# 1NC Round 7

## OFF

### T-CWS---1NC

#### The scope of anti-trust law defines it goals---attempts to meet current goals by banning practice are implementation questions.

ESE No Date. Erasmus School of Economics (as per their website, “The Erasmus Center for Economic and Financial Governance is an international multidisciplinary network of leading researchers and societal stakeholders initiated by researchers from Erasmus School of Economics and Erasmus School of Law. ECEFG conducts interdisciplinary research (law, economics and political science) and contributes to current debates in public and in academia on issues relating to European and global economic and financial governance.”). "Competition Policy". <https://www.eur.nl/en/ese/affiliated/ecefg/research/competition-policy>

Competition Policy

Research in this field consists of two broad areas. The first area – Theory and Implementation of Competition Law and Policy – refers to fundamental and applied research into topics that are traditionally seen as the core of competition policy. The second area – Scope of Competition Law and Policy – refers to all research on the effect and desirability of including new considerations in competition law and policy in order to address the challenges of our time, such as the increasing power of big tech firms, or global warming.

Theory and Implementation of Competition Policy

This covers for instance collusion, abuse of dominance, mergers, market regulation and state aid. Some examples of research topics are:

* the practices firms can use to engage in collusion and its welfare consequences;
* the practices firms can use to abuse a dominant position and its welfare consequences;
* which practices can be considered proof of such activities;
* how to regulate access to a market;
* how to properly assess the effects of a particular practice or merger;
* the practices, by which the state and public authorities distort competition such as subisidies and tax measures
* the interpretation and application of EU and national competition law by Competition Authorities and Courts and the extent to which they achieve the goals of competition policy

Scope of Competition Policy

The effectiveness of European competition law and policy in combination with rapid technological changes have raised questions about its proper scope. Which policy objectives can and should be pursued by means of competition law and policy, and which should be delegated to other legal fields and policies? Some examples of specific research questions include:

* Can and should competition law be used to protect the privacy of consumers on the internet?
* Information gathered by firms can be used to increase their own profits. How does this affect consumers, and what does this depend on? Can and should competition law deal with market power derived from information gathering? For instance, should the big five tech giants be forced to divest activities?
* Should competition policy also include considerations of economic inequality or environmental effects?
* Can competition law remain effective if it is used for more than safeguarding fair competition?

#### That means the aff must replace the consumer welfare standard.

Trevor Wagener 21. "The Curse of Tradeoffs: Neo-Brandeisians vs. Consumers". Disruptive Competition Project. 5-21-2021. https://www.project-disco.org/competition/052121-the-curse-of-tradeoffs-neo-brandeisian-antitrust-versus-consumers/

Neo-Brandeisians seek to replace the longstanding objective and principles-based framework of the consumer welfare standard in antitrust enforcement with an amorphous, process-based framework guided by an ethos one Neo-Brandeisian described as: “Big is bad. Just don’t let big firms merge. The end.” A movement dedicated to replacing a consumer welfare-maximizing approach with an assortment of competing goals has proven unable to offer a quantified, systematic cost-benefit analysis justifying such a radical change, instead relying upon anecdotal evidence and moving prose. The many goals of the Neo-Brandeisian approach are often rhetorically appealing, but the rhetoric hides a simple truth: When you target every variable, you effectively target none. Addressing a wide range of goals through antitrust policy requires de-emphasizing consumer welfare, creating fundamental tradeoffs expected to harm consumers relative to the status quo.

The willingness to sacrifice consumer welfare in order to achieve other ends is a defining characteristic of Neo-Brandeisian antitrust. This is illustrated by concrete Neo-Brandeisian critiques, which typically emphasize perceived harms to businesses rather than harms to consumers. For example, the Neo-Brandeisian activist group American Economic Liberties Project (AELP) published a pair of policy briefs on May 3 that criticize online service operators for a litany of purported inconveniences to businesses over a combined 22 pages, but struggle to quantify any harms to ordinary consumers and users. Those few purported harms to consumers that AELP raised are distinctly qualitative rather than quantitative, consistent with the broader reluctance of prominent Neo-Brandeisian thinkers to conduct a rigorous quantitative cost-benefit analysis of their antitrust policy prescriptions relative to the consumer welfare standard.

#### Vote negative for limits and ground---only “change goals” creates key economy and legal disads over what antitrust should consider---the affs topic races to tiny exemptions and technical changes with no core ground.

### Intrastate PIC---1NC

#### The United States federal government should

#### Substantially increase prohibitions on interstate and foreign private sector anticompetitive business practices by the private sector by the shipping industry.

#### Determine that applications of federal antitrust law to intrastate anticompetitive practices violates the Commerce Clause.

#### The fifty states and all relevant territories should uniformly substantially increase prohibitions on private sector anticompetitive business practices by the private sector by the shipping industry.

#### It competes---the counterplan retracts the scope of antitrust law AND PICs out of intra-state anticompetitive practices.

Alan J. Meese 20. Ball Professor of Law and Co-Director, Center for the Study of Law and Markets, William and Mary Law School. Antitrust Regulation and the Federal-State Balance: Restoring the Original Design, 70 AM. U. L. REV. 75 (2020).

Abandoning the substantial effects test and retracting the scope of the Sherman Act would reboot competitive federalism in the antitrust field. States would again be free to adopt unique antitrust doctrine applicable to restraints that occur within their borders and produce no external harm. States would reap the benefits of doctrinal innovations, with no prospect that federal courts applying the Sherman Act will undermine state-specific policies. 556 The resulting competition between the states acting as "laboratories of democracy"557 would presumably generate a wider variety of possible solutions-both substantive and institutional-to various antitrust problems, as states vie for producers and consumers by offering rival packages of antitrust doctrine and enforcement institutions. 558 This decentralized process of articulating antitrust doctrine and policy would generate both experience and data about the impact of various rules and institutions, thereby informing lawmakers and state courts considering possible reforms. Federal courts, too, could learn from these results, drawing upon the "accumulated experience" of various states when fashioning Sherman Act doctrine. 559

Retraction of the scope of the Sherman Act would also radically alter the prominence and role of the state action doctrine, first articulated in 1943 in Parker v. Brown.560 As noted earlier, the vast majority of cases where parties raise the state action defense involve police power regulations restraining local commerce without producing any interstate harm.51 No doubt the resulting framing of the legal question as a clash between the Sherman Act and historic police power regulation has deterred the Court from invoking the Act as a source of general authority to evaluate the "reasonableness" of garden variety state regulations, especially during the 1940s, when faith in the motives and capacity of regulators was at its apogee.5 2 Indeed, scholars and jurists have attributed Parker to just such an anti-Lochnerian impulse. 563

Restoration of the pre-1948 direct/indirect standard would place such local regulations beyond the reach of the Sherman Act altogether, eliminating the need for any state action analysis with respect to such restraints.564 The Supreme Court's state action docket would shrink accordingly. Moreover, state action cases that did reach the Court would differ significantly from those that have thus far informed the Court's treatment of state-imposed restraints. Instead of state regulations of local billboards, dentistry, and intrastate lawyer advertising, such cases would, like Parker, involve state restraints imposing substantial harm on out-of-state consumers. 565 This new framing could force the current Court, less friendly to regulation than the Parker Court, to reconsider its hands-off approach to state-approved restraints. Reducing the scope of the Sherman Act could ironically result in more robust preemption of state-approved restraints than ever accomplished under the post1948 regime.

#### Solves the case and restores competitive government---the plan and perm unduly expand the Commerce Clause.

Bruce Johnson and Moin A. Yahya 04. D. Bruce Johnsen, Professor of Law, George Mason University School of Law. J.D., Emory University, 1985; Ph.D., University of Washington, 1987. Moin A. Yahya, Visiting Assistant Professor of Law, University of Alberta School of Law. J.D., George Mason University School of Law, 2003. Ph.D., University of Toronto, 2000. The Evolution of Sherman Act Jurisdiction: A Roadmap for Competitive Federalism, 7 U. Pa. J. Const. L. 403 (2004). https://scholarship.law.upenn.edu/jcl/vol7/iss2/2

Scholars and jurists increasingly acknowledge that the U.S. Supreme Court's Commerce Clause jurisprudence desperately needs a new direction. Even Laurence Tribe, widely regarded as a liberal commentator, concedes that until very recently the Court's decisions in this area came dangerously close to foreclosing it from imposing any kind of principled constitutional limitation on the scope of Commerce Clause jurisdiction.3 Chief Justice Rehnquist has openly admitted that much of the case law in this area is less than a model of clarity.4 In what has been heralded by some as the Rehnquist Court's "celebrated project to re-establish structural constitutional principles on federalism,' ' and by others more prosaically as "the new federalism, ''6 recent Supreme Court cases have imposed Tenth Amendment constraints on federal commerce power,7 limited the local application of federal regulatory statutes to Congress's unmistakable intent," and most importantly found that local non-economic activities lie outside the constitutional scope of Commerce Clause jurisdiction.9 Yet, in spite of indications the Rehnquist Court is inclined to seek a new direction, it remains to be seen how it might do so in a way that minimizes troublesome conflicts with the existing body of constitutional precedent. This Article shows that the Court can look to the evolution of Sherman Acto jurisdiction to realign its approach to Commerce Clause jurisdiction to restore the balance of dual sovereignty while posing little immediate threat to constitutional precedent.

The first of two steps is for the Court to fully embrace competitive federalism as the long-run framework within which to gradually narrow the evolving contours of Commerce Clause jurisdiction." Competitive federalism has experienced growing appreciation among political scientists, economists, and constitutional scholars, 2 with some even suggesting it has been the driving force of sustained economic development in modern times.1 3 There is no doubt the U.S. Constitution establishes a federal system, but this says nothing about what determines the proper balance of dual sovereignty. Under competitive federalism, state and federal governments compete with one another to provide regulation to a mobile citizenry. State regulation under local "police powers" is justified when economic markets fail to allocate resources efficiently due to economic spillovers-so-called "externalities"-that separate the parties who benefit from those who bear costs of an activity. When confined to a single state, competition from other states ensures that the state's regulators have sufficient incentive to address economic spillovers. In the face of interstate spillovers, however, individual states will misallocate political resources by engaging in too little regulation of their internal economic markets. Federal regulation of economic markets under the Commerce Clause is justified only when competition between states leads to a political market failure.

This approach has been criticized as a prescription for how the Court should determine the limits of federal commerce power because those seeking regulation can always make a plausible claim that the activity in question generates an interstate economic spillover, while in fact they are motivated by private rent seeking. 4 Through out this Article we remain agnostic on this issue. Whether a federal regulation is driven by public interest or rent seeking, our sole concern is with how the Court can gradually identify and screen out applications of antitrust regulations that do not plausibly involve interstate economic spillovers. The Court can thereby move toward the proper balance of dual sovereignty, and political competition should increasingly limit the sum of economic rents the respective sovereigns are able to extract.15

Competitive federalism has clear implications for the evolution of Sherman Act jurisdiction. This evolution provides a useful roadmap to help the Court find the appropriate jurisdictional balance for its general Commerce Clause jurisprudence. It is both fitting and instructive that case law under one of the nation's first pieces of Commerce Clause legislation would provide such a roadmap,"6 for this is where judicial understanding of the relevant market failure can be expected to have evolved furthest to reduce legal uncertainty raised by the statutory shock. Passed in response to fears that the great trusts were beyond • • the power \* of 17 any state to effectively regulate owing to a political market failure, the Sherman Act prohibits only restraints of trade or commerce "among the several States."'8 For more than eighty years following passage of the Act, the Court struggled to identify the nature of the market failure resulting from various business practices alleged to restrain. This led to a patchwork of conflicting decisions, judicial confusion over the proper objective of the Act, and condemnation of business activities now widely recognized as pro-competitive. As economic theory progressed it gave the Court increasing insight into the nature and effect of various trade restraints. Driven largely by the Chicago School of economics,' 9 antitrust scholars began to develop and test hypotheses regarding a host of business practices that were argued to restrain trade.2 0 This process eventually generated a body of scientific knowledge sufficiently reliable to support expert testimony on the nature of the market failure associated with trade restraints, now widely regarded as the defendants' exercise of market power. The problem with market power is not that it allows firms to suppress competition or earn monopoly profits, but that it may lead them to misallocate resources by reducing output and raising prices to consumers. Courts and commentators now largely agree that the exclusive substantive objective of the Sherman Act is to promote consumer welfare.

Case law under the Sherman Act has since evolved toward a body of clear, workable substantive rules. But relying uncritically on the substantial effects test from its decisions on general Commerce Clause jurisdiction, the Court has routinely upheld applications of the Sherman Act to restraints that harm consumers only locally, if at all. The Court's most recent jurisdictional decision under the Act indicates that it has yet to recognize the consumer welfare standard's profound jurisdictional implications. In Summit Health, Ltd. v. Pin- 23 has, a narrow majority of the Court found that an alleged conspiracy by a chain of hospitals to exclude a single doctor from the Los Angeles market for eye surgery had a sufficient nexus to interstate commerce to support jurisdiction under the Act. The Court reasoned that the defendants' alleged restraint on the practice of ophthalmological services should be measured by its impact on other market participants not just by its impact on the respondent.24 Joined in dissent by three members of the Court, Justice Scalia noted that the majority's "analysis tells us nothing about the substantiality of the impact on interstate commerce generated by the particular conduct at issue here."25 He also argued that the Sherman Act does not "prohibit all conspiracies that have sufficient constitutional 'nexus' to interstate commerce to be regulated. It prohibits only those conspiracies that are 'in restraint of trade or commerce among the several States.' This language commands a judicial inquiry into the nature and potential effect of each particular restraint."26

Following Summit, federal courts have regularly entertained cases in which the interstate exercise of market power is so unlikely that the defendants' restraint should be presumed as a matter of law to be purely intrastate. 7 In the spirit of Justice Scalia's dissent, the second step the Court should take to realign its approach to Commerce Clause jurisdiction is to overturn Summit by formally recognizing the jurisdictional implications of the consumer welfare standard. If the market failure justifying federal regulation of trade restraints is the exercise of market power, and if the problem with market power is that it injures consumers by raising prices, then, according to competitive federalism, trade restraints that do not plausibly increase prices to consumers outside the home state should lie beyond federal reach.

#### Extinction---concentrated power makes prolif, terrorism, warming, and inequality inevitable.

Nasos Mihalakas 19. Global Professor of Practice in Law at the University of Arizona College of Law, and a Visiting Research Associate at the Athens Institute for Education & Research (ATINER). "The Need for Governance Reform – Symptoms vs. Cause". Federalism Project. 5-21-2019. https://the-federalism-project.org/2019/05/21/the-need-for-governance-reform-symptoms-vs-cause/

There is no doubt that we live in “challenging” times. We face ‘social challenges,’ from racial discrimination to gender inequality, women’s rights (reproductive or otherwise) that will have to be addressed, LGBTQ issues (recognition of gay marriage), a gun violence epidemic due to both inadequate gun control laws but also excessive violence in our society, etc. We also face ‘economic challenges,’ like stagnant salaries and low wages, job insecurity (due to automation or outsourcing), taxes that are too high for some and not high enough for others, mounting student debt, and yes massive income inequality. And, of course, we do face ‘external challenges’, from nuclear proliferation in the Korean peninsula, to ISIS and religiously motivated global terrorism, to global warming and climate change!

Yet, most of these issues are but symptoms of a greater cause. Their existence, or our inability to overcome them, is being caused by a much greater problem in our society that unless we address soon we risk permanent societal failures within the next 20 to 30 years.

This greater cause is our very own failing system of governance!!!

Though brilliant in its original construction by the founding fathers, our Federal system of governance (separation of powers, check and balances, separate Federal and State governments) is grossly off track and highly unbalanced. During the past 200 years, we witnessed a steady transfer of power away from the States and into the Federal government, and within the Federal government we saw a similar steady concentration of power in the hands of the Executive (the singular President), and to a certain extend the Supreme Court (due to Congressional acquiescence).

This did not happen due to some conspiracy by the ‘powerful elite’ or through interference by foreign powers. It happened gradually (almost naturally), as a response to major failures at the State level: in dealing with slavery and racial discrimination (see Civil War and Jim Crow laws in the south), in dealing with market failures and the need to regulate business and provide a safety net (see Great Depression, The New Deal and the Great Society), in fighting a Cold War with the Soviet Union (see expansion of military and intelligence services to advance US foreign policy).

Today, power and authority to deal with issues and solve problems is highly concentrated at the Federal level, away from ordinary people and their ability to monitor let alone influence elected politicians.

There is so much power concentrated at the Federal level, and in particular in the hands of one person (the President) that it makes Washington politicians constant targets of special interests and lobbying organizations, makes negotiations for compromise impossible because there is so much at stake, and it has created a highly unbalanced system (where “checks and balances” are not fully implemented and more often can’t work effectively).

