### Framework

#### [Pratt et al 1] AMERICAN EDUCATION IS BUILT ON A COLONIZING LEGACY – schools prioritize Western knowledge production at the expense of Indigenous thought.

Pratt et al 1 – brackets in original text: Pratt, Yvonne Poitras [The University of Calgary], Dustin Louie [The University of Calgary], Aubrey Hanson [The University of Calgary], Jacqueline Ottmann [University of Saskatchewan]. “Indigenous Education and Decolonization.” *Oxford Research Encyclopedia of Education*, January 2018. CH

Even when explicitly assimilative institutions no longer exist as such—as is the case with Canada’s residential schools—colonizing dynamics can prevail in contemporary schooling. Hegemonic forces such as Eurocentrism, paired with vestigial colonial structures and policies, can persist in marginalizing Indigenous people and perspectives. Jacob et al. (2015) assert that “[s]ome countries such as Vietnam continue to perpetuate active assimilation policies that in many ways threaten indigenous peoples’ ability to preserve their languages, cultures, and identities” (p. 7). In another example, colonial structures in postcolonial contexts in Africa have “impeded the inclusion of bearers of local, indigenous knowledges in formal, institutionalized education” (Dei, 2000, p. 44). Colonization in contemporary schooling can occur at multiple levels despite an ethos of multiculturalism or other inclusive discourses: at the epistemological level of knowledge systems, at the material level of representation, at the discursive level of curriculum, or at the human level of whose bodies are safe and whose experiences are valued. Colonization may occur in the name of integration or “under the disguise of equality,” but ultimately works “to suppress and destroy cultural identities of Indigenous students” (Almeida, 1998, p. 7). Hidden curriculum and the streaming of students into non-academic versus academic programming are two examples of how colonizing dynamics exist in contemporary schooling. The curriculum in formal schooling immerses students into the assumptions and language of the dominant or colonial culture. The “hidden curriculum” includes the “unwritten rules, regulations, standards and expectations that form part of the learning process in schools and classrooms, not specifically taught to students through the planned or open curriculum and the content” (Rahman, 2013, p. 660). The hidden curriculum conveyed through the colonizer’s language reflects dominant worldviews, beliefs, and value systems and informs how the written, mandated curriculum is delivered. Rahman (2013) explains that this hidden curriculum forces Indigenous students to negotiate, and perhaps abandon, their own cultural ways of being and doing within inflexible dominant systems in order to survive in school.

#### [ROJ] The Role of the Judge is to Decolonize Educational Spaces, which means keeping the space open to non-Eurocentric ways of knowing. This is key to any other framework, since we can’t test it if we arbitrarily exclude ways of knowing.

#### [Pratt et al 2] Successful decolonizing demands recognition of how dominant power hierarchies’ function, a necessity for all exploring any non-Western knowledge.

Pratt et al 2: Pratt, Yvonne Poitras [The University of Calgary], Dustin Louie [The University of Calgary], Aubrey Hanson [The University of Calgary], Jacqueline Ottmann [University of Saskatchewan]. “Indigenous Education and Decolonization.” *Oxford Research Encyclopedia of Education*, January 2018. CH

Indigenous education attends to understandings of education that are indigenous to particular lands and places, and “the path and process whereby individuals gain knowledge and meaning from their indigenous heritages” (Jacob, Cheng, & Porter, 2015, p. 3). There are as many unique approaches to Indigenous education as there are diverse Indigenous nations around the globe—yet a central aim is “holistically nurturing future leaders who will be able to speak and act on behalf of their people” (p. 2). In a contemporary context, it is a continuance of Indigenous Knowledges, yet also entails fostering ethical, reciprocal relations between Indigenous and other knowledge systems (Ermine, 2007). Returning to the epistemological and ontological systems of a country’s Indigenous peoples in order to shape educational systems or institutions in that place is a way of Indigenizing education. Indigenous educators also recognize that colonialism continues to shape contemporary schooling: colonial education can exist even when explicitly assimilative systems of formal education have been closed and condemned. Colonial dynamics in contemporary schooling are often less visible because of how deeply and unknowingly educators can be entrenched in hegemonic assumptions, arising from colonial mentalities and further entrenched by dominant structural systems. Indigenous Knowledges are bodies of knowledge that arise from the long-term occupancy of a specific place over time. Such knowledges include “traditional norms and social values [alongside] mental constructs that guide, organize, and regulate the people’s way of living and making sense of their world” (Dei, Hall, & Goldin Rosenberg, 2000, p. 6). Such knowledges arise from the collective experiences and understandings of a people.

