# 1NC

## 1NC -- T -- Reduce

#### Interpretation: Reduce means unconditional and permanent – the aff is a suspension.

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

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

#### Violation – the plan advocates a temporary waiver on patent restrictions which doesn’t implement a permanent reduction

#### Vote neg:

#### 1] Precision – Our definition is most precise which is the biggest internal link to predictability - anything else justifies the aff arbitrarily jettisoning words in the resolution which is the only stasis point we know before the round.

#### 2] Limits and ground– their model allows affs to defend anything from pandemics to Biden’s presidency— there's no universal DA since it’s impossible to know the timeframe when there won’t be IP— that explodes neg prep and leads to random timeframe of the week affs that can spike out of any disad by bringing back restrictions later which makes cutting stable neg links impossible — limits key to reciprocal engagement since they create a caselist for neg prep (innovation, collaboration, econ, ptx: all core neg literature thrown away) – controls the internal link to iterative testing and argument refinement

#### 3] TVA solves all of their offense – defend your advantage with a plan text of permanently reducing ip protections for covid vaccines.

#### DTD on T bc it skewed the entire round – it’s a question of whether or not the aff should have been read in the first place.

#### No RVIs – they’re illogical, you don’t win for being topical

#### Competing interpretations – reasonability is arbitrary and causes judge intervention, leads to a race to the bottom where debaters push the boundaries of what is reasonable in order to justify infinite abuse

## 1NC -- K -- Colonial Capitalism

#### Reformism is not emancipatory but instead contributes to the iterative perfection of colonial capitalism – the transformative potential of legal change is circumscribed by hegemonic power structures that are embedded in international political systems.

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These events – the corporate capture of the global pharmaceutical IP regime, state complicity and vaccine imperialism – are not new. Recall Article 7 of TRIPS, which states that the objective of the Agreement is the ‘protection and enforcement of intellectual property rights [to] contribute to the promotion of technological innovation and to the transfer and dissemination of technology’. In similar vein, Article 66(2) of TRIPS further calls on developed countries to ‘provide incentives to enterprises and institutions within their territories to promote and encourage technology transfer to least-developed country’. While the language of ‘transfer of technology’ might seem beneficial or benign, in actuality it is not. As I discussed in my book, and as Carmen Gonzalez has also shown, when development objectives are incorporated into international legal instruments and institutions, they become embedded in structures that may constrain their transformative potential and reproduce North-South power imbalances. This is because these development objectives are circumscribed by capitalist imperialist structures, adapted to justify colonial practices and mobilized through racial differences. These structures are the essence of international law and its institutions even in the twenty-first century. They continue to animate broader socio-economic engagement with the global economy even in the present as well as in the legal and regulatory codes that support them. Thus, it is not surprising that even in current global health crisis, calls for this same transfer of technology in the form of a TRIPS waiver to scale up global vaccine production is being thwarted by the hegemony of developed states inevitably influenced by their respective pharmaceutical companies. The ‘emancipatory potential’ of TRIPS cannot be achieved if it was not created to be emancipatory in the first place. It also makes obvious the ways international IP law is not only unsuited to promote structural reform to enable the self-sufficiency and self-determination of the countries in the global south, but also produces asymmetries that perpetuate inequalities. Concluding Remarks What this pandemic makes clear is that the development discourse often touted by developed nations to help countries in the Global South ‘catch up’ is empty when the essential medicines needed to stay alive are deliberately denied and weaponised. Like the free-market reforms designed to produce ‘development’, IP deployed to incentivise innovation is yet another tool in the service of private profits. As this pandemic has shown, the reality of contemporary capitalism – including the IP regime that underpins it – is competition among corporate giants driven by profit and not by human need. The needs of the poor weigh much less than the profits of big business and their home states. However, it is not all doom and gloom. Countries such as India, China and Russia have stepped up in the distribution of vaccines or what many call ‘vaccine diplomacy.’ Further, Cuba’s vaccine candidate Soberana 02, which is currently in final clinical trial stages and does not require extra refrigeration, promises to be a suitable option for many countries in the global South with infrastructural and logistical challenges. Importantly, Cuba’s history of medical diplomacy in other global South countries raises hope that the country will be willing to share the know-how with other manufactures in various non-western countries, which could help address artificial supply problems and control over distribution. In sum, this pandemic provides an opportune moment to overhaul this dysfunctional global IP system. We need not wait for the next crisis to learn the lessons from this crisis.

#### WTO is a Trojan Horse for accumulation by dispossession and global imperialism---the regime of credibility surrounding it is ideologically manufactured

Screpanti 14 – Ernesto Screpanti, Professor of Political Economy at the University of Siena, Global Imperialism and the Great Crisis: The Uncertain Future of Capitalism, p. 110-113)

The Role of International Organizations

Of the international economic organizations, those that work most effectively to achieve the expansion of “freedom” are the World Trade Organization, the International Monetary Fund, and the World Bank, the three main political institutions charged with preparing the world for capitalist penetration.

The WTO was founded with the primary aim of favoring the expansion of international trade, and was equipped with effective instruments for disciplining opportunist countries. It fulfills the function of issuing international trade rules and rendering them enforceable better than any national empire has ever managed to do. It achieves this through multilateral agreements carrying binding commitments for signatory states. With the Dispute Settlement Understanding (DSU) these agreements are enforceable. The “judgments” handed down by the WTO’s Dispute Settlement Body (DSB) oblige noncompliant countries to conform to the rules, under the threat of economic sanctions ranging from compensating an injured country for damages to the implementation of retaliatory measures.

The rules, especially those known as “nondiscriminatory clauses,” are supposed to foster the expansion of free trade. In reality, they effectively force member states to accept penetration by multinational corporations. The National Treatment clause, for example, obliges governments to extend the best treatment afforded to national firms, including state-owned companies, to foreign ones. The Market Access clause, in turn, prohibits governments from hindering the entrance of multinational firms.60 Together these rules have contributed to creating a norm that encapsulates the essence of the whole set of regulations, a sort of “most favored firm” clause. If an advantage is granted to a firm, for example, a national company, it must be granted to all firms. This implies, among other things, that once a state-owned company has been privatized there is hardly any going back, even if it results in a market failure.

