# 1nc

## 1

#### CP Text: The member nations of the World Trade Organization should create patent pool licensing platforms for nearly all medicines.

Stramiello 18 [(Michael, PhD, an intellectual property litigation associate in Washington, DC. His practice focuses on the life sciences industry) “CRISPR: The New Frontier of Biotechnology Innovation” American Bar Association, Jan/Feb 2018. https://www.americanbar.org/groups/intellectual\_property\_law/publications/landslide/2017-18/january-february/crispr-new-frontier-biotechnology-innovation-digital-feature/]//pranav

As CRISPR marches on, there may be an elegant solution for making it widely available without government intervention in licensing: patent pools. These joint licensing platforms enable owners to combine their IP rights into bundles that are made accessible, nonexclusively, to a broad range of users via a single transaction with predictable terms. As a result, licensors and licensees can concentrate on innovation and commercial development, respectively, while minimizing transaction costs and litigation risk.32 This model was popularized in the 1990s, when the consumer electronics industry adopted it to facilitate deployment of the MPEG-2 digital video standard, which has yielded about $5 trillion in worldwide product sales since 1997.33 A key coordinator of that effort, MPEG LA LLC, now invites CRISPR/Cas9 patent holders to participate in their own pool. MPEG LA has been gauging interest from CRISPR rights holders since at least April 2017.34 Broad and Rockefeller University announced that they had submitted nearly two dozen “key CRISPR-Cas9 patents,”35 from 10 families, “for evaluation of eligibility to participate in discussions facilitated by MPEG LA regarding creation of a CRISPR Joint Licensing Platform.”36 UC reportedly has no plans to follow suit, citing potential conflicts with its existing licenses.37 The effect that pooling would have on such arrangements may remain unclear until contributors finalize pool terms, which could take years. Early efforts might focus on pooling foundational patents, and there has also been speculation about specialized pools geared toward particular CRISPR applications (e.g., agriculture and industrial biotechnology).38 Pooling may prove to be more of a challenge with respect to human therapeutics, a field where rights holders typically expect exclusivity as a reward for their enormous investment in rigorous clinical trials.

## 2

#### Terrorists can’t use CRISPR for bioterror yet, but the 1AC’s further democratization of the tech erases any barriers.

Pavel & Venkatram 9/7 [Barry Pavel is the senior vice president and director of the Scowcroft Center for Strategy and Security at the Atlantic Council. Prior to joining the Atlantic Council, Barry Pavel was a career member of the Senior Executive Service in the Officer of the Under Secretary of Defense for Policy for almost eighteen years. From October 2008 to July 2010, he served as the special assistant to the President and senior director for defense policy and strategy on the National Security Council (NSC) staff, serving both President George W. Bush and President Barack Obama. Prior to this, Pavel was the chief of staff and principal deputy assistant secretary of defense for special operations/low-intensity conflict and interdependent capabilities. From October 1993 to November 2006, Pavel also led or contributed to a broad range of defense strategy and planning initiatives for both the Clinton and George W. Bush administrations. In this capacity, Pavel supported post-9/11 deterrence policy (including deterrence of terrorist networks and regional nuclear powers); strategies for reducing ungoverned areas; and a long-range planning construct that accounts for trends and “strategic shocks” that could significantly change Department of Defense’s role in national security, Vikram Venkatram is a Young Global Professional in the Scowcroft Center for Strategy and Security, Forward Defense at the Atlantic Council. He is a recent graduate of Georgetown University’s School of Foreign Service, where he studied Science, Technology, and International Affairs with a minor in Biology. He is also currently a second-year graduate student in Georgetown’s Security Studies Program. Originally from San Jose, California, his main interests lie in biosecurity issues, ranging from pandemic preparedness to emerging biotechnology to environmental security to bioethics, “Facing the future of bioterrorism”, 09-07-2021, https://www.atlanticcouncil.org/commentary/article/facing-the-future-of-bioterrorism/]//pranav

Biotechnology has developed at an astounding rate over the first twenty years of the twenty-first century. Emerging biotechnological tools have become cheaper and more accessible than ever before, and less expertise is necessary to use those tools effectively. Amateur biologists can now accomplish feats that would have been impossible until recently for even the foremost experts in top-of-the-line laboratories. The iGEM competition is a great example of this phenomenon in practice: a synthetic biology competition in which amateur scientists compete with one another to build biological systems and operate them within living cells. Similarly, CRISPR, a scientific technique that enables the manipulation of DNA and genetic engineering, can be used in the high-school classroom as an illustrative practical example of biology. There exists a new and growing community of “biohackers” who use novel biotechnology tools to modify their own bodies in a variety of ways. As biotechnologist Drew Endy at Stanford University put it, many years ago hackers would hack computer code, but now they are hacking the code for life.1 Thus, biotechnology capabilities are becoming democratized. In general, this evolution of biotechnology will bring with it an amazing array of changes to our societies, our economies, and our security. The growing biotech revolution will have as great an impact on our way of life as the communications and information revolution. Chronic diseases will be mitigated, human life spans will be extended, and the global economy will be increasingly driven by biological inventions and processes. A new understanding of epigenetics could usher in an era of highly personalized medicine, and gene drives could wipe mosquito-borne diseases like malaria from the planet. One day, engineered living materials, built through synthetic biology, might grow to suit specific architectural needs and heal when faced with wear and tear. Neuroenhancement technology could optimize human performance: increasing learning speed, combatting neurological diseases, or even assisting soldiers by boosting their awareness and decision-making on the battleground. A new generation of scientists will build a suite of as-yet-undiscovered technologies, transforming the world in radical ways. However, greater access to cheap but powerful biotechnology tools—and a reduced need for expertise in operating those tools—also is making it easier for malicious actors to utilize that technology for ill. Terrorist groups could use synthetic biology to craft bioweapons, using data to manufacture dangerous pathogens or modifying easily accessible pathogens to make them more virulent. At present, there are still some barriers to entry that prevent such actors from operating with free reign, as widespread access to certain pathogens, tools, and data is still limited. But these barriers will only continue to recede over the next decade. In evaluating the future of terrorism and counterterrorism, one must consider: How should the United States and its allies prepare to face the growing threat of bioterrorism?

#### Terrorism causes global nuclear war—collapses internal AND external stability

Arguello and Buis, 18 – \*Irma, Founder and Chair of the NPSGlobal Foundation (Non-proliferation for Global Security), degree in Phyisics Science from the University of Buenos Aires, Master degree in Business Administration from IDEA/Wharton School, Defense and Security studies (Master level) at the Escuela de Defensa Nacional, Argentina; \*\*Emiliano, lawyer and associate professor of public international law, international humanitarian law, international law of disarmament, and the origins of international law in antiquity (Irma Arguello & Emiliano J. Buis, “The global impacts of a terrorist nuclear attack: What would happen? What should we do?,” *Bulletin of the Atomic Scientists*, 2018, https://doi.org/10.1080/00963402.2018.1436812)

But the consequences would go far beyond the effects in the target country, however, and promptly propagate worldwide. Global and national security, economy and finance, international governance and its framework, national political systems, and the behavior of governments and individuals would all be put under severe trial. The severity of the effects at a national level, however, would depend on the countries’ level of development, geopolitical location, and resilience. Global security and regional/national defense schemes would be strongly affected. An increase in global distrust would spark rising tensions among countries and blocs, that could even lead to the brink of nuclear weapons use by states (if, for instance, a sponsor country is identified). The consequences of such a shocking scenario would include a decrease in states’ self-control, an escalation of present conflicts and the emergence of new ones, accompanied by an increase in military unilateralism and military expenditures. Regarding the economic and financial impacts, a severe global economic depression would rise from the attack, likely lasting for years. Its duration would be strongly dependent on the course of the crisis. The main results of such a crisis would include a 2 percent fall of growth in global Gross Domestic Product, and a 4 percent decline of international trade in the two years following the attack (cf. Figure 3). In the case of developing and less-developed countries, the economic impacts would also include a shortage of high-technology products such as medicines, as well as a fall in foreign direct investment and a severe decline of international humanitarian aid toward low-income countries. We expect an increase of unemployment and poverty in all countries. Global poverty would raise about 4 percent after the attack, which implies that at least 30 million more people would be living in extreme poverty, in addition to the current estimated 767 million. In the area of international relations, we would expect a breakdown of key doctrines involving politics, security, and relations among states. These international tensions could lead to a collapse of the nuclear order as we know it today, with a consequent setback of nuclear disarmament and nonproliferation commitments. In other words, the whole system based on the Nuclear Non- Proliferation Treaty would be put under severe trial. After the attack, there would be a reassessment of existing security doctrines, and a deep review of concepts such as nuclear deterrence, no-firstuse, proportionality, and negative security assurances. Finally, the behavior of governments and individuals would also change radically. Internal chaos fueled by the media and social networks would threaten governance at all levels, with greater impact on those countries with weak institutional frameworks. Social turbulence would emerge in most countries, with consequent attempts by governments to impose restrictions on personal freedoms to preserve order – possibly by declaring a state of siege or state of emergency – and legislation would surely become tougher on human rights. There would also be a significant increase in social fragmentation – with a deepening of antagonistic views, mistrust, and intolerance, both within countries and towards others – and a resurgence of large-scale social movements fostered by ideological interests and easily mobilized through social media.

