# 1NC v. Elaine Meadows Round 1

## 1

### DA

#### Climate Patents and Innovation high now and solving Warming but COVID waiver sets a dangerous precedent for appropriations - the mere threat is sufficient is enough to kill investment.

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

The biotech industry is making remarkable 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**.**

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

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

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

#### Climate change destroys the world – cross apply their 1AC Sprat evidence

## 2

### T

#### 1] Interpretation - Reduce means permanent reduction – it’s distinct from “waive” or “suspend.”

**Reynolds 59** (Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959, lexis)

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway.  [\*\*\*13] The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

#### Waiver is temporary.

Green 5/6 [Andrew Green (Devex Contributing Reporter based in Berlin, his coverage focuses primarily on health and human rights and he has previously worked as Voice of America's South Sudan bureau chief and the Center for Public Integrity's web editor). “US backs waiver for intellectual property rights for COVID-19 vaccines”. Devex. 06 May 2021. Accessed 7/31/2021. <https://www.devex.com/news/us-backs-waiver-for-intellectual-property-rights-for-covid-19-vaccines-99847> //Xu]

In a stunning reversal, U.S. President Joe Biden’s administration came out in favor of waiving intellectual property protections for COVID-19 vaccines Wednesday. The move follows months of U.S. opposition that began under former President Donald Trump to a proposal from South Africa and India to temporarily set aside intellectual property rights around products that would protect, contain, and treat COVID-19. Its supporters have argued that the proposal, first tabled at the World Trade Organization in October and now backed by more than 100 countries, is necessary to expand vaccine production and overcome global shortages.

#### Their Waiver is temporary – their own solvency advocate

**1AC WTO Communication 20**

(Communication from India and South Africa to the WTO Council for Trade-Related Aspects of Intellectual Property Rights. "WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19." 10-02-2020, https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&amp;Open=True)

9. There are several reports about intellectual property rights hindering or potentially hindering timely provisioning of affordable medical products to the patients.3 It is also reported that some WTO Members have carried out urgent legal amendments to their national patent laws to expedite the process of issuing compulsory/government use licenses. 10. Beyond patents, other intellectual property rights may also pose a barrier, with limited options to overcome those barriers. In addition, many countries especially developing countries may face institutional and legal difficulties when using flexibilities available in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). A particular concern for countries with insufficient or no manufacturing capacity are the requirements of Article 31bis and consequently the cumbersome and lengthy process for the import and export of pharmaceutical products. 11. Internationally, there is an urgent call for global solidarity, and the unhindered global sharing of technology and know-how in order that rapid responses for the handling of COVID-19 can be put in place on a real time basis. 12. In these exceptional circumstances, **we request that the Council for TRIPS recommends, as early as possible, to the General Council a waiver from the implementation, application and enforcement of Sections 1, 4, 5, and 7 of Part II of the TRIPS Agreement in relation to prevention, containment or treatment of COVID-19. 13. The waiver should continue until widespread vaccination is in place globally, and the majority of the world's population has developed immunity hence we propose an initial duration of [x] years from the date of the adoption of the waiver.** 14. We request that the Council for TRIPS urgently recommends to the General Council adoption of the annexed decision text.

#### 2] Violation – the plan waives intellectual property protections “during pandemics”, which is an suspension – don’t let them get We Meets since their Plan defends a waiver.

#### 3] Vote neg for limits and neg ground – re-instatement under any infinite number of conditions doubles aff ground – every plan becomes either temporary or permanent – you cherry-pick the best criteria and I must prep every aff while they avoid core topic discussions like reduction-based DAs which decks generics like Pharma Innovation and Bio-Tech.

#### 4] TVA solves – permanently reduce COVID patents.

#### 5] Paradigm Issues –

#### a] Drop the Debater – 1] It’s the only way to may up for time spent on theory 2] It’s the only way to deter future abuse

#### b] Use Competing Interps – 1] Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation 2] It collapses since weighing between brightlines rely on offense defense

#### c] No RVI’s - 1] Forces the 1NC to go all-in on Theory which kills substance education, 2] Encourages Baiting since the 1AC will purposely be abusive, and 3] Illogical – you shouldn’t win for not being abusive.

## 3

### Theory

#### Interp – affs must specify intellectual property in a delineated text in the 1AC. To clarify, you can defend whole rez but you just have to specify what IP is.

#### IP is flexible and has too many interps – normal means shows no consensus and makes the round irresolvable since the judge doesn’t know how to compare between types of offense and OW since it’s a side constraint on decision making.

Saha and Bhattacharya 11 [Chandra Nath Saha (Quality Assurance Department, Claris Lifesciences Ltd) and Sanjib Bhattacharya (Pharmacognosy Division, Bengal School of Technology, A College of Pharmacy). “Intellectual property rights: An overview and implications in pharmaceutical industry”. Journal of Advanced Pharmaceutical Technology Research. 2011 Apr-Jun; 2(2): 88–93. Accessed 7/30/21. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3217699/> //Xu]

It is obvious that management of IP and IPR is a multidimensional task and calls for many different actions and strategies which need to be aligned with national laws and international treaties and practices. It is no longer driven purely by a national perspective. IP and its associated rights are seriously influenced by the market needs, market response, cost involved in translating IP into commercial venture and so on. In other words, trade and commerce considerations are important in the management of IPR. Different forms of IPR demand different treatment, handling, planning, and strategies and engagement of persons with different domain knowledge such as science, engineering, medicines, law, finance, marketing, and economics. Each industry should evolve its own IP policies, management style, strategies, etc. depending on its area of specialty. Pharmaceutical industry currently has an evolving IP strategy. Since there exists the increased possibility that some IPR are invalid, antitrust law, therefore, needs to step in to ensure that invalid rights are not being unlawfully asserted to establish and maintain illegitimate, albeit limited, monopolies within the pharmaceutical industry. Still many things remain to be resolved in this context.

#### Violation – you don’t.

#### Prefer –

#### 1] Stable Advocacy – they can redefine in the 1AR to wriggle out of DA’s which kills high-quality engagement and becomes two ships passing in the night – triggers presumption since the aff wasn’t subject to well researched scrutiny. We lose access to nuclear deterrence DA’s, Innovation DA’s, basic case turns, and core process counter plans that have different definitions and 1NC pre-round prep.

#### 2] Ground – not defining hurts my strategy since they can shift out as I ask DA questions, so I err on the side of caution and read generics which get destroyed by AC frontlines.

#### 3] Real World – policy makers will always define the entity that they are prohibiting. It also means zero solvency, absent spec, actors circumvent since there’s no specific object of the plan and means their solvency can’t actualize.

#### IP spec isn’t regressive or arbitrary – its core topic lit for what happens when the aff is implemented and cannot be discounted from prohibition policies that require enforcement to function.

## 4

### CP

#### CP Text Resolved: The member nations of the World Trade Organization ought to reduce intellectual property protections for COVID-19 medicines.

