## 1nc

### 1nc – debt ceiling

#### Debt ceiling deal will pass – tough move politically for the GOP but they’ll blink

The Hill, 9-14-2013 <http://thehill.com/homenews/senate/322247-confident-democrats-want-separate-showdowns-on-shutdown-and-debt-limit>

Democrats, however, want to force the GOP to debate these issues successively.¶ “We’re not negotiating on the debt ceiling. We think we have the high ground in both of those fights,” said a senior Senate Democratic aide.¶ The Senate Democratic strategy over the next several weeks will be to stand pat and refuse to make any significant concessions in exchange for funding the government or raising the debt ceiling.¶ “If push comes to shove on debt ceiling, I’m virtually certain they’ll blink,” said Sen. Charles Schumer (N.Y.), the third-ranking member of the Senate Democratic leadership. “They know they shouldn’t be playing havoc with the markets.”¶ Schumer said Republicans are on stronger political ground if there’s a government shutdown, but warned “even on that one, they’re on weak ground because the public sort of is finally smelling that these guys are for obstructing.”

#### Cuba policy changes require tons of political capital and trade off with the rest of Obama’s agenda

Global Post 10 – “Midterms and a changing face of Congress,” November 10, 2010, online: <http://www.globalpost.com/webblog/cuba/midterms-and-changing-face-congress>

The November 2 midterm elections resulted in a new balance of power in Congress, most notably in the House of Representatives—now a Republican majority house. Domestic implications aside, the shift in power will have a significant effect on foreign policy initiatives, not least of which (for our purposes) is Cuba policy.¶ First of all, the next head of the House Foreign Affairs Committee—changing because the majority party has the privilege of holding this seat—will be Ileana Ros-Lehtinen (R-FL), the unrelenting anti-Castro, pro-embargo ranking Republican. She will replace Representative Howard Berman (D-CA), an advocate for modest rapprochement with Havana and co-sponsor of stalled bipartisan legislation to end the U.S. ban on travel to Cuba.¶ To be fair, we were not counting on much happening regarding the embargo in the short term, even with a Democratic House. But with Ileana at the helm of the House Foreign Affairs Committee, any loosening of restrictions will be out of the question. Significant changes in Cuba policy, without some sort of unforeseen breakthrough, will almost certainly be tabled until 2012.¶ Of course, although President Obama cannot lift the heavy embargo legislation on his own, he can use his executive authority to dismantle parts of it.¶ But it is highly unlikely that the President will spend any of his diminished political capital on the issue of Cuba when there is so little potential gain for him in doing so. The likely cost—say, a storm of ill will from Republicans in Congress and from an easily angered public that is vigilant these days for signs of executive overreach—simply outweighs any benefit that might emerge… a positive reaction from the global community, perhaps? The promise of applause from partners abroad has not been the impetus for any change on U.S. policy toward Cuba in prior years and will not be now, not even when the entire body of the United Nations General Assembly (save Israel) condemns the embargo. Every year the vote is taken and every year the tiny U.S. team has become more outnumbered: in 2008 the vote was 185 to 3; in 2009, 187 to 3; and now in 2010 (last week), 187 to 2—the two being the United States and Israel, a country whose citizens freely travel to, spend and invest in Cuba.¶

#### PC Key to avoid prolonged standoff over debt ceiling that tanks economy

McGregor, 13 (Richard, Richard McGregor (born 1958) is a journalist, writer and author. He was the chief political correspondent, Japan correspondent and China correspondent for The Australian. He also worked for the International Herald Tribune, the BBC and the Far Eastern Economic Review. He has worked as a journalist in Taiwan, Sydney, Canberra and Melbourne.[1] He is the former bureau chief for the Financial Times. He has written The Party: The Secret World of China's Communist Rulers.[2] The book was published by Allen Lane from Penguin Press in the UK and HarperCollins in the US in June 2010.[3] McGregor has won the 2010 Society of Publishers in Asia (SOPA) Editorial Excellence Award [1] for reporting on the Xinjiang Riots[10] and the SOPA Award in 2008 for Editorial Intelligences.[1][11] Financial Times, 6/24,

<http://www.ft.com/cms/s/0/3a66c240-dc0f-11e2-8853-00144feab7de.html#axzz2Z7YPAEJQ>

The debt ceiling debate will take place in a very different context this time, with the economy recovering and the US budget deficit falling rapidly after earlier deals on tax rises and spending cuts. “There is also a certain crisis fatigue,” said Stan Collender, a former congressional staffer, at Qorvis Communication, a Washington consultancy. The debt ceiling will probably be increased eventually, even if a prolonged stand-off has the potential to damage confidence in the economy. “This isn’t 2011: if Republicans provoke a debt ceiling confrontation over demands for massive, offsetting spending cuts, the business community is going to come unglued,” said John Lawrence, former chief of staff to Nancy Pelosi, the Democratic minority leader in the House. But the political capital needed to get the statutory debt ceiling raised has the potential to drain the energy and spirit of compromise that both sides will need to forge a majority coalition for immigration.

#### This outweighs any other internal

Swagel 9-4 [Phillip, professor at the School of Public Policy at the University of Maryland, assistant secretary for economic policy at the Treasury Department from 2006 to 2009, “Fiscal Collisions Ahead,” <http://economix.blogs.nytimes.com/2013/09/04/fiscal-collisions-ahead/>, ALB]\*we don’t support the ableist rhetoric of the evidence

A failure to act would harm the economy. Not lifting the debt ceiling in particular would be expected to have catastrophic economic effects. Interest rates could skyrocket if investors question the full faith and credit of the United States government, leading to a credit crunch that pummels business and consumer spending. The calamity might be avoided if the Treasury Department makes payments to bondholders to avoid a default, but even with this contingency plan (which the Treasury shows no sign of putting into place), the spectacle of a government that cannot finance its routine operations would doubtless translate into a severe negative impact on private confidence and spending.¶ A shutdown of nonessential government operations on Oct. 1 would mean an unintended reduction in spending that could retard [halt[ the recovery, but the larger consequence again would be indirect through a hit to confidence. With the government unable to attend to routine matters, it does not take much to imagine that American families and companies would halt plans to spend, invest and hire. This would repeat the natural instinct that contributed to the plunge in economic activity in the fall of 2008.¶ Fiscal uncertainty matters for monetary policy as well, because the Federal Reserve will hesitate to start unwinding its expansionary policy if a serious fiscal drag seems imminent.

#### Best studies prove economic collapse causes war

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

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 states. 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 Modclski and Thompson's (1996) 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 (see 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, the 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 tends to amplify the extent to which international and external conflicts self-reinforce each other. (Blomberg & Hess, 2002. p. 89) Economic decline has also been linked with an increase in the likelihood of terrorism (Blomberg. Hess. & Weerapana. 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 (1990, DeRouen (1995). and Blomberg, Hess, 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. DeRouen (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.' This implied connection between integration, crises and armed conflict has not featured prominently in the economic-security debate and deserves more attention.

### 1nc – t

#### Topical affirmatives must expand ECONOMIC ties toward the target country—

Celik ‘11. Arda Can Celik. MA Politics & Intl Studies, Uppsala University. “Economic Sanctions and Engagement Policies.” Pg. 11

Introduction Economic engagement policies are strategic integration behaviour which involves with the target state. Engagement policies differ from other tools in Economic Diplomacy. They target to deepen the economic relations to create economic intersection, interconnectness, and mutual dependence and finally seeks economic interdependence. This interdependence serves the sender stale to change the political behaviour of target stale. However they cannot be counted as carrots or inducement tools, they focus on long term strategic goals and they are not restricted with short term policy changes.(Kahler&Kastner,2006) They can be unconditional and focus on creating greater economic benefits for both parties. Economic engagement targets to seek deeper economic linkages via promoting institutionalized mutual trade thus mentioned interdependence creates two major concepts. Firstly it builds strong trade partnership to avoid possible militarized and non militarized conflicts. Secondly it gives a leeway lo perceive the international political atmosphere from the same and harmonized perspective. Kahler and Kastner define the engagement policies as follows "It is a policy of deliberate expanding economic ties with and adversary in order to change the behaviour of target state and improve bilateral relations ".(p523-abstact). It is an intentional economic strategy that expects bigger benefits such as long term economic gains and more importantly; political gains. The main idea behind the engagement motivation is stated by Rosecrance (1977) in a way that " the direct and positive linkage of interests of stales where a change in the position of one state affects the position of others in the same direction.

####  “Increase” means to become larger or greater in quantity

Encarta 6 – Encarta Online Dictionary. 2006. ("Increase" http://encarta.msn.com/encnet/features/dictionary/DictionaryResults.aspx?refid=1861620741)

in·crease [ in krss ]
transitive and intransitive verb  (*past and past participle* in·creased, *present participle* in·creas·ing, *3rd person present singular* in·creas·es)Definition**:**make or become larger or greater: to become, or make something become, larger in number, quantity, or degree
noun  (*plural* in·creas·es)

####  “Substantial” means considerable or to a large degree

Arkush 2 (David, JD Candidate – Harvard University, “Preserving "Catalyst" Attorneys' Fees Under the Freedom of Information Act in the Wake of Buckhannon Board and Care Home v. West Virginia Department of Health and Human Resources”, Harvard Civil Rights-Civil Liberties Law Review, Winter,
37 Harv. C.R.-C.L. L. Rev. 131)

Plaintiffs should argue that the term "substantially prevail" is not a term of art because if considered a term of art, resort to Black's 7th produces a definition of "prevail" that could be interpreted adversely to plaintiffs. [99](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=16&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all#n99) It is commonly accepted that words that are not legal terms of art should be accorded their ordinary, not their legal, meaning, [100](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=16&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all#n100) and ordinary-usage dictionaries provide FOIA fee claimants with helpful arguments. The Supreme Court has already found favorable, temporally relevant definitions of the word "substantially" in ordinary dictionaries: "Substantially" suggests "considerable" or "specified to a large degree." See Webster's Third New International Dictionary 2280 (1976) (defining "substantially" as "in a substantial manner" and "substantial" as "considerable in amount, value, or worth" and "being that specified to a large degree or in the main"); see also 17 Oxford English Dictionary 66-67 (2d ed. 1989) ("substantial": "relating to or proceeding from the essence of a thing; essential"; "of ample or considerable amount, quantity or dimensions"). [101](http://www.lexis.com/research/retrieve?_m=1421887dc00d6c0b78bddb20857a69fa&docnum=16&_fmtstr=FULL&_startdoc=1&wchp=dGLbVzW-zSkAz&_md5=3f3ffe65eadff46b38ea49c40cb1037e&focBudTerms=definition%20of%20the%20term%21%20substantial%21%20or%20definition%20of%20the%20word%20substantial%21&focBudSel=all#n101)

#### It’s a voting issue—Economic engagement is limited to increasing TRADE and FINANCIAL benefits—anything else explodes the topic and undermines preparedness for ALL debates

Haass & O’Sullivan ‘2K. Richard Haass & Meghan O’Sullivan, Senior Fellows @ the Brookings Institution Foreign Policy Studies Program. “Honey and Vinegar: Incentives, Sanctions, and Foreign Policy.” Pg. 5-6

Architects of engagement strategies have a wide variety of incentives from which to choose. Economic engagement might offer tangible incentives such as export credits, investment insurance or promotion, access to technology, loans, and economic aid.’2 Other equally useful economic incentives involve the removal of penalties, whether they be trade embargoes, investment bans, or high tariffs that have impeded economic relations between the United States and the target country. In addition, facilitated entry into the global economic arena and the institutions that govern it rank among the most potent incentives in today’s global market.’ Similarly, political engagement can involve the lure of diplomatic recognition, access to regional or international institutions, or the scheduling of summits between leaders—or the termination of these benefits. Military engagement could involve the extension of International Military Educational Training (IMET) both to strengthen respect for civilian authority and human rights among a country’s armed forces and, more feasibly, to establish relationships between Americans and young foreign mffitary officers.’4 These areas of engagement are likely to involve, working with state institutions, while cultural or civil society engagement is likely to entail building people-to-people contacts. Funding nongovernmental organizations, facilitating the flow of remittances, establishing postal and telephone links between the United States and the target country, and promoting the exchange of students, tourists, and other nongovernmental people between the countries are some of the incentives that might be offered under a policy of cultural engagement. This brief overview of the various forms of engagement illuminates the choices open to policymakers. The plethora of options signals the flexibility of engagement as a foreign policy strategy and, in doing so, reveals one of the real strengths of engagement. At the same time, it also suggests the urgent need for considered analysis of this strategy. The purpose of this book is to address this need by deriving insights and lessons from past episodes of engagement and proposing guidelines for the future use of engagement strategies. Throughout the book, two critical questions are entertained. First, when should policymakers consider engagement? A strategy of engagement may serve certain foreign policy objectives better than others. Specific characteristics of a target country may make it more receptive to a strategy of engagement and the incentives offered under it; in other cases, a country's domestic politics may effectively exclude the use of engagement strategies. Second, how should engagement strategies be managed to maximize the chances of success? Shedding light on how policymakers achieved, or failed, in these efforts in the past is critical in an evaluation of engagement strategies. By focusing our analysis, these questions and concerns help produce a framework to guide the use of engagement strategies in the upcoming decades.

