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### Plan

#### The United States federal government should reduce restrictions on the registration or renewal of trademarks or trade names in connection with a business confiscated by the government of Cuba through the repeal of Section 211 of the Omnibus Appropriations Act.

### Contention One: WTO Credibility

#### Section 211 puts the US in violation of WTO rulings

**Esper**, 3/3/**2010** (Mark – Executive Vice President of the Global Intellectual Property Center, Domestic and International Implications of Havana Club and Section 211, of the Omnibus Appropriations Act of 1999, Testimony to the House Committee on the Judiciary, p. <http://judiciary.house.gov/hearings/pdf/Esper100303.pdf>)

Unfortunately, Section 211 of the FY 1999 Omnibus Appropriations Act has put the United States in violation of its international treaty obligations and needlessly endangers the intellectual property rights of American companies. Further, it undermines the United States’ credibility when we argue in defense of IP laws in U.N. organizations and when dealing with other governments. Not surprisingly, this is what can happen when legislative provisions are passed without debate, hearings, or consideration by the appropriate House and Senate committees of jurisdiction. International Obligations The World Trade Organization (WTO) has ruled that Section 211 violates two basic principles of the Trade Related Aspects of Intellectual Property (TRIPS) agreement, the international agreement between WTO members that governs intellectual property: national treatment and most-favored nation status. The WTO's ruling is based on the fact that Section 211 only prohibits Cuban owners of Cuban-origin trademarks and their successors-in-interest to assert rights to such marks in the U.S. and not U.S. nationals or nationals of other countries. The WTO gave the Congress until January 3, 2003 to provide a remedy that would make Section 211 compliant with TRIPs. Both the Bush and Obama administrations have acknowledged that this is a matter that must be addressed and committed to working with the United States Congress with respect to appropriate statutory measures that would resolve this matter. Moreover, we understand the United States has appeared before the WTO more than twenty times assuring the body that it would honor its obligations and get into compliance. While the WTO and U.S. trading partners have repeatedly pressed the Administration to work with Congress to provide a remedy that would make Section 211 compliant with TRIPS, the U.S. has yet to comply. As the WTO has noted, Section 211 invites arbitrary treatment of U.S. trademarks overseas. It also provides a model for other countries that wish to make it more difficult for U.S. intellectual property holders to protect and enforce their rights abroad. Still, seven years later, the world’s foremost proponent of a rules-based international trading system managed by the WTO—the United States—has not fixed this problem. Section 211 also puts the United States in breach of its obligations under the General Inter-American Convention for Trademark and Commercial Protection, a reciprocal intellectual property agreement signed in 1929 that governs trademark protection between the United States and Cuba to this day, and which gives Cuba the legal opportunity to withdraw the protections it currently provides U.S. trademarks. The Cuban government has threatened in the past to retaliate against American companies with interests in Cuba, jeopardizing trademark protection for over 5,000 U.S. trademarks currently registered in Cuba by more than 400 American companies. Few realize that the United States is the largest supplier of food and agricultural products to the Cuban people, with American companies exporting approximately $500 million in food and agricultural goods each year. For U.S. companies exporting branded foods to the Cuban people, a threat by the Cuban government to retaliate over this issue remains a concern. Any retaliation would, of course, endanger their trademarks as well as the status of other U.S. brand owners’ marks currently registered in Cuba. Lastly, it is fair to add that Section 211 is an invitation to other countries to adopt similar provisions that discriminate against U.S. trademarks on political grounds, thereby endangering U.S. trademarks globally and undermining our status as an international champion of intellectual property protection.

#### U.S. failure to comply with the WTO ruling on Havana Club undermines the credibility of the dispute settlement body.

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

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

#### Only a credibility dispute settlement mechanism prevents rampant protectionism.

**Lawrence**, March **2007** (Robert – Albert L. Williams Professor of International Trade and Investment at the Harvard Kennedy School of Government, The United States and the WTO Dispute Settlement System, p. 5-6)

