### T – Nebel – Medicine

#### Interpretation – the Aff may not specify a specific medicine

#### Medicines is a generic bare plural

**Leslie and Lerner 16** [Sarah-Jane Leslie (Ph.D., Princeton, 2007) is the dean of the Graduate School and Class of 1943 Professor of Philosophy. She has previously served as the vice dean for faculty development in the Office of the Dean of the Faculty, director of the Program in Linguistics, and founding director of the Program in Cognitive Science at Princeton University. She is also affiliated faculty in the Department of Psychology, the University Center for Human Values, the Program in Gender and Sexuality Studies, and the Kahneman-Treisman Center for Behavioral Science and Public Policy], and Adam Lerner, Ph.D, Postgraduate Research Associate in the Department of Philosophy at Princeton University, 4-24-2016, accessed 9-4-2021, "Generic Generalizations (Stanford Encyclopedia of Philosophy)," <https://plato.stanford.edu/entries/generics/>] HWIC

There are some tests that are helpful in distinguishing these two readings. For example, the existential interpretation is upward entailing, meaning that the statement will always remain true if we replace the subject term with a more inclusive term. Consider our examples above. In ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), we can replace “tiger” with “animal” salva veritate, but in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) we cannot. If “tigers are on the lawn” is true, then “animals are on the lawn” must be true. However, “tigers are striped” is true, yet “animals are striped” is false. ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) does not entail that animals are striped, but ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) entails that animals are on the front lawn (Lawler 1973; Laca 1990; Krifka et al. 1995).

Another test concerns whether we can insert an adverb of quantification with minimal change of meaning (Krifka et al. 1995). For example, inserting “usually” in the sentences in ([1a](https://plato.stanford.edu/entries/generics/#ex1a)) (e.g., “tigers are usually striped”) produces only a small change in meaning, while inserting “usually” in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)) dramatically alters the meaning of the sentence (e.g., “tigers are usually on the front lawn”). (For generics such as “mosquitoes carry malaria”, the adverb “sometimes” is perhaps better used than “usually” to mark off the generic reading.)

#### It applies to this topic – “Member nations ought to reduce IP for covid – therefore, member nations ought to reduce IP for all” is illogical

#### 1] Limits: There’s inf medicines they could specify, coupled with various types of countries. Kills neg burdens – it’s impossible for me to research every possible combination of the 195 countries and medicines.

#### 2] TVA Solves – just read your aff as an advantage to a whole rez aff. We aren’t stopping them from reading new FWs, mechanisms, or advantages. PICs don’t solve – it’s ridiculous to say that neg potential abuse justifies the aff making it impossible for me to win

#### 3] Voter:

#### Fairness and education are voters – debate’s a game that needs rules to evaluate it and education gives us portable skills for life like research and thinking.

#### Drop the debater – a) they have a 7-6 rebuttal advantage with 3min to make weighing args I can’t respond to, b) it deters future abuse and sets a positive norm.

#### Use competing interps – a) reasonability collapses to competing interps – we justify 2 brightlines under an offense defense paradigm just like 2 interps.

#### No RVI’s – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance, b) topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory

### T-Reduce

#### Interpretation: reduce means to diminish

**Idaho State Court of Appeals 03**

(State v. Knutsen, 71 P. 3d 1065 - Idaho: Court of Appeals 2003) EE

By its plain language, Rule 35 grants a district court the authority within a limited period of time to reduce or modify a defendant's sentence after relinquishing jurisdiction. To "reduce" means to diminish in size, amount, extent or number, or to make smaller, lessen or shrink. WEBSTER'S THIRD NEW INTERNATIONAL DICTIONARY 1905 (1993). To "modify" means to make more temperate and less extreme, or to lessen the severity of something. Id. at 1452. Thus, under the plain meaning of its language, Rule 35 authorizes a district court to diminish, lessen the severity of, or make more temperate a defendant's sentence. An order placing a defendant on probation lessens the severity of a defendant's sentence and thus falls within the district court's authority granted by Rule 35. Other state jurisdictions have held likewise in interpreting similar rules for reduction of sentence. See [State v. Knapp, 739 P.2d 1229, 1231-32 (Wy.1987)](https://scholar.google.com/scholar_case?case=1318610396541051353&q=%22the+term+reduce%22+OR+%22the+word+reduce%22+OR+%22the+phrase+reduce%22+OR+%22reduce+means%22&hl=en&as_sdt=2006) (similar rule of criminal procedure authorizes reduction of a sentence of incarceration to probation); [People v. Santana, 961 P.2d 498, 499 (Co.Ct.App.1997)](https://scholar.google.com/scholar_case?case=17890892396701062585&q=%22the+term+reduce%22+OR+%22the+word+reduce%22+OR+%22the+phrase+reduce%22+OR+%22reduce+means%22&hl=en&as_sdt=2006) (grant of probation is a "reduction" under Colorado Cr. R. 35(b)).

#### Reductions must be permanent

**New York Supreme Court 3rd Appellate Division**

(MATTER OF MONTESANI v. Levitt, 9 AD 2d 51 - NY: Appellate Div., 3rd Dept. 1959) EE

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway. The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

#### Violation: their aff is temporary

#### Vote neg for limits and ground – nonpermanent affs open the floodgates to delay and conditions affs that could hypothetically result in future reductions. These affs don’t materially change the status quo which destroys neg link uniqueness and avoids core topic questions of medical IP good/bad in favor of burner condition-of-the-week affs that gain advantages from the most extreme of crises.

**Cross apply first shell standards**

## Framing

**The value is morality as implied by the word ought in the resolution**

**The value criterion is maximizing expected wellbeing, or utilitarianism**

**1] Util is a lexical pre-requisite to any other framework: Threats to bodily security and life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis that inhibit the ideal moral conditions which other theories presuppose – so, util comes first.**

**2] Use epistemic modesty for evaluating the framework debate: that means compare the probability of the framework times the magnitude of the impact under a framework. This maximizes the probability of achieving net most moral value**

**3] Default to util if there’s any uncertainty**

Walter **Sinnott-Armstrong 14** [American philosopher. He specializes in ethics, epistemology, and more recently in neuroethics, the philosophy of law, and the philosophy of cognitive science], "Consequentialism", The Stanford Encyclopedia of Philosophy (Spring 2014 Edition), Edward N. Zalta (ed), BE

Even if consequentialists can accommodate or explain away common moral intuitions, that might seem only to answer objections without yet giving any positive reason to accept consequentialism. However, **most people begin with the presumption that we morally ought to make the world better when we can. The question then is only whether any moral constraints or moral options need to be added to the basic consequentialist factor in moral reasoning.** (Kagan 1989, 1998) If no objection reveals any need for anything beyond consequences, then consequences alone seem to determine what is morally right or wrong, just as consequentialists claim.