Washington gridlock, dysfunction, polarization, and partisanship have led to the inability to pass a budget (balanced or otherwise), or address the need for immigration reform, or provide for adequate healthcare coverage and affordable prescription drugs, or even implement proper tax reform. Therefore, unless we address these ‘systemic’ failures of our system of governance, unless we implement institutional changes and fix the process, we will never get lasting solutions to our current and future societal challenges.

Unfortunately, there is no one thing we can do, no ‘magic bullet’ that can fix the dysfunction of our Federal system of governance (because it’s not just ‘the Federal government’ that needs reform, but also/primarily Congress and the Judiciary). Rather, there are several things (from specific process changes through laws/regulations to Constitutional amendments) that we will have to changes now, in order to see improvement in the function of our system of governance in the next 20 to 30 years.

There is a parallel example to this system of governance failures, and it’s that of ‘global warming.’ Global temperatures have been rising, due to greenhouse gases (caused by human activity – burning fossil fuels like coal and oil), presenting an existential threat to our planet and our way of life. However, fossil fuels are not inherently evil, used by certain people bent on the destruction of humanity! Energy from fossil fuels was instrumental in facilitating the industrial revolution, which brought progress and technological innovations during the past 150 years, that helped the whole world to advance, prosper, and better connect. It was not until recently that we realized that the constantly expanding use of fossil fuels by humans is contributing to rising temperatures, and if we don’t do something now to ‘bent the curve’, then in 20 to 30 years from now temperatures will rise to levels that can be devastating to the planets ecosystem, and by extension us humans.

Concentration of power at the Federal level, over the past 200 years, though not inherently evil (downright necessary and proper during some critical periods), has reached a point of pure dysfunction. The proof of the unsustainable nature of our current system (like rising temperatures are a proof of global warming) is income inequality. During the past 50 years, we have witnessed a steady concentration of wealth at the hands of the top 10% (and primarily the top 1%).

And although one can look at our society today statically and say: “things are still ok: there are rich people and poor people, and we are still the most powerful and wealthy nation in the world – so what’s the problem?”… the trend keeps going upwards: currently over 70% of our national wealth is concentrated at the hands for the top 10%. When do we need to do something to stop this trend? When it gets to 80%, or 90%?

Democrats and Republicans (now thanks to Donald Trump) both agree on the existence of a ‘powerful elite, in cahoots with the political establishment, bent on exploiting the middle class’… yet both party’s solution is the same: win political power and cut or raise taxes, regulate more or less, appoint some type of judges… in essence, deal with the symptoms and not the underlying cause!

If we want to address the underlying cause of income inequality (and outsourcing of jobs, health-care failures, racial tensions, education funding, women’s rights, public housing, etc.), then we need to reform our system of governance, before we can consider specific policy priorities. By fixing the legislative process, restoring proper checks, correcting the imbalance within the government branches and returning powers back to the States… we can get on a path where we see real results within the next 20 to 30 years.

Otherwise, gridlock and dysfunction at the Federal level will only get worse!

### Regs CP---1NC

#### The United States federal government should

#### ban excessive market concentration by the private sector by the shipping industry through non-antitrust regulations,

#### merge port terminals and invest in port technology to speed up the offloading process,

#### fully ratify and join the Convention on Biological Diversity,

#### negotiate multiple-links hotlines with China and India as a form of crisis management between India and Pakistan that facilitates bilateral dialogue,

#### eliminate pension taxes for seniors when they reach 45 years in the workforce and substantially reduce government regulations on gig economy workers by passing the Employee Rights Act of 2022

#### Supply side labor policies solve growth and supply chain crisis.

Erica York et al, 2-22. York is a Senior Economist, Research Manager at the Tax Foundation. William McBride, Garrett Watson, Alex Muresianu, Alex Durante, Daniel Bunn. “10 Tax Reforms for Growth and Opportunity.” February 22, 2022. https://taxfoundation.org/economic-growth-opportunity-tax-reforms/

The return of high inflation after 40 years should cause policymakers to rethink their approach. In an effort to boost aggregate demand to offset the effects of the pandemic, policymakers pushed through an unprecedented $5 trillion of fiscal stimulus, including several rounds of economic impact payments and an expanded child tax credit, which far overshot the loss of earnings, leading to excess demand and inflation.[[5]](https://taxfoundation.org/economic-growth-opportunity-tax-reforms/" \l "_ftn5) Rather than pushing for more stimulus, policymakers should now look for ways to relieve supply constraints and boost aggregate supply as much as possible to meet the demand. Essentially, to the extent we can, we need to grow our way out of the problem by increasing the productive capacity of the economy; that is, increasing labor supply (hours worked and labor force participation) and capital investment in machines, factories, and research and development. As economist John Cochrane has noted, historical episodes of inflation, such as the 1970s, have ended only after some combination of monetary, fiscal, and microeconomic reforms improved incentives to work, save, and invest and raised the long-term growth trajectory of the economy.[[6]](https://taxfoundation.org/economic-growth-opportunity-tax-reforms/" \l "_ftn6)

#### Solves mega-ships congestion.

Michael Waters 21. Michael Waters is a freelance writer whose work has appeared in Buzzfeed, The Atlantic, Gizmodo, The Outline, Vox, Atlas Obscura, and other publications. “Supply Chain Container Ships Have a Size Problem.” Wired.com, December 12, 2021. https://www.wired.com/story/supply-chain-shipping-logistics/

A return to smaller ship sizes could also reduce congestion even in normal times. Megaships are uniquely conducive to traffic jams. (Even before the pandemic, [seven of the top 10 ports](https://www.wsj.com/articles/u-s-ports-see-costly-delays-as-cargo-ships-volumes-grow-1430340113) in the US reported that they were struggling with congestion.) Thanks to their growth, wait times at the top 25 US ports [increased by an hour](https://www.governing.com/now/our-ports-have-a-problem-they-can-solve-it-if-we-let-them) between 2018 and 2019. In 2016, the Advisory Committee on Supply Chain Competitiveness—an entity within the Department of Commerce—[weighed](https://legacy.trade.gov/td/services/oscpb/supplychain/acscc/Meetings/2016January/Jan%202016/Port%20Congestion%20Recommendation%20and%20Transmittal%20Letter.pdf) how to stop big boats from causing port delays. Many of their suggestions—including merging port terminals and encouraging more investment in port technology to speed up the offloading process—would certainly alleviate some of the problems we’ve seen compound in recent years.

#### Solves bioD---US leadership is key.

Snape ’10 (William, Senior Counsel at the Center for Biological Diversity and a Practitioner in Residence at American University Washington College of Law, “JOINING THE CONVENTION ON BIOLOGICAL DIVERSITY: A LEGAL AND SCIENTIFIC OVERVIEW OF WHY THE UNITED STATES MUST WAKE UP,” Spring 2010, <http://www.biologicaldiversity.org/publications/papers/SDLP_10Spring_Snape.pdf>)

Enter the Convention on Biological Diversity, sometimes called the “CBD” for short. The United States has signed but not yet ratified this international treaty, which has emerged as the best overarching toolto protect species, habitats, and ecological processes important to human well-being. It has a seventeen-year track record building numerous success stories with its over 190 members; only Andorra, the Holy See (Vatican), and the United States remain as non-members. Now more than ever, the engagement and leadership of the United States is necessary to protect biological diversity and the natural services enjoyed by Americans and others throughout the world. No country possesses an inventory, description, and understanding of its wildlife, habitat networks, and ecological processes greater than the United States. In addition, the U.S. possesses transparent laws, dispenses significant foreign aid, and embodies a tradition of public engagement that leads to greater biodiversity-related protection and enforcement than most countries. The U.S. has also been a good international partner in other environmental agreements and treaties such as the Convention on International Trade in Endangered Species (“CITES”), the Ramsar Convention on Wetlands, and the Montreal Protocol on Substances that Deplete the Ozone Layer. The interests of the United States stand to benefit greatly from such multilateral cooperation and continued ability to access biological diversity from other countries across the globe. Significantly, no new federal or state laws are necessary for the United States to ratify and join the CBD, and absolutely no loss of legal or natural resource sovereignty is even possible under the express terms of the Convention. The United States will, in fact, benefit under the treaty by better organizing its own biodiversity-related programs, and by similarly helping non-U.S. geographic areas, many in strategically important locations. The United States will also benefit by possessing a formal seat at the table for important upcoming negotiations and discussions under the Convention, particularly with regard to the proposed protocol on Access and Benefit-sharing (“ABS”), and by being connected to other Parties through various biodiversity related projects such as scientific research, climate offsets, ocean protection, alien invasive species work, and enforcement coordination. Many worldwide biodiversity cooperative programs flow from the Convention, including partnerships with other U.N. agreements and the World Trade Organization. Consistent with the plain language of the treaty’s text, which clearly supports U.S. Government discretion in all actions CBD-related, U.S. interests have also been protected by the so-called “Seven Understandings” and other official interpretations and clarifications developed with overwhelming bipartisan support in response to U.S. industry concerns in the early to mid 1990s. Indeed, the Convention’s implementation has been influenced by the U.S. Government interpretations. These interpretations represent a firm way of moving forward in international biodiversity matters. Younger and future generations of American and global citizens will thank the President and Senate that finally enables the United States to take its rightful place as a member of the Convention on Biological Diversity. There is no longer any rational basis for the U.S. to stand apart from the world with regard to the treaty that is known as the convention for life on Earth. The Senate should ratify this convention at the earliest possible moment, along with other high priorities including the Law of the Sea Convention (“UNCLOS”) and the International Treaty on Plant Genetic Resources (“ITPGR”).

### T Must Break Up---1NC

#### Prohibitions are distinct from remedies that only block the anticompetitive elements of a practice, rather than the practice itself.

Jo Seldeslachts et al. ‘7. Professor of Industrial Organization at KU Leuven and a Senior Research Fellow at DIW Berlin, with Joseph A. Clougherty and Pedro Pita Barros. “Remedy for now but prohibit for tomorrow: the deterrence effects of merger policy tools.” https://www.ssoar.info/ssoar/bitstream/handle/document/25862/ssoar-2007-seldeslachts\_et\_al-remedy\_for\_now\_but\_prohibit.pdf;jsessionid=A244005110FDB5816E0347D9F1B75436?sequence=1

Let us now think about the differences between the two antitrust actions of prohibitions and remedies.7 In the case of a prohibition, the penalty for proposing a merger with significant anti-competitive problems involves the full prohibition of the merger: both the pro-competitive and the anti-competitive profits for merging firms are negated by the prohibition. The throwing out of the pro-competitive profits along with the anti-competitive profits is important, as this brings about the punitive measure that Posner (1970) acknowledges as being crucial for deterrence. The big difference between remedies and prohibitions is that remedies attempt to identify and eliminate the anti-competitive elements of a merger. In essence, the merging firms are able to hold on to the pro-competitive elements of the merger—so they keep (ΠPC), but the anti-competitive elements of the merger (ΠAC) are negated by the remedial action. If an antitrust authority imposes remedies, then the disincentive for firms to propose anti-competitive mergers is clearly lower. In short, prohibitions seemingly involve more deterrence than do remedies, as prohibitions represent larger punishments.

#### Business practices are ongoing conduct defined by the behaviors of many market participants

Kerry Lynn Macintosh 97. Associate Professor of Law, Santa Clara University School of Law. B.A. 1978, Pomona College; J.D. 1982, Stanford University, “Liberty, Trade, and the Uniform Commercial Code: When Should Default Rules Be Based On Business Practices?,” 38 Wm. & Mary L. Rev. 1465, Lexis.

These new and revised articles reflect a strong trend toward choosing default rules 4 that codify existing business practices. 5 [FOOTNOTE 5 BEGINS] In this Article, the term "business practices" is used to refer to practices that emerge over time as countless market participants exercise their freedom to engage in profitable transactions. For an account of the evolution of business practices, see infra Part II. As used here, "business practices" is broader and less technical than "trade usage," which the Code narrowly defines as "any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question." U.C.C. 1-205(2). [FOOTNOTE 5 ENDS] This is particularly true of the recent revisions to Articles 3 (Negotiable Instruments), 4 (Bank Deposits and Collections) and 5 (Letters of Credit).

#### Violation: The plan only increases behavioral remedies that target anticompetitive aspects of the practice---topical affs must increase prohibitions on the practices themselves AND they’re extra and effects T---the plan doesn’t ban anything, they only increase punishments for practices & increase the authority for the FMC to pursue legal remedies.

#### Vote neg for limits and ground---infinite behavioral remedies and no link uniqueness for offense.

### Cap K---1NC

#### Capitalism causes environmental extinction---depletion and waste crisis outpace technological gains.

Tony Smith 21. Professor emeritus of philosophy at Iowa State University. "The Deadly Metabolic Rift". https://againstthecurrent.org/atc211/the-deadly-metabolic-rift/

Monthly Review editor and University of Oregon professor of sociology John Bellamy Foster has written several books and numerous articles, beginning with Marx’s Ecology: Materialism and Nature (2000), exploring the relevance of classical Marxist thought to grasping today’s existential environmental crises. Co-author Brett Clark is professor of sociology and sustainability studies at the University of Utah.

A small subset of the authors’ main claims will be highlighted here.

(1) There is indeed “an existential crisis in the human relation to the earth.” (1) Over the last 10,000 years planetary conditions fluctuated within relatively narrow and stable boundaries. The entire history of settled human civilizations has unfolded in this “Holocene” period of our planet’s life.

This period has now concluded. In a number of areas crucially important to humanity, these boundaries have been (or are about to be) transgressed: climate change, ocean acidification, stratospheric ozone depletion, nitrogen and phosphorus cycles, global freshwater use, changes in land use, biodiversity loss, atmospheric aerosol loading, and chemical pollution. (244)

Human activity is the main causal factor explaining this development, leading earth scientists to refer to the new period as the “Anthropocene.”

The authors of an important study cited by Foster and Clark warn that if the upper-range of projections of global warming were to occur it “would severely challenge the viability of contemporary human societies.”(1) When we recall how little has been done to prevent increased global warming, and how y-it is only one of the numerous planetary transformations imposing comparable risks on human societies, talk of an “existential threat” is fully warranted.

(2) There is no “technological fix” for this existential crisis. The more intelligent representatives of capital do not deny that serious environmental challenges must be faced. For them, however, this is best done by working with capitalist markets and not against them.

A carbon tax on polluting firms would give companies a strong market incentive to lower their costs by using technologies requiring fewer carbon emissions. Having to purchase rights to release carbon into the atmosphere in carbon markets would supposedly have the same effect, in their view.

There are also calls for the state to support firms undertaking massive geoengineering projects, such as sending aerosols into the upper atmosphere to reflect away the sun’s rays before they increase the planet’s surface temperature. Another proposal is to install technologies capable of extracting and sequestering significant amounts of carbon from the atmosphere.

As Foster and Clark remind us, technological change in capitalism tends to develop “greener” technologies without any special spur. Over the course of the industrial revolution, for example, each succeeding generation of steam engines became “greener” over time, burning less coal per unit of output than the one before. The total amount of coal burned in England increased nonetheless. (245)

This “Jevons paradox” (named after the British political economist who first brought it to attention) is easily explained: the increase in the number of units produced overwhelmed the reduction of coal use per unit, leading to more coal being burned overall.

Is there any reason to think that introducing technologies “greener” than those employed today won’t have a similarly paradoxical result? Investors in the stock market, whose pricing of oil companies’ stocks assumes that the last drop of oil in the ground will be profitably extracted, do not seem to think so. (243-4)

Engineering Disaster

Regarding geoengineering projects, Foster and Clark repeat the warning of many scientists that such unprecedented technological experiments would almost surely have pernicious consequences as harmful as the harms they are supposed to alleviate. (278)

Further, their massive scale would leave few resources for other social needs. An infrastructure capable of handling annual throughput 70 percent larger than that handled currently by the global crude oil industry would be required, along with ridiculous quantities of water — 130 billion tons annually just to capture and store U.S. emissions. (280)

Far from being a step towards socialism (as some techno-utopians of the left hold), government funded geoengineering would simply solidify an environmental industrial complex alongside the military industrial complex, the pharmaceutical industrial complex, and other complexes of big capital. (281-2)

Finally, once again, climate change is only one way in which present environmental trends will soon “severely challenge the viability of contemporary human societies.” In all the other cases too the sorts of technologies that have been developed, and the ways they have been used, have been part of the story of how we got to the present “existential crisis.”

Unless we figure out why that has been the case and eliminate that reason, to think we will be saved by technologies is to indulge in fantasy.

(3) Capitalism is the fundamental cause of the existential crisis in the relation between humans and the earth. All living beings appropriate resources from their environment and all generate wastes back into their surroundings. For a species to successfully occupy an environmental niche, the rate at which it depletes resources from its ecosystem must correspond to the rate they are replenished, and the rate it generates wastes must be aligned with the rate wastes can be processed.