The TRIPs (Trade-Related Aspects of Intellectual Property Rights) serve to safeguard the ownership of the products of scientific and technological research, trademarks, and the like, and thus to guarantee the profitability of their use. Patents, which are mainly registered in the countries of the imperial Center, cannot be used by developing countries unless they pay the royalties established by the multinational companies to which the patents belong, often even if they apply to vital drugs.61 In the TRIPs, the World Trade Organization clearly reveals its nature as a political organization with the purpose of safeguarding the interests of multinationals. Not by chance, the big corporations played a key role in drawing up the TRIPs agreements.62 While all the other agreements formally have the aim of expanding competition and free trade, the TRIPs agreement takes the form of a protectionist regulation. It explicitly seeks to protect monopoly positions and the monopoly profits provided by scientific and technological research, an activity in which the big multinationals of the North excel.

Even more blatant are the agreements known as TRIMs (Trade- Related Investment Measures). Their content is essentially disciplinary, as they prohibit the adoption of the economic policy instruments63 that the governments of many countries use to protect their economies from certain negative consequences of foreign direct investments. The TRIMs serve to disarm states in their attempts to implement industrial and commercial policies for the benefit of local populations. They mete out discipline in the interests of the multinationals.

But possibly the most brazen of all these agreements is the GATS (General Agreement on Trade in Services), which regulates a highly heterogeneous sector (with 160 sub-sectors) effectively covering the production of all nonmaterial goods, from finance to postal services, from water supply to electricity, from telecommunications to transport, from insurance to banks, from education to health. The sector is so vast that it accounts for two-thirds of global output.

The GATS was expressly proposed, prepared, and armed by certain Anglo-American financial multinational lobbies whose names are well known.64 According to economic science, a large part of the goods covered generate market failures65—because they are produced in conditions of natural monopoly (for example, water supply), because they generate significant externalities (for example, pollution), or because they are commons (for example, woods), public goods (for example, justice), or merit goods (for example, education). This is why their production was traditionally controlled or regulated by the state in the public interest. The GATS instead considers policies that pursue public aims in the production of services as discriminatory. Under the pretense of making markets competitive, it forces signatory states to dismantle public sectors that regulate services and sell off the firms that provide them. In contrast to the other agreements, the GATS is not confined to regulating existing markets but plays a fundamental role as a creator of markets. It seeks to commodify public goods, public utilities, and commons, and to privatize natural monopolies.

Joining the WTO implies acceptance of the rules of national treatment and market access, as well as the principle that public monopolies and public services are unacceptable. Then, when a serious economic crisis arises and leaves a country in need of financial help from the IMF and the WB, the government is forced to sell off state-owned companies and commons to the multinationals.

The WTO has become a partial substitute for gunboats in imperial governance. Through it, the big capital clears and paves the way for expansion and accumulation on a global scale. What is more, it does so with the consent of the exploited countries, which are induced to join the organization to gain access to flows of foreign direct investments from multinationals, assistance from advanced countries, and financial aid from the IMF and WB.

As for the IMF, following the Washington Consensus (of “free market” economics) this pawnbroker for desperate states took on the role of liberator. Previously, based on the Keynesian approach of the Bretton Woods system, the IMF imposed restrictions on the demand side, while granting credit to check the severity of those restrictions as much as possible. With the success of the monetarist ideology of Milton Friedman and the Chicago School in the late 1970s, the “structural” adjustments imposed were expected to affect the supply side, that is, mainly structures of production and ownership, rather than aggregate demand alone. Moreover, a “long-run perspective” was to be preferred, rather than focusing on the “short run.” Thus, from 1979 onward, the IMF began to impose structural reforms with the aim of “relaunching development.” According to neoliberal ideology, such reforms require the deregulation and liberalization of markets. This meant the cutting of tariffs and other forms of protectionism to boost competition, the liberalization of prices to cure inflation, the deregulation of labor markets to foster flexibility and reduce labor costs, the deregulation of financial markets to encourage capital mobility, and the privatization of public utilities to balance national budgets and expand competition. Thus the IMF acts as a bulldozer, preparing the ground for the arrival of multinational capital in desperate states. It does so to make this arrival as profitable as possible: it cuts wages and the cost of raw goods, makes labor flexible, and gets states to sell off public utilities and natural resources at fire-sale prices.

Lastly, the WB plays a more subtle, but no less effective, role in bringing about the expansion of “freedom.” It offers help to developing countries by funding investments in the infrastructure necessary for industrial takeoff, or, in other words, for penetration by multinational capital. Like the IMF, with which it often acts in cooperation, the WB gives nothing for free. In particular, among the conditions for access to its loans, it also demands the demolition of trade barriers, the privatization of services, and the selling off of the commons to private companies.

Could the big multinationals let control over the great international economic organizations slip from their hands? And how could they get those organizations to serve their own interests while maintaining the decision-making autonomy of their managers? A powerful ideological campaign was called for. No sooner said than done. Having unleashed the most imaginative economists and even enlisted the help of the international academic body that decides on the recipients of the Nobel prize for economics, the right doctrines were promptly produced, one more audacious than the other: the right doctrines to replace the dated nineteenth- to twentieth-century free trade theory.66 Then the markets for allegiance, the mass media, the most prestigious U.S. universities, research institutes, and culture academies, sprang into action to defend the new orthodoxy and put the right people in the right places. This is how the great international economic organizations came to be capable of acting autonomously in the interests of multinational capital.

#### “International order” is a dogwhistle for a global governance paradigm of assimilation into Western values that over-represent themselves as progress, “the world”, and history itself imposed through the civilizing mission of war, intervention, and imperialism abroad.