#### Prefer:

#### 1] COVID is capitalized.

#### A] Their own solvency advocate uses capitalized COVID

#### 1AC WTO Communication 20

(Communication from India and South Africa to the WTO Council for Trade-Related Aspects of Intellectual Property Rights. "WAIVER FROM CERTAIN PROVISIONS OF THE TRIPS AGREEMENT FOR THE PREVENTION, CONTAINMENT AND TREATMENT OF COVID-19." 10-02-2020, https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&amp;Open=True)

9. There are several reports about intellectual property rights hindering or potentially hindering timely provisioning of affordable medical products to the patients.3 It is also reported that some WTO Members have carried out urgent legal amendments to their national patent laws to expedite the process of issuing compulsory/government use licenses. 10. Beyond patents, other intellectual property rights may also pose a barrier, with limited options to overcome those barriers. In addition, many countries especially developing countries may face institutional and legal difficulties when using flexibilities available in the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement). A particular concern for countries with insufficient or no manufacturing capacity are the requirements of Article 31bis and consequently the cumbersome and lengthy process for the import and export of pharmaceutical products. 11. Internationally, there is an urgent call for global solidarity, and the unhindered global sharing of technology and know-how in order that rapid responses for the handling of COVID-19 can be put in place on a real time basis. 12. In these exceptional circumstances, **we request that the Council for TRIPS recommends, as early as possible, to the General Council a waiver from the implementation, application and enforcement of Sections 1, 4, 5, and 7 of Part II of the TRIPS Agreement in relation to prevention, containment or treatment of COVID-19. 13. The waiver should continue until widespread vaccination is in place globally, and the majority of the world's population has developed immunity hence we propose an initial duration of [x] years from the date of the adoption of the waiver.** 14. We request that the Council for TRIPS urgently recommends to the General Council adoption of the annexed decision text.

#### B] Key for policy action – theirs is for newspapers and not usable

Dictionary.com [“COVID-19”. Dictionary.com. No date. Accessed 10/30/21. <https://www.dictionary.com/browse/covid-19> //Xu]

COVID-19 (all capital letters) is the spelling used internationally by scientific and medical professionals and their related organizations, which corresponds with the American convention of capitalizing an acronym such as AIDS or SARS. However, Covid-19 (spelled like a proper noun with an initial capital letter followed by lowercase letters) is the less obtrusive form used by several prominent media, such as The New York Times and The Times of London. And it is not uncommon to see both forms shortened to just COVID or Covid, respectively. The lowercase form covid is considerably less common in edited text.

#### 2] They don’t use the world resolved – it comes before a policy option.

**Parcher:** [Jeff, Fmr. Debate Coach at Georgetown University, February, <http://www.ndtceda.com/archives/200102/0790.html>]

(1) Pardon me if I turn to a source besides Bill. **American Heritage Dictionary:** Resolve**:** 1. To make a firm decision about. 2**. To decide** or express **by** formal **vote.** 3. To separate something into constituent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Frimness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statemnt of a deciion, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconcievable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, **the topic community** attempts to **craft[s] a resolution which can be ANSWERED in either direction.** They focus on issues like ground and fairness **because** they know **the resolution will serve as the basis for debate** which will be resolved by determining the policy desireablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the prelimanary wording of a resolution sent to others to be answered or decided upon. (4) Further context: **the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body.** Should this statement be adopted or not. **(**5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### That Outweighs

#### [1] Presumption—no offense can be garnered if the plan isn’t implementable—presume neg since aff has the proactive burden of proving the resolution true

#### [2] Incentivizes being more careful in designing plans which is more educational and key to real-world education since the plan could never happen so there’s no point in debating it

#### 3] Precision—typos increase the chance of legal misinterpretation and leads to government ineffectiveness—turns case

Fennell n.d. (Cameron Fennell, n.d., “THE HIGH COST OF SMALL MISTAKES: THE MOST EXPENSIVE TYPOS OF ALL TIME,” Six Degrees, <https://www.six-degrees.com/the-high-cost-of-small-mistakes-the-most-expensive-typos-of-all-time/)> MBB

#### In the process of drafting legal language, including contracts and other business documents, the correct use of spelling, grammar and punctuation is absolutely essential to communicate specific concepts with enough precision so that a literal interpretation leaves no room for ambiguity. This is especially important in an age when any exchange of information on any platform or in any format – including internal office documents, emails, instant messages and even social media postings – has the ability to become a legally enforceable contract, play a role in pending litigation or be claimed as evidence in a criminal investigation. A typographical mistake in legal language can overturn a court decision, prejudice a judge, dismiss a complaint, disqualify a confession or even release a prisoner on the basis of a technicality. In one noteworthy example, a man convicted of murder in Florida was sentenced to death when a typographical mistake in the written instructions to the jury during the penalty phase of the trial created confusion over sentencing options and parole eligibility. The sentence was later reversed following 11 years of appeals at a cost of hundreds of thousands of dollars to taxpayers. The primary purpose of punctuation, especially in legal language, is to make complicated principles easier to understand. Misplaced punctuation can have serious consequences when it produces unintentional meanings, misunderstandings or multiple interpretations that may not be consistent with the original purposes of the authors. The ambiguity created by inconsistent punctuation has even resulted in recent attempts by historians to rewrite history by challenging the meanings of historic documents in ways that may misconstrue the intentions of the Founding Fathers. One professor made headlines by proposing that a period in the official transcription of the Declaration of Independence was actually inscribed as a comma in the original manuscript – with the implication being that this “typo” has led to centuries of “serious misunderstanding” about the role of government as it relates to the protection of individual liberties. The use of punctuation by the framers of the constitution has also led some scholars to dispute the conventional reading of the Second Amendment by focusing on the inconsistent placement of commas in the original language of the Bill of Rights.

## Case

### 1NC – AT: Solvency

#### Aff gets circumvented by powerful countries.

DC = developing country

NIT = Net Importers of Technology (this references developing countries)

NET = Net Exporters of Technology (countries with advanced economies)

Marcellin 16 Marcellin, Sherry (Professor, London School of Economics). The political economy of pharmaceutical patents: US sectional interests and the African Group at the WTO. Routledge, 2016./SJKS

In July 1988, prior to the Montreal Mid-Term Review, DCs had sensed that the approach being proposed by industrialised countries was desirable on the grounds that the alternative would be a proliferation of unilateral or bilateral actions (MTN.GNG/NG11/8: 31). These NITs maintained that acceptance of such an approach would be tantamount to creating a licence to force, in the name of trade, modifications in standards for the protection of IP in a way that had not been found acceptable or possible so far in WIPO (ibid). Brazil subsequently informed the Group that on October 20, 1988, unilateral restrictions had been applied by the US to Brazilian exports as a retaliatory measure in connection with an IP issue; that this type of action seriously inhibited Brazil’s participation in the work of the Group, since ‘no country could be expected to participate in negotiations while experiencing pressures on the substance of its position’ (MTN.GNG/NG11/10: 27). The Brazilian delegate maintained that such action by the US constituted a blatant infringement of GATT rules and was contrary to the Standstill commitment of the Punta del Este Declaration. ‘The United States action was an attempt to coerce Brazil to change its intellectual property legislation, and furthermore represented an attempt by the United States to improve its negotiating position in the Uruguay Round’ (ibid). A US delegate countered that the measures had been taken with regret and as a last resort after all alternative ways of defending legitimate US interests had been exhausted, and that the US further believed that the adoption of effective patent protection was in Brazil’s own interest (ibid: 28). The US had therefore applied its strategy of coercive unilateralism against one of the two most important players championing the cause of the South in the TRIPS negotiations, the other being India. Apprehensive about the resistance of this dominant Southern duo, the United States sought to utilise its market size as a bargaining tool to secure changes to national IP regimes. It therefore decided to impact the more powerful of the two at the time, thereby indirectly admonishing India and the entire coalition against strengthened IP rules, as well as their domestic export constituencies who would be affected by US decisions to restrict imports. Moreover, because Brazil and India appeared to be collaborating extensively in maintaining a united front, a resulting strain on Brazil’s economy would likely affect their co-operation. However, since market opening and closure have been treated as the currency of trade negotiations in the post-war period (Steinberg 2002: 347), the move to place restrictions on Brazilian exports by the largest consumer market in the GPE should not have been entirely unanticipated. Brazil was also the regional leader in South America and disciplining it would send an unequivocal warning to other South American countries (Drahos and Braithwaite 2002: 136), including Argentina, Chile and Peru who were also active participants in the negotiations. This would mark the start of a series of coercive strategies aimed at compliance with the US private-sector envisioned GATT IPP.