**4] Extinction comes first under any framework**

**Pummer 15** [Theron, Junior Research Fellow in Philosophy at St. Anne's College, University of Oxford. “Moral Agreement on Saving the World” Practical Ethics, University of Oxford. May 18, 2015] AT

There appears to be lot of disagreement in moral philosophy. Whether these many apparent disagreements are deep and irresolvable, I believe there is at least one thing it is reasonable to agree on right now, whatever general moral view we adopt: that it is very important to reduce the risk that all intelligent beings on this planet are eliminated by an enormous catastrophe, such as a nuclear war. How we might in fact try to reduce such existential risks is discussed elsewhere. My claim here is only that we – whether we’re consequentialists, deontologists, or virtue ethicists – should all agree that we should try to save the world. According to consequentialism, we should maximize the good, where this is taken to be the goodness, from an impartial perspective, of outcomes. Clearly one thing that makes an outcome good is that the people in it are doing well. There is little disagreement here. If the happiness or well-being of possible future people is just as important as that of people who already exist, and if they would have good lives, it is not hard to see how reducing existential risk is easily the most important thing in the whole world. This is for the familiar reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. There are so many possible future people that reducing existential risk is arguably the most important thing in the world, even if the well-being of these possible people were given only 0.001% as much weight as that of existing people. Even on a wholly person-affecting view – according to which there’s nothing (apart from effects on existing people) to be said in favor of creating happy people – the case for reducing existential risk is very strong. As noted in this seminal paper, this case is strengthened by the fact that there’s a good chance that many existing people will, with the aid of life-extension technology, live very long and very high quality lives. You might think what I have just argued applies to consequentialists only. There is a tendency to assume that, if an argument appeals to consequentialist considerations (the goodness of outcomes), it is irrelevant to non-consequentialists. But **that is a huge mistake.** Non-consequentialism is the view that there’s more that determines rightness than the goodness of consequences or outcomes; **it is not the view that the latter don’t matter**. Even John Rawls wrote, “All ethical doctrines worth our attention take consequences into account in judging rightness. One which did not would simply be irrational, crazy.” **Minimally plausible versions of deontology and virtue ethics must be concerned in part with promoting the good**, from an impartial point of view. They’d thus imply very strong reasons to reduce existential risk, at least when this doesn’t significantly involve doing harm to others or damaging one’s character. What’s even more surprising, perhaps, is that even if our own good (or that of those near and dear to us) has much greater weight than goodness from the impartial “point of view of the universe,” indeed even if the latter is entirely morally irrelevant, we may nonetheless have very strong reasons to reduce existential risk. Even egoism, the view that each agent should maximize her own good, might imply strong reasons to reduce existential risk. It will depend, among other things, on what one’s own good consists in. If well-being consisted in pleasure only, it is somewhat harder to argue that egoism would imply strong reasons to reduce existential risk – perhaps we could argue that one would maximize her expected hedonic well-being by funding life extension technology or by having herself cryogenically frozen at the time of her bodily death as well as giving money to reduce existential risk (so that there is a world for her to live in!). I am not sure, however, how strong the reasons to do this would be. But views which imply that, if I don’t care about other people, I have no or very little reason to help them are not even minimally plausible views (in addition to hedonistic egoism, I here have in mind views that imply that one has no reason to perform an act unless one actually desires to do that act). To be minimally plausible, egoism will need to be paired with a more sophisticated account of well-being. To see this, it is enough to consider, as Plato did, the possibility of a ring of invisibility – suppose that, while wearing it, Ayn could derive some pleasure by helping the poor, but instead could derive just a bit more by severely harming them. Hedonistic egoism would absurdly imply she should do the latter. To avoid this implication, egoists would need to build something like the meaningfulness of a life into well-being, in some robust way, where this would to a significant extent be a function of other-regarding concerns (see chapter 12 of this classic intro to ethics). But once these elements are included, we can (roughly, as above) argue that this sort of egoism will imply strong reasons to reduce existential risk. Add to all of this Samuel Scheffler’s recent intriguing arguments (quick podcast version available here) that most of what makes our lives go well would be undermined if there were no future generations of intelligent persons. On his view, my life would contain vastly less well-being if (say) a year after my death the world came to an end. So obviously if Scheffler were right I’d have very strong reason to reduce existential risk. **We should also take into account moral uncertainty.** What is it reasonable for one to do, when one is uncertain not (only) about the empirical facts, but also about the moral facts? I’ve just argued that there’s agreement among minimally plausible ethical views that we have strong reason to reduce existential risk – not only consequentialists, but also deontologists, virtue ethicists, and sophisticated egoists should agree. But even those (hedonistic egoists) who disagree should have a significant level of confidence that they are mistaken, and that one of the above views is correct. Even if they were 90% sure that their view is the correct one (and 10% sure that one of these other ones is correct), they would have pretty strong reason, from the standpoint of moral uncertainty, to reduce existential risk. Perhaps most disturbingly still, even if we are only 1% sure that the well-being of possible future people matters, it is at least arguable that, from the standpoint of moral uncertainty, reducing existential risk is the most important thing in the world. Again, this is largely for the reason that there are so many people who could exist in the future – there are trillions upon trillions… upon trillions. (For more on this and other related issues, see this excellent dissertation). Of course, it is uncertain whether these untold trillions would, in general, have good lives. It’s possible they’ll be miserable. It is enough for my claim that there is moral agreement in the relevant sense if, at least given certain empirical claims about what future lives would most likely be like, all minimally plausible moral views would converge on the conclusion that we should try to save the world. While there are some non-crazy views that place significantly greater moral weight on avoiding suffering than on promoting happiness, for reasons others have offered (and for independent reasons I won’t get into here unless requested to), they nonetheless seem to be fairly implausible views. And even if things did not go well for our ancestors, I am optimistic that they will overall go fantastically well for our descendants, if we allow them to. I suspect that most of us alive today – at least those of us not suffering from extreme illness or poverty – have lives that are well worth living, and that things will continue to improve. Derek Parfit, whose work has emphasized future generations as well as agreement in ethics, described our situation clearly and accurately: “We live during the hinge of history. Given the scientific and technological discoveries of the last two centuries, the world has never changed as fast. We shall soon have even greater powers to transform, not only our surroundings, but ourselves and our successors. If we act wisely in the next few centuries, humanity will survive its most dangerous and decisive period. Our descendants could, if necessary, go elsewhere, spreading through this galaxy…. Our descendants might, I believe, make the further future very good. But that good future may also depend in part on us. If our selfish recklessness ends human history, we would be acting very wrongly.” (From chapter 36 of On What Matters)

#### Butler focus on the symbolic shifts away from real issues, creates more violence in the squo, Nussbaum

Nussbaum 99 (Martha, Feb. 22, “Professor of Parody”, New Republic, Lexis)

What precisely does **Butler** offer when she counsels subversion? She **tells us to engage in parodic performances, but she warns us that the dream of escaping altogether from the oppressive structures is just a dream**: it is within the oppressive structures that we must find little spaces for resistance, and this resistance cannot hope to change the overall situation. And **here lies a dangerous quietism**. If Butler means only to warn us against the dangers of fantasizing an idyllic world in which sex raises no serious problems, she is wise to do so. Yet frequently she goes much further. She suggests that the institutional structures that ensure the marginalization of lesbians and gay men in our society, and the continued inequality of women, will never be changed in a deep way; and so our best hope is to thumb our noses at them, and to find pockets of personal freedom within them. "Called by an injurious name, I come into social being, and because I have a certain inevitable attachment to my existence, because a certain narcissism takes hold of any term that confers existence, I am led to embrace the terms that injure me because they constitute me socially." In other words: I cannot escape the humiliating structures without ceasing to be, so the best I can do is mock, and use the language of subordination stingingly. **In Butler, resistance is always imagined as personal, more or less private, involving no unironic, organized public action for legal or institutional change. Isn't this like saying to a slave that the institution of slavery will never change, but you can find ways of mocking it and subverting it, finding your personal freedom within those acts of carefully limited defiance? Yet it is a fact that the institution of slavery can be changed, and was changed-- but not by people who took a Butler-like view of the possibilities. It was changed because people did not rest content with parodic performance: they demanded**, and to some extent they got, **social upheaval**. It is also a fact that the institutional structures that shape women's lives have changed. The law of rape, still defective, has at least improved; the law of sexual harassment exists, where it did not exist before; marriage is no longer regarded as giving men monarchical control over women's bodies. These things were changed by feminists who would not take parodic performance as their answer, who thought that power, where bad, should, and would, yield before justice. **Butler not only eschews such a hope, she takes pleasure in its impossibility**. She finds it exciting to contemplate the alleged immovability of power, and to envisage the ritual subversions of the slave who is convinced that she must remain such. She tells us--this is the central thesis of The Psychic Life of Power-- that we all eroticize the power structures that oppress us, and can thus find sexual pleasure only within their confines. It seems to be for that reason that she prefers the sexy acts of parodic subversion to any lasting material or institutional change. Real change would so uproot our psyches that it would make sexual satisfaction impossible. Our libidos are the creation of the bad enslaving forces, and thus necessarily sadomasochistic in structure. Well, **parodic performance is not so bad when you are a powerful tenured academic in a liberal university. But here is where Butler's focus on the symbolic**, her proud neglect of the material side of life, **becomes a fatal blindness. For women who are hungry, illiterate, disenfranchised, beaten, raped, it is not sexy or liberating to reenact, however parodically, the conditions of hunger, illiteracy, disenfranchisement, beating, and rape. Such women prefer food, schools, votes, and the integrity of their bodies**. I see no reason to believe that they long sadomasochistically for a return to the bad state. If some individuals cannot live without the sexiness of domination, that seems sad, but it is not really our business. But **when a major theorist tells women in desperate conditions that life offers them only bondage, she purveys a cruel lie, and a lie that flatters evil by giving it much more power than it actually has.**

