# 1nc vs HWL 4.0

## 1 - T Medicines

#### Interpretation: The aff must defend that member nations reduce intellectual property protections for all medicines

#### Violation: They specify medicines as COVID Vaccines

#### The upward entailment test and adverb test determine the genericity of a bare plural

Leslie and Lerner 16 [Sarah-Jane Leslie, Ph.D., Princeton, 2007. Dean of the Graduate School and Class of 1943 Professor of Philosophy. Served as the vice dean for faculty development in the Office of the Dean of the Faculty, director of the Program in Linguistics, and founding director of the Program in Cognitive Science at Princeton University. Adam Lerner, PhD Philosophy, Postgraduate Research Associate, Princeton 2018. From 2018, Assistant Professor/Faculty Fellow in the Center for Bioethics at New York University. Member of the [Princeton Social Neuroscience Lab](http://psnlab.princeton.edu/).] “Generic Generalizations.” Stanford Encyclopedia of Philosophy. April 24, 2016. <https://plato.stanford.edu/entries/generics/> TG

1. Generics and Logical Form

In English, generics can be expressed using a variety of syntactic forms: bare plurals (e.g., “tigers are striped”), indefinite singulars (e.g., “a tiger is striped”), and definite singulars (“the tiger is striped”). However, none of these syntactic forms is dedicated to expressing generic claims; each can also be used to express existential and/or specific claims. Further, some generics express what appear to be generalizations over individuals (e.g., “tigers are striped”), while others appear to predicate properties directly of the kind (e.g., “dodos are extinct”). These facts and others give rise to a number of questions concerning the logical forms of generic statements.

1.1 Isolating the Generic Interpretation

Consider the following pairs of sentences:

(1)a.Tigers are striped.

b.Tigers are on the front lawn.

(2)a.A tiger is striped.

b.A tiger is on the front lawn.

(3)a.The tiger is striped.

b.The tiger is on the front lawn.

The sentence pairs above are prima facie syntactically parallel—both are subject-predicate sentences whose subjects consist of the same common noun coupled with the same, or no, article. However, the interpretation of first sentence of each pair is intuitively quite different from the interpretation of the second sentence in the pair. In the second sentences, we are talking about some particular tigers: a group of tigers in ([1b](https://plato.stanford.edu/entries/generics/#ex1b)), some individual tiger in ([2b](https://plato.stanford.edu/entries/generics/#ex2b)), and some unique salient or familiar tiger in ([3b](https://plato.stanford.edu/entries/generics/#ex3b))—a beloved pet, perhaps. In the first sentences, however, we are saying something general. There is/are no particular tiger or tigers that we are talking about.

The second sentences of the pairs receive what is called an existential interpretation. The hallmark of the existential interpretation of a sentence containing a bare plural or an indefinite singular is that it may be paraphrased with “some” with little or no change in meaning; hence the terminology “existential reading”. The application of the term “existential interpretation” is perhaps less appropriate when applied to the definite singular, but it is intended there to cover interpretation of the definite singular as referring to a unique contextually salient/familiar particular individual, not to a kind.

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

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

#### It applies to “Medicines” – adding “generally” to the res doesn’t substantially change its meaning because the res never specified further

#### Vote negative:

#### 1] Precision – they justify arbitrarily mooting words in the resolution at their own whim in order to justify some potentially good interp.

#### Semantics outweighs:

#### [a] Lexical priority – it doesn’t matter if their interp if the debate is not pertinent i.e. it might me more educational for me to study for AP physics, outweighs since the topic constrains what pragmatics are relevant.

#### 2] Limits and ground – their model allows affs to defend any medicine which explodes neg prep bc theres an infinite amount I can’t prepare for, like covid-19 vaccines, influenza, common colds, Marijuana, etc. and they all bracket out different DA’s

#### 3] TVA: Read a whole res aff with the same advantage

#### Voters

#### Fairness because its constitutive of debate

#### DTD – a) norms b) prevents abuse

#### CI- a) judge intervention b) arbitrary brightline

#### No RVI- a) time skew b) chilling effect

#### No 1AR theory- creates 7-6 time skew

## 2 - K

#### International relations is the royal science of imperialism – the affirmative engineers sustainability through a reformist, mutating logic of violence.

Grove 19 [Jairus, PoliSci at the University of Hawai’i. 2019. “Savage Ecology: War and Geopolitics in the Anthropocene.”] pat // Re-Cut Justin

Because I wanted this book to inspire curiosity beyond the boundaries of international relations (ir), I considered ignoring the field altogether, removing all mentions of ir or ir theory. However, upon closer reflection, I have decided to keep these references as I think they are relevant for those outside the discipline and for those who, like myself, often feel alienated within its disciplinary boundaries. In the former case, it is important to know that, unlike some more humble fields, ir has always held itself to be a kind of royal science. Scholarship in ir, particularly in the United States, is half research, and half biding time until you have the prince’s ear. The hallowed names in the mainstream of the field are still known because they somehow changed the behavior of their intended clients—those being states, militaries, and international organizations. Therefore, some attention to ir is necessary because it has an all-too-casual relationship with institutional power that directly impacts the lives of real people, and ir is all too often lethal theory. As an American discipline, the political economy of the field is impossible without Department of Defense money, and its semiotic economy would be equally dwarfed without contributory figures like Woodrow Wilson, Henry Kissinger, and Samuel Huntington. The ubiquity of Huntington’s “clash of civilizations” thesis and Kissinger’s particular brand of realpolitik are undeniable throughout the field, as well as the world. Each, in their own way, has saturated the watchwords and nomenclature of geopolitics from an American perspective so thoroughly that both political parties in the United States fight over who gets to claim the heritage of each. Although many other fields such as anthropology and even comparative literature have found themselves in the gravitational pull of geopolitics, international relations is meant to be scholarship as statecraft by other means. That is, ir was meant to improve the global order and ensure the place of its guarantor, the United States of America. Having spent the better part of a decade listening to national security analysts and diplomats from the United States, South Korea, Japan, Europe, China, Brazil, and Russia, as well as military strategists around the planet, I found their vocabulary and worldview strikingly homogeneous. If this seems too general a claim, one should take a peek at John Mearsheimer’s essay “Benign Hegemony,” which defends the Americanness of the ir field. What is most telling in this essay is not a defense of the U.S. as a benign hegemonic power, which Mearsheimer has done at length elsewhere. Rather, it is his vigorous defense that as a field, ir theory has done well by the world in setting the intellectual agenda for global challenges, and for creating useful theoretical approaches to addressing those problems. For Mearsheimer, the proof that American scholarly hegemony has been benign is that there is nothing important that has been left out. A quick scan of the last ten or twenty International Studies Association conferences would suggest otherwise. That issues like rape as a weapon of war, postcolonial violence, global racism, and climate change are not squarely in the main of ir demonstrates just how benign American scholarly hegemony is not. As one prominent anthropologist said to me at dinner after touring the isa conference in 2014, “it was surreal, like a tour through the Cold War. People were giving papers and arguing as if nothing had ever changed.” These same provincial scholars aspire and succeed at filling the advisory roles of each successive American presidency. One cannot help but see a connection between the history of the ir field, and the catastrophes of U.S. foreign policy during the twentieth and twenty-first centuries. One could repeat the words of the anthropologist I mentioned to describe the 2016 presidential campaign debates over the future of U.S. foreign policy: it is as if “nothing had ever changed.” And yet these old white men still strut around the halls of America’s “best” institutions as if they saved us from the Cold War, even as the planet crumbles under the weight of their failed imperial dreams. If international relations was meant to be the science of making the world something other than what it would be if we were all left to our own worst devices, then it has failed monumentally. The United States is once again in fierce nuclear competition with Russia. We are no closer to any significant action on climate change. We have not met any of the Millennium Development Goals determined by the United Nations on eradicating poverty. War and security are the most significant financial, creative, social, cultural, technological, and political investments of almost every nation-state on Earth. The general intellect is a martial intellect. Despite all this failure, pessimism does not exist in international relations, at least not on paper. The seething doom of our current predicament thrives at the conference bar and in hushed office conversations but not in our research. In public, the darkness disavowed possesses and inflames the petty cynicisms and hatreds that are often turned outward at tired and predictable scapegoats. After the fury of three decades of critique, most ir scholars still camp out either on the hill of liberal internationalism or in the dark woods of political realism. Neither offers much that is new by way of answers or even explanations, and each dominant school has failed to account for our current apocalyptic condition. One is left wondering what it is exactly that they think they do. Despite the seeming opposition between the two, one idealistic about the future of international order (liberals) and the other self-satisfied with the tragedy of cycles of war and dominance (realists), both positions are optimists of the positivist variety. For both warring parties, ir optimism is expressed through a romantic empiricism. For all those who toil away looking for the next theory of international politics, order is out there somewhere, and dutifully recording reality will find it—or at least bring us closer to its discovery. For liberal internationalism, this will bring the long-heralded maturity of Immanuel Kant’s perpetual peace. For second-order sociopaths known as offensive realists, crumbs of “useful strategic insight” and the endless details that amplify their epistemophilia for force projection and violence capability represent a potential “advantage,” that is, the possibility to move one step forward on the global political board game of snakes and ladders. Still, the cynicism of ir always creeps back in because the world never quite lives up to the empirical findings it is commanded to obey. Disappointment here is not without reason, but we cynically continue to make the same policy recommendations, catastrophe after catastrophe. I have an idea about where ir’s recent malaise comes from. I think it is a moment, just before the awareness of the Anthropocene, after the Cold War and before September 11, when the end of everything was only a hypothetical problem for those of a certain coddled and privileged modern form of life. The catastrophe of the human predicament was that there was no catastrophe, no reason, no generation-defining challenge or war. Now the fate of this form of life is actually imperiled, and it is too much to bear. The weird denial of sexism, racism, climate change, the sixth extinction, and loose nukes, all by a field of scholars tasked with studying geopolitics, is more than irrationalism or ignorance. This animosity toward reality is a deep and corrosive nihilism, a denial of the world. Thus ir as a strategic field is demonstrative of a civilization with nothing left to do, nothing left to destroy. All that is left is to make meaning out of being incapable of undoing the world that Euro-American geopolitics created. Emo geopolitics is not pretty, but it is real. The letdown, the failure, the apocalypse-that-was-not finally arrived, and we are too late. Still, the United States of America continues to follow the advice of “the best and the brightest,” testing the imperial waters, not quite ready to commit out loud to empire but completely unwilling to abandon it. Stuck in between, contemporary geopolitics—as curated by the United States—is in a permanent beta phase. Neuro-torture, algorithmic warfare, drone strikes, and cybernetic nation-building are not means or ends but rather are tests. Can a polis be engineered? Can the human operating system be reformatted? Can violence be modulated until legally invisible while all the more lethal? Each incursion, each new actor or actant, and new terrains from brains to transatlantic cables—all find themselves part of a grand experiment to see if a benign or at least sustainable empire is possible. There is no seeming regard for the fact that each experiment directly competes with Thomas Jefferson’s democratic experiment. One wonders if freedom can even exist anywhere other than temporarily on the fringe of some neglected order. Is this some metaphysical condition of freedom, or is the world so supersaturated with martial orders that the ragged edges between imperial orders are all that we have left? It feels like freedom’s remains persist only in the ruins of everything else. No space is left that can be truly indifferent to the law, security, or economy. Such is the new life of a human in debt. The social contract has been refinanced as what is owed and nothing more: politics without equity. Inequity without equality. What about the impending collapse of the post–World War II order, the self-destruction of the United States, the rise of China and a new world order? If humanity lasts long enough for China to put its stamp on the human apocalypse, I will write a new introduction. Until then, we live in the death rattle of Pax Americana. While I think the totality of this claim is true, I do not want to rule out that many of us throughout the world still make lives otherwise. Many of us even thrive in spite of it all. And yet, no form of life can be made that escapes the fact that everything can come to a sudden and arbitrary end thanks to the whim of an American drone operator, nuclear catastrophe, or macroeconomic manipulation like sanctions. There are other ways to die and other organized forms of killing outside the control of the United States; however, no other single apparatus can make everyone or anyone die irrespective of citizenship or geographic location. For me, this is the most inescapable philosophical provocation of our moment in time. The haphazard and seemingly limitless nature of U.S. violence means that even the core principles of the great political realist concepts like order and national interest are being displaced by subterranean violence entrepreneurs that populate transversal battlefields, security corridors, and border zones. Mercenaries, drug lords, chief executive officers, presidents, and sports commissioners are more alike than ever. Doomsayers like Paul Virilio, Lewis Mumford, and Martin Heidegger foretold a kind of terminal and self-annihilating velocity for geopolitics’ technological saturation, but even their lack of imagination appears optimistic. American geopolitics does not know totality or finality; it bleeds, mutates, and reforms. Furthermore, the peril of biopolitics seems now almost romantic. To make life live? Perchance to dream. The care and concern for life’s productivity is increasingly subsumed by plasticity—forming and reforming without regard to the telos of productivity, division, or normative order. There are, of course, still orders in our geoplastic age, but they are almost unrecognizable as such. When so many citizens and states are directly invested in sabotaging publicly stated strategic ends, then concepts like national interest seem equally quaint. We are witnessing creative and horrifying experiments in the affirmative production of dying, which also deprive those targeted and in some cases whole populations from the relief of death. To follow Rucker, I want to try to see the world for what it is. We can only say that tragedy is no longer a genre of geopolitics. Tragedy redeems. The occluded character of contemporary geopolitics shoehorned into experience produces the feeling that there is no relief, no reason, no victory, no defeats, and no exit within the confines of national security’s constricted world. This is not tragedy: it is horror. We live in an age of horror that, like the victims of gore movies who never quite die so that they can be tortured more, furthers our practice of collective violence and goes on for decades as a kind of sustainable warfare.