#### No shady “no links” – CRISPR is medicine

He et al. ’20 [Yixuan Xie, Yanfang Yang, Yu He, Xixi Wang, Shufang Liang - State Key Laboratory of Biotherapy and Cancer Center, West China Hospital, Sichuan University, and Collaborative Innovation Center for Biotherapy, Chengdu, China, Peng Zhang - Department of Urinary Surgery, West China Hospital, West China Medical School, Sichuan University, Chengdu, China, Haocheng Li - Department of Mathematics and Statistics, University of Calgary, Calgary, AB, Canada, “Synthetic Biology Speeds Up Drug Target Discovery”, 02-26-2020, [https://www.frontiersin.org/articles/10.3389/fphar.2020.00119/full]//pranav](https://www.frontiersin.org/articles/10.3389/fphar.2020.00119/full%5d//pranav)

Molecular biology serves as a powerful tool to turn genes on and off. The principle difference between molecular biology and synthetic biology is that synthetic biology assembles parts from molecular biology (Macdonald and Deans, 2016). As the most well-known system of synthetic biology, CRISPR-Cas9 system is a convenient tool for site-directed mutation and identification of gene function. Cas9 is a member of Cas endonucleases. Among these endonucleases, the most famous and well-studied are Cas9, Cas12a (previously known as Cpf1), Cas13a, and Cas13b (Zetsche et al., 2015). Both Cas9 and Cas12a are targeting DNA, while Cas13a and Cas13b are targeting RNA.

## 3

#### Biden PC is key to getting Manchin & Sinema on board and he won’t give up – it’s *try or die*

Strauss 10/13 [Daniel, Staff Writer @ The New Republic, “Has the Time Come for Biden to Knock Some Heads on Capitol Hill?”, 10-13-2021, https://newrepublic.com/article/163982/biden-reconciliation-cost-democrats]//pranav

At the same time, though, the White House has moved to a different phase of negotiations. Susan Rice, the director of the White House’s Domestic Policy Council, has become more visible in negotiations on the Hill, oftentimes spotted going in and out of meetings with White House National Economic Council director Brian Deese. Rice, according to multiple administration officials, has been involved in the reconciliation package talks for months, and lawmakers have looked to her as one of the point people within the administration on topics that fall under the DPC’s purview: Health care, childcare, housing. Deese and Rice have been “tag teaming” those meetings, one administration official said. “It’s just that as the negotiations have come to a head, she’s become a little more visible,” the official added. But veterans of past major Democratic policy battles warn about the limits of a White House that throws up its hands and says enough is enough. The White House has already gone out to the states, looking to rally support among the broader public by having Biden himself stump in key congressional districts. He has also used the power of the Oval Office to try to win over lawmakers like Sinema and Manchin. “Having dealt with situations like this, there is a point where the administration really doesn’t have a lot of leverage,” said former Democratic Senate Majority Leader Tom Daschle. “They can use the media. They can use the president’s Oval Office presence to bring people down and persuade as much as they can, but ultimately there isn’t a lot of leverage, and when you’re at 50–50 and almost 50–50 in the House, every person is in a position to veto a particular proposal.” But Daschle said, so far, the White House has played its hand well in the negotiations. “I think the administration has played it about right. They’ve got to give the leaders enough flexibility,” Daschle said. Phil Schiliro, who served as the White House director of legislative affairs during Barack Obama’s presidency, stressed that right now the White House is in the common-ground phase of negotiating with lawmakers. “It really is [about] trying to find the opportunities to reach common ground, and that’s just a process,” Schiliro said. Still, increasingly, Democrats are having to face picking one of two choices: spending less or including fewer programs in a domestic policy package they hoped just about every Democrat running in 2022 could run on. “Here, I don’t know that there’s any magic to any number, as much as there’s getting the policies right,” Schiliro said. Publicly, the White House is trying to exude calm. Its latest deadline for moving a package forward is still a few weeks away. White House press secretary Jen Psaki told reporters Tuesday that Biden’s role, right now, as he remains very involved in negotiations, is “to find common ground so that we can move forward with an agenda that the American people demand we pass.” Privately, though, the White House and Washington Democrats in general know they’re fast approaching a different deadline—the moment when someone is going to have to come out and say whether to shrink the overall spending and duration of the package or include fewer programs. That is the only way for Democrats to win over the members they need to pass anything at all. The only Democrat with the necessary stature and the ear of the people who matter most to make that call is the president. Biden was the one who promised to unite as much of Congress as possible behind as large a domestic policy agenda as anyone in Washington had ever seen. Now he has to cut it.

#### Big Pharma hates the plan – yes link – it’s talking ab the same policy their inherency is

PhRMA ’21 [The Pharmaceutical Research and Manufacturers of America (PhRMA) represents the country’s leading innovative biopharmaceutical research companies, which are devoted to discovering and developing medicines that enable patients to live longer, healthier and more productive lives. Since 2000, PhRMA member companies have invested nearly $1 trillion in the search for new treatments and cures, including an estimated $83 billion in 2019 alone, “PhRMA Statement on WTO TRIPS Intellectual Property Waiver”, 05-05-2021, https://www.phrma.org/coronavirus/phrma-statement-on-wto-trips-intellectual-property-waiver]//pranav

WASHINGTON, D.C. (May 5, 2021) – Pharmaceutical Research and Manufacturers of America (PhRMA) president and CEO Stephen J. Ubl made the following statement after the United States Trade Representative expressed support for a proposal to waive patent protections for COVID-19 medicines: “In the midst of a deadly pandemic, the Biden Administration has taken an unprecedented step that will undermine our global response to the pandemic and compromise safety. This decision will sow confusion between public and private partners, further weaken already strained supply chains and foster the proliferation of counterfeit vaccines. “This change in longstanding American policy will not save lives. It also flies in the face of President Biden’s stated policy of building up American infrastructure and creating jobs by handing over American innovations to countries looking to undermine our leadership in biomedical discovery. This decision does nothing to address the real challenges to getting more shots in arms, including last-mile distribution and limited availability of raw materials. These are the real challenges we face that this empty promise ignores. “In the past few days alone, we’ve seen more American vaccine exports, increased production targets from manufacturers, new commitments to COVAX and unprecedented aid for India during its devastating COVID-19 surge. Biopharmaceutical manufacturers are fully committed to providing global access to COVID-19 vaccines, and they are collaborating at a scale that was previously unimaginable, including more than 200 manufacturing and other partnerships to date. The biopharmaceutical industry shares the goal to get as many people vaccinated as quickly as possible, and we hope we can all re-focus on that shared objective.”

#### They lash out against infra and use COVID clout to kill it – they have public support, and a win now postpones reform indefinitely which turns case

Fuchs et al. 09/02 [Hailey Fuchsattended Yale University and was an inaugural Bradlee Fellow for The Washington Post, where she reported on national politics**,** Alice Ollstein is a health care reporter for POLITICO Pro, covering the Capitol Hill beat. Prior to joining POLITICO, she covered federal policy and politics for Talking Points Memo, Megan Wilson is a health care and influence reporter at POLITICO, “Drug industry banks on its Covid clout to halt Dems’ push on prices”, 09-02-2021, https://www.politico.com/news/2021/09/02/drug-prices-democrats-lobbying-508127]//pranav

As Democrats prepare a massive overhaul of prescription drug policy, major pharmaceutical companies are mounting a lobbying campaign against it, arguing that the effort could undermine a Covid fight likely to last far longer than originally expected. In meetings with lawmakers, lobbyists for the pharmaceutical industry have issued warnings about the reconciliation package now moving through both chambers of Congress that is set to include language allowing Medicare to negotiate the price of some drugs, which could generate billions of dollars in savings. In those conversations, K Street insiders say, lobbyists have explicitly mentioned that the fight against the coronavirus will almost certainly extend beyond the current surge of the Delta variant. And they’re arguing that now isn’t the time to hit the industry with new regulations or taxes, particularly in light of its successful efforts to swiftly develop vaccines for the virus. “For years, politicians have been saying that the federal government can interfere in the price of medicines and patients won’t suffer any harm,” said Brian Newell, a spokesperson for the Pharmaceutical Research and Manufacturers of America, or PhRMA, in a statement. “But in countries where this already happens, people experience fewer choices and less access to prescription medicines. Patients know if something sounds too good to be true, then it usually is.” The escalating warnings from the pharmaceutical industry are part of what is expected to be one of the more dramatic and expensive lobbying fights in recent memory, and a heightened repeat of the industry’s pushback to actions by former President Donald Trump to target drug prices. The proposal now under consideration in Democrats’ reconciliation package could save the federal government hundreds of billions of dollars by leveraging its ability to purchase prescription drugs, according to a report from the Congressional Budget Office. Without those funds, Democrats won’t be able to pay for the rest of the health care agenda they’ve promised to voters, including expansions of Medicare, Medicaid and Obamacare. But the plan has political power as more than a revenue raiser. Party leaders — from President Joe Biden to Senate Budget Chair Bernie Sanders (I-Vt.) — are touting it as one of the most important components of the $3.5 trillion package, with the potential to lower out-of-pocket health spending for tens if not hundreds of millions of people. Outside advocates have also zeroed in on it as the most consequential policy fight on the horizon. “This is the best chance that we have seen in a couple of decades to enact meaningful reforms to drug pricing policy in the United States that will lower the prices of prescription drugs, and it’s very clear that the drug companies are going all out to stop it,” said David Mitchell, founder of Patients for Affordable Drugs. “This is Armageddon for pharma.” Progressive Democrats and their outside allies believe they’re closer than they’ve been in decades to imposing some price controls, and worry that failure to do so this year will delay progress indefinitely given the possibility of the party losing one or more chambers of Congress in the 2022 midterms. In April, the House passed a fairly aggressive version — H.R. 3 (117) — though a handful of moderate Democrats friendly to the industry have threatened to block it when it comes back to the floor for a vote later this fall. Leadership has largely shrugged off this threat, banking on the fact that the most vulnerable frontline Democrats are vocally in favor of the policy, while most of the dissenters sit in safe blue districts. The Senate is designing its own version, outlined by Sen. Ron Wyden (D-Ore.) in June, as a middle ground between HR3 and the more narrow, bipartisan bill he and Sen. Chuck Grassley (R-Iowa) put forward last Congress. A senior Senate Democratic aide confirmed to POLITICO that the bill is nearly complete and that they’re in the process of shopping it around to undecided senators to make sure it has enough support to move forward in the 50-50 upper chamber. “It makes sense to get buy-in before releasing it rather than releasing it with fingers crossed and then tweaking it once members complain,” the aide said. But the reform push is coming at a time when the pharmaceutical industry is working hand-in-hand with government officials to combat the pandemic and enjoying a boost in public opinion as a result, even as drug costs continue to rise. The companies claim that fundamental changes to their bottom line — in addition to the Medicare provision, the reconciliation bill will likely raise corporate tax rate significantly, as high as 28 percent (a jump of 7 percentage points) — will threaten its current investments in research and development at a historically critical juncture. With the final draft of the bill expected in the coming weeks, the Pharmaceutical Research and Manufacturers of America, the lobbying arm of the pharmaceutical industry, is taking its case public. The group has recently spent at least seven figures on ads pressuring Congress not to change Medicare drug policy.