They add:

Colonizing is the physical and ideological domination of peoples in order to separate them from their culture and resources, while creating external and internalized assumptions of the supremacy of the colonizer. Conversely, the project of decolonizing challenges and disrupts assumptions of colonial superiority. For Smith (2012), decolonization is the revitalization of the ways of being and knowing prior to colonization, while unearthing the manner in which colonization was achieved. It is not enough to simply reconnect with the past; in order to pursue decolonization, we must also untangle the complex web of internalized oppression created by colonization. Furthermore, decolonization requires the colonizers to recognize and challenge their own socialized presumptions of superiority.

#### [ROB] Thus, the Role of the Ballot is to Endorse the Better Resistance Strategy Against Colonialist Violence.

### A. Links

#### 1. [Bello] Further, the WTO props up U.S. neoliberal heg – reform is the wrong approach – every empiric flow neg.

**Bello:** Bello, Walden [Filipino academic, environmentalist, and social worker who served as a member of the House of Representatives of the Philippines] “Why Reform of the WTO is the Wrong Agenda” *Focus on Trade, No. 43*, December 1999, <https://www.tni.org/my/node/6851>

In the wake of the collapse of the Seattle Ministerial, there has emerged the opinion that reform of the WTO is now the program that NGOs, governments, and citizens must embrace. The collapse of the WTO Ministerial is said to provide a unique window of opportunity for a reform agenda. Cited by some as a positive sign is United States Trade Representative Charlene Barshefsky's comment, immediately after the collapse of the Seattle Ministerial, that the WTO has outgrown the processes appropriate to an earlier time. An increasing and necessary view, generally shared among the members, was that we needed a process which had a greater degree of internal transparency and inclusion to accommodate a larger and more diverse membership'. (1) Also seen as an encouraging gesture is UK Secretary of State for Trade and Industry Stephen Byers' recent statement to Commonwealth Trade Ministers in New Delhi that the WTO will not be able to continue in its present form. There has to be fundamental and radical change in order for it to meet the needs and aspirations of all 134 of its members. (2) These are, in our view, damage control statements and provide little indication of the seriousness about reform of the two governments that were, pre-Seattle, the stoutest defenders of the inequalities built into the structure, dynamics, and objectives of the WTO. It is unfortunate that they are now being cited to convince developing countries and NGOs to take up an agenda of reform that could lead precisely to the strengthening of an organization that is very fundamentally flawed. What civil society, North and South, should instead be doing at this point is radically cutting down the power of the institution and reducing it to simply another institution in a pluralistic world trading system with multiple systems of governance. Does World Trade Need the World Trade Organization? This is the fundamental question on which the question of reform hinges. World trade did not need the WTO to expand 17-fold between 1948 and 1997, from $124 billion to $10,772 billion. (3) This expansion took place under the flexible GATT trade regime. The WTO's founding in 1995 did not respond to a collapse or crisis of world trade such as happened in the 1930's. It was not necessary for global peace, since no world war or trade-related war had taken place during that period. In the seven major inter-state wars that took place in that period-the Korean War of 1950-53, the Vietnam War of 1945-75, the Suez Crisis of 1956, the 1967 Arab-Israeli War, the 1973 Arab-Israeli War, the 1982 Falklands War, and the Gulf War of 1990-trade conflict did not figure even remotely as a cause. GATT was, in fact, functioning reasonably well as a framework for liberalizing world trade. Its dispute-settlement system was flexible and with its recognition of the 'special and differential status' of developing countries, it provided the space in a global economy for Third World countries to use trade policy for development and industrialization. Why was the WTO established following the Uruguay Round of 1986-94? Of the major trading powers, Japan was very ambivalent, concerned as it was to protect its agriculture as well as its particular system of industrial production that, through formal and informal mechanisms, gave its local producers primary right to exploit the domestic market. The EU, well on the way of becoming a self-sufficient trading bloc, was likewise ambivalent, knowing that its highly subsidized system in agriculture would come under attack. Though demanding greater access to their manufactured and agricultural products in the Northern economies, the developing countries did not see this as being accomplished through a comprehensive agreement enforced by a powerful trade bureaucracy but through discrete negotiations