# Socialism AC

[brackets for clarification]

IP(P/R)=intellectual property (protections/rights)

WTO=world trade organization

### Part 1: The Classroom

#### The ROTJ is Reclaiming Educational Spaces – Capitalism has infiltrated education, turning the classroom into a site for the extraction of human capital.

Hall 19 [Richard Hall is Professor of Education and Technology at De Montfort University, and a National Teaching Fellow. He is a Director of Leicester Vaughan College, a trustee of the Open Library of Humanities, and a co-operator at the Social Science Centre in Lincoln, UK. “On authoritarian neoliberalism and poetic epistemology”]

Both the process of reproducing higher education (HE) and the meaning of academic institutions in the global North is framed by the secular crisis of capitalism (Hall 2015). Across a global terrain, the failure to reinstate stable forms of accumulation and to counteract the tendency of the rate of profit to fall has catalysed educational policy focused upon discourses of entrepreneurship, employability, excellence, and impact. Education has been recalibrated as a site for the extraction of rents, the generation of surpluses, and the creation of new human capital, grounded in a desire for productivity (McGettigan 2015). One result has been that academic practices, such as public engagement and the production of scholarship, have been tied to the imposition of value-for-money (Newfield 2016), behind which hides the labour theory of value. This tends to reduce both academic autonomy and knowledge production to their exchange-value as representative of their social utility. One critical terrain for analysing this reduction is through the policy- and practice-based framings of authoritarian neoliberalism, as a mode of control. Authoritarian neoliberalism emerges from forms of governance that normalise hegemonic modes of behaviour and discourses, by disciplining non-co-operative individuals and groups (Johnson 2018). Such forms of non-co-operation include: first, dissent and opposition to the commodification of social goods like welfare, healthcare and education; and second, the failure to generate new forms of human capital or to maintain well-being in the face of precarious employment or performance management. Such symptoms are a function of an individual’s failure to manage their own risk in relation to the market and the value of their own labour in the reproduction of existing social norms. This tends to increase the marginalisation of specific individuals and groups, based upon their relationship to dominant, authoritative positions rooted in the intersection of whiteness, heterosexuality, maleness and ableism (Steinþórsdóttir at al. 2017). The technocratic practices, policies and ideas that are associated with authoritarian neoliberalism as a mode of disciplinary governance enable an analysis of knowledge production at the level of society (Bruff 2014; Bruff and Tansel 2018; Tansel et al. 2017). Knowledge production is recalibrated by audit technologies that correct performance through corporate governance, national and international league tables, excellence frameworks, competition for student numbers and fees, and tenure arrangements. This is not a smooth or uncontested terrain, but it places the academic in sharp, disciplinary relief to her own labour process, knowledge production, academic communities and her sense of Self (Hall 2018). Here, there is a powerful relationship between audit technologies and commodification processes, which both proletarianise academic labour by instantiating a precarious, gig economy, and also connect knowledge production and dissemination to techniques that enable learning analytics about those activities to be captured in near real-time. This allows institutions and corporations to finesse educational performance, through performative, audit cultures (Pasquale 2018). However, there are counter-narratives of ways in which knowledge production might be reimagined, and through which that knowledge might be reproduced as a movement of becoming across a social terrain (Braidotti 2017; Motta 2018). The potential for new forms of humanism related to the functions of intellectual knowledge at the level of society critique the imposition of a prosaic, epistemic starting point for life. Instead, they imagine life reflected and refracted by a poetry of illumination, or a quality of light that enables us to see how understanding is born of a collective, visceral, emotional, cognitive and philosophical experience (Lorde 2013). Here, engagement with indigenous and decolonising studies in education enable us to turn these processes that erupt in the global North back upon themselves, by holding a mirror up to commodification and objectification, and instead revealing the power of stories and narratives that de-centre the world as it is projected hegemonically (Bhambra et al. 2018; Tuhiwai Smith et al. 2018).

#### The ROTB is Resisting Capitalism – Reclaiming education requires forming counter-narratives to the dominant neoliberal ideology through critical engagement with debate.

Giroux 16 [Henry A. Giroux, McMaster University Chair for Scholarship in the Public Interest @ McMaster University, Ph.D. from Carnegie-Mellon, former professor of education at Boston University, professor of education and renowned scholar in residence at Miami University in Oxford, Ohio, Waterbury Chair Professorship at Penn State University (“Writing the Public Good Back into Education: Reclaiming the Role of the Public Intellectual,” Ch 1, pg 3-28, <http://link.springer.com/chapter/10.1007%2F978-1-137-58162-4_1>, Accessed 9/14/17)]/ lm

Conclusion

In conclusion, I want to return to my early reference to the global struggles being waged by many young people. I believe that while it has become more difficult to imagine a democratic future, we have entered a period in which poor minority youth, students, and other disenfranchised young people all over the world are protesting against a range of policies imposed under regimes of neoliberalism, extending from state terrorism and the abolishing of civil liberties to the destruction of the planet and a range of punishing austerity measures. Police violence in Ferguson and Baltimore has mobilized a range of groups that view such violence as endemic to the system and far from simply the consequence of a few bad apples. In Greece, Spain, and Italy social movements are gaining momentum fighting against the defunding or elimination of social services and the ongoing privatization of public goods. In Chile, the United States, Canada, and England students are taking a stand against the neoliberal war against higher education. Refusing to remain voiceless and powerless in determining their future, these young people are organizing collectively in order to create the conditions for societies that refuse to view politics as an act of war and markets as the measure of democracy. And while such struggles are full of contradictions and setbacks, they have opened up a new conversation about politics, poverty, inequality, class warfare, and ecological devastation. These ongoing protests make clear that this is not—indeed, cannot be— only a short-term project for reform, but a political movement that needs to intensify, accompanied by the reclaiming of public spaces, the progressive use of digital technologies, the development of public spheres, the production of new modes of education, and the safeguarding of places where democratic expression, new identities, and collective hope can be nurtured and mobilized. A formative culture must be put in place pedagogically and institutionally in a variety of spheres extending from churches and public and higher education to all those cultural apparatuses engaged in the production and circulation of knowledge, desire, identities, and values. Clearly, such efforts need to address the language of democratic revolution rather than the seductive incremental adjustments of liberal reform. This suggests pedagogies of resistance and disruption that promote policies that insure a living wage; jobs programs, especially for the young; the democratization of power; economic equality; and a massive shift in funds away from the machinery of war and big banks but also new alliances and a social movement that both engages in critique and makes hope a real possibility by organizing for the creation of a radical democracy along with the institutions, social relations, and modes of justice that support it. We need collective narratives that inform concrete struggles. In this instance, public intellectuals can play a crucial role in providing theoretical resources and modes of analyses that can help to shape such narratives along with broader social movements and collective struggles. Academics, artists, journalists, and other cultural workers can help put into place the formative cultures, necessary to further such efforts through the production and circulation of the knowledge, values, identities, and social relations crucial for such struggles to succeed. Writing in 1920, H. G. Wells insisted that “History is becoming more and more a race between education and catastrophe.”61 I think Wells got it right but what needs to be acknowledged is that there is more at stake here than the deep responsibilities of academics to defend academic freedom, the tenure system, and faculty autonomy, however important. The real issues lie elsewhere and speak to preserving the public character of higher education and recognizing that defending it as a public sphere is essential to the very existence of critical thinking, dissent, dialogue, engaged scholarship, and democracy itself. Universities should be subversive in a healthy society; they should push against the grain, and give voice to the voiceless, the unmentionable, and the whispers of truth that haunt the apostles of unchecked power and wealth. These may be dark times, as Hannah Arendt once warned, but they don’t have to be, and that raises serious questions about what educators are going to do within the current historical climate to make sure that they do not succumb to the authoritarian forces circling the university, waiting for the resistance to stop and for the lights to go out. Resistance is no longer an option, it is a necessity. Academics in their role as public intellectuals can exercise a formidable influence both in and outside of public schools, colleges, and universities in raising critical questions, connecting critical modes of education to social change, and making clear that the banner of critical independence and civic engagement, “ragged and torn though it may be, is still worth fighting for.”62

#### Capitalism creates a pedagogy of exclusion that makes ethics impossible. That means resisting capitalism is an a-priori moral obligation in the round.

