## 1NC

### 1NC – OFF

#### 1] Interpretation: The affirmative must defend an unconditional right to strike. This means that the Affirmative must defend that anyone regardless of job or occupation has a fundamental right to strike.

Merriam Webster ND, <https://www.merriam-webster.com/dictionary/unconditional> //sid

not conditional or limited : [ABSOLUTE](https://www.merriam-webster.com/dictionary/absolute), [UNQUALIFIED](https://www.merriam-webster.com/dictionary/unqualified)

#### 2] Violation – They only grant the Right to Strike to prison workers That by definition is a condition since they condition the right to strike on a particular occupation.

Jensen ’18 (Eric; co-director of the Stanford Rule of Law Program, in collaboration with USAID, The Asia Foundation, and Stanford Law School; April 2018; “Introduction to the Laws of Timor-Leste”; Stanford Law School; <https://law.stanford.edu/wp-content/uploads/2018/04/Timor-Leste-Constitutional-Rights.pdf>; Accessed: 10-30-2021; AU)

If individuals want to defend their rights at work, the Constitution gives them the right form trade unions and to strike. Individuals are free to join and participate in professional associations that are peaceful. This includes trade unions. Individuals in trade unions have a right to organize their unions independent of the government or their employers. Trade unions should be free and independent, and individuals have the right to set the unions’ internal structure freely. Independent trade unions are important to allow individuals to organize with other workers to collectively defend their interests and their rights. It is important that they are independent so that they reflect the individuals’ interests and not the employer’s or the government’s interests. Individuals have the right to strike. If they feel that their employer is not respecting their rights or interests, employees can refuse to work in protest. The Constitution creates a duty that during a strike, the employer still has to maintain equipment and provide for safety. Individuals’ right to strike is **limited by the law**. The Constitution states that the right to strike is **conditional** on the strike being **compliant** with legal regulations that the government creates. This means that the **government can pass laws** that limit **when and how** individuals can exercise their right to strike. The right to strike is important to give individuals the power to defend their labor rights.

#### 3] Standards –

#### a] Limits – there are endless conditions the aff can place on the right to strike – i.e based on occupation, national holidays, location of strike, etc. That makes the topic untenable since the Aff can just infinitely specify any condition or permutation of conditions which makes predictable preparation and in-depth clash impossible.

#### b] Neg Ground – specifying scenarios lets affs spike out of core, reduction-based disads like Bizcon and Small Businesses. Links are already non-existent on this topic – letting affs impose restrictions on RTS makes it even narrower.

#### 4] TVA – establish a right to strike and read Teacher Unions as an Advantage.

#### 5] Paradigm Issues –

#### a] Topicality is Drop the Debater – it’s a fundamental baseline for debate-ability.

#### b] Use Competing Interps – 1] Topicality is a yes/no question, you can’t be reasonably topical and 2] Reasonability invites arbitrary judge intervention and a race to the bottom of questionable argumentation.

#### c] No RVI’s - 1] Forces the 1NC to go all-in on Theory which kills substance education, 2] Encourages Baiting since the 1AC will purposely be abusive, and 3] Illogical – you shouldn’t win for not being abusive.

### 1NC – OFF

#### Interpretation debaters must defend that a just government ought to recognize an unconditional right to strike.

#### Violation – Israel is not a government but the recognition of it as one allows for genocide and ethnic cleansing which turns case.

**Bodi 01** [Faisal Bodi is a Muslim journalist for the guardian, 1-2-2001, "Comment: Israel simply has no right to exist," Guardian, <https://www.theguardian.com/world/2001/jan/03/comment.israelandthepalestinians> accessed 11/20/21] Adam

Certainly, there is no moral case for the existence of Israel. Israel stands as the realisation of a biblical statement. Its raison d'être was famously delineated by former prime minister Golda Meir. "This country exists as the accomplishment of a promise made by God Himself. It would be absurd to call its legitimacy into account."

That biblical promise is Israel's only claim to legitimacy. But whatever God meant when he promised Abraham that "unto thy seed have I given this land, from the river of Egypt unto the great river, the Euphrates," it is doubtful that he intended it to be used as an excuse to take by force and chicanery a land lawfully inhabited and owned by others.

It does no good to anyone to brush this fact, uncomfortable as it might be, under the table. But that has been the failing with Oslo. When it signed the agreement, the PLO made the cardinal error of assuming that you could bury the hatchet by rewriting history. It accepted as a starting point that Israel had a right to exist. The trouble with this was that it also meant, by extension, an acceptance that the way Israel came into being was legitimate. As the latest troubles have shown, ordinary Palestinians are not prepared to follow their leaders in this feat of intellectual amnesia.