and agreements in the model of the Integrated Program for Commodities (IPCs) and Commodity Stabilization Fund agreed upon under the aegis of UNCTAD in the late seventies. The founding of the WTO served primarily the interest of the United States. Just as it was the US which blocked the founding of the International Trade Organization (ITO) in 1948, when it felt that this would not serve its position of overwhelming economic dominance in the post-war world, so it was the US that became the dominant lobbyist for the comprehensive Uruguay Round and the founding of the WTO in late eighties and early nineties, when it felt that more competitive global conditions had created a situation where its corporate interests now demanded an opposite stance. Just as it was the US's threat in the 1950's to leave GATT if it was not allowed to maintain protective mechanisms for milk and other agricultural products that led to agricultural trade's exemption from GATT rules, so was it US pressure that brought agriculture into the GATT-WTO system in 1995. And the reason for Washington's change of mind was articulated quite candidly by then US Agriculture Secretary John Block at the start of the Uruguay Round negotiations in 1986: [The] idea that developing countries should feed themselves is an anachronism from a bygone era. They could better ensure their food security by relying on US agricultural products, which are available, in most cases at much lower cost. (4) Washington, of course, did not just have developing country markets in mind, but also Japan, South Korea, and the European Union. It was the US that mainly pushed to bring services under WTO coverage, with its assessment that the in the new burgeoning area of international services, and particularly in financial services, its corporations had a lead that needed to be preserved. It was also the US that pushed to expand WTO jurisdiction to the so-called 'Trade-Related Investment Measures' (TRIMs) and 'Trade-Related Intellectual Property Rights' (TRIPs) The first sought to eliminate barriers to the system of internal cross-border trade of product components among TNC (transnational corporations) subsidiaries that had been imposed by developing countries in order to develop their industries; the second to consolidate the US advantage in the cutting-edge knowledge-intensive industries.And it was the US that forced the creation of the WTO's formidable dispute-resolution and enforcement mechanism after being frustrated with what US trade officials considered weak GATT efforts to enforce rulings favorable to the US. As Washington's academic point man on trade, C. Fred Bergsten, head of the Institute of International Economics, told the US Senate, the strong WTO dispute settlement mechanism serves US interests because we can now use the full weight of the international machinery to go after those trade barriers, reduce them, get them eliminated. (5) In sum, it has been Washington's changing perception of the needs of its economic interest-groups that have shaped and reshaped the international trading regime. It was not global necessity that gave birth to the WTO in 1995. It was the US's assessment that the interests of its corporations were no longer served by a loose and flexible GATT but needed an all-powerful and wide-ranging WTO. From the free-market paradigm that underpins it, to the rules and regulations set forth in the different agreements that make up the Uruguay Round, to its system of decision-making and accountability, the WTO is a blueprint for the global hegemony of Corporate America. It seeks to institutionalize the accumulated advantages of US corporations. Is the WTO necessary? Yes, to the United States. But not to the rest of the world. The necessity of the WTO is one of the biggest lies of our time, and its acceptance is due to the same propaganda principle practised by Joseph Goebbels: if you repeat a lie often enough, it will be taken as truth. Can the WTO Serve the Interests of the Developing Countries? But what about the developing countries? Is the WTO a necessary structure - one that, whatever its flaws, brings more benefits than costs, and would therefore merit efforts at reform When the Uruguay Round was being negotiated, there was considerable lack of enthusiasm for the process by the developing countries. After all, these countries had formed the backbone of UNCTAD, which, with its system of one-country/one-vote and majority voting, they felt was an international arena more congenial to their interests. They entered the Uruguay Round greatly resenting the large trading powers' policy of weakening and marginalizing UNCTAD in the late seventies and early eighties.Largely passive spectators, with a great number not even represented during the negotiations owing to resource constraints, the developing countries were dragged into unenthusiastic endorsement of the Marrakesh Accord of 1994 that sealed the Uruguay Round and established the WTO. True, there were somedeveloping countries, most of them in the Cairns Group of developed and developing country agro-exporters, that actively promoted the WTO in