Zizek and Daly 4 [Glyn Daly, Lecturer in International Studies at the University College Northampton. Conversations with Žižek. 14-19, 2004]

For Žižek it is imperative that we cut through this Gordian knot of postmodern protocol and recognize that our ethico-political responsibility is to confront the constitutive violence of today's global capitalism and its obscene naturalization/anonymization of the millions who are subjugated by it throughout the world. Against the standardized positions of postmodern culture - with all its pieties concerning 'multiculturalist' etiquette - Žižek is arguing for a politics that might be called 'radically incorrect' in the sense that it breaks with these types of positions and focuses instead on the very organizing principles of today's social reality: the principles of global liberal capitalism. This requires some care and subtlety. For too long, Marxism has been bedevilled by an almost fetishistic economism that has tended towards political morbidity. With the likes of Hilferding and Gramsci, and more recently Laclau and Mouffe, crucial theoretical advances have been made that enable the trascendence of all forms of economism. In this new context, however, Žižek argues that the problem that now presents itself is almost that of the opposite fetish. That is to say, the prohibitive anxieties surrounding the taboo of economism can function as a way of not engaging with the economic reality and as a way of implicitly accepting the latter as a basic horizon of existence. In an ironic Freudian-Lacanian twist, the fear of economism can end up reinforcing a de facto economic necessity in respect of contemporary capitalism (i.e. the initial prohibition conjures up the very thing it fears). This is not to endorse any retrograde return to economism. Žižek's point is rather that in rejecting economism we should not lose sight of the systemic power of capital in shaping the lives and destinies of humanity and our very sense of the possible. In particular, we should not overlook Marx's central insight that in order to create a universal global system the forces of capitalism seek to conceal the politico-discursive violence of its construction through a kind of gentrification of that system. What is persistently denied by neo-liberals such as Rorty (1989) and Fukuyama (1992) is that the gentrification of global liberal capitalism is one whose 'universalism' fundamentally reproduces and depends upon a disavowed violence that excludes vast sectors of the world's population. In this way, neo-liberal ideology attempts to naturalize capitalism by presenting its outcomes of winning and losing as if they were simply a matter of chance and sound judgement in a neutral marketplace. Capitalism does indeed create a space for a certain diversity, at least for the central capitalist regions, but it is neither neutral nor ideal and its price in terms of social exclusion is exorbitant. That is to say, the human cost in terms of inherent global poverty and degraded 'life-chances' cannot be calculated within the existing economic rationale and, in consequence, social exclusion remains mystified and nameless (viz. the patronizing reference to the developing world). And Žižek's point is that this mystification is magnified through capitalism's profound capacity to ingest its own excesses and negativity; to redirect (or misdirect) social antagonisms and to absorb them within a culture of differential affirmation. Instead of Bolshevism, the tendency of today is towards a kind of political boutiquism that is readily sustained by postmodern forms of consumerism and lifestyle. Against this Žižek argues for a new universalism whose primary ethical directive is to confront the fact that our forms of social existence are founded on exclusion on a global scale. While it is perfectly true that universalism can never become Universal (it will always require a hegemonic-particular embodiment in order to have any meaning), what is novel about Žižek's universalism is that it would not attempt to conceal this fact or to reduce the status of the abject Other to that of a 'glitch' in an otherwise sound matrix. The response of the left to global capitalism cannot be one of retreat into the nation-state or into organicist forms of community’ and popular identities that currently abound in Europe and elsewhere. For Žižek it is, rather, a question of working with the very excesses that, in a Lacanian sense, are in capitalism more than capitalism. It is a question, therefore, of transcending the provincial ‘universalism’ of capitalism. To illustrate the point, Žižek draws attention to the category of ‘intellectual property’ and the increasingly absurd attempts to establish restrictive dominion over technological advance – genetic codes, DNA structures, digital communications, pharmaceutical breakthroughs, computer programs and so on – that either affect us all and/or to which there is a sense of common human entitlement. Indeed, the modern conjuncture of capitalism is more and more characterized by a prohibitive culture: the widespread repression of those forms of research and development that have real emancipatory potential beyond exclusive profiteering; the restriction of information that has direct consequences for the future of humanity; the fundamental denial that social equality could be sustained by the abundance generated by capitalism. Capitalism typically endeavours to constrain the very dimensions of the universal that are enabled by it and simultaneously to resist all those developments that disclose its specificity-artificially as merely one possible mode of being. The left, therefore, must seek to subvert these ungovernable excesses in the direction of a political and politicizing universalism; or what Balibar would call égaliberté. This means that the left should demand more globalization not less. Where neo-liberals speak the language of freedom – either in terms of individual liberty or the free movement of goods and capital – the left should use this language to combat today’s racist obsessions with ‘economic refugees’, ‘immigrants’ and so on, and insist that freedoms are meaningless without the social resources to participate in those freedoms. Where there is talk of universal rights, the left must affirm a responsibility to the universal, one that emphasizes real human solidarity and does not lose sight of the abject within differential discourses. Reversing the well-known environmentalists’ slogan, we must say that the left has to involve itself in thinking locally and acting globally. That is to say, it should attend to the specificity of today’s political identities within the context of their global (capitalist) conditions of possibility precisely in order to challenge those conditions. Yet here I would venture that, despite clearly stated differences (Butler et al., 2000), the political perspective of Žižek is not necessarily opposed to that of Laclau and Mouffe and that a combined approach is fully possible. While Žižek is right to stress the susceptibility of today’s ‘alternative’ forms of hegemonic engagement to deradicalization within a postmodern-p.c. imaginary – a kind of hegemonization of the very terrain (the politico-cultural conditions of possibility) that produces and predisposes the contemporary logics of hegemony – it is equally true to say that the type of political challenge that Žižek has in mind is one that can only advance through the type of hegemonic subversion that Laclau and Mouffe have consistently stressed in their work. The very possibility of a political universalism is one that depends on a certain hegemonic breaking out of the existing conventions/grammar of hegemonic engagement. It is along these lines that Žižek affirms the need for a more radical intervention in the political imagination. The modern (Machiavellian) view of politics is presented in terms of a basic tension between (potentially) unlimited demands/appetites and limited resources; a view which is implicit in the predominant ‘risk society’ perspective where the central (almost Habermasian) concern is with more and better scientific information. The political truth of today’s world, however, is the opposite of this view. That is to say, the demands of the official left (especially the various incarnations of the Third Way left) tend to articulate extremely modest demands in the face of a virtually unlimited capitalism that is more than capable of providing every person on this planet with a civilized standard of living. For Žižek, a confrontation with the obscenities of abundance capitalism also requires a transformation of the ethico-political imagination. It is no longer a question of developing ethical guidelines within the existing political framework (the various institutional and corporate ‘ethical committees’) but of developing a politicization of ethics; an ethics of the Real.8 The starting point here is an insistence on the unconditional autonomy of the subject; of accepting that as human beings we are ultimately responsible for our actions and being-in-the-world up to and including the constructions of the capitalist system itself. Far from simple norm-breaking or refining/reinforcing existing social protocol, an ethics of the Real tends to emerge through norm-breaking and in finding new directions that, by definition, involve traumatic changes: i.e. the Real in genuine ethical challenge. An ethics of the Real does not simply defer to the impossible (or infinite Otherness) as an unsurpassable horizon that already marks every act as a failure, incomplete and so on. Rather, such an ethics is one that fully accepts contingency but which is nonetheless prepared to risk the impossible in the sense of breaking out of standardized positions. We might say that it is an ethics which is not only politically motivated but which also draws its strength from the political itself. For Žižek an ethics of the Real (or Real ethics) means that we cannot rely on any form of symbolic Other that would endorse our (in)decisions and (in)actions: for example, the ‘neutral’ financial data of the stockmarkets; the expert knowledge of Beck’s ‘new modernity’ scientists, the economic and military councils of the New World Order; the various (formal and informal) tribunals of political correctness; *or any of the mysterious laws of God,* nature or the market. What Žižek affirms is a radical culture of ethical identification for the left in which the alternative forms of militancy must first of all be militant with themselves. That is to say, they must be militant in the fundamental ethical sense of not relying on any external/higher authority and in the de velopment of a political imagination that, like Žižek’s own thought, exhorts us to risk the impossible.

