### 1

#### Successful TRIPS COVID waiver is critical to all future WTO credibility – the entire organization rests on this decision

Kanth 21, D Ravi Kanth is a columnist and commentator on global trade issues. Since 1986, he had worked for the Press Trust of India (PTI), and several newspapers - Indian Post, Independent, The Economic Times, and Business Standard - in New Delhi. Ravi wrote extensively on the Uruguay Round negotiations in The Economic Times and Business Standard, Asia Times, and BNA where he broke several major news stories. He covered the Marrakesh ministerial meeting that established the WTO in 1994. At the invitation of SUNS (South North Development Monitor), Ravi moved to Geneva in 1998. He wrote news stories and op-eds on the developments at the WTO in Deccan Herald (Bangaluru), the World Trade Agenda (Geneva), the Economic and Political Weekly (EPW), Business Standard (India), Mint (India) and SUNS (Geneva). His reports in Washington Trade Daily are source of information on the happenings within the closed-door meetings of the WTO for delegations, since 2000. “South countries warn credibility of WTO hangs in balance at MC12”, TWN Info Service on WTO and Trade Issues (Jul21/23), Third World Network, 27 July 2021, Published in SUNS #9395 dated 27 July 2021, <https://www.twn.my/title2/wto.info/2021/ti210723.htm>, accessed 8/31/21, sb

Geneva, 26 Jul (D. Ravi Kanth) – Trade envoys from many developing countries on 23 July warned that the credibility of the World Trade Organization hangs in the balance at the 12th ministerial conference (MC12) if it fails to deliver on the mandated issues and on the temporary TRIPS waiver aimed at halting the increasing scale of deaths worldwide due to the COVID-19 pandemic, said people familiar with the development. At an informal Doha Trade Negotiations Committee (TNC) meeting on 23 July, the United States, the European Union, and other developed countries drew their “red-lines” on delivering outcomes on the permanent solution for public stockholding programs for food security (PSH), special safeguard mechanism (SSM), and other mandated issues. The US maintained that “there is little scope for negotiated outcomes.” It cautioned against a host of new work plans and working groups on which there is little chance of consensus. Significantly, the US shot down the director-general Ms Ngozi Okonjo-Iweala’s proposed $20 million plan to establish a WTO fund for technical assistance and capacity-building. The EU, which is a strong supporter of the proposed WTO fund, admitted that there are significant gaps in all areas, and called for focused work after the summer break (which takes place in the month of August). The group of developed countries advanced the agenda of plurilateralization of the WTO, with Australia and other members suggesting that they are on the verge of striking an agreement on the Joint Statement Initiative (JSI) on domestic regulation in services, as well as on digital trade, said people familiar with the development. In sharp contrast, the developing countries, including Indonesia, South Africa, India, the ACP (African, Caribbean and Pacific) Group, Barbados on behalf of the CARICOM (Caribbean Community), and the least-developed countries (LDCs) raised their specific concerns regarding what they viewed as an “imbalanced” fisheries subsidies text. They also highlighted the outstanding and unresolved issues in their proposed inclusive and developmental agenda. TNC MEETING SHARPLY POLARIZED The informal TNC meeting was convened to discuss what needs to be accomplished at MC12, to be held in four months’ time in Geneva. There is little common ground, nor convergence, on any of the “deliverables” such as on fisheries subsidies, agriculture, the proposed WTO reforms, special and differential treatment (S&DT), and on the WTO’s response to the COVID-19 pandemic, said people familiar with the meeting. “EXAGGERATED OPTIMISM” Commenting on the somewhat hyperbolic comments made by the WTO director-general (DG) during the press conference after the 15 July ministerial meeting on fisheries subsidies, Russia cautioned her about the dangers of “exaggerated optimism” and how “harmful” and artificially exaggerated expectations of success could undermine MC12. A seemingly aggrieved DG said that “I have to come back directly to optimism and exaggerated optimism” expressed by Russia, saying that her concluding statements were put out on the WTO’s website. Ms Okonjo-Iweala stated that she merely said that ministers have a basis to discuss the text, and that she did not say that they blessed the text, said people familiar with the development. The DG said she cannot be held responsible for the media reports (see SUNS #9390 dated 19 July 2021). However, the claims made by the DG and the chair of the Doha fisheries subsidies negotiations about ministers having agreed to the full text were displayed on YouTube. In her opening statement at the TNC meeting, Ms Okonjo-Iweala urged members to identify “two, three or four areas that we should focus our attention on from now through MC12”. “Either we continue to bring everything to the table, or we see what we can realistically achieve. To the extent we are on the same page, with a shared game plan, the likelier we are to get to meaningful outcomes,” she said. The DG acknowledged that “a lot of gaps remain to be bridged” on the draft negotiating text. She called on trade envoys to operate “with the E.N.D. in mind – Engage, Negotiate and Deliver.” Commenting on the high-level dialogue convened by the WHO-WTO with Big Pharma on 21 July, she said the participants discussed several issues, including the stark and enduring inequities in vaccine access. She said that only 1.5% of people in Africa are vaccinated and a mere 0.3% of people in low-income countries, compared to over 42% in developed countries. She expressed confidence in the General Council-appointed facilitator New Zealand Ambassador David Walker’s work on bringing members’ various pandemic-related proposals into a potential agreement. The DG said that “a WTO framework covering issues such as supply chain openness and monitoring, increased investment in production and intellectual property would be a valuable complement to governments’ ongoing attempts to put in place financing and governance arrangements to be better prepared for future pandemics.” “This is an area where we need to have an outcome not only for now but for the future,” she said. Concerning the TRIPS waiver discussions, she underscored the need to “move with a sense of urgency – people’s lives are at stake”. In the same breadth, the DG expressed hope that delegations would look at the continuum from additional flexibilities to compulsory licences, voluntary licences, waivers and other intellectual property options and make enough progress by the end of July to provide a sense of what might be achievable. Effectively, she chose to confound the options for the WTO’s response to the pandemic, said several people, who asked not to be quoted. “The outside world expects us to come up with a practical and forward-looking solution to these issues,” the DG said. She also spoke about the need to make progress on the G90 proposals to make special and differential treatment simple and effective, as well as on agriculture and WTO reforms. At the meeting, the chairs of the negotiations on fisheries subsidies, S&DT improvements, and agriculture made their respective reports. “A positive conclusion of the fisheries subsidies negotiations is within reach,” said Ambassador Santiago Wills from Colombia, the chair of these negotiations. He suggested that members have two options: act according to comfort zone of failure or working boldly with responsibility. Ambassador Wills said members must work with the second option. Without mentioning the Joint Statement Initiatives, the DG referred to the advanced discussions on micro, small and medium-sized enterprises (MSMEs), trade and gender, e-commerce, trade and environment issues, services domestic regulation, and investment facilitation. DEVELOPMENTAL AGENDA FOR MC12 In sharply nuanced statements, the developing countries highlighted their inclusive and developmental agenda. Indonesia’s trade envoy Ambassador Syamsul Bahri Siregar drove home a strong message for an urgent solution on the TRIPS waiver, citing the devastating pandemic in his country. He said that options like export restrictions, removing impediments in global value chains, and voluntary licensing agreements may not yield the anticipated results like the temporary TRIPS waiver. On fisheries subsidies, Ambassador Siregar said members need to do much work because the draft consolidated text issued by the chair Ambassador Wills is “imbalanced” and “much work needs to be done to resolve imbalances and other technical issues to move forward with the negotiations.” Ambassador