# 1NC

## 1

#### Interpretation: The affirmative may not defend biological elements.

#### Medicine Definition from Lexico

https://www.lexico.com/en/definition/medicine

A compound or preparation used for the treatment or prevention of disease, especially a drug or drugs taken by mouth.

#### Violation: they do

#### They defend cloning genetic modification of plants and discoveries of substances that might not even by medicines. Their evidence doesn’t even say medicines. Don’t let them link out cause they literally read this in the 1AC in the highlighted portion. If they do it’s a voter for shiftiness impossible to prepare and creates a 1AR restart making sure the 1AC always wins with a 7 -6 time skew.

Martin 1AC Khor October 2000 Why Life Forms Should Not Be Patented Third World Network Features, https://www.twn.my/title/2103.htm

The patenting of living things or life forms, some of which have been made mandatory by the World Trade Organisation, is unethical and also against the economic and social interests of developing countries. Thus, the WTO’s Agreement on trade-related intellectual property rights (TRIPs) should be revised and the patenting of life should instead be prohibited. This was one of the points put forward by speakers and some participants at a panel discussion on the review of the TRIPs Agreement during a seminar on Current Developments in the WTO organised in Geneva by the Third World Network on 14-15 September. The patenting of life forms has become the subject of a growing worldwide campaign by citizen groups, environmentalists, scientists, farmers’ organisations and also religious leaders. They believe that animals, plants, humans, micro-organisms and their parts such as genes and cells, should not be patentable as these life forms are creations of God and Nature. They also argue that life forms, even if they are genetically modified, are not inventions and thus do not meet the criteria of patentability. A debate has also been raging in the WTO, which is reviewing Article 27.3(b) of the TRIPs treaty, which deals with patenting of life forms. It allows countries not to patent plants and animals but makes the patenting of micro-organisms and microbiological processes compulsory, thus opening the road to the patenting of life. Opening the discussion at the TWN seminar, the chairperson, Mr Chakravarthi Raghavan, said that a basic rethinking is now going on in the public arena on the nature of intellectual property rights and TRIPs, on the need to balance the rights of IPR holders and that of users and consumers. Raghavan said policy-makers and negotiators from the South should examine what had been promised in TRIPs on technology transfer and other positive aspects and compare these with the actual results. They should also focus on the aspects of TRIPs that had generated negative effects and that thus need to be reversed. Mr Nelson Ndirangu, a senior Kenyan diplomat based in Geneva, said developing countries had general concerns that TRIPs requires strong regimes to protect intellectual property. The advantage would go to those holding patents. Although the developed countries had said that strong IPR rules would cause technology transfer to take place, five years later this has not happened, and thus the claims of benefit were similar to fraud. In relation to patenting of life forms, Kenya and the Africa Group believes that this is unethical and should not be allowed. This patenting also has serious implications for food security. African countries are not satisfied with Article 27.3(b) of TRIPs. The requirement for protecting micro-organisms, non-biological and microbiological processes and plant varieties is unethical in allowing patents over life forms, unfair in terms of biopiracy, and harms food security for local communities as well as biodiversity. Ndirangu added that when a product is patented, it disallows or discourages research. Big companies that patent would benefit and produce what the market wants. ‘Those of us living on subsistence cannot afford patented products from the North. Also, in relation to products containing genetically modified organisms, we are not sure if they are safe for health or the environment.’ Ms Cecilia Oh, legal adviser to the Third World Network, said that the TRIPs Agreement has contributed to the prevention of access to technology for developing countries. In the case of patents on biological materials, there is a case of ‘double irony’ in that patents are being granted over biological materials and the traditional knowledge of the use of such materials. This prevents access by developing countries to such biological resources and knowledge, which originated largely from the developing countries. In this context, the TRIPs Agreement has facilitated the flow of resources and technology from the South to the North. As the United Nations Conference on Trade and Development (UNCTAD)’s Trade and Development Report 1999 pointed out, IPR protection has generated the outward flow of profits from developing to developed countries, in terms of payments for technology and licensing fees and royalties. Oh said the patent system was not an appropriate reward system for knowledge relating to biological materials. ‘The patent system was designed to protect mechanical inventions, and makes the distinction between mere discoveries and inventions. It is clear that biological materials are naturally occurring and can only be discoveries, and not inventions. ‘Patents confer monopolies over patented subject matter. In the cases of seeds and plant varieties, patents on such biological materials will have serious implications for agriculture and food security in the developing countries. The monopoly over biological resources and knowledge essential for agriculture, medicinal and other uses may be misappropriated and vest in individuals and corporations.’ Oh added that from a scientific perspective, the distinctions made in Article 27.3(b) (for example, between plants and animals, on the one hand, and micro-organisms, on the other) are artificial and were drafted with the aim of allowing and requiring micro-organisms and microbiological processes to be patentable. Quoting from reports made by scientists, Oh said: ‘Scientifically, no such distinctions can be drawn, and therefore, all living organisms and living processes cannot be patentable.’ She said that there are four categories of patents on life forms and processes, which should be prohibited or banned. These are: · Patents based on bio-resources and knowledge of their use pirated from countries and indigenous communities, which do not satisfy the novelty or invention criteria; · Patents on discoveries, for example, micro-organisms, cell lines, genomes, genes (including human cell lines and human genomes and sequences), which are all naturally occurring; · Patents on transgenic techniques and constructs, and transgenic plants, animals and micro-organisms (better known as genetically modified organisms); and · Patents on nuclear transplant cloning (for example, the techniques that produced Dolly the sheep). Oh said: ‘A system for rewards should be developed, but distorting the patent system only serves to attract controversy and rejection of the whole system.’ She added that at the WTO, the African Group of countries has already submitted a comprehensive proposal with the main point ‘that the review process should clarify that plants and animals as well as micro-organisms and all other living organisms and their parts cannot be patented, and that natural processes that produce plants, animals and other living organisms should also not be patentable’. The Africa Group had also proposed that the protection of plant varieties should allow for protection of the innovations of indigenous and local farming communities in developing countries. At discussion time, Mr Leo Palma of the Philippines Mission in Geneva said he subscribed to the view that there should be no patents on life forms. He asked how this principle should be brought forward. A delegate from Trinidad and Tobago said it was important to work out the elements of an appropriate system of protection for plant varieties. A delegate from the India Mission said it was useful to examine the patent application forms and procedures in developed countries, such as the United States. He proposed that in patent application forms a column be added to include the source of origin of biological materials. Before patents are granted, the source of origin as well as evidence whether the knowledge has already been in use should be looked at. This would help prevent patents being granted for products or knowledge that have already been in use in other parts of the world. -

