**Nebel- medicines**

**Interp: “Medicines” is a bare plural, thus the aff must not defend a subset of medicines.**

**Nebel 19** Nebel, Jake. [PhD candidate in philosophy at New York University, executive director at the Victory Briefs Institute for Debate, professor of philosophy at the University of Southern California]. “Existential Bare Plurals and Quantifier Scope.” Vbriefly. January 2, 2019. <https://www.vbriefly.com/2019/01/02/existential-bare-plurals-and-quantifier-scope-by-jake-nebel/?fbclid=IwAR3d1BVzSwoB1sq7PQR9dYE3_Ee-qAgD-phE2xJh6kAmrrgPOyabpO_Dxww> TG

Let’s start with [some](https://www.vbriefly.com/2014/12/19/jake-nebel-on-specifying-just-governments/) [background](https://www.vbriefly.com/2015/02/20/the-priority-of-resolutional-semantics-by-jake-nebel/). “Authoritarian regimes” is a [bare plural](http://www.glottopedia.org/index.php/Bare_plural): it’s a plural noun phrase without an explicit [determiner](http://www.glottopedia.org/index.php/Determiner) (e.g., “five,” “some,” “all,” “the,” “most”). Bare plurals are typically used to express [generic generalizations](https://plato.stanford.edu/entries/generics/), as in “Ravens are black.” Unlike [universally quantified statements](https://en.wikipedia.org/wiki/Universal_quantification), generics tolerate exceptions. For example, “Ravens are black” is true even though “All ravens are black” is false. In addition to generic readings, bare plurals can also sometimes have [existential](https://en.wikipedia.org/wiki/Existential_quantification) readings, as if they were preceded by “some.” For example, “Ravens are outside” is true just in case there are some ravens—i.e., more than one—outside. Unlike existential statements, generic generalizations are not entailed by specific instances. For example, the generic “Ravens are white” is false even though some ravens are indeed white; white ravens are white not because they are ravens but because they have leucism. For reasons I’ve given elsewhere, and which apply straightforwardly to this topic, I think “authoritarian regimes” is a generic bare plural, not an existential one. My reasons include (i) that it fails the [upward-entailment test](https://plato.stanford.edu/entries/generics/#IsolGeneInte) for existential bare plurals (the resolution doesn’t entail that the United States ought not provide military aid to governments, even though all authoritarian regimes are governments); (ii) that bare plurals [denote kinds](http://idiom.ucsd.edu/~ivano/SemBabble_old/LogicSeminar_15W/Material/Carlson_1977_EnglishBarePlurals.pdf) of things, not specific members of those kinds, and so get an existential reading only in very specific circumstances which don’t seem to obtain in this resolution; (iii) that generics are our default means of generalization, especially in [moral contexts](https://www.princeton.edu/leslie/Lerner_et_al-2013-Philosophical_Perspectives.pdf), so we should expect the resolution to be generic absent strong evidence to the contrary; and, most importantly, (iv) that we can simply tell that it’s generic by [linguistic intuition](https://academic.oup.com/bjps/article/61/1/123/1451363), which is the primary source of data for linguistic theorizing.

**Applies to medicines a] just because the WTO should reduce IP medicines doesn’t mean that all science b] Invalid inference: just because we should reduce IP on one subset of medicines doesn’t mean we should reduce IP on all subsets of medicines**

**Violation: The plan text specs horomones subset of medicines**

**Standards**

**1] Limits—there are 20,000 new affs a] negs only have the innovation DA as a generic—no links to every aff that means crazy aff prep skew b] only big schools can compete since small teams cannot prep for every single small unpredictable aff**

**FDA** 9-20**20**"Fact Sheet: FDA at a Glance," U.S. Food and Drug Administration, https://www.fda.gov/about-fda/fda-basics/fact-sheet-fda-glance

FDA is responsible for the oversight of more than $2.8 trillion in consumption of food, medical products, and tobacco. FDA-regulated products account for about 20 cents of every dollar spent by U.S. consumers. FDA regulates about 78 percent of the U.S. food supply. This includes everything we eat except for meat, poultry, and some egg products. There are over 20,000 prescription drug products approved for marketing. FDA oversees over 6,500 different medical device product categories. There are over 1,600 FDA-approved animal drug products. There are about 300 FDA-licensed biologics products. FDA oversees over 90,000 tobacco products, not including e-liquids. The estimated number of regulated products is continually assessed for accuracy and reliability.