Siregar argued that “respecting the principle of common but differentiated responsibility in this discipline is a key ingredient to achieve a balanced discipline.” Ambassador Siregar called for outcomes on the critically mandated issues such as the permanent solution for public stockholding programs for food security and special safeguard mechanism. Commenting on the 1998 e-commerce work program, he said Indonesia strongly believes that “the outcome on the e-commerce moratorium at MC12 will depend on our ability to clarify the scope and definition of electronic transmissions.” He said the pandemic has created massive fiscal and economic crises that compels members to have a fresh look on the moratorium and its impact on customs duties. According to an UNCTAD study in 2019, the loss of revenue suffered by the developing countries due to the moratorium on customs duties on e-commerce is to the tune of $10 billion annually. SOUTH AFRICA CALLS FOR RESOLUTION OF OUTSTANDING ISSUES In a nuanced statement, South Africa emphasized on the resolution of long-outstanding issues, particularly the need to deliver on “the WTO developmental imperatives.” It reiterated that “the development agenda from which the TNC derives its mandate should remain the cornerstone of our work towards MC12.” South Africa said the “vaccine inequity is resulting in a two-track recovery process”, with low economic growth of 2.1% in African countries. South Africa’s trade envoy Ambassador Xolelwa Mlumbi-Peter said that “the hardest hit are resource-dependent regions of Africa.” She said that “Africa must build better by prioritizing health outcomes and economic recovery that is centered on structural transformation.” She said that “the long-outstanding issues must remain the focus for the membership and the Secretariat if we are to achieve the Ministerial mandates and deliver on the WTO developmental imperatives.” Given the economic and social crises following the pandemic, South Africa said that “the road to recovery is going to be difficult.” “To get meaningful and credible outcomes at MC12, we must get our priorities right,” she said. TRIPS WAIVER & PEOPLE-CENTRED APPROACH Ambassador Xolelwa said that “for South Africa, the WTO response to COVID-19 is key,” while expressing disappointment that members “are still not in solution mode in the text-based negotiations on the TRIPS Waiver.” She said the TRIPS waiver “is a necessary temporary, targeted and proportionate component for any outcome on a WTO response to COVID-19.” Ambassador Xolelwa reiterated that “the cost of inaction by the WTO is measured in human lives.” She underscored the need to “move beyond ideological debates towards a balanced outcome underpinned by a people-centered approach.” To make progress, she said members “must focus on (i) how to come up with a Waiver that addresses the interests and concerns of all, and (ii) get out of the binary between the Waiver and the EU CL [compulsory license] proposal.” Ambassador Xolelwa said “the two are not substitutes but contribute from different perspectives and should both be welcomed with a view to finding landing zones on both.” She emphasized that “a WTO response to COVID-19 is fundamental to a meaningful outcome at MC12.” “The credibility of the outcome will be judged on the basis of whether it is boosting and diversifying production across the world,” she emphasized. On agriculture, she said members “need to work on a food security and livelihoods package and in this regard, our views are well articulated in the submissions that the African Group recently tabled.” South Africa said the outcome at MC12 “cannot be limited to transparency and a work programme.” She said South Africa “will continue to advocate for substantial reform of Trade Distorting Domestic Support, including on Cotton, as well as PSH and SSM.” She said that S&DT “must be integral to any outcome on agriculture, and must preserve policy space, including under Art 6.2.” (Under Article 6.2 of the WTO’s Agreement on Agriculture, developing countries are allowed to continue to provide input and irrigation subsidies.) Commenting on the fisheries subsidies negotiations, she said “the Chair’s text could form basis of an outcome but remains unbalanced in respect of various elements.” Ambassador Xolelwa said, “in order to make progress, the text needs to be re-configured to more closely align to the mandate to address harmful subsidies and to provide appropriate SDT.” She said the “flexibilities provided to big subsidizers under the sustainability approach is extraordinarily wide, while SDT flexibilities that are mandated are narrow in application.” “Common but differentiated responsibility is going to be critical,” she said, adding that “the disciplines must target large-scale fishing and the biggest subsidizers must take the greatest responsibility.” On special and differential treatment, she said members “must preserve the principles that underpin the WTO both in terms of consensus decision making and S&D,” arguing that “multilateralism is important now more than ever.” She emphasized that S&D “is a treaty embedded right and remains important in ensuring fair and equitable outcomes in the WTO.” She urged the chair of the Doha Committee on Development Ambassador K. Hassan of Djibouti to “deliver on its mandate on the G90 ASPs (agreement-specific proposals) if we are to move forward.” She expressed concern about the lack of constructive engagement on the G90’s agreement-specific proposals, suggesting that “the level of ambition cannot be lowered further.” Commenting on development, South Africa reaffirmed “the importance of implementing WTO Ministerial and GC Decisions, that keep development at the centre of the work program.” On e-commerce, she said that “the multilaterally mandated work is the work programme and the outcome on the e-commerce moratorium at MC12 will depend on clarifications with regard to the scope and definition of ET (electronic transmissions).” She also reiterated South Africa’s position “on the TRIPS NVC moratorium.” She expressed concern over “the dysfunctionality of the Appellate Body (AB)”, saying that it remains a concern. South Africa said that “MC12 must agree on a framework or at least a pathway towards urgent resolution of this.” “This will need to be in its own track given its systemic nature and not be linked to WTO reform discussions,” she said, adding that “a dysfunctional AB renders the further negotiations pointless since new and current outcomes cannot be enforced.” South Africa said “in relation to WTO reform, the paper on Strengthening the WTO to promote development and inclusivity (WT/GC/W/778/Rev.3) remains our departure point.” She said that “trade is not an end in itself, it is a means to enhance livelihoods, employment and sustainable development.” South Africa emphasized that “WTO reform does not mean accepting either inherited inequities or new proposals that would worsen imbalances. Reforms must be premised on the principles of inclusivity and development.” On the issue of JSIs, especially the paper (WT/GC/W/819) on the “The legal status of JSIs and their negotiated outcomes”, she said it “captures our views, including the new systemic challenges presented by JSIs.” In conclusion, she said, “success at MC12 will depend on delivery of multilateral outcomes.” INDIA’S GRAVE CONCERNS India expressed grave concern about the mutating SARS-CoV-2 virus that is producing “new deadly variants and unfortunately it is not going on vacation.” Commenting on the WTO’s response to the pandemic, Ambassador Brajendra Navnit from India said that members must deliver on some of the proposals on the table, and not try to “push market access agenda and take away policy space available for Members and impose cumbersome obligations that serve to benefit a few in the name of the pandemic.” He said “doing away with the legitimate policy instrument of export restrictions or aiming for making temporary elimination of tariffs a permanent measure or calling for stringent transparency obligations will not guarantee access to vaccines, therapeutics or diagnostics, and access to food for the most vulnerable.” Referring to the waiver proposal for suspending certain TRIPS provisions relating to copyrights, industrial designs, patents and protection of undisclosed information, he said that “it is unfortunate that a few members have failed to engage in the text-based negotiation.” Without naming the countries, he said “a few Members ensured that we are unable to meet the deadline set by the TRIPS Council Chair for reaching the necessary landing zone by end-July.” To restore the credibility of the WTO in terms of its response to the pandemic, he said the TRIPS waiver is an integral part. “Therefore, it is high time this organization prioritizes saving human lives and livelihoods over all other priorities.”