#### Infra’s k2 stopping existential climate change – warming is incremental and every change in temperature is vital

Higgins 8/16 [Trevor, Senior Director, Domestic Climate and Energy, “Budget Reconciliation Is the Key to Stopping Climate Change”, 08-16-2021, https://www.americanprogress.org/issues/green/news/2021/08/16/502681/budget-reconciliation-key-stopping-climate-change/]//pranav

The United States is suffering acutely from the chaotic changes in climate that scientists now directly attribute to the burning of fossil fuels and other human activity. The drought, fires, extreme heat, and floods that have already killed hundreds this summer across the continent and around the world are a tragedy—and a warning of worsening instability yet to come. However, this week, the Senate initiated an extraordinary legislative response that would set the world on a different path. Enacting the full scope of President Joe Biden’s Build Back Better agenda would put the American economy to work leading a global transition to clean energy and stabilizing the climate. A look at what’s coming next through the budget reconciliation process reveals a ray of hope that is easy to miss amid the fitful negotiations of recent months: At long last, Congress is on the verge of major legislation that would build a more equitable, just, and inclusive clean energy economy. This is our shot to stop climate change. Building a clean energy future must start now Until the global economy stops polluting the air and instead starts to draw down the emissions of years past, the world will continue to heat up, blundering past perilous tipping points that threaten irreversible and catastrophic consequences. Stemming the extent of warming at 1.5 degrees Celsius rather 2 degrees or worse will reduce the risk of crossing such tipping points or otherwise exceeding the adaptive capacity of human society. Every degree matters. Stabilizing global warming at 1.5 degrees Celsius starts with cutting annual greenhouse gas emissions in the United States to half of peak levels by 2030. This isn’t about temporary offsets or incremental gains in efficiency—it’s about the rapid adoption of scalable solutions that will work throughout the world to eliminate global net emissions by 2050 and sustain net-negative emissions thereafter. Building this better future will tackle climate change, deliver on environmental justice, and create good jobs. It will give us a shot to stop the planet from continuously warming. It will alleviate the concentrated burdens of fossil fuel pollution, which are concentrated in systemically disadvantaged, often majority Black and brown communities. It will empower American workers to compete in the global clean energy economy of the 21st century. There is no time to lose in the work of building a clean energy future.

## 4

Interp: if the affirmative specifies “nearly all medicines”, they must clarify what “nearly all” means in the 1AC

Violation: They didn’t.

Vote neg for pre-round prep: makes it impossible to construct an effective 1nc pre-round bc I don’t know what medicines the aff actually defends, so I can’t cut new disad links – CX is too late bc the majority of prep time is pre-round + it’s not enough time to cut new links & redo the 1nc – voter for fairness & education.

Frame through competing interps:

[1] reasonability causes a race to the bottom where debaters keep being marginally abusive

[2] collapses bc we debate ab a specified briteline

[3] controls the internal link to substance ed – only through enacting effective norms can we have good substance debates

## Case

### Plan

#### Circumvention and they don’t solve – even if they say “durable fiat”, they have not defined the scope of the plan in the 1AC so you don’t know what the plan would materially look like

Mercurio 6/24 [Simon F.S. Li Professor of Law, The Chinese University of Hong Kong, Shatin, Hong Kong. June 24, 2021. “The IP Waiver for COVID-19: Bad Policy, Bad Precedent” <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/> Accessed 8/25 //gord0]

The role of intellectual property rights (IPRs) and access to medicines is contentious. On the one hand, IPRs encourage investment, innovation and the advancement of health science. On the other hand, the limited-term monopoly rights can result in artificially high prices and become a barrier to access to medicines. While the wisdom of the IPRs system has at times been tested, it has proven its value in the current COVID-19 pandemic as IPRs played a large role in the rapid (and unprecedented) development and availability of multiple vaccines. Despite the success, India and South Africa proposed that the World Trade Organization (WTO) waive IPRs under the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) in order to increase access to vaccines and other COVID-19-related technologies.[1](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn1) The proposal, tabled at a meeting of the TRIPS Council in October 2020, calls on Members to waive IPRs relating to and having an impact on the “prevention, containment or treatment of COVID-19”.[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn2) The proposal attracted support from the majority of developing country Members,[3](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn3) but was opposed by a handful of Members including the United States (US).[4](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn4) Given that consensus could not be reached within the deadline of 90 days as set out in Art. IX:3 of the Agreement Establishing the WTO, Members agreed to keep the waiver proposal on the agenda of the TRIPS Council in 2021.[5](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn5) On 5 May 2021, the US reversed its position and announced that it would support a waiver for COVID-19 vaccines.[6](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn6) To be clear, this does not mean that the US supported the waiver as proposed by India and South Africa. Instead, the US has simply agreed to negotiate the perimeters of a waiver. Others, including the European Union (EU), Canada, Australia, Norway, Switzerland, the United Kingdom (UK) and even leading developing countries such as Brazil, Chile and Mexico remain opposed or lukewarm on the waiver.[7](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn7) The US dropping opposition does not mean the concerns of other Members will simply disappear – one would hope that these nations opposed the waiver for valid reasons and did not simply blindly follow the US. Indeed, many of the above-listed Members remain unconvinced that even such a draconian step as a waiver of IPRs would accomplish the goal of increased vaccine production.[8](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn8) For its part, the EU continues to favour an approach which makes better use of existing flexibilities available in the TRIPS Agreement.[9](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn9) Thus, those expecting quick agreement on the waiver will be disappointed. Negotiations at the WTO are always difficult and lengthy, and US Trade Representative Katherine Tai acknowledged that the “negotiations will take time given the consensus-based nature of the institution and the complexity of the issues involved”.[10](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn10) Issues of negotiation will include the scope of the waiver. Whereas the original proposal and its amended form extend the waiver beyond patents and vaccines to include nearly all forms of IP (i.e. copyright,[11](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn11) industrial designs and trade secrets) as well as to all “health products and technologies including diagnostics, therapeutics, vaccines, medical devices, personal protective equipment, their materials or components, and their methods and means of manufacture for the prevention, treatment or containment of COVID-19”[12](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn12) (with no requirement on how or the extent to which they are related to or useful in combatting COVID-19), the US and others seem to support a waiver limited to patents and vaccines.[13](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn13) The length of the waiver will also be a contentious negotiating issue, with proponents seeking a virtual indefinite waiver lasting until the Membership agrees by consensus that it is no longer required – meaning even a single Member’s objection to ending the waiver would mean the waiver continues to remain in force[14](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn14) – as will the request that any action claimed to be taken under the waiver is outside the scope of the WTO’s dispute settlement mechanism.[15](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn15) These provisions will almost certainly be opposed by other Members, who would perhaps agree to a time-limited waiver which could be extended rather than an unchallengeable indefinite waiver which will be difficult to reverse. The proposal also fails to mention anything in relation to transparency and notification requirements and lacks safeguards against abuse or diversion. These points will likely also prove contentious in the negotiations. With so many initial divergences and as yet undiscussed issues, the negotiations at best could be completed by the time of the next WTO Ministerial Conference, scheduled to begin on 20 November 2021. There is precedent in this regard, as previous TRIPS negotiations involving IP and pharmaceuticals were not fully resolved until the days before the Ministerial Conferences (in 2003 and 2005).[16](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn16) There is also a chance that the negotiations will continue past the calendar year 2021. The chance for a swift negotiation diminished with the release of a revised proposal by India and South Africa on 22 May 2021. As mentioned above, the proposal contains no limit as to product coverage, scope, notification requirements or safeguards and proposes that the waiver will remain in effect for what could be an indefinite period. This was not a proposal designed to engender quick negotiations and a solution. Instead, the proposal perhaps reveals India’s and South Africa’s true intent to use the COVID-19 pandemic as an excuse to roll-back IPRs rather than a good-faith effort to rapidly increase access to lifesaving vaccines and treatments around the world. It is not only the length of time which is an issue but also the ultimate impact of the waiver. A waiver simply means that a WTO Member would not be in violation of its WTO obligations if it does not protect and enforce the COVID-19-related IPRs for the duration of the waiver. The waiver would thus allow Members to deviate from their international obligations but not obligate Members to suspend protection and enforcement of the IPRs. Members like the US who support the waiver may not implement the necessary domestic legislation to waive IPRs within the jurisdiction. It is questionable whether the US could even legally implement the waiver given that IPRs are a matter of constitutional law.[17](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn17) The US announcement remains meaningful, however, for two reasons. First, it signals a departure from the longstanding and bipartisan support for the pharmaceutical industry, which for decades has been instrumental in setting the IP and trade agenda.[18](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn18) Second, it sends a strong signal that the US does not oppose others from waiving patent protection for vaccines. This shift may also be part of a broader and alternative strategy to increase vaccine production and distribution, whereby the US is not viewing or supporting waiver negotiations as a legal tool but more so as a threat to encourage vaccine innovators to increase production. In essence, the desired reaction would be that the IP holders increase efforts to license, transfer technology and expand manufacturing – exactly what the world needs at this time. Alan Beattie, writing in the Financial Times, believes that even the proponents of the waiver desire this outcome: “having talked to the proponents, [the original proposal] was always a tactical position designed to start a debate, identify possible support and flush out opponents rather than a likely outcome. To that end, it seems to have worked rather well.”[19](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn19) India’s negotiator to the TRIPS Agreement and longtime WTO staffer, Jayashree Watal, agrees, stating the proposal is an “indirect attempt to put pressure on the original manufacturers to cooperate [anHeg