#### Circumvention – WTO doesn’t have the jurisdiction to pass the TRIPS waiver. Specifically turns case – passing the plan takes enough time to trigger their impacts

* Process takes 5 years and the 18 months to get a report

Patnaik 21 [Priti; 3/12/21; Founding Editor, Geneva Health Files; “Could Vaccine Nationalism Spur Disputes At The WTO; TRIPS Waiver Talks Update,” Geneva Health Files, <https://genevahealthfiles.substack.com/p/could-vaccine-nationalism-spur-disputes>] Justin

Hi, From the view on the street in Geneva, pandemic policy-making is unmistakably being shaped at the World Trade Organization, riding on the momentum generated when Director-General Ngozi took office earlier this month. After speaking on her first day at work at the General Council meeting earlier this month, her interventions on addressing the trade aspects of fighting the pandemic have been swift. She also spoke at the COVID-19 Vaccines Manufacturing Summit earlier this week. Alongside the political discussions on the TRIPS waiver, a few countries have come together asking her direct intervention to alleviate production shortages of vaccines by engaging with the industry. We bring all this for you, and more in this edition. In our story this week, we explore the possibility of whether vaccine nationalism can result in disputes at the WTO. The opinion on this divided. However, we would not be surprised if commercial and political interests eventually far outweigh the public health implications of such potential disputes. We also bring you a brief update on the TRIPS waiver discussions at the TRIPS Council meeting at WTO from earlier this week. Seasoned watchers believe that the waiver might just be able to get a critical mass of support. Stay tuned, it is going to get interesting and not pretty. Vacuous statements on solidarity that we have witnessed from political leaders might finally translate into some real meaning in the coming weeks and months. Read these stories collectively. One leads to the other. It has been interesting to report on the pandemic with issues simultaneously straddling these different worlds of health and trade. In other news from us, happy to share that Geneva Health Files participated in this report on how the institutions of International Geneva responded to policy-making for the pandemic. (“Covid-19: Que Fait La Genève Internationale? by Annick Chevillot) Finally, we continue to be encouraged by the steadily growing numbers of our supporters. We are making it work because of you. Thank you. Do spread the word around and let your tribe grow! Please note that we are making an exception and will make this exclusive edition public after a few days, to accommodate regular readers who are in the process of making a transition into paid subscriptions. Thank you for understanding. Until next week! Best, Priti Write to us: patnaik.reporting@gmail.com or genevahealthfiles@protonmail.com; Follow us on Twitter: @filesgeneva 1. Story of the week WILL VACCINE NATIONALISM LEAD TO WTO DISPUTES? Experts believe that the solution to vaccine nationalism is not filing disputes, but negotiations. But lawyers anticipate disputes even if filed simply for political leverage. Vaccine nationalism, a condition that has flourished during COVID-19, is loosely understood as the tendency of countries to hoard vaccines. But protectionist trade practices of hoarding medical supplies began as soon as the pandemic hit. This is now taking a serious turn with export restriction measures adopted by some countries. This could lead to a real possibility of countries taking the legal route to file disputes at the WTO, even if only for political leverage, experts say. Geneva Health Files spoke to legal experts, lawyers and delegations of some countries for this story. Will rising protectionism to address the pandemic relate to a rash of WTO disputes? Yes and no, depending on who you speak to. Earlier this week, Ngozi Okonjo-Iweala, WTO DG, said that 59 members and 7 observers, had some pandemic-related export restrictions or licensing requirements in place at the end of February, primarily for personal protective equipment. She pointed out that these figures were lower than the 91 countries that had brought in such measures over the past year. Image Credit: Photo by Anete Lusina from Pexels EU-AUSTRALIA When EU announced measures for export authorization earlier this year, amidst prevailing conditions of scarcity of vaccines production, it was met with near-ubiquitous criticism. Our interest was piqued when Italy decided to block export of AstraZeneca vaccine doses to Australia. It is understood that Australia had discussed these concerns with DG Ngozi. It was reported that Australia intended to work with other countries including Canada, Japan, Norway and New Zealand, “to pressure European officials in Brussels as a group.” We reached out to the Australian Permanent Mission to the WTO in Geneva, to find out if the country had plans to file a dispute. In response to our question on whether there has been any formal consideration at this stage to file a WTO dispute against the EU, a spokesperson of the mission answered in the negative. “Australia intends to work cooperatively with like-minded states, including the EU, to deliver vaccines as a global good. Our view is that vaccines should not be subject to restrictive trade measures,” the spokesperson told Geneva Health Files. We were also told that Australia’s Minister for Trade, Dan Tehan had spoken to the EU Trade Commissioner Valdis Dombrovkis on Australia’s approach. The spokesperson also confirmed that the minister had spoken to the WTO DG on the matter. Does this mean we will witness no disputes as a result of protectionist measures during the pandemic, will countries opt for negotiation over a litigious route to address vaccine shortages? WILL DISPUTES ARISE? One Geneva-based trade source on the condition of anonymity said, “The way the EU was excoriated at the [WTO] General Council meeting (earlier this month), in response to its trade restriction measures, shows that this issue will not go away anytime soon. There is a real possibility of members filing disputes.” (One diplomatic source called discussions at the General Council meeting last week as “a slaughterhouse”) The view on whether members will rush in to file disputes is divided – not the least because of what it means to go through the dispute settlement process at the WTO in the midst of a pandemic. For one, there is the issue of time constraints. Disputes at the WTO can take long. This is apart from the current crisis facing the international trade court – WTO’s Appellate Body which is not currently functional. Disputes around the pandemic will need to be resolved quickly to have any impact. It could take up to 18 months to get a panel report in the WTO disputes settlement system. So experts feel that WTO disputes system may not be suitable for these kinds of urgent challenges. While it is too soon to dismiss the possibility of trade disputes, experts believe that the way to address competition for medical products during the pandemic will be through negotiation. Experts point to the 2001 dispute brought by the U.S. against Brazil, during the AIDS crisis, which ended up as mutually agreed solution. (See DS199: Brazil — Measures Affecting Patent Protection). The dispute involved Brazil’s local working requirements in its industrial property law. Joost Pauwelyn, Professor of International Law, who also heads the department at The Graduate Institute in Geneva, believes that the focus is and should be on finding solutions, practical ways to address concerns, not litigation. Last year, Pauwelyn analysed the legal framework of export restrictions at the EU and WTO level. (See Export Restrictions in Times of Pandemic: Options and Limits under International Trade Agreements) "There is no GATT/WTO ruling that addresses the issue (of the use of export restrictions in the health area) directly. The IP-related disputes that arose during the AIDS crisis were negotiated. It was dealt with at the political level (TRIPS council, General Council etc.) and ultimately via a waiver and TRIPS treaty amendment, not in the dispute settlement system," Pauwelyn says. Asked whether the crisis in the Appellate Body will dissuade countries from filing disputes, Pauwelyn says, “WTO dispute settlement is currently broken given the option to block panel outcomes to a non-existent Appellate Body. In addition, the process takes about 4-5 years, but under this status quo, it means that by the time the case is settled, the world may already be facing the next pandemic so to speak. So in practical terms, filing a dispute could be a non-starter.”

