### Off 1

#### Fisheries subsidies about to pass now but people still have qualms

Farge 21, [Emma, (Oxford BA in English and History, London School of Economics in International Relations) 7-13-2021, "WTO seeks to land big prize after 20 years of fish talks," Reuters, https://www.reuters.com/business/wto-seeks-land-big-prize-after-20-years-fish-talks-2021-07-13/]/ISEE

Negotiators are hoping the World Trade Organization will on Thursday not only deal a major blow to overfishing after 20 years of trying, but in doing so also dispel doubts about its own usefulness. The global trade watchdog, whose 164 members are also at loggerheads over how it should settle disputes, has not clinched a major trade deal for years, and analysts say it needs to land one this year to maintain its credibility. The prize could be a sharp reduction of the widespread fishing subsidies that are generally held to be the single biggest factor in depleting the world's fish stocks. The WTO says it is "on the cusp" of a deal; Director-General Ngozi Okonjo-Iweala said the ministerial meeting, being held virtually, "should kick us along the path towards agreement", before a November session intended to seal the deal. Some delegates are privately more sceptical, saying there is still a gulf in views over the allocation of subsidies between wealthy members such as the European Union on one side and developing countries such as India on the other. "Many members feel that the larger subsidisers should make larger cuts to their subsidies, given the worldwide impact of their fishing, both historical and current, whereas many developing countries feel the rules should be different for them," said Alice Tipping from the International Institute for Sustainable Development. A confidential proposal in May by African, Caribbean and Pacific countries, seen by Reuters, seeks exemptions for members that take less than 2.5% of the global catch - which others say would undermine the whole deal. 'RACE TO THE BOTTOM' While China is the biggest single subsidiser, it accounts for only 21% of the $35.4 billion that countries and trading blocs around the world, including the EU and Japan, spend propping up their fleets every year, according to a 2019 study by academics from universities and institutes in Canada, China and the United States. read more ( https://tmsnrt.rs/3AyX2Jh ) Meanwhile, sustainable fish stocks have plunged from 90% of the total in 1990 to below 66% in 2017, the U.N. Food and Agriculture Organization says. ( https://tmsnrt.rs/3yt6ufv ) A 2018 study by American-, Canadian- and Australian-based researchers found that much fishing in international waters - the "high seas" - would be unprofitable without state handouts. "In the waters in countries from which fleets emanate, the stocks are devastated, so they have to go elsewhere and they compete with each other," said Daniel Pauly, a fisheries biologist at the University of British Columbia in Canada, expressing particular concern about tuna. "This is a race to the bottom." Tipping says the WTO is closer than ever to a deal - but that a draft text still has 84 places where there is no agreement yet. Negotiators say China could help by dropping its opposition to subsidies on the high seas, and the EU could likewise drop its opposition to fuel subsidies. Some also want Washington to budge, possibly by dropping its proposal on curbing forced labour -- another cost-saving measure that spurs overfishing. "This is the last chance for a deal," said Friends of Ocean Action's Remi Parmentier. "If not, there's an existential crisis at the WTO."

#### **Waiving IP rights is controversial – angers the EU**

Cho 21, [Justin, B.S. Cornellm Harvard Law, 3-29-2021, "Waiving IP Rights to Address Global Vaccine Inequality," Harvard Journal of Law & Technology, https://jolt.law.harvard.edu/digest/waiving-ip-rights-to-address-global-vaccine-inequality]/ISEE

