## 1AC—Stuff

**1AC – Plan**

**Whole rez Plan – The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines**

**1AC – Inherency**

**Contention 1 is Inherency.**

**Rich countries are blocking a WTO patent-waiver proposal necessary to boost global production of COVID vaccines.**

**Meredith 21**. [(Sam Meredith is a Correspondent at CNBC in London, covering international politics, energy and business news) “Rich countries are refusing to waive the rights on Covid vaccines as global cases hit record levels,” CNBC, April 22, 2021. <https://www.cnbc.com/2021/04/22/covid-rich-countries-are-refusing-to-waive-ip-rights-on-vaccines.html>] TDI

LONDON — The U.S., Canada and U.K. are among some of the high-income countries actively **blocking a patent-waiver proposal** designed to **boost the global production of Covid-19 vaccines.** It comes as coronavirus cases worldwide surge to their highest level so far and the World Health Organization has repeatedly admonished a “**shocking imbalance” in the distribution of vaccines amid the pandemic.** Members of the World Trade Organization will meet virtually in Geneva, Switzerland on Thursday to hold informal talks on whether to temporarily waive intellectual property and patent rights on Covid vaccines and treatments. The landmark proposal, which was jointly submitted by India and South Africa in October, has been backed by more than 100 mostly developing countries. It aims to facilitate the manufacture of treatments locally and boost the global vaccination campaign. Six months on, the proposal continues to be **stonewalled by a small number of governments** — including the U.S., EU, U.K., Switzerland, Japan, Norway, Canada, Australia and Brazil. “In this Covid-19 pandemic, we are once again **faced with issues of scarcity**, which can be addressed through diversification of manufacturing and supply capacity and ensuring the **temporary waiver of relevant intellectual property**,” Dr. Maria Guevara, international medical secretary at Medecins Sans Frontieres, said in a statement on Wednesday. “It is about saving lives at the end, not protecting systems.” The **urgency and importance of waiving certain intellectual property rights amid the pandemic have been underscored** by the WHO, health experts, civil society groups, trade unions, former world leaders, international medical charities, Nobel laureates and human rights organizations. Why does it matter? The waiver, if adopted at the General Council, the WTO’s highest-level decision-making body, could **help countries around the world overcome legal barriers** preventing them from producing their own Covid vaccines and treatments. Advocates of the proposal have conceded the waiver is not a “silver bullet,” but argue that **removing barriers** toward the development, production and approval of vaccines is **vital in the fight to prevent, treat and contain the coronavirus.**

**The pandemic is raging through developing economies and inflicting loss on a horrific scale.**

**Lindsey 21**. [(Brink Lindsey) “Why intellectual property and pandemics don’t mix,” Brookings Institution, June 3, 2021. <https://www.brookings.edu/blog/up-front/2021/06/03/why-intellectual-property-and-pandemics-dont-mix/>] TDI

Although focusing on these immediate constraints is vital, we cannot confine our attention to the short term. First of all, the **COVID-19 pandemic is far from over**. Although Americans can now see the light at the end of the tunnel thanks to the rapid rollout of vaccines, most of the world isn’t so lucky. The virus is **currently raging in India and throughout South America, overwhelming health care systems and inflicting suffering and loss on a horrific scale**. And consider the fact that Australia, which has been successful in suppressing the virus, recently announced it was sticking to plans to keep its borders closed until mid-2022. Criticisms of the TRIPS waiver that focus only on the next few months are **therefore short-sighted**: this pandemic could well **drag on long enough for elimination of patent restrictions to enable new vaccine producers to make a positive difference.**

**Advantage 1 is WTO credibility**

**The new head of the WTO is on track to push for reform and an increased role in the international arena, but is hindered now due to lack of vaccine agreement.**

**Baschuk 4-27**. [(Bryce Baschuk is a Bloomberg Reporter) ["WTO Chief Pursues a ‘Hectic’ Agenda to Fix World Trade’s Referee," Bloomberg, April 27, 2021. https://www.bloomberg.com/news/articles/2021-04-27/wto-chief-pursues-a-hectic-agenda-to-fix-world-trade-s-referee](file:///Users/adenbarton/Downloads/%22WTO%20Chief%20Pursues%20a%20‘Hectic’%20Agenda%20to%20Fix%20World%20Trade’s%20Referee,%22%20Bloomberg,%20April%2027,%202021.%20https:/www.bloomberg.com/news/articles/2021-04-27/wto-chief-pursues-a-hectic-agenda-to-fix-world-trade-s-referee)] TDI

The head of the World Trade Organization **raised an alarm about the credibility of the multilateral trading system**, urging leaders to act fast to bolster the global economy with steps like fairer vaccine distribution and cooperate to resolve longer-term problems like overfishing. During her first two months, WTO Director-General Ngozi Okonjo-Iweala has met with trade ministers around the globe to communicate a message that **the WTO is important, it needs to be reformed and it needs to deliver results.** So far, she says the reception from world leaders has been positive, but quickly translating that goodwill into substantive outcomes during a global pandemic is just as daunting as she anticipated. “The word I would use to describe it is absolutely hectic,” Okonjo-Iweala said in a phone interview on Tuesday when asked about her first few months in the job. “The challenges we thought were there are there and getting an agreement is not as easy because of longstanding ways of negotiating business positions.” Read More: Arcane WTO Pact Moves to Center of Vaccine Debate: Supply Lines Countries need to move past the notion that one country’s gain in international commerce is another’s loss, she said. “We need to break out of the zero-sum deadlock,” Okonjo-Iweala said. “We need to remind the countries and members that the WTO is here to deliver for people. **We can’t take 20 years to negotiate something**.” Okonjo-Iweala said **her top priority is to use trade to alleviate the pandemic** and said her recent meeting with trade ministers and vaccine manufacturers provided a positive step in the right direction. ‘More Pragmatism’ “That meeting yielded quite a lot,” she said. “I see more pragmatism on both sides.” An important component of the WTO’s trade and health agenda is a proposal from India and South Africa that seeks to temporarily waive enforcement of the WTO’s rules governing intellectual property for vaccines and other essential medical products. Read More: U.S. Trade Chief Meets Pfizer, AstraZeneca About Vaccine Supply As of this week there are fresh signals that the Biden administration, which currently opposes a waiver to the WTO agreement on Trade-Related Aspects of Intellectual Property Rights, wants vaccine manufacturers like Pfizer Inc. and AstraZeneca Plc to help ramp up U.S. pandemic assistance to the rest of the world. “There is movement,” Okonjo-Iweala said. “Are we there yet? No, but there is a little bit of change in the air among members. I think hopefully we will be able to come to some sort of a framework for the WTO ministers to bless.” “We don’t have time,” she added. “People are dying.” Okonjo-Iweala said this month’s vaccine meeting also revealed areas where the developing world can increase its capacity to produce more doses rather than waiting for rich countries to send them their excess supplies. She said various emerging markets such as India, Pakistan, Bangladesh, Senegal, Indonesia and Egypt already have some capacity to begin producing vaccines for people living in developing economies.

**Patent waiver is necessary to revitalize WTO’s credibility as an international dispute mechanism – creates momentum for further reform.**

**Meyer 6-18-**21. [(David Meyer is the Editor of CEO Daily and a senior writer on Fortune’s European team. Author of the digital rights primer, Control Shift: How Technology Affects You and Your Rights. “The WTO’s survival hinges on the COVID-19 vaccine patent debate, waiver advocates warn,” Fortune, June 18, 2021. <https://fortune.com/2021/06/18/wto-covid-vaccines-patents-waiver-south-africa-trips/>] TDI

The World Trade Organization knows all about crises. Former U.S. President Donald Trump threw a wrench into its core function of resolving trade disputes—a blocker that President Joe Biden has not yet removed—and there is widespread dissatisfaction over the fairness of the global trade rulebook. The 164-country organization, under the fresh leadership of Nigeria's Ngozi Okonjo-Iweala, has a lot to fix. However, **one crisis is more pressing than** the **others**: the battle over COVID-19 vaccines, and whether the protection of their patents and other intellectual property should be temporarily lifted to boost production and end the pandemic sooner rather than later. According to some of those pushing for the waiver—which was originally proposed last year by India and South Africa—**the WTO's future rests on what happens next.** "The credibility of the WTO will depend on its ability to find a meaningful outcome on this issue that truly ramps-up and diversifies production," says Xolelwa Mlumbi-Peter, South Africa's ambassador to the WTO. "Final nail in the coffin" The Geneva-based WTO isn't an organization with power, as such—it's a framework within which countries make big decisions about trade, generally by consensus. It's supposed to be the forum where disputes get settled, because all its members have signed up to the same rules. And one of its most important rulebooks is the Agreement on Trade-Related Aspects of Intellectual Property Rights, or TRIPS, which sprang to life alongside the WTO in 1995. The WTO's founding agreement allows for rules to be waived in exceptional circumstances, and indeed this has happened before: its members agreed in 2003 to waive TRIPS obligations that were blocking the importation of cheap, generic drugs into developing countries that lack manufacturing capacity. (That waiver was effectively made permanent in 2017.) Consensus is the key here. Although the failure to reach consensus on a waiver could be overcome with a 75% supermajority vote by the WTO's membership, this would be an unprecedented and seismic event. In the case of the COVID-19 vaccine IP waiver, it would mean standing up to the European Union, and Germany in particular, as well as countries such as Canada and the U.K.—the U.S. recently flipped from opposing the idea of a waiver to supporting it, as did France. **It's a dispute between countries, but the result will be on the WTO as a whole**, say waiver advocates. "If, in the face of one of humanity's greatest challenges in a century, the WTO functionally becomes an obstacle as in contrast to part of the solution, **I think it could be the final nail in the coffin"** **for the organization**, says Lori Wallach, the founder of Public Citizen's Global Trade Watch, a U.S. campaigning group that focuses on the WTO and trade agreements. "If the TRIPS waiver is successful, and people see the WTO as being part of the solution—saving lives and livelihoods—**it could create goodwill and momentum to address what are still daunting structural problems."** Those problems are legion. Reform needs Top of the list is the WTO's Appellate Body, which hears appeals in members' trade disputes. It's a pivotal part of the international trade system, but Trump—incensed at decisions taken against the U.S. —blocked appointments to its seven-strong panel as judges retired. The body became completely paralyzed at the end of 2019, when two judges' terms ended and the panel no longer had the three-judge quorum it needs to rule on appeals. Anyone who hoped the advent of the Biden administration would change matters was disappointed earlier this year when the U.S. rejected a European proposal to fill the vacancies. "The United States continues to have systemic concerns with the appellate body," it said. "As members know, the United States has raised and explained its systemic concerns for more than 16 years and across multiple U.S. administrations." At her confirmation hearing in February, current U.S. Trade Representative Katherine Tai reiterated those concerns—she said the appellate body had "overstepped its authority and erred in interpreting WTO agreements in a number of cases, to the detriment of the United States and other WTO members," and accused it of dragging its heels in settling disputes. "Reforms are needed to ensure that the underlying causes of such problems do not resurface," Tai said. "While the U.S. [has] been engaging [with the WTO] it hasn't indicated it would move quickly on allowing appointments to the Appellate Body," says Bryan Mercurio, an economic-law professor at the Chinese University of Hong Kong, who opposes the vaccine waiver. "This is not a good sign. In terms of WTO governance, it's a much more important step than supporting negotiations on an [intellectual property] waiver." It's not just the U.S. that wants to see reform at the WTO. In a major policy document published in February, the EU said negotiations had failed to modernize the organization's rules, the dispute-resolution system was broken, the monitoring of countries' trade policies was ineffective, and—crucially—"the trade relationship between the U.S. and China, two of the three largest WTO members, is currently largely managed outside WTO disciplines." China is one of the key problems here. It became a WTO member in 2001 but, although this entailed significant liberalization of the Chinese economy, it did not become a full market economy. As the European Commission put it in February: "The level at which China has opened its markets does not correspond to its weight in the global economy, and the state continues to exert a decisive influence on China's economic environment with consequent competitive distortions that cannot be sufficiently addressed by current WTO rules." "China is operating from what it sees as a position of strength, so it will not be bullied into agreeing to changes which it sees as not in its interests," says Mercurio. China is at loggerheads with the U.S., the EU and others over numerous trade-related issues. Its rivals don't like its policy of demanding that Chinese citizens' data is stored on Chinese soil, nor do they approve of how foreign investors often have to partner with Chinese firms to access the country's market, in a way that leads to the transfer of technological knowhow. They also oppose China's industrial subsidies. Mercurio thinks China may agree to reforms on some of these issues, particularly regarding subsidies, but "only if it is offered something in return." All these problems won't go away if the WTO manages to come up with a TRIPS waiver for COVID-19 vaccines and medical supplies, Wallach concedes. "**But**," she adds, "**the will and the good faith to tackle these challenges is increased enormously if the WTO has the experience of being part of the solution, not just an obstacle."** Wallach points to a statement released earlier this month by Asia Pacific Economic Cooperation (APEC) trade ministers, which called for urgent discussions on the waiver. "The WTO must demonstrate that global trade rules can help address the human catastrophe of the COVID-19 pandemic and facilitate the recovery," the statement read in its section about WTO reform. Okonjo-Iweala's role The WTO's new director general, whose route to the top was unblocked in early 2021 with the demise of the Trump administration, is certainly keen to fix the problems that contributed to the early departure of her predecessor, Brazil's Robert Azevedo. "We must act now to get all our ambassadors to the table to negotiate a text" on the issue of an IP waiver for COVID vaccines, Ngozi Okonjo-Iweala, director general of the World Trade Organization, has said. Dursun Aydemir—Anadolu/Bloomberg/Getty Images Earlier this week, when the U.S. and EU agreed a five-year ceasefire in a long-running dispute over Boeing and Airbus aircraft subsidies, Okonjo-Iweala tweeted: "With political will, we can solve even the most intractable problems." However, Mercurio is skeptical about her stewardship having much of an effect on the WTO's reform process. "Upon taking [over she] stated it was time for delegations to speak to each other and not simply past each other, but at the recent General Counsel meeting delegations simply read prepared statements in what some have described as the worst meeting ever," he says. "On the other hand, Ngozi is very much someone who will actively seek solutions to problems, and in this way different to her predecessor. If the role of mediator is welcomed, she could have an impact not in starting discussions but in getting deals over the finish line."

