### 1

#### CP: The Member states of the world trade organization should abolish the institution

**WTO as an institutional is unethical and perpetuates unfettered colonialism violence and capitalist exploitation**

**Godrej 20**

(Dinyar, Co-editor @ New Internationalist, 4-20, https://newint.org/features/2020/02/10/brief-history-impoverishment)

For countries that were undergoing economic ravishment by structural adjustment, the 1990s brought new **torments in the form of the World Trade Organization** (WTO), a club dominated by rich nations. In the name of creating a ‘level playing field’, the WTO required poorer countries to sign up to an all-or-nothing, binding set of rules, which removed protections for domestic industries and allowed foreign capital unhindered access. This **was strongly prejudicial to the interests of local industries**, which were not in a position to withstand foreign competition. Influence within the WTO is weighted by the size of a nation’s economy – thus **even if all poorer nations joined forces** to demand policy changes **they would still not have a chance** against wealthy nations. This trade injustice has drawn widespread protests and pressure for the WTO to reform. Meanwhile, wealthy nations are increasingly going down the route of bilateral Free Trade Agreements (FTAs). Usually negotiated in secret, the interests of their corporations are paramount in FTAs and include the ability to sue states for eye-watering sums (should they, for example, want to terminate a contract or nationalize an industry) with no provision for states to do the same. Such instruments are working to create a utopia for transnational corporations, creating a business-friendly climate, which translates as the **demolition of labour protection, tax cuts for the wealthiest and a supine regulatory environment**. Tax havens operated by the richest countries are home to huge sums of illicit wealth draining out of some of the poorest. Today, due to how the global economy has been engineered, **for every dollar of aid sent to poorer countries, they lose 10 times as much in outflows** – **and that’s before one counts their losses through unfair trade rules and underpaid labour**. Foreign investors take nearly $500 billion a year in profits from the Global South, and trade-power imbalances cost poorer nations $700 billion a year in lost export revenue. 7 CONCENTRATION In the 21st century wealth increasingly flows through corporate hands towards a small super-elite. In a trend that began in the 1990s, the lion’s share of equity value is being realized through squeezing workers: the classification ‘working poor’ so familiar in the Global South is now increasingly also being used in the wealthy North, where neoliberal capitalism is leading inevitably to wage erosion and work precarity, coupled with the withdrawal of state support. Inequality is rising dramatically. In 2018 the richest 26 people owned wealth equivalent to the poorest half of the world’s population. And their wealth was increasing at the rate of $2.5 billion a day. Meanwhile 3.4 billion people – nearly half the world – were living on less than $5.50 a day.

### 2

#### The affirmative is a futile compromise in the battlefield of capitalism. Even softening ip protections will not resolve contradictions and inequalities in society but only preserve laborers needed for the capitalist economy to function.

Rikowski 2006 (“A Marxist Analyhsis of the World Trade Organization’s Agreement on Trade-Related Aspects of Intellectual Property Rights.” By Ruthe Rikowski (Lecturer at London South Bank University. Senior Edoitor for Chandos Information Processional Series, and author of multiple books and journal articles.) Volume 4, Number 4 2006 of Policy Futures in Education. <https://journals.sagepub.com/doi/pdf/10.2304/pfie.2006.4.4.396>) 0:24

Fundamentally, it will be impossible to implement TRIPS 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.

#### International Law’s foundation to preserve human rights and freedoms of all people have been twisted and turned to be used as another tool within the neoliberal regime to conquer and feed the military war machine while creating more human rights violations along the way.

Heuer and Schirmer 98 **(**“Human Rights Imperialism” by Uwe-Jens Heuer (member of the dem soc budestag group on questions of law and justice) and Dr Gregor Schirmer (assistant to heuer) Monthly Review March 1, 1998. Accessed 12-17-2012. [https://monthlyreview.org/1998/03/01/human-rights-imperialism**/**](https://monthlyreview.org/1998/03/01/human-rights-imperialism/)**) 0:25**

Human rights were embodied in international law for the first time half a century ago. According to the United Nations Charter, one of the goals of the organization is international cooperation “to advance and strengthen the respect of human rights and basic freedoms for all people, regardless of race, sex, language and religion.” The thirty articles of the Universal Declaration of Human Rights of 1948 set out in detail the UN Charter’s goal of international cooperation for the advancement of human rights and basic freedoms. The Convention on Prevention and Prosecution of Genocide of the same year is a great advance and landmark in the body of international law, binding on the states that have ratified it. These two achievements, which came at the very moment of the inception of the cold war, were due to the continuing democratic-antifascist impetus of the struggle and victory of the Anti-Hitler coalition in the Second World War. In the verdicts at Nuremberg the Nazi leaders were not only convicted of war crimes but also of crimes against humankind. The recognition of human rights in international law is thus a lasting triumph of the great antifascist coalition that split apart with the start of the cold war. But in its aspect as ideology (as opposed to its aspect as an element of international law), “human rights” became an effective weapon of the cold war and remains a heavily used propaganda tool of the new neoliberal global regime. It is on this distinction between human rights in international law and in (neo-imperial) ideology that we focus here.

The next great advance after 1948 came with the adoption of the two International Covenants, on Civil and Political Rights, and on Economic, Social and Cultural Rights, in 1966. These treaties are legally binding, but there is only an extremely weak mechanism for their implementation. The explicit inclusion of economic, social, and cultural rights as human rights within the scope of international law was a major accomplishment. It stands today as a reproach to orthodox neoliberal ideology, although it is characteristic that social rights are formulated as general goals to be gradually reached. These treaties were made in the context of that advance in human freedoms marked by the breakdown of the colonial system and the growth of the liberation movements. The primary international political actors have not been quick to ratify these treaties, which first took effect in 1976. The United States first joined the treaty on political rights in 1992, and still does not adhere to the treaty on social rights.

The human rights established in these and other universal and regional agreements are certainly not the *ne plus ultra* of the legal regulation of the development of human emancipation. But the world would certainly look completely different and much more just, were human rights to be realized like those recognized in Article 11 of the Covenant on Economic, Social and Cultural Rights (including the rights to food, clothing, shelter, and improvement of the conditions of life).

**II**

But the reality is different. In all parts of the world human rights were and are negated and trampled upon daily. One cause of the failure of the socialist states in Europe was the disregard of, and injury to, human rights. Today the countries which purport to be defenders of human rights, including Germany and the United States, disregard human rights in their own territories. In Germany there are continuous multiple violations of the human rights of non-EU foreign residents and of citizens of the former GDR. Hunger and poverty in the third world are denials of elementary human rights. In Rwanda, inhumane conditions degenerated into genocide.

In the case of grave injury to human rights, it seems clear that states should not remain passive in the name of non-intervention in the domestic affairs of another country. But this is just one side of the story. The other side is that the question of human rights was abused by the United States and NATO as a tool aimed at the destruction of what had been achieved in the socialist countries, is still abused as a vehicle for the assertion of hegemonic interests against the independence of states of the third world, and is ever more frequently accompanied by the use of military power. This is a dangerous development which can properly be designated human rights imperialism.

Henry Kissinger argued in his book, *The Reason of Nations*, that where Nixon, Ford, and Carter had found “human rights” to be useful in their political language, Reagan and his advisors went further and put “human rights” into the toolbox to be actively used in the destruction of “communism” and the “democratization” of the Soviet Union. How the ideology of “human rights” was used to deprive hundreds of millions of people of their social and economic rights requires more attention than it has so far received.