But this “safety valve” argument is shortsighted. The use of antidumping suits is a game that more than one nation can play: In the absence of the WTO’s dispute settlement tribunals, U.S. trading partners would obstruct U.S. exports by resorting to their own “fair-trade” measures, and U.S. resentment of the trading system would be heightened. Enforceable rules offer the best hope of forestalling a tit-for-tat use of protective barriers that would further contribute to the deterioration of support for trade. In sum, and contrary to what many policymakers suppose, vigorous dispute settlement tribunals make the revival of the Doha Round more likely. The importance of enforceable multilateral rules is evident from the era in which they were absent. The lack of agreed-upon enforcement procedures under the original treaty of the postwar trading system—the General Agreement on Tariffs and Trade (GATT)—engendered considerable U.S. frustration. There were innumerable bilateral conflicts with the European Union over its Common Agricultural Policy (CAP) and with Japan over its closed market. These were extremely difficult to resolve. In response, the United States implemented laws such as Section 301 of the Trade Act of 1974 and the Super 301 provisions of the Omnibus Trade and Competitiveness Act of 1988. These provisions sought to remove “unreasonable and unjustifiable” barriers to U.S. exports by threatening unilateral trade sanctions.3 While these measures met with mixed results, they did help convince other countries of the merits of establishing a more effective system at the WTO, which was created to succeed GATT in 1995.4 The WTO provides more benefits to the United States than GATT did. Its provisions cover more issues that are of interest to the United States: The WTO includes rules on standards and technical barriers to trade; it protects intellectual property; it covers agriculture and services. But the biggest advantage of the WTO is that it includes a mechanism to enforce these rules: the dispute settlement system. This has reduced the need for the United States to resort to unilateral retaliatory measures, limiting an important source of tension between the United States and its partners and so generating a significant foreign-policy dividend. Indeed, it is striking that since the advent of the dispute settlement system, the United States has generally abided by its agreement not to impose unilateral trade sanctions against WTO members without WTO authorization.5 Naturally, the system has not been able to solve all the disputes that have arisen. But it has at least been able to contain the effects of these disputes. By authorizing retaliation but limiting its size, the WTO helps to prevent conflicts in which both parties and the trade system as a whole could be severely damaged. The shift from bilateral to multilateral enforcement helps secure the legitimacy of the trading system and reduces the political costs associated with bilateral dispute settlement. It helps the United States itself keep protectionist impulses at bay. It is also particularly useful for dealing with disputes with America’s largest trading partners, such as the European Union, Japan, China, India, and Brazil, with which the United States has not signed free trade agreements. And yet, despite these considerable strengths, support for the WTO and its dispute settlement system remains fragile. This report describes how that system operates, considers the arguments of its critics, and finally provides some recommendations for improvement.

#### WTO credibility prevents protectionism and trade bloc conflicts.

**Blustein**, 12/7/**2008** (Paul – journalist in residence at the Global Economy and Development Program at the Brookings Institution, Don’t Trade Recession for Depression, Washington Post, p. Lexis-Nexis)

The Doha Round's travails also pose significant risks to the WTO itself. For all its flaws, the WTO is a crucial linchpin of stability in the global economy. It is the current embodiment of the multilateral trading system that was established after World War II to prevent a reversion to the grim days of the 1930s. The WTO's rules keep a lid on the import barriers of its member countries, and members take their trade disputes to WTO tribunals for adjudication rather than engaging in tit-for-tat trade retaliation. The WTO is also the guardian of the "most favored nation" principle, under which member nations pledge to treat one another's products on a nondiscriminatory basis -- a valuable bulwark against trade blocs of the sort that stoked rivalries among the great powers during the '30s. The WTO's centrality to the global trading system is already under some doubt, thanks to the proliferation in recent years of bilateral and regional trade agreements. More than 400 of these are currently in force, ranging from the big and well known (such as NAFTA) to the small and ridiculous (such as the Singapore-Jordan free trade agreement). Governments are increasingly tempted to think of these pacts as reasonable substitutes for multilateralism, especially as disillusionment deepens with the WTO's ability to foster new global deals. Although the WTO is not about to disintegrate overnight, its authority might erode to the point that member nations start to flout their commitments and ignore the rulings of WTO tribunals. That would greatly increase the threat of trade wars and hasten a breakdown in the system that has helped keep trade blocs and protectionism at bay.

#### There’s no alternative to a multilateral trade system --- collapses causes instability and great power conflict.

**Panitchpakdi**, 2/26/**2004** (Supachai – secretary-general of the UN Conference on Trade and Development, American Leadership and the World Trade Organization, p. <http://www.wto.org/english/news_e/spsp_e/spsp22_e.htm>)

