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#### Capitalism causes massive violence and inevitable extinction – the role of the ballot is to endorse the best organizational tactics.

Escalante 19 [Alyson Escalante, M.A., Department of Philosophy @ University of Oregon, “Truth and Practice: The Marxist Theory of Knowledge,” 09/08/19, tinyurl.com/8jksnexs] pat

The world we live in today is in a dire state. Climate destruction continues at a fast pace, and every with every passing day, capitalism proves itself to be incapable of addressing this. Capitalist production and its endless drive for resources to match artificial market demands has created a climate crisis that leaves us on the brink of potential extinction.

Governments around the world are turning to far right and fascist leaders to assuage their fears of an uncertain future, and the most marginalized and oppressed suffer because of it. Fascism is on the rise, and history tells us very clearly what that can result in without opposition.

The decaying US empire continues to lash out in violence across the globe in a desperate attempt to re-assert its power and hegemony. Whole countries are destroyed in its desperate bids for more fossil fuels. The world burns from America’s white phosphorus weaponry.

The need for a revolutionary movement capable of replacing capitalism with something better has never been so clear. The choice between socialism or barbarism has never been so stark. More and more people are starting to realize that reform cannot save us, that capitalism and imperialism themselves are the problem, and that we must unite and band together to fight for a better world.

The question then is: how will we know what strategies, what tactics, and what ideas to unite around? If the skeptics and postmodernists are correct that knowledge is always relative and localized, then we cannot built a global and universal strategy to unite around. If they are correct then we are doomed to small acts of localized or individual resistance in the face of apocalypse. To embrace such a vision of the world (with its accompanying epistemological skepticism) is to embrace defeat.

The masses do not want to embrace defeat, they want to know how to fight back. Marxism can provide the tools necessary to engage in that fight.

Marxism, with its self criticism and its insistence on incorporating the valuable ideas of its critics has created a means for unifying workers across the globe with anti-colonial and anti-imperialist struggles. The Marxist belief in the possibility of true ideas, tested and verified in practice, creates the possibility for unity on a global scale. The scientific status of Marxism means that as our climate changes, as our world looks more and more grim, Marxism will adapt through struggle and practice; it will provide us with the ideas and tools we need to fight and win.

There will be no victory for the workers of the world without the ability to wield a revolutionary science. What is at stake in questions of Marxist epistemology is the very possibility of creating a philosophical and scientific basis for revolution. We must defend this possibility. We must defend the scientific status of Marxism, and must insist on the possibility of victory.

#### The aff’s positioning of competition as intrinsic good acts to maintain the stability of capital accumulation.

* AT: Capitalism is when monopoly

Christophers 16 [Brett Christophers, Professor in the Department of Social and Economic Geography at Uppsala University, “The Great Leveler: Capitalism and Competition in the Court of Law,” 2016, Harvard University Press, pp. 8-15, EA]

The aforementioned argument that capitalism has historically migrated from a state of competitiveness to a state of monopoly or oligopoly is deficient in four primary respects, both empirical and conceptual in nature.

First, there is something deeply misleading about the either/or nature of this historical narrative. One of the most important—although rarely acknowledged—of Marx’s insights was that capitalism always, everywhere, requires both. It needs competition, assuredly, not least to drive technological innovation and the reinvestment of profits, and thus growth. But it also needs monopoly—not merely to enhance visibility within and control over otherwise potentially chaotic business environments, but also to underwrite capitalist, market-based trade per se. Not for nothing does David Harvey argue, after Marx, that the “monopoly power of private property” is “both the beginning point and the end point of all capitalist activity.”20 For the legal institution of private property does confer monopoly: the exclusive power to dispose of said property as the owner alone sees fit.

Capital’s seemingly paradoxical need for both competition and monopoly is explored in Chapter 1, which extracts from Marx a conceptualization of capitalism that critically informs the remainder of the book: that of capitalism always, necessarily, teetering on a knife edge, balanced precariously between the contradictory forces of competition and monopoly, and perennially in danger of lapsing too far to one side or the other. “The problem,” Harvey shrewdly observes, “is to keep economic relations competitive enough while sustaining the individual and class monopoly privileges of private property that are the foundation of capitalism as a political-economic system.”21

And it is here that our economic laws crucially enter the picture. In metaphorical terms, the law acts as a powerful leveler: a pincer of sorts on the critical, combustible nexus of monopoly and competition, applicable from one side of the knife edge, the other, or both. Antitrust (competition) law, meaningfully enforced, serves to constrain monopoly power where it coheres too readily, thus boosting competition; IP law acts from the other side, allowing a degree of monopoly power where none “naturally” coheres, and limiting competition in the process. This conceptualization of economic law is sketched out in Chapter 3. Together, such laws help to ensure that over the long term, market-based capitalism is not too competitive (driving down prices and profits) but, in Harvey’s terms, remains competitive enough (avoiding stagnation and rent-seeking). In the process, the laws in question historically have contributed substantially to keeping capitalist accumulation regimes broadly in balance.

At the pivot of this overall mechanism sits the phenomenon of profit. Following the lead of scholars such as Robert Brenner, this book places front and center the relationship between profitability and the interrelated dynamics of competition and monopoly.22 As, indeed, did the classicals: Profit rates were, as Chapter 1 will show, fundamental to their theorization of competition. But it is vital to recognize, as writers such as Keith Cowling have done, that this relationship does not assume a simplistic less-competition-means-more-profit form, isolated as it were from other contributory factors.23 Indeed, the book shows that excesses neither of competitive intensity nor of monopoly power support long-term stability of profit-making and accumulation.

Instead, it leans more toward the type of argument proffered by Gérard Duménil and Dominique Lévy, which is that the dynamics of profitability strongly influence the state’s attempts to regularize regimes of accumulation, and that stabilizing capitalism is thus in no small part a question, ultimately, of stabilizing profitability.24 Or, as David Gordon and coauthors have written, the reproduction of capitalism is “fundamentally conditioned by the level and stability of capitalist profitability. As profits go, in short, so goes the economy.”25 The book’s particular slant on such conceptions is to consider corporate profits more in relative than absolute terms—and relative to, especially, labor and wages. While a comparable focus has recently been adopted by Thomas Piketty in his much discussed Capital in the Twenty-First Century, the inspiration underlying the approach taken here lies much further back in time, in the work in particular of Michal Kalecki.26 For as Kalecki showed both historically and conceptually, the relation of capital with labor, and profit with wages, is centrally implicated in the monopoly-competition relation and the balance that capitalism requires of it. Kalecki, it is fair to say, would have had some very interesting things to say about the Apple wage-suppression antitrust lawsuit.

A second and related problem with the linear historical narrative of from-competition-to-monopoly is its positing of monopoly and competition not only as mutually exclusive alternatives, but as separable ones. Once more, we can turn to Marx for an effective disabusal of this figuring. Monopoly and competition, he argued, are much more closely related, and much more closely connected, than is typically recognized. “Monopoly produces competition, competition produces monopoly,” he maintained, somewhat aphoristically, in a letter he wrote to Pavel Annenkov in 1846.27 Capital not only requires both but is in fact the expression, inter alia, of their synthesis—a synthesis that Marx, in trademark dialectical fashion, described not as a “formula” but as a “movement,” specifically “the movement whereby a true balance is maintained between competition and monopoly.”28 Such movement comprises opposing but connected economic dynamics of centralization and decentralization. When one or the other dynamic becomes disproportionately powerful, Marx argues, the “counteracting tendency” kicks in to return capital to a balanced configuration of monopoly and competition.

This balanced organization of productive forces—always inherently unstable and always prone to knife-edge slippages—is very close to what Edward Chamberlin would later call “monopolistic competition.”29 Such monopolistic competition internalizes monopoly and competition in dialectical relation with one another and is the capitalist norm—and always has been. “The notion of a bygone ‘competitive’ stage of capitalism where firms were price-takers is,” as Duménil and Lévy insist, “a fiction derived from the neoclassical analytical apparatus.”30 Equally fictional, albeit a fiction usually emanating from a very different analytical source, is the notion of a contemporary “monopoly” stage of capitalism absent meaningful competition.31

The historical, U.S.- and U.K.-based narrative related in this book therefore turns on precisely this dialectical, restless synthesis of monopoly and competition, and its ever-evolving, historically and geographically specific forms. In recent years, it is Harvey who has provided the most provocative reading of this dialectic and of its centrality to capitalism. It is, Harvey argues, one of numerous “moving” contradictions that plague the capital form, and with which capital constantly wrestles as it enters into and out of crisis.32 Harvey repeats Marx’s observation that capital requires a balance of competitive and monopolistic forces. He then derives from this postulate the propositions that crisis occurs when such forces become imbalanced—although this is not the only cause of crisis—and that such crisis can only be “fixed” once balance is restored. The result is that capital historically “oscillates” between relative excesses of monopoly and competition, always finding balance hard to achieve, let alone sustain.33 Understanding capital and its historical development in this particular regard, Harvey insists, requires us to recognize “how successful capital has generally been in managing the contradictions between monopoly and competition” and that “it uses crises to do so.”34

Such success, and the role played by crises or by threats thereof, are two of this book’s central, recurring themes. However, Harvey’s framing raises two vital questions that he fails, in his admittedly brief account of monopoly and competition, to answer.

First, how has this success been achieved? “Capital,” Harvey writes, “has organically arrived at a way to balance and rebalance the tendencies towards a monopolistic centralisation and decentralised competition through the crises that arise out of its imbalances.”35 Again, there is no objection here, except to press: “organically,” how? This book fashions an answer. This answer rests on the role of the law. When capital has become sufficiently overcentralized and monopolistic to threaten its own successful, profitable reproduction, antitrust law has been called upon to help restore the necessary degree of balance. This balance will never be perfect and at rest; in a dialectical relation, such as that between monopoly and competition, it never can be. When the dangerous excess has been of competition, by contrast, IP law has come to the rescue. Such laws, needless to say, have not effected this work of rebalancing by themselves, and this book documents their interaction with other pertinent dynamics; but their role has been paramount.

The other problematic question raised by Harvey’s framing brings us directly to our third point of divergence with the Baran and Sweezy or Foster and McChesney reading of capitalist development. Consider here the agency behind the successful, crisis-based management and rebalancing of monopolistic and competitive forces envisioned by Harvey: “capital has been successful . . .”; “capital has arrived at . . .” But what, or who, is this capital, and has its form remained constant? For Harvey, clearly, capital is the capitalist class: those that own the means of production. Yet this singularization of responsibility for regulating and reregulating the core dynamics of the capitalist economy raises all manner of questions that Harvey fails to address. Is this capitalist class homogeneous? Does it share consistent objectives in terms of economic development and management? And even if it does (and of course, it does not), what is its relation with the state and with the different tools of economic regulation, the law among them, that the state uses to govern and shape economic conduct?