#### The affirmative greenlights themselves as the moral savior but hides a history of imperialism – the 1ACs reform is empty and coopted by capitalist imperialist logic which justifies colonialism and reinforces racial difference.

Vanni 21 [Amaka; Dr. Vanni joined the School of Law in September 2020 as a Lecturer in Law. Her main area of research is international economic law, with a focus on intellectual property law, international trade law, global economic governance, law and development. Dr. Vanni obtained both her PhD and LLM degrees in International Economic Law from the University of Warwick, where her doctoral thesis was awarded the 2018 SIEL–Hart Prize in International Economic Law. She has BA(Hons) in International Relations and Politics from Keele University, where was awarded the Vice-Chancellor Partial Scholarship (2004-2007). Dr. Vanni currently teaches the undergraduate and postgraduate modules in intellectual property law. She is the current president of the African International Economic Law Network (AfIELN), editor of the African Journal of International Economic Law and a contributing editor of Afronomicslaw.org, the leading blog on the International Economic Law landscape as it relates to Africa and the Global South. Dr. Vanni is also a member of the IEL Collective, and a theme lead on philanthropic and social financing for the New Frontiers in International Development Finance (Nef Def) project, a multi-institutional collaborative effort. Research interests Dr. Vanni’s research interests lie at the intersection of international economic law (IEL), law and development, global political economy, and global governance. Dr. Vanni’s research adopts critical analysis, empirical methods and sociolegal approach in her examination and study of IEL, particularly intellectual property. As a result, her work focuses on the constitutive power of international economic law, norms, and practices to affect social relations and everyday life, especially in the developing world where this impact is felt more starkly. Her work is also attentive to how various actors (both state and non-state) and local culture interact with IEL. Dr. Vanni’s award winning book ‘Patent Games in the Global South: Pharmaceutical Patent Law-Making in Brazil, India and Nigeria’ (Hart, 2020) provides fresh theoretical insights into global intellectual property regimes with focus on the role of history, social networks and how relationships between a variety of actors shape the framing of, and subsequently the responses to, national implementation of international patent law. Further publications focus on pharmaceutical patent and access to medicines, the growing influence of global philanthropic actors in international economic regimes, and IP & technology start-ups in emerging markets; “On Intellectual Property Rights, Access to Medicines and Vaccine Imperialism,” Twail Review; 3/23/21; <https://twailr.com/on-intellectual-property-rights-access-to-medicines-and-vaccine-imperialism/>] Justin

Supporters and opponents of a TRIPS waiver for the COVID-19 vaccines (February 2021) Despite calls to make COVID-19 vaccines and related technologies a global public good, western pharmaceutical companies have declined to loosen or temporarily suspend IP protections and transfer technology to generic manufacturers. Such transfer would enable the scale-up of production and supply of lifesaving COVID-19 medical tools across the world. Furthermore, these countries are also blocking the TRIPS waiver proposal put forward by South Africa and India at the WTO despite being supported by 57 mostly developing countries. The waiver proposal seeks to temporarily postpone certain provisions of the TRIPS Agreement for treating, containing and preventing the coronavirus, but only until widespread vaccination and immunity are achieved. This means that countries will not be required to provide any form of IP protection on all COVID-19 related therapeutics, diagnostics and other technologies for the duration of the pandemic. It is important to reiterate the waiver proposal is time-limited and is different from TRIPS flexibilities, which are safeguards within the Agreement to mitigate the negative impact of patents such as high price of patented medicines. These safeguards include compulsory licenses and parallel importation. However, because of the onerous process of initiating these flexibilities as well as the threat of possible trade penalties by the US through the United States Trade Representative (USTR) “Special 301” Report targeting countries even in the absence of illegality, many developing countries are reluctant to invoke TRIPS flexibilities for public health purposes. For example, in the past, countries such as Colombia, India, Thailand and recently Malaysia have all featured in the Special 301 Report for using compulsory licenses to increase access to cancer medications. It is these challenges that the TRIPS waiver seeks to alleviate and, if approved, would also provide countries the space, without fear of retaliation from developed countries, to collaborate with competent developers in the R&D, manufacturing, scaling-up, and supply of COVID-19 tools. However, because this waiver is being opposed by a group of developed countries, we are grappling with the problem of artificially-created vaccine scarcity. The effect of this scarcity will further prolong and deepen the financial impact of this pandemic currently estimated to cost USD 9.2 trillion, half of which will be borne by advanced economies. Thus, in opposing the TRIPS waiver with the hopes of reaping huge financial rewards, developed countries are worsening pandemic woes in the long term. Perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. Another kind of scarcity caused by vaccine nationalism has also reduced equitable access. Vaccine nationalism is a phenomenon where rich countries buy up global supply of vaccines through advance purchase agreements (APA) with pharmaceutical companies for their own populations at the expense of other countries. But perhaps it is time to reorient our sight and call the ongoing practices of buying up global supply of vaccine what it truly is – vaccine imperialism. If we take seriously the argument put forward by Antony Anghie on the colonial origins of international law, particularly how these origins create a set of structures that continually repeat themselves at various stages, we will begin to see COVID-19 vaccine accumulation not only as political, but also as imperial continuities manifesting in the present. Take, for instance, the report released by the Duke Global Health Innovation Center that shows that high-income countries have already purchased nearly 3.8 billion COVID-19 vaccine doses. Specifically, the United States has secured 400 million doses of the Pfizer-BioNTech and Moderna vaccines, and has APAs for more than 1 billion doses from four other companies yet to secure US regulatory approval. The European Union has similarly negotiated nearly 2.3 billion doses under contract and is negotiating for about 300 million more. With these purchases, these countries will be able to vaccinate their populations twice over, while many developing states, especially in Africa, are left behind. In hoarding vaccines whilst protecting the IP interests of their pharmaceutical multinational corporations, the afterlife of imperialism is playing out in this pandemic. Moreover, these bilateral deals are hampering initiatives such as the COVID-19 Vaccine Global Access Facility (COVAX) – a pooled procurement mechanism for COVID-19 vaccine – aimed at equitable and science-led global vaccine distribution. By engaging in bilateral deals, wealthy countries impede the possibility of effective mass-inoculation campaigns. While the usefulness of the COVAX initiative cannot be denied, it is not enough. It will cover only the most vulnerable 20 per cent of a country’s population, it is severely underfunded and there are lingering questions regarding the contractual obligations of pharmaceutical companies involved in the initiative. For instance, it is not clear whether the COVAX contract includes IP-related clauses such as sharing of technological know-how. Still, even with all its faults, without a global ramping-up of production, distribution and vaccination campaigns via COVAX, the world will not be able to combat the COVID-19 pandemic and its growing variants. Health inequity and inequalities in vaccine access are not unfortunate outcomes of the global IP regime; they are part of its central architecture. The system is functioning exactly as it is set up to do. These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

#### Voting negative adopts failed IR for a dose of pessimism – at the end of the world, all we can do is hope to be buried alive together.

Grove 19 [Jairus, PoliSci at the University of Hawai’i. 2019. “Savage Ecology: War and Geopolitics in the Anthropocene.”] pat // Re-Cut Justin

