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### 1

**The United States federal government should:**

* **deny products that contain stolen intellectual property access to the U.S. market**
* **restrict the use of the U.S. financial system to foreign companies that repeatedly steal intellectual property**
* **Reinforce capacity-building programs underway that strengthen the legal frameworks and practices for IP rights overseas.**

**Solves the IPR advantage – deters theft and counterfeit**

Blair and Huntsman 13 - Adm. Dennis Blair was director of national intelligence from January 2009 to May 2010 and was head of the U.S. Pacific Command from February 1999 to May 2002. Jon Huntsman Jr. was governor of Utah from 2005 to 2009 and U.S. ambassador to China from 2009 to 2011. [“Protecting U.S. intellectual property rights” <http://articles.washingtonpost.com/2013-05-21/opinions/39419359_1_protecting-u-s-u-s-pacific-command-china>]

At a time when the U.S. economy is struggling to provide jobs, the hemorrhage of intellectual property (IP) — our most important international competitive advantage — is a national crisis. Nearly every U.S. business sector — advanced materials, electronics, pharmaceuticals and biotech, chemicals, aerospace, heavy equipment, autos, home products, software and defense systems — has experienced massive theft and illegal reproduction.¶ The individual stories are infuriating. In one recent instance, a foreign company counterfeited a high-tech product it had been purchasing from a U.S. manufacturer. The customer then became the U.S. company’s largest competitor, devastating its sales and causing its share price to plummet 90 percent within six months.¶ The scale is staggering. The [Commission on the Theft of American Intellectual Property](http://www.marketwatch.com/story/governor-jon-huntsman-and-the-honorable-dennis-blair-to-launch-a-report-on-the-theft-of-american-intellectual-property-2013-05-20), which we co-chaired, estimates that the total revenue loss to U.S. companies is comparable to the total value of U.S. exports to all of Asia. U.S. software manufacturers — a sector in which this country leads the world — lose tens of billions of dollars in revenue annually from counterfeiting just in China, where the problem is most rampant. The U.S. International Trade Commission [estimated in 2011](http://www.usitc.gov/publications/332/pub4226.pdf) that if IP protection in China improved substantially, U.S. businesses could add 2.1 million jobs.¶ We agree with [Gen. Keith Alexander](http://www.nsa.gov/about/leadership/bio_alexander.shtml), the head of U.S. Cyber Command, that the ongoing theft of U.S. intellectual property is “[the greatest transfer of wealth in history](http://www.aei.org/events/2012/07/09/cybersecurity-and-american-power/).”¶ Equally as important as the current situation is the potential for future damage. Our intellectual property is what provides the new ideas that will keep the U.S. economy vital and productive over the long term. If less innovative foreign companies can reap the profits of U.S. research and development and innovation, we will lose our competitive edge and eventually experience a decrease in incentives to innovate altogether.¶ Our concerns go beyond economic factors. [An investigation by the Senate Armed Services Committee](http://www.levin.senate.gov/newsroom/press/release/senate-armed-services-committee-releases-report_on-counterfeit-electronic-parts/) last May found “approximately 1,800 cases of suspect counterfeit electronic parts” in U.S. military equipment and weapons systems, with as many as 1 million individual counterfeit parts now embedded in our military aircraft. Even the security-conscious Defense Department has lost the capacity to verify the integrity of its supply chains.¶ So far, our national response to this crisis has been weak and disjointed. Our commission was advised by some experts who said the U.S. should simply wait until lesser-developed economies mature and then find it important to protect their own intellectual property. Others counsel against antagonizing countries such as China, whose buying power is strong but where IP protection is especially poor.¶ Many companies simply internalize the threats of IP theft by going on the defensive; in the process, they pay ever-greater sums for improved cybersecurity precautions without any real increases in security. The Obama administration has made some progress in raising this issue with foreign governments, but more needs to be done.¶ For nearly a year, the nonpartisan, independent commission we co-chaired has sought to document the causes, scale and national impact of international IP theft and to recommend robust policy solutions for the administration and Congress. Our report — which will be published Wednesday at [IPCommission.org](http://ipcommission.org/) — includes practical measures, both carrots and sticks, to change the cost-benefit calculus for foreign companies and their governments that illegally acquire U.S. intellectual property. The United States must make the theft of U.S. intellectual property both risky and costly for thieves.¶ We recommend immediately: denying products that contain stolen intellectual property access to the U.S. market; restricting use of the U.S. financial system to foreign companies that repeatedly steal intellectual property; and adding the correct, legal handling of intellectual property to the criteria for both investment in the United States under Committee for Foreign Investment in the United States (CFIUS) approval and for foreign companies that are listed on U.S. stock exchanges. All of these recommendations will require strengthening the capacity of the U.S. government in these areas.¶ In addition to these measures, which use the power of the U.S. market, we recommend reinforcing the capacity-building programs underway that strengthen the legal frameworks and practices for IP rights overseas. As these countries develop, their companies will want protection for their ideas. But the United States cannot afford to wait the many years this will take. We must help speed the process, and only when we make IP theft very costly for thieves can U.S. companies begin to realize a fair playing field.

### 2

#### Immigration reform will pass but PC is key

Matthews 10/16 (Laura, International Business Times, “2013 Immigration Reform Bill: 'I'm Going To Push To Call A Vote,' Says Obama2013 Immigration Reform Bill: 'I'm Going To Push To Call A Vote,' Says Obama” http://www.ibtimes.com/2013-immigration-reform-bill-im-going-push-call-vote-says-obama-1429220)

When Congress finally passes a bipartisan bill that kicks the fiscal battles over to early next year, the spotlight could return to comprehensive immigration reform before 2013 ends. At least that’s the hope of President Barack Obama and his fellow Chicagoan Rep. Luis Gutierrez, D-Ill., chairman of the Immigration Task Force of the Congressional Hispanic Caucus and one of the most vocal advocates for immigration reform in the House of Representatives. “When we emerge from this crazy partisan eruption from the Republicans, there will be a huge incentive for sensible Republicans who want to repair some of the damage they have done to themselves,” Gutierrez said in a statement. “Immigration reform remains the one issue popular with both Democratic and Republican voters on which the two parties can work together to deliver real, substantive solutions in the Congress this year.” Reforming the status quo has consistently been favored by a majority of Americans. Earlier this year, at least two-thirds of Americans supported several major steps to make the system work better, according to a Gallup poll. Those steps include implementing an E-verify system for employers to check electronically the immigration status of would-be employees (85 percent), a path to citizenship for undocumented immigrants, (72 percent), an entry-exit check system to make sure people who enter the country then leave it (71 percent), more high-skilled visas (71 percent) and increased border security (68 percent). The Senate passed its version of a 2013 immigration reform bill in June that includes, but is not limited to, a pathway to citizenship for immigrants without documentation and doubling security on the southern border. But that measure has stalled in the House, where Republicans are adamant they will take a piecemeal approach. The momentum that lawmakers showed for reform has been sapped by the stalemate that that has shut down the government for 16 days and brought the U.S. to the brink of default. The Senate has agreed on Wednesday to a bipartisan solution to break the gridlock. When the shutdown and default threat is resolved (for a time), that’s when Obama will renew his push to get Congress to move on immigration reform. On Tuesday the president said reform will become his top priority. “Once that’s done, you know, the day after, I’m going to be pushing to say, call a vote on immigration reform,” Obama told Univision affiliate KMEX-TV in Los Angeles. “And if I have to join with other advocates and continue to speak out on that, and keep pushing, I’m going to do so because I think it’s really important for the country. And now is the time to do it.” The president pointed the finger at House Speaker John Boehner, R-Ohio, for not allowing the bill to be brought to the floor for a vote. Boehner had promised that the Senate’s bill would not be voted on unless a majority of the majority in the House supports it -- the same principle he was holding out for on the government shutdown before he gave in. “We had a very strong Democratic and Republican vote in the Senate,” Obama said. “The only thing right now that’s holding it back is, again, Speaker Boehner not willing to call the bill on the floor of the House of Representatives. So we’re going to have to get through this crisis that was unnecessary, that was created because of the obsession of a small faction of the Republican Party on the Affordable Care Act.” Republicans are opposing the Democratic view of immigration reform because of its inclusion of a 13-year path to citizenship for undocumented immigrants. They said this amounted to “amnesty.” Some Republicans prefer to give them legal resident status instead. Immigration advocates have also been urging Obama to use his executive authority to halt the more than 1,000 deportations taking place daily. Like the activists, Gutierrez said the government shutdown didn’t do anything to slow the number of daily deportations. Some Republicans who welcomed Sen. Ted Cruz’s filibuster over Obamacare because it shifted the focus from immigration. “If Ted [didn’t] spin the filibuster, if we don’t make this the focus, we had already heard what was coming,” Rep. Louie Gohmert, R-Texas, told Fox News on Tuesday. “As soon as we got beyond this summer, we were going to have an amnesty bill come to the floor. That’s what we would have been talking about. And that’s where the pivot would have been if we had not focused America on Obamacare.” Still, pro-immigration advocates are hopeful they can attain their goal soon. “With more prodding from the president and the American people,” Gutierrez said, “we can get immigration reform legislation passed in the House and signed into law.”

#### Links to ptx – viewed as “using a missile to kill a mouse”

Farhadian 12- Sarah, J.D. candidate, Benjamin N. Cardozo School of Law (2013); Editor in Chief, Cardozo Arts &  Ent. L.J. Vol. 31; B.A., magna cum laude, Brandeis University (2007), STEALING BACARDI’S THUNDER:WHY THE PATENT AND TRADEMARK OFFICE SHOULD STOP REGISTERING STOLEN TRADEMARKS NOW, <http://www.cardozoaelj.com/wp-content/uploads/2012/07/Farhadian.pdf>, 10/9/13

¶ Two different approaches have been proposed in Congress to ¶ bring Section 211 into compliance with the WTO ruling. Some ¶ interest groups and advocates on this matter support a narrow fix in ¶ which Section 211 would be amended so that it also applies to any ¶ United States trademark registration of a mark stolen by the Cuban ¶ government, instead of its current limit to registrations by Cuban ¶ nationals and their successors-in-interest.124 Advocates of this ¶ approach rightly argue that it would affirm that the United States “will ¶ not give effect to a claim or right to U.S. property if that claim is ¶ based on a foreign confiscation.”125 Others argue that Section 211 ¶ should be repealed altogether because “it endangers over 5,000 ¶ trademarks of over 500 United States companies registered in ¶ Cuba.”126 ¶ More than a few pieces of legislation were introduced during the ¶ 111th Congress reflecting these two methods of amending Section ¶ 211, but Congress did not act on any of these measures.127 In the ¶ current, 112th Congress, two bills have been introduced—S. 603 and ¶ H.R. 1166—that would apply the narrow fix, thereby maintaining the ¶ principle underlying Section 211, that the United States will not allow ¶ the registration or renewal of stolen trademarks.128 In contrast, three ¶ broader bills—H.R. 255, H.R. 1887, and H.R. 1888—would ¶ completely lift United States sanctions on Cuba, and each includes a ¶ provision repealing Section 211 altogether.129 As of date, H.R. 255, ¶ the Cuba Reconciliation Act, has zero cosponsors; H.R. 1887, the Free ¶ Trade with Cuba Act, has only three cosponsors; and H.R. 1888, the ¶ Promoting American Agricultural and Medical Exports to Cuba Act of ¶ 2011, has only two cosponsors.130 While an outright repeal of Section ¶ 211 would certainly bring the United States into compliance with the ¶ WTO, it would do so at the expense of bringing the United States out of compliance with its own traditional core value: that foreign ¶ confiscations without adequate compensation are wrong, and should ¶ have no effect on United States property. ¶ Policymakers and other thought leaders can take delight in the ¶ fact that the United States need not tackle a problem as enormous as ¶ balancing its interest in complying with TRIPS against its interest in ¶ preserving its core values on property rights; for an outright repeal of ¶ Section 211 is not necessary to ameliorate the small technical problem ¶ with Section 211, as identified by the WTO. Rather than “launch a ¶ missile to kill a mouse,”131 as Congress would be doing with an ¶ outright repeal, the United States need only make a technical, narrow ¶ correction to Section 211. The narrow fix approach, as codified in the ¶ No Stolen Trademarks Honored in America Act, has thirty-nine House ¶ co-sponsors and eight Senate co-sponsors to date.132 Unlike the repeal ¶ approach, the narrow fix simply amends Section 211 to prohibit U.S. ¶ courts from “recogniz[ing], enforc[ing,] or otherwise validat[ing] any ¶ assertion of rights” by any person (under current law, by a designated ¶ Cuban national) of a “mark, trade name, or commercial name that was ¶ used in connection with a business or assets that were confiscated [by ¶ the Cuban Government] unless the original owner of the mark, trade ¶ name, or commercial name, or the bonafide successor-in-interest has ¶ expressly consented.”133 It applies this prohibition only if the ¶ individual asserting the rights “knew or had reason to know at the time ¶ when the person or entity acquired the rights asserted that the mark, ¶ trade name, or commercial name was the same as or substantially ¶ similar to a mark, trade name, or commercial name that was used in ¶ connection with a business or assets that were confiscated.”134 Such a ¶ technical correction will bring the United States into full compliance ¶ with TRIPS, prevent the European Communities from applying trade ¶ sanctions against the United States, and maintain the United States’ ¶ core value of refusing to give extraterritorial effects to uncompensated ¶ confiscations of property.135

#### Visas are key to cybersecurity preparedness

McLarty 9 (Thomas F. III, President – McLarty Associates and Former White House Chief of Staff and Task Force Co-Chair, “U.S. Immigration Policy: Report of a CFR-Sponsored Independent Task Force”, 7-8, http://www.cfr.org/ publication/19759/us\_immigration\_policy.html)

We have seen, when you look at the table of the top 20 firms that are H1-B visa requestors, at least 15 of those are IT firms. And as we're seeing across industry, much of the hardware and software that's used in this country is not only manufactured now overseas, but it's developed overseas by scientists and engineers who were educated here in the United States.¶ We're seeing a lot more activity around cyber-security, certainly noteworthy attacks here very recently. It's becoming an increasingly dominant set of requirements across not only to the Department of Defense, but the Department of Homeland Security and the critical infrastructure that's held in private hands. Was there any discussion or any interest from DOD or DHS as you undertook this review on the security things about what can be done to try to generate a more effective group of IT experts here in the United States, many of which are coming to the U.S. institutions, academic institutions from overseas and often returning back? This potentially puts us at a competitive disadvantage going forward.¶ MCLARTY: Yes. And I think your question largely is the answer as well. I mean, clearly we have less talented students here studying -- or put another way, more talented students studying in other countries that are gifted, talented, really have a tremendous ability to develop these kind of technology and scientific advances, we're going to be put at an increasingly disadvantage. Where if they come here -- and I kind of like Dr. Land's approach of the green card being handed to them or carefully put in their billfold or purse as they graduate -- then, obviously, that's going to strengthen, I think, our system, our security needs.