#### WTO promotes monoculture farming which destroys biodiversity

Wallach, Director of Public Citizen’s Blobal trade watch division and a trade attorney and Woodall, public interest researcher in Washington, D.C. and served as Research Director at Global Trade Watch, 2004 (Lori and Patrick, Whose Trade Organization, 191)

Meanwhile, these same policies are wreaking the demise of small-scale agricul­ture in the rich countries. Corporate globalization has accelerated agribusiness consolidation and factory farming with alarming social, food safety and environ­mental consequences for family farmers in the U.S., Canada, Japan and Europe. Implementing the high-input, large-scale corporate farming model on third-world food production also would have devastating environmental consequences as far as increased use of fuel, pesticides and water, and loss of biodiversity. Pro­moting mass-scale production of monocultures (one species of a crop or animal) means a reduction in agricultural biodiversity that is a potent threat to global food security and an obstacle to addressing global hunger concerns because of increased risk of losing large amounts of food to pests.13 Increasingly horrific health prob­lems are arising in the countries that have adopted the large-scale corporate agri­culture model: mad cow disease, widespread food contamination from centralized high-speed slaughter and processing facilities, and obesity, malnutrition and child­hood diabetes linked to consumption of overprocessed foods.

#### Biodiversity loss threatens human extinction and global crises.

Brad Plumer, 5-6-2019, "Humans Are Speeding Extinction and Altering the Natural World at an ‘Unprecedented’ Pace (Published 2019)," No Publication, https://www.nytimes.com/2019/05/06/climate/biodiversity-extinction-united-nations.html

WASHINGTON — Humans are transforming Earth’s natural landscapes so dramatically that as many as one million plant and animal species are now at risk of extinction, posing a dire threat to ecosystems that people all over the world depend on for their survival, a sweeping new United Nations assessment has concluded. The 1,500-page report, compiled by hundreds of international experts and based on thousands of scientific studies, is the most exhaustive look yet at the decline in biodiversity across the globe and the dangers that creates for human civilization. A [summary of its findings](https://www.ipbes.net/news/ipbes-global-assessment-summary-policymakers-pdf), which was approved by representatives from the United States and 131 other countries, was released Monday in Paris. The full report is set to be published this year. Its conclusions are stark. In most major land habitats, from the savannas of Africa to the rain forests of South America, the average abundance of native plant and animal life has fallen by 20 percent or more, mainly over the past century. With the human population passing 7 billion, activities like farming, logging, poaching, fishing and mining are altering the natural world at a rate “unprecedented in human history.” At the same time, a new threat has emerged: Global warming has become a major driver of wildlife decline, the assessment found, by shifting or shrinking the local climates that many mammals, birds, insects, fish and plants evolved to survive in. When combined with the other ways humans are damaging the environment, climate change is now pushing a growing number of species, [such as the Bengal tiger](https://www.nytimes.com/2019/05/06/science/tigers-climate-change-sundarbans.html?smtyp=cur&smid=tw-nytclimate), closer to extinction. As a result, biodiversity loss is projected to accelerate through 2050, particularly in the tropics, unless countries drastically step up their conservation efforts. The report is not the first to paint a grim portrait of Earth’s ecosystems. But it goes further by detailing how closely human well-being is intertwined with the fate of other species. “For a long time, people just thought of biodiversity as saving nature for its own sake,” said Robert Watson, chair of the [Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services,](https://www.ipbes.net/) which conducted the assessment at the request of national governments. “But this report makes clear the links between biodiversity and nature and things like food security and clean water in both rich and poor countries.” A [previous report by the group had estimated](https://www.ipbes.net/system/tdf/2018_americas_full_report_book_v5_pages_0.pdf?file=1&type=node&id=29404) that, in the Americas, nature provides some $24 trillion of non-monetized benefits to humans each year. The Amazon rain forest absorbs immense quantities of carbon dioxide and helps slow the pace of global warming. Wetlands purify drinking water. Coral reefs sustain tourism and fisheries in the Caribbean. Exotic tropical plants form the basis of a variety of medicines. But as these natural landscapes wither and become less biologically rich, the services they can provide to humans have been dwindling. Humans are producing more food than ever, but land degradation is already harming agricultural productivity on 23 percent of the planet’s land area, the new report said. The decline of wild bees and other insects that help pollinate fruits and vegetables is putting up to $577 billion in annual crop production at risk. The loss of mangrove forests and coral reefs along coasts could expose up to 300 million people to increased risk of flooding. The authors note that the devastation of nature has become so severe that piecemeal efforts to protect individual species or to set up wildlife refuges will no longer be sufficient. Instead, they call for “transformative changes” that include curbing wasteful consumption, slimming down agriculture’s environmental footprint and cracking down on illegal logging and fishing. “It’s no longer enough to focus just on environmental policy,” said Sandra M. Díaz, a lead author of the study and an ecologist at the National University of Córdoba in Argentina. “We need to build biodiversity considerations into trade and infrastructure decisions, the way that health or human rights are built into every aspect of social and economic decision-making.” Scientists have cataloged only a fraction of living creatures, some 1.3 million; the report estimates there may be as many as 8 million plant and animal species on the planet, most of them insects. Since 1500, at least 680 species have blinked out of existence, including the Pinta giant tortoise of the Galápagos Islands and the Guam flying fox. Though outside experts cautioned it could be difficult to make precise forecasts, the report warns of a looming extinction crisis, with extinction rates currently tens to hundreds of times higher than they have been in the past 10 million years. Editors’ Picks The Pill Helped Start the Sexual Revolution. What Will Phexxi Do? The Story of a Famous Covid Widow Everyone Has a Theory About Shopping Carts Continue reading the main story “Human actions threaten more species with global extinction now than ever before,” the report concludes, estimating that “around 1 million species already face extinction, many within decades, unless action is taken.” Unless nations step up their efforts to protect what natural habitats are left, they could witness the disappearance of 40 percent of amphibian species, one-third of marine mammals and one-third of reef-forming corals. More than 500,000 land species, the report said, do not have enough natural habitat left to ensure their long-term survival. Over the past 50 years, global biodiversity loss has primarily been driven by activities like the clearing of forests for farmland, the expansion of roads and cities, logging, hunting, overfishing, water pollution and the transport of invasive species around the globe. In Indonesia, the replacement of rain forest with palm oil plantations has ravaged the habitat of critically endangered orangutans and Sumatran tigers. In Mozambique, ivory poachers helped kill off nearly 7,000 elephants between 2009 and 2011 alone. In Argentina and Chile, the introduction of the North American beaver in the 1940s has devastated native trees (though it has also helped other species thrive, including the Magellanic woodpecker). All told, three-quarters of the world’s land area has been significantly altered by people, the report found, and 85 percent of the world’s wetlands have vanished since the 18th century. And with humans continuing to burn fossil fuels for energy, global warming is expected to compound the damage. Roughly 5 percent of species worldwide are threatened with climate-related extinction if global average temperatures rise 2 degrees Celsius above preindustrial levels, the report concluded. (The world has already warmed 1 degree.) “If climate change were the only problem we were facing, a lot of species could probably move and adapt,” Richard Pearson, an ecologist at the University College of London, said. “But when populations are already small and losing genetic diversity, when natural landscapes are already fragmented, when plants and animals can’t move to find newly suitable habitats, then we have a real threat on our hands.” The dwindling number of species will not just make the world a less colorful or wondrous place, the report noted. It also poses risks to people. Today, humans are relying on significantly fewer varieties of plants and animals to produce food. Of the 6,190 domesticated mammal breeds used in agriculture, more than 559 have gone extinct and 1,000 more are threatened. That means the food system is becoming less resilient against pests and diseases. And it could become harder in the future to breed new, hardier crops and livestock to cope with the extreme heat and drought that climate change will bring. “Most of nature’s contributions are not fully replaceable,” the report said. Biodiversity loss “can permanently reduce future options, such as wild species that might be domesticated as new crops and be used for genetic improvement.” The report does contain glimmers of hope. When governments have acted forcefully to protect threatened species, such as the Arabian oryx or the Seychelles magpie robin, they have managed to fend off extinction in many cases. And nations have protected more than 15 percent of the world’s land and 7 percent of its oceans by setting up nature reserves and wilderness areas. Still, only a fraction of the most important areas for biodiversity have been protected, and many nature reserves poorly enforce prohibitions against poaching, logging or illegal fishing. Climate change could also undermine existing wildlife refuges by shifting the geographic ranges of species that currently live within them. So, in addition to advocating the expansion of protected areas, the authors outline a vast array of changes aimed at limiting the drivers of biodiversity loss. Farmers and ranchers would have to adopt new techniques [to grow more food on less land](https://www.nytimes.com/2018/12/05/climate/agriculture-food-global-warming.html). Consumers in wealthy countries would have to waste less food and become more efficient in their use of natural resources. Governments around the world would have to strengthen and enforce environmental laws, cracking down on illegal logging and fishing and reducing the flow of heavy metals and untreated wastewater into the environment. The authors also note that efforts to limit global warming will be critical, although they caution that the development of biofuels to reduce emissions could end up harming biodiversity by further destroying forests.