The WTO, however, makes decisions by consensus and there is a sharp divide between the low- and middle-income countries and the wealthier, Western countries. Those in support of the proposal—India, South Africa, Kenya, Pakistan, Mongolia, Zimbabwe, and others—argue that patents covering the COVID-19 vaccines and related medical supplies pose obstacles to rapid production, distribution, and vaccination around the world. Dr. Christos Christou, the President of Doctors Without Borders, called the waiver proposal an opportunity for governments to ensure global access “without being restricted by private industry’s interests and actions.” Tedros Adhanom Ghebreyesus, the Director-General of the World Health Organization (WHO), argued that the rich and vaccine-producing countries’ “me first” approach is self-defeating because the virus will have opportunities to mutate in unvaccinated populations and potentially undermine the efficacy of vaccines everywhere. Those opposing the proposal are primarily developed countries and pharmaceutical companies that have developed or are developing vaccines. The International Federation of Pharmaceutical Manufacturers & Associations (IFPMA) noted in a release that “diluting national and international IP frameworks during this pandemic is counterproductive… IP enables research and development and ensures that the next generation of inventors and investors will remain engaged.” Similarly, the U.S. Chamber of Commerce argued that “proposals to waive intellectual property rights are misguided and a distraction from the real work of reinforcing supply chains and assisting countries to procure, distribute and administer vaccines to billions of the world’s citizens.” The EU has not only opposed the waiver proposal, but has also taken steps to limit the export of vaccines it produces, which the WHO criticized as “vaccine nationalism.” However, not all of the wealthier countries have taken the approach favored by the U.S. and the EU. China and Russia are selling millions of COVID-19 vaccine doses at discounted rates to countries in South America, Africa, and even Europe. Russia’s Sputnik V vaccine, for example, has already been authorized in 26 countries. This “vaccine diplomacy” has put pressure on the wealthy countries to respond, leading some officials to believe that it will decisively contribute to the waiver discussions. At a WTO meeting to discuss the waiver proposal in March 2021, countries were unable to agree on whether IP is a major roadblock to expanding COVID-19 vaccine manufacturing. Switzerland, Japan, and New Zealand—while cautioning against relying on the waiver proposal—stressed that pharmaceutical and industry representatives need to play a more significant role in the waiver discussions. This “third way” would be to broaden access by encouraging licensing agreements between companies, particularly generics manufacturers, a view echoed by the incoming WTO Director-General Ngozi Okonjo-Iweala. The United States’ success in brokering a manufacturing collaboration deal between Johnson & Johnson and Merck exemplifies this approach. The next WTO meeting to discuss the waiver proposal will likely take place in May or June this year. While countries remain divided, nearly all agree on the need to ensure widespread and affordable access to vaccinations as soon as possible. The Doha Declaration already allows for compulsory licenses in times of public health crises, including those relating to epidemics. As Director-General Ghebreyesus has said, if not now, when?

#### Removal of subsidies key to solve for climate change but to pass political sensitivities must be grappled with.

UNTACD 19 [United Nation Commission for Trade and Development , 9-18-2019, "Time, ambition of the essence in ending harmful fisheries subsidies," No Publication, https://unctad.org/news/time-ambition-essence-ending-harmful-fisheries-subsidies]/ISEE