**No alt causes – how the WTO acts now with Covid will shape its role in the international economy for decades to come.**

**Evenett and** **Baldwin** **20.** [(Simon J. Evenett is Professor of International Trade and Economic Development at the University of St. Gallen, Switzerland, and Co-Director of the CEPR Programme in International Trade and Regional Economics. Richard E. Baldwin is a professor of international economics at the Graduate Institute of International and Development Studies in Geneva. “Revitalising multilateral trade cooperation: Why? Why Now? And How?” November 10, 2020. <https://voxeu.org/content/revitalising-multilateralism-pragmatic-ideas-new-wto-director-general>] TDI

Purposeful, pragmatic steps towards noble goals Archbishop Desmond Tutu, that tireless campaigner against Apartheid, once remarked that “there is only one way to eat an elephant: one bite at a time”. **After a decade of drift and backsliding**, the task of revitalising multilateral trade cooperation may seem daunting. It may seem even more so after the disruption of the COVID-19 pandemic and the attendant slump in world trade. **Yet, in the same emergency lies the seeds of revival** – **especially, if trade diplomats can demonstrate the relevance of the WTO to national governments fighting this pandemic** – **ideally through an accord that eases the cross-border shipment of needed medical goods and medicines**. Step by pragmatic step, the **WTO can regain its centrality in the world trading system**. **Ultimately, the pandemic affords the opportunity to reframe discussions on multilateral trade cooperation away from the stalemate, frustration of recent years between governments**, and the Uruguay Round mindset that ran into diminishing returns years ago. Rather, discussions between governments need to draw lessons from the second global economic shock in 15 years so as to rebuild a system of global trade arrangements capable of better tackling systemic crises and, more importantly, better able to contribute to the growing number of first-order challenges facing societies in the 21st century. Doing so will require revisiting the very purpose of the WTO.

**Specifically, action now over Covid creates goodwill to establish global trade as a norm and preserve the relevance of the trading system post-Covid.**

**González** **20.** [(Anabel Gonzalez is a nonresident senior fellow at the Peterson Institute and former Minister of Foreign Trade of Costa Rica “Revitalising multilateral trade cooperation: Why? Why Now? And How?” November 10, 2020. <https://voxeu.org/content/revitalising-multilateralism-pragmatic-ideas-new-wto-director-general>] TDI

EXTRAORDINARY TIMES DEMAND EXTRAORDINARY ACTION As of 2 November 2020, there are 46.9 million COVID-19 cases across all regions, with the number of deaths exceeding 1.2 million, and rising.2 The economic and social impacts of the pandemic and its containment measures are not less daunting. Global growth is estimated at -4.9 in 2020, with over 95% of countries projected to have negative per capita income growth (IMF 2020). Trade volumes are expected to decrease by between 13% and 32% from last year,3 while foreign direct investment flows could plunge by up to 40% (UNCTAD 2020). Is it estimated that the equivalent of 555 million jobs have been lost in the first half of this year (ILO 2020), which in turn could push up to 100 million more people into extreme poverty and would almost double the number of persons suffering from acute hunger (FAO 2020). While there is some evidence that goods trade may be rebounding and that the worst-case trade scenario projected in April could be averted (CPB 2020, WTO 2020a), the recovery from the deepest global recession since World War II will depend on the sustained and effective containment of the virus and the quality of government policies. The World Bank/IMF Development Committee warned that the pandemic has the potential to erase development gains for many countries (World Bank 2020a). Some consequences may also be long-lasting, such as lower investment, erosion of human capital, and a retreat from global trade and supply linkages (World Bank 2020b). It is no understatement to say these are extraordinary times. In many countries, governments are providing significant levels of fiscal support to try to stabilise their economies, sustain companies and minimise the impact on workers; in many others, limited fiscal space and informality constraint governments’ capacity to mitigate the damage. For advanced and developing economies alike, trade is a powerful, cost-effective tool to alleviate the devastating effects of COVID-19 on the health and economic fronts. And yet, protectionism is gaining an upper hand, deepening some of pre-pandemic confrontations that were already threatening the global economy. The short-term response to the virus and longer-term growth prospects depend on strong multilateral cooperation to scale back obstacles to trade and investment, increase business certainty and leverage opportunities which the pandemic has accelerated in areas like the digital economy. **It is also needed to preserve stable and coordinated international relations to avoid that heavy threats implicit in the pandemic could result in catastrophic disorders or conflicts** (Jean 2020). But it will not happen automatically. Unless governments accelerate their efforts to collaborate, growing protectionism and increased distortions to global value chains (GVCs) risk being a by-product of the virus, at the same time further exacerbating its negative implications. **This demands extraordinary action.** This chapter addresses the question of what role for trade ministers at the WTO in times of crises with a view to activating global cooperation to overcome COVID-19. In addition to the introductory section, the second section explores the need to reactivate the WTO to underpin collaboration among governments, the third section argues that trade ministers should call the shots during crisis, the fourth section suggests eight actions for ministers to rein in protectionism and mitigate further damage, the fifth section refers to the mechanics on how and when to do it, and a final section offers concluding remarks. **REACTIVATE THE WTO** Trade needs to be part of the response to COVID-19 and its upshots, and countries cannot afford the WTO, hobbled as it has been lately, to muddle through. **Moreover, as the world confronts more frequent and severe profound shocks such as financial crises, terrorism, extreme weather and pandemics** (McKinsey Global Institute 2020), **the WTO needs to step up its role during systemic crises.** **The fact that the organisation has been faltering, that there is a leadership vacuum and that distrust runs high among major traders will not make it any easier.** Exacerbated tensions related to the pandemic can only add to the feeling that WTO rules have been conceived for a very different context, increasing the risk of a loss of legitimacy (Jean 2020). **This is not about a major reset of the WTO. It is about (re)activating the organisation to serve its members as they combat the devastating impact of the pandemic and the global recession**. The WTO needs broader reform, in particular to address structural changes in the global economy. While extremely important, this discussion should not hamper the ability of the WTO to deliver at times of systemic crisis. Moreover, should the WTO – or more accurately, its members – demonstrate they can actually rise to the occasion in the context of COVID-19, **they will also contribute to increasing trust levels** **on the ability of the organisation to produce results**. The starting point is a shift in mindset: governments need to understand that international trade is not a problem in the crisis, but rather a core element of the solution (Baldwin and Evenett 2020). Take the shortages of medical supplies. There are three methods of assuring supply: stockpiling, investments in manufacturing capacity and trade. Of these options, relying on international trade is the most efficient and economic choice, provided the WTO can help assure security of this method of supply (Wolff 2020a). To be sure, many nations have taken unilateral steps to facilitate trade, especially in medical supplies and medicines. The Global Trade Alert reports that while 91 jurisdictions have adopted a total of 202 export controls on these goods since the beginning of 2020, 106 jurisdictions have executed 229 import policy reforms on these goods over the same period.4 After initial border closures, some neighbouring countries are beginning to facilitate the cross-border flow of goods. At the regional level and among subsets of countries, governments have issued different statements to keep trade lanes open and supply chains moving (see Table A1 in the Annex). After a tepid declaration from G20 leaders, trade ministers reaffirmed their determination to cooperate and coordinate to mitigate the impact of the COVID-19 pandemic on trade and investment and to lay a solid foundation for a global economic recovery. They also endorsed a set of short-term collective actions on trade regulation, trade facilitation, transparency, operation of logistics networks and support for small enterprises, and a group of longer-term actions on WTO reform, GVC resilience and investment; monitoring of implementation was left to senior officials (G20 2020). These actions are positive and reflect the political will of governments to collaborate to some extent – even if they have not fully countered the flurry of barriers and restrictions surrounding trade in critical medical gear. They are no substitute for trade cooperation at the global level, either. In the case of medical products, for example, the EU, the US and China account for almost three-quarters of world exports (WTO 2020b); cooperation initiatives that do not include these members would fall short on impact. The venue for cooperation should be global and open to all, even if not all 164 WTO members opt to engage in all initiatives. TRADE MINISTERS SHOULD CALL THE SHOTS DURING CRISES Challenges notwithstanding, governments need to act now to empower the WTO to play an active part in coordinating the response to the pandemic. The WTO is more than an organisation immersed in myriad drama on the shores of Lake Geneva; it is a solid framework for global trade cooperation. **It is in countries’ interest to preserve the relevance of the WTO;** its role can be critical in helping members help themselves. In a member-driven organisation such as the WTO, the role of the Director-General and the Secretariat is important and can and should be enhanced, for example with greater power of initiative and strengthened monitoring and analytics capabilities. The WTO dedicated page on the pandemic is a step in the right direction.5 But the ultimate responsibility to provide direction and act rests with governments. The WTO is nothing more and nothing less than the collectivity of its members (Steger 2020), a point that is frequently forgotten in the public discourse. Without strong leadership, frequent engagement and serious interest among members in addressing its challenges, the WTO itself cannot deliver results (Cutler 2020). Paraphrasing VanGrasstek (2013), the multilateral trading system receives its inspiration from economists and is shaped primarily by lawyers, but it can only operate within the limits set by politicians.