When the social forms of capitalism are in place, neither condition is met, creating the metabolic rift between human society and its environment.

Capitalist market societies are distinguished from other societies in that products generally take the form of commodities sold for a profit. Any capitalist producers who do not attempt to make as much profit as possible, as fast as possible, will find themselves losing market share to those who do, if not forced out of existence altogether.

Making as much profit as possible, as fast as possible, generally means producing and selling as many commodities as possible, as fast as possible. This accelerated temporality is in tension with the temporality of our environment; resources tend to be depleted at a faster rate than they can be replenished, and wastes generated at a faster rate than they can be processed.

From this standpoint the “Jevons Para­dox” is less a paradox than a general description of how capitalism works. Any environmental benefits from technologies using fewer natural resources or generating fewer wastes per unit of production necessarily tends to be overwhelmed by the increase in the number of commodities produced in response to the “Grow or die!” imperative so ruthlessly imposed by the demands of capital accumulation.

From Local to Global Destruction

In the early phases of capitalist development, environmental destruction was relatively localized. After a handful of centuries of global expansion, it has sucked in re­sources from the natural world and spewed out wastes on a global scale, creating a fundamental rift in the metabolic relationship between human beings and the earth that is our home.

#### Anti-trust is capitalist---competition inevitably replicates market collapse.

Richard Wolff 19 Professor Emeritus of Economics at University of Massachusetts, Amherst. Transcript from YouTube video: “Economic Update: Competition and Monopoly in Capitalism.” Democracy @ Work. December 9th, 2019. https://www.democracyatwork.info/eu\_competition\_monopoly\_in\_capitalism.

Today I'm going to devote the program to something many of you have asked me to present, to talk about, to analyze, and that is the question of monopoly. It has to do with the assertions we hear often these days that somehow our capitalist system, here in the United States and beyond, is being negatively affected because monopolies have replaced or displaced competition. The idea here is if only we can get competition back, recreate a competitive capitalism, why then the problems we face will go away. Today's program is a design to show you how and why that is not the case, to think about these things in a different way from this nice story that capitalism is basically fine; it's just the monopoly form we have to get rid of so we get back to the competition which we're all supposed to believe is wonderful and presents us with no problems to solve. So let's go, and let's do it in a systematic way.

First, it is of course easier, faced with a declining capitalism, a capitalism that's all around us with its extreme inequalities, with its instabilities – here we are, trying to cope with the effects of the Great Crash of 2008, even while we anticipate the next downturn coming down the road soon – an economic system that has shown (that is, capitalism) that it is not respectful of the natural environment; it is not, as the words now go, sustainable in a reasonable way. Yeah, we're surrounded by problems of capitalism. So it's comforting in that situation to get the idea from somewhere that this really isn't a problem of capitalism as a system but rather the problem brought in somehow from the outside – monopoly – a situation in which competition among many companies gives way in some way we're not quite sure about to a domination by one or a small handful of companies. And so the argument goes, we don't have to be critical of capitalism; we don't have to think about an alternative system. No, no, we just have to deal with this little detail, the monopoly problem. And if we can deal with that, well, we'll get back to a competition, to a competitive capitalism that is good.

There are three big mistakes involved in this way of thinking, which is nonetheless very widespread and very popular, more so now than in quite some years. First mistake: Capitalism has been wrestling with the problem of monopoly from day one. We have had repeated periods of monopoly. They have eventually led to movements, often of many people, to destroy or remove monopoly. We used to call that in America trust-busting, or antitrust. We even have a department within the Department of Justice in Washington devoted to antitrust activities. Yeah, we've been waging battles against monopoly over and over again, and you know why? Because we keep having monopolies over and over again. Google is a monopoly. Amazon is a monopoly. They're all around us: companies that have effectively no real competition. This is a problem that capitalism has always displayed. And that ought to lead you to wonder whether thinking about it as something we can do away with isn't maybe the best possible example of wishful thinking.

The second big mistake is to imagine that competition is some unmixed blessing. It never was, and it isn't today. A competitive market is a human institution. Like every other human institution, it has strengths, and flaws, and weaknesses. To think of competition as some magical perfection is a silly abnegation of your own rational capability to evaluate something. It's sort of advertising thinking. By that, I mean the advertiser tells you what's good about the product they've been told to advertise; they don't tell you what's bad about it. If you want to evaluate it, you don't talk to an advertiser because they only give you one side. The people who promote competition use advertising logic. We're not going to do that here. Competition is no unmixed blessing.

And finally, I'm going to show you that competition is itself the major cause of monopoly. So that even if we ever got back to a competitive capitalism, all that would mean is we're back in the process that produces monopoly – as it always has.

All right, so let's begin. I'm going to start with explaining how competition has all kinds of consequences that most of you, like me, don't like, don't want. It's a discussion, if you like, of competition's other side: you know, the part that the advertiser doesn't tell you about. The used-car salesman who wants you to buy that junk doesn't tell you about what happened last week in the car crash that that was part of, etc., etc.

All right, let's begin. One of the major reasons that American corporations shut down their operations in the United States and moved them to China, among other places, is because of – you guessed it – competition. They wanted to make more money than they had been before. They were afraid of other companies beating them in the competitive game, so they said wow, let's go to China, because there you can pay workers a lot less. There you don't have the same rules to obey. There they don't care that much about pollution as they do here. So we can save on all kinds of costs, and that will allow us to undercut our competitors. Yeah, one of the consequences of competition was the exodus of American companies to other parts of the world, and the enormous unemployment that resulted from it. Yeah, that was a result, among other things, of competition.

Here's another one: Capitalists, employers, seeking to compete with one another, often engage in what we call automation. They bring in machines that are cheaper to use than human laborers, and that gets them a step ahead of their competitors. Okay, if we replace people with machines, we throw those people out of work. That has an impact on them, their self-esteem, their relationship to their spouse, their relationship to their children, their relationship to alcohol – should I continue? What are the social costs of automation? They're huge. They've been documented over and over again. Competition provokes and produces automation.

Let me give you another example: Companies are competing, say, in the food business – you know, trying to get a customer like you or me to buy this kind of cereal rather than another. So they get their labs to go to work, and they discover we can replace wheat, which we used to put in our little flakes, with – Lord help us – some chemical that is cheaper than wheat. We're not going to worry about what that chemical does to your chemistry in your body because we can now lower the price of our cereal, because we're saving on wheat, and undercut the competitor. The human beings who eat this stuff will suffer, now and in the future, but competition left our producer of cereal no choice.

And in case you think I'm making some up, let me give you some concrete ones. The Boeing Corporation, the major producer of airplanes in this country, is in a crisis as a corporation. You know why? Because the 737 Max crashed a couple of times, killing hundreds of people. And you know why? It turns out they economized on safety measures, and training measures. And you know why they did that? Because they're in a very tight competition with European and other airplane manufacturers, and that leads them – as it usually does – to look to cut corners: that race for, quote, "efficiency." Yeah, it was competition that contributed to those deaths and to that problem. That's competition too. You can't whitewash this story; they're real. One of the ways Amazon beats its competition is it speeds up the work process. It has figured out ways to make people work much more intensely, using up their brains, their muscles, their nerves, in ways that cause real long-term physical damage to working people. That, too, is a result of the competitive effort.

And you know, it wasn't so long ago that children were part of the labor force. That's right, kids as young as five and six years of age. We were told they have little fingers, you see. They can be more productive than people who are adults with big fat fingers, you know – that doesn't work. And by the way, you should be grateful because poor kids are the ones we hire, and that gives their poor families more income than they would otherwise have. We heard those arguments. Competition, the companies said, required them to use the more productive, and the lower-wage, children rather than adults. So child labor was also a result of competition. It was so ugly and so troubling to so many people that finally there were movements in the United States and many other countries simply to outlaw child labor. So it became a crime for any employer to use a worker who was under 16 or 18 years of age. That was a way in which people said we are not going to allow competition among capitalists to destroy our children. They were recognizing that competition has an awful effect in what it does to children.

Well, it has many awful effects. So let's be clear: In the history of capitalism, the monopoly problem (which we're going to get to in the second half of today's program) is no worse, it's just different, from the competition problems. Capitalism goes through phases of competition and monopoly, going from one to the other, as I will explain. But we shouldn't bemoan the one in favor of the other, any more than vice-versa. These are neither of them solutions; they are both phases of the problem. And the problem is capitalism, which does its number on us both in the period when it's competitive and in the period when it's monopoly. People who want us to engage one more time in an anti-monopoly crusade are doing something that in the end evades the problem, which is the system – capitalism – not this or that form of that system, such as competition and monopoly.

We've come to the end of the first half of today's Economic Update. This gives me an opportunity to remind you, please, to sign up if you haven't already, to subscribe to our YouTube channel. It's a way easily for you to support us, doesn't cost any money, and it is a big help to us in terms of our reputation and what we can accomplish. Likewise, please make use of our websites. They are there for your communication with us. They are there for you to be able to, with a click of a mouse, to follow us on Facebook, Twitter, and Instagram. And finally, a special thanks goes, as always, to our Patreon community for their ongoing enthusiastic support. It means the world to us. My final, very final for this first half, is about a new book that we have just produced and released. It's a follow-up to an earlier volume I have spoken to you about that was called Understanding Marxism. For the same reason, we have now produced a brand-new book, just out, called Understanding Socialism. It is a response, as this program is, to issues, questions, comments you have sent to us in large numbers. It's an attempt to give an overview of the different interpretations of what socialism means, of what happened in countries like Russia and China that tried to create this – the strengths, the weaknesses, the lessons to be learned, what to do, and what not to do. Please, if you're interested and want to follow up, check us out, check the book out: lulu.com is how you find both books. And I will be right back; stay with us.

Welcome back, friends, to the second half of today's Economic Update. This program, as I explained, is devoted to the analysis of competition and monopoly as two interactive, sequential phases of capitalism as a system. The first part of the program was devoted mostly to competition, so let's turn now to monopoly. What is the basic definition and criticism of monopoly? Strictly speaking, monopoly is defined simply as a situation in which the producers of a particular commodity – shoes, software programs, haircuts, it doesn't matter – have been reduced to only one. Literally one seller – a monopolist. But in general language, it includes also situations where many producers who once competed with one another have been reduced to only a handful. The strict term for only a handful is "oligopoly," but we don't have to split hairs about this. "Monopoly" will be the word we use for either one or a very small number.

For example, there were once dozens of automobile companies, but very quickly their competition reduced them to basically three for much of the post-World War II period, and you know their names: Ford, General Motors, and Chrysler. And likewise there were once many cigarette producers, there were once many television-set producers, and they became very few, whose names, therefore, we all know.

What's the criticism of a monopoly or oligopoly situation? Again, very simple: The idea is, if there's only one seller of something, that seller can jack up the price way above what he might have otherwise because he doesn't have any competitor. If he had a competitor, if he raised the price, the competitor would get all the business because we'd all go to the competitor who hadn't raised the price rather than buy it at a higher price from the monopolist. So we don't like monopolies, because they can jack up their prices and their profits because they don't have a competitor. And if it's a few, a handful, well then we talk about things like cartels: arrangements when a few get together over dinner, or out on the golf course, and tell us what the price is. If you ever wondered why the prices of different cars, different cigarettes, and so on, are so close to one another – mm-hmm – that's because there are few sellers, and somehow they worked it all out. But the basic criticism is that a monopoly is a situation in which the seller of something jacks the price up way beyond what they could otherwise get because there are no more competitors.

So let's talk about this monopoly problem and where the monopolies come from. Well, the first and most important lesson is this: Competition produces monopoly. It's not something external, imposed on competition. It has nothing to do with human greed or anything else. Are people greedy? You betcha – some more, some less – but that's really a separate matter. It's competition that produces monopoly, and let me show you how that works. In competition, we have, by definition, a whole bunch of producers. They all produce the same thing. They compete with one another, hoping we, the consumer, will buy from one rather than the other. They compete in the quality of what they produce and in the price of what they produce. And we are supposed, as consumers, to go look for the best quality at the lowest price, and to patronize that one who offers that to us better than the others that we could buy from but choose not to.

Okay, that's a fair definition. Now let's follow the logic. Company A produces – however it manages it – a better quality and/or a lower price than Company B. So we all go to Company A. Company B can't find any buyers because it's not competitive. Or to say the same thing in other words, Company A outcompetes Company B. Here's what happens: Company B collapses. Because it can't sell its goods, we're all going to Company A. So Company B sooner or later declares bankruptcy. It can't continue. It lays off its employees, it stops buying inputs, because it can't compete. Good. Now what happens in Company A? Company A says hey, there's a whole bunch of workers that have just lost their job at Company B; they're trained in producing what we produce; let's go hire some of them. And likewise, Company A says, they're not using their computers, or their trucks, or their other inputs. They're going to have to sell them on the secondhand market. We can get some important inputs we need at a lower price than we would have to pay if we bought them new. So what begins to happen is, where before there were two companies, A and B, there's now one larger A, and B has disappeared. Or to say the same thing in simple English, A – the winner in the competitive struggle – eats, absorbs into itself, what's left of Company B.

And this process is repeated over and over, until 30, or 300, companies have become one, or two, or three. That's the result of competition. That's how competition is supposed to work. That's how competition does work. It's important to understand: Monopoly is where competition leads. And as if that weren't enough, let me make sure you understand this from the business point of view: It is the great dream of every entrepreneur to become the last one standing in the competition, to win the competition, not just because it makes you feel good you outmaneuvered your competitors, but because if you're the last one standing, you're the monopolist. The reward for having outcompeted the others is that you're now in a position to jack up the profits, and the prices, way beyond what you could have done before.

So we have a system that produces monopoly, and all the incentives for every entrepreneur in competition to work as hard as possible to become the monopolist. So why is anyone surprised that monopolies keep happening, because they're the whole point and purpose of capitalist competition. If you ever were – and we never have, but if you ever were – able to get rid of all the monopolies and re-establish competition, all you would be doing is setting this same process in motion again for the umpteenth historical time. In other words, fighting against monopoly is pointless as long as you have capitalism, because it is the endless reproducer of this problem – as it always has been.

Now, how do monopolies maintain themselves? If you're the only one standing, you're a monopolist. Or you're an oligopoly, you're a few, and you get together and jack up your prices together. The question becomes look, a monopolist makes very high profits – much higher than a competitor can achieve – and isn't that an enormous incentive for other capitalists to get in on that business? Because look at the profits they're earning, because they're the only one. Apple, Amazon, Google – the profits are staggering. Everybody wants to get in. So the way a monopolist has to think is, I've got to create obstacles that block other people from coming in to get a piece of the enormous profits my monopoly allows me to get. We call that in economics "barriers to entry." Monopolists need to create barriers. Let me give you a couple of examples.

The major soft drink makers in the United States – basically Coca-Cola and Pepsi Cola – they produce a drink that has sugar and coloring in it, and lots and lots of water. Let me assure you, there is nothing difficult or complicated about producing a mixture of sugar, color, and water. It doesn't take a genius; it never did. Pepsi and Coca-Cola make a fortune off of their product, as we know, and they have for decades. They have a virtual monopoly. Now, lots of other people could produce water, sugar, and color close to, if not identical with, whatever they produce, but they can't break through. They can't really get to that status. And you know why? Because Coca-Cola and Pepsi erected a barrier to entry. And the way they did that was with advertising. Every billboard, every magazine cover, every doorway of every institution you've ever been to has a picture of smiling, happy people drinking one or the other. You've learned: that's the drink, that's the drink. Another company might make a perfect substitute, but they can't afford the enormous cost of advertising. The advertising costs more than the water, and the sugar, and the color. What you pay for when you buy Pepsi and Coke is the advertising that got you to buy it. You're paying for being hustled. But it works, because it means other companies know that they can't get in there by cheaply producing an alternative, because you have to produce the advertising that goes with it, or else you can't do it. And so their monopoly is maintained.

Here's another way to maintain a monopoly: Get the government to step in. Here the famous example is the milk producers. Some years ago, there was a crisis with milk. There was contamination; people were getting sick. So the clever milk monopolies came in and said, we're going to support the enormously expensive, special equipment to guarantee pasteurization, and so on, of milk. Why did they support it? Because your small farmer, your small dairy producer, can't afford it, so they go out of business. Only the big, rich few that are left can afford the enormous equipment. They used governmental rules to create a barrier to entry.

Here's another way: corrupt public officials. President Trump denounces Huawei corporation because it compromises our national security. It denounces European car producers because somehow their shipping cars here compromises our security. Who cares? As long as the president blocks other companies from getting into the business that might compete with an American, a barrier to entry exists. Monopolists have been very creative in coming up with ways to preserve their monopolies.