d license production to companies in their countries]”.[20](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn20) This view makes sense, as the proponents (and their supporters) have not even pointed to one credible instance where IPRs have blocked the production of a COVID-19 vaccine. Moreover, it is well known that the leading vaccines using mRNA are difficult to reproduce and having the “blueprints” does not guarantee safe and effective production. Simply stated, if a pastry chef provides instructions on how to bake a cake, the cake they bake is still going to be better than cakes baked by novices using the exact same recipe. The know-how and trade secrets are the key ingredient to the manufacture of quality, safe and effective pharmaceuticals or vaccines, and not only is it not transferred through compulsory licenses but it is hard to imagine how any government would force the transfer of such information even under a waiver. For this reason, instead of encouraging production everywhere – including in locations where safety and efficacy standards are virtually nonexistent – and accepting that there will be a flood of substandard vaccines coming onto the world market (with devastating effects) it is much more sensible to find out where potential manufacturing capabilities exist and find ways to exploit them and scale them up. When asked if a waiver would improve vaccine availability and equity, Watal responded: “No. It won’t. That’s clear.”[21](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn21) I share Watal’s view and do not support a TRIPS waiver for IPRs or even a limited waiver for patents. With evidence mounting that “what the proposal … will definitely not achieve is speeding up the Covid-19 vaccination rate in India or other parts of the Global South”[22](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn22) I refuse to sacrifice academic integrity by supporting a proposal simply because it is gaining traction in some circles.[23](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn23) IPRs played a key role in delivering vaccines within a year of the discovery of a new pathogen; it seems inexplicable that the world would abandon the system without any evidence that IPRs are limiting during the current crisis.[24](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8223179/#Fn24) Moreover, innovators have been generous in licensing technology transfer and production and one would be hard-pressed to find credible reports of qualified generic producers being refused a license. This is not surprising, since multiple competing vaccines are on the market it simply does not make economic sense for innovators to refuse a license – the generic manufacturer would simply obtain a license (and market share) and pay royalties to a competitor. Instead, I support efforts to enable prompt and effective use of existing flexibilities in the TRIPS Agreement and concerted and coordinated efforts involving governments and the private sector to ensure all qualified generic producers willing and capable of manufacturing vaccines are doing so and to create supply by working to bring more facilities up to standard. Cooperation will not only lead us out of this pandemic but also put us in a better position to deal with the next one. Killing the goose that laid the golden egg may seem appealing to some in the short term but will only ensure that no eggs are delivered in the next pandemic.

Plan flaw – “ought” isn’t evaluative, but rather refers to a moral judgement on whether we must take a moral obligation which means it cannot be implemented. That means you negate a. no solvency because the plan won’t pass – presume neg because they haven’t won a reason to shift away from the s-quo and b. textual education is key to effective policy-making – a 2012 weed bill in Arkansas was rejected because it was phrased incorrectly.

Contrears is incoherent – biden has publically agreed to take steps needed for waiver regardless of resistance

Bacchus is ab unilateral US action, but china agrees to plan too which means the internal link is incoherent

Also no solvency explanation – getting rid of patents means china j keeps doing what they’re doing, j without retribution & missing internal link to unipolarity

### US China War

China cant f irst struke – Robust NFU

#### In a US-China war US will first strike – China is vulnerable now – Chinese leaders concede that current capabilities aren’t sufficient to evade BMD capabilities

Fiona S. Cunningham, Ph.D. candidate in the Department of Political Science and member of the Security Studies Program at the Massachusetts Institute of Technology; M. Taylor Fravel, Associate Professor of Political Science and member of the Security Studies Program at the Massachusetts Institute of Technology, 2015, “Assuring Assured Retaliation: China’s Nuclear Posture and U.S.-China Strategic Stability”, International Security, Vol 40, No 2, pp. – 7-50, http://www.mitpressjournals.org/doi/pdf/10.1162/ISEC\_a\_00215

