### 2NC T Overview

#### A topical affirmative must remove a legal prohibition on a production ACTIVITY in the United States- they do not meet this because a) they only disqualify a grounds for a restriction, not the restriction itself and b) they remove ownership barriers, not PRODUCTION

#### Two key pieces of offense: a) a predictable limit- restrictions suck worse than democracy assistance as a topic phrase- limiting to direct prohibitions on activity makes debate manageable and b) it justifies affs that don’t have to increase production because they can just change ownership structure without increasing new production, that guts our common gorund, that’s impacted in the 1NC

#### Indirect restrictions on production creates unpredictable angles—drought relief would be topical

News Herald 8

[staff, “Drought has Burke as parched as kindling”, p. ln//wyo-tjc]

Aug. 24--MORGANTON -- For the first time this year, "exceptional drought" is parching every county in southwest North Carolina, including Burke. Twelve months ago, 12 southwest N.C. counties were in the driest, most-hardhit category, called "D4," on the U.S. Drought Monitor map. Today there are 21 D4 counties in North Carolina. One sixth of the state is suffering the effects of exceptional drought, according to this week's update from the National Drought Mitigation Center. A D4 zone can grow like a cancer, inflicting hardship on farmers, crops and wildlife. It can force restrictions on energy production, because power plants need large amounts of cooling water, and on public water use. Drought degrades the environment and increasing the likelihood of wildfires. It even stresses people's nerves and emotional health. In 2007, exceptional drought started in early August and eventually spread across 78 N.C. counties. The drought gradually eased its grip through the first quarter of 2008.

### 2NC Indirect Violation: Trade Barriers

#### Export and trade restrictions are distinct and separate from restrictions on domestic energy production

Marceau 9

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Professor at the Faculty of Law, University of Geneva, “Global Challenges at the Intersection of Trade, Energy and the Environment”, Conference Draft, 14 October 2009, p. <http://graduateinstitute.ch/webdav/site/ctei/shared/CTEI/events/Energy%20Conf/CTEI_TEE_Marceau.pdf> //wyo-tjc]

1. Export quotas, export taxes, and restrictions on export versus restrictions on production 45. Article XI prohibits export restrictions but does not address production. There are no obligations imposed on Members to extract and produce energy resources, and this is where the difficulties lie, as Members are trying to guarantee their access supplies of petroleum, natural gas, coal and uranium in foreign countries. In fact this is somehow what Members are trying to secure — a guaranteed right to purchase hydrocarbons in particular from other Members. More thinking is needed to find out how to better exploit and share natural resources. (Could we change the traditional principle of sovereignty over natural resources by a principle that deems such resources world common resources or common goods?) However, energy resources are clearly "natural resource" and we are already seeing many of the exporters improve their domestic efficiency in use — in line with the requirements of Article XX(g) of the GATT that can otherwise be invoked to justify import or export restrictions. 46. GATT Article XI does not address the issue of export taxes, which are therefore not prohibited. Economists would, however, argue that, whether in the form of taxes or quotas, export limitations are detrimental to exporting and importing countries. One must wonder whether export taxes can be factually equivalent when at a high enough level.. 47. A very important dispute has been initiated against China's export restrictions on energy goods and natural resources. This dispute should bring some clarity to some of the general issues relating to export restrictions, but also to the specific issue of China’s specific commitments concerning the use of such measures that are regulated in its Protocol of accession.