**Post Covid WTO legitimacy and credibility necessary to prevent a downward spiral of protectionism.**

**Solís 20.** [(Mireya Solís is director of the Center for East Asia Policy Studies, Philip Knight Chair in Japan Studies, and a senior fellow in the Foreign Policy program at Brookings. “The post COVID-19 world: Economic nationalism triumphant?” July 10, 2020. <https://www.brookings.edu/blog/order-from-chaos/2020/07/10/the-post-covid-19-world-economic-nationalism-triumphant/>] TDI

The damage caused by the worst global health crisis in a century is vast. The new coronavirus has traveled far and fast, infecting more than 8.7 million people and killing more than 460,000. One after another, economies have gone into lockdown to slow down the spread of the disease. The combined supply and demand shocks have ravaged the world economy with the most severe downturn since the Great Depression; **anticipated drops to international trade and investment flows of 30% and 40%,** respectively; and unemployment spikes in many countries. The pandemic has cost lives and livelihoods and has erased the chances of returning to the status quo ante, but it has also brought little clarity regarding what kind of international order it will usher in. Is the future one of deglobalization, decoupling, and reshoring of economic activity? **The pandemic hit an already wounded multilateral trading system**. The chances that the World Trade Organization (WTO) can deliver a multilateral round of trade negotiations to slash tariffs across the board and update the trade and investment rulebook are nil. But the WTO has also lost its central role as arbiter of trade disputes among its members. In December 2019, the Appellate Body ceased to function due to the U.S. block of new appointments, citing judicial overreach. **At a time of rising protectionism, the erosion of a rules-based mechanism to adjudicate disputes bodes ill.** **Longstanding challenges to the WTO have been exacerbated by an abdication of leadership from the great powers to ensure its survival**. China has been the godchild of globalization, leveraging its accession to the WTO to become workshop for the world and a huge domestic market coveted by foreign firms. But China lost its appetite for economic reform, reinvesting on a state capitalism model that imposes heavy costs on other nations. Unchecked subsidies and privileges awarded to its state-owned enterprises, insufficient protection of intellectual property, foreign investment restrictions, forced technology transfers, and cyber protectionism all make the Chinese government’s self-proclamation as champion of global free trade ring hollow. The Trump administration judges the WTO incapable of tackling the China challenge, but instead of creating coalitions of like-minded countries to bring about effective multilateral trade governance, it appears determined to further harm ~~cripple~~ the international organization. It has offered no blueprint to fix the dispute settlement mechanism, has abused the national security exemption to raise tariffs against allies, and is gearing up for its most fundamental assault to date on the WTO: a tariff reset through which the U.S. may unilaterally abandon its commitments on bound tariffs and apply larger duties to force other countries to open their markets. **Trade spats as other countries retaliate in kind is a more likely result.** Tariff wars and the battle for technology supremacy have come to define U.S.-China great power competition. After a grueling trade conflict, the United States and China reached a limited trade agreement in January 2020. The deal marked a pause in the tariff war and addressed some non-tariff barriers on foreign direct investment and intellectual property; but it left intact the core of Chinese industrial policy (public subsidies and state-owned enterprises) and retained U.S. duties on $360 billion worth of Chinese products. China’s massive purchase commitments ($200 billion) were quickly rendered unattainable by the severe economic downturn in China due to COVID-19. In fighting for the new economic order, setting standards on cutting-edge technologies will be at the forefront. China is using all the levers of industrial policy to gain technological primacy in areas like AI and quantum computing. Telecom and the battle over 5G offer a preview of quarrels to come. Deeply concerned with the cybersecurity risks that Chinese telecom giants like Huawei pose, the U.S. government placed the company on its Entity List, banning American exports without a license. It has since tightened the restrictions by barring foreign companies from supplying Huawei with products manufactured with American equipment and technology. National security concerns are increasingly encroaching on existing webs of economic interdependence. Wary of China’s acquisition of critical technology, countries like the United States, Australia, and Japan have tightened their screening of foreign direct investment. The pandemic has only exacerbated concerns that weakened companies in strategic sectors are at risk of foreign takeover. COVID-19’s impact on the international trading system is twofold. It has reinforced existing trends such as the deceleration and now drop in the volume of international trade, the rise of economic security as governments expand their toolkit to restrict trade and investment flows, and it has laid bare the fallout in U.S.-China relations. But the pandemic also brought new challenges that exposed the extent to which trade cooperation is in short supply. Export protectionism has risen in prominence with national restrictions on shipments of essential medical supplies and personal protective equipment. The WTO allows for such curbs for public health purposes – provided the measures are temporary and transparent. Few countries, however, have bothered to comply with their notification commitments. **The blow comes at a time when the WTO is adrift** with the decision of Director General Roberto Azevedo to step down early, opening the search for new leadership in a climate of divisiveness. Graph detailing the number of countries that imposed export restrictions on various categories of medical supplies and devices in response to the coronavirus pandemic. Are we on the eve of a renationalized world economy? That is the aspiration of several American and European public officials who fault extended global supply chains and overdependence on China for the current mishaps in tackling the pandemic. But the view that economic nationalism and reshoring of manufacturing is a fail-safe path to security and prosperity is wrong. For one, it skirts the responsibility of governments to properly stockpile essential medical supplies. Furthermore, the export curbs will be counterproductive, eliminating incentives for producers to expand capacity and increasing the cost of much needed medicines and medical devices. If the recent lockdowns have taught us anything, it is that exclusive reliance on the domestic market is too risky. Diversification of supply, redundancies in the manufacturing chain, and stockpiling programs are better alternatives. In this endeavor, global supply chains are part of the solution, not the problem. COVID-19 will not produce an exodus of foreign companies from the Chinese market. Recent surveys of American companies with operations in China show that most firms intend to stay put. A February survey of Japanese companies conducted by Tokyo Shoko Research shows that only a fraction (4%) are considering exit from China. Therefore, the Japanese government’s $2.2 billion fund to restructure supply chains should be understood as risk management, not decoupling. When international companies map out their business strategies, they must factor in heightened risks – protectionism, national security controls, and economic lockdowns. **Hence, efforts by middle powers to offer an interim arbitration mechanism at the WTO** to handle trade disputes and to commit to maintaining open supply chains in essential medical goods **are the right antidote to rising economic nationalism**. As a staunch supporter of rules-based trade and with its decision to forego export protectionism in the current crisis, Japan has much to contribute to these efforts.

**Trade solves great power competition – regionalism causes militarized crises.**

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

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

**Independently, WTO cred solves nuclear war – allows an off-track for nuclear weapons.**

**Hamann 09.** [(Georgia Hamann is a J.D. Candidate, Vanderbilt University Law School, “Replacing Slingshots with Swords: Implications of the Antigua-Gambling 22.6 Panel Report for Developing Countries and the World Trading System,” 2009.] TDI

**Voluntary compliance with WTO rules** and procedures is of the utmost importance **to the international trading system**.'0 0 Given the increasingly globalized market, the coming years will see an increase in the importance of the WTO **as a cohesive force and arbiter of disputes that likely will become more frequent and injurious**. **01' The work of the WTO cannot be overstated in a nuclear-armed world,** as the body continues to promote respect and even amity among nations with opposing philosophical goals or modes of governance. 10 2 Demagogues in the Unites States may decry the rise of China as a geopolitical threat, 0 3 and extremists in Russia may play dangerous games of brinksmanship with other great powers, **but trade keeps politicians' fingers off "the button**. ' 10 4 **The WTO offers an astounding rate of compliance** for an organization with no standing army and no real power to enforce its decisions, suggesting that governments recognize the value of maintaining the international construct of the WTO. 105 **In order to promote voluntary compliance, the WTO must maintain a high level of credibility**. 106 Nations must perceive the WTO as the most reasonable option for dispute resolution or fear that the WTO wields enough influence to enforce sanctions. 10 7 The arbitrators charged with performing the substantive work of the WTO by negotiating, compromising, and issuing judgments are keenly aware of the responsibility they have to uphold the organization's credibility. 108