In general, China has sought to maintain the smallest possible force capable of surviving a first strike and being able to conduct a retaliatory strike that would inflict unacceptable damage on an adversary, at the time and place of China’s choosing.17 Rather than expend all of its nuclear forces in a single, massive retaliatory strike, China has structured its nuclear forces to conduct multiple waves of large- or small-scale retaliatory strikes.18 As result, key principles in force development since 1980 have been “close defense” (yanmi fanghu) and “key-point counterstrikes” (zhongdian fanji).19 Close defense refers to ensuring the survivability of China’s forces, which first emphasized concealment and then mobility. Key-point counterstrikes refer to the means and methods of retaliation and how to inflict unacceptable damage on an adversary. Historically, Chinese planning has targeted population and industrial centers as well as soft military targets, such as military bases. How much is enough for China? The answer to this question has always been relative to a potential adversary’s capabilities, namely, those of the United States and the Soviet Union/Russia. Historically, China’s leaders have lacked confidence in their ability to assure retaliation. At times, either China has lacked enough weapons or the weapons that it possessed were not sufficiently survivable.20 By the mid-1990s, for example, China only possessed approximately twenty DF-5 ICBMs capable of reaching the continental United States. These missiles were liquid fueled, which increased the time required to prepare them for launch and reduced their reliability and survivability. The missiles were vulnerable to an enemy strike while they were being fueled, as were the fuel storage areas. China was also concerned about the reliability of its missile technology and the reconnaissance capabilities of its opponents. As a result, China sought to modernize its forces to increase survivability and penetrability. This included developing two road-mobile, solid-fueled missile systems, the DF-31 and DF-31A, as well as a submarine-launched variant, the JL-2, to be used aboard the new Type-094 class of ballistic missile submarines (SSBNs). China’s first-generation Type-092-class SSBN armed with the JL-1 missile encountered so many technological challenges that it never conducted a single deterrent patrol.21 Since modernizing its arsenal in the 1990s, China now possesses roughly forty missiles capable of striking the continental United States and another twenty that could strike Alaska or Hawaii. Some of China’s DF-5 ICBMs were recently equipped with multiple independently targeted reentry vehicles (MIRVs). Analysts estimate that ten of the twenty DF-5s were converted to a MIRVed variant capable of carrying three warheads. China therefore has the capability to strike the United States with approximately eighty-three warheads.22 This number could increase when the submarine leg of China’s nuclear arsenal becomes fully operational. China’s historic lack of confidence in the robustness of its retaliatory capability creates an important baseline for how China assesses the United States’ nuclear posture today. That is, China’s strategists should be especially sensitive to changes in the strategic posture of the United States that could threaten China’s retaliatory capability. Chinese Views of the Nuclear Posture of the United States China views U.S. missile defenses, conventional long-range strike, and intelligence, surveillance, and reconnaissance (ISR) developments as posing a serious challenge to its ability to maintain a “lean and effective” nuclear force. China’s strategic community sees the United States as continuing to pursue strategic primacy or, in the words of Chinese analysts, “absolute security,” ensuring one’s own security at the expense of others and thereby escaping mutual vulnerability.23 Some Chinese analysts had hoped that the new triad adopted in the 2001 Nuclear Posture Review was unique to either the Bush administration or the Republican Party; but the continued modernization of U.S. nuclear and conventional forces for strategic deterrence, despite President Obama’s 2009 Nuclear Weapon Free World proposal and the stated goal of strategic stability with China in the 2010 Nuclear Posture Review, have reinforced pessimism in China about the prospects for strategic stability with the United States.24 Examples of such pessimism are not hard to find. According to Sun Xiangli, a leading arms control expert, “While the U.S. reduces its nuclear arsenal, it still continues to preserve nuclear superiority over other nuclear powers and in its nuclear posture will maintain the basic characteristics of a war- fighting strategy (zhangzheng duikangxing zhanlue).”25 In particular, “In terms of the main role of nuclear weapons, employment policy, the development of strategic ballistic missile defenses and deployment of nuclear forces, the Obama administration has basically continued (jicheng) the content of earlier policies.”26 Likewise, the Science of Military Strategy highlights the U.S. desire to maintain “absolute security,” noting that the United States will not pursue disarmament so long as others possess nuclear weapons, even as it develops certain conventional capabilities to rely less on nuclear weapons. The book also emphasizes that there has been no fundamental change in the essence of U.S. nuclear strategy and that the United States has maintained the capability to rapidly expand its nuclear force. As a result, the book describes the United States as the “main target” (zhuyao duishou) in China’s “nuclear struggle” (he douzheng) because the United States views China as its main strategic opponent and has “an increasingly serious influence on the reliability and effectiveness of China’s nuclear counterstrike.”27 The two U.S. capabilities that sustain China’s pessimistic view of the prospects for strategic stability are ballistic missile defenses and CPGS. Chinese authors cited in this section frequently refer to U.S. “strategic deterrence” and China’s “strategic missiles” as U.S. targets, without specifying whether they are referring to China’s nuclear capabilities or its conventional ballistic missiles. We assume that these authors are referring to China’s nuclear-tipped missiles.28 ballistic missile defenses China’s strategic community views the U.S. development and deployment of ballistic missile defense capabilities as the most serious threat to China’s nuclear deterrent. Chinese analysts believe that the deployment of early warning systems and interceptors gives the United States a rudimentary missile defense capability against Chinese nuclear missiles. China’s strategic community also expects the system to become more integrated and effective in the future. For many, the Obama administration has only slightly altered the Bush administration’s missile defense plan, as U.S. missile defense has bipartisan support and is now a permanent feature of the strategic landscape.29 For China’s strategic community, the diverse development and widespread deployment of missile defense interceptors and sensors indicate that the future U.S. missile defense system in East Asia is unlikely to be limited and could undermine China’s deterrent. Chinese experts view the U.S. development of interceptor technology as demonstrating the viability of missile defenses,30 as well as a U.S. interest in defeating countermeasures, such as decoys that China might deploy.31 Many Chinese interlocutors also anticipated additional ground-based midcourse interceptor deployments in the United States following the June 2014 test of a new kill vehicle.32 Radar systems such as the AN/TPY-2 land-based X-band radar are seen as reducing the effectiveness of missile defense decoys, one of the major missile defense countermeasures.33 Radar deployments in Kyoto, rumored deployments to the Philippines, and an offer to deploy a Terminal High Altitude Area Defense battery to South Korea confirm Chinese suspicions that the United States is improving its capability to detect and track Chinese missiles, not just North Korean ones.34 Analysts expect the components of the system to have implications beyond missile defense. As two scholars from the PLA Foreign Languages Institute note, they “may have surveillance and preemption (xianzhi) applications.”35 Consequently, many Chinese assessments of the nascent U.S. missile defense deployments in East Asia anticipate the deployment of an integrated, multilayered system that enhances U.S. strategic deterrence at China’s expense. Chinese expectations of the system look beyond the United States’ “phased, adaptive approach” to envisage a future worst-case scenario for China’s deterrent. A 2012 article by scholars affiliated with the Second Artillery Command College examined a hypothetical U.S. campaign to defend the homeland against a missile attack based on the 2012 U.S. Joint Publication 3-01 “Countering Air and Missile Threats.” In addition to operations relying on the U.S. missile defense system, the authors note that the campaign also included “offensive” antimissile operations such as the suppression of air defenses and attacks on missile bases.36 All of these analyses suggest Chinese skepticism that the United States will maintain current limits on its missile defenses.37 China’s strategic community draws two primary conclusions from the continued development of U.S. missile defenses. First, unsurprisingly, China views the continued advances of U.S. missile defense as posing a direct threat to its retaliatory capability and as evidence of the U.S. pursuit of absolute security more generally.38 China’s strategic community accepts the official justification of the system to counter ICBM attacks on the U.S. homeland and to protect U.S. forces abroad and allies from medium-range and short-range missile attacks.39 The community does not accept the claim that missile threats in East Asia emanate exclusively from North Korea, however.40 Most interlocutors commented that the missile defense capabilities deployed in East Asia far exceed the capabilities required to destroy North Korean missiles and could be used to defend the United States against a Chinese retaliatory strike.41 As Sun Xiangli writes, “Because China’s nuclear forces have maintained a limited scope for a long time, China is very sensitive to threats from strategic missile defenses. As long as strategic missile defenses develop without limit, China’s limited nuclear deterrent will inevitably be challenged, and China must consider all kinds of steps to strengthen its nuclear deterrent.”42 Likewise, according to two scholars from the PLA Foreign Languages Institute, “The layout of the system’s deployments completely target the attack trajectories of Chinese and Russian missiles” and can “degrade the Russian and Chinese military deterrence capability.”43 Second, for Chinese analysts, U.S. missile defense development demonstrates a desire and technical possibility to escape mutual nuclear vulnerability. Regardless of the technology’s effectiveness, they fear that arms racing may result. As two scholars from AMS and NDU note, “The essence of developing missile defense is to search for a shield against nuclear weapons. Once it succeeds, it will trigger a deep and widespread military revolution and even change the nature of international politics. The United States is very clear about this.” They speculate about the fundamental changes resulting from missile defense, if combined with a nuclear counterforce capability: “If the United States deploys a mature missile defense system, especially if it is paired with a first-strike nuclear capability, this will greatly increase the U.S. strategic deterrent capability.”44 Our interlocutors shared these views and expressed concern that the United States may be tempted to use its missile defense capabilities along with offensive conventional and nuclear arms to disarm other states. Even if the system is ineffective, they worried that missile defenses could be perceived as effective, triggering a regional arms race.45

#### Successful preemptive strike forces a surrender – solves further escalation

Sarah Johnson 17, "U.S. Nuclear First Strike Policy; Be Afraid", Bill Track 50, https://www.billtrack50.com/blog/in-the-news/u-s-nuclear-first-strike-policy-be-afraid/

The second situation is a [preemptive strike](http://www.dictionary.com/browse/preemptive-strike) — a first-strike attack with nuclear weapons carried out to destroy an enemy’s capacity to respond. Preemptive strikes can be based on the assumption that the enemy is planning an imminent attack, but don’t have to be. The methodology behind a preemptive nuclear strike is to attack the enemy’s strategic nuclear weapon facilities (missile silos, submarine bases, bomber airfields), command and control sites and storage depots first. By hitting these targets first the enemy will be so wounded with so little of their resources left that they will be forced to surrender with minimal damage to the attacking party.

#### Now’s key – China can’t survive a counterforce strike now – BUT, waiting lets them achieve survivability

Charles Glaser and Fetter 16, Professor in the Elliott School of International Affairs and The Department of Political Science at George Washington University, Steve Fetter, a Professor in the School of Public Policy and Associate Provost for Academic Affairs at the University Of Maryland. International Security, “Should the united states reject MAD? Damage limitation and US nuclear strategy toward China,” 41(1), Project Muse

A nuclear retaliatory capability requires not only that a state’s nuclear weapons and delivery systems can survive attack, but also that the state has the ability to launch the surviving weapons. If the United States could fully destroy China’s nuclear command and control systems before China launched its nuclear forces, then the United States would have a highly effective damage-limitation capability. Even partially destroying China’s nuclear C2 could complement other U.S. counterforce capabilities by reducing the fraction of surviving weapons that China could launch. Relatively little is known about China’s C2, but we can assess the challenges that China faces by identifying three broad approaches for addressing nuclear C2 vulnerability: (1) ensuring that the political leadership and the communication links between leaders and launch commanders are survivable; (2) predelegating launch authority down the political and military chains of command; and (3) preparing to launch on warning (LOW) of a U.S. attack. None of these approaches provides an easy route to adequate C2. During the Cold War, the United States developed an elaborate system of sensors, mobile platforms, and organizational procedures to overcome the vulnerability of its C2. These extensive efforts were unable to avoid difficult trade-offs between ensuring the United States’ ability to launch a retaliatory attack and increasing [End Page 72] the probability of an accidental or unauthorized launch of its nuclear weapons.65 Based on publicly available information, China has not fully pursued any of these approaches and will have to make substantial organizational and technological investments to achieve adequate nuclear C2 capabilities. Any fixed Chinese leadership and communication assets that the United States had located would be vulnerable to U.S. nuclear attack. Even deep underground facilities can be compromised by attacks on surface features, such as entrances and ventilation, communication, and power facilities. A partial solution to this vulnerability during a crisis or conventional war would be to disperse political and military leaders to hidden locations and/or put them on mobile air-based or ground-based platforms. After surviving a U.S. attack, these mobile platforms would need to be able to communicate with China’s mobile ICBMs, which is itself a challenging task.