Turner and Nymalm, 19

[Dr. Oliver, IR @ UEdinburgh, UK; and Nicola, Research Fellow @ Swedish Institute for Int’l Affairs and Assistant Prof. of War Studies @ Swedish Defence University: “Morality and progress: IR narratives on international revisionism and the status quo,” Cambridge Review of International Affairs, 32:4 (2019), 407-428, DOI: 10.1080/09557571.2019.1623173]//AD

The concept of an international order, or ‘status quo’, as it commonly appears throughout the two historic waves of (Western-dominated) IR literature outlined above, is not imagined to be a static or unmoving condition. Instead, it has always been used within scholarly or conceptual narratives as code for advancement and progress. Robert Gilpin (1987, 72) insists that ‘the international economic order … could not flourish and reach its full development’ without a liberal hegemonic power such as the US or UK. Potential hegemons such as the Soviet Union, he explains, would undo such progress through ‘the imposition of political and economic restrictions’. EH Carr’s criticisms of Western claims to international order intersected with assertions of how it advanced, rather than merely sustained, the global condition. Aside from ‘equal security to all’, he noted, British ascendancy gave rise to a universal currency, acceptance of free trade and a common language. The fate of each of these developments, and by extension the cultivation of ‘a world society’, he argued, was threatened by new challengers (Carr 1939, 213). Progress has been most commonly understood in the West as a product of Enlightenment thought, manifest in material advances in science and technology as a ‘standard of civilization’. 3 This enabled a division of the world into a ‘civilized’ West and ‘barbarian and savage’ non-West (Buzan and Lawson 2015, 22–98). As progress became an explanation of how history itself unfolds, a storyline emerged describing a linear trajectory from ancient Greece to modern Europe in which progress was understood as self-generating through characteristics internal to the West (Buzan and Lawson 2015, 36–98), including those of liberal capitalism. The West was seen as ‘a distinctive political order— a “civic union”’ and as having ‘a distinctive political logic’ (Deudney and Ikenberry 1993, 18), in line with portraying the ‘democratic world [as] America’s greatest accomplishment’ (Deudney and Ikenberry 2012, 1). Though not necessarily directly visible, the underlying ‘wisdom’ or logical dimension of this narrative persists today through notions of ‘modernization’ and ‘development’ (Buzan and Lawson 2015, 123). More explicitly, when referring to post-1945 history, the growth of US global influence is depicted as having ‘helped usher in a new period of modernization and progress for many parts of the world’ (Deudney and Ikenberry 2012, 4). While comparisons between ‘civilized’ and ‘uncivilized’ are less acceptable in modern parlance, the ‘status quo’ is still narrated as a route towards progress and development. The goal of wealth creation in particular is set within a framework of global governance defined by Western conceptions of democracy, human rights and capitalist reforms. ‘As in the past’, observe Bowden and Seabrooke (2006, 3f), ‘the workings of markets continue to be thought of as having a “civilising” effect on society; both internally amongst its members and in external relations with other societies’. In this ‘socialization-to-liberalorder-view’ (Bukovansky 2016, 96), emerging markets are paternalistically depicted as moving towards a brighter future, via the ideal of economic convergence with the more developed West. For example, Mandelbaum (1997) suggests that a ‘useful way to think of Russia and China is as analogous to unruly adolescents’ in the context of their post-Cold-War development. This is coupled with expectations of political convergence and thinking in terms of the ‘liberal theory of history’ (Nymalm 2013) and understandings of the relationship between capitalism and modernity which have arguably become a Western-centric hegemonic view. Argues Jan Nederveen Pieterse (2008, 1), ‘ideas of convergence upon the model of Anglo-American capitalism and liberal democracy are continuously rehearsed in mainstream media, as if the “rise of the rest” is supposed to follow in the footsteps of the rise of the West’. Failed expectations on convergence may in turn intensify a threat discourse of the ‘rising other’ (Nymalm 2017) and ‘revisionism’ they bring.4 For instance, Jaschob et al. (2017) deny any normative connotation in their conceptualization of revisionism, as ‘not all rules and norms are just, and not all existing international orders are better than potential alternatives’. Yet, they motivate their studies with ‘the problem of dissatisfied great powers and the question of why rising powers should want to challenge an established international order that facilitated their extraordinary growth’ (Jaschob et al. 2017, 10). In other words, the order is ‘good’ because it enabled the rise of new powers. Historical IR debates over revisionist and status quo actors and behaviours have evolved over time, but within the controlled and restrictive parameters of conceptual IR narratives. As a result, the concepts themselves have operated not as neutral descriptors, but as powerful narratives of morality and progress with particular characters and plotlines. The effect has been to leave these scholarly concepts devoid of much analytical value, operating more as rhetorical tools to reinforce misleadingly binary conceptions of a Western Self versus a non-Western Other, within unduly selective and essentially predetermined stories of world order and the sources of its vulnerabilities. More than this, by endorsing divisions of a ‘civilized’ West and ‘barbarian’ rest, they have worked to promote suspicions and tensions in the international realm. As John Hobson (2012, 185–187) puts it, models like the HST ‘explicitly justif[y] Western imperialism in the past, as well as in effect advocating a neocivilizing mission in the present’.

#### Nuclear warfare is an everyday reality—and “nuclear criticism” like the affirmative allows the violence to be masked and subordinated in service of an apocalyptic vision- creating a world where we are securitizing against threats Indigenous folks have already faced

Eileen Clare Shaughnessy, 7-12-2014, "The Un-Exceptional Bomb: Settler Nuclearism, Feminism, and Atomic Tourism in New Mexico," UNM Digital Repository, https://digitalrepository.unm.edu/amst\_etds/40/, accessed 1-17-2021 MSchneck