Failed ir affirms the power of this kind of negative thinking as an alternative to the endless rehearsing of moralizing insights and strategic foresight. The negative is not “against” or reacting to something. Rather, it is the affirmation of a freedom beyond the limits of life and death. That is, it is making a life by continuing to think about the world, even if that thinking is not recuperative, and even if nothing we think can save us. In the face of it all, one celebrates useless thinking, useless scholarship, and useless forms of life at the very moment we are told to throw them all under the bus in the name of survival at all costs. This is a logic referred to lately as hope and it is as cruel as it is anxiety inducing. Hope is a form of extortion. We are told that it is our obligation to bear the weight of making things better while being chided that the failure of our efforts is the result of not believing in the possibility of real change. In such an environment, pessimism is often treated as a form of treason, as if only neoliberals and moral degenerates give up—or so goes the op-ed’s insisting upon the renewed possibility of redemption. In response to these exhortations, pessimism offers a historical atheism, both methodologically and morally. The universe does not bend toward justice. Sometimes the universe bends toward the indifference of gravity wells and black holes. Affirming negativity, inspired by Achille Mbembe, is grounds for freedom, even if that freedom or relief is only fleeting and always insecure. I am not arrogant enough to think a book can attain freedom of this sort, but this book is inspired by refusals of critique as redemption in favor of useless critique and critique for its own sake. That the pursuit of knowledge without immediate application is so thoroughly useless, even profane, is a diagnosis of our current moment. The neoliberal assault on the university is evidence of this condition, as is the current pitch of American politics. Our indifference as intellectuals to maximizing value has not gone unnoticed. We are still dangerous, worthy of vilification, of attack, sabotage, and derision because we fail so decadently. We are parasites according to Scott Walker, Donald Trump, and the rest. So be it. We are and shall remain irascible irritants to a worldwide assault on thinking that is well underway and facing few obstacles in other jurisdictions. What would failed scholarship do? Learn to die, learn to live, learn to listen, learn to be together, and learn to be generous. These virtues are useless in that they do not prevent or manage things. They do not translate into learning objectives or metrics. Virtues of this order are selfsame, nontransferable experiences. They are meaningful but not useful. These are luxurious virtues. Like grieving or joy, they are ends unto themselves. But how will these ideas seek extramural grants, contribute to an outcomes-based education system, or become a policy recommendation? They will not, and that is part of their virtue. Even if there is no straight line to where we are and where we ought to be, I think we should get over the idea that somehow the U.S. project of liberal empire is conflicted, or “more right than it is wrong,” or pragmatically preferable to the alternatives. I hope this book can contribute to the urgent necessity to get out of the way by reveling in the catastrophic failure that should inspire humility but instead seems to embolden too many to seek global control yet again. Demolition may be an affirmative act if it means insurgents and others can be better heard. And yet this may fail too. If we can accomplish nothing at all, we can at least, as Ta-Nehisi Coates and other pessimists have said, refuse to suborn the lie of America any longer. Telling the truth, even if it cannot change the outcome of history, is a certain kind of solace. In Coates’s words, there is a kind of rapture “when you can no longer be lied to, when you have rejected the dream.” Saying the truth out loud brings with it the relief that we are not crazy. Things really are as bad as we think. If there are those of us who want to break from this one-hundred-year-old race to be the next Henry Kissinger, then why do we continue to seek respect in the form of recognizable standards of excellence? I am not sure where the answer finally lies, but I do know that professionalization will not save us. To appear as normal and recognizably rigorous will not be enough to stave off the neoliberal drive to monetize scholarship, or to demand of us strategically useful insights. The least we can do in the face of such a battle is to find comfort in meaningful ideas and the friendships they build rather than try to perform for those we know are the problem. Some will ask, who is this “we” or is that “they”—where is your evidence? More will know exactly what I am talking about. The virtues I seek are oriented toward an academy of refuge, a place we can still live, no matter how dire the conditions of the university and the classroom. It is not the think tank, boardroom, or command center. We are, those of us who wish to be included, the last of the philosophers, the last of the lovers of knowledge, the deviants who should revel in what Harney and Moten have called the undercommons. In one of his final lectures, Bataille speaks of the remnants of a different human species, something not quite so doomed, something that wasted its newly discovered consciousness and tool-being on the art that still marks the walls of prehistoric caves. This lingering minor or vestigial heritage is philosophy’s beginning. Philosophy survives war, atrocity, famine, and crusades. Thinking matters in a very unusual way. Thinking is not power or emancipation. Thinking matters for a sense of belonging to the world, and for believing in the fecundity of the world despite evidence to the contrary. How do you get all this from pessimism, from failure? Because willing failure is a temptation, a lure to think otherwise, to think dangerous thoughts. Pessimism is a threat to indifferentism and nihilism in the sense of the phenomenon of Donald Trump. Pessimism is a provocation and an enemy of skepticism, particularly of the metaphysical variety. It is not redemption from these afflictions, but in pessimism there is solace in the real. To put it another way, to study the world as it is means to care for it. The exhortation that our care or interest should be contingent on how useful the world is and how much of it conforms to our designs is as much opposed to care as it is to empiricism. We can study airports, poetry, endurance races, borders, bombs, plastic, and warfare, and find them all in the world. To consider the depth of their existence can be an invitation to the world rather than a prelude to another policy report. One cannot make a successful political career out of such pursuits, but you might be able to make a life out of it, a life worth repeating even if nothing else happens. At the end of Jack Halberstam’s The Queer Art of Failure, we are presented with the Fantastic Mr. Fox’s toast as an exemple of something meaningful in these dark times of ours. They say all foxes are slightly allergic to linoleum, but it’s cool to the paw—try it. They say my tail needs to be dry cleaned twice a month, but now it’s fully detachable—see? They say our tree may never grow back, but one day, something will. Yes, these crackles are made of synthetic goose and these giblets come from artificial squab and even these apples look fake—but at least they’ve got stars on them. I guess my point is, we’ll eat tonight, and we’ll eat together. And even in this not particularly flattering light, you are without a doubt the five and a half most wonderful wild animals I’ve ever met in my life. So let’s raise our boxes—to our survival. Halberstam says of this queer moment: Not quite a credo, something short of a toast, a little less than a speech, but Mr. Fox gives here one of the best and most moving—both emotionally and in stop-motion terms—addresses in the history of cinema. Unlike Coraline, where survival is predicated upon a rejection of the theatrical, the queer, and the improvised, and like Where the Wild Things Are, where the disappointment of deliverance must be leavened with the pragmatism of possibility, Fantastic Mr. Fox is a queerly animated classic in that it teaches us, as Finding Nemo, Chicken Run, and so many other revolting animations before it, to believe in detachable tails, fake apples, eating together, adapting to the lighting, risk, sissy sons, and the sheer importance of survival for all those wild souls that the farmers, the teachers, the preachers, and the politicians would like to bury alive. Although not as much fun as Halberstam’s monument to low theory, Savage Ecology is for all the other wild animals out there studying global politics. May we be buried alive together.

## 3 - OFF

#### Biotech R&D is set for high growth and investment now

NASDAQ 8/9 [NASDAQ is a stock market index that includes almost all stocks listed on the Nasdaq stock exchange. Along with the Dow Jones Industrial Average and S&P 500, it is one of the three most-followed stock market indices in the United States. This article was written by NASDAQ contributors and published on CNBC. The editorial staff of CNBC did not contribute to the creation of this study.) “Why the Nasdaq Biotechnology Index is poised for a run of sustainable growth” CNBC, NASDAQ, 8/9/2021, <https://www.cnbc.com/advertorial/2021/08/09/why-the-nasdaq-biotechnology-index-is-poised-for-a-run-of-sustainable-growth-.html>] RM

Between the recent bio innovation success stories in the battle against Covid-19 and the technology-driven advances ushering in new efficiencies for research and development (R&D), **the biotech industry has never been more relevant**.

As home to more than 265 companies, the pioneering Nasdaq Biotechnology Index (NBI) has long been committed to providing healthcare’s innovators with access to the capital they need to keep moving forward. Now, investors have access to the Index’s companies through a new ETF, the Invesco Nasdaq Biotechnology ETF (IBBQ).

Launched in 1993, in the wake of the original “biotech revolution” led by the discovery of recombinant DNA, NBI® remains the most representative index in the space. In fact, 98% of all U.S. listed biotech companies are listed on Nasdaq. When considering the massive growth taking place in the sector, it’s no surprise that NBI has outperformed both the S&P 500 (SPX) and Health Care Select Sector Index (IXVTR) in certain market environments.

According to Mark Marex, Index R&D Senior Specialist for Nasdaq who recently compiled an in-depth report on the NBI, global events and digital acceleration have contributed to the Index’s recent strong performance; and Nasdaq’s dedication to maintaining a true benchmark for technology-driven healthcare innovation has provided a framework for growth.

Building the ideal benchmark

Given the existence of pureplay biotech firms, hybrid biopharmaceutical companies, and less R&D-intensive pharmaceutical manufacturers, creating a single benchmark that truly captures the biotech sector and the symbiotic relationships among its players is no easy task.

One of the unique aspects of NBI, versus biotech-focused indexes created by other index providers, is its subsector classifications split between Biotechnology and Pharmaceuticals. As of June 30, 2021, ICB (FTSE Russell’s Industry Classification Benchmark) classified 222 NBI companies as Biotechnology and 47 as Pharmaceuticals. The resulting split by index weight is approximately 65% and 35%, respectively, which illustrates the major difference between the two groups: Pharmaceutical companies tend to be much larger than Biotechnology firms.

This split within a single index provides advantages for investors: While offering some exposure to more established pharmaceutical companies, it also includes R&D-heavy biotech firms that over time may transition into biotech-driven pharma companies. That’s exactly what happened this year when NBI’s largest company, Amgen (AMGN / $144Bn), was reclassified by ICB from Biotechnology to Pharmaceuticals. By retaining firms as they straddle the two classifications over the course of their lifecycle, NBI presents potential growth advantages when compared with index providers that focus rigidly on one classification versus the other.

Home to world-changing breakthroughs

Nasdaq’s vision for the Index has served it well, **both in terms of its longevity and its current role as a champion of the companies paving the way for a post-pandemic world through their technological advances and life-saving treatments**. The broad reach of NBI constituents across multiple fronts in the fight against Covid-19, for example — from diagnosis to vaccines and treatment —demonstrates the strength of its core approach.

NBI companies including Gilead and Regeneron made headlines for their successes during the pandemic with antiviral therapeutics and antibody-based therapeutics for high-risk patients. But it’s the stunning success of m-RNA vaccine technology from Moderna and BioNTech, two NBI companies, that most clearly showcase the home run potential among the biotech entrepreneurs in the space.

And while NBI is currently up 8.2% YTD on a price-return basis (as of June 30) **versus a broader market gain of 14.4% by SPX**, the S&P Biotechnology Select Industry Index (SPSIBI) is down 3.7%.

It’s worth noting that in 2020, NBI outperformed SPX with a price gain of 25.7% versus 16.3%, respectively. This shows the resilience of the NBI and the inherent strength of its current mix of companies.

The possibilities of accelerated R&D

As a whole, the life-changing work being done by NBI constituents requires enormous amounts of R&D. In 2020, R&D expenses for the entire group totaled $68.5Bn, nearly 31% of these companies’ revenue totals. Two-thirds of NBI’s firms reported R&D expenses that exceeded their revenues

For several NBI companies, however, these massive investments provided tangible benefits in the fight against Covid-19. Undoubtedly, years of back-end work and minimal profits ultimately helped deliver the very products that are now driving historic returns. Psychologically, their breakthroughs demonstrated the enormous potential of science and technology to serve humankind.

Looking ahead, **revolutions in Mapping and Engineering processes, boosted by rapid advancements in Machine Learning and Artificial Intelligence, are fostering a true fusion of Biology and Technology that could transform the traditionally costly and labor-intensive R&D function**. Some research estimates these advances could reduce the failure rate of drugs by up to 45% and shorten drug trials by up to 50%. The result could be even more breakthroughs, performed much more efficiently, greatly increasing the returns on biopharmaceutical R&D.

Even a conservative interpretation of the above numbers would significantly reduce R&D costs and boost the market capitalization of therapeutics companies from the current $2Tn up to $9Tn as soon as 2024, according to estimates from ARK Financial.

Meanwhile, increasingly cost-effective human genomics could revolutionize several other industries, from agriculture to biofuels.

By any measure, there is much to be excited about across the spectrum of biotech — especially coming out of a global pandemic. And while no person, nor index, can truly predict what the future holds, chances are strong that companies sitting within NBI will have a hand in leading the way.

“**For investors**, the Index already serves as a fascinating lens through which to view human society’s scientific and technological advancements,” says Mark Marex. “To me, it’s very exciting to ponder what the researchers, scientists, and business leaders in this space will accomplish next.”

