# 1NC Yale Semis

## 1

**Interpretation: The affirmative must only defend a permanent reduction of intellectual property protections for medicines**

**Reynolds 59** – Judge (In the Matter of Doris A. Montesani, Petitioner, v. Arthur Levitt, as Comptroller of the State of New York, et al., Respondents [NO NUMBER IN ORIGINAL] Supreme Court of New York, Appellate Division, Third Department 9 A.D.2d 51; 189 N.Y.S.2d 695; 1959 N.Y. App. Div. LEXIS 7391 August 13, 1959, lexis)

Section 83's counterpart with regard to nondisability pensioners, section 84, prescribes a reduction only if the pensioner should again take a public job. The disability pensioner is penalized if he takes any type of employment. The reason for the difference, of course, is that in one case the only reason pension benefits are available is because the pensioner is considered incapable of gainful employment, while in the other he has fully completed his "tour" and is considered as having earned his reward with almost no strings attached. It would be manifestly unfair to the ordinary retiree to accord the disability retiree the benefits of the System to which they both belong when the latter is otherwise capable of earning a living and had not fulfilled his service obligation. If it were to be held that withholdings under section 83 were payable whenever the pensioner died or stopped his other employment the whole purpose of the provision would be defeated, i.e., the System might just as well have continued payments during the other employment since it must later pay it anyway. [\*\*\*13] The section says "reduced", does not say that monthly payments shall be temporarily suspended; it says that the pension itself shall be reduced. The plain dictionary meaning of the word is to diminish, lower or degrade. The word "reduce" seems adequately to indicate permanency.

**Prefer - its a legal definition from the Supreme Court which is the only legally applicable and predictable one - new 1ar definitions are unpredictable and late breaking**

**Violation: the aff defends a temporary waiver. No leveraging “normal means” since the aff defends the text of the resolution, not a common policy - normal means just the aff process is in the lit, not that its topical**

**Standards:**

1. **Precision outweighs - anything outside the res is arbitrary and unpredictable because the topic determines prep, not being bound by it lets them jettison any word. Aff arguments are non-unique since a] it relies on semantics to convey those messages and b] pragmatics can be discussed anytime while we only have 2 months to discuss the wording of this unique topic**
2. **Limits and Ground - they can specify infinite different aff skewed timeframes like only during a certain pandemic or only when IP is violating human rights - decks predictable engagement and delink out of core neg ground such as conditions counterplans and DAs since patents would be restored later e.g. no econ DA since job loss is temporary and no pharma backlash since they wouldn’t spend energy on a temporary thing**

**Fairness and education are voters – debate’s a game that needs rules to evaluate it and it teaches portable skills that we use lifelong. Drop the debater - severance kills 1NC strat construction—1AR restart favors aff since it’s 7-6 time skew and they get 2 speeches to my one. No rvi - a) they’ll bait theory and prep it out with aff infinite prep—justifies infinite abuse and chilling us from checking abuse in fear of things like 2ar ethos which lets them recontextualize and always seem right on the issue b) forces the NC to go 7 minutes of theory because nothing else matters--outweighs because its the longest speech and the 2nr can never recover since the nc is our only route to generate offense. Competing interps - a) reasonability’s arbitrary & forces judge intervention especially with 2ar recontextualizations to always sound like the more reasonable debater b) norm setting - we find the best possible norms c) reasonability collapses - you use offense/defense paradigm to evaluate brightlines**

## 2

**The WTO and neoliberalism are inherently intertwined – trade agreements are written and passed by large capitalist power players who serve their own interests**

**Fukuda 10** [Fukuda, Yasuo. "WTO regime as a new stage of imperialism: Decaying capitalism and its alternative." World Review of Political Economy 1.3 (2010): 485. //MSJ SB]

The objectives of the World Trade Organization (WTO) regime are to liberalize trade in goods and services and force developing countries to introduce neo-liberal policies. The purpose is to advance deregulation, privatization, and free trade. T. Friedman (2006) characterized globalization after 2000 as the world becoming flat, whereby every company, organization, or individual can gain entry into a global marketplace, and where all people are free to start businesses which may benefit from a worldwide commercial network. However, this is just one side of globalization under the WTO regime. Multinational corporations as monopoly capital reap most of the benefits of the “flat” world economy. WTO Agreements have ushered in a new era of corporate globalization. The aim of this article is to show that corporate globalization represents a new stage of imperialism, whereby monopoly capital not only controls the world market, but writes the market rules as well. This new form of imperialism is nothing less than a decaying stage of capitalism in which, quite apart from people being guaranteed the chance to lead happy and stable lives, the very potential for doing so is undermined and destroyed. Finally, principles of localization are presented as an alternative to corporate globalization.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. 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. 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. The WTO regime was devised under the initiatives of monopoly capital as a means to promote corporate globalization. The next task is to explore what corporate globalization has brought to society. The true nature of corporate globalization is expressed in its outcomes. Lenin characterized imperialism as a decaying stage of capitalism, owing to its unproductive character, which he described as rentier capitalism. The aim of this section is to show that corporate globalization too is nothing more than a decaying stage of capitalism. The IMF and the World Bank have occupied a central role in bringing developing countries into the fold of corporate globalization. Since the 1980s, under the IMF’s Structural Adjustment Program (SAP), more than 100 developing countries have been forced to adopt “open door” policies with respect to investment and trade (Chossudovsky 1997, 1998). Once the door has been pried open, large multinational firms—for instance, the major players of agribusiness and infra-business—are quick to extend their reach into the newly available markets. As a result, considerable damage results to the people of developing countries through, for example, loss of traditional industries like family farming and the privatization of hitherto public resources such as community water supplies. After the 1997 East Asian financial crisis, the IMF met with severe criticism for imposing neo-liberal based readjustment regimes on the afflicted countries. Nevertheless, the IMF has continued to adhere to a neo-liberal approach with respect to the global recession which is currently underway following the collapse of the housing bubble in 2008 (Weisbrot et al. 2009). The IMF’s Structural Adjustment Program was formulated as global rules by WTO agreements. Thus, neo-liberalism has become the predominant feature with respect to international rules on trade. Liberalization of trade policy amounts to nothing but the loss on the part of national governments of the policy space to govern. Developing countries need flexible tariff systems, quantitative import controls, and capital controls to protect their local industries. They also need policies such as local content controls and export subsidies to foster new economic development. WTO agreements prohibit or strictly limit the use of these industrial policies, in spite of the fact that these very same policies were employed to great effect by developed countries during their earlier stages of development. Deprived of this policy space, developing countries are easily brought under the governance of monopoly capital