### Part 2: Marx was Right

#### IP of medicines is an extension of private property that reinforces capitalist commodification at the expense of the Global South and International Proletariat.

Rikowski 6 [Ruth Rikowski, London South Bank University, UK, Policy Futures in Education, “A Marxist Analysis of the World Trade Organisation’s Agreement on Trade-Related Aspects of Intellectual Property Rights,” 2006, [https://journals.sagepub.com/doi/pdf/10.2304/pfie.2006.4.4.396]/](https://journals.sagepub.com/doi/pdf/10.2304/pfie.2006.4.4.396%5d/) lm

In my book, Globalisation, Information and Libraries (Rikowski, 2005), I place TRIPS within an Open Marxist theoretical perspective. In essence, my argument is that IPRs, through TRIPS, are being transformed into international tradable commodities. Value that is created from labour (and particularly from intellectual labour in this regard) becomes embedded in the commodity. Furthermore, value can only ever be created from labour. These commodities are then sold in the marketplace and profits are made and this ensures the continued success of global capitalism, whilst labour is exploited, alienated and objectified. Following on from Marx, we need to begin our analysis of capitalism with the commodity. The logic of capitalism is the commodification of all that surrounds us. Now, we are seeing this process starting to take effect in areas that were unheard of before – this includes schools, universities and libraries. These are areas that were previously thought to be something beyond commercialisation and trading. But through the WTO we are now witnessing a dramatic change. The logic of this at a future date will be that the public will probably have to pay for services, the same way that they pay for other goods in shops, and services provided by other private companies, such as a taxi service. So, the aim in TRIPS is to transform knowledge, information and ideas into IPRs that can then be traded in the marketplace. Fundamentally, the TRIPS assists with the process of commodifying more and more areas of social life. But what exactly is this value, which becomes embedded in the commodity? I consider this in depth in my dissertation on value creation through knowledge (Rikowski, 2003a), and also provide an overview of it in Globalisation, Information and Libraries (Rikowski, 2005), and further explore it in the forthcoming book that I am editing, Knowledge Management: social, cultural and theoretical perspectives (Rikowski, 2007). Capitalism goes through different stages, such as the Agricultural Revolution and the Industrial Revolution, and now we are moving into the knowledge revolution (see Rikowski, 2000a, b, 2003b). Throughout all these periods, capitalism is sustained by value, and this value can only ever be created by labour. As Marx said: ‘human labour creates value, but is not itself value. It becomes value only in its congealed state, when embodied in the form of some object’ (1867, p. 57). In the Industrial Revolution, value was largely extracted from manual labour, but in the knowledge revolution value is being increasingly extracted from intellectual labour. TRIPS assists with this extraction of value, and with the embedding of it in the commodity.

Fundamentally, it will be impossible to implement TRIPS [to] in a way that will significantly benefit the developing world, because of the inherent inequalities and contradictions that are built into the very fabric of global capitalism itself. Furthermore, the drives of capital are infinite; it will never be satisfied. So, there will never come a point where it will be decided that the inequalities need to be lessened in any fundamental way. Instead, TRIPS, as a tool which aids the furtherance of global capitalism, is likely to increase the inequalities. Furthermore, inequalities and poverty will only ever be lessened (and largely on a temporary basis) when pressure is placed on those in positions of power. In regard to TRIPS this rests on putting pressure on the WTO through organisations such as the Third World Network and various NGOs in order to soften some of the most worrying of the implications of TRIPS for the poor and those in the developing world. However, capitalism is a battlefield upon which various compromises are and can only ever be made, but it can never ultimately be for the benefit of the labourer and the poor. To change the situation on a permanent basis, we need to terminate capitalism and replace it with socialism and eventually with communism in my opinion.

TRIPS and Large Corporations The power of large corporations and rich countries in the developed world and the lack of democracy at the WTO are illustrated clearly through TRIPS. The developed countries typically benefit at the expense of the developing countries. The Pharmaceutical Research and Manufacturers of America (PhRMA), is probably the world’s most powerful industrial lobby and in many ways it shapes the TRIPS agenda. As Watkins says: Dictated by the US pharmaceutical industry, and driven through by threats of US trade sanctions, the agreement was opposed by virtually every developing country in the Uruguay Round. (Watkins, 2003, p. 32) Furthermore, ‘TRIPS enshrines the US patent law in the multilateral trade system’ (Watkins, 2003, p. 32). It forces developing countries to adopt the standards of the rich countries in the west. Over 90% of patents for new technologies are held by corporations in rich countries.

#### Resisting capitalism starts with rejecting expansions and protections of private property.

Abrol 18 [Dinesh Abrol, India · Professor · Institute for Studies in Industrial Development Communist Party of India, Marxist, “Intellectual Property, Knowledge, Capital and Labour,” April-June 2018, [https://cpim.org/content/intellectual-property-knowledge-capital-and-labour]/](https://cpim.org/content/intellectual-property-knowledge-capital-and-labour%5d/) lm

Resistance for counter-hegemonic influence in knowledge production

Legal and surveillance studies scholars have pointed out that surrendering control of the information environment to opaque, immanent entities and processes amounts to surrendering control over self-development and self-government. The impact on markets is equally profound. The legal-institutional context of intellectual property formation has been able to alienate labour from their own product as a resource. The networks of secrecy and boilerplate tight agreements that constitute markets for information and knowledge are acts of enclosure. They represent strategies of (mis)appropriation of valuable resources from the intellectual commons. Appropriation strategies based on contractually mandated secrecy are acts that alter the legal status of collected information. This misappropriation or enclosure is a way of underscoring the power of capital in the field of knowledge production.  Unemployment, reserve army of labour, surplus population, are the flip side of the misappropriation or enclosure of knowledge commons.

While academics do not usually sell journal articles, books, or book chapters in markets for money, they sell some forms of knowledge commodities such as consultancy and advice in (quasi) markets. Today the commodification of knowledge in the field of higher education presents the distinctive features of the second enclosure movement wherein all kinds of scientific activities and their results are interpreted and assessed more on the basis of economic criteria. It is clear that knowledge can get commodified, but that it should not be commodified is also very clear.  Research should be conducted in a systematic and disciplined way with care and thoroughness and respect for legitimate principles, with an imperative to see and to speak truth. These principles and purposes become distorted if the seeing and speaking of truth becomes subordinate to other considerations. In the field of knowledge production, no place should exist for considerations like protecting the reputation of the political authority, promoting the vested interest of the capitalist and shielding wrongdoing from the criticism of the people. This drift, be it epistemic or political, needs correction.

Knowledge is a public good not only in terms of economic benefit but also in terms of the moral sense. Scientific knowledge is not only a public good which has characteristics of a non-rivalrous and non-exclusionary nature, but it is also an inexhaustible resource. Scientific knowledge can be put to infinite uses. Generic knowledge, be it scientific or technological knowledge, is not an asset that has limited specific use but is an asset with the characteristics of fungibility. Generic artefacts of knowledge have the potential of multiple meanings. New meanings of generic knowledge are possible. Science is the activity of manipulating nature with the use of conceptual machines, the study of technology and machinery can reveal facts of science just as the study of commodity reveals the nature of value and abstract labour.

Capital is trying to separate head and hand. Intellectual property widens the separation of head and hand.  Technology reveals the active relation of man to nature, the direct process of the production of his life, and thereby also lays bare the process of the production of the social relations of his life, and of the mental conceptions that flow from those relations. The dynamics of rent generation in global value chains lays bare this separation. Today, trans-national capital originating from the United States, Europe and Japan controls intellectual property and uses it for surplus extraction from all over the world.

Science and technology give capital a power of expansion which is independent of the given magnitude of the capital actually functioning. There is a clear parallel between scientific abstractions, concepts and conceptual systems on the one side and value as the manifestation of abstract labour on the other. The intellectual property system is imposing on science the rule of capital. Science is the cognition of necessity. For Marxists, socialism is recognition of necessity. Knowledge is liberation.