### 1NC – AT: WTO

#### Conceding WTO Credibility – the WTO is bad – yes the I/L is reverse causal since 1AC Meyer says collapse will happen in the Status Quo and the Plan prevents it.

#### Low WTO causes regional trade – yes trade-off

Isfeld 14 Gordon Isfeld 3-17-2014 business.financialpost.com/2014/03/17/with-rise-of-shot-gun-trade-agreements-is-the-wto-even-relevant-anymore/ “With the rise of 'shot-gun' trade agreements, is the WTO even relevant anymore” //Elmer

OTTAWA — It’s getting awfully crowded out there in the free-trading world. The seemingly endless hunt for new global partners is redefining the traditional and hard-fought rules of engagement between nations. So much so, observers say, the old world order — remember the WTO, and GATT before it — has increasingly become a sideshow to the proliferation of bilateral, **trilateral** **and**, often, **multi-lateral** agreements. Even the term “free trade” no longer accurately describes the “new world” of negotiations — one that encompasses far more than what and how products are permitted to slide under domestic tariff radars. For Canada, we can now add South Korea and the European Union — deals long in the making but only weeks in the signing — after a string of minor agreements since the landmark free trade act 25 years ago with the United States, and later to include Mexico. Now, as the growing mass of country-to-country, region-to-region agreements has made apparent, it’s open season on anything that moves between borders — not only products, investments and intellectual property, but also new rules on competition, and the inclusion of labour laws and environmental guidelines. These are just some of the areas of possible disputes that the World Trade Organization “does not deal with,” said Debra Steger, a professor of law at University of Ottawa, specializing in international trade and development. “These are new models. These are not traditional trade agreements, per se.” Ms. Steger, who worked for the federal government on the Uruguay Round of negotiations that led to formation of the WTO, said the framework of recent deals goes “way beyond subjects that NAFTA dealt with.” “Trade, even in the WTO, isn’t only about tariffs. It’s not just about customs and border measures,” she said. “But it’s not about behind-the-border regulatory matters, like environmental regulation and labour standards, competition policy and human rights, corruption, and on and on it goes.” Free trade, between where ever, has become the go-to issue for politicians, business leaders, public-policy makers and private interest groups. Note, this month’s sudden but long-rumoured announcement by the Harper government of a free-trade deal with South Korea, nearly 10 years after talks began and stumbled, and resumed again. Arguably, the deal was finally done as a result of the resolution to Canada’s drawn-out dispute with Seoul over our beef exports — the so-called “mad cow” disease leading to a ban in that county and others. Of course, the United States, the European Union and Australia, among others, already had agreements in hand with South Korea. A few months earlier, Ottawa inked its EU deal — the Comprehensive Economic and Trade Agreement — which was again the outcome of a seemingly endless circle of negotiations that still left Canada trailing similar pacts by the U.S. and others. Even so, these pacts “affect the WTO and WTO negotiations for a number of reasons. That’s a major problem,” said Ms. Steger. “The major developed countries have gone off and started these efforts to negotiate these big FTAs [free trade agreements] as a response to the declining situation in the Doha Round. The WTO — reborn in 1995 out of the General Agreement and Tariffs and Trade, the original body created in 1948 — has been struggling to maintain its relevance as the global arbiter of trade agreements and dispute resolution. The cachet of the 159-member body, however, has been diminished in recent years as countries moved to seal their own free-trade deals with major partners in the absence, some would argue, of any significant movement by the WTO on its own 2001 trade liberalization initiative, launched in Doha, Qatar. Late last year, members managed to agree to only limited movement on trade under the Doha Round of talks. Even now, details remain to be worked out. “One of the reasons why we’re seeing this sort of shot-gun approach [to trade agreements outside of the WTO] is because a number of countries are concerned that the big global deals are probably next to impossible at this stage, given how the Doha Round went and what we ended up with there, which was next to nothing,” said Douglas Porter, chief economist at BMO Capital Markets in Toronto. “They did manage to reach a tiny deal when all was said and done, but it was very modest in terms of its scope.” The move toward bilateral or multi-lateral agreements “is a symptom of the problems that we were running into at the WTO,” Mr. Porter said. “Important players are probably quietly questioning the future for the WTO…. Is it that death knell for the WTO? I don’t think so. [But] it just means we might not be able to accomplish grand, global deals in the future.” However, “there’s really no other way to approach trade disputes with, say, a country like China, then through that body at this point.” “Even 10 years ago, I think it was more straightforward to come to global trade rules. You had two major players, Europe and the U.S., and a few next tier players, including Japan,” Mr. Porter said. “Now, though, you have all kinds of important big players that have a huge chunk of global trade, and have very different goals and aims, and it might be the nature of the global economy now — the reality that we have many different groups in many different regions. “It might be impossible to square that circle.” Over the course of 25 years, Canada has piled on more than a dozen free trade agreements. The first — taking effect on Jan. 1, 1989 — was with the United States. A heated political issue in the 1988 federal election, which Brian Mulroney’s Conservatives won, the FTA was expanded in 1994 to include Mexico and rebranded as NAFTA. Other free trade deals, though much smaller, were signed in subsequent years, some yet to take effect: Israel, Jordan and Chile, followed later by Costa Rica, Peru, Panama, Honduras and Colombia, leading up to the pacts with EU and South Korea. Negotiations are ongoing for at least another dozen agreements. For countries such as Colombia, which has had an agreement in effect with Canada since 2011, the goal is “to insert our economy into the world economy,” said Alvaro Concha, trade commissioner of Proexport Colombia, based in Toronto. “At the beginning of this decade, we had only our preferential access to over 500 million consumers,” Mr. Concha said. “With all the potential FTAs we’ve been signing with potential markets and with potential partners, we believe that not just the potential buyers of our products, but also the potential investors in our country, we have opened our preferential access to over 1.5 billion consumers.” Likely to push the WTO further into the shadows of global trade will be the Trans Pacific Partnership. “In many ways, the Trans Pacific Partnership will be, if it is successful, an updating of the NAFTA, because the U.S. and Mexico are involved, as well as some [trading] partners we already have within Latin America, like Peru,” said Ms. Steger, at the University of Ottawa. “But [there are] also some key countries in Asia that we don’t have agreements with yet. And some other developed countries in that regional, New Zealand and Australia, that we don’t have agreements with,” she adds. “So that [TPP] agreement is very, very important. It’s also the first major plur-lateral agreement that the world has seen.”