the hope that they would gain greater market access to their exports, but they were a small minority. To try to sell the WTO to the South, US propagandists evoked the fear that staying out of the WTO would result in a country's isolation from world trade ('like North Korea') and stoked the promise that a 'rules-based system' of world trade would protect the weak countries from unilateral acts by the big trading powers. With their economies dominated by the IMF and the World Bank, with the structural adjustment programs pushed by these agencies having as a central element radical trade liberalization, much weaker as a bloc owing to the debt crisis compared to the 1970's, the height of the 'New International Economic Order', most developing country delegations felt they had no choice but to sign on the dotted line. Over the next few years, however, these countries realized that they had signed away their right to employ a variety of critical trade measures for development purposes. In contrast to the loose GATT framework, which had allowed some space for development initiatives, the comprehensive and tightened Uruguay Round was fundamentally anti-development in its thrust. This is evident in the following: Loss of Trade Policy as Development Tool In signing on to GATT, Third World countries were committed to banning all quantitative restrictions on imports, reduce tariffs on many industrial imports, and promise not to raise tariffs on all other imports. In so doing, they have effectively given up the use of trade policy to pursue industrialization objectives. The way that the NICs, or 'newly industrializing countries', made it to industrial status, via the policy of import substitution, is now effectively removed as a route to industrialization. The anti-industrialization thrust of the GATT-WTO Accord is made even more manifest in the Agreement on Trade-Related Investment Measures (TRIMs) and the Agreement on Trade-Related Intellectual Property Rights (TRIPs). In their drive to industrialize, NICs like South Korea and Malaysia made use of many innovative mechanisms such as trade-balancing requirements that tied the value of a foreign investor's imports of raw materials and components to the value of his or her exports of the finished commodity, or 'local content' regulations which mandated that a certain percentage of the components that went into the making of a product was sourced locally. These rules indeed restricted the maneuvering space of foreign investors, but they were successfully employed by the NICs to marry foreign investment to national industrialization. They enabled the NICs to raise income from capital-intensive exports, develop support industries, bring in technology, while still protecting local entrepreneurs' preferential access to the domestic market. In Malaysia, for instance, the strategic use of local content policy enabled the Malaysians to build a 'national car', in cooperation with Mitsubishi, that has now achieved about 80 per cent local content and controls 70 per cent of the Malaysian market. Thanks to the TRIMs accord, these mechanisms used are now illegal. The Restriction of Technological Diffusion Like the TRIMs agreement, the TRIPs regime is seen as effectively opposed to the industrialization and development efforts of Third World countries. This becomes clear from a survey of the economic history not only of the NICs but of almost all late-industrializing countries. A key factor in their industrial take-off was their relatively easy access to cutting-edge technology: The US industrialized, to a great extent by using but paying very little for British manufacturing innovations, as did the Germans. Japan industrialized by liberally borrowing US technological innovations, but barely compensating the Americans for this. And the Koreans industrialized by copying quite liberally and with little payment US and Japanese product and process technologies. But what is 'technological diffusion' from the perspective of the late industrializer is 'piracy' from that of the industrial leader. The TRIPs regime takes the side of the latter and makes the process of industrialization by imitation much more difficult from hereon. It represents what UNCTAD describes as 'a premature strengthening of the intellectual property system... that favors monopolistically controlled innovation over broad-based diffusion'. (6) The TRIPs regime provides a generalized minimum patent protection of 20 years; increases the duration of the protection for semi-conductors or computer chips; institutes draconian border regulations against products judged to be violating intellectual property rights; and places the burden of proof on the presumed violator of process patents. The TRIPs accord is a victory for the US high-tech industry, which has long been lobbying for stronger controls over the diffusion of innovations. Innovation in the knowledge-intensive high-tech sector - in electronic software and hardware, biotechnology, lasers, opto-electronics, liquid crystal technology, to name a few - has become the central determinant of economic power in our time. And when