#### Capitalism created international law to spread capitalism. Any agreements on an international level by countries comes with it expanding their interest to other parties yet large power players can disregard those same laws as there is an unequal relationship between states, altering how institutional organizations function

Chimni 17 (“Towards an Integrated Marxist Approach to International Law (IMAIL) In International Law and World Order: A Critique of Contemporary Approaches (pp. 440-550). by B.S. Chimni (Legal scholar, Distinguished Professor of International Law at Jindal Global Law School and served on the Academic Advisory Committee of the Office of the United Nations High Commissioner for Refugees from 96-00) ambridge: Cambridge University Press. doi:10.1017/9781107588196.009) 0:43

First, he noted that ‘the spread and development of international law occurred on the basis of the spread and development of the capitalist mode of production’. 109 That is to say, ‘the victory of the bourgeoisie, in all the European countries, had to lead to the establishment of new rules and new institutions of international law which protected the general and basic interests of the bourgeoisie, i.e., bourgeois property’. 110 But Pashukanis recognized that while ‘as a separate force which set itself off from society, the state only finally emerged in the modern capitalist bourgeois period’ it by no means followed that ‘the contemporary forms of international legal intercourse, and the individual institutions of international law, only arose in the most recent times’. 111 Since exchange relations existed among tribes and communities, international law was prevalent among the earliest ancient legal institutions that existed. In this period international law helped resolve disputes, including territorial disputes, between tribes. 112 In these contexts Pashukanis went on to touch upon developments in Greek and Roman law. 113 However, he emphasized that it is only in the capitalist period ‘having subordinated itself to the state machine, the bourgeoisie brought the principle of the public nature of authority to its clearest expression’, and therefore ‘the state only fully becomes the subject of international law as the bourgeois state ’. 114 In the same way as an individual assumed the quality of a legal subject only under capitalism, the state becomes the subject of international law only as a capitalist state.

Second, responding to the eternal question as to whether international law is law, Pashukanis noted that ‘bourgeois jurisprudence has devoted a great amount of fruitless effort in solving this contradiction’. 115 According to Pashukanis, the answer to the question whether international law is law lies in – here he anticipates classical realists like Hans Morgenthau – ‘the real balance of forces’ between bourgeois states. 116 He, of course, recognized that ‘within the limit set by a given balance of forces, separate questions may be decided by compromises and by exchange i.e., on the basis of law’. 117 But international law was likely to be disregarded when the interests of a state so demanded. 118 This was especially so in periods of crisis when the balance of forces ‘fluctuated seriously’ and when ‘vital interests’ or the ‘very existence of a state’ was threatened. 119 Pashukanis mentioned in this regard the period of 1914– 1918  ‘during which both sides continuously violated international law’. 120 However, he went on to make the acute observation that ‘every state in violating international law also tries to depict the matter as if there has been no violation whatsoever’. 121 The reason is that ‘the open denial of international law is politically unprofitable for the bourgeoisie since it exposes them to the masses and thus hinders preparations for new wars. It is much more profitable for the imperialists to act in the guise of pacifism and as the champions of international law’. 122

Third, Pashukanis rejected technical definitions of international law advanced by bourgeois international lawyers from which ‘the class character of international law’ was absent. 123 In his view, ‘bourgeois jurisprudence consciously or unconsciously strives to conceal the element of class’. 124 On his part he noted the links between capitalism and imperialism, and inter- imperialist competition, and observed that the capitalist countries divided the world into civilized and semi- civilized revealing ‘modern international law as the class law of the bourgeoisie ’. 125 According to Pashukanis, international law of his times was ‘the totality of norms which the capitalist bourgeois states apply in their relations with each other, while the remainder of the world is considered as a simple object of their completed transactions’. 126 Pashukanis was certainly right as ‘the real historical content of international law’ in this period was ‘the struggle between capitalist states’. 127 In fact international law owed ‘its existence to the fact that the bourgeoisie exercise(d) its domination over the proletariat and over the colonial countries’. 128 It was therefore indeed the class law of the bourgeoisie.

Fourth, he noted with respect to the assertion of basic or equal rights of states under international law that ‘it is most obvious that we are dealing here with ideas drawn from the sphere of civil law relationships with a basis in equality between the parties’. 129 He conceded that ‘to a certain degree the analogy may be extended. Bourgeois private law assumes that subjects are formally equal yet simultaneously permits real inequality in property, while bourgeois international law in principle recognizes that states have equal rights yet in reality they are unequal in their signifi-cance and their power’. 130 Therefore, at the level of political economy there was only ‘a difference in degree’ between domestic law and international law. 131 But he also went on to observe that the ‘dubious benefits of formal equality are not enjoyed at all by those nations which have not developed capitalist civilization and which engage in international intercourse not as subjects, but as objects of the imperialist states’ colonial policy’. 132 In other words, he recognized that in the instance of colonized states the analogy between domestic law and international law collapsed.

Fifth, he criticized Marxist scholars such as Karl Renner for stressing the ‘peaceful functions of international law’. 133 Pashukanis pointed out that ‘even those agreements between capitalist states which appear to be directed to the general interest are, in fact, for each of the participants a means of jealously protecting their particular interests, preventing the expansion of their rivals’ influence, thwarting unilateral conquest, i.e., in another form continuing the same struggle which will exist for as long as capitalist competition exists’. 134 He extended this logic to international organizations and wrote that ‘the struggle among imperialist states for domination of the rest of the world is thus a basic factor in defining the nature and fate of the corresponding institutions’. 135

#### Cap causes extinction – nuclear war, environmental destruction, and social inequality. The collapse will come by 2050 and cause extinction absent radical recalibration.

Streeck 16.(Wolfgang, Emeritus Director of the Max-Planck-Institute for the Study of Societies, Cologne, *How Will Capitalism End?: Essays on a Failing System*, p. 1-15)