#### [1] Limits – they explode the topic to include tons of substances like food and make it so there is *no* unified neg generics. Force the 1AR to read a definition card with a clear list of what’s included and excluded – otherwise, vote neg since they can’t put a clear limit on the topic. They defend so many things that aren’t medicines that it is impossible to negate because they aren’t defending the resolution. They have to show how stuff their solvency advocate defends like cloning is a medicine.

#### [2] Precision – not defending the text of the resolution justifies the affirmative doing away with random words in the resolution which a] means they’re not within the topic which is a voter for jurisdiction since you can only vote affirmative on the resolution and this debate never should have happened, b] they’re unpredictable and impossible to engage in so we always lose

#### Drop the debater – a] deter future abuse and b] set better norms for debate.

#### Competing interps –

#### [a] reasonability is arbitrary and encourages judge intervention since there’s no clear norm

#### [b] it creates a race to the top where we create the best possible norms for debate.

#### No RVIs –

#### a] illogical, you don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument

#### b] RVIs incentivize baiting theory and prepping it out which leads to maximally abusive practices

## 2

#### CP text: The member nations of the WTO ought to establish an international legal instrument to protect indigenous intellectual property.

#### Indigenous or traditional knowledge should be given stronger IP rights and protections to the groups which the knowledge stems from including protections for genetic resources.

#### Groups can form traditional knowledge databases similar to India’s.

#### Companies should not be able to use this knowledge without the consent of the indigenous groups.

#### Its mutually exclusive because it allows for the patenting of Traditional knowledge while the aff bans the patenting of it.

**WIPO no date** WIPO, xx-xx-xxxx, "Traditional Knowledge and Intellectual Property – Background Brief," No Publication, <https://www.wipo.int/pressroom/en/briefs/tk_ip.html?fbclid=IwAR2iLd8fJ4lNl_fhhwQBHvCdoFEfB44H5GHIWBBb0xGPVBt1fRJT-uzUXDU> SJ//DA