#### TRIPs waiver undermines the innovation ecosystem

**Pitts 5/21** [Peter J. Pitts, a former associate commissioner of the FDA, is president of the Center for Medicine in the Public Interest. Robert Popovian is the chief science policy officer of the Global Healthy Living Foundation and a senior health policy fellow at the Progressive Policy Institute. Wayne Winegarden, Ph.D., directs the Center for Medical Economics and Innovation at the Pacific Research Institute. 5-5-2021, PRI Center for Medical Economics And Innovation “Waiving Covid-19 Vaccine Patents Is a Bad Idea and Sets a Dangerous Precedent”, 5-21-2021, <https://medecon.org/waiving-covid-19-vaccine-patents-is-a-bad-idea-and-sets-a-dangerous-precedent/> ]//AAli

Nor is such a process going to produce faster results. Historically, under compulsory rather than voluntary licensing arrangements, it has taken even legitimate generic manufacturers years to receive the formulas, work out logistical challenges, and scale up production. In one case of compulsory licensing, it took over four years to bring a generic AIDS drug to Rwanda. The World Health Organization regularly publishes a list of “essential” medications, the vast majority of which patent protections have long expired. Any generic manufacturer can therefore set itself up producing them. Yet the WHO reports that availability of these medicines in many parts of the developing world remains spotty, at best. The quality of many of these essential medicines is also questionable. Yet none of the drugs on the WHO list are in the same universe of complexity as the Covid-19 vaccines. The patent system is not the problem here. But, some ask, why should private companies enjoy the property rights to innovation driven by government funding? This question likewise misses the mark. In a study of 478 drugs less than 10 percent had a public-sector patent associated with it. While providing no gain, compulsory licensing promises lots of pain. Shunting aside patent and intellectual property rights sends a dangerous signal to innovative biopharmaceutical companies and their investors. Biopharmaceutical research is risky. It costs almost $3 billion, on average, to bring a single medicine to pharmacy shelves. Biotech investors take these risks because of strong patent protection like those in the United States. Scientists in America now develop over half of all new drugs worldwide. It’s important to understand the current advocacy for a “temporary” IP waiver. A small but vocal and influential public health policy cohort believes that IP protections are the most significant cause of global healthcare disparities. Their philosophies repeat and reinforce many misconceptions about the problem of improving global access to medicines. The reality is that, in order to save the world, we must all work together as partners. A free-market healthcare paradigm for drug development, although far from perfect, works. A well-appointed armamentarium of Covid-19 diagnostic tools, therapeutics, and vaccines – all invented in under one year, speaks to the power of today’s innovation ecosystem. That ecosystem is built on IP protections. Right now, under voluntary licensing, global production capacity for Covid vaccines and treatments is expanding and accelerating. A move to nullify IP will not result in a single resident of the developing world getting vaccinated one minute sooner.

**Biopharma innovation is key to prevent future pandemics and bioterror**

**Marjanovic and Feijao 20** [Sonja Marjanovic Ph.D., Judge Business School, University of Cambridge. Carolina Feijao, Ph.D. in biochemistry, University of Cambridge; M.Sc. in quantitative biology, Imperial College London; B.Sc. in biology, University of Lisbon. "How to Best Enable Pharma Innovation Beyond the COVID-19 Crisis," RAND Corporation, 05-2020, accessed 8-8-2021, https://www.rand.org/pubs/perspectives/PEA407-1.html] HWIC

As key actors in the healthcare innovation landscape, pharmaceutical and life sciences companies have been called on to develop medicines, vaccines and diagnostics for pressing public health challenges. The COVID-19 crisis is one such challenge, but there are many others. For example, MERS, SARS, Ebola, Zika and avian and swine flu are also infectious diseases that represent public health threats. Infectious agents such as anthrax, smallpox and tularemia could present threats in a bioterrorism context.1 The general threat to public health that is posed by antimicrobial resistance is also well-recognised as an area in need of pharmaceutical innovation. Innovating in response to these challenges does not always align well with pharmaceutical industry commercial models, shareholder expectations and competition within the industry. However, the expertise, networks and infrastructure that industry has within its reach, as well as public expectations and the moral imperative, make pharmaceutical companies and the wider life sciences sector an indispensable partner in the search for solutions that save lives. This perspective argues for the need to establish more sustainable and scalable ways of incentivising pharmaceutical innovation in response to infectious disease threats to public health. It considers both past and current examples of efforts to mobilise pharmaceutical innovation in high commercial risk areas, including in the context of current efforts to respond to the COVID-19 pandemic. In global pandemic crises like COVID-19, the urgency and scale of the crisis – as well as the spotlight placed on pharmaceutical companies – mean that contributing to the search for effective medicines, vaccines or diagnostics is essential for socially responsible companies in the sector. 2 It is therefore unsurprising that we are seeing industry-wide efforts unfold at unprecedented scale and pace. Whereas there is always scope for more activity, industry is currently contributing in a variety of ways. Examples include pharmaceutical companies donating existing compounds to assess their utility in the fight against COVID19; screening existing compound libraries in-house or with partners to see if they can be repurposed; accelerating trials for potentially effective medicine or vaccine candidates; and in some cases rapidly accelerating in-house research and development to discover new treatments or vaccine agents and develop diagnostics tests.3,4 Pharmaceutical companies are collaborating with each other in some of these efforts and participating in global R&D partnerships (such as the Innovative Medicines Initiative effort to accelerate the development of potential therapies for COVID-19) and supporting national efforts to expand diagnosis and testing capacity and ensure affordable and ready access to potential solutions.3,5,6 The primary purpose of such innovation is to benefit patients and wider population health. Although there are also reputational benefits from involvement that can be realised across the industry, there are likely to be relatively few companies that are ‘commercial’ winners. Those who might gain substantial revenues will be under pressure not to be seen as profiting from the pandemic. In the United Kingdom for example, GSK has stated that it does not expect to profit from its COVID-19 related activities and that any gains will be invested in supporting research and long-term pandemic preparedness, as well as in developing products that would be affordable in the world’s poorest countries.7 Similarly, in the United States AbbVie has waived intellectual property rights for an existing combination product that is being tested for therapeutic potential against COVID-19, which would support affordability and allow for a supply of generics.8,9 Johnson & Johnson has stated that its potential vaccine – which is expected to begin trials – will be available on a not-for-profit basis during the pandemic.10 Pharma is mobilising substantial efforts to rise to the COVID-19 challenge at hand. However, we need to consider how pharmaceutical innovation for responding to emerging infectious diseases can best be enabled beyond the current crisis. Many public health threats (including those associated with other infectious diseases, bioterrorism agents and antimicrobial resistance) are urgently in need of pharmaceutical innovation, even if their impacts are not as visible to society as COVID-19 is in the immediate term. The pharmaceutical industry has responded to previous public health emergencies associated with infectious disease in recent times – for example those associated with Ebola and Zika outbreaks.11 However, it has done so to a lesser scale than for COVID-19 and with contributions from fewer companies. Similarly, levels of activity in response to the threat of antimicrobial resistance are still low.12 There are important policy questions as to whether – and how – industry could engage with such public health threats to an even greater extent under improved innovation conditions.

#### Extinction---defense doesn’t rule out the possibility and empirics

Piers Millett 17, Consultant for the World Health Organization, PhD in International Relations and Affairs, University of Bradford, Andrew Snyder-Beattie, “Existential Risk and Cost-Effective Biosecurity”, Health Security, Vol 15(4), http://online.liebertpub.com/doi/pdfplus/10.1089/hs.2017.0028

Historically, disease events have been responsible for the greatest death tolls on humanity. The 1918 flu was responsible for more than 50 million deaths,1 while smallpox killed perhaps 10 times that many in the 20th century alone.2 The Black Death was responsible for killing over 25% of the European population,3 while other pandemics, such as the plague of Justinian, are thought to have killed 25 million in the 6th century—constituting over 10% of the world’s population at the time.4 It is an open question whether a future pandemic could result in outright human extinction or the irreversible collapse of civilization.

A skeptic would have many good reasons to think that existential risk from disease is unlikely. Such a disease would need to spread worldwide to remote populations, overcome rare genetic resistances, and evade detection, cures, and countermeasures. Even evolution itself may work in humanity’s favor: Virulence and transmission is often a trade-off, and so evolutionary pressures could push against maximally lethal wild-type pathogens.5,6

While these arguments point to a very small risk of human extinction, they do not rule the possibility out entirely. Although rare, there are recorded instances of species going extinct due to disease—primarily in amphibians, but also in 1 mammalian species of rat on Christmas Island.7,8 There are also historical examples of large human populations being almost entirely wiped out by disease, especially when multiple diseases were simultaneously introduced into a population without immunity. The most striking examples of total population collapse include native American tribes exposed to European diseases, such as the Massachusett (86% loss of population), Quiripi-Unquachog (95% loss of population), and the Western Abenaki (which suffered a staggering 98% loss of population).

In the modern context, no single disease currently exists that combines the worst-case levels of transmissibility, lethality, resistance to countermeasures, and global reach. But many diseases are proof of principle that each worst-case attribute can be realized independently. For example, some diseases exhibit nearly a 100% case fatality ratio in the absence of treatment, such as rabies or septicemic plague. Other diseases have a track record of spreading to virtually every human community worldwide, such as the 1918 flu,10 and seroprevalence studies indicate that other pathogens, such as chickenpox and HSV-1, can successfully reach over 95% of a population.11,12 Under optimal virulence theory, natural evolution would be an unlikely source for pathogens with the highest possible levels of transmissibility, virulence, and global reach. But advances in biotechnology might allow the creation of diseases that combine such traits. Recent controversy has already emerged over a number of scientific experiments that resulted in viruses with enhanced transmissibility, lethality, and/or the ability to overcome therapeutics.13-17 Other experiments demonstrated that mousepox could be modified to have a 100% case fatality rate and render a vaccine ineffective.18 In addition to transmissibility and lethality, studies have shown that other disease traits, such as incubation time, environmental survival, and available vectors, could be modified as well.19-2

## Case

### Solvency

#### 1] Alt causes to WTO cred—rules ignored, protectionism, no dispute settlement, lack of US commitment.

Schott 20 [Jeffrey J. Schott is a senior fellow at the Peterson Institute for International Economics. He is a member of the State Department’s Advisory Committee on International Economic Policy and was previously cochairman of the Trade and Environment Policy Advisory Committee for the U.S. Trade Representative. 5-4-2020 The WTO is Dead ... Long Live the WTO Milken Institute Review https://www.milkenreview.org/articles/the-wto-is-dead-long-live-the-wto] SW 9-5-2021