If Harvey’s stimulating propositions call for circumspection on account of their simplifying structural abstractions, the connection to the “monopoly capital” thesis is that it too tends to rely upon just such totalizing, even reified, concepts. “Monopoly capital” is itself one such. One of the consistent themes of the tradition renewed by The Endless Crisis—one extending back through Baran and Sweezy’s Monopoly Capital to Rudolf Hilferding’s Finance Capital (1910) and even Lenin’s Imperialism (1917)—is its tendency not only to associate potent monopoly powers with a new stage or phase of capitalism but to depict the latter in terms of a consciously regulated and (centrally) planned system in which market-based competition largely disappears from view.36 For Lenin, this system fused the interests of capital and state (state monopoly capitalism); for Hilferding the fusion was tripartite, with finance capital also integral. But Marx, for all the stereotypes to the contrary, never saw capitalism as such. It was a totality, to be sure, but one that needs to be continually reproduced and reconstituted. This process occurs in and through the disparate actions of government, workers, consumers, businesses, and so on; when such reconstitution occurs in ways that imperil accumulation, crisis looms.

The point of saying all this is not simply to oppugn a totalizing view of “monopoly capital,” but to contrast with it the approach taken in this book, particularly to the law and its mobilization. There is not, and has not been, a single hand on the tiller, for all the obvious importance of the state as the law’s formal originator; there is no single, homogeneous entity pulling the levers, so to speak, of political-economic regulation— no consistent regime of conscious, systematic control. As with other modalities of economic regulation or governance, the law, in practice, does not “work” like that.

For one thing, there is an important difference between the written law and its interpretation. Two courts can interpret and apply the same law or laws in markedly different ways and with very different consequences. Perhaps the clearest example of this, at least in this book (Chapter 6), concerns U.S. antitrust law in the second half of the twentieth century: The nature and degree of enforcement of this law underwent a dramatic transformation in the late 1970s and early 1980s, but the law itself did not materially change. Intellectual training, social and political context, even judicial personality: These variables, and more, all matter to the law’s practical materialization. As such, we must remain constantly alive to the simple fact that, as Peter Carstensen has put it, “court doctrine is not the whole of the law in practice.”37 Relatedly, much of the enforcement of IP rights occurs at a significant remove from courts—specifically in, as argued by William T. Gallagher, the everyday practices of IP owners and their lawyers, whose “negotiations” with alleged infringers take place largely in the “shadow” of IP law.38

For another thing, just as the state never enacts new economic laws in total isolation from the influence and interests of capital, so both capital(s) and state—and indeed other economic agents—use the law to their own ends, and these ends are far from necessarily commensurate. Think, once again, about our two Apple cases. Who, in each case, instigated the legal action? Who put the law to work in their own interests? In the IP case it was Apple itself. In the class-action suit it was labor. But the latter suit was in fact itself based upon a prior government investigation launched by the Department of Justice’s Antitrust Division in 2010.39 Three legal cases, then, all driven by different actors with different motivations, but all revolving around the same political-economic locus: the knotty complex of profit generation and accumulation constituted by Apple Inc. And if the law, together with its agents, is so palpably nonsingular at the scale of the political economy of just one company, on what reasonable grounds could we ever envision it thus—as a vehicle of conscious, unified control—in relation to the political economy of capitalism more widely? The “great leveler” indicated in the book’s title, in short, is not some omnipotent regulator in charge of the law; it is the law per se.

How, then, might we more accurately characterize the human and institutional agency analyzed in the following pages in relation to the law, its mobilization, and its political-economic effects? At a general level, the conclusion reached by Paul David in his examination of the history of IP law fits particularly well: “The complex body of law, judicial interpretation, and administrative practice that one has to grapple with in this field was not created by some rational, consistent, social welfare-maximizing public agency. What one is faced with, instead, is a mixture of the intended and unintended consequences of an undirected historical process on which the varied interests of many parties, acting at different points (some widely separated in time and space), have left an enduring mark.”40 More specifically, however, we will see that although IP and competition laws have indeed performed their work under the influence of varied individuals and groups, the vast majority of the latter are ultimately committed to, and institutionally invested in, the reproduction, in as smooth a fashion as possible, of capitalism in more or less its existing form. And even more specifically, the “smoothness” here alluded to means the reproduction of capitalism especially without the kinds of problems—identified in Chapter 3—that tend to emerge when the necessary balance between monopoly and competition is substantially disrupted.

On all the above grounds, therefore, this book’s argument diverges from that which we find in the all-too-common narrative of competitive capitalism historically segueing into monopoly capitalism. Of course, none of this is to suggest that nothing has changed historically in the capitalist constellation of monopoly-competition structures and dynamics. Far from it. But the book’s fourth and final quarrel with the conventional narrative is that what has substantively, perhaps irrevocably, changed is not the relative levels of competitive intensity and monopoly power—as in, that era had more competition, this one has more monopoly—so much as the source of monopoly powers and the degree of defensibility thereof.

Capitalism, this argument runs, is always characterized by competitive undercurrents; were it not, it would not be capitalism. Meanwhile, and arising partly out of these competitive dynamics (the Marxian argument), there is an endemic drive to fashion monopoly powers. Yet the means of assembly of such powers do not remain constant, and neither does the ability of monopolistic capitalists to defend the powers thus amassed. Capitalists—and indeed the states committed to stabilizing capitalism, with the law one obvious apparatus at their disposal—must constantly find new ways of putting monopoly in place and keeping it there. “As monopoly privileges from one source diminish,” Harvey observes, “so we witness a variety of attempts to preserve and assemble them by other means.”41 Mindful, thus, of Marx’s dictum that the monopoly-versus-competition dualism is a red herring that confuses a dialectical relation for an oppositional one, this book focuses instead on the ways in which the unstable balance between the two forces is maintained—and it posits the law as the primary, necessarily mutable, instrument of such maintenance.

#### Capitalism is unsustainable and causes extinction -- multiple intertwined crises make collapse inevitable which means its try-or-die -- we got charts.

von Weizsäcker and Wijkman ‘17

Ernest Ulrich von Weizsäcker, Professor and Director of the United Nation Centre for Science and Technology for Development, Founder and President of the Wuppertal Institute, Member of the German Bundestag, chairing the Committees on Globalization and the Environment, Dean of the graduate School of Environmental Science and Management at the University of California, appointed Co-Chair of UNEP’s International Resource Panel, Anders Wijkman, chairman of the Swedish Association of Recycling Industries, member of the Board of the Swedish Development Authority (SIDA), appointed chair of the Swedish Cross-Party Committee on Environmental Objectives, member of the European Parliament, Assistant Secretary-General of the United Nations and Policy Director of UNDP, Secretary General of the Swedish Red Cross and Director General of the Swedish Agency for Research Cooperation with Developing Countries, Member of the Swedish Royal Academy of Sciences, the World Future Council and the International Resource Panel, 2017 (“Come On! Capitalism, Short-termism, Population and the Destruction of the Planet – A Report to the Club”, November 11th, Available Online via Subscription to Springer, Accessed 03-20-2018)

1.1 Introduction: The World in Disarray We all know that the world is in crisis. Science tells us that almost half of the top soils on earth have been depleted in the last 150 years1 ; nearly 90% of fish stocks are either overfished or fully fished.2 Climate stability is in real danger (Sects. 1.5 and 3.7); and the earth is now in the sixth mass extinction period in history.3 Perhaps the most accurate account of the ecological situation is the 2012 ‘Imperative to act’,4 launched by all the 18 recipients (till 2012) of the Blue Planet Prize, including Gro Harlem Brundtland, James Hansen, Amory Lovins, James Lovelock and Susan Solomon. Its key message reads, ‘The human ability to do has vastly outstripped the ability to understand. As a result, civilization is faced with a perfect storm of problems, driven by overpopulation, overconsumption by the rich, the use of environmentally malign technologies and gross inequalities’. And further, ‘The rapidly deteriorating biophysical situation is barely recognized by a global society infected by the irrational belief that physical economies can grow forever’. 1.1.1 Different Types of Crisis and a Feeling of Helplessness The crisis is not cyclical but growing. And it is not limited to the nature around us. There are also a social crisis, a political and a cultural crisis, a moral crisis, as well as a crisis of democracy, of ideologies and of the capitalist system. The crisis also consists of deepened poverty in many countries and the loss of jobs for a considerable part of the population worldwide. Billions of people have reached a state of mind where they don’t trust their government anymore.5 Seen from a geographic point of view, symptoms of crisis are found nearly everywhere. The ‘Arab Spring’ was followed by a series of wars and civil wars, serious human rights violations and many millions of refugees. The internal situation is not better in Eritrea, South Sudan, Somalia, Yemen or Honduras. Venezuela and Argentina, once among the richer states of the world, face huge economic challenges, and neighbouring Brazil has gone through many years of recession and political turmoil. Russia and several East European countries are struggling with major economic and political problems in their post-communist phase. Japan finds it difficult to overcome decadelong stagnation, and to deal with the 2011 tsunami and ensuing nuclear disaster. And the temporary economic upswing several African countries have enjoyed lost its dynamism as soon as the prices of mineral resources collapsed, and partly due to very unusual droughts. Land grabbing is plaguing much of Africa, but also other parts of the world, leading to involuntary dislocations of millions of people and the related problems with refugees both within countries and abroad.6 The response of governments has been concentrated, at worst, on managing their own political image, and at best to treat the symptoms of the crisis, not the cause. The problem is that the political class in the whole world is strongly influenced by investors and by powerful private companies. This indicates that the current crisis is also a crisis of global capitalism. Since the 1980s, capitalism has moved from furthering the economic development of countries, regions and the world towards maximizing profits, and then to a large extent profits from speculation. In addition, the capitalism unleashed since 1980 in the Anglo-Saxon world, and since 1990 worldwide, is mainly financial. This trend was supported by excessive deregulation and liberalization of the economy (see Sect. 2.4). The term ‘shareholder value’ popped up in the business pages of the media worldwide, as if that was now the new epiphany and guardrail for all economic action. In reality, it served to narrow business down to short-term gains, often at the expense of social and ecological values. The myth of shareholder value has been effectively debunked in a recent book by Lynn Stout.7 A different, if related, feature of ‘disarray’ is the rise of aggressive, mostly rightwing movements against globalization in OECD countries, often referred to as populism. These have become overt through Brexit and the Trump victory in the United States. As Fareed Zakaria observes, ‘Trump is part of a broad populist