**Their rhetoric of helping developing economies is the Trojan Horse for neoliberal privatization which destroys healthcare and is a vehicle for imperialism.**

**Gatwiri et al 19** [(Kathomi Gatwiri, lecturer based at Southern Cross University where she teaches Social Work & Social Policy; Julians Amboko, finance and economics correspondent with the Nation Media Group; and Darius Okolla, Bachelor of Commerce - Finance degree, from Kenyatta University) “The implications of Neoliberalism on African economies, health outcomes and wellbeing: a conceptual argument” Soc Theory Health. 18(1): 86–101. 6-26-19, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7223727/>] TDI

Since the late 1980s, the sub-Sahara has been struggling to address the issues of inequality that have been inflated by neoliberal policies and capitalist development policies that focus on production of labour and little on the health and wellbeing of the “producers” of the said labour. Globally, the rolling out of neoliberal policies has led to a plethora of harmful socioeconomic consequences, including increased poverty, unemployment, and deterioration of income distribution (Rotarou and Sakellariou 2017; Collins et al. 2015). Hartmann (2016, p. 2145) states that “neoliberalism typically refers to minimal government intervention, laissez-faire market policies, and individualism over collectivism [which] has been adopted by—and pressed upon—the majority of national governments and global development institution.” She further states that “neoliberal policies have contributed to the privatization and individualization of healthcare, resulting in growing health inequalities.” By privatising healthcare, education, electricity, water and housing, neoliberals argue that private institutions are more capable, effective and efficient in providing social services. Harvey (2007) states that neoliberalism is “a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, … free trade” and a “hands-off” approach from the government. This is what Friedman referred to as the system of “free market capitalism” (Friedman 2009). However, (Garnham (2017) argues that decreasing public spending and government involvement in the welfare of people through the rhetoric of choice and freedom has a harmful impact on people’s health and wellbeing. The biggest conceptual challenge is that neoliberal ideology adopts the language of freedom and choice, increased foreign investments, and open markets and trade to progress policies that lead to privatisation of basic needs such as education, healthcare, water, electricity and housing. The rich can often afford these services and can compete “fairly” in the “free market”, but the poor—unable to afford health care, education or decent housing—are left marginalised. Njoya (2017) explored the use of language in promoting inequality in the healthcare system. She argued that “neoliberalism uses the language of social policy and justice but [insidiously] drives a very corporate and unequal agenda.” Neoliberalism has radically shifted the African public health space in the last two decades. Most sub-Saharan African countries drastically reduced their healthcare budgets following the International Monetary Fund (IMF) and the World Bank Structural Adjustment programs (SAPs) directives. As Hartmann (2016, p. 2146) wrote, it “decentralized health care decision-making and funding, resulting in wide-scale privatization of health care services, delivery, and insurance, which led to structural segmentation and fragmentation.” SAPs have had myriad negative impacts on African economies, including, but not limited to, “inflationary pressures, the marginalization of the poor in the distribution of educational and health benefits and a reduction in employment” (Rono 2002, p. 84). As the main impetus of the SAPs was to reduce and ration expenditure, structural adjustment in the healthcare sector slashed public spending on primary healthcare, and aided the privatisation of health systems and services. In Kenya, for example, The Bamako Initiative of 1987 anchored cost-sharing as a central tenet of public health policy, in which patients were required to pay for nearly all costs of diagnosis and treatment (Rono 2002). Outside of an emergency, patients were required to provide proof of payment before medical services are availed. By channelling funding to narrow medical interests, structural adjustment policies resulted in an uneven medical landscape, with a few prestigious fields surrounded by poorly resourced departments. Clinicians had to tailor their decisions about treatment to the limited medicine, technologies and resources available. The increased number of private healthcare organisations, coupled with a significant reduction in the role of government in the provision of healthcare services, contributed to extensive negative outcomes on the quality, effectiveness, cost and access of health systems and services, which severely impacted on people’s wellbeing. Rotarou and Sakellariou (2017, p. 497) state that the private institutions, “with their focus on increasing profits, and not on providing affordable and good-quality healthcare, have led to the deterioration of public health systems, increase in urban–rural divide, as well as increase in inequality of access to healthcare services.” Privatisation of healthcare has made services more unaffordable and less available to the population of people that need it the most. As a result, life expectancy has stagnated or fallen in most African countries, and mortality from preventable infections and diseases continues to rise. Further to this, the politics of healthcare through a neoliberal lens are often framed as “individual” issues rather than “structural and ideological” issues. This implies that the neoliberal approach to health has diminished the idea of healthcare as a universal human right. Reframing, reshaping, rethinking and re-politicising healthcare reveals the colonial attitudes that dictate who “deserves” good healthcare. Njoya (2017) states, [Politicians in Kenya] come to the rescue of the poor by paying hospital bills but will not have a conversation about the fact that we the taxpayers are paying millions [worth of] medical cover for each of them and will not engage in a conversation about the underfunding of healthcare, and the looting of the little money given to healthcare. When [the] Netherlands and the UN are helping foreign companies purchase Kenyan hospitals, [they are] supporting our government’s deafness to [our right to basic healthcare] and [promoting their] refusal to fund public hospitals. The privatisation and buying out of African hospitals by foreign companies in an attempt to “help and rescue them” is a capitalist response that undercuts universal healthcare for Africans by appropriating the language of care and inclusion. In reality, this “white saviour approach” is layered with nothing but racism, disempowerment, exploitation of people, and exclusion of those who cannot afford those “privatised” services. Access to health services, therefore, remains both a political as well as a human rights issue that’s closely tied to social justice (Braveman and Gruskin 2003b); but Africa’s colonial history, fuelled by Western greed for her resources, promotes discriminatory policies that continue to impact Africans and their wellbeing.