Capital envisages for knowledge commons a role in the process of capital accumulation. Socialism envisages knowledge commons for transformation. Science is for transformation. Science is not for domination. Capital is trying to dominate humanity as well as nature. Monopoly over knowledge is a threat to democracy, public interest and progress – scientific, technological and economic. Even under capitalism, intellectual property monopolies are undermining social and scientific progress.

For Marxists, class struggle starts with the resistance against immediate threats arising out of the strengthening of the property form and the imposition of the value form of knowledge production for market-based exchange. Struggles being undertaken to save and protect the space for social, scientific and technological progress need to be given importance. Production of knowledge for use towards the advancement of public interest, social progress and democracy is the integral goal of socialism.

When science is in the process of being subsumed to capital the challenge of protection of public interest in science requires struggle against the regressive trend of strengthening of intellectual property. For the achievement of counter-hegemony for social transformation Marxists must actively contribute to the struggle for transformative science which promotes the value form in which reflexivity, broadening of space for socially responsible innovations, participation, self-organization and public scrutiny and change in class correlation to alter the balance in favour of public interest, social progress and democracy are equally well counted.

#### Profit-driven pharmaceuticals have used IP for medicines to exploit natural resources, causing biodiversity loss.

Mackey and Liang 12 [Tim K. Mackey, Bryan A. Liang, MD, PhD, JD, NCBI, PMC, US National Library of Medicine, National Institutes of Health, “Integrating Biodiversity Management and Indigenous Biopiracy Protection to Promote Environmental Justice and Global Health,” June, 2012, [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/]/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/%5d/) lm

Many potentially useful medicines arise from developing countries’ biodiverse environments and indigenous knowledge. However, global intellectual property rules have resulted in biopiracy, raising serious ethical concerns of environmental justice, exploitation, and health disparities in these populations. Furthermore, state-based approaches have not led to adequate biodiversity protection, management, or resource sharing, which affect access to lifesaving drugs.

In response, country delegates adopted the Nagoya Protocol, which aims at promoting biodiversity management, combating biopiracy, and encouraging equitable benefits sharing with indigenous communities. However, the effectiveness of this framework in meeting these objectives remains in question.

To address these challenges, we propose a policy building on the Nagoya Protocol that employs a World Health Organization–World Trade Organization Joint Committee on Bioprospecting and Biopiracy.

BIOMEDICAL RESEARCH AND the discovery and development of medicines often focus on naturally occurring materials for products and applications. Searching for such compounds in diverse environments (e.g., rainforests, deserts, and hot springs) is deemed “bioprospecting.”[1,2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib1) Bioprospecting has resulted in key advances (e.g., making polymerase chain reaction processes stable for medical application) and has led to life-saving advances in medicines and population health.[1](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib1) It has also established economic value for these resources and supported biodiversity conservation and indigenous communities.[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib2)

However, biopiracy occurs when bioprospecting is used to appropriate knowledge and biodiversity resources to gain exclusive use through intellectual property rights (IPRs) without benefits for indigenous populations.[2,3](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib2) In addition to raising serious environmental justice issues, biopiracy adversely affects the health of local populations that fail to benefit from economic and medical gains derived from the biodiversity and indigenous knowledge that originated in their communities. The global health consequences of biopiracy include lack of access to medicines, failure to compensate for valuable traditional knowledge, and depletion of biodiversity resources that are needed by indigenous communities for their own ethnomedicine and health care. These impacts are particularly problematic because the health of these communities can be poor.[4](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib4) Because of the global nature of bioprospecting, biopiracy, and biodiversity, effective management—including environmental protection and sustainable development approaches—may be best performed through global governance.

Global governance, however, has been ineffective in protecting biodiversity from biopiracy. Global IPR rules comprise domestic, multilateral, and supranational systems that establish minimum intellectual property standards. These global IPR systems focus on patent systems and private economic development under the World Trade Organization (WTO) TRIPS regime (Agreement on Trade-Related Aspects of Intellectual Property Rights) and on activities of the World Intellectual Property Organization. However, they have failed to protect indigenous rights, promote access to life-saving drugs, prevent biopiracy, or provide for responsible biodiversity development.[5–9](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib5) Governance relies on market forces and state entities of independent governments within a defined territory, which preclude the participation and protection of indigenous communities (both in developed and developing countries) that comprise groups of diverse social self-identification. This traditional state-focused governance model has not created incentives for developing countries to invest in adequate conservation, and thus, biodiversity resources in these countries are in danger of being depleted.[4,6](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib4)

Globalization and biotechnology have created vast, interdependent systems of economic trade in the life sciences. Accompanying this development is the globalization of intellectual property regimes, largely due to the efforts of organizations such as the WTO.[9](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib9) However, with expanded global economies made possible through multilateral agreements combined with international standardization of certain IPRs through TRIPS, serious questions regarding IPR distribution and biopiracy have arisen that relate to global equity and justice.[5](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib5)

Under the current system, WTO member states must implement minimum IPR protections, specifically including patentability of living organisms or their processes.[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib2) However, these IPR processes, and the infrastructure to support them, are often beyond the capabilities of indigenous communities, significantly limiting their access to the legal rights afforded by these systems.[11](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib11) This has formalized bioprospecting and allowed companies to gain IPRs for biodiversity forms and their chemical structures, including in the formulation of medicines. This process has often involved the exploitation of indigenous knowledge, which may prevent indigenous communities from realizing social and financial benefits.[11](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib11) Indeed, even if bioprospecting and biopiracy only use small amounts of the biodiverse resource, uncompensated indigenous communities are often precluded from benefits that could underwrite important public health and biodiversity management efforts. Thus, alth[r]ough TRIPS has stimulated bioprospecting by pharmaceutical companies, it has also allowed them to commercialize and monopolize the use of prospected resources without benefits sharing, which is biopiracy.[11](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib11) This can have short-term and long-term implications for indigenous communities.

Instead, private IPR efforts have predominated, and biopiracy has created a global imbalance of benefits sharing, use, and products between developed and developing countries, especially in access to development of pharmaceuticals.[5](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib5) Indeed, under exclusivity provisions,[7](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib7) IPR owners may prevent local communities from legally using their own indigenous knowledge and ethnomedicine,[9](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib9) increasing locally produced medicine costs.[7](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib7) This is especially dire for developing countries, whose limited resources may preclude access to pharmaceuticals and the health care infrastructures to use them, and it further widens the gap in health disparities between rich and poor.

Developed countries also show a lack of cultural competence regarding indigenous communities’ IPR perspectives and understanding.[7](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib7) The concept of private commercial rights to intellectual property and medicine is primarily an idea adopted by developed countries and may not be understood by indigenous communities.[7](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib7) Such cultural nuances are not recognized by the current international IPR system,[13](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib13) where rights are governed by global legal regimes that do not allow local communities to be represented; consequently, indigenous community needs may not be heard or met.[14](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib14)

The protocol sets targets for preserving biodiversity and establishes rules on members’ cooperation in accessing biodiversity and sharing resource benefits.[10](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib10) The protocol also includes methods for providing compensation for traditional medical knowledge that is presently being used, patented, or sold, including indigenous knowledge and ethnomedicine obtained through bioprospecting.[10](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib10) Other efforts to preserve the rights of indigenous communities include emphasis on the fair and equitable sharing of financial and nonfinancial benefits with indigenous communities, access of indigenous knowledge only with adequate informed consent, designation of checkpoints to monitor compliance (including issuance of internationally recognized certificates of compliance), and community protocol development that includes minimal if any restrictions on indigenous communities’ right of customary use and ethnomedicine.[16](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib16) The protocol requires ratification by 50 nations before it can be implemented.[16](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3483946/#bib16)

Bioprospecting is a key strategy for promoting the private development of medicines to serve global populations. However, global governance to address biopiracy and sustainable biodiversity, including the recent Nagoya Protocol, still leaves unattended the key issues of outstanding concerns of indigenous communities, biopiracy, and limited resources for biodiversity management and public health infrastructure.