### 1NC – Core

#### The World Trade Organization ought to be abolished.

#### The following 164 countries listed in the speech doc ought to independently [PLAN]

Afghanistan Albania Angola Antigua and Barbuda Argentina Armenia Australia Austria Bahrain, Kingdom of Bangladesh Barbados Belgium Belize Benin Bolivia, Plurinational State of Botswana Brazil Brunei Darussalam Bulgaria Burkina Faso Burundi Cabo Verde Cambodia Cameroon Canada Central African Republic Chad Chile China Colombia Congo Costa Rica Côte d’Ivoire Croatia Cuba Cyprus Czech Republic Democratic Republic of the Congo Denmark Djibouti Dominica Dominican Republic Ecuador Egypt El Salvador Estonia Eswatini European Union (formerly EC) Fiji Finland France Gabon Gambia Georgia Germany Ghana Greece Grenada Guatemala Guinea Guinea-Bissau Guyana Haiti Honduras Hong Kong, China Hungary Iceland India Indonesia Ireland Israel Italy Jamaica Japan Jordan Kazakhstan Kenya Korea, Republic of Kuwait, the State of Kyrgyz Republic Lao People’s Democratic Republic Latvia Lesotho Liberia Liechtenstein Lithuania Luxembourg Macao, China Madagascar Malawi Malaysia Maldives Mali Malta Mauritania Mauritius Mexico Moldova, Republic of Mongolia Montenegro Morocco Mozambique Myanmar Namibia Nepal Netherlands New Zealand Nicaragua Niger Nigeria North Macedonia Norway Oman Pakistan Panama Papua New Guinea Paraguay Peru Philippines Poland Portugal Qatar Romania Russian Federation Rwanda Saint Kitts and Nevis Saint Lucia Saint Vincent and the Grenadines Samoa Saudi Arabia, Kingdom of Senegal Seychelles Sierra Leone Singapore Slovak Republic Slovenia Solomon Islands South Africa Spain Sri Lanka Suriname Sweden Switzerland Chinese Taipei Tajikistan Tanzania Thailand Togo Tonga Trinidad and Tobago Tunisia Turkey Uganda Ukraine United Arab Emirates United Kingdom United States Uruguay Vanuatu Venezuela, Bolivarian Republic of Viet Nam Yemen Zambia Zimbabwe

Josh **Hawley 20**. Senator from Missouri, JD @ Yale, “The W.T.O. Should Be Abolished,” New York Times, May 5, 2020, <https://www.nytimes.com/2020/05/05/opinion/hawley-abolish-wto-china.html>, **RJP, DebateDrills**

The coronavirus emergency is not only a public health crisis. With [30 million Americans unemployed](https://www.cnbc.com/2020/04/30/us-weekly-jobless-claims.html), it is also an economic crisis. And it has exposed a hard truth about the modern global economy: it weakens American workers and has empowered China’s rise. That must change.

The global economic system as we know it is a relic; it requires reform, top to bottom. We should begin with one of its leading institutions, the World Trade Organization.

We should abolish it.

#### Solves the case---abolition allows free trade and permits nations govern without the pitfalls of the WTO

Josh **Hawley 20**. Senator from Missouri, JD @ Yale, “The W.T.O. Should Be Abolished,” New York Times, May 5, 2020, <https://www.nytimes.com/2020/05/05/opinion/hawley-abolish-wto-china.html>, **RJP, DebateDrills**

Abandoning the W.T.O. is a start. The United States must seek new arrangements and new rules, in concert with other free nations, to restore America’s economic sovereignty and allow this country to practice again the capitalism that made it strong. History can be our guide. For nearly 50 years before the W.T.O.’s founding, the United States and its allies maintained a network of reciprocal trade that protected our national interests and the nation’s workers. We can do it again, for the 21st century. That means returning production to this country, securing our critical supply chains and encouraging domestic innovation and manufacturing. It means striking trade deals that are truly mutual and truly beneficial for America and walking away when they are not. It means building a new network of trusted friends and partners to resist Chinese economic imperialism.

#### Counterplan competes ---

#### 1] Normal means---it’s a TRIPs waiver, which doesn’t make sense if TRIPs and the WTO doesn’t exist

James **Bacchus 20**. Member of the [Herbert A. Stiefel Center for Trade Policy Studies](https://www.cato.org/herbert-stiefel-center-trade-policy-studies), the Distinguished University Professor of Global Affairs and director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida. He was a founding judge and was twice the chairman—the chief judge—of the highest court of world trade, the Appellate Body of the World Trade Organization in Geneva, Switzerland. “An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines,” CATO, December 16, 2020, <https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines>, **RJP, DebateDrills**

In a sign of their increasing frustration with global efforts to ensure that all people everywhere will have access to COVID-19 vaccines, several developing countries have asked other members of the World Trade Organization (WTO) to join them in a sweeping waiver of the intellectual property (IP) rights relating to those vaccines. Their waiver request raises anew the recurring debate within the WTO over the right balance between the protection of IP rights and access in poorer countries to urgently needed medicines. But the last thing the WTO needs is another debate over perceived trade obstacles to public health.

#### 2] “Member” is defined as part of a group---the counterplan abolishes the broader group

**Merriam Webster n.d.** “Member,” <https://www.merriam-webster.com/dictionary/member>, **RJP, DebateDrills**

**:**one of the individuals composing a group

#### 3] “Member of” means “to be contained in” “to be included in” and “be part of” --- none of those are possible if the broader group is gone.[[1]](#footnote-1)

### 1NC – African Trade

#### RTAs now, but weak WTO key --- they’re proliferating due to frustration with WTO ineffectiveness

Shongwe 17 Musa Njabulo Shongwe, Dr. Musa Njabulo Shongwe LLB (University of Swaziland), LLM, LLD (International law- University ofJohannesburg) and Post-Doctoral Research Fellow at the South African Research Chair in International Law, “THE FRAGMENTATION OF THE MULTILATERAL TRADING SYSTEM: THE IMPACT OF REGIONALISM ON WTO LAW.” Amsterdam Law Forum, Volume 9, No. 3. 2017. <https://heinonline.org/HOL/Page?handle=hein.journals/amslawf9&div=4&g_sent=1&casa_token=&collection=journals> **RJP, DebateDrills**