When 123 nations signed the accord creating a truly global body to oversee international commerce in 1994, the new World Trade Organization was hailed as a major step toward a modern, rules-based regime that would advance the effort of global open trade. What a difference, alas, a quarter-century made. Now the WTO is increasingly seen as sclerotic. Its rules badly need updating and the dispute-settlement process is breaking down. Multilateral trade talks have collapsed; efforts to conclude even modest deals at the upcom-ing June 2020 meeting of trade ministers seem unlikely. Indeed, it’s no exaggeration to say that the WTO faces an existential crisis. Here, I offer some perspective on what has gone wrong and how to make it right in the face of widespread skepticism that a global rules-based trade system remains viable. Grim Realities There’s no getting around the fact that the WTO’s rules are widely abused or flat-out ignored. Even after the heralded U.S.-China trade deal was announced in January, the U.S. and China continue to violate WTO obligations on a grand scale, with about $425 billion of two-way merchandise trade still subject to duties that violate WTO obligations of both countries. Rules on subsidies, intellectual property and investment, last updated in the 1990s, are inadequate and in-complete, allowing countries to circumvent their market-access commitments with financial support for domestic firms and farmers, and to encourage the misappropriation of foreign technology. Equally alarming, the exemption to the WTO rules allowing trade restrictions for compelling reasons of national security protection has been grossly misapplied by U.S. officials to protect domestic steel, aluminum and possibly auto producers — and by Japan and Korea to justify high-tech trade restrictions. If countries continue to brazenly invoke national security rationales to justify plain and simple protectionism, commitments to open markets that are central to WTO obligations will become increasingly worthless. At the same time, the WTO’s dispute-settlement process, which has helped to resolve almost 600 cases since 1995, has been seriously impaired by the idling of its Appellate Body (AB). All countries have the right to appeal dispute-panel decisions, which are then held in abeyance pending completion of the appeal. But since last December, the AB has been reduced to only one member out of the normal complement of seven. That’s because U.S. officials have blocked the appointments of AB members until other WTO countries approve changes in dispute procedures demanded by the United States. Now, since three members are needed to form a panel to hear appeals, the whole appeals process has been placed in suspended animation. The situation has broad-ranging implications for the multilateral trading system. Preventing new appeals of panel rulings will, of course, allow disputing parties to block implementation of the rulings. This will encourage unilateral actions by countries strong enough to pressure partners and will discourage new rule-making negotiations because of uncertainty that rules will be enforced. What Would It Take? Can the WTO system be put back on track? Doing so would require the recognition that its rulebook, along with the process of resolving disputes about those rules, needs substantial renovation. It also requires the recognition that the world’s key problems require global solutions, in which the top traders — the U.S., the European Union, Japan and China — work together in common cause. That’s a tough row to hoe, especially given current U.S.-China and U.S.-EU frictions. But it is doable, if WTO members reorder their priorities and focus on narrow, pragmatic solutions. To see a way forward, it makes sense to digress a moment to see how we got here. Throughout the postwar era, the United States led the charge to strengthen the multilateral trading system and to lower barriers to trade and investment. U.S. negotiators led by example: U.S. tariff cuts accounted for a large share of the liberalization undertaken in the first four rounds of postwar negotiations under the General Agreement on Tariffs and Trade, when tariffs were high to protect industrial recovery in war-decimated economies. U.S. officials opened and led all eight GATT rounds of more or less successful reform — plus the Doha Round (named after the city in which it was started), the first multilateral trade negotiation of the WTO era. Almost the entire WTO rulebook was crafted in the period 1947-1994, when trans- Atlantic nations dominated world trade and China’s footprint was barely noticeable. Since then, technological developments have transformed the way we produce, transport, market and finance goods and services. The Doha Round, begun in late 2001, was meant to make WTO rules more relevant for 21st-century economies. In the event, the giant package of trade reforms developed in the Doha Round, so close to completion in 2008, was felled by the slingshot blows of India and a few other countries seeking special protection for their farmers and industries. WTO rules have been virtually unchanged since then, with the Trade Facilitation Agreement (2013) and updates to the Government Procurement Agreement (2014) the only modest changes. The WTO’s prospects are not bright. In particular, it’s unclear whether the United States is willing to invest in a multilateral effort. As I am writing this, the WTO’s prospects are not bright. In particular, it’s unclear whether the United States is willing to invest in a multilateral effort. Under the Trump administration, the United States, the lead architect of the postwar trading system, has been quick to criticize flaws in WTO agreements but half-hearted in its commitment to reform. The president has made no secret of his preference to deal with trading partners and allies one on one, where they are more likely to accept U.S. demands in deference to broader strategic relations. Why is the WTO so unpopular in Washington these days? Simply put, President Trump believes past U.S. administrations paid too much and got too little in return from U.S. trading partners in previous multilateral trade agreements. His complaints target several interrelated problems. First, largely for historical reasons alluded to above, U.S. tariffs are frozen in the WTO at lower levels than for other major trading nations. Trump is particularly galled that European auto tariffs are four times higher than U.S. auto tariffs. But under existing WTO rules, if U.S. officials want to raise these “bound” tariffs, they have to offer other WTO members something in return. Second, too many countries avoid WTO tariff obligations, most notably by invoking special exemptions for developing countries. Any WTO member can self-designate as a developing country — as Singapore and South Korea have done in the past. And third, WTO rules weren’t designed for big economies (think China) that feel free to intervene in markets to achieve government goals. Nor were they built to accommodate the big-data world of digital trade. Accordingly, the White House wants past WTO deals redone, with an updated rulebook to address Chinese industrial policies (especially support for state-owned enterprises). It wants a freer hand for U.S. officials to raise tariffs under WTO antidumping, safeguards and national security exceptions (where Trump’s current tariffs against China, Europe and others plainly violate current WTO norms). And it wants the removal of most developing- country trade preferences in current and prospective trade deals. U.S. trade officials don’t want U.S. policies to be subject to binding enforcement of WTO rules. Defanging the AB permanently would enable them to achieve that result.

#### 2] The waiver forces legitimate producers to compete with fraudulent cost-cutters and spikes vaccine skepticism - they also can’t solve for logistical challenges

**Pitts 5/21** [Peter J. Pitts, a former associate commissioner of the FDA, is president of the Center for Medicine in the Public Interest. Robert Popovian is the chief science policy officer of the Global Healthy Living Foundation and a senior health policy fellow at the Progressive Policy Institute. Wayne Winegarden, Ph.D., directs the Center for Medical Economics and Innovation at the Pacific Research Institute. 5-5-2021, PRI Center for Medical Economics And Innovation “Waiving Covid-19 Vaccine Patents Is a Bad Idea and Sets a Dangerous Precedent”, 5-21-2021, <https://medecon.org/waiving-covid-19-vaccine-patents-is-a-bad-idea-and-sets-a-dangerous-precedent/> ]//AAli

But some simple ideas are also simplistic, and this one is dangerously so. Waiving patent rights for Covid-19 vaccines will actually slow their availability in the developing world, thereby prolonging the pandemic. The production of these breakthrough Covid-19 vaccines requires sophisticated processes, procedures, staff training, material, and manufacturing. Under typical patent-protected arrangements for new global production facilities, patent-holders voluntarily license their product information to qualified third party-manufacturers. The patent-owners work closely with the licensees to stand up facilities that meet rigorous technological specifications and standards for safety. Even under ideal conditions, it can take a year or longer to build out this infrastructure the right way. The WTO waiver blows up this careful process by allowing pretty much anyone to go into the business of producing Covid-19 vaccines. Suddenly, it’s the wild west out there, with legitimate producers trying to compete with aggressive cost and corner-cutters, to say nothing of the outright fraud that has long driven the lucrative counterfeit drug trade. All the research demonstrating the safety and efficacy of the Covid-19 vaccines goes out the window under such conditions. Nor is such a process going to produce faster results. Historically, under compulsory rather than voluntary licensing arrangements, it has taken even legitimate generic manufacturers years to receive the formulas, work out logistical challenges, and scale up production. In one case of compulsory licensing, it took over four years to bring a generic AIDS drug to Rwanda. The World Health Organization regularly publishes a list of “essential” medications, the vast majority of which patent protections have long expired. Any generic manufacturer can therefore set itself up producing them. Yet the WHO reports that availability of these medicines in many parts of the developing world remains spotty, at best. The quality of many of these essential medicines is also questionable.

#### 3] Patent Waiver can’t solve trade secrets or infrastructural deficits

**Rutschman et al 5/5** [Ana Santos Rutschman and Julia Barnes-Weise, Her legal scholarship has appeared or is forthcoming in UCLA Law Review, Emory Law Journal, Arizona Law Review, Yale Law Journal Forum, University of Chicago Legal Forum, Michigan Law Review Online, Annals of Health Law and Duke Law and Technology Review, among other, 5-5-2021, "The COVID-19 Vaccine Patent Waiver: The Wrong Tool for the Right Goal," Bill of Health, <https://blog.petrieflom.law.harvard.edu/2021/05/05/covid-vaccine-patent-waiver/> ]//AAli

As the toll of COVID-19 continues to increase in many countries in the Global South, there has been a renewed push to address the problem of vaccine scarcity through a waiver of patent rights. Calls for waivers have been recurring throughout the pandemic, from formal proposals introduced in 2020 by some of the larger developing economies (India and South Africa), to op-eds in mainstream media, and editorials in scientific publications, such as Nature. This push gained momentum in early May 2021, just before the meeting of the World Trade Organization’s General Council. Waiver proposals have attracted the support of prominent names in public health. Dr. Tedros Adhanom Ghebreyesus, the Director-General of the World Health Organization, endorsed patent waivers as a tool to address the current vaccine scarcity problem in an article titled Waive Covid Vaccine Patents to Put World on “War Footing.” Others — including, most recently, Dr. Anthony Fauci — have been critical of waiver proposals. In this piece, we explain the mechanics of patent waivers and argue that waivers alone are the wrong policy tool in the context of the COVID-19 pandemic. We agree with supporters of the waivers in their ultimate goal — that of scaling up the manufacturing of COVID-19 vaccines, and then distributing them according to more equitable models than the ones adopted thus far. However, we doubt that the particular types of goods at stake here can be easily replicated and produced in substantially larger quantities simply through a waiver of intellectual property rights. Vaccines and Intellectual Property: The Informational Function of Patents Intellectual property rights, and especially patent rights, are governmental grants embedded into national legal systems across the world for utilitarian reasons: longstanding intellectual property theory and policy rests on the idea that the prospect of obtaining a patent will incentivize players in research and development (R&D) to invest in areas that might be otherwise underfunded. While a vast body of research demonstrates that this utilitarian approach is not universally applicable to all types of goods (and especially to certain types of health goods), it remains the main driver of modern patent regimes. In exchange for getting this particular type of intellectual property rights, patentees disclose critical information about the invention covered by the patent. On the one hand, a patent gives the patentee lead time on the market for a relatively lengthy period of time (formally 20 years, in practice less than that, especially for products like vaccines that must undergo review and approval by drug regulators). On the other hand, by requiring that the patent applicant share information about the invention that is subsequently published by the patent office, the patent system promotes the flow of scientific and technical information that can be used by other innovators in the field. It is well known by now that existing COVID-19 vaccines — including the ones that represent the application of a new type of vaccine technology, mRNA vaccines — are covered by multiple layers of patent rights. Proponents of a patent waiver for COVID-19 vaccine emphasize the problems created by the exclusivity created by intellectual property rights, and they are correct in their diagnosis. Having adopted a legal regime that grants patent rights to any inventions meeting the substantive criteria set forth in international and national patent laws (a threshold that many of the current patent applications on COVID-19 will, in all likelihood, clear), we now face the logical consequences of such a regime: absent some kind of intervention, vaccine patent holders have the ability to refuse licensing their technology to others, even against a backdrop of vaccine scarcity. A waiver is thus portrayed as a mechanism to overcome this exclusionary ability that traditionally inheres to a patent: in light of the tragic proportions of our shared public health problem, let us do away with the exclusionary right for a certain period of time and other companies will be able to 1) replicate existing vaccines and 2) manufacture at scale so that considerably more doses of vaccine will start flowing towards populations in the Global South. These two propositions would be accurate if the information disclosed in patents were enough to increase the supply of COVID-19 vaccines. Unfortunately, it is not. A Mismatch Problem: The Informational Limitations of Patents Patents cover both processes and products. In the case of vaccines, the former category includes methods of vaccine production, while the latter covers a myriad of vaccine components, from antigens (substances used to elicit a reaction from the immune system), to inactive ingredients, such as adjuvants (substances that help enhance the immune response, like oil-in-water emulsions) and stabilizers (substances that help maintain the potency of the vaccine, like sugars), to the vaccine delivery mechanism. In order to understand the practical limitations of a waiver of intellectual property rights when a vaccine is involved, it may be useful to think of patents as informational mechanisms akin to the information and tools needed to turn a recipe into an edible product. One or more patents will provide a recipe for a process or a component needed to produce a vaccine. But, just as with a culinary recipe, the informational power of a patent does not cover any tips or instructions that have not been memorialized in writing, nor does it provide any access to the raw materials needed to put a vaccine together. Waivers, therefore, temporarily remove exclusionary rights, but do not address two fundamental sources of the current vaccine scarcity problem. First, we are still left with a significant informational problem: as many commentators have remarked, knowledge disclosed through patents alone is often insufficient for a third party to actually be able to replicate a vaccine. From a scientific perspective, vaccines are biological products, and, as such, their relative complexity makes them highly dependent on specific manufacturing processes and practices, many of which are not disclosed in a patent — think of it as the unwritten tips or instructions for a particular recipe. Some of this information may be kept secret by a company for competitive reasons; in these cases, lifting patent rights will not result in increased informational disclosure, unless the patent holders themselves are willing to collaborate. A waiver thus solves the exclusivity problem, but not the information problem that undergirds competition in vaccine manufacturing. To revisit the analogy introduced above, a waiver allows third parties to freely use the recipe. It does not, however, provide all the information that may be needed to manufacture the desired good, nor does it provide manufacturers with the tacit knowledge that only the original manufacturer possesses and is not disclosed elsewhere. Second, even if all types of legal restrictions on the use of vaccine technology were lifted — or had never existed in the first place — there is simply not enough infrastructure (manufacturing facilities and equipment) nor raw materials (the components needed to manufacture and deliver vaccines) to produce and distribute COVID-19 vaccines as predicted under current waiver proposals. We have long faced a global vaccine manufacturing problem that will not be fully resolved during the current pandemic. In the case of vaccines that need to be kept at ultra-cold temperatures, these problems intensify. One of us (Barnes-Weise) has been involved in the contractual negotiations for the development, manufacturing and transfer of technology related to COVID-19 vaccines. In addition to the informational gaps described above, COVID-19 vaccine manufacturers are most concerned about how well the recipients of the technology transfer will understand and be able to implement such knowledge in making vaccines of the necessary quality. Shortages do not merely affect materials necessary to manufacture vaccines and facilities adequate to manufacture the vaccines; they also affect the availability of personnel qualified to instruct the licensee and recipient of this information. Sending an employee of this caliber out of the original manufacturing site to a partner site risks reducing the capacity of the first site. And remote instruction, necessitated by the pandemic, has its own shortcomings. In relation to the patents on the vaccines themselves, most of the concerns that the vaccine manufacturers express are around the protection of their vaccine platforms for the purposes of making future or non-COVID-19 vaccines. Moderna shared information about its patents in summer 2020. The manufacturers, as evidenced by the number of licenses to manufacture granted to date, are eager to find partners with the capabilities to expand production. It is not to their benefit to produce an inadequate supply of a highly sought-after vaccine. However, even willingness to transfer patented vaccine technology has faced numerous practical hurdles to date: 1) infrastructural limitations; 2) scarcity of raw materials; 3) concerns about licensees having the ability to actually manufacture effective vaccines in light of the infrastructural and product scarcity, even in situations in which there might be no informational gaps. A patent waiver would not address any of the practical concerns currently at the root of tech transfer negotiations involving COVID-19 vaccine technology. Compounding these problems is the fact that, should a waiver be issued, there is no legal mechanism that can compel the transfer of certain types of know-how or trade secrets should a company be unwilling to license its intellectual property — which, again, at this point in the pandemic, is not a problem we have observed. Finally, it is important to keep in mind that a waiver would be temporary: supporters of current waiver proposals should consider what will happen once demand for vaccines begins diminishing and fewer manufacturers remain on the market. Moreover, they should consider the legal and practical uncertainty that a waiver would introduce, as it is unclear how technology transfer between companies would cease (or continue) once the waiver expires