**2] Precision—anything other interp lets affs do away with random words in the res a] that means no solid neg ground b] The judge doesn’t have the jurisdiction to vote on affs that don’t affirm**

**Voters**

**Fairness first—debate is a game if its not fair people won’t play**

**DTD—a] debaters only listen to ballots it creates the best norms, and they ruined my ability to compete b] the argument is their case that means the debate can’t start**

**No RVI a] debaters will bait theory for RVI’s making LD more abusive b] you don’t get a cookie for being fair**

**Competing interps a] Reasonability is arbitrary and requires judge intervention b] competing interps is a race to the top for the best norms**

**T before theory a] I only get 2 months to set norms they get 4 years b] any NC abuse was a necessary check against 1AC abuse**

### SO 1NC (Short)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Health diplomacy – Patane 21

#### The aff is co-opted by an agenda of “health diplomacy” that only further expands capitalist imperialism

Andrea Patanè 21. Marxist, Published: 15 May 2021. “COVID-19 pandemic: patents and profits” <https://www.marxist.com/covid-19-pandemic-patents-and-profits.htm> brett

Far from an act of ‘international solidarity', this latest move from the US government is a calculated political risk, and will be implemented in the interests of US imperialism. A section of the more serious wing of the bourgeoisie understands that a proper economic recovery can happen only if the pandemic is suppressed worldwide. As we have explained elsewhere, wealthy countries risk losing billions of dollars if the pandemic is brought under control only within their own borders, because new variants (like those in India and Brazil) can always mutate elsewhere and reinfect their populations, causing further economic disruption. Therefore, even on a capitalist basis, it is expedient in the long-term for the rich countries to facilitate a global vaccination campaign. Even Pope Francis anointed the demand from his seat in Rome! Biden’s announcement is also an act of vaccine diplomacy. America’s main rivals, China and Russia, have been shoring up their spheres of influence by distributing their Sinopharm and Sputnik V vaccines to poor countries left out by the vaccine nationalism of the US and Europe. Chinese and Russian vaccines have been exported into countries traditionally under western spheres of influence, including Brazil and Hungary. Pushing to waive IP protections on COVID-19 vaccines is therefore partly an effort to push back against the encroachment of rival imperialist powers, which have so far outcompeted Washington in the global vaccination drive. Biden’s announcement is also an attempt to restore the standing and authority of US imperialism on the world stage, which has been bruised by the ‘America First’ vaccine nationalist policy started by Donald Trump, and continued by Biden. According to the FT, Katherine Tai (top US trade envoy) and Jake Sullivan (national security adviser) made the case to Biden that pushing for the waiver “was a low-risk way to secure a diplomatic victory”, after coming under fire for not “respond[ing] quickly enough to the unfolding COVID-19 crisis in India”. Here you have it, straight from the horse’s mouth. Under capitalism, vaccines – rather than providing a way out of the pandemic – are tools for ‘low-risk diplomatic victories’. As if this was some sort of football match between world leaders! In short, Biden is stepping in to prioritise the interests of US imperialism as a whole over the immediate interests of the Big Pharma capitalists. But we should say clearly: this cynical attempt to claim the moral high ground came only after the US used its massive economic clout to secure enough vaccines to inoculate its own population several times over. And in fact, the wartime Defense Production Act is still in effect, which forces US manufacturers to fulfil domestic demands for medical equipment before exports are permitted. This de facto export ban has created bottlenecks in the supply chain that have already undermined the WHO-led COVAX programme to vaccinate poor countries. Rest assured, Biden’s policy remains ‘America First’, just by somewhat more calculated means than his predecessor.

#### Capitalist imperialism enables hypermilitarization, dooms world economic prosperity to inevitable collapse, and plunges the human species into extinction.

Robinson et al 17 (Robinson, William I., et al. “Global Capitalist Crisis and Trump's War Drive.” Truthout, Truthout, 19 Apr. 2017, truthout.org/articles/global-capitalist-crisis-and-trump-s-war-drive/.)//LK [RCT] [Accessed 8/28/19]