Regionalism is described in the Dictionary of Trade Pobiy Terms as 'actions by governments to liberalise or facilitate trade on a regional basis, sometimes through free-trade areas or customs unions'." RTAs have been successful in achieving trade liberalisation at a much faster speed than the WTO." States, therefore, enter into regional trading agreements for this reason, and for different other reasons, some of which are economic, political and security considerations. This part examines the nature and proliferation of RTAs, as well as how their unclear relationship with the WTO has affected the multilateral trading system. 111.1 Defining RTAs Regional Trade Agreements are defined as institutions or groupings of countries formed with the objective of reducing barriers to trade between member countries." These institutions, based on a treaty, may be concluded between countries not necessarily belonging to the same geographical region. Depending upon their level of integration, RTAs can be broadly divided into different categories" such as: Preferential Trade Agreements (PTAs), Free Trade Agreements (FTAs), or Customs Unions (CUs). A PTA is a union in which member countries impose lower trade barriers on goods produced within the union. A Free Trade Area (ETA) is a special case of PTA, where member countries completely abolish trade barriers (both tariff barriers and non-tariff barriers) for goods origination within the member countries. A Customs Union (CU) provides deeper integration than an FTA because, unlike FTAs where member countries are free to maintain their individual level of tariff barriers for goods imported from non-member countries, in a CU, member countries also apply a common external tariff (CET) on goods imported from outside countries." The CET can vary across goods but not across union partners. Cross-regional RTAs are also increasingly being negotiated and signed between countries in different regions of the world." Thus, the concept of 'regional' has also changed from intra-regional to inter-regional agreements.6 111.2 The proliferation of RTAs (1948 - 2012) The multilateral trade system has witnessed phenomenal growth in the number, coverage, and scope of RTAs." Contemporary literature on trade regionalism distinguishes between what is known as 'old regionalism' and 'new regionalism'." Old regionalism was characterised by regional trade agreements formed in the bipolar war context of the 1960s and 1970s." Regionalism during this period was characterised by strong protectionist standards and the unwillingness of trading partners within a region to have dependency on foreign products." Regional trade arrangements established after the 1980s are known as new regionalism. New regionalism is characterised by RTAs formed in a multi-polar context, and having environmental, political, social and democratic objectives." It is also characterised by integration across the North-South divide, with a number of schemes involving both developing and industrialised countries. Several of the new agreements are cross-regional in that the members extend over more than one of the world's geographic regions. The increased interest in regionalism in the 1980s was prompted by the uncertainty of a successful conclusion of the Uruguay Round of multilateral trade negotiations (1986-1994)." The uncertain fate of the Uruguay Round prompted many countries to pursue preferential deals as an insurance against an eventual failure of multilateral trade negotiations." But even after the successful conclusion of the Uruguay Round and the establishment of the WTO, interest in RTA formation did not diminish." Instead, there has been a boom in RTA negotiations from that time on. In the period between 1948 and 1994, the GATT received 123 notifications of RTAs (relating to trade in goods), and, since the creation of the VTO in 1995, over 300 additional arrangements covering both trade in goods or services have been notified." With the Doha Round stalling, legislative focus in the international trade sphere shifted to the negotiation of more RTAs.72 At the end of 2012, the WTO Secretariat published the following chart, which shows the facts and figures of all RTAs notified to the GATT/WTO from 1948 to 2012 by year of entry into force: From the above chart, it appears that the proliferation of RTAs has accelerated exponentially since the years of the Uruguay Round negotiations. We can also see that, by the end of 2012, there had been over 300 RTAs in force and over 500 notifications. As of 10 January 2013, some 546 notifications of RTAs (counting goods, services and accessions separately) had been received by the GATT/WTO.14 Of these, 354 were in force. There are approximately 100 RTAs in the pipeline (signed, not yet in force or under negotiation)." These figures prove without a doubt that 'RTAs are a major and perhaps irreversible feature of the multilateral trading system'." The impasse in the Doha Development Agenda negotiations is further strengthening WTO members' resolve to conclude RTAs, and indeed new RTA initiatives have emerged in recent years whose effects will be felt in the years to come. A notable feature in the recent rise of regionalism is that countries that had traditionally favoured the multilateral approach to trade liberalisation, including Australia, New Zealand, Japan, Singapore, India and the Republic of Korea, have now joined the RTA bandwagon." This shows that the shift to regionalism is an inevitable trend. Motivations behind the proliferation of RTAs vary across regions. The formation of RTAs is driven by a variety of factors which include economic", political and security considerations." It is important to understand those factors or reasons because they allow a greater understanding of the feasibility of any proposal to regulate RTAs, so as to reduce their negative impacts on the WTO multilateral regime. Firstly, due to their less-crowded nature, RTAs have provided a comparatively efficient means by which members can pursue their trade liberalisation goals, through the negotiation of reduced trade barriers and also improved rules. Therefore, RTAs are easier to administer. Mutually beneficial relations also increase RTA members' bargaining power in multilateral negotiations, by securing commitment first on a regional basis." Secondly, the conclusion of RTAs is driven by the search of access to larger markets, which are easier to engineer at the regional or bilateral level, particularly in the absence of a willingness among WTO members to liberalise further on a multilateral basis." Thirdly, membership in RTAs also provides a means of securing foreign direct investment, particularly for developing countries with low labour costs, which have access to larger more developed markets: developing countries commit themselves to signing reciprocal RTAs with developed countries in order to secure access to their markets.82 Political considerations also foster regional trading arrangements. Governments seek to increase regional security and consolidate peace with their RTA partners.3 For example, the original European Economic Community and European Coal and Steel Community were famously motivated by a desire to make war between Germany and France impossible." According to Bhagwati," frustration with the multilateral trading system is also another factor driving the proliferation of RTAs. Governments view regionalism as an easier alternative because the large number of participants in multilateral trade negotiations creates rigidity in the system. Also according to Bhagwati," modern trade barriers are much more complicated to negotiate in a multilateral forum, and most countries find it easier to deal with these issues on a bilateral or regional level. This means that negotiations are more efficient at regional level because the regimes are less complex. Progress is very slow in the multilateral agenda. 8 Therefore, the stagnation in multilateral negotiations may, for example, create incentives for states to pursue preferential trade liberalisation and encourage exporters to lobby their governments for more PTAs. It has also been observed that RTAs have proliferated because multilateral negotiations on a global scale have become more difficult in certain areas, as the subjects of multilateral negotiations in the WTO framework have been expanded into politically sensitive areas such as trade and investment, trade and competition policy, intellectual property rights and epidemics." As an alternative to multilateral negotiations on a global scale that could take years to reach any consensus, nations have begun to resort to trade negotiations among a more limited number of countries sharing common interests in trade and investment, closer economic and cultural ties and geographic proximity. This trend has led to the formation of more RTAs around the world.

#### Regionalism is key to African trade and development --- global arrangements don’t allow for African integration --- that’s key to economic development

Owoeye 16 Olasupo Owoeye, Lecturer in Law at the School of Law, University of South Australia and, recently, a Humboldt Research Fellow at the University of Augsburg, Germany, “Regionalism and WTO Multilateralism: The Case for an African Continental Free Trade Area.” Journal of World Trade, Volume 50, No. 6. Pp 1085-1110. 2016. https://www.kluwerlawonline.com/document.php?id=TRAD2016043&PHPSESSID=fi567pdmv3ap5g47rk0guk7g82 **RJP, DebateDrills**

