

#### No Indo-Pak War.

Seghal and Rajaraman 18 Rashme Sehgal and Ramamurti Rajaraman 18, he’s being interviewed, Emeritus Professor of Theoretical Physics at Jawaharlal Nehru University, "'India-Pakistan nuke war not a realistic possibilty', says leading nuclear expert Ramamurti Rajaraman", Firstpost, <https://www.firstpost.com/india/india-pakistan-nuke-war-not-a-realistic-possibilty-says-leading-nuclear-expert-ramamurti-rajaraman-3880145.html> //re-cut by Elmer

Q: The conflict between India and Pakistan has intensified in the last three years. If the situation worsens, **is there a likelihood that India could launch a pre-emptive first strike against Pakistan** if it feared an imminent nuclear strike? Of course, this could mean a marked reversal of our no-first use (NFU) policy. On the other hand, if India goes in for more surgical strikes, can Pakistan use a conventional attack as a pretext to attack India?

A: The conflict between India and Pakistan during the past three years has been limited to Jammu and Kashmir. These conflicts may continue and may also occasionally intensify. There may also be a lot of heated rhetoric from both sides. But I don’t think there is any realistic possibility of those conflicts developing into a full-scale war, let alone one with any serious chances of a nuclear strike by Pakistan. Notice that there has been no mainland attack by Pakistan based terrorists since the 2008 Mumbai attacks. I feel that this is because Pakistan military and its Inter-Services Intelligence do appreciate the fact that the next time there is an attack of that magnitude, India would have to retaliate in a serious manner. It is true that the Pakistan Army maintains a hostile posture towards India as a matter of policy. But that is done largely for domestic consumption and for maintaining its pre-eminence in the Pakistani power structure. If push comes to shove, the leadership in both countries are too responsible to let matters go anywhere near a nuclear threshold. So, there is no question of India conducting a pre-emptive strike on Pakistan in anticipation of a nuclear attack from them. I don’t think India will reverse its NFU policy, even though some analysts, for the want of anything better to write about, keep harping on it. That would be a very unwise thing to do diplomatically.