The second point is that strengthening the world trading system is essential to America's wider global objectives. Fighting terrorism, reducing poverty, improving health, integrating China and other countries in the global economy — all of these issues are linked, in one way or another, to world trade. This is not to say that trade is the answer to all America's economic concerns; only that meaningful solutions are inconceivable without it. The world trading system is the linchpin of today's global order — underpinning its security as well as its prosperity. A successful WTO is an example of how multilateralism can work. Conversely, if it weakens or fails, much else could fail with it. This is something which the US — at the epicentre of a more interdependent world — cannot afford to ignore. These priorities must continue to guide US policy — as they have done since the Second World War. America has been the main driving force behind eight rounds of multilateral trade negotiations, including the successful conclusion of the Uruguay Round and the creation of the WTO. The US — together with the EU — was instrumental in launching the latest Doha Round two years ago. Likewise, the recent initiative, spearheaded by Ambassador Zoellick, to re-energize the negotiations and move them towards a successful conclusion is yet another example of how essential the US is to the multilateral process — signalling that the US remains committed to further liberalization, that the Round is moving, and that other countries have a tangible reason to get on board. The reality is this: when the US leads the system can move forward; when it withdraws, the system drifts. The fact that US leadership is essential, does not mean it is easy. As WTO rules have expanded, so too has as the complexity of the issues the WTO deals with — everything from agriculture and accounting, to tariffs and telecommunication. The WTO is also exerting huge gravitational pull on countries to join — and participate actively — in the system. The WTO now has 146 Members — up from just 23 in 1947 — and this could easily rise to 170 or more within a decade. Emerging powers like China, Brazil, and India rightly demand a greater say in an institution in which they have a growing stake. So too do a rising number of voices outside the system as well. More and more people recognize that the WTO matters. More non-state actors — businesses, unions, environmentalists, development NGOs — want the multilateral system to reflect their causes and concerns. A decade ago, few people had even heard of the GATT. Today the WTO is front page news. A more visible WTO has inevitably become a more politicized WTO. The sound and fury surrounding the WTO's recent Ministerial Meeting in Cancun — let alone Seattle — underline how challenging managing the WTO can be. But these challenges can be exaggerated. They exist precisely because so many countries have embraced a common vision. Countries the world over have turned to open trade — and a rules-based system — as the key to their growth and development. They agreed to the Doha Round because they believed their interests lay in freer trade, stronger rules, a more effective WTO. Even in Cancun the great debate was whether the multilateral trading system was moving fast and far enough — not whether it should be rolled back. Indeed, it is critically important that we draw the right conclusions from Cancun — which are only now becoming clearer. The disappointment was that ministers were unable to reach agreement. The achievement was that they exposed the risks of failure, highlighted the need for North-South collaboration, and — after a period of introspection — acknowledged the inescapable logic of negotiation. Cancun showed that, if the challenges have increased, it is because the stakes are higher. The bigger challenge to American leadership comes from inside — not outside — the United States. In America's current debate about trade, jobs and globalization we have heard a lot about the costs of liberalization. We need to hear more about the opportunities. We need to be reminded of the advantages of America's openness and its trade with the world — about the economic growth tied to exports; the inflation-fighting role of imports, the innovative stimulus of global competition. We need to explain that freer trade works precisely because it involves positive change — better products, better job opportunities, better ways of doing things, better standards of living. While it is true that change can be threatening for people and societies, it is equally true that the vulnerable are not helped by resisting change — by putting up barriers and shutting out competition. They are helped by training, education, new and better opportunities that — with the right support policies — can flow from a globalized economy. The fact is that for every job in the US threatened by imports there is a growing number of high-paid, high skill jobs created by exports. Exports supported 7 million workers a decade ago; that number is approaching around 12 million today. And these new jobs — in aerospace, finance, information technology — pay 10 per cent more than the average American wage. We especially need to inject some clarity — and facts — into the current debate over the outsourcing of services jobs. Over the next decade, the US is projected to create an average of more than 2 million new services jobs a year — compared to roughly 200,000 services jobs that will be outsourced. I am well aware that this issue is the source of much anxiety in America today. Many Americans worry about the potential job losses that might arise from foreign competition in services sectors. But it’s worth remembering that concerns about the impact of foreign competition are not new. Many of the reservations people are expressing today are echoes of what we heard in the 1970s and 1980s. But people at that time didn’t fully appreciate the power of American ingenuity. Remarkable advances in technology and productivity laid the foundation for unprecedented job creation in the 1990s and there is no reason to doubt that this country, which has shown time and again such remarkable potential for competing in the global economy, will not soon embark again on such a burst of job-creation. America's openness to service-sector trade — combined with the high skills of its workforce — will lead to more growth, stronger industries, and a shift towards higher value-added, higher-paying employment. Conversely, closing the door to service trade is a strategy for killing jobs, not saving them. Americans have never run from a challenge and have never been defeatist in the face of strong competition. Part of this challenge is to create the conditions for global growth and job creation here and around the world. I believe Americans realize what is at stake. The process of opening to global trade can be disruptive, but they recognize that the US economy cannot grow and prosper any other way. They recognize the importance of finding global solutions to shared global problems. Besides, what is the alternative to the WTO? Some argue that the world's only superpower need not be tied down by the constraints of the multilateral system. They claim that US sovereignty is compromised by international rules, and that multilateral institutions limit rather than expand US influence. Americans should be deeply sceptical about these claims. Almost none of the trade issues facing the US today are any easier to solve unilaterally, bilaterally or regionally. The reality is probably just the opposite. What sense does it make — for example — to negotiate e-commerce rules bilaterally? Who would be interested in disciplining agricultural subsidies in a regional agreement but not globally? How can bilateral deals — even dozens of them — come close to matching the economic impact of agreeing to global free trade among 146 countries? Bilateral and regional deals can sometimes be a complement to the multilateral system, but they can never be a substitute.//