Capitalism has always been an improbable social formation, full of conflicts and contradictions, therefore **permanently unstable** and in flux, and highly conditional on historically contingent and precarious supportive as well as constraining events and institutions. Capitalist society may be described in shorthand as a 'progressive' society in the sense of Adam Smith 1 and the enlightenment, a society that has coupled its 'progress' to the continuous and unlimited production and accumulation of productive capital, effected through a conversion, by means of the invisible hand of the market and the visible hand of the state, of the private vice of material greed into a public benefit.' Capitalism promises **infinite growth** of commodified material wealth in a finite world, by conjoining itself with modern science and technology, making capitalist society the first industrial society, and through unending expansion of free, in the sense of contestable, risky markets, on the coat-tails of a hegemonic carrier state and its market -opening policies both domestically and internationally. 3 As a version of industrial society, capitalist society is distinguished by the fact that its collective productive capital is accumulated in the hands of a minority of its members who enjoy the legal privilege, in the form of rights of private property, to dispose of such capital in any way they see fit, including letting it sit idle or transferring it abroad. One implication of this is that the vast majority of the members of a capitalist society must work under the direction, however mediated, of the private owners of the tools they need to provide for themselves, and on terms set by those owners in line with their desire to maximize the rate of increase of their capital. Motivating non-owners to do so- to work hard and diligently in the interest of the owners - requires artful devices - sticks and carrots of the most diverse sorts that are never certain to function - that have to be continuously reinvented as capitalist progress continuously renders them obsolescent. The tensions and contradictions within the capitalist political-economic configuration make for an ever-present possibility of structural breakdown and social crisis. Economic and social stability under modern capitalism must be secured on a background of systemic restlessness4 produced by competition and expansion, a difficult balancing act with a constantly uncertain outcome. Its success is contingent on, among other things, the timely appearance of a new technological paradigm or the development of social needs and values complementing changing requirements of continued economic growth. For example, for the vast majority of its members, a capitalist society must manage to convert their ever-present fear of being cut out of the productive process, because of economic or technological restructuring, into acceptance of the highly unequal distribution of wealth and power generated by the capitalist economy and a belief in the legitimacy of capitalism as a social order. For this, highly complicated and inevitably fragile institutional and ideological provisions arc necessary. The same holds true for the conversion of insecure workers - kept insecure to make them obedient workers - into confident consumers happily discharging their consumerist social obligations even in the face of the fundamental uncertainty oflabour markets and employment.' In light of the inherent instability of modern societies founded upon and dynamically shaped by a capitalist economy, it is small wonder that theories of capitalism, from the time the concept was first used in the early 1800s in Germany" and the mid-1800s in England/ were always also theories of crisis. This holds not just for Marx and Engels but also for writers like Ricardo, Mill, Sombart, Keynes, Hilferding, Polanyi and Schumpeter, all of whom expected one way or other to see the end of capitalism during their lifetime." What kind of crisis was expected to finish capitalism off differed with time and authors' theoretical priors; structuralist theories of death by overproduction or underconsumption, or by a tendency of the rate of profit to fall (Marx), coexisted with predictions of saturation of needs and markets (Keynes), of rising resistance to further commodification oflife and society (Polanyi), of exhaustion of new land and new labour available for colonization in a literal as well as figurative sense (Luxemburg), of technological stagnation (Kondratieff), financial-political organization of monopolistic corporations suspending liberal markets (Hilferding), bureaucratic suppression of entrepreneurialism aided by a worldwide trahison des clercs (Weber, Schumpeter, Hayek) etc., etc." While none of these theories came true as imagined, most of them were not entirely false either. In fact, the history of modern capitalism can be written as a succession of crises that capitalism survived only at the price of deep transformations of its economic and social institutions, saving it from bankruptcy in unforeseeable and often unintended ways. Seen this way, that the capitalist order still exists may well appear less impressive than that it existed so often on the brink of collapse and had continuously to change, frequently depending on contingent exogenous supports that it was unable to mobilize endogenously. The fact **that capitalism has**, until now, **managed to outlive all predictions of its impending death, need not mean that it will forever be able to do so**; there is no inductive proof here, and we cannot rule out the possibility that, **next time**, whatever cavalry capitalism may require for its rescue may fail to show up. A short recapitulation of the history of modern capitalism serves to illustrate this point. 10 Liberal capitalism in the nineteenth century was confronted by a revolutionary labour movement that needed to be politically tamed by a complex combination of repression and co-optation, including democratic power sharing and social reform. In the early twentieth century, capitalism was commandeered to serve national interests in international wars, thereby converting it into a public utility under the planning regimes of a new war economy, as private property and the invisible hand of the market seemed insufficient for the provision of the collective capacities countries needed to prevail in international hostilities. After the First World War, restoration of a liberal-capitalist economy failed to produce a viable social order and had to give way in large parts of the industrial world to either Communism or Fascism, while in the core countries of what was to become 'the West' liberal capitalism was gradually succeeded, in the aftermath of the Great Depression, by Keynesian, state-administered capitalism. Out of this grew the democratic welfare-state capitalism of the three post-war decades, with hindsight the only period in which economic growth and social and political stability, achieved through democracy, coexisted under capitalism, at least in the OECD world where capitalism came to be awarded the epithet, 'advanced'. In the 1970s, however, what had with hindsight been called the 'post-war settlement' of social-democratic capitalism began to disintegrate, gradually and imperceptibly at first but increasingly punctuated by successive, ever more severe crises of both the capitalist economy and the social and political institutions embedding, that is, supporting as well as containing it. This was the period of both intensifying crisis and deep transformation when 'late capitalism', as impressively described by Werner Sombart in the 1920s, 11 gave way to neoliberalism. Crisis Theory Redux Today, after the watershed of the financial crisis of 2008, critical and indeed crisis-theoretical reflection on the prospects of capitalism and its society is again en vogue. Does Capitalism Have a Future? is the title of a book published in 2013 by five outstanding social scientists: Immanuel Wallerstein, Randall Collins, Michael Mann, Georgi Derluguian and Craig Calhoun. Apart from the introduction and the conclusion, which are collectively authored, the contributors present their views in separate chapters, and this could not be otherwise since they differ widely. Still, all five share the conviction that, as they state in the introduction, 'something big looms on the horizon: a structural crisis much bigger than the recent Great Recession, which might in retrospect seem only a prologue to a period of deeper troubles and transformations: 12 On what is causing this crisis, however, and how it will end, there is substantial disagreement- which, with authors of this calibre, may be taken as a sign of the multiple uncertainties and possibilities inherent in the present condition of the capitalist political economy. To give an impression of how leading theorists may differ when trying to imagine the future of capitalism today, I will at some length review the prospects and predictions put forward in the book. A comparatively conventional crisis theory is probably the one offered by Wallerstein (pp. 9-35), who locates contemporary capitalism at the bottom of a Kondratieff cycle (Kondratieff B) with no prospect of a new (Kondratieff A) upturn. This is said to be due to a 'structural crisis' that began in the 1970s, as a result of which 'capitalists may no longer find capitalism rewarding'. Two broad causes are given, one a set of long-term trends 'ending the endless accumulation of capital', the other the demise, after the 'world revolution of 1968', of the 'dominance of centrist liberals of the geoculture' (p. 21 ). Structural trends include the exhaustion of virgin lands and the resulting necessity of environmental repair work, growing resource shortages, and the increasing need for public infrastructure. All of this costs money, and so does the pacification of a proliferating mass of discontented workers and the unemployed. Concerning global hegemony, Wallerstein points to what he considers the final decline of the U.S.