#### Stronger Dispute Mechanism deters Multilateral Environmental Agreements – threats are enough.

Chaytor 3, Beatrice, Alice Palmer, and Jacob Werksman. "Interactions with the World Trade Organisation: The Cartagena Protocol on Biosafety and the International Commission for the Conservation of Atlantic Tunas." Berlin: Ecologic, http://www. ecologic. de/projekte/interaction/results. htm (2003). (International Trade Lawyer)//Elmer

The international trading regime governed by the World Trade Organisation (WTO) interacts with many international environmental regimes. The WTO is often a source of the interaction, invoking reactions from international environmental regimes in the design and implementation of rules which is responsive to WTO prescriptions. The vast number of WTO Members, the institution’s economic significance and its unparalleled ability to enforce its rules through its rigorous dispute settlement mechanism, contribute to the WTO’s tendency to be more effective as a source of interaction rather than as a target. Nevertheless, the WTO is also a target of interaction by international environmental regimes which are typically more proactive in seeking to inform and co-operate with the WTO. The effect of the interaction with the WTO as a source is largely disruptive, in the sense that **the WTO’s** primary objective of facilitating free trade **generates conflicts with** the principal objectives of **environment regimes** **aimed at promoting environmental protection and sustainable development**. The **mere possibility of a WTO challenge** **can inhibit negotiations and** the **implementation** of measures under the international environmental regimes. Moreover, **ambiguities in** the meaning and application of the **WTO rules** with respect to environmental measures **make it difficult to design** and implement the international **environmental regimes** in a manner that complements the WTO system. Despite these challenges, compromises are generally reached that ensure the complementary co-existence of the international trade and environment regimes This chapter examines the nature and effects of interaction between the WTO and two international environmental regimes in particular: the Cartagena Protocol on Biosafety and the International Commission for the Conservation of Atlantic Tunas (ICCAT). It commences with a description of the WTO in Part 1 and follows in Part 2 with a summary of the experience of interaction between the WTO and each of the environmental regimes considered in the GATT/WTO “inventory” which was prepared in the research for this chapter. In Part 3, the interaction between the WTO and the Biosafety Protocol and ICCAT is studied in-depth, and general observations about the interaction between the WTO and the two environment regimes are set out in Part 4. 1. Introduction to World Trade Organisation 1.1 General The WTO is an intergovernmental organisation established in 1995 and has a Membership of over 140 countries and customs territories.1 The WTO is responsible for administering the multilateral trade agreements regulating the international trade in goods and services and the protection of intellectual property rights, for providing a forum for the negotiation of new trade rules, and for operating procedures for the settlement of disputes among its Members (the WTO Agreements). The WTO aims to liberalise markets, recognising the need to make “use of the world’s resources in accordance with the objective of sustainable development” and to “protect and preserve the environment… in a manner consistent with [the Members’] respective needs and concerns at different levels of economic development”.2 The WTO’s institutional framework comprises its governing body, the General Council, and several other councils and committees that are supported by the Secretariat in Geneva. The principal organ responsible for trade and environment issues at the WTO is the Committee on Trade and Environment (CTE). Other WTO bodies that consider issues of environmental relevance include the Committee on Technical Barriers to Trade (TBT Committee) and the Committee on Sanitary and Phytosanitary Measures (SPS Committee). The General Council and specialist councils and committees administer the WTO Agreements on a day-to-day basis and Members convene a Ministerial Conference approximately every two years.3 1.2 The WTO Agreements The WTO Agreements will interact with any environmental regulation that has an impact on the international trade in goods and services among its Members, including those regulations enacted pursuant to multilateral environmental agreements (MEAs). The WTO pursues its objective of market liberalisation by requiring its Members to maintain both relative and absolute standards of treatment of goods and services in the international and domestic market place. The WTO’s relative standards prohibit WTO Members from the discriminatory treatment of “like” goods, services and service suppliers on the basis of country of origin. The WTO’s absolute standards prohibit or discourage Members from putting in place certain types of measures that directly or indirectly interfere with the trade in products and services. The three main WTO Agreements that have been of particular relevance to international environmental regimes are the General Agreement on Tariffs and Trade 1994 (GATT), the Agreement on Technical Barriers to Trade (TBT Agreement), and the Agreement on Sanitary and Phytosanitary Measures (SPS Agreement).4 At the most basic level, all three agreements share the common purpose of ensuring that measures that affect the trade in products do not discriminate on the basis of a product’s country of origin (National and Most-Favoured Nation Treatment), and that these measures are no more trade restrictive than is necessary to achieve the purpose for which they were designed. Each agreement has detailed rules, and a growing body of practice that develops these disciplines further. The so-called environmental exceptions in Article XX of the GATT and similar provisions in the TBT and SPS Agreements deserve special mention. 5 Under Article XX, a measure which is “necessary to protect human, animal or plant life or health” or which relates to “the conservation of exhaustible natural resources” is permitted under the GATT provided it is not being applied in an arbitrary or unjustifiable manner, or as a disguised restriction on international trade.6 The WTO Agreements are backed by a compulsory dispute settlement system with the ability to authorise bilateral trade sanctions (known as suspensions of concessions). Any Member that feels benefits it expected to derive from the WTO Agreements have been undermined by a trade measure put in place by another Member can initiate dispute settlement procedures. If the Members are unable to settle their differences between themselves, an ad hoc arbitral Panel of trade experts will be established, and will seek to resolve the dispute. The report of the Panel can be appealed to a permanent Appellate Body of seven independent trade jurists, appointed by the WTO Membership. The outcome is formally reviewed by the WTO Dispute Settlement Body, a committee of all Members, which can only reverse the conclusion of a Panel or the Appellate Body by consensus. The main objective of the dispute settlement system is to ensure that any trade measure that is found to be inconsistent with WTO rules be removed or made consistent. If a Member fails to correct the offending measure, it can agree to compensate the affected Member, or find itself subject to trade sanctions imposed by the affected Member at a level equivalent to the continuing harm done by the offending measure.7 The WTO Agreements, both on paper and in practice, also anticipate the need to take into account other existing international agreements, such as MEAs, and other relevant state practice. Both