After the Second World War, twenty three countries adopted the General Agreement on Tariffs and Trade (GATT), an agreement which was negotiated primarily for the purposes of tariff reduction.76 The GATT was founded on the non-discrimination Most Favoured Nation and the National Treatment principles.77 Although the GATT was successful in achieving tariff reduction, its major weaknesses included the absence of a strong dispute settlement mechanism, challenges relating to GATT’s status as an international organization and its inability to restrain protectionist measures that were frustrating cooperation in the multilateral trading system.78 The WTO was subsequently established to remedy the shortcomings of the GATT by unifying obligations under the GATT with new obligations under the WTO’s internationally recognized institutional framework.79 Following the establishment of the WTO, many African countries became members of the organization.80 Whilst many of these countries became full members of the WTO, there were special provisions affording concessions to developing countries especially in Africa.81 Such provisions, otherwise tagged ‘flexibilities’ allowed extra time for developing countries to comply fully with their obligations under WTO law and developed countries are generally required to protect the interest of developing economies.82 The WTO plays a major role in monitoring RTAs.83 GATT Article XXIV provides the WTO governing framework for RTAs and it requires nations forming RTAs to notify the WTO of the formation of such free trade agreements. Developing countries can also rely on Part IV of GATT on Trade and Development as well as the 1979 Enabling Clause to form RTAs that are not bound by the WTO non-discrimination principles.84 The controversy relating to the interpretation of Article XXIV has increased the interest in the existence and significance of RTAs.85 It has been argued that rather than focusing on the economic consequences of RTAs, the WTO’s institutional structure may also be criticized for hindering the easy incorporation of RTAs into the WTO system.86 A factor that may have limited the impact of RTAs on trade in Africa may be the inherently discriminatory nature of the existing RTAs in the continent.87 African countries are yet to take full advantage of the remarkable level of trade intensity in the continent. Trade liberalization can be pursued within the continent by basing trade policies on the Most Favoured Nation principle to foster open market opportunities.88 It has also been suggested that it may be more beneficial for Africa to look beyond RTAs to pursue other liberal trade policies.89 It might indeed be plausible that placing much emphasis on RTAs as the solution to Africa’s economic problems ignores the inability of the continent to compete in the global market.90 Africa’s overwhelming reliance on traditional exports like agricultural products and raw materials accounts for the continent’s relatively low competitive standing in the global market.91 The situation could be much better by boosting the continent’s manufacturing capacity in various sectors and placing more emphasis on the production of finished products.92 There is also the fear that economic disagreements within RTAs may trigger political instability in fragile African states.93 RTAs have the potential of increasing the bargaining strength and influence of African nations on the world stage if African states can agree on common social and economic policies.94 It has been suggested that African nations should reduce trade restrictions applying to countries that are not part of their individual RTAs95 and liberalize more trade with non-African nations in order to benefit more from market opportunities with developed nations.96 The Doha Development Agenda in particular may help Africa become much more competitive in areas like agriculture where the continent has more comparative economic advantages.97 By maintaining open and free markets, African nations will continue to expand their trade whilst also meeting their obligations under WTO law.98 The Cotonou Agreement was signed on 23 June 2000 by representatives of the European Union (EU) and seventy-seven African, Caribbean and Pacific (ACP) countries to replace the Lome IV Convention which expired that year. 99 The Cotonou Agreement is a trade and aid accord that consolidates on a quarter of a century cooperation between Members States from the North and South.100 In 2001, the New Partnership for Africa’s Development (NEPAD) was adopted by African leaders as a strategic framework for the socio-economic development policies of the African Union (AU).101 The objective of NEPAD is to promote democracy and efficient economic management in Africa.102 The Cotonou Agreement affirms parties agreement to work together to achieve poverty eradication, sustainable development and the gradual integration of the ACP nations into the global economy.103 The Agreement seeks to foster the socio-economic and cultural development of ACP states and to promote political stability and democracy amongst contracting states. It emphasizes the importance of regional economic integration and identifies it as a development strategy and a major aspect of economic and trade cooperation.104 Regional integration can help ACP countries, especially in Africa, to achieve larger and more unified markets in the form of free trade areas or a common market.105 Successful regional integration can lead to bigger markets, increased competition, efficient allocation of resources and a more conducive investment climate.106 It has been opined that trade liberalization is not the route to economic development in Africa, nor is it an effective way of enhancing global prosperity because the element of social justice is lacking in its execution.107 The commentator further argues that trade liberalization is no more than a rapacious and amoral concept being used to inflict lasting damage and unimaginable misery on developing countries.108 Whilst the argument above might be too radical to be defensible, a major problem with the WTO system might nonetheless be the unwillingness of many developed countries to make the necessary sacrifices and desist from anti free trade policies.109 Western countries continue to use high tariff barriers and trade subsidies to protect agricultural products despite the fact that such measures are not countenanced by WTO rules.110 Such tariffs and subsidies have tremendous negative impact on the products of farmers in developing countries and make it increasingly difficult for them to compete in the global market.111 Indeed, a strong argument against free trade is that countries that are highly developed did not achieve that status through open markets but through the adoption of strong protectionist measures and subsidies.112 Nonetheless, regionalism may be a real panacea to the challenges associated with WTO multilateralism especially for developing countries. Whilst it might be correct to argue that highly developed countries did not attain the status through open markets but largely protectionist measures, it will be very difficult indeed for Africa to become highly competitive in the global market through overtly protectionist measures. African nations can certainly curb imports to protect local industries where such measures are necessary. This position is supportable under WTO law as the GATT does allow individual states to increase trade protection in certain circumstances for the benefit of local industries.113 Regionalism in Africa can provide a fine balance between the protection of regional interests and full integration into the global economy. The absence of strong development policies has contributed to the poor state of socio-economic and human development in Africa.114 The inability to provide adequate funding for public health, education, housing, electricity and other social amenities, has resulted in a deplorable state of human development in the continent.115 It is very true that free trade is not the complete solution to Africa’s development problem. For regional integration to be successful in Africa and for the continent to be able to benefit from gaining access to new market, African nations must be ready to provide access to free or affordable education, unnecessary obstacles to private investment will have to be removed and there should be improved public investment in infrastructure.116

#### Sustained African trade solves a myriad of impacts --- economic growth, human rights, drug access, development, and competitiveness --- regionalism is key

Owoeye 16 Olasupo Owoeye, Lecturer in Law at the School of Law, University of South Australia and, recently, a Humboldt Research Fellow at the University of Augsburg, Germany, “Regionalism and WTO Multilateralism: The Case for an African Continental Free Trade Area.” Journal of World Trade, Volume 50, No. 6. Pp 1085-1110. 2016. https://www.kluwerlawonline.com/document.php?id=TRAD2016043&PHPSESSID=fi567pdmv3ap5g47rk0guk7g82 **RJP, DebateDrills**