**Neoliberal exploitation causes extinction but responses are biased**

**Guerin 19** (Fred – philosophy professor at Vancouver Island University, “We Must End Neoliberalism, or Neoliberalism Will End Us,” 11 August 2019, https://truthout.org/articles/we-must-end-neoliberalism-or-neoliberalism-will-end-us/)

It is this uncomfortable truth that inevitably raises the question: Why has neoliberalism succeeded so well? The answer is unsettling precisely because it implicates all of us — at least all of us who live in industrial capitalist countries. Even if we are not equally blameworthy in creating such a monstrous ideology, we have all, in some measure, been co-opted into accepting neoliberal capitalism’s false premises and promises. It is quite true that domestic and international economic and political structures that legitimize neoliberal capitalism are oriented by, and in the interest of, an elite corporate class. Yet in the wake of the [2007-200](https://en.wikipedia.org/wiki/Financial_crisis_of_2007%E2%80%932008)[8 financial crisis](https://www.history.com/topics/21st-century/recession) — the worst economic crash since 1929 — there has been no massive global uprising or any sustained call for radical institutional reform (with the exception of the short-lived grassroots [Occupy Wall Street](https://occupywallst.org/about/) movement, and to some extent, France’s [Yellow Vests](https://www.npr.org/2018/12/03/672862353/who-are-frances-yellow-vest-protesters-and-what-do-they-want) movement). Continuous rebellion and dissent leading to revolution has not happened because we appear to have tacitly bought into an ideology that ensures our own powerlessness to transform ourselves or our societies. The good news is that this is changing. In the last few years, many have become conscious of the fact that civilizational collapse as a consequence of human-caused climate disruption is directly attributable to an economic and political system that views the Earth and everything that lives on it as an inexhaustible means for individual and corporate profit. For the first time in human history, we are confronted by the near certainty of global ecological catastrophe and its resulting political and economic breakdown — not as a consequence of natural causes, nor the vengeful act of a deity, but as a result of deliberate human choice. The brutal reality is that the present world of neoliberal economics and politics simply could not have survived had we not gradually acquiesced to it. So how did this happen? The Beginnings of Neoliberal Thought Let’s begin with the following truism: When compared to more brutalizing regimes of dominance and militaristic authoritarianism throughout history, we do have a greater measure of freedom today. With the emergence of liberal social rights and the United Nations recognition and validation of international human rights after the horrors of two world wars, the corporate power elite and the governments that do their bidding implicitly understood that there would no longer be any toleration for political ideologies whose goal was to brutally repress human beings. So, the question for the latter was always how to ensure that the right class continued to be in a position of control and dominance, while at least providing the appearance of freedom and democracy for everyone else. First, what is required is the semblance of choice and economic power — an ersatz form of freedom realized through the mythical “self-organizing” and “self-correcting” “free market.” Free-market laissez-faire monopoly capitalism is expressly designed to counter any attempts by government to impose regulations on behalf of the public good that might impede profit, and to redefine citizens wholly as consumers. Human well-being is thereby reduced to a purely economic index. Secondly, what is required is the semblance of democracy by way of electoral representative politics organized and paid for by moneyed interests. Lastly, what is required is the semblance of liberal institutional arrangements (education, social security, health care, policing, environmental and labor regulatory bodies) that increasingly do not serve public interest, but protect and serve private profit and business interests. In conjunction with ersatz freedom of choice, democracy and the semblance of public institutions which appear to further or protect the public good, there is also what Havel might have called the semblance of liberal dissidence — those persons, regulatory bodies and political parties who make a pretense of fighting on behalf of the public good and in favor of health, labor and environmental rights, while continuing to forward a corporate rights agenda behind the backs of citizens. In the contemporary world, the corporate capitalist class and the neoliberal governments that do their bidding have been able to maintain the upper hand not through sheer force or brutality, but because they have gradually been allowed to corrode democratic institutions and eviscerate the commons and, therefore, any sense of mutual obligation and responsibility humans have toward each other. Neoliberalism and Instrumental Reasoning It is crucial to recognize here that modern capitalism from the 19th century emerged in tandem with a particular sort of instrumental reasoning — the sort of use-oriented reasoning that seems innocuous and practical because it enables us to “get things done.” When we want to realize a particular end — say, build a house or mend a fence, we reason in an instrumental fashion — that is, we calculate what we need to do in order to successfully realize an end or achieve a goal. Instrumental reasoning does not tell us why we value ideas such as justice, love, courage, or why we care about other human beings, other animals or the planet. It is not about understanding or valuing the world, but always about how to succeed at realizing a goal in the most orderly and efficient way. Modern bureaucracies and the administrative state are founded on instrumental rationality. However, when divorced from deeper human concerns about social and environmental justice, instrumental reasoning can become dehumanizing, hegemonic and, indeed, life-annihilating. Imperialist bureaucracies and Nazi death camps were grounded in a form of instrumental reasoning detached from any sort of deeper value-oriented rationality that might speak to notions of human rights or dignity. The goal of genocide was enacted through Nazi bureaucracy and enabled by instrumental reasoning that was orderly, precise, lawful and lethal. In the context of contemporary neoliberal capitalism, instrumental reasoning plays a pivotal enabling and legitimating role. If my end or goal is wealth or profit, then any means that will help me efficiently achieve this end is “rationally” acceptable, and even laudable. When this sort of instrumental reasoning is married to a capitalist theory of human nature that views human beings as egotistic, competitive self-maximizers, and a neoliberal theory of economics and politics based on imperialism, technical control and domination of the planet, it must inevitably displace any sort of deeper value questions about the quality of life, the well-being of human communities and health of the biosphere. From an instrumental reasoning perspective, we as a society have bought into the seductive discourses and practices of neoliberal capitalism by embracing the myths of individual consumer freedom and self-empowering entrepreneurship. The exercise of virtues that enable us to flourish as communities and nations are all jettisoned when instrumental reasoning and neoliberal capitalism become hegemonic. Even when we appear at times to resist the logic of unjust outcomes that goes with neoliberalism, or question its theoretical or moral legitimacy, the fact remains that our politics, mainstream newspapers and electronic media, schools of economics and institutional arrangements, have been infiltrated, disciplined and systemically reframed by neoliberal doctrine, and legitimated through utilitarian calculation and instrumental reasoning. Indeed, even the false mantra that “there is no viable alternative to capitalism” pervades modern thinking to such a degree that a wholly different kind of economics and politics has often seemed unthinkable to many. There is no need for brute force nor even overt forms of propaganda in such a world because the central presuppositions of neoliberalism have been normalized and mainstreamed in everyday society. Moreover, transnational corporate class interests are protected by private security and public police forces; they are fortified and universalized by international bodies, such as the International Monetary Fund and World Bank, corporate lobby groups, Chambers of Commerce, Business Councils and roundtables, neoconservative think tanks, corporate super PACs and nonprofit corporate front groups such as the American Legislative Exchange Council that draft legislation in the interests of corporations, and against environmental regulations, corporate taxation and labor rights. Given all of the above, any talk of revolution or even the notion of mass citizen uprising resistance or rebellion might seem to be nothing less than delusional. That is, until now. Neoliberalism Versus the Climate If there is one thing that history has made clear to us again and again, it is that no human construction is eternal, all-pervasive or invulnerable to change. Reality has a way of disrupting the status quo, messing up well-laid plans and invalidating conventional pieties. In the last 20 years, reality has asserted itself in a way unprecedented in human history. For the first time, we are imminently threatened as a species because we have chosen an economic and political system that treats the planet as if it were no more than a means for infinite exploitation and individual wealth, rather than a limited Earth that only conditionally provides the possibility for all forms of life. In an unprecedented way, what has come into focus today is both the limiting nature of instrumental reasoning and the life-destroying impact of neoliberal capitalism to which it is wedded. Climate disruption as a consequence of human-caused planetary warming has brought into sharp focus two stark and undeniable truths: For the first time in human history, we have put more than a million different species at risk of extinction including our own. The economic system of capitalism and its most recent neoliberal configuration is the principal cause of the present climate crisis that threatens human and other species’ survival. The growing recognition of the above truths has pressed us to finally ask deeper questions about what we really value: the quality of life, the well-being of human and other forms of life, the health of our communities and food systems, and the safety and dignity of persons in the context of massive climate disruption. For the first time, we are asking how is it that we have come to accept the kind of instrumental rationality and neoliberal economic and political system that not only dehumanizes us as individuals but will inevitably destroy life as we know it. Those who financially benefit from the system of neoliberal capitalism would have us believe that we cannot change or transform the world into a better, more equal, more caring, environmentally sustainable and responsible place. But the fact is there are individuals and groups emerging and multiplying around the world whose actions demonstrate the neoliberal capitalist worldview is no longer viable. They are doing unprecedented things: putting forth Green New Deals that forward new ways of thinking and doing economics and politics; investing in and building environmentally sustainable alternative energy systems and modes of transportation and agriculture; demanding food sovereignty; and promoting local forms of banking, governance and sustainable living. What has become apparent to the rapidly growing numbers who are building alternative ways of living is that capitalism must end. Historically, critiques of capitalism focused on worker alienation and exploitation, imperialism, profound disparities of wealth, market instability and the erosion of democracy. However, all of the latter pale in comparison to the critique of capital based on the very foreseeable potential it has to completely destroy the very conditions of possibility for life itself.