#### Cyber-vulnerability causes great power nuclear war

Fritz 9 Researcher for International Commission on Nuclear Nonproliferation and Disarmament [Jason, researcher for International Commission on Nuclear Nonproliferation and Disarmament, former Army officer and consultant, and has a master of international relations at Bond University, “Hacking Nuclear Command and Control,” July, <http://www.icnnd.org/latest/research/Jason_Fritz_Hacking_NC2.pdf>]

This paper will analyse the threat of cyber terrorism in regard to nuclear weapons. Specifically, this research will use open source knowledge to identify the structure of nuclear command and control centres, how those structures might be compromised through computer network operations, and how doing so would fit within established cyber terrorists’ capabilities, strategies, and tactics. If access to command and control centres is obtained, terrorists could fake or actually cause one nuclear-armed state to attack another, thus provoking a nuclear response from another nuclear power. This may be an easier alternative for terrorist groups than building or acquiring a nuclear weapon or dirty bomb themselves. This would also act as a force equaliser, and provide terrorists with the asymmetric benefits of high speed, removal of geographical distance, and a relatively low cost. Continuing difficulties in developing computer tracking technologies which could trace the identity of intruders, and difficulties in establishing an internationally agreed upon legal framework to guide responses to computer network operations, point towards an inherent weakness in using computer networks to manage nuclear weaponry. This is particularly relevant to reducing the hair trigger posture of existing nuclear arsenals. All computers which are connected to the internet are susceptible to infiltration and remote control. Computers which operate on a closed network may also be compromised by various hacker methods, such as privilege escalation, roaming notebooks, wireless access points, embedded exploits in software and hardware, and maintenance entry points. For example, e-mail spoofing targeted at individuals who have access to a closed network, could lead to the installation of a virus on an open network. This virus could then be carelessly transported on removable data storage between the open and closed network. Information found on the internet may also reveal how to access these closed networks directly. Efforts by militaries to place increasing reliance on computer networks, including experimental technology such as autonomous systems, and their desire to have multiple launch options, such as nuclear triad capability, enables multiple entry points for terrorists. For example, if a terrestrial command centre is impenetrable, perhaps isolating one nuclear armed submarine would prove an easier task. There is evidence to suggest multiple attempts have been made by hackers to compromise the extremely low radio frequency once used by the US Navy to send nuclear launch approval to submerged submarines. Additionally, the alleged Soviet system known as Perimetr was designed to automatically launch nuclear weapons if it was unable to establish communications with Soviet leadership. This was intended as a retaliatory response in the event that nuclear weapons had decapitated Soviet leadership; however it did not account for the possibility of cyber terrorists blocking communications through computer network operations in an attempt to engage the system. Should a warhead be launched, damage could be further enhanced through additional computer network operations. By using proxies, multi-layered attacks could be engineered. Terrorists could remotely commandeer computers in China and use them to launch a US nuclear attack against Russia. Thus Russia would believe it was under attack from the US and the US would believe China was responsible. Further, emergency response communications could be disrupted, transportation could be shut down, and disinformation, such as misdirection, could be planted, thereby hindering the disaster relief effort and maximizing destruction. Disruptions in communication and the use of disinformation could also be used to provoke uninformed responses. For example, a nuclear strike between India and Pakistan could be coordinated with Distributed Denial of Service attacks against key networks, so they would have further difficulty in identifying what happened and be forced to respond quickly. Terrorists could also knock out communications between these states so they cannot discuss the situation. Alternatively, amidst the confusion of a traditional large-scale terrorist attack, claims of responsibility and declarations of war could be falsified in an attempt to instigate a hasty military response. These false claims could be posted directly on Presidential, military, and government websites. E-mails could also be sent to the media and foreign governments using the IP addresses and e-mail accounts of government officials. A sophisticated and all encompassing combination of traditional terrorism and cyber terrorism could be enough to launch nuclear weapons on its own, without the need for compromising command and control centres directly.

### 3

**Interpretation – Economic engagement includes trade and aid**

Resnick 1 – Dr. Evan Resnick, Ph.D. in Political Science from Columbia University, Assistant Professor of Political Science at Yeshiva University, “Defining Engagement”, Journal of International Affairs, Spring, 54(2), Ebsco

Scholars have limited the concept of engagement in a third way by unnecessarily restricting the scope of the policy. In their evaluation of post-Cold War US engagement of China, Paul Papayoanou and Scott Kastner define engagement as the attempt to integrate a target country into the international order through promoting "increased trade and financial transactions."(n21) However, limiting engagement policy to the increasing of economic interdependence leaves out many other issue areas that were an integral part of the Clinton administration's China policy, including those in the diplomatic, military and cultural arenas. Similarly, the US engagement of North Korea, as epitomized by the 1994 Agreed Framework pact, promises eventual normalization of economic relations and the gradual normalization of diplomatic relations.(n22) Equating engagement with economic contacts alone risks neglecting the importance and potential effectiveness of contacts in noneconomic issue areas.

Finally, some scholars risk gleaning only a partial and distorted insight into engagement by restrictively evaluating its effectiveness in achieving only some of its professed objectives. Papayoanou and Kastner deny that they seek merely to examine the "security implications" of the US engagement of China, though in a footnote, they admit that "[m]uch of the debate [over US policy toward the PRC] centers around the effects of engagement versus containment on human rights in China."(n23) This approach violates a cardinal tenet of statecraft analysis: the need to acknowledge multiple objectives in virtually all attempts to exercise inter-state influence.(n24) Absent a comprehensive survey of the multiplicity of goals involved in any such attempt, it would be naive to accept any verdict rendered concerning its overall merits.

A REFINED DEFINITION OF ENGAGEMENT

In order to establish a more effective framework for dealing with unsavory regimes, I propose that we define engagement as the attempt to influence the political behavior of a target state through the comprehensive establishment and enhancement of contacts with that state across multiple issue-areas (i.e. diplomatic, military, economic, cultural). The following is a brief list of the specific forms that such contacts might include:

DIPLOMATIC CONTACTS

Extension of diplomatic recognition; normalization of diplomatic relations

Promotion of target-state membership in international institutions and regimes

Summit meetings and other visits by the head of state and other senior government officials of sender state to target state and vice-versa

MILITARY CONTACTS

Visits of senior military officials of the sender state to the target state and vice-versa

Arms transfers

Military aid and cooperation

Military exchange and training programs

Confidence and security-building measures

Intelligence sharing

ECONOMIC CONTACTS

Trade agreements and promotion

Foreign economic and humanitarian aid in the form of loans and/or grants

CULTURAL CONTACTS

Cultural treaties

Inauguration of travel and tourism links

Sport, artistic and academic exchanges (n25)

Engagement is an iterated process in which the sender and target state develop a relationship of increasing interdependence, culminating in the endpoint of "normalized relations" characterized by a high level of interactions across multiple domains. Engagement is a quintessential exchange relationship: the target state wants the prestige and material resources that would accrue to it from increased contacts with the sender state, while the sender state seeks to modify the domestic and/or foreign policy behavior of the target state. This deductive logic could adopt a number of different forms or strategies when deployed in practice.(n26) For instance, individual contacts can be established by the sender state at either a low or a high level of conditionality.(n27) Additionally, the sender state can achieve its objectives using engagement through any one of the following causal processes: by directly modifying the behavior of the target regime; by manipulating or reinforcing the target states' domestic balance of political power between competing factions that advocate divergent policies; or by shifting preferences at the grassroots level in the hope that this will precipitate political change from below within the target state.

This definition implies that three necessary conditions must hold for engagement to constitute an effective foreign policy instrument. First, the overall magnitude of contacts between the sender and target states must initially be low. If two states are already bound by dense contacts in multiple domains (i.e., are already in a highly interdependent relationship), engagement loses its impact as an effective policy tool. Hence, one could not reasonably invoke the possibility of the US engaging Canada or Japan in order to effect a change in either country's political behavior. Second, the material or prestige needs of the target state must be significant, as engagement derives its power from the promise that it can fulfill those needs. The greater the needs of the target state, the more amenable to engagement it is likely to be. For example, North Korea's receptivity to engagement by the US dramatically increased in the wake of the demise of its chief patron, the Soviet Union, and the near-total collapse of its national economy.(n28)

Third, the target state must perceive the engager and the international order it represents as a potential source of the material or prestige resources it desires. This means that autarkic, revolutionary and unlimited regimes which eschew the norms and institutions of the prevailing order, such as Stalin's Soviet Union or Hitler's Germany, will not be seduced by the potential benefits of engagement.

This reformulated conceptualization avoids the pitfalls of prevailing scholarly conceptions of engagement. It considers the policy as a set of means rather than ends, does not delimit the types of states that can either engage or be engaged, explicitly encompasses contacts in multiple issue-areas, allows for the existence of multiple objectives in any given instance of engagement and, as will be shown below, permits the elucidation of multiple types of positive sanctions.

**increase means to make something greater—that’s a quote from**

Buckley et al, 06 **-** attorney (Jeremiah, Amicus Curiae Brief, Safeco Ins. Co. of America et al v. Charles Burr et al,

http://supreme.lp.findlaw.com/supreme\_court/briefs/06-84/06-84.mer.ami.mica.pdf)

First, the court said that the ordinary meaning of the word “increase” is “to make something greater,” which it believed should not “be limited to cases in which a company raises the rate that an individual has previously been charged.” 435 F.3d at 1091. Yet the definition offered by the Ninth Circuit compels the opposite conclusion. Because “increase” means “to make something greater,” there must necessarily have been an existing premium, to which Edo’s actual premium may be compared, to determine whether an “increase” occurred. Congress could have provided that “ad-verse action” in the insurance context means charging an amount greater than the optimal premium, but instead chose to define adverse action in terms of an “increase.” That def-initional choice must be respected, not ignored. See Colautti v. Franklin, 439 U.S. 379, 392-93 n.10 (1979) (“[a] defin-ition which declares what a term ‘means’ . . . excludes any meaning that is not stated”).

Next, the Ninth Circuit reasoned that because the Insurance Prong includes the words “existing or applied for,” Congress intended that an “increase in any charge” for insurance must “apply to all insurance transactions – from an initial policy of insurance to a renewal of a long-held policy.” 435 F.3d at 1091. This interpretation reads the words “exist-ing or applied for” in isolation. Other types of adverse action described in the Insurance Prong apply only to situations where a consumer had an existing policy of insurance, such as a “cancellation,” “reduction,” or “change” in insurance. Each of these forms of adverse action presupposes an already-existing policy, and under usual canons of statutory construction the term “increase” also should be construed to apply to increases of an already-existing policy. See Hibbs v. Winn, 542 U.S. 88, 101 (2004) (“a phrase gathers meaning from the words around it”) (citation omitted).

**Violation – They don’t increase engagement – the embargo still prevents meaningful exchanges**

**Pava – Aff author - 2011** (Mindy Pava, Executive Symposium Editor, Emory International Law Review; J.D. Candidate, Emory University School of Law (2011); B.S., Northwestern University (2004). "COMMENT: THE CUBAN CONUNDRUM: PROPOSING AN INTERNATIONAL TRADEMARK REGISTRY FOR WELL-KNOWN FOREIGN MARKS" LexisNexis 2011)

However, perhaps the United States can compromise in a way that allows ¶ for the condemnation of Cuba’s human rights record without sacrificing its ¶ international standing as an intellectual property leader. It is possible for the ¶ United States to repeal Section 211 without loosening the other restrictions ¶ inherent in the Cuba embargo. A full repeal of Section 211289—and not the ¶ narrow fix that would only rid Section 211 of its discriminatory language290¶ —¶ would allow the United States to become fully compliant with the provisions in ¶ the TRIPS agreement, and show the WTO’s Dispute Settlement Body that ¶ lawmakers have taken action to propose the changes requested in the appellate ¶ body’s ruling of more than seven years ago. The repeal of Section 211 would ¶ reestablish the same framework for the registration of foreign well-known ¶ marks that existed in the first four decades of the Cuban embargo. The Cuban ¶ government would possess the ability to register trademarks associated with ¶ nationalized businesses with the U.S. PTO, but only to the extent that those ¶ businesses would retain priority rights to the marks **in a post-embargo ¶ marketplace.** Because the embargo as a whole would still exist, no company ¶ associated with Cuba’s communist government would be able to sell its ¶ product within the United States; however, the companies would not lose their ¶ intellectual property rights to their well-known marks before the embargo is ¶ lifted. Furthermore, in conjunction with the repeal of Section 211, the United States should strongly condemn Cuba’s recent human rights abuses, such as ¶ the continued imprisonment of political opponents291 and the hunger-strike ¶ death.292 An intellectual property compromise from the United States is not a ¶ carte blanche for Cuba to behave however it wants in the human rights arena, ¶ and the United States should make that clear.