-centred world order, in military and economic as well as ideological terms. Rising costs of doing business combine with global disorder to make restoration of a stable capitalist world system impossible. Instead Wallerstein foresees 'an ever-tighter gridlock of the system. Gridlock will in turn result in ever-wilder fluctuations, and will consequently make short-term predictions - both economic and political - ever more unreliable. And this in turn will aggravate ... popular fears and alienation. It is a negative cycle' (p. 32). For the near future Wallerstein expects a global political confrontation between defenders and opponents of the capitalist order, in his suggestive terms: between the forces of Davos and of Porto Alegre. Their final battle 'about the successor system' (p. 35) is currently fomenting. Its outcome, according to Wallerstein, is unpredictable, although 'we can feel sure that one side or the other will win out in the coming decades, and a new reasonably stable world-system (or set of world-systems) will be established: Much less pessimistic, or less optimistic from the perspective of those who would like to see capitalism dose down, is Craig Calhoun, who finds prospects of reform and renewal in what he, too, considers a deep and potentially final crisis (pp. 131-61). Calhoun assumes that there is still time for political intervention to save capitalism, as there was in the past, perhaps with the help of a 'sufficiently enlightened faction of capitalists' (p. 2). But he also believes 'a centralized socialist economy' to be possible, and even more so 'Chinese-style state capitalism': 'Markets can exist in the future even while specifically capitalist modes of property and finance have declined' (p. 3). Far more than Wallerstein, Calhoun is reluctant when it comes to prediction (for a summary of his view see pp. 158-61 ). His chapter offers a list of internal contradictions and possible external disruptions threatening the stability of capitalism, and points out a wide range of alternative outcomes. Like Wallerstein, Calhoun attributes particular significance to the international system, where he anticipates the emergence of a plurality of more or less capitalist political-economic regimes, with the attendant problems and pitfalls of coordination and competition. While he does not rule out a 'large-scale, more or less simultaneous collapse of capitalist markets ... not only bringing economic upheaval but also upending political and social institutions' (p. 161), Calhoun believes in the possibility of states, corporations and social movements re-establishing effective governance for a transformative renewal of capitalism. To quote, The capitalist order is a very large-scale, highly complex system. The events of the last forty years have deeply disrupted the institutions that kept capitalism relatively well organized through the postwar period. Efforts to repair or replace these will change the system, just as new technologies and new business and financial practices may. Even a successful renewal of capitalism will transform it ... The question is whether change will be adequate to manage systemic risks and fend off external threats. And if not, will there be widespread devastation before a new order emerges? (p. 161) Even more agnostic on the future of capitalism is Michael Mann ('The End May Be Nigh, But for Whom?: pp. 71-97). Mann begins by reminding his readers that in his 'general model of human society', he does 'not conceive of societies as systems but as multiple, overlapping networks of interaction, of which four networks - ideological, economic, military and political power relations - are the most important. Geopolitical relations can be added to the four .. : Mann continues: Each of these four or five sources of power may have an internal logic or tendency of development, so that it might be possible, for example, to identify tendencies toward equilibrium, cycles, or contradictions within capitalism, just as one might identify comparable tendencies within the other sources of social power. (p. 72) Interactions between the networks, Mann points out, are frequent but not systematic, meaning that 'once we admit the importance of such interactions we are into a more complex and uncertain world in which the development of capitalism, for example, is also influenced by ideologies, wars and states' (p. 73). Mann adds to this the possibility of uneven development across geographical space and the likelihood of irrational behaviour interfering with rational calculations of interest, even of the interest in survival. To demonstrate the importance of contingent events and of cycles other than those envisaged in the Wallerstein-Kondratieff model of history, Mann discusses the Great Depression of the 1930s and the Great Recession of 2008. He then proceeds to demonstrate how his approach speaks to the future, first of U.S. hegemony and second of 'capitalist markets'. As to the former, Mann (pp. 83-4) offers the standard list of American weaknesses, both domestic and international, from economic decline to political anomy to an increasingly less effective military- weaknesses that 'might bring America down' although 'we cannot know for sure: Even if U.S. hegemony were to end, however, 'this need not cause a systemic crisis of capitalism'. What may instead happen is a shift of economic power 'from the old West to the successfully developing Rest of the world, including most of Asia. This would result in a sharing of economic power between the United States, the European Union and (some of) the BRICS, as a consequence of which 'the capitalism of the medium term is likely to be more statist' (p. 86). Concerning 'capitalist markets' (pp. 86-7), Mann believes, pace Wallerstein, that there is still enough new land to conquer and enough demand to discover and invent, to allow for both extensive and intensive growth. Also, technological fixes may appear any time for all sorts of problems, and in any case it is the working class and revolutionary socialism, much more than capitalism, for which 'the end is nigh: In fact, if growth rates were to fall as predicted by some, the outcome might be a stable low-growth capitalism, with considerable ecological benefits. In this scenario, 'the future of the left is likely to be at most reformist social democracy or liberalism. Employers and workers will continue to struggle over the mundane injustices of capitalist employment [ ... ] and their likely outcome will be compromise and reform .. .' Still, Mann ends on a considerably less sanguine note, naming two big crises that he considers possible, and one of them probable - crises in which capitalism would go under although they would not be crises of capitalism, or of capitalism alone, since capitalism would only perish as a result of **the destruction of all human civilization**. One such scenario would be **nuclear war**, started by collective human irrationality, the other an ecological catastrophe resulting from 'escalating **climate change'**. In the latter case (pp. 93ff.), capitalism figures - together with the nation state and with 'citizen rights', defined as entitlements to unlimited consumption - as one of three 'triumphs of the modern period' that happen to be ecologically unsustainable. 'All three triumphs would have to be challenged for the sake of a rather abstract future, which is a very tall order, perhaps not achievable' (p. 95). While related to capitalism, ecological disaster would spring from 'a causal chain bigger than capitalism' (p. 97). However, 'policy decisions matter considerably', and 'humanity is in principle free to choose between better or worse future scenarios- and so ultimately the future is unpredictable' (p. 97). The most straightforward theory of capitalist crisis in the book is offered by Randall Collins (pp. 37-69) - a theory he correctly characterizes as a 'stripped-down version of (a] fundamental insight that Marx and Engels had formulated already in the 1840s' (p. 38). That insight, as adapted by Collins, is that capitalism is subject to 'a long-term structural weakness: namely 'the technological displacement of labor by machinery' (p. 37). Collins is entirely unapologetic for his strictly structuralist approach, even more structuralist than Wallerstein's, as well as his mono-factorial technological determinism. In fact, he is convinced that 'technological displacement of labor' will have finished capitalism, with or without revolutionary violence, **by the middle of this century** - earlier than it would be brought down by the, in principle, equally destructive and definitive ecological crisis, and more reliably than by comparatively difficult-to-predict financial bubbles. 'Stripped-down' Collins's late-Marxist structuralism is, among other things, because unlike Marx in his corresponding theorem of a secular decline of the rate of profit, Collins fails to hedge his prediction with a list of countervailing factors,' 3 as he believes capitalism to have run out of whatever saving graces may in the past have retarded its demise. Collins does allow for Mann's and Calhoun's non-Marxist, 'Weberian' influences on the course of history, but only as secondary forces modifying the way the fundamental structural trend that drives the history of capitalism from below will work itself out. Global unevenness of development, dimensions of conflict that are not capitalism-related, war and ecological pressures may or may not accelerate the crisis of the capitalist labour market and employment system; they cannot, however, suspend or avert it. What exactly does this crisis consist of? While labour has gradually been replaced by technology for the past two hundred years, with the rise of information technology and, in the very near future, artificial intelligence, that process is currently reaching its apogee, in at least two respects: first, it has vastly accelerated, and second, having in the second half of the twentieth century destroyed the manual working class, it is now attacking and about to destroy the middle class as well - in other words, the new petty bourgeoisie that is the very carrier of the neocapitalist and neoliberal lifestyle of 'hard work and hard play', of careerism-cum-consumerism, which, as will be discussed infra, may indeed be considered the indispensable cultural foundation of contemporary capitalism's society. What Collins sees coming is a rapid educational work by machinery intelligent enough even to design and create new, more advanced machinery. Electronicization will do to the middle class what mechanization has done to the working class, and it will do it much faster. The result will be **unemployment in the order of 50 to 70 per cent** by the middle of the century, hitting those who had hoped, by way of expensive education and disciplined job performance (in return for stagnant or declining wages), to escape the threat of redundancy attendant on the working classes. The benefits, meanwhile, will go to 'a tiny capitalist class of robot owners' who will become immeasurably rich. The drawback for them is, however, that they will increasingly find that their product 'cannot be sold because too few persons have enough income to buy it. Extrapolating this underlying tendency', Collins writes, 'Marx and Engels predicted the downfall of capitalism and its replacement with socialism' (p. 39), and this is what Collins also predicts. Collins's theory is most original where he undertakes to explain why technological displacement is only now about to finish capitalism when it had not succeeded in doing so in the past. Following in Marx's footsteps, he lists five 'escapes' that have hitherto saved capitalism from self-destruction, and then proceeds to show why they won't save it any more. They include the growth of new jobs and entire sectors compensating for employment losses caused by technological progress (employment in artificial intelligence will be miniscule, especially once robots begin to design and build other robots); the expansion of markets (which this time will primarily be labour markets in middle-class occupations, globally unified by information technology, enabling global competition among educated job seekers); the growth of finance, both as a source of income ('speculation') and as an industry (which cannot possibly balance the loss of employment caused by new technology, and of income caused by unemployment, also because computerization will make workers in large segments of the financial industry redundant); government employment replacing employment in the private sector (improbable because of the fiscal crisis of the state, and in any case requiring ultimately 'a revolutionary overturn of the property system' [p. 51]); and the use of education as a buffer to keep labour out of employment, making it a form of 'hidden Keynesian ism' while resulting in 'credential inflation' and 'grade inflation' (which for Collins is the path most probably taken, although ultimately it will prove equally futile as the others, as a result of demoralization within educational institutions and problems of financing, both public and private). **All five escapes closed**, there is no way society can prevent capitalism from causing accelerated displacement of labour and the attendant stark economic and social inequalities. Some sort of **socialism**, so Collins concludes, **will finally have to take capitalism's place**. What precisely it will look like, and what will come after socialism or with it, Collins leaves