The recent US attack on Syria and mega-bombing of Afghanistan come at a time when the Trump regime is facing a mounting scandal over alleged Russian involvement in its 2016 electoral campaign, historically low approval ratings for an incoming presidency, and a growing mass grassroots resistance movement. US rulers have often launched military adventures abroad to deflect attention from political crises and problems of legitimacy at home.¶ Beyond Syria and Afghanistan, the Trump regime has quietly escalated military intervention throughout the Middle East and has proposed an increase of US$55 billion in the Pentagon budget. It has threatened military force in a number of hotspots around the world, including Syria, Iran, Southeast Asia, along NATO’s eastern flank and in the Korean Peninsula. As rival centers of power emerge in the international system any such military adventure could snowball into a global conflagration with devastating consequences for humanity.¶ Journalists and political observers have focused on geopolitical analysis in attempting to explain rising international tensions. While such analysis is important, there are deep structural dynamics in the global capitalist system that are pushing ruling groups towards war. The crisis of global capitalism is intensifying despite what we have heard from mainstream economists and elites giddy with recent growth spurts and the inflation of stock prices. In particular, the system is facing what appears to be an intractable structural crisis of overaccumulation and of legitimacy.¶ Cyclical crises, or recessions, occur about every 10 years in the capitalist system and typically last some 18 months. There were recessions in the early 1980s, the early 1990s, and the early 2000s. Structural crisis, so called because the only way out of crisis is to restructure the system, occur approximately every 40-50 years. A new wave of colonialism and imperialism resolved the first recorded structural crisis of the 1870s and 1880s. The next structural, the Great Depression of the 1930s, was resolved through a new type of redistributive capitalism, referred to as the “class compromise” of Fordism-Keynesianism, social democracy, New Deal capitalism, and so on.¶ Capital responded to the structural crisis of the 1970s by going global. The emerging transnational capitalist class, or TCC, promoted vast neoliberal restructuring, trade liberalization, and integration of the world economy. The global economy experienced a boom in the late 20th century as the former socialist countries entered the global market and as capital, liberated from nation-state constraints, unleashed a vast new round of accumulation worldwide. The TCC unloaded surpluses and resumed profit-making in the emerging globally integrated production and financial system through the acquisition of privatized assets, the extension of mining and agro-industrial investment on the heels of the displacement of hundreds of millions from the countryside, a new wave of industrial expansion assisted by the revolution in Computer and Information Technology (CIT).¶ Yet capitalist globalization has also resulted in unprecedented social polarization worldwide. According to the development agency Oxfam, just 1 percent of humanity owns over half of the world’s wealth and the top 20 percent own 94.5 of that wealth, while the remaining 80 percent must make due with just 4.5 percent.¶ Given such extreme polarization of income and wealth, the global market cannot absorb the output of the global economy. The global financial collapse of 2008 marked the onset of a new structural crisis of overaccumulation, which refers to accumulated capital that cannot find outlets for profitable reinvestment. Data from 2010 showed, for instance, that companies from the United States were sitting on $1.8 trillion in uninvested cash that year. Corporate profits have been at near record highs at the same time that corporate investment has declined.¶ As this uninvested capital accumulates, enormous pressures build up to find outlets for unloading the surplus. Capitalist groups, especially transnational finance capital, push states to create new opportunities for profit-making. Neoliberal states have turned to four mechanisms in recent years to help the TCC unload surplus and sustain accumulation in the face of stagnation.¶ One is the raiding and sacking of public budgets. Public finance has been reconfigured through austerity, bailouts, corporate subsidies, government debt and the global bond market as governments transfer wealth directly and indirectly from working people to the TCC.¶ A second is the expansion of credit to consumers and to governments, especially in the Global North, to sustain spending and consumption. In the United States, for instance, which has long been the “market of last resort” for the global economy, household debt is higher than it has been for almost all of postwar history. US households owed in 2016 nearly US$13 trillion in student loans, credit card debt, auto loans and mortgages. Meanwhile, the global bond market — an indicator of total government debt worldwide — had already reached US$100 trillion by 2011.¶ A third is frenzied financial speculation. The global economy has been one big casino for transnational finance capital, as the gap between the productive economy and “fictitious capital” grows ever wider. Gross world product, or the total value of goods and services produced worldwide, stood at some US$75 trillion in 2015, whereas currency speculation alone amounted to US$5.3 trillion a day that year and the global derivatives market was estimated at a mind-boggling US$1.2 quadrillion.¶ All three of these financial mechanisms may resolve the problem momentarily but in the long run they end up aggravating the crisis of overaccumulation. The transfer of wealth from workers to capital further constricts the market, while debt-financed consumption and speculation increase the gap between the productive economy and “fictitious capital.” The result is ever-greater underlying instability in the global economy. Many now see a new crash as inevitable.¶ There is another mechanism that has sustained the global economy: militarized accumulation. Here there is a convergence around the system’s political need for social control and its economic need to perpetuate accumulation. Unprecedented global inequalities can only be sustained by ever more repressive and ubiquitous systems of social control and repression. Yet quite apart from political considerations, the TCC has acquired a vested interest in war, conflict, and repression as a means of accumulation. CIT has revolutionized warfare and the modalities of state-organized militarized accumulation, including the military application of vast new technologies and the further fusion of private accumulation with state militarization.¶ As war and state-sponsored repression become increasingly privatized, the interests of a broad array of capitalist groups shift the political, social, and ideological climate toward generating and sustaining social conflict — such as in the Middle East — and in expanding systems of warfare, repression, surveillance and social control. The so-called wars on drugs, terrorism, and immigrants; the construction of border walls, immigrant detention centers, and ever-growing prisons; the installation of mass surveillance systems, and the spread of private security guard and mercenary companies, have all become major sources of profit-making.¶ The US state took advantage of the 9/11 attacks to militarize the global economy. US military spending skyrocketed into the trillions of dollars through the “war on terrorism” and the invasions and occupations of Iraq and Afghanistan. The “creative destruction” of war acted to throw fresh firewood on the smoldering embers of a stagnant global economy. The Pentagon budget increased 91 percent in real terms between 1998 and 2011, and even apart from special war appropriations, it increased by nearly 50 percent in real terms during this period. In the decade from 2001 to 2011 defense industry profits nearly quadrupled. Worldwide, total defense outlays (military, intelligence agencies, Homeland Security/Defense) grew by 50 percent from 2006 to 2015, from $1.4 trillion to $2.03 trillion.¶ The cutting edge of accumulation in the “real economy” worldwide shifted from CIT before the dot-com bust of 1999-2001 to a military-security-industrial-financial complex — itself integrated into the high-tech conglomerate – that has accrued enormous influence in the halls of power in Washington and other political centers around the world. An emergent power bloc bringing together the global financial complex with the military-security-industrial complex appeared to crystallize in the wake of the 2008 collapse. The class interests of the TCC, geo-politics, and economics come together around militarized accumulation. The more the global economy comes to depend on militarization and conflict the greater the drive to war and the higher the stakes for humanity.¶ The day after Donald Trump’s electoral victory, the stock price of Corrections Corporation of America, the largest for-profit immigrant detention and prison company in the United States, soared 40 percent, given Trump’s promise to deport millions of immigrants. Military contractors such as Raytheon and Lockheed Martin report spikes each time there is a new flare-up in the Middle East conflict. Within hours of the April 6 tomahawk missile bombardment of Syria Raytheon stock increased by $1 billion. Hundreds of private firms from around the world have put in bids to construct Trump’s infamous US-Mexico border wall.¶ Populist rhetoric aside, the Trump regime’s economic program constitutes neo-liberalism on steroids. Corporate tax cuts and deregulation will exacerbate overaccumulation and heighten the power bloc’s proclivity for military conflict. Politicized and increasingly autonomous generals and retired military officials that occupy numerous posts in the regime control the US war machine. The generals may play a key role in geopolitical conjunctures and in the timing and circumstances around which US intervention and war escalate. Yet behind the Trump regime and the Pentagon, the TCC seeks to sustain global accumulation through expanding militarization, conflict, and repression. This gives a built-in war drive to the current course of capitalist globalization. Only a worldwide push back from below, and ultimately a program to redistribute wealth and power downward, can counter the upward spiral of international conflagration.