#### Voter for limits and ground—they allow any aff that changes a tiny statute without changing actual trade flows or transactions which makes neg prep impossible—also allows them to get out of every engagement DA because they don’t actually cause trade

### 4

**the affirmative’s insistence on US led economic cooperation and integration reifies neoliberalism’s hegemonic grasp in Latin America – the impact is extinction – neoliberalism reduces existence itself to property to be exchanged - that causes massive structural violence and environmental destruction – the alternative is to vote negative to reject neoliberal knowledge production - de-linking from Latin America allows movements against neoliberalism to effectively manifest themselves**

HARRIS 8 (Richard L Harris: Professor of Global Studies at California State University, Monterey Bay; Managing Editor of the Journal of Developing Societies (SAGE India); and Coordi­nating Editor of Latin American Perspectives (SAGE USA). “Latin America’s Response to Neoliberalism and Globalization,” http://www.nuso.org/upload/articulos/3506\_2.pdf)

The economic, political and social development of the Latin American and Caribbean countries is obstructed by the power relations and international structures that regulate the world capitalist system. The structures of this system provide a hierarchical political and economic exoskeleton that constrains all national efforts to pursue any significant degree of self-directed, inward-oriented, balanced and environmentally sustainable development. Indeed, the geopolitical power structures that preserve and support the world capitalist system have made it almost impossible for the governments of the core as well as the peripheral countries in this system to pursue a path of inward-oriented, equitable, democratically controlled and environmentally sustainable development (Amin 2001b:20). Since the 1980s, inter-American relations and the economic, political and social development of the Latin American and Caribbean states have been shaped by these geo­ political structures and the neoliberal strategic agenda put forward by the government of the United States of America (USA), the major transnational corporations and the three major international financial institutions (IFIs) that operate in the Latin American and Caribbean region (Harris and Nef, 2008). This later group of IFIs includes the International Monetary Fund (IMF), the World Bank, and the Inter-American Development Bank (IDB). The policies of these IFIs based in Washington generally follow the dictates of the government of the USA due to the controlling influence that it exercises over these institutions. Their agenda for the Latin American and Caribbean region gives priority to promoting and protecting the interests of the major investors and transnational corporations that are largely based in the USA and operate in the region. It also serves to maintain and strengthen the geopolitical hegemony of the USA over the Western Hemisphere (Harris and Nef). But conditions are changing. Washington’s neoliberal agenda for controlling the capi­ talist development of the Western Hemisphere and maintaining US hegemony over the region is increasingly threatened by a progressive alternative agenda for the regio­ nal integration of the Latin American and Caribbean countries that has begun to gain widespread support in the region. This alternative agenda for the region calls for the autonomous economic development of the region free of the hegemonic control and influence of the USA and the IFIs based in Washington. Not only does this type of development pose a fundamental threat to the hegemony of the USA in the region, it threatens the dominance of transnational capital throughout the Americas. Moreover, it also poses a significant threat to the global expansion and integration of the world capitalist system in general and to the global hegemonic coalition led by the government and transnational corporations of the USA. Today, political and economic strategies are being developed for moving from the prevailing export-oriented neoliberal model of economic development to new in­ ward-oriented models of sustainable development, tailored to the diverse conditions, economic capacities, political structures, natural endowments and cultural values of the societies involved. Moreover, a growing number of international and regional civil society organizations have emerged in recent years to create such alternatives. What the forums, networks, programs, and activities of these various types of organizations reveal is that there is a growing international network of organizations and social movements committed to promoting new, more equitable forms of international cooperation and regulation that support inward-oriented and sustainable development as well as genuine democracy at the regional and national levels. At the same time, these organizations argue that the present global trading regime that has been erected under the WTO should and can be replaced by a new global trading system that replaces the present system of so-called free but in fact unfair trade, with a sys­ tem that ensures «fair trade» and promotes South-South economic exchange and coo­ peration. Most of the progressive alternatives advocated by these organizations and the new left-leaning governments that have been elected to office in the region give priority to aligning the external relations of the countries in the region to the internal needs of the majority of the population. That is to say, decisions about what to export and what to import should be aligned with the needs of the population rather than the interests of transnational capitalists and transnational corporations or the hegemonic interests of the USA. Some of these alternative strategies involve what Walden Bello (2002) has referred to as «deglobalization.» That is to say, they involve unlinking the economies of these peripheral capitalist societies from the advanced capitalist centers of the world economy, particularly in the USA. They also involve throwing off the constraints that have been imposed upon the economic policies and structures of the­ se countries by the IFIs (IMF, World Bank, and IDB), the WTO and the other agents and regulatory regimes that regulate the world capitalist system. In fact, there appears to be growing interest throughout Latin America in revivifying the Pan-American ideal of unification, currently perhaps best expressed in Hugo Chávez’ Bolivarian dream of turning South America into a regional economic hegemon (DeLong, 2005). The governments of Bolivia, Cuba, Ecuador, Nicaragua and Uruguay have indicated they want to join the government of Venezuela in creating a regional union. It has been proposed that this coalescing continental confederation should shift the region’s extra-continental trade towards Europe, Asia and South Africa and away from North America. The prospect of this happening appears to have alarmed Washington more than the increasing number of electoral triumphs of leftist politicians in the region (Delong). There has also been considerable talk in the region about creating a single currency for the South American countries that would be modeled on and perhaps tied to the Euro rather than the US Dollar. This discussion is symptomatic of what appears to be an emerging desire to create an integrated economic and political community that is strikingly different from the type of hemispheric economic integration scheme being pursued by the Washington and its allies in the region (DeLong). Moreover, there is an increasing tendency in the region to find alternatives to trading with the USA. In particular, several Latin American nations (Brazil, Cuba, Venezuela and Chile) have been strengthening their economic relations with Asia, particularly with China. But the widespread popular opposition to neoliberalism and so-called globalization, and the shift to the Left in the region’s politics, represent much more than a serious challenge to US hegemony, they also represent a serious threat to the existing pattern of capitalist development in the region. Central to Washington’s strategy for the hemisphere has been the imposition of a neoliberal model of capitalist development on the region which involves the increasing integration of the region’s economies into a hemispheric ‘free trade’ area or rather a trade bloc that is dominated by the USA. This project is itself an essential part of the strategy of the USA for the domination of the global economy by its transnational corporations. The restructuring of the economies of the region under the mantra of neoliberalism and the banner of globalization has been aimed at giving the USA-based transnational corporations and investors free reign within the region and a strong hemispheric base from which to dominate the world economy In opposition to the neoliberal, polyarchical and globalizing model of development that has been imposed by the government of the USA and its allies in the region, the growing movement for an alternative form of development that is both genuinely democratic, equitable and environmentally sustainable appears to be gaining ground in various parts of Latin America and the Caribbean. This alternative model of development requires the reorganization and realignment of the existing economies in the region. It also requires the replacement of the existing political regimes, which serve the interests of the transnational bloc of social forces that are behind the integration of the region into the new global circuits of accumulation and production that the major trans­ national corporations and the IFIs have been constructing since the 1970s. In addition to fundamental economic changes, most of the existing pseudo-democratic political regimes in the region need to be thoroughly democratized so that they are responsive to and capable of serving the needs and interests of the majority of the people rather than the ruling polyarchies and the transnational corporations operating in the region. An essential requirement for realigning the region’s economies so that they produce people-centered and environmentally sustainable development is the integration of these economies into a regional economic and political union that has the resources, structures and the power to operate independently of the government of the USA and the transnational corporations based in the USA as well as in the European Union and Japan. If this type of regional integration takes place, it will enable the Latin American and Caribbean states to break free of the hegemonic influence of the USA, and reverse the denationalization (‘globalization’) of the Latin American and Caribbean economies. Instead of the corporate-driven hemispheric integration of the region under the hegemony of the USA, a new system of regional economic cooperation and both equitable as well as environmentally sustainable development is desperately needed to improve the lives of the vast majority of the people living in Latin America and the Caribbean. This type of regional, equitable and sustainable development can only be success­ fully carried out by truly democratically elected political leaders with broad-based popular support who are sincerely committed to achieving this alternative rather than the elitist neoliberal model. It probably will also require democratic socialist political institutions and structures of production and distribution. Regionalism has been the dream of the democratic left for some time. The European Union has its origins in the French socialist dream of ending Franco-German enmity through unifying Europe, and African regionalism was the vision of African socialists such as Julius Nyerere of Tanzania who saw regional integration as the only means to progress beyond tribalism and colonialism and create a united and democratic Africa (Faux, 2001:4). Viewed from the perspective of those who want to create a people-cen­ tered, democratic, equitable and environmentally sustainable social order in the Ame­ ricas, the corporate-dominated process of capitalist pseudo-globalization taking place in the region and around the world urgently needs to be replaced by what Samir Amin has referred to as a new system of «pluricentric regulated globalization» (Amin, 2001a). This alternative form of globalization requires the development of regional economic and political unions in Africa, Asia, Latin America, the Caribbean, the Middle East and elsewhere, which collaboratively promote people-centered, democratic and envi­ ronmentally sustainable forms of development on a regional basis. According to Amin, these regional unions of states are needed to collaborate as partners in collecti­ vely regulating the global restructuring of the world economy for the benefit of the vast majority of humanity rather than the transnational corporations and the northern centers of the world capitalist system in the USA, Europe and Japan. This type of regional-based regulative order is needed to regulate and redirect inter­ national economic, social, and political relations so that these relations serve the inte­ rests and needs of the vast majority of the world’s population. The present power structures and regulatory regime of the world capitalist system support the transna­ tional corporate-driven restructuring and denationalization of the economies of both the societies at the core and in the periphery of this system. The Latin American and Caribbean countries need to ‘de-link’ step-by-step from this exploitative and inequitable system. They need to redirect and restructure their eco­ nomies so that they serve the needs of the majority of their people while also protec­ ting their natural resources and ecosystems. The alternative policies of economic, poli­ tical and social development proposed and in some cases adopted by the new leftist leaders, the progressive civil society organizations and their supporters, combined with the project of regional integration associated with the new Unión de Naciones Suramericanas (UNASUR), are significant indications of unprecedented and pro­ found transformation unfolding in the Americas. A growing number of civil society organizations and social movements throughout the Americas are pressuring the governments of the region to follow what the pro­ gressive civil society networks such as the Alianza Social Continental/ Hemispheric Social Alliance (ASC/HSA) describes as a regional model of integration that supports the environmentally sustainable and democratic development of all the societies in the region (see ASC-HSA, 2006). The ASC/HSA also contends that the UNASUR pro­ ject and the Bolivarian dream of unification is threatened by the so-called free trade agreements that Washington has negotiated with Chile, Colombia, Peru, the Central American countries and the Dominican Republic. As the ASC/HSA makes clear in its documents and public information campaigns, these agreements compromise the national sovereignty, obstruct the local production of medicines, threaten public health, facilitate the profit-driven privatization of water and vital services such as health and sanitation, and threaten the survival of indigenous cultures, biodiversity, food sovereignty, and local control over natural resources. The «Alternatives for the Americas» proposal developed by this inter-American network of progressive civil society organizations and social movements calls on all governments in the region to subordinate trade and investments to sustainability and environmental protection as well as social justice and local democratic control over economic and social development (ASC/HSA 2002:5). The growing number and political influence of these kinds of networks, organizations and movements provide unquestionable evidence of the emergence of the social for­ ces and political conditions that Panitch (1996:89) and others (Harris, 1995:301-302; Jo­ nas and McCaughan, 1994) predicted in the 1990s would arise in opposition to neoli­ beralism, corporate-dominated pseudo globalization and the extension and consolida­ tion of the hegemony of the USA. It now seems increasingly possible that these forces and the political mobilization that they have helped to create will transform the politi­ cal regimes in the region as well as the nature of inter-American relations, bring about the regional integration of the Latin American countries and free these countries from US hegemony and the form of ‘turbo-capitalism’ to which they have been subjected. At this point, we can only speak in general terms about the new model(s) of develop­ ment that will replace the neoliberal model of uneven and inequitable development that has pillaged most of the region.

### WTO

#### Regional trading blocs solves every global problem – multilateralism is ineffective without it

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Although regionalism has often been portrayed as a force that is opposed to the ¶ development to globalization, both processes are intrinsically linked with global ¶ developments. Moreover, during the “third phase” of regionalism (as explicated in ¶ third part of this paper) globalization itself can be seen as one of the main driver of ¶ regionalism and regionalization. In the emerging interpolar world order, regional ¶ cooperation and integration are likely to continue to play a major role. Within the ¶ context of the current transformation of the world order, however, regional develop- ments have attained rather limited public and scholarly attention. This is peculiar ¶ as regional cooperation continues to be high on the agenda of states and other ¶ actors. Dissatisfaction with the performance of global governance institutions has ¶ led to a joint response at the regional level after the end of the Cold War and is ¶ likely to do so again. Current trends, such as the emergence of G20, have also ¶ made regional cooperation increasingly meaningful for the G20 members as well ¶ as all non-members.¶ This section suggests that one key question for the future of regionalism is therefore ¶ not its continuing significance, but the type of regional cooperation states and ¶ other stakeholders will favor during the coming decades. In addition, the section ¶ envisages the growing importance of region-to-region (or interregional) relationships in the future. In an interpolar world these could take the shape of (i) an open ¶ and interconnected set of relations among different regions or (ii) formation of ¶ closed and competing regional poles (fortresses).¶ While the financial and economic crisis has highlighted global challenges and ¶ developments – embodied in the G20 – regionalism seems to have escaped the ¶ headlines, despite its potential role in addressing these issues in the future. Almost ¶ unnoticed, regionalism has in fact been gaining speed in several places. One case ¶ in point is Asia. Although bottom-up processes of regionalization have been symptomatic for Asian cooperation, regional organizations are gradually developing and ¶ gaining importance. The role of ASEAN has strengthened, and it now incorporates ¶ Asian economic giants China, India and Japan through the so-called ASEAN+3-¶ arrangement. In addition, while some have seen an East Asian Community (EAC) ¶ emerging out of the ASEAN+3 or the East Asian Summit (EAS) process, others have ¶ envisaged a broader Asian Union by 2014 (Rifkin 2010). While the relevance of the ¶ SAARC has been questioned, the 2010 summit found common ground in the fields ¶ of democratic development and climate change. Similarly, in the context of the current financial and economic crisis, the emerging ¶ markets have been highly active in exploring regional alternatives for global ¶ arrangements. Last year Russia called for concerted action to break the stronghold of the US dollar and create a new global structure of regional powers (Desai ¶ & Vreeland 2010). In East Asia, the Chiang Mai Initiative of the ASEAN+3 has been seen as a precursor to an (East) Asian Monetary Union. In South America, the ¶ envisaged merger of Mercosur and the Andean Community into the Union of South ¶ American Nations (UNASUR) as well as Venezuelan proposals to create a Banco ¶ del Sur and the Latin American Reserve Fund (FLAR) have found support across ¶ the region in an attempt to balance the Bretton Woods institutions. In Africa, the ¶ African Union has become a major forum and a recognized actor. Recently it has ¶ proposed the creation of an African Monetary Fund.¶ Many forms of inter- and sub-regional cooperation have also emerged or are being ¶ re-discovered. Major Asian powers and regional organization are increasingly ¶ engaged with other regions and powers. This development is highlighted by the ¶ US and other Pacific players’ commitment in APEC and the EU’s engagement with ¶ these countries within the framework of ASEM. The EU has also aimed to promote ¶ regionalism in the region through its strategic partnerships with China, India and ¶ Japan. Interregional relations have also developed between the African Union and ¶ Mercosur. Interregionalism is not however tied to the EU. The Arctic Council, for ¶ instance, brings together arctic states to address the arctic’s political, economic ¶ and social development in the face of global challenges related to climate change ¶ and prospects related to the arctic’s underexplored energy resources. Different ¶ forms of regional cooperation have also been established around the Baltic Sea ¶ and the EU has been promoting a Union for the Mediterranean.¶ These forums address a wide set of challenges related, amongst others, to the ¶ environment and development. Some also include a broad set of stakeholders. ¶ In addition to states, regional organizations, private businesses and NGOs are ¶ actively participating. At the sub-regional level, the long tradition of Nordic cooperation is also re-gaining importance on the agendas of the Nordic countries. ¶ While some scholars have proposed a Nordic federation in order to enhance these ¶ countries positions in an interpolar world, policy-makers have been mainly discussing closer security and defense cooperation. ere are many interconnected reasons for these developments. As the first part ¶ of this report suggests, regional cooperation has a long history in addressing ¶ common regional and global issues. The simultaneous expansion of multipolarity ¶ and interdependency have further underlined the importance of regional cooperation and regionalism. Regional governance is closer to the source of the problems ¶ to be tackled, be they security threats, energy security, economic instability and ¶ crises or environmental challenges such as climate change (NIC 2010). Moreover, ¶ regional cooperation provides one global public good that is in high demand in the ¶ evolving international environment and especially for the always jittery financial ¶ markets – certainty. Regionalism serves as an insurance policy against instability ¶ and – in case of a monetary union – reduced transaction costs, thereby increasing ¶ certainty and allowing smoother interactions and exchanges.¶ In addition, the recent failure to address transnational issues within a global governance framework has shifted the attention of stakeholder towards potential ¶ regional solutions. Thus, the global financial crisis and stagnating UNFCC negotiations have amplified the need to address interdependent challenges also ¶ at a regional level. Finally, these developments are also linked to multipolarity ¶ in that pre-eminent powers such as Brazil, China, India, Japan and South Africa ¶ have chosen to invest in regional arrangements to confirm their leadership and to ¶ manage economic development and political differences.¶ Against this background, regional governance is both necessary and complementary to global governance structures, whether formal or informal. Due to legitimacy and implementation considerations, the G20 has reached out to other states ¶ as well as global and regional institutions. The presidency of the G20 is increasingly engaging with broad consultations though traditional shuttle diplomacy with ¶ regional and international organizations. Countries excluded from the G20 have ¶ also turned towards various forms of cooperation to make their voices heard, often ¶ with a clear regional dimension. In this context, the European Union constitutes an ¶ interesting case. On the one hand, the EU’s seat in the G20 is necessary in terms ¶ of the implementation of the G20 decisions, as part of the G20 governance falls ¶ under EU competences. On the other hand, the EU members, which are not the G20 ¶ members, are indirectly represented in the forum. allowed for a greater representation of emerging economies in the G20. ¶ While single European representation is improbable in the near future, EU and ¶ European Central Bank seats reduced pressures for the incorporation of Spain and ¶ Netherlands in the G20 (Jokela 2011). Due to the size of their economies, both states could have made justified claims to be part of the club in 1997 when the ¶ G20 was created at ministerial level and also 2008 when it was upgraded to the ¶ leaders’ level. With the implementation of the Lisbon treaty, EU representation is ¶ widely discussed in a variety of multilateral institutions. Given the considerable ¶ challenges – opposition to increased European representation on the one hand ¶ and reluctance of the EU member states to give up their individual seats on the ¶ other – regional representation could constitute a way to streamlining multilateral institutions.¶ Given the continuing salience of regional cooperation in an interpolar world, the ¶ nature of regionalism becomes a highly topical question that should be put under ¶ closer analytical scrutiny. Our initial observations suggest a turn towards à la carte¶ regionalism and increasing intergovermentalism. Both can turn out to be detrimental for the recognized need for strong regional and global governance institutions through which common problems are indentified, joint interests realized and ¶ effective action facilitated.¶ The move towards looser and informal global governance and ‘multilateralism ¶ light’ can be reflected in regional cooperation. There will be likely a continuing ¶ tension between regional and global levels of governance and a temptation for the ¶ great powers to impose their preferences on the former. Similarly, in the context ¶ of loose and informal governance structures they are able to choose the level and ¶ forum of their engagement. The interpolar world also seems to encourage a certain kind of regionalism, namely ¶ intergovernmental cooperation, rather than supranational regionalism. Indeed, ¶ the EU’s supranational model has been challenged in interregional arrangements ¶ such as ASEM (Tiilikainen 2008). There is very little evidence suggesting a set up ¶ of strong regional bodies with supranational authority vested into EU institutions, ¶ the WTO or the International Criminal Court. Indeed, these institutions supranational powers might be increasingly challenged in an interpolar world. A degree ¶ of supranationality in the sense of settling disputes in the formulation of common ¶ positions is however needed if regional cooperation is to maintain its legitimacy. ¶ Without this, new forms of regionalism build around the new emerging powers risk ¶ turning into a form of condominium rule. In the light of the above, a central question for the future development of regionalism relates to the various regional integration and cooperation processes and ¶ relationship(s) with (i) global developments and institutions as well as (ii) other ¶ regional processes. In terms of the former axis of relations significant differences can be identified. While the EU has sought an increasingly autonomous role ¶ and recognition in global governance institutions, other regional processes tend to ¶ rely heavily on the role of their member states at the global level. Indeed, many of ¶ the regional organization and forums tend to speak through the emerging regional ¶ powers in global governance. In case of the EU, we can observe an opposite development. The European states have been prone to speak through and for the EU, ¶ and they have been keen to develop institutions and instruments in this respect. ¶ To some extent a similar tendency can be observed in ASEAN, although on a lower ¶ scale. The latter set of relations touches upon the emergence of interregionalism. ¶ As the next section suggests, the EU’s role as hub of region-to-region relations has ¶ been a significant factor in the development of interregional relations. The emerging ¶ multipolar order has however geared the EU’s attention towards the major regional ¶ powers. In so doing, it has nevertheless aimed to promote regionalism elsewhere ¶ through its strategic partnerships. Moreover, ongoing developments also suggest ¶ that development of the interregional relations might increasingly bypass Europe, ¶ as alternative models and forms of regional cooperation are growing stronger.