open, and he is equally agnostic on the exact mode of the transition. Revolutionary the change will be - but **whether it will be a violent social revolution** that will end capitalism or a **peaceful institutional revolution accomplished under political leadership** cannot be known beforehand. Heavy taxation of the super-rich for extended public employment or a guaranteed basic income for everyone, with equal distribution and strict rationing of very limited working hours by more or less dictatorial means a la Keynes' 4 - we are free to speculate on this as Collins's 'stripped-down Marxism' does not generate predictions as to what kind of society will emerge once capitalism will have run its course. **Only one thing is certain: that capitalism will end, and much sooner than one may have thought**. Something of an outlier in the book's suite of chapters is the contribution by Georgi Derluguian, who gives a fascinating inside account of the decline and eventual demise of Communism, in particular Soviet Communism (pp. 99-129). The chapter is of interest because of its speculations on the differences from and the potential parallels with a potential end of capitalism. As to the differences, Derluguian makes much of the fact that Soviet Communism was from early on embedded in the 'hostile geopolitics' (p. 110) of a 'capitalist world-system' ( 111). This linked its fate inseparably to that of the Soviet Union as an economically and strategically overextended multinational state. That state turned out to be unsustainable in the longer term, especially after the end of Stalinist despotism. By then the peculiar class structure of Soviet Communism gave rise to a domestic social compromise that, much unlike American capitalism, included political inertia and economic stagnation. The result was pervasive discontent on the part of a new generation of cultural, technocratic and scientific elites socialized in the revolutionary era of the late 1960s. Also, over-centralization made the state-based political economy of Soviet Communism vulnerable to regional and ethnic separatism, while the global capitalism surrounding it provided resentful opponents as well as opportunistic apparatchiks with a template of a preferable order, one in which the latter could ultimately establish themselves as self-made capitalist oligarchs. Contemporary capitalism, of course, is much less dependent on the geopolitical good fortunes of a single imperial state, although the role of the United States in this respect must not be underestimated. More importantly, capitalism is not exposed to pressure from an alternative political-economic model, assuming that Islamic economic doctrine will for a foreseeable future remain less than attractive even and precisely to Islamic elites (who are deeply integrated in the capitalist global economy). Where the two systems may, however, come to resemble each other is in their internal political disorder engendered by institutional and economic decline. When the Soviet Union lost its 'state integrity', Derluguian writes, this 'undermined all modern institutions and therefore disabled collective action at practically any level above family and crony networks. This condition became self-perpetuating' (p. 122). One consequence was that the ruling bureaucracies reacted 'with more panic than outright violence' when confronted by 'mass civic mobilizations like the 1968 Prague Spring and the Soviet perestroika at its height in 1989', while at the same time 'the insurgent movements ... failed to exploit the momentous disorganization in the ranks of dominant classes' (p. 129). For different reasons and under different circumstances, a similar weakness of collective agency, due to de-institutionalization and creating comparable uncertainty among both champions and challengers of the old order, might shape a future transition from capitalism to post-capitalism, pitting against each other fragmented social movements on the one hand and disoriented political-economic elites on the other. My own view builds on all five contributors but differs from each of them. I take the diversity of theories on what all agree is a severe crisis of capitalism and capitalist society as an indication of contemporary capitalism having entered a period of deep indeterminacy - a period in which unexpected things can happen any time and knowledgeable observers can legitimately disagree on what will happen, due to long-valid causal relations having become historically obsolete. In other words, I interpret the coexistence of a shared sense of crisis with diverging concepts of the nature of that crisis as an indication that **traditional economic** and sociological **theories have today lost much of their predictive power**. As I will point out in more detail, below, I see this as a result, but also as a cause, of a destruction of collective agency in the course of capitalist development, equally affecting Wallerstein's Davos and Porto Alegre people and resulting in a social context beset with unintended and unanticipated consequences of purposive, but in its effects increasingly unpredictable, social action. '5 Moreover, rather than picking one of the various scenarios of the crisis and privilege it over the others, I suggest that they all, or most of them, may be aggregated into a diagnosis of **multi-morbidity** in which **different disorders coexist and**, more often than not, **reinforce each other**. Capitalism, as pointed out at the beginning, was always a fragile and improbable order and for its survival depended on ongoing repair work. Today, however, **too many frailties have become simultaneously acute** while **too many remedies have been exhausted** or destroyed. **The end of capitalism** can then be imagined as a **death from a thousand cuts**, or from a multiplicity of infirmities each of which will be all the more untreatable as all will demand treatment at the same time. As will become apparent, **I do not believe that any of the potentially stabilizing forces** mentioned by Mann and Calhoun, be it regime pluralism, regional diversity and uneven development, political reform, or independent crisis cycles, **will be strong enough to neutralize** the syndrome of **accumulated weaknesses** that characterize contemporary capitalism. No effective opposition being left, and no practicable successor model waiting in the wings of history, capitalism's accumulation of defects, alongside its accumulation of capital, may be seen, with Collins, '6 as an **entirely endogenous dynamic of self-destruction**, following an evolutionary logic moulded in its expression but not suspended by contingent and coincidental events, along a historical trajectory from early liberal via state-administered to neoliberal capitalism, which culminated for the time being in the financial crisis of 2008 and its aftermath. For the decline of capitalism to continue, that is to say, no revolutionary alternative is required, and certainly no masterplan of a better society displacing capitalism. Contemporary capitalism is vanishing on its own, **collapsing from internal contradictions**, and not least as a result of having vanquished its enemies - who, as noted, have often rescued capitalism from itself by forcing it to assume a new form. What comes after capitalism in its final crisis, now under way, is, I suggest, not socialism or some other defined social order, but a lasting interregnum - no new world system equilibrium ala Wallerstein, but a prolonged period of social entropy, or disorder (and precisely for this reason a period of uncertainty and indeterminacy). It is an interesting problem for sociological theory whether and how a society can turn for a significant length of time into less than a society, a post-social society as it were, or a society lite, until it may or may not recover and again become a society in the full meaning of the term. ' 7 I suggest that one can attain a conceptual fix on this by drawing liberally on a famous article by David Lockwood'' to distinguish between system integration and social integration, or integration at the macro and micro levels of society. An interregnum would then be defined as a breakdown of system integration at the macro level, depriving individuals at the micro level of institutional structuring and collective support, and shifting the burden of ordering social life, of providing it with a modicum of security and stability, to individuals themselves and such social arrangements as they can create on their own. A society in interregnum, in other words, would be a de-institutionalized or under-institutionalized society, one in which expectations can be stabilized only for a short time by local improvisation, and which for this very reason is essentially ungovernable. Contemporary capitalism, then, would appear to be a society whose system integration is critically and irremediably weakened, so that the continuation of capital accumulation - for an intermediate period of uncertain duration - becomes solely dependent on the opportunism of collectively incapacitated individualized individuals, as they struggle to protect themselves from looming accidents and structural pressures on their social and economic status. Undergoverned and undermanaged, the social world of the post-capitalist interregnum, in the wake of neoliberal capitalism having cleared away states, governments, borders, trade unions and other moderating forces, can at any time be hit by disaster; for example, **bubbles imploding** or **violence penetrating from a collapsing periphery into the centre**. With individuals deprived of collective defences and left to their own devices, what remains of a social order hinges on the motivation of individuals to cooperate with other individuals on an ad hoc basis, driven by fear and greed and by elementary interests in individual survival. Society having lost the ability to provide its members with effective protection and proven templates for social action and social existence, individuals have only themselves to rely on while social order depends on the weakest possible mode of social integration, Zweckrationalitiit. As pointed out in Chapter 1 of this book, and partly elaborated in the rest of this introduction, I anchor this condition in a variety of interrelated developments, such as **declining growth** intensifying **distributional conflict**; the rising **inequality** that results from this; **vanishing macroeconomic manageability**, as manifested in, among other things, steadily growing indebtedness, a pumped-up money supply; and the ever-present possibility of another **economic breakdown**;'9 the suspension of post-war capitalism's engine of social progress, democracy, and the associated rise of **oligarchic rule**; the **dwindling capacity of governments** and the systemic inability of governance to limit the commodification of labour, nature and money; the omnipresence of **corruption** of all sorts, in response to intensified competition in winner-take-all markets with unlimited opportunities for self-enrichment; the erosion of public infrastructures and collective benefits in the course of commodification and privatization; the **failure** after 1989 of capitalism's host nation, the United States, to build and maintain a **stable global order**; etc., etc. These and other developments, I suggest, have resulted in widespread cynicism governing economic life, for a long time if not **forever ruling out a recovery of normative legitimacy for capitalism** as a just society offering equal opportunities for individual progress- a legitimacy that capitalism would need to draw on in critical moments - and founding social integration on collective resignation as the last remaining pillar of the capitalist social order, or disorder. 20