Indeed, the West provided the four basic needs for the atomic project: a supply of uranium ore, milling facilities where the ore could be processed into weapons, areas where the weapons could be tested, and finally, locales where radioactive waste products from this process could be disposed of. As Winona LaDuke notes, “**On a worldwide scale, Native people hold around 70 percent of the world’s uranium resources- from the north of Saskatchewan, to the Diné and other Indigenous territories of the southwest, the Lakota Nation to the Mirarr nation of Australia.”13 The Manhattan Project relied on uranium mined from Diné, Laguna Pueblo, and Acoma Pueblo lands in the four-corners area of the Southwest to build the bomb. The Diné, Laguna Pueblo, and Acoma Pueblo communities have higher rates of lung cancer and stomach cancer directly connected to the mining and milling of uranium**.14 Diné toxicologist Monica Yellowhair reports that: prolonged exposure to uranium not only can result in cancer of the stomach, colon, pancreas and prostate, but has also been shown to cause “genotoxic effects like chromosomal aberrations, micronuclei formation, sister chromatid exchanges and DNA damage.”15 In other words, the effects of uranium exposure can literally alter DNA and wreak havoc for generations. **Atomic testing has produced devastating effects for Indigenous peoples in U.S. and worldwide**. **In the U.S., the Mescarleo Apache reservation was downwind of the very first atomic test in southern New Mexico known as “Trinity”;** in addition, **the ancestral homelands of the Western Shoshone and Southern Paiute in the Mojave desert were seized and bombed repeatedly by the government in the 1950s for nuclear testing**.16 The U.S. conducted 66 nuclear tests on the Marshall Islands, where the people of one island, Rongelap, have experienced so many birth defects (including “jellyfish babies,” babies born without bones) and cancers that a U.S. study later found the island to be unsafe to live on.17 As Andrea Smith argues**, environmental racism in the form of radiation and nuclear testing can be seen as another form of sexual violence precisely because through violating the earth, Native bodies are also violated**.18 Similarly, Rauna Kuokkanen argues **that the militarized reproduction and reinforcement of U.S. Empire is predicated on both Native American lands and Native American bodies.** 19 The present-day Los Alamos National Laboratory (LANL) sits on more than 43 square miles taken from the Santa Clara and San Ildefonso Pueblos, restricting their access to sacred sites and exposing them to toxic and radioactive waste buried in the land.20 **Oral San Illdefonsan history documents a land transfer from the Pueblo to the Manhattan Project for the war effort that was justified on the grounds that it would be returned after the war**. **This broken promise is not the Pueblos’ only concern** however, as **the legacy of the Manhattan Project continues to contaminate the land, air, and water with radioactive waste that remains “hot” for centuries.** For example, Area G, a thin mesa located on the border between LANL and San Illdefonso, is LANL’s primary waste site; it opened in 1957 with the bulldozing of five San Illdefonsan ruins.

#### Their fantasies of extinction scenarios infinitely defer a meaningful reckoning with settler colonialism

Dalley, 18—Assistant Professor of English at Daemen College (Hamish, “The deaths of settler colonialism: extinction as a metaphor of decolonization in contemporary settler literature,” Settler Colonial Studies, 8:1, 30-46, dml)

In this way, these settler-colonial narratives of extinction begin as a contemplation of endings and end as a way for settlers to persist. As in the classical solution to the settler-colonial paradox of origins, the native must be invoked and disavowed, and ultimately absorbed into the settler-colonial body as a means of accessing true belonging and the possibility of an authentic future in place. Veracini’s description of the settler-colonial historical imagination thus applies, in modified but no less appropriate form, to visions of futurity haunted by the possibility of death: Settler colonial themes include the perception of an impending catastrophe that prompts permanent displacement, the tension between tradition and adaptation and between sedentarism and nomadism, the transformative permanent shift to a new locale, the prospect of a safe ‘new land’, and the familial reproductive unit that moves as one and finally settles an arcadia that is conveniently empty.67 And yet that parallel means that it is not entirely true to say that settlers cannot contemplate a future without themselves, or that they lack the metaphorical resources to imagine their own demise. It is in fact characteristic of settler consciousness to continually imagine the end. But it does so through a paradox that echoes the ambivalence of Freud’s death drive: it is a fantasy of extinction that tips over into its opposite and becomes a method of symbolic preservation, a technique for delaying the end, for living on in the contemplation of death.68 The settler desire for death conceals that wish – the hope that, between the thought of the end and the act, someone will intervene, something will happen to show that it is not really necessary, that the settlers can stay, that they have value and can go on living. In this way, they make their own redemption, an extinction that is an act of self-preservation, deferring the hard reckoning we know we lack the courage to face, and avoid making the real changes – material, political, constitutional, practical – that might alter our condition of being and set us on the path to a real home in the world. We dream instead of ends, imagining worlds without us, thinking of what it would be like not to be. But at every moment we know that that the dream is nothing but a dream; we know we will awake and still be here, unchanged, unchanging, living on, forever. Thus settlers persist even beyond the moment of extinction they thought they wanted to arrive.

**Vote neg to endorse effective indigenous resistance oriented towards the overthrow of economic globalization and racial neoliberalism and the emergence of a world outside of capital.**

Jodi **Melamed**, 20**11** (“Represent and Destroy: Rationalizing Violence in the New Racial Capitalism, <<associate professor of English and Africana Studies @ Marquette University >, P181- p186)//pk