#### The alternative is a dual power approach to communist strategy. We must build independent communist institutions capable of surviving and defending themselves against the capitalist world. Not only does the alt solve for material violence in the transition period, it also eliminates the material and ideological dependences on capital that prevent revolution.

Escalante 19 [Alyson Escalante is a Marxist-Leninist, Materialist Feminist and Anti-Imperialist activist. "Communism and Climate Change: A Dual Power Approach" in Regeneration. March 26, 2019. [https://regenerationmag.org/communism-and-climate-change-a-dual-power-approach/] KZaidi](https://regenerationmag.org/communism-and-climate-change-a-dual-power-approach/%5d%20KZaidi) //LK [RCT 12/10/19]

Much has been written over the last few years about a dual power approach to communist strategy. I have written extensively about it at The Forge News, and discussed in video format in my YouTube video, Climate Change, Imperialism, and The End of The World. I will not be using this article to give a comprehensive recap on what dual power strategy is, so I suggest checking out those two links. In short: dual power strategy is an approach to communist revolution which seeks to build independent socialist institutions which exist in parallel to the currently existing capitalist state, in order to serve the masses. The goal of a dual power strategy is not to compete with capitalism or reform it out of existence, but rather to radicalize the masses through meeting their needs, to recognize and politicize capitalist crisis as it occurs, and to have a real infrastructure in place for a revolutionary movement to self-sustain at the point that it must inevitably combat the capitalist state. This strategy focuses on building counter-institutions like tenants’ unions, agricultural cooperatives, radical labor unions, and Serve the People programs that not only demonstrate on-the-ground worker power but can provide for the needs of the masses without an appeal to reforming the currently existing capitalist state. I previously argued that a crucial advantage to dual power strategy is that it gives the masses an infrastructure of socialist institutions which can directly provide for material needs in times of capitalist crisis. Socialist agricultural and food distribution programs can take ground that the capitalist state cedes by simultaneously meeting the needs of the masses while proving that socialist self-management and political institutions can function independently of capitalism. This approach is not only capable of literally saving lives in the case of crisis, but of demonstrating the possibility of a revolutionary project which seeks to destroy rather than reform capitalism. One of the most pressing of the various crises which humanity faces today is climate change. Capitalist production has devastated the planet, and everyday we discover that the small window of time for avoiding its most disastrous effects is shorter than previously understood. The Intergovernmental Panel on Climate Change predicts that we have twelve years to limit (not even prevent) the more catastrophic effects of climate change. The simple, and horrific, fact that we all must face is that climate change has reached a point where many of its effects are inevitable, and we are now in a post-brink world, where damage control is the primary concern. The question is not whether we can escape a future of climate change, but whether we can survive it. Socialist strategy must adapt accordingly. In the face of this crisis, the democratic socialists and social democrats in the United States have largely settled on market-based reforms. The Green New Deal, championed by Representative Alexandria Ocasio-Cortez and the left-wing of the Democratic Party, remains a thoroughly capitalist solution to a capitalist problem. The proposal does nothing to challenge capitalism itself but rather seeks to subsidize market solutions to reorient the US energy infrastructure towards renewable energy production, to develop less energy consuming transportation, and the development of public investment towards these ends. The plan does nothing to call into question the profit incentives and endless resource consumption of capitalism which led us to this point. Rather, it seeks to reorient the relentless market forces of capitalism towards slightly less destructive technological developments. While the plan would lead to a massive investment in the manufacturing and deployment of solar energy infrastructure, National Geographic reports that “Fabricating [solar] panels requires caustic chemicals such as sodium hydroxide and hydrofluoric acid, and the process uses water as well as electricity, the production of which emits greenhouse gases.” Technology alone cannot sufficiently combat this crisis, as the production of such technology through capitalist manufacturing infrastructure only perpetuates environmental harm. Furthermore, subsidizing and incentivizing renewable energy stops far short of actually combating the fossil fuel industry driving the current climate crisis. The technocratic market solutions offered in the Green New Deal fail to adequately combat the driving factors of climate change. What is worse, they rely on a violent imperialist global system in order to produce their technological solutions. The development of high-tech energy infrastructure and the development of low or zero emission transportation requires the import of raw material and rare earth minerals which the US can only access because of the imperial division of the Global South. This imperial division of the world requires constant militarism from the imperial core nations, and as Lenin demonstrates in Imperialism: The Highest Stage of Capitalism, facilitates constant warfare as imperial states compete for spheres of influence in order to facilitate cheap resource extraction. The US military, one of many imperialist forces, is the single largest user of petroleum, and one of its main functions is to ensure oil access for the US. Without challenging this imperialist division of the world and the role of the US military in upholding it, the Green New Deal fails even further to challenge the underlying causes of climate change. Even with the failed promises of the Green New Deal itself, it is unlikely that this tepid market proposal will pass at all. Nancy Pelosi and other lead Democrats have