#### The alternative is to affirm the Communist party using dual power strategies. This debate is a question of the speed, scope, and scale of revolutionary strategy. Only dual power organizing builds institutions that meet the material needs of community, building a revolutionary base in the face of compounding crises of climate change, imperialism, and fascism.

Escalante, 19 [Alyson Escalante, Marxism, Radical Feminism, Continental Philosophy, 3-26-2019, "Communism and Climate Change: A Dual Power Approach," Regeneration Magazine, accessed 9-17-2021, https://regenerationmag.org/communism-and-climate-change-a-dual-power-approach/] //AD

I have 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 12 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 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 United States 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 United States. Without challenging this imperialist division of the world and the role of the United States 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 12 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 United States, 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 12 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 mean time? In many ways this question is fair. The socialist left in the United States 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 hard 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 12 years**. Such approaches are as useless as the opportunist reforms pushed by the social democrats. Our task in these 12 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.

## case

### framing

#### 1 - The Role of the Ballot is to vote for the team that best challenges capitalism - anything else mystifies capitalism and causes impacts far worse than extinction.

#### 2- Matheson is not about marxism but about the need for capitalism to see its own demise – this doesn’t apply because its in context of util and normative war from right wing think tanks that have happened since the beginning of capitalism

#### 3 – The memmi 2k evidence says racism undergrids structural violence but that’s not true – it’s capital and their own affirmative concedes it

### case

#### 1 - Sell is about profitably over health – they have no way to destroy cpaitalism – at best they are a reduction in some vaccine imperialism – prefer a pressumption ballot because they don’t resolve their impact or prefer the alternative by itself – they have zero evidence of challenging capitalism and being able to overthrow the system in their aff

#### 2 – we’re the root cause of the aff – Their vanni evidence says - while recognising a broken global IP regime that triggered the scramble for vaccines, the racialized impact of the pandemic cannot be ignored, and it points to the entangled roots of race and capitalism. – means we control the I/L

#### 3 - – vote on presssumption – their plan says eliminate – if you control F eliminate – that’s literally the only place that it exists – their only decent solvency evidence says that This action would temporarily suspend WTO intellectual property protections so at best, they stop some impieralism or none at all since suspend is temporary where as eliminate is not – it means that the plan can’t happen nor is there any spillover if it cant even solve itself – vote neg on low chance of solvency

#### 4- circumvented through unilateral trade pressures – no IP case has ever gone to the ICJ, the strength of IP regimes has come solely through sanctions and threats.

Durand and Milberg, 18

[Cédric, Associate Prof. Political Economy @ U-Geneva, member @ Paris Nord Economics Center; and William, Dean @ The New School for Social Research: “Intellectual Monopoly in Global Value Chains,” published in 2018, https://hal.archives-ouvertes.fr/hal-01850438]//AD

Stricter IPRs at the national and international level support the expansion of GVC-based trade. Since the 1880s, the Paris and Berne Conventions – currently administered by the World Intellectual Property Organization (WIPO) - set some standards in terms of protection of industrial intellectual property and artistic works. However, their implementation has been problematic and no IP case has ever been subjected to the International Court of Justice. In the late 1970s, US IP-based industries realized that their competitive advantage was vulnerable as technological change made replication of their software, recorded music, videos, and pharmaceuticals increasingly easier and cheaper, in the absence of credible institutional means to sanction IP appropriators in developing countries. In the 1980s, they successfully lobbied the US government to use threats of unilateral trade sanctions to force developing countries to increase their IP protection and enlisted business associations in Europe and Japan to oppose what began to be framed as “piracy” and in favor of a stricter international IP regime. (Sell & Prakash, 2004, pp. 154–160).

#### 5 - Vaccine IP is insufficient for imitation; originators will challenge with intense litigation, and nations don’t have necessary ingredients and materials. Independently, the plan will cause companies to disengage from global efforts.

Silverman 3/15 [Rachel Silverman is a policy fellow at the Center for Global Development where she leads policy-oriented research on global health financing and incentive structures. Silverman’s current research focuses on the practical application of results-based financing; global health transitions; efficient global health procurement; innovation models for global health; priority-setting for UHC; alignment and impact in international funding for family planning; and strategies to strengthen evidence and accountability. BA with distinction in international relations and economics from Stanford University.) “Waiving vaccine patents won’t help inoculate poorer nations” Washington Post, PostEverything Perspective, <https://www.washingtonpost.com/outlook/2021/03/15/vaccine-coronavirus-patents-waive-global-equity/>] RM

According to some activists, the solution to this inequity is relatively simple: By suspending protections on covid-19 vaccine patents, the international community “could help break Big Pharma monopolies and increase supplies so there are enough doses for everyone, everywhere,” [claims](https://peoplesvaccine.org/take-action/)the People’s Vaccine Alliance. Indeed, 58 low- and middle-income countries have mobilized in support of a proposed World Trade Organization [waiver](https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/IP/C/W669.pdf&Open=True) that would temporarily exempt [coronavirus](https://www.washingtonpost.com/coronavirus/?itid=lk_inline_manual_4)-related intellectual property from normal international rules and protections. And while the effort to waive IP protections has been a global health hot topic for months, it gained a high-profile endorsement in the United States recently from Sen. Bernie Sanders (I-Vt.). In a March 10 video statement, Sanders [called upon President Biden](https://twitter.com/GlobalJusticeUK/status/1369734275818549252?s=20) to support the IP suspension while slamming “huge, multibillion-dollar pharmaceutical companies [that] continue to prioritize profits by protecting their monopolies.”