There are hundreds of examples, from every continent except Antarctica, of indigenous peoples, on the frontlines of globalization’s expansion, who are fighting for the survival of their communities against national governments seeking to ramp up exports, against extractive industries, against pollution and waste industries, against narco-traffickers, against energy and dam projects, against tourism, and against conservation movements that seek to remove indigenous peoples from their lands for so-called wilderness conservation. These include the Yanomami tribe of northern Brazil, who are being forced off their lands by illegal mining; the U’Wa, Nukak, and others in Colombia, who are being killed and driven off lands by governmentsponsored paramilitaries, left-wing guerrillas, and the U.S.-sponsored Plan Colombia, which pays former drug traffickers to seize Indian lands to grow nonnarcotic crops; uncontacted tribes in Peru, who are facing disease and worse with the construction of an oil pipeline through their territories built by the Anglo-French oil giant Perenco; the 200,000 tribal people in the Ethiopia delta region, who are being evicted to build a giant hydroelectric dam financed by the World Bank; the Lahu, Lisu, Meo, and other Hmong highland tribes in Thailand, who are being evicted after the government’s sale of 25,000 kilometers to an international conservation organization; other “conservation refugees,” including the Masai in Kenya and the Bushmen in Botswana; overfishing jeopardizing the survival of Chukchi and Eskimo in Russia; and mining on North American Indian lands, including those of the Cree, Western Shoshone, Mohawk, and Zuni peoples. Hundreds of other examples can be found on the Web sites and in the publications of indigenous organizations and networks, advocates and NGOs, and UN agencies and other multilateral bodies. These include the Indigenous Environmental Network, the White Earth Land Recovery Project, the Tebtebba Foundation, the International Indian Treaty Council, the Asian Indigenous Women’s Network, the Inuit Circumpolar Conference, the Indigenous Peoples of Africa Coordinating Committee, Mines and Communities, the International Forum on Globalization, Amazon Watch, Survival International, Cultural Survival, the United Nations Permanent Forum on Indigenous 182 � Difference as Strategy Issues, and the International Labour Organization’s Department of Indigenous and Tribal Peoples. As indigenous people across the globe over the last forty years have experienced violences generated from the same underlying source, an economic system of accumulation through dispossession, a move to unite opposition has given rise to forceful international indigenous peoples’ movements. One of the central occupations of such movements is illuminating the global resource wars as also paradigm wars, as conflicts at the level of the material politics of knowledge. A materialist understanding of knowledge demonstrates that what counts as legitimate knowledge, emerges from contestatory processes and is not autonomous from but both shapes and is determined by material circumstances and geohistorical conditions. As Chandan Reddy has reflected, “[M]odern western knowledges . . . have been productive of certain expressions of personhood, experience, historical process, materialism, and so forth, while foreclosing other historical, material, and epistemic organizations of subjectivity, historical process, and the so-called natural world.”4 Indigenous peoples’ movements often draw attention to the fact that the material existence of globalization as an economic system relies on the functioning and legitimacy of certain rationalizing modes (e.g., corporate individualism), construals of value (e.g., the sanctity of private property rights), and expressions of personhood (e.g., people as consumers) that many indigenous people do not share. (In this chapter’s opening epigraph, Victoria TauliCorpuz makes this point.) Although most of the knowledge systems of indigenous peoples, communities, and nations have been impacted by the knowledge architecture that supports economic globalization, many yet maintain some epistemic orientations that are defective for, contradict, or offer alternatives to some of its rationalizing modes, values, and notions of personhood—including orientations to collective responsibility—and that can provide the basis for alternative expressions of materialism and economy. Contemporary indigenous cultural activism often goes to work on this epistemic level to mitigate not only the physical violences of the global resource wars but also the violences intrinsic to knowledge systems that restrict what is Difference as Strategy � 183 politically and ethically possible to extractive economies and accumulation by dispossession. Here is what is happening now: As the global resource wars have pushed onto indigenous lands, the knowledge apparatuses sustaining economic globalization have had to bring indigenous peoples into representation in a manner that explains their exploitation as inevitable, natural, or fair. But this state of affairs has also provided an opportunity for indigenous-led cultural activism to insert its own signifying systems into public discourse in order to displace the structures of legitimate knowledge, to contest dominant systems of representation, and to try to open them up to cultural meanings and epistemic orientations originating in indigenous-led interpretative communities. Reductionism and essentialism must be guarded against. The knowledge systems of indigenous peoples differ greatly from one another and are not internally homogenous. They cannot be made completely transparent to culturally nonindigenous peoples, nor can one indigenous episteme be transcoded seamlessly (or even adequately) into another, and recomprehending the world does not change it. Yet encountered on the level of media, transnational movements, and scholarship, the cultural activism of international indigenous peoples’ movements can and does insert into public discourse something like a generalized indigenous inscription of a global world system based on economies of limit and balance, reciprocal relations between people and nature, and the importance of collective rights. Not surprisingly, neoliberal multiculturalism is one of the most useful discourses functioning today to dispossess indigenous peoples of their lands and resources and to make such dispossession appear inevitable, natural, or fair. Neoliberal multiculturalism represents multiculturalism to be the spirit of neoliberalism. It represents the access of producers and investors to diverse markets and the access of consumers to diverse goods to be emblematic of multicultural values and required for global antiracist justice. It justifies the removal of indigenous peoples from their lands by describing the entire world as the rightful potential property of global multicultural citizens. At the same time, it stigmatizes indigenous peoples as monocultural, 184 � Difference as Strategy unrealistic, doomed, chauvinistic, or “tribal,” connoting a negative orientation to an exclusively defined group. If liberal multiculturalism is considered as antecedent to today’s neoliberal multiculturalism, then U.S. multiculturalisms can be seen as having long misrepresented or obscured American Indian sovereignty and land tenure claims. By treating American Indians as ethnic minorities within the framework of cultural pluralism, conventional multicultural discourse has made government-to-government relations between the United States and American Indian nations appear counterintuitive. Today, global multiculturalism can be spoken of as a valorized discourse that circulates throughout transnational political modernity in global media, in international civil society, in international NGOs, in the United Nations, and in other multilateral bodies. It can overlap with neoliberal multiculturalism, but it is not identical to it. Rather, it is a discourse in a global political register that globalizes the template of state multiculturalism (often U.S. multiculturalism) in order to represent an order of multicultural states as an adequate image of a multicultural world. One might think that within this discursive field the relationship between multiculturalism and indigenous rights would remain antagonistic, that the more one argued for indigenous peoples’ rights in the language of global multiculturalism, the more one would strengthen state multiculturalisms—that is, national governments— over and against the rights of indigenous peoples. Yet surprisingly, something new is happening. Indigenous-led cultural activism is successfully using its own version of multiculturalism to make the conceptual bases for new categories of indigenous rights and new strategies for claiming land tenure appear necessary, well founded, and just. An example of such a transcoding is in the chapteropening epigraph by Victoria Tauli-Corpuz, Igorot tribal member, founder of Tebtebba (Indigenous Peoples International Center for Policy Research and Education), and current chairperson of the United Nations Permanent Forum on Indigenous Issues. Tauli-Corpuz uses familiar multicultural language that ascribes positive value to difference and antipathy to being homogenized. Yet rather than staying within the field of meanings that multicultural language generally signals, namely Difference as Strategy � 185 that the equal rights of different and diverse peoples must be supported, Tauli-Corpuz uses multicultural reference to assert that a robust right to be different and distinct is the first step in asserting a right for indigenous peoples to opt out of economic globalization and to maintain separate economic systems, in the sense of separate circulations of knowledge, lands, and resources not inscribed within the value forms of capitalist globalization. Of particular interest is indigenous cultural activism that successfully uses its own version of multiculturalism to make the culture/land conceptual bind appear comprehensible, necessary, and well founded. This conceptual bind asserts the inseparability of indigenous peoples from the earth, so that land cannot be thought of apart from its social relations with humans and human existence cannot be thought of apart from its relations to lands, trees, plants, earth formations, waters, and animals. This chapter examines two examples: (1) an activist intervention in the field of law and rights discourse and (2) an activist intervention in the field of literary multiculturalism and how it validates and organizes knowledge about difference and personhood. First examined is how the United Nations Declaration of the Rights of Indigenous People (UNDRIP), which is largely but importantly not completely the product of international indigenous activism, transcodes multiculturalism in order to make possible the first-ever recognition by the United Nations of an indigenous right to self-determination, the firstever recognition of collective rights, a new derivation of rights, and a new right to free, prior, and informed consent. Although the final version of UNDRIP passed by the UN General Assembly was a compromise document and even though many nations recognize UNDRIP only as aspirational or in ways that defang it, should it become effective international customary law, it could provide an important legal tool for indigenous peacemaking in the context of the global resource wars. Second, this chapter offers a reading of Blood Run, a long narrative poem by Allison Hedge Coke, a Huron, Cherokee, and Métis poet and a movement builder within the emergent transnational networks of indigenous peoples’ movements. Blood Run narrativizes the mound city of Blood Run, a major precontact trading settlement that 186 � Difference as Strategy was estimated, around 1650, to have had some ten thousand inhabitants and to have comprised at least six distinct tribes, making it the most populous city in North America at the beginning of European settler colonialism. Blood Run is an epistemically resituating work that transcodes multicultural reference to make it possible for a culturally nonindigenous reader to imagine the viability of an (already existing) indigenous world system, which is to say a world-encompassing circulation of meaning, value, relationality, and matter.