#### China will attack cities – and city attacks are way worse

Hans Kristensen et al 6, Director of the Nuclear Information Project at the Federation of American Scientists, Robert S. Norris, senior research associate with the NRDC nuclear program and director of the Nuclear Weapons Databook project, and Matthew G. McKinzie, scientific consultant to the Nuclear Program at the Natural Resources Defense Council, November 2006, “Chinese Nuclear Forces and U.S. Nuclear War Planning,” online: http://www.fas.org/nuke/guide/china/Book2006.pdf

China’s main nuclear deterrent against the United States has been described as a retaliatory minimum deterrent against countervalue targets with forces on very low or no alert. “Retaliatory” and “countervalue” refer to the fact that the Chinese nuclear doctrine is one of no-first-use, and consistent with that stated policy, the Chinese nuclear weapons capable of attacking the continental United States are not of a quantity or an accuracy that could threaten U.S. nuclear forces, but instead would be capable of targeting population centers. We calculated the effects of a Chinese strike against U.S. cities with warheads from the 20 DF-5A ICBMs that were hypothetical targets in the scenario discussed above. We did this analysis to better quantify China’s current deterrent against the U.S. homeland and examine different potential future Chinese nuclear force postures against the United States. We also explored parameters of the calculation, such as missile range, warhead yield, and warhead height-of-burst and targeting. In Chapter 2 we quoted a range for China’s DF-5A ICBM of at least 8,000 miles (13,000 km). Assuming a circumpolar trajectory for the missile, Figure 92 illustrates which areas of the United States are within range assuming the DF-5A is launched from silos near the city of Luoning in China’s Henan Province. A range of at least 6.835 miles (11,000 km) is required to put cities at risk on the West Coast and in the north-central region of the United States. A range of 7,456 miles (12,000 km) puts cities on the East Coast at risk, including New York City and Washington, D.C. If the range of the DF-5A exceeds 8,000 miles (13,000 km) then all of the continental United States could be targeted. Note that a near-polar intercontinental ballistic missile trajectory toward the United States from Luoning is the shortest distance but would necessitate an overflight of Russia and possibly activate Russia’s early warning system. Missile trajectories from China to the continental United States which do not overfly Russia would require a range exceeding 10,560 miles (17,000 km). The yield of the warhead mounted on the DF-5A is believed to be from 3 Mt to 5 Mt – a substantially higher-yield warhead than the U.S. W88 or W76. In HPAC, the effects of a nuclear explosion in the 3 Mt to 5 Mt range on a city are estimated from an extrapolation of the effects seen at Hiroshima and Nagasaki, but the damage due to fire storms from such a high-yield nuclear explosion may be more pervasive.497 It is unknown whether the Chinese warheads on the DF-5A can be fuzed to detonate as a ground burst. The U.S. nuclear weapons dropped on Hiroshima and Nagasaki at the end of World War II were fuzed to detonate at an altitude of approximately 1,640 feet (500 meters) to maximize the area exposed to the blast wave produced in the nuclear explosion. The DOD defines the “optimum height of burst” as: “For nuclear weapons and for a particular target (or area), the height at which it is estimated a weapon of a specified energy yield will produce a certain desired effect over the maximum possible area.” 498 In the case of the “Fat Man” and “Little Boy” nuclear weapons dropped on Japan, a height of burst of 1,640 feet (500 meters) maximized the area exposed to 10 pounds-per-square inch (psi) for nuclear explosive yields of about 15 kilotons, and the radius of a circle exposed to 10 psi or greater from these nuclear explosion is calculated to be about 0.62 miles (1 km). In the case of a 4 Mt weapon, the optimum height of burst to maximize an area exposed to 10 psi or greater is 9,840 feet (3,000 meters), and the radius to which 10 psi extends is 3.9 miles (6.2 km). Table 20 contrasts the effects of a Hiroshima nuclear bomb with that of the 4 Mt warhead on the Chinese DF-5A. The calculated effects of a single 4 Mt nuclear airburst over a major U.S. city are staggering. Figure 93 illustrates the combined nuclear explosive effects of blast, thermal radiation and initial radiation in the form of an overall probability of being killed or injured while inside a building structure at the time of the explosion in New York City (top) or Los Angeles (bottom). An inner zone of near complete destruction (more than 90 percent casualties) would extend 16.2 miles (10 km) from ground zero, and blast and fire damage would extend as far as 21.8 miles (35 km) or more from the ground zero. A blast wave as strong or stronger than that directly under the Hiroshima explosion (35 psi) would cross the island of Manhattan. A firestorm could potentially engulf all of New York City or Los Angeles.

#### City attacks from China cause extinction

Stuart Arsmtrong 12, James Martin Research Fellow, Future of Humanity Institute, University of Oxford, 3/16/12, “Old threats never die, they fade away from our minds: nuclear winter,” http://blog.practicalethics.ox.ac.uk/2012/03/old-threats-never-die-they-fade-away-from-our-minds-nuclear-winter/

In 1983, scientists published a paper on nuclear winter. This boosted the death toll of all-out nuclear war from ‘only’ 200-500 million to the very real possibility of the complete extinction of the human race\*. But some argued the report was alarmist, and there did seem to be some issues with the assumptions. So – a military phenomena that might cause megadeaths, possibly true but requiring further study, and a huge research defense budget that could be used to look into this critical phenomena and that was already spending millions on all aspects of nuclear weapons – can you guess what happened next? Correct – the issue was ignored for decades. For over twenty years, there were but a tiny handful of papers on the most likely way we could end our own existence, and a vague and persistent sense that nuclear winter had been ‘disproved’. But in 2007, we finally had a proper followup - with the help of modern computers, better models and better observations, what can we now say? Well, that nuclear winter is still a major threat; the initial fear was right. Their most likely scenario was: A global average surface cooling of –7°C to –8°C persists for years, and after a decade the cooling is still –4°C [...]. Considering that the global average cooling at the depth of the last ice age 18,000 yr ago was about –5°C, this would be a climate change unprecedented in speed and amplitude in the history of the human race. The temperature changes are largest over land [...] Cooling of more than –20°C occurs over large areas of North America and of more than –30°C over much of Eurasia, including all agricultural regions. Also, precipitation would be cut in half and we’d lose most of the ozone layer. But there was a more worrying development: it also seems that a small-scale nuclear war could generate its own mini nuclear winter. It’s important to understand that nuclear winter would not be a direct consequences of the nuclear explosions, but of the burning of our cities in the wake of the war (given enough heat, even roads and pavements will burn), generating clouds of very black smoke that rise into the stratosphere. The clouds do need to reach these heights: any lower and they’ll get rained out. This is what happened during the burning of the Kuwaiti oil wells in 1991: Carl Sagan, one of the fathers of the theory, predicted a nuclear winter-like scenario. But he wasn’t paying attention to the climate models: as they predicted, the local damage was severe, but the smoke didn’t reach the stratosphere, and global damage was avoided.

### Heg

#### Hegemony is a terminally unsustainable fantasy based in a revisionist strategy of American exceptionalism – pursuit causes numerous failed states, financial crises, widening inequality, worldwide proliferation, anti-western terrorism, and emboldens Russia.

Walt 19 Stephen Walt is the Robert and Renée Belfer Professor of International Affairs at the Harvard Kennedy School. [“The End of Hubris,” *Foreign Affairs*, Vol. 98, Iss. 3, (May/Jun 2019): 26-35, 4-16-2019, URL: <https://www.foreignaffairs.com/articles/2019-04-16/end-hubris>] DTS