### 2

#### CP: The World Intellectual Property Organization ought to reduce intellectual property protections for medicines.

#### WIPO has more norm-producing authority than the WTO and is more involved with implementation and perception around TRIPS

Okediji 14, Ruth, Jeremiah Smith. Jr, Professor of Law at Harvard Law School and Co-Director of the Berkman Klein Center, Balancing Health and Wealth: The Battle Over Intellectual Property and Access to Medicines in Latin America”, <https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199676743.001.0001/acprof-9780199676743>, Accessed 9/2/21 VD

WIPO’s technical assistance activities, directed primarily at developing and least developed countries, have profoundly shaped domestic understanding of the appropriate implementation of patent norms in those jurisdictions (Flynn, et al. 2013; Pager 2012; Yu 2012; Sell 2011; Deere 2008),16 including the perception of how much wiggle room is afforded under TRIPS standards to address barriers to access to medicines. From producing model patent laws,17 to training programs for IP offices and officials (New 2012; New 2001), and other forms of “technical assistance” projects,18 WIPO designs, deploys, and oversees a pervasive network of activities that directly and indirectly infuse domestic laws of developing and least developed countries with strong normative predispositions, consistent with the interests of maximalist patent standards and, typically, minimalist public interest limitations (Kostecki 2006). So while overtly intervening with the administration of the TRIPS Agreement may be implausible for WIPO, it is WIPO, not the WTO, that has been most powerful in influencing, establishing, and nurturing the domestic normative context in which TRIPS norms are implemented. The core obligations of the TRIPS Agreement build upon the substantive norms of the classic WIPO treaties, namely the Paris Convention and the Berne Convention.19 Both of these instruments have an enduring legacy in defining the expectations of countries about the scope of international protection available, the rights granted to foreigners, and the economic impact of global IP protection (Okediji 2013). WIPO has long been at the forefront of expanding the reach of these treaties globally, and in developing a narrative about the role of IP in economic development. Given how significantly WIPO has been involved in defining the domestic landscape of IP laws in many developing and least-developed countries, there is no question that the difficulty in persuading local officials of the degree and right to exercise national discretion in TRIPS implementation strategies is likely strongly linked to the precedential effect of WIPO’s activities in those countries since their independence (Okediji 2008; Okediji 2003).

### 3

#### The black female body continues to be exploited within the medical industrial complex – they refuse to consider how the so-called “benefits” of the aff will be distributed unequally and among racial lines

**da Silva 07,** Denise Ferreira, Professor and Director of the Institute for Gender, Race, Sexuality, and Social Justice at the University of British Columbia, University of Minnesota Press, “Toward a Global Idea of Race”, <https://www.upress.umn.edu/book-division/books/toward-a-global-idea-of-race>, Accessed 7/5/21 VD

My point is that the metaphor of the veil reproduces the effect of power of the sociohistorical logic of exclusion —which, as I show in Part 2, consists in a powerful tool of the analytics of raciality — which is to render racial emancipation contingent on the obliteration of racial difference. In Against Race, Paul Gilroy (2000) provides perhaps the best example of the perverse effects of this desire to recuperate the racial subaltern into an unbounded humanity. When advancing another claim for the erasure of the racial from modern political grammar, Gilroy announces that the demise of race is already under way, thanks to the radical alteration of bodies promised by genetic manipulation and the commodification of the black male body as an object for global and suburban white consumption. Any impulse to celebrate this “emancipation” from the (racial) body dies when one learns the answer to the question of how biotechnology ushers liberation from race in Gilroy’s interpretation of “the tragic story of Henrietta Lacks,” a working -class U.S. black woman whose cervical cells have been crucial to the advancement of cancer research, which exemplifies the passage from the “biopolitics of ‘race’” to “nano -politics.” For Gilroy, the fact that her blackness is irrelevant to medical research suggests a redefinition of the idea of humanity, for the “awareness of the indissoluble unity of all life at the level of genetic materials” displaces the idea of “specifically racial differences” (20, italics in the original). It would be all too easy to stop at pointing to the irony of how humanist desire needs science (genetics) to once again denounce race’s scientific irrelevance. But it is more interesting, I think, to point to how this desire cannot reduce or sublate the materiality (body and social position) of the economically dispossessed black female, which resists the liberating powers of “transfiguration,” “commodification,” and biotechnology. How did Henrietta Lacks’s cervical cells become available to scientific research? Why did the cellular biologist at Johns Hopkins University see it as ethical to appropriate her cells without her consent? How has the use of economically dispossessed black neighborhoods as testing camps ensured advances in public health research at that university? What cells do not reveal is how the female racial subaltern has been consistently (re)produced as a kind of human being to whom neither juridic universality nor self -determination applies. Not only does her femaleness place Henrietta Lacks under patriarchal (divine or natural) law, away from the domain of the laws of the body politic. Her blackness also produces her as radically distinct from the kind of subject presumed in the ethical principles governing modern social configurations. Across the earth, women still die of cervical cancer despite the advances Lacks’s stolen cells have enabled, but they do not die the same way. Economically dispossessed women of color, like Lacks, die with more pain and no hope. Not only do they lack the financial means to access even the basic technologies available for the prevention and treatment of cervical cancer; in many cases (as in the case of a Brazilian federal program for the treatment of economically dispossessed cancer patients), when given access to this technology they are treated as little more than test subjects. This is not because blackness determines the kind of cells that will grow in their bodies, but because it determines how they live with or die from cancer. That cancer cells do not indicate dark brown skin or flat noses can be conceived of as emancipatory only if one forgets, or minimizes, the political context within which lab materials will be collected and the benefits of biotechnological research will be distributed. Whether inspired by humanism or not, any critical ontoepistemological account couched upon the transparency thesis will ignore the conditions of production of modern subjects, how the arsenal of the modern “Will to Truth,” tools of reason, institute social (juridical, economic, ethical) subjects, the men and women who produce and reproduce (and the institutions that regulate) their own social trajectories. Whatever else can be said about the critical position Gilroy inhabits, it certainly holds onto the promises of historicity and universality, which animate postmodern humanist desires for a postracial, transparent future: “The spaces in which ‘races’ come to life,” Gilroy laments, “are a field from which political interaction has been banished” (41). What would be left, I ask, to the project of social or global justice if modern subjects were freed from raciality? This is not just a rhetorical question. It requires a critique of modern thought that addresses scientific knowledge as a major productive site of power, one that addresses how the racial, the scientific signifier, produces social subjects who stand differentially before the institutions the transparency thesis sustains. Perhaps it is evident now that the answer to the question of what lies behind the veil is more complicated than it appears to be. At least for the economically dispossessed racialized gendered person for whom, as for Henrietta Lacks, physical death is only the most evident effect of the post -Enlightenment desire for transparency and the historical and scientific signifying strategies that (re)produce it. What I am suggesting is that the moral ease with which the sociohistorical logic of exclusion captures racial subjection derives from how it (re)produces the transparency thesis by translating the obliteration of the kind of particularity the latter postulates into a demand for the obliteration of the signifier that institutes it, namely, the racial —a gesture that consistently reinstitutes the transparent subject of science and history, the proper name of the man. For this reason, I claim, only an excavation of modern thought, an analysis of the economy of signification governed by the transparency thesis and the analytics of raciality, will enable critical ontoepistemological projects and the ethical principle that usually accompany them, which can aid in the project of global justice.

#### The WTO regime is emblematic of the globalization of corporate capitalism and late stage capitalism’s imperialism – the affirmative’s call to take action through the WTO only reproduces imperialism and the world economy