In a world where 1 billion people depend on fish for protein every day, curbing the loss of 33% of global fish stocks to overexploitation is an urgent task, experts said at the first-ever UN Trade Forum in Geneva, Switzerland, on 10 September. This as the most intense – and critical – round of negotiations on fisheries subsidies continues in the World Trade Organization (WTO) this month. The discussions to end certain fisheries subsidies – government support schemes for the fisheries sector – that contribute to illegal, unreported and unregulated (IUU) fishing, overfishing and overcapacity have been 20 years in the making and are yet to be finalized. As WTO members try to fast-track the fisheries negotiations this week, time is of the essence and ambition is key. Just any deal will not do. fisheries subsidies Commonwealth Secretary-General, Patricia Scotland, opened the Third Oceans Forum, held as part of the UN Trade Forum, saying urgent action is needed given the unfair and damaging impacts of harmful fisheries subsidies and IUU fishing. “Our ocean is truly our common wealth. We must protect its life and bounty to be enjoyed inclusively and sustainability for the good of all people and for the healthy symbiosis of our planet,” Ms. Scotland said. The WTO is tasked by the United Nations as the implementing agency for Sustainable Development Goal (SDG) target 14.6, which aims to prohibit certain forms of fisheries subsidies that contribute to overcapacity and overfishing by 2020. Governments need to successfully conclude the negotiations sooner rather than later to help deliver this key target, which affects the overall deliverability of SDG14, attendees at the forum heard. According to the Food and Agriculture Organization (FAO), 33% of the world’s fish resources are overfished. About 60% are fished at maximum biologically sustainable levels. “The case for disciplining fisheries subsidies is obvious,” said Roberto Zapata, former chair of the WTO Rules Committee in charge of the fish subsidies negotiations. However, he acknowledged that the discussions are filled not only with political sensitivities, but also with technicalities that are complex to achieve in a balanced manner. Catch 22 For instance, while there is a potential “triple win” in the negotiations – to deliver benefits for trade, development and environment – there is also inherent friction between these objectives. Also, the issue poses a challenge within the WTO’s negotiating agenda, which traditionally focuses on trade rules, but must now grapple with sustainable development, while raising technical fisheries issues that are outside the normal scope of the WTO’s trade-focused agenda. Mr. Zapata noted that despite these difficulties, steady progress had been made in the negotiations, despite the temptation, at times, to slide back. “They cannot afford the luxury of losing the momentum,” Mr. Zapata said, and urged the negotiators to now accelerate the pace of discussions, mindful that the progress to date has been long and slow. “We should not fall under the trap that any deal at a low price will suffice the purpose of sustainability. A final outcome will need to represent an actual strengthening of existing WTO rules on subsidies in the way that they have a positive effect on sustainability of oceans.” At the negotiating table Fisheries subsidies give already powerful industrial fleets greater advantage over small-scale artisanal fishers. It is estimated that 85% of governments’ fisheries subsidies go to these larger fleets, leaving the rest at risk, 2017 research in Marine Policy showed. In addition, these subsidies can inadvertently promote IUU fishing, and overfishing. The negotiations aim to balance the scales by seeking to eliminate the subsidies that contribute to IUU fishing; affect overfished stocks; and contribute to overfishing and overcapacity. The negotiations also handle a compendium of cross-cutting issues. Mr. Zapata underscored that a successful outcome would consider “ambition, sustainability, flexibility and transparency”. “Sustainability entails a sufficient, credible level of ambition, while avoiding the WTO going too deep into fisheries management,” he said. “Flexibility would allow for priority areas for subsidization that will not undercut sustainability and development.” “Finally, transparency and information would create a necessary balance for deference to national realities.” He added that while the overfishing and overcapacity pillar is lagging, new ideas are being presented. Urgent action needed “We may think of the ocean as the last existing frontier, but it’s not. We don’t have an endless frontier. We have to create prosperity within the within limits of our planet,” said Steven Stone, chief of the resources and markets at UN Environment. Harmful fisheries subsidies make it difficult to achieve this, he said at the forum. Mr. Stone said an all hands-on deck approach was needed to protect life below water, saying a change in trade policies can play a decisive role in making economic activities more sustainable and ensure healthy oceans. Climate change will lead to significant changes in the availability and trade of fish products, economically affecting countries most dependent on the sector, warned Vera Agostini deputy director of fisheries at FAO. The stability of seafood supply is changing, therefore the millions of people who make a living from the world's oceans will need to diversify their livelihoods. Ms. Agostini said the impacts of climate change on the fisheries and aquaculture sector will be determined by its ability to adapt. “We are at a difficult point and we have to adapt to actual climate challenges,” she said. “While our failure to adapt can be expected to result in huge losses and high risks, adaption is not a zero-sum game. Indeed, successful adaption can result in an increase in profits,” she emphasized. According to UNCTAD Deputy Secretary-General Isabel Durant, “Public resources need to be shifted from harmful subsidies to the constructive implementation of SDGs 14 and 13.” To support countries in their transition to sustainable ocean economies, and to align their trade policies with overall sustainable development considerations, UNCTAD, UN Environment and FAO have crafted an inter-agency action plan. The plan is currently the only comprehensive proposal to assist countries implement new WTO rules on fisheries subsidies and deliver on trade-related ocean targets under the 2030 Agenda for Sustainable Development. Requiring US$8.3 million to implement, the plan underscores multidisciplinary and coordinated efforts due to the complexity of multilateral rules on the law of the sea, fisheries and trade. Improvement in global fisheries management can bring additional economic gains estimated at US$83 billion, according to the World Bank.

#### Warming causes extinction --- oxygen, disease, ice melt, and cognitive failure

**McKibben 19** [Bill McKibben, Schumann Distinguished Scholar at Middlebury College, Fellow of the American Academy of Arts and Sciences, “This Is How Human Extinction Could Play Out,” Rolling Stone, April 9, 2019, https://www.rollingstone.com/politics/politics-features/bill-mckibben-falter-climate-change-817310]