The time to focus on these issues is now. Such efforts are clearly relevant to current and forthcoming global discussions within and among states regarding ratification of the Nagoya Protocol. These debates have the significant potential to recognize the increasing importance of global cooperation in the development of life-saving medicines and clinical interventions through bioprospecting—from both an economic and global health viewpoint and a biodiversity-sustaining perspective. Core to these principles is the need to share biodiversity benefits equitably and to promote environmental justice and health equity for all. Through a health–economics policy that addresses biopiracy, such as the one we have proposed, bioprospecting can provide economic aid to indigenous communities, allow companies to responsibly develop medicines from these communities, and promote local and global health.

#### IP protections on medicines kill for a profit – that outweighs.

Oxfam 01 [Oxfam, iatp, “Cut Cut the Cost Patent Injustice: How World Trade Rules Threaten the Health of Poor People,” February 2001, [https://www.iatp.org/sites/default/files/Cut\_the\_Cost\_-\_Patent\_Injustice\_How\_World\_Trad.htm]/](https://www.iatp.org/sites/default/files/Cut_the_Cost_-_Patent_Injustice_How_World_Trad.htm%5d/) lm

Public health in industrialised countries is being transformed by breathtaking medical advances. Major breakthroughs in the detection and treatment of disease are increasing life-expectancy and reducing vulnerability to sickness. But over the course of the next year, around 11 million people, most of them in developing countries, will die from preventable and treatable infectious diseases. This is the equivalent of 30,000 deaths each day. Almost half of the victims will be children under the age of five. The vast majority will be poor. Many millions more will suffer protracted bouts of sickness and disability, with devastating impact on levels of poverty and vulnerability.

The health gap between rich and poor countries is reinforcing wider inequalities in income and opportunity, and undermining efforts to meet internationally agreed human development targets. Much of the premature death and disability associated with infectious disease could be avoided, and the health gap closed, if poor people had access to affordable medicines. Yet those most in need are least able to afford treatment. Across the developing world, household poverty, inadequate public spending, and weak public-health infrastructures combine to place effective treatment beyond the means of the poor. According to the World Health Organisation (WHO), some two billion people in developing countries lack regular access to vital medicines. Moreover, infectious diseases do not respect national borders. The wider international community will also suffer from problems associated with the failure to meet public-health challenges in poor countries, such as slow growth and increased poverty.

Pipeline threats: implications for treatment of drug-resistant diseases

Most of the drugs that will come on stream as the new WTO rules are implemented have been developed with a view to patenting and marketing in rich countries. This has created unwarranted complacency about the implications of TRIPS for developing countries. In reality, many of the new anti-bacterial drugs now being developed could bring enormous benefits to poorer countries, provided that they are delivered on affordable terms. This is especially true with respect to the treatment of drug-resistant strains.

Drug-resistance poses an enormous threat to poor communities across the developing world. It means that illness is less susceptible to treatment, and that the costs of treatment increase - in some cases dramatically. The danger is that, in the absence of competition from generic-drugs producers, new patented drugs will be placed far beyond the means of the poor. Examples of drug resistance include:

Pneumonia (3.5 million deaths annually). Formerly effective front-line medications used to combat pneumonia and other respiratory tract infections now fail in the treatment of over 70 per cent of chest infections, according to a WHO study. Trials for several drugs potentially effective against resistant forms of pneumonia are now in an advanced stage. These drugs, which will be patented, include faropenem (Bayer) and levaquine (RW Johnson). One of the most promising drugs in this area is Ketek, the first in a new generation of antibiotics which is proving highly effective against pneumonia and influenza. Aventis is expected to launch the patented version of the drug in 2001. Restrictions on the development of generic versions will place it beyond the means of most sufferers in poor countries.

Diarrhoea (2.2 million deaths annually). Shigella is a highly virulent microbe responsible for half of all episodes of bloody diarrhoea in young children. It is directly responsible for an estimated 375,000 child deaths. In the past, many deaths from diarrhoea could be easily controlled with cheap generic drugs such as co-trimoxazole or ampicillin. However, resistance to these drugs is now very common (in over three-quarters of all cases in Tanzania, for example). Ciprofloxacin is one of the most effective of these drugs. The patented version is marketed by Bayer in Pakistan and in South Africa (where the patent has been filed) at prices respectively eight and twelve times higher than the generic version in India. Restrictions on the availability of generic ciprofloxacin resulting from more stringent patent rules would have grave public-health consequences. Several drugs relevant to the treatment of diarrhoea are now on trial.

Malaria (1.1 million deaths annually). Resistance to the lowest-cost front-line treatment, chloroquine, is now widespread in over 70 countries where the disease is a major killer, and resistance to sulfadoxine/pyrimethamine is growing. GSK’s Malarone has proved 98 per cent effective in the treatment of drug-resistant malaria. However, it is too expensive for most patients. Competition from generic producers is not permitted due to its patented status.

Gonorrhoea (62 million new cases annually). The development of anti-microbial resistance in gonorrhoea has been described by the WHO as ‘one of the major health care disasters of the 20th Century’. It has made gonorrhoea a driving force in the HIV/AIDS epidemic. Effective treatment is available in the form of ciprofloxacin and ceftriaxone (patented by Roche). However, the costs of effective treatment are relatively high. As with all sexually transmitted infection, women are particularly susceptible, with untreated gonorrhoea greatly enhancing the risk of HIV/AIDS infection, infertility, and miscarriages.

There are other examples of the potential costs which may be associated with patenting. Drugs on trial for the treatment of hepatitis (such as Entecavir, produced by Bristol-Myers Squibb) and viral meningitis, along with other anti-infective drugs and vaccines, offer potential benefits for developing countries, even though they have been developed with the US market in mind. But these benefits will be lost if prices in developing countries reflect the application of strict patent protection.

#### IP undermines disease response – only an understanding of medicine as a public good can solve.

Patane 21 [Andrea Patane, Marxism, Analysis, “COVID-19 Pandemic: patents and profits,” May 15th, 2021, [https://www.marxist.com/covid-19-pandemic-patents-and-profits.htm]/](https://www.marxist.com/covid-19-pandemic-patents-and-profits.htm%5d/) lm

We are 16 months into a pandemic that according to some reports has claimed [6.9m lives](http://www.healthdata.org/news-release/covid-19-has-caused-69-million-deaths-globally-more-double-what-official-reports-show) and plunged capitalism into its deepest-ever crisis, and the ruling class is still torn by internecine squabbles over patent waivers, export bans and priority-deals.

New rifts have opened up between sections of the bourgeoisie following the recent announcement that US president Joe Biden’s administration now supports “negotiations” on waiving COVID-19 vaccine patents.

This is much to the consternation of the Big Pharma parasites, who are pocketing tens of billions of dollars thanks to their exclusive ownership of COVID-19 vaccines and other drugs.

Again and again, we find proof that capitalism, a system based on narrow national interests and the pursuit of private profits is utterly unfit for purpose. Indeed, as a recent [WHO-led investigation just confirmed, the entire pandemic was preventable](https://www.theguardian.com/world/2021/may/12/covid-pandemic-was-preventable-says-who-commissioned-report?CMP=twt_gu&utm_source=Twitter&utm_medium#Echobox=1620813832-1). The market and bourgeois politicians brought about this disaster, and are utterly failing to resolve it.

Vaccines and medical technologies fall under the WTO agreements on Trade-Related Intellectual Property Rights, known as TRIPS, which protects the IP of the major pharmaceutical companies.

[According to one report](https://www.economist.com/by-invitation/2021/04/20/mariana-mazzucato-jayati-ghosh-and-els-torreele-on-waiving-covid-patents), a TRIPS waiver could help in vaccinating more than 60 percent of the world population by the end of the year. Everyone on earth could be fully vaccinated by the end of 2022. The pandemic nightmare that billions of people are living through could be over once and for all.

Surely then, a TRIPS waiver sounds like a sensible and necessary request? Especially given that the likes of Pfizer, Johnson & Johnson and AstraZeneca [have already racked up profits of more than $26bn](https://truthout.org/articles/big-pharmas-shareholder-payouts-are-enough-to-fund-vaccines-for-all-of-africa/) during the pandemic. What was being demanded was not too radical either: a one time temporary waiver on intellectual property rights related to just one vaccine.

Also, the 2001 Doha Declaration on TRIPS and Public Health – agreed by all WTO states – maintains that public health should take precedence over the enforcement of IP rights.