any company in the NICs and Third World wishes to innovate, say in chip design, software programming, or computer assembly, it necessarily has to integrate several patented designs and processes, most of them from US electronic hardware and software giants like Microsoft, Intel, and Texas Instruments. (7) As the Koreans have bitterly learned, exorbitant multiple royalty payments to what has been called the American 'high tech mafia' keeps one's profit margins very low while reducing incentives for local innovation. The likely outcome is for a Southern manufacturer simply to pay royalties for a technology rather than to innovate, thus perpetuating the technological dependence on Northern firms.Thus, TRIPs enables the technological leader, in this case the United States, to greatly influence the pace of technological and industrial development in rival industrialized countries, the NICs, and the Third World. Watering Down the 'Special and Differential Treatment' Principle The central principle of UNCTAD (United Nations Conference on Trade and Development) - an organization disempowered by the establishment of the WTO - is that owing to the critical nexus between trade and development, developing countries must not be subjected to the same expectations, rules, and regulations that govern trade among the developed countries. Owing to historical and structural considerations, developing countries need special consideration and special assistance in leveling the playing field for them to be able to participate equitably in world trade. This would include both the use of protective tariffs for development purposes and preferential access of developing country exports to developed country markets. While GATT was not centrally concerned with development, it did recognize the 'special and differential status' of the developing countries. Perhaps the strongest statement of this was in the Tokyo Round Declaration in 1973, which recognized the importance of the application of differential measures in developing countries in ways which will provide special and more favourable treatment for them in areas of negotiation where this is feasible. (8) Different sections of the evolving GATT code allowed countries to renegotiate tariff bindings in order to promote the establishment of certain industries; allowed developing countries to use tariffs for economic development and fiscal purposes; allowed them to use quantitative restrictions to promote infant industries; and conceded the principle of non-reciprocity by developing countries in trade negotiation. (9) The 1979 Framework Agreement known at the Enabling Clause also provided a permanent legal basis for General System of Preferences (GSP) schemes that would provide preferential access to developing country exports. (10) A significant shift occurred in the Uruguay Round. GSP schemes were not bound, meaning tariffs could be raised against developing country until they equaled the bound rates applied to imports for all sources. Indeed, during the negotiations, the threat to remove GSP was used as a form of bilateral pressure on developing countries. (11) SDT was turned from a focus on a special right to protect and special rights of market access to one of responding to special adjustment difficulties in developing countries stemming from the implementation of WTO decisions. (12) Measures meant to address the structural inequality of the trading system gave way to measures, such as a lower rate of tariff reduction or a longer time frame for implementing decisions, which regarded the problem of developing countries as simply that of catching up in an essentially even playing field. STD has been watered down in the WTO, and this is not surprising for the neoliberal agenda that underpins the WTO philosophy differs from the Keynesian assumptions of GATT: that there are no special rights, no special protections needed for development. The only route to development is one that involves radical trade (and investment) liberalization. Fate of the Special Measures for Developing Countries Perhaps the best indicators of the marginal consideration given to developing countries in the WTO is the fate of the measures that were supposed to respond to the special conditions of developing countries. There were three key agreements which promoters of the WTO claimed were specifically designed to meet the needs of the South: The Special Ministerial Agreement approved in Marrakesh in April 1994, which decreed that special compensatory measures would be taken to counteract the negative effects of trade liberalization on the net food-importing developing countries; The Agreement on Textiles and Clothing, which mandated thart the system of quotas on developing country exports of textiles and garments to the North would be dismantled over ten years; The Agreement on Agriculture, which, while 'imperfect', nevertheless was said to promise greater market access to developing country agricultural products and begin the process of bringing down the high levels of state support and subsidization of EU and US agriculture, which was resulting in the dumping of