### 1nc – shunning

#### The affirmative engages with known human rights abusers-— *moral duty* to shun

Beversluis 89 — Eric H. Beversluis, Professor of Philosophy and Economics at Aquinas College, holds an A.B. in Philosophy and German from Calvin College, an M.A. in Philosophy from Northwestern University, an M.A. in Economics from Ohio State University, and a Ph.D. in the Philosophy of Education from Northwestern University, 1989 (“On Shunning Undesirable Regimes: Ethics and Economic Sanctions,” *Public Affairs Quarterly*, Volume 3, Number 2, April, Available Online to Subscribing Institutions via JSTOR, p. 17-19)

A fundamental task of morality is resolving conflicting interests. If we both want the same piece of land, ethics provides a basis for resolving the conflict by identifying "mine" and "thine." If in anger I want to smash your [end page 17] face, ethics indicates that your face's being unsmashed is a legitimate interest of yours which takes precedence over my own interest in expressing my rage. Thus ethics identifies the rights of individuals when their interests conflict. But how can a case for shunning be made on this view of morality? Whose interests (rights) does shunning protect? The shunner may well have to sacrifice his interest, e.g., by foregoing a beneficial trade relationship, but whose rights are thereby protected? In shunning there seem to be no "rights" that are protected. For shunning, as we have seen, does not assume that the resulting cost will change the disapproved behavior. If economic sanctions against South Africa will not bring apartheid to an end, and thus will not help the blacks get their rights, on what grounds might it be a duty to impose such sanctions? We find the answer when we note that there is another "level" of moral duties. When Galtung speaks of "reinforcing … morality," he has identified a duty that goes beyond specific acts of respecting people's rights. The argument goes like this: There is more involved in respecting the rights of others than not violating them by one's actions. For if there is such a thing as a moral order, which unites people in a moral community, then surely one has a **duty** (at least prima facie) not only to avoid violating the rights of others with one's actions but **also to support that moral order**. Consider that the moral order itself **contributes significantly** to people's rights being respected. It does so by **encouraging and reinforcing** moral behavior and by **discouraging and sanctioning** immoral behavior. In this moral community people **mutually reinforce** each other's moral behavior and thus raise the overall level of morality. Were this moral order to disintegrate, were people to stop reinforcing each other's moral behavior, there would be **much more violation of people's rights**. Thus to the extent that behavior affects the moral order, it indirectly affects people's rights. And this is where shunning fits in. Certain types of behavior constitute **a direct attack on the moral order**. When the violation of human rights is **flagrant**, **willful**, and **persistent**, the offender is, as it were, thumbing her nose at the moral order, publicly rejecting it as binding her behavior. Clearly such behavior, if tolerated by society, will weaken and perhaps eventually **undermine altogether** the moral order. Let us look briefly at those three conditions which turn immoral behavior into an attack on the moral order. An immoral action is flagrant if it is "extremely or deliberately conspicuous; notorious, shocking." Etymologically the word means "burning" or "blazing." The definition of shunning implies therefore that those offenses require shunning which are shameless or indiscreet, which the person makes no effort to hide and no good-faith effort to excuse. Such actions "blaze forth" as an attack on the moral order. But to merit shunning the action must also be willful and persistent. We do not consider the actions of the "backslider," the [end page 18] weak-willed, the one-time offender to be challenges to the moral order. It is the repeat offender, the unrepentant sinner, the cold-blooded violator of morality whose behavior demands that others publicly reaffirm the moral order. When someone **flagrantly**, **willfully**, and **repeatedly** violates the moral order, those who believe in the moral order, the members of the moral community, **must respond in a way that reaffirms the legitimacy of that moral order**. How does shunning do this? First, by refusing publicly to have to do with such a person one announces **support for the moral order** and **backs up the announcement with action**. This action **reinforces the commitment to the moral order** both of the shunner and of the other members of the community. (Secretary of State Shultz in effect made this argument in his call for international sanctions on Libya in the early days of 1986.) Further, shunning may have **a moral effect** on the shunned person, even if the direct impact is not adequate to change the immoral behavior. If the shunned person thinks of herself as part of the moral community, shunning may well make clear to her that she is, in fact, removing herself from that community by the behavior in question. Thus shunning may achieve by **moral suasion** what cannot be achieved by "force." Finally, shunning may be a form of punishment, of **moral sanction**, whose appropriateness depends not on whether it will change the person's behavior, but on whether he deserves the punishment for violating the moral order. Punishment then can be viewed as a way of **maintaining the moral order**, of "purifying the community" after it has been made "unclean," as ancient communities might have put it. Yet not every immoral action requires that we shun. As noted above, we live in a fallen world. None of us is perfect. If the argument implied that we may have nothing to do with anyone who is immoral, it would consist of a reductio of the very notion of shunning. To isolate a person, to shun him, to give him the "silent treatment," is a serious thing. Nothing strikes at a person's wellbeing as person more directly than such ostracism. Furthermore, not every immoral act is an attack on the moral order. Actions which are repented and actions which are done out of weakness of will clearly violate but do not attack the moral order. Thus because of the serious nature of shunning, it is defined as a response not just to any violation of the moral order, but to attacks on the moral order itself through flagrant, willful, and persistent wrongdoing. We can also now see why failure to shun can under certain circumstances suggest complicity. But it is not that we have a duty to shun because failure to do so suggests complicity. Rather, because we have **an obligation to shun** in certain circumstances, when we fail to do so others may interpret our failure as **tacit complicity** in the **willful**, **persistent**, and **flagrant immorality**.

### 1nc – ofac cp

#### The United States Department of Treasury’s Office of Foreign Assets Control should increase its economic engagement with the Republic of Cuba by exempting transactions of trademarks and trade names in connection with a business confiscated by the government of Cuba from enforcement under the Cuban Assets Control Regulations.

#### First, the counterplan solves via specific exemptions — OFAC has broad discretion over sanctions enforcement.

Golumbic and Ruff 13 — Court E. Golumbic, Managing Director and Global Anti-Money Laundering, Anti-Bribery and Government Sanctions Compliance Officer at Goldman Sachs & Co., Lecturer-in-Law at the University of Pennsylvania Law School, former Assistant United States Attorney with the United States Attorney's Office for the Southern District of New York, and Robert S. Ruff III, Associate in the Securities Litigation practice group at Weil, Gotshal & Manges LLP, 2013 (“Leveraging the Three Core Competencies: How OFAC Licensing Optimizes Holistic Sanctions,” *North Carolina Journal of International Law & Commercial Regulation* (38 N.C.J. Int'l L. & Com. Reg. 729), Spring, Available Online to Subscribing Institutions via Lexis-Nexis)

2. Ability to Mitigate Collateral Damage

Because OFAC prefers to formulate its sanctions program broadly, its economic sanctions can affect the lives of unintended targets, such as ordinary citizens of foreign countries that have no influence in their sanctioned government. n347 The broad reach of U.S. sanctions can also unnecessarily put U.S. citizens and companies at a competitive disadvantage, undermine international support for the sanctions programs, and even undermine the policy objectives of the programs. n348 One way in which OFAC mitigates [\*792] the collateral damage of its holistic sanctions is by issuing licenses that permit U.S. citizens to export food and medical supplies n349 and provide humanitarian aid n350 to people in sanctioned countries. In an effort to avoid placing private enterprises at an unnecessary competitive disadvantage, which can damage U.S. influence internationally and U.S. interests as a whole, OFAC may also allow certain activities from an otherwise sanctioned country. n351 Additionally, OFAC issues licenses to avoid interfering with the legitimate activities of international and charitable organizations and to permit U.S. persons to participate in such organizations. n352 By licensing these types of activities and transactions, OFAC focuses its sanctions and the punitive consequences thereof, to the extent possible, on those in a position to produce the desired change, rather than on innocent civilians and businesses. n353

#### Second, the counterplan solves quickly and without political fallout — it doesn’t require legislative or regulatory action.

Golumbic and Ruff 13 — Court E. Golumbic, Managing Director and Global Anti-Money Laundering, Anti-Bribery and Government Sanctions Compliance Officer at Goldman Sachs & Co., Lecturer-in-Law at the University of Pennsylvania Law School, former Assistant United States Attorney with the United States Attorney's Office for the Southern District of New York, and Robert S. Ruff III, Associate in the Securities Litigation practice group at Weil, Gotshal & Manges LLP, 2013 (“Leveraging the Three Core Competencies: How OFAC Licensing Optimizes Holistic Sanctions,” *North Carolina Journal of International Law & Commercial Regulation* (38 N.C.J. Int'l L. & Com. Reg. 729), Spring, Available Online to Subscribing Institutions via Lexis-Nexis)

3. Adaptability

The third core competency of OFAC's licensing practices is the ability to adapt a particular sanctions program quickly in response to political or circumstantial changes. n388 In situations where sanctions goals can change with the tides of revolution, the slow march of legislative and rulemaking processes may be incapable of producing a timely response. Sanctions targeting government-owned or government-operated entities may need to be lifted in response to a positive regime change or re-imposed in the event that the new government fails. n389 OFAC often utilizes general licenses to manage these fast-paced scenarios, either by easing sanctions through license adoption or strengthening sanctions through license revocation. n390 By issuing or revoking general licenses, OFAC can react to the changing political circumstances of a targeted country without requiring a regulatory overhaul or the signing or withdrawal of an executive order. n391

### 1nc – complaint cp

#### The government of Cuba should file a complaint to the World Trade Organization that pertains to section 211.

### 1nc – WTO

#### No impact to free trade

**Haider 13** (Ejaz,senior journalist and has held several editorial positions including most recently at The Friday Times. He is currently senior adviser, outreach, at the Sustainable Development Policy Institute, “Wars and trade”, http://tribune.com.pk/story/500245/wars-and-trade/)

So, how does one explain that through the interdependence argument? The realist correlation seems to be right but, as David Copeland argues in his International Security article (Vol 20, no 4; Spring 1996), “trade levels had been high for the previous 30 years [in the run-up to WWI]; hence, even if interdependence was a necessary condition for the war, it was not sufficient.” Copeland offers a different approach and calls it a theory of trade expectations: “Trade expectations theory introduces a new causal variable, the expectations of future trade, examining its impact on the overall expected value of the trading option if a state decides to forgo war. This supplements the static consideration in liberalism and realism of the levels of interdependence at any point in time, with the importance of leaders’ dynamic expectations into the future. “Levels of interdependence and expectations of future trade, considered simultaneously, lead to new predictions. Interdependence can foster peace, as liberals argue, but this will only be so when states expect that trade levels will be high into the foreseeable future. If highly interdependent states expect that trade will be severely restricted — that is, if their expectations for future trade are low — realists are likely to be right: the most highly dependent states will be the ones most likely to initiate war, for fear of losing the economic wealth that supports their long-term security. In short, high interdependence can be either peace-inducing or war-inducing, depending on the expectations of future trade.” The good news, however, is that trade is inevitable. To put it simply, until there is a seller and a buyer, trade will happen. There is empirical data to support this, compiled by Katherine Barbieri. Barbieri also co-authored with Jack Levy an article in the Journal of Peace Research (Vol 36, no 4, 1999), captioned, “Sleeping with the Enemy: The Impact of War on Trade”. Barbieri and Levy maintain that “there are numerous historical cases of trading with the enemy during wartime, including trade in strategic goods that directly affect the ability of a state to prosecute the war.” Trade will continue even when states are at war. While dyadic trade will be negatively impacted, trade through third parties and circuitously will continue. This is not to say that states must fight or that trade through third parties in such circumstances is preferable to dyadic trade. The point is that empirical data does not support the central tenet of the liberal theory that trade promotes peace or the realist assumption that states, because of vulnerability, will snap those ties. If there’s a demand for item X made by state Y in state Z, X will get to Z, regardless of the conditions of war and peace. This is also borne out by informal trade linkages between Pakistan and India, especially trade through third parties.