**The alt is to decentralize global trade. A pluralistic global system allows for flexible industrial development while avoiding the pitfalls of centralized neoliberalism.**

**Bello 99** [(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>] TDI

Building a More Pluralistic System of International Trade Governance

If there is one thing that is clear, it is that developing country governments and international civil society must not allow their energies to be hijacked into reforming these institutions. This will only amount to administering a facelift to fundamentally flawed institutions. Indeed, today's need is not another centralized global institution, reformed or unreformed, but the deconcentration and decentralization of institutional power and the creation of a pluralistic system of institutions and organizations interacting with one another amidst broadly defined and flexible agreements and understandings. It was under such a more pluralistic global system, where hegemonic power was still far form institutionalized in a set of all encompassing and powerful multilateral organizations that the Latin American countries and many Asian countries were able to achieve a modicum of industrial development in the period from 1950-70. It was under a more pluralistic world system, under a GATT that was limited in its power, flexible, and more sympathetic to the special status of developing countries, that the East and Southeast Asian countries were able to become newly industrializing countries through activist state trade and industrial policies that departed significantly from the free-market biases enshrined in the WTO. The alternative to a powerful WTO is not a Hobbesian state of nature. It is always the powerful that have stoked this fear. The reality of international economic relations in a world marked by a multiplicity of international and regional institutions that check one another is a far cry from the propaganda image of a 'nasty' and 'brutish' world. Of course, the threat of unilateral action by the powerful is ever present in such a system, but it is one that even the powerful hesitate to take for fear of its consequences on their legitimacy as well as the reaction it would provoke in the form of opposing coalitions. In other words, what developing countries and international civil society should aim at is not to reform the WTO but, through a combination of passive and active measures, to radically reduce its power and to make it simply another international insitution coexisting with and being checked by other international organizations, agreements, and regional groupings. These would include such diverse actors and institutions as UNCTAD, multilateral environmental agreements, the International Labor Organization (ILO), evolving trde blocs such as Mercosur in Latin America, SAARC in South Asia, SADCC in Southern Africa, and ASEAN in Southeast Asia. It is in such a more fluid, less structured, more pluralistic world with multiple checks and balances that the nations and communities of the South will be able to carve out the space to develop based on their values, their rhythms, and the strategies of their choice.

**Try-or-die—collapse of neolib is inevitable but alternative leftist visions are necessary to counter reactionary right populism**

**Galant 19** [(Michael, coordinator of the Wire Pillar of the Progressive International) “The Battle of Seattle: 20 years later, it's time for a revival” Open Democracy, 11-30-19, <https://www.opendemocracy.net/en/oureconomy/battle-seattle-20-years-later-its-time-revival/>] TDI