#### Their New card is rhetoric from Cuba—means they exaggerate the badness of section 211

**Trade disputes don’t escalate – solidified international norms**

**Ikenson, 12** [March 5th, Daniel, [Daniel Ikenson](http://www.cato.org/people/daniel-ikenson) is director of the Herbert A. Stiefel Center for Trade Policy Studies at the Cato Institute,

<http://www.cato.org/publications/free-trade-bulletin/trade-policy-priority-one-averting-uschina-trade-war>]

An emerging narrative in 2012 is that a proliferation of protectionist, treaty-violating, or otherwise illiberal Chinese policies is to blame for worsening U.S.-China relations. China trade experts from across the ideological and political spectra have lent credibility to that story. Business groups that once counseled against U.S. government actions that might be perceived by the Chinese as provocative have changed their tunes. The term "trade war" is no longer taboo.¶ The media have portrayed the United States as a victim of underhanded Chinese practices, including currency manipulation, dumping, subsidization, intellectual property theft, forced technology transfer, discriminatory "indigenous innovation" policies, export restrictions, industrial espionage, and other ad hoc impediments to U.S. investment and exports. ¶ Indeed, it is beyond doubt that certain Chinese policies have been provocative, discriminatory, protectionist, and, in some cases, violative of the agreed rules of international trade. But there is more to the story than that. U.S. policies, politics, and attitudes have contributed to rising tensions, as have rabble-rousing politicians and a confrontation-thirsty media. If the public's passions are going to be inflamed with talk of a trade war, prudence demands that the war's nature be properly characterized and its causes identified and accurately depicted.¶ Those agitating for tough policy actions should put down their battle bugles and consider that trade wars are never won. Instead, such wars claim victims indiscriminately and leave significant damage in their wake. Even if one concludes that China's list of offenses is collectively more egregious than that of the United States, the most sensible course of action — for the American public (if not campaigning politicians) — is one that avoids mutually destructive actions and finds measures to reduce frictions with China.¶ Nature of the U.S.-China Trade War¶ It should not be surprising that the increasing number of commercial exchanges between entities in the world's largest and second largest economies produce frictions on occasion. But the U.S.-China economic relationship has not descended into an existential call to arms**.** Rather, both governments have taken protectionist actions that are legally defensible or plausibly justifiable within the rules of global trade. That is not to say that those measures have been advisable or that they would withstand closer legal scrutiny, but to make the distinction that, unlike the free-for-all that erupted in the 1930s, these trade "skirmishes" have been prosecuted in a manner that speaks to a mutual recognition of the primacy of — if not respect for — the rules-based system of trade. And that suggests that the kerfuffle is containable and the recent trend reversible.1

#### They don’t solve reforms—they just prop up the WTO which their Baldwin evidence says doesn’t solve

**And, alt causes outweigh and prove trade is empirically denied**

**Zappone, 12** [January, Chris, Sydney Morning Herald, 'Murky protectionism' on the rise - but no trade war, <http://www.smh.com.au/business/world-business/murky-protectionism-on-the-rise--but-no-trade-war-20120110-1pt3t.html>]

At the outset of the global financial crisis, the world’s leaders pledged to resist calls to shield their local economies in order to prevent a trade war that could further damage global growth.¶ Four years on, with China slowing, Europe heading into recession and a political environment soured by successive financial crises, the question arises: how long will policymakers be able to resist those calls for more protectionism?¶ “Free trade is going to be under pressure,” said Lowy Institute international economy program director Mark Thirlwell. “Since 2007-08 the case for moving to greater trade liberalisation has got tougher and the demands for protection have increased.”¶ Only last week, China, which is grappling with a slowdown, raised the prospect of a trade war with the European Union in response to the EU's implementation of a carbon emissions tax on air travel to and from Europe. Earlier last month China imposed tariffs up to 21 per cent on US-made cars, affecting about $US4 billion imports a year.¶ Advertisement ¶ Across the Pacific, US politicians in the throes of an election year with 8.5 per cent unemployment have issued more strident calls for China to “play by the rules” and allow the yuan to appreciate faster against the US dollar. The US has also asked the World Trade Organisation to probe China's support for its solar panel industry and the restrictions Beijing has placed on US poultry imports.¶ In fact, the most recent WTO data shows that the number of trade restrictive measures enacted by members rose 53 per cent to 339 occurrences over the year to October.¶ Yet the WTO admits that the motives behind the spate of actions aren’t always simply to protect local jobs. “Not all measures categorised as trade restrictive may have been adopted with such an intention,” the body said.¶ In Brazil, for example, the steep rise in the value of its currency, the real, has sparked a torrent of car imports into the country - similar to the online-overseas shopping boom in Australia. Brazil has in turn put a one-year provisional 30 per cent increase on auto imports, to counterbalance the effects of their strong currency.¶ In the US, China and Australia, infrastructure spending measures contain “buy local” requirements to stoke domestic growth, not necessary punish foreign businesses. The federal government in September streamlined its anti-dumping system that eases the way for companies to ask for investigations into imported goods that come in below market value to Australia. Again, well within the rules.¶ “What we’ve seen is a gradual ratcheting up of trade intervention,” said Mr Thirlwell, amounting to what he calls “murky protectionism” or government intervention through support for industries or complaints to global trade authorities.¶ To date, observers such as Mr Thirlwell say most countries have remained remarkably resistant to throwing up significant trade barriers.¶ For example, in November, the US, Australia and seven other Asian-Pacific nations including Japan, outlined the plan for an ambitious multilateral Trans-Pacific Partnership trade block worth 40 per cent of the world’s trade, in an effort to increase the flow of cross-border goods and investment. Japan, China and South Korea are also in the later stages of negotiation over a free trade deal between those three nations.¶ Australian National University international trade lecturer John Tang doesn’t believe the world is on the edge a new round of protectionism.¶ “I don’t see a general sea change towards protectionism for major trading blocks but that may be because so much of the industrialised world is relying on developing countries to sustain their exports,” he said.¶ Nevertheless, a shift in the political reality of the US, China or elsewhere could change that, he said.¶ Washington DC-based Brookings Institution fellow Joshua Meltzer said that if the euro zone broke up, elevating the crisis to a new stage, nations may switch to much more protective measures.¶ ‘‘I wouldn’t go so far to say the global economy is so integrated that we could never have anything that would approach a trade war,” said Washington DC-based Brookings Institution fellow Joshua Meltzer. “But I don’t think we’re on that track.”

**Trade disputes are inevitable – China**

OLSTER 8/2 - Marjorie Olster Associated Press Global Economics Correspondent. Washington D.C.. [“WTO backs US in chicken trade dispute with China” <http://news.yahoo.com/wto-backs-us-chicken-trade-dispute-china-151722565.html>]

Officials at the Chinese Embassy in Washington could not immediately be reached for comment.¶ The U.S. runs a larger trade deficit with China than with any other country in the world. The gap widened by 15.6 percent to $27.9 billion for the month of May, the most recent month for which figures are available. That was more than half of the total U.S. trade deficit of $45 billion with the whole world for that month and close to an all-time monthly high set in November. So far this year, the U.S. deficit with China is running 3 percent higher than last year.¶ One of the biggest disputes with China is over its currency. The U.S. accuses Beijing of under-valuing the yuan to gain a trade advantage by making its exports cheaper to drive up domestic growth rates. U.S. officials are pressing China to let the yuan exchange rate float freely against the dollar and shift more to an economy based on domestic consumption instead of relying on exports.¶ They are also urging China to enforce intellectual property rights and roll back subsidies for Chinese state-owned enterprises.¶ Siva Yam, president of the U.S.-China Chamber of Commerce, which primarily represents U.S. companies in China, said the WTO decision will not have much significance for the larger bilateral relationship and that it would continue to be fraught with trade disputes.¶ "I do not believe it will change the equation," he said. "U.S. and China relations will continue to be up and down. ... I think the relationship will become more tense in the future, but not only because of this."¶ He said the U.S. does not export much to China. But because China is one of the only markets in the world for chicken feet and internal chicken organs, it was seeking to gain leverage to counter U.S. dumping complaints against Beijing. He predicted China would now look for other levers to strike back against the U.S.¶ Agriculture Secretary Tom Vilsack said agricultural exports are a strong and growing component of U.S. exports. Farm exports in fiscal year 2012 reached $135.8 billion and supported 1 million American jobs, he said, adding that more than $23 billion worth of those agricultural products went to China alone.¶ "But China's prohibitive duties on broiler products were followed by a steep decline in exports to China — and now we look forward to seeing China's market for broiler products restored," Vilsack said in a statement.