The current international system for protecting intellectual property was fashioned during the age of industrialization in the West and developed subsequently in line with the perceived needs of technologically advanced societies. However**, in recent years, indigenous peoples, local communities, and governments, mainly in developing countries, have demanded equivalent protection for traditional knowledge systems. In 2000, WIPO members established an Intergovernmental Committee on Intellectual Property and Genetic Resources, Traditional Knowledge and Folklore (IGC), and in 2009 they agreed to develop an international legal instrument (or instruments) that would give traditional knowledge, genetic resources and traditional cultural expressions (folklore) effective protection. Such an instrument could range from a recommendation to WIPO members to a formal treaty that would bind countries choosing to ratify it.** Traditional knowledge is not so-called because of its antiquity. It is a living body of knowledge that is developed, sustained and passed on from generation to generation within a community, often forming part of its cultural or spiritual identity. As such, it is not easily protected by the current intellectual property system, which typically grants protection for a limited period to inventions and original works by named individuals or companies. Its living nature also means that “traditional” knowledge is not easy to define. **Recognizing traditional forms of creativity and innovation as protectable intellectual property would be an historic shift in international law, enabling indigenous and local communities as well as governments to have a say over the use of their traditional knowledge by others.** This would make it possible, for example, to protect traditional remedies and indigenous art and music against misappropriation, and enable communities to control and benefit collectively from their commercial exploitation. Although the negotiations underway in WIPO have been initiated and propelled mainly by developing countries, the discussions are not neatly divided along “North-South” lines. Communities and governments do not necessarily share the same views, and some developed country governments, especially those with indigenous populations, are also active. Two types of intellectual property protection are being sought: **Defensive protection aims to stop people outside the community from acquiring intellectual property rights over traditional knowledge. India, for example, has compiled a searchable database of traditional medicine that can be used as evidence of prior art by patent examiners when assessing patent applications. This followed a well-known case in which the US Patent and Trademark Office granted a patent (later revoked) for the use of turmeric to treat wounds, a property well known to traditional communities in India and documented in ancient Sanskrit texts. Defensive strategies might also be used to protect sacred cultural manifestations, such as sacred symbols or words from being registered as trademarks.** Positive protection is the granting of rights that empower communities to promote their traditional knowledge, control its uses and benefit from its commercial exploitation. Some uses of traditional knowledge can be protected through the existing intellectual property system, and a number of countries have also developed specific legislation. However, any specific protection afforded under national law may not hold for other countries, one reason why many indigenous and local communities as well as governments are pressing for an international legal instrument. WIPO’s work on traditional knowledge addresses three distinct yet related areas: traditional knowledge in the strict sense (technical know-how, practices, skills, and innovations related to, say, biodiversity, agriculture or health); traditional cultural expressions/expressions of folklore (cultural manifestations such as music, art, designs, symbols and performances); and genetic resources (genetic material of actual or potential value found in plants, animals and micro-organisms). Although for many communities traditional knowledge, genetic resources and traditional cultural expressions form part of a single integrated heritage, from an intellectual property standpoint they raise different issues and may require different sets of solutions. In all three areas, in addition to work on an international legal instrument, WIPO is responding to requests from communities and governments for practical assistance and technical advice to enable communities to make more effective use of existing intellectual property systems and participate more effectively in the IGC’s negotiations. WIPO’s work includes assistance to develop and strengthen national and regional systems for the protection of traditional knowledge (policies, laws, information systems and practical tools) and the Creative Heritage Project which provides hands-on training for managing intellectual property rights and interests when documenting cultural heritage. Traditional knowledge When community members innovate within the traditional knowledge framework, they may use the patent system to protect their innovations. However, traditional knowledge as such - knowledge that has ancient roots and is often informal and oral - is not protected by conventional intellectual property systems. This has prompted some countries to develop their own sui generis (specific, special) systems for protecting traditional knowledge. There are also many initiatives underway to document traditional knowledge. In most cases the motive is to preserve or disseminate it, or to use it, for example, in environmental management, rather than for the purpose of legal protection. There are nevertheless concerns that if documentation makes traditional knowledge more widely available to the general public, especially if it can be accessed on the Internet, this could lead to misappropriation and use in ways that were not anticipated or intended by traditional knowledge holders. At the same time, documentation can help protect traditional knowledge, for example, by providing a confidential or secret record of traditional knowledge reserved for the relevant community only. **Some formal documentation and registries of traditional knowledge support sui generis protection systems, while traditional knowledge databases - such as India’s database on traditional medicine - play a role in defensive protection within the existing IP system. These examples demonstrate the importance of ensuring that documentation of traditional knowledge is linked to an intellectual property strategy and does not take place in a policy or legal vacuum.