#### WTO failure inevitable – Azevedo is irrelevant

DW 8/30/13 – (“WTO revival tops Azevedo agenda”, Deutsche Welle, http://www.dw.de/wto-revival-tops-azevedo-agenda/a-17056012)

As Brazil’s Robert Azevedo takes over the reins at the World Trade Organization (WTO), resuscitating global trade talks is his primary goal. The WTO is being sidestepped as countries push for bilateral trade accords. Brazilian career diplomat Robert Azevedo is a familiar face at the Geneva headquarters of the World Trade Organization (WTO). He has served his country as senior representative to the global trade body for more than five years. When he takes over as the new WTO chief on September 1, his former fellow country representatives may wish him better fortunes than his hapless predecessor France's Pascal Lamy had. The success of a WTO presidency largely depends on the ability of the organization's leader to foster global trade with a new agreement on improved standards. However, the most recent round of global trade talks - commonly called the Doha round after the Qatari capital where it started 12 years ago - bodes ill for Azevedo's presidency. Trade experts have long described the stalled negotiations as dead. Industrialized nations and developing countries are at loggerheads over agricultural policies. While rich countries insist on maintaining their farm subsidies, poorer nations refuse to lower their import duties for products coming from them. Fruitless activism Whoever heads the WTO, any leader, even from Latin America or Asia, is dependent on the goodwill of the organization's important members, said Rolf Langhammer, senior economist at the Kiel Institute for the World Economy (IfW). “If senior WTO members remain unwilling to give up their mercantilist approach to foreign trade, even a charismatic president won't stand a chance,” Langhammer told DW.

#### COOL Standards are an alt cause and undermine WTO effectiveness

Reuters 11 “WTO backs Mexico, Canada over U.S. meat labels: sources”, http://www.reuters.com/article/2011/05/26/us-wto-meat-labeling-idUSTRE74P7FL20110526

The confidential interim ruling, if approved later this year, would deal a partial victory to Mexican and Canadian breeders frustrated in their attempts to export to the United States, and opens the way to scores of similar legal challenges, the sources said. A WTO spokesman said the interim report -- expected to be largely unchanged in its final version later this year -- was circulated to the United States, Canada and Mexico on May 20. The WTO declined to comment on its contents, citing its confidentiality. Canada and Mexico sued the United States at the WTO in 2009, saying U.S. Country of Origin Labeling (COOL) rules requiring meat sold in U.S. stores to show which country it comes from damaged their North American trade. More broadly, the case highlights a growing trend toward subtle trade barriers -- including standards on health, safety or consumer information -- that can hit demand for imports. The ruling is expected to spur similar cases around the world where exports worth billions of dollars are being slowed by such standards, some of which are designed specifically to galvanize local consumer loyalty. "The WTO is going to hear many more cases on standards such as consumer labels. The findings of the COOL case and others show labeling schemes have a very real chance of being ruled illegal at the WTO," said a person familiar with the issue. The U.S. rule obliges suppliers to label certain foods, including beef and pork, according to the country in which they are sourced. A U.S. label is permitted only on meat from animals born, raised and slaughtered in the United States.

#### No risk of protectionism

**Kim 13**

Soo Yeon Kim, of the National University of Singapore, associate professor of music at Nazareth College of Rochester, New York, Fellow of the Transatlantic Academy, based at the German Marshall Fund of the United States, The Monkey Cage, January 30, 2013, " Protectionism During Recessions: Is This Time Different?", http://themonkeycage.org/blog/2013/01/30/protectionism-during-recessions-is-this-time-different/

The Great Recession of 2008: Who Resisted Protectionism? There is widespread agreement regarding the critical role of international institutions as “firewalls” against protectionism during this recession. Economic and non-economic international institutions have served as conveyors of information and mechanisms of commitment and socialization. Their informational function enhances the transparency and accountability of states’ trade policies, and they mitigate uncertainty when it is running high. Specialized international institutions devoted to trade, such as the WTO and preferential trade agreements (PTAs), also lock in commitments to liberal trade through legal obligations that make defections costly, thus creating accountability in the actions of its members. Equally important, international institutions are also arenas of socialization that help propagate important norms such as the commitment to the liberal trading system and cooperative economic behavior. In this connection, the degree to which a particular country was embedded in the global network of economic and non-economic international institutions has been found to be strongly correlated with fewer instances of protectionist trade measures. Information provided to date by international institutions, with the exception of the GTA project, largely agree that states have not resorted to large-scale protectionism during this recession, in spite of the fact that the “great trade collapse” at the beginning of the current crisis was steeper and more sudden than that of its Great Depression predecessor. The WTO Secretariat, in addition to its regular individual reports on members’ trade policies under the Trade Policy Review Mechanism (TPRM), has issued more than a dozen reports on member states’ trade policies during the crisis. At the request of the G-20 countries, which pledged not to adopt protectionist trade measures at the onset of the crisis in 2008, the WTO, the OECD, and UNCTAD have produced joint reports on the trade and investment measures of the world’s largest trading states. They, too, find that G-20 countries had largely adhered to their commitment not to raise trade and investment barriers. In the World Bank’s Temporary Trade Barriers (TTB) project, an important and unique data collection that includes information on pre-crisis and crisis trade policy behavior, Bown finds that temporary trade barriers such as safeguards, countervailing and antidumping duties saw only a slight increase of usage by developed countries, in the neighborhood of 4%. In contrast, emerging market economies were the heavy users of TTBs, whose usage rose by almost 40% between 2008 and 2009. As scholarly insights accumulate on the current recession and its impact on protectionism (or lack thereof), two questions emerge for further research. First, to what extent have governments employed policy substitutes that have the same effect as trade protectionism? International institutions may appear to have been successful in preventing protectionism, but governments may well have looked elsewhere to defend national economies. This question can be seen in the broader context of the “open economy trilemma,” in which governments may achieve only two of three macroeconomic policy objectives: stable exchange rates, stable prices, and open trade. Irwin argues that governments that abandoned the gold standard during the Great Depression were less protectionist, and their economies also suffered less from the recession. Existing scholarship also indicates that governments are likely to employ policy substitutes, opting for monetary autonomy when facing trade policy constraints, for example, due to membership in a preferential trade agreement. Moreover, at the time of writing, the International Monetary Fund (IMF) has announced that it has dropped its objections to capital controls, albeit cautiously and only under certain conditions, thus potentially providing another policy alternative for governments to achieve economic stability during this crisis. Future research may further extend the application to policy substitutes that are deployed during economic downturns. Finally, why did firms not push for more protection? Protectionist policies are not adopted by governments in a political vacuum. In order to adopt trade defense measures such as anti-dumping duties, governments first conduct investigations to assess the extent of injury. Such investigations are initiated when firms apply for them through the domestic political process. If indeed governments did not appeal extensively or unusually to protectionist trade policies, the explanation to a significant degree lies in firm behavior. A distinguished body of research exists in this area that is due for a revisit in the age of extensive international supply chains, from Schattschneider’s classic examination of the domestic pressures that led to the Smoot-Hawley Act to Helen Milner’s study of export-dependent firms that resisted protectionism during the crisis of the 1920s and the 1970s. Milner rightly pointed out that “firms are central,” and over the years the export-dependent, multinational firm has evolved in tandem with the increasing complexity of the international supply chain. Today’s firm is not only heavily export-dependent but equally import-dependent in its reliance on intermediate inputs, whether through intra-firm trade or from foreign firms. The extensive international supply chain thus often puts exporting and importing firms on the same side of the political debate, especially when they are members of large multinational firms. Moreover, the study of firm-level behavior must extend beyond the developed world to consider firms in emerging market economies, which have been the heavy users of trade defense measures during the current recession. How the internationalization of production, driven by investment and trade in intermediate goods, restrained multinational firms from pushing for more protection remains an important question for further research.

#### No chance of war from protectionism – best and most recent data

Daniel W. Drezner 12, Professor, The Fletcher School of Law and Diplomacy, Tufts University, October 2012, “The Irony of Global Economic Governance: The System Worked,” <http://www.globaleconomicgovernance.org/wp-content/uploads/IR-Colloquium-MT12-Week-5_The-Irony-of-Global-Economic-Governance.pdf>

The final outcome addresses a dog that hasn’t barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.37 Whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict, there were genuine concerns that the global economic downturn would lead to an increase in conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fuel impressions of surge in global public disorder. ¶ The aggregate data suggests otherwise, however. The Institute for Economics and Peace has constructed a “Global Peace Index” annually since 2007. A key conclusion they draw from the 2012 report is that “The average level of peacefulness in 2012 is approximately the same as it was in 2007.”38 Interstate violence in particular has declined since the start of the financial crisis – as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict; the secular decline in violence that started with the end of the Cold War has not been reversed.39 Rogers Brubaker concludes, “the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected.”40¶ None of these data suggest that the global economy is operating swimmingly. Growth remains unbalanced and fragile, and has clearly slowed in 2012. Transnational capital flows remain depressed compared to pre-crisis levels, primarily due to a drying up of cross-border interbank lending in Europe. Currency volatility remains an ongoing concern. Compared to the aftermath of other postwar recessions, growth in output, investment, and employment in the developed world have all lagged behind. But the Great Recession is not like other postwar recessions in either scope or kind; expecting a standard “V”-shaped recovery was unreasonable. One financial analyst characterized the post-2008 global economy as in a state of “contained depression.”41 The key word is “contained,” however. Given the severity, reach and depth of the 2008 financial crisis, the proper comparison is with Great Depression. And by that standard, the outcome variables look impressive. As Carmen Reinhart and Kenneth Rogoff concluded in This Time is Different: “that its macroeconomic outcome has been only the most severe global recession since World War II – and not even worse – must be regarded as fortunate.”42

### 1nc – IPR

#### Their doomsday predictions are wrong – measures are in place to prevent the worst impacts

BBC 03 (“Antibiotics crisis ‘looming,’” September 28, http://news.bbc.co.uk/1/hi/health/3146082.stm)

Professor Roger Finch, a government advisor, agreed that humans are facing a very worrying problem. But he did not accept it was the Doomsday scenario Prof McGavock describes. Prof Finch said measures were in place to tackle the resistance to antibiotics to make sure a crisis did not materialise. New types of antibiotics are being developed which make it tougher for bugs to become immune to them. They work in the same way as many of the methods which the body itself has always used to rid itself of bacterial infections.