### IPR

#### Maintaining section 211 key to the Patent and Trademark Office

Farhadian 12- Sarah, J.D. candidate, Benjamin N. Cardozo School of Law (2013); Editor in Chief, Cardozo Arts &  Ent. L.J. Vol. 31; B.A., magna cum laude, Brandeis University (2007), STEALING BACARDI’S THUNDER:WHY THE PATENT AND TRADEMARK OFFICE SHOULD STOP REGISTERING STOLEN TRADEMARKS NOW, <http://www.cardozoaelj.com/wp-content/uploads/2012/07/Farhadian.pdf>, 10/9/13

Section 211 has proven to be important in the face of a PTO that ¶ is reluctant to apply even well settled non-statutory doctrines that ¶ relate to trademark registration.158 This may be due to the nature of ¶ the precedent that is binding on PTO. While matters purely ¶ concerning federal registration of trademarks are within the ¶ jurisdiction of the PTO and the federal courts which review its ¶ trademark decisions (principally, but not always, the Court of Appeals ¶ for the Federal Circuit); the federal and state courts of general ¶ jurisdiction hear the trials and appeals of infringement suits, in which ¶ they pass upon the right to use a contested trademark.¶ 159 In other ¶ words, any case law that comes out of trademark infringement suits, ¶ such as the case law carving out an exception to the Act of State ¶ Doctrine for trademarks registered in the United States,160 is at best ¶ persuasive authority upon the PTO, and at worst, ignorable authority ¶ (unless the decision is from the United States Supreme Court).161 ¶ Section 211—the only statute that protects United States trademarks ¶ and their legitimate owners from the effects of confiscations without ¶ adequate compensation—provides statutory authority which is binding ¶ upon the PTO, and therefore requires the PTO to deny the registration ¶ of a stolen trademark. ¶ In fact, the need for Section 211 as a rule of decision that is ¶ binding on the PTO has already proven to be true for the Trinidad ¶ U.S.A. Corporation.162 TTT Trinidad is a tobacco brand used by the ¶ Trinidad family company whose assets were also confiscated by the ¶ Castro government.163 When Trinidad U.S.A. Corporation discovered ¶ that the Cuban government registered its trademarks in the United ¶ States, Trinidad filed a petition to cancel the Cuban government’s ¶ registrations with the U.S. Trademark Trial and Appeal Board ¶ (TTAB).164 While their petition was pending, Section 211 became ¶ law.165 On July 16, 2001, the TTAB cancelled Cuba’s registration.166 ¶ As Diego Trinidad wrote to the Chairman of the Senate Judiciary ¶ Committee in 2004: “[d]ue to Section 211, my family has been able to ¶ hold onto our trademarks in the United States and enter into a ¶ productive license agreement to produce our products.”167 Section 211 ¶ saved Diego Trinidad and his family from having to endure what the ¶ Bacardis and Arechabalas are all too familiar with: decades of ¶ expensive domestic and international litigation in an as-of-yet ¶ unsuccessful attempt to reclaim from Castro a trademark they ¶ rightfully own.168 Simply stated, Section 211 brings the effect of ¶ Cuban confiscations to a screeching halt at the U.S. border and ¶ preserves the original owners’ rights to their U.S. trademarks. Make ¶ no mistake, the law does not prohibit or interfere with the Cuban ¶ government’s registration of trademarks that it legitimately owns, as ¶ distinguished from those it has acquired through confiscation.169

#### Key to the Memorandum of Understanding - Solves the economy, manufacturing, and PPPs

USPTO 13 – United States Patent and Trademark Office [“USPTO Partnership Aims to Spur Innovation and Generate Jobs” <http://www.ipwatchdog.com/2013/03/05/uspto-partnership-aims-to-spur-innovation-and-generate-jobs/id=36696/>]

Washington — The U.S. Department of Commerce’s United States Patent and Trademark Office (USPTO) and the AutoHarvest Foundation today announced the signing of a Memorandum of Understanding (MOU) to work together to spur innovation and generate jobs in advanced manufacturing. The two organizations will collaborate on the creation of an online environment for innovators to exchange information, facilitate technical discussions, and encourage the growth of entrepreneurial activities. The USPTO opened its first-ever satellite office in Detroit in [July 2012](http://www.uspto.gov/news/pr/2012/12-41.jsp), and the MOU is part of the agency’s outreach into the community.¶ Through the MOU, entrepreneurs and corporate executives will have direct access to a centralized online collection of databases, information resources, software and analytical tools designed to help inventors better understand the process of obtaining, maintaining and commercializing their intellectual property (IP). Through a series of actionable interfaces, innovators will also have the ability to view, directly respond to and potentially enter into business transactions to commercialize their IP or provide their technologies to emerging companies seeking advanced manufacturing solutions.¶ “This partnership will help advanced manufacturing businesses and individual inventors in Detroit and the surrounding region obtain patent protection and commercialize their inventions,” said Acting Under Secretary of Commerce for Intellectual Property and Acting Director of the USPTO, Teresa Stanek Rea.¶ The MOU marks yet another step the USPTO has taken to help grow businesses by establishing partnerships with regional economic development commissions and general public-private partnerships in order to offer a tailored suite of IP support services to local start-ups, incubators, and job accelerators.¶ “The importance of the Midwest as a global engineering center is reinforced by this alliance,” said AutoHarvest president and CEO, Jayson Pankin. “AutoHarvest members will benefit from information and databases sourced and potentially co-developed with the United States Patent and Trademark Office that will help inventors better understand the process of obtaining, maintaining and commercializing intellectual property, leading to real economic impact.”¶ AutoHarvest Foundation is a 501 (c) 3 non-profit organization led by some of the most highly respected figures in the automotive industry. AutoHarvest is designing and planning to launch a marketplace-driven e-collaboration system that accelerates innovation in advanced manufacturing. For more information on AutoHarvest visit [www.autoharvest.org](http://www.autoharvest.org/).

#### Advanced manufacturing checks every war

**Paone 9** (Chuck, 66th Air Base Wing Public Affairs for the US Air Force, 8-10-09, “Technology convergence could prevent war, futurist says,” http://www.af.mil/news/story.asp?id=123162500)

The convergence of "exponentially advancing technologies" will form a "super-intelligence" so formid able that it could avert war, according to one of the world's leading futurists. Dr. James Canton, CEO and chairman of the Institute for Global Futures, a San Francisco-based think tank, is author of the book "The Extreme Future" and an adviser to leading companies, the military and other government agencies. He is consistently listed among the world's leading speakers and has presented to diverse audiences around the globe. He will address the Air Force Command and Control Intelligence, Survelliance and Reconnaissance Symposium, which will be held Sept. 28 through 30 at the MGM Grand Hotel at Foxwoods in Ledyard, Conn., joining Air Force Chief of Staff Gen. Norton Schwartz and a bevy of other government and industry speakers. He offered a sneak preview of his symposium presentation and answered various questions about the future of technology and warfare in early August. "The superiority of convergent technologies will prevent war," Doctor Canton said, claiming their power would present an overwhelming deterrent to potential adversaries. While saying that the U.S. will build these super systems faster and better than other nations, he acknowledged that a new arms race is already under way. "It will be a new MAD for the 21st century," he said, referring to the Cold War-era acronym for Mutually Assured Destruction, the idea that a nuclear first strike would trigger an equally deadly response. It's commonly held that this knowledge has essentially prevented any rational state from launching a nuclear attack. Likewise, Doctor Canton said he believes rational nation states, considering this imminent technology explosion, will see the futility of nation-on-nation warfare in the near future. Plus there's the "socio-economic linking of the global market system." "The fundamental macroeconomics on the planet favor peace, security, capitalism and prosperity," he said. Doctor Canton projects that nations, including those not currently allied, will work together in using these smart technologies to prevent non-state actors from engaging in disruptive and deadly acts. As a futurist, Doctor Canton and his team study and predict many things, but their main area of expertise -- and the one in which he's personally most interested -- is advanced and emerging technology. "I see that as the key catalyst of strategic change on the planet, and it will be for the next 100 years," he said. He focuses on six specific technology areas: "nano, bio, IT, neuro, quantum and robotics;" those he expects to converge in so powerful a way. Within the information technology arena, Doctor Canton said systems must create "meaningful data," which can be validated and acted upon. "Knowledge engineering for the analyst and the warfighter is a critical competency that we need to get our arms around," he said. "Having an avalanche of data is not going to be helpful." Having the right data is. "There's no way for the human operator to look at an infinite number of data streams and extract meaning," he said. "The question then is: How do we augment the human user with advanced artificial intelligence, better software presentation and better visual frameworks, to create a system that is situationally aware and can provide decision options for the human operator, faster than the human being can?" He said he believes the answers can often be found already in what he calls 'edge cultures.' "I would look outside of the military. What are they doing in video games? What are they doing in healthcare? What about the financial industry?" Doctor Canton said he believes that more sophisticated artificial intelligence applications will transform business, warfare and life in general. Many of these are already embedded in systems or products, he says, even if people don't know it.

#### IPR impossible – coordination and permanence

Yager 08 - Loren Yager, Director, International Affairs and Trade [“INTELLECTUAL ¶ PROPERTY ¶ Leadership and ¶ Accountability Needed to ¶ Strengthen Federal ¶ Protection and ¶ Enforcement” <http://www.gao.gov/assets/130/120379.pdf>]

The coordinating structure that has evolved for protecting U.S. intellectual ¶ property rights lacks leadership and permanence, presenting challenges for ¶ effective long-term coordination. The National Intellectual Property Law ¶ Enforcement Coordination Council (NIPLECC), created by Congress in 1999, ¶ serves to coordinate IP protection and enforcement across agencies; and ¶ STOP, initiated by the White House in 2004, is the strategy that guides the ¶ council. NIPLECC has struggled to define its purpose and has an image of ¶ inactivity within the private sector. It continues to have leadership problems ¶ despite enhancements made by Congress in 2004 to strengthen its role. STOP, ¶ which is led by the National Security Council, has a more positive image ¶ compared to NIPLECC, but lacks permanence since its authority and ¶ influence could disappear after the current administration. While NIPLECC ¶ adopted STOP in 2006 as its strategy for protecting IP overseas, its ¶ commitment to implementing STOP as a national strategy remains unclear, ¶ creating challenges for accountability and long-term viability. ¶ ¶ Agencies within the Departments of Justice, Homeland Security, and Health ¶ and Human Services that play a role in fighting IP crimes through seizures, ¶ investigations, and prosecutions need to improve their collection and analysis ¶ of IP enforcement data. IP enforcement is generally not the highest priority ¶ for these agencies, given their broad missions, but addressing IP crimes with a ¶ public health and safety risk, such as counterfeit pharmaceuticals, is an ¶ important activity at each agency. Federal IP enforcement actions generally ¶ increased during fiscal years 2001–2006, but the agencies have not taken steps ¶ to assess their achievements. For example, despite the importance assigned to ¶ targeting IP crimes that affect public health and safety, most agencies lack ¶ data on their efforts to address these types of crimes. Also, most have not ¶ systematically analyzed their IP enforcement statistics to inform management ¶ and resource allocation decisions or established IP-related performance ¶ measures or targets. In addition, the National Intellectual Property Rights ¶ Coordination Center, created to coordinate federal IP investigative efforts, has ¶ not achieved its mission. Participating agencies have lacked a common ¶ understanding of the center’s purpose and their roles in relation to it, and staff ¶ levels have declined.

#### Won’t solve IP rights – cases that matter don’t go to the WTO

PAUWELYN 10 - \* Joost Pauwelyn is Professor of International Law at the Graduate Institute of International and¶ Development Studies, Geneva. [“The Dog That Barked But Didn’t Bite:¶ 15 Years of Intellectual Property¶ Disputes at the WTO” <http://jids.oxfordjournals.org/content/1/2/389.full.pdf#page=1&view=FitH>]

Many of the results described in this article can, at least partially, be explained¶ by the broader features of WTO dispute settlement. First, the fact that only¶ states have standing to file a complaint (not, say, Novartis or Microsoft itself)¶ and that only state laws or conduct (not, eg IP infringement by private¶ operators) is subject to challenge, goes a long way in explaining the relatively¶ low number of TRIPS complaints (27 out of 402 WTO complaints; 3% of all¶ claims under WTO agreements; only nine Panels and three Appellate Body¶ reports).¶ Secondly, given this purely state-to-state nature of WTO dispute settlement¶ and the general rules TRIPS imposes on member countries, it should come as¶ no big surprise either that almost all TRIPS disputes involved laws or¶ legislation (not specific commercial incidents) and are systemic in nature,¶ aimed at ‘signalling’ the WTO membership as a whole as much as attacking¶ specific rules in a particular country.¶ Thirdly, both the low numbers and the systemic type of TRIPS disputes are¶ further explained by the limited remedies the WTO offers to winning¶ complainants. The remedies in WTO dispute settlement are purely prospective,¶ namely, implementation or cessation of the violation by the end of a¶ ‘reasonable’ implementation period and, in the absence of that, mutually¶ agreed, prospective trade compensation or WTO-authorized retaliation until¶ rulings are implemented. Private IP right holders, albeit through their national¶ government, do not obtain reparation for past harm nor do they get¶ compensation for continued violation subsequent to a WTO ruling. At best,¶ they see prospective changes in legislation or other general rules. If not, the¶ government representing them may impose trade restrictions or suspend the IP¶ rights of other people (retaliation) or obtain market access for goods or services¶ abroad (compensation). Yet, neither retaliation nor trade compensation is of¶ any direct help to these right holders (which may explain why the EC is not¶ pushing these options in US—Copyright). Moreover, both compensation and¶ retaliation are subject to the original TRIPS violation actually causing harm¶ (which clarifies why the EC is not seeking these options in US—Havana Club¶ where US violations are not having a commercial impact for as long as the¶ United States maintains its embargo on Cuba). For right holders, the only¶ alternative to implementation may be monetary compensation (that is probably¶ why in US—Copyright a cash arrangement was agreed, at least for 3 years).¶ Given this remedy structure, private right holders, even if they have sufficient¶ clout to convince a government to bring their case, have no incentive to push¶ short-time, commercial disputes all the way to the WTO. Only politically¶ sensitive cases (think of US—Havana Club or EC—Trademarks & GIs) or¶ matters with a systemic, long-term impact (such as the TRIPS phase-in¶ disputes or Canada—Pharmaceutical Patents and China—IP Rights cases) will be¶ filed. As one comment put it, ‘[t]he TRIPS Agreement was presumably¶ designed to address systemic IP enforcement issues, and not to serve as a court¶ of appeals on individual cases or controversies’.93

#### TRIPS causes IP skepticism

PAUWELYN 10 - \* Joost Pauwelyn is Professor of International Law at the Graduate Institute of International and¶ Development Studies, Geneva. [“The Dog That Barked But Didn’t Bite:¶ 15 Years of Intellectual Property¶ Disputes at the WTO” <http://jids.oxfordjournals.org/content/1/2/389.full.pdf#page=1&view=FitH>]

The TRIPS agreement inspired both exaggerated hopes in the minds of the¶ IP lobby, and overblown fears in the hearts of NGOs and developing countries.¶ This is confirmed in the number and types of disputes filed before the WTO¶ dispute settlement system as well as the decisions reached by WTO Panels and¶ the Appellate Body and their subsequent implementation record. Relatively few¶ substantive IP disputes have been filed. Rather than developing countries, the¶ main target so far has been the EC. Moreover, the two non-implemented¶ TRIPS rulings to date are not against India or China, but the United States,¶ the main demandeur of TRIPS. Not once did the WTO authorize trade¶ sanctions to back-up TRIPS enforcement, a novelty that was nonetheless much¶ advertised when TRIPS was concluded. On the contrary, and quite ironically,¶ it is developing countries that cross-retaliated in TRIPS to enforce GATT and¶ GATS rulings against the EC and the United States. Contrary to some¶ expectations, WTO Panels and the Appellate Body have demonstrated that¶ they can deal with complex IP disputes and gained the general trust and¶ respect of the IP community in no small part by working very closely with¶ WIPO. Substantive Panel and Appellate Body findings, in turn, illustrate that¶ TRIPS does, indeed, only impose minimum standards, that TRIPS’ exceptions¶ provide for ample ‘wiggle room’ and that TRIPS disciplines on domestic IP¶ enforcement are largely procedural focused on imports (not domestic production) rather than obligations of result. The Doha Declaration on TRIPS and¶ Public Health drove TRIPS flexibility home and triggered a broader cycle of IP¶ scepticism which, rather than drowning, reinvigorated WIPO and IP activity in¶ other fora.¶ TRIPS, therefore, was not the beginning of a unidirectional strengthening of¶ worldwide IP protection. On the contrary, it turned out to be the beginning of¶ a global wave of IP scepticism. What, indeed, if, contrary to conventional¶ wisdom, developing countries were not simply forced or lured into signing¶ TRIPS with the threat of US, unilateral trade sanctions or in exchange for¶ uncertain market access benefits in agriculture and textiles? What if, instead,¶ developing countries considered that TRIPS, in and of itself, was actually not¶ such a bad deal: First, because of the many TRIPS flexibilities and loopholes¶ they were able to negotiate; Second, since, in any event, many developing¶ countries were planning to beef up IP protection in their economies’ own¶ interest anyhow and could use the helping hand of TRIPS as a scapegoat to¶ push through unpopular reforms at home?¶ What lies ahead for TRIPS dispute settlement is difficult to predict. Business as¶ usual with around one, systemic TRIPS case per year? Even less cases given¶ disappointment in earlier disputes? Or, at some point, a renewed increase in¶ TRIPS disputes? Though not likely given the systemic features of TRIPS and¶ WTO dispute settlement pointed out earlier, the last possibility could materialize¶ under different scenarios such as entry into force of TRIPS for least-developed¶ countries (partly in 2013, fully in 2016); discrimination complaints before the¶ WTO against favourable IP treatment granted in preferential trade agreements¶ (unlike GATT Article XXIV, TRIPS does not have an exception for preferential¶ arrangements) or South-South cases where larger developing countries with an¶ increasing interest in IP protection start to sue smaller developing countries.¶ The most recent TRIPS dispute is, in any event, telling. It does not concern¶ a developed country suing a developing country for lack of IP protection or¶ weak IP enforcement. It is a complaint by India and Brazil against the EC,¶ arguing that the EC violates GATT and TRIPS by enforcing IP rights too¶ strictly, in particular, as against generic drugs in transit, patented within the¶ EC, but on their way from India to Brazil where they are not¶ patent-protected.103 This is not a case brought by big pharma or the IP¶ lobby. It is a case filed on behalf of the generic drug industry against IP¶ protection beyond minimum standards, a revenge of the IP sceptics. Man¶ bites dog.