**Advantage 2 is India**

**India is in crisis – the recent COVID surge is fundamentally different from that of the past.**

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

Laxminarayan’s walks have changed in recent weeks. **Coronavirus deaths in India have skyrocketed**, and a **frightening atmosphere** has descended. New Delhi is roughly as dense as New York City, with some thirty thousand residents per square mile. But now Laxminarayan passes just a few scattered people; almost everyone stays inside if they can, venturing out only in **search of food, medication, or medical care**. Before the surge, mask-wearing had declined, but now everyone’s face is covered again. “You need public-health enforcement when the pandemic is invisible,” Laxminarayan told me. “Now fear is the dominant force changing people’s behavior.” Government statistics indicate that the virus is **newly infecting millions** of Indians each week, and that some twenty thousand or thirty thousand people are dying weekly. But most experts, including Laxminarayan, believe that those numbers **capture a fraction** of the true covid-19 toll. “It’s a **war zone**,” Laxminarayan said. “It’s worse than what you’re reading in the papers or seeing on TV. Whatever the numbers are, they don’t tell the full story. The human toll is **devastating**.” The current surge **differs fundamentally** from India’s experience last year. “This is truly a national wave,” Laxminarayan said. “It’s not urban. It’s not rural. It’s not north or south. It’s everywhere.” He went on, “During the first wave, the poor suffered the bulk of the health and economic toll. Now everyone is affected. I personally don’t know a single family that doesn’t have covid in it right now. I don’t mean in their extended family. I mean in their nuclear family.” In late April, after his dentist’s parents both died and after a colleague fell ill and couldn’t get oxygen, Laxminarayan decided to shift from covid research to covid relief. He and his team at C.D.D.E.P. decided to focus on India’s oxygen-supply problem, which has fundamentally limited the nation’s hospital capacity. They launched an initiative called OxygenForIndia, raising eight and a half million dollars in two weeks; with the help of corporate partners, among them Verizon Media, Logitech, and UiPath, they have secured more than two thousand oxygen concentrators—portable devices that remove nitrogen from the air to produce purified oxygen—and thirty thousand cylinders to store gaseous oxygen. By some estimates, those cylinder donations add up to more gaseous oxygen than India has received through foreign aid to date. “Right now, no one wants to leave a hospital bed they’re in,” Laxminarayan said. “It’s the only place they know perhaps they can get oxygen. We want to assure people they will have oxygen at home, so that hospital capacity is freed up for the sickest patients.” Laxminarayan thinks that bolstering critical-care capacity is a long-term proposition—“You can’t make doctors and nurses overnight”—and that India is better served today by making more efficient use of its existing infrastructure. OxygenForIndia has already started delivering oxygen to people’s homes, but the organization’s larger goal is to partner with hospitals in urban areas: Delhi, Bangalore, and Kolkata, among others. Doctors, along with algorithms, will triage patients upon presentation or as they improve before discharge. Those deemed safe to go home with supportive oxygen will be given a Q.R. code to be scanned at a nearby warehouse, where they can collect an oxygen cylinder or concentrator to keep as long as they need. (Cylinders must be refilled at the warehouse each day; concentrators can be used continuously at home.) “I’m hoping this is a scalable model that can be used by other countries when they face their big covid wave,” Laxminarayan said. “Because there’s no reason to believe they won’t.” The air around us, which contains twenty-one-per-cent oxygen, must be concentrated and purified to produce the medical-grade gas that people need when the coronavirus besieges their lungs. The most efficient way to accomplish this—the default in wealthy countries—is for factories to produce liquid oxygen, which tanker trucks then deliver to hospitals, where it can be stored in large containers and then piped into patients’ rooms. Many hospitals in poor countries, however, aren’t equipped to store liquid oxygen, and must rely on an external supply. If a hospital is in a remote location, this can be a serious logistical challenge. Another option is to install on-site plants that extract oxygen from the air. These systems, which use a technology known as pressure swing adsorption, or P.S.A., are expensive, and require maintenance. In October, the Indian government announced plans to build a hundred and sixty-two such plants around the country; thus far, thirty-three have been installed. Laxminarayan’s organization also hopes to create dozens of oxygen-generation plants at Indian hospitals. For now, many hospitals rely on simpler, decentralized technology, which comes with disadvantages: the gaseous oxygen contained in cylinders can cost ten times as much as its liquid equivalent, and oxygen concentrators are usually intended for only one or a few patients at a time. Whatever the process, it’s clear that too many Indians are going without the oxygen they need. Since this February, India’s oxygen requirements have increased fifteenfold; it now needs nearly three times as much medical-grade oxygen as it did during the height of its first wave. Some hospitals have run out of oxygen, and others are on the precipice. Hospitals won’t admit patients whom they can’t treat; many Indians therefore suffer a suffocating illness at home. The government is doing what it can: granting oxygen-transport vehicles an ambulance-like status on roads; leveraging the national railway service to move tankers around the country; enlisting the air force to transport empty containers back to factories to be refilled. On Wednesday, India’s Supreme Court ordered the federal government to present a more comprehensive plan to meet New Delhi’s oxygen needs. Meanwhile, foreign governments and international aid organizations are sending ventilators, concentrators, and cylinders. Still, each day brings fresh reports of people dying because they can’t get oxygen. (The shortage is likely to spread: globally, the deficit of medical oxygen—the gap between what’s needed and what’s being produced—has tripled in recent months, in part owing to the unmet need in India but also because of growing demand in South America and the Middle East.) Technically, Indians have access to universal health coverage: the country’s constitution guarantees everyone a “right to life,” and people can receive care at government facilities free of charge. But, over decades, low levels of public financing have led to poor quality and severe staff and supply shortages. India’s federal government spends around one per cent of G.D.P. on health care—far less than most large economies. Moreover, states share responsibility with the federal government for health-care delivery, and that has resulted in a large variation in funding and quality. Many Indians therefore opt to pay for private health care, if they can afford it, and the private sector now provides most care in India, even though commercial health insurance is available to only a fraction of the population and out-of-pocket costs can be devastating. In 2018, the central government launched a major effort aimed at insuring that low-income people could receive care at private facilities. But relatively few Indians have a regular place of care where they can receive ongoing management of their medical conditions or outpatient testing and treatment for covid-19. The coronavirus has severely strained India’s critical-care capacity, which was lacking even before the pandemic: during normal times, the country has around fifteen per cent of the critical-care specialists it needs. More generally, India has nine doctors for every ten thousand people—about half the global average, and only a third as many as the U.S. There’s also the issue of maldistribution: two-thirds of India’s population lives in rural areas, where only twenty per cent of the nation’s doctors work. (Shortages of nurses and other clinicians can be even worse.) VIDEO FROM THE NEW YORKER The Pandemic Through the Eyes of a Three-Year-Old Still, India’s physician-to-patient ratio is higher than that of Bangladesh, Nepal, or any nation in sub-Saharan Africa. Many of the globe’s myriad health-care systems share the fundamental constraints that have transformed India’s second wave into a humanitarian crisis—including an oxygen-delivery infrastructure that is unable to meet the demands of a vast viral surge. Many Indians have experienced the current surge as a surprise. But the forces driving it are fundamentally familiar. “Society opened up without restraint,” K. Srinath Reddy, the president of the Public Health Foundation of India and the former chair of cardiology at the All India Institute of Medical Sciences, told me. “It was widely perceived that the pandemic is behind us, that we are unlikely to have a second wave. We didn’t just return to 2019—we entered 2021 with an extra degree of exuberance.” Politicians encouraged people to gather at massive rallies; cricket stadiums filled with fans; malls opened to shoppers and weddings welcomed guests. The government sanctioned the Kumbh Mela, a Hindu religious festival, and millions of people made the pilgrimage to Haridwar, in the northern state of Uttarakhand, to wash in the River Ganges. The festival started on April 1st and continued for nearly three weeks before the coronavirus toll became unbearable and undeniable. Afterward, people carried the virus back to far-flung cities and villages. “The euphoria of putting the pandemic behind us was a widely prevalent emotion, and it suited everyone,” Reddy said. “Industry wanted to get back to full production. Small traders wanted to get back to business. Ordinary citizens wanted to get back to their lives.” Many countries have engaged in wishful thinking during the pandemic; all have struggled to fight the virus while avoiding economic collapse. The Indian experience speaks specifically to the problem of endurance, and raises the question of how long low- and middle-income countries can maintain pandemic protocols absent a clear time line for widespread vaccination. The U.S. and much of Europe have navigated the pandemic while looking forward to early and reliable access to vaccines; if we didn’t have a firm end date, we at least knew that an end was approaching. Under such conditions, politicians and the public can examine, debate, and accept the costs of restrictions. But that calculus is harder, perhaps impossible, without some assurance that pandemic life is temporary. ADVERTISEMENT The global vaccination effort has faltered, with poor countries receiving a fraction of the vaccines they had expected. covax, the world’s primary initiative to promote vaccine equity, had planned to deliver two billion doses in 2021; so far, it’s sent out about fifty million. Less than half of one per cent of all covid-19 vaccines have been administered in poor nations. “We’re now in this very strange situation where we’re talking about fourteen-year-olds in America getting vaccinated, while older people around the world remain vulnerable and entire countries are devastated,” Ashish Jha, the dean of Brown’s public-health school, told me. “It’s a moral issue, but it’s also an epidemiological one. We’re **placing everyone at risk when we let the virus run rampant.** It creates a huge substrate for new variants. We need to **quadruple our efforts to get the world vaccinated.** That has to be the No. 1 priority for the Biden Administration going forward.” The U.S. has committed four billion dollars to covax, which still faces a funding shortfall of tens of billions of dollars. Last week, the Biden Administration also announced its support for waiving intellectual-property protections for covid-19 vaccines. The proposed waiver—it must be approved by the World Trade Organization—has been **hailed by many public-health practitioners**; the director-general of the W.H.O., Tedros Adhanom Ghebreyesus, called Biden’s support for the proposal “a monumental moment” in the fight against the pandemic. But others have sounded a cautionary note, raising the possibility that the spectre of patent waivers will disincentivize companies from investing in vaccine and drug development in the future. “I wonder whether we want to send potential firms the message that the larger the health crisis, the less we will respect and protect your I.P.,” Craig Garthwaite, a professor at Northwestern University, tweeted, after the Biden Administration’s announcement. “That’s a great system if you think this is the last pandemic we’ll face.”

**That causes Indo-Pak conflict escalation.**

**Somos 20**. [Christy Somos is a CTVNews.ca Writer) “COVID-19 has escalated armed conflict in India, Pakistan, Iraq, Libya and the Philippines, study finds,” CTV News, December 17, 2020. <https://www.ctvnews.ca/world/covid-19-has-escalated-armed-conflict-in-india-pakistan-iraq-libya-and-the-philippines-study-finds-1.5236738>] TDI

INDIA India saw a rise in armed conflict during the study period, with violent clashes in the Kashmir region between Kashmiri separatists facing off against the Indian military, as well as **conflicts between Pakistan and India.** “So what mostly drove the increase in conflict intensity…were basically due to two factors,” Ide said. “The first being that there is some evidence that Pakistan sponsors or supports these insurgents in Kashmir, to encourage them to increase their attacks [on Indian forces] because they **perceived them to be weak and struggling with the pandemic**.” The second factor, Ide explained, was that while Indian government enacted a “pretty comprehensive lockdown in Kashmir, and sealing it way from international media attention…**launched more intense counter-insurgency efforts** and…crack[ed] down on any pro-Pakistani sympathy expressions.” IRAQ Iraq had an increase in armed conflict, but Ide noted that the overall intensity did not change that much – a “very slight upward trend” in scale that was not linear. What did increase were attacks by ISIS in April, May, and June. “The Iraqi government was really in trouble,” he said. “They had enormous economic loss, they had to go head-to-head and use troops and funds to combat the pandemic – the international coalition supporting the government partially withdrew troops or stopped their activities.” “The Iraqi government was really in a position of weakness.” Ide said the Islamic State exploited the pandemic and the thin resources at hand to the government to expand territorial control, conquer new areas and to stage more attacks. LIBYA The civil war in Libya between the Government of National Accord’s (GNA) forces and the Libyan National Army escalated during the study period, after a ceasefire brokered in January was broken, Ide said. “As soon as international attention shifted to the pandemic…they really escalated the conflict, tried to make gains while hoping the other side is weakened because of the pandemic, hoping to score an easy military victory” Ide said. “It didn’t happen.” The UN Security Council noted in a May report that the pandemic was bolstering the 15-month conflict, citing the history of more than 850 broken ceasefire agreements and “a tide of civilian deaths” on top of a worsening outbreak. PAKISTAN The ongoing conflict with **India saw a rise in armed conflict in Pakistan** during the study period – which were unrelated to the pandemic, but also a rise in Taliban-affiliated groups and anti-government sentiments due to pandemic restrictions, Ide said. “There were a lot of anti-government grievances,” Ide said. “There were restrictions on religious gatherings, which religious groups did not like, and there were some negative **economic impacts which affected the local people**.” Ide said those two factors could have been exploited by the Taliban in a quest to recruit more followers. Later in the study period, a swath Pakistani government officials were struck with COVID-19, **leaving the country with a leadership crisis**, which saw an increase of attacks by Taliban groups in May.

**Extinction.**

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

Here's What You Need to Remember: India and Pakistan account for over one-fifth **world’s population**, and therefore a significant **share of economic** activity. Should their **major cities** become **irradiated** ruins with their populations decimated, a **tremendous disruption** would surely result.

Between February 26 and 27 in 2019, Indian and Pakistani warplanes **launched strikes** on each other’s territory and engaged in **aerial combat** for the first time since 1971. Pakistan ominously hinted it was convening its National Command Authority, the institution which can authorize **a nuclear strike**.

The two states, which have retained an **adversarial relationship** since their founding in 1947, between them deploy **nuclear warheads** that can be delivered by land, air and sea.

However, those weapons are inferior in number and yield to the thousands of nuclear weapons possessed by Russia and the United States, which include megaton-class weapons that can wipe out a metropolis in a single blast.

Some commenters have callously suggested that means a “limited regional nuclear war” would remain an Indian and Pakistani problem. People find it difficult to assess the risk of rare but catastrophic events; after all, a full-scale nuclear war has never occurred before, though it has come close to happening.

Such assessments are not only shockingly callous but shortsighted. In fact, **several studies** have modeled the global impact of a “limited” **ten-day nuclear war** in which India and Pakistan each exchange fifty 15-kiloton nuclear bombs equivalent in yield to the Little Boy uranium bomb dropped on Hiroshima.

Their findings concluded that **spillover** would in no way be “limited,” directly impacting people **across the globe** that would struggle to locate Kashmir on a map.

And those results are merely a conservative baseline, as India and Pakistan are estimated to possess over **260 warheads**. Some likely have yields exceeding 15-kilotons, which is relatively small compared to modern strategic warheads.