There is a bigger danger. By treating some countries preferentially, bilateral and regional deals exclude others — fragmenting global trade and distorting the world economy. Instead of liberalizing trade — and widening growth — they carve it up. Worse, they have a domino effect: bilateral deals inevitably beget more bilateral deals, as countries left outside are forced to seek their own preferential arrangements, or risk further marginalization. This is precisely what we see happening today. There are already over two hundred bilateral and regional agreements in existence, and each month we hear of a new or expanded deal. There is a basic contradiction in the assumption that bilateral approaches serve to strengthen the multilateral, rules-based system. Even when intended to spur free trade, they can ultimately risk undermining it. This is in no one's interest, least of all the United States. America led in the creation of the multilateral system after 1945 precisely to avoid a return to hostile blocs — blocs that had done so much to fuel interwar instability and conflict. America's vision, in the words of Cordell Hull, was that “enduring peace and the welfare of nations was indissolubly connected with the friendliness, fairness and freedom of world trade”. Trade would bind nations together, making another war unthinkable. Non-discriminatory rules would prevent a return to preferential deals and closed alliances. A network of multilateral initiatives and organizations — the Marshal Plan, the IMF, the World Bank, and the GATT, now the WTO — would provide the institutional bedrock for the international rule of law, not power. Underpinning all this was the idea that freedom — free trade, free democracies, the free exchange of ideas — was essential to peace and prosperity, a more just world. It is a vision that has emerged pre-eminent a half century later. Trade has expanded twenty-fold since 1950. Millions in Asia, Latin America, and Africa are being lifted out of poverty, and millions more have new hope for the future. All the great powers — the US, Europe, Japan, India, China and soon Russia — are part of a rules-based multilateral trading system, greatly increasing the chances for world prosperity and peace. There is a growing realization that — in our interdependent world — sovereignty is constrained, not by multilateral rules, but by the absence of rules.

#### WTO key to promote democracies, lower poverty, higher life expectancy, and freedom

Moore 2005

(Mike Moore, a former Prime Minister of New Zealand and WTO Director-General from 1999 to 2002. "Ten Years of the WTO: a success story of global governance." Internationale Politik und Gesellschaft 2 http://library.fes.de/pdf-files/id/ipg/02857.pdf 2005)

The Wto is at the center of the debate about democracy because of its successes, not its failures. More and more countries want to participate. More and more people recognize that the Wto matters. More actors – businesses, trade unions, church groups, environmentalists, development ngos – want the multilateral system to reflect their causes and their concerns. The wto is not a »global government«; but it is a key forum in which governments cooperate globally. It is not a »world democracy« –in the sense of being a government of the world’s people – but it is the most democratic international body in existence today. It provides an answer to perhaps the central political question of our time, concerning how to manage a globalizing world when democracy remains rooted in the nation-state. In a way, the wto – together with an expanding web of other global treaties and agreements – is more interesting than a new layer of government. From trade to the environment, human rights to war crimes, the world is moving towards rules, not power, towards persuasion, not coercion – a world of mutual respect, rights, and freedoms. Institutions for a »Free World« This looks like a brave new world, but its roots can be traced back over half a century. The generation that emerged from the devastation of the Second World war pledged »never again.« They dreamed of creating a new kind of global order based on common and universal values – of law, cooperation, shared prosperity, and individual rights. They launched the Marshall Plan, in which for the first time in modern history the victors rebuilt their former enemies – the opposite of what had happened under the ill-fated Treaty of Versailles. They created a constellation of international institutions that, half a century later, are the bedrock of our global order today: the un, the International Monetary Fund (imf), the World Bank, and the General Agreement on Tariffs and Trade (Gatt), now the Wto. This system was the embodiment of a revolutionary idea: that freedom – free democracies, free markets, the free co-existence of nations and peoples – was the surest guarantee of peace, and that a free world could, in turn, only be built on the foundations of the international rule of law. It is sometimes easy to forget – when even the Cold War is a fading memory – how spectacularly successful that idea has been. The United Nations Development Programme (undp) reminds us that poverty has been reduced more in the past 50 years than in the previous 500. Life expectancy in the developing world has risen by over 20 years, and living standards by 190 percent. Literacy is up 34 percent in China, 33 percent in India, 39 percent in Sub-Saharan Africa, and 41 percent in North Africa. In the first half of the 20th century, there were but a handful of democracies, and the future seemed a contest between the twin totalitarianisms of fascism and communism. By the century’s end, 120 of the 192 governments in the world were electoral democracies. Never before in human history have so many people enjoyed the freedom of the market-place and the ballot box.