I don't want to lose the basic point. The basic point is: Capitalism oscillates, back and forth between competition and monopoly – first this industry, then that one. For a while, Ford, General Motors, and Chrysler were the monopolies – or the oligopoly, if you like – in automobiles. But eventually, Toyota, and Nissan, and Peugeot, and Fiat broke the monopoly. In that case, it was foreigners who did it. And then we had some competition, and that, then, is now shrinking. The French – the last two producers in France – have just agreed to merge. You get the picture. Industry by industry, first this one, then that one, go through one phase or another.

The important point is: The phases are not our problem. They merge into, and incentivize, each other. Each provokes movement in the other direction. The point to understand is that the problems of a capitalist system are not about this oscillation of phases. We're not going to solve the problem of monopoly by getting rid of them and re-establishing competition. We've been there; we've done that; it reproduces monopoly; and it doesn't change the basic inequality, unsustainability, instability of capitalism. We need to get beyond that stale, old debate – competition versus monopoly – and face the underlying reality: Capitalism is the problem, and getting beyond it is the solution.

#### Vote neg to endorse global movements---pressures towards socialist state action are building, forces the hand of monopolies.

Carles MUNTANER ET AL. 15, MD, PhD, Professor in the Faculty of Nursing, Dalla Lana School of Public Health, and in the Department of Psychiatry, Faculty of Medicine, at the University of Toronto; Edwin Ng, PhD in Social Science and Health in the Dalla Lana School of Public Health; Haejoo Chung, associate professor in health policy at the Korea University College of Health Sciences; Seth J. Prins, PhD candidate in Epidemiology and a Psychiatric Epidemiology Training Program Fellow at Columbia University [“Two decades of Neo-Marxist class analysis and health inequalities: A critical reconstruction,” *Social Theory & Health*, Vol. 13, No. 3-4, Aug/Nov 2015, p. 267-287, Accessed Online through Emory Libraries]

An ostensible goal of all research on the social production of health inequalities is not merely to describe or explain such inequalities, but to effectively reduce them (Muntaner and Lynch, 2002; O'Campo and Dunn, 2011; Muntaner et al, 2012b). A Neo-Marxist class approach has implications for the way that researchers think about and engage with efforts to reduce health inequalities, implications that invert the mainstream relationship between research and action. A cursory glance at the conclusion sections of many population health studies reveals an almost rote focus on ‘policy implications’ relevant to policymakers. We argue here that, although this mainstream orientation to social class and health inequalities may appear innocuous or politically neutral, it in fact functions in the service of incremental, apolitical, technical changes that are ultimately system-justifying and status-quo-reproducing (Chomsky, 1971).

As we described at the outset, the individual attribute approach to social class tracked broader trends in social science theory and research towards reductionism and methodological individualism. This absolves researchers from engaging with social processes and relations, which demand analyses of exploitation, domination, and even employment relations. These intellectual trends, in turn, reflect structural changes in the political economy of academic institutions that produce such knowledge (Muntaner et al, 2012a). While a complete discussion of the impact of neo-liberalism on health inequalities research is beyond the scope of this analysis, we contend that such trends conform to political options that often perpetuate inequalities, because they produce knowledge that explicitly avoids the mechanisms that generate social and health inequalities.

What can a Neo-Marxist approach to social and health inequalities add? Aside from doing the opposite of the mainstream approach (that is, re-engaging with analyses of employment relations, exploitation, domination and other class processes), an important contribution of Neo-Marxist class analysis is to break the chain between health inequality research and the ‘policy mystique’. It can do this by flipping its orientation from the top-down to the bottom-up, and rediscovering and engaging with the rich diversity of poor people's and working class social movements whose struggles - class struggles - against inequality, including health inequalities, can become a target audience for research and action. Adopting a relational class approach means recognizing - not just politically, but from a pragmatic research design and implementation perspective - that the vast majority of ‘the 99 per cent’ are completely alienated from the policy space, both professionally and electorally. Examples of such bottom up class approaches would be the ‘Housing First’ program in Canadian cities (van Draanen et al, 2013) or public health action research with labour unions in the United States (Malinowski et al, 2015). A resurgence of poor, working class, and climate-justice activism, from the international outgrowths of Latin America's left turn and the Arab Spring (Muntaner et al, 2011) to the anti-austerity movements in the European Union (Tugas, 2014), provides compelling opportunities for researchers to address new, grassroots stakeholders.

Recognizing that the vast majority of the population is on the opposite side of the class struggle than 'policymakers' does not imply that we should abandon progressive health policy reforms, but it means that we should adopt a more critical, bottom-up perspective towards how policy changes affecting the public's health are ultimately achieved. This is not to say that all researchers of social inequalities in health must become public social scientists (Burawoy, 2005) but it is to say that we cannot consign ourselves, under a thin veil of neutrality, to de facto approaching policy from a privileged position of access to elites, that is, from the orientation of serving policymakers. At the very least, we should have a more class-conscious perspective (Burawoy, 2014). Returning to and advancing relational approaches to class may be the only way this will be possible.

### Bedoya DA---1NC

#### Bedoya will be confirmed to the FTC now, but it’s narrow---his agenda is key to regulating FRT.

Jessica Rich 11/18/21. Former director of the Federal Trade Commission’s (FTC) Bureau of Consumer Protection (BCP), Counsel at Kelley Drye LLP. “Some fireworks at Bedoya’s Senate confirmation hearing, but confirmation still seems likely.” Ad Law Access, 11-18-2021. https://www.adlawaccess.com/2021/11/articles/some-fireworks-at-bedoyas-senate-confirmation-hearing-but-confirmation-still-seems-likely/

On November 17, the Senate Commerce Committee held its eagerly-awaited hearing on the nomination of Alvaro Bedoya, a data privacy academic from Georgetown Law, to be FTC Commissioner. Bedoya is slated to replace Rohit Chopra, who departed the agency last month to become Director of the CFPB, and Bedoya’s appointment would once again give the Democrats a voting majority. In the run-up to his hearing, some have wondered – Can we expect Bedoya to provide Chair Khan with a reliable third vote for her agenda, or will he bring a more bipartisan approach to the agency? From his answers and demeanor at the hearing, the answer is probably…both.

First, a little table-setting: Bedoya’s nomination was considered along with three others – Jessica Rosenworcel for FCC Chair and two nominees for the Department of Commerce. The hearing was well-attended by Committee members, who directed the majority of their questions to Rosenworcel. (Yes, net neutrality, broadband access, and the “homework gap” all got more attention than privacy.) All four current FTC Commissioners attended the hearing in person, in a bipartisan show of support for Bedoya, though Bedoya attended remotely due to a recent exposure to COVID.

Here are some takeaways from Bedoya’s portion of the hearing.

He appears likely to be confirmed, even if largely along party lines. Although Senator Wicker made a reference to Bedoya’s “strident” views and Senators Lee, Cruz, and Sullivan slammed his “extremist” tweets (see below), most of the questions (from 18 Senators!) related to Bedoya’s area of expertise (privacy), where there is more alignment between the parties than in other areas. He handled the questions well, and repeatedly expressed support for collaboration and bipartisanship (e.g., specifically mentioning that he wants to work closely with Commissioner Wilson on privacy). Democrats have the votes (in the Committee and on the Senate floor), even if they ultimately have to call in V.P. Harris to break a tie.

He spoke about his nomination and the issues in personal and emotional terms. Bedoya highlighted that he and his family were welcomed into this country 34 years ago. He talked about his experience as a Senate staffer, learning about the terror and harm caused by stalking apps from a shelter for battered women. He realized then and believes now that “privacy is not just about data, it’s about people.” His goal as a Commissioner would be to make sure the FTC protects people, and to help both consumers and businesses manage the multiple crises facing the country – a COVID crisis, a privacy crisis, and a small business crisis.

He appears likely to vote with the majority on many (or most) issues. No big surprise here, but when asked his views about various issues, he consistently supported positions that Khan, Slaughter, and (his predecessor) Chopra have supported – federal privacy legislation, Magnuson-Moss privacy rulemaking if Congress doesn’t act, pushing back against the “unprecedented consolidation” that is forcing small businesses to close, streamlining the FTC’s rulemaking and subpoena processes, reducing the power of the platforms, and reining in tracking technologies like facial recognition. As to the latter, he said he would not support banning facial recognition technologies altogether, since some applications assist with benefits like public safety and healthcare. However, he would support banning facial recognition technologies that are hidden, that lack consent, or that collect, use, and share data without limits.

He’s a real-live privacy expert. He clearly has the credentials, starting with his work as a Senate staffer and continuing through his years at Georgetown Law as a professor and head of a privacy think tank. But he also quickly and confidently answered all questions related to privacy – from the need for privacy legislation generally, to his views on Senator Schatz’s “duty of loyalty” and Senator Markey’s proposal to amend COPPA, to the lines he would draw on facial recognition (see above).

He wrote some controversial tweets, and a number of Republicans seem poised to vote “no” on his confirmation. Senator Sullivan cited a tweet from Bedoya calling the 2016 Republican convention a “White Supremacist rally.” Cruz cited tweets about ICE as a “domestic surveillance agency” and a retweet involving critical race theory and white supremacy. He also called Bedoya a “left wing activist, bomb thrower, extremist, and provocateur.” Lee ran through a series of supposedly “yes or no” questions in rapid succession, and accused Bedoya of being evasive when he tried to qualify his responses. And Wicker referred to Bedoya’s “strident” views, as noted above. As to the tweets, Bedoya apologized, saying that it was “rhetoric” and that he would put aside any partisan views if he became Commissioner. However, these Senators (and perhaps other Republicans) seem poised to vote “no” on Bedoya’s confirmation, and some have said they plan to place a “hold” on the process, which could slow it down.

If confirmed, he could help reduce tensions at the Commission. With acrimony among the Commissioners currently at unprecedented levels (see our recent post here), adding Bedoya to the mix could help reduce the tensions (despite the tweets). He’s known to be collegial, he worked across the aisle as a Senate staffer, he repeatedly invoked bipartisanship at the hearing, and all of the sitting Commissioners (Democrats and Republicans) showed up at the hearing to support him. That augurs well for the dynamics at the Commission, even if the votes remain split along party lines.

We will continue to monitor progress on Bedoya’s nomination and post updates as they occur.

#### The plan triggers backlash to the FTC.

Alison Jones 20. Professor of Law at King's College London, with William E. Kovacic – George Washington University, March, “Antitrust’s Implementation Blind Side: Challenges to Major Expansion of U.S. Competition Policy.” The Antitrust Bulletin. https://journals.sagepub.com/doi/full/10.1177/0003603X20912884

D. Political Backlash

As we have already indicated, the government’s prosecution of high stakes antitrust cases often inspires defendants to lobby elected officials to rein in the enforcement agency. Targets of cases that seek to impose powerful remedies have several possible paths to encourage politicians to blunt enforcement measures. One path is to seek intervention from the President. The Assistant Attorney General of the Antitrust Division serves at the will of the President, making DOJ policy dependent on the President’s continuing support. The White House ordinarily does not guide the Antitrust Division’s selection of cases, but there have been instances in which the President pressured the Division to alter course on behalf of a defendant, and did so successfully.125

The second path is to lobby the Congress. The FTC is called an “independent” regulatory agency, but Congress interprets independence in an idiosyncratic way.126 Legislators believe independence means insulation from the executive branch, not from the legislature. The FTC is dependent on a good relationship with Congress, which controls its budget and can react with hostility, and forcefully, when it disapproves of FTC litigation—particularly where it adversely affects the interests of members’ constituents. Controversial and contested cases may consequently be derailed or muted if political support for them wanes and politicians become more sympathetic to commercial interests. The FTC’s sometimes tempestuous relationship with Congress demonstrates that political coalitions favoring bold enforcement can be volatile, unpredictable, and evanescent.127 If the FTC does not manage its relationship with Congress carefully, its litigation opponents may mobilize legislative intervention that causes ambitious enforcement measures to the founder.

Imagine, for a moment, that the DOJ and the FTC launch monopolization cases against each of the GAFA giants. Among other grounds, these cases might be premised on the theory that the firms used mergers to accumulate and protect positions of dominance. The GAFA firms have received unfavorable scrutiny from legislators from both political parties over the past few years, but the current wave of political opprobrium is unlikely to discourage the firms from bringing their formidable lobbying resources to bear upon the Congress. It would be hazardous for the enforcement agencies to assume that a sustained, well-financed lobbying campaign will be ineffective. At a minimum, the agencies would need to consider how many battles they can fight at one time, and how to foster a countervailing coalition of business interests to oppose the defendants.

#### That derails Bedoya’s nomination.

Kathleen Murphy 21. Senior reporter at FTC Watch, 11/1/21. “Bedoya’s confirmation hearing draws closer,” FTC Watch. https://www.mlexwatch.com/articles/13940/print?section=ftcwatch

When Alvaro Bedoya, President Joe Biden’s nominee to the Federal Trade Commission, faces US senators, he will be asked about his scholarly views on privacy. But the hearing also gives senators a chance to assess the agenda of the last FTC nominee they confirmed, Chair Lina Khan.

The Senate Commerce, Science and Transportation Committee is set to consider Bedoya’s nomination, although no hearing date has been set. It’s most likely to occur the week of Nov. 15 or early December, based on the 2021 Senate calendar.

Serving on the FTC means Bedoya, a Georgetown University professor and former congressional lawyer, would end a 2-2 split and give Democrats a majority to implement the chair’s policies. Bedoya, founding director of the Center on Privacy & Technology at Georgetown Law, would replace former Commissioner Rohit Chopra who left Oct. 8 to serve as director of the Consumer Financial Protection Bureau.

Biden nominated Bedoya in mid-September. Khan, meanwhile, started serving as FTC chair in mid-June after an 83-day confirmation process. (See FTCWatch, No. 1002, March 29, 2021.)

‘99% about FTC Chair Lina Khan’

Michael Keeley, co-chair of the antitrust practice at Axinn, Veltrop & Harkrider, tweeted: “Bedoya confirmation is going to be 99% about FTC Chair Lina Khan, and 1% to do with Alvaro Bedoya. (And hopefully 0% about the Vertical Merger Guidelines.)”

Keeley said he expects the focus of the hearing to be assessing the wisdom of the policies being pursued by Khan.

“One area that might come up will be the number of steps the commission has been taking already to try to discourage mergers generally, which is consistent with the policies that were pursued and announced by the administration,” Keeley said in an interview. Confirmation hearings are useful for antitrust lawyers, Keeley said, because it’s “always good to understand the priorities that an enforcer believes in and to have them engage with senators on tough questions.”

Bedoya’s expertise

Bedoya, who is a naturalized US citizen born in Peru, has focused his work on the impact of surveillance and commercial data collection on immigrants and people of color. He has written about police use of facial recognition and oversaw the Center’s investigation that showed most American adults are enrolled in police face recognition databases that suffer from race and gender bias. Advocacy groups, such as anti-monopoly and civil rights organizations, urged the Senate to confirm Bedoya swiftly.

The antitrust views of Bedoya, a Yale Law School graduate, are less spelled out, offering another avenue of inquiry for senators. Republican senators are expected to examine how closely Bedoya will mirror the priorities Khan has established.

#### Bad FRT causes democratic backsliding---proactive US regulation is key.

Andrea Kendall-Taylor et. al 20. Senior fellow and director of the Transatlantic Security Program at the Center for a New American Security, co-author of Democracies and Authoritarian Regimes, with Erica Frantz - Assistant Professor of Political Science at Michigan State University, and Joseph Wright - Professor of Political Science at Pennsylvania State University, March/April 2020. “The Digital Dictators,” Foreign Affairs. <https://www.foreignaffairs.com/articles/china/2020-02-06/digital-dictators>

THE CHINA MODEL

The advancement of AI-powered surveillance is the most significant evolution in digital authoritarianism. High-resolution cameras, facial recognition, spying malware, automated text analysis, and big-data processing have opened up a wide range of new methods of citizen control. These technologies allow governments to monitor citizens and identify dissidents in a timely—and sometimes even preemptive—manner.

No regime has exploited the repressive potential of AI quite as thoroughly as the one in China. The Chinese Communist Party collects an incredible amount of data on individuals and businesses: tax returns, bank statements, purchasing histories, and criminal and medical records. The regime then uses ai to analyze this information and compile “social credit scores,” which it seeks to use to set the parameters of acceptable behavior and improve citizen control. Individuals or companies deemed “untrustworthy” can find themselves excluded from state-sponsored benefits, such as deposit-free apartment rentals, or banned from air and rail travel. Although the ccp is still honing this system, advances in big-data analysis and decision-making technologies will only improve the regime’s capacity for predictive control, what the government calls “social management.”

China also demonstrates the way digital repression aids the physical variety—on a mass scale. In Xinjiang, the Chinese government has detained more than a million Uighurs in “reeducation” camps. Those not in camps are stuck in cities where neighborhoods are surrounded by gates equipped with facial recognition software. That software determines who may pass, who may not, and who will be detained on sight. China has collected a vast amount of data on its Uighur population, including cell phone information, genetic data, and information about religious practices, which it aggregates in an attempt to stave off actions deemed harmful to public order or national security.