#### Vaccines solve TB

**Landry and Heilman, 05** (Sarah Landry and Carole Heilman, the associate director of policy and program operations, National Vaccine Program Office, U.S. Department of Health and Human Services, and director of the Division of Microbiology and Infectious Diseases at the National Institute of Allergy and Infectious Disease, Future Directions In Vaccines: The Payoffs Of Basic Research, May 2005, Lexis)

Promise of new technologies. The payoffs from these standard approaches are now beginning to plateau. In fact, most of the "easy" vaccines have been developed, and many challenges lie ahead for new and improved vaccines. New technologies may provide stronger, broader, and more durable immune responses than those induced by some earlier vaccines. New vaccines are also likely to exploit genomics and high-throughput screening approaches that are based on computational methods. These methods will allow for development of rationally based approaches that select potential antigens more effectively and precisely. In addition, future vaccines will use these new tools to get around the challenges of the remaining infectious diseases. [n2] These challenges include the inherent ability of many viruses to change (antigenic variation), as is seen with HIV and influenza; the need to develop vaccines that rely on cell-based immunity for protection for infections such as tuberculosis; and tools for addressing a pathogen's ability to outsmart the immune system--immune evasion strategies, such as seen with hepatitis C. [n3] Impact of new immune concepts. Research on the immune system has helped identify new ways of fighting infections and is helping define the mechanisms needed for successful immunization. Most currently licensed vaccines protect by producing neutralizing antibodies, made by the B cells of the immune system. One of the advantages of stimulating this arm of the immune system is that it can be easily measured. Researchers believe that vaccines against many of the infections that are of highest priority (HIV, TB, and malaria) will need to have the other arm of the immune system--the cellular component, or T cells--pulled into action. [n4] For the first time in sixty years, new TB vaccines are in clinical trials. [n5]

#### No food wars – conflicts are more likely when resources are abundant

**Salehyan** **07** (Idean, assistant professor of political science at the University of North Texas, “The New myth about climate change,” August, http://www.foreignpolicy.com/story/cms.php?story\_id=3922)

These claims generally boil down to an argument about resource scarcity. Desertification, sea-level rise, more-frequent severe weather events, an increased geographical range of tropical disease, and shortages of freshwater will lead to violence over scarce necessities. Friction between haves and have-nots will increase, and governments will be hard-pressed to provide even the most basic services. In some scenarios, mass migration will ensue, whether due to desertification, natural disasters, and rising sea levels, or as a consequence of resource wars. Environmental refugees will in turn spark political violence in receiving areas, and countries in the “global North” will erect ever higher barriers to keep culturally unwelcome—and hungry—foreigners out. The number of failed states, meanwhile, will increase as governments collapse in the face of resource wars and weakened state capabilities, and transnational terrorists and criminal networks will move in. International wars over depleted water and energy supplies will also intensify. The basic need for survival will supplant nationalism, religion, or ideology as the fundamental root of conflict. Dire scenarios like these may sound convincing, but they are misleading. Even worse, they are irresponsible, for they shift liability for wars and human rights abuses away from oppressive, corrupt governments. Additionally, focusing on climate change as a security threat that requires a military response diverts attention away from prudent adaptation mechanisms and new technologies that can prevent the worst catastrophes. First, aside from a few anecdotes, there is little systematic empirical evidence that resource scarcity and changing environmental conditions lead to conflict. In fact, several studies have shown that an abundance of natural resources is more likely to contribute to conflict. Moreover, even as the planet has warmed, the number of civil wars and insurgencies has decreased dramatically. Data collected by researchers at Uppsala University and the International Peace Research Institute, Oslo shows a steep decline in the number of armed conflicts around the world. Between 1989 and 2002, some 100 armed conflicts came to an end, including the wars in Mozambique, Nicaragua, and Cambodia. If global warming causes conflict, we should not be witnessing this downward trend. Furthermore, if famine and drought led to the crisis in Darfur, why have scores of environmental catastrophes failed to set off armed conflict elsewhere? For instance, the U.N. World Food Programme warns that 5 million people in Malawi have been experiencing chronic food shortages for several years. But famine-wracked Malawi has yet to experience a major civil war. Similarly, the Asian tsunami in 2004 killed hundreds of thousands of people, generated millions of environmental refugees, and led to severe shortages of shelter, food, clean water, and electricity. Yet the tsunami, one of the most extreme catastrophes in recent history, did not lead to an outbreak of resource wars. Clearly then, there is much more to armed conflict than resource scarcity and natural disasters.

**No resource wars or conflict over scarcity**

**Tetrais 12**, Senior Fellow at Foundation for Strategic Research, (Bruno- Editorial Board at TWQ, July, “The Demise of Ares: The End of War as We Know It?” The Washington Quarterly, Vol 35 Issue 3, p 7-22, T&F Online)

**The invasion of Kuwait may go down in history as being the last great resource war**. **Future resource wars are unlikely**. There are fewer and fewer conquest wars. Between the Westphalia peace and the end of World War II, nearly half of conflicts were fought over territory. Since the end of the Cold War, it has been less than 30 percent.61 The invasion of Kuwait—a nationwide bank robbery—may go down in history as being the last great resource war. The U.S.-led intervention of 1991 was partly driven by the need to maintain the free flow of oil, but not by the temptation to capture it. (Nor was the 2003 war against Iraq motivated by oil.) As for the current tensions between the two Sudans over oil, they are the remnants of a civil war and an offshoot of a botched secession process, not a desire to control new resources.¶ China's and India's energy needs are sometimes seen with apprehension: in light of growing oil and gas scarcity, is there not a risk of military clashes over the control of such resources? This seemingly consensual idea rests on two fallacies. One is that there is such a thing as oil and gas scarcity, a notion challenged by many energy experts.62 As prices rise, previously untapped reserves and non-conventional hydrocarbons become economically attractive. The other is that spilling blood is a rational way to access resources. As shown by the work of historians and political scientists such as Quincy Wright, the economic rationale for war has always been overstated. And because of globalization, it has become cheaper to buy than to steal. We no longer live in the world of 1941, when fear of lacking oil and raw materials was a key motivation for Japan's decision to go to war. In an era of liberalizing trade, many natural resources are fungible goods. (Here, Beijing behaves as any other actor: 90 percent of the oil its companies produce outside of China goes to the global market, not to the domestic one.)63 There may be clashes or conflicts in regions in maritime resource-rich areas such as the South China and East China seas or the Mediterranean, but they will be driven by nationalist passions, not the desperate hunger for hydrocarbons.¶ Only in civil wars does the question of resources such as oil, diamonds, minerals, and the like play a significant role; this was especially true as Cold War superpowers stopped their financial patronage of local actors.64 Indeed, as Mueller puts it in his appropriately titled The Remnants of War, “Many [existing wars] have been labeled ‘new war,’ ‘ethnic conflict,’ or, most grandly ‘clashes of civilization.’ But in fact, most…are more nearly opportunistic predation by packs, often remarkably small ones, of criminals, bandits, and thugs.”65 It is the abundance of resources, not their scarcity, which fuels such conflicts. The risk is particularly high when the export of natural resources represents at least a third of the country's GDP.66¶ What about fighting for arable land, in light of population growth in Africa and Asia? Even in situations of high population densities, the correlation between the lack of arable lands and propensity to collective violence remains weak.67 Neo-Malthusians such as Jared Diamond believe that the Rwanda tragedy was driven by such scarcity.68 But there was no famine in Rwanda at the time. And the events of 1994 were not a revolt of the poor: Hutu landowners were amongst the most active perpetrators of genocide. There was, however, a significant youth bulge: the 15–24 age group represented 38 percent of the adult population.69 Land scarcity played a role, but at best as a factor explaining the intensity of the violence in some areas.70

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#### Interpretation – Economic engagement is direct investment – not removal of RESTRICTIONS

Haass, 2K – Brookings Foreign Policy Studies director

[Richard, and Meghan O'Sullivan, "Introduction" in Honey and Vinegar, ed. by Haass and O'Sullivan, google books]

Architects of engagement strategies have a **wide variety** of incentives from which to choose. Economic engagement might offer tangible incentives such as export credits, investment insurance or promotion, access to technology, loans, and economic aid." Other equally useful economic incentives involve the removal of penalties, whether they be trade embargoes, investment bans, or high tariffs that have impeded economic relations between the United States and the target country. In addition, facilitated entry into the global economic arena and the institutions that govem it rank among the most potent incentives in today's global market."

#### Reasonability is arbitrary – it’s impossible to determine what is “reasonable” because it differs from judge to judge forcing judge intervention – we have evidentiary support

**Stone 1923** — Justice in the Circuit Court of Appeals, Eighth Circuit [Sussex Land & Live Stock Co. v. Midwest Refining Co., 294 F. 597; 1923 U.S. App. LEXIS 2531; 34 A.L.R. 249, No. 6192; No. 6193, Circuit Court of Appeals, Eighth Circuit, December 5, Available Online via Lexis-Nexis]

Where the use of land affects others, the use must be "reasonable" to escape liability for resultant damage to others. What is "reasonable" depends upon a variety of considerations and circumstances. It is an elastic term which is of uncertain value in a definition. It has been well said that "reasonable," means with regard to all the interest affected, his own and his neighbor's and also having in view public policy. But, elastic as this rule is, both reason and authority have declared certain limitations beyond which it cannot extend. One of these limitations is that it is "unreasonable" and unlawful for one owner to physically invade the land of another owner. There can be no damnum absque injuria where there is such a trespass.

### Trade

#### Their own ev proves there are other alt causes they don’t solve WTO cred – gambling ban and commercial music royalities in Europe

**New**, 3/26/**2013** (William – Intellectual Property Watch, United States Chided As TRIPS Scofflaw at WTO, Intellectual Property Watch, p. <http://www.ip-watch.org/2013/03/26/united-states-chided-as-trips-scofflaw-at-wto/>)

“The conduct of the United States unscrupulously discredits the WTO dispute settlement system and also constitutes an affront to the intellectual property rights,” an ambassador from Cuba said today at the WTO. At a WTO Dispute Settlement Body meeting today, a number of WTO members fired shots at the US delegation for its continued failure to change its laws to comply with WTO rulings that found it out of compliance on intellectual property-related issues. This includes the case involving a rum trademark dating back over a decade, and a more recent case involving a US online gambling ban that led a WTO panel to authorise the Caribbean nation of Antigua and Barbuda to extract payment by not protecting US IP rights until it complies. The irony of the US as IP scofflaw was not lost on competitors like Antigua and Barbuda or Cuba, which said the US slackness discredits its IP rights enforcement campaign as well as the very WTO dispute settlement process itself. “It is very ironic to observe the United States projecting laws on intellectual property, despite keeping violations as egregious as Section 211,” under which the Bacardi Company continues to market rum labelled Havana Club, a mark which is otherwise owned by Cuba and partners. “This is one of the most famous cases of trademark counterfeiting and conducting misleading advertising by a company backed by the US legislation.” The lack of any substantive change by the United States in today’s report to the DSB “is irrefutable proof that this country has [done] nothing during more than 11 years to comply with the DSB recommendations and rulings, which ruled the incompatibility of ‘Section 211 of the Omnibus Appropriations Act of 1998′ with the TRIPS Agreement and the Paris Convention,” the Cuban ambassador to the WTO said in a translated statement. TRIPS is the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. Cuba has interest in the rum case because it is a part owner of the rum trademark everywhere in the world except the United States. “The legislative projects to which the US delegation makes reference in their reports each month remain stagnant because it does not constitute a priority or real interest for the administration or the Congress of that country,” Cuba said. “However, by their displaying of incoherent foreign policy, we frequently observe how that Member promotes initiatives in terms of ‘enforcement of intellectual property rights.’” For instance, Cuba said the recently announced US-European Union trade agreement contains the goal of “maintaining and promoting a high level of protection” of IPRs, and said this bilateral trade agreement should be “critically question[ed].” Even the 27-member European Union weighed in on the Section 211 case, thanking the US for its report and adding the hope that “US authorities will very soon take steps towards implementing the DSB ruling and resolve this matter.” The EU also urged that the US comply with another IP case – Section 110(5) of the US Copyright Act – which involved the US commercial practice of playing music recordings, such as Irish music, aloud in bars without paying royalties. “We refer to our previous statements that we would like to resolve this case as soon as possible,” the EU said. Venezuela joined Cuba in condemning the United States for its failure to comply with the rum case, and raised deep concerns about a continued lack of action. “This situation is unacceptable, disappointing, and worrying, not only because it affects a developing country member of this organisation, but also for the grave repercussions against the credibility of DSB and the multilateral system of trade,” Venezuela said in its statement (unofficial translation).