#### Effective democracy promotion is crucial to global stability — it solves the root cause of major impacts.

Miller 12 — Paul D. Miller, Assistant Professor in the Department of Regional and Analytical Studies at the College of International Security Affairs at the National Defense University, serves as an Officer in the U.S. Army Reserve and was deployed to Afghanistan in 2002, served as Director for Afghanistan on the National Security Council from 2007 to 2009, served as a political analyst for the Central Intelligence Agency specializing in South Asia, holds a Masters in Public Policy from the John F. Kennedy School of Government at Harvard University and a Ph.D. in International Relations from Georgetown University, 2012 (“American Grand Strategy and the Democratic Peace,” *Survival: Global Politics and Strategy*, Volume 54, Issue 2, Available Online to Subscribing Institutions via Taylor & Francis Online)

A grand strategy that includes promoting the democratic peace has much to recommend it. The historical evidence seems convincing: established democracies rarely, if ever, fight one another. The more states that adopt democracy, the fewer there are that are likely to become enemies of the United States. Additionally, as summarised by Sean M. Lynn Jones, editor of International Security, democracy has a number of other benefits directly helpful for US national security. Democracies are less likely to use violence against their own people and therefore less likely to draw in outside intervention. They rarely sponsor international terrorism. Democracies have better long-run economic prospects, rarely experience famine, and produce fewer refugees than non-democracies, which means they require less international aid, are more likely to trade with and invest in the United States, and are more likely to become centres of innovation and productivity.27

Scholars have offered a range of reasons why democracies rarely fight one another, which collectively suggest that the benefits of democracy are not ephemeral accidents but permanent features of this form of government. Citizens of democracies believe they share values with other democracies, and thus are slower to see other democracies as potential enemies or combatants. Democracy enforces peaceful dispute-resolution domestically, a norm that democratic leaders may simply transplant to the international arena, especially in disputes with other democracies. Institutional considerations are also relevant. Democracies typically constrain the government's war powers through civilian control and checks and balances, making it harder to launch a war. The public, which pays the cost of war in a democracy, is likely to be more selective about the wars it chooses to fight. And democracies are unable to control information about themselves because of the freedoms of speech and press, which decreases misperceptions that could lead to war and, in a militarised dispute, improves the credibility of a democracy's military threats and hence decreases opponents' willingness to gamble on war.28

Promoting democracy also fits naturally with other long-standing components of US grand strategy. Washington has, for example, long sought to prevent the rise of a hostile hegemon in strategically important areas of the world – especially Europe or East Asia – by maintaining a favourable balance of power through military dominance and a network of allies. Preventing hegemony has rightly animated US policy for generations, from its tack-andweave between Britain and France from 1776 to 1815 to its involvement in both World Wars and the Cold War. A commitment to democracy is, in a sense, the corollary to resistance to hegemony, as democratic systems are defined by a diffusion of power among many actors, thus limiting the chances for tyranny. The same holds internationally: the United States should work to keep power diffused among many sovereign states and international organisations to prevent the rise of a hostile, coercive hegemon. Regimes committed to those ideals at home are more likely to apply them abroad, while autocracies are more likely to seek to expand their power at others' expense, both domestically and internationally. The growth of democracy abroad alters the balance of power in the United States' favour. Finally, promoting democracy is well suited to one of the major challenges of the twenty-first century: state failure and its attendant threats. The United States can and should respond to the rising tide of state failure across the world with democratic peace-building interventions. The consequences of state failure and anarchy across much of the world – including the rise of terrorist groups, organised crime, drug cartels, human traffickers, nuclear smugglers, pandemic disease and piracy – collectively erode global stability and liberalism and raise the cost of US leadership. Effective democratic peace-building (meaning peace-building that is well armed, well funded and well planned) is the answer to this challenge. When successful, it holds out the promise not just of treating these various symptoms, but of addressing the disease. The alternative is to play global Whack-a-Mole with the crisis du jour, sniping pirates one day, drone-bombing terrorists or barricading drug cartels into narco-statelets the next. Such policy is reactive, defensive and events-driven, the opposite of what strategy is supposed to be. A grand strategy would complement these immediate, short-term actions to stave off threats with longer-term efforts to address the underlying challenges to stability and democracy.

#### A stronger WTO means a stronger American economy and a stronger global economy, but that is impossible if its power is challenged or ignored

**Lawrence**, March **2007** (Robert – Albert L. Williams Professor of International Trade and Investment at the Harvard Kennedy School of Government, The United States and the WTO Dispute Settlement System, p. 2-4)

The United States likes to think of itself as a nation that abides by its treaties and

commitments. Successive U.S. administrations have taken the obligations implied by

international agreements seriously: They have opted out of parts of many agreements for

fear that compliance would be contrary to U.S. interests, and have refused outright to sign

some treaties on the grounds of potential legal exposure. But U.S. behavior toward the