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Lenin outlined five pillars by which to define imperialism. The first is monopoly capital gaining control of the major industries of a country. The growth of monopoly capital is a consequence of market concentration caused by competition among firms. Once market concentration reaches a certain point, it becomes possible for a small number of winners to form collusions, such as cartels, which transform the nature of the economy, leading to the dominance of monopoly capital. The second pillar is the formation of business relationships between industrial and financial monopoly capital. Monopoly capital also forms cozy relationships with government through the financing of political campaigns and through revolving doors. In short, monopoly capital wields governing power over national economies through market concentration, collusions among large firms, and direct political influence. The third pillar is foreign investment. Drawing on its political influence, monopoly capital effects the transfer of wealth from workers, farmers, small to medium-sized businesses, and the self-employed to monopoly capital. The resulting distortion of income distribution causes disproportionate growth among industries—especially between manufacturing and farming—and suppresses consumption. This leads to over-accumulation, which forces monopoly capital to export merchandise and invest abroad. The fourth pillar is global divisions among monopoly capital through cartels. These divisions occur in the same way as those which take place at the national level; competition among large firms, and the market concentration which follows, leads to the formation of global cartel agreements. The fifth pillar is colonization of less-developed countries by the Great Powers, operating at the behest of monopoly capital. Such colonization is an outcome of global competition among opposing elements of monopoly capital. Monopoly capital takes advantage of colonization to monopolize control of natural resources and export markets, and as a means to protect capital invested in less-developed countries against appropriation. Figure 1 shows how the five pillars are related. The figure starts with monopoly capital as governing powers, from which follows a causal relationship down to the last outcome, competition for colonization. In other words, colonization is the final outcome of the governing power of monopoly capital. This is why Lenin considered monopoly capital to be the key to imperialism. Looking at contemporary capitalism from the viewpoint of Lenin’s “Imperialism,” it is clear that four of the five pillars (excepting the fifth) are still applicable to capitalism under the WTO regime. First, a small number of multinational corporations typically control more than half the market-share of major industries. For example, in the commercial seed market, the world’s top three corporations (Monsanto, DuPont, and Syngenta of Switzerland) control almost half of the world market. Cargill, along with its top four competitors, handle 85 percent of world grain trade. In the pharmaceutical industry, the top ten corporations hold a combined 54.8 percent share of the world market (ETC Group 2008). In banking, the world’s top 45 banks account for nearly 40 percent of the gross tier 1 capital of the top 1,000, and about 45 percent of the total assets (The Banker, June 24, 2009). It hardly needs saying that these companies enhance their power considerably through close relationships with governments, and through political contributions, lobbying, revolving doors, and the like. Second, industrial and financial monopoly capital establish political action groups as a means to advance common political goals. The negotiation of the General Agreement on Trade in Services (GATS) represents a typical example of this sort of collusion between major companies of both the industrial and financial spheres. Third, no monopoly capital can survive without strategic foreign investment, including direct as well as portfolio investment. For instance, automobile companies will not survive without gaining access to Chinese and Indian markets. Fourth, in the course of intense competition over dominant market shares, large multinational corporations often collude to form price cartels (Connor 2001; Levenstein and Suslow 2001). The cartel-based character of monopoly capital culminated during GATT Uruguay Round negotiations, as large businesses cooperated to set market-rules specifically tailored to their own ends. There is no colonization occurring under the WTO regime. Modern capitalism lacks the fifth pillar of early 20th century imperialism. However, this does not mean that modern capitalism is without imperialism. Monopoly capital has gained new methods of obtaining the governing power over developing countries in place of colonization. First, major multinational corporations subcontract to firms in developing countries, thereby assimilating these firms into global business networks. For example, big food retailers such as Wal-Mart and Tesco have established global supply chain management networks which subcontract to farmers in developing countries, thereby bringing these farmers under centralized managerial control (South Centre and Traidcraft 2008). Here, prices fetched at farm gates are determined by monopolists at the top of the supply chain. Second, monopoly capital now dictates the rules of trade by directly involving itself in the crafting of trade policy. Big business coalitions took part in drafting the WTO Agreements. In the case of GATS, multinational corporations, including Citigroup, J. P. Morgan Chase, and Barclays Bank, drafted the proposal under the authorization of US and EU governments, and then used lobbying to push the agreement through at the time of negotiations (Balanyá et al. 2003). In the case of the negotiations for the agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), it was the US Intellectual Property Committee (USIPC), a US business group, which wrote the initial draft, at the request of the US Trade Representative (Weissman 1996). Those party to the USIPC include Monsanto, Pfizer, DuPont, and IBM. Market and trade rules amount to a form of infrastructure vis-à-vis the markets. The body which decides the rules of trade has a considerable advantage over other stakeholders. Under the current setting, it is large multinationals, especially the agents of US monopoly capital, which control the rules of trade, specifically through cozy relationships with the US government. Therefore, it is the governance of trade rules which most distinguishes modern capitalism from the imperialist systems of the early 20th century. The IMF and the World Bank are monopoly capital’s third source of governing power over developing countries. The IMF and the World Bank are under the control of the G7 (the US, Japan, Germany, France, the UK, Canada, and Italy), which hold nearly 42 percent of the votes in these two organizations. Within the G7 itself, only the US (specifically the US Treasury Department) has the power of veto. Furthermore, US and EU companies routinely establish relationships with the IMF and the World Bank directly. Stanley Fisher, former deputy managing director of the IMF, became vice-chairman of Citibank shortly after finishing his IMF tenure. James Wolfensohn, a former World Bank president, came from a senior executive role at Salomon Brothers and, following his stint at the World Bank, returned to Wall Street as chairman of the International Advisory Board of Citigroup. In 1995, while president of the World Bank, Wolfensohn started a Staff Exchange Program in order to facilitate employee sharing between multinational corporations and the Bank (Cray 2006). It was against this backdrop that the IMF and World Bank, through loan conditionality, forced developing countries to adopt open door policies, resulting in a flood of imports from the developed world (Marsden 2003; Weissman 2000; Weisbrot et al. 2009). Thus, the WTO regime is nothing short of a regime of imperialism, whereby monopoly capital exercises governing power over both national markets and the world economy. Whereas the first four of the five pillars by which Lenin defined imperialism still apply under the WTO regime, in place of the fifth (colonization), monopoly capital has gained new tools of dominance, most specifically the ability to design market rules. In losing the policy space to protect and develop local firms, developing countries are obliged to become incorporated into a global network managed by monopoly capital. In this way, income is steadily transferred from the lower rungs of the global economy to monopoly capital at the top. In short, the WTO regime constitutes a new stage of imperialism, in which monopoly capital holds hegemony over market rules in place of colonization.

#### Capitalism is a project of white domination – racialized bodies are exploited and dominated within the system

**Acker 16,** Joan, American sociologist, researcher, writer and educator, Race, Class & Gender: An Anthology, “Is Capitalism Gendered and Racialized?”, <https://www.cengage.com/c/race-class-gender-an-anthology-9e-andersen/9781305093614/>,Accessed 6/28/21 VD