Globalization and its dissent

Neoliberal globalization is a political project intended to raise the power of capital to the international level – to cement its supremacy as an immutable universal law beyond the reach of political communities. “Free trade” agreements and WTO rules establish the primacy of profit over democracy, labor, environmental, and consumer protections. World Bank and IMF loan conditions impose austerity, privatization, and deregulation on nations of the Global South. An international system of tax havens allows corporations and wealthy individuals to hoard their plundered resources. Global supply chain fragmentation shields multinationals from accountability for their abuses. Investment treaties unleash finance and corporations to cross borders in search of opportunities for exploitation, setting off a regulatory race to the bottom. If there was doubt before that capitalism must be confronted at the global level to be defeated, the power grab that is neoliberal globalization puts those doubts to rest. Capital is global. Labor must be too. Yet there are forces preventing such global solidarity. Beginning during the Cold War, the majority of Northern labor accepted a compromise: support a foreign policy that enacts the interests of capital, and benefit from a share of the spoils in the form of minor concessions, a tempered welfare state, and cheap consumer goods. This tacit agreement survived largely intact into the neoliberal era – dividing the interests of a global working class and quelling demands for systemic global change. The Alter-Globalization Movement rejected the compromise. While activists in the Global South had long resisted destructive free trade agreements and World Bank austerity, occasionally with solidarity from the North, the extremity of turn-of-the-century neoliberalism led to the explosion of a movement that refused to accept the mere crumbs of neocolonial extraction, and sought instead to build an alternative global economy for the many, both North and South. This was a movement that brought together American anarchists with Korean peasants; libertarian socialist indigenous groups in Mexico with US anti-sweatshop activists; the International Confederation of Free Trade Unions with the Industrial Workers of the World; the Brazilian Movement for Landless Workers with Greenpeace; Filipino anti-capitalist scholars with French farmer activists best known for physically dismantling a McDonald’s. Their demands were many and varied – from land redistribution to the abolition of the World Bank, from a renegotiated NAFTA to the protection of indigenous knowledge of seeds from privatization – but all shared a vision of a global solidarity that would overcome the forces of neoliberal globalization. Organizing under such a big tent, the AGM is better understood as a dispersed, informal network – a “movement of movements” – than a unified political structure. This fluid network manifested in many forms. The flagship World Social Forum regularly convened activists in an alternative to the annual World Economic Forum. Transnational advocacy networks campaigned on issues such as Global South debt relief. Northern activists used their positions of relative privilege to support local campaigns in the South, fighting water privatization in Bolivia and indigenous displacement from hydroelectric dams in India. And, as in Seattle, meetings of international organizations became rallying points for major global demonstrations. With these organizing methods, the movement achieved substantial victories. The Jubilee 2000 campaign led to significant debt relief for Southern nations. Potentially disastrous trade agreements from the FTAA to TPP have been, at least temporarily, defeated. International Financial Institutions like the IMF and World Bank – while still agents of global capital – have vastly improved their lending practices since the 90’s. But its greatest successes were intangible: the AGM undermined the hegemonic ambitions embodied in Thatcher’s “There Is No Alternative”, slowed neoliberal globalization’s seemingly inexorable onslaught, and kept alive the flame of resistance during an otherwise nadir of Leftist politics. The AGM should not, however, be romanticized. Emerging in a moment when the failures of 20th century socialist politics weighed heavily on the Left’s imagination, the AGM turned too far in the opposing direction. Big-tentism led to a dilution of demands and paved the way for the NGO-ization of the World Social Fora. A preference for all things decentralized made grabbing headlines easy, but building lasting political structures difficult. Resistance was often treated as an intrinsically valuable ends, rather than a means to taking power. And criticisms of “neoliberalism” typically fell short of identifying the true enemy – capitalism – or advancing a coherent alternative – socialism. Ultimately, the neoliberal plan for the global economy succeeded more than not. While resistance to neoliberal globalization would rage on in the South, Northern solidarity faded. The September 11th attacks were the beginning of the end. Energy shifted to the anti-war movement, the state expanded its repression of Leftist organizing, and increased pressures toward “patriotism” led some to reconsider the old foreign policy compromise. By the mid-2000’s, little was left of what the AGM once was. A call for revival It’s time to rekindle the flame. The global economy is still structured in the interest of capital. But the neoliberal consensus has begun to waver under the weight of its own contradictions. The Right has a response to the crisis. Reactionary nationalists like Trump and Johnson seize upon existing systems of oppression to scapegoat the symptoms of a failed economic model. The problem is not that the global working class has lost out to a global capital class. The problem is that “we” – White, Christian, cishet, native-born Americans – have lost out to “them” – People of Color, immigrants, entire foreign countries, feminists, LGBTQ+ folks, and all those who threaten our supremacy in their struggles for liberation. The Left must offer an alternative vision. The dramatic growth of socialist organizing and rise in popularity of social democratic politicians should offer great hope. But as the AGM understood, social democracy for the North is not enough. Our socialism must not mean merely a greater share of neocolonial extraction for Northern workers. Our socialism must rightly identify the global nature of our challenge, and unite across borders to confront a globalized capital. That means internationalizing labor organizing to confront multinational corporations. Changing the rules of trade and investment. Ending tax havens. Building alternatives to the existing intellectual property regime. Holding corporations accountable for abuses in their supply chains. Supporting the struggles of peasants, indigenous peoples, and all global subaltern groups. Democratizing global governance. Opening borders to those displaced by the ravages of global capitalism. Advancing alternative models of development. Transforming, if not abolishing and replacing, the Bretton Woods Institutions. And confronting the all-important threat of climate collapse with, to begin with, a global Green New Deal. These are not minor addendums to a socialist platform. Class war is global. Internationalist demands are fundamental. Organizations that remain from the AGM, international labor, and newcomers like Justice Is Global, the Fight Inequality Alliance, and Bernie Sanders and Yanis Varoufakis’s Progressive International, are already struggling for this vision. But its fruition depends on the backing of a far broader movement. Like the AGM, we must take a global frame of analysis, and see neoliberal globalization as a concerted effort to undermine our power. Unlike the AGM, we must understand that neoliberalism is merely one manifestation of a greater enemy. Like the AGM, we must build diverse, anti-racist, anti-sexist, anti-xenophobic movements that transcend borders. Unlike the AGM, we must not allow fears of centralization to undermine a coherent platform. Like the AGM, we must reject a class compromise that sacrifices the possibility of a better world for the crumbs of colonialism. Unlike the AGM, we must build lasting political structures that back our rejection with political power. 20 years ago, the streets of Seattle echoed with a chant that would become the defining motto of the movement: “another world is possible!” It still is – if we’re willing to fight for it.