IF IT AIN'T BROKE . . . In the nineteenth century, when the United States was weak, leaders from George Washington to William McKinley mostly avoided foreign entanglements and concentrated on building power domestically, expanding the country's reach across North America and eventually expelling the European great powers from the Western Hemisphere. In the first half of the twentieth century, U.S. presidents such as Wood- row Wilson and Franklin Roosevelt used the country's newfound strength to restore the balance of power in strategically critical regions outside the Western Hemisphere. But they let other great powers do most of the heavy lifting, and thus the United States emerged relatively unscathed-and stronger than ever-from the world wars that devastated Asia and Europe. Letting other states shoulder the burden was not possible during the Cold War, so the United States stepped up and led the alliances that contained the Soviet Union. American leaders paid lip service to democracy promotion, human rights, and other idealistic concerns, but U.S. policy was realist at its core. Through the Bretton Woods system and its successors, the United States also helped foster a more open world economy, balancing economic growth against the need for financial stability, national autonomy, and domestic legitimacy. Put simply, for most of U.S. history, American leaders were acutely sensitive to the balance of power, passed the buck when they could, and took on difficult missions when necessary. But when the Soviet Union collapsed and the United States found itself, as the former national security adviser Brent Scowcroftput it in 1998, "standing alone at the height of power . . . with the rarest opportunity to shape the world," U.S. leaders rejected the realism that had worked well for decades and tried to remake global politics in accordance with American values. A new strategy-liberal hegemony-sought to spread democracy and open markets across the globe. That goal is the common thread linking President Bill Clinton's policy of "engagement and enlargement," President George W. Bush's "freedom agenda," and President Barack Obama's embrace of the Arab revolts of 2010-11 and his declaration that "there is no right more fundamental than the ability to choose your leaders and determine your destiny." Such thinking won broad support from both political parties, the federal bureaucracies that deal with international affairs, and most of the think tanks, lobbies, and media figures that constitute the foreign policy establishment. At bottom, liberal hegemony is a highly revisionist strategy. Instead of working to maintain favorable balances of power in a few areas of vital interest, the United States sought to transform regimes all over the world and recruit new members into the economic and security institutions it dominated. The results were dismal: failed wars, financial crises, staggering inequality, frayed alliances, and emboldened adversaries. HEGEMONIC HUBRIS When Clinton took office in 1993, the United States was on favorable terms with the world's other major powers, including China and Russia. Democracy was spreading, Iraq was being disarmed, and Iran had no nuclear enrichment capacity. The Oslo Accords seemed to herald an end to the Israeli-Palestinian conflict, and Washington seemed well positioned to guide that process. The European Union was adding new members and moving toward a common currency, and the U.S. economy was performing well. Americans saw terrorism as a minor problem, and the U.S. military seemed unstoppable. The wind was at the country's back. Life was good. But those circumstances fueled a dangerous overconfidence among American elites. Convinced that the United States was "the indispensable nation," as Secretary of State Madeleine Albright famously put it in 1998, they believed they had the right, the responsibility, and the wisdom to shape political arrangements in every corner of the world. That vision turned out to be a hubristic fantasy. Repeated attempts to broker peace between the Israelis and the Palestinians all failed, and the two-state solution sought by three U.S. presidents is no longer a viable option. Al Qaeda attacked the U.S. homeland on September 11, 2001, and Washington responded by launching a global war on terrorism, including invasions of Afghanistan and Iraq. Those campaigns were costly failures and shattered the U.S. military's aura of invincibility. Much of the Middle East is now embroiled in conflict, and violent extremists operate from Africa to Central Asia and beyond. Meanwhile, India, Pakistan, and North Korea tested and deployed nuclear weapons, and Iran become a latent nuclear weapons state. The collapse of the U.S. housing market in 2008 exposed widespread corruption in the country's financial institutions and triggered the worst economic crisis since the Great Depression-a calamity from which the global economy has yet to fully recover. In 2014, Russia seized Crimea, and it has interfered in a number of other countries since then-and its relations with the West are now worse than at any time since the Cold War. China's power and ambitions have expanded, and cooperation between Beijing and Moscow has deepened. The eurozone crisis, the United Kingdom's decision to withdraw from the eu, and energetic populist movements have raised doubts about the eu's future. Democracy is in retreat worldwide; according to Freedom House, 2018 was the 13th consecutive year in which global freedom declined. Illiberal leaders govern in Hungary and Poland, and the Economist Intelligence Unit's annual Demoracy Index has downgraded the United States from a "full" to a "flawed" democracy. The United States was not solely responsible for all these adverse developments, but it played a major role in most of them. And the taproot of many of these failures was Washington's embrace of liberal hegemony. For starters, that strategy expanded U.S. security obligations without providing new resources with which to meet them. The policy of "dual containment," aimed at Iran and Iraq, forced the United States to keep thousands of troops on the Arabian Peninsula, an additional burden that also helped convince Osama bin Laden to strike at the U.S. homeland. Nato expansion committed Washington to defend weak and vulnerable new members, even as France, Germany, and the United Kingdom let their military forces atrophy. Equally important, U.S. efforts to promote democracy, the open-ended expansion of nato, and the extension of the alliance's mission far beyond its original parameters poisoned relations with Russia. And fear of U.S.-led regime change encouraged several states to pursue a nuclear deterrent-in the case of North Korea, successfully. When the United States did manage to topple a foreign foe, as it did in Afghanistan, Iraq, and Libya, the results were not thriving new democracies but costly occupations, failed states, and hundreds of thousands of dead civilians. It was delusional for U.S. leaders to expect otherwise: creating a functional democracy is a difficult process under the best of circumstances, but trying to do it in fractured societies one barely understands is a fool's errand. Finally, globalization did not deliver as promised. Opening up markets to trade and investment brought great benefits to lower and middle classes in China, India, and other parts of the developing world. It also further magnified the already staggering wealth of the world's richest one percent. But lower- and middle-class incomes in the United States and Europe remained flat, jobs in some sectors there fled abroad, and the global financial system became much more fragile. This sorry record is why, in 2016, when Trump called U.S. foreign policy "a complete and total disaster" and blamed out-of-touch and unaccountable elites, many Americans nodded in agreement. They were not isolationists; they simply wanted their government to stop trying to run the world and pay more attention to problems at home. Trump's predecessors seemed to have heard that message, at least when they were running for office. In 1992, Clinton's mantra was "It's the economy, stupid." In 2000, Bush derided Clinton's efforts at "nation building" and called for a foreign policy that was "strong but humble." Obama pledged to end foreign wars and focus on "nation building at home." These expressions of restraint were understandable, as surveys had repeatedly shown that a majority of Americans believed the country was playing the role of global policeman more than it should and doing more than its share to help others. According to the Pew Research Center, in 2013, 80 percent of Americans agreed that "we should not think so much in international terms but concentrate more on our own national problems and building up our strength and prosperity here at home," and 83 percent wanted presidents to focus more on domestic issues than on foreign policy. Clinton, Bush, and Obama all understood what the American people wanted. But they failed to deliver it. So has Trump. Although his Twitter feed and public statements often question familiar orthodoxies, the United States is still defending wealthy nato allies, still fighting in Afghanistan, still chasing terrorists across Africa, still giving unconditional support to the same problematic Middle Eastern clients, and still hoping to topple a number of foreign regimes. Trump's style as president is radically different from those of his predecessors, but the substance of his policies is surprisingly similar. The result is the worst of both worlds: Washington is still pursuing a misguided grand strategy, but now with an incompetent vulgarian in the White House.

#### Unipoles become addicted to war — causes entrapment, permanent intervention, and guts diplomacy.

Mearsheimer, 18 — John Mearsheimer; PhD in IR, R. Wendell Harrison Distinguished Service Professor at the University of Chicago. (“The Great Delusion: Liberal Dreams and International Realities;” pg. 152-153; Published by *Yale University Press*; //GrRv)

The costs of liberal hegemony begin with the endless wars a liberal state ends up fighting to protect human rights and spread liberal democracy around the world. Once unleashed on the world stage, a liberal unipole soon becomes addicted to war.

This militarism arises from five factors. First, democratizing the globe is a vast mission that provides abundant opportunities to fight. Second, liberal policymakers believe they have the right, the responsibility, and the know-how to use military force to achieve their goals. Third, they often approach their task with missionary zeal. Fourth, pursuing liberal hegemony undercuts diplomacy, making it harder to settle disputes with other countries peacefully. Fifth, that ambitious strategy also undermines the notion of sovereignty, a core norm of international politics that is intended to limit interstate war.

The presence of a powerful state prone to fighting war after war increases the amount of conflict in the international system, creating instability. These armed conflicts usually end up failing, sometimes disastrously, and mainly at the expense of the state purportedly being rescued by the liberal goliath. One might think liberal elites would learn from their failures and become averse to using military force abroad, but that seldom happens.

Liberal hegemony promotes instability in other ways as well. Formidable liberal democracies also tend to embrace ambitious policies short of war that often backfire and poison relations between them and the target countries. For example, they often interfere in the politics of other countries. They are also inclined when engaging diplomatically with an authoritarian country to disregard its interests and think they know what is best for it. Finally, liberalism abroad tends to undermine liberalism at home, because a militaristic foreign policy invariably fosters a powerful national security state prone to violating its citizens’ civil liberties.

My argument is that a country that embraces liberal hegemony ends up doing more harm than good to itself as well as other countries, especially those it intends to help. I will illustrate this argument by focusing on American foreign policy since Bill Clinton was elected to the White House in November 1992. With the end of the Cold War in 1989 and the collapse of the Soviet Union in 1991, the United States emerged as by far the most powerful country on the planet. Unsurprisingly, the Clinton administration embraced liberal hegemony from the start, and the policy remained firmly intact through the Bush and Obama administrations.

Not surprisingly, the United States has been involved in numerous wars during this period and has failed to achieve meaningful success in almost all of those conflicts. Washington has also played a central role in destabilizing the greater Middle East, to the great detriment of the people living there. Liberal Britain, which has acted as Washington’s faithful sidekick in these wars, also bears some share of the blame for the trouble the United States has helped cause. American policymakers also played the key role in producing a major crisis with Russia over Ukraine. At this writing, that crisis shows no signs of abating and is hardly in America’s interest, let alone Ukraine’s. Back in the United States, Americans’ civil liberties have been eroded by an increasingly powerful national security state.