World Trade Organization is different; in this case, the United States has been quite

willing to accept binding multilateral rules. Yet, the United States has also been

repeatedly judged to be in violation of its WTO commitments by the organization’s

dispute settlement panels, and although some violations could be ascribed to uncertainties

about the meaning of the rules, the United States is also guilty of disregarding the rules

deliberately. Opinion in Congress sometimes encourages this behavior; legislators are

less likely to question the legitimacy of U.S. conduct than to question the WTO’s

authority to pass judgment over the United States. Moreover, these tensions are likely to

escalate if the Doha Round of global trade negotiations breaks down. If the diplomatic

route to market access is blocked, trading partners will seek access to U.S. consumers by

bringing more cases before the WTO’s tribunals. A surge in such cases could increase

resentment of the WTO in the United States, weakening America’s commitment to its

traditional postwar role as the bulwark of the international trading system. This would be

unfortunate, because even without changes in the behavior of its trading partners, the

rules of the WTO improve the performance of the U.S. economy.

U.S. ambivalence toward the WTO starts with an ambivalence toward trade, and

particularly with a misunderstanding of the sources of trade’s benefits. The American

public is quick to grasp the importance of exports, but the gains from trade go well

beyond that. Exporting raises the prices producers can charge for their products and

allows for economies of scale. Importing reduces product prices and increases the choices

available to consumers. Trade also intensifies competition, thereby encouraging firms to

be more productive and innovative. So despite the recent fracturing of the political

consensus in favor of trade, the substantive case for it is accepted by just about every

mainstream economist. According to one recent estimate, U.S. incomes are some 10

percent higher than they would be if the economy were self-sufficient.

But trade cannot deliver prosperity in a vacuum. In a world of nation-states,

moving goods and services across borders may require dealing with a host of

institutional, regulatory, linguistic, legal, cultural, informational, and political factors.

International commerce is therefore more risky and associated with higher transaction

costs than domestic commerce. The existence of rules, and a mechanism for enforcing

them, is crucial to reducing these transaction costs. Firms sinking large investments in

distribution and production need to be sure about the conditions that govern market

access and the regulatory and competitive environments in which they will operate.

Absent that certainty, the full potential of global engagement will not be realized.

Paradoxically, enforceable trade rules are important for the same reason that they

are unpopular. Because trade creates winners and losers, there is always political pressure

to disrupt trade even though its effect on the economy as a whole is positive. Under

competitive conditions, imports provide consumers with benefits in excess of the costs to

domestic producers, but producers often have more political influence. Similarly,

international competition pits firms and workers from different nations against one

another and leads to pressures for national political leaders to assist local producers at the

expense of foreigners. National producers’ pleas for help will be particularly hard to

resist if they can argue that their foreign competitors receive help from their

governments. Under these circumstances, trade rules play a crucial role, both in

restraining protective measures that may directly reduce consumer welfare and in helping

to reassure investors and workers that the system is equitable.

#### Low economic growth causes power imbalances that cause war

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

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

#### Multilateral cooperation prevents great power wars that make extinction inevitable.

**Dyer**, 12/30/**2004** (Gwynne – former senior lecturer in war studies at the Royal Military Academy Sandhurst, The End of War, The Toronto Star, p. Lexis-Nexis)

The "firebreak" against nuclear weapons use that we began building after Hiroshima and Nagasaki has held for well over half a century now. But the proliferation of nuclear weapons to new powers is a major challenge to the stability of the system. So are the coming crises, mostly environmental in origin, which will hit some countries much harder than others, and may drive some to desperation. Add in the huge impending shifts in the great-power system as China and India grow to rival the United States in GDP over the next 30 or 40 years and it will be hard to keep things from spinning out of control. With good luck and good management, we may be able to ride out the next half-century without the first-magnitude catastrophe of a global nuclear war, but the potential certainly exists for a major die-back of human population. We cannot command the good luck, but good management is something we can choose to provide. It depends, above all, on preserving and extending the multilateral system //

that we have been building since the end of World War II. The rising powers must be absorbed into a system that emphasizes co-operation and makes room for them, rather than one that deals in confrontation and raw military power. If they are obliged to play the traditional great-power game of winners and losers, then history will repeat itself and everybody loses.