#### The role of debate is to disrupt the multiplicities of violence animated by colonial capitalism – we are winning the uniqueness debate as academic institutions are embedded in hegemonic power structures now – resistance is the only ethical demand your ballot should be oriented towards.

## 1NC -- Case

### 1NC -- Framing

#### Each internal link reduces the probability of the next – reject conventional risk calculus because it plays on cognitive biases by inflating risk and ignoring the possibility of positive outcomes

Conetta and Knight ‘98 — (Carl Conetta, director of the Project on Defense Alternatives, Charles Knight, senior fellow @ Project on Defense Alternatives, “Dueling with Uncertainty: The New Logic of American Military Planning,” March 1998, http://www.bu.edu/globalbeat/usdefense/conetta0398.html)

Conflict scenarios, both wild and tame, can gain more credibility in the telling than they deserve. Cognitive researcher Massimo Piattelli-Palmarini calls this the "Othello effect," referring to the trail of plausible but false suppositions that led Othello to murder his wife, Desdemona. Even the most farfetched scenarios comprise a number of steps or links each of which may seem plausible or even probable given the one that came before. Although the likelihood of the scenario dwindles with each step, the residual impression is one of plausibility. Omitted are the many branches at each step that would lead to a neutral or even positive outcome. The resulting snapshots, although numerous, offer a highly-selective view of what the future may hold. And the fact that only the negative outcomes are articulated and exercised can distort the general public impression of risk.∂ Living with Uncertainty∂ There is no escape from uncertainty, but there is relief from uncertainty hysteria. It begins with recognizing that instability has boundaries -- just as turbulence in physical systems has discernable onset points and parameters. The turbulence of a river, for instance, corresponds to flow and to the contours of the river's bed and banks. It occurs in patches and not randomly. The weather also is a chaotic system that resists precise long-range forecasting, but allows useful prediction of broader trends and limits.∂ Despite uncertainty, statements of probability matter. They indicate the weight of evidence -- or whether there is any evidence at all. The uncertainty hawks would flood our concern with a horde of dangers that pass their permissive test of "non-zero probability." However, by lowering the threshold of alarm, they establish an impossible standard of defense sufficiency: absolute and certain military security. Given finite resources and competing ends, something less will have to do. Strategic wisdom begins with the setting of priorities -- and priorities demand strict attention to what appears likely and what does not.

#### Prefer the critique’s impact. There’s a cognitive bias to downplay settler violence.

King 20, PhD, professor in the Liberal Studies department at Grand Valley State University (Sarah, “What We’re Talking about When We’re Talking about Water: Race, Imperial Politics, and Ruination in Flint, Michigan,” in *The Wonder of Water*, UMich Libraries)//BB

For many North Americans, reflecting on and analysing their role as settlers in colonial nations2 – and about their relationship to place in this context – is a fundamental challenge. The liberal discourse of equality often denies that racism is a systemic or everyday problem, promoting instead a “‘national story’ of benevolence and generosity” (Srivastava 2005, 35). Srivastava suggests that Canadians operate within “contemporary national discourses of tolerance, multiculturalism and nonracism” that mask ongoing racialized conflicts (35). Addressing the racialized structure of society is profoundly challenging because Canadian and American moral identity is so tied up in a vision of equality, a vision that, like all national visions, “requires not only sameness and communion but also forgetting difference and oppression” (Benedict Anderson, in Srivastava 2005, 39). This vision of sameness and nonracism is fundamental to the vision that the Canadian government sought to uphold in Esgenoôpetitj, and that the Michigan government used to frame its emergency manager laws. Confronting the racism inherent in North American relationships with Indigenous peoples requires confronting fundamental questions about the history and legitimacy of the colonial states of Canada and the US. Taiaiake Alfred, an Indigenist academic, argues that most Settlers are in denial. They know that the foundations of their countries are corrupt, and they know that their countries are “colonial” in historical terms, but they still refuse to see and accept the fact that there can be no rhetorical transcendence and retelling of the past to make it right without making fundamental changes to their government, society, and the way they live ... To deny the truth is an essential cultural and psychological process in Settler society. (2005, 107) Many settlers know Canada/the US as their only home, and wonder, as some of the people I interviewed in Burnt Church did, why they must pay for the sins of their forefathers. But the problems inherent in settler relationships with Indigenous peoples are not only historical; they exist in individual, social, and political lives in the present. The fundamental discomfort of reflection on race and racism makes it difficult for many to reflect upon their shared position in the colonial present.

### 1NC -- No Solvency

#### COVID-19 waiver can’t solve – vaccine supply chains and lack of technological infrastructure constrain efficacy and cumbersome negotiations detract from pandemic control efforts.