#### Trade doesn’t solve war.

**Keshk et al, 10** (Omar M.G., The Ohio State University, Rafael Reuveny, Indiana University, and Brian M. Pollins, The Ohio State University, “Trade and Conflict: Proximity, Country size, and Measures,” Conflict management and Peace Sciecne, Volume 27, Issue 1)

Table 8 presents an overarching look at our 36 tests. In Panel A, conflict reduces trade in all the 36 tests, the liberal prediction holds in eight tests, the neo-Marxist and neo-realist prediction holds in 10 cases, and the classical realist prediction holds in 18 tests. When inter-capital distance is excluded from the conflict equation (Panel B), conflict reduces trade in all the tests. Meanwhile, the liberal case holds in two out of 1.8 tests. Both of these cases utilize the Gleditsch trade data set that sets by assump‑ tion about 18% of the cells to zero and another 15% to other values (Table 3).When distance is included in the conflict equation (Panel C), the neo-Marxist/neo-realist prediction holds in one case and the classical realist prediction holds in 11 tests. The liberal prediction holds in six out of 18 tests, four of which utilize the Gleditsch trade data, all of which do not exclude the zero trade values (Tables 2 and 4), and none of which include the sizes of both nations in a dyad (Tables 5 and 6). Integrating all of these findings, one may argue our results do not fully overrule the liberal prediction, for eight out of the 36 cases support it. One may also decide to ignore the 28 cases that reject the liberal prediction, choosing to believe those results that match with some ideology. We find both of these approaches troubling. When we started this project, our goal was not to reject or affirm any view; all the competing theories for the effect of trade on conflict seem plausible. Further evaluation of these theories, therefore, required empirical testing. When using empirical methods, we believe it is best to adhere to three principles. First, theory should not be problematic, as in the case of distance. Second, the empirics should strive to represent the theory; if trade affects conflict because conflict affects trade, the two causal directions need to be modeled together. Third, the empirical data should be actual, not generated by the analyst. Our theoretical discussion illustrated problems associated with including inter‑ capital distance in the conflict equation and suggested that it is a good idea to include the sizes of both nations in the dyad separately. Our empirical results show that to be supported by the data, the liberal prediction requires that (1) inter-capital distance will be included in the MID equation; (2) the national sizes will not be included in the MID equation; (3) about 33% of the trade data cells will be created using Gleditsch's assumptions; and (4) about 18% of the trade data cells will be set to zero. Not only are these conditions theoretically problematic, as we discussed, but remove any one of them (with one exception) and the liberal result vanishes.' In all, any signal that "trade brings peace" remains weak and inconsistent, regardless of the way proximity is modeled in the conflict equation. The signal that conflict reduces trade, in contrast, is strong and consistent. Thus, international politics are clearly affecting dyadic trade, while it is far less obvious whether trade systematically affects dyadic politics, and if it does, whether that effect is conflict dampening or conflict amplifying. This is what we have termed in KPR (2004) "The Primacy of Politics." 7. Conclusion This study revisited the simultaneous equations model we presented in KPR (2004) and subjected it to four important challenges. Two of these challenges concerned the specification of the conflict equation in our model regarding the role of inter‑ capital. distance and the sizes of both sides in a dyad; one questioned the bilateral trade data assumptions used in the treatment of zero and missing values, and one challenge suggested a focus on fatal MIDs as an alternative indicator to the widely used all-MID measure. The theoretical and empirical analyses used to explore proposed alternatives to our original work were instructive and the empirical results were informative, but there are certainly other legitimate issues that the trade and conflict research com‑ munity may continue to ponder. For example, researchers may continue to work on questions of missing bilateral trade data, attempt to move beyond the near‑ exclusive use of the MIDs data as we contemplate the meaning of "military conflict," and use, and extend the scope of, the Harvey Starr. GIS-based border data as one way to treat contiguity with more sophistication than the typical binary variable. The single greatest lesson of this study is that future work studying the effect of international trade on international military conflict needs to employ a simultaneous specification of the relationship between the two forces. The results we obtained under all the 36 SEM alternatives we estimated yielded an important, measurable effect of conflict on trade. Henceforth, we would say with high confi‑ dence that any study of the effect of trade on conflict that ignores this reverse fact is practically guaranteed to produce estimates that contain simultaneity bias. Such studies will claim that "trade brings peace," when we now know that in a much broader range of circumstances, it is "peace that brings trade." Our message to those who would use conflict as one factor in a single-equation model of trade is only slightly less cautionary. They too face dangers in ignoring the other side of the coin. In one half of the 36 permutations we explored, the likelihood of dyadic military conflict was influenced by trade flows. In most tests where this effect surfaced, it was positive, that is, trade made conflict more likely. But the direction of this effect is of no consequence for the larger lesson: trade modelers ignore the simultaneity between international commerce and political enmity at their peril. They too run no small risk of finding themselves deceived by simultaneity bias. Our empirical findings show clearly that international politics pushes commerce in a much broader range of circumstances than the reverse. In fact, we could find no combination of model choices, indicators, or data assumptions that failed to yield the result that dyadic conflict reduces dyadic trade. Liberal claims regarding the effect of dyadic trade on dyadic conflict simply were not robust in our findings. They survived in only 8 of the 36 tests we ran, and failed to hold up when certain data assumptions were altered, and were seriously vulnerable to indicator choices regarding inter-capital distance, conflict, and national size. To our colleagues from the liberal camp we would like to say that we still believe there are limited circumstances in which more trade may help lead countries to more peaceful resolutions of their differences, particularly if they are already at peace. However, it is past time for academics and policymakers to look beyond the naive claim that the cultivation of trade ties will always and everywhere pro‑ duce a more peaceful world. We can be confident that peace will bring trade, but whether trade will bring peace is subject to specific, limited circumstances condi‑ tions which we should all now set out in earnest to discover.

#### Prefer our evidence—their studies require convoluted manipulation.

**Keshk et al, 10** (Omar M.G., The Ohio State University, Rafael Reuveny, Indiana University, and Brian M. Pollins, The Ohio State University, “Trade and Conflict: Proximity, Country size, and Measures,” Conflict management and Peace Sciecne, Volume 27, Issue 1)

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#### No protectionism and no impact on trade -- multiple international checks.

Dadush et al., ‘11

[Uri, senior associate and director in Carnegie’s new International Economics Program, currently focuses on trends in the global economy and the global financial crisis, previously served as the World Bank’s director of international trade and before that as director of economic policy. He also served as the director of the Bank’s world economy group, leading the preparation of the Bank’s flagship reports on the international economy, Shimelse Ali, economist, Carnegie’s International Economics Program, Rachel Esplin Odell, junior fellow in Carnegie’s Asia Program, Carnegie Endowment for International Peace, “Is Protectionism Dying?”, May, <http://www.carnegieendowment.org/files/is_protectionism_dying.pdf>]

Despite a limited increase in the incidence of protectionist measures during the recent financial and economic crisis, the effects on global trade appear small—the world, remarkably, did not resort to protectionism. In addition to the concerted stimulus measures, financial rescues, and the strengthening of lender-of-last-resort facilities that restricted the duration and depth of the economic downturn, the World Trade Organization’s disciplines, enforceable through its dispute settlement mechanism, no doubt played an important role in staving off trade protection. But this is only one part of the story. The increased resistance to protectionism is the result of a complex, mutually reinforcing set of legal and structural changes in the world economy that have made a return to protection more costly and disruptive and have established new vested interests in open markets. These changes include: • National disciplines: Along with autonomous liberalization and a generally robust rule of law in the largest trading countries—which improve the confidence of importers and exporters—national trade tribunals help prevent protectionism by providing a mechanism whereby individual firms can contest protectionist measures that impact their company. Many national governments have also developed explicit or implicit mechanisms for countering protectionism and ensuring that trade policy reflects the general interest. • Regional and bilateral agreements: In addition to codifying further tariff reductions, regional trade agreements—now covering over half of world trade—contain provisions establishing dispute settlement mechanisms that parties can use to contest violations of the agreement and thereby defend against protectionism. Furthermore, such agreements have often established regular high-level dialogues on trade disputes, treaty implementation, and further liberalization, providing a mechanism for resolving serious violations of the agreement even if its formal juridical mechanisms are not utilized. • “Facts on the ground”: The political resistance to backsliding on liberalization is stronger because trade has become more prevalent and inextricably woven into production and consumption patterns. The change in the political economy of protectionism is manifested in the increased interest of retailers and consumers in imports, the internationalization of production, and the rise of intrafirm trade. Limiting trade in any one sector not only hurts those consumers, retailers, and firms that depend on imports for inputs, but also has repercussions for firms that operate both vertically (within a sector) and horizontally (across sectors) that depend on complex global production chains.

### IPR

#### Great powers won’t engage in resource wars—empirically denied and tech solves.

Meierding 07 – PhD Student @ U Chicago, Emily, “Strategic Substitution and the Declining Likelihood of International Resource Wars”, Prepared for the International Studies Association Conference; Chicago, IL; March, http://www.allacademic.com//meta/p\_mla\_apa\_research\_citation/1/8/0/3/5/pages180355/p180355-1.php

If these intra-disciplinary critics collectively call into question the resource pessimists’ claim that resource scarcity frequently leads to violent conflict, a more fundamental critique has emerged from resource economists. Resource “cornucopians” argue that the very concept of scarcity is flawed. Julian Simon, the most prominent of these claimants, asserts that marketdemand for increasingly scarce goods inspires technological innovation, which resolves supply problemsthrough improvements in productive efficiency or through the creation of substitute inputs. When consumers demand a resource, more of it, or of a functional substitute, is supplied. Human knowledge, he claims, is “the ultimate resource.” 29 The cornucopian argument suggests that natural resource scarcity should not have a significant impact on the likelihood of conflict. Future resource-inspired violence will be rare. The cornucopians overstate their case; because of their lack of attention to the uneven distribution of global natural resources, they miss an important source of international conflict. Nonetheless, they offer an important corrective to the dismal predictions issued by resource pessimists. They also encourage us to be more attentive to the historical record. 30 The intensity of current resource alarmism arises in large part from authors’ tendency to presents contemporary resource pressures as historically unprecedented. However, even a casual examination of the historic record reveals that the current panic is only the latest in a long line of anticipated resource crises. 31 Among the most recent were the petroleum-related fears of the 1970s and predicted “mineral wars” in the 1980s. 32 The pessimists’ predictive record is poor. Their apocalyptic expectations have rarely come to pass. Malthus himself provides a prominent example of miscalculation; he predicted that Europe would experience an overpopulation-induced famine during the nineteenth century. 33 Instead, food production consistently kept pace with demand. No Great Power wars were fought over minerals. The 1970s oil crisis did not lead to blows between major oil-consuming states. And, while the two recent Gulf Wars suggest that oil has had a more mixed record than most natural resources, I argue that the amount of petroleum-inspired violence occurring in the international system is very low, relative to the extremity of states’ dependence on the commodity. 34 Modern, developed states do not fight over natural resources.