New technologies also afford Chinese officials greater control over members of the government. Authoritarian regimes are always vulnerable to threats from within, including coups and high-level elite defections. With the new digital tools, leaders can keep tabs on government officials, gauging the extent to which they advance regime objectives and rooting out underperforming officials who over time can tarnish public perception of the regime. For example, research has shown that Beijing avoids censoring citizens’ posts about local corruption on Weibo (the Chinese equivalent of Twitter) because those posts give the regime a window into the performance of local officials.

In addition, the Chinese government deploys technology to perfect its systems of censorship. AI, for example, can sift through massive amounts of images and text, filtering and blocking content that is unfavorable to the regime. As a protest movement heated up in Hong Kong last summer, for example, the Chinese regime simply strengthened its “Great Firewall,” removing subversive content from the Internet in mainland China almost instantaneously. And even if censorship fails and dissent escalates, digital autocracies have an added line of defense: they can block all citizens’ access to the Internet (or large parts of it) to prevent members of the opposition from communicating, organizing, or broadcasting their messages. In Iran, for example, the government successfully shut down the Internet across the country amid widespread protests last November.

Although China is the leading player in digital repression, autocracies of all stripes are looking to follow suit. The Russian government, for example, is taking steps to rein in its citizens’ relative freedom online by incorporating elements of China’s Great Firewall, allowing the Kremlin to cut off the country’s Internet from the rest of the world. Likewise, Freedom House reported in 2018 that several countries were seeking to emulate the Chinese model of extensive censorship and automated surveillance, and numerous officials from autocracies across Africa have gone to China to participate in “cyberspace management” training sessions, where they learn Chinese methods of control.

THE VELVET GLOVE

Today’s technologies not only make it easier for governments to repress critics; they also make it easy to co-opt them. Tech-powered integration between government agencies allows the Chinese regime to more precisely control access to government services, so that it can calibrate the distribution—or denial—of everything from bus passes and passports to jobs and access to education. The nascent social credit system in China has the effect of punishing individuals critical of the regime and rewarding loyalty. Citizens with good social credit scores benefit from a range of perks, including expedited overseas travel applications, discounted energy bills, and less frequent audits. In this way, new technologies help authoritarian regimes fine-tune their use of reward and refusal, blurring the line between co-option and coercive control.

Dictatorships can also use new technologies to shape public perception of the regime and its legitimacy. Automated accounts (or “bots”) on social media can amplify influence campaigns and produce a flurry of distracting or misleading posts that crowd out opponents’ messaging. This is an area in which Russia has played a leading role. The Kremlin floods the Internet with pro-regime stories, distracting online users from negative news, and creates confusion and uncertainty through the spread of alternative narratives.

Maturing technologies such as so-called microtargeting and deepfakes—digital forgeries impossible to distinguish from authentic audio, video, or images—are likely to further boost the capacity of authoritarian regimes to manipulate their citizens’ perceptions. Microtargeting will eventually allow autocracies to tailor content for specific individuals or segments of society, just as the commercial world uses demographic and behavioral characteristics to customize advertisements. Ai-powered algorithms will allow autocracies to microtarget individuals with information that either reinforces their support for the regime or seeks to counteract specific sources of discontent. Likewise, the production of deepfakes will make it easier to discredit opposition leaders and will make it increasingly difficult for the public to know what is real, sowing doubt, confusion, and apathy.

Digital tools might even help regimes make themselves appear less repressive and more responsive to their citizens. In some cases, authoritarian regimes have deployed new technologies to mimic components of democracy, such as participation and deliberation. Some local Chinese officials, for example, are using the Internet and social media to allow citizens to voice their opinions in online polls or through other digitally based participatory channels. A 2014 study by the political scientist Rory Truex suggested that such online participation enhanced public perception of the ccp among less educated citizens. Consultative sites, such as the regime’s “You Propose My Opinion” portal, make citizens feel that their voices matter without the regime having to actually pursue genuine reform. By emulating elements of democracy dictatorships can improve their attractiveness to citizens and deflate the bottom-up pressure for change.

DURABLE DIGITAL AUTOCRACIES

As autocracies have learned to co-opt new technologies, they have become a more formidable threat to democracy. In particular, today’s dictatorships have grown more durable. Between 1946 and 2000—the year digital tools began to proliferate—the typical dictatorship ruled for around ten years. Since 2000, this number has more than doubled, to nearly 25 years.

Not only has the rising tide of technology seemingly benefited all dictatorships, but our own empirical analysis shows that those authoritarian regimes that rely more heavily on digital repression are among the most durable. Between 2000 and 2017, 37 of the 91 dictatorships that had lasted more than a year collapsed; those regimes that avoided collapse had significantly higher levels of digital repression, on average, than those that fell. Rather than succumb to what appeared to be a devastating challenge to their power—the emergence and spread of new technologies—many dictatorships leverage those tools in ways that bolster their rule.

Although autocracies have long relied on various degrees of repression to support their objectives, the ease with which today’s authoritarian regimes can acquire this repressive capacity marks a significant departure from the police states of the past. Building the effectiveness and pervasiveness of the East German Stasi, for example, was not something that could be achieved overnight. The regime had to cultivate the loyalty of thousands of cadres, training them and preparing them to engage in on-the-ground surveillance. Most dictatorships simply do not have the ability to create such a vast operation. There was, according to some accounts, one East German spy for every 66 citizens. The proportion in most contemporary dictatorships (for which there are data) pales in comparison. It is true that in North Korea, which ranks as possibly the most intense police state in power today, the ratio of internal security personnel and informants to citizens is 1 to 40—but it was 1 to 5,090 in Iraq under Saddam Hussein and 1 to 10,000 in Chad under Hissene Habre. In the digital age, however, dictatorships don’t need to summon immense manpower to effectively surveil and monitor their citizens.

Instead, aspiring dictatorships can purchase new technologies, train a small group of officials in how to use them—often with the support of external actors, such as China—and they are ready to go. For example, Huawei, a Chinese state-backed telecommunications firm, has deployed its digital surveillance technology in over a dozen authoritarian regimes. In 2019, reports surfaced that the Ugandan government was using it to hack the social media accounts and electronic communications of its political opponents. The vendors of such technologies don’t always reside in authoritarian countries. Israeli and Italian firms have also sold digital surveillance software to the Ugandan regime. Israeli companies have sold espionage and intelligence-gathering software to a number of authoritarian regimes across the world, including Angola, Bahrain, Kazakhstan, Mozambique, and Nicaragua. And U.S. firms have exported facial recognition technology to governments in Saudi Arabia and the United Arab Emirates.

A SLIPPERY SLOPE

As autocracies last longer, the number of such regimes in place at any point in time is likely to increase, as some countries backslide on democratic rule. Although the number of autocracies globally has not risen substantially in recent years, and more people than ever before live in countries that hold free and fair elections, the tide may be turning. Data collected by Freedom House show, for example, that between 2013 and 2018, although there were three countries that transitioned from “partly free” to “free” status (the Solomon Islands, Timor-Leste, and Tunisia), there were seven that experienced the reverse, moving from a status of “free” to one of “partly free” (the Dominican Republic, Hungary, Indonesia, Lesotho, Montenegro, Serbia, and Sierra Leone).

The risk that technology will usher in a wave of authoritarianism is all the more concerning because our own empirical research has indicated that beyond buttressing autocracies, digital tools are associated with an increased risk of democratic backsliding in fragile democracies. New technologies are particularly dangerous for weak democracies because many of these digital tools are dual use: technology can enhance government efficiency and provide the capacity to address challenges such as crime and terrorism, but no matter the intentions with which governments initially acquire such technology, they can also use these tools to muzzle and restrict the activities of their opponents.

Pushing back against the spread of digital authoritarianism will require addressing the detrimental effects of new technologies on governance in autocracies and democracies alike. As a first step, the United States should modernize and expand legislation to help ensure that U.S. entities are not enabling human rights abuses. A December 2019 report by the Center for a New American Security (where one of us is a senior fellow) highlights the need for Congress to restrict the export of hardware that incorporates AI-enabled biometric identification technologies, such as facial, voice, and gait recognition; impose further sanctions on businesses and entities that provide surveillance technology, training, or equipment to authoritarian regimes implicated in human rights abuses; and consider legislation to prevent U.S. entities from investing in companies that are building ai tools for repression, such as the Chinese ai company SenseTime.

The U.S. government should also use the Global Magnitsky Act, which allows the U.S. Treasury Department to sanction foreign individuals involved in human rights abuses, to punish foreigners who engage in or facilitate Ai-powered human rights abuses. Ccp officials responsible for atrocities in Xinjiang are clear candidates for such sanctions.

U.S. government agencies and civil society groups should also pursue actions to mitigate the potentially negative effects of the spread of surveillance technology, especially in fragile democracies. The focus of such engagement should be on strengthening the political and legal frameworks that govern how surveillance technologies are used and building the capacity of civil society and watchdog organizations to check government abuse.

What is perhaps most critical, the United States must make sure it leads in AI and helps shape global norms for its use in ways that are consistent with democratic values and respect for human rights. This means first and foremost that Americans must get this right at home, creating a model that people worldwide will want to emulate. The United States should also work in conjunction with like-minded democracies to develop a standard for digital surveillance that strikes the right balance between security and respect for privacy and human rights. The United States will also need to work closely with like-minded allies and partners to set and enforce the rules of the road, including by restoring U.S. leadership in multilateral institutions such as the United Nations.

AI and other technological innovations hold great promise for improving everyday lives, but they have indisputably strengthened the grip of authoritarian regimes. The intensifying digital repression in countries such as China offers a bleak vision of ever-expanding state control and ever-shrinking individual liberty.

But that need not be the only vision. In the near term, rapid technological change will likely produce a cat-and-mouse dynamic as citizens and governments race to gain the upper hand. If history is any guide, the creativity and responsiveness of open societies will in the long term allow democracies to more effectively navigate this era of technological transformation. Just as today’s autocracies have evolved to embrace new tools, so, too, must democracies develop new ideas, new approaches, and the leadership to ensure that the promise of technology in the twenty-first century doesn’t become a curse.

#### Nuke war.

Dr. Larry Diamond 19. Professor of Political Science and Sociology at Stanford University, Senior Fellow at the Hoover Institution, Senior Fellow at the Freeman Spogli Institute for International Studies, PhD in Sociology from Stanford University, Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency, p. 199-202

The most obvious response to the ill winds blowing from the world’s autocracies is to help the winds of freedom blowing in the other direction. The democracies of the West cannot save themselves if they do not stand with democrats around the world.

This is truer now than ever, for several reasons. We live in a globalized world, one in which models, trends, and ideas cascade across borders. Any wind of change may gather quickly and blow with gale force. People everywhere form ideas about how to govern—or simply about which forms of government and sources of power may be irresistible—based on what they see happening elsewhere. We are now immersed in a fierce global contest of ideas, information, and norms. In the digital age, that contest is moving at lightning speed, shaping how people think about their political systems and the way the world runs. As doubts about and threats to democracy are mounting in the West, this is not a contest that the democracies can afford to lose.

Globalization, with its flows of trade and information, raises the stakes for us in another way. Authoritarian and badly governed regimes increasingly pose a direct threat to popular sovereignty and the rule of law in our own democracies. Covert flows of money and influence are subverting and corrupting our democratic processes and institutions. They will not stop just because Americans and others pretend that we have no stake in the future of freedom in the world. If we want to defend the core principles of self-government, transparency, and accountability in our own democracies, we have no choice but to promote them globally.

It is not enough to say that dictatorship is bad and that democracy, however flawed, is still better. Popular enthusiasm for a lesser evil cannot be sustained indefinitely. People need the inspiration of a positive vision. Democracy must demonstrate that it is a just and fair political system that advances humane values and the common good.

To make our republics more perfect, established democracies must not only adopt reforms to more fully include and empower their own citizens. They must also support people, groups, and institutions struggling to achieve democratic values elsewhere. The best way to counter Russian rage and Chinese ambition is to show that Moscow and Beijing are on the wrong side of history; that people everywhere yearn to be free; and that they can make freedom work to achieve a more just, sustainable, and prosperous society.

In our networked age, both idealism and the harder imperatives of global power and security argue for more democracy, not less. For one thing, if we do not worry about the quality of governance in lower-income countries, we will face more and more troubled and failing states. Famine and genocide are the curse of authoritarian states, not democratic ones. Outright state collapse is the ultimate, bitter fruit of tyranny. When countries like Syria, Libya, and Afghanistan descend into civil war; when poor states in Africa cannot generate jobs and improve their citizens’ lives due to rule by corrupt and callous strongmen; when Central American societies are held hostage by brutal gangs and kleptocratic rulers, people flee—and wash up on the shores of the democracies. Europe and the United States cannot withstand the rising pressures of immigration unless they work to support better, more stable and accountable government in troubled countries. The world has simply grown too small, too flat, and too fast to wall off rotten states and pretend they are on some other planet.

Hard security interests are at stake. As even the Trump administration’s 2017 National Security Strategy makes clear, the main threats to U.S. national security all stem from authoritarianism, whether in the form of tyrannies from Russia and China to Iran and North Korea or in the guise of antidemocratic terrorist movements such as ISIS.1 By supporting the development of democracy around the world, we can deny these authoritarian adversaries the geopolitical running room they seek. Just as Russia, China, and Iran are trying to undermine democracies to bend other countries to their will, so too can we contain these autocrats’ ambitions by helping other countries build effective, resilient democracies that can withstand the dictators’ malevolence.

Of course, democratically elected governments with open societies will not support the American line on every issue. But no free society wants to mortgage its future to another country. The American national interest would best be secured by a pluralistic world of free countries—one in which autocrats can no longer use corruption and coercion to gobble up resources, alliances, and territory.

If you look back over our history to see who has posed a threat to the United States and our allies, it has always been authoritarian regimes and empires. As political scientists have long noted, no two democracies have ever gone to war with each other—ever. It is not the democracies of the world that are supporting international terrorism, proliferating weapons of mass destruction, or threatening the territory of their neighbors.

For all these reasons, we need a new global campaign for freedom. Everything I am proposing in this book plays a role in that campaign, but in this chapter, I am concerned more narrowly with the ways that we can directly advance democracy, human rights, and the rule of law in the twenty-first-century world.

As with any policy area, many of the challenges can be somewhat technical, requiring smart design and the careful management of programs and institutions. Those operational debates I leave for another venue. Here, I make a more basic case for four imperatives. First, we must support the democrats of the world—the people and organizations struggling to create and improve free and accountable government. Second, we must support struggling and developing democracies, helping them to grow their economies and strengthen their institutions. Third, we must pressure authoritarian regimes to stop abusing the rights and stealing the resources of their citizens, including by imposing sanctions on dictators to make them think hard about their choices and separate them from both their supporters and the people at large. Finally, we need to reboot our public diplomacy—our global networks of information and ideas—for today’s fast-paced age of information and disinformation. For the sake of both our interests and our values, we need a foreign policy that puts a high priority on democracy, human rights, and the rule of law.

## Supply Chain

### Rant---1NC

#### Plan has a reverse effect on competition. It can’t retroactively target current foreign ocean carrier monopolies but does prevent smaller ones from merging.