De Bolle and Obstfeld ’21 -- Senior Fellows at PIIE (Monica de Bolle and Maurice Obstfeld, 5-12-2021, "Waiving patent and intellectual property protections is not a panacea for global vaccine distribution," PIIE, <https://www.piie.com/blogs/realtime-economic-issues-watch/waiving-patent-and-intellectual-property-protections-not>, accessed 9-3-2021) //nikki

The Biden administration's decision in early May 2021 to support temporary waivers of intellectual property rights (IPRs) on COVID-19 vaccines produced by the world's largest pharmaceutical companies is a welcome step intended to help countries with low access to vaccines. Unfortunately, however, the waivers by themselves will do little to aid global vaccination in the near term. In fact, these actions could be counterproductive if governments become complacent and fail to finance and organize vaccine supply chains worldwide, without which vaccines will not get to those who need them. As the pandemic has exploded in India and fears for Africa have intensified, the pressure on the United States, the European Union, and other advanced vaccine-producing countries to relax IP protections in World Trade Organization (WTO) agreements has intensified. Policymakers have also increasingly understood that no one is safe from COVID-19 until everyone is safe. Led by India and South Africa, the developing world has been arguing on moral and practical grounds that IP waivers are essential to accelerating vaccine distribution and containing the pandemic worldwide. Absent widespread vaccination in less prosperous countries, experts say, all countries, even those with high vaccination rates, would remain vulnerable. But IP waivers alone will not necessarily accomplish that goal. Among the obstacles to getting wide distribution of vaccines are bureaucratic hurdles within the WTO, the difficulty for many poor countries of producing vaccines even if they have the legal right to do so, and the fact that vaccine production depends on global supply chains that cannot quickly be mobilized to deliver shots to low- and middle-income countries. THREE KEY CHALLENGES Navigating the procedural obstacles to get WTO agreement on a streamlined mechanism for suspending IP protections is not as easy as it would seem. It is already possible to waive protections in the 1994 WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). But the WTO's track record suggests that roadblocks may lie ahead in expanding the scope of its waiver procedure. Since August 2003, the WTO has explicitly allowed emergency departures from the TRIPS agreement, enabling countries with manufacturing capacity to suspend IP protections to produce life-saving drugs and vaccines, not just for domestic use but also for export to countries that lack manufacturing capacity of their own. However, the process of negotiating the August 2003 decision—which created a temporary procedure for export waivers—took 14 months, and it was not until January 2017 that two-thirds of WTO members had ratified it as a formal amendment to the TRIPS agreement. Because of this painful negotiation process, the bureaucratic procedures for exercising IP flexibility are so cumbersome that there are very few instances of its use. The best known (though not very successful) example occurred with Canadian exports of an AIDS treatment to Rwanda in 2007. Complicating matters further has been the opposition of some major countries to revisiting the issue, as well as the likely need for WTO members to revise their domestic legal frameworks to accommodate patent waivers. These factors make it clear that renewed negotiations within the WTO are unlikely to yield results with the speed that the current health emergency demands or result in a meaningfully better framework. Recognizing the likely difficulty of negotiations, WTO Director-General Ngozi Okonjo-Iweala has suggested a December 3, 2021 deadline for completion—but like past initial deadlines in this space, this one could well prove overoptimistic. The second, and arguably more intractable, challenge is technical: Even if they overcome IP obstacles and get permission to produce vaccines, less prosperous countries lack the know-how, facilities, and trained personnel to produce them. Despite the abysmal decades-long record of vaccine distribution in those countries, existing TRIPS flexibilities have done nothing to improve the situation. A smoother IP waiver process might help, but only as a component of a broader effort. True, patent protection is the main obstacle to creation of generic small-molecule drugs, which chemists can synthesize. But other major obstacles exist for vaccines, which are biologics. For the latter category of drugs, an identical product requires an identical production technology, with most steps categorized as hard-to-replicate trade secrets rather than patentable innovations. Thus, Moderna announced in October 2020 that it would not enforce its COVID-19-related patents during the pandemic. But this step, however laudable, is of limited immediate help to would-be producers of a "generic" version of the Moderna vaccine. Without precisely replicating all steps of Moderna's production process, including the many quality controls, a generic version would have untested immunogenicity (the ability to induce the body to generate an immune response) and thus would require extensive clinical trials before release. Production glitches—such as those that afflicted the Janssen/Johnson & Johnson vaccine in the United States—could prompt widespread vaccine skepticism, damaging pandemic control efforts. The replication hurdle is especially high for the new and more sophisticated messenger ribonucleic acid (mRNA) vaccines, which have proven most effective against SARS-CoV-2 (the virus that causes COVID-19) and which are likely to provide the most adaptable platforms for the vaccines of the future. The genetic vaccines produced by Pfizer-BioNTech and Moderna require considerable technical knowledge and sophisticated techniques to generate a version of the viral spike protein that elicits a strong immune response.1 Therefore, from a biological standpoint, patent and IP waivers alone cannot resolve the existing lack of capacity in most countries to produce genetic vaccines at scale locally. A final challenge is that vaccine supply chains are intricate and global in scope. Different stages of vaccine manufacturing are spread across different parts of the globe, with various countries supplying key inputs and equipment. Patent and IP waivers cannot resolve export restrictions that these countries may decide to impose—and in fact have imposed—throughout the pandemic. Nor can poor countries with production waivers easily integrate into global supply chains. At the moment, current production capacity and quality standards continue to constrain global supply. SHORT- AND LONG-TERM PRIORITIES A streamlined mechanism for IP waivers can be useful, but the back and forth of waiver negotiations within the WTO will prove counterproductive if it distracts from necessary immediate and longer-term measures to contain the pandemic and prepare for future threats. In the short run, global vaccine production by existing producers should be ramped up with more global sharing, and at subsidized prices for poor countries. All countries can start by renouncing export restrictions that threaten global supply chains. Rich countries must also step up to provide financial support for vaccine purchases and immunization programs and also to directly share vaccine doses that are now in oversupply. Political leaders in the rich countries should explain to their citizens that aiding poor countries is in their own interest. That is because the pandemic is producing potentially more transmissible and deadlier variants that will inevitably spread worldwide. Over the long run, the global community needs to build a cooperative infrastructure to address the likelihood of the current pandemic lasting a long time, while preparing for future pandemics that could arrive with increasing frequency. In February 2021, the Group of Seven nations proposed a global health treaty that would help create a framework for more effective and coordinated pandemic response. Systematic worldwide genomic surveillance of current and potential pathogens is one aspect of such a treaty that would be imperative in order to inform public health policymakers and guide rapid vaccine development. Another useful step could be a vaccine investment and trade agreement, as suggested by Thomas J. Bollyky and Chad P. Bown, which would enable countries to coordinate vaccine development, supply chains, and production to eliminate beggar-thy-neighbor policies and speed vaccine development and deployment worldwide. The public-private partnerships underlying such an agreement might incorporate reform of the TRIPS patent and IP flexibilities acceptable to all parties. Unfortunately, finance ministers and central bank governors did little more than rehearse broad principles at their April 2021 Group of Twenty (G20) meeting, even as the COVID-19 outlook has deteriorated in India and elsewhere. Italy will host the next important international public health meeting on May 21, 2021 at a Global Health Summit in Rome. Participants may consider proposals by the High Level Independent Panel on Financing the Global Commons for Pandemic Preparedness and Response, which the G20 established in January 2021 and which Dr. Okonjo-Iweala co-chairs. International engagement over patents and other IP protections will be immensely more beneficial as a component of much broader commitments to speed vaccine deployment in the near term and build a robust cooperative framework for ongoing pandemic response. By the time of their October leaders' meeting, G20 countries should be well along in implementing an ambitious global public health framework rather than squabbling over the narrower issue of IP protections.