#### Oh, it could get very bad. In 2015, a study in the Journal of Mathematical Biology pointed out that if the world’s oceans kept warming, by 2100 they might become hot enough to “stop oxygen production by phyto-plankton by disrupting the process of photosynthesis.” Given that two-thirds of the Earth’s oxygen comes from phytoplankton, that would “likely result in the mass mortality of animals and humans.” A year later, above the Arctic Circle, in Siberia, a heat wave thawed a reindeer carcass that had been trapped in the permafrost. The exposed body released anthrax into nearby water and soil, infecting two thousand reindeer grazing nearby, and they in turn infected some humans; a twelve-year-old boy died. As it turns out, permafrost is a “very good preserver of microbes and viruses, because it is cold, there is no oxygen, and it is dark” — scientists have managed to revive an eight-million-year-old bacterium they found beneath the surface of a glacier. Researchers believe there are fragments of the Spanish flu virus, smallpox, and bubonic plague buried in Siberia and Alaska. Or consider this: as ice sheets melt, they take weight off land, and that can trigger earthquakes — seismic activity is already increasing in Greenland and Alaska. Meanwhile, the added weight of the new seawater starts to bend the Earth’s crust. “That will give you a massive increase in volcanic activity. It’ll activate faults to create earthquakes, submarine landslides, tsunamis, the whole lot,” explained the director of University College London’s Hazard Centre. Such a landslide happened in Scandinavia about eight thousand years ago, as the last Ice Age retreated and a Kentucky-size section of Norway’s continental shelf gave way, “plummeting down to the abyssal plain and creating a series of titanic waves that roared forth with a vengeance,” wiping all signs of life from coastal Norway to Greenland and “drowning the Wales-sized landmass that once connected Britain to the Netherlands, Denmark, and Germany.” When the waves hit the Shetlands, they were sixty-five feet high. There’s even this: if we keep raising carbon dioxide levels, we may not be able to think straight anymore. At a thousand parts per million (which is within the realm of possibility for 2100), human cognitive ability falls 21 percent. “The largest effects were seen for Crisis Response, Information Usage, and Strategy,” a Harvard study reported, which is too bad, as those skills are what we seem to need most.

### Off 2

#### The United States ought to reduce intellectual property protections for medicines by implementing a one-and-done approach for patent protection.

#### Their internal link card is written in the context of the US. The US is enough to solve.

1AC Amin 18 Tahir Amin 6-27-2018 "The problem with high drug prices isn't 'foreign freeloading,' it's the patent system" [High drug prices caused by US patent system, not 'foreign freeloaders' (cnbc.com)](https://www.cnbc.com/2018/06/25/high-drug-prices-caused-by-us-patent-system.html) <https://www.cnbc.com/2018/06/25/high-drug-prices-caused-by-us-patent-system.html> (co-founder of nonprofit I-MAK.org)

One in four Americans are unable to fill prescriptions due to high prices. Today’s drug patent monopolies are stronger than at any point in the last century, raising prescription prices. Until the U.S. patent system is reformed, the pharmaceutical industry will continue to deny competition, block incentives discoveries and promote ineffective drugs. Americans continue to suffer the highest prescription drug costs of anyone in the world. One in four are unable to fill prescriptions due to high prices, according to a recent poll. And even though drug prices tripled over the last decade, analysts predict they will double again in the next ten years. We have a runaway problem on our hands, and while new proposals from Congress and the president seek to improve the drug pricing system, we will fail to reach lasting solutions unless we address a root factor in this national crisis: patents. Contrary to the Trump administration’s recent claims, the source of our prescription drug problems is not “foreign freeloading” governments creating unfair pricing schemes—it’s the unfair pricing systems created right here in the U.S. Today’s drug patent monopolies are deeper, longer and stronger than at any point in the last century—and it’s costing Americans and people around the world. Before a prescription drug even enters the market—before pricing negotiations occur between payers, government agencies, insurers, and so on—the U.S. patent office awards exclusivity to drug makers for intellectual property claims that have a huge impact on the market. And unfortunately, while patenting is an important mechanism for incentivizing and rewarding invention, pharmaceutical companies have figured out how to game the system—prolonging monopolies, claiming newness where there often is none, and taking patients on a ride they can barely afford. In a recent study of every drug on the market between 2005 and 2015, a University of California School of Law professor found a “startling departure from the classic conceptualization of intellectual property protection for pharmaceuticals.”

#### **Their solvency card agrees: it was written in the context of an FDA policy**

Feldman 3 Robin Feldman 2-11-2019 "‘One-and-done’ for new drugs could cut patent thickets and boost generic competition" <https://www.statnews.com/2019/02/11/drug-patent-protection-one-done/> (Arthur J. Goldberg Distinguished Professor of Law, Albert Abramson ’54 Distinguished Professor of Law Chair, and Director of the Center for Innovation)//