the SPS and the TBT Agreements make reference to international standards developed by competent international organisations operating outside the WTO system. Under the SPS Agreement, a WTO Member is required (unless it can justify the need for a higher standard) to base its SPS measures on international standards, guidelines or recommendations adopted by those international agencies specifically identified in the SPS Agreement or that may be later agreed by the SPS Committee (Article 3.1). SPS measures that are in conformity with these international standards are rebuttably presumed to be consistent with the SPS Agreement (Article 3.2). No MEA has thus far been recognised as a standard setting instrument under the SPS Agreement. Under the TBT Agreement, a WTO Member is also required to use international standards as the basis of its technical regulation (Article 2.4). A technical regulation that is put in place for an identified “legitimate objective” (which includes the protection of human heath or safety, animal or plant life or health, or the environment) and is in accordance with “relevant international standards” is rebuttably presumed to be TBT compatible (Article 2.5). Unlike the SPS Agreement, the TBT does not identify which international standards would qualify for this presumption. Many MEAs would, however, appear to meet the TBT’s general requirement that standards derive from a recognised “body or system whose membership is open to the relevant bodies of at least all of the Members.”8 1.3 Institutional Development of Trade and Environment Agenda Since the WTO’s establishment, its Committee on Trade and Environment (CTE) has had the mandate to explore the relationship between the WTO and MEAs.9 In the CTE, and other WTO organs dealing with environmental matters, Members have discussed a range of trade and environment issues. These include: the application of the WTO rules to trade measures taken pursuant to a MEA; the application of the WTO rules to measures based on process and production methods (PPMs); environmental (or eco) labelling (especially with respect to genetically modified organisms); the relevance of the precautionary principle to risk assessments based on scientific evidence (particularly in the context of the SPS Agreement); and the environmental impacts of certain subsidies, especially fisheries subsidies.10 Most observers acknowledge the usefulness of the CTE’s work in promoting a better understanding of the WTO-MEA relationship and acknowledging the legitimate role of MEAs in promoting environmental objectives. However, the CTE’s work has thus far been general and inconclusive, other than recognising that international trade rules and international environmental rules should be designed and implemented in a manner that is “mutually supportive”.11 The CTE has been widely criticised for failing to produce any conclusions or recommendations of a substantive nature that would, for example, instruct the WTO’s dispute settlement system on how to deal with a conflict should one arise.12 At the fourth WTO Ministerial Conference in Doha, November 2001, the WTO Membership agreed to include as part of a new round, substantive negotiations: without prejudging their outcome, on [. . .] the relationship between existing WTO rules and specific trade obligations set out in multilateral environmental agreements (MEAs). The negotiations shall be limited in scope to the applicability of such existing WTO rules. as among parties to the MEA in question. The negotiations shall not prejudice the WTO rights of any Member that is not a party to the MEA in question.13 The mandate is both vague and restrictive. It does, however, suggest that for the first time the WTO may produce substantive rules aimed directly and intentionally at trade-related measures contained in MEAs to which its Members are also parties. In fulfillment of the WTO’s obligation to make arrangements for cooperation with intergovernmental organisations,14 the CTE has granted observer status to intergovernmental organisations, including the Secretariats of the Convention on Biological Diversity (CBD) and ICCAT, and hosts meetings with MEA Secretariats to discuss issues relevant to the WTO and MEAs.15 The fourth WTO Ministerial Conference encouraged “efforts to promote cooperation between the WTO and relevant international environmental organisations”16 and launched negotiations between the Members on “procedures for regular information exchange between MEA Secretariats and the relevant WTO committees, and the criteria for the granting of observer status.”1 There is a wary co-existence between the WTO and the institutions overseeing the design and implementation of MEAs (environment regimes). The WTO Agreements anticipate the need to take into account MEAs, and the Appellate Body has been inclined to consider existing MEAs when clarifying relevant provisions of the GATT/WTO. Some recent MEAs, such as the Biosafety Protocol, have included language that acknowledges WTO rights and obligations. At the outset, the interaction between the WTO and environment regimes is generated by differences in regime objectives and by differences in the institutional features designed to achieve those objectives. **The WTO is designed to promote free trade; the environment regimes** in varying degrees **require** or authorise **trade restrictions** in order **to discourage** the production and consumption of specific **products with negative environmental consequences** The WTO Agreements are backed by a compulsory dispute settlement system with the ability to authorise bilateral trade sanctions, while the arrangements for dispute settlement within most MEAs are looser and less binding. Membership of the WTO and environment regimes substantially overlaps since each regime aims for universal membership. The WTO and the five environment regimes examined in the inventory prepared in researching this chapter – Montreal Protocol, Biosafety Protocol, Basel Convention, ICCAT and CCAMLR18 – have each played roles as a source and a target of interaction for the other. The GATT/**WTO** consistency of trade restrictions has been a concern that **has constrained** the respective rules and regulations of the **environment regimes (Biosafety, Montreal**, ICCAT). Yet, some environment regimes have been cited in the WTO as examples of properly functioning, multilaterally negotiated, and narrowly drawn exceptions to free trade rules (CCAMLR, Montreal).19 A summary of the nature of the interactions between the WTO and the five environment regimes is contained in Table 1. The effect of the WTO on the design of primary rules within the environment regimes has been viewed as “**chilling**”, disrupting or slowing negotiation processes (Montreal, Biosafety), and limiting the composition and reach of trade measures (Biosafety, Basel), and their further development and application (Montreal). The WTO and the Conferences of the Parties of the various environment regimes each has the mandate to act in areas that lie in the other’s jurisdiction. Thus the nature of their “influence” over each other, though implicit, is as powerful as if it were expressly stated. Although a dispute challenging a MEA provision has never been brought before the WTO dispute settlement system, the threat of a WTO “challenge” under the WTO’s dispute settlement system further influences the design of rules under the environment regimes, and the membership of the environment regimes remains acutely conscious of this interaction. While some rules and behaviour of the environment regimes have developed to accommodate WTO rules, adjustments have tended to come at the expense of the environment regimes’ objectives. In particular, there has been no satisfactory resolution of the distinctions, if any, to be made between otherwise like products on the basis of their process and production methods.