The logic of the argument seems clear and intuitive — at first. Without patents, which serve narrow commercial interests, companies all over the world could freely produce the vaccine. Sure, Big Pharma would lose money — but this is a pandemic, and human life comes before private profit, especially when vaccines receive substantial public financing to support research and development. As with HIV drugs in years past, widespread generic production would dramatically increase supply and drive down prices to levels affordable even in the developing world.

Reality is more complicated, however. Because of the technical complexity of manufacturing coronavirus vaccines, waiving intellectual-property rights, by itself, would have little effect**.** **It could even backfire, with companies using the move as an excuse to disengage from global access efforts**. **There are more effective ways to entice — and to pressure — companies to license and share their intellectual property and the associated know-how, without broadly nullifying patents.**

The Moderna vaccine illustrates the limits of freeing up intellectual property. Moderna [announced in October](https://investors.modernatx.com/news-releases/news-release-details/statement-moderna-intellectual-property-matters-during-covid-19) that it would not enforce IP rights on its coronavirus vaccine — and yet it has taken no steps to share information about the vaccine’s design or manufacture, citing commercial interests in the underlying technology. Five months later, production of the Moderna vaccine remains entirely under the company’s direct control within its owned and contracted facilities. Notably, Moderna is also the only manufacturer of a U.S.- or British-approved vaccine [not yet participating in Covax](https://www.washingtonpost.com/world/coronavirus-vaccine-access-poor-countries-moderna/2021/02/12/0586e532-6712-11eb-bf81-c618c88ed605_story.html?itid=lk_inline_manual_9), a global-aid-funded effort (including a [pledged $4 billion from the United States](https://www.npr.org/2021/02/18/969145224/biden-to-announce-4-billion-for-global-covid-19-vaccine-effort)) to purchase vaccines for use in low- and middle-income countries.

It is true, however, that activist pressure — including threats to infringe upon IP rights — can encourage originators to enter into voluntary licensing arrangements. So the global movement to liberate the vaccine patents may be useful, even if some advocates make exaggerated claims about the effects of waivers on their own.

One reason patent waivers are unlikely to help much in this case is that vaccines are harder to make than ordinary drugs. Because most drugs are simple chemical compounds, and because the composition of the compounds is easily analyzable, competent chemists can usually reverse-engineer a production process with relative ease. When a drug patent expires, therefore — or is waived — generic companies can readily enter the market and produce competitive products, [lowering prices dramatically](https://www.fda.gov/about-fda/center-drug-evaluation-and-research-cder/generic-competition-and-drug-prices).

Vaccines, in contrast, are complex biological products. Observing their contents is insufficient to allow for imitation. **Instead, to produce the vaccine, manufacturers need access to the developer’s “soft” IP — the proprietary recipe, cell lines, manufacturing processes and so forth**. While some of this information is confidentially submitted to regulators and might theoretically be released in an extraordinary situation (though not without legal challenge), manufacturers are at an enormous disadvantage without the originator’s cooperation to help them set up their process and kick-start production. Even with the nonconsensual release of the soft IP held by the regulator, the process of trial and error would cause long delays in a best-case scenario. Most likely, the effort would end in expensive failure. Manufacturers also need certain raw ingredients and other materials, like glass vials and filtration equipment; overwhelming demand, paired with disruptive export restrictions, has constricted the global availability of some of these items

#### 6 - The WTO can’t enforce the aff- causes circumvention.

Lamp 19 [Nicholas; Assistant Professor of Law at Queen’s University; “What Just Happened at the WTO? Everything You Need to Know, Brink News,” 12/16/19; <https://www.brinknews.com/what-just-happened-at-the-wto-everything-you-need-to-know/>] Justin

Nicolas Lamp: For the first time since the establishment of the WTO in 1995, the Appellate Body cannot accept any new appeals, and that has knock-on effects on the whole global trade dispute settlement system. When a member appeals a WTO panel report, it goes to the Appellate Body, but if there is no Appellate Body, it means that that panel report will not become binding and will not attain legal force.

The absence of the Appellate Body means that members can now effectively block the dispute settlement proceedings by what has been called appealing panel reports “into the void.”

The WTO panels will continue to function as normal. When a panel issues a report, it will normally be automatically adopted — unless it is appealed. And so, even though the panel is working, the respondent in a dispute now has the option of blocking the adoption of the panel’s report. It can, thereby, shield itself from the legal consequences of a report that finds that the member has acted inconsistently with its WTO obligations.

#### 7 - The aff doesn’t solve – access to medicine is not a one-way street and there are multiple other factors that they just can’t resolve

Motari 21, Marion Motari, [Jean-Baptiste Nikiema](javascript:;), [Ossy M. J. Kasilo](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Ossy_M__J_-Kasilo), [Stanislav Kniazkov](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Stanislav-Kniazkov), [Andre Loua](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Andre-Loua), [Aissatou Sougou](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Aissatou-Sougou), [Prosper Tumusiime](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#auth-Prosper-Tumusiime) are Adjunct Faculty, Daystar University School of Law, Nairobi, Kenya, “The role of intellectual property rights on access to medicines in the WHO African region: 25 years after the TRIPS agreement”, <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y>, accessed apark 6/27/21

Although this paper focuses on the role of intellectual property rights on access to medicines, it is recognized that limited access to medicines in countries of the World Health Organization (WHO) African Region[Footnote3](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#Fn3) is a multidimensional problem. It is affected by other factors such as lack of public financing for health care and over-reliance on out of pocket expenditure[[7](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#ref-CR7)], fragile logistics, storage challenges and high transport and distribution costs [[2](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#ref-CR2)] and inadequate or inappropriate medicines regulatory frameworks [[8](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#ref-CR8)]. These factors are further exacerbated by insufficient scientific, technological and local manufacturing capabilities in the Region [[9](https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-021-10374-y#ref-CR9)].

#### 8 - Alt Causes to lack of generics thump Aff solvency to zero – pay-for-delay, citizen petitions, authorized generics, and testing sample access – this is terminal since they’d just shift tactics to non-patent strategies.