#### Solving price gouging in one industry doesn’t solve slow growth.

[Paul](https://www.nytimes.com/by/paul-krugman) Krugman 3/24/22. Distinguished professor in the Graduate Center Economics Ph.D. program and distinguished scholar at the Luxembourg Income Study Center at the City University of New York. Professor emeritus at the Princeton School of Public and International Affairs. 2008 sole recipient of the Nobel Memorial Prize in Economic Sciences for his work on international trade theory. B.A. from Yale University in 1974 and his Ph.D. from M.I.T. in 1977. He has taught at Yale, M.I.T. and Stanford. At M.I.T. he became the Ford International Professor of Economics. "How High Inflation Will Come Down." <https://www.nytimes.com/2022/03/24/opinion/inflation-united-states-economy.html>

Rising prices will get worse before they get better. Russia’s invasion of Ukraine has caused the prices of oil, wheat and [other commodities](https://www.wsj.com/story/how-war-ripples-through-commodity-markets-6b3acf6d) to soar. Official measures of the cost of shelter don’t yet fully reflect last year’s surge in the cost of [newly rented apartments](https://www.apartmentlist.com/research/national-rent-data). So there’s still a lot of inflation in the pipeline. The [Federal Reserve](https://www.federalreserve.gov/monetarypolicy/files/fomcprojtabl20220316.pdf#page=2), however, believes that high inflation will be a temporary phenomenon. Furthermore, the Fed believes that it can bring inflation down relatively painlessly — that it can achieve a so-called soft landing. But doesn’t this fly in the face of history? After all, the last time America had to bring high inflation under control, during the 1980s, the cost was [immense](https://fred.stlouisfed.org/graph/?g=Nj6F). The unemployment rate soared to 10.8 percent and didn’t get back to 1979 levels until 1987. Are there good reasons to believe that this time is different? Actually, there are. The landing probably won’t be as soft as the Fed envisions, but this time disinflation shouldn’t, or at least needn’t, be an extremely painful process. To see why, we need to look at history more closely and appreciate the important differences between the last big inflation and our current situation. Forty years ago, as many economists will tell you, inflation was “[entrenched](https://www.nytimes.com/2022/03/03/business/economy/federal-reserve-powell-inflation.html)” in the economy. That is, businesses, workers and consumers were making decisions based on the belief that high inflation would continue for many years to come. One way to see this entrenchment is to look at the wage contracts — typically for three years — that unions were negotiating with employers. Even then, most workers weren’t unionized, but these deals are a useful indicator of what was probably happening to wage- and price-setting more generally. So what did those wage deals look like? In 1979, union settlements with large companies that didn’t include a cost-of-living adjustment specified an average wage increase of [10.2 percent](https://www.jstor.org/stable/pdf/41841176.pdf?casa_token=en8ygIa2H8AAAAAA%3Az01VA6geqmVGqU5r211bft75UTwVnokHC5Wkiguj6MsEWmABB9F0TqYRPX84D3eGAL32gt7vcyT7mFl_wwrUyE6qbGE5zzn12rjRU9SrlZGxY8hMRLI#page=3) in the first year and an annual average of 8.2 percent over the life of the contract. As late as 1981, the United Mine Workers negotiated a contract that would raise wages [11 percent annually](https://www.jstor.org/stable/pdf/1814666.pdf?refreqid=excelsior%3Ab44e1685026cf8113fae73266f1948d2&ab_segments=&origin=#page=3) over the next several years. Why were workers demanding, and employers willing to grant, such big pay hikes? Because everyone expected high inflation to persist for a long time. In 1980 the [Blue Chip survey](https://eml.berkeley.edu/~enakamura/papers/StateLevelCPIs.pdf#page=4) of professional forecasters predicted 8 percent annual inflation over the next decade. Consumers surveyed by the [University of Michigan](https://data.sca.isr.umich.edu/get-chart.php?y=2022&m=1&n=33h&d=ylch&f=pdf&k=3054b1df481540afe8d21e01de1e127c53a12e8580862c7315e3cdf0fcdad3c2) expected prices to rise by about 9 percent annually over the next five to 10 years. With everyone expecting inflation to continue, workers wanted raises that would keep up with rising prices, and employers were willing to grant those raises because they expected their competitors’ costs to be rising as fast as their own. What this did, in turn, was make inflation self-perpetuating: Everyone was raising prices in anticipation of everyone else raising prices. Ending this cycle required a huge shock — an economy so depressed both that inflation fell and that workers were compelled to accept [major concessions](https://www.brookings.edu/wp-content/uploads/1985/06/1985b_bpea_mitchell_abraham.pdf). Things are very different now. Back then almost everyone expected persistent high inflation; now few people do. [Bond markets](https://fred.stlouisfed.org/series/T5YIFR) expect inflation eventually to return to prepandemic levels. While consumers expect high inflation over the next year, their longer-term expectations remain “[anchored](https://data.sca.isr.umich.edu/fetchdoc.php?docid=69390)” at fairly moderate levels. [Professional forecasters](https://www.philadelphiafed.org/-/media/frbp/assets/surveys-and-data/survey-of-professional-forecasters/2022/spfq122.pdf#page=4) expect inflation to moderate next year. This means that we almost surely aren’t experiencing the kind of self-perpetuating inflation that was so hard to end in the 1980s. A lot of recent inflation will subside when oil and food prices stop rising, when the prices of used cars, which rose [41 percent](https://www.bls.gov/news.release/pdf/cpi.pdf#page=2) (!) over the past year during the shortage of new cars, come down, and so on. The big surge in rents also appears to be [largely behind us](https://www.apartmentlist.com/research/national-rent-data), although the slowdown won’t show up in official numbers for a while. So it probably won’t be necessary to put the economy through an ’80s-style wringer to get inflation down. That said, the Fed is probably too optimistic in believing that we can get inflation under control without any rise in unemployment. Statistical measures like the unprecedented number of [unfilled job openings](https://fred.stlouisfed.org/series/JTSJOR), anecdotal evidence of labor shortages and, yes, [wage increases](https://www.atlantafed.org/chcs/wage-growth-tracker) suggest that the job market is running unsustainably hot. Cooling that market off will probably require accepting an uptick in the unemployment rate, although not a full-on recession. And for what it’s worth, the Fed’s plan for gradual rate hikes, which has already led to a major rise in [mortgage rates](https://www.freddiemac.com/pmms), is likely to cause that unfortunately necessary cooling-off, especially combined with the fact that fiscal policy has [turned contractionary](https://www.brookings.edu/interactives/hutchins-center-fiscal-impact-measure/) as the big spending of early 2021 recedes in the rearview mirror. So my message for those intoning dire warnings about the return of ’70s-type stagflation — which some of them have been itching to do for years — is that they should look at their history more carefully. The inflation of 2021-22 looks very different, and much easier to solve, from the inflation of 1979-80.

#### Their internal link is backwards. Inflationary pressures are emerging from highly competitive markets.

Edward Longe 2/22/22. Longe is a policy manager at the [American Consumer Institute](https://www.theamericanconsumer.org/), a nonprofit educational and research organization. “Antitrust will not fix inflation” https://thehill.com/opinion/finance/592502-antitrust-will-not-fix-inflation?rl=1

As U.S inflation [hit a 40-year high of 7 percent](https://www.bloomberg.com/news/articles/2022-01-12/inflation-in-u-s-registers-biggest-annual-gain-since-1982) in January, officials in the Biden administration sought to place the blame squarely upon monopolies manipulating prices. Raising the specter of monopolistic price manipulation, the White House has [encouraged](https://www.wsj.com/articles/bidens-gas-price-diversion-oil-and-gas-companies-ftc-lina-khan-letter-11637190339) the Federal Trade Commission (FTC) to investigate the matter with the possibility of enhanced enforcement. Not only is the allegation entirely without merit or evidence, but it also misses the underlying causes of inflation and represents nothing more than political scapegoating. The allegations also ignore the reality that cracking down on large companies might result in higher — not lower — consumer prices, which does not help inflation. Rather than blaming large companies, the administration should [pursue policies](https://www.cnn.com/2021/11/12/politics/joe-biden-inflation-explainer/index.html) that could have a real impact, notably cutting government waste, easing tariffs, and incentivizing domestic production. The White House’s misguided belief that large companies are driving inflation was made public in November 2021 when [Biden sent a letter](https://www.wsj.com/articles/bidens-gas-price-diversion-oil-and-gas-companies-ftc-lina-khan-letter-11637190339) to the FTC Chairwoman Lina Kahn alleging “mounting evidence of anti-consumer behavior by oil-and-gas companies.” He then instructed the FTC to “bring all of the Commission’s tools to bear if you uncover any wrongdoing.” Biden later issued the same instructions to the [Department of Agriculture](https://www.nytimes.com/2021/12/25/business/biden-inflation.html), ordering them to “investigate large meatpackers that control a significant share of poultry and pork markets.” Despite Biden’s allegations against large companies, economists are skeptical that antitrust enforcement would lower prices. In a [survey](https://www.igmchicago.org/surveys/inflation-market-power-and-price-controls/) of economists from America’s top universities, only 5 percent of respondents agreed that “antitrust interventions could successfully reduce U.S. inflation over the next 12 months.” Additionally, only 7 percent of economists surveyed said that “a significant factor behind today’s higher U.S. inflation is dominant corporations in uncompetitive markets taking advantage of their market power to raise prices.” [President Biden](https://thehill.com/people/joe-biden)’s desire to use antitrust enforcement to lower inflation ignores the reality that it is being [driven by a few goods and services](https://time.com/nextadvisor/in-the-news/rising-inflation-rising-prices-how-to-plan/) in highly competitive markets, specifically: used cars, which saw prices increase by 34 percent; energy, which saw prices increase by 33 percent; and gasoline, which saw a 58 percent increase. While these sectors saw significant increases in prices, they are also among the most competitive. For example, in the [gasoline sector](https://www.cspdailynews.com/fuels/2020-fuels-50-top-5-gas-brands-market-share), five large companies operate in the U.S., and no single company owns more than a 12.5 percent market share. The [used car market](https://mobilityforesights.com/product/used-car-market-in-us/) is also highly competitive — “the top 10 used vehicle retailers contribute to less than 10 percent of used car sales in the U.S.” The [energy market](about:blank) is also highly competitive, with numerous providers existing in the marketplace and offering consumers multiple energy sources. The highly competitive nature of industries driving inflation shows that antitrust enforcement is simply the wrong tool to lower prices for consumers, and the administration needs to address supply-side issues, not market concentration. Biden’s allegation that large companies increase consumer prices also ignores economic realities that they routinely offer lower prices. When [Amazon purchased Whole Foods](https://slate.com/business/2021/06/why-amazon-bought-whole-foods-groceries-online.html#:~:text=In%25202017%252C%2520Amazon%2520entered%2520the,purchase%2520was%2520a%2520cataclysmic%2520event.) in 2017, the tech giant used its supply chain and purchasing power [to cut prices](https://www.bain.com/insights/big-tech-mergers-and-acquisitions-regulate-with-care-tech-report-2021/). Similarly, when Facebook acquired [WhatsApp](https://www.bain.com/insights/big-tech-mergers-and-acquisitions-regulate-with-care-tech-report-2021/https:/www.bain.com/insights/big-tech-mergers-and-acquisitions-regulate-with-care-tech-report-2021/), it cut the annual subscription fee, allowing consumers to access secure mobile messaging for free. The examples of Whole Foods and WhatsApp show that large companies can lower prices for consumers rather than raising them. However, it also raises the possibility that cracking down on large companies could see consumers paying more for goods and services, further inflating prices. While encouraging federal agencies to investigate the practices of large corporations may be a politically smart move given Biden’s low approval ratings and growing concern over inflation and the state of the economy, it is clear that cracking down on large companies will do little to alleviate inflationary pressures. In fact, enhancing antitrust enforcement might have the inverse effect. Further limiting the effectiveness of antitrust enforcement to combat inflation is that inflationary pressures are emerging from highly competitive markets. Rather than scapegoating large corporations, Biden should perhaps acknowledge this reality. Once he does, he might be able to address the real causes of high inflation and diminishing consumer spending power.

#### No causation between price gouging and slow growth.

Dominic Pino 1/19/22. William F. Buckley Fellow in Political Journalism at National Review Institute. “Inflation Isn’t about Antitrust” https://www.nationalreview.com/2022/01/inflation-isnt-about-antitrust/

The Biden administration and key Democrats such as Senator Elizabeth Warren have trotted out a new idea about [inflation](https://www.nationalreview.com/2022/01/europes-energy-crisis-inflation-and-some-of-what-comes-with-it/): It’s caused by greedy monopolies. It’s not a monetary problem or a fiscal problem. It’s an antitrust problem. Paul Glastris, editor in chief of *Washington Monthly*, [asks](https://washingtonmonthly.com/2022/01/12/pretending-monopoly-has-nothing-to-do-with-inflation/) why most economists have dismissed monopolization as an explanation for inflation. He’s responding to the *Washington Post* editorial board, which wrote [a strong editorial](https://www.washingtonpost.com/opinions/2022/01/10/white-house-again-offers-bizarre-message-inflation/) against the idea. Glastris writes, “I’m not sure why the *Post* editorial board, much less economists like [Larry] Summers and [Dean] Baker, are so dismissive of the idea that monopolistic corporations might choose to exploit their pricing power at this moment of maximum leverage.” To understand the argument, let’s start with the economic theory on monopolies. One of the symptoms of monopoly is higher prices than those in a competitive market**.** In a perfectly competitive market, firms have no price-making power at all because the market participants bargain their way to an equilibrium price that no single participant has any control over. That is, of course, a blackboard abstraction, and in the real world, firms set their own prices. But they can’t just set them at whatever they want. If McDonald’s set the price of a burger at $1,000, they probably wouldn’t sell any. They have to keep in mind what Wendy’s, Burger King, Five Guys, etc., are offering. You can see how more competitors would make it more difficult to raise prices; in our example, burger customers could just seek out another restaurant for a similar product. There’s economic logic, then, to the idea that lack of competition would result in price increases. It’s standard textbook theory. It’s an idea with which economists such as Larry Summers and Dean Baker are *very* familiar. The reason they won’t give credence to the White House’s narrative on inflation is because it simply isn’t true. Glastris’s counterexamples illustrate why. First and foremost, inflation is defined as a general increase in the price level. “General” is the operative word there. Glastris writes, “Thanks to lax antitrust enforcement, four companies now control 55 to 85 percent of the markets for beef, pork, and poultry. Since the fall of 2020, the price of beef has risen by more than 20 percent, far higher than the inflation rate.” Possible monopolization, it’s true. But that would only explain why the price for meat is increasing, not why we’re experiencing a general increase in the price level. As to whether it’s even monopolization in the first place, an increase in prices is not the only textbook symptom of monopoly. If an increase in prices is due to monopolization, it would coincide with a reduction in supply. We haven’t seen that in the meat industry. [According to the USDA](https://ers.usda.gov/data-products/livestock-and-meat-domestic-data/), total red-meat and poultry production was higher over the period of January through November 2021 than it was over the same period in 2020, when inflation was at normal levels. And U.S. meat production has been [increasing steadily](https://ourworldindata.org/meat-production) since the early ’60s, more than doubling over that time span. Glastris goes on to note the case of semiconductors. At first blush, the logic is reasonable: Semiconductors are used in many products, so their unavailability would result in many prices increasing across many sectors. “As recently as a decade ago,” he writes, “America was producing vast numbers of cutting-edge semiconductors right here on our shores.” But that “decade ago” part causes problems. The disparity between domestic and international semiconductor production is not a new development. It has gradually developed over years and cannot explain the surge in inflation that began last summer. Another common denominator for many goods is ocean shipping. Glastris writes (correctly) that “three vast carrier alliances, all foreign owned” have gained control over almost all of the ocean-freight market. He says, “These alliances then built super-sized cargo ships that can only dock in a few ports, like the ones in Los Angeles and Long Beach, which now service 40 percent of all U.S. traffic.” That’s all correct. Then, he says, “This highly consolidated system kept shipping prices, and hence overall inflation, low for years. Now, its brittleness is contributing to inflation.” Wait a second, consolidation was keeping prices *low* for years? Then it caused inflation, starting in late summer of 2021? Ocean shipping isn’t any more monopolized today than it was in 2020. And yet [according to the Freightos Baltic Index](https://fbx.freightos.com/), the price of a shipping container has gone up over 600 percent since January 2020. Something else must be going on. Glastris brings up land transportation as well. He says that in the past, many goods were delivered by rail but now move on trucks because “the federal government allowed the railroad industry to monopolize.” First, it must be noted that for passenger rail, the federal government was the monopolizer when it created Amtrak in 1971. For freight rail, it is true that there are fewer Class I railroads in the U.S. today than there were before the industry was deregulated in 1980. But [since deregulation](https://www.brookings.edu/wp-content/uploads/2016/06/10_railact_winston.pdf), freight rates and operating costs have been lower, and innovation has been higher. That’s not symptomatic of monopolization, even though there are fewer competitors, and it wouldn’t explain a general increase in prices, either. And the mere fact that goods are being shipped by truck instead proves that freight railroads have competition, even if it isn’t from other freight railroads. Specific examples of potential monopolization are worth debating. It’s not silly to be concerned that global ocean shipping is effectively controlled by a cartel. But none of these sector-specific examples is sufficient to explain a general increase in the price level. Aha, but they’re all happening at the same time! Exactly, which is why monopolization can’t be the answer. For the monopolization theory to work, proponents would need to explain why nearly every sector of the economy decided to start using its monopolistic price-making power at roughly the same time late last summer after not using it at any time in recent memory before then. That’s not economics; it’s a conspiracy theory. The [cause of the current bout of inflation](https://www.nationalreview.com/magazine/2021/12/20/inflation-birthing-pains-or-chronic-pain/) is the fastest increase in the money supply in the history of the Federal Reserve system combined with record levels of fiscal stimulus combined with supply constraints that are limiting GDP growth. Too much money, not enough goods. The supply constraints are largely due to decades of bad transportation policy and pandemic-related labor shortages. But there wouldn’t be an issue if it weren’t also true that consumers are buying more stuff than ever before with an economy juiced with money from the Fed as the backdrop. Those are separate concerns from antitrust. Economists understand that, which is why even most left-leaning economists aren’t playing ball with the Biden administration as it tries to pin inflation on the “[greed of meat conglomerates](https://www.nationalreview.com/corner/the-greed-of-meat-conglomerates/),” or whatever industry it decides to single out next.