It has already been argued that regionalism can serve as a coalition strategy for fostering the interest of African countries in the WTO and that the African Union has a very cardinal role to play in the formation of an African-wide free trade area.120 There presently exist eight different economic communities in Africa. They are121 : (1) the Community of Sahel-Saharan States (CEN-SAD); (2) the Common Market for Eastern and Southern Africa (COMESA); (3) the East African Community (EAC); (4) the Economic Community of Central African States (ECCAS); (5) the Economic Community of West African States (ECOWAS); (6) the Intergovernmental Authority on Development (IGAD) in Eastern Africa; (7) the Southern African Development Community (SADC); and (8) the Union du Maghreb Arabe (UMA). The African Union 2011 Action Plan for Boosting Intra-African Trade acknowledges the importance of trade as an engine for promoting economic growth and development.122 The Action Plan identifies one of the reasons trade has not resulted in significant economic growth in Africa as follows: A key feature of Africa’s trade, which has had some adverse implications for its impact on economic growth and development, is its high external orientation and relatively low level of intra-regional trade. Intra-African trade stands at around 10 per cent compared to 60 per cent, 40 per cent, 30 per cent intra-regional trade that has been achieved by Europe, North America and ASEAN respectively. Even if allowance is made for Africa’s unrecorded informal cross-border trade, the total level of intra-African trade is not likely to be more than 20 per cent, which is still lower than that of other major regions of the world.123 A 2013 report jointly produced by the African Development Bank, the World Bank and the World Economic Forum argues that regional integration is crucial to Africa’s competitiveness in the global market.124 The report notes that Africa is lagging behind other emerging regions particularly with respect to infrastructural development, education and technological advancement and that regional integration can play an important role in closing the competitiveness gap.125 Given the small, fragmented and isolated nature of most African nations’ economies, African countries may need to integrate regionally to maximize efficiency gains and exploit economies of scale.126 Africa’s regional integration has, so far, been unimpressive and the fact that the existing regional economic communities have done little to increase intra-regional trade calls to question the efficiency of the linear integration model in the liberalization of regional trade in the continent.127 A major reason for Africa’s disappointing trade performance is the continent’s heavy reliance on few primary export commodities.128 Thus, ensuring sustainable development in Africa will require more focus being given to trade composition, industrialization and improved infrastructural development.129 For Africa to fully enjoy the benefits of regional integration, it would have to do more than removing tariff and non-tariff trade barriers.130 Concrete measures would have to be taken to address lack of adequate infrastructure, cumbersome border administration and unnecessary duplication of procedures.131 Foreign direct investment would also have to be encouraged by providing a good investment climate, the prohibition of anti-competitive policies and the protection of property rights. 132 It is estimated that an African wide free trade area would add up to USD 34.6 billion (52.3%) to the baseline by 2022 and that the imports of African states from other parts of the world would come down by USD 10.2 billion through the exponential growth in intra-African trade expected from a continent-wide integration.133 Free trade and market integration are part of the mechanisms for remaining competitive in an increasingly globalized economy. Intra-African trade currently accounts for just about 12% of Africa’s total trade as against Europe’s 60% trade within the EU region, 40% within North America and 30% in the Association of South East Asian Nations.134 Boosting Intra-African trade will undoubtedly contribute to sustainable economic growth, poverty reduction, enhanced foreign direct investment and employment generation in Africa.135 Such a continentwide free trade alliance will also facilitate a better integration of the African economy into the global economy.136 As once observed by a former deputy chairperson of the African Union, the size of the national market in most African nations is too small for competitiveness in the global market but a common African market of 1 billion people would unleash enormous economic growth and development and enhance the economic independence of the African people.137 It has been argued in other articles that a continent-wide free trade deal in Africa can offer some solution to the access to patented pharmaceuticals problem in the continent and help build significant manufacturing capacity in the pharmaceutical sector.138 The Declaration on Boosting Intra-African Trade and the Establishment of a Free Trade Area was adopted by the AU in January 2012.139 The Declaration enjoins AU states to work towards the establishment of a Continental Free Trade Area (CFTA) for Africa by 2017.140 In preparation for the 2017 timeline for the establishment of the African CFTA, a 26-country Tripartite Free Trade Agreement spanning three existing regional economic communities namely COMESA, EAC and SADC was signed in June 2015.141 The agreement will reduce tariffs within the three regional trade groups and link them together. The Tripartite FTA is designed to create a free trade area and not a common market like the EU.142 It has been observed that none of the major players seem to be working perfectly yet. Reporting on the development, BBC Business Reporter, Matthew Davies, thus opined: COMESA still has certain tariffs within it, while inside the EAC (arguably the most integrated of the blocs) there are still issues between Kenya and Tanzania on things like share ownership. And South Africa tends to dominate SADC.143 It is indeed very doubtful if the 2017 timeline for the establishment of the CFTA will be feasible. At the African Union Summit of January 2012, an 8-country regional development association in East Africa, the Intergovernmental Authority on Development (IGAD) expressed its reservation on the 2017 CFTA plan and argued that Africa should place more emphasis on pressing issues like investment and infrastructure development, food security, removal of non-tariff barriers and trade facilitation.144 Nigerian former President Goodluck Jonathan, representing the most populous African country, was also reported to have described the goal as unrealistic.145 Whilst it is true that infrastructural development and poverty reduction are very pressing issues in Africa, trade issues are by no means less important as growth in trade can be veritable catalysts for development. Intra Africa trade facilitation is one of the ways Africa can address many of its present economic challenges and its significance should not be downplayed.The plan to have a continent-wide free trade area in Africa has been on the agenda of African states deliberations for decades. As far back as 1979, the defunct Organisation of African Unity (OAU) adopted the Monrovia Declaration of Commitment of the Heads of State and Government of the OAU to reinforce the commitments of African states to regional solidarity and cooperation.146 This was later followed by the Lagos Plan of Action in 1980 to accentuate the commitment of Africa to regional economic integration.147 The Treaty Establishing the African Economic Community was subsequently adopted in 1991 and entered into force on 12 May 1994. The overarching objective of the African Economic Community Treaty is the creation of a common market like the EU-style bloc for Africa.148 Indeed, it would appear the scope and objectives of the African Economic Community Treaty are quite ambitious. Africa has so far not done much to actualize the objectives of the Treaty. Nonetheless, it is indisputable that the time is already ripe for an African free trade area. All the regions of the world are increasingly becoming more economically integrated and Africa will become more isolated and less competitive in the global market if it does not adopt the current approaches to enjoying the benefits of globalization. Globalization entails integration, liberalization and free flow of goods, resources and capital. Opening up borders to promote intra-African trade is a very good way of ensuring the gradual integration of African economy into the global economy. The 2011 AU Action Plan for boosting African Trade is a good step in the right direction and one that must be fervently pursued and implemented. It is conceded that a common market for Africa may be some way off and even somewhat unrealistic within the next decade. But a free trade area is an easier goal to achieve. The establishment of a CFTA is already overdue in Africa and it will not be in the continent’s interest to continuing playing the waiting game. The world is becoming increasingly globalized and Africa cannot continue to adopt largely protectionist measures adopted by industrializing countries in the eighteenth century. Most of the fears expressed by those opposing continental integration in Africa can be well addressed and allayed through the creation of a continent-wide free trade area. It does seem building intra-African trade cannot add to Africa’s burden and challenges, it can only alleviate them. The Treaty Establishing the African Economic Community (Abuja Treaty) which was adopted with the main objective of promoting African socio-economic development through regional integration149 has provided a framework for regionalism in Africa. This framework may be explored to address some of the core issues militating against African competitiveness in the global market especially in relation to industrial development, building innovative capacity and a strong technological base The Abuja Treaty outlines six major stages of variable duration for the establishment of the African Economic Community.150 The first stage involves strengthening of the existing economic communities and the establishment of new such communities where they do not exist within five years of coming into force of the Treaty.151 The second stage stipulated under the Abuja Treaty involves the stabilization of tariff and non-tariff barriers at the level of each regional economic community within a period of eight years. There should also be strengthening of sectoral integration in all areas of activity including agriculture, trade and finance at the regional and continental levels at this stage and the harmonization of their activities.152 The third stage involves the formation of a free trade area and a customs union at the level of each regional economic community within the period of ten years.153 At the fourth stage, the various regional economic communities are required to harmonize their tariff and non-tariff systems with a view to establishing a Customs Union at the continental level within two years.154 The fifth stage requires the adoption of an African Common Market through the adoption of a common policy in several areas, the harmonization of fiscal policies and the application of the right of residence of African people in any part of the continent. The fifth stage is to be completed within a period of four years.155 The sixth and final stage involves the consolidation of the African Common Market, the adoption of a single African currency, the setting up of the structure of a Pan African Parliament and the establishment of the Executive body of the African Economic Community.156 The final stage is to be completed within a period of five years157 and the cumulative transitional period from the first stage of the economic integration framework to the final stage must not exceed a period of forty years from the date of entry into force of the Treaty.158 The continent is currently at the third stage of the move towards establishing an African Economic Community although the harmonization of the activities of the regional economic communities required to be completed under the second stage cannot be said to have been realized.159 Whilst there have been a lot of criticisms on the proliferation of regional trade agreements amongst WTO Member States, it is beyond doubt that such agreements are countenanced by WTO Law. Article XXIV (4) & (5) of the GATT specifically provide: 4. The contracting parties recognize the desirability of increasing freedom of trade by the development, through voluntary agreements, of closer integration between the economies of the countries parties to such agreements. They also recognize that the purpose of a customs union or of a free-trade area should be to facilitate trade between the constituent territories and not to raise barriers to the trade of other contracting parties with such territories. 