Unfortunately, Big Pharma takes a very different view, and isn’t going to let a trivial thing like the Doha Declaration undermine its private claim to COVID-19 vaccines. From their point of view, any concession in this particular case would set a very dangerous precedent.

The IP protections afforded to Big Pharma are denying huge swathes of the world population access to vaccines, compounded by the vaccine nationalism of rich countries, which can afford to pay suppliers directly and are gobbling up global supplies.

If the technology underpinning vaccine production is not shared, even with a patent waiver, it [will take months](https://newrepublic.com/article/162320/theres-something-missing-bidens-move-free-covid-vaccines) before manufacturers will be able to reverse-engineer a generic version, and months further to test it.

The Big Pharma fat cats will not share their technology (which was publicly funded in the first place) voluntarily.

They are forecasting sales for billions of dollars for 2021 and will do everything they can to push further back the development of generic versions. They can afford to drag things out. For them, time means billions in profits.

The COVID-19 pandemic has shown capitalism for what it is. Rather than being a force for progress, private property and the nation state are the main obstacles preventing us from putting an end to the pandemic.

Under a democratic, global plan of production we could put the mighty forces of industry and science at the service of society. All the necessary research, technology and expertise could be marshalled to fight this terrible virus.

Vaccine production could be stepped up to reach the majority of the world population by the end of the year.

It is capitalism alone that prevents this. We must fight the pandemic with class struggle! Expropriate the Big Pharma fat cats!

#### The impacts extinction – capitalism through IP comes together to destroy biodiversity, increase pandemics, undermine our response to them, and kills access to necessary drugs. Resisting cap now is try or die.

Duzgun 20 [Eren Duzgun, Eren Duzgun teaches Historical Sociology and International Relations at Leiden University, Netherlands, Socialist Project, The Bullet, Economy, Public Goods, “Capitalism, Coronavirus and the Road to Extinction,” April 5th, 2020, [https://socialistproject.ca/2020/04/capitalism-coronavirus-and-road-to-extinction/]/](https://socialistproject.ca/2020/04/capitalism-coronavirus-and-road-to-extinction/%5d/) lm

The Godzilla-like image of the virus Covid-19 has been haunting the world. Not only has the virus unraveled nightmarish possibilities leading to the extinction of millions of people, but it has also served as a quintessential case revealing the structural contradictions of and existential threats posed by capitalism on a global scale.

Covid-19, by contrast, has begun its journey and taken its biggest toll thus far in the most advanced and affluent parts of the world. This is to say, the contagion is no longer limited to the persistently undernourished, underdeveloped, and war-torn parts of the world; its impact is no longer restricted to a distant wet market or a third world country alone. Instead, it has emerged and expanded in the very heart of the capitalist world order at a time when [if] capitalism has not only been already firmly established across the globe but has been testing the eco-biological limits of the entire planet.

Should things remain the same, Covid-19 and its future [diseases]cousins are likely to claim the lives of not just ‘some’ people as they did in the past, but of humanity as a whole. In this sense, perhaps for the first time in modern history, the biological blitzkrieg activated by the coronavirus has thrown into sharp relief the immediately existential and undeniably global contradictions and consequences generated by capitalism.

Critical biologists and epidemiologists have put the blame on industrial agriculture as the root cause of the emergence of new pathogens since the 1990s. [According to Rob Wallace](https://climateandcapitalism.com/2020/03/11/capitalist-agriculture-and-covid-19-a-deadly-combination/), giant agribusiness and resource extraction firms have now reached the last virgin forests and smallholder-held farmlands in the world, subordinating them to the logic of capitalist markets.

The loss of the ecological diversity and complexity of these huge tracts of land has increasingly forced wild food operators to hunt in previously untouched parts of the jungle, which, in turn, has increased “the interaction with, and spillover of, previously boxed-in pathogens, including Covid-19.” Likewise, global warming has forced or allowed pathogens to escape their natural habitat. As a result, new viruses against which we have no immunity “are being sprung free, threatening the whole world.” In short, [as John Vidal writes](https://www.theguardian.com/environment/2020/mar/18/tip-of-the-iceberg-is-our-destruction-of-nature-responsible-for-covid-19-aoe), “we disrupt ecosystems, and we shake viruses loose from their natural hosts. When that happens, they need a new host. Often, we are it.”

That some agribusiness firms have been blatantly risking lives for profit would not come as a surprise to the critical reader. Even [Bill Gates has been sounding the alarm](https://www.youtube.com/watch?v=6Af6b_wyiwI) about the potentially deadly consequences of irresponsible business practices and new viruses. Yet, what tends to remain underemphasized in these debates is that the blame belongs neither solely to ‘greedy’ firms that have driven viruses out of their natural habitat, nor to ‘short-sighted’ politicians who have not invested enough in vaccine technology or national health systems. Instead, the problem is rooted in the very structure and rationality of the system as a whole. That is, we may go extinct as a result of the ‘successes’ of the very system ‘we’ created in the first place, i.e., capitalism.

In order for ‘self-regulating’ markets to ‘self-regulate’, a variety of political and institutional arrangements had to be initiated to progressively eliminate the non-market survival strategies that humans previously relied upon. Most notably, the age-old communal systems of social and moral regulation needed to be eradicated, a process that systematically subordinated the ‘natural and human substance of society’, i.e., land and labour, to market relations for the first time in history.

At the heart of the rise of capitalism, therefore, rested a ‘political’, legal, and violent process that led to the historically unprecedented characterization of land and labour as commodities. Without commodifying land and labour, i.e., without treating the planet’s living substance as commodities, it would have been impossible to view the ‘economy’ as an institutionally and motivationally self-regulating sphere of life, an almost robotic creature functioning at the expense of human lives and livelihoods.

Capitalism presupposed from the very beginning a radical transformation in the human use of nature as well as in the provision of life’s essential requirements. In this sense, the danger of global extinction which we have been going through is not a temporary hiccup in an otherwise smoothly operating capitalist ecosystem but has always been a possibility built into the very structure of market society.

On the one hand, by treating land and labour as commodities, by subjecting people’s utilization of land and enjoyment of life to their ability to continuously increase market competitiveness and productivity, capitalism has enabled massive technological advancements in all spheres of life. This, in turn, has generated, above all, an unprecedented potential to feed, clothe, and accommodate an ever-increasing world population.

On the other hand, however, [as Ellen Wood argues](https://monthlyreview.org/1998/07/01/the-agrarian-origins-of-capitalism/), by subordinating all other considerations to the imperatives of market competition, capitalism has also created poverty, homelessness, environmental destruction and pandemics. Billions of people who could be fed and housed are subjected to immense doses of insecurity, living their lives under the constant threat of joblessness, homelessness, loss of status and starvation. In a similar fashion, the environment that could be protected is systematically destroyed for profit, and killer viruses that could be contained are unleashed.

Undoubtedly, Covid-19 has become the archetypal example that lays bare “the destructive impulses of a system in which the very fundamentals of existence are subjected to the requirements of profit.”

All in all, market imperatives have been regulating social reproduction almost worldwide for a long time but with no prospect of capitalist ‘development’ for an overwhelming majority of the world’s population in the South and the North alike. Furthermore, the ecologically disastrous and socially inhumane consequences of capitalism have long outweighed the prospects of material gain in the Global South. In this respect, what is being painfully realized in the current conjuncture is that the North is no longer able to externalize the worst consequences of such an unsustainable mode of life. The North isn’t and won’t be spared the existential threats posed by global capitalism.

The implication is that any meaningful attempt at solving the present, and future crises needs to take the bull by the horn. There is literally no choice to be made between ‘capitalism’ and ‘capitalism with a human face’. As long as the underlying dynamics of our lives remain the same, as long as we keep treating nature and human beings as commodities, no [cosmetic surgery](https://foreignpolicy.com/2018/09/12/why-growth-cant-be-green/) will do.

To the contrary, historical experience suggests that such minimal interventions will sooner or later backfire, re-legitimizing capitalism pure and simple. The only way to ‘re-embed’ our economies and save our lives from ecological collapse is by intervening in the very heart of the beast: land and human beings need to be taken out of the market. The beast is not tameable; it needs to be [killed](https://monthlyreview.org/product/what_every_environmentalist_needs_to_know_about_capitalism/).