## 3

**CP: The member nations of the World Trade Organization ought to enter into a prior and binding consultation with the World Health Organization over reducing intellectual property protections for medicines. The World Health Organization ought to publicly declare that their decision will represent their future decisions on all intellectual property protections on medicines.**

**Rimmer 4**, Matthew. "The race to patent the SARS virus: the TRIPS agreement and access to essential medicines." Melbourne Journal of International Law 5.2 (2004): 335-374. <https://law.unimelb.edu.au/__data/assets/pdf_file/0007/1681117/Rimmer.pdf> (BA (Hons), LLB (Hons) (Australian National University), PhD (New South Wales); Lecturer at ACIPA, the Faculty of Law, The Australian National University)//SidK + Elmer

The WHO has been instrumental in coordinating the international network of research on the SARS virus. It has emphasised the need for collaboration between the network participants. The WHO presented the containment of the SARS virus as ‘one of the biggest success stories in public health in recent years’.206 However, it was less active in the debate over patent law and public health epidemics. The 56th World Health Assembly considered the relationship between intellectual property, innovation and public health. It stressed that in order to tackle new public health problems with international impact, such as the emergence of severe acute respiratory syndrome (SARS), access to new medicines with potential therapeutic effect, and health innovations and discoveries should be universally available without discrimination.207 However, there was much disagreement amongst the member states as to what measures would be appropriate. The WHO has made a number of aspirational statements about patent law and access to essential medicines. Arguably, though, the organisation could be a much more informed and vocal advocate. Initially, the WHO did not view the patent issues related to SARS as being within its field of activities. The agency did not even seem aware of the patent proceedings, leaving individual research institutions without guidance. Spokesman Dick Thompson said: ‘What we care about is [that] the international collaboration continues to function. Patents, they don’t really concern us’.208 The director of WHO’s Global Influenza project, Klaus Stöhr, expressed his opinion that the patent filings would not interfere with the international cooperation on the SARS research: ‘I don’t think this will undermine the collaborative spirit of the network of labs’.209 However, he believed that, after the international network of researchers had identified the coronavirus, it was necessary to rely upon companies to commercialise such research. Klaus Stöhr conceded: ‘At a certain point of time you have to give way for competitive pharmaceutical companies’.210 On a policy front, the WHO remained deferential to the WTO over the debate over patent law and access to essential medicines, observing: Owing to the inconclusive nature of the studies conducted to date, and because of the effect that potentially significant price increases could have on access to drugs in poor countries, WHO is currently monitoring and evaluating the effects of TRIPS on the prices of medicines. It is also monitoring the TRIPS impact on other important issues such as transfer of technology, levels of research and development for drugs for neglected diseases, and the evolution of generic drug markets.211 In such a statement, the WHO appears diffident, unwilling to take on more than a spectator role. Such a position is arguably too timid, given the gravity of national emergencies, such as the SARS virus. The organisation could take a much stronger stance on the impact of the TRIPS Agreement on public health concerns. The WHO has since enunciated a position statement on the patenting of the SARS virus. A number of high ranking officials from the organisation have commented on the need to ensure that international research into the SARS virus is not impeded by competition over patents. Arguably though, the WHO should not be limited to a mere spectator role in such policy discussions. It needs to play an active advocacy role in the debate over patent law and access to essential medicines. The WHO released a position statement on ‘Patent Applications for the SARS Virus and Genes’ on 29 May 2003.212 The organisation stressed that it had no per se objection to the patenting of the SARS virus: Some people have objected to the SARS patent applications on the ground that the virus and its genes should not be patentable because they are mere discoveries, not inventions. This distinction no longer prevents the granting of patents; the novel claim rests not with the virus itself but with its isolation, and likewise with the identification of the genetic sequence not its mere occurrence. Many patents have been issued on viruses and genetic sequences, though the appropriate policies to follow in such cases — particularly as genomic sequencing becomes more routine and less ‘inventive’ — remain matters of dispute.213 Furthermore, it recognised that public institutions could legitimately use patents as a defensive means to prevent undue commercial exploitation of the research: The “defensive” use of patents can be a legitimate part of researchers’ efforts to make their discoveries (and further discoveries derived therefrom) widely available to other researchers, in the best collaborative traditions of biomedical science.214 The WHO affirmed the need for further cooperation between research organisations in respect of the SARS virus: ‘For continued progress against SARS, it is essential that we nurture the spirit of the unprecedented, global collaboration that rapidly discovered the novel virus and sequenced its genome’.215 The WHO announced its intention to monitor the effects of patents (and patent applications) on the speed with which SARS diagnostic tests, treatments, and vaccines are developed and made available for use, and on the manner in which prices are set for these technologies. It observed: In the longer term, the manner in which SARS patent rights are pursued could have a profound effect on the willingness of researchers and public health officials to collaborate regarding future outbreaks of new infectious diseases. WHO will therefore examine whether the terms of reference for such collaborations need to be modified to ensure that the credit for any intellectual property developed is appropriately attributed, that revenues derived from licensing such property are devoted to suitable uses, and that legitimate rewards for innovative efforts do not impose undue burdens on efforts to make tests, therapies, and preventive measure available to all.216 It maintained that in order to tackle new public health problems with international impact, such as the emergence of severe acute respiratory syndrome (SARS), access to new medicines with potential therapeutic effect, and health innovations and discoveries should be universally available without discrimination.219 The Assembly requested that the Director-General continue to support Member States in the exchange and transfer of technology and research findings, according high priority to access to antiretroviral drugs to combat HIV/AIDS and medicines to control tuberculosis, malaria and other major health problems, in the context of paragraph 7 of the Doha Declaration which promotes and encourages technology transfer.220 The WHO also considered a report on the emergence of the SARS virus and the international response to the infectious disease.221 It was ‘deeply concerned that SARS ... poses a serious threat to global health security, the livelihood of populations, the functioning of health systems, and the stability and growth of economies’.222 The Committee on Infectious Diseases requested that the Director-General ‘mobilize global scientific research to improve understanding of the disease and to develop control tools such as diagnostic tests, drugs and vaccines that are accessible to