largely condemned it and consider it “impractical” and “unfeasible.” This dismissal is crucial because it reveals the total inability of capitalism to resolve this crisis. If the center-left party in the heart of the imperial core sees even milquetoast capitalist reforms as a step too far, we ought to have very little hope that a reformist solution will present itself within the ever-shrinking twelve-year time frame. There are times for delicacy and there are times for bluntness, and we are in the latter. To put things bluntly: the capitalists are not going to save us, and if we don’t find a way to save ourselves, the collapse of human civilization is a real possibility. The pressing question we now face is: how are we going to save ourselves? Revolution and Dual Power If capitalism will not be able to resolve the current encroaching climate crisis, we must find a way to organize outside the confines of capitalist institutions, towards the end of overthrowing capitalism. If the Democratic Socialists of America-backed candidates cannot offer real anti-capitalist solutions through the capitalist state, we should be skeptical of the possibility for any socialist organization doing so. The DSA is far larger and far more well-funded than any of the other socialist organizations in the US, and they have failed to produce anything more revolutionary than the Green New Deal. We have to abandon the idea that electoral strategy will be sufficient to resolve the underlying causes of this crisis within twelve years. While many radicals call for revolution instead of reform, the reformists often raise the same response: revolution is well and good, but what are you going to do in the meantime? In many ways this question is fair. The socialist left in the US today is not ready for revolutionary action, and a mass base does not exist to back the various organizations which might undertake such a struggle. Revolutionaries must concede that we have much work to be done before a revolutionary strategy can be enacted. This is a harsh truth, but it is true. Much of the left has sought to ignore this truth by embracing adventurism and violent protest theatrics, in the vain hope of sparking revolutionary momentum which does not currently exist. If this is the core strategy of the socialist left, we will accomplish nothing in the next twelve years. Such approaches are as useless as the opportunist reforms pushed by the social democrats. Our task in these twelve years is not simply to arm ourselves and hope that magically the masses will wake up prepared for revolution and willing to put their trust in our small ideological cadres. We must instead, build a movement, and with it we must build infrastructure which can survive revolution and provide a framework for socialist development. Dual power is tooled towards this project best. The Marxist Center network has done an impressive amount of work developing socialist institutions across the US, largely through tenants organizing and serve the people programs. The left wing factions within the DSA itself have also begun to develop mutual aid programs that could be useful for dual power strategy. At the same time, mutual aid is not enough. We cannot simply build these institutions as a reform to make capitalism more survivable. Rather, we must make these institutions part of a broader revolutionary movement and they ought to function as a material prefiguration to a socialist society and economy. The institutions we build as dual power outside the capitalist state today ought to be structured towards revolutionary ends, such that they will someday function as the early institutions of a revolutionary socialist society. To accomplish this goal, we cannot simply declare these institutions to be revolutionary. Rather they have to be linked together through an actual revolutionary movement working towards revolutionary ends. This means that dual power institutions cannot exist as ends in and of themselves, nor can abstract notions of mutual aid cannot be conceptualized as an end in itself. The explicit purpose of these institutions has to be to radicalize the masses through meeting their needs, and providing an infrastructure for a socialist movement to meet the needs of its members and the communities in which it operates. Revolutionary institutions that can provide food, housing, and other needs for a revolutionary movement will be crucial for building a base among the masses and for constructing the beginnings of a socialist infrastructure for when we eventually engage in revolutionary struggle. What I want to suggest here is that the production of food through dual power institutions should be a central project for this revolutionary movement. There are several reasons why I think this is the case. First, food production allows us to meet the most immanent needs of the masses. The US is plagued by food deserts which deprive huge portions of the population access to fresh food. Poverty exacerbates this further, and the devastating effects of lack of access of healthy food due to poverty are well documented. This is an urgent need that socialists can meet in order to demonstrate to the masses that it is socialists who can serve them where the capitalist state has failed. Second, food production is a major contributor to climate change. Large-scale meat production produces massive amounts of greenhouse gas, and the transportation of food from rule agricultural areas to urban populations centers is a major contributor as well. Urban agricultural projects and the development of sustainable permaculture are not sufficient to fix these problems, as they are not able to overthrow the capitalist system of agricultural production. However, paired with a broader revolutionary movement, these projects allow us to undertake scientific experimentation with meeting food needs, in order to test and demonstrate the effectiveness of alternative food production methods that can eventually replace the current unsustainable capitalist model. After all, if our revolution cannot replace unsustainable production models, we will not be able to resolve climate change any better than the capitalists. Given these considerations, I think it is crucial that the revolutionary socialist movement begin to investigate and develop food production strategies that are part of a broader dual power project. If we hold that revolution is the only way to resolve climate crisis