#### No extinction from ag collapse

**Allouche 11**, research Fellow – water supply and sanitation @ Institute for Development Studies, frmr professor – MIT, ‘11

(Jeremy, “The sustainability and resilience of global water and food systems: Political analysis of the interplay between security, resource scarcity, political systems and global trade,” Food Policy, Vol. 36 Supplement 1, p. S3-S8, January)

The question of resource scarcity has led to many debates on whether scarcity (whether of food or water) will lead to conflict and war. The underlining reasoning behind most of these discourses over food and water wars comes from the Malthusian belief that there is an imbalance between the economic availability of natural resources and population growth since while food production grows linearly, population increases exponentially. Following this reasoning, neo-Malthusians claim that finite natural resources place a strict limit on the growth of human population and aggregate consumption; if these limits are exceeded, social breakdown, conflict and wars result. Nonetheless, it seems that most empirical studies do not support any of these neo-Malthusian arguments. Technological change and greater inputs of capital have dramatically increased labour productivity in agriculture. More generally, the neo-Malthusian view has suffered because during the last two centuries humankind has breached many resource barriers that seemed unchallengeable. Lessons from history: alarmist scenarios, resource wars and international relations In a so-called age of uncertainty, a number of alarmist scenarios have linked the increasing use of water resources and food insecurity with wars. The idea of water wars (perhaps more than food wars) is a dominant discourse in the media (see for example Smith, 2009), NGOs (International Alert, 2007) and within international organizations (UNEP, 2007). In 2007, UN Secretary General Ban Ki-moon declared that ‘water scarcity threatens economic and social gains and is a potent fuel for wars and conflict’ (Lewis, 2007). Of course, this type of discourse has an instrumental purpose; security and conflict are here used for raising water/food as key policy priorities at the international level. In the Middle East, presidents, prime ministers and foreign ministers have also used this bellicose rhetoric. Boutrous Boutros-Gali said; ‘the next war in the Middle East will be over water, not politics’ (Boutros Boutros-Gali in Butts, 1997, p. 65). The question is not whether the sharing of transboundary water sparks political tension and alarmist declaration, but rather to what extent water has been a principal factor in international conflicts. The evidence seems quite weak. Whether by president Sadat in Egypt or King Hussein in Jordan, none of these declarations have been followed up by military action. The governance of transboundary water has gained increased attention these last decades. This has a direct impact on the global food system as water allocation agreements determine the amount of water that can used for irrigated agriculture. The likelihood of conflicts over water is an important parameter to consider in assessing the stability, sustainability and resilience of global food systems. None of the various and extensive databases on the causes of war show water as a casus belli. Using the International Crisis Behavior (ICB) data set and supplementary data from the University of Alabama on water conflicts, Hewitt, Wolf and Hammer found only seven disputes where water seems to have been at least a partial cause for conflict (Wolf, 1998, p. 251). In fact, about 80% of the incidents relating to water were limited purely to governmental rhetoric intended for the electorate (Otchet, 2001, p. 18). As shown in The Basins At Risk (BAR) water event database, more than two-thirds of over 1800 water-related ‘events’ fall on the ‘cooperative’ scale (Yoffe et al., 2003). Indeed, if one takes into account a much longer period, the following figures clearly demonstrate this argument. According to studies by the United Nations Food and Agriculture Organization (FAO), organized political bodies signed between the year 805 and 1984 more than 3600 water-related treaties, and approximately 300 treaties dealing with water management or allocations in international basins have been negotiated since 1945 (FAO, 1978 and FAO, 1984). The fear around water wars have been driven by a Malthusian outlook which equates scarcity with violence, conflict and war. There is however no direct correlation between water scarcity and transboundary conflict. Most specialists now tend to agree that the major issue is not scarcity per se but rather the allocation of water resources between the different riparian states (see for example Allouche, 2005, Allouche, 2007 and [Rouyer, 2000] ). Water rich countries have been involved in a number of disputes with other relatively water rich countries (see for example India/Pakistan or Brazil/Argentina). The perception of each state’s estimated water needs really constitutes the core issue in transboundary water relations. Indeed, whether this scarcity exists or not in reality, perceptions of the amount of available water shapes people’s attitude towards the environment (Ohlsson, 1999). In fact, some water experts have argued that scarcity drives the process of co-operation among riparians (Dinar and Dinar, 2005 and Brochmann and Gleditsch, 2006). In terms of international relations, the threat of water wars due to increasing scarcity does not make much sense in the light of the recent historical record. Overall, the water war rationale expects conflict to occur over water, and appears to suggest that violence is a viable means of securing national water supplies, an argument which is highly contestable. The debates over the likely impacts of climate change have again popularised the idea of water wars. The argument runs that climate change will precipitate worsening ecological conditions contributing to resource scarcities, social breakdown, institutional failure, mass migrations and in turn cause greater political instability and conflict (Brauch, 2002 and Pervis and Busby, 2004). In a report for the US Department of Defense, Schwartz and Randall (2003) speculate about the consequences of a worst-case climate change scenario arguing that water shortages will lead to aggressive wars (Schwartz and Randall, 2003, p. 15). Despite growing concern that climate change will lead to instability and violent conflict, the evidence base to substantiate the connections is thin ( [Barnett and Adger, 2007] and Kevane and Gray, 2008).

**Their impact is based on faulty anecdotal evidence**

Patrick 11, Program on International Institutions and Global Governance at CFR, (Stewart, May, “Weak Links Fragile States, Global Threats, and International Security” Excerpt from forthcoming book, http://www.cfr.org/international-peace-and-security/weak-links/p24311?excerpt=1)

What is striking, in view of this flurry of official activity, is how little empirical analysis has been undertaken to document and explore the connection between state failure and transnational security threats. Policymakers have advanced blanket associations between these two sets of phenomena, often on the basis of anecdotes or single exam­ples (e.g., al-Qaeda operations in Afghanistan before 9/11) rather than through sober analysis of global patterns or in-depth case studies that reveal causal linkages. Such sweeping generalizations provide little analytical insight or guidance for policymakers in setting priorities, since they fail to distinguish among categories of weak and failing states or to ask whether (or why) particular developing countries are associated with specific sets of threats. This book aims to fill these gaps by analyzing the relationship between state weakness and five of the world’s most pressing transnational threats.

#### Enzyme Blockers solve

Ferber 02 (Dan graduated magna cum laude from Duke University in 1984 with a bachelor's degree in zoology. He earned a PhD in biology from Johns Hopkins University in 1993 and worked as a postdoctoral fellow in microbiology for three years at the University of Illinois, Urbana-Champaign (UIUC)Science, New Series, Vol. 295, No. 5554 (Jan. 18, 2002), pp. 433-434

Another new class of antibiotic blocks an enzyme called peptide deformylase (PDF) that is essential to bacteria but not to mammals. The killing tactic is simple: Most newly made bacterial proteins are tagged with a one-carbon unit called a formyl group, which is clipped off later by PDF to activate the protein. Higher organisms don't use this sort of protective wrapping on their proteins, so a compound that blocks PDF should in theory stop bacterial growth but leave human and animal cells alone. Early results in animal models suggest that it does. John Clements and colleagues at British Biotech Pharmaceuticals Ltd. in Oxford have designed and chemically synthesized PDF inhibitors based on knowledge of the enzyme's three-dimensional structure. The inhibitors block the enzyme by clinging to a metal atom in the active site of the enzyme. One of the lead compounds, called BB- 83698, effectively treated pneumonia in mice, overpowering even the penicillin-resistant microbes most dangerous to humans. Another type of PDF blocker clears Staphylococcus aureus infections from the bloodstream of mice, Zhengyu Yuan and colleagues at Versicor Inc. in Fremont, California, reported at the meeting. The compounds, called urea hydroxamates, also fit into the active site of the enzyme, Yuan says

#### Anti-virulence drugs prevent resistance

Waldor, 06 (Matthew K., M.D. and Ph.D., served as a consultant to Avidbiotics, “Disarming Pathogens – A New Approach for Antibiotic Development,” January 19, New England Journal of Medicine, Volume 354:296-297)

Hung et al. performed a high-throughput screening of a library of small molecules to identify compounds that inhibit the activation of the cholera toxin genes. One of the compounds they found(dubbed "virstatin") abolished the production of both TCP andcholera toxin by *V. cholerae*. They went on to show that virstatininhibits the activity of ToxT and that virstatin concentrationsrequired to turn off the synthesis of cholera toxin and TCPdid not influence the growth of the pathogen in laboratory medium.The compound was, however, a highly potent inhibitor of intestinal colonization by the bacteria. When virstatin was administeredorally to infant mice along with a *V. cholerae* strain that colonizesthe small bowel, the number of *V. cholerae* recovered from intestinalhomogenates was about 0.01 percent of that recovered from untreatedmice ([Figure 1](http://content.nejm.org/cgi/content/full/354/3/296#F1)). Furthermore, the administration of virstatinto mice after *V. cholerae* had already colonized the intestinereduced the numbers of *V. cholerae* recovered in intestinal homogenatesby three orders of magnitude. These observations suggest thatcontinued production of TCP is essential for persistent intestinalcolonization by *V. cholerae* and that host mechanisms that clearthe pathogen are effective in the absence of TCP. The infant-mousemodel of cholera is not useful for analyses of cholera toxin–induceddiarrhea, and the effects of virstatin on cholera toxin productionin vivo were not assessed in this study; however, since choleratoxin and TCP are coregulated by ToxT, it is reasonable to assumethat virstatin abrogates cholera toxin production in vivo. Since pathogens are becoming increasingly resistant to antibioticsand the development of antibiotics has lagged in recent years,the findings presented by Hung et al. are particularly exciting.Their observations suggest that the search for drugs that turn off the production or antagonize the activity of virulence factors is likely to yield a new generation of antimicrobial agents.In general, such "antivirulence" drugs will be more pathogen-specific than current antibiotics and therefore relevant to a narrower sector of patients — although it may be possible to developdrugs that antagonize conserved processes (such as secretionpathways) that are required for the pathogenicity of multiplespecies. Specificity would probably limit the development of widespread drug resistance, although it seems likely that pathogenswill also develop resistance to antivirulence drugs. In fact,one way in which Hung et al.[1](http://content.nejm.org/cgi/content/full/354/3/296%22%20%5Cl%20%22R1) established that virstatin inactivatesToxT was by identifying a mutant form of ToxT that was not influencedby virstatin. Combinations of conventional antibiotics along with an antivirulence drug may prove to be the safest and most efficacious, potentially extending the usefulness of both types of agents. Finally, since antivirulence drugs will not ordinarily inhibit the growth of pathogens, they may facilitate the development of immune responses that will prevent subsequent infection.

#### Alligator Blood solves

Davis 08 (Robert 4/8/2008 “Gator blood could take bite out of superbugs” http://www.usatoday.com/news/health/2008-04-08-gator-blood\_N.htm)

Proteins in alligator blood could lead to new drugs that fight the super infections that plague humans, Louisiana researchers says. Alligators often get banged up in battles over territory or food, but Mark Merchant of McNeese State University in Lake Charles, La., noticed they never seem to get infected, despite slimy living conditions in bacteria-filled swamps. "These alligators tend to get into tussles and fights," says Lancia Darville, a researcher at Louisiana State University in Baton Rouge and a study co-author. "They have torn limbs and scratches that are exposed to all of this bacteria in the water, yet they are never infected." In a study, presented this week at the American Chemical Society meeting in New Orleans, Merchant and other experts explain why. When researchers exposed 23 species of bacteria to the serum from alligator blood, all of the bugs were destroyed. Humans typically can defeat only eight of the bacteria. "That was a good indication that alligators must have some other additional proteins or some proteins that are overly expressed in their system that are either not present in ours or not overexpressed in ours," Darville says.The study was the first to explore the anti-microbial activity of alligator blood in detail, according to the American Chemical Society. Alligators have what is called an innate immune system, one that is born ready to fight bugs. People also have innate immunity against certain bacteria, but must develop immunity to some invaders through exposure to the bugs. Researchers are encouraged because the alligator blood serum killed more species of bacteria."They don't need to be exposed to any microorganism such as bacteria, viruses, fungi for their bodies to respond against them," Danville says. The findings may lead scientists to new drugs that can fight some of the most stubborn infections in humans, such as the "superbugs" that resist antibiotics. If scientists can identify and then mimic the alligator's microscopic defenders, Darville says, they might be able to make stronger bug-fighting pills or creams that could be applied to burns to fight infections."Ultimately, we would like to determine what the chemical structure is," Darville says. "Once we can do that, we could eventually develop these into different anti-bacterial and anti-fungal drugs