#### IPR fine now and the aff isn’t large enough to solve

**Blair and Huntsman 13** - Dennis and Jon are co-chairs of The Commission on the Theft of American Intellectual Property. Jon is also an American politician, businessman, and diplomat who served as the 16th Governor of Utah from 2005 to 2009, and as United States Ambassador to Singapore from 1992 to 1993, and China from 2009 to 2011. ("The IP Commission Report: The Report of the Commission on the Theft of American Intellectual Property", May 2013, <http://ipcommission.org/report/IP_Commission_Report_052213.pdf>)

In addition to participating in WTO dispute mechanisms such as TRIPS, the United States has ¶ relied on a series of other measures to deal with IP theft, none of which has solved the problem. ¶ First, the United States has attempted to hector China and other foreign countries into doing a ¶ better job of protecting IP. The mechanism utilized annually is the USTR Special 301 Report. As ¶ discussed earlier, the report assesses foreign countries on their ability to protect intellectual property ¶ and identifies actions taken or anticipated by the U.S. government. In the recently released 2013 ¶ report, the USTR notes a grave concern with cyber-enabled trade-secret theft from China. Top ¶ administration officials have more frequently decried foreign theft of American IP amid promises ¶ to get tough. In March 2013, Thomas Donilon, President Obama’s national security advisor, ¶ specifically called attention to the problem of Chinese cyber-enabled theft of confidential American ¶ proprietary information.43¶ A second U.S. government approach has been to increase enforcement and prosecution initiatives. ¶ The Office of the Intellectual Property Enforcement Coordinator was established in 2008 in the Office ¶ of Management and Budget. Improved legislation and increased enforcement of foreign theft have ¶ resulted in the arrest and prosecution of Chinese and other foreign nationals at rates greater than in ¶ the past.44 Seizures by U.S. Customs and Border Protection are also on the rise in many categories.45 ¶ As important as these efforts are, they just do not have sufficient “teeth” and do not catch ¶ perpetrators often enough to make a difference. Theft is increasing, and cyber-enabled forms, in ¶ particular, are proving ever more deleterious.¶ Despite the inadequacy of U.S. government policy and action, many U.S. and other international ¶ companies large and small have made the calculation that they can mitigate the risk or absorb ¶ the lost revenues and profits. Some U.S. corporate actors are also pursuing their own solutions. ¶ Companies such as IBM are supporting the proposed Cyber Intelligence Sharing and Protection ¶ Act to allow for greater information sharing between the government and the private sector. Many ¶ companies support programs that encourage the rule of law abroad. Others, such as the Center for ¶ Responsible Enterprise and Trade (CREATe), seek to standardize best practices for corporate IP ¶ policy by enhancing supply-chain accountability on behalf of multinational companies. A final set ¶ of actors is increasingly looking to “take matters into its own hands” and pursue unilateral actions, ¶ particularly in the cyber domain, against foreign entities that steal their IP.¶ These conditions cannot be allowed to fester. China has taken aggressive private and public ¶ actions that are inflicting major damage to the American economy and national security. Robust ¶ and swift action must be taken by the U.S. government. IP thieves must rapidly discover that the ¶ costs of stealing American IP greatly exceed the benefits, and several changes are needed to make ¶ that happen. This report contains a series of recommendations that will reverse the negative trends ¶ of the past and make immediate improvements in the protection of American IP.

**Won’t mutate to kill hosts**

**Understanding evolution 07 –** Website on Evolution from UC Berkeley (December, "Evolution from a virus's view," http://evolution.berkeley.edu/evolibrary/news/071201\_adenovirus)

Since transmission is a matter of life or death for pathogen lineages, some evolutionary biologists have focused on this as the key to understanding why some have evolved into killers and others cause no worse than the sniffles. The idea is that there may be an evolutionary trade-off between virulence and transmission. Consider a virus that exploits its human host more than most and so produces more offspring than most. This virus does a lot of damage to the host — in other words, is highly virulent. From the virus's perspective, this would, at first, seem like a good thing; extra resources mean extra offspring, which generally means high evolutionary [fitness](http://evolution.berkeley.edu/evolibrary/glossary/glossary_popup.php?word=fitness). However, if the viral reproduction completely incapacitates the host, the whole strategy could backfire: the illness might prevent the host from going out and coming into contact with new hosts that the virus could jump to. A victim of its own success, the viral lineage could go extinct and become an evolutionary dead end. This level of virulence is clearly not a good thing from the virus's perspective.

#### Crop biotechnology increasing now

BM 2/23 – Lyn Resurreccion is the Science Editor for Business Mirror. (“Crop biotechnology: A ‘continuing success’ globally”, 2/23/2012, <http://businessmirror.com.ph/index.php/features/science/9670-crop-biotechnology-a-continuing-success-globally>)

CROP biotechnology has been achieving “continuing success” globally as the number of farmers who use it and the farms planted to biotech crops are increasing, recording 17.3 million farmers who planted the crops in 170.3 hectares in 28 countries in 2012, Dr. Clive James, chairman of the board of directors of the International Service for the Acquisition of Agri-biotech Applications (ISAAA), said on Thursday. James said the trend in crop biotechnology is in favor of developing countries, which compose 20 of the 28 countries that adopt the technology. Another significant development, he said, was that for the first time developing countries planted more biotech crops in 2012, with 52 percent, against the developing countries’ 48 percent. They registered equal production in 2011. This, James said, “was contrary to the perception of critics that biotech crops are only for the developed countries and would not be adopted by developing countries.” The increase in biotech farms in 2012 recorded a growth rate of 6 percent, or 10.3 million hectares more from 160 million hectares in 2011, James told a select group of journalists at a hotel in Makati City when he announced the results of the ISAAA report “Global Status of Commercialized Biotech/GM Crops for 2012.” James said this development was “remarkable” because it recorded a 100-fold increase in biotech crop hectarage in the 17th year of its adoption—from 1.7 million hectares in 1996, when it was first commercialized. “It also reflects the confidence of farmers in the technology. They make their decision on the second year [on the technology they use] based on the performance of the first year,” he said. He noted that of the 17.3 million farmers, 15.5 million, or 90 percent, are resource-poor, thereby helping farmers increase their income. He said biotech contributed to economic gains of $100 billion from 1996 to 2011, half of this was from reduced production cost, such as less pesticide sprays, less plowing and fewer labor, and the other half was from increased production per hectare. Increased production, James said, resulted in increase in farmers’ income and “more money in their pockets.”

## 2NC

### 2NC CP Overview

#### Counterplan solves the IP advantage –

**Making IP theft and counterfeit more costly to thieves is a sufficient deterrent to solve the advantage – denying products that contain stolen intellectual property access to the U.S. market and restricting the use of the U.S. financial system to foreign companies that repeatedly steal intellectual property strengthens the capacity of the US to deter theft and counterfeit**

**And, Reinforcing capacity-building programs overseas ensures that developing countries have the framework to allow companies to protect their intellectual property**

**Sufficient v. Necessary**

### 2NC Solvency – Plank #3

#### Capacity building creates a *systemic change* to rule of law overseas

**Blair and Huntsman 13** - Dennis and Jon are co-chairs of The Commission on the Theft of American Intellectual Property. Jon is also an American politician, businessman, and diplomat who served as the 16th Governor of Utah from 2005 to 2009, and as United States Ambassador to Singapore from 1992 to 1993, and China from 2009 to 2011. ("The IP Commission Report: The Report of the Commission on the Theft of American Intellectual Property", May 2013, <http://ipcommission.org/report/IP_Commission_Report_052213.pdf>)

Help build institutions in priority countries that contribute toward a “rule of law” environment in ¶ ways that protect intellectual property.¶ Currently, there is a range of efforts, both public and private, that contributes to the development ¶ of rule of law in China and other foreign countries that do not protect intellectual property. These ¶ should be encouraged and endorsed by Congress and the administration as extremely cost-effective ¶ ways to bring about systemic change.¶ In particular, the U.S. Patent and Trademark Office organizes a range of capacity-building efforts, ¶ such as U.S.-China legal exchanges, which include the participation of sitting American judges. These ¶ efforts are largely cost-free to taxpayers—being funded by the fees that the USPTO collects—and ¶ have been enormously effective. Of particular importance are efforts that demonstrate the purposes ¶ and value of an independent judiciary.

#### Capacity-building is sufficient to solve

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U.S. Capacity-Building Efforts in Foreign Countries¶ The May 2013 Special 301 Report by the U.S. Trade Representative also notes some important IP ¶ capacity-building efforts undertaken by the U.S. government:4¶ • The Global Intellectual Property Academy (GIPA) in the Office of Policy and External Affairs ¶ at the U.S. Patent and Trademark Office (USPTO) “offers programs in the United States and ¶ around the world to provide education, training, and capacity-building on IPR protection and ¶ enforcement. These programs are offered to patent, trademark, and copyright officials, judges ¶ and prosecutors, police and customs officials, foreign policymakers, and U.S. rights holders.” ¶ The report adds that in 2012 “GIPA provided training to 9,217 foreign IPR officials from 130 ¶ countries, through 140 separate programs.”¶ • The report notes that U.S. government agencies, such as the Department of State and the U.S. ¶ Copyright Office, “conduct conferences and training symposia in Washington, D.C. In March ¶ 2012, for example, the Copyright Office, with co-sponsorship from the World Intellectual ¶ Property Organization, hosted an international training symposium for representatives from ¶ 17 developing countries and countries in transition on emerging issues in copyright and related ¶ rights.” ¶ • In addition, “the USPTO’s Office of Policy and External Affairs provides capacity building in ¶ countries around the world, and has concluded agreements with more than 40 national, regional, ¶ and international IPR organizations.” ¶ • Further, “the Department of Commerce’s International Trade Administration (ITA) collaborates ¶ with the private sector to develop programs to heighten the awareness of the dangers of counterfeit ¶ products and of the economic value of IPR to national economies."¶ • In 2012, the Immigration and Customs Enforcement’s Homeland Security Investigations ¶ conducted training programs overseas through the National IPR Coordination Center and in ¶ conjunction with INTERPOL. ¶ • The Department of State “provides training funds each year to U.S. Government agencies that ¶ provide IPR enforcement training and technical assistance to foreign governments.” ¶ • The “government-to-government technical assistance” provided by the Commerce Department’s ¶ Commercial Law Development Program is in large part focused on IPR protection. ¶ • The Department of Justice’s Criminal Division, which is funded by the Department of State, ¶ provided IPR-enforcement training to foreign officials in cooperation with other U.S. agencies.

#### The CP is also necessary – we need capacity building abroad – if we kick the CP it’s still an alt cause

**Blair and Huntsman 13** - Dennis and Jon are co-chairs of The Commission on the Theft of American Intellectual Property. Jon is also an American politician, businessman, and diplomat who served as the 16th Governor of Utah from 2005 to 2009, and as United States Ambassador to Singapore from 1992 to 1993, and China from 2009 to 2011. ("The IP Commission Report: The Report of the Commission on the Theft of American Intellectual Property", May 2013, <http://ipcommission.org/report/IP_Commission_Report_052213.pdf>)