#### 4] A patent waiver lets China leapfrog the biotech gap – turns US leadership and LIO

**Paulsen 4/8**, Erik Paulsen represented Minnesota’s 3rd Congressional District in the U.S. House of Representatives from 2009 to 2019 and currently serves as a strategic consultant for Total Spectrum. This piece originally ran in the International Business Times., 4-8-2021, " We can save the world with our vaccines -- without surrendering our IP to China," Stillwater Gazette, <https://www.hometownsource.com/stillwater_gazette/opinion/editorials/we-can-save-the-world-with-our-vaccines----without-surrendering-our-ip/article_04d76fb2-eb1a-11eb-912d-a33e02d9ab66.html> ]//AAli

The Biden administration gave Beijing a gift when it endorsed a petition before the World Trade Organization to force the American developers of COVID-19 vaccines and therapeutics to relinquish their intellectual property rights to these medicines. The Chinese government seeks to take over in biotech, a sector where U.S. innovators lead. Biotech is included in its "Made in China 2025" plan, which lists 10 sectors that China aims to dominate. The government intends to force anyone doing business in China in those spheres to hand over know-how. Surrendering IP protections on biomedical technology has dire consequences. Foremost, it guts the foundation of biomedical innovation, which takes huge investments spanning many years to bear fruit. IP protections assure innovators that they can recover those investments and make a profit. Losing IP protection would have a chilling effect on investments in the sector. Equally injurious to America, the IP waiver would allow China to become a biotech powerhouse by piggybacking on American innovation. A waiver on IP for COVID-19 vaccines would accelerate the timeline for "Made in China 2025." The mRNA technology which undergirds the Pfizer-BioNTech and Moderna vaccines has uses beyond this pandemic. It has the potential to take on cancers and other diseases. With the waiver, China and others will be emboldened to use the once-proprietary mRNA know-how for broader research and applications. Is this in America's interest? Mark Cohen, an expert on Chinese IP theft, recently told the Washington Post that the waiver would deliver "a competitive advantage to countries that are increasingly viewed as our adversaries, at taxpayer expense." Beyond the damage that an mRNA giveaway will inflict on US R&D investments, the waiver sends a signal that America could agree to force American innovators to part with trade secrets every time there's a global crisis. That attitude will arrest biopharmaceutical innovation. Small biotech firms spearhead 70% of the R&D pipeline, relying heavily on private investors to fund that work. If investors know that innovators may have to give away their discoveries in a global crisis, they'll deploy their money elsewhere. That’ll make it even harder to draw the R&D investments needed to address infectious diseases, including drug-resistant infections and viruses. America is benefitting greatly from the early access to COVID-19 treatments and vaccines, saving lives and speeding economic recovery. Preserving U.S. leadership in biomedical innovation includes preserving the incentives that helped make it the world’s leader. A final downside of the waiver is the ability for American firms to find a cure for the next pandemic. Among the greatest threats is bacteria resistant to our current arsenal of antibiotics that becomes a pandemic-inducing superbug. Already, the market for new antimicrobials is broken. Only a handful of biotechs have them in development, and many have gone bankrupt trying to commercialize one. "A lot of people have rightly said we need to start thinking about preparing for the next pandemic now," noted Craig Garthwaite, a healthcare-business professor at Northwestern University. "Suspending IP for vaccine manufacturers would send exactly the wrong signal for the future." For the sake of patients everywhere, American IP rights must stay protected. It'[is] the only way to keep China at bay and American innovators at work.

#### 5] Patent waiver sets a dangerous precedent for appropriations – perception kills investment in warming prevention measures

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

The biotech industry is making remarkable advancestowards climate change solutions, and it is precisely for this reason that it can expect to be in the crosshairs of potential IP waiver discussions. President Biden is correct to refer to climate change as an existential crisis. Yet it does not take too much effort to connect the dots between President Biden’s focus on climate change and his Administration’s recent commitment to waive global IP rights for Covid vaccines (TRIPS IP Waiver). “This is a global health crisis, and the extraordinary circumstances of the COVID-19 pandemic call for extraordinary measures.” If an IP waiver is purportedly necessary to solve the COVID-19 global health crisis (and of course [we dispute this notion](https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/)), can we really feel confident that this or some future Administration will not apply the same logic to the climate crisis? And, without the confidence in the underlying IP for such solutions, what does this mean for U.S. innovation and economic growth? United States Trade Representative (USTR) [Katherine Tai](https://www.ipwatchdog.com/2021/05/05/tai-says-united-states-will-back-india-southafrica-proposal-waive-ip-rights-trips/id=133224/) was subject to questioning along this very line during a recent Senate Finance Committee hearing. And while Ambassador Tai did not affirmatively state that an IP waiver would be in the future for climate change technology, she surely did not assuage the concerns of interested parties. The United States has historically supported robust IP protection. This support is one reason the United States is the center of biotechnology innovation and leading the fight against COVID-19. However, a brief review of the domestic legislation arguably most relevant to this discussion shows just how far the international campaign against IP rights has eroded our normative position. The Clean Air Act, for example, contains a provision allowing for the mandatory licensing of patents covering certain devices for reducing air pollution. Importantly, however, the patent owner is accorded due process and the statute lays out a detailed process regulating the manner in which any such license can be issued, including findings of necessity and that no reasonable alternative method to accomplish the legislated goal exists. Also of critical importance is that the statute requires compensation to the patent holder. Similarly, the Atomic Energy Act contemplates mandatory licensing of patents covering inventions of primary importance in producing or utilizing atomic energy. This statute, too, requires due process, findings of importance to the statutory goals and compensation to the rights holder. A TRIPS IP waiver would operate outside of these types of frameworks. There would be no due process, no particularized findings, no compensationand no recourse. Indeed, the fact that the World Trade Organization (WTO) already has a process under the TRIPS agreement to address public health crises, including the compulsory licensing provisions, with necessary guardrails and compensation, makes quite clear that the waiver would operate as a free for all. Forced Tech Transfer Could Be on The Table When being questioned about the scope of a potential TRIPS IP waiver, Ambassador Tai invoked the proverb “Give a man a fish and you feed him for a day. Teach a man to fish and you feed him for a lifetime.” While this answer suggests primarily that, in times of famine, the Administration would rather give away other people’s fishing rods than share its own plentiful supply of fish (here: actual COVID-19 vaccine stocks), it is apparent that in Ambassador Tai’s view waiving patent rights alone would not help lower- and middle-income countries produce their own vaccines. Rather, they would need to be taught how to make the vaccines and given the biotech industry’s manufacturing know-how, sensitive cell lines, and proprietary cell culture media in order to do so. In other words, Ambassador Tai acknowledged that the scope of the current TRIPS IP waiver discussions includes the concept of forced tech transfer. In the context of climate change, the idea would be that companies who develop successful methods for producing new seed technologies and sustainable biomass**,** reducing greenhouse gases in manufacturing and transportation, capturing and sequestering carbon in soil and products, and more, would be required to turn over their proprietaryknow-how to global competitors. While it is unclear how this concept would work in practice and under the constitutions of certain countries, the suggestion alone could be devastating to voluntary internationalcollaborations. Even if one could assume that the United States could not implement forced tech transfer on its own soil, what about the governments of our international development partners? It is not hard to understand that a U.S.-based company developing climate change technologies would be unenthusiastic about partnering with a company abroad knowing that the foreign country’s government is on track – with the assent of the U.S. government – to change its laws and seize proprietary materials and know-how that had been voluntarily transferred to the local company. Necessary Investment Could Diminish Developing climate change solutions is not an easy endeavor and bad policy positions threaten the likelihood that they will materialize. These products have long lead times from research and development to market introduction, owing not only to a high rate of failure but also rigorous regulatory oversight. Significant investment is required to sustain and drive these challenging and long-enduring endeavors. For example, synthetic biology companies critical to this area of innovation [raised over $1 billion in investment in the second quarter of 2019 alone](https://www.bio.org/sites/default/files/2021-04/Climate%20Report_FINAL.pdf). If investors cannot be confident that IP will be in place to protect important climate change technologies after their long road from bench to market, it is unlikely they will continue to investat the current and required levels**.**

### Advantage

#### 1] Be highly skeptical of the all the COVID impacts – it’s been nearly 2 years and things have only gotten better with time with vaccines. Very unlikely it’s an existential threat.