#### US collapse is inevitable

Freier 17 (Nathan, Project Director & Principal Author of the DoD Risk Assessment, “At Our Own Peril: DoD Risk Assessment in a Post-Primacy World”, *Department of Defense*, https://ssi.armywarcollege.edu/pdffiles/PUB1358.pdf)

Both inside and outside the United States, a great number of analysts and opinionmakers are questioning the continued strength of U.S. commitment to its commonly recognized security obligations. At the same time, the study team found through extensive interactions with key defense stakeholders that the maintenance of the U.S. position as a dominant global power is untenable without both active maintenance and expansion of meaningful security partnerships worldwide.16 The world has grown accustomed to U.S. leadership. Yet, there are real fears that a combination of effective counter-U.S. resistance and deliberate, unilateral U.S. hesitation and restraint have both diminished American leverage and eroded many of the key advantages essential to the United States maintaining and leading its historically strong network of alliances and partnerships.17 According to General David Petraeus, “The paradox of the moment is that, just as the threats to the world order [the United States] created have grown ever more apparent, American resolve about its defense has become somewhat ambivalent.”18 In the end, the study team found this objective to be at the same time potentially the United States’ single greatest competitive advantage, as well as its single greatest vulnerability.19 Going forward, senior U.S. decision-makers will need to carefully account 46 for the strength of U.S. relationships, the reliability of individual U.S. partners, and the degree and merit of partner contributions to collective defense and security.20 Underwrite a Stable, Resilient, and Rules-Based International Order. Senior U.S. decision-makers naturally feel an obligation to preserve the U.S. global position within a favorable international order while protecting the United States and its people from consequential aggression, attack, or disruption.21 Before September 11, 2001 (9/11), this had very specific implications for DoD. Prior to 9/11, the operative international order felt comfortable to U.S. strategists, as they or their predecessors had—over the previous 55 years—largely been responsible for its construction and maintenance.22 Up to 9/11, that operative order was perceived to be dominated by the well-practiced, often-predictable competitive and cooperative relationships between states. In reality, while global security affairs were likely considerably more complex than perceived in the immediate post-Cold War period and through 9/11, this classically realist frame or lens was nonetheless the aperture through which U.S. policymakers and senior military leaders understood the world and its distribution of power.23 Since 9/11, however, U.S. perceptions of both the complexity of the contemporary order (or disorder) and its inherent hazards have grown more sophisticated, uncertain, unsettling, and confounding.24 The next section describes the contemporary post-primacy environment in detail. While the United States still clings to significant political, economic, and military leverage, that leverage is increasingly exhibiting less reach, durability, and endurance. In short, the rules-based global order that the United States built and sustained for 7 decades is under enormous stress. The greatest source of stress lies in an inherent dynamism in the character and velocity of consequential change in strategic conditions. General Petraeus is instructive here as well. He recently observed: Americans should not take the current international order for granted. It did not will itself into existence. [The United States] created it. Likewise, it is not self-sustaining. [The United States has] sustained it. If [the United States] stops doing so, it will fray and, eventually, collapse.25 U.S. adjustment to the post-primacy era has been uneven at best. What can be perceived by foreign rivals or domestic partisan opposition as fecklessness on the part of those charged with U.S. foreign and security policy might instead simply be confusion— confusion about the proximate source and nature of consequential hazards, the risks associated with action or inaction against them, and the stability of the foundation upon which past best practice has most often ably averted military catastrophe, contagious insecurity, and uncontrolled disorder.26 Today, past best practice is increasingly ineffective. Revisionist or revolutionary powers such as China, Russia, Iran, and North Korea demonstrate a penchant for paralyzing, counter-U.S. gray zone competition.27 Vulnerable states are also falling victim to more organic networked rejectionist forces and movements that effectively challenge the legitimate exercise of political authority wherever they emerge. The growth, persistent presence, and corrosive impact of these stateless environmental forces lead to noticeable spikes in terrorism, insurgency, and civil conflict, and undermine the U.S.-led 47 order often less by purpose than by implication. In reality, the “rules” in “rules-based” are failing and the United States is struggling to keep pace.28

#### Decline causes a peaceful transition — BUT, hegemonic cling makes transition conflicts more likely.

MacDonald & Parent, 18 — Paul K. MacDonald, PhD, is Associate Professor of Political Science at Wellesley College. Joseph M. Parent, PhD, is Associate Professor of Political Science at the University of Notre Dame. (“Twilight of the Titans: Great Power Decline and Retrenchment;” pg. 2-3; Published by *Cornell University Press*; //GrRv)

In this book, we argue that the conventional wisdom is wrong. Specifically, we make three main arguments. First, relative decline causes prompt, proportionate retrenchment because states seek strategic solvency. The international system is a competitive place, and great powers did not get to the top by being imprudent, irrational, or irresponsible. When their fortunes ebb, states tend to retain the virtues that made them great. In the face of decline, great powers have a good sense of their relative capability and tend not to give away more than they must. Expanding or maintaining grand strategic ambitions during decline incurs unsustainable burdens and incites unwinnable fights, so the faster states fall, the more they retrench. Great powers may choose to retrench in other circumstances as well, but they have an overriding incentive to do so when confronted by relative decline.

Second, the depth of relative decline shapes not only how much a state retrenches, but also which policies it adopts. The world is complex and cutthroat; leaders cannot glibly pull a policy off the shelf and expect desired outcomes. Because international politics is a self-help system, great powers prefer policies that rely less on the actions of allies and adversaries. For lack of a better term, we refer to these as domestic policies, which include reducing spending, restructuring forces, and reforming institutions—all to reallocate resources for more efficient uses. But international policies may also help, and they include redeploying forces, defusing flashpoints, and redistributing burdens—all to avoid costly conflicts and reinforce core strongpoints. The faster and deeper states fall, the more they are willing to rely on others to cushion their fall. Retrenchment is not a weapon but an arsenal that can be used in different amounts and combinations depending on conditions and the enemies faced.

Third, after depth, structural conditions are the most important factors shaping how great powers respond to relative decline. Four conditions catalyze the incentives for declining states to retrench. One is the declining state’s rank. States in the top rungs of the great power hierarchy have more resources and margin for error than those lower down, so there is less urgency for them to retrench. Another is the availability of allies. Where states can shift burdens to capable regional powers with similar preferences, retrenchment is less risky and difficult. Yet another is the interdependence of commitments. When states perceive commitments in one place as tightly linked to commitments elsewhere, pulling back becomes harder and less likely. The last catalyst is the calculus of conquest. If aggression pays, then retrenchment does not, and great powers will be loath to do it. The world is not just complex and cutthroat, it is also dynamic. No set of conditions is everlasting, and leaders must change with the times.

Empirically, this work aims to add value by being the first to study systematically all modern shifts in the great power pecking order. We find sixteen cases of relative decline since 1870, when reliable data for the great powers become available, and compare them to their non-declining counterparts across a variety of measures. To preview the findings, retrenchment is by far the most common response to relative decline, and declining powers behave differently from non-declining powers. States in decline are more likely to cut the size of their military forces and budgets and in extreme cases are more likely to form alliances. This does not, however, make them ripe for exploitation; declining states perform comparatively well in militarized disputes. Our headline finding, however, is that states that retrench recover their prior rank with some regularity, but those that fail to retrench never do. These results challenge theories of grand strategy and war, offer guidance to policymakers, and indicate overlooked paths to peace.

#### China isn’t searching for hegemony – domestic concerns outweigh

Wang 18 Yanan Wang is a staff writer for CTV News [“China will 'never seek hegemony,' Xi says in reform speech,” *CTV News,* 12-18-2018, URL: <https://www.ctvnews.ca/business/china-will-never-seek-hegemony-xi-says-in-reform-speech-1.4222277>] DTS

China will never pursue hegemony, President Xi Jinping said Tuesday as global concerns persist over the country's growing economic influence. During a speech to mark 40 years of market reforms, Xi repeated China's commitment to a multilateral trading system and further opening of its economy. However, he did not announce any new initiatives to counter a slowing economy and trade frictions with the United States. The Chinese leader said China would not develop "at the expense of other countries' interests." China's expanding footprint worldwide -- from Asia-Pacific to Africa and beyond through a broad network of infrastructure projects called the Belt and Road Initiative -- has led some nations to raise the alarm over what they call China's long arm of influence, which has been criticized for being political as well as economic. While Xi said China is "increasingly approaching the centre of the world stage," he also noted that the country pursues a defensive national defence policy. "China's development does not pose a threat to any country," Xi said. "No matter how far China develops, it will never seek hegemony." Xi chronicled at length the country's recent achievements, giving special credit to former leader Deng Xiaoping, whose reforms Xi said saved China from the brink of economic collapse following the tumultuous Cultural Revolution. Other celebrations of reform and opening up have been criticized by scholars for downplaying the role of Deng, widely considered the architect of the changes, in order to elevate Xi. This time around, Xi spared no praise for Deng, as he began by remarking on the significance of 1978 -- the year Deng implemented his first reforms. During the ceremony, 100 individuals were recognized as pioneers of reform. The eclectic slate included NBA player Yao Ming, Alibaba founder Jack Ma and Nobel prizewinning scientist Tu Youyou. They received their medals to the tune of "Story of Spring," a patriotic ballad paying tribute to Deng. Throughout, Xi emphasized the absolute rule of the Communist Party and its upholding of Chinese sovereignty. "No one is in a position to dictate to the Chinese people what should or should not be done," he said. "We will resolutely reform what can and needs to be reformed, and we will resolutely uphold what cannot and does not need to be changed." Xi's speech espoused "above all else," said Julian Gewirtz, an international affairs scholar at Harvard, "the distinctiveness and absolute correctness of China's path under the party's leadership." "This was a broad attempt to provide a really positive, confidence-building story of China's past 40 years and its future," said Gewirtz, who has written a book about China's economic reforms. The address won't assuage concerned private entrepreneurs and foreign businesses, who had hoped Xi would use the occasion to announce concrete industry-opening measures to shift dominance away from state corporations. China's push to dominate the high-tech industry by 2025 is a sore point with Washington and a contributing factor in trade tensions that have seen the world's two largest economies slap billions of dollars in punitive tariffs on each other's products this year. In a move welcomed by global stock markets, President Donald Trump agreed Dec. 1 to postpone more U.S. tariff hikes on Chinese imports for 90 days while the two sides negotiate over American complaints about Beijing's technology policy.