** In the WIPO talks, many argue that use of traditional knowledge ought to be subject to free, prior and informed consent, especially for sacred and secret materials. However, others fear that granting exclusive control over traditional cultures could stifle innovation, diminish the public domain and be difficult to implement in practice. Genetic resources Genetic resources themselves are not intellectual property (they are not creations of the human mind) and thus cannot be directly protected as intellectual property. However, inventions based on or developed using genetic resources (associated with traditional knowledge or not) may be patentable or protected by plant breeders’ rights. In considering intellectual property aspects of use of genetic resources, WIPO’s work complements the international legal and policy framework defined by the Convention on Biological Diversity (CBD), and its Nagoya Protocol, and the International Treaty on Genetic Resources for Food and Agriculture of the United Nations Food and Agriculture Organization. Issues under discussion at WIPO include: Defensive protection of genetic resources: This strand of the work aims at preventing patents being granted over genetic resources (and associated traditional knowledge) which do not fulfil the existing requirements of novelty and inventiveness. In this context, to help patent examiners find relevant prior art, proposals have been made that genetic resources and traditional knowledge databases could help patent examiners avoid erroneous patents and WIPO has improved its own search tools and patent classification systems. The other, more controversial, strand concerns the possible disqualification of patent applications that do not comply with CBD obligations on prior informed consent, mutually agreed terms, fair and equitable benefit-sharing, and disclosure of origin. “Biopiracy” is a term sometimes used loosely to describe biodiversity-related patents that do not meet patentability criteria or that do not comply with the CBD’s obligations – but this term has no precise or agreed meaning. Disclosure requirements: A number of countries have enacted domestic legislation putting into effect the CBD obligations that access to a country’s genetic resources should depend on securing that country’s prior informed consent and agreeing to fair and equitable benefit sharing. WIPO members are considering whether, and to what extent, the intellectual property system should be used to support and implement these obligations. Many, but not all, WIPO members want to make it mandatory for patent applications to show the source or origin of genetic resources, as well as evidence of prior informed consent and a benefit sharing agreement. Parallel discussions are also taking place in the World Trade Organization’s Council on Trade Related Aspects of Intellectual Property (TRIPS). WIPO also deals with the intellectual property aspects of mutually agreed terms for fair and equitable benefit-sharing. It has developed, and regularly updates, an online database of relevant contractual practices, and has prepared draft guidelines on intellectual property clauses in access and benefit-sharing agreements. Traditional cultural expressions Traditional cultural expressions (folklore) are seen as integral to the cultural and social identities of indigenous and local communities, embodying know-how and skills, and transmitting core values and beliefs. Protecting folklore contributes to economic development, encourages cultural diversity and helps preserve cultural heritage. Traditional cultural expressions can sometimes be protected by existing systems, such as copyright and related rights, geographical indications, appellations of origin, trademarks and certification marks. For example, contemporary adaptations of folklore are copyrightable, while performances of traditional songs and music may come under the WIPO Performances and Phonograms Treaty. Trademarks can be used to identify authentic indigenous arts, as the Maori Arts Board in New Zealand, Te Waka Toi, has done. Some countries also have special legislation for the protection of folklore. Panama has established a registration system for traditional cultural expressions, while the Pacific Regional Framework for the Protection of Traditional Knowledge and Expressions of Culture gives “traditional owners” the right to authorize or prevent use of protected folklore and receive a share of the benefits from any commercial exploitation. Developing an international legal instrument Because the existing international intellectual property system does not fully protect traditional knowledge and traditional cultural expressions, many communities and governments have called for an international legal instrument providing sui generis protection. **An international legal instrument would define what is meant by traditional knowledge and traditional cultural expressions, who the rights holders would be, how competing claims by communities would be resolved, and what rights and exceptions ought to apply. Working out the details is complex and there are divergent views on the best ways forward, including whether intellectual property-type rights are appropriate for protecting traditional forms of innovation and creativity. To take just one example, communities may wish to control all uses of their traditional cultural expressions, including works inspired by them, even if they are not direct copies. Copyright law, on the other hand, permits building on the work of others, provided there is sufficient originality. The text of the legal instrument will have to define where the line is to be drawn between legitimate borrowing and unauthorized appropriation.** On genetic resources, countries agree that intellectual property protection and the conservation of biodiversity should be mutually supportive, but differ on how this should be achieved and whether any changes to current intellectual property rules are necessary. **Representatives of indigenous and local communities are assisted by the WIPO Voluntary Fund to attend the WIPO talks, and their active participation will continue to be crucial for a successful outcome**. WIPO members have agreed to expedite their work so as to decide in late 2012 whether to convene a diplomatic conference for final adoption of one or more international instruments.