#### Credible WTO prevents nuclear war.

**Copley News** Service, 12/1/**1999** (Commentary, p. Lexis-Nexis)

For decades, many children in America and other countries went to bed fearing annihilation by nuclear war. The specter of nuclear winter freezing the life out of planet Earth seemed very real. Activists protesting the World Trade Organization's meeting in Seattle apparently have forgotten that threat. The truth is that nations join together in groups like the WTO not just to further their own prosperity, but also to forestall conflict with other nations. In a way, our planet has traded in the threat of a worldwide nuclear war for the benefit of cooperative global economics. Some Seattle protesters clearly fancy themselves to be in the mold of nuclear disarmament or anti-Vietnam War protesters of decades past. But they're not. They're special-interest activists, whether the cause is environmental, labor or paranoia about global government. Actually, most of the demonstrators in Seattle are very much unlike yesterday's peace activists, such as Beatle John Lennon or philosopher Bertrand Russell, the father of the nuclear disarmament movement, both of whom urged people and nations to work together rather than strive against each other. These and other war protesters would probably approve of 135 WTO nations sitting down peacefully to discuss economic issues that in the past might have been settled by bullets and bombs. As long as nations are trading peacefully, and their economies are built on exports to other countries, they have a major disincentive to wage war. That's why bringing China, a budding superpower, into the WTO is so important. As exports to the United States and the rest of the world feed Chinese prosperity, and that prosperity increases demand for the goods we produce, the threat of hostility diminishes. Many anti-trade protesters in Seattle claim that only multinational corporations benefit from global trade, and that it's the everyday wage earners who get hurt. That's just plain wrong. First of all, it's not the military-industrial complex benefiting. It's U.S. companies that make high-tech goods. And those companies provide a growing number of jobs for Americans. In San Diego, many people have good jobs at Qualcomm, Solar Turbines and other companies for whom overseas markets are essential. In Seattle, many of the 100,000 people who work at Boeing would lose their livelihoods without world trade. Foreign trade today accounts for 30 percent of our gross dom estic product. That's a lot of jobs for everyday workers. Growing global prosperity has helped counter the specter of nuclear winter. Nations of the world are learning to live and work together, like the singers of anti-war songs once imagined. Those who care about world peace shouldn't be protesting world trade. They should be celebrating it.

#### Multiple studies prove that the risk of war is less probable in a world of economic interdependence.

**Griswold**, 4/20/**2007** (Daniel – director of the Center for Trade Policy Studies, Trade, Democracy and Peace, p. http://www.freetrade.org/node/681)

A little-noticed headline on an Associated Press story a while back reported, "War declining worldwide, studies say." In 2006, a survey by the Stockholm International Peace Research Institute found that the number of armed conflicts around the world has been in decline for the past half-century. Since the early 1990s, ongoing conflicts have dropped from 33 to 17, with all of them now civil conflicts within countries. The Institute's latest report found that 2005 marked the second year in a row that no two nations were at war with one another. What a remarkable and wonderful fact. The death toll from war has also been falling. According to the Associated Press report, "The number killed in battle has fallen to its lowest point in the post-World War II period, dipping below 20,000 a year by one measure. Peacemaking missions, meanwhile, are growing in number." Current estimates of people killed by war are down sharply from annual tolls ranging from 40,000 to 100,000 in the 1990s, and from a peak of 700,000 in 1951 during the Korean War. Many causes lie behind the good news--the end of the Cold War and the spread of democracy, among them--but expanding trade and globalization appear to be playing a major role in promoting world peace. Far from stoking a "World on Fire," as one misguided American author argued in a forgettable book, growing commercial ties between nations have had a dampening effect on armed conflict and war. I would argue that free trade and globalization have promoted peace in three main ways. First, as I argued a moment ago, trade and globalization have reinforced the trend toward democracy, and democracies tend not to pick fights with each other. Thanks in part to globalization, almost two thirds of the world's countries today are democracies--a record high. Some studies have cast doubt on the idea that democracies are less likely to fight wars. While it's true that democracies rarely if ever war with each other, it is not such a rare occurrence for democracies to engage in wars with non-democracies. We can still hope that has more countries turn to democracy, there will be fewer provocations for war by non-democracies. A second and even more potent way that trade has promoted peace is by promoting more economic integration. As national economies become more intertwined with each other, those nations have more to lose should war break out. War in a globalized world not only means human casualties and bigger government, but also ruptured trade and investment ties that impose lasting damage on the economy. In short, globalization has dramatically raised the economic cost of war.//

The 2005 Economic Freedom of the World Report contains an insightful chapter on "Economic Freedom and Peace" by Dr. Erik Gartzke, a professor of political science at Columbia University. Dr. Gartzke compares the propensity of countries to engage in wars and their level of economic freedom and concludes that economic freedom, including the freedom to trade, significantly decreases the probability that a country will experience a military dispute with another country. Through econometric analysis, he found that, "Making economies freer translates into making countries more peaceful. At the extremes, the least free states are about 14 times as conflict prone as the most free." By the way, Dr. Gartzke's analysis found that economic freedom was a far more important variable in determining a countries propensity to go to war than democracy. A third reason why free trade promotes peace is because it allows nations to acquire wealth through production and exchange rather than conquest of territory and resources. As economies develop, wealth is increasingly measured in terms of intellectual property, financial assets, and human capital. Such assets cannot be easily seized by armies. In contrast, hard assets such as minerals and farmland are becoming relatively less important in a high-tech, service economy. If people need resources outside their national borders, say oil or timber or farm products, they can acquire them peacefully by trading away what they can produce best at home. In short, globalization and the development it has spurred have rendered the spoils of war less valuable. Of course, free trade and globalization do not guarantee peace. Hot-blooded nationalism and ideological fervor can overwhelm cold economic calculations. Any relationship involving human beings will be messy and non-linier. There will always be exceptions and outliers in such complex relationships involving economies and governments. But deep trade and investment ties among nations make war less attractive.