The USTR’s 2013 Special 301 Report reviews the state of IPR protection and enforcement across ¶ the globe. In its most recent report on U.S. trading partners, the USTR identifies 1 priority country ¶ (Ukraine), while including 10 countries on its “priority watch list” and 30 on its “watch list.” Most of ¶ these 41 countries are the subject of a sternly worded paragraph on problems in their IPR protection ¶ and enforcement. Beyond the special focus on Ukraine, however, 3 countries on the priority watch ¶ list warrant more extensive comments: India, Russia, and China.¶ According to the USTR, the outlook for Indian protection of IP is discouraging, so much so that ¶ “there are serious questions about the future condition of the innovation climate across multiple ¶ sectors and disciplines.” Companies, for example, are challenged to patent and defend already ¶ patented pharmaceuticals. If a recent case serves as a precedent, companies from many sectors may ¶ be forced into compulsory licensing if they wish to sell in the country but do not manufacture the ¶ product there.¶ Russia frequently ranks among the worst-offending countries in the USTR’s Special 301 reports, ¶ and this year’s assessment finds an overall decline in IPR enforcement. However, with Russia’s ¶ accession to the WTO, some improvement in the piracy rate of software, and the introduction of a ¶ new special court, the report is hopeful about the future. ¶ China receives the lion’s share of attention in the 2013 report, which notes that according ¶ to the U.S. National Counterintelligence Executive, “Chinese actors are the world’s most active ¶ and persistent perpetrators of economic espionage.” The USTR also cites evidence from privately ¶ sponsored studies suggesting that entities “affiliated with the Chinese military and Chinese ¶ Government” have obtained “all forms of trade secrets.” Overall, the report describes Chinese ¶ companies and entities as “escalating” infringement of trade secrets and continuing infringement ¶ of trademarks, copyrights, and patents. In addition, it notes that “central, provincial, and local level ¶ Chinese agencies inappropriately require or pressure rights holders to transfer IPR from foreign to ¶ domestic entities.”19¶ The indicators of China’s complex role in IPR infringement come from a host of other studies ¶ over the years. Of the counterfeit or pirated goods seized by U.S. Customs and Border Protection in ¶ 2012, 72% were Chinese in origin.20 Seven of the eleven cases brought under the Economic Espionage ¶ Act since 2010 concern stolen IP destined for Chinese entities. For almost all categories of IP theft, ¶ currently available evidence and studies suggest that between 50% and 80% of the problem, both ¶ globally and in the United States, can be traced back to China.¶ By legal as well as illegal means, China has done a Herculean job of absorbing American and ¶ other countries’ technology. China now manufactures more cars than any other country, in 2012 ¶ producing almost as many as the United States and Japan combined;21 launches astronauts into orbit; ¶ assembles and makes many components for sophisticated consumer products like the iPad; leads ¶ the world in many green industries; builds most of the world’s new nuclear power plants; is rapidly ¶ advancing its military technology, often at a quicker pace than most experts predict; and makes ¶ some of the world’s fastest supercomputers. China is projected to pass the United States in total ¶ economic output between 2016 and 2030, depending on the source and methodology used.22 At the ¶ point of GDP parity, each of the two economies will account for an estimated 18% of world product. ¶ Beyond these accomplishments, which suggest extraordinary inputs, are factors that make China ¶ the biggest IP offender in the world. In the first major study on China and IPR, Michel Oksenberg¶ and colleagues noted in 1996 that the problem in China begins with historical and cultural factors, ¶ which are then exacerbated by leadership priorities, bureaucracies competing for authority, an ¶ immature legal system, and local-level leaders motivated first and foremost by short-term economic ¶ and political interests. “This widespread disregard for intellectual property rights,” they wrote, “is ¶ an area of great concern for all high-technology firms operating in the Chinese market…. and won’t ¶ be easily solved.”23 ¶ Nearly two decades later, IPR still suffers from lax enforcement by a judicial system that, despite ¶ extraordinary reforms, does not deter IP theft. In fact, the most recent member surveys by AmCham ¶ China suggest that the situation is deteriorating. In 2012 the percentage of responding companies that ¶ classified IPR enforcement as “ineffective” and “totally ineffective” rose to 72%.24 Doing business in ¶ China entails navigating a system that defies the outsider’s full apprehension, and IP theft represents ¶ a special risk.25

### Regionalism good overview

**The benefits of regionalism outweigh the disads –**

**Regional organizations are expanding in the status quo – ASEAN in Asia, Mercosur and UNASUR in Latin America and the African Union in Africa prove that rising powers are turning away from global institutions**

**Regionalism solves global problems – globalization only provides one-size-fits-all blanket solutions whereas regionalism is closer to the source of the problems to be tackled so it establishes more targeted solutions, and fosters cooperation on security threats, energy security, economic instability and crises or environmental challenges such as climate change – that’s Behr and Jokela**

**Turns the case – economy is key to trade, not the other way around. Also, economic collapse wreck innovative potential of private companies**

**Also solves multilat in the long run – Regionalism provides a stepping stone to multilateralism – the move towards loose governance streamlines cooperation and transitions to “multilateralism light” – solves their offense – that’s Behr and Jokela**

**And, Multilat can’t solve conflict – countries are currently dissatisfied with the current system of governance – belligerence and noncompliance takes out the benefits of multilateralism – that’s** Behr and Jokela

### CX

**We had some interesting discussions in 1AC Cross ex –**

**A few concessions make this debate an uphill battle for multilat –**

**First – multilat is unsustainable – major powers are turning to regionalism for economic benefit – I asked him how they change that economic incentive to turn from regional blocs – he said “Panichpakdi says trade is beneficial” – Panichpakdi doesn’t talk about incentives for trade – he just says rules are beneficial – Rules are beneficial only in a world where minor powers comply**

**Second – Regional trade blocs – quote from 1AC cross ex – “ we make it harder for countries in regional blocs to trade with eachother” – this has two implications**

**1. Proves the argument above that they can’t solve compliance to rules – they just make people mad**

**2. Regionalism fosters trade but they restrict it -- Global free trade is only possible if regionalism is an option – it can still exist even if the WTO doesn’t**

Cheong and Wong 10 – Juyoung Cheong, University of Queensland, Kar-Yiu Wong, University of Washington [“Global Free Trade Regionalism as a Building Block or a Stumbling Block?” <http://www.rcie-cn.org/conferences/2010/papers/wong_ky.pdf>]

\*GFT = Global Free Trade

For some time, multilateral trade liberalization seemed to be a promising ¶ way of achieving GFT, and the success of the Kennedy round and the Tokyo ¶ round under the GATT was especially encouraging. However, later multi ¶ lateral trade negotiations got more difficult, and the current Doha round ¶ does not seem to be going as expected. The rise of countries’ interest in ¶ regional cooperation in recent years was disturbing because it is worried that ¶ regional integration negotiations could drain resources away from those for ¶ multilateral negotiations, making multilateral trade liberalization even more ¶ unlikely. ¶ This paper takes up the question posed by Bhagwati (1991): Is regionalism a building block or a stumbling block toward global free trade. We ¶ first examine the implications of this question and carefully explain the two ¶ possible paths for countries to achieve OFT: the WTO path that relies on ¶ rnultilateralism and the FTA path that relies on regionalism. We argue that ¶ if both paths are feasible, countries have the option of choosing the path and ¶ eventually GFT will be reached.’2 If both paths are not feasible, then GFT ¶ cannot be achieved on a voluntary basis. The question of building block or ¶ stumbling block is meaningful if one of the paths is feasible hut the other ¶ one is not. If the WTO path is not feasible but the FTA path is, then the ¶ latter can lead countries to GFT. This is the building block case. Alterna ¶ tively if the WTO path is feasible but the FTA path is not, and if some ¶ countries prefer regional integration, then GFT will not be achieved. This is ¶ the stumbling block case.

### Russia

#### They restrict Russia

Baldwin – 1AC Author - 08 Baldwin, 7/1/08 ~Richard Edward Baldwin has been Professor of International Economics at the Graduate Institute, Geneva, since 1991 and Policy Director of CEPR since 2006, "The WTO tipping point", <http://www.voxeu.org/index.php?q=node/1345~~>

No one knows what happens beyond the tipping point. My guess is that trade would continue to grow and the system would continue to function – but not equally well for all nations. Before the GATT was set up in 1947, the Great Powers settled trade disputes by gunboats or diplomats depending upon the parties involved. Only the naïve thought market access should be reciprocal or fair. A return to this “Belle Époque” extreme is unlikely, but a new Great Powers trade system is likely to emerge. Its core will be the US and EU networks of bilateral trade deals.¶ Domestic special-interest groups, newly freed from WTO constraints, would push the EU and US templates in divergent directions. Regional arrangements of the new trade powers and Russia could diverge even more markedly, since WTO norms have never fully been internalised by their domestic special-interest groups. This would be a world of “spheres of influence” and bare-knuckle bargaining.¶ All would lose in this post-tipping point world but not equally. The United States, European Union, Japan, China, and India have enough market leverage to defend their interests. Small nation would suffer much more as they benefit the most from the WTO’s consensus-based rules and negotiations.¶ Worse yet, moving towards a might-makes-right trade system would be extremely corrosive to global cooperation on the new century’s greatest governance challenges – climate change, pandemics, water scarcity, and the Millennium Development Goals.

#### nuclear war

**ELAND 2008** [Ivan, Nov, Sr. Fellow, Independent Inst., former Defense Analyst for Congressional Budget Office, The Independent Institute, http://www.independent.org/newsroom/article.asp?id=2363]

But **the bear is** now **coming out of** a long **hibernation** a bit rejuvenated. Using increased petroleum revenues from the oil price spike, the Russians will hike defense spending 26 percent next year to about $50 billion—the highest level since the collapse of the Soviet Union. Yet as the oil price declines from this historic high, Russia will have fewer revenues to increase defense spending and rebuild its military. Even the $50 billion a year has to be put in perspective. The United States is spending about $700 billion per year on defense and starting from a much higher plain of capability. After the collapse of the Soviet Union, the Russian military fell apart and was equivalent to that of a developing country. Even the traditionally hawkish U.S. military and defense leaders and analysts are not worried about Russia’s plans to buy modern arms, improve military living standards to attract better senior enlisted personnel, enhance training, and cut back the size of the bloated forces and officer corps. For example, Eugene B. Rumer of the U.S. National Defense University was quoted in the *Washington Post* as saying that Russian actions are “not a sign, really, of the Russian military being reborn, but more of a Russia being able to flex what relatively little muscle it has on the global scale, and to show that it actually matters.”[[1]](http://www.independent.org/newsroom/article.asp?id=2363" \l "_ftn1#_ftn1" \o ")In addition, the Russian military is very corrupt—with an estimated 40 percent of the money for some weapons and pay for personnel being stolen or wasted. This makes the amount of real defense spending far below the nominal $50 billion per year. U.S. analysts say, however, that increased military spending would allow Russia to have more influence over nations in its near abroad and Eastern Europe. Of course, throughout history, small countries living in the shadow of larger powers have had to make political, diplomatic, and economic adjustments to suit the larger power. Increased Russian influence in this sphere, however, should not necessarily threaten the security of the faraway United States. It does only because the United States has defined its security as requiring intrusions into Russia’s traditional sphere of influence. By expanding NATO into Eastern Europe and the former Soviet Union, the United States has guaranteed the security of these allied countries against a nuclear-armed power, in the worst case, by sacrificing its cities in a nuclear war. Providing this kind of guarantee for these non-strategic countries is not in the U.S. vital interest. Denying Russia the sphere of influence in nearby areas traditionally enjoyed by great powers (for example, the U.S. uses the Monroe Doctrine to police the Western Hemisphere) will only lead to unnecessary U.S.-Russian tension and possibly even cataclysmic war.

#### It turns Russia into a global obstructionist and risks extinction

**Allison and Blackwill 11** – \* director of the Belfer Center for Science and International Affairs at Harvard’s Kennedy School AND \*\* Henry A. Kissinger senior fellow for U.S. foreign policy at the Council on Foreign Relations (Graham and Robert, “10 reasons why Russia still matters,” Politico, http://www.politico.com/news/stories/1011/67178.html)

That central point is that Russia matters a great deal to a U.S. government seeking to defend and advance its national interests. Prime Minister Vladimir Putin’s decision to return next year as president makes it all the more critical for Washington to manage its relationship with Russia through coherent, realistic policies.¶ No one denies that Russia is a dangerous, difficult, often disappointing state to do business with. We should not overlook its many human rights and legal failures. Nonetheless, Russia is a player whose choices affect our vital interests in nuclear security and energy. It is key to supplying 100,000 U.S. troops fighting in Afghanistan and preventing Iran from acquiring nuclear weapons.¶ Ten realities require U.S. policymakers to advance our nation’s interests by engaging and working with Moscow.¶ First, Russia remains the only nation that can erase the United States from the map in 30 minutes. As every president since John F. Kennedy has recognized, Russia’s cooperation is critical to averting nuclear war.¶ Second, Russia is our most consequential partner in preventing nuclear terrorism. Through a combination of more than $11 billion in U.S. aid, provided through the Nunn-Lugar Cooperative Threat Reduction program, and impressive Russian professionalism, two decades after the collapse of the “evil empire,” not one nuclear weapon has been found loose.¶ Third, Russia plays an essential role in preventing the proliferation of nuclear weapons and missile-delivery systems. As Washington seeks to stop Iran’s drive toward nuclear weapons, Russian choices to sell or withhold sensitive technologies are the difference between failure and the possibility of success.¶ Fourth, Russian support in sharing intelligence and cooperating in operations remains essential to the U.S. war to destroy Al Qaeda and combat other transnational terrorist groups.¶ Fifth, Russia provides a vital supply line to 100,000 U.S. troops fighting in Afghanistan. As U.S. relations with Pakistan have deteriorated, the Russian lifeline has grown ever more important and now accounts for half all daily deliveries.¶ Sixth, Russia is the world’s largest oil producer and second largest gas producer. Over the past decade, Russia has added more oil and gas exports to world energy markets than any other nation. Most major energy transport routes from Eurasia start in Russia or cross its nine time zones. As citizens of a country that imports two of every three of the 20 million barrels of oil that fuel U.S. cars daily, Americans feel Russia’s impact at our gas pumps.¶ Seventh, Moscow is an important player in today’s international system. It is no accident that Russia is one of the five veto-wielding, permanent members of the U.N. Security Council, as well as a member of the G-8 and G-20. A Moscow more closely aligned with U.S. goals would be significant in the balance of power to shape an environment in which China can emerge as a global power without overturning the existing order.¶ Eighth, Russia is the largest country on Earth by land area, abutting China on the East, Poland in the West and the United States across the Arctic. This territory provides transit corridors for supplies to global markets whose stability is vital to the U.S. economy.¶ Ninth, Russia’s brainpower is reflected in the fact that it has won more Nobel Prizes for science than all of Asia, places first in most math competitions and dominates the world chess masters list. The only way U.S. astronauts can now travel to and from the International Space Station is to hitch a ride on Russian rockets. The co-founder of the most advanced digital company in the world, Google, is Russian-born Sergei Brin.¶ Tenth, Russia’s potential as a spoiler is difficult to exaggerate. Consider what a Russian president intent on frustrating U.S. international objectives could do — from stopping the supply flow to Afghanistan to selling S-300 air defense missiles to Tehran to joining China in preventing U.N. Security Council resolutions.¶ So next time you hear a policymaker dismissing Russia with rhetoric about “who cares?” ask them to identify nations that matter more to U.S. success, or failure, in advancing our national interests.