**Casualties**

Recurring **terrorist attacks** by Pakistan-sponsored militant groups over the status of India’s Muslim-majority Jammu and Kashmir state have repeatedly led to threats of a **conventional** military **retaliation** by New Delhi.

Pakistan, in turn, maintains it may use **nuclear weapons** as a **first-strike weapon** to **counter-balance** India’s superior conventional forces. Triggers could involve the **destruction** of a large part of Pakistan’s military or **penetration** by Indian forces deep into Pakistani **territory**. Islamabad also claims it might authorize a strike in event of a damaging Indian **blockade** or political **destabilization** instigated by India.

India’s official policy is that it will never be first to strike with nuclear weapons—but that once any **nukes** are used against it, New Dehli will unleash an **all-out retaliation**.

The Little Boy bomb alone killed around 100,000 Japanese—between 30 to 40 percent of Hiroshima’s population—and destroyed 69 percent of the buildings in the city. But Pakistan and India host some of the most populous and **densely populated** cities on the planet, with population densities of Calcutta, Karachi and Mumbai at or exceeding 65,000 people per square mile. Thus, even low-yield bombs could cause **tremendous casualties**.

A 2014 study estimates that the **immediate effects** of the bombs—the fireball, over-pressure wave, radiation burns etc.—would kill **twenty million people**. An earlier study estimated a hundred 15-kiloton nuclear detonations could kill twenty-six million in India and eighteen million in Pakistan—and concluded that escalating to using 100-kiloton warheads, which have greater blast radius and overpressure waves that can shatter hardened structures, would multiply **death tolls four-fold**.

Moreover, these projected body counts omit the **secondary effects** of nuclear blasts. Many survivors of the initial explosion would suffer **slow**, **lingering deaths** due to **radiation exposure**. The **collapse of healthcare**, transport, sanitation, water **and** economic **infrastructure** would also claim many more lives. A nuclear blast could also trigger a **deadly firestorm**. For instance, a firestorm caused by the U.S. napalm bombing of Tokyo in March 1945 killed more people than the Fat Man bomb killed in Nagasaki.

**Refugee Outflows**

The civil war in Syria caused over 5.6 million refugees to flee abroad out of a population of 22 million prior to the conflict. Despite relative stability and prosperity of the European nations to which refugees fled, this outflow triggered political backlashes that have rocked virtually every major Western government.

Now consider likely **population movements** in event of a nuclear war between India-Pakistan, which together total over **1.5 billion people**. Nuclear bombings—or their even their mere potential—would likely cause many city-dwellers to **flee** to the countryside to lower their odds of being caught in a nuclear strike. Wealthier citizens, numbering in tens of millions, would use their resources to flee abroad.

Should bombs beginning dropping, poorer citizens many begin pouring over land borders such as those with Afghanistan and Iran for Pakistan, and Nepal and Bangladesh for India. These poor **states would struggle** to supports tens of millions of refugees. China also borders India and Pakistan—but historically Beijing has not welcomed refugees.

Some citizens may undertake risky voyages at sea on overloaded boats, setting their sights on South East Asia and the Arabian Peninsula. Thousands would surely drown. Many regional governments would turn them back, as they have refugees of conflicts in Vietnam, Cambodia and Myanmar in the past.

**Fallout**

Radioactive fallout would also be **disseminated across the globe**. The fallout from the Chernobyl explosion, for example, wounds its way westward from Ukraine into Western Europe, exposing 650,000 persons and contaminating 77,000 square miles. The long-term health effects of the exposure could last decades. India and Pakistan’s **neighbors** would be especially **exposed**, and most lack healthcare and infrastructure to deal with such a crisis.

**Nuclear Winter**

Studies in 2008 and 2014 found that of one hundred bombs that were fifteen-kilotons were used, it would blast **five million tons of** fine, **sooty particles** into the stratosphere, where they would **spread across the globe**, warping global **weather patterns** for the next twenty-five years.

The particles would **block out** light from the **sun**, causing surface temperatures to decrease an average of 2.7 degrees Fahrenheit across the globe, or 4.5 degrees in North American and Europe. **Growing seasons** would be **shortened** by ten to forty days, and certain **crops** such as Canadian wheat would simply become **unviable**. Global agricultural **yields** would **fall**, leading to rising prices and **famine**.

The particles may also **deplete** between 30 to 50 percent of the **ozone** layer, allowing more of the **sun’s radiation** to penetrate the atmosphere, causing increased **sunburns** and rates of **cancer** and killing off sensitive plant-life and marine plankton, with the spillover effect of **decimating fishing yields**.

To be clear, these are outcomes for a **“light” nuclear winter** scenario, not a full slugging match between the Russian and U.S. arsenals.

**Global Recession**

Any one of the factors above would likely suffice to cause a global **economic** recession. All of them combined would guarantee one.

India and Pakistan account for over one-fifth **world’s population**, and therefore a significant share of economic activity. Should their major cities become **irradiated ruins** with their **populations decimated**, a tremendous disruption would surely result. A **massive decrease in consumption and production** would obviously instigate a long-lasting recessionary cycle, with attendant deprivations and political destabilization slamming developed and less-developed countries alike.

Taken together, these outcomes mean even a **“limited” India-Pakistan nuclear war** would significantly affect every person on the globe, be they a school teacher in Nebraska, a factory-worker in Shaanxi province or a fisherman in Mombasa.

Unfortunately, the **recent escalation** between India and Pakistan is no fluke, but part of a **long-simmering pattern** likely to continue escalating unless New Delhi and Islamabad work together to change the nature of their relationship.

## Advantage 3 is Biopiracy

#### WTO TRIPS deepens the global north-south divide and causes biopiracy

Erin Kathleen **Bender 3**, J.D., University of Tulsa College of Law, Tulsa, Oklahoma, May 2004; B.A., summa cum laude, Letters, University of Oklahoma, Norman, Oklahoma, May 2000, “North and South: The WTO, Trips, and the Scourge of Biopiracy,” 9-1-2003,<https://digitalcommons.law.utulsa.edu/cgi/viewcontent.cgi?article=1201&context=tjcil>

However, the United States and Europe have refused to entertain any suggested changes to the TRIPS Agreement. 332 The North is far too **invested in protecting corporate monopoly** interests to consider such changes at this point . 33 As noted above, drug companies largely have not followed the exceptions set forth in Article 27, paragraphs 2 and 3, which allow nations to suspend drug patents when necessary for the protection of human health and life.334 Where they have taken steps, the steps have been minimal, at best. Political pressure to follow all of the TRIPS Agreement, including those sections not as favorable to Northern corporations, would have to be applied. Otherwise, developed countries would be likely to **disregard farmers' rights** provisions, just as they have disregarded the drug patent exception. In short, if any such change is to be accomplished, it must begin with political pressure from the peoples of the U.S. and of the E.U. The people of the North must realize that change in the global system is necessary if we are to live in harmony. The North has long relied upon formal IP systems to promote technology and safeguard trade interests. 336 Patents, in particular, **have proven to be formidable weapons** in pursuing those interests. However, globalization has raised awareness of the near certainty that such systems currently serve to exploit the resources of countries in the South 7 Vandana Shiva expresses these concerns succinctly: Western IPR regimes have **emerged as major instruments of North-South inequality**. Not only do they block technology transfer but [they] also **facilitate piracy of** the **indigenous knowledge and biodiversity** of Third World countries. They could, if not revised and reviewed, make northern countries monopoly owners of knowledge including knowledge that has evolved cumulatively and collectively in indigenous cultures, selling it at high cost to already impoverished and indebted countries of the South, **pushing them further into poverty and debt**.338 As evidenced by Shiva's remarks, the critics of the effects of Northern IP systems take this threat to Southern countries quite seriously. They argue that while proponents of current trade and IP systems profess that their institutions shelter poor countries from unilateral actions by stronger nations, the systems in fact serve to stifle development in the South and ensure the **continued dominance of the North**Y. 3 9 These critics believe that imminent change must take place within the international community, or else **the "very existence of agrarian communities" will be in jeopardy**. 340 Because many Southern countries possess rich biological diversity, and because many rely heavily on agriculture as they struggle to gain a foothold in the growing global market, critics have paid special attention to patent systems and plant varieties protection as tools of Northern conquest.34 ' As the current system is so ingrained, and is so dominated by the U.S., it is largely up to the American people to call 342 for change. Abraham Lincoln, one of the greatest American Presidents, charged us "to do all which may achieve and cherish a just and lasting peace among ourselves and with all nations. In the recent past, the American people have often failed to consider the South when constructing the global scheme.344 After the events of September 11, 2001, many may be tempted to disregard the interests of the South altogether. However, Lincoln's charge holds even more meaning today.345 The United States is currently embroiled in a war with Iraq, and the unrest amongst other Middle Eastern countries is deafening. If the North is to live in peace with the South, everyone's interests must be taken into account. Just as Lincoln charged the U.S. to focus on forgiveness and to look beyond out borders after the Civil War, so must we look beyond our borders to the needs of developing countries as they struggle to find their place in this world that we have created.346

#### Biopiracy causes environmental disaster

James Ming **Chen 13**, Justin Smith Morrill Chair in Law, Michigan State University; Of Counsel, Technology Law Group of Washington, D.C. 5-15-13. “BIOPROSPECT THEORY,”<https://www.uakron.edu/dotAsset/989023a4-c9c1-49a6-854d-26ea7eb01cca.pdf>