#### Politicians are using monopolies as a scapegoat. Anti-trust can’t remedy inflation.

JD Tuccille 1/5/22. Former managing editor of Reason.com and current contributing editor. Has appeared in publications including the *Arizona Republic*, the *Denver Post* and the *Washington Time* “Biden's Antitrust Enforcement Won't Fix Inflation.” https://reason.com/2022/01/05/bidens-antitrust-enforcement-wont-fix-inflation/

Panicked about rising prices and resulting public anger, the Biden administration is doing what politicians do best: taking advantage of a situation to shift blame. In this case, the White House evokes fears of greedy corporations to call for antitrust action against business. That's rich coming from officials who are largely at fault for inflation as well as for the industrial concentration they criticize. Don't fall for their desperate ploy to divert attention from the mess that government policies created. "Four big corporations control more than half the markets in beef, pork, and poultry," President Biden [harumphed](https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/01/03/remarks-by-president-biden-during-a-virtual-meeting-to-discuss-boosting-competition-and-reducing-prices-in-the-meat-processing-industry/) on January 3 while announcing antitrust actions and subsidies for small producers. "These companies can use their position as middlemen to overcharge grocery stores and, ultimately, families." The meatpacking industry is certainly concentrated, but that isn't new and didn't result in sticker-shock before recent [price hikes](https://www.bls.gov/news.release/cpi.nr0.htm) hit the whole economy. And if collusion was going on, the federal government was a party to the scheme. It's long used its authority to protect big players from competition. "The political power held by the largest companies has meant that the regulatory environment related to markets for live cattle, hogs, and poultry; labor relations; processing inspection; product labeling; and processed meat sales favors large-scale producers and processors," researchers at the University of California at Davis [noted](https://www.ucdavis.edu/food/news/californias-local-meat-suppliers-struggle-stay-business) this past September. "There are concerns about regulatory capture at the local level as well as the federal, where both labor regulations and inspection services appear to favor the largest meat processors." This [isn't the first time](https://reason.com/2021/10/13/facebook-welcomes-regulations-specifically-those-that-hurt-its-competition/) critics [pointed out](https://reason.com/2016/10/24/nj-pool-licensing-means-higher-prices/) that red tape [favors established businesses](https://reason.com/2017/02/10/lack-of-competition-is-leading-to-a-cost/) with the connections and capacity to create and navigate a [complicated regulatory environment](https://nationalinterest.org/blog/reboot/want-stop-coronavirus-meat-shortages-fix-federal-meat-inspection-regime-165964). Instead of more intervention in the market, then, greater competition and the benefits it would offer for consumers would seem to require that the federal government do far *less* of what it's been doing. But the attack on the meatpacking industry is only part of an overall push to tout antitrust enforcement as a cure-all for inflation. The administration pushes the policy even though "White House officials concede that their antitrust moves are unlikely to reduce costs for U.S. businesses or consumers immediately," as *The New York Times* [reported](https://www.nytimes.com/2021/12/25/business/biden-inflation.html) on Christmas Day. They're not even shy about admitting that "fighting inflation was not the initial motivation for Mr. Biden's competition agenda." So, antitrust is an unlikely and opportunistic remedy for price hikes constituting "the largest 12-month increase since the period ending June 1982," as the Bureau of Labor Statistics [announced](https://www.bls.gov/news.release/cpi.nr0.htm) last month. "The emerging claim that antitrust can combat inflation reflects 'science denial,'" [argues](https://twitter.com/LHSummers/status/1475230223985786889) Larry Summers, who headed former President Barack Obama's National Economic Council. "There are many areas like transitory inflation where serious economists differ. Antitrust as an anti-inflation strategy is not one of them." In fact, [he adds](https://twitter.com/LHSummers/status/1475230227265728518), it's "more likely to raise prices than lower them" by reducing supply. To find a solution, then, we need to better identify the problem. "Starting in March 2020, in response to the disruptions of Covid-19, the U.S. government created about $3 trillion of new bank reserves, equivalent to cash, and sent checks to people and businesses," points out economist John Cochrane in a [new paper](https://www.johnhcochrane.com/research-all/fiscal-inflation) for a Cato Institute policy conference. "The Treasury then borrowed another $2 trillion or so, and sent more checks. Overall federal debt rose nearly 30 percent." "It is hard to ask for a clearer demonstration of fiscal inflation, an immense fiscal helicopter drop, exhibit A for the fiscal theory of the price level," he adds. Economist Nicolás Cachanosky [explicitly agrees](https://www.aier.org/article/how-much-can-the-supply-chain-explain-the-rise-of-inflation/) with Cochrane in a December piece for the American Institute for Economic Research "that these stimulus plans are a candidate to explain the recent spike in inflation rates." He argues that officialdom is downplaying the role the massive sums sent directly to consumers and firms by the Trump and Biden administrations played in sending prices through the roof. "It is more convenient for the government to argue that inflation is due to supply-chain shocks or scapegoats (such as evil corporations) than admitting it is of their own doing," Cachanosky comments. "Can you imagine the Biden Administration admitting that the American Rescue Plan and all those checks sent to families across the country are an important part of the reasons why we have higher inflation today?" That means that antitrust policy isn't going to get us out of this mess because the corporate concentration it targets (forget that the government officials pushing antitrust helped create that concentration) isn't the culprit. In fact, more red tape may worsen the problem. For example, the Hoover Institute's David R. Henderson [warns](https://yieldpro.com/2021/12/can-supply-chain-disruptions-get-any-worse-buckle-in/) that White House plans to reregulate railroads threaten further supply-chain disruptions and higher prices. But that doesn't mean that nothing can be done. "The future is not hopeless," Cochrane assures readers in his paper. "Inflation control simply requires our government, including the central bank, to understand classic lessons of history. Forestalling inflation is a joint task of fiscal, monetary, and micro-economic policy." What would understanding classic lessons of history look like for policymakers? Summers [urges](https://twitter.com/LHSummers/status/1475230241920593931) the White House to "consider scaling back 'buy America' in favor of buying cheap, reduce restrictions on entry into energy productions, scale back tariffs and anti-dumping actions and reduce regulatory delays that preclude capacity increases." The Tax Foundation [agrees](https://taxfoundation.org/who-really-pays-tariffs/) that "the Trump-Biden tariffs have been passed almost entirely through to U.S. firms or final consumers" in the form of higher prices. While it suggests that tariffs' effect on overall inflation is relatively small, "a repeal of them would be a directional improvement." And maybe—just a thought—avoiding another "fiscal helicopter drop" of cash manufactured from thin air would be a wise idea. That wouldn't eliminate the price increases we've already experienced, but it would help to forestall further inflation and the very real economic pain people suffer as a result. If the White House wants to battle concentration in certain industries, the best place to start is to eliminate regulatory barriers to competition. That would be a lot more fruitful than raising bogus antitrust claims about an inflation problem that government officials themselves created.

### AT: Slow Growth

#### No econ decline impact.

**Walt 20** [Stephen M. Walt is the Robert and Renée Belfer professor of international relations at Harvard University. “Will a Global Depression Trigger Another World War?”, May 13th, <https://foreignpolicy.com/2020/05/13/coronavirus-pandemic-depression-economy-world-war/>]

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”

Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

The fact that each of these leaders miscalculated badly does not alter the main point: No matter what a country’s economic condition might be, its leaders will not go to war unless they think they can do so quickly, cheaply, and with a reasonable probability of success.

Third, and most important, the primary motivation for most wars is the desire for security, not economic gain. For this reason, the odds of war increase when states believe the long-term balance of power may be shifting against them, when they are convinced that adversaries are unalterably hostile and cannot be accommodated, and when they are confident they can reverse the unfavorable trends and establish a secure position if they act now. The historian A.J.P. Taylor once observed that “every war between Great Powers [between 1848 and 1918] … started as a preventive war, not as a war of conquest,” and that remains true of most wars fought since then.

The bottom line: Economic conditions (i.e., a depression) may affect the broader political environment in which decisions for war or peace are made, but they are only one factor among many and rarely the most significant. Even if the COVID-19 pandemic has large, lasting, and negative effects on the world economy—as seems quite likely—it is not likely to affect the probability of war very much, especially in the short term.

#### Countries will exercise restraint.

Christina L. Davis & Krzysztof J. Pelc 17. \*Professor of Politics and International Affairs at Princeton. \*\*Associate Professor of Political Science at McGill University. “Cooperation in Hard Times: Self-restraint of Trade Protection.” *Journal of Conflict Resolution* 61(2): 398-429. Emory Libraries.

Conclusion Political economy theory would lead us to expect rising trade protection during hard times. Yet empirical evidence on this count has been mixed. Some studies find a correlation between poor macroeconomic conditions and protection, but the worst recession since the Great Depression has generated surprisingly moderate levels of protection. We explain this apparent contradiction. Our statistical findings show that under conditions of pervasive economic crisis at the international level, states exercise more restraint than they would when facing crisis alone. These results throw light on behavior not only during the crisis, but throughout the WTO period, from 1995 to the present. One concern may be that the restraint we observe during widespread crises is actually the result of a decrease in aggregate demand and that domestic pressure for import relief is lessened by the decline of world trade. By controlling for product-level imports, we show that the restraint on remedy use is not a byproduct of declining imports. We also take into account the ability of some countries to manipulate their currency and demonstrate that the relationship between crisis and trade protection holds independent of exchange rate policies. Government decisions to impose costs on their trade partners by taking advantage of their legal right to use flexibility measures are driven not only by the domestic situation but also by circumstances abroad. This can give rise to an individual incentive for strategic self-restraint toward trade partners in similar economic trouble. Under conditions of widespread crisis, government leaders fear the repercussions that their own use of trade protection may have on the behavior of trade partners at a time when they cannot afford the economic cost of a trade war. Institutions provide monitoring and a venue for leader interaction that facilitates coordination among states. Here the key function is to reinforce expectations that any move to protect industries will trigger similar moves in other countries. Such coordination often draws on shared historical analogies, such as the Smoot–Hawley lesson, which form a focal point to shape beliefs about appropriate state behavior. Much of the literature has focused on the more visible action of legal enforcement through dispute settlement, but this only captures part of the story. Our research suggests that tools of informal governance such as leader pledges, guidance from the Director General, trade policy reviews, and plenary meetings play a real role within the trade regime. In the absence of sufficiently stringent rules over flexibility measures, compliance alone is insufficient during a global economic crisis. These circumstances trigger informal mechanisms that complement legal rules to support cooperation. During widespread crisis, legal enforcement would be inadequate, and informal governance helps to bolster the system. Informal coordination is by nature difficult to observe, and we are unable to directly measure this process. Instead, we examine the variation in responses across crises of varying severity, within the context of the same formal setting of the WTO. Yet by focusing on discretionary tools of protection—trade remedies and tariff hikes within the bound rate—we can offer conclusions about how systemic crises shape country restraint independent of formal institutional constraints. Insofar as institutions are generating such restraint, we offer that it is by facilitating informal coordination, since all these instruments of trade protection fall within the letter of the law. Future research should explore trade policy at the micro level to identify which pathway is the most important for coordination. Research at a more macro-historical scope could compare how countries respond to crises under fundamentally different institutional contexts. In sum, the determinants of protection include economic downturns not only at home but also abroad. Rather than reinforcing pressure for protection, pervasive crisis in the global economy is shown to generate countervailing pressure for restraint in response to domestic crisis. In some cases, hard times bring more, not less, international cooperation.

### AT: Food Shortages

#### Impact to food shocks is minimal---we’re resilient.

David Frum 3/8/22. Staff writer at The Atlantic and the author of Trumpocalypse: Restoring American Democracy, former speechwriter for President George W. Bush.

Our world is much more resilient than it was even a generation ago, especially with regard to food. The food shock of 2022 is not a good-news story. The news is bad. But our “bad” is less bad than ever before.

Russia and Ukraine are massive growers of grain, especially wheat. Russia produces about 10 percent of the planet’s wheat; Ukraine about 4 percent. Some of that production is consumed at home, but after their domestic use, Russia and Ukraine together provide about one-quarter of all the planet’s wheat exports. They are important exporters of corn and barley as well, and of cooking oils, especially sunflower oil. Now the Russian invasion has closed the ports through which Ukraine’s wheat moved to world markets. Insurance costs have jumped for all shipping in the Black Sea. Spring crops will probably go unplanted in Ukraine; Russian crops face sanctions and embargo. Russia and its ally Belarus also are—or were—important exporters of the fertilizer that other food-raising countries use to grow their own crops.

The upheaval will touch every food consumer on Earth, even those living in food-secure countries such as the United States. Food prices are set in efficient global markets. All countries face similar prices, whether they are sellers into those markets or buyers from those markets. If the price goes up for anyone, it goes up for everyone.

Again: Sudden increases in global food prices are not good news. But also again: Some context is necessary. Four points of context, actually.

1. We live in an age of food abundance.

Maybe you retain some memory of old predictions about global famine? A best-selling book published in 1967 carries the lurid title Famine 1975! America’s Decision: Who Will Survive? Among other predictions, the authors identified India as the nation most inevitably doomed to mass starvation and economic collapse.

So … guess which country is the world’s second-largest producer of wheat in 2022, accounting for more than 13 percent of all output? That’s right, the former alleged basket case India. Since the 1960s, Indian wheat production has increased by nearly an order of magnitude, to almost 110 million metric tons last year. Indian wheat exports will probably exceed 7 million metric tons this year, up from the previous peak of 6.5 million in 2012–13.

India also exported nearly 18 million metric tons of rice in the 2020–21 marketing season, more than any other country. That’s impressive, but not as dazzling as the performance of Vietnam, which has vaulted from exporting basically nothing as recently as 1989 to second place among rice exporters in the 2020s. (The United States ranks fifth.)

2. Many food-importing countries can cope.

The world’s largest wheat importer is Egypt. I spoke with Mirette Mabrouk, the director of the Egypt Program at the Middle East Institute, in Washington, D.C. Based on my conversation with her, I’d characterize the food outlook for Egypt as serious but not critical. Egyptian authorities estimate that their reserves will be sufficient for at least the next six months, perhaps the next nine. Egyptian governments have been in the business of managing food reserves for 5,000 years. From the days of Joseph’s storehouses to now, they have accumulated some considerable management capacity.

Egypt buys wheat through a system of reverse auctions: posting a tender for a certain quantity, then accepting the lowest bid for that tender. Since the era of Gamal Abdel Nasser, Egypt has operated a system of subsidized bakeries that sell low-priced loaves to qualified buyers. More recently, Egypt has begun to convert to direct cash assistance provided through cards that function very much like American electronic-benefits-transfer cards. In a crisis, the Egyptian government can effectively provide more cash assistance to low-income buyers.

This is not to minimize the shock Egypt is facing as the price of wheat rises from a familiar $250 or $300 a metric ton to $500 a metric ton. It is to emphasize that the shock will land on state finances as much as or more than on the Egyptian poor.

Many other major wheat-importing countries are either rich (Italy, Japan, South Korea) or led by reasonably effective governments (Indonesia, Morocco, Turkey) that can emulate Egypt and deliver assistance to the hard-pressed. The countries to worry most about are those wracked by war and political instability: Yemen above all, but also Ethiopia, Mali, and other disrupted states.

3. Global emergency aid can help.

Where famine does threaten, the international community can save lives. In 2021, international relief agencies provided in-kind or cash food assistance to 13 million Yemenis. Such programs will cost more in 2022, but not impossibly more. Before the war in Ukraine, the United Nations’ food program projected a Yemen aid budget of $2 billion for this year. That number will likely go up by 25 percent or more, but the money can be found.

An even more terrifying food crisis faces Afghanistan under its new Taliban rulers. The Taliban’s self-imposed international isolation has been followed by a cruel drought. Millions of lives are at risk. India has committed considerable food aid. The war in Ukraine does not make feeding Afghanistan’s population easier, obviously, but it’s only a very incidental aggravating factor. Afghanistan’s agony would be no less agonizing if Vladimir Putin had chosen peace in Ukraine rather than war.

4. High prices are not bad news for everybody.

Higher prices for food consumers mean higher incomes for food producers. In most of the world, consumers hugely outnumber producers. There is one region, however, where producers remain so numerous that higher prices can improve the livelihoods of millions: sub-Saharan Africa.

About two-thirds of sub-Saharan Africans farm for a living. When prices rise, farmers produce more and earn more. Sub-Saharan farmers could produce a lot more. African farmers could soon double or even triple their output of grains, livestock, and other products if they use more intense farming methods, the economic-consulting firm McKinsey estimates.

Higher prices could encourage African farmers to adopt more advanced seeds and other modern methods. They could prod governments to invest more in rail and roads in order to move crops to market, and to clarify property laws in order to support commercial farms that produce for the international marketplace. Sub-Saharan food output grew twice as fast from 2000 to 2018 as it did in the 1980–99 stretch. That boom was driven by higher food prices, especially in the peak years of 2006 to 2013, according to a 2021 study.