#### The aff causes bioprospecting only the CP solves.

**Nwankwo and Kenny, 21** (Ugonma Nwankwo and Charles Kenny, Ugonma Nwankwo is a research assistant with CGD’s Technology and Development program primarily supporting a new initiative on data governance policies. Previously, she worked as a policy researcher with UN Women United Kingdom, identifying ways the UK can harness technology to achieve gender equality. She has published work concerning the implications of the General Data Protection Regulation (GDPR), specifically Article 17, for the UK; and has also conducted research for the Commonwealth Secretariat on digital transformation solutions in Papua New Guinea and the Solomon Islands. Prior to focusing on technology policy, Nwankwo worked with Wells Fargo Bank ensuring foreign exchange trades executed complied with Dodd-Frank regulations. Nwankwo holds a Master of Public Policy degree from the University of Cambridge and a bachelor’s degree in Political Science from Loyola Marymount University., Charles Kenny is a senior fellow and the director of technology and development at the Center for Global Development. , 3-1-2021, accessed on 8-12-2021, Center For Global Development, "Their Knowledge, Their Rights: Using Traditional Knowledge and Intellectual Property to Protect Communities", https://www.cgdev.org/blog/their-knowledge-their-rights-using-traditional-knowledge-and-intellectual-property)

Traditional knowledge is managed as a collectively held, shared, and preserved resource in Indigenous communities worldwide. However, recent decades have seen an increased number of private sector companies exploiting traditional knowledge, often in ways that do not benefit the communities that have created and preserved the knowledge. This has been accomplished through the selective use of the idea of “public domain”—the notion that traditional knowledge does not merit IP protections because it is public, but that commercial innovations building on or benefiting from the same knowledge are proprietary and subject to IP protection. A particular issue is bioprospecting—the search for useful products derived from natural resources, including plants and animals that can be developed further for commercialization: A natural remedy for malaria. Bitter root (Quassia amara) is a small red-flowered tree native to Central and South America used for centuries by Indigenous groups to combat malaria. Without acknowledging the indigenous and local communities of French Guiana that helped France’s Institut de Recherche pour le Développement (IRD) isolate the active ingredient known for antimalaria activity, and without providing them with a means to access the potential malaria drug at an affordable price, the IRD patented the ingredient. After initially mounting a vigorous defense, IRD finally acquiesced, agreeing to share benefits of the patent with the impacted communities of French Guiana, including ensuring they can obtain the drug at an affordable price. Using plants to curb hunger. For centuries, the San people of Southern Africa used the hoodia plant as an appetite suppressant, particularly during hunting expeditions where little food was available for many days. In 1963, the Council for Scientific and Industrial Research (CSIR) patented the plant’s appetite-suppressing element (P57) without initially negotiating any agreement with the San. The South African San Council challenged the lack of compensation for their traditional knowledge, resulting in the CSIR and the Council entering into a memorandum of understanding in 2002 which laid out payments to be provided to the San on an ongoing basis. Though both of these examples eventually resulted in the communities which generated the traditional knowledge receiving benefits from the patenting, they had to go through lengthy legal and negotiation processes in part because of the ill-fitting nature of standard intellectual property regimes and traditional knowledge. Since these cases, the global community and national governments have developed institutional responses to address the challenges traditional knowledge presents. The United Nations Declaration on the Rights of Indigenous Peoples addresses inherent rights to “spiritual traditions, histories and philosophies…their lands, territories and resources.” The Convention on Biological Diversity and its Nagoya Protocol explicitly defend the right of Indigenous groups to hold their knowledge, including controlling access to it and to benefit from its use. Additionally, the World Trade Organization’s Trade-Related Aspects of Intellectual Property Rights agreement addresses traditional knowledge in article 27(2-3), which allows exclusion from patentability inventions whose commercial use needs to be prevented to safeguard against “serious prejudice” to the environment and also allows countries to exclude certain plants and animals from patentability. National governments are also increasingly enacting laws to protect traditional knowledge. For example, in 2016, Kenya passed the Traditional Knowledge and Cultural Expressions Act, which promotes and protects traditional knowledge and traditional cultural expressions against exploitation by third parties. In 2015, Brazil passed a law that “regulates access to components of the genetic heritage, protection of and access to associated traditional knowledge and the fair and equitable sharing of benefits for the conservation and sustainable use of Brazilian biodiversity.” Additionally, India, the Philippines, and Peru have passed laws that create IP regimes particular to traditional knowledge. Despite this progress, national governments and Indigenous groups remain engaged in debate concerning the appropriate modalities and terms to protect traditional knowledge. And there are practical and ethical challenges with existing legal frameworks. For example, the challenge of community ownership of IP includes delimiting the community and deciding who represents it with regard to traditional knowledge use and any proceeds that flow from its exploitation. Moreover, there remains the challenge of asymmetric power between holders of traditional knowledge and often significantly resourced corporations that want to exploit it. There does not have to be tension between traditional knowledge and the public domain. Local communities should have custodianship of knowledge and should benefit from any commercial exploitation, but that knowledge should be widely available. A traditional knowledge library or repository may be part of such a solution. India currently has a traditional knowledge digital library in which the country’s traditional medicinal knowledge is being documented in an accessible format to guard against intellectual property claims against it. Similarly, Kenya’s 2016 Traditional Knowledge Act includes a provision that requires the Kenyan Copyright Board to maintain a traditional knowledge digital repository, which will consist of “information relating to both traditional knowledge and [traditional cultural expressions] that have been documented and registered by county governments.” Making this information publicly available on a global scale creates a level of transparency around traditional knowledge that can serve to minimize the risk of exploitation. Beyond documentation, Indigenous and local communities to whom traditional knowledge belongs should be the primary custodians of this knowledge: for example, if a spin-off innovation that utilizes traditional knowledge is deemed patentable or a creative work generated by communities can be copyrighted, it should be the choice of community representatives to use and benefit from the resulting IP protection (or refuse use of the traditional knowledge in particular innovations or publications). National traditional knowledge systems should include legal support for communities to make and enforce those decisions. This will help to mitigate some of the inherent power imbalances that conversations around traditional knowledge present. There remain practical, legal, and ethical challenges to consider. The principle should be clear, however: If traditional knowledge is placed outside the public domain and into the IP system, the choice to do so should be made by the community that created it—and any benefits that accrue should flow back to that community.