### Part 3: Let us Dream

#### Thus, I affirm the res as a means of resisting capitalism – to clarify, we advocate for eliminating IPP for medicines.

Mehta 14 [Akansha Mehta, Akansha Mehta is currently pursuing B.A. LL.B (Hons) from Dr. RML National Law University, Lucknow, India. She is also the founder of the NGO “Association for Medical Accessibility and Law” (AMAL). She is a columnist in the leading Indian newspaper- The Pioneer and a contributor at [Medicalblog](http://blog.medicallaw.in/) and [Ipleaders](http://blog.ipleaders.in/author/akansha-m/). She is presently engaged with the Eastern Book Company as a legal researcher, LSE, “Patenting of life-saving drugs has created a global health crisis where human life has become a commercial commodity.” August 6th, 2014, [https://blogs.lse.ac.uk/impactofsocialsciences/2014/08/06/the-morality-of-patenting-life-saving-drugs/]/](https://blogs.lse.ac.uk/impactofsocialsciences/2014/08/06/the-morality-of-patenting-life-saving-drugs/%5d/) lm

The concept of intellectual property rights is deeply rooted in the philosoph[y]ical foundations of capitalism. The basic tenants of this philosophy make it incumbent on governments to foster free enterprise and act as a protector of private properties including intellectual ones. Right to property is considered essential for individual and societies to attain their ultimate potentials and fulfilments. Unfortunately, applications of the same principles in global pharmaceutical research and development (R&D) have metamorphosed into a system that is causing misery and death to a substantial part of humanity. The irony of patenting of pharmaceutical products through private R&D is that while incentivising research it is preventing parallel innovations and impeding the benefit of new discoveries to reach the masses. This peculiar dilemma remains locked in abstraction which only a cutting edge academic debate through the growing open access movement can resolve.

High prices of such drugs and medicines can be attributed to the patenting system which allows the drugs companies to gain a monopoly over the production and marketing of pharmaceutical products and processes permitting them to fix prices at high rates to maximise profits. Millions of diseased people round the world —mostly in developing countries—lack access to life-saving drugs. Righting this imbalance is among the most important challenges of global public health of this century. One source of the access gap is lack of infrastructure and skills for research within developing nations. On the other hand, both public and private sectors in the developed world naturally devote relatively little research to develop cures to diseases without having markets for them in their own countries. As a result, relatively few new drugs target diseases specific to developing countries.

Patent rights are extended around the world through the provisions of WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) which is based on the presumption that patents and other intellectual property rights are highly imperative to encourage innovation and research. Yet there is scant evidence to prove that the introduction of TRIPS-compliant framework of IPR protection has ensured transfer of technology, research & development and innovation in developing countries especially in context of life saving medicines and human health. However, in 2001, the Doha Ministerial Conference of the WTO adopted the [Declaration on the TRIPS Agreement and Public Health](http://www.wto.org/english/tratop_e/trips_e/pharmpatent_e.htm), incorporating certain provisions in the interest of public health which was proposed initially by the developing countries. The Declaration allows least-developed countries to delay implementation of patent protection for pharmaceutical products and legal protection of undisclosed test data, submitted as a condition of approving the marketing of pharmaceuticals until 1 January 2016.

The most important provision is the one which clarifies the freedoms all WTO members have with respect to compulsory licensing, their determination of what constitutes a national emergency or other circumstances of extreme urgency, and exhaustion of rights. The Declaration explicitly mentions that public health crises “relating to HIV/AIDS, tuberculosis, malaria and other epidemics, can represent a national emergency or other circumstances of extreme urgency.” Moreover, WTO members are free to establish their own regime for exhaustion of intellectual property rights. This is important because it means that, if national laws indicate that patent rights over drugs are exhausted by their first legitimate sale anywhere in the world, countries can then import drugs legally purchased in countries where they are sold at a lower price.

What IPR protection has ensured is that poor patients give their entire life savings to pharmaceutical companies to buy their treatments to save their lives. Pharmaceutical industry has built their profit systems around obscure set of intellectual property controls creating a commercial hegemony to capitalise human miseries. In the garb of protecting their intellectual property rights these multinational brands hold poor patients hostage to market forces. It amounts to denying known cures to a large part of humanity for commercial consideration and letting the public health remain degraded on a global scale. The struggle to access lifesaving medicines presents a legal and ethical minefield for rich and poor countries alike – one that is needed to be fought out by the common man by challenging pharmaceutical corporations over intellectual property rights.

This raises pertinent questions about global health equity. When the laws of trade and commerce override the human right to life saving medicines, can the society protect public health from unbridled private markets? In today’s time when the idea of life saving medicine as a social good is eclipsed by the commodification of health, is the IPR regime enough to protect people’s right to life? Nothing can be more dehumanising than equating human life with commercial commodity. Corporate houses should not be allowed to trade in human life.

The outcome of R&D related to life-saving drugs ought to be treated as public goods rather than private property. This idea can be realised through democratization of pharmaceutical production systems. One option is to have a global patent pool which is based on a system of free exchange of research without the traditional proprietary restrictions. This would safeguard public access to scientific discoveries and technologies that could be used for developing treatments. The International Genome project is a good example of that.

Another research model proposed to the World Health Organisation by Bangladesh, Barbados, Bolivia, and Suriname in 2009 was a centralized innovation fund, which would pool research and develop treatments like antibiotics and vaccines aimed at serving vulnerable communities. For HIV/AIDS drug development, the Medicines Patent Pool, based in Switzerland and funded by the United Nations, has already established a global knowledge-sharing platform to expand production of low-cost medicines.

Therefore, the ultimate solution can be nationalising the entire pharmaceutical  research & development activities related to  life saving drugs while letting private pharmaceutical industries to participate only in the production and distribution of drugs in the market Whether governments world over have the courage, political will and moral strength to take such a bold step remains a moot question.

#### The aff solves by switching to a nonprofit model of IP that is more efficient, ensures widespread access, and focuses on health over paychecks.

Gøtzsche 18 [Peter C. Gøtzsche, Peter C. Gøtzsche is a Danish physician, medical researcher, and former leader of the Nordic Cochrane Center at Rigshospitalet in Copenhagen, Denmark. He is a co-founder of the Cochrane Collaboration and has written numerous reviews for the organization, NCBI, PMC, US National Library of Medicine, National Institutes of Health, “Patients not patents: Drug research and development as a public enterprise,” January 5th, 2018, [https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/]/](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/%5d/) lm

I propose a radically different approach in which the current drive of profit maximization via patents is replaced by a public interest‐driven system that is not for profit. I hope this paper can be a starting point for a much‐needed discussion.

4. DRUG RESEARCH AND DEVELOPMENT AS A PUBLIC ENTERPRISE

A radically new approach is needed to stimulate innovation in the public interest and to reduce drug expenditure substantially. Marketing is not needed to persuade doctors to use good medicines and the patient‐focused system I propose will prohibit industry strategies for disseminating misleading drug information such as industry‐sponsored education of doctors and patient groups, detailing of doctors, drug ads (including those in medical journals for prescription drugs) and seeding trials of no scientific value.[2](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0002)

A European Institute of Public Health could have the overall responsibility for developing drugs and bringing them to the market, in collaboration with a network of institutions, which could themselves develop drugs or contribute to the various parts of drug development. Excellent examples of nonprofit institutes that have proved highly useful include the Mario Negri Institute,[41](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0041) the DNDi and Institut Pasteur. A public institute developed along these lines would have a transparent governance structure that is accountable to the people and would hold regular priority discussions, with public participation. For‐profit companies could bid for contracts to contribute expertise and deliver specialized services, such as animal studies or drug manufacture.

Substantial funds will be needed initially, in the transition phase to the new system, to develop the necessary public infrastructure and to pay for public drug development. Several models already exist, one of which is taxation. The Italian drug agency requires drug companies to contribute 5% of their promotional expenses, apart from salaries, which has created a large fund used partly for independent clinical research,[42](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0042), [43](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0043) and Spain has a similar initiative.[43](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0043) A tax on sales would create a much greater income but most importantly, the new system will avoid the huge waste we currently have. It has been estimated that the savings in the new system will be 5‐10 times greater than the amount the drug industry currently spends on research and development.[13](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0013) Vastly more public money is therefore being poured into the current system than what will be needed in future.