Conventional wisdom treats biodiversity and biotechnology as rivalrous values. The global south is home to most of earth’s vanishing species, while the global north holds the capital and technology needed to develop this natural wealth. The south argues that intellectual property laws enable pharmaceutical companies and seed breeders in the industrialized north to commit **biopiracy**.1 By contrast, the United States has characterized calls for profit-sharing as a threat to the global life sciences industry.2 Both sides magnify the dispute, on the apparent consensus that commercial exploitation of genetic resources holds the key to biodiversity conservation. Both sides of this debate misunderstand the relationship between biodiversity and biotechnology.3 Both sides have overstated the significance of bioprospecting. It is misleading to frame the issue as whether intellectual property in the abstract can coexist with the international legal framework for preserving biodiversity. As a matter of legal gymnastics, any lawyer can reconfigure intellectual property to embrace all of the intangible assets at stake, including raw genetic resources, advanced agricultural and pharmaceutical research, and ethnobiological knowledge. The real challenge lies in directing the law of biodiversity conservation and the law of intellectual property toward appropriate preservation and exploitation of the global biospheric commons.5 Commercial development aids biodiversity primarily by overcoming perverse economic incentives to consume scarce natural resources that may turn out to have greater global, long-term value. We contest these issues not because we are rational, but precisely because we are not. Indeed, legal approaches to biodiversity and biotechnology are so twisted that they represent an extreme application of prospect theory. Nearly half a century before Daniel Kahneman and Amos Tversky published Prospect Theory: An Analysis of Decision Under Risk, 6 the 1979 article that became the foundational work of behavioral economics and the principal basis for Kahneman’s 2002 Nobel Prize in Economics,7 the Supreme Court of the United States succinctly summarized a core tenet of prospect theory: “Threat of loss, not hope of gain, is the essence of economic coercion.”8 In plainer terms, “losing hurts worse than winning feels good.”9 Stated in formal terms, prospect theory posits that most individuals, as an expression of innate risk aversion, fear potential losses far more than they covet potential gains.10 The law of biodiversity and biotechnology appears to reverse this presumption. Although humans innately fear losses more than they value gains, worldwide policy appears to assign relatively little value to biodiversity as an invaluable, incommensurate, and indefinitely important component of global ecological health.11 Biodiversity loss is **staggering and undeniable**.12 Humans are responsible for the sixth great extinction spasm of the Phanerozoic Eon, a unit of geologic time spanning half a billion years.13 Cataclysmic loss of biological diversity is merely one of several ecological threats looming over Holocene humanity.14 In assembling this brief analysis, I hasten to add this observation: so far I have assigned no weight to global climate change, a threat that has raised the probability of human extinction to a non-negligible value. Risks as grandiose as these, sufficient in their magnitude to portend the end of civilization, possibly even the survival of humans as a species, support the most dismal of theorems in the dismal science of economics: “the catastrophe-insurance aspect of such a fat-tailed unlimited-exposure situation, which can never be fully learned away, can dominate the social-discounting aspect, the pure-risk aspect, and the consumptionsmoothing aspect.”15 In plainer language, the dismal theorem posits that “under limited conditions concerning the structure of uncertainty and societal preferences, the expected loss from certain risks such as climate change is infinite and that standard economic analysis cannot be applied.”16 By contrast, the global north and the global south alike have reached an **apparent consensus** that the primary object of the international debate over “biopiracy” is the **appropriate profit-sharing** protocol (including the possibility of no redistributive mechanism whatsoever) for gains from bioprospecting.17 Such gains, at best, are **highly speculative**.18 Even if profits from bioprospecting are ever realized, they will be extremely concentrated. No champion of redistributive justice on a global scale could defend a system of transferring northern wealth that would favor Brazil, Costa Rica, and Madagascar while neglecting Bolivia, Mali, and Afghanistan. There simply is **no defensible basis** for treating ethnobiological knowledge as the foundation of a globally coherent approach to economic development. Yet the global community continues to spend its extremely small and fragile storehouse of political capital on this contentious corner of international environmental law.19 Global economic diplomacy should be made of saner stuff. The fact that it is not invites us to treat the entire charade as a distinct branch of behavioral law and economics: bioprospect theory. Upon closer examination, prospect theory and related branches of behavioral economics do supply a powerful explanation for international economic law’s systematic failure to reach the optimal solutions for biodiversity conservation. Prospect theory arises from three basic features of human beings’ core cognitive system:20 1. All decisionmaking takes place relative to a neutral reference point, or “adaptation level.” Outcomes exceeding this reference point are gains. Outcomes below the reference point are losses. 2. Loss aversion means that losses, when directly weighted or compared against gains, loom larger. 3. Diminishing sensitivity applies to upward and downward perceptions and to evaluation of changes of wealth. In concert, these three principles — neutral reference point, loss aversion, diminishing sensitivity — can be illustrated through a graph showing an asymmetrical sigmoid curve whose inflection point occurs at the neutral adaptation level, whose steeper slope below the adaptation level demonstrates loss aversion, and whose declining rate of change in both directions reflects diminishing sensitivity to gains and losses:21 19. See Chen, supra note 5, at 506. 20. See KAHNEMAN, supra note 10, at 282. 21. Id. at 282-83. One readily implemented way of parametrically modeling prospect theory with closed-form expressions and elementary functions is the cumulative distribution function of the log-logistic 2014] BIOPROSPECT THEORY 23 “If prospect theory had a flag, this image would be drawn on it.”22 The asymmetrical utility curve that emerges from prospect theory’s reevaluation of conventional accounts of expected economic utility leads to some apparent contradictions.23 In mixed gambles, for instance, where a decisionmaker may realize either a gain or a loss, loss aversion leads to extreme, even costly risk aversion. This is the primary conclusion of prospect theory, the one most readily summarized by the slogan, “losing hurts worse than winning feels good.”24 But prospect theory predicts affirmatively risk-seeking behavior in other circumstances. When a decisionmaker is confronted with nothing but “bad choices” — specifically, those “where a sure loss is compared to a larger loss that is merely probable” — diminishing sensitivity to losses will generate a greater willingness to absorb risk.25 Prospect theory therefore rests on two principal insights. First, humans “attach values to gains and losses rather than to wealth.”26 Second, humans making decisions assign “weights . . . to outcomes [that] are different from 22. KAHNEMAN, supra note 10, at 282. Graph reproduced from Basic Concepts: Prospect Theory, THE DICKINSON COLLEGE WIKI, http://wiki.dickinson.edu/index.php/Basic\_Concepts#Prospect\_Theory (last modified May 3, 2007). 23. See KAHNEMAN, supra note 10, at 285. 24. GRIZZARD, supra note 9; accord GARAGIOLA, supra note 9. 25. KAHNEMAN, supra note 10, at 285. 26. Id. at 316-17. 24 AKRON INTELLECTUAL PROPERTY JOURNAL [7:19 probabilities.”27 The combination of these two heuristics generates “a distinctive pattern of preferences” that Kahneman and Tversky have called the “fourfold pattern”:28 The four-fold pattern Gains Losses High probability (certainty effect) E.g., a 95% chance to win $10,000 leads to . . . Risk aversion (annuities and sinecures) E.g., a 95% chance to lose $10,000 leads to . . . Risk seeking (rogue trading and other reckless gambles) Low probability (possibility effect) E.g., a 5% chance to win $10,000 leads to . . . Risk seeking (lotteries) E.g., a 5% chance to lose $10,000 leads to . . . Risk aversion (insurance) Let us examine more closely each of the four vanes in prospect theory’s pinwheel of fortune. Three of these four behavioral possibilities have long been understood; prospect theory merely provided the means by which to describe them formally.29 The cell at top left describes how risk aversion leads people to lock in a sure gain below the expected value of a gamble. Annuities work on this principle, as do employment guarantees in unionized trades or on tenure-protected university faculties. The cell at lower right describes insurance: individuals will pay much more than the expected value of a loss to insure themselves against the disturbing prospect of a catastrophic loss.30 On the flip side of that transaction, insurance companies can pool risks assigned to them by risk-averse policyholders and profit from the spread between expected losses and premium payments. These risk-averse decisions reflect the core instinct of prospect theory. But there is also a risk-seeking side to this account of human behavior. Lotteries routinely exploit the possibility effect. When the potential payout is enormous, ticket buyers become indifferent to their miniscule chances of winning. This is the behavioral pattern reflected by the lower left cell. It is 27. Id. at 317. 28. Id. 29. See id. at 317-18. 30. See, e.g., Jim Chen, Modern Disaster Theory: Evaluating Disaster Law as a Portfolio of Legal Rules, 25 EMORY INT’L L. REV. 1121 (2011); Jim Chen, Postmodern Disaster Theory (Mich. State Univ. Coll. of Law Legal Studies Research Paper Series, Paper No. 11-17, 2012), available at http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2141591. 2014] BIOPROSPECT THEORY 25 sufficiently powerful that banks and credit unions have resorted to depositor lotteries to induce lower- to middle-income customers to open and fund savings accounts.31 What Kahneman and Tversky found most surprising was the fourth possibility, the one described in the risk-seeking cell at upper right. When humans face the high probability of severe losses, they engage in affirmatively riskier behavior. Prospect theory identifies two reasons for this sudden shift in strategy.32 First, diminishing sensitivity means that humans react very adversely to a sure loss: “the reaction to a loss of $900 is more than 90% as intense as the reaction to a loss of $1,000.”33 Second and perhaps even more significant, humans assign a much lower decision weight to an extreme loss than its rationally expected value as calculated by the laws of probability. The certainty effect, coupled with diminishing sensitivity, enhances the aversiveness of a sure loss and reduces the aversiveness of the gamble. This is the ugly corner of human decisionmaking where otherwise responsible parties find themselves tempted to take risks that can “turn[] manageable failures into disasters.”34 “Rogue traders” who have amassed appalling losses let it all ride on a single act of reckless arbitrage. That gamble may destroy a systemically important financial institution.35 “Because defeat is so difficult to accept,” chief executive officers and field marshals suffer from a comparable inability to cut their losses and salvage what is left of their companies and armies.36 Bioprospect theory helps explain why international economic and environmental law reaches such perverse outcomes in its approach to biodiversity conservation and **bioprospecting**. Biodiversity policy is perverse because it disobeys the standard risk-averse pattern of human conduct and follows instead the contrary axis of risk-seeking behavior. The fate of the biosphere presents either (1) a low probability of immense gain (through bioprospecting) **or** (2) a **high probability of immense loss** (through global climate change). The lottery effect readily explains the overvaluing of commercial bioprospecting. Pharmaceutical companies and protesters accusing them of biopiracy have this much in common: both sides are **bedazzled — irrationally** — by the possibility that some **lucrative cure for cancer may lurk in a Brazilian rain forest**.37 The looming **loss of global biological diversity**, on a **geologically significant scale**, poses an even **more disturbing prospect**. The magnitude of ecological losses is increasing at an alarming rate, even more so once we move past the relatively narrow frame of biodiversity and contemplate the possibility of complete disruption of global climatic systems. As the costs and the likely futility of mitigating action increase,38 humans find their own heuristics shoving their collective decisionmaking processes further onto the frontier of desperation where risk-averse acts such as insurance lose their appeal and yield ground to active risk-seeking. System 1 — the rapid, automatic decisionmaking system that has propelled humanity from Pleistocene competitiveness to Holocene dominance39 — may be **pushing Homo sapiens sapiens to the edge of extinction by its own talented hand.** The global **collapse of biodiversity** is the ultimate ecosystem service provided by indicator species: “never send to know for whom the bell tolls; it tolls for thee.”40 Bioprospect theory provides the blueprint by which humanity might **eschew** the **remote prospect of wealth**, if only momentarily, and focus on how it might **better manage** anthropogenic **ecological disasters** before they become full-blown, irreversible cataclysms of global proportions.

#### AND, bioprospecting causes global war over Antarctica

Doaa **Abdel-Motaal 17**, Doaa Abdel-Motaal was Deputy Chief of Staff of the World Trade Organization (WTO) in Switzerland, and advisor to the head of the organization on environmental issues and climate change. She was also Chief of Staff of the United Nations for International Fund for Agricultural Development (IFAD) in Italy. 2-21-2017, "Averting the Battle for Antarctica," Yale Journal, http://yalejournal.org/article\_post/averting-the-battle-for-antarctica/