In a perfect world, the system for conveying medications from their makers to patients should be designed to deliver the lowest-cost drugs. The system in the U.S. doesn’t even come close. Insurers should provide the lowest-cost and highest-quality drug benefit for each plan, public or private. But they don’t. Pharmacy benefit managers should use their volume buying power to obtain rebates that individuals could never obtain on their own and pass those rebates along to patients. But they don’t. Pharmacists, who know the prices of the drugs in their stock and who see patients’ cost-sharing amounts at the cash register, should be motivated to provide their customers with information on how to find the best deal so they can afford their medicines. But they aren’t. Doctors should make medication decisions that are in the best interests of their patients. But they often don’t. All of this occurs against the backdrop of a national conversation to lower drug costs and a policy to expedite and encourage vigorous competition in the pharmaceutical industry through the rapid entry of generic drugs as soon as patents expire. But even though the vast majority of prescriptions are filled with generic drugs, rising prices on existing brand-name drugs and sky-high prices for new drugs are swamping the savings from generics. Why isn’t the system working as it should? Some experts believe the U.S. can rein in drug process with value-based pricing, which aims to tie the prices we pay for drugs to the benefits they provide, either in terms of longer life or better quality of life. Others call for dismantling pharmacy benefit managers. Still others want large groups like Medicare to negotiate with drug companies for better drug prices. While each of these might help, they cannot solve the problem alone. Why? Because they do not reach the heart of the problem. As I explain in my new book, “Drugs, Money, and Secret Handshakes,” the government itself is giving pharmaceutical companies the power they are wielding through overly generous drug patent protection. Effective solutions must address that problem. Drug companies have brought great innovations to market. Society rewards innovation with patents, or with non-patent exclusivities that can be obtained for activities such as testing drugs in children, undertaking new clinical studies, or developing orphan drugs. The rights provided by patents or non-patent exclusivities provide a defined time period of protection so companies can recoup their investments by charging monopoly prices. When patents end, lower-priced competitors should be able to jump into the market and drive down the price. But that’s not happening. Instead, drug companies build massive patent walls around their products, extending the protection over and over again. Some modern drugs have an avalanche of U.S. patents, with expiration dates staggered across time. For example, the rheumatoid arthritis drug Humira is protected by more than 100 patents. Walls like that are insurmountable. Rather than rewarding innovation, our patent system is now largely repurposing drugs. Between 2005 and 2015, more than three-quarters of the drugs associated with new patents were not new ones coming on the market but existing ones. In other words, we are mostly churning and recycling. Particularly troubling, new patents can be obtained on minor tweaks such as adjustments to dosage or delivery systems — a once-a-day pill instead of a twice-a-day one; a capsule rather than a tablet. Tinkering like this may have some value to some patients, but it nowhere near justifies the rewards we lavish on companies for doing it. From society’s standpoint, incentives should drive scientists back to the lab to look for new things, not to recycle existing drugs for minimal benefit. I believe that one period of protection should be enough. We should make the legal changes necessary to prevent companies from building patent walls and piling up mountains of rights. This could be accomplished by a “one-and-done” approach for patent protection. Under it, a drug would receive just one period of exclusivity, and no more. The choice of which “one” could be left entirely in the hands of the pharmaceutical company, with the election made when the FDA approves the drug. Perhaps development of the drug went swiftly and smoothly, so the remaining life of one of the drug’s patents is of greatest value. Perhaps development languished, so designation as an orphan drug or some other benefit would bring greater reward. The choice would be up to the company itself, based on its own calculation of the maximum benefit. The result, however, is that a pharmaceutical company chooses whether its period of exclusivity would be a patent, an orphan drug designation, a period of data exclusivity (in which no generic is allowed to use the original drug’s safety and effectiveness data), or something else — but not all of the above and more. Consider Suboxone, a combination of buprenorphine and naloxone for treating opioid addiction. The drug’s maker has extended its protection cliff eight times, including obtaining an orphan drug designation, which is intended for drugs that serve only a small number of patients. The drug’s first period of exclusivity ended in 2005, but with the additions its protection now lasts until 2024. That makes almost two additional decades in which the public has borne the burden of monopoly pricing, and access to the medicine may have been constrained. Implementing a one-and-done approach in conjunction with FDA approval underscores the fact that these problems and solutions are designed for pharmaceuticals, not for all types of technologies. That way, one-and-done could be implemented through legislative changes to the FDA’s drug approval system, and would apply to patents granted going forward.

### Off 3

#### Interp: Affirmatives must only reduce intellectual property rights on medicine

#### Violation: the plan implements a one and done approach for patent protection NOT just patent protection on medicines

#### Standards:

#### Limits: allowing changes to patent protection as a whole allows aff’s to read advantages predicated on other forms of ip law (tech, trade secrets, logos, copyrights, arts etc.)

#### Ground: Allowing all forms of patent law kills neg ground because we do not get DA’s and CP’s based on reduction of patent protections on medicine

#### Specificity: the specificity over the patents they create is not in the context of medicines but just says medicines as a frame for patent protection: having a specific plan text is key to nuanced debates over the desirability of the affirmative action

#### Voter for fairness and education

#### Preempts:

#### Having a solvency advocate is not enough: the plan is the central stasis point for debate: just looking at solvency advocates creates vague plan writing allows affirmatives to no link out of generic offense