To stimulate innovation, inventors could be awarded a “finder's fee,” for example 10% of the potential savings for 1 year. Such innovations need not be limited to new interventions but could be studies that demonstrate that a currently used diagnostic test, intervention, dose or treatment length is no better than a cheaper one—a kind of study the industry has no interest in carrying out.

In the not‐for‐profit model, the price of drugs will be set low enough—using the manufacturing cost plus a small margin—that also third‐world [developing] countries could afford to buy the drugs. This would improve the health of their citizens and increase international trade and prosperity.

Some of the necessary changes can be introduced quickly; for others, a transition phase is needed that includes legislation, public education and research on needs.

5.1. Patents, patent laws and trade agreements

Once fully implemented, the new system will abolish the patenting of drugs and devices. In the transition period, all regulations that impede the introduction of generic medicines and biosimilars to the market should be removed, and new patents for minor changes, for example the removal of the inactive part in a stereoisomer, should not be allowed. The bar for launching lawsuits against generic competitors with claims that they have broken a patent should be raised substantially, and the time limits for lawsuits and patent exclusivity shortened. Companies that launch frivolous lawsuits should be subject to stiff penalties, as the mere threat of such lawsuits often stifles innovation in start‐up companies.[13](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0013)

In the transition period towards public drug development, compulsory licensing and government use of patents can ensure the availability of life‐saving drugs and drugs that may prevent serious disability. These mechanisms, which are available under international law but underused, allow a third party (eg a generic company or government‐owned facility) to produce cheaper copies of a drug, in return for a small fee to the patent holder. This interim measure would allow competition right from the start.

International trade agreements that emphasize secrecy and commercial confidentiality are a real threat to what I propose. Our politicians will therefore need to ensure that such agreements do not become obstacles for improvements in public health, equity and savings in our national economies. Existing agreements such as TRIPS (trade‐related aspects of intellectual property rights) will need to be revamped.

5.2. De‐linking, prizes and pricing

In the transition phase, when drug companies still have new drugs under development, they could be offered a buyout of their patent, like a prize, commensurate with the benefits and harms of the drug, as documented in publicly conducted trials with relevant comparators and outcomes. The use of a prize system is consistent with proposals in the WHO Global Strategy and Plan of Action on Public Health, Innovation and Intellectual Property (GSPoA) of May 2008, and the EU Council Conclusions on Global Health in May 2010. Both called for needs‐driven innovation and for further exploration of innovation models that de‐link the postulated cost of research and development from the price of medicines.[44](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0044) Similar thoughts were expressed in the US Senate Bill 1137.[24](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0024)

Countries should collaborate on price negotiations with companies and use their powers to refuse to reimburse too expensive drugs and to impose pricing practices that take into account the public research investments and the fact that pharmaceuticals are public goods (as opposed to the currently promoted value‐based pricing approach, which puts a monetary value on life).

5.3. Public education and research on needs

To engage the public in the profound change to the new system, a programme of education and myth busting will be undertaken to combat the widespread erroneous beliefs that sustain the current system.

Important educational initiatives already exist to help the public think critically about the harms of inappropriate and excessive drug use and to recognize the many nondrug strategies for preventing disease and improving health.[45](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0045), [46](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0046) These programmes have gained support among public health advocates internationally; they can be expanded and adapted, raising public awareness about the enormous inefficiencies that make the current system financially and morally unsustainable.

Like any drug development endeavour, the new system will have to manage the risk of aborted projects. Taxpayers may view such failures as a poor use of their money unless they understand the realities of scientific research, including the rarity of research breakthroughs. Continuous education of the public and the politicians, with trustworthy and transparent figures for the costs of research and development, will be needed.

To move from a supply‐ and profit‐driven to a demand‐driven system, the needs of patients and of society will be identified, taking into account epidemiological data, public expenditures, mortality statistics and patient‐relevant outcomes.[47](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0047)

5.6. Creating attractive job positions in the new system

Politicians often see the drug industry as a motor for economic growth that contributes to job opportunities, trade balance and the knowledge economy, a perception that the industry promotes. In 2013, according to the European pharmaceutical industry association, the industry directly employed more than 690,000 people in Europe and generated three to four times more jobs indirectly.[57](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0057) However, many of these jobs are in sales and legal departments, and ultimately paid for by all of us through high drug prices, and the intensive marketing causes many unnecessary deaths and is harmful to our national economies.

Many people working in the pharmaceutical industry have invaluable expertise, which they might prefer to use in a nonprofit environment. Psychological research has shown that inventing or contributing to something that is genuinely helpful to people can be a very strong motivator. Therefore, there will be no lack of incentives for useful innovations. In fact, it seems that high‐risk, bold investments that led to technological revolutions were sparked by public sector institutions.[58](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5817403/#eci12875-bib-0058)

In the beginning, there may be a scarcity of publicly employed researchers with the detailed know‐how about conducting such tasks as long‐term animal toxicology studies and randomized trials that meet the standards for drug approval. Training programmes can be developed to teach people the necessary skills.

I acknowledge that this vision of a better future requires much discussion and political will but also expect that details of the necessary new structures will be agreed upon over time, as we have no other choice than to change the current system radically.

#### ‘reduce’

Merriam Webster 21 “Reduce.” Merriam-Webster.com Dictionary, Merriam-Webster, https://www.merriam-webster.com/dictionary/reduce. Accessed 8 Aug. 2021.

Definition of reduce

[transitive verb](https://www.merriam-webster.com/dictionary/transitive)

1a: to draw together or cause to converge : [CONSOLIDATE](https://www.merriam-webster.com/dictionary/consolidate) reduce all the questions to one

b(1): to diminish in size, amount, extent, or number reduce taxes reduce the likelihood of war

#### ‘intellectual property’

WIPO [World Intellectual Property Organization, IP, “What is Intellectual Property?” https://www.wipo.int/about-ip/en/]/lm

What is Intellectual Property?

Intellectual property (IP) refers to creations of the mind, such as inventions; literary and artistic works; designs; and symbols, names and images used in commerce.

IP is protected in law by, for example, [patents](https://www.wipo.int/patents/en/), [copyright](https://www.wipo.int/copyright/en/) and [trademarks](https://www.wipo.int/trademarks/en/), which enable people to earn recognition or financial benefit from what they invent or create. By striking the right balance between the interests of innovators and the wider public interest, the IP system aims to foster an environment in which creativity and innovation can flourish.

#### ‘medicines’

Merriam Webster 21 [“Medicine.” Merriam-Webster.com Dictionary, Merriam-Webster, [https://www.merriam-webster.com/dictionary/medicine. Accessed 11 Aug. 2021.]/](https://www.merriam-webster.com/dictionary/medicine.%20Accessed%2011%20Aug.%202021.%5d/) lm

medicine [noun](https://www.merriam-webster.com/dictionary/noun) med·​i·​cine | \ ˈme-di-sən , British usually ˈmed-sən \ Definition of medicine 1a: a substance or preparation used in treating disease cough medicine b: something that affects well-being he's bad medicine— Zane Grey

#### ‘members nations of WTO’

WTO 16 [World Trade Organization, Understanding the WTO: The Organization, “Members and Observers,” July 29th, 2016, [https://www.wto.org/english/thewto\_e/whatis\_e/tif\_e/org6\_e.htm]/](https://www.wto.org/english/thewto_e/whatis_e/tif_e/org6_e.htm%5d/) lm

Members and Observers

164  members since 29 July 2016 , with dates of WTO membership.

Click any member to see key information on trade statistics, WTO commitments, disputes, trade policy reviews, and notifications.

### Part 4: The Ending

#### Aff gets 1ar theory, otherwise 1n can be infinitely abusive. 1n theory is RVI b/c 1ar 4 min time crunch is too short to fend off theory and win substance, and 6 min 1n solves RVI abuse. Grant me utopian fiat – if we wanted to debate feasibility we’d be doing policy, anything else destroys the constitutive purpose of having LD as a distinct form of debate. CX checks all T and theory, solves shells on aff abuse and incentivizes substance over friv theory dumps.