African agriculture can be extended as well as intensified. The South African agricultural economist Wandile Sihlobo calculates that 60 percent of the world’s remaining unused arable land is located in sub-Saharan Africa.

Higher food prices will be a stress and a burden for hundreds of millions of people all over the world. Higher food prices will test the stability of governments. Higher food prices may become an important part of Russia’s anti-Ukraine propaganda, which will blame Ukrainian resistance to Russian aggression—and Western sanctions against Russia—for the higher cost of food.

But a stress is not a crisis, and a crisis does not have to be a catastrophe. Good management can mitigate the stress, and begin to identify and capture opportunities. Dealing with the food-price increases that this conflict will bring will not be easy. But it can be done.

#### Digital shift means this won’t happen.

Kenny 20 Charles Kenny, Charles Kenny is a senior fellow and the director of technology and development at the Center for Global Development. He is the author of “Close the Pentagon: Rethinking National Security for a Positive Sum World.” 2-10-2020, "Why war for wealth has fallen out of fashion," TheHill, <https://thehill.com/opinion/national-security/481607-why-war-for-wealth-has-fallen-out-of-fashion> - BS

As the conflicts in Afghanistan and Iraq drag towards their third decade, and Syria’s civil war ticks towards 400,000 dead, it may seem trite to observe that nobody really “wins” a war. But it nonetheless represents a significant historic change, and one that can help account both for the fact that the number of wars is declining as well as the type and location of wars that remain. War always has been “negative sum,” in that any resource gain to the victor was matched by an equal loss to the loser and both sides paid in lives and arms. But those who prevailed on the battlefield could more than compensate for their military costs through occupation, plunder and enslavement. Anthropologist James Scott discusses the earliest wars in his book “Against the Grain.” He suggests that city-states such as Umma and Lagash in Mesopotamia fought over land and water, but most of all people, and that was still the case when Caesar brought back as many as a million slaves from his invasion of Gaul. People, land and resources remained prizes worth fighting over well into the 20th century. Germany’s demand for Lebensraum (“living space”) and Japan’s obsession with obtaining an independent oil supply helped motivate World War II, for example. But economic change means that land and the stuff on or under it no longer is the key to prosperity and power worldwide. The World Bank calculates a measure of global wealth that divides it into natural capital — land, oil, gold — physical capital, including roads and factories, and “intangible capital.” That last category includes education and the institutions and knowledge from double entry bookkeeping to phonics-based literacy programs that allow economies to produce more value with the same amount of physical inputs. In 2014, natural capital accounted for 9 percent of planetary wealth, according to the World Bank. That compared to 27 percent for physical capital and 64 percent — almost two-thirds — in intangible capital. The fact that wealth is driven by intangible ideas, institutions and relationships, rather than tangible goods and land, means that it can’t be expropriated by an invader. So even winning on the battlefield simply can’t pay off. Take one recent example: The Iraq war has cost the U.S. alone around $2.2 trillion, according to the Watson Institute at Brown University. Oil revenues earn the Iraqi government less than $100 billion a year. Even if President Trump carried out his one-time plan to expropriate the country’s oil, and despite Iraq’s huge share of global reserves, the war would not pay off economically. At the same time, intangible capital is “positive sum” — unlike a barrel of oil, if I use the technology of the internet, you can use it too — indeed, we both benefit from more people using it at the same time. That strengthens the payoff to peaceful cooperation and trade. For all of the continued horror of Syria, Iraq and Afghanistan, the changed basis of wealth and power helps to account for the global decline of war. Since 1975, an average of less than two interstate conflicts have been ongoing in the world each year, and recent years have seen even fewer. No major power war has erupted since 1939 — an 80-year stretch. Most of the wars that remain are in regions where resources still have an outsized share of wealth: The low-income countries most at risk of civil conflict see an average share of natural capital in total capital of just under one-half, for example. Territorial disputes in richer regions of the world have not gone away, from the South China Sea through Ukraine, the West Bank, Gibraltar and The Falklands. And wars often are launched for reasons of domestic politics or ideology disconnected from calculations of power or wealth. But that no developed country could ever “win” a war, in terms of wealth, may help explain why interstate conflict is so much out of fashion. And it also suggests a powerful solution for those who would like to see even greater global peace: Help the poorest countries grow out of resource dependency.

## Alliances

### AT: Mega Ships

#### Shipping alliances are not anti-competitive.

Epictetus E. Patalinghug, 19. Consultant, Wallace Business Forum. "A Study on International Shipping in the Philippines." June 2019. https://appfi.ph/images/2019/Publications/IntlShippingEPatalinghug.pdf

The international shipping industry plays an important role in the international supply chain and in the smooth functioning of global trade and in expanding global markets. An application of the conventional structure-conduct-performance (SCP) paradigm shows that the international shipping industry satisfies the three characteristics of being a competitive industry: (1) at least five (5) reasonably strong or comparable rivals, (2) none of the strong rivals must possess a dominant position (e.g. 40% or more of the market share), and (3) there is ease of entry of new competitors**. The trend toward forming or joining shipping alliances does not pose as barriers to entry in the** international **shipping industry**. Regulations concerning the shipping industry at the global level are the jurisdiction of the International Maritime Organization (IMO) – a United Nations agency based in London. The principal responsibility of enforcing IMO regulation rests with the countries in which merchant ships are registered. In the Philippines, the regulation of ports is separated from the regulation of shipping. The Philippine Ports Authority (PPA) is a government corporation mandated to handle the planning, development, and management of seaports, while the Maritime Industry Authority (MARINA) governs the activities of the shipping sector, particularly vessel seaworthiness and the training and development of seafarer/ship manpower. The Bureau of Customs (BOC) is tasked to undertake assessment and collection of customs revenues and to supervise and control all export and import cargoes not just in seaports, but also in airports, terminal facilities, container yards, and freight stations. The stakeholders of the industry can be classified into four groups: (1) international shipping lines and its related service providers such as the truckers, customs brokers, freight forwarders, arrastre operators, and stevedoring workers; (2) regulators such as PPA, MARINA, and BOC; (3) private port operators such as the International Container Terminal Services, Inc. (ICTSI) and Asian Terminals, Inc. (ATI); and the consumers and port users such as the exporters, importers, bonded warehouse operators, door-to-door consolidators, and traders. The International Commercial Terms (INCOTERMS) provide a set of rules relating to international commercial law. It defines the party responsible for undertaking the activity or the party liable for paying the service covered in the commercial transaction agreed between two parties. INCOTERMS are widely used in international transactions and serve as rules that clearly communicate the tasks, costs, and risks associated with the transport and delivery of goods from the seller to the buyer. For example, under the FOB (free on board) rule, the local seller at the origin assumes full responsibility for the cargo until it is on board the vessel. The buyer is responsible for all the costs once the cargo is aboard the vessel in a port. The practice of separating surcharges from freight rate is allowed by international maritime treaties such as the World Trade Organization (WTO) Agreement, United Nations Conference on Trade and Development (UNCTAD) Convention of Code of Conduct for Liner Conferences, European Union (EU) Maritime Transport Agreement, and notices issued by the US Federal Maritime Commission (FMC). There is intense competition in the international shipping industry. Shippers and freight forwarders have many options in choosing which shipping line or mode of transport to employ in order to move their cargo to a specific destination. An issue is raised locally that intense competition in the international shipping industry created an oversupply of vessels that led some shipping companies to impose origin and destination surcharges on top of basic freight rates to recover their losses. A proposed Joint Administrative Order has been drafted by DOF, DTI, and DOTr (but not finalized) towards regulating the fees and charges of international shipping lines doing business in the Philippines (DOF, DTI, and DOTr, 2019). International shipping contributes to the increased Philippine trade with ASEAN neighbors as well as with China, Japan, South Korea, India, Hongkong, Taiwan, Germany, and the United States. Robust and dynamic trade performance likewise led to Philippine economic growth in the recent years. The participation of private companies in port operation and management of major Philippine ports is an appropriate policy direction towards improving port efficiency. Port efficiency is an important determinant of shipping costs. Manila ranks well below the global performers, such as Singapore and Shanghai, both in port productivity and port efficiency. Port efficiency is determined by port size and infrastructure, private sector participation, quality of both cargo-handling and logistics services, operational efficiency of port management, and conducive public-policy framework. The better the infrastructure, the higher the probability of an efficient port. Poor infrastructure accounts for more than 40% of transport costs. Inefficient ports have higher handling costs.

### AT: BioDiversity

#### Plan doesn’t solve BioD----deforestation, agriculture, over development, and industrial pollution are all alt causes.

#### Their evidence concedes alt causes.

1AC Joe McCarthy 18, a Staff Writer at Global Citizen, Nov 8 2018, "Humans Could Face Extinction if We Don't Protect Biodiversity: UN", Global Citizen, <https://www.globalcitizen.org/en/content/biodiversity-loss-human-extinction/>

In addition to climate change, the biggest threats to biodiversity are deforestation, agriculture, over-development, and industrial pollution. While Palmer sounded an urgent alarm bell while speaking with the Guardian, she’s hopeful that countries will recognize the threat of biodiversity loss and begin to take action. The UN is calling for at least 30% of all land and 15% of all marine environments to be protected by 2030 and for targets to be lifted in the following years. “Things are moving. There is a lot of goodwill,” Palmer said. “We should be aware of the dangers but not paralysed by inaction. It’s still in our hands but the window for action is narrowing. We need higher levels of political and citizen will to support nature.”

### AT: India/South Asia War

#### South Asia’s stable---empirics prove no crisis will escalate

Dr. Devin T. Hagerty 20. Professor of Political Science at UMBC. 2020. “Deterrence Stability in South Asia Today.” Nuclear Weapons and Deterrence Stability in South Asia, Springer International Publishing, pp. 67–107. DOI.org (Crossref), doi:10.1007/978-3-030-21398-5\_4.

Fortunately, there is also a “stability” side to this picture. The argument for stability is based on both the empirical record and the logic of nuclear deterrence. The empirical record was laid out to a great extent in Chaps. 2 and 3. Adding the February 2019 confrontation to the mix, we now have five crises in South Asia’s two decades of overt nuclear weaponization, and this history provides clues as to how New Delhi and Islamabad might behave in a future crisis. From 1998 to 2016, India reacted with pronounced caution to provocations emanating from Pakistan, in large part because of the effects of nuclear deterrence. In the Kargil conflict of 1999, New Delhi mounted a potent military response to Pakistan’s subconventional insertion of troops into the then undefended Indian side of the LOC, high in the Himalayan mountains. However, Indian military operations were strictly and explicitly limited to the Indian part of the disputed territory of Kashmir, for fear of escalation to conventional warfare along the established international border between India and Pakistan and of unpredictable escalatory consequences after that.65 In the Twin Peaks crisis of 2001–2002, New Delhi ordered a full mobilization of its armed forces, which were on heightened alert along the LOC and the international frontier for nine costly months. At two different points in the tense standoff, Indian leaders seriously considered, but then refrained from ordering, conventional military operations into Pakistan. Then, in the aftermath of the Mumbai carnage of 2008, and despite years of Indian Army planning for Cold Start–style proactive options,66 the Indian prime minister quickly ruled out a conventional military response, opting instead for diplomatic pressure against Pakistan to cease its support for anti-Indian jihadis. The 2016 Uri attacks in Kashmir were met with Indian so-called surgical strikes across the LOC that were carefully calibrated not to bring about escalation to higher levels of conflict.

Although it is too soon fully to assess the influence of nuclear weapons on Indian and Pakistani decision-making during the 2019 crisis, we can discern glimmers of nuclear signaling by Pakistani leaders, as well as indications that both New Delhi and Islamabad were conscious of the need to avoid escalation that might lead to major conventional operations and potentially the use of nuclear weapons. After the February 26 Indian airstrikes on Balakot, New Delhi went to great lengths to portray them as defensive measures intended to ward off further terrorist attacks. The IAF had conducted a “non-military preemptive action … specifically targeted at the JeM camp,” and not at civilian areas or Pakistani military installations.67 In a press briefing later that day, Pakistan Army Maj. Gen. Asif Ghafoor said: “the prime minister has summoned a meeting of the National Command Authority [Pakistan’s apex nuclear decision-making body]…. I hope you know what the NCA means and what it constitutes.”68 Then, after the PAF’s February 27 retaliatory strikes in Indian Kashmir, Islamabad stated that its intent was to “demonstrate our will, our right, our capacity for self-defence. We have no intention of escalation.”69 Indeed, by refraining from airstrikes in India proper—and therefore not matching India’s Balakot attack—Pakistan actually moved a rung down the escalation ladder. As noted in the Preface, after the February 27 PAF strikes and the NCA meeting, Prime Minister Khan pointedly directed a nuclear signal to his Indian audience: “I ask India: with the weapons you have and the weapons we have, can we really afford … a miscalculation” that might lead to war?”70

**No China-India war---interdependence and institutionalism.**

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Politically, **the regional competitors do not find themselves in security dilemmas** in which the existence of their political systems is at stake, as did the competitors during the Cold War. China, India, and Pakistan are **stakeholders in the existing international order**, and are committed to an **open economic order and multilateral institutionalism**. Further, unlike the pre-World War I era, no competitor in the second nuclear age is part of rigid alliance systems engaged in repeated crises driven by notions of absolute gains. In the **China-India nuclear dyad**, the sources of conflict are unsettled boundary disputes, naval rivalry in the Indian Ocean, and more general Chinese goals to deny India peer-power status by boxing it in South Asia with Pakistan. But, this does not rise to the level of either the Anglo-German, Franco-German, or Russo-German rivalries in Europe prior to World War I. **Neither do Beijing or New Delhi see themselves as engaged in a Manichaean rivalry** of the sort that bedeviled the great powers between the two world wars, and the superpowers after them. Both China and India regard economic growth as the criteria for national success, and political stability as the means to **great-power status**. More significantly, each views robust conventional means—and **not nuclear arsenals**—as the means to addressing great-power aspirations. The India-Pakistan dyad elicits greater concern. The hundred-year struggle between the two countries is ideological and strategic. It is deeply embedded in each state’s national identity, which makes it difficult to resolve. But, here again, two critical mitigating factors provide hope. First, Pakistan has not expanded the scope and intensity of its LIC against India. A status quo has descended on the conflict, as the “ugly stability” between the two rivals has not gotten uglier.34 Within Pakistan, there is now greater questioning of the LIC’s blowback effects on Pakistan’s domestic peace. Pakistan’s defense and foreign-policy approaches also show fractures along institutional fault lines, with its deep state (military and intelligence agencies) taking the hard line and mainstream political parties professing a more moderate line. India, on the other hand, is veering around to the consensus that the LIC does not constitute an existential threat to its security. Among India’s national security elites, there is further acknowledgment of the institutional divisions within Pakistan and the belief that India ought to pursue multiple foreign policies to deal with Pakistan’s civil and military establishments. Successive Indian governments also appear to have quietly concluded that escalation to a conventional counterattack against Pakistan could end up in self-defeat. There are other sophisticated options available to India, including covert attacks using special forces, diplomatically isolating Pakistan, and legal sanctions through the United Nations. This new Indian approach is also driven by the conviction that Pakistan is in secular decline, and that, above all else, state failure in Pakistan would constitute the greatest threat to Indian security. This suggests that tensions between Pakistan and India have likely plateaued. The political rivalry between the three nuclear states is also a function of geography and structure. India and China—given their geographic depth and mountainous defenses, demographic size, and large modern conventional forces—do not perceive the other as a grave threat to national security. The case is different in the India-Pakistan dyad, where structural factors clearly favor India. However, the relatively static nature of the LIC and India’s quiet decision to walk back from threatening Pakistan with an escalatory conventional war mean that the risk of a war in South Asia is probably at its lowest levels since the late 1980s. Overall, this is a positive development. China and India also **share a common strategic culture** of treating **nuc**lear weapon**s** as political weapons, as **instruments of deterrence** rather than of war fighting. This shared culture is generally attributed to two factors. One is that structural advantages of geographical depth and defenses lessen the propensity of either state to turn to nuclear weapons as its primary means of security. The other is that structure is inevitably intertwined with cultural beliefs held by Chinese and Indian leaders of the political, rather than military, utility of nuclear weapons. Further, civilians in both states retain the upper hand in their institutional relationship with the military. This means that **nuc**lear operational postures and doctrine stem from political beliefs and rationales, and **not from military operational pressures**, which often produce unstable forward-deployed and hair-trigger postures. To be sure, Pakistan’s case is different. Pakistan’s military has transmogrified into a praetorian guard that has captured the Pakistani state, and has subverted the state’s strategic interests to its narrower institutional interests. Nonetheless, there is no evidence yet that Pakistan is preparing to exceed the numerical limits of the French and British arsenals. More reassuringly, there is also no evidence that Pakistan is embracing highalert and on-the-ready deployment postures.