Chart, line chart

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upsurge running through the Western world. … In most (countries), populism remains an opposition movement, although one that is growing in strength; in others, such as Hungary, it is now the reigning ideology’.8 This phenomenon of right-wing populism can be explained to an extent by the ‘trunk valley of the elephant curve’ (Fig. 1.1) 9 showing the decline of developed world middle classes, during a 20-year period. While more than half of the world’s population was enjoying over 60% income rises, OECD’s middle classes suffered losses caused mainly by the deindustrialization and job losses in major parts of the United States, Britain and other countries. In the United States, the median income increased by a meagre 1.2% since 1979. The stunning income growth on the left-hand side of the curve, the ‘back of the elephant’, lifting some two billion people out of poverty, was caused mainly by China’s and some other countries’ economic success. What remains invisible on the picture is the far end of ‘the trunk of the elephant’: The richest 1% of the world and, more revolting, the richest eight persons of the world now own as much wealth as the poorest half of the world population combined, a figure publicized by Oxfam during the 2017 World Economic Forum.10 The ‘elephant curve’ gives an incomplete picture for a second reason. The Oxford Poverty and Human Development Initiative (OPHI) has proposed a Multidimensional Poverty Index (MPI) going beyond just income and including ten indicators around health, education and living standards. Using that MPI, OPHI counts 1.6 billion people living in ‘multidimensional poverty’ in 2016 – nearly twice as many as the number of people living in extreme poverty measured by income alone.11 Thirdly, the interpretation of the curve requires an analysis of the people in each percentile group. In fact, they tend to move. And the curve does not distinguish those in Russia and East European countries who lost much of their income after 1990 from those in Detroit or middle England who, for very different reasons, also were among the losers.12 Another fact cannot be seen in the picture: the massive shift of money and income from the manufacturing and trade sectors to the financial sector.13 Bruce Bartlett, a senior policy advisor to both the Reagan and Bush administrations, argues that this ‘financialization’ of the economy is the cause of income inequality, falling wages and the poor performance. David Stockman, Reagan’s director of the Office of Management and Budget, agrees, describing our current situation as ‘corrosive financialization that has turned the economy into a giant casino since the 1970s’.14 Populist politicians in the OECD countries see themselves as speaking for the forgotten ‘ordinary’ people and for genuine patriotism, but they tend to fight and antagonize the people representing democratic institutions – what an irony! For the European Union (EU), the strongest trigger for populism has been the millions of refugees who came or would like to come to Europe from the Near East, from Afghanistan and from Africa. Even the most generous European countries have reached their own assumed limits for receiving these masses of refugees. The EU institutions were too weak (not too powerful, as they are depicted by the new nationalists) to deal with the ‘refugee crisis’, resulting eventually in an identity crisis in the EU. Once a success story of an entity ensuring peace and economic development, the EU has lost some of its unifying narrative. The populist right-wing movements or parties see and criticize the EU as the culprit for all kinds of undesired events. The irony is that continuing the success story would require more, not less, powers for the Union. The Union should be entrusted with border protection, a well-funded common asylum and refugee policy to deal with the refugee crisis and maintain the advantages of the Schengen agreement. And for the re-stabilization of the Euro, the EU or at least the Euro zone needs a common fiscal policy, as the new French President Emmanuel Macron is proposing. But it is these very measures of which nationalist populists are most afraid. The EU in its present form is not without shortcomings. Free market principles have come to dominate EU policymaking, leading to a subordination of other policies, like environment. Notably the UK wanted that priority, as it preferred to see the EU chiefly as a union for mutual trade. And the austerity policies pursued have blocked many benign investments and led to unnecessary suffering among tens of millions of Europeans. Such shortcomings, however, should never be used to put in question the overall objectives of the EU – a union of peace, the rule of law, human rights, cultural understanding and sustainability. Addressing the global crisis of democracy, the German Bertelsmann Foundation has published a 3000-page empirical report on progress (or lack thereof) on democracy and a social market economy, as measured by the Bertelsmann Transformation Index (BTI).15 Over the last few years, the report sees a consistent decay of such parameters as civil rights, free and fair elections, freedom of opinion and of press, freedom of assembly and separation of powers. Within the same time frame, the number of countries in which authoritarian, mostly religious, dogmas influence political decision making rose from 22% to 33%. That report was published before the assaults on democracy and civil rights that occurred in summer 2016 in Turkey or the Philippines. Symptoms of tyranny are spreading, including in some of the countries with a solid tradition of freedom and democracy.16 Let us briefly turn to a different kind of crisis. Well, not exactly a crisis but an unpleasant feature in an otherwise fruitful communication tool, the ‘social media’. Aside from being practical and useful for everyday arrangements and exchange of news and reasonable opinions, social media also have become vehicles for enhancing conflicts and vilification of mostly innocent individuals, and for spreading ‘post truth’ nonsense. Much of the contents of social media political conversation is selfenhancing political rubbish, as those media serve as ‘echo chambers’ for networks of like-minded frustrated citizens.17 An empirical study from China found that anger and indignation are the emotions that are most likely to get viral in the social media, meaning they are multiplied faster and stronger than other emotions.18 The Internet and the social media are also vehicles for ‘bots’ (short for robots) that can disrupt or destroy messages, multiply nonsense and create all kinds of mischief. There are dozens of types of malicious bots (and botnets) to harvest email addresses, to grab content of websites and reuse it without permission, to spread viruses and worms, to buy up good seats for entertainment events, to increase views for YouTube videos or to increase traffic counts in order to extract money from advertisers. A more frightening cause of disarray relates to terrorism. In earlier times, humanity’s violent conflicts occurred mostly between different countries. In recent times, systemic and at least partly religious conflicts prevail, using terror attacks with the explicit intention of making people feel insecure. During much of the twentieth century, religions remained quiet, non-aggressive and geographically confined to rather stable territories. This no longer is true. Partly because of globalized populations moving or being forced to leave their home territories, some factions of Islam have expanded geographically and are claiming strong influence over national states, for example, attacking countries like France with its tradition of laicism that does not permit religion to dominate politics. What tends to be underrepresented in the media is the positive role of religions. In Christian-dominated Europe, liberal and tolerant religion became part of the European identity a century after the Enlightenment successfully discredited the earlier doctrinaire, authoritarian and colonialist-missionary manifestations of the faith. During the Cold War, Christian goals of social cohesion helped build the system of ‘Western values’, often described as the social welfare state, or the ‘social market economy’ (for its partial demise, see Sect. 2.4). With a view towards leading Islam into an equally benign and co-operative social role, some Islamic scholars, such as Syrian born Bassam Tibi, call on Muslims in Europe to integrate into democratic society.19 Tibi, however, is not popular among radical Muslims, to put it mildly. But to understand the radicalization of Islam, one must not underestimate the role played by the West, in particular the United States, in interfering with Near Eastern states. Some would say that the troublesome situations mentioned so far, the recurring topics of media headlines, are only the surface of our world’s ‘disarray’. Deeper and more systemic problems include the breath-taking speed of technological development that may very easily run out of control. One trend is digitization that potentially threatens millions of jobs (see Sect. 1.11.4). Another trend or development can be observed in the biological sciences and technologies. The enormous acceleration of genetic engineering through the CRISPR-Cas9 technology20 is causing fears of monster creation or the extinction of species or varieties not seen as valuable under human utilitarian criteria. Generally, a non-specific feeling is spreading that ‘progress’ has scary sides and that the genie may already have left the bottle (see Sect. 1.11.3). No doubt there is a need to analyse and understand the symptoms and roots of the variety of crises, political, economic, social, technological and environmental. It is also important to recognize the extent to which people perceive the various phenomena of disarray and feel disoriented, and to recognize that the reality and the feelings of disarray have a moral and even religious dimension. 1.1.2 Financialization: A Phenomenon of Disarray An important part of the disorientation relates to financial markets. Historians will look back at the last 30 years with concern, when looking at the explosion in bank balance sheets, backed up by declining levels of equity and massive borrowing. One of the results was a temporary private-sector-led boom. The other was a massive increase in the world’s financial sector (finance, insurance, real estate – FIRE), often called financialization, and subsequently the financial crisis of 2008–2009. Excessive risk-taking developed into a crisis that was close to bringing the whole financial system to a halt. When the bubble burst, many governments were forced to step in with broad support programmes. Governments caught by the new mind-set (see Sect. 2.4) were intimately involved in all of this. True, there are many examples of serious malpractices within the private financial sector. But had it not been for the systematic deregulation of the banks by governments, with the purpose of stimulating economic growth by issuing more debt, the situation would have been radically different. The causes behind the crisis were many and varied: – Excessive lending by the banking industry – Lack of action on the part of regulators and central banks to stop (i) excessive lending, (ii) the spread of exotic financial instruments (synthetic assets and bonds, collateralized mortgage obligations/CMOs, structured debt issues, etc.) and (iii) pure speculative transactions – Opaque tax havens, and the absence of a binding legal framework that is accepted and implemented by the international community, in general, and the major jurisdictions and financial centres – Securitization and distribution by investment banks and other financial actors of mortgage-related assets and investment vehicles transferring the credit risk from the original lender to the ultimate bondholders – Failure by some rating agencies and auditing firms to properly assess and report the inherent risks posed by many of the financial products A deeper analysis is presented by economists Anat Admati and Martin Hellwig21 about the main causes behind the financial crisis. Western banks borrowed far too much with far too little equity in their balance sheets to act as a buffer if things went wrong in their business – from trading in the multitrillion-dollar derivatives markets to often reckless lending on real estate. In the decades following the Second World War, banks operated with between 20% and 30% of their liabilities as equity. By 2008, that had shrunk to just 3%. Banks obviously believed that they had invented instruments that removed the risk, allowing them to run their banks with a tenth of the buffer they had before. It proved to be very unrealistic. But they counted with the state to underwrite their risks. Bankers have enriched themselves spectacularly in the process. They made themselves ‘too big to fail’ – and too big to jail. The 2008 financial crisis was mostly caused by that irresponsible greed.22 Yet, in 2009, not only did bankers avoid criminal prosecutions and receive hundreds of billions in government bailouts, but some still paid themselves record bonuses. At the same time, almost nine million households in the United States had to abandon their homes when the value of their houses plummeted and they could no longer service the adjustable-rate mortgages – the so-called foreclosure crisis.23 Financialization refers to the dominance of the financial sector in the global economy and the tendency for accumulated profits (and leverage) to flow into real estate and other speculative investment. Debt is an intrinsic element in this process. In the United States, for example, both household debt and private sector debt more than doubled relative to GDP between 1980 and 2007.24 The same is true for most OECD countries. At the same time, ‘the value of financial assets grew from four times GDP in 1980 to ten times GDP in 2007 and the finance sector’s share of corporate profits grew from about 10% in the early 1980s to almost 40% by 2006’.25 Adair Turner, chair of the UK’s Financial Services Authority in the years following the 2007–2008 crisis, regards unchecked private credit creation as the key system fault that led to that crisis with its devastating consequences.26 From this follows that the financial sector constitutes a significant and increasing risk factor in the economy. The degree of financialization varies from country to country but the increase in the power of finance is general. The current finance sector evolved in the context of the deregulation that gathered pace from the late 1970s and expanded dramatically after the 1999 removal of the separation between commercial and investment banking in the United States.27 This barrier had been put in place in 1933 by the Roosevelt administration in response to the Wall Street Crash of 1929, when a period of rampant credit creation and financial speculation collapsed. Similar speculation preceded the crisis of 2007–2008: The face value of financial products reached US$640 trillion in September 2008, 14 times the GDP of all the countries on earth.28 Lietaer et al.29 compare speculation with ordinary money transfers paying for goods and services: ‘In 2010, the volume of foreign exchange transactions reached $4 trillion per day’, which does not even include derivatives. In comparison, ‘one day’s exports or imports of all goods and services in the world amount to about 2% of those $4 trillion’. Transactions not paying for goods and services, almost by definition are speculative. Such financial products and transactions, the authors continue, lead regularly to monetary crashes, sovereign debt crises and systemic crashes with an average of more than ten countries in crisis every year. One of the consequences of this development is that a significant part of economic growth has been distributed to the wealthy, as mentioned with the new Oxfam figures in the previous subchapter. Practices within the financial sector demonstrate a disregard for the impact they have on both people and the planet. That includes a distinct short-termism, the ratio of banks’ reserves to their loans, the ratio of banks’ lending that support the real economy versus speculation in property and derivatives, unchecked credit creation – in fact money creation – and the failure to account for long-term climate and environmental risks. In the words of Otto Scharmer at MIT,30 ‘We have a system that accumulates oversupply of money in areas that produce high financial and low environmental and social returns, while at the same an undersupply of money in areas that serve important societal investment needs’. The failure to account for environmental risks means that the pressure on already scarce natural resources accelerates – trees are felled, waterways polluted, wetlands drained and the exploitation of oil, gas and coal accelerating, as long as there is demand. It also means that huge savings, among them pension funds, are locked into investments in fossil-based assets. Such assets are increasingly looked upon as high-risk assets (see Sect. 3.4).