#### No risk of MDR TB Spread

**Collins and Fidel, 07** (Lois M. Collins and Steve Fidel Deseret Morning News 6/3/07, Lexis)

The frenzy over tuberculosis spawned by a single "extensively drug-resistant" case is capturing headlines. But most people exposed to the airborne bacteria will never develop active disease. The Atlanta attorney's case has health officials concerned because his TB falls into a class of infections that resists two first-line TB drugs and some second-line drugs -- one of only 49 other extensively drug-resistant cases reported in the United States between 1993 and 2006. There's also a class called multidrug-resistant TB, which is easier to treat than cases like this one but more difficult than typical TB. Although it's harder to kill, it's no easier to spread than any other tubercolosis, according to Carrie Taylor, an infection control practice nurse at LDS Hospital. "You have to breathe in air that's coughed." Doctors treat an average of 38 active TB cases each year in Utah, according to the Utah Department of Health. The disease usually settles in the lungs, although it can affect the kidneys, spine, brain and other organs. The disease is caused by Mycobacterium tuberculosis, which spreads person-to-person but only through close contact. Taylor and her colleague Vickie Anderson, also an infection-control practice nurse at LDS Hospital, describe it as passing from one person's lungs directly into another's. It's not like a cold that is easily spread and fairly hardy. In fact, sunlight kills it. Unless the individual has a drug-resistant TB strain -- "not common in Utah," said Taylor -- it's very treatable, although it takes a long time and several medications. Left untreated, it can kill. At least initially, patients are isolated to avoid spread of the disease. Both chicken pox and measles are more contagious, said infectious disease specialist Dr. John Kriesel of University Hospital. As an example, when a Provo High School student was recently diagnosed with tuberculosis and health officials asked 250 of the student's school contacts to be tested for it, Kriesel predicted "not one of them will test positive for TB." People in casual contact are extremely unlikely to get the disease. Just being exposed doesn't mean you could pass it on, Taylor said. Without symptoms, you can't spread it, even if you have a positive skin test. People who live with a patient are at higher risk, but most won't get it, either.

#### And, prevention controls solve

**Health Day News, 09** (Robert Preidt, “TB Still Declining in U.S., But at Slower Rate,” 3-19-2009, www.nlm.nih.gov/medlineplus/news/fullstory\_81946.html+TB+declining&cd=6&hl=en&ct=clnk&gl=us)

THURSDAY, March 19 (HealthDay News) -- Tuberculosis cases reached an all-time low rate in the [United States](http://health.usnews.com/articles/health/healthday/2009/03/19/tb-still-declining-in-us-but-at-slower-rate.html) last year, according to a new federal government report. The U.S. Centers for Disease Control and Prevention reported 12,898 new cases of TB in 2008, which equals 4.2 cases per 100,000 people. However, the CDC report also noted that progress in eliminating tuberculosis has slowed in recent years, with a 3.8 percent average annual rate of decline between 2000 and 2008, compared with a 7.3 percent rate of decline from 1993 to 2000. In 2008, TB rates ranged from 0.5 per 100,000 in [North Dakota](http://health.usnews.com/articles/health/healthday/2009/03/19/tb-still-declining-in-us-but-at-slower-rate.html) to 9.6 per 100,000 in Hawaii, the study said. Although 33 states and the District of Columbia reported lower rates in 2008 than in 2007, 17 states had higher rates. Four states -- California, Florida, New [York](http://health.usnews.com/articles/health/healthday/2009/03/19/tb-still-declining-in-us-but-at-slower-rate.html) and Texas -- reported more than 500 TB cases each in 2008. Combined, these four states accounted for 49.2 percent of all TB cases in the country last year. In 2007, five states had at least 500 cases, and seven states recorded that many in 2006. People from racial and ethnic minorities and foreign-born residents continue to be disproportionately affected by TB, the CDC said. Rates among Hispanics, blacks and Asians were 7.5, 8.1 and 23.4 times higher, respectively, than among whites in 2008. The TB rate among foreign-born residents was 20.2 cases per 100,000, which is 10 times higher than the two cases per 100,000 among people born in the United States. The analysis of 2008 data also showed that among the 7,652 people with TB who have a known HIV test result, slightly more than 10 percent were confirmed to have HIV. In addition, the report found that a type of TB that is resistant to at least two important first-line drugs -- isoniazid and rifampin -- accounted for 1.2 percent (125) of all TB cases in the United States for which drug-susceptibility data were available. The findings, which came from analysis of data from the National TB Surveillance System, were published in the March 20 Morbidity and Mortality Weekly Report, published by the CDC. The authors of the report said that more action is needed to tackle the slowing decline in TB rates and the continuing disparities between minorities and whites and between people born in the United States and those born elsewhere. Tuberculosis cases had declined steadily in the United States in the three decades from 1953, when there were 84,304 reported cases, to 1985, with 22,201 cases. But the number of cases rose again, by 20 percent, between 1985 and 1992, when 26,673 cases were reported. This led to renewed TB prevention and control efforts during the 1990s, but the average annual decline has slowed since 2000. Worldwide, about 2 billion people are infected with TB-causing bacteria. In 2006, about 9.2 million people became ill from TB and 1.7 million died from the disease. March 24 is World TB Day.

## 1nr

### WTO

#### They destroy our ability to selectively support and abide by I-Law – that causes Congress to withdraw support for all treaties and humyn rights agreements – it’s worse for I-Law

Kuhner 03 (Timothy , of the Duke Journal of Comparative & International Law “HUMAN RIGHTS TREATIES IN U.S. LAW: THE STATUS QUO, ITS UNDERLYING BASES, AND PATHWAYS FOR CHANGE,” Duke Journal of Comparative & International Law, Spring, 13 Duke J. Comp. & Int'l L. 419)

The "gotcha" approach contradicts the principles of treaty law as understood by the United States. The Supreme Court in Foster and Percheman, affirmed that the mutual intent of the parties determines whether a given provision of a treaty is self-executing. n235 Similarly, such an approach is at odds with one of the two most basic principles of treaty law - consent to be bound. n236 If clearly expressed, the negotiated conditions that define the voluntary obligations a country assumes, are understood to be a precondition to the continued existence of said obligations. Since the U.S.' intent is clearly expressed and on the record (a precondition to ratification), a reviewing court would not have to examine the treaty's text. Other states could not have intended the treaty to be self-executing as it applies to the United States if they were apprised of the clear impossibility of the [\*467] same. n237 Advocates of the "gotcha" approach must bear in mind the unintended consequences of enforcing upon a state obligations to which it did not consent, or could not reasonably be construed as having consented. For example, the United States might cease to advocate for human rights treaties **and fail to join future treaties**. This latter implication, however, seems increasingly irrelevant as U.S. "exceptionalism" grows. n238 Nevertheless, even strong human rights proponents, such as Professor Louis Henkin, maintain that in a multilateral treaty, a reservation or understanding embodies the intent of the party and this intent is used to interpret what obligations that party undertook. n239 The "gotcha" approach seeks to steamroll over the disjuncture between the Senate power as understood by the Senate and, presumably, the Supreme Court, and the official interpretation of applicable rights and duties under international law. The approach is only useful, insofar as its execution constitutes judicial notice of a problem in need of resolution and reminds the political branches that the Constitution [\*468] makes international law "our law." n240

#### I-Law wrecks deterrence

**Boyle 09** (Francis A., professor of international law at the University of Illinois College of Law, “The Criminality on Nuclear Weapons,” http://www.wagingpeace.org/articles/2009/08/20\_boyle\_criminality\_deterrence.php)

The use of nuclear weapons in combat was, and still is, absolutely prohibited under all circumstances by both conventional and customary international law: e.g., the Nuremberg Principles, the Hague Regulations of 1907, the International Convention on the Prevention and Punishment of the Crime of Genocide of 1948, the Four Geneva Conventions of 1949 and their Additional Protocol I of 1977, etc. In addition, the use of nuclear weapons would also specifically violate several fundamental resolutions of the United Nations General Assembly that have repeatedly condemned the use of nuclear weapons as an international crime. Consequently, according to the Nuremberg Judgment, **soldiers would be obliged to disobey** egregiously illegal **orders** with respect **to launch**ing **and wag**ing **a nuclear war**. Second, all government officials and military officers who might nevertheless launch or wage a nuclear war would be personally responsible for the commission of Nuremberg crimes against peace, crimes against humanity, war crimes, grave breaches of the Geneva Conventions and Protocol 1, and genocide, among other international crimes. Third, such individuals would not be entitled to the defenses of superior orders, act of state, tu quoque, self-defense, presidential authority, etc. Fourth, such individuals could thus be quite legitimately and most severely punished as war criminals, up to and including the imposition of the death penalty, without limitation of time. THE THREAT TO USE NUCLEAR WEAPONS Article 2(4) of the United Nations Charter of 1945 prohibits both the **threat** and the use of force except in cases of legitimate self-defense as recognized by article 51 thereof. But although the requirement of legitimate self-defense is a necessary precondition for the legality of any threat or use of force, it is certainly not sufficient. For the legality of any threat or use of force must also take into account the customary and conventional international laws of humanitarian armed conflict. Thereunder, the **threat to use nuclear weapons (i.e., nuclear deterrence**/terrorism) **constitutes** ongoing **international criminal activity**: namely, planning, preparation, solicitation and conspiracy to commit Nuremberg crimes against peace, crimes against humanity, war crimes, genocide, as well as grave breaches of the Four Geneva Conventions of 1949, Additional Protocol I of 1977, the Hague Regulations of 1907, and the International Convention on the Prevention and Punishment of the Crime of Genocide of 1948, inter alia. These are the so-called inchoate crimes that under the Nuremberg Principles constitute international crimes in their own right. The conclusion is inexorable that the design, research, testing, production, manufacture, fabrication, transportation, deployment, installation, maintenance, storing, stockpiling, sale, and purchase as well as the threat to use nuclear weapons together with all their essential accouterments are criminal under well-recognized principles of international law. Thus, those government decision-makers in all the nuclear weapons states with command responsibility for their nuclear weapons establishments are today subject to personal criminal responsibility under the Nuremberg Principles for this criminal practice of nuclear deterrence/terrorism that they have daily inflicted upon all states and peoples of the international community. Here I wish to single out four components of the threat to use nuclear weapons that are especially reprehensible from an international law perspective: counter-ethnic targeting; counter-city targeting; first-strike weapons and contingency plans; and the first-use of nuclear weapons even to repel a conventional attack.