### Sovles Multilat

**This debate is a question of sequencing – top down multilat causes resentment - Regionalism is a prerequisite and solves in the long run**

Wu 12 - Jennifer Pédussel Wu ¶ Berlin School of Economics and Law (HWR-Berlin) [“New Kid on the Block: The China, Japan, and South Korea FTA

(An Analysis of Regional Economic Integration in Asia” <http://www.etsg.org/ETSG2012/Programme/Papers/142.pdf>]

In May 2012, it was once again announced that China, Japan and South Korea ¶ were to meet in a summit to launch negotiations for a three-way free trade pact.1¶ These ¶ three northeastern Asian countries make up nearly 20% of global GDP and accounted for ¶ close to 19% of total exports in 2010 – almost as much as NAFTA. They have spoken ¶ repeatedly over the years about an FTA, but it has never entered into a serious phase of ¶ negotiations. ¶ This time may be different. Chinese premier Wen JiaBiao indicated in May that ¶ the slow economic recovery coupled with increasing global trade protectionism has lead ¶ many countries to seek to strengthen regional economic integration in order to contribute ¶ to expanded market share and increased competitiveness¶ 2¶ . In Wu (2005), I argued that ¶ one main reason for countries to seek to join a regional integration agreement centered on ¶ self-protection. The argument by Premier Wen fits that theory and therefore, these ¶ indications of an FTA between China, Japan and S. Korea may be very different than in ¶ the past. A Baldwin domino effect for Asian regionalism would then emerge. But how ¶ might be such an FTA affect regional and world trade? ¶ The literature on Regional Trade Agreements (RTA) generally asks if these ¶ agreements make multilateral liberalization more or less likely? If RTAs successfully ¶ interact in the multilateral regime of trade negotiation, do they serve as building blocks, ¶ i.e., stepping stones or stumbling blocks to free trade? This essential question, whose¶ terminology was first introduced by Bhagwati (1991), has continued to be a spectra over ¶ research concerning regional trade liberalization. Bhagwati first coined the term in an ¶ article examining whether membership expansion of RTAs should be as a test of whether ¶ they serve as "building blocks" for the freeing of worldwide trade. If joining a RTA ¶ triggers multilateral negotiations then RTAs may indeed be seen as "building blocks". As ¶ such, they would be encouraged as a medium to reach multilateral free trade. However, ¶ he argued, it is more likely that RTA formation hinders the advancement of multilateral ¶ free trade due to the adverse affect of RTA formation on countries' incentives to continue ¶ multilateral negotiations. ¶ Several theoretical models expand on the questions raised by Bhagwati. Ethier ¶ (1998) argued that regionalism promotes the successful entry of 'reforming' countries into ¶ the multilateral system in a way that multilateralism cannot do alone. Thus, in effect, ¶ RTAs are "stepping stones" to multilateral trade liberalization. Ethier's argument applied ¶ to the 'new regionalism' where developing countries form RTAs with developed countries. ¶ It does not, however, apply to the previous waves of regionalism in the 1960s and 1970s. ¶ Lawrence (1995) suggests that increased regional integration does not necessarily ¶ undermine the World Trade Organization (WTO) and extra-regional linkages are of great ¶ importance. If RTAs can be constructed in such a way as to provide credibility and ¶ reinforcement of market forces, then a more integrated economy can result. ¶ There are also informal arguments presented to support the “stepping stones” ¶ hypothesis – the idea that multilateralism results from regional agreements. Summers ¶ (1991) has suggested that multilateral negotiations will move more quickly when the ¶ number of negotiators is reduced to three via trade block formation. Bergsten (1994)¶ argues that the threat of block formation aids multilateral negotiations. Panagariya ¶ (1998) suggests that RTAs can unify protectionist lobbies and turn them into more ¶ effective obstacles to trade liberalization. This is because many RTAs are between ¶ developed and developing countries and are associated with a perceived loss of wages in ¶ developed countries. Multilateral negotiations draw less attention from protectionist ¶ lobbies and are thus easier to achieve in democratic countries. ¶

### Unsustainable

#### Multilat is unsustainable and can’t solve global challegnes

Gabriella and Daniela 13 - STERIAN MARIA GABRIELA, ZIRRA DANIELA¶ Department of Trade, European Integration and International Business ¶ Romanian-American University [“Regionalism versus multilateralism – important pieces in reforming the ¶ global economic governance” <http://www.wseas.us/e-library/conferences/2013/Brasov/EPLS/EPLS-16.pdf>]

Given the deadlock of formal institutions ¶ and the increased emphasis on bilateral ¶ relations, especially the ones between emerging ¶ countries, states feel they have no choice but to ¶ follow (Sterian, 2011). ¶ In the beginning of the 21st century, ¶ regionalism is different from the path it used to ¶ have in the 20th century. The new trade ¶ discipline has already begun to be driven by a ¶ new set of rules and economic and political ¶ forces (Baldwin, 2011). The increased number ¶ of countries with very important roles globally ¶ makes it difficult to measure the absolute gains ¶ and to track the global interests.¶ The transition to a multipolar world order is ¶ associated with relative gains and traditional ¶ power politics, but also with the fragmentation ¶ resulted from the decentralization of economic ¶ and political powers (Sterian, 2011). ¶ The recent global economic crisis and the ¶ emergence of newly industrialized countries on ¶ the global stage have led to the development of ¶ a multipolar international system, but the power ¶ is dispersed more and more at regional levels. The crisis of multilateralism is kindled ¶ discussed by policy makers and researchers. ¶ Debates suggest that the core problem is the ¶ inadequacy of multilateral organizations, established ¶ to protect the sovereign countries and their interests, ¶ as well as global challenges that go beyond borders ¶ and interest (Weiss, 2009b).¶ The new paradigm of multilateralism refers to ¶ the collaboration at all levels between governments ¶ and between governments and other important ¶ actors in society. The new multilateralism (Cox, ¶ 1997) refers to the growing importance of civil ¶ society in participating at building multilateralism to ¶ adapt to the new global requirements. Researchers say that we have been facing a real ¶ paradox in the approach to this new paradigm of ¶ global economic governance: the more seriously we ¶ take the concept of global economic governance, the ¶ more all its substance runs away and begins to ¶ contradict the general knowledge (Smouts, 2002). ¶ The transition is being made toward a less ¶ formal model of governance and negotiation. Global ¶ governance reform must reflect all these changes ¶ and realities of the contemporary world, addressed ¶ inefficiently¶ In the same time, the proliferation of influential ¶ actors has complicated efforts in achieving a ¶ multilateral agreement even in areas already ¶ discussed about, leading to the conclusion that ¶ interdependence has not only led to increasing ¶ political challenges, but also in delivering effective ¶ international cooperation. In particular, the ¶ structural deficiencies of these actors have revealed ¶ also limitations in transparency and consistency of ¶ decision-making process.¶ The fundamental differences between the ¶ growing number of global issues and inadequate ¶ structure for solving these problems have been ¶ going a long way in term of capricious attitude of ¶ the main actors involved in solving them and the ¶ long-term global perspectives (Weiss, 2009a).¶ With the emergence of a multipolar world order, ¶ the structures of global governance face several ¶ challenges, which refer to the difficulties of ¶ adapting the existing structures and the development ¶ of new actors on international arena, eager to have a ¶ say in global issues (Haas, 1993). ¶ The recent problems that international system ¶ have been faced led to the need in addressing the ¶ dilemma related to international agreements and ¶ institutions, whether they are viable and meet the ¶ needs of the 21st century (Stiglitz, 1999). 4 Conclusion¶ Within the new global economic governance, ¶ certain elements are likely to give new impetus to ¶ regionalism and multilateralism: the growing ¶ dissatisfaction on the activities within these ¶ processes and the slow pace of reform, the ¶ emergence of new powers and their impact on ¶ international economic system, global crisis and ¶ other issues of global concern. Each one of these has ¶ a significant impact on the appearance of ¶ regionalism and multilateralism in the near future ¶ and there is a stringent need to finding common ¶ answers and solutions.

### Trade defense

**Trade doesn’t solve war – empirics crush the advantage – disputes don’t spill over – their internal link relies on tit-for-tat retaliation to protectionism – every example of a trade war between the United States and China, and the United States and mexico disproves this**

**No trade impact**

Fletcher 11 Ian Fletcher is Senior Economist of the Coalition for a Prosperous America, former Research Fellow at the U.S. Business and Industry Council M.A. and B.A. from Columbia and U Chicago, "Avoid Trade War? We're Already In One!" August 29 2011 www.huffingtonpost.com/ian-fletcher/avoid-trade-war-were-alre\_b\_939967.html

The curious thing about the concept of trade war is that, unlike actual shooting war, it has no historical precedent. In fact, there has never been a significant trade war, "significant" in the sense of having done serious economic damage. All history records are minor skirmishes at best.¶ Go ahead. Try and name a trade war. The Great Trade War of 1834? Nope. The Great Trade War of 1921? Nope Again. There isn't one.¶ The standard example free traders give is that America's Smoot-Hawley tariff of 1930 either caused the Great Depression or made it spread around the world. But this canard does not survive serious examination, and has actually been denied by almost every economist who has actually researched the question in depth -- a group ranging from Paul Krugman on the left to Milton Friedman on the right.¶ The Depression's cause was monetary. The Fed allowed the money supply to balloon during the late 1920s, piling up in the stock market as a bubble. It then panicked, miscalculated, and let it collapse by a third by 1933, depriving the economy of the liquidity it needed to breathe. Trade had nothing to do with it.¶ As for the charge that Smoot caused the Depression to spread worldwide: it was too small a change to have plausibly so large an effect. For a start, it only applied to about one-third of America's trade: about 1.3 percent of our GDP. Our average tariff on dutiable goods went from 44.6 to 53.2 percent -- not a terribly big jump. Tariffs were higher in almost every year from 1821 to 1914. Our tariff went up in 1861, 1864, 1890, and 1922 without producing global depressions, and the recessions of 1873 and 1893 managed to spread worldwide without tariff increases.¶ As the economic historian (and free trader!) William Bernstein puts it in his book A Splendid Exchange: How Trade Shaped the World,¶ Between 1929 and 1932, real GDP fell 17 percent worldwide, and by 26 percent in the United States, but most economic historians now believe that only a miniscule part of that huge loss of both world GDP and the United States' GDP can be ascribed to the tariff wars. .. At the time of Smoot-Hawley's passage, trade volume accounted for only about 9 percent of world economic output. Had all international trade been eliminated, and had no domestic use for the previously exported goods been found, world GDP would have fallen by the same amount -- 9 percent. Between 1930 and 1933, worldwide trade volume fell off by one-third to one-half. Depending on how the falloff is measured, this computes to 3 to 5 percent of world GDP, and these losses were partially made up by more expensive domestic goods. Thus, the damage done could not possibly have exceeded 1 or 2 percent of world GDP -- nowhere near the 17 percent falloff seen during the Great Depression... The inescapable conclusion: contrary to public perception, Smoot-Hawley did not cause, or even significantly deepen, the Great Depression.¶ The oft-bandied idea that Smoot-Hawley started a global trade war of endless cycles of tit-for-tat retaliation is also mythical. According to the official State Department report on this very question in 1931:¶ With the exception of discriminations in France, the extent of discrimination against American commerce is very slight...By far the largest number of countries do not discriminate against the commerce of the United States in any way.¶ That is to say, foreign nations did indeed raise their tariffs after the passage of Smoot, but this was a broad-brush response to the Depression itself, aimed at all other foreign nations without distinction, not a retaliation against the U.S. for its own tariff. The doom-loop of spiraling tit-for-tat retaliation between trading partners that paralyzes free traders with fear today simply did not happen.¶ "Notorious" Smoot-Hawley is a deliberately fabricated myth, plain and simple. We should not allow this myth to paralyze our policy-making in the present day.¶ There is a basic unresolved paradox at the bottom of the very concept of trade war. If, as free traders insist, free trade is beneficial whether or not one's trading partners reciprocate, then why would any rational nation start one, no matter how provoked? The only way to explain this is to assume that major national governments like the Chinese and the U.S. -- governments which, whatever bad things they may have done, have managed to hold nuclear weapons for decades without nuking each other over trivial spats -- are not players of realpolitik, but schoolchildren.¶ When the moneymen in Beijing, Tokyo, Berlin, and the other nations currently running trade surpluses against the U.S. start to ponder the financial realpolitik of exaggerated retaliation against the U.S. for any measures we may employ to bring our trade back into balance, they will discover the advantage is with us, not them. Because they are the ones with trade surpluses to lose, not us.¶ So our present position of weakness is, paradoxically, actually a position of strength.¶ Likewise, China can supposedly suddenly stop buying our Treasury Debt if we rock the boat. But this would immediately reduce the value of the trillion or so they already hold -- not to mention destroying, by making their hostility overt, the fragile (and desperately-tended) delusion in the U.S. that America and China are still benign economic "partners" in a win-win economic relationship.¶ At the end of the day, China cannot force us to do anything economically that we don't choose to. America is still a nuclear power. We can -- an irresponsible but not impossible scenario -- repudiate our debt to them (or stop paying the interest) as the ultimate counter-move to anything they might contemplate. More plausibly, we might simply restore the tax on the interest on foreign-held bonds that was repealed in 1984 thanks to Treasury Secretary Donald Regan.¶ Thus a certain amount of back-and-forth token retaliation (and loud squealing) is indeed likely if America starts defending its interests in trade as diligently as our trading partners have been defending theirs, but that's it. The rest of the world engages in these struggles all the time without doing much harm; it will be no different if we join the party.

**Trade only pacifies some constituencies—it can’t solve in the countries with the biggest impacts**

**Goldstone 7 –** PhD candidate in the Department of Political Science and a member of the Security Studies Program at the Massachusetts Institute of Technology. He is a non-resident research fellow at the Center for Peace and Security Studies, Georgetown University(P.R. AlterNet, September 25, http://www.alternet.org/audits/62848/?page=entire)

American policymakers should beware claims of globalization's axiomatic pacifying effects. Trade creates vested interests in peace, but these interests affect policy only to the extent they wield political clout. In many of the states whose behavior we most wish to alter, such sectors -- internationalist, export-oriented, reliant on global markets -- lack a privileged place at the political table. Until and unless these groups gain a greater voice within their own political system, attempts to rely on the presumed constraining effects of global trade carry substantially greater risk than commonly thought.¶ A few examples tell much. Quasi-democratic Russia is a state whose principal exposure to global markets lies in oil, a commodity whose considerable strategic coercive power the Putin regime freely invokes. The oil sector has effectively merged with the state, making Russia's deepening ties to the global economy a would-be weapon rather than an avenue of restraint. Russian economic liberalization without political liberalization is unlikely to pay the strong cooperative dividends many expect.¶ China will prove perhaps the ultimate test of the Pax Mercatoria. The increasing international Chinese presence in the oil and raw materials extraction sectors would seem to bode ill, given such sectors' consistent history elsewhere of urging state use of threats and force to secure these interests. Much will come down to the relative political influence of export-oriented sectors heavily reliant on foreign direct investment and easy access to the vast Western market versus the political power of their sectoral opposites: uncompetitive state-owned enterprises, energy and mineral complexes with important holdings in the global periphery, and a Chinese military that increasingly has become a de facto multi-sectoral economic-industrial conglomerate. Actions to bolster the former groups at the expense of the latter would be effort well spent.¶ At home, as even advanced sectors feel the competitive pressures of globalization, public support for internationalism and global engagement will face severe challenges. As more sectors undergo structural transformation, the natural coalitional constituency for committed global activist policy will erode; containing the gathering backlash will require considerable leadership.¶ Trade can indeed be a palliative; too often, however, we seem to think of economic interdependence as a panacea; the danger is that in particular instances it may prove no more than a placebo

## 1NR

I can’t find the speech on my computer….I extended the PTO DA but I don’t think I read anything that you’ll particularly want – just a new manufacturing / bioterror impact and some impact d to the IPR advantage.