#### 2] No warming extinction from COVID – industrial production has been at an all-time low for months on end but your ev says weeks is enough – obviously thumps and overestimates the effect of quarantine – 35% will prob neevr happen if it never happened

#### 3] No size of link to LIO impact – their ev is not nearly enough to get them to a broad collapse – their ev says that the second wave happened in fall of last year which means we’ve already lived out the worst effects of COVID. If the LIO can live through the era of Boris Johnson and Trump it can last another year or two through COVID

#### 4] No impact to the liberal order.

Graham Allison 18. Professor of Government at Harvard. “The Myth of the Liberal Order.” *Foreign Affairs* 97.4: 124-133

Among the debates that have swept the U.S. foreign policy community since the beginning of the Trump administration, alarm about the fate of the liberal international rules-based order has emerged as one of the few fixed points. From the international relations scholar G. John Ikenberry's claim that "for seven decades the world has been dominated by a western liberal order" to U.S. Vice President Joe Biden's call in the final days of the Obama administration to "act urgently to defend the liberal international order," this banner waves atop most discussions of the United States' role in the world. About this order, the reigning consensus makes three core claims. First, that the liberal order has been the principal cause of the so-called long peace among great powers for the past seven decades. Second, that constructing this order has been the main driver of U.S. engagement in the world over that period. And third, that U.S. President Donald Trump is the primary threat to the liberal order-and thus to world peace. The political scientist Joseph Nye, for example, has written, "The demonstrable success of the order in helping secure and stabilize the world over the past seven decades has led to a strong consensus that defending, deepening, and extending this system has been and continues to be the central task of U.S. foreign policy." Nye has gone so far as to assert: "I am not worried by the rise of China. I am more worried by the rise of Trump." Although all these propositions contain some truth, each is more wrong than right. The "long peace" was the not the result of a liberal order but the byproduct of the dangerous balance of power between the Soviet Union and the United States during the four and a half decades of the Cold War and then of a brief period of U.S. dominance. U.S. engagement in the world has been driven not by the desire to advance liberalism abroad or to build an international order but by the need to do what was necessary to preserve liberal democracy at home. And although Trump is undermining key elements of the current order, he is far from the biggest threat to global stability. These misconceptions about the liberal order's causes and consequences lead its advocates to call for the United States to strengthen the order by clinging to pillars from the past and rolling back authoritarianism around the globe. Yet rather than seek to return to an imagined past in which the United States molded the world in its image, Washington should limit its efforts to ensuring sufficient order abroad to allow it to concentrate on reconstructing a viable liberal democracy at home. CONCEPTUAL JELL-O The ambiguity of each of the terms in the phrase "liberal international rules-based order" creates a slipperiness that allows the concept to be applied to almost any situation. When, in 2017, members of the World Economic Forum in Davos crowned Chinese President Xi Jinping the leader of the liberal economic order-even though he heads the most protectionist, mercantilist, and predatory major economy in the world-they revealed that, at least in this context, the word "liberal" has come unhinged.

#### 5] China does not care about the WTO – can’t prevent US-China war. Other alliances solve. Their ev is terrible and just says nuke war is possible, not likely. Also means WTO doesn’t solve war and is not influential.

#### 6] WTO bad

#### A - Warming

#### WTO laws encourage countries to hamstring each other’s renewable subsidies – cements warming

Timothy **Meyer 18**, Professor of Law, Vanderbilt University Law School., Free Trade, Fair Trade, and Selective Enforcement, 118 Colum. L. Rev. 2, 491 (2018), <https://columbialawreview.org/content/free-trade-fair-trade-and-selective-enforcement/> ]//AAli

* counterveiling duties let countries offset subsidies
* dumping – producers sell imported goods for cheap which crowds out local companies – antidumping stops that

Both international and national trade rules apply to government financial support for products. Internationally, this Article focuses on WTO rules, which have been applied to government support for energy in several ways. The most direct way is through the WTO’s Agreement on Subsidies and Countervailing Measures (SCM Agreement), which allows nations to challenge discriminatory or injurious subsidies. The difficulty of succeeding on an SCM claim pushes governments to challenge other governments’ support for industry through generally applicable GATT rules. For example, discriminatory government-support measures may be more easily challenged under Article III of the GATT, which creates a nondiscrimination rule known as the national treatment (NT) obligation. GATT Article III provides that a nation may not treat foreign goods less favorably than it treats its own “like” products. Local content requirements—rules that condition a benefit, such as a subsidy, on use of locally produced materials or equipment—violate the NT rule. Six disputes have challenged government support for renewable energy directly before the WTO on SCM or NT grounds. In the most important such case, the WTO Appellate Body upheld a finding that Ontario (and therefore Canada) violated the NT obligation in its Feed-in Tariff Program. Under that program, electricity producers qualified for preferential rates from the government if they produced a certain amount of their electricity from renewable sources, provided that the equipment used to generate the renewable energy was manufactured in Ontario. The WTO’s Dispute Settlement Body (DSB) found that such a local content requirement violates the NT obligation by disadvantaging foreign products that compete with the locally produced goods. In 2016, the WTO Appellate Body upheld a similar finding about a local content requirement in India’s national solar support program in a case brought by the United States. The United States also challenged an allegedly discriminatory wind subsidy in China, although China agreed to remove the subsidy without further proceedings.National trade laws also allow governments to respond to “unfair” trading practices of other countries, most notably government support. These laws are known as “trade remedies.” Although trade remedies are imposed under national laws and do not require the WTO’s permission, the WTO has rules on their use. Hence, countries can challenge an­other nation’s imposition of trade remedies before the WTO. The two most relevant kinds of trade remedies are (1) countervail­ing duties and (2) antidumping duties. Countervailing duties offset the effects of subsidies by another government.117 ...Countervailing duties thus attack the same problem as the SCM Agreement (and, in fact, the SCM Agreement contains rules on countervailing duties).118 A government seeking to respond to a subsidy can thus either bring a WTO case directly under the SCM Agreement, or impose countervailing duties. Imposing countervailing duties requires findings similar to those necessary to make out an SCM claim, including the existence of a subsidy within the mean­ing of WTO rules.119 ...Significantly, however, those find­ings are made by the national government imposing the duties, rather than by a neutral international tribunal.120 ... Antidumping duties are more flexible than countervailing duties and can also respond to government subsidization. Dumping—the trig­ger, unsurprisingly, for the imposition of antidumping duties—involves a producer’s selling its good in the importing country at less than what the importing government considers “normal” value.121 ...Anti­dumping duties therefore target private conduct: the pricing decisions of firms.122 ...Governments have a great deal of flexibility, however, in how they calcu­late normal value.123 ...This flexibility allows governments to use antidump­ing duties to respond to prices that are artificially low due to another government’s financial support. Indeed, the original GATT pro­visions on antidumping and countervailing duties recognized that either could be imposed in response to the same underlying set of facts.124 ... Yet a third kind of trade remedy, rarely used, is that of safeguards. In January 2018, President Trump imposed thirty percent tariffs on solar cells imported into the United States pursuant to a safeguards investiga­tion. Unlike antidumping and countervailing duties, safeguards do not require a finding that another country (or its producers) has behaved unfairly.125 Instead, safeguards focus entirely on the degree of injury to the domestic producer.126 In February 2018, China and the EU chal­lenged the United States’ imposition of safeguards before the WTO. As this Article goes to print, this case remains in its infancy.127 Returning to the disputes described in Table 1, eighteen of the remaining nineteen disputes involve the national application of trade remedies. These disputes target solar, wind, and biofuel products. This wide range of products, spanning the renewable energy sector, demonstrates countries’ willingness to use trade law to challenge gov­ernment support for different sources of renewable energy with roots in different areas of the economy. Solar and wind energy, for instance, tend to be manufacturing industries, while the biofuel industry is grounded in agriculture. Only three of these disputes have made it to the WTO. In one of these cases, China prevailed in a challenge to the United States’ imposition of countervailing duties on a number of products, including solar panels and wind turbines. In the other two disputes, Argentina and Indonesia each challenged the EU’s imposition of antidumping duties on biodiesel fuels, which are fuels made from plant and animal fats that emit fewer greenhouse gases than fossil fuels.131 ...These disputes are at the heart of a broader trade war over biofuels that includes not only these three countries, but also Australia, China, Peru, and the United States.132 In contrast to this robust history of challenges to renewable energy, not a single case has ever been brought before the GATT or WTO directly challenging government support for fossil fuels on either SCM or NT grounds.133 ...In terms of trade remedies, the EU imposed antidumping duties on a range of Russian products, such as steel and ammonium ni­trate, partly on the grounds that Russia subsidizes energy consumption.134 ...Notably, though, these antidumping duties were not imposed directly in response to energy subsidies. Rather, they were imposed on energy-intensive downstream products that presumably benefit from such subsi­dies.135 ...Russia currently has a challenge to the use of antidumping duties in this way pending at the WTO.136 Nor does this absence of disputes against fossil fuels stem from any systematic differences between fossil fuel subsidies and renewable energy subsidies. To be sure, some have alleged that fossil fuel subsidies are systematically different from renewable energy subsidies. This claim rests in part on the existence of local content requirements in renewable energy subsidies and in part on the claim that fossil fuel subsidies are structured in ways that are less amenable to challenge under the SCM Agreement.138 In fact, however, local content requirements are rampant in the fossil fuel sector as well. A 2013 World Bank study identified local content policies supporting the fossil fuel sector in forty-eight nations.139 ...Moreover, if renewable energy subsidies were systematically more suscep­tible to challenge under the SCM Agreement, we would expect to see nations regularly relying on the SCM Agreement to bring their renewa­ble energy challenges. Yet as Table 1 attests, the SCM Agreement is used only rarely to challenge renewable energy subsidies. This strongly suggests that the structures of the subsidies are not driving the rate of challenge. Disputes over government support for the energy sector thus show a clear trend. Governments are willing to use WTO rules to challenge other governments’ financial support for renewable energy, but not for fossil fuels, despite the fact that support for fossil fuels is many times that for renewable energy.140 As Parts III and IV explain, this selective enforce­ment magnifies the discrepancy in subsidization between fossil fuels and renewable energy. In doing so, selective enforcement reinforces the market dominance of increasingly scarce and environmentally harmful fossil fuels.

#### Warming causes extinction – positive feedback loops means adaptation is impossible

Ng ’19 [Yew-Kwang; May 2019; Professor of Economics at Nanyang Technology University, Fellow of the Academy of Social Sciences in Australia and Member of the Advisory Board at the Global Priorities Institute at Oxford University, Ph.D. in Economics from Sydney University; Global Policy, “Keynote: Global Extinction and Animal Welfare: Two Priorities for Effective Altruism,” vol. 10, no. 2, p. 258-266; RP]

Catastrophic climate change

Though by no means certain, CCC causing global extinction is possible due to interrelated factors of non‐linearity, cascading effects, positive feedbacks, multiplicative factors, critical thresholds and tipping points (e.g. Barnosky and Hadly, [2016](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0005); Belaia et al., [2017](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0008); Buldyrev et al., [2010](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0016); Grainger, [2017](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0027); Hansen and Sato, [2012](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0029); IPCC [2014](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0031); Kareiva and Carranza, [2018](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0033); Osmond and Klausmeier, [2017](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0056); Rothman, [2017](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0066); Schuur et al., [2015](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0069); Sims and Finnoff, [2016](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0072); Van Aalst, [2006](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0079)).[7](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-note-1009_67)

A possibly imminent tipping point could be in the form of ‘an abrupt ice sheet collapse [that] could cause a rapid sea level rise’ (Baum et al., [2011](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0006), p. 399). There are many avenues for positive feedback in global warming, including:

* the replacement of an ice sea by a liquid ocean surface from melting reduces the reflection and increases the absorption of sunlight, leading to faster warming;
* the drying of forests from warming increases forest fires and the release of more carbon; and
* higher ocean temperatures may lead to the release of methane trapped under the ocean floor, producing runaway global warming.

Though there are also avenues for negative feedback, the scientific consensus is for an overall net positive feedback (Roe and Baker, [2007](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0065)). Thus, the Global Challenges Foundation ([2017](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0026), p. 25) concludes, ‘The world is currently completely unprepared to envisage, and even less deal with, the consequences of CCC’.