#### That causes nuclear war

Blackwill 13 – special advisor to the Air Force’s assistant Chief of Staff for strategic deterrence and nuclear integration

(James, “Nuclear Weapons Critics Suffer Cold War Brain Freeze; Deterrence Works, Argues Top Air Force Official”, AOL Defense, 2-20-2013, Accessed 2-25-2013, http://defense.aol.com/2013/02/20/nuclear-weapons-critics-suffer-cold-war-brain-freeze-deterrence/)

There is an unsettling paradox in much of the recent debate over nuclear weapons in this country. Some pundits, fixated on purging "Cold War thinking" from those of us with real-world responsibilities for nuclear deterrence, are themselves suffering from thoughts frozen in time. In the midst of this important debate, let me offer some examples of the new strategic concepts emerging from a new generation of deterrence thinkers. The conventional wisdom is that a world with fewer nuclear weapons is inherently a better world. What we are discovering is that less is not less, less is different. US policy has led in reducing nuclear weapons. At its peak in 1967, the US stockpile stood at a staggering 31,255 warheads. Just since 1991, we have disassembled more than 13,000 weapons, and in the past decade taken our stockpile – the total number of weapons -- down from 10,526 in 2001 to 5,113 in 2010. Our nuclear weapons and delivery platforms now number an order of magnitude less than during the Cold War, and this policy continues -- creating new conditions in the global nuclear balance. In this new nuclear environment, potential adversaries are reaching conclusions we did not expect, and our allies and partners are more nervous about it than we want them to be. This new world of several contending nuclear powers behaves differently than the bi-polar world that preceded it. Deterrence is no longer (if it ever really was) a rational actor systems model; it works as a mental model. It's more like the "hot hand" rule in basketball – players do not keep mental statistics on who has the highest percentage shot for a particular game situation; instead they carry a moving mental image of who at that moment is on a streak and feed the ball to that player instinctively. The same kind of thing happens in crisis and conflict. Behavioral scientists call this "fast, frugal heuristics," and are beginning to explore the empirical dimensions of this 21st century deterrence dynamic. There are some surprising findings and insights. First, just because no one has detonated a nuclear weapon in war since 1945, does not mean they are sitting idly by, with little purpose. Nuclear weapons are in fact "used" every day -- not to win a war, but to deter any adversary from thinking they could get away with starting one. As budget pressures rise, many call for not spending more on weapons we cannot use in the kinds of conflicts most likely to occur – presumably counter-terrorism or conventional warfare. But a nuclear war is the conflict we need to make sure remains the least likely to happen. Second, there is much new research on 21st century deterrence of rogue actors and terrorists. We now know that, during the 1991 Persian Gulf War, Saddam Hussein was persuaded that if he were to order use of chemical weapons against US troops, the US would have responded with tactical nuclear weapons. Hussein had extensive discussions with his generals – lectures really – and injected that assumption into all their war planning. Such thinking likely resides within the decision-making processes of other states that face a similar calculus. There is merit in reinforcing such fears among others who would harm their neighbors. It turns out that terrorists, even suicide bombers, harbor visceral fears of nuclear weapons, fears that can be exploited to deter them from acting should they ever get one. Islamic terrorists adhere to the Koran's proscriptions against poisoning the earth with radiological effects and creating mass casualties among the innocent. Cyber and psychological campaigns can broadcast messages across terrorists' own social networks to convey this narrative challenge to terrorists' intent. Terrorist cells also fear failure, so technical sabotage, misinformation and deception can magnify doubt about the prospects for a successful detonation. Third, US nuclear weapons serve as a powerful instrument of nonproliferation. Post-Cold War experience reveals that others, from Saddam's Iraq, to North Korea, Libya, Iran and others, pursue nuclear weapons as the centerpiece of an asymmetric counter to the United States' conventional military superiority. As every other nuclear power except the U.S. modernizes their nuclear weapons, and as the number of nuclear armed states continues to grow, our allies and partners who rely on our extended deterrent are increasingly motivated to consider obtaining their own nuclear arsenal. We must actively pursue a flexible strategy that allays such concerns among allies. Some assert that a reliable nuclear deterrent does not require the ability to retaliate immediately, only the assurance that U.S. nuclear forces would survive any attack. Aside from the fact that none of America's nuclear triad is on "hair-trigger" alert, the reality of fewer nuclear weapons is that we cannot rely solely on a super-survivable second strike nuclear force that deters only by threatening retaliation. Such a posture could readily be perceived as threatening our intent to strike first. We must have a resilient nuclear arsenal that deters a nuclear strike in the first place. No president would want to ask the American people to ride out a first strike and then trust him to order a retaliatory strike on behalf of the remaining fraction of our population. What the president needs is a nuclear force that would lead no nuclear armed state, faction or terrorist to conclude that it has less to lose by striking us first, even with just one or a few nuclear weapons. We must not give anyone cause to contemplate such a move. This is a very different form of deterrence than the Cold War. No longer can we rely on the mathematics and purely rational models of nuclear exchange developed in the 20th century. We must understand human perception and decision-making. For 21st century deterrence, the value of first-strike stability is now at least equally important as maintaining an assured retaliation capability. Those of us in the new generation of strategic thinkers have liberated our minds from Cold War thinking to make sure that today, nuclear weapons are never used.

#### Incorporating I-Law massively expands the use of the Alien Tort Statute

**Windsor 03, JD University of Iowa (Pedro Juan, “Cry for Freedom: Boriken (Puerto Rico) & Indigenous Nations in America,” Journal of Gender Race & Justice, Fall, 7 J. Gender Race & Just. 439)**

The first school of thought purports that the incorporation of customary international law into U.S. law must take place by way of "special transformation."n210 Special transformation requires that there be specific legislation that grants domestic effect to rights enumerated under a treaty. n211 In general, the theory is that because the U.S. Constitution does not contain explicit "incorporation" language for customary international law, only an act of Congress can give customary international law direct domestic effect in U.S. law. n212 Nevertheless, there are possible ways that customary international law can be incorporated into U.S. law under this conservative legal philosophy. As discussed above, one possible way is with the use of federal statutes, such as the Alien Tort Statute, which gives U.S. courts the ability to adjudicate claims arising from either treaties or customary international law.n213 For example, the Alien Tort Statute explicitly refers to the "law of nations", lending support to the argument that it was Congress's intent to incorporate customary international law into U.S. law. n214 Indeed, this is a possible avenue that U.S. courts can take in incorporating the customary international law principle of self-determination in their decisions. For example, they can use this principle within their judicial analysis of cases [\*471] that question the validity or over breadth of particular U.S. laws and/or doctrines that impinge on "tribal" sovereignty.

#### That turns every impact – this litigation undermines cooperation needed to solve global problems

**Bradley 01, Law Professor at Virginia** (Curtis, Hunton & Williams Professor of Law, University of Virginia, “The Costs of International Human Rights Litigation,” Chicago Journal of International Law, Fall, 2 Chi. J. Int'l L. 457)\*\*reject gendered language

The most significant cost of international human rights litigation is that it shifts responsibility for official condemnation and sanction of foreign governments away from elected political officials to private plaintiffs and their representatives. n12 The plaintiffs and their representatives decide whom to sue, when to sue, and which claims to bring. These actors, however, have neither the expertise nor the constitutional authority to determine US foreign policy. Nor, unlike our elected officials, will these actors have the incentive to weigh the benefits of this litigation against its foreign relations costs. There is simply no reason to expect that, in pursuing their specific litigation goals, the plaintiffs and their lawyers will take into account broader issues relating to the US national interest. Furthermore, these individuals lack the accountability of elected officials for making bad foreign relations decisions. Admittedly, foreign relations costs are difficult to measure. Strains in international relationships may undermine a variety of cooperative ventures, ranging from trade, to environmental protection, to the war on drugs, to arms control, to combating terrorism. n13 They also may incrementally heighten the risk of military conflicts and incrementally reduce US national security. But no one case is likely to create a foreign relations crisis, and it is extremely difficult to know exactly how much strain any particular lawsuit will create and what precise effects this strain will cause. It is our elected officials, however, and not private litigants, who have the authority, [\*461] expertise, and incentives to make these difficult evaluative and predictive decisions and to balance the benefits of international condemnation against its potential costs. The US approach to China is a good illustration of the balancing act engaged in by US officials when making these determinations. Although the President and Congress often have criticized China's human rights practices, they have done so as part of a carefully calibrated strategy that balances criticism against the benefits of engagement in economic and related matters. Thus, for example, the US government recently approved permanent normal trade relations with China, but it also has continued to direct measured criticism at China for its human rights practices. Human rights lawsuits, such as the one against Chinese leader Li Peng, threaten to interfere with this sort of political balancing. n14 These international human rights lawsuits also pose some foreign relations dangers that are easier to identify. One such danger is that other nations may retaliate by allowing suits against US government actors. There are already warning signs of this possibility. For example, in November 2000, Iran's parliament enacted a law that allows Iranian "victims of US interference since the 1953 coup d'etat" to sue the United States in Iranian courts. This law was expressly enacted as a "measure of reciprocity" in response to the recent suits allowed in US courts against Iran. n15 Not surprisingly, the US State Department has been very concerned about this danger of suits against the US government and US officials. Indeed, the possibility of foreign criminal trials against US officials has been a key reason for the US reluctance to join the treaty establishing a proposed international criminal court. n16 These costs and dangers might be acceptable if they reflected a purposeful tradeoff by our elected foreign policy representatives. But this is not the case. While the Executive Branch sometimes has expressed support for specific human rights lawsuits, it also has expressly opposed a number of these lawsuits. For example, it [\*462] resisted assisting with service of court papers on both Mr. Li and Mr. Mugabe, n17 and it filed a suggestion of immunity on behalf of Mr. Mugabe. n18 Nor has Congress authorized this litigation in any meaningful sense. As noted above, the plaintiffs in these cases typically rely on the 212-year-old Alien Tort Statute, which, for most of its history, was not viewed as authorizing international human rights litigation. Nor could the late eighteenth century legislators who enacted this statute have imagined that the law of nations would regulate a government's relationship with its own citizens, or that US courts would stand in judgment regarding the conduct of foreign sovereigns on foreign soil. Moreover, whatever its intended scope, the Alien Tort Statute was almost certainly designed to reduce foreign relations friction with other nations, the precise opposite of the effect of international human rights litigation. n19

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#### The embargo prohibits all form of trade

Proclamation 3447 - Embargo on All Trade with Cuba http://www.presidency.ucsb.edu/ws/?pid=58824#axzz2fe5iACcX

Read more at the American Presidency Project: John F. Kennedy: Proclamation 3447 - Embargo on All Trade with Cuba http://www.presidency.ucsb.edu/ws/?pid=58824#ixzz2fe7snoTQ

Whereas the Congress of the United States, in section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, has authorized the President to establish and maintain an embargo upon all trade between the United States and Cuba; and Whereas the United States, in accordance with its international obligations, is prepared to take all necessary actions to promote national and hemispheric security by isolating the present Government of Cuba and thereby reducing the threat posed by its alignment with the communist powers: Now, Therefore, I, John F. Kennedy, President of the United States of America, acting under the authority of section 620(a) of the Foreign Assistance Act of 1961 (75 Stat. 445), as amended, do 1. Hereby proclaim an embargo upon trade between the United States and Cuba in accordance with paragraphs 2 and 3 of this proclamation. 2. Hereby prohibit, effective 12:01 A.M., Eastern Standard Time, February 7, 1962, the importation into the United States of all goods of Cuban origin and all goods imported from or through Cuba; and I hereby authorize and direct the Secretary of the Treasury to carry out such prohibition, to make such exceptions thereto, by license or otherwise, as he determines to be consistent with the effective operation of the embargo hereby proclaimed, and to promulgate such rules and regulations as may be necessary to perform such functions. 3. AND FURTHER, I do hereby direct the Secretary of Commerce, under the provisions of the Export Control Act of 1949, as amended (50 U.S.C. App. 2021-2032), to continue to carry out the prohibition of all exports from the United States to Cuba, and I hereby authorize him, under that Act, to continue, make, modify, or revoke exceptions from such prohibition.

#### Embargo prevents lifting of trademarks

IP Cuban Embargo 5 http://www.toddgerber.net/Embargo.htm

Although the embargo has been in place for over four decades, it was a relatively recent piece of legislation and its effect within a Second Circuit decision that inspired the complaint filed by the European Community. As a result, the WTO became involved and, although finding in favor of the United States on most issues in a panel and appellate ruling, likewise determined that the legislation was in contradiction to two key elements of the Paris Convention and TRIPS. To be discussed in much further detail below, there are presently four bills before Congress (two of which share identical text and which have been introduced to both houses) that seek to amend U.S. law to gain compliance with international treaty obligations yet with the aim of continuing the trade embargo. As with legislation that failed in the 108th Congress, the bills prompt for either a complete repeal of the offending law or a revision to such to maintain judicial restraint while achieving compliance with the WTO decision. These bills certainly do not have the attention of the Patent Reform legislation, highlighted via the presently-threatened BlackBerry shutdown, or of the Trademark Dilution Act, brought to focus with “Victor’s Little Secret.” Indeed, the delay in remedying an almost-four-year-old WTO decision may leave the impression that there really isn’t a problem at all. Realistically, the European Community has received a favorable WTO ruling against the United States, and only a notice of understanding and continued extension allowances have forestalled the possibility of sanctions and the lifting of reciprocal trademark protections.[4]