#### Vote negative for proletarian internationalism -- only an organized global revolutionary struggle can overcome the destruction of capitalism.

Anastasi et al, 18 (editorial collective of Viewpoint Magazine, a militant research collective working to dialectically bring theory and practice into dialogue by studying cycles of struggle. Alphabetically, members of the editorial collective are as follows: Andrew Anastasi, graduate student in Sociology at CUNY; Cinzia Arruzza, Associate Professor of Philosophy at the New School for Social Research; Robert Cavooris, UC Santa Cruz graduate student and union representative, History of Consciousness Department; Maya Andrea Gonzalez, communist and revolutionary feminist in the Bay Area, graduate student in the Department of History of Consciousness at UC Santa Cruz; Asad Haider, Assistant Professor of Philosophy @ The New School, founding editor of Viewpoint Magazine, PhD in History of Consciousness Department @ UC Santa Cruz; Shuja Haider, widely-published writer and musician based in Brooklyn; Bue Rübner Hansen, writer and activist researcher in the Britain, Barcelona, and in migrant and refugee solidarity movements, PhD from Queen Mary University; Patrick King, graduate student at UC Santa Cruz; Rosa Lee, communist organizer and member of the Viewpoint editorial collective; Ben Mabie, managing editor at Viewpoint and editorial assistant at Verso Books, UCSC graduate; Sarah Mason, member of the Viewpoint editorial collective; Liz Mason-Deese, Assistant Professor, Department of Geography and Geoinformation Science, George Mason University; Dave Mesing, PhD student in Philosophy @ Villanova University; Magally Miranda-Alcazar, Eugene Cota-Robles Fellow and a Ford Foundation Predoctoral Fellow, PhD student in Chicana/o Studies @ UCLA; B.A. from the University of California, Santa Cruz (magna cum laude) with a double major in Community Studies and Feminist Studies, and has been published in The Nation, Verso and the New Left Review; Salar Mohandesi, Assistant Professor of History @ Bowdoin; Gavin Mueller, Lecturer in Media Studies at the University of Amsterdam, former contributing editor @ Jacobin; Evan Calder Williams, writer, translater, and artist, teaches theory at the Center for Curatorial Studies at Bard College and film production at Cooper Union, PhD in Literature from the University of California Santa Cruz and was a Fulbright Fellow in Italy for his research on cinema, industry, and revolt. “Internationalism against Imperialism,” *Viewpoint Magazine*, Issue 6, February 1, 2018, <https://www.viewpointmag.com/2018/02/01/internationalism-against-imperialism/>)

The challenge of reactivating an effective proletarian internationalism is made even more urgent by the aggressive rise of right-wing nationalisms, which have taken a range of organizational and ideological guises. The clarified ideological form of this rightward shift is an emboldened “possessive nationalism” in the North, which revolves around restrictive immigration and trade policies, as responses to the perceived erosion of territorial logics of sovereignty, and the hybridization of the ethno-national community.10 Any prolonged combat against these nativist impulses – especially as they seep into social-democratic or left-liberal parties in Europe and the United States – will need to reinforce the link between migration and imperialism, the former in many ways constituting the reflux of the latter. Here we might center the rich legacy and actuality of migrant struggles for communist politics, and how questions of mobility, control, and dispossession are now at the core of imperialist dynamics. The political and social, informal and formal spaces of migration remain an open field for investigation. As Etienne Balibar noted over 40 years ago, “the concrete knowledge of the causes and effects of immigration is a two-way guiding thread towards an understanding of imperialism,” a methodological linkage which “renders internationalism, more than ever, the very condition of struggles for workers’ liberation.”11 This raises the practical necessity of reconsidering the tactical repertoire and strategic horizons of anti-imperialism. The nearly two-decades-long “War on Terror” – a euphemism for a war on human welfare in the Middle East and a war against Muslims at home – has proven to be a difficult nub for anti-war and anti-militarist activism in “the belly of the beast,” particularly as U.S. violence, amidst ever-shallower domestic hegemony, takes forms other than that of U.S. boots on the ground. The fading – or destruction – of the anti-war movement after 2005, following massive demonstrations against the invasion of Iraq which featured considerable grassroots mobilization, is a critical episode to reflect upon. The ubiquity of manned and unmanned aerial bombardment, the diffuse and often cloaked nature of counterinsurgency operations, the multiplication of U.S. proxies, and dense financial ties have rendered the military conflicts of U.S. empire, perhaps the most visible manifestation of imperialism, an asymmetrical yet constant presence. Any sustained fight against it must be coordinated around several fronts. Recent experiences of mass protest show that a powerful anti-war movement, if it is to reappear, would do so in an altered shape and in close relation to other insurgent forces in society, an extension of their discursive and strategic reach. The high level of organized resistance to militarized border security and repressive immigration policies, the environmentalist/anti-extractivist campaigns around Standing Rock and elsewhere, and the nascent coalitions and activist milieus that have been fortified through the International Women’s Strike initiatives (resonant with calls from Latin America for a new feminist international) indicate a real potential to build a “popular anti-imperialism” from grounded social struggles, connecting the sites of contestation across neo-colonial and imperial frontiers. One can see how this changes the aims and targets of alter-globalization movements, exemplified in the militancy of summit-hopping demos that directly confront leading economic and financial bodies, or in the parallel institution-building and transnational networking of civil society organizations involved in the World Social Forums.12 A more adequate approach to questions of coordination and solidarity across borders would have to probe how political organization is tied to material practices of translation, and recognize that even localized concerns often involve the commonalities and divisions of the global labor force.13 The mutations of class struggle, where the wage-earning proletariat has given way to more diverse social alliances and associations of what Göran Therborn calls the “plebeian strata” or “popular classes,” has provided glimpses of what anti-imperialist mobilization could look like: new strategies of threading upsurges of disruption, combination, and antagonism as they extend over an unstable terrain.14 Today, it is necessary to re-situate the concept and question of imperialism. We agree with Lenin when we recognize that no revolution, even a national one, is possible without grasping the effects of imperialism on any local articulation of the working class. And we further agree that, of course, no national revolution would be sufficient for the goal of communism. In short, we see imperialism as both an obstacle to and enemy of internationalism and we in turn view internationalism as a position to be composed in working class struggle itself. Thus, at the risk of simplifying our approach, we propose that to examine imperialism today is to bring it into the realm of class composition. This can involve no disavowal of the complicated history of Marxism and popular struggle with regard to imperialism, nor a simple repetition of any one of its moments. In our sixth issue of Viewpoint, we instead seek out the possibility of an encounter, bringing together historical accounts, artefacts of struggle, and theoretical interventions past and present. Thus we neither “endorse” all of the positions represented here nor reject those that might be absent from this issue, which is a situated engagement with the problem of opposing imperialism from within American empire; we are proud to offer these contributions as material for the long-term work of thinking and struggling against imperialism in the 21st century.

## 2

### CP

#### Text: A nation appointed international panel of scientists including National Academies and corresponding organizations should [reduce intellectual property protections for medicine] and manage similar conflicts of interest between intellectual property.

#### International panel of science diplomats can rule over IP---that’s key to science diplomacy.

Hajjar and Greenbaum 18 [David; Dean Emeritus and University Distinguished Professor, and Professor of Biochemistry and Pathology at Weill Cornell Medicine, Cornell University. He is a Fellow of the American Academy of Arts and Sciences, Fellow of the American Association for the Advancement of Sciences, a Jefferson Science Fellow of the National Academies at the U.S. Department of State, and a recent Senior Fellow in Science Policy at the Brookings Institute; Steven; Professor and Chair of the Department of Physics and Astronomy at Hunter College of the City University of New York and a Fellow of the American Physical Society. He was a Jefferson Science Fellow of the National Academies at the U.S. Department of State; “Leveraging Diplomacy for Managing Scientific Challenges,” American Diplomacy; September 18; <https://americandiplomacy.web.unc.edu/2018/09/leveraging-diplomacy-for-managing-scientific-challenges-an-opportunity-to-navigate-the-future-of-science/>] Justin

At the global level, science diplomacy is defined as cooperation among countries in order to solve complex problems through scientific research and education (1). For example, science diplomacy plays an important role in resolving global issues related to the ecosystem (such as clean water, food safety, energy conservation, and preservation of the environment). It also addresses problems related to the healthcare industry. For example, scientists have served at the international level to forge the Middle Eastern Cancer Consortium a decade ago to facilitate better healthcare and improve cancer research in the region. Whether one considers science for diplomacy or diplomacy for science, international science collaborations benefit from allowing science diplomats (broadly defined as science envoys, science attaches, embassy fellows) to help establish positive international relationships between the U.S., Europe, Latin America, Africa or Asia, particularly when proprietary disputes arise (2, 3). These various types of science diplomats already exist; some, like embassy fellows and science envoys, have one-year appointments so their role may be limited, while attaches usually have two or three year appointments that may allow them to be more successful in long, protracted negotiations. In any event, we believe that scientists can play more of a role in advancing international scientific cooperation. A key point addressed here is how to balance security concerns against the need for free exchange of information needed for innovation and growth.