Various forms of economic activities are gaining ground in Antarctica. Take tourism, for example, which has undergone exponential growth in recent years and is barely regulated by the Antarctic Treaty. In 2013–2014, nearly twenty-eight thousand tourists made landings on the continent, 30 percent of whom were American, 13 percent Australian, and 11 percent Chinese. This represents a doubling since 2000.[xxxii] Or take **bioprospecting** – the exploitation of Antarctica’s **living biological resources**. The discovery and commercialization of **new products** based on Antarctica’s biological riches is starting to **flourish**, similarly under limited treaty regulation.[xxxiii] Fishing activity continues to expand around the continent. In fact, the term ‘illegal, underreported, and unregulated’ fishing was first coined in the Antarctic to describe the plight of the Southern Ocean.[xxxiv] The world was quick to declare CCAMLR a success when, at the end of October 2016, after five years of negotiations, twenty-four countries and the European Union unanimously agreed to create the world’s biggest marine protected area (MPA) in Antarctica’s Ross Sea. But the famed MPA was carved around fishing interests.[xxxv] Iselin Bank, which is the Ross Sea’s main fishing ground for the lucrative Antarctic toothfish, and which is considered the most important ecological hotspot for seabirds and other wildlife, is not protected in the new reserve. Furthermore, about half of the sanctuary was already protected under other CCAMLR rules, with the MPA in that portion simply capturing the status quo. Clearly the MPA is better than nothing, but the widespread claim that it has succeeded in protecting Antarctica’s waters, is grossly exaggerated. In fact, it is not only the Southern Ocean that is suffering from poor environmental governance but Antarctica as a whole. On a continent with no indigenous habitants, where we are told there is no major commercial activity, and where mining is banned it is highly surprising that parties to the Antarctic Treaty would have only designated 1.5 percent of the continent’s ice-free territory as a protected area.[xxxvi] This statistic alone makes Antarctica the world’s least environmentally protected continent. In neighboring Australia, for example, 18 percent of the country has been declared a protected area. If the race for Antarctica continues to accelerate amid such limited governance, its fragile environment will be in serious peril. Triggers for a Bigger Battle So, will there be a bigger battle for Antarctica? The continent’s warming climate is likely to make its resources **more accessible** and its landmass potentially habitable. On March 24, 2015, a temperature of positive 17.5 degrees Celsius was recorded at Esperanza weather station on the northern tip of the Antarctic Peninsula, setting a record for the highest temperature ever recorded on the continent.[xxxvii] Antarctica’s climate experts cannot ascertain whether these changes are due to increased greenhouse gas concentrations since weather stations were only established on the continent in the 1950s. What is clear, however, is that the Antarctic Peninsula in particular is warming. As Antarctica warms and starts to become more habitable, many other parts of the globe will become increasingly uninhabitable. This could increase the **pressure** to develop and exploit the seventh continent. In addition, technological progress is steadily increasing our **ability** to **access** and inhabit Antarctica. In November 2015, the Australian Antarctic Division and Royal Australian Air Force flew a C-17A Globemaster to Antarctica.[xxxviii] The aircraft covered 3,450 kilometers in just over five hours carrying 12,340 kilograms of cargo and equipment, making it the largest aircraft to have reached the Wilkins Aerodrome on the western side of the continent. Opened in 2009, Belgium’s Princess Elizabeth Station, which represents state-of-the-art architecture in Antarctica, has successfully harnessed the power of wind and sun to achieve near-full energy autonomy.[xxxix] Similarly, some research stations in Antarctica are now growing their own food.[xl] **Clearly** the race for Antarctica is **about to intensify** and the world **must prepare itself**. It could be triggered by the rise of even bigger human settlements or the extraction of minerals before or after 2048. If such a conflict occurs, it will be one of the **most complex** and **truly international contests** for habitable space and mineral resources of **modern times.** It will be a battle in which an **entire continent will be up for grabs** and which will take place against the complex history of the ATS and the unresolved “Question of Antarctica.” Peace in Antarctica is **fragile at best**.

## 1AC – Framework

#### The standard is maximizing expected well being.

**pleasure and pain are intrinsically valuable. People consistently regard pleasure and pain as good reasons for action, despite the fact that pleasure doesn’t seem to be instrumentally valuable for anything.**

**Moen 16** [Ole Martin Moen, Research Fellow in Philosophy at University of Oslo “An Argument for Hedonism” Journal of Value Inquiry (Springer), 50 (2) 2016: 267–281] SJDI

Let us start by observing, empirically, that **a widely shared judgment about intrinsic value and disvalue is that pleasure is intrinsically valuable and pain is intrinsically disvaluable.** **On virtually any proposed list of intrinsic values and disvalues (we will look at some of them below), pleasure is included among the intrinsic values and pain among the intrinsic disvalues.** This inclusion makes intuitive sense, moreover, for **there is something undeniably good about the way pleasure feels and something undeniably bad about the way pain feels, and neither the goodness of pleasure nor the badness of pain seems to be exhausted by the further effects that these experiences might have.** “Pleasure” and “pain” are here understood inclusively, as encompassing anything hedonically positive and anything hedonically negative.2 **The special value statuses of pleasure and pain are manifested in how we treat these experiences in our everyday reasoning about values.** If you tell me that you are heading for the convenience store, **I might ask: “What for?” This is a reasonable question, for when you go to the convenience store you usually do so**, not merely for the sake of going to the convenience store, but **for the sake of achieving something further that you deem to be valuable.** You might answer, for example: “To buy soda.” This answer makes sense, for soda is a nice thing and you can get it at the convenience store. I might further inquire, however: “What is buying the soda good for?” This further question can also be a reasonable one, for it need not be obvious why you want the soda. You might answer: “Well, I want it for the pleasure of drinking it.” **If I then proceed by asking “But what is the pleasure of drinking the soda good for?” the discussion is likely to reach an awkward end. The reason is that the pleasure is not good for anything further; it is simply that for which going to the convenience store and buying the soda is good.**3 As Aristotle observes**: “We never ask [a man] what his end is in being pleased, because we assume that pleasure is choice worthy in itself.**”4 Presumably, a similar story can be told in the case of pains, for if someone says “This is painful!” we never respond by asking: “And why is that a problem?” We take for granted that if something is painful, we have a sufficient explanation of why it is bad. If we are onto something in our everyday reasoning about values, it seems that **pleasure and pain are both places where we reach the end of the line in matters of value.**

**Moral uncertainty means preventing extinction should be our highest priority.  
Bostrom 12** [Nick Bostrom. Faculty of Philosophy & Oxford Martin School University of Oxford. “Existential Risk Prevention as Global Priority.” Global Policy (2012)]  
These reflections on **moral uncertainty suggest** an alternative, complementary way of looking at existential risk; they also suggest a new way of thinking about the ideal of sustainability. Let me elaborate.¶ **Our present understanding of axiology might** well **be confused. We may not** nowknow — at least not in concrete detail — what outcomes would count as a big win for humanity; we might not even yet **be able to imagine the best ends** of our journey. **If we are** indeedprofoundly **uncertain** about our ultimate aims,then we should recognize that **there is a great** option **value in preserving** — and ideally improving — **our ability to recognize value and** to **steer the future accordingly. Ensuring** that **there will be a future** version of **humanity** with great powers and a propensity to use them wisely **is** plausibly **the best way** available to us **to increase the probability that the future will contain** a lot of **value.** To do this, we must prevent any existential catastrophe.

## Underview

#### 1AR theory is legit – alternative is infinite 1NC abuse which obviously outweighs – also means I get new 1AR paradigm issues on T and theory since I can’t anticipate what the 1NC will do and need to be able to contextualize.

#### It’s also DTD – only way to make up for the time invested. DTA encourages baiting abuse to split the 1AR at no risk.

#### Allows the aff to check back potentially infinite abuse in 1nc – 1ac theory doesn’t solve because I don’t know what abusive things you’re going to do

#### Reciprocity – the aff should also be able to point out abuse

### Presume AFF on Theory Debates

#### Presume aff in theory debates – this means reasonability and if I win defense to the shell that’s sufficient –

#### A. Intervention’s inevitable in blippy theory debates – gut checking minimizes it long term by reducing debates resolved on blippy spikes and tiny risks of offense.

#### B. Voting on theory encourages more theory in future rounds – any aff abuse must be weighed against this innate DA, which sets a non-arbitrary brightline for reasonability.

#### C. Theory splits my 4-minute 1AR – there's an intrinsic skew in my ability to engage the shell – err aff to compensate.

#### CX checks all spec shells bro cmon

### Underview Overview

#### 1] Reject spikes that aren’t on top- it means I have to wait for the 1ac to finish to formulate a strategy since I don’t know what your going to read which moots 6 min of prep

#### 2] Reject Spikes that weren’t disclosed- prevents us from rigorously testing your norm and incentivizes surprise tactics

#### 3] Reject under views—one small theory analytic can take out huge chunks of the 1arwhich kills substantive clash

#### 4] New 2ar Responses- A] none of the spikes have a clear implication in the 1ac B] It’s key to robustly contest their norm C] it’s key to deter hidden arguments

#### 5] affirming is harder - they have a big 2nr dump– They can make the most efficient args to any 1a

#### 6] RVI’s on each spike- otherwise they can read the most absurd paradigm issues for 6 min and are never held accountable

#### [7] Reject spikes – They create an ableist model of debate where we laugh at disabled debaters for dropping subpoint f on spike fourteen. Accessibility outweighs and comes at a higher layer than the spikes because it precludes the ability to engage.

#### [8] Yes Overviews – anything else mandates repeating arguments on each line which kills time and substantive clash – clash outweighs because its intrinsic to debate, without clash debate is just a speech event.

## Extra – Biotech Down

**Biotech stocks down now.**

**Gatlin 4/9** [(Allison, Author at Investor's Business Daily “Biotech Stocks Hit A Snag — Why Experts Say The Heyday Isn't Over“, Investor's Business Daily, ), 4-9-2021,

https://www.investors.com/news/technology/biotech-stocks-why-they-have-skidded-whyexperts-are-not-worried/)] TDI

Regulatory and drug-pricing worries have knocked biotech stocks off their Covid pedestal. After

seeing massive gains in 2020 amid the Covid-19 vaccine heyday and hitting a high point in early February, biotech stocks have collectively pulled back 21%. Investors are uneasy after the Federal Trade Commission formed a working group to more deeply scrutinize pharmaceutical mergers. Meanwhile, the Food and Drug Administration has delayed a number of drug approvals, and Sen. Bernie Sanders, I-Vt., introduced sweeping drug-pricing legislation. All of this comes amid a backdrop of rising interest rates.

**Non-US IP and patents stifle innovation; unnecessary expenses and IP violations.**

**University of Notre Dame 19** [(University of Notre Dame, One of America’s leading undergraduate teaching institutions, Notre Dame also has been at the forefront in research and scholarship.) “Intellectual Property Rights: The Good, The Bad, and China” University of Notre Dame, Law and Entrepreneurship, 2/25/19. http://sites.nd.edu/entrepreneurlaw/2019/02/25/intellectual-property-rights-the-good-thebad-and-china/] TDI

Safeguarding a company’s intellectual property (IP) can be crucial to developing and maintaining a

successful business. In a New York Times Magazine article “Z-Burger Case Shows Value of Trademark Protection,” Payam Tabibian, the original owner and creator of the successful Z-Burger fast-food chain, was able to protect his creation precisely because he had registered his

trademarks at the outset of creating his business. IP rights not only help preserve an entrepreneur’s business, however, they are also crucial for encouraging innovation, protecting small businesses, and helping to establish brand trust and awareness. Additionally, IP rights can assist in securing secondary revenue streams and can also be used as leverage if an entrepreneur is in possession of a valuable patent they want to use as collateral when financing their startup. **Although the United States has relatively strong IP**

**rights**, the legal landscape may not protect all IP equally. As Forbes article In Today’s Market, Do Patents Even Matter? points out, a patent does not protect your IP rights from being infringed upon; it simply provides the patent holder a means of legal recourse in the event they are infringed. Even if an entrepreneur decides to sue, most litigation lasts between three to five years and costs millions. Novice entrepreneurs and small startups

are not financially equipped to fight in the IP battles that routinely occur between heavy-hitters such as Apple and Samsung. Another issue is larger

firms using the IP laws to register patents and then never actually use them, consequently stifling innovation.To make matters worse, around **97% of all patents never even recoup the costs of filing**, **making them an unnecessary expense in many circumstances.** Regardless of the argument whether IP rights are essential for new businesses and entrepreneurs, the facts illustrate that they nevertheless play a vital role in America’s economy. An article in The Economist, America Can’t Control the Global Flow of Ideas, underscores how the desire among businesses for strong IP laws is high because so much is at stake, with American businesses deriving 80% of their market value from

intangible assets and own half of the world’s IP. These same businesses rely on selling their products across borders where IP protection is

not nearly as a secure, specifically in China. The White House itself published a report accusing

China of IP violations, which included accusations of “outright theft and forced transfer of IP to joint-venture partners in China.” As cited in a Forbes article, Feeding the Fire of Genius: Intellectual Property And America’s High-Tech Future, the United States Trade Representative stated that “Chinese theft of American IP currently costs between $225 billion and $600 billion annually.” With China being listed as “the world’s principal IP infringer,” startups and large firms alike are advocating for the Trump administration to tighten its grip over China’s unfair trade practices regarding IP. Whether the current administration will be able to successfully curtail such trade violations is still up for debate, with entrepreneurs waiting on the sidelines hoping that the legal system will prevail in protecting their IP rights.