within the next twelve years, we need to have tested, demonstrably superior methods of food production ready to go. A revolutionary movement which cannot demonstrate an ability to meet the needs of the masses does not deserve their support, and food production is a crucial need. I am incapable of providing a comprehensive strategy here, I want to look at the ongoing organopónicos in Cuba, in order to demonstrate that the successes of Cuban urban agriculture can be of great a source of insight and strategy for our dual power projects. Learning from Cuba: Organopónicos Thankfully, we do not have to start from scratch when developing food production strategies. The development of urban agriculture in Cuba provides some important insights that can inform our own projects. In the 1990s, the collapse of the Soviet Union had a devastating effect on Cuba. The loss of a major trade partner paired with an ongoing imperialist embargo forced the Cuban state to pursue experimental solutions to food shortages. The loss of trade not only produced a food shortage but also ended import of agricultural machinery and pesticides needed for large-scale industrial farming. Access to gasoline also diminished, forcing the Cuban state to prioritize urban agriculture which did not need to be transported long distances. This crisis led to Cuba, almost incidentally, developing a sustainable and ecologically-oriented project of urban agriculture. Over the course of many years, this led to a system of civilian controlled organopónicos. This system of urban gardens, run by community members, has since grown to significant proportions. By 2003, Havana produced 90% of the fresh produce within the city because of the success of the organopónicos, largely without pesticides and with minimal fossil fuel expenditure for transportation. That same year, the Cuban Ministry of Agriculture reported a 50% decrease in fossil fuel usage. The system is made up of a variety of institutions, from state owned and operated plots, to cooperatively purchased and maintained gardens. In total, 87,000 acres of land are now being used for urban agriculture in Havana. Although the organopónicos are largely run by communities themselves, they receive support and funding from the Cuban state. For an incredibly in-depth analysis of the organopónico system, I highly recommend this impressively thorough report from Monthly Review. We must now ask: how might the development of the organopónico system inform dual power projects today? First, it is worth noting that the system cannot be directly copied and pasted into urban centers within the US. Subsidies from the Cuban state are crucial to maintaining the system at such a large-scale. Any projects undertaken in a dual power context will necessarily be smaller, due purely to funding for land acquisition. One other complication is that the population of US urban centers is largely unfamiliar with agriculture, a problem that was not so serious in Cuba. As such, application of lessons learned from the organopónico system will require socialist organizations in the US to develop agricultural education alongside actual food production. Despite these differences, the organopónico system proves that socialist approaches to food production are viable, and more importantly, environmentally sustainable. Not only has the socialist Cuban state found a way for its urban centers to collectively produce much of their food, it has done so without using environmentally destructive pesticides, and while driving down fuel consumption by a huge margin. There is more learning and experimenting to be done, as organopónicos do not yet provide complete self-sustenance for the cities in which they exist, but they demonstrate that socialist solutions can move us in that direction. For socialists in the US who are invested in dual power, the organopónico system ought to inspire us to begin our own collective production of food. For those who can acquire access to land in urban areas, it is possible to begin to develop small-scale projects integrating the lessons learned from the organopónico system. This not only allows us to combat the effects of food deserts by producing fresh produce within those deserts themselves but allows us to begin to further investigate and experiment with agricultural models that can be scaled up in a revolutionary socialist society to meet the needs of the populace. For those who cannot access sizable plots of land, small-scale permaculture can still be developed in yards, with windowsill gardens, and with public gardening spaces. The development of permaculture skills should be prioritized even if it can only occur at a small-scale. We must take a scientific, not a utopian, approach to socialism, and that means beginning to experiment and develop socialist infrastructure here and now. A climate catastrophe is on the horizon now. Even if we manage to achieve the revolutionary overthrow of capitalism within the twelve-year window, we will still see many devastating effects of climate change. Unfortunately, it is likely that global capitalism will survive much longer than twelve more years, so learning how to meet needs in a state of crisis will be crucial for socialist projects of the future. We will be forced to begin developing socialist projects in less than ideal conditions. As such, the lessons learned from organopónicos are of extra importance. Cuba’s urban agriculture is a product of crisis and demonstrates that even under conditions of intense crisis, socialist states can create solutions to meet the needs of the masses. I have not offered a particularly thorough investigation into the organopónico system in this article. For that, I really do recommend the Monthly Review piece linked above. Regardless, I hope that I have demonstrated that climate change poses a serious challenge for socialist organizing. It creates an intense urgency and requires us to develop strategies which can respond to horrific instances of crisis. I truly believe that dual power remains the best strategy for responding climate change, but it must be scientifically informed, and capable of actually providing sustainable socialist alternatives. We should be grateful for the Cuba’s experiments with organopónicos, and should commit to investigation and study of their experiments in order to inform our own projects. We are running out of time to act, and the stakes have never been higher.