#### Regionalism promotes trade and stops war – avoids their impact because our regionalism is different than protectionist blocs.

Brkić 13, Snježana, and Adnan Efendic. "Regional Trading Arrangements–Stumbling Blocks or Building Blocks in the Process of Global Trade Liberalization?." 5th International Conference «Economic Integration, competition and cooperation», Croatia, Opatija. 2013. papers.ssrn.com/sol3/papers.cfm?abstract\_id=2239275 (Economics Prof at U of Sarajevo) //Elmer

Besides those advocating the optimistic or pessimistic view on regionalism effect on global trade liberalization, some economists, such as Frankel and Wei, hold a neutral position, in a way. Frankel and Wei believe that forms and achievements of international economic integrations can vary and that, for this reason, regionalism can be – depending on circumstances – linked to greater or smaller global trade liberalization. In the years-long period of regional integration development, four periods have been identified during which the integration processes were becoming particularly intensive and which have therefore been named "waves of regionalism". The first wave was taking place during the capitalism development in the second half of the 19th century, in the course of British sovereign domination over the world market. Economic integrations of the time primarily had the form of bilateral customs unions; however, owing to the comparative openness of international trading system based on the golden standard automatism, this period is called the "era of progressive bilateralism". The next two waves of **regionalism** occurred in the years following the world wars. Since the disintegration processes caused by the wars usually spawned economic nationalisms and autarchic tendencies, it is not surprising that post-war regionalisms were marked by discriminatory international economic integrations, primarily at the level of so-called negative integration, with expressedly “beggar-thy-neighbor” policies that resulted in considerable trade deviations. This particularly refers to the regionalism momentum after the First World War, which was additionally burdened by the consequences of Big Economic Crisis. The current wave of regionalism started in late 1980s and spread around the world to a far greater extent than any previous one did: it has covered almost all the continents and almost all the countries, even those which have mis to join all earlier regional initiatives, such as the USA, Canada, Japan and China. Integration processes, however, do not show any signs of flagging. Up till now, over 200 RTAs have been registered with GATT/WTO, more than 150 of them being still in force, and most of these valid arrangement have been made in the past ten years. Specific in many ways, this wave was dubbed "new regionalism". The most specific **characteristics** of new regionalism **include: geographic spread** **of RTAs** **in** terms of **encompassing entire continents;** **greater speed**; integration forms success; deepening of integration processes; **and**, the most important for this theoretical discussion, generally **non-negative impact on outsiders, world economy as a whole, and** the **multilateral liberalization** process. Some theorists (Gilpin) actually distinguish **between** the "**benign**" **and** "**malign**" **regionalism**. On the one hand, **regionalism can advance** the **international economic stability**, multilateral liberalization **and world peace**. On the other, it can have mercantilist features leading to economic well-being degradation and increasing international tensions and conflicts. Analyses of trends within the contemporary integration processes show that they mainly have features of "benign" regionalism. Reasons for this are numerous. **Forces driving** the **contemporary** **regionalism** development **differ from** those that used to drive **earlier** regionalism periods in the 20th century. The **present regionalism emerged in** the period characterized by the **increasing economic inter-dependence** between different world economy subjects, countries attempts to resolve trade disputes and multilateral framework of trade relations. As opposed to the 1930s episode, contemporary regional initiatives represent **attempts to make** the members' **participation in the world economy easier**, rather than make them more distant from it. As opposed to 1950s and 1960s episode, new **initiatives** are **less frequently motivated** **exclusively by political interests**, and are **less frequently** being used **for mercantilist purposes**. After the Second World War, more powerful countries kept using the economic integration as a means to strengthen their political influence on their weaker partners and outsiders. The examples include CMEA and European Community arrangements with its members' former colonies. As opposed to this practice, the new regionalism, mostly driven by common economic interests, yielded less trade diversion than previous one, and has also **contributed to** the **prevention of military conflicts of greater proportions**. Various analyses have shown that many regional integrations in earlier periods resulted in trade deviations, particularly those formed between less developed countries and between socialist countries. In recent years, however, the newly formed or revised regional **integrations** primarily seem to **lead to trade creation**. Contrary to the “beggar thy- neighbor” model of former international economic integrations, the integrations now offer certain advantages to outsiders as well, by stimulating growth and spurring the role of market forces. The analyses of contemporary trends in world economy also speak in favor of the "optimistic" proposition. The structural analysis shows that the world trade is growing and that this growth results both from the increase in intra-regional and from the increase in extra-regional trade value (Anderson i Snape 1994.)28. Actually, the intraregional trade has been growing faster, both by total value and by its share in world GDP. The extra-regional trade share in GDP was increasing in some regions – in North America, Asia-Pacific and Asian developing countries. However, the question arises as to whether the extra-regional trade would be greater without regional integrations or not? The answer would primarily depend both on the estimate of degree of some countries' trade policy restrictedness in such circumstances, and on factors such as geographic distance, transport communications, political relations among states. One should also take into account certain contemporary integration features – the primarily economic, rather than strategic motivation, and continuous expansion, which mostly includes countries that are significant economic partners. With respect to NAFTA, many believe that the negative effects on outsiders will be negligible, since the USA and Canada have actually been highly integrated economies for a long time already, while the Mexican economy is relatively small. The same view was pointed out by the EU, with respect to its expansion. It particularly refers to the inclusion of the remaining EFTA countries, because this will actually only complete, in institutional terms, the EU strong economic ties with these countries. Most EFTA countries have been part of the European economic area (EEA), i.e. the original EC-EFTA agreement, for a few years already, and conduct some 70% of their total international exchange with the Union countries. EU countries are also the most significant foreign-trade partners of Central and East Europe countries, and the recent joining the Union of several of them is not expected to cause a significant trade diversion. Besides, according to some earlier studies, during the previous wave of regionalism, in the 1967-70 period, the creation of trade in EEC was far greater than trade diversion: trade creation ranged from 13 to 23% of total imports, while trade diversion ranged from 1 to 6%. In Latin America, the new regionalism resulted in the faster growth of intra-regional trade, while the extra-regional exports and imports also continued to grow. Since early 1990s, the value of intra-regional imports registered the average annual growth of 18%. In the same time, the extra-regional exports were also growing, although at a lower rate of 9% average a year; its share in the total Latin America exports at the end of decade amounted to 18% as compared to 12% in 1990. In the 1990-1996 period, the intraregional imports grew by some 18% a year. The extra-regional imports were also growing very fast, reaching the 14% rate. These data reflect a great unbalance in the trade with extra-regional markets, since the imports from countries outside the region grew much faster the exports.30 Since the described trends point to the continued growth of extra-regional imports and exports, they also show that regional integration in Latin America has had the open regionalism character. Besides, the pending establishment of FTAA – Free Trade Area of Americas will gather, in the same group, the so-called "natural" trade partners – countries that have had an extremely extensive mutual exchange for years already, and the outsiders are therefore unlikely to be affected by strengthening of regionalism in this part of the world. Contemporary research shows that intra-regional trade is growing, however, same as interdependence between North America and East Asia and between the EU and East Asia. It can also be seen that the biggest and the **most powerful** countries, i.e. **blocs**, **are extremely dependent** **on the rest of the world in terms of trade.** For the EU, besides the intra-European trade, which is ranked first, foreign trade has the vital importance since it accounts for 10% of European GDP. In early 1990s, EU exchanged 40% of its foreign trade with non-members, 16% out of which with North America and East Asia together. EU therefore must keep in mind the rest of the world as well. The growing EU interest in outsiders is confirmed by establishing "The Euro-Med Partnership", which proclaimed a new form of cooperation between the EU and the countries at its South periphery32. Besides, the past few years witnessed a series of inter-regional agreements between the EU on the one hand, and certain groups from other regions on the other (MERCOSUR, CARICOM, ASEAN and GCC). In case of North America the ratio between intra-regional and inter-regional trade is 40:60, and in East Asia, it is 45:55. Any attempt to move towards significantly closed blocs ("fortresses") would require overcoming the significant inter-dependence between major trading blocs. Besides the analysis of contemporary trends in extra- and intra-regional trade, other research was conducted that was supposed to point to the reasons why the **new regionalism has** mainly a **non-negative impact on** outsiders and **global liberalization**. The distinctive features of new regionalism were also affected to characteristics of international economic and political environment it sprouted in. In the 1980s, economic nationalisms were not so expressed as in the interventionism years following the Second World War; however, the neo-liberalism represented by GATT activities did not find the "fertile ground” in all parts of the world. Regionalism growth in the circumstances of multilateral system existence is, among other things, the consequence of distrust in multilateralism. „The revival of the forces of regionalism stemmed from frustration with the slow pace of multilateral trade liberalization... If the world trade regime could not be moved ahead, then perhaps it was time for deeper liberalization within more limited groups of like-minded nations... Such efforts would at least liberalize some trade... and might even prod the other nations to go along with multilateral liberalization.“33 Kennedy's round and Tokyo round of trade negotiations under GATT auspices brought a certain progress in the global trade liberalization. However, the 1980s witnessed significant changes in the world economy that the GATT trade system was not up to. Besides. GATT had not yet managed to cover the entire trade in goods, since there were still exceptions in the trade in agricultural and textile products that particularly affected the USA and developing countries. GATT system of conflict resolutions, and its organizational and administrative mechanism in general also required revision. In this vacuum that was created in promoting trade and investment multilateralism from the point when GATT inadequacy became obvious until the start of the Uruguay round and the establishment of World Trade Organization, the wave of regionalism started spreading across the world again. Prodded by the Single European Act and the success of European integration, many countries turned to an alternative solution – establishment of new or expansion and deepening of the existing economic integrations. Even the USA, the multilateralism bastion until then, made a radical turn in their foreign-trade policy and started working on designing a North American integration.