massive quantities of grain on Third World markets. What happened to these measures? The Special Ministerial Decision taken at Marrakesh to provide assistance to 'Net Food Importing Countries' to offset the reduction of subsidies that would make food imports more expensive for the 'Net Food Importing Countries' has never been implemented. Though world crude prices more than doubled in 1995/96, the World Bank and the IMF scotched an idea of any offsetting aid by arguing that the price increase was not due to the Agreement on Agriculture, and besides there was never any agreement anyway on who would be responsible for providing the assistance. (13) The Agreement on Textiles and Clothing committed the developed countries to bring under WTO discipline all textile and garment imports over four stages, ending on January 1, 2005. A key feature was supposed to be the lifting of quotas on imports restricted under the Multifiber Agreement (MFA) and similar schemes which had been used to contain penetration of developed country markets by cheap clothing and textile imports from the Third World. Developed countries retained, however, the right to choose which product lines to liberalize when, so that they first brought mainly unrestricted products into the WTO discipline and postponed dealing with restricted products till much later. Thus, in the first phase, all restricted products continued to be under quota, as only items where imports were not considering threatening-like felt hats or yarn of carded fine animal hair - were included in the developed countries' notifications. Indeed, the notifications for the coverage of products for liberalization on January 1, 1998 showed that even at the second stage of implementation only a very small proportion" of restricted products would see their quotas lifted. (14) Given this trend, John Whalley notes that the belief is now widely held in the developing work that in 2004, while the MFA may disappear, it may well be replaced by a series of other trade instruments, possibly substantial increases in anti-dumping duties. (15) When it comes to the Agreement on Agriculture, which was sold to developing countries during the Uruguay Round as a major step toward providing market access to developing country imports and bringing down the high levels of domestic support for first world farming interests that results in dumping of commodities in third world markets, little gains in market access after five years into developed country markets have been accompanied by even higher levels of overall subsidization-through ingenious combinations of export subsidies, export credits, market support, and various kinds of direct income payments. The figures speak for themselves: the level of overall subsidization of agriculture in the OECD countries rose from $182 billion in 1995 when the WTO was born to $280 billion in 1997 to $362 billion in 1998! Instead of the beginning of a New Deal, the AOA, in the words of a former Philippine Secretary of Trade, has perpetuated the unevenness of a playing field which the multilateral trading system has been trying to correct. Moreover, this has placed the burden of adjustment on developing countries relative to countries who can afford to maintain high levels of domestic support and export subsidies. (16) The collapse of the agricultural negotiations in Seattle is the best example of how extremely difficult it is to reform the AOA. The European Union opposed till the bitter end language in an agreement that would commit it to 'significant reduction' of its subsidies. But the US was not blameless. It resolutely opposed any effort to cut back on its forms of subsidies such as export credits, direct income for farmers, and 'emergency' farm aid, as well as any mention of its practice of dumping products in developing country markets. Oligarchic Decision-Making as a Central, Defining Process Is the system of WTO decisionmaking reformable? While far more flexible than the WTO, the GATT was, of course, far from perfect, and one of the bad traits that the WTO took over from it was the system of decision-making. GATT functioned through a process called 'consensus'. Now consensus responded to the same problem that faced the IMF and the World Bank's developed country members: how to assure control at a time that the numbers gave the edge to the new countries of the South. In the Fund and the Bank, the system of decision-making evolved had the weight of a country's vote determined by the size of its capital subscriptions, which gave the US and the other rich countries effective control of the two organizations. In the GATT, a one-country one-vote system was initially tried, but the big trading powers saw this as inimical to their interests. Thus, the last time a vote was taken in GATT was in 1959. (17) The system that finally emerged was described by US economist Bergsten as one that does not work by voting. It works by a consensus arrangement which, to tell the truth, is managed by four - the Quads: the United States, Japan, European Union, and Canada.