## 3

#### **FDI is expected to recover but is tentative – uncertainties from pandemic and economic recovery**

UNCTAD 7/21, 6-21-2021, [United Nations Conference on Trade and Development "Global foreign direct investment set to partially recover in 2021 but uncertainty remains," UNCTAD, https://unctad.org/news/global-foreign-direct-investment-set-partially-recover-2021-uncertainty-remains]//anop

Looking ahead, global FDI flows are expected to bottom out in 2021 and recover some lost ground with an increase of 10% to 15% (Figure 2). “This would still leave FDI some 25% below the 2019 level. Current forecasts show a further increase in 2022 which, at the upper bound of projections, bring FDI back to the 2019 level,” said UNCTAD’s director of investment and enterprise, James Zhan. Figure 2 - Foreign direct investment outflows, top 20 home economies, 2017 and 2018 (Billions of dollars) Figure 2 - Foreign direct investment outflows Source: UNCTAD, World Investment Report 2021. Prospects are highly uncertain and will depend on, among other factors, the pace of economic recovery and the possibility of pandemic relapses, the potential impact of recovery spending packages on FDI, and policy pressures. The relatively modest recovery in global FDI projected for 2021 reflects lingering uncertainty about access to vaccines, the emergence of virus mutations and the reopening of economic sectors. “Increased expenditures on both fixed assets and intangibles will not translate directly into a rapid FDI rebound, as confirmed by the sharp contrast between rosy forecasts for capex and still-depressed greenfield project announcements,” Mr. Zhan said. The FDI recovery will be uneven. Developed economies are expected to drive global growth in FDI, both because of strong cross-border mergers and acquisitions (M&A) activity and large-scale public investment support. FDI inflows to Asia will remain resilient as the region has stood out as an attractive destination for international investment throughout the pandemic. A substantial recovery of FDI to Africa and to Latin America and the Caribbean is unlikely in the near term.

#### **The plan decreases foreign direct investment from negative signals – turns case**

Kogan 11, Lawrence A [Lawrence A. Kogan is founder and Managing Attorney of The Kogan Law Group, P.C., a New York City–based multidisciplinary professional services firm specialized in identifying and addressing emerging regulatory, policy and trade risks posed to multinational company assets, operations and supply-chains. (2011), "Commercial High Technology Innovations Face Uncertain Future Amid Emerging “BRICS” Compulsory Licensing and IT Interoperability Frameworks" San Diego International, https://digital.sandiego.edu/cgi/viewcontent.cgi?article=1091&context=ilj]//anop

Similarly, the enactment of national laws and regulations promoting the availability and flexible use by governments of a compulsory licensing mechanism as an exception or limitation to the patent right to secure foreign companies’ patented high technologies at less than their fair market value can increase economic risks and result in acts of regulatory arbitrage and protectionist opportunism by home country as well as foreign companies operating pursuant to divergent business models. The security of property rights has been placed into question where compulsory licenses have been issued or threatened against foreign patented high technologies. Studies have shown that a corresponding reduction in the flow of knowledge-based foreign direct investment (FDI) will follow.81 82 [T]he practice of compulsory licensing comes with a price: the temporary or permanent deprivation of some part of a patent owner’s right to exclude disrupts the investment-backed expectation of the property right. In the future, pharmaceutical companies and other industries dependent upon intellectual property rights may mistrust licensing nations’ promises to protect and enforce patent rights, not to mention copyrights, and trademarks. As a result, industries that find the security of property rights lacking in a given nation may avoid engaging in foreign direct investment with that nation. Because foreign direct investment (FDI) is a major potential source of economic growth for recipient nations, the loss of such investment resources arising from compulsory licensing practices could force developing nations to pay a particularly heavy cost for providing needed medicines for its citizens.83 While government patent policy by itself is an incomplete measurement of a country’s market and investment friendliness, it is generally agreed that such legal protections reflect a country’s interest in fostering business and technology development. Through effective deterrence of imitation, “patents reduce the costs of enforcing contracts and at the same time increase the expected returns on FDI and licensing, which will have a positive effect on technology transfer. Patent rights encourage technology transfer by providing owners with legal certainty.”84 Consequently, the passage of IP laws that do not include a provision for compulsory licensing, for example, may favorably signal to foreign investors that a government is willing to allow strategic business decisions without undue interference and ensure more transparent and unbiased application of commercial laws with the prospect of reduced government corruption.85 “There is little doubt that developing countries who issue compulsory licenses also face additional risks in attracting global capital. Particularly, for MDC’s [middle developing countries], a compulsory license can trigger the loss of significant FDI.”86 If patent ownership rights indicate to prospective investors a firm’s proper regard for its intellectual property security, then surely a company’s willingness to engage in a foreign market where the government has decided to adopt or enforce anti-patent measures will convey negative signals to the investment community about the company, the quality of its management, and the strength and economic value of its patents and associated projected revenue streams. Just as the sale of a product through a low-status selling channel of a product can signal a diminution in brand status to the consumer, exposure of a patent to an uncertain legal environment can signal that the firm may not consider the patent to be as valuable as others believe. Even the threat of an ‘anti-patent’ such as a compulsory license can impair firm equity, thereby reducing the attractiveness of a country as an investment partner. Any firm calculating its returns from FDI will have to account for the possibility of these signaling-based losses.87