Fox 17, Erin. "How pharma companies game the system to keep drugs expensive." Harvard Business Review (April 6, 2017), https://hbr. org/2017/04/how-pharma-companies-game-the-system-to-keep-drugs-expensive (last visited on November 22, 2019) (2017). (director of Drug Information at University of Utah Health)//Elmer

The ways companies stop generics One of the ways branded drug manufacturers prevent competition is simple: cash. In so-called “pay for delay” agreements, a brand drug company simply pays a generic company not to launch a version of a drug. The Federal Trade Commission estimates these pacts cost U.S. consumers and taxpayers $3.5 billion in higher drug costs each year. “Citizen petitions” offer drug companies another way to delay generics from being approved. These ask the Food and Drug Administration to delay action on a pending generic drug application. By law, the FDA is required to prioritize these petitions. However, the citizens filing concerns are not individuals, they’re corporations. The FDA recently said branded drug manufacturers submitted 92% of all citizen petitions. Many of these petitions are filed near the date of patent expiration, effectively limiting potential competition for another 150 days. “Authorized generics” are another tactic to limit competition. These aren’t really generic products at all; they are the same product sold under a generic name by the company that sells the branded drug. Why? By law, the first generic company to market a drug gets an exclusivity period of 180 days. During this time, no other companies can market a generic product. But the company with the expiring patent is not barred from launching an “authorized generic.” By selling a drug they’re already making under a different name, pharmaceutical firms are effectively extending their monopoly for another six months. Another way pharmaceutical firms are thwarting generics is by restricting access to samples for testing. Generic drug makers need to be able to purchase a sample of a brand-name product to conduct bioequivalence testing. That’s because they have to prove they can make a bioequivalent product following the current good manufacturing practices (CGMP) standard. These manufacturers don’t need to conduct clinical trials like the original drug company did. But the original drug developer often declines to sell drug samples to generics manufacturers by citing “FDA requirements,” by which they mean the agency’s Risk Evaluation and Mitigation Strategies program. The idea behind this program is a good one: give access to patients who will benefit from these personalized medicines, and bar access for patients who won’t benefit and could be seriously harmed. However, brand drug makers are citing these requirements for the sole purpose of keeping generics from coming to market.

### New card

#### Vote neg on presumption – the aff can’t solve any of their impacts

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

The U.S.’s stunning endorsement of a proposal to waive Covid-19 vaccine patents has won plaudits for President Biden and roiled the global pharmaceutical industry. But, at least in the short term, it’s likely to be more of a symbolic milestone than a turning point in the pandemic. For months, proponents of the proposal have argued that the need to waive intellectual property protections was urgent given the growth of Covid cases in low- and middle-income countries, which have been largely left without the huge shipments of vaccine already purchased by wealthy countries. But patents alone don’t magically produce vaccines. Experts suggested the earliest the world could expect to see additional capacity flowing from the waiver — if it’s approved at the World Trade Organization — would be in 2022. Prashant Yadav, a supply chain expert and senior fellow at the Center for Global Development, said the biggest barrier to increasing the global vaccine supply is a lack of raw materials and facilities that manufacture the billions of doses the world needs. Temporarily suspending some intellectual property, as the U.S. proposes to do, would have little effect on those problems, he said. “My take is: By itself, it will not get us much benefit in increased manufacturing capacity, Yadav said. “But as part of a larger package, it can.” That larger package would include wealthy nations like the U.S. mounting an Operation Warp Speed-style effort to invest in manufacturing in low-income countries, he said, using their vast financial resources to actually produce vaccine doses rather than solely targeting patents. Lawrence Gostin, director of the O’Neill Institute for National and Global Health Law at Georgetown Law, said the waiver is necessary but hardly sufficient. It will likely take months of international infighting before the proposal would take effect, he said, months during which would-be manufacturers would not have the right to start producing vaccines. “We’re not talking about any immediate help for India or Latin America or other countries going through an enormous spread of the virus,” Gostin said. “While they’re going to be negotiating the text, the virus will be mutating.” Even James Love, director of the nonprofit Knowledge Ecology International and a longtime advocate of intellectual property reform, acknowledges a patent waiver would be a valuable first step, not a panacea. The fairly narrow proposal would mostly allow countries to issue compulsory licenses, essentially allowing third-party manufacturers to make and sell other companies’ patented products, while also helping free up some information about how that manufacturing is done. But that, at least, could provide a financial incentive for those third parties to invest in vaccine production. “In our experience, when the legal barriers disappear and there’s a market, capacity increases faster than you would think,” he said. In October, Moderna vowed not to enforce its Covid-19-related patents for the duration of the pandemic, opening the door for manufacturers that might want to copy its vaccine. But to date, it’s unclear whether anyone has, despite the vaccine’s demonstrated efficacy and the worldwide demand for doses. That underscores the drug industry’s case that patents are just one facet of the complex process of producing vaccines. “There are currently no generic vaccines primarily because there are hundreds of process steps involved in the manufacturing of vaccines, and thousands of check points for testing to assure the quality and consistency of manufacturing. One may transfer the IP, but the transfer of skills is not that simple,” said Norman Baylor, who formerly headed the Food and Drug Administration’s Office of Vaccines Research and Review, and who is now president of Biologics Consulting. While there are factories around the world that can reliably produce generic Lipitor, vaccines like the ones from Pfizer and Moderna — using messenger RNA technology — require skilled expertise that even existing manufacturers are having trouble sourcing. “In such a setting, imagining that someone will have staff who can create a new site or refurbish or reconfigure an existing site to make mRNA [vaccine] is highly, highly unlikely,” Yadav said. There are already huge constraints on some of the raw materials and equipment used to make vaccines. Pfizer, for instance, had to appeal to the Biden administration to use the Defense Production Act to help it cut the line for in-demand materials necessary for manufacturing. Rajeev Venkayya, head of Takeda Vaccines — which is not producing its own Covid vaccine but is helping to make vaccine for Novavax — said supply shortages are impacting not just Covid vaccine production but the manufacture of other vaccines and biological products as well. “This is an industry-wide … looming crisis that will not at all be solved by more tech transfers,” Venkayya said. He suggested many of the people advocating for this move are viewing the issue through the prism of drug development, where lifting intellectual property restrictions can lead to an influx of successful generic manufacturing. “I think in this area there is an unrecognized gap in understanding of the complexities of vaccine manufacturing by many of the ‘experts’ that are discussing it,” said Venkayya, who stressed that while he believes they have good intentions, “nearly all of the people who are providing views on the value of removing patent protections have zero experience in vaccine development and manufacturing.” As Michelle McMurry-Heath, CEO of the trade group BIO, put it in a statement, “handing needy countries a recipe book without the ingredients, safeguards, and sizable workforce needed will not help people waiting for the vaccine.” Conversely, the drug industry claims that waiving patents, even temporarily, risks irreparable damage to the system of incentives that made the rapid development of Covid-19 vaccines possible. Stephen Ubl, CEO of the powerful lobbying group PhRMA, said in a statement that the idea “flies in the face of President Biden’s stated policy of building up American infrastructure and creating jobs by handing over American innovations to countries looking to undermine our leadership in biomedical discovery.” Umer Raffat, an equities analyst who tracks pharmaceuticals at Evercore ISI, thinks the risks to the drug industry might be overstated. It’s highly doubtful a patent waiver would set a precedent beyond vaccines, Raffat wrote in a note to investors, and the scarcity of raw materials combined with complexity of modern pharmaceutical manufacturing makes it unlikely that any third party could meaningfully compete with a multinational drug company. But the decision could nonetheless be a sea change for the way governments think about intellectual property — a hole in the IP dam that unleashes a tidal wave. Love, of Knowledge Ecology, said that the decision shifts the discussion around pandemic vaccines from countries believing there is nothing that can be done to a new position: “What do we need to do?” Said Love: “If you really think this is a big emergency, ‘what do we need to do’ should be the question, not just saying we can’t do anything.” That could, in turn, have long-term impacts on how countries view pharmaceutical intellectual property — and how much protection drug makers are provided on their own patents.