(18) He continued: Those countries have to agree if any major steps are going to be made, that is true. But no votes. (19) Indeed, so undemocratic is the WTO that decisions are arrived at informally, via caucuses convoked in the corridors of the ministerials by the big trading powers. The formal plenary sessions, which in democracies are the central arena for decision-making, are reserved for speeches. The key agreements to come out of the first and second ministerials of the WTO-the decision to liberalize information technology trade taken at the first ministerial in Singapore in 1996 and the agreement to liberalize trade in electronic commerce arrived at in Geneva in 1998-were all decided in informal backroom sessions and simply presented to the full assembly as faits accompli. Consensus simply functioned to render non-transparent a process where smaller, weaker countries were pressured, browbeaten, or bullied to conform to the 'consensus' forged among major trading powers. With surprising frankness, at a press conference in Seattle, US Trade Representative Charlene Barshefsky, who played the pivotal role in all three ministerials, described the dynamics and consequences of this system of decision-making: The process, including even at Singapore as recently as three years ago, was a rather exclusionary one. All meetings were held between 20 and 30 keycountries...And that meant 100 countries, 100, were never in the room... [T]his led to an extraordinarily bad feeling that they were left our of the process and that the results even at Singapore had been dictated to them by the 25 or 30 privileged countries who were in the room. (20) Then, after registering her frustration at the WTO delegates' failing to arrive at consensus via supposedly broader 'working groups' set up for the Seattle ministerial, Barshefsky warned delegates: ...[I] have made very clear and I reiterated to all ministers today that, if we are unable to achieve that goal, I fully reserve the right to also use a more exclusive process to achieve a final outcome. There is no question about either my right as the chair to do it or my intention as the chair to do it.... (21) And she was serious about ramming through a declaration at the expense of non-representativeness, with India, one of the key developing country members of the WTO, being routinely excluded from private talks organized by the United States in last ditch efforts to come up with a face-saving deal. (22) In damage-containment mode after the collapse of the Seattle Ministerial, Barshefsky, WTO Director General Mike Moore, and other rich country representatives have spoken about the need for WTO 'reform'. But none have declared any intention of pushing for a one-county/one-vote majority decision-making system or a voting system weighted by population size, which would be the only fair and legitimate methods in a democratic international organization. The fact is, such mechanisms will never be adopted, for this would put the developing countries in a preponderant role in terms of decision-making. Should One Try to Reform a Jurassic Institution? Reform is a viable strategy when the system is question is fundamentally fair but has simply been corrupted such as the case with some democracies. It is not a viable strategy when a system is so fundamentally unequal in purposes, principles, and processes as the WTO. The WTO systematically protects and the trade and economic advantages of the rich countries, particularly the United States. It is based on a paradigm or philosophy that denigrates the right to take actvist measures to achieve development on the part of less developed countries, thus leading to a radical dilution of their right to 'special and differntial treatment'. The WTO raises inequality into a principle of decisionmaking.The WTO is often promoted as a 'rules-based' trading framework that protects the weaker and poorer countries from unilateral actions by the stronger states. The opposite is true: the WTO, like many other multilateral international agreements, is meant to instututionalize and legtimize inequality. Its main purpose is to reduce the tremendous policing costs to the stronger powers that would be involved in disciplining many small countries in a more fluid, less structured international system. It is not surprising that both the WTO and the IMF are currently mired in a severe crisis of legitimacy. For both are highly centralized, highly unaccountable, highly non-transparent global institutions that seek to subjugate, control, or harness vast swathes of global economic, social, political, and environmental processes to the needs and interests of a global minority of states, elites, and TNCs. The dynamics of such institutions clash with the burgeoning democratic aspirations of peoples, countries, and communities in both the North and the South. The centralizing dynamics of these institutions clash with the efforts of communities and nations to regain control of their fate and achieve a modicum of security by deconcentrating and decentralizing economic and political power. In other words, these are Jurassic institutions in an age of participatory political and economic democracy.