#### **FDI is key to long term economic stability – it dictates future investments and industries**

Susic et al 17 [I Susic1 , M Stojanovic-Trivanovic2 and M Susic3 1University of Business Studies, Jovan Ducic Street, No 23A, 78000 Banja Luka, Bosnia and Herzegovina 2 Independent University Banjaluka, Veljka Mladjenovica Street No 12E, 78000 Banja Luka, Bosnia and Herzegovina 3Enterprise Fructa Trade – Kort, Marije Bursac Street No 70, 74400 Derventa, Bosnia and Herzegovina 2017 IOP Conf. Ser.: Mater. Sci. Eng. 200 012019. https://iopscience.iop.org/article/10.1088/1757-899X/200/1/012019/pdf]//anop

Foreign direct investments (FDI) represent such a form of investment in which foreign investor keeps the ownership right, provides the control and the management of the firm in which they invested the funds, in order to achieve long-term interests. These investments are the most important instrument of foreign capital inflow because they represent a direct inflow from abroad, i.e. direct inflow of the capital in the economic system of the host country. Foreign direct investment, as a form of international capital mobility, represents an important contributor to more efficient activities in the economy. They provide faster exit to the international market and as the aftermath are ensuring improved the living standard of the society. Evaluation of investment efficiency is the basis for making investment decisions from one country to another, which will consequently lead to improvement of the economy. Foreign investments are a key development factor in the modern economy, and jointly with the trade, represent the most important leverage of an enterprise, organization of production, supplying goods and services on a global scale. FDI are supporting the companies in organizing production on a global scale, providing an efficient supply of raw materials, energy, labor as the input, and are facilitating the placement of products and services as the output in the most important markets in a profitable way. On the basis of such activities, the companies can on optimal way use its advantages in technology, expertise, and economies of scale. Developing countries having high state debt and unfavorable economic situation show huge interest in gaining as higher foreign investments as possible. It has been especially important after bank loans and various financial aid ceased to arrive in some countries. Countries in transition, aiming to integrate into the world economic system, can overcome negative economic tendencies with the help of international capital inflow. Developed countries, faced with a financial crisis, have been also interested in an increased inflow of foreign capital, since the foreign investments are the most important element of development strategies in general. With foreign direct investment is not coming just the capital from one country to another, but also the investment package containing new technologies, managerial skills and new markets. In addition, bearing higher risks, FDIs are significantly increasing the opportunities for making profits. Foreign direct investments are autonomous transactions of long-term capital movements, motivated by economic interests, with the profit at the first place.\

#### **FDI is key to COVID recovery – increases employment and strengthens relations between countries.**

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Just as the adverse health effects of COVID-19 will not vanish immediately but will be resolved in stages, so too will the global economy recover in stages, across industries and around the world. As both Western economies and emerging markets consider approaches to accelerate post COVID-19 economic recovery, foreign direct investment (FDI) will be an important tool for success. FDI has been one of the primary drivers of global GDP growth in recent years. FDI not only benefits economies by creating good paying jobs, it also strengthens bilateral and regional diplomatic and commercial relations among countries. Further, FDI enables the private sector to “export” best business practices, such as good corporate governance, anti-corruption, and transparency. During the pre-COVID-19 economic boom, for example, FDI in the U.S. grew dramatically. In 2015, total foreign investment in America peaked at $477 billion. In 2018, FDI fell to $296 billion, but was still significant. Attracting FDI was also an important policy objective in emerging economies prior to the COVID-19 pandemic. According to the UNCTAD 2020 World Investment Report, in 2019, 54 countries introduced at least 107 measures affecting foreign investment, most of them focused on investment liberalization, promotion and facilitation. This effort was led by Asian developing countries and emerging economies. The goal of expanding investment incentives regimes in diverse sectors, from mining to financial services, and streamlining administrative procedures, has been to maintain and increase high volumes of FDI into developing markets. COVID-19 may lead to some changes in the tactics that countries employ to attract FDI. Governments will be under pressure to ensure that the quest for FDI is appropriately balanced with efforts to protect economic resilience and national security. Can FDI stimulate the world economy post-COVID-19? It appears likely, as many assets have seen reduced valuations that can attract foreign investment. Yet while both developed and emerging economies signal that they are open for investment, COVID-19 may lead to some changes in the tactics that countries employ to attract FDI. Governments will be under pressure to ensure that the quest for FDI is appropriately balanced with efforts to protect economic resilience and national security. This may mean increased screening by investment review agencies, such as the Committee on Foreign Investment in the United States (CFIUS). COVID-19 has exposed supply chain vulnerabilities in the U.S. and other countries and has shown how struggles to acquire the products to meet citizens’ healthcare needs can become a matter of national security. In COVID-19’s wake, the scope of transactions to be reviewed by entities like CFIUS from a national security standpoint may need to be expanded to include health care considerations, to ensure that FDI does not interfere with the ability to procure necessary supplies.