Both the National Science Foundation and the National Institutes of Health are already engaged in supporting American science and strengthening collaborations abroad. Such efforts take advantage of international expertise, facilities, and equipment. Here, we provide a rationale for the use of diplomacy to address scientific challenges. This approach allows some scientists working as diplomats to help manage complex and potentially conflicting situations that arise between scientific communities and their governments. Such issues include managing disputes such as licensing agreements for intellectual property (IP) and providing protection of IP.

International collaborations can not only support but also accelerate the advancement of science. However, collaborations may carry risk if IP is misappropriated for other purposes. International collaborations should have a basis in strategy and specific goals (for example, drug discovery) in order to justify the use of government and/or corporate funds.

About a decade ago, a group of academics from the University of Manchester in the United Kingdom assembled the “Manchester Manifesto,” subtitled “Who Owns Science” (6). This document addressed the lack of alignment between commercial interests, intellectual rights, and credit to the researcher. In our (and commonly held) view, the groups representing these disparate values could benefit from diplomatic mediation. More recently, it has become increasing apparent that managing China as a science and technology superpower represents another challenge for the U.S. Resolution of issues such as ownership of IP, rights to reagents, or use of skilled laboratory personnel from international collaborations may require the efforts of science diplomats. There are few international offices or “guardians” to protect junior and senior scientists in corporate or academic sectors from misuse of reagents or piracy.

China’s failure to respect IP rights, and the resulting piracy, has drawn much attention. The media have also focused on the failure of watchdog government agencies to detect and manage these unwanted activities. Industrial espionage compromises U.S. interests. Moreover, Chinese and Russian hackers have cyberattacked U.S. technology companies, financial institutions, media groups, and defense contractors. In 2018, industrial spying was even reported in a major medical school in New York City where scientists were alleged to have illegally shared research findings with Chinese companies.

The U.S. has a long history of hiring research personnel from other countries to staff its laboratories and industrial R&D centers. These scientists and engineers have made critical contributions to our nation’s well-being and security. These young Chinese and South Asian graduates of U.S. programs a generation ago now staff our research enterprise. However, recent trends in U.S. graduate school applications in science, technology, engineering and mathematics (STEM) reflect a downturn in foreign applicants, particularly from China. It is becoming increasingly apparent that the number of American-born students seeking STEM degrees is not sufficient to satisfy future demands of our high-tech workforce. While our own educational reforms must be augmented, we cannot ignore the need to continue to recruit overseas talent.

We believe that foreign scientists can continue to make critical discoveries in the U. S. provided that their talent is nurtured, developed, and harnessed for the common good. At the same time, American companies cannot hire foreign scientists if they take the ideas they generate in U.S. laboratories back to their home countries without proper credit or permission. If the advancement of science is to succeed, greater diplomatic cooperation is needed to solve and manage proprietary issues for the benefit of all (5, 6).

So, how does one strike the proper balance between security and growth? Science is a universal social enterprise; international conferences lead to friendships and productive collaborations between nations. Given that the U.S. and Chinese governments recognize the need for international communication and collaboration then surely there should be a mechanism for adjudicating anticipated conflicts. One approach would be for government, industrial, and academic stakeholders to form an international panel of scientists and engineers to manage any conflicts of interest between the need to protect proprietary information crucial to a company’s competitive edge, and the need for students and young faculty members to publish their findings. Smaller scale efforts along these lines have recently given rise to unique global partnerships, such as fellowship support by major pharmaceutical companies, which aim to address these conflicts to the benefit of both parties. An added feature of such arrangements is that they often provide corporate financing for research (9). Can this corporate-academic partnership model be adapted to multinational joint R&D efforts while protecting IP? This question falls squarely within the purview of international science diplomacy, whereby science diplomats can establish rules of conduct governing joint global technology development with proper IP protection.

Despite the highly publicized and legitimate piracy allegations against China, at least some data indicates that the Chinese legal system is responding positively to worldwide pressure to honor foreign IP. A 2016 study by Love, Helmers, and Eberhardt, for example, found that between 2006 and 2011, foreign companies brought over 10 percent of patent infringement cases in China, and won over 70 percent of those cases (10). Today, “win rates” average around 80 percent, and “injunction rates,” around 98 percent (10). As Chinese scientists and engineers increasingly enter the top tier of the innovation space, their growing awareness of their own need for IP protection could be a powerful motivating force for the protection of all IP. As stated earlier, science diplomats could catalyze this progress even further by direct negotiations with those parties involved in the conflicts. An obvious flaw in this optimistic outlook is that scientists in the U.S. wield more influence with their government than scientists in China wield with theirs. And to the extent that the Chinese government could be encouraging IP theft, this must be addressed first by those international companies/firms who want to do business with the Chinese. Chinese investments, as well as tech incubators and targeted acquisitions, can enable access to U.S. technologies for commercial development. Although this conveys a level of risk to the developers, it may provide valuable opportunities for U.S. companies as well. In many respects, the extensive engagement and collaboration in innovation between the U.S. and China, often characterized by open exchanges of ideas, talent, and technologies, can be mutually beneficial in enriching and accelerating innovation in both countries.

In summary, we believe that science diplomats could help address the increasingly complex issues that arise between accelerating scientific and engineering advances, and the need to protect national security and corporate IP. We also propose that this might be accomplished by asking the National Academies to **recommend** academic, corporate, and government scientific leaders to serve on an international scientific advisory board, and for the corresponding organizations in other countries to do the same. Access to the free flow of information promotes new knowledge and innovation. A return to a more restrictive intellectual environment is not only harmful to progress, but also nearly impossible to manage in the current internet age. A good place to start would be to engage the newly appointed head of the White House Office of Science and Technology Policy (the Science Advisor to the President of the United States), and working groups within established organizations. These organizations include the American Association for the Advancement of Science (AAAS) or the National Academies of Science, Engineering and Medicine, and corresponding international organizations. What incentive is there for a busy and successful scientist to serve in such capacity? It is the same altruism that motivates us to accept assignments as journal editors, manuscript reviewers, or funding agency panelists for the advancement of science toward the greater good.

#### Solves every existential threat.

Haynes 18—research associate in the Neurobiology Department at Harvard Medical School (Trevor, “Science Diplomacy: Collaboration in a rapidly changing world,” <http://sitn.hms.harvard.edu/flash/2018/science-diplomacy-collaboration-rapidly-changing-world/>, dml) // Re-Cut Justin

Today’s world is extremely interconnected. Most of us take this fact for granted, but its implications cannot be overstated. The rate at which information, resources, and people are able to move from one part of the world to another continues to accelerate at an alarming rate. Undoubtedly, this development has done society immense good. In the last century, global life expectancy has doubled, the percentage of people living in extreme poverty has dropped by about 60%, and world literacy rates have increased by a similar margin. But while these statistics paint a promising picture of human civilization, human progress rests on a fragile foundation of international cooperation; the challenges presented by an interconnected world are immense. War, natural disasters, and economic collapse now exert their effects globally, creating economic and ecological disasters and mass human migrations on an unprecedented scale. And with the US pulling out of major multilateral agreements on trade, climate change mitigation, and denuclearization, you might wonder if our ability to collaborate across borders productively is really up to the task.

Global challenges require global solutions, and global solutions require collaboration between countries both big and small, rich and poor, authoritative and democratic. There are few human enterprises capable of providing continuity across these differences, and as technological solutions are becoming available to some of our most pressing issues, two in particular will be necessary to getting the job done: science and diplomacy. While science has long been utilized as a means to reach political ends—think of British explorer James Cook’s mapping of unexplored continents or the United States’ Manhattan Project—a more formal integration of scientists into the diplomatic process is being undertaken. This effort, which has led to scientists and academics playing a direct role in foreign policy development and international relations, has given birth of a new branch of diplomacy: science diplomacy.

What is science diplomacy?

As both the term and concept of science diplomacy have only recently gained traction in scientific and diplomatic circles, it’s been given a variety of definitions. But common to them all is the focus on applying scientific expertise to an international effort. The focus of these efforts is to solve international problems collaboratively while balancing economic prosperity, environmental protection, and societal wellbeing. The challenge of reaching this balance in the face of a booming global population cannot be understated, but this new branch of diplomacy is already at work and is producing results. International agreements such as the Paris Climate Agreement and the Iran Nuclear Deal are two famous examples, and science diplomacy is also establishing international collaboration in many other important arenas. While these lesser known efforts may not dominate the headlines, they are quietly tackling the global issues of today and preparing us for those of tomorrow.

Natural disasters don’t respect national boundaries (and neither does the aftermath)

In 2013, the number of refugees displaced by natural disasters—hurricanes, droughts, earthquakes—outnumbered those displaced by war. Current projections estimate as many as 1 billion people may be displaced by natural disasters by the year 2050. That would mean 1 in 9 people on the planet displaced and looking for a home. Compare this to the estimated 12 million refugees displaced by the war in Syria, and a frightening picture begins to form. As natural disasters continue to increase in both their frequency and intensity, solutions for mitigating the risk of total catastrophe will be underpinned by science, technology, and the ability of the international community to collaborate. Many organizations are starting to tackle these problems through the use of science diplomacy. The center for Integrated Research on Disaster Risk (IRDR) is composed of ten national committees—a network of government sponsored research institutions across the world in countries ranging the political and economic scale. These working groups have committed to improving disaster-risk-reduction science and technology while providing guidance to policy makers charged with implementing disaster prevention and mitigation strategies.

IRDR is governed by a committee comprising experienced scientists and natural disaster experts. Its members come from all over the world—the US, China, Uganda, Norway, Mexico, Venezuela, and more. The diversity of this organization starts at the top and is crucial to developing comprehensive risk-reduction strategies. Data and insights from countries with varying areas of expertise are being shared and built upon, facilitating more accurate natural disaster forecasting and better strategies for mitigating their destructive power. And by including representatives from countries of varying political and economic power in its leadership, IRDR ensures that its work will consider the needs of the global community at large, rather than just nations with considerable wealth and political standing.