### B. Impact

#### [Vats] And asserting the idea of intellectual property as a universal conception that can be waived by the WTO recreates aspects of settler colonialism.

**Vats:** Vats, Anjali Sunay. [Chair of the Supervisory Committee Associate Professor Ralina Joseph Department of Communication] “Rhetorics of Race and Resistance in Intellectual Property Law” *University of Washington,* 2013. JP

At a broader level, the narrative of yoga piracy I have outlined here interrupts one of the most powerful narratives of American colonialism, namely the Doctrine of Discovery. First year law students almost universally begin their study of property law with case of Johnson v. M’Intosh, in which Chief Justice John Marshall sets forth the prevailing theory of Western and 143 indigenous land ownership. The case involved a dispute between two men over the title to a tract of land in present day Illinois. Thomas Johnson had purchased the land from the Piankeshaw Indians while William M’Intosh had purchased it from the federal government. Upon discovering the double land ownership, Johnson attempted to enforce his title. Chief Justice Marshall wrote the opinion which unanimously found that indigenous peoples may not sell their lands because they do not hold title to it—as uncivilized peoples with no system of property ownership, they hold only a right of occupancy**. Moreover, colonizers may assume title to any land they discover because “discovery gave title to the government by whose subjects, or by whose authority, it was made, against all other European governments, which title might be consummated by possession**.”382 **There also exists an implicit corollary to the Doctrine of Discovery in the realm of intellectual property: traditional knowledge is perceived as unrefined and undeveloped information, not yet transformed into an intellectual work. Like land in which indigenous peoples only hold a right of occupancy, traditional knowledge is treated as a disorganized space which must be tamed and honed by Western science.** The association of racial Otherness with disorder and chaos, of course, is a longstanding thread of colonial discourse which has historically justified violent and appropriate interventions. As Halbert writes, the encounters of Westerners with traditional knowledge were “quickly obscured by the fiction of colonial superiority and the original genius of the Western scientist and explorer.”383 The idea of yoga piracy moves beyond the realm of “scientific colonialism”384 and biopiracy, focusing instead on forms of cultural knowledge which do not neatly fit into intellectual property’s preordained categories**. In short, traditional knowledge extends far beyond the scientific and technical—the term yoga piracy forces contemplation, in specific terms, of the contributions of racial Others to the cultural and spiritual landscape of the world.** Unlike the commonly used terms of art of “folklore” and “cultural property,” which refer to traditional music, dance, arts, history, mythology, designs and symbols, and traditional handicrafts, among other items, yoga piracy speaks in a parlance familiar to Western scholars, makinganimplicitclaimoftheftagainstaparticularformoftraditionalknowledge. AsGraham Dutfield of the International Center for Trade and Sustainable Development and United Nations Conference on Trade and Development observes: In the West, folklore is understood differently, because traditional knowledge and art forms no longer constitute an integral part of most people’s lives, and may even be considered archaic…It may be difficult, then, for members of western (and westernized) cultures to appreciate the importance of folklore in the lives of indigenous peoples.385

### C. Alternative

#### [Flowers] Thus, the alternative is to utilize the methodology of Indigenous refusal politics, which requires settler opposition to violence against Indigenous people. This directly rejects states’ actions while respecting Indigenous protest movements.

**Flowers:** Flowers, Rachel. [University of Victoria, Political Science] “Refusal to forgive: Indigenous women’s love and rage” *Decolonization: Indigeneity, Education & Society* Vol. 4, No. 2, 2015, pp. 32-49, 2015. AZ

**In our struggles of freedom it** i**s essential that we maintain a treaty-like relationship wherein Indigenous peoples and settlers are** linked together **but neither interferes in the matters of the other. When the state interferes in our business, then it** i**s the obligation of settler** subject**s to oppose the misconduct of their government. Not for *our* benefit, but because that is what it means to live lawfully in a treaty relationship. In this way, settlers are n**o**t obliged to “co-resist” with Indigenous peoples, but rather, to uphold the integrity of a nation-to-nation relationship. Until the settler can imagine alternatives to relations of domination-subordination framed as “co- existence”, put those changes into practice and sustain them, Indigenous peoples need not entertain their fantasies or sympathies.** Are settlers willing to relinquish their privilege? Certainly some settlers oppose their own government and its colonial policy because they can recognize it as such. The politics of recognition is predominantly attentive to the desire of the master (colonizer) to gain recognition as an essential “being-for-itself” but is only recognized by the dependent and unessential consciousness of the slave (colonized), which isn’t really recognition at all (Coulthard, 2014). As Coulthard (2014) notes, in settler colonial contexts such as Canada, the state (master) does not need or desire the recognition of the colonized (slave) but rather our lands, resources, and labor (p. 39). How does this understanding of the politics of recognition shift if we conceive of settlers as colonial subjects who do desire recognition by the colonized?