Industrial capitalism is historically, and in the main continues to be, a white male project, in the sense that white men were and are the innovators, owners, and holders of power. Capitalism developed in Britain and then in Europe and the United States in societies that were already dominated by white men and already contained a gender-based division of labor. The emerging waged labor force was sharply divided by gender, as well as by race and ethnicity with many variations by nation and regions within nations. At the same time, the gendered division of labor in domestic tasks was reconfigured and incorporated in a gendered division between paid market labor and unpaid domestic labor. In the United States, certain white men, unburdened by caring for children and households and already the major wielders of gendered power, buttressed at least indirectly by the profits from slavery and the exploitation of other minorities, were, in the nineteenth century, those who built the U.S. factories and railroads, and owned and managed the developing capitalist enterprise. As far as we know, they were also heterosexual and mostly of Northern European heritage. Their wives and daughters benefited from the wealth they amassed and contributed in symbolic and social ways to the perpetuation of their class, but they were not the architects of the new economy. Recruitment of the labor force for the colonies and then the United States had always been transnational and often coercive. Slavery existed prior to the development of industrialism in the United States: Capitalism was built partly on profits from that source. Michael Omi and Howard Winant (1994, 265) contend that the United States was a racial dictatorship for 258 years, from 1607 to 1865. After the abolition of slavery in 1865, severe exploitation, exclusion, and domination of blacks by whites perpetuated racial divisions cutting across gender and some class divisions, consigning blacks to the most menial, low-paying work in agriculture, mining, and domestic service. Early industrial workers were immigrants. For example, except for the brief tenure (twenty-five years) of young, native-born white women workers in the Lowell, Massachusetts, mills, immigrant women and children were the workers in the first mass production industry in the United States, the textile mills of Massachusetts and Philadelphia, Pennsylvania (Perrow 2002). This was a gender and racial/ethnic division of labor that still exists, but now on a global basis. Waves of European immigrants continued to come to the United States to work in factories and on farms. Many of these European immigrants, such as impoverished Irish, Poles, and eastern European Jews were seen as non-white or not-quite-white by white Americans and were used in capitalist production as low-wage workers, although some of them were actually skilled workers (Brodkin 1998). The experiences of racial oppression built into industrial capitalism varied by gender within these racial/ethnic groups. Capitalist expansion across the American continent created additional groups of Americans who were segregated by race and gender into racial and ethnic enclaves and into low-paid and highly exploited work. This expansion included the extermination and expropriation of native peoples, the subordination of Mexicans in areas taken in the war with Mexico in 1845, and the recruitment of Chinese and other Asians as low-wage workers, mostly on the west coast (Amott and Matthaei 1996; Glenn 2002). Women from different racial and ethnic groups were incorporated differently than men and differently than each other into developing capitalism in the late nineteenth and early twentieth centuries. White Euro-American men moved from farms into factories or commercial, business, and administrative jobs. Women aspired to be housewives as the male breadwinner family became the ideal. Married white women, working class and middle class, were housewives unless unemployment, low wages, or death of their husbands made their paid work necessary (Goldin 1990, 133). Young white women with some secondary education moved into the expanding clerical jobs and into elementary school teaching when white men with sufficient education were unavailable (Cohn 1985). African Americans, both women and men, continued to be confined to menial work, although some were becoming factory workers, and even teachers and professionals as black schools and colleges were formed (Collins 2000). Young women from first- and second-generation European immigrant families worked in factories and offices. This is a very sketchy outline of a complex process (Kessler-Harris 1982), but the overall point is that the capitalist labor force in the United States emerged as deeply segregated horizontally by occupation and stratified vertically by positions of power and control on the basis of both gender and race. Unequal pay patterns went along with sex and race segregation, stratification, and exclusion. Differences in the earnings and wealth (Keister 2000) of women and men existed before the development of the capitalist wage (Padavic and Reskin 2002). Slaves, of course, had no wages and earned little after abolition. These patterns continued as capitalist wage labor became the dominant form and wages became the primary avenue of distribution to ordinary people. Unequal wages were justified by beliefs about virtue and entitlement. A living wage or a just wage for white men was higher than a living wage or a just wage for white women or for women and men from minority racial and ethnic groups (Figart, Mutari, and Power 2002). African-American women were at the bottom of the wage hierarchy. The earnings advantage that white men have had throughout the history of modern capitalism was created partly by their organization to increase their wages and improve their working conditions. They also sought to protect their wages against the competition of others, women and men from subordinate groups (for example, Cockburn 1983, 1991). This advantage also suggests a white male coalition across class lines (Connell 2000; Hartmann 1976), based at least partly in beliefs about gender and race differences and beliefs about the superior skills of white men. White masculine identity and self-respect were complexly involved in these divisions of labor and wages. This is another way in which capitalism is a gendered and racialized accumulation process (Connell 2000). Wage differences between white men and all other groups, as well as divisions of labor between these groups, contributed to profit and flexibility, by helping to maintain growing occupational areas, such as clerical work, as segregated and low paid. Where women worked in manufacturing or food processing, gender divisions of labor kept the often larger female work force in low-wage routine jobs, while males worked in other more highly paid, less routine, positions (Acker and Van Houten 1974). While white men might be paid more, capitalist organizations could benefit from this “gender/racial dividend.” Thus, by maintaining divisions, employers could pay less for certain levels of skill, responsibility, and experience when the worker was not a white male. This is not to say that getting a living wage was easy for white men, or that most white men achieved it. Labor-management battles, employers’ violent tactics to prevent unionization, [and] massive unemployment during frequent economic depressions characterized the situation of white industrial workers as wage labor spread in the nineteenth and early twentieth centuries. During the same period, new white-collar jobs were created to manage, plan, and control the expanding industrial economy. This rapidly increasing middle class was also stratified by gender and race. The better-paid, more respected jobs went to white men; white women were secretaries and clerical workers; people of color were absent. Conditions and issues varied across industries and regions of the country. But, wherever you look, those variations contained underlying gendered and racialized divisions. Patterns of stratification and segregation were written into employment contracts in work content, positions in work hierarchies, and wage differences, as well as other forms of distribution. These patterns persisted, although with many alterations, through extraordinary changes in production and social life. After World War II, white women, except for a brief period immediately after the war, went to work for pay in the expanding service sector, professional, and managerial fields. African Americans moved to the North in large numbers, entering industrial and service sector jobs. These processes accelerated after the 1960s, with the civil rights and women’s movements, new civil rights laws, and affirmative action. Hispanics and Asian Americans, as well as other racial/ethnic groups, became larger proportions of the population, on the whole finding work in low-paid, segregated jobs. Employers continued, and still continue, to select and promote workers based on gender and racial identifications, although the processes are more subtle, and possibly less visible, than in the past (for example, Brown et al. 2003; Royster 2003). These processes continually recreate gender and racial inequities, not as cultural or ideological survivals from earlier times, but as essential elements in present capitalisms (Connell 1987, 103–106).

#### Neoliberal capitalism will produce extinction – the system reproduces crises that depoliticize the left, undermine futural thought, and postpone its demise – the impacts are environmental collapse, endless war, and the rise of fascism

Shaviro 15  