The results of this type of international collaboration speak for themselves. Although humanity is grappling with more natural disasters than ever before, deaths related to these incidents continue to trend downward. Operating outside of the typical political framework that dominates foreign relations, IRDR provides a model for effective collaboration across the geopolitical spectrum in the face of a major global issue.

Explore or Exploit? Managing international spaces

Over the last few decades the polar ice cap that covers much of the Arctic Ocean has been shrinking. So much so, that during the warm season vast areas of previously solid ice have become open waters, creating opportunities for new trade routes and exposing the Arctic’s enormous reserves of oil and natural gas. Depending on your values, this will sound either like an opportunity for huge economic development of the region or the inevitable exploitation of one of the last untouched natural territories on the planet. And if you live there, like the half a million indigenous people who currently do, how this territory is managed will determine where you can live, how (and if) you can make a living, and what the health of the ecosystems that have supported Arctic life for millennia will look like.

Luckily, such a scenario was predicted decades ago. In 1987, Mikhail Gorbachev, then leader of the then Soviet Union, delivered a speech outlining his aspirations for the arctic to be explored rather than exploited—to radically reduce military presence, create a collaborative multinational research effort, cooperate on matters of environmental security, and open up the Northern Sea Route for trade. This speech laid the foundation for the Arctic Council (Figure 1), which is one of the most successful examples of science diplomacy at work. Composed of the eight Arctic nations, including geopolitical rivals US and Russia, and numerous groups of indigenous peoples, the Arctic Council was established to maintain Gorbachev’s vision for the region while giving the indigenous peoples a seat at the negotiating table. The council’s activities are conducted by six scientific and technology-based working groups who conduct research in the area and provide knowledge and recommendations to the council members. As a result of this research, and allowing scientists to take part in the negotiations, the Arctic council has enacted several legally binding agreements regarding the sustainable development and environmental protection of the Arctic Ocean. These agreements have facilitated cooperation on a number of important issues including search and rescue operations, prevention and containment of maritime oil pollution, and, most recently, enhanced data sharing and scientific research collaborations. Against a backdrop of rapidly deteriorating diplomatic relations, the US and Russia have co-chaired task forces that laid the foundation for these agreements, proving to the world that meaningful results can be achieved through the avenue of science diplomacy, regardless of geopolitics.

Science diplomacy going forward

The technical expertise that characterizes science diplomacy will continue to be in demand across many realms of foreign policy. For example, synthetic biology and gene-editing technology continue to factor into matters regarding agriculture and trade. Also, digital currencies, such as bitcoin, have changed the way economists and businesses are approaching markets. Finally, machine learning and artificial intelligence are being used by governments as a means for population control, giving rise to a new type of governance—digital authoritarianism.

While this expertise will be necessary for managing such issues, building international coalitions can’t be done through a purely scientific and technical lens. Convincing others to cooperate means providing them with a convincing argument to do so, and in terms they understand and find compelling. To achieve this, scientists must be trained to communicate their expertise in a way that moves stakeholders in policy discussions to act. This means appealing to motivations they have been largely taught to put to the side—whether they be political, economic, or emotional in nature—without obscuring the data and insights they have to offer.

For our leaders, policy makers, and diplomats to effectively understand issues underpinned by science and technology, experts in these fields must continue to be integrated into the mechanisms of governance. With scientists in the US running for elections in numbers like never before, we can expect this trend to continue. And in the face of a rising wave of nationalism across the world, it is crucial that we do everything we can to foster collaboration. The future of human civilization depends on it.

## 3

### DA

#### India is building it’s relations with the West on the bedrock of new economic ties­­­­­---that’s key to counterbalancing China in the region

Mohan 21 C. Raja Mohan [director of the National University of Singapore’s Institute of South Asian Studies.],3-19-2021, "India Romances the West," Foreign Policy, https://foreignpolicy.com/2021/03/19/india-modi-west-quad-china-biden-non-aligned/ , accessed 8/8/2021 EH and Brett

In affirming that the “Quad has come of age” at the first-ever summit of the Quadrilateral Dialogue with the United States, Japan, and Australia last week, Indian Prime Minister Narendra Modi has sent an unmistakable signal that India is no longer reluctant to work with the West in the global arena, including in the security domain. The country’s new readiness to participate in Western forums marks a decisive turn in independent India’s world view. That view was long defined by the idea of nonalignment and its later avatar, strategic autonomy—both of which were about standing apart from, if not against, post-World-War-II Western alliances. But today—driven by shifting balance of power in Asia, India’s clear-eyed view of its national interest, and the successful efforts of consecutive U.S. presidents—India is taking increasingly significant steps toward the West. The Quad is not the only Western institution with which India might soon be associated. New Delhi is set to engage with a wider range of Western forums in the days ahead, including the G-7 and the Five Eyes. Britain has invited India to participate in the G-7 meeting in London this summer, along with other non-members Australia and South Korea. Although India has been invited to G-7 outreach meetings—a level or two below the summits—for a number of years, the London meeting is widely expected to be a testing ground for the creation of a “Democracy Group of Ten,” or D-10. In Washington today, there are multiple ideas for U.S.-led technology coalitions to reduce the current Western dependence on China. Two initiatives unveiled at the Quad summit—the working group on critical technologies, and the vaccine initiative to supply Southeast Asia—underline the prospects for an Indian role in the trusted technology supply chains of the United States and its partners. Along with Japan, India also joined a meeting of the Five Eyes—the intelligence-sharing alliance between the United States, Canada, Britain, Australia, and New Zealand— in October 2020 to discuss ways to give law enforcement agencies access to encrypted communications on platforms such as WhatsApp and Telegram. Five Eyes is a tightly knit alliance, and it is unlikely India will be a member any time soon. But it is very much possible to imagine greater consultations between the Five Eyes and the Indian intelligence establishment.To be sure, India’s engagement with Western institutions is not entirely new. India joined the British-led Commonwealth in 1947, but only after India’s first prime minister, Jawaharlal Nehru, made sure the forum was stripped of any security role in the postwar world. Refusing to join military alliances was a key plank of India’s policy of non-alignment. Nehru turned to the United States when his policy of befriending China and supporting its sensitivities collapsed by the end of the 1950s. Facing reverses in a military conflict with China on the long and contested border in 1962, Nehru sought massive defense assistance from U.S. President John Kennedy. With the deaths of both Kennedy and Nehru soon after, the prospects for strategic cooperation between New Delhi and Washington receded quickly. The 1970s saw India drift away from the West on three levels. On the East-West axis, it drew closer to the Soviet Union. On the North-South axis, it became the champion of the Third World. This was reinforced by the sharply leftward turn of India’s domestic politics and a deliberate severing of commercial cooperation with the West. Many concluded in the 1970s that anti-Americanism was part of India’s genetic code. After all, India voted more often against the United States at the United Nations during the Cold War than even the Soviet Union. The idea that India is irreconcilably opposed to the United States was the dominant assessment in both country’s capitals. Most scholars of Indian foreign policy assumed that come what may—at home or abroad—India would forever be alienated from the West. But the story of India’s international relations over the last three decades has been one of a slow but definite advances in cooperation with the United States and the West. The Quad summit is not only a culmination of that long trajectory, but also a major step up. It was the reform of the Indian economy at the end of the Cold War, along with the collapse of the Soviet Union as India’s superpower partner, that created the basis for the renewal of ties between New Delhi and Washington. But even as expanding commercial ties began to stabilize and deepen the bilateral relationship in the 1990s, Washington’s activism on Kashmir and its eagerness to denuclearize India made matters difficult for New Delhi. Beset with domestic turbulence and an era of weak coalition governments, New Delhi embarked on a hedging strategy by joining the Russian initiative for a so-called strategic triangle with Moscow and Beijing that eventually evolved into the BRICS Forum after Brazil and South Africa joined. U.S. President George W. Bush, however, revolutionized U.S. policy on India in the 2000s by discarding Washington’s mediating impulse on Kashmir, decoupling engagement with New Delhi from that with Islamabad, and resolving the dispute over non-proliferation. Bush recognized that India is critical for the construction of a stable balance of power in Asia as the continent was being transformed by the rapid rise of China. But just when Washington was ready to transform relations with New Delhi, India was paralyzed by self-doubt. If then-Prime Minister Atal Bihari Vajpayee boldly called India and the United States “natural allies” in 1998—at a time when no one seemed interested in Washington—his successor, Manmohan Singh, reverted to type. His government began to reinvent non-alignment, keep distance from the United States, and double down on the principle of strategic autonomy. Even as Indian-Chinese tensions multiplied after 2008—when the global financial crisis seemed to have convinced the Chinese leadership that the United States was in terminal decline, with the consequence that Beijing adopted a more assertive posture towards its neighbors—the Singh government continued to hedge against U.S. power. Modi, who became prime minister in 2014, began to reverse New Delhi’s resistance to a deeper partnership with Washington. His affirmation in his 2016 address to the U.S. Congress that India’s “historic hesitations” to engage the United States were over was not just a rhetorical flourish. Modi resolved the remaining issues that had prevented implementation of the historic 2008 Indian-U.S. nuclear deal, renewed the 2005 agreement for defense cooperation, and signed the so-called foundational defense agreements that have facilitated interoperability between the two country’s armed forces. He widened the annual bilateral Malabar exercises to include Japan in 2015 and Australia in 2020, helped revive the dormant Quad in 2017, came up with his own version of the Free and Open Indo-Pacific strategy in 2018, and joined the Quad summit in 2021. Beyond the relationship with the United States, Modi also revived India’s strategic interest in the Commonwealth, strengthened ties with the European Union, and joined the European Alliance for Multilateralism. He sought to make India part of the solution to mitigating climate change, supported “multi-stakeholderism” in global internet governance, initiated the International Solar Alliance and the Indo-Pacific maritime partnership with France, and is poised to lay the foundations for a substantive strategic partnership with British Prime Minister Boris Johnson when they meet in India next month. Every one of these moves was against the predominant instincts of India’s political class, bureaucratic establishment, and foreign-policy community. Two factors have facilitated this. First, Modi carried little of the anti-Western ideological baggage of the nationalists who thrive in his own party or the political left and center that prefer to keep a safe distance from Washington. Modi’s judgement that India needs a more productive relationship with the United States and the West is rooted in the simple calculus of national interest rather than any involved reasoning.

#### The TRIPS waiver sets the stage for India to use forced tech transfer to secure vaccines---that decks relations

Yogesh Pai & Prashant Reddy Thikkavarapu 21, Dr. Yogesh Pai has a PhD from the Inter-University Centre for IPR Studies, CUSAT, Kochi, in the area of Regulation of Standard-Essential Patents in India. Prashant Reddy Thikkavarapu Assistant Professor, National Academy of Legal Studies & Research (NALSAR) University of Law,. Hyderabad. Scrolli.in, Jun 01, 2021. “Even if WTO waives IP on vaccines, India will face challenge translating this into mass production” <https://scroll.in/article/996079/even-if-wto-waives-ip-on-vaccines-india-will-face-challenge-translating-this-into-mass-production> brett

With the United States agreeing to text-based negotiations on the revised Intellectual Property Rights waiver proposal jointly submitted by India and South Africa at the World Trade Organisation, the European Union remains the last major power opposing this proposal.