The threat of sea‐level rising from global warming is well known, but there are also other likely and more imminent threats to the survivability of mankind and other living things. For example, Sherwood and Huber ([2010](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0071)) emphasize the adaptability limit to climate change due to heat stress from high environmental wet‐bulb temperature. They show that ‘even modest global warming could … expose large fractions of the [world] population to unprecedented heat stress’ p. 9552 and that with substantial global warming, ‘the area of land rendered uninhabitable by heat stress would dwarf that affected by rising sea level’ p. 9555, making extinction much more likely and the relatively moderate damages estimated by most integrated assessment models unreliably low.

While imminent extinction is very unlikely and may not come for a long time even under business as usual, the main point is that we cannot rule it out. Annan and Hargreaves ([2011](https://onlinelibrary-wiley-com.proxy.lib.umich.edu/doi/full/10.1111/1758-5899.12647#gpol12647-bib-0004), pp. 434–435) may be right that there is ‘an upper 95 per cent probability limit for S [temperature increase] … to lie close to 4°C, and certainly well below 6°C’. However, probabilities of 5 per cent, 0.5 per cent, 0.05 per cent or even 0.005 per cent of excessive warming and the resulting extinction probabilities cannot be ruled out and are unacceptable. Even if there is only a 1 per cent probability that there is a time bomb in the airplane, you probably want to change your flight. Extinction of the whole world is more important to avoid by literally a trillion times.

#### B – Overfishing

#### Encourages overfishing which kills food security

Timothy **Meyer 18**, Professor of Law, Vanderbilt University Law School., Free Trade, Fair Trade, and Selective Enforcement, 118 Colum. L. Rev. 2, 491 (2018), <https://columbialawreview.org/content/free-trade-fair-trade-and-selective-enforcement/> ]//AAli

A remarkably similar story plays out in the world of fish. Seafood is the highest traded food commodity by value in the world.141 It is central to the livelihood and food security of billions of people; indeed, over three billion people rely on fish as their primary source of protein.142 Like energy, fish can be divided into natural resources that must be captured (wild fish) and substitute resources that are largely “manufactured” (fish produced through aquaculture, also called farmed fish). Fishing nations have for years granted huge subsidies to their fishing fleets to capture wild fish.143 The result has been widespread overfishing, leading to dangerously low stocks of certain breeds of fish.144 Aquaculture seeks to provide an alternative to wild stocks—allowing wild stocks to recover—while also achieving greater efficiency than fishing fleets.145 Yet just as nations do not enforce trade laws against subsidies for traditional fossil energy, nations do not invoke trade rules to challenge subsidies for wild fishing. Instead, nations—most notably the United States—regularly invoke trade rules to challenge government support for aquaculture. Just as in the energy sector, no WTO member to date has ever directly challenged another WTO member’s financial support for fisheries before the WTO under either the SCM Agreement or the GATT’s gener­ally applicable measures. But while governments are reluctant to bring fisheries support cases directly to the WTO, they have few qualms about challenging such support through national trade remedies. The UN Food and Agriculture Organization (FAO) notes that “[t]he only cases so far in international trade related to subsidies and fish exports stem from aquaculture.”147 In other words, trade rules on govern­ment support are enforced exclusively against farmed fish. Nine WTO fisheries disputes challenged the imposition of anti­dumping and countervailing duties.148 Seven of these disputes challenged the United States’ imposition of trade remedies on shrimp from Asian and South American countries.149 An eighth case challenged the United States’ imposition of duties on Chilean salmon. 150 See infra Table 2. In the lone WTO dispute in which the United States is not the respondent, Norway challenged the European Union’s imposition of duties on salmon.151 At least seven other domestic investigations in the United States and Europe have resulted in the imposition of domestic trade remedies that have not been challenged before the WTO.152 Sometimes, trading partners employ trade remedies explicitly against farmed fish. In 2006, the EU imposed antidumping duties on farmed salmon from Norway.173 In announcing the antidumping duties, the European Commission noted that “Norway decided in the early 1990s that, like oil, farmed fish is of strategic economic importance and this sector received considerable financial, organisational, political and research support from the Norwegian state.”174 As a result of this subsidization, both the United States and the EU imposed trade reme­dies in the 1990s against Norwegian salmon.175 In its WTO case challenging the EU’s imposition of trade remedies, Norway noted that the 2006 antidumping measures were a de facto continuation of the anti­dumping and countervailing duties the EU had imposed since the 1990s.176 Indeed, the European Commission itself suggested this connec­tion in its order imposing the duties.177 The Commission found that viola­tions of the earlier antidumping and antisubsidy measures meant that EU producers had never been able to compete on cost with Norwegian producers, leading in part to the difficulties European pro­ducers faced in the mid-2000s.178 Most other trade remedies cases do not formally distinguish between farmed fish and wild fish. Farmed salmon and wild salmon, for example, might be considered “like” products and thus fall within the same trade remedies investigation.179 Nevertheless, as Professor Frank Asche, a noted marine economist, has pointed out, the “dumping of seafood has been a WTO concern primarily in relation to aquaculture.”180 The reason is that in the WTO era, the extraordinary growth in global fish production has been primarily the result of aquaculture.181 Indeed, the World Wildlife Fund reports that “[s]almon aquaculture is the fastest growing food pro­duction system in the world—accounting for 70 percent . . . of the market.”182 This increase in production from aquaculture puts downward pressure on “dockside” prices—prices paid to fishermen183 —for wild caught fish, especially in developed countries like the United States and the members of the EU.184 U.S. antidumping investigations into shrimp illustrate why aquacul­ture has been the primary target of antidumping duties. World exports of shrimp more than quadrupled between 1980 and 2005, but the inflation-adjusted value of such shrimp only slightly more than dou­bled.185 The result was a more than 50% decrease in the real price of shrimp in those twenty-five years, owing primarily to increased shrimp farming.186 More­over, estimates put almost 90% of fish farming in Asia.187 This dramatic growth in supply created significant hardship for American shrimpers, especially along the Gulf of Mexico.188 Indeed, some have compared the outsourcing of the American shrimp industry to outsourcing in other sectors such as textiles or manufacturing.189 In 1985, the U.S. International Trade Commission (ITC) evaluated the shrimp sector for possible action.190 Increases in overseas shrimp farm­ing prompted a complaint from southeastern U.S. shrimp harvesters alleging that foreign governments provided financial assistance to shrimp farmers, hurting the domestic shrimp harvesters.191 The ITC declined to impose antidumping duties at that time. But in 2003 the Southern Shrimp Alliance filed another petition seeking antidumping duties against shrimp from six countries: Brazil, China, Ecuador, India, Thailand, and Vietnam.192 In 2005, following an investigation, the United States imposed anti­dumping duties against the six countries. In its finding, the ITC empha­sized two points about the imports. First, the ITC noted that “[i]mports from subject countries include both farmed and wild-caught warmwater shrimp. However, production of farmed warmwater shrimp plays a much more important role in subject country production than in U.S. production.”193 Second, the ITC found that foreign shrimp producers benefit from “substantial government assistance.”194 Offsetting this government sup­port seems to have been at least part of the motive for the 2005 U.S. anti­dumping duties on shrimp. These antidumping duties alone pro­duced four WTO disputes.195 The growth, and government support, of aquaculture have thus driven trade remedies cases and associated WTO disputes. Beyond shrimp and salmon, the United States and the European Union have im­posed trade remedies on Vietnamese catfish,196 Chinese crawfish tails,197 Norwegian trout,198 and Turkish trout,199 among others. Trade disputes centered on wild-caught fish are conspicuously absent. Despite all this activity surrounding aquaculture, governments have not formally challenged one another’s considerably more extensive sup­port for wild fisheries. To be sure, the WTO has been the site of more comprehensive efforts to deal with government support for wild fisheries. Indeed, the regulation of fisheries subsidies has been a hot topic in trade negotiations since the 1980s.200 During the Uruguay Round, which led to the creation of the WTO, countries debated how best to regulate fisher­ies subsidies.201 Ultimately, they elected to exclude fisheries from the Agreement on Agriculture.202 Fisheries subsidies are governed, though, by the general subsidy rules in the SCM Agreement.203 This fact alone makes the absence of wild-fisheries challenges puzzling. Nations wish to reform fisheries subsidies, but are unwilling to use existing rules and the dispute-settlement process to do so.204

#### Extinction

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The United States faces many threats to our National Security. These threats include continuing wars with extremist elements such as ISIS and potential wars with rogue state North Korea or regional nuclear power Iran. The heated economic and diplomatic competition with Russia and a surging China could spiral out of control. Concurrently, we face threats to our future security posed by growing civil strife, famine, and refugee and migration challenges which create incubators for extremist and anti-American government factions. Our response cannot be one dimensional but instead must be a nuanced and comprehensive National Security Strategy combining all elements of National Power including a Food Security Strategy. An American Food Security Strategy is an imperative factor in reducing the multiple threats impacting our National wellbeing. Recent history has shown that reliable food supplies and stable prices produce more stable and secure countries. Conversely, food insecurity, particularly in poorer countries, can lead to instability, unrest, and violence. Food insecurity drives mass migration around the world from the Middle East, to Africa, to Southeast Asia, destabilizing neighboring populations, generating conflicts, and threatening our own security by disrupting our economic, military, and diplomatic relationships. Food system shocks from extreme food-price volatility can be correlated with protests and riots. Food price related protests toppled governments in Haiti and Madagascar in 2007 and 2008. In 2010 and in 2011, food prices and grievances related to food policy were one of the major drivers of the Arab Spring uprisings. Repeatedly, history has taught us that a strong agricultural sector is an unquestionable requirement for inclusive and sustainable growth, broad-based development progress, and long-term stability. The impact can be remarkable and far reaching. Rising income, in addition to reducing the opportunities for an upsurge in extremism, leads to changes in diet, producing demand for more diverse and nutritious foods provided, in many cases, from American farmers and ranchers. Emerging markets currently purchase 20 percent of U.S. agriculture exports and that figure is expected to grow as populations boom. Moving early to ensure stability in strategically significant regions requires long term planning and a disciplined, thoughtful strategy. To combat current threats and work to prevent future ones, our national leadership must employ the entire spectrum of our power including diplomatic, economic, and cultural elements. The best means to prevent future chaos and the resulting instability is positive engagement addressing the causes of instability before it occurs. This is not rocket science. We know where the instability is most likely to occur. The world population will grow by 2.5 billion people by 2050. Unfortunately, this massive population boom is projected to occur primarily in the most fragile and food insecure countries. This alarming math is not just about total numbers. Projections show that the greatest increase is in the age groups most vulnerable to extremism. There are currently 200 million people in Africa between the ages of 15 and 24, with that number expected to double in the next 30 years. Already, 60% of the unemployed in Africa are young people. Too often these situations deteriorate into shooting wars requiring the deployment of our military forces. We should be continually mindful that the price we pay for committing military forces is measured in our most precious national resource, the blood of those who serve. For those who live in rural America, this has a disproportionate impact. Fully 40% of those who serve in our military come from the farms, ranches, and non-urban communities that make up only 16% of our population. Actions taken now to increase agricultural sector jobs can provide economic opportunity and stability for those unemployed youths while helping to feed people. A recent report by the Chicago Council on Global Affairs identifies agriculture development as the core essential for providing greater food security, economic growth, and population well-being. Our active support for food security, including agriculture development, has helped stabilize key regions over the past 60 years. A robust food security strategy, as a part of our overall security strategy, can mitigate the growth of terrorism, build important relationships, and support continued American economic and agricultural prosperity while materially contributing to our Nation’s and the world’s security

to shed new insights into how raising costs affects deterrence and coercive bargaining in other contexts.