5. Accordingly, the provisions of this Agreement shall not prevent, as between the territories of contracting parties, the formation of a customs union or of a free-trade area or the adoption of an interim agreement necessary for the formation of a customs union or of a free trade area. Article XXIV (5) goes further to stipulate that the regulations imposed following the formation of the customs union or free trade area must not be higher or more restrictive than what was applicable in the constituent territories prior to the formation of the regional trade bloc.160 Every WTO Member State desiring to enter into a regional arrangement must also promptly notify the WTO and furnish the WTO with all relevant information for the formation of the free trade area or customs union.161 In addition to the foregoing, under the GATT Decision on Differential and more favourable treatment reciprocity and fuller participation of developing countries, developing countries may derogate from the WTO’s Most Favoured Nation principle when entering into regional or global arrangements with other developing countries for the purpose of reducing or eliminating tariff barriers.162 2.3 THE ABUJA TREATY’S FRAMEWORK FOR REGIONAL INTEGRATION: SOME REFLECTIONS For the purposes of the present discussion, some relevant provisions of the Abuja Treaty will be examined in relation to customs union and liberalization of trade, free movement of persons, finance and payments, food and agriculture, industry science and technology, transport and communication. Under Article 32 of the Abuja Treaty, African states agree to progressively work towards the elimination of customs duties and other trade barriers amongst Member States of the various regional economic communities and this ultimately should result in the adoption of an external customs tariff in the continent. This arrangement will inevitably facilitate the free movement of goods within the continent and result in the elimination of both tariff and administrative barriers in intra-African trade. The formation of a free trade area and the adoption of a common external tariff in the continent have the potential of promoting economic growth and provide more incentives for foreign direct investment in the continent.163 Former WTO Director General, Pascal Lamy, in a similar vein noted that Africa should no longer rely on external demand for its goods and services to support its growth but must take steps to accelerate regional integration and greater intra-African trade.164 Article 43 of the Abuja Treaty enjoins African states to progressively adopt measures to ensure the free movement of persons and the right of residence of citizens of each Member State in other states of the African Union. This provision can be crucial to the problem of man power supply and skilled labour shortage in many parts of the continent. By Article 44 of the Abuja Treaty, Member States are enjoined to work towards the harmonization of their monetary, financial and payment policies to foster intra-African trade and promote monetary and financial cooperation amongst African nations. The implementation of this provision is likely to open African states to enormous foreign direct investment opportunities as it will substantially eliminate the barriers to the free movement of capital within the continent.165 ECOWAS has been working on a common currency zone for Gambia, Ghana, Guinea, Nigeria and Sierra Leone, which is expected to be merged with the West African Economic and Monetary Union (popularly known by the French acronym UEMOA) at a later date to create a common ECOWAS currency.166 Similar plans are underway within the SADC, COMESA and EAC.167 There have however been concerns about the downsides of having a currency union. An ECOWAS monetary union for instance may entail more economic diversity as Nigeria’s GDP is higher than the combined GDP of all the UEMOA states.168 Similar concerns have been expressed in relation to the EAC’s monetary union plan.169 These concerns seem to be reinforced by the fact that UEMOA faces serious challenges emanating from the need to provide shock smoothing mechanisms without having the mechanisms for doing so.170 The literature and empirical studies nonetheless suggest that monetary union can facilitate regional trade in Africa.171 Whilst there are controversies regarding the benefits accruable from monetary unions in Africa, it would seem monetary integration can be of benefit to regional trade in Africa if it is accompanied by complementary economic policies capable of creating favourable conditions for regional trade.172 African countries agree in Article 46 of the Abuja Treaty to collaboratively work towards the development of agriculture, forestry and livestock to promote food security and increased agricultural productivity. Given the fact that agricultural products are the major export commodities of most African states, regional integration within the continent will go a long way in boosting trade in agricultural products and facilitating access to cheaper and better quality products.173 Regional integration is expected to enable African agricultural sectors to fully exploit opportunities in regional markets, stabilize prices and secure domestic market supply.174 Of particular significance to economic and industrial development in Africa is the provision of Article 48 of the Abuja Treaty, which for the sake of emphasis is reproduced below: (1) For the purpose of promoting industrial development of Member States and integrating their economies, Member States shall within the Community harmonize their industrialization policies. (2) In this connection, Member States shall: (a) Strengthen the industrial base of the Community, in order to modernize the priority sectors and foster self-sustained and selfreliant development; Promote joint industrial development projects at regional and Community levels, as well as the creation of African multinational enterprises in priority industrial sub-sectors likely to contribute to the development of agriculture, transport and communications, natural resources and energy. The above provision may be used to address many of the socio-economic challenges of the African people including access to affordable pharmaceutical products, social infrastructural development, access to energy, climate change, food security and much more. The quest for industrial revolution in Africa will require the availability of large markets to drive competitive production to meet the forces of demand and supply.175 A continent-wide free trade area can provide such a market. The existing regional economic communities have taken steps to harmonize infrastructure policies to enhance regional integration of African markets.176 Structures have also been set up to regulate some sectors, especially energy and communication.177 Article 48 encourages African states to collaborate at regional and continental levels by pooling resources together to address some of Africa’s most fundamental problems that might be too difficult to address at national or even regional level. A joint report by the UN Economic Commission for Africa and the African Union has already noted that a joint development of energy generation resources and the supply of electricity through regional power pooling would go a long way in enhancing the growth of Africa’s regional resources.178 Finally Article 61 of the Abuja Treaty obliges African states to collaboratively work towards the development of a continental transport and communications network. Lack of adequate facilities for the timely shipment of goods is one of the major economic problems in Africa and addressing this at the level of the African Union will be one of the necessary strategies for boosting social and economic development in the continent.179 It has been observed that achieving universal access to communications technology is one of Africa’s major challenges and it is recommended that regional and national lines should be used to provide broadband infrastructure whilst improving regulatory framework to attract private investment.There is a strong link between trade facilitation and development. Intra-regional trade in Africa can offer great benefits to African states and also help address challenges associated with strengthening public health systems and human development. Regional integration has been used to enhance trade expansion and economic growth in different parts of the world. Intra-African trade remains the least significant in comparison with trade in other regions such as Europe, ASEAN and North America. Africa also remains the least developed continent with the highest number of least developed countries in any region of the world.181 Whilst it is true that there are many socio-economic challenges contending with economic growth and development in Africa, boosting intra-regional trade through regional integration is a very important way of addressing the African economic crisis. As can be seen through the regional integration framework envisaged under the Abuja Treaty, regionalism can be used to address myriads of social economic challenges confronting the African continent ranging from agricultural productivity to technological advancement and industrial development. The regionalism envisaged under the Abuja Treaty transcends the contours of mere trade liberalization or facilitation. It is an all-encompassing economic blueprint for advancing the social and economic development of African states through regional cooperation and collaboration. Opponents of trade liberalization and African regional integration may argue that there are more important pressing issues that ought to be urgently addressed. The challenges people in Africa are experiencing are largely as a result of factors such as corruption, illiteracy, a long history of conflicts, boundary disputes, poverty, poor social infrastructure and inadequate primary healthcare. Expanding international trade and moving towards gradual continent-wide regional integration can be effective strategies for solving many of the current prevailing African socio-economic problems. The African Economic Community Treaty envisages the formation of a common market in Africa. Whilst the actualization of that goal may be a long way off, the creation of an African Free Trade Area is a good step in the right direction and it is a step that will also be relevant in solving some of Africa’s most pressing socio-economic problems