### Solvency

#### Contention Two: Solvency

#### Repealing Section 211 sets a precedent for other countries to follow WTO rulings and trademark abuse

**Pava 2011** (Mindy – Executive Symposium Editor for the Emory International Law Review, J.D. Candidate at Emory University School of Law, The Cuban Conundrum: Proposing an International Trademark Registry for Well-Known Foreign Marks, Emory International Law Review, p. Lexis-Nexis)

With an outright repeal of Section 211, the United States could again prove that it honors its multilateral international agreements. Furthermore, the United States would set a precedent by showing other nations that different nations should honor each other's trademarks - even if the two in question are not allies for other political reasons. n262 Bill Reinsch, president of the National Foreign Trade Council, has called for a full repeal of Section 211 as a means of the United States reasserting itself as an international intellectual property [\*667] leader. //

n263 In testimony before the U.S. Senate Committee on the Judiciary, Reinsch stated that the United States exports the most products, and therefore, has the most to lose if a weak international regime fails to protect trademark rights. n264 ""The U.S. has been the world leader in arguing for intellectual property ... . [Section 211] has destroyed our moral authority.'" n265 Unlike its human rights abuses, Cuba's actions in the intellectual property arena have not resulted in outrage from the international community. Cuba has consistently upheld trademark protections, despite tense political relationships with other nations. Trademarks from U.S. companies have long been honored in Cuba, and the Cuban government has refused to register marks that Cuban companies have applied for that serve as substantially similar versions of U.S. trademarks for Jell-O and Kraft, for example. n266 Despite the embargo, more than five thousand U.S. trademarks have been registered in Cuba, n267 as businesses want their mark protected from trademark pirates and anticipate the ability to do business in Cuba immediately following the embargo's end. n268 Because the United States is the world's intellectual property leader, the nation has the most to lose if other countries decide to violate established trademark practices. The Cuban government has upheld U.S. trademark protections in the past, causing the passage of Section 211 and the Second Circuit's ruling in the Havana Club rum case to anger Fidel Castro. In a May 1999 speech, Castro threatened to create a trademark for a Cuban version of Coke, n269 which he viewed as an infringement of a U.S. trademark in the same way that U.S. companies are authorized to violate established Cuban trademarks such as Havana Club rum and Cohiba cigars. n270 If the Cuban government halted the recognition of U.S. trademarks, Cuba could become a haven for trademark pirates who steal American marks. While Cubans argue that such a move would simply treat U.S. trademarks in the same way that the United States manages marks originating in Cuba, that type of reprisal would be devastating for U.S. businesses because of the substantial profit earned abroad from intellectual property exports.

#### The plan restores WTO credibility completely, unlike a minor reform

**Pava 2011** (Mindy – Executive Symposium Editor for the Emory International Law Review, J.D. Candidate at Emory University School of Law, The Cuban Conundrum: Proposing an International Trademark Registry for Well-Known Foreign Marks, Emory International Law Review, p. Lexis-Nexis)

2. Does Section 211 Erode the United States's International Standing? Since Fidel Castro's ascension to power, U.S. policymakers have considered Cuba a strategic threat. n284 However, no other countries observe the U.S. embargo with Cuba, n285 and the UN General Assembly has voted to condemn the embargo by a substantial margin every year since 1992. n286 At a time when the United States needs as many allies abroad as possible, some have argued that the United States has further isolated itself by deviating from international intellectual property principles in favor of upholding the Cuban embargo

. In passing Section 211 in particular, Bill Reinsch of the National Foreign Trade Council argued that the United States has set a poor standard in telling the rest of the world that limiting trademark protection is appropriate based on solely political reasons. n287 [\*671] Section 211, in effect, we believe, tells the world that it is okay to limit trademark protection in certain obviously political circumstances. There are no doubt a lot of other countries who would welcome that message and would be happy to use it as an excuse to remove trademarks in situations that are politically important to them. This is not a message that we should be sending. n288 Although this Comment is not calling for international agreements to invariably supersede federal law, given that fundamental issues of state sovereignty would be impacted by such an assertion, states should engage in a balancing test. In weighing the loss of reputation and prestige in the international intellectual property community versus the effect on national security in weakening the Cuban embargo, or at least allowing the country to have some level of trademark registration ability within the United States for its well-known marks, the United States has determined that federal law takes precedence over its international obligations. 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 211 n289 - and not the narrow fix that would only rid Section 211 of its discriminatory language n290 - 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 [\*672] States should strongly condemn Cuba's recent human rights abuses, such as the continued imprisonment of political opponents n291 and the hunger-strike death. n292 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.