#### Continued recession causes war – stats support transition wars, resource conflicts, terrorism, and diversionary wars – other authors don’t base their analysis on global studies

Royal ’10 [Jedediah, Director of Cooperative Threat Reduction at the U.S. Department of Defense, “Economic Integration, Economic Signaling and the Problem of Economic Crises”, 2010, Economics of War and Peace: Economic, Legal and Political Perspectives, ed. Goldsmith and Brauer, p. 213-215]PM

Less intuitive is how periods of economic decline may increase the likelihood of external conflict. Political science literature has contributed a moderate degree of attention to the impact of economic decline and the security and defence behaviour of interdependent slates. Research in this vein has been considered at systemic, dyadic and national levels. Several notable contributions follow. First, on the systemic level. Pollins (2008) advances Modelski and Thompson's (19%) work on leadership cycle theory, finding that rhythms in the global economy are associated with the rise and fall of a pre-eminent power and the often-bloody transition from one pre-eminent leader to the next. As such, exogenous shocks such as economic crises could usher in a redistribution of relative power (sec also Gilpin. 1981) that leads to uncertainty about power balances, increasing the risk of miscalculation (Fearon, 1995). Alternatively, even a relatively certain redistribution of power could lead to a permissive environment for conflict as a rising power may seek to challenge a declining power (Werner, 1999). Separately. Pollins (1996) also shows that global economic cycles combined with parallel leadership cycles impact the likelihood of conflict among major, medium and small powers, although he suggests that the causes and connections between global economic conditions and security conditions remain unknown. Second, on a dyadic level. Copeland's (1996. 2000) theory of trade expectations suggests that 'future expectation of trade' is a significant variable in understanding economic conditions and security behaviour of states. He argues that interdependent states are likely to gain pacific benefits from trade so long as they have an optimistic view of future trade relations. However, if the expectations of future trade decline, particularly for difficult to replace items such as energy resources, likelihood for conflict increases. as states will be inclined to use force to gain access to those resources. Crises could potentially be the trigger for decreased trade expectations either on its own or because it triggers protectionist moves by interdependent states.4 Third, others have considered the link between economic decline and external armed conflict at a national level. Blomberg and Hess (2002) find a strong correlation between internal conflict and external conflict, particularly during periods of economic downturn. They write, The linkages between internal and external conflict and prosperity are strong and mutually reinforcing. Economic conflict tends to spawn internal conflict, which in turn returns the favour. Moreover, the presence of a recession lends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & I less. 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg. Hess. & Wccrapana. 2004). which has the capacity to spill across borders and lead to external tensions. Furthermore, crises generally reduce the popularity of a sitting government. "Diversionary theory' suggests that, when facing unpopularity arising from economic decline, sitting governments have increased incentives to fabricate external military conflicts to create a 'rally around the flag' effect. Wang (1996), DcRoucn (1995), and Blomberg. Mess, and Thacker (2006) find supporting evidence showing that economic decline and use of force are at least indirectly correlated. Gelpi (1997), Miller (1999), and Kisangani and Pickering (2009) suggest that the tendency towards diversionary tactics are greater for democratic states than autocratic states, due to the fact that democratic leaders are generally more susceptible to being removed from office due to lack of domestic support. DcRoucn (2000) has provided evidence showing that periods of weak economic performance in the United States, and thus weak Presidential popularity, are statistically linked to an increase in the use of force. In summary, recent economic scholarship positively correlates economic integration with an increase in the frequency of economic crises, whereas political science scholarship links economic decline with external conflict at systemic, dyadic and national levels.5 This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention. This observation is not contradictory to other perspectives that link economic interdependence with a decrease in the likelihood of external conflict, such as those mentioned in the first paragraph of this chapter. Those studies tend to focus on dyadic interdependence instead of global interdependence and do not specifically consider the occurrence of and conditions created by economic crises. As such, the view presented here should be considered ancillary to those views.

**That causes global nuclear war.**

Merlini ’11 [Cesare, was a nonresident senior fellow at the Center on the United States and Europe and is chairman of the Board of Trustees of the Italian Institute for International Affairs (IAI) in Rome, “A Post-Secular World?”, 03-30-2011, Routledge, https://www.brookings.edu/wp-content/uploads/2016/06/04\_international\_relations\_merlini.pdf]PM

Two neatly opposed scenarios for the future of the world order illustrate the range of possibilities, albeit at the risk of oversimplification. The first scenario entails the premature crumbling of the post-Westphalian system. One or more of the acute tensions apparent today evolves into an open and traditional conflict between states, perhaps even involving the use of nuclear weapons. The crisis might be triggered by a collapse of the global economic and financial system, the vulnerability of which we have just experienced, and the prospect of a second Great Depression, with consequences for peace and democracy similar to those of the first. Whatever the trigger, the unlimited exercise of national sovereignty, exclusive self-interest and rejection of outside interference would likely be amplified, emptying, perhaps entirely, the half-full glass of multilateralism, including the UN and the European Union. Many of the more likely conflicts, such as between Israel and Iran or India and Pakistan, have potential religious dimensions. Short of war, tensions such as those related to immigration might become unbearable. Familiar issues of creed and identity could be exacerbated. One way or another, the secular rational approach would be sidestepped by a return to theocratic absolutes, competing or converging with secular absolutes such as unbridled nationalism.