#### Our interpretation is that educational spaces should be about political orientations. Any other knowledge is depoliticizing and precludes revolution. We must teach the students to overcome bourgeois consciousness—Divorce learning from its applicability into economic productivity and criticize the aff’s starting point.

Starr 79 (John Bryan, John Bryan Starr has written extensively on China, including Ideology and Culture and Continuing the Revolution. He has taught at the Universities of Yale, California and Dartmouth and was president of both the Yale China Association and the China Institute. | Continuing the Revolution: The Political Thought of Mao, Published 1979.)//tbrooks //LK [RCT 12/17/19]

Mao's first recorded thoughts on the reform of the Chinese education system are found in an article written in 1917 on the subject of physical education. There he saw three aspects to the process of education: the moral, the intellectual, and the physical. He berated the existing school system particularly for its failure to attend to the third of these aspects, arguing that China needed a strong population to salvage itself from its weak position in the world, and that, as they were then constituted, the schools not only failed to contribute to the physical well-being of their students, but they actually undermined that well-being by the demands they placed on the students in their academic work.49 In setting up a university in Yan'an for workers and peasants who had joined the Red Army, Mao enunciated anew his principles of the purpose of an education system: it must instill a correct political orientation, give the students the experience of hard work, and insure their integration with the masses of workers and peasants.50 He elaborated on these principles two decades later in setting forth a series of "principles of educating youth": 1. Teach them to grasp Marxism-Leninism and to overcome petty-bourgeois consciousness. 2. Teach them to have discipline and organization and to oppose anarchism and libertarianism in organization. 3. Teach them to penetrate resolutely into the lower levels of practical work and to oppose looking down on practical experience. 4. Teach them to become close to the workers and peasants, to serve them resolutely, and to oppose the consciousness of looking down on workers and peasants.51 The revolution that sought to break down the existing, institutionalized education system and to reestablish these pedagogical principles touched upon every aspect of the education system: curriculum, faculty, students, and the management of the schools.52 The impulse toward deinstitutionalization was especially clear in Mao's proposals for reform of the curriculum. Courses, he argued, should be made relevant to the practical tasks facing the society as a whole. To insure this relevance, work and study should be combined either by relocating the school in a factory or other workplace, or by constructing productive workshops as adjuncts to the schools.53 Once students have completed their schooling, they should be encouraged, through a regular system of downward transfer (xiaxiang) to apply their newly acquired skills where they are most needed.54 Instructors should themselves take part in practical work at the basic level,55 and should be assisted in the classroom by teams of workers, peasants, and soldiers in order to insure that their instruction remains relevant and politically correct.56 Students are to be recruited from among workers and peasants with practical experience, to avoid the development and perpetuation within the education system of a protoclass consisting of the children of the well-educated and well-placed.57 Finally, pursuant to the principle of self-reliance and in furtherance of the goal of deinstitutionalization, schools should be locally, rather than centrally, managed wherever possible.58 The institutionalization of education—its exclusive relegation to the classroom and its control by professional educators and administrators—was thus opposed by Mao on three analytically distinguishable but related grounds. First, he believed that the institutionalization of education depoliticizes the learning process, whereas he saw the linking of the inculcation of information and skills to the conveying of political principles, techniques, and values as being the only means of resolving the contradiction between red and expert in the political system. Second, the confinement of education to the classroom results, he argued, in a kind of learning that is irremediably divorced from its practical applicability—an outcome that not only causes an estrangement of the education system from the process of economic development, but, more fundamentally, conveys to the student a mistaken sense of the relationship between theory and practice. Finally, the institutionalization of education places, for instructional purposes, the least corrupted members of the society in the hands of the most easily corruptible, hardly a situation designed to solve the problem of embourgeoisement in a socialist society.

# CP – Consult WHO

#### Counterplan Text – Member states of the World Trade Organization ought to consult the World Health Organization on whether or not to [do the Plan]. The World Health Organization ought to publicly declare that their decision on [the Plan] will represent their future decisions on all intellectual property protections on medicines.

#### The Plan’s unilateral action by the WTO on medical IP undermines WHO legitimacy – forcing a perception of WHO action against Patents is key to re-assert it – they say yes.

Rimmer 4, Matthew. "The race to patent the SARS virus: the TRIPS agreement and access to essential medicines." Melbourne Journal of International Law 5.2 (2004): 335-374.