### 1NC -- Defense – War

#### The Recna card is terrible – they don’t have a definition of what weaking societies looks like and how that causes nuclear escalation, the only arguments it has are in the context of exacerbating an already iminent nuclear exchange which they don’t have specific evidence about, their bas

#### No nuke winter—conservative estimates

Reisner PhD et al 18 [Jon Reisner, Earth and Environmental Sciences Division, Los Alamos National Laboratory; Gennaro D'Angelo Eunmo Koo Wesley Even Matthew Hecht Elizabeth Hunke Darin Comeau Randall Bos James Cooley] "Climate Impact of a Regional Nuclear Weapons Exchange: An Improved Assessment Based On Detailed Source Calculations," AGU Journals, Volume 123, Issue 52 https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2017JD027331 2-13-2018 RE

There have recently been new simulations of a limited nuclear exchange in the India‐Pakistan region using modern climate models (e.g., Mills et al., 2014; Stenke et al., 2013) that suggest devastating impacts on climate over a decadal time scale, although somewhat less extreme consequences have also been suggested (Pausata et al., 2016). Our team has taken a careful look at some of the assumptions that were used in those studies, using an end‐to‐end modeling sequence. Our series of simulations started with a nuclear weapon explosion followed by a simulation of the fireball and cloud rise. The key improvement in this study is our simulation of fire spread and soot transport in the environment that results from fires initiated by the fireball. Due to the heat of the fire and of the BC particles that are produced, some of the particles are lofted into the stratosphere. However, our comprehensive urban fire simulations indicate that the bulk of the carbon mass remains in the troposphere, where it is quickly removed from the atmosphere. In most previous work, for example, that of Stenke et al. (2013) and Mills et al. (2014), all of the soot produced by the urban fires is directly injected near the top of the troposphere, and therefore much of it rises into the stratosphere, where it shades and cools the Earth. In contrast, if we use a realistic vertical profile for the BC aerosols as input to the climate model, the long‐term global impacts on climate are much less severe than predicted by previous studies. This was true even with conservative, worst case assumptions regarding BC production. To assess the significance of differences between a limited nuclear exchange scenario and the control climate, we created an ensemble of forced (BC‐loaded) simulations using a range of realistic vertical emission profiles, all consistent with our detailed fire simulation. A similar ensemble generated using small atmospheric temperature perturbations allows a robust statistical comparison of our simulated results with and without the carbon forcing. This analysis demonstrates that while modest, statistically significant differences occur during the first few years, longer‐term impacts are unlikely, regional in scope, and limited in scale. None of the simulations produced a nuclear winter effect.

#### Applies to all regional exchanges

Reisner PhD et al 18 [Jon Reisner, Earth and Environmental Sciences Division, Los Alamos National Laboratory; Gennaro D'Angelo Eunmo Koo Wesley Even Matthew Hecht Elizabeth Hunke Darin Comeau Randall Bos James Cooley] "Climate Impact of a Regional Nuclear Weapons Exchange: An Improved Assessment Based On Detailed Source Calculations," AGU Journals, Volume 123, Issue 52 https://agupubs.onlinelibrary.wiley.com/doi/full/10.1002/2017JD027331 2-13-2018 RE

We also completed a thorough nuclear weapon simulation, determining that it was not necessary for this study and that the impact on climate of the fireball and cloud rise is negligible. There are other, worse effects than those on climate, however, such as nuclear fallout in the region. Such consequences will be the focus of our future work using both xRage and HIGRAD‐FIRETEC. Likewise, we will conduct a more comprehensive investigation of regional effects, such as potential consequences for the Asian monsoon during the first few years after the nuclear exchange in follow‐on work. Additionally, although this study examines a possible exchange between India and Pakistan via the injection of soot over this region, our modeling system could be used to examine potential impacts of other regional exchange scenarios.

#### Not even all-out nuclear war causes extinction – the tropics survive

Walker 16 Robert Walker (inventor and programmer). “Could Anything Make Humans Extinct In The Near Future?” Science 2.0. April 5th, 2016. http://www.science20.com/robert\_inventor/could\_anything\_make\_humans\_extinct\_in\_the\_near\_future-169780

And this is about whether we can go extinct, not about things like famine or war. Even an all out nuclear war leading to a nuclear winter would not make the tropics as hard to live in as the Arctic - so some humans would surely survive. And the radioactivity could also be dealt with, enough so that some humans would survive it. Of course we must not let that happen. But it wouldn't make us extinct, and that's the topic here. Would anything else do this? What about climate change, or asteroid impacts? I've written this for anyone - so if you have a scientific background, do excuse me when I occasionally venture into the more "wacky" ideas that bother some people though any scientist would see that there is no possibility of them happening.