While we await the results of possibly lengthy text-based negotiations, it is necessary for the government of India to come out with a white paper explaining how exactly it intends to operationalise a possible IP waiver for vaccines, if and when such a waiver comes into effect.

The aim of such an exercise should be to explain to the world the manner in which this waiver will translate into the mass production of vaccines to meet the immediate medical needs of the developing world.

The initial wisdom among the proponents of the waiver is based on an assumption that a waiver will remove the legal barriers to production of vaccines. But as is widely acknowledged by most experts, developing countries will not be able to reverse-engineer these Covid-19 vaccines on their own. They will require active technology transfer from vaccines developers in the West before they can begin manufacture of any vaccines. These challenges are more practical than legal.

Tech-transfer challenge

For starters, even if the IP waiver does come into effect, unless the tech-owning vaccine producers residing abroad (i.e. beyond India’s legal limits) are forced under their respective domestic law to part with critical know-how and physical inputs (for example, cell lines), a waiver in itself will not translate into technology transfer in favour of firms willing to produce vaccines in India.

Thus the Pfizer/BioNtech and Moderna’s mRNA vaccine technologies, which are currently not produced in India, may still remain inaccessible under the waiver, unless countries such as the U.S. where these firms primarily reside engage in forced technology transfer under their domestic laws.

It is very unlikely that the Biden administration will force American companies to transfer their technology to Indian companies for no remuneration. The domestic political costs of such a policy would be too high for the Biden administration.

A domestic policy option for India is to threaten Western vaccine makers in India with punitive action against their existing patents for other products if they fail to voluntary transfer technology to Indian companies. Such a move towards forced technology transfer is the policy equivalent of throwing a grenade at India’s trade relations with the West without solving the problem of access to technology.

Presuming India does enact a legislative measure to force technology transfer, it is still not clear how a legal obligation to transfer technology to new firms willing to produce vaccines will lead to actual vaccine production.

#### US-India economic ties are key to strategic co-operation

Gupta 20, Anubhav Gupta is the associate director of the Asia Society Policy Institute in New York. WPR, March 5, 2020. “Despite the Trump-Modi ‘Love,’ Trade Is Still the Weak Link in U.S.-India Relations” <https://www.worldpoliticsreview.com/articles/28579/despite-the-trump-modi-love-trade-is-still-the-weak-link-in-us-india-relations> brett

Despite winning a substantial mandate in elections last year, Modi’s inclination has been to double down on a feckless approach to trade and to push a Hindu-nationalist social agenda that endangers internal stability. India’s fast-growing economy helped solidify the U.S.-India partnership after decades of bilateral aloofness during the Cold War. Without a more open, market-oriented economy, India’s growth trajectory will decline, undermining the economic foundation of the relationship as well as India’s future capabilities, and in turn, India’s utility as a partner in the region.

In the aftermath of Trump’s visit, some analysts have dismissed the trade tensions as a minor hurdle and pointed to the strength of defense ties as reassurance, arguing that the cause of paramount importance—a strategic partnership to deal with a rising China—is progressing unabated. But there is no guarantee that trade differences can continue to be compartmentalized when two economic nationalists are in charge. It also remains an open question whether growing defense sales are taking place within a truly strategic framework or simply on a transactional basis for both sides. Most importantly, it assumes that economic relations are not part of the strategic puzzle.

This is evident in the decision by Trump to leave the Trans-Pacific Partnership shortly after winning election, and by Modi to abandon the Regional Comprehensive Economic Partnership. If the U.S.-India strategic imperative is to manage China’s rise and boost their own engagement and presence in the region, these twin actions, driven by economic nationalism, were self-inflected blunders of the highest order.

Without a vibrant commercial relationship and a constructive approach to trade that is anchored in the Free and Open Indo-Pacific strategy, the United States and India will impede their own strategic endgame for the region. For this reason, the absence of a trade deal last week makes any celebrations of a U.S.-India partnership that is “stronger than ever before” ring a little hollow.

#### Indian ocean goes nuclear---India’s role is key to prevent it.

Gamage 17 (Rajni Gamage is a senior analyst with the Maritime Security Programme at the Institute of Defence and Strategic Studies, S. Rajaratnam School of International Studies, Nanyang Technological University, Singapore., 11/5/17, “Why the Indian Ocean Must Not Become Like the South China Sea”, https://nationalinterest.org/feature/why-the-indian-ocean-must-not-become-the-south-china-sea-23028?page=0%2C2)

Rising Strategic Uncertainty in the Indian Ocean The pursuit of contesting regional orders by major powers has engendered a strategic environment of uncertainty and mistrust in the Indo-Pacific. As geopolitical developments at land and sea feed off one another, the maritime domain has been marked as the latest theater of war. These dynamics have been most evident in the East and South China Seas, where the complexity of issues at hand is telling. A case in point is China’s construction of military facilities on artificial islands proximate to disputed maritime areas, against a backdrop of contesting interpretations of international law. As regional and extra-regional states face a rising China on all fronts, a climate of strategic anxiety prevails in anticipation of its potential impact on the existing rules-based international order. Such anxieties inevitably spill over into the Indian Ocean Region and manifest in ways unique to that part of the world. A rising India with aspirations to global-power status finds its regional dominance challenged by China’s two-ocean strategy and Belt and Road Initiative. In the maritime realm, India’s response comprises internal naval and port modernization, and increased naval engagements and exercises with neighboring littorals and external powers that have major stakes in the region. This has not, however, had any noticeable effects in tempering regional anxieties. Heavy maritime traffic in increasingly congested regional waters operate alongside this tense backdrop. The risk that various surface vessels could collide—whether naval or commercial—and the risk of submarine accidents is on the rise. A number of regional and extra-regional states have forward-deployed their navies in the Indian Ocean, independently or as part of various task forces. There have already been several maritime accidents involving warships and air crashes in the Persian Gulf and the northern Arabian Sea between regional and extra-regional navies—some of which escalated politically. The Iranian Navy, for instance, has confronted its smaller neighbors and the U.S. Navy by conducting high-speed naval maneuvers and missile firings, and it has used drones to shadow U.S. naval assets. Late last year, an Indian submarine attempted to enter into waters close to Gwadar Port and was reportedly repelled by the Pakistan Navy. Miscommunications and misperceptions are likely to result from such incidents and could escalate very fast to negative political and military expressions. It is against this setting that a code of conduct (COC) for the Indian Ocean was first proposed.

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#### Interpretation: The affirmative must defend a permanent reduction in intellectual property protections for medicines.

#### Allowing the possibility of a future increase violates the core meaning of the term “reduce”.

US Federal Court of Appeals 1999 “CUNA MUTUAL LIFE INSURANCE COMPANY, Plaintiff-Appellant, v. UNITED STATES, Defendant-Appellee,” Lexis

"The amount determined" under § 809, by which the policyholder dividend deduction is to be "reduced," is the "excess" specified in § 809(c)(1). Like the word "excess," the word "reduced" is a common, unambiguous, non-technical term that is given its ordinary meaning. See San Joaquin Fruit & Inv. Co., 297 U.S. at 499. "Reduce" means "to diminish in size, amount, extent, or number." Webster's Third International Dictionary 1905. Under CUNA's interpretation of "excess" in § 809(c), however, the result of the "amount determination" under § 809 would be not to reduce the policyholder dividends deduction, but to increase it. This would directly contradict the explicit instruction in § 808(c)(2) that the deduction "be reduced." The word "reduce" cannot be interpreted, as CUNA would treat it, to mean "increase."

#### Reductions are different from suspensions. Suspensions are temporary, reductions are not.

Montesani v Levitt 59 [MATTER OF MONTESANI v. Levitt, 9 A.D.2d 51, 189 N.Y.S.2d 695 (App. Div. 1959), 8-13-1959, Accessible Online at https://scholar.google.com/scholar\_case?case=1402552157078234696&q=Montesani+v.+Levitt&hl=en&as\_sdt=2006] brett

Under his retirement contract deceased agreed that in return for a plan that would insure payment of the remainder of his initial fund to his beneficiary after his death he would accept a lower rate of lifetime compensation. Implicit in this agreement were various statutory provisions governing the rights of both parties. One of these provisions was section 83 which provided that if deceased were able to return to a gainful occupation or actually did so his pension would accordingly be reduced. This reduction would be governed by the amount he actually earned or was capable of earning. We now reach one of the major issues in the case, to wit: Is section 83 to be considered as a binding factor in his contract and if so does "reduce" mean "forfeit" or "temporarily suspended"?

It seems obvious that section 83 was in the law to protect the System against disability retirees who might, in truth, be capable of providing for themselves without being on dole (albeit a "contractural" dole). See Matter of Stewart v. O'Dwyer (271 App. Div. 485, 490 [1st Dept., 1946]), where such a purpose is ascribed to section 83's counterpart in the New York City retirement statute. Deceased quit his work here because of his physical defect and elected the plan of retirement he fancied most suitable. He impliedly agreed to all the terms of the contract which included section 83. When he became employed in California at a considerable salary section 83 came into play and cut off his monthly pension payments although his annuity payments were not affected (thus he was not being deprived of anything he had contributed). There is no persuasive 56\*56 argument that this was not proper. When the California employment ceased, assuming deceased to be still living, should he then be entitled to the withheld payments?

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. 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.

Aside from the practical aspect indicating permanency other indicia point to the same conclusion.

From 1924 (L. 1924, ch. 619) to 1947 (L. 1947, ch. 841) a provision appeared in the Civil Service Law which read substantially as follows: "If the pension of a beneficiary is reduced for any reason, the amount of such reduction shall be transferred from the pension reserve fund to the pension accumulation fund during that period that such reduction is in effect." (See L. 1924, ch. 619, § 2 [Civil Service Law, § 58, subd. 4]; L. 1947, ch. 841 [Civil Service Law, § 66, subd. e].) This provision reappears in the 1955 Retirement and Social Security Law as subdivision f of section 24. This provision is useful for interpretative purposes. Since it prescribes that moneys not paid because of reduction should be transferred back to the accumulation fund the conclusion is inescapable that such reductions were meant to be permanent. If temporary suspensions were intended this bookkeeping device would result in a false picture of the funds, i.e., the reserve fund would be depleted when it would contain adequate funds to meet eventual payments 57\*57 to present pensioners. Likewise, the accumulation fund would be improperly inflated with respect to the present pensioners.