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The problem may be summarized as follows. Capitalism has indeed created the conditions for general prosperity and therefore for its own supersession. But it has also blocked, and continues to block, any hope of realizing this transformation. We cannot wait for capitalism to transform on its own, but we also cannot hope to progress by appealing to some radical Outside or by fashioning ourselves as militants faithful to some “event” that (as Badiou has it) would mark a radical and complete break with the given “situation” of capitalism. Accelerationism rather demands a movement against and outside capitalism—but on the basis of tendencies and technologies that are intrinsic to capitalism. Audre Lord famously argued that “the master’s tools will never dismantle the master’s house.” But what if the master’s tools are the only ones available? Accelerationism grapples with this dilemma. What is the appeal of accelerationism today? It can be understood as a response to the particular social and political situation in which we currently seem to be trapped: that of a long-term, slow-motion catastrophe. Global warming, and environmental pollution and degradation, threaten to undermine our whole mode of life. And this mode of life is itself increasingly stressful and precarious, due to the depredations of neoliberal capitalism. As Fredric Jameson puts it, the world today is characterized by “heightened polarization, increasing unemployment, [and] the ever more desperate search for new investments and new markets.” These are all general features of capitalism identified by Marx, but in neoliberal society we encounter them in a particularly pure and virulent form. I want to be as specific as possible in my use of the term “neoliberalism” in order to describe this situation. I define neoliberalism as a specific mode of capitalist production (Marx), and form of governmentality (Foucault), that is characterized by the following specific factors: 1. The dominating influence of financial institutions, which facilitate transfers of wealth from everybody else to the already extremely wealthy (the “One Percent” or even the top one hundredth of one percent). 2. The privatization and commodification of what used to be common or public goods (resources like water and green space, as well as public services like education, communication, sewage and garbage disposal, and transportation). 3. The extraction, by banks and other large corporations, of a surplus from all social activities: not only from production (as in the classical Marxist model of capitalism) but from circulation and consumption as well. Capital accumulation proceeds not only by direct exploitation but also by rent-seeking, by debt collection, and by outright expropriation (“primitive accumulation”). 4. The subjection of all aspects of life to the so-called discipline of the market. This is equivalent, in more traditional Marxist terms, to the “real subsumption” by capital of all aspects of life: leisure as well as labor. Even our sleep is now organized in accordance with the imperatives of production and capital accumulation. 5. The redefinition of human beings as private owners of their own “human capital.” Each person is thereby, as Michel Foucault puts it, forced to become “an entrepreneur of himself.” In such circumstances, we are continually obliged to market ourselves, to “brand” ourselves, to maximize the return on our “investment” in ourselves. There is never enough: like the Red Queen, we always need to keep running, just to stay in the same place. Precarity is the fundamental condition of our lives. All of these processes work on a global scale; they extend far beyond the level of immediate individual experience. My life is precarious, at every moment, but I cannot apprehend the forces that make it so. I know how little money is left from my last paycheck, but I cannot grasp, in concrete terms, how “the economy” works. I directly experience the daily weather, but I do not directly experience the climate. Global warming and worldwide financial networks are examples of what the ecological theorist Timothy Morton calls hyperobjects. They are phenomena that actually exist but that “stretch our ideas of time and space, since they far outlast most human time scales, or they’re massively distributed in terrestrial space and so are unavailable to immediate experience.” Hyperobjects affect everything that we do, but we cannot point to them in specific instances. The chains of causality are far too complicated and intermeshed for us to follow. In order to make sense of our condition, we are forced to deal with difficult abstractions. We have to rely upon data that are gathered in massive quantities by scientific instruments and then collated through mathematical and statistical formulas but that are not directly accessible to our senses. We find ourselves, as Mark Hansen puts it, entangled “within networks of media technologies that operate predominantly, if not almost entirely, outside the scope of human modes of awareness (consciousness, attention, sense perception, etc.).” We cannot imagine such circumstances in any direct or naturalistic way, but only through the extrapolating lens of science fiction. Subject to these conditions, we live under relentless environmental and financial assault. We continually find ourselves in what might well be called a state of crisis. However, this involves a paradox. A crisis—whether economic, ecological, or political—is a turning point, a sudden rupture, a sharp and immediate moment of reckoning. But for us today, crisis has become a chronic and seemingly permanent condition. We live, oxymoronically, in a state of perpetual, but never resolved, convulsion and contradiction. Crises never come to a culmination; instead, they are endlessly and indefinitely deferred. For instance, after the economic collapse of 2008, the big banks were bailed out by the United States government. This allowed them to resume the very practices—the creation of arcane financial instruments, in order to enable relentless rent-seeking—that led to the breakdown of the economic system in the first place. The functioning of the system is restored, but only in such a way as to guarantee the renewal of the same crisis, on a greater scale, further down the road. Marx rightly noted that crises are endemic to capitalism. But far from threatening the system as Marx hoped, today these crises actually help it to renew itself. As David Harvey puts it, it is precisely “through the destruction of the achievements of preceding eras by way of war, the devaluation of assets, the degradation of productive capacity, abandonment and other forms of ‘creative destruction’” that capitalism creates “a new basis for profit-making and surplus absorption.” What lurks behind this analysis is the frustrating sense of an impasse. Among its other accomplishments, neoliberal capitalism has also robbed us of the future. For it turns everything into an eternal present. The highest values of our society—as preached in the business schools—are novelty, innovation, and creativity. And yet these always only result in more of the same. How often have we been told that a minor software update “changes everything”? Our society seems to function, as Ernst Bloch once put it, in a state of “sheer aimless infinity and incessant changeability; where everything ought to be constantly new, everything remains just as it was.” This is because, in our current state of affairs, the future exists only in order to be colonized and made into an investment opportunity. John Maynard Keynes sought to distinguish between risk and genuine uncertainty. Risk is calculable in terms of probability, but genuine uncertainty is not. Uncertain events are irreducible to probabilistic analysis, because “there is no scientific basis on which to form any calculable probability whatever.” Keynes’s discussion of uncertainty has strong affinities with Quentin Meillassoux’s account of hyperchaos. For Meillassoux, there is no “totality of cases,” no closed set of all possible states of the universe. Therefore, there is no way to assign fixed probabilities to these states. This is not just an empirical matter of insufficient information; uncertainty exists in principle. For Meillassoux and Keynes alike, there comes a point where “we simply do not know.” But today, Keynes’s distinction is entirely ignored. The Black-Scholes Formula and the Efficient Market Hypothesis both conceive the future entirely in probabilistic terms. In these theories, as in the actual financial trading that is guided by them (or at least rationalized by them), the genuine unknowability of the future is transformed into a matter of calculable, manageable risk. True novelty is excluded, because all possible outcomes have already been calculated and paid for in terms of the present. While this belief in the calculability of the future is delusional, it nonetheless determines the way that financial markets actually work. We might therefore say that speculative finance is the inverse—and the complement—of the “affirmative speculation” that takes place in science fiction. Financial speculation seeks to capture, and shut down, the very same extreme potentialities that science fiction explores. Science fiction is the narration of open, unaccountable futures; derivatives trading claims to have accounted for, and discounted, all these futures already. The “market”—nearly deified in neoliberal doctrine—thus works preemptively, as a global practice of what Richard Grusin calls premediation. It seeks to deplete the future in advance. Its relentless functioning makes it nearly impossible for us to conceive of any alternative to the global capitalist world order. Such is the condition that Mark Fisher calls capitalist realism. As Fisher puts it, channeling both Jameson and Žižek, “it’s easier to imagine the end of the world than the end of capitalism.”