and affordable by Member States’.223 The Director-General of the WHO, Dr Gro Harlem Brundtland, told the World Health Assembly that there was a need to build trust and forge solidarity in the face of public health epidemics: ‘Ensuring that patent regimes stimulate research and do not hinder international scientific cooperation is a critical challenge — whether the target is SARS or any other threat to human health’.224 Similarly, Dr Marie-Paule Kieny, Director of the WHO Initiative for Vaccine Research, said: If we are to develop a SARS vaccine more quickly than usual, we have to continue to work together on many fronts at once, on scientific research, intellectual property and patents issues, and accessibility. It is a very complicated process, involving an unprecedented level of international cooperation, which is changing the way we work.225 She emphasised that patents and intellectual property issues and their safeguards can help rather than hinder the rapid development of SARS vaccines and ensure that, once developed, they are available in both industrialised and developing countries.226 C Summary The WHO should play a much more active role in the policy debate over patent law and access to essential medicines. James Love, the director of the Consumer Project on Technology, run by Ralph Nader, is critical of the WHO statement on ‘Intellectual Property Rights, Innovation, and Public Health’.227 He maintains that the Assembly could have addressed ‘practical examples, like SARS’ and cites the report in The Washington Post that notes that a number of commercial companies are investing in SARS research.228 The non-government organisation Médecins Sans Frontières has been critical in the past of the passive role played by the WHO in the debate over access to essential medicines: ‘As the world’s leading health agency, and armed with the clear mandate of recent World Health Assembly resolutions, the WHO can and should do much more’.229 The WHO should become a vocal advocate for public health concerns at the WTO and its TRIPS Council — especially in relation to patent law and the SARS virus. It must staunchly defend the rights of member states to incorporate measures in their legislation that protect access to medicines — such as compulsory licensing, parallel imports, and measures to accelerate the introduction of generic pharmaceutical drugs. It needs to develop a clearer vision on global equity pricing for essential medicines. The race to patent the SARS virus seems to be an inefficient means of allocating resources. A number of public research organisations — including the BCCA, the CDC and HKU — were compelled to file patents in respect of the genetic coding of the SARS virus. Such measures were promoted as ‘defensive patenting’ — a means to ensure that public research and communication were not jeopardised by commercial parties seeking exclusive private control. However, there are important drawbacks to such a strategy. The filing of patents by public research organisations may be prohibitively expensive. It will also be difficult to resolve the competing claims between the various parties — especially given that they were involved in an international research network together. Seth Shulman argues that there is a need for international cooperation and communication in dealing with public health emergencies such as the SARS virus: The success of a global research network in identifying the pathogen is an example of the huge payoff that can result when researchers put aside visions of patents and glory for their individual laboratories and let their work behave more like, well, a virus. After all, the hallmark of an opportunistic virus like the one that causes SARS is its ability to spread quickly. Those mounting a response need to disseminate their information and innovation just as rapidly.230 There is a danger that such competition for patent rights may undermine trust and cooperation within the research network. Hopefully, however, such concerns could be resolved through patent pooling or joint ownership of patents. Furthermore, a number of commercial companies have filed patent applications in respect of research and development into the SARS virus. There will be a need for cooperation between the public and private sectors in developing genetic tests, vaccines, and pharmaceutical drugs that deal with the SARS virus. There is also a need to reform the patent system to deal with international collaborative research networks — such as that created to combat the SARS virus. Several proposals have been put forward. There has been a renewed debate over whether patents should be granted in respect of genes and gene sequences. Some commentators have maintained that the SARS virus should fall within the scope of patentable subject matter — to promote research and development in the field. However, a number of critics of genetic technology have argued that the SARS virus should not be patentable because it is a discovery of nature, and a commercialisation of life. There has been a discussion over the lack of harmonisation over the criteria of novelty and inventive step between patent regimes. As Peter Yu comments, ‘[w]hile [the] US system awards patents to those who are the first to invent, the European system awards patents to those who are the first to file an application’.231 There have been calls for the requirement of utility to be raised. There have also been concerns about prior art, secret use and public disclosure. Representative Lamar Smith of Texas has put forward the CREATE Act, which recognises the collaborative nature of research across multiple institutions. Such reforms are intended to ensure that the patent system is better adapted to deal with the global nature of scientific inquiry. The race to patent the SARS virus also raises important questions about international treaties dealing with access to essential medicines. The public health epidemic raises similar issues to other infectious diseases — such as AIDS, malaria, tuberculosis, influenza, and so forth. The WHO made a public statement about its position on the patenting of the SARS virus. It has stated that it will continue to monitor developments in this field. Arguably, there is a need for the WHO to play a larger role in the debate over patent law and access to essential medicines. Not only could it mediate legal disputes over patents in respect of essential medicines, it could be a vocal advocate in policy discussions. The WTO has also played an important role in the debate over patent law and access to essential medicines. A number of public interest measures could be utilised to secure access to patents relating to the SARS virus including compulsory licensing, parallel importation and research exceptions. The appearance of the SARS virus shows that there should be an open-ended interpretation of the scope of diseases covered by the Doha Declaration on the TRIPS Agreement and Public Health. Important lessons should be learned from the emergence of the SARS virus, and the threat posed to global health. As the World Health Report 2003 notes: SARS will not be the last new disease to take advantage of modern global conditions. In the last two decades of the 20th century, new diseases emerged at the rate of one per year, and this trend is certain to continue. Not all of these emerging infections will transmit easily from person to person as does SARS. Some will emerge, cause illness in humans and then disappear, perhaps to recur at some time in the future. Others will emerge, cause human illness and transmit for a few generations, become attenuated, and likewise disappear. And still others will emerge, become endemic, and remain important parts of our human infectious disease ecology.232 Already, in 2004, there have been worries that pharmaceutical drug companies and patent rights are impeding efforts to prevent an outbreak of bird flu — avian influenza.233 There is a need to ensure that the patent system is sufficiently flexible and adaptable to cope with the appearance of new infectious diseases.234