#### That outweighs—multilateral trade causes wars with a larger impact

Thoma 7 Mark Thoma July 2007 “Trade Liberalization and War” <http://economistsview.typepad.com/economistsview/2007/07/trade-liberaliz.html> (Economics Professor at the University of Oregon)//Elmer

Globalisation is by construction an increase in both bilateral and multilateral trade flows. What then was the net effect of increased trade since 1970? We find that it **generated an increase in the probability of a bilateral conflict by** around **20%** for those **countries separated by less than 1000kms,** the group of countries for **which the risk of disputes that can escalate militarily is the highest.** The effects are much smaller for countries which are more distant. Contrary to what these results (aggravated by our nationality) may suggest, we are not anti-globalisation activists even though we are aware that some implications of our work could be (mis)used in such a way. The result that bilateral trade is pacifying brings several more optimistic implications on globalisation. First, if we think of a world war as a war between two large groups or coalitions of countries, then globalisation makes such a war less likely because it increases the opportunity cost of such a conflict. Obviously, this conclusion cannot be tested but is a logical implication of our results. From this point of view, our work suggests that globalisation may be at the origin of a change in the nature of conflicts, less global and more local. Second, our results do confirm that increased trade flows **created by regional trade agreements** (such as the EU) are indeed **pacifying** as intended. Given that most military conflicts are local, because they find their origins in border or ethnic disputes, **this is not a small achievement**. These beneficial political aspects of regional trade agreements are not usually considered by economists who often focus on the economic distortions brought by their discriminatory nature. Given the huge human and economic costs of wars, this political effect of regional trade agreements should not be discounted. This opens interesting questions on how far these regional trade agreements should extend – a topical issue in the case of the EU. The entry of Turkey in the EU would indeed pacify its relations with EU countries (especially Greece and Cyprus), but also increase the probability of a conflict between Turkey and its non-EU neighbours. However, our simulations suggest that in this case, the first effect dominates the second by a large margin. More generally, our results should be interpreted as a word of caution on some political aspects of globalisation. As it proceeds and weakens the economic ties of proximate countries, those with the highest risk of disputes that can escalate into military conflicts, local conflicts may become more prevalent. Even if they may not appear optimal on purely economic grounds, regional and bilateral trade agreements, by strengthening local economic ties, may therefore **be a necessary political counterbalance to economic globalisation**.

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

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

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

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

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

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

Brkić 13, Snježana, and Adnan Efendic. "Regional Trading Arrangements–Stumbling Blocks or Building Blocks in the Process of Global Trade Liberalization?." 5th International Conference «Economic Integration, competition and cooperation», Croatia, Opatija. 2013. papers.ssrn.com/sol3/papers.cfm?abstract\_id=2239275 (Economics Prof at U of Sarajevo) //Elmer

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

#### WTO is resilient but irrelevant

Drezner 13 Daniel Drezner 12-3-2013 “The End of Multilateral Trade?” <http://www.foreignpolicy.com/posts/2013/12/03/the_end_of_multilateral_trade> (professor of international politics at Tufts University's Fletcher School and a contributing editor to Foreign Policy, Foreign Policy)//Elmer

This kind of story is both overly optimistic and overly pessimistic about the state of the WTO. It's overly optimistic in assuming that, even if something is negotiated in Bali (and the odds aren't great of that happening), it's unlikely that the WTO will ever be the focal point for comprehensive trade talks ever again. Even getting agreement on the "easy" parts of Doha has been super-hard. There's very little upside to making the WTO the focal point of new talks, especially given that most of the regional and bilateral trade talks have been of the "open regionalism" variety. On the other hand, the "slippery slope" argument of the WTO losing relevance is also way overplayed. Such a statement omits two very important facts. First, even if there's no further WTO-guided liberalization, the rounds negotiated to date constitute far more liberalization than what can be achieved in the future. In other words, the WTO rules still govern a lot of trade, and further liberalization won't erode the WTO's bailiwick that much. Second, the WTO's Dispute Settlement Understanding remains the ne plus ultra of enforcement arrangements in global governance. Contrary to the WSJ story, there is zero evidence that WTO enforcement has weakened as Doha bogged down or as protectionism increased after 2008. That part of the trade system is still working pretty well. For decades, trade commentary has implicitly embraced the "bicycle theory" - the belief that unless multilateral trade liberalization moves ahead, the entire global trade regime will collapse because of a lack of forward momentum. The last decade -- and particularly the post-2008 period -- suggests that there are limits to that rule of thumb. It is possible for the WTO to matter less on jump-starting multilateral trade negotiations while still mattering a great deal in enforcing the rules of the game. So Bali might represent the end of multilateral trade negotiations -- but it's not the end of multilateral trade.

#### Absolutely zero chance of a global trade collapse---the multilateral system’s incredibly resilient

Shiro Armstrong 14, economist and Fellow at the Crawford School of Public Policy, Australian National University, Co-Director, Australia-Japan Research Centre, Editor of the East Asia Forum, Director of the East Asian Bureau of Economic Research and Research Associate at the Center on Japanese Economy and Business at the Columbia Business School, September 2014, “Economic Cooperation in the Asia-Pacific and the Global Trading System,” Asia & the Pacific Policy Studies, Vol. 1, No. 3, p. 513-521

The WTO and the global trading system faced a major test during the GFC[global financial crisis]. Although advanced economies went into recession on a scale that matched the Great Depression in terms of output and financial losses, and trade flows collapsed globally (by 12 per cent in 2009), there was no significant rise in tariffs and other trade barriers. 4 In the wake of the GFC, ‘murky’, non-tariff-based protectionist measures were introduced by some governments. Some estimates of these measures suggest that they accounted for more than half of all protectionist measures in the post-crisis period (Aggarwal & Evernett 2013). Policies like local content provisions and industrial policies that restrict global trade were introduced. But after the GFC, most countries actually continued to liberalise tariffs, and changes in trade policy (via raising tariffs or taking anti-dumping action) contributed only about 2 per cent of the observed drop in world trade in 2008–2009 (Kee et al. 2013). That is in major contrast to the effects of the Smoot-Hawley tariff wars during the Great Depression. Of the 4,144 trade measures recorded by Global Trade Alert from the start of the crisis to early 2014, 22.2 per cent have been coded ‘green’ (that is, they represent, in the opinion of GTA, liberalising policy), with 57.4 per cent coded ‘red’ (policy considered protectionist). 5 One reason why some developing countries in fact dropped tariffs and other trade barriers in the aftermath of the GFC may be the rise in global supply chain trade: when it is necessary to import in order to export, the risks of retaliation are larger and there are domestic producers that demand low import barriers (Gawande et al. 2014). But the role of the WTO in this should not be understated. Indeed, the rise of global supply chains is a consequence of the rules-based trading system that GATT/WTO underwrites. This was a significant achievement given the acute protectionist pressures. Leadership at the G20 had much to do with the ‘standstill’ on protection, but the shock of the GFC did not weaken the WTO or undermine the confidence that countries placed in it. The slow recovery of the advanced economies meant that protectionist forces put significant pressure on governments to close markets, but the global trading system has proved robust to these pressures. The robustness of the global trading system throughout the GFC and its aftermath has meant that recession and collapsed trade in some countries have not generated conflict between countries.

#### I’ll answer the 1AR’s inevitable “we solve the reasons WTO is bad” –

#### 1] We’ve impact turned the goal of the WTO which is globalized liberalization that eliminates regional trade blocks – even if it’s more “effective” – that’s bad.

#### 2] The reason for Ngozi solving is “more assertive” in WTO problem-solving – that makes China more non-compliant since China wants a weaker WTO.