#### Development k2 African stability

ODNI 17

Office of the Director of National Intelligence, National Intelligence Council unclassified strategic assessment of global trends, authored by ODNI personnel including the Chairman of the NIC, THE NEAR FUTURE: TENSIONS ARE RISING, 2017, <https://www.dni.gov/index.php/global-trends/near-future> **RJP, DebateDrills**

Sub-Saharan Africa. Democratic practices have expanded, civil society groups have proliferated, and public demand for better governance has become more urgent. Still, many African states continue to struggle with “big man” rule, patronage politics, and ethnic favoritism. Many leaders remain focused on political survival rather than reform—with some defying term limits. Global economic headwinds also threaten progress by keeping commodity prices low and foreign investment weak. Even some countries that have made progress toward democracy remain fragile and prone to violence accompanying elections. Tensions between Christian and Muslim groups could escalate into conflict.

Outlook: During the next five years, growing African populations will become more youthful, urban, mobile, and networked, and better educated—and more demanding of a voice. Rapid urbanization will stress infrastructure and increase visibility of elite corruption— fueling public frustration with services or opportunities. Some 75 to 250 million Africans will experience severe water stress, likely leading to mass migration. Nonetheless, Africa will remain a zone of experimentation by governments, corporations, NGOs and individuals seeking to advance development. The progress of the past two decades—including an expanded middle class, increasingly vibrant civil society, and the spread of democratic institutions—suggests upside potential.

#### Goes nuclear

Glick, Middle East fellow at the Center for Security Policy, ‘7

(Caroline, Condi’s African holiday,http://www.carolineglick.com/e/2007/12/condis-african-holiday.php?pf=yes

The Horn of **Africa is a dangerous and strategically vital place. Small wars,** which rage continuously, **can easily escalate into big wars. Local conflicts have regional and global aspects. All of the conflicts in this tinderbox, which controls shipping lanes** from the Indian Ocean into the Red Sea, **can potentially give rise to regional, and indeed global conflagrations between** competing regional actors and **global powers.**

### Moderna/Manufacturing

**Patent waiver doesn’t solve; patents don’t contain manufacturing instructions**

**Turner and Rourke 21**, Mark Eccleston-Turner and Michelle Rourke, American Society of International Law, “The TRIPS Waiver is Necessary, but it Alone is not Enough to Solve Equitable Access to COVID-19 Vaccines” May 21st 2021, Insights Volume 23 Issue 9<https://www.asil.org/insights/volume/25/issue/9> Livingston RB

Unlike chemical pharmaceuticals (most drugs**), vaccines are large-molecule biological products requiring a great deal of information and know-how to manufacture—information that is not disclosed through patents.** Thus, **waiving patent rights alone will not enable new manufacturers to come online**. The initial text of the proposed waiver by India and South Africa recognizes the crucial role that know-how plays in vaccine manufacturing capacity. However, unlike with patent rights, **there is no** clear, easy **fix contained within the proposed waiver, and pharmaceutical companies will likely strenuously resist such technology transfer. Without knowledge transfer, it will be** extremely **difficult** for LMICs **to start COVID-19 vaccine manufacturing, regardless of the removal** of patent barriers from the **TRIPS** waiver.The TRIPS Agreement recognizes the importance of technology transfer through its Objectives, and Article 66.2 of TRIPS states that "developed country Members shall provide incentives to enterprises and institutions in their territories for the purpose of promoting and encouraging technology transfer to least-developed country Members in order to enable them to create a sound and viable technological base." The WHO has set up a mRNA technology transfer hub to provide a mechanism to facilitate the sharing of know-how related to manufacturing mRNA vaccines, but **none of the technology holders have** thus far **engaged** with the hub. This is reflective of wider efforts by **the WHO to** facilitate the **transfer** of **technology from established** vaccine **manufacturers to new manufacturers in developing countries**. In recent history this was most notably attempted through the WHO's Pandemic Influenza Preparedness Framework (PIP Framework), where the WHO has attempted to use multilateral access and benefit-sharing arrangements to negotiate the sharing of technology in the field of pandemic vaccine manufacturing. To this end, pandemic influenza vaccine manufacturers who wish to receive influenza virus samples from the WHO's network of specialized laboratories must sign a contract with the WHO called a Standard Material Transfer Agreement, committing to at least two of the following options:

**Moderna proves- Puts aff in double bind, either moderna solves the aff or the aff won’t work**

**Silverman 21**, Rachel Silverman, Policy Fellow at the Center For Global Development, Center for Global Development “Would Exempting COVID-19 Vaccines from Intellectual Property Rights Improve Global Access and Equity?”<https://www.cgdev.org/debate/would-exempting-covid-19-vaccines-intellectual-property-rights-improve-global-access> Livingston RB

With thanks to our contributors and commentators, I think this debate has generated greater clarity and nuance—if not necessarily consensus—about whether IP poses a meaningful barrier to COVID-19 vaccine access. We largely agree that knowledge-sharing and tech transfer are the crux of the IP issue—not patents and legal strictures per se**. Moderna**, for example, **has waived IP enforcement for COVID-19 vaccines but has not widely shared its know-how; without the latter, the former action has not generated any generic production.** We are left, in that case, with two broad areas of disagreement and/or uncertainty. First, is an IP waiver important as a first step and/or symbolic gesture, even if it will have limited impact without broader knowledge sharing? Some have argued “yes”—that it provides legal clarity to protect generic manufacturers against retribution and signals a shared commitment to human life and health over company profits and wealthy-country interests. From my perspective, I continue to feel largely agnostic on this point. I recognize the symbolic value and I’m not opposed to **the waiver** per se¸ but given its relatively low impact I continue to think it **is an inefficient use of limited** global advocacy/political **capital for vaccine access**.

## AT: COVID Impacts

#### Even if IP was reduced for COVID vaccines, there would be no change in production

**Abbott 21**, Alden Abbott, Alden Abbott is a senior research fellow with the Mercatus Center at George Mason University and formerly served as the Federal Trade Commission’s General Counsel, May 7 2021, National Review, “Waiving IP Protection for COVID Vaccine Is Anti-innovation and Anti-Public Health”<https://www.nationalreview.com/2021/05/waiving-ip-protection-for-covid-vaccines-is-anti-innovation-and-anti-public-health/> Livingston RB

Waiving intellectual property protections (including patents) for COVID-19 vaccines, which, as U.S. trade representative Katherine Tai announced Wednesday, the Biden administration supports, will if implemented prove disastrous for American innovation — and detrimental to public health as well. Patents are property rights that allow inventors to exclude third parties from copying and using novel patented technologies for 20 years from the time a petition for a patent is filed. Patents are particularly important in the medical field, underpinning the “miracle drugs” and vaccines that save and better countless lives. In October 2020, India and South Africa petitioned the World Trade Organization (WTO) to bypass granting or enforcement of all forms of intellectual property (IP) rights (patents, trade secrets, industrial designs) on COVID-19-related drugs, vaccines, diagnostics, and other medical technologies for the duration of the COVID-19 pandemic. IP rights are protected under the Trade-Related Aspects of Intellectual Property Rights (TRIPS) Agreement overseen by the World Trade Organization. U.S. support for the petition, announced by Tai, strengthens the prospect for its adoption in upcoming WTO negotiations. Patent rights were key to the unprecedentedly rapid development and rollout of COVID-19 vaccines in 2020. A number of highly successful COVID-19 vaccines (including the Moderna and Pfizer vaccines) came about due to earlier innovative mRNA research that was spurred by patents. Significantly, **patents have not affected the mass production of important COVID-19 vaccines.** As former U.S. Patent and Trademark Office chief [Andrei Iancu explains](https://www.statnews.com/2021/04/13/no-evidence-patents-slow-vaccine-access/), vaccine **makers** already **have entered into** a web of **agreements with countries** around the world, and “**almost every factory on the planet that can make these vaccines is already doing so.”** Indeed, patent experts recently indicated that patent-inspired “mRNA vaccines could open the door for the approval of other mRNA-based medicines, creating a wide range of new markets.” Indeed, as Iancu points out, “**there’s** robust collaboration and **cooperation** within the industry **to ensure that vaccines are made quickly and safely.** And **patents** actually **facilitate** such **cooperation**, **because each entity can rest assured that its proprietary technology is protected in the long run.**”

## Compulsory Licensing

1. https://www.thesaurus.com/browse/be%20a%20member%20of [↑](#footnote-ref-1)