**WHO says yes**

Spencer **Kimball and** Rich **Mendez**, 7-3-**2020**, "WHO chief urges world to follow U.S. lead and support waiving Covid vaccine patent protections," CNBC, <https://www.cnbc.com/2021/05/07/who-chief-urges-world-to-follow-us-waive-covid-vaccine-patent-protections.html> //SR

World Health Organization Director General-Tedros Adhanom Ghebreyesus on Friday urged other countries, particularly the Group of Seven industrialized nations, to follow the U.S. example and support a World Trade Organization motion to temporarily waive Covid-19 vaccine patent protections. "Wednesday's announcement by the U.S. that it will support a temporary waiver of intellectual property protections for Covid-19 vaccines is a significant statement of solidarity and support for vaccine equity," Tedros said at a press briefing. "I know that this is not a politically easy thing to do, so I very much appreciate the leadership of the U.S. and we urge other countries to follow their example."

**Consultation displays strong leadership, authority, and cohesion among member states which are key to WHO legitimacy**

**Gostin et al 15** [(Lawrence O., Linda D. & Timothy J. O’Neill Professor of Global Health Law at Georgetown University, Faculty Director of the O’Neill Institute for National & Global Health Law, Director of the World Health Organization Collaborating Center on Public Health Law & Human Rights, JD from Duke University**) “**The Normative Authority of the World Health Organization,” Georgetown University Law Center, 5/2/2015] JL

Members want the WHO to exert leadership, harmonize disparate activities, and set priorities. Yet they resist intrusions into their sovereignty, and want to exert control. In other words, ‘everyone desires coordination, but no one wants to be coordinated.’ States often ardently defend their geostrategic interests. As the Indonesian virus-sharing episode illustrates, the WHO is pulled between power blocs, with North America and Europe (the primary funders) on one side and emerging economies such as Brazil, China, and India on the other. An inherent tension exists between richer ‘net contributor’ states and poorer ‘net recipient’ states, with the former seeking smaller WHO budgets and the latter larger budgets. Overall, national politics drive self-interest, with states resisting externally imposed obligations for funding and action. Some political leaders express antipathy to, even distrust of, UN institutions, viewing them as bureaucratic and inefficient. In this political environment, it is unsurprising that members fail to act as shareholders. Ebola placed into stark relief the failure of the international community to increase capacities as required by the IHR. Guinea, Liberia and Sierra Leone had some of the world's weakest health systems, with little capacity to either monitor or respond to the Ebola epidemic.20 This caused enormous suffering in West Africa and placed countries throughout the region e and the world e at risk. Member states should recognize that the health of their citizens depends on strengthening others' capacity. The WHO has a central role in creating systems to facilitate and encourage such cooperation. The WHO cannot succeed unless members act as shareholders, foregoing a measure of sovereignty for the global common good. It is in all states' interests to have a strong global health leader, safeguarding health security, building health systems, and reducing health inequalities. But that will not happen unless members fund the Organization generously, grant it authority and flexibility, and hold it accountable.

**WHO legitimacy is uniquely necessary to resist pandemics, populism, and conflict through solidarity**

**Friedman 17** Eric Friedman March 2017 “New WHO Leader Will Need Human Rights to Counter Nationalistic Populism”<https://www.hhrjournal.org/2017/03/new-who-leader-will-need-human-rights-to-counter-populism/> (JD, Project Leader of the Platform for a Framework Convention on Global Health at the O’Neill Institute for National and Global Health Law at the Georgetown University Law Center in Washington, DC)//Elmer

The need for WHO leadership on human rights—and for global leadership on health and human rights beyond WHO—has always been present, yet has become ever more pressing. A reactionary, nationalist populism has been gaining momentum, particularly in the United States and parts of Europe, and some of its most disturbing features, such as xenophobia and disregard for international law and institutions, are surfacing elsewhere. Persisting health challenges—such as immense national and global health inequities, with universal health coverage and the Sustainable Development Goals offering some hope of lessening them—and growing threats such as outbreaks of infectious disease, worsening antimicrobial resistance, and climate change demand the type of leadership that the right to health entails. In this immensely challenging environment, WHO needs to become a 21st century institution that has the gravitas and credibility to carve a path through these obstacles towards global health justice. The next WHO Director-General, to be elected in May, must lead the organization there. The right to health can light the way ahead, with reforms to, and driven by, WHO. These reforms must develop an internal governance that is far more welcoming of civil society, with WHO member states significantly increasing contributions so work on the social determinants of health can expand, and with enhanced transparency and accountability. Furthermore, reforms are needed so that WHO leads on global health equity and human rights, including through national health equity strategies and, above all, the Framework Convention on Global Health (FCGH). The FCGH could help bring the right to health to the next level by capturing core aspects of the right to health, such as: 1) participation and accountability, setting clear standards for people’s participation in health policy-making at all levels, and establishing multi-layered health accountability frameworks with standards to which all nations would be held; 2) equity, including by catalyzing national health equity strategies—which must be developed through broad participation, itself a potentially empowering process—and advancing data disaggregation and more equitable financing; 3) financial resources, with global norms on national and international health financing responsibilities; and 4) respecting and promoting the right to health in all policies, from setting standards on health impact assessments—including participatory processes in developing them, human rights standards, an equity focus, and follow-up processes—to firmly ensuring the primacy of the right to health in other legal regimes that may undermine. From an earlier WHO treaty, the Framework Convention on Tobacco Control, we know the power of international law to significantly advance health, with the transformative power of legally binding global health norms. As a treaty, the FCGH would increase political accountability and accountability through the courts, while helping protect health other treaty-based international regimes, such as trade. It would also be a bold assertion of global solidarity for global justice, as so urgently needed, “demonstrating that the community of nations are indeed stronger together.” One candidate for the WHO Director-General election, David Nabarro, has recognized the value and civil society support that FCGH has already received, and the need to further explore the treaty (mentioned at 1:46:38 mark). A good first step would be establishing a WHO working group on the FCGH, with broad participation, particularly from states, civil society, and representatives of communities most affected by health inequities, along with relevant international agencies. We see signs of resistance of the dangerous nationalist populism, from protests that persist and judicial checks on one of the administration’s vilest acts (an immigration and refugee travel ban, with its effects falling heaviest on Muslims) in the United States to the rejection of the far-right candidate in the elections in the Netherland. Such resistance can prevent some of the worst impacts on the right to health, from discrimination against migrants to cuts to programs vital for health. Meanwhile, let’s construct an edifice for the future of health and human rights, even as we stand against its destruction. WHO, right to health, and FCGH leadership ought to be a core part of that endeavor.

## 4

**Interp: Debaters must not justify their frameworks by saying it is the most fair or educational. To clarify, no TJFs - spirit over text to prevent blippy I meets and get away with abuse**

1. **Phil ed--incentivizes the 1ar and 2ar just collapsing to “but we’re the most fair” instead of philosophically justifying their fw which decks phil ed and outweighs--a) phil is 100% uq to LD so its try or die and b) phil is a side constraint since every other standard presumes a philosophical justification for why we should care about it**
2. **Strat Skew – they divide the FW debate into 2 layers which means they will always just collapse for 4 min on the 1 I undercover. Means we don’t discuss either in depth which is worse for clash and gives you a 2:1 skew**

**On requires good frameworks for debate**

1. **Its good for debate to normatively justify frameworks**
2. **You can read theory to check back against abusive frameworks, but TJFs uniquely incentivize reading the fairest instead of best arguments - you should hold the line**