**IP for biotech is bad— its nonspecific on patents and how it should be developed.**

**Pisano 06** [(Gary P., he Harry E. Figgie, Jr. Professor of Business Administration at the Harvard

Business School where he currently serves as Senior Associate Dean for Faculty Development. He joined the Harvard faculty in 1988.) “Can Science Be a Business?: Lessons from Biotech” Harvard Business Review, October 2006. [https://hbr.org/2006/10/can-science-be-a-businesslessons-from-biotech]](https://hbr.org/2006/10/can-science-be-a-business-lessons-from-biotech) TDI

Thanks largely to the emergence of the biotech industry, the tool kit of drug R&D has become much bigger and

much more diverse. In the mid-1970s, it was dominated by a single discipline: medicinal chemistry. Today it includes molecular biology, cell biology, genetics, bioinformatics, computational chemistry, protein chemistry, combinatorial chemistry, genetic engineering, high-throughput screening, and

many others. These new tools are opening up new opportunities, but each sheds light on only one piece of a very complex puzzle. Discovering and developing drugs effectively requires that all the pieces come together. Therefore, **integration across diverse scientific, technical, and functional domains is more important than ever if the scientific promise of biotech is to be realized.** The

challenge of integration is not unique to drugs. Virtually all R&D involves solving multiple types of problems. Not only must the many problems be solved, but the solutions must ultimately work together as a whole. In some cases—including highly complex systems such as electronics equipment, automobiles, software, and airplanes—a big R&D problem can be broken down into a set of relatively independent subproblems, to be solved independently and then put together.

Modularity makes possible the division of labor among different organizations specializing in different parts of the system, but it generally requires well-defined interfaces and standards that specify how different components of the system are supposed to fit and function together. In addition,

modularity requires that intellectual property be codified and the rights to it be clearly defined and protected. Drug R&D lacks these requirements. Most of the numerous functional and technical activities involved in drug R&D tend to be highly interdependent. A case in point is identifying

a target for drug discovery. The big questions to be resolved are what the underlying mechanism of the disease is and where drug

therapy might intervene in it. Because human biology is extraordinarily complex, target identification is extraordinarily multifaceted. What is the pathway? What genes might be at work? How do they interact? What are the proteins those genes express, and

what do they do? What is their structure? How likely is one or more of them to be a “druggable” target? Answering these questions requires insights from different disciplines—including structural genomics, functional genomics, cell biology, molecular biology, and protein chemistry—and also a broad range of approaches, including computational methods, high-throughput experimentation, and traditional

“wet” biology.The same kind of integration must also occur further downstream in development but

with still other disciplines, such as toxicology, process development, formulation design, clinical research, biostatistics, regulatory affairs, and marketing. It is difficult, if not downright impossible, to successfully develop a drug by solving problems individually in isolation, because each technical choice (the target you pursue, the molecule you develop, the formulation, the design of the clinical trial, the choice of the target

patient population, and the choice of manufacturing process) has implications for the others. **Arriving at a solution**

**requires that different kinds of scientists repeatedly exchange huge amounts of information.** In

other words, they must work together in a highly integrated fashion. There are two basic ways of achieving integration.

One is by having individual firms own all the requisite pieces of the puzzle (vertical integration). The other is

with market-reliant networks, in which independent specialists integrate their work through alliances, licensing arrangements, and

collaboration. The traditional pharmaceutical business employs the former, and the biotech industry the latter. Most biotech firms were formed to allow small teams of highly dedicated scientists to focus on exploiting a specific finding or body of work initiated at a university. The result was hundreds of islands of specialized expertise. The biotech sector has relied heavily on the market for know-how to link these islands. There are indications, however, that **this market can’t facilitate the flow of information and the collective problem solving needed to develop new drugs.** To function in a highly efficient fashion, a market for any property—

whether real estate or intellectual property—requires well-defined, well-protected rights. Strong IP protection generally exists in software and semiconductors. A piece of software code, for instance, is a fairly distinct entity that can be protected by legal mechanisms, and its theft can be

detected quite easily. In biotechnology, the IP regime is more complex and murkier. It is often not clear

what is patentable and what is not. Moreover, the most valuable IP is often not a specific molecule but data, understanding, and insights relating to how that molecule behaves, what it can do, what its potential problems are, and how it might be developed. Such knowledge can be much more difficult to patent. Murky IP creates two problems: It makes its owners think twice about sharing it in the first place, and it provides fertile ground for contract disputes over what will be

shared. **Biotech has suffered both.** Suits between former partners and collaborators have been fairly common. Indeed, Genentech and Lilly, whose recombinant-insulin deal became a template for the industry in many ways, wound up in a legal contest over rights to use genetic-

engineering technology to produce human growth hormone. After codeveloping recombinant human erythropoietin, a synthetic protein that stimulates the body’s production of red blood cells, Amgen and Johnson & Johnson fought a bitter legal battle over the division of marketing rights. Years after that, they had another dispute about whether a later version of the drug was a completely new product or an improved form of the original. Another formidable barrier to sharing information is the tacit nature of much of the knowledge

critical to drug R&D. Such knowledge cannot be fully described in writing, because the cause-and-effect principles

behind the techniques or know-how have not been completely identified. This is common in emerging fields, but the magnitude of tacit knowledge in biotech impedes the pace of learning in the sector, as we shall see.

### Impact – Burnout

#### Diseases won’t cause extinction – burnout and geographical isolation check

Consiglio 17 [Dave, Community College Professor of Chemistry and Physics, 12/7/17, “Could a Disease Wipe Out Humans Entirely?”, <https://www.forbes.com/sites/quora/2017/12/07/could-a-disease-wipe-out-humans-entirely/#387c2f308203> Accessed 2/8/28] BBro

What scenarios seem like they should kill everyone but actually won't? Disease. Everyone seems worried about a killer disease, be it HIV or Ebola or Flu or some unknown pathogen. But humans are going to be really hard to wipe out via disease. Why? Well, we have several things going for us: We have a massive population. **We are geographically widespread**. We are capable of eating nearly anything. We are reasonably diverse as a species. **There are geographically** and genetically **isolated** pockets of our **population. Diseases require** a **vector** to spread. Let’s say the perfect disease arose tomorrow: It kills two weeks after you get it, shows no symptoms until the last minute, is really easy to transmit, and we have very little immunity to it. It still doesn’t kill everyone. Native Greenlanders and the people in Antarctica and people on Navy submarines and the few random people who are immune, and park rangers all either never come into contact with an infected person or else are spared by a genetic fluke. We even have the International Space Station as a potential place to hide and wait for the epidemic to die down. In fairness, nearly everyone is dead in short order, but **once** the **disease has run its course, the pathogen** that causes it **is also** likely to be **dead.** The vast majority of pathogens don’t survive for long outside of their hosts. As such, once nearly everyone is dead and the survivors wait a bit, they’re **unlikely to encounter live pathogen**. As an added bonus, the few surviving people include many of the most naturally immune members of the (now mostly dead) population. Now, don’t get me wrong, this scenario would be catastrophic for humanity. 99.9% of us could die in this way. And it’s possible that the remaining humans would be so isolated as to be unable to find one another for the purposes of reproduction. But I doubt it. Humans are nothing if not fecund, and we have those submarines, boats, airplanes, etc. We will eventually come out from hiding, find that special someone, and breed our way out of trouble. It’s why we’re still around as a species - nothing stops us from making more humans.

#### Burnout - Diseases strong enough to cause quick deaths kill their hosts too fast to spread rapidly.

Lafee 9 (“Viruses versus hosts: a battle as old as time”, SCOTT MAY 3, http://www.signonsandiego.com/news/2009/may/03/1n3virus01745-viruses-versus-hosts-battle-old-time/?uniontrib)

Generally speaking, it's not in a virus's best interest to kill its host. Deadly viruses such as Ebola and SARS are self-limiting because they kill too effectively and quickly to spread widely. Flu viruses do kill, but they aren't considered especially deadly. The fatality rate of the 1918 “Spanish flu” pandemic was less than 2.5 percent, and most of those deaths are now attributed to secondary bacterial infections. The historic fatality rate for influenza pandemics is less than 0.1 percent. Humans make “imperfect hosts” for the nastiest flu viruses, Sette said. “From the point of view of the virus, infecting humans can be a dead end. We sicken and die too soon.”

#### Burnout prevents extinction or large death-tolls

Anders Sandberg, University of Oxford and Andrew SNYDER-BEATTIE, Academic Project Manager at the Future of Humanity Institute, University of Oxford, 14 [May 18, 2014, “From Human Extinction to Super Intelligence, Two Futurists Explain,” Epoch Times, http://www.theepochtimes.com/n3/682658-from-human-extinction-to-super-intelligence-two-futurists-explain/

In the near future, what do you think the risk is that an influenza strain (with high infectivity and lethality) of animal origin will mutate and begin to pass from human to human (rather than only animal to human), causing a pandemic? How fast could it spread and how fast could we set up defences against it? Snyder-Beattie: Low probability. Some models we have been discussing suggest that a flu that kills one-third of the population would occur once every 10,000 years or so. Pathogens face the same tradeoffs any parasite does. If the disease has a high lethality, it typically kills its host too quickly to spread very far. Selection pressure for pathogens therefore creates an inverse relationship between infectivity and lethality. This inverse relationship is the byproduct of evolution though – there’s no law of physics that prevents such a disease. That is why engineered pathogens are of particular concern.

#### Burnout real

**York, 14** (Ian, Head of the Influenza Molecular Virology and Vaccines Team in the Immunology ad Pathogenesis Branch, Influenza Division at the CDC former assistant professor in immunology/virology/molecular biology (MSU), former RA Professor in antiviral and antitumor immunity (UMass Medical School), Research Fellow (Harvard), Ph.D., Virology (McMaster), M.Sc., Immunology (Guelph), “Why Don't Diseases Completely Wipe Out Species?” 6-4-14, <http://www.quora.com/Why-dont-diseases-completely-wipe-out-species>

But mostly **diseases don't drive species extinct**. There are several reasons for that. For one, the most dangerous diseases are those that spread from one individual to another. **If the disease is highly lethal, then the population drops, and it becomes less likely** that **individuals will contact each other during the infectious phase**. Highly contagious **diseases** **tend to burn themselves out** that way. Probably the main reason is variation. Within the host and the pathogen population there will be a wide range of variants. **Some hosts may be naturally resistant**. Some pathogens will be less virulent. And either alone or in combination, you end up with infected individuals who survive. We see this in HIV, for example. There is a small fraction of humans who are naturally resistant or altogether immune to HIV, either because of their CCR5 allele or their MHC Class I type. And there are a handful of people who were infected with defective versions of HIV that didn't progress to disease. We can see indications of this sort of thing happening **in the past, because** our **genomes contain** many **instances of pathogen resistance genes that have spread through the whole population**. Those all started off as rare mutations that conferred a strong selection advantage to the carriers, meaning that the specific infectious diseases were serious threats to the species.

NO UQ on counterfeit drugs china already using in Africa and plan won’t cause more no link --

Link turn –Ip will cause production of more counterfeit drugs because of