Section 64 of the Retirement and Social Security Law (§ 85 under the 1947 act) provides that any disability pension must be reduced by the amount payable pursuant to the Workmen's Compensation Law if applicable. In Matter of Dalton v. City of Yonkers (262 App. Div. 321, 323 [1941]) this court interpreted "reduce" to mean "offset" in holding that under then section 67 (relating to Workmen's Compensation benefits as do its successors sections 85 and 64), pensions were to be offset by compensation benefits. This is merely another indication that "reduce" means a diminishing of the pension pursuant to a given formula rather than a mere recoverable, temporary suspension during the time other benefits or salaries are being received by the pensioner. (Also, cf., Retirement and Social Security Law, § 101 [§ 84 under the 1947 act].)

#### Violation: [1AC solvency advocate]

#### Vote neg:

#### 1] Precision---all neg prep is centered on words in the resolution, the precise definition of our word from a legal source means it’d be the most predictable in the lit.

#### 2] Aff conditionality---they can de-link core neg ground like innovation by saying they’ll protect IP again after the pandemic, as well as enabling cheaty perms that kill plan vs CP clash.

## Case

#### Aff fails – circumvention, it’s the squo, and claims of a “time-limit” are false.

Sauer 21 [Hans; Deputy General Counsel and Vice President for Intellectual Property for the Biotechnology Innovation Organization (BIO), a major trade association representing more than 1,000 biotechnology companies from the medical, agricultural, environmental, and industrial sectors. At BIO, he advises the organization’s board of directors, amicus committee, and various staff committees on patent and other intellectual-property-related matters. Before taking his current position at BIO in 2006, he was chief patent counsel for MGI Pharma Inc. in Bloomington, MN, and senior patent counsel for Guilford Pharmaceuticals Inc. in Baltimore, MD. Mr. Sauer holds a M.S. degree in biology from the University of Ulm in his native Germany, a Ph.D. in neuroscience from the University of Lund, Sweden, and a J.D. degree from Georgetown University Law Center, where he serves as adjunct professor; “Waiving IP Rights During Times of COVID: A ‘False Good Idea’,” IP Watch Dog; 4/19/21; <https://www.ipwatchdog.com/2021/04/19/waiving-ip-rights-during-times-of-covid-a-false-good-idea/id=132399/>] Justin

It should be clear from the foregoing that there are many practical problems with this proposal:

Even if it were to pass out of the WTO, the waiver would still have to be implemented under the national laws of the WTO member countries. No explanation has been provided as to how up to 164 countries would be expected to quickly amend multiple statutes in their legal codes, or which form these amendments would take. Curiously, close to half of the waiver-supporting countries are already exempt from TRIPS anyway, and are effectively demanding to be free of rules that don’t apply to them. The most likely result of the proposed waiver would be a chaotic global patchwork of national laws that would linger at various stages of national implementation for years after the end of the pandemic.

Due to the breadth and vagueness of the proposal, it would be impossible for IP right holders to understand which products or services would lose IP protection in which country, or for how long – and little faith can be had in assurances that a waiver would be targeted and time-limited. Especially with regard to the critical category of trade secret or proprietary information, manufacturing know-how, clinical regulatory data packages and proprietary cell lines and other biological materials that are proposed to be shared, the waiver would in **no way be time-limited**. Proprietary information and materials cannot be un-disclosed or un-shared once they have been made public; they would simply lose their protection forever.

One wonders whether Congressional proponents of the TRIPS Waiver have given any thought as to how it could be implemented in U.S. law. There is no mechanism in U.S. law for simply waiving vested IP rights. Amendments to the federal patent, copyright, food and drug, and other federal statutes would need to be attempted; trade secret protections under 50 state laws overridden; and the waiver’s interference with the IP and confidentiality provisions of myriad existing private contracts would need to be sorted out. As a result, the Federal Government would have to assume unforeseeable and potentially colossal financial liability. And because the waiver is intended for the benefit of foreign developing nations, the legality of any attempt at U.S. domestic implementation would be doubtful, as Congress has no authority to expropriate U.S. property to benefit foreign countries. It is of course possible that Congressional proponents of the waiver are merely engaging in virtue-signaling, without any intention of ever implementing anything. But nonetheless, the waiver is certain to invite similar legislative train wrecks in other countries that aspire to the rule of law, and it is perplexing how little forethought seems to have gone into the proposal.

#### The waiver is too slow

Rajesh Vellakkat 21, LLM Student, London School of Economics and Political Science and Partner of Fox Mandal and Associates LLP, Advocates and Solicitors, India. SSRN, June 7, 2021. “IP Waiver during COVID Pandemic – Salvage or Apostacy ?” <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3861961> brett

In addition, neither are there news reports of any other critical drug used for Covid 19 treatment or their shortage nor about a patent related hurdle in the manufacture of any drug used for Covid 19 treatment. For argument’s sake, let us assume that many other patented drugs are being used for Covid -19, which is in short supply and there is no such voluntary license given by the patent owner. Then will this patent waiver help? The answer is simple, unlikely for a year or more. It will be impossible to reverse engineer and set the entire manufacturing process so quickly. If the present technology owner is not willing to support, it would not be easy to find a parallel process of creating the drug in a short duration. Procurement of the active ingredients and raw materials is another challenge. Getting the required approvals and thereafter manufacturing a drug is a time-consuming process. To launch a new drug requires certain safety protocols and clinical trials. A waiver of IP rights will not waive regulatory requirements for drug approvals. Hence, even if a new Indian manufacturer attempts to make a drug, it invariably may take minimum of two to three years. By a waiver of patents, no one can compel the existing manufacturer to share the know-how. So, a waiver of patents on drugs relating to Covid-19 may not give any immediate effect in sourcing drugs for managing Covid19.

#### Can’t solve COVID until 2022 – prefer our evidence based on supply chain experts

Garde et al 5-6 [Damian Garde , Helen Branswell and Matthew Herper May 6, 2021, 5-6-2021, "Waiver of patent rights on Covid vaccines may be mostly symbolic, for now," STAT, <https://www.statnews.com/2021/05/06/waiver-of-patent-rights-on-covid-19-vaccines-in-near-term-may-be-more-symbolic-than-substantive/> ] //Lydia

The U.S.’s stunning [endorsement](https://www.statnews.com/pharmalot/2021/05/05/biden-covid19-vaccine-patent-rights/) of a proposal to waive Covid-19 vaccine patents has won plaudits for President Biden and roiled the global pharmaceutical industry. But, at least in the short term, it’s likely to be more of a **symbolic** milestone than a turning point in the pandemic. For months, proponents of the proposal have argued that the need to waive intellectual property protections was urgent given the growth of Covid cases in low- and middle-income countries, which have been largely left without the huge shipments of vaccine already purchased by wealthy countries. But patents alone don’t magically produce vaccines. Experts suggested **the earliest the world could expect to see additional capacity flowing from the waive**r — if it’s approved at the World Trade Organization — would be in **2022.** Prashant Yadav, a supply chain expert and senior fellow at the Center for Global Development, said the biggest barrier to increasing the global vaccine supply is a lack of raw materials and facilities that manufacture the billions of doses the world needs. Temporarily suspending some intellectual property, as the U.S. proposes to do, would have little effect on those problems, he said. “My take is: By itself, it will not get us much benefit in increased manufacturing capacity,” Yadav said. “But as part of a larger package, it can.” That larger package would include wealthy nations like the U.S. mounting an Operation Warp Speed-style effort to invest in manufacturing in low-income countries, he said, using their vast financial resources to actually produce vaccine doses rather than solely targeting patents. Lawrence Gostin, director of the O’Neill Institute for National and Global Health Law at Georgetown Law, said the waiver is necessary but hardly sufficient. It will likely take months of international infighting before the proposal would take effect, he said, months during which would-be manufacturers would not have the right to start producing vaccines. “We’re not talking about any immediate help for India or Latin America or other countries going through an enormous spread of the virus,” Gostin said. “While they’re going to be negotiating the text, the virus will be mutating.” Even James Love, director of the nonprofit Knowledge Ecology International and a longtime advocate of intellectual property reform, acknowledges a patent waiver would be a valuable first step, not a panacea. The fairly narrow proposal would mostly allow countries to issue compulsory licenses, essentially allowing third-party manufacturers to make and sell other companies’ patented products, while also helping free up some information about how that manufacturing is done. But that, at least, could provide a financial incentive for those third parties to invest in vaccine production.

#### The issue is lack of resources, not IPR.

Brown 21, Delphine Knight Brown is a Partner in the firm’s Litigation Practice Group, and Intellectual Property Litigation Group. With over twenty years of trial experience, Delphine’s practice focuses on complex intellectual property and technology cases, with extensive experience in the life sciences industry. Freeborn Attorneys at Law, Summer 2021. “Will TRIPS Waiver of IP Protection for COVID-19 Vaccines Serve Global Need?” <https://www.freeborn.com/sites/default/files/downloads/Powerhouse%20Points_Newsletter_Summer%202021%20Final.pdf> brett

When the IP waiver concept was first proposed last October, Moderna agreed not to enforce its COVID-19 related patents during the pandemic. But despite Moderna’s voluntary waiver of its IP rights, no other company has stepped up to manufacture the Moderna vaccine. The most significant obstacle to COVID-19 vaccine supply is not just the IP rights that companies have obtained, or are pursuing, but rather the lack of raw materials and manufacturing facilities to produce the vaccines. Currently, there are shortages of raw materials and equipment used to make vaccines and biological products.

Unlike drug manufacturing, vaccine production processes are extremely complex and difficult to develop without support from current manufacturers. Additional manufacturers would need to have or acquire skilled expertise in mRNA technology and create or reconfigure manufacturing sites. Manufacturing vaccines requires additional processing steps and testing to assure quality and consistency. Manufacturing vaccines will also likely use the patented technology of other companies, who have not waived their IP rights. Investment in manufacturing is also an important piece of the solution. Whether existing companies can retool facilities and jump start manufacturing or new facilities need to be created through investment will be outcome determinative.

There is little doubt that the waiver proposals would at the very least up-end the existing incentives, including the prospect of future pharmaceutical innovation and development of products, that resulted in the rapid development and approval of COVID-19 vaccines. Moreover, the TRIPS waiver proposals may not have the desired effect of boosting COVID vaccine production and availability of mRNA vaccines. On the other hand, recent attempts at voluntary licensing and technology transfer agreements related to adenovirus vector technology have resulted in increased vaccine production and availability. A TRIPS waiver may not be as effective for more complex vaccine production.

Scaling up COVID-19 vaccine production is not a one-size-fits -all proposition. Ensuring equitable availability and delivery complicates the matter further.