#### Neoliberalism strips language of its critical possibility and produces race neutrality – this reifies whiteness and lets white people think they are free of responsibility – thus the ROTB is to challenge racial capitalism

**Giroux 03,** Henry, American and Canadian scholar and cultural critic, Communication Education, “Spectacles of Race and Pedagogies of Denial: Anti-Black Racist Pedagogy Under the Reign of Neoliberalism”, <https://www.tandfonline.com/doi/abs/10.1080/0363452032000156190?journalCode=rced20>, Accessed 6/28/21 VD

Under the reign of neoliberalism in the United States, society is largely defined through the privileging of market relations, deregulation, privatization, and consumerism. Central to neoliberalism is the assumption that profit making be construed as the essence of democracy, thus providing a rationale for a handful of private interests to control as much of social life as possible to maximize their financial investments. Strictly aligning freedom with a narrow notion of individual interest, neoliberalism works hard to privatize all aspects of the public good and simultaneously narrow the role of the state as both a gatekeeper for capital and a policing force for maintaining social order and racial control. Unrestricted by social legislation or government regulation, market relations as they define the economy are viewed as a paradigm for democracy itself. Central to neoliberal philosophy is the claim that the development of all aspects of society should be left to the wisdom of the market. Similarly, neoliberal warriors argue that democratic values be subordinated to economic considerations, social issues be translated as private dilemmas, part-time labor replace full-time work, trade unions be weakened, and everybody be treated as a customer. Within this market-driven perspective, the exchange of capital takes precedence over social justice, the making of socially responsible citizens, and the building of democratic communities. There is no language here for recognizing antidemocratic forms of power, developing nonmarket values, or fighting against substantive injustices in a society founded on deep inequalities, particularly those based on race and class. Hence, it is not surprising that under neoliberalism, language is often stripped of its critical and social possibilities as it becomes increasingly difficult to imagine a social order in which all problems are not personal, social issues provide the conditions for understanding private considerations, critical reflection becomes the essence of politics, and matters of equity and justice become crucial to developing a democratic society. It is under the reign of neoliberalism that the changing vocabulary about race and racial justice has to be understood and engaged. As freedom is increasingly abstracted from the power of individuals and groups to participate actively in shaping society, it is reduced to the right of the individual to be free from social constraints. In this view, freedom is no longer linked to a collective effort on the part of individuals to create a democratic society. Instead, freedom becomes an exercise in self-development rather than social responsibility, reducing politics to either the celebration of consumerism or a privileging of a market-based notion of agency and choice that appear quite indifferent to how power, equity, and justice offer the enabling conditions for real individual and collective choices to be both made and acted upon. Under such circumstances, neoliberalism undermines those public spaces where noncommercial values and crucial social issues can be discussed, debated, and engaged. As public space is privatized, power is disconnected from social obligations, and it becomes more difficult for isolated individuals living in consumption-oriented spaces to construct an ethically engaged and power-sensitive language capable of accommodating the principles of ethics and racial justice as a common good rather than as a private affair. According to Bauman (1998), the elimination of public space and the subordination of democratic values to commercial interests narrow the discursive possibilities for supporting notions of the public good and create the conditions for “the suspicion against others, the intolerance of difference, the resentment of strangers, and the demands to separate and banish them, as well as the hysterical, paranoiac concern with ‘law and order”’ (p. 47). Positioned within the emergence of neoliberalism as the dominant economic and political philosophy of our times, neoracism can be understood as part of a broader attack against not only difference but also the value of public memory, public goods, and democracy itself. The new racism both represents a shift in how race is defined and is symptomatic of the breakdown of a political culture in which individual freedom and solidarity maintain an uneasy equilibrium in the service of racial, social, and economic justice. Individual freedom is now disconnected from any sense of civic responsibility or justice, focusing instead on investor profits, consumer confidence, the downsizing of governments to police precincts, and a deregulated social order in which the winner takes all. Freedom is no longer about either making the powerful responsible for their actions or providing the essential political, economic, and social conditions for everyday people to intervene in and shape their future. Under the reign of neoliberalism, freedom is less about the act of intervention than it is about the process of withdrawing from the social and enacting one’s sense of agency as an almost exclusively private endeavor. Freedom now cancels out civic courage and social responsibility while it simultaneously translates public issues and collective problems into tales of failed character, bad luck, or simply indifference. As Amy Elizabeth Ansell (1997) points out: The disproportionate failure of people of color to achieve social mobility speaks nothing of the justice of present social arrangements, according to the New Right worldview, but rather reflects the lack of merit or ability of people of color themselves. In this way, attention is deflected away from the reality of institutional racism and towards, for example, the “culture of poverty”, the “drug culture”, or the lack of black self-development. (p. 111) Appeals to freedom, operating under the sway of market forces, offer no signposts theoretically or politically for engaging racism, an ethical and political issue that undermines the very basis of a substantive democracy. Freedom in this discourse collapses into self-interest and as such is more inclined to organize any sense of community around shared fears, insecurities, and an intolerance of those “others” who are marginalized by class and color. But freedom reduced to the ethos of self-preservation and brutal self-interests makes it difficult for individuals to recognize the forms that racism often take when draped in either the language of denial, freedom or individual rights. In what follows, I want to explore two prominent forms of the new racism, color blindness and neoliberal racism and their connection to the New Right, corporate power, and neoliberal ideologies. Unlike the old racism, which defined racial differences in terms of fixed biological categories organized hierarchically, the new racism operates in various guises proclaiming among other things race neutrality, asserting culture as a marker of racial difference, or marking race as a private matter. Unlike the crude racism with its biological referents and pseudoscientific legitimations, buttressing its appeal to white racial superiority, the new racism cynically recodes itself within the vocabulary of the civil rights movement, invoking the language of Martin Luther King, Jr. to argue that individuals should be judged by the “content of their character” and not by the color of their skin. Amy Elizabeth Ansell (1997), a keen commentator on the new racism, notes both the recent shifts in racialized discourse away from more rabid and overt forms of racism and its appropriation particularly by the New Right in the United States and Britain: The new racism actively disavows racist intent and is cleansed of extremist intolerance, thus reinforcing the New Right’s attempt to distance itself from racist organizations such as the John Birch Society in the United States and the National Front in Britain. It is a form of racism that utilizes themes related to culture and nation as a replacement for the now discredited biological referents of the old racism. It is concerned less with notions of racial superiority in the narrow sense than with the alleged “threat” people of color pose—either because of their mere presence or because of their demand for “special privileges”—to economic, socio-political, and cultural vitality of the dominant (white) society. It is, in short, a new form of racism that operates with the category of “race”. It is a new form of exclusionary politics that operates indirectly and in stealth via the rhetorical inclusion of people of color and the sanitized nature of its racist appeal. (pp. 20––21) What is crucial about the new racism is that it demands an updated analysis of how racist practices work through the changing nature of language and other modes of representation. One of the most sanitized and yet pervasive forms of the new racism is evident in the language of color-blindness. Within this approach, it is argued that racial conflict and discrimination is a thing of the past and that race has no bearing on an individual’s or group’s location or standing in contemporary American society. Color blindness does not deny the existence of race but denies the claim that race is responsible for alleged injustices that reproduce group inequalities, privilege Whites, and negatively impacts on economic mobility, the possession of social resources, and the acquisition of political power. Put differently, inherent in the logic of color blindness is the central assumption that race has no valence as a marker of identity or power when factored into the social vocabulary of everyday life and the capacity for exercising individual and social agency. As Charles Gallagher (2003) observes, “Within the color-blind perspective it is not race per se which determines upward mobility but how much an individual chooses to pay attention to race that determines one’s fate. Within this perspective race is only as important as you allow it to be” (Gallagher, 2003, p. 12). As Jeff, one of Gallagher’s interviewees, puts it, race is simply another choice: “you know, there’s music, rap music is no longer, it’s not a black thing anymore … when it first came out it was black music, but now it’s just music. It’s another choice, just like country music can be considered like white hick music, you know it’s just a choice” (Gallagher, 2003, p. 11). Hence, in an era “free” of racism, race becomes a matter of taste, lifestyle, or heritage but has nothing to do with politics, legal rights, educational access, or economic opportunities. Veiled by a denial of how racial histories accrue political, economic, and cultural weight to the social power of whiteness, color blindness deletes the relationship between racial differences and power, and in doing so reinforces whiteness as the arbiter of value for judging difference against a normative notion of homogeneity (Goldberg, 2002, takes up this issue brilliantly, especially in pp. 200––238). For advocates of color blindness, race as a political signifier is conveniently denied or seen as something to be overcome, allowing Whites to ignore racism as a corrosive force for expanding the dynamics of ideological and structural inequality throughout society (Marable, 1998, p. 29). Color blindness is a convenient ideology for enabling Whites to ignore the degree to which race is tangled up with asymmetrical relations of power, functioning as a potent force for patterns of exclusion and discrimination, including, but not limited to, housing, mortgage loans, health care, schools, and the criminal justice system. If one effect of color blindness’s functions is to deny racial hierarchies, another consequence is that it offers Whites the belief not only that America is now a level playing field, but that the success that Whites enjoy relative to minorities of color is largely due to individual determination, a strong work ethic, high moral values, and a sound investment in education. Not only does color blindness offer up a highly racialized (though paraded as race-transcendent) notion of agency, but it also provides an ideological space free of guilt, self-reflection, and political responsibility, despite the fact that Blacks have a disadvantage in almost all areas of social life: housing, jobs, education, income levels, mortgage lending, and basic everyday services (see Bonilla-Silva, 2001, for specific figures in all areas of life, especially the chapter “White Supremacy in the Post-Civil Rights Era”). In a society marked by profound racial and class inequalities, it is difficult to believe that character and merit—as color blindness advocates would have us believe—are the prime determinants for social and economic mobility and a decent standard of living. The relegation of racism and its effects in the larger society to the realm of private beliefs, values, and behavior do little to explain a range of overwhelming realities, such as soaring black unemployment, decaying cities, and segregated schools. Paul Street (2002) puts the issue forcibly in a series of questions that register the primacy of, and interconnections among, politics, social issues, and race.

#### The alternative is one of *revolutionary intercommunalism,* where the people of the world develop a community of care to improve material conditions, can establish communism and resolve the contradictions of racism.

**Newton 04** (Huey Percy Newton was an African-American revolutionary, most known for co-founding the Black Panther Party with Bobby Seale. Together, Newton and Seale created the party's manifesto, the ten-point program.), “Revolutionary Intercommunalism & The Right of Nations to Self-Determination”, 2004, pg. 31-33 NT

We say that the world today is a dispersed collection of communities. A community is different from a nation.. A community is a small unit with a comprehensive collection of institutions that exist to serve a small group of people. And we say further that **the struggle in the world today is between the 32 small circle that administers and profits from the empire of the United States and the peoples of the world who want to determine their own destinies.** We call this situation intercommunalism. We are now in the age of **reactionary intercommunalism**, in which a ruling circle, a small group of people, control all other people by using their technology. At the same time, we say that this technology can solve most of the material contradictions people face, that the material conditions exist that would allow the people of the world to **develop a culture that is essentially human** and would nurture those things that would allow the people to resolve contradictions in a way that would not cause the mutual slaughter of all of us. **The development of such a culture would be revolutionary intercommunalism.** Some communities have begun doing this. They liberated their territories and have established provisional governments. We recognize them, and say that these governments represent the people of China, North Korea, the people in the liberated zones of South Vietnam, and the people in North Vietnam. We believe their examples should be followed so that the order of the day would not be reactionary intercommunalism (empire) but revolutionary intercommunalism. The people of the world, that is, must seize power from the small ruling circle and expropriate the expropriators, pull them down from their pinnacle and make them equals, and distribute the fruits of our labor, that have been denied us, in some equitable way. We know that the machinery to accomplish these tasks exists and we want access to it. 33 Imperialism has laid the foundation for world communism, and imperialism itself has grown to the point of reactionary intercommunalism because the **world is now integrated into one community**. The communications revolution, combined with the expansive domination of the American empire, has created the "global village." The peoples of all cultures are under siege by the same forces and they all have access to the same technologies. There are only differences in degree between what's happening to the Blacks here and what’s happening to all of the people in the world, including Africans. **Their needs are the same and their energy is the same.** And the contradictions they suffer will only be resolved when the people establish a revolutionary intercommunalism where they share all the wealth that they produce and live in one world. The stage of history is set for such a transformation: the technological and administrative base of socialism exists. When the people seize the means of production and all social institutions, then there will be a qualitative leap and a change in the organization of society. It will take time to resolve the contradictions of racism and all kinds of chauvinism; but because the people will control their own social institutions, **they will be free to re-create themselves and to establish communism**, a stage of human development in which human values will shape the structures of society. At this time the world will be ready for a still higher level, of which we can now know nothing.

## Case

### Util

#### Structural violence before extinction –

#### [1] Probability and timeframe – structural violence is happening right now and has been happening for centuries – high magnitude impacts always just puts racism on the backburner

#### [2] You should reject racism in the space – that’s giroux

#### Util is racist -

#### [1] Util only applies to who the government deems as recognizable which clearly doesn’t apply to black people

#### [2] Extinction is all lives matter – you’ve basically said you won’t care about black people when it’s only about black people but now that white people’s lives are threatened, you’ll care about black people

#### LBL on their standards –