<https://law.unimelb.edu.au/__data/assets/pdf_file/0007/1681117/Rimmer.pdf> (BA (Hons), LLB (Hons) (Australian National University), PhD (New South Wales); Lecturer at ACIPA, the Faculty of Law, The Australian National University)//SidK + Elmer

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

#### WHO says yes – it supports increasing the availability of generics and limiting TRIPS

Hoen 03 [(Ellen T., researcher at the University Medical Centre at the University of Groningen, The Netherlands who has been listed as one of the 50 most influential people in intellectual property by the journal Managing Intellectual Property, PhD from the University of Groningen) “TRIPS, Pharmaceutical Patents and Access to Essential Medicines: Seattle, Doha and Beyond,” Chicago Journal of International Law, 2003] JL

However, subsequent resolutions of the World Health Assembly have strengthened the WHO’s mandate in the trade arena. In 2001, the World Health Assembly adopted two resolutions in particular that had a bearing on the debate over TRIPS [30]. The resolutions addressed:

– the need to strengthen policies to increase the availability of generic drugs;

– and the need to evaluate the impact of TRIPS on access to drugs, local manufacturing capacity, and the development of new drugs

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

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

Members want the WHO to exert leadership, harmonize disparate activities, and set priorities. Yet they resist intrusions into their sovereignty, and want to exert control. In other words, ‘everyone desires coordination, but no one wants to be coordinated.’ States often ardently defend their geostrategic interests. As the Indonesian virus-sharing episode illustrates, the WHO is pulled between power blocs, with North America and Europe (the primary funders) on one side and emerging economies such as Brazil, China, and India on the other. An inherent tension exists between richer ‘net contributor’ states and poorer ‘net recipient’ states, with the former seeking smaller WHO budgets and the latter larger budgets.

Overall, national politics drive self-interest, with states resisting externally imposed obligations for funding and action. Some political leaders express antipathy to, even distrust of, UN institutions, viewing them as bureaucratic and inefficient. In this political environment, it is unsurprising that members fail to act as shareholders. Ebola placed into stark relief the failure of the international community to increase capacities as required by the IHR. Guinea, Liberia and Sierra Leone had some of the world's weakest health systems, with little capacity to either monitor or respond to the Ebola epidemic.20 This caused enormous suffering in West Africa and placed countries throughout the region e and the world e at risk. Member states should recognize that the health of their citizens depends on strengthening others' capacity. The WHO has a central role in creating systems to facilitate and encourage such cooperation.

The WHO cannot succeed unless members act as shareholders, foregoing a measure of sovereignty for the global common good. It is in all states' interests to have a strong global health leader, safeguarding health security, building health systems, and reducing health inequalities. But that will not happen unless members fund the Organization generously, grant it authority and flexibility, and hold it accountable.

#### WHO diplomacy solves great power conflict

Murphy 20 [(Chris, U.S. senator from Connecticut serving on the U.S. Senate Foreign Relations Committee) “The Answer is to Empower, Not Attack, the World Health Organization,” War on the Rocks, 4/21/2020] JL

The World Health Organization is critical to stopping disease outbreaks and strengthening public health systems in developing countries, where COVID-19 is starting to appear. Yemen announced its first infection earlier this month, and other countries in Africa, Asia and the Middle East are at severe risk. Millions of refugees rely on the World Health Organization for their health care, and millions of children rely on the WHO and UNICEF to access vaccines.

The World Health Organization is not perfect, but its team of doctors and public health experts have had major successes. Their most impressive claim to fame is the eradication of smallpox – no small feat. More recently, the World Health Organization has led an effort to rid the world of two of the three strains of polio, and they are close to completing the trifecta.

These investments are not just the right thing to do; they benefit the United States. Improving health outcomes abroad provides greater political and economic stability, increasing demand for U.S. exports. And, as we are all learning now, it is in America’s national security interest for countries to effectively detect and respond to potential pandemics before they reach our shores.

As the United States looks to develop a new global system of pandemic prevention, there is absolutely no way to do that job without the World Health Organization. Uniquely, it puts traditional adversaries – like Russia and the United States, India and Pakistan, or Iran and Saudi Arabia – all around the same big table to take on global health challenges. It has relationships with the public health leaders of every nation, decades of experience in tackling viruses and diseases, and the ability to bring countries together to tackle big projects. This ability to bridge divides and work across borders cannot be torn down and recreated – not in today’s environment of major power competition – and so there is simply no way to build an effective international anti-pandemic infrastructure without the World Health Organization at the center.

## Framing --- Util

#### The standard is maximizing expecting well being.

#### 1] Util is a lexical pre-requisite to any other framework: Threats to life preclude the ability for moral actors to effectively utilize and act upon other moral theories since they are in a constant state of crisis – that inhibits the ideal moral conditions which other theories presuppose.

#### 2] Extinction matters under any framework:

#### ---A] It precludes the possibility of any kind of moral value – we can’t confer value onto anything if we’re not alive.

#### ---B] Future generations means infinite magnitude – we have to look towards future lives too