Israel's other potential claim to legitimacy, international recognition, is just as dubious. The two pacts which sealed Palestine's future were both concluded by Britain. First we signed the Sykes-Picot agreement with France, pledging to divvy up Ottoman spoils in the Levant. A year later, in 1917, the Balfour Declaration promised a national home for the Jewish people. Under international law the declaration was null and void since Palestine did not belong to Britain - under the pact of the League of Nations it belonged to Turkey.

By the time the UN accepted a resolution on the partition of Palestine in 1947, Jews constituted 32% of the population and owned 5.6% of the land. By 1949, largely as a result of paramilitary organisations such as the Haganah, Irgun and Stern gang, Israel controlled 80% of Palestine and 770,000 non-Jews had been expelled from their country.

This then is the potted history of the iniquities surrounding its own birth that Israel must acknowledge in order for peace to have a chance. After years of war, peace comes from forgiving, not forgetting; people never forget but they have an extraordinary capacity to forgive. Just look at South Africa, which showed the world that a cathartic truth must precede reconciliation.

Far from being a force for liberation and safety after decades of suffering, the idea that Israel is some kind of religious birthright has only imprisoned Jews in a never-ending cycle of conflict. The "promise" breeds an arrogance which institutionalises the inferiority of other peoples and generates atrocities against them with alarming regularity. It allows soldiers to defy their consciences and blast unarmed schoolchildren. It gives rise to legislation seeking to prevent the acquisition of territory by non-Jews.

More crucially, the promise limits Israel's capacity to seek models of coexistence based on equality and the respect of human rights. A state based on so exclusivist a claim to legitimacy cannot but conceive of separation as a solution. But separation is not the same as lasting peace; it only pulls apart warring parties. It does not heal old wounds, let alone redress historical wrongs.

However, take away the biblical right and suddenly mutual coexistence, even a one-state solution, doesn't seem that far-fetched. What name that coexistence will take is less important than the fact that peoples have forgiven and that some measure of justice has been restored. Jews will continue to live in the Holy Land - as per the promise - as equals alongside its other rightful inhabitants.

If that kind of self-reproach is forthcoming, Israel can expect the Palestinians to be forgiving and magnanimous in return. The alternative is perpetual war.

#### Vote neg for limits and ground – allowing affs to specify non-governmental entities explodes neg prep burdens to a virtually infinite number of affs since they can spec anything from joe biden recognizing a right to strike to jeff bezos recognizing a right of amazon workers to strike which skews neg ground and lets the AFF spike out of core neg ground like the U.S court packing da, bizcon, the small businesses da, and more which makes neg preparation and in depth clash impossible

Tva – read an aff that has Palestine recognize the unconditional right to strike for Palestinians – force the 1ar to articulate why defending Israel as the actor is good.

### 1NC – OFF

#### Advocacy – We affirm the right of Palestinian workers to strike. To Clarify – this is a PIK out of their demand for Legal Government Recognition.

#### Solves 100% of their Aff – Ctl-F Test for “Right” or “Recognize” it appears in none of their highlighted portions and, none of them in the context of “Legal Recognition”, all of their evidence is about the power of current, status quo strikes against the system being good – they have card zero saying Legal Recognition is key to any of that.

#### The Net Benefit is De-Radicalization. Legally recognizing the right to strike renders it ineffective by de-radicalizing movements, decks solvency and turns case.

White 18 (, A., 2018. Its Own Dubious Battle: The Impossible Defense of an Effective Right to Strike. [online] Colorado Law Scholarly Commons. Available at: <https://scholar.law.colorado.edu/articles/1261/> [Accessed 7 November 2021] Ahmed White is the Nicholas Rosenbaum Professor of Law. Before arriving at the University of Colorado, he was a visitor at Northwestern University in 1999. He has also taught at Villanova Law School. Earlier in his career, Professor White's research focused heavily on the fate of rule of law norms and the rule of law concept in capitalist society, and on the role of criminal law and punishment as mechanisms of social control of the working class. More recently, Professor White's scholarship has taken a more definite historical turn. Much of his work concerns the history of law and labor relations from the early Twentieth Century through the New Deal period, as well as the viability of a functional system of labor rights in liberal society. The subjects of many of his articles over the last decade or so, these themes are central to his recent, acclaimed book, The Last Great Strike: Little Steel, the CIO, and the Struggle for Labor Rights in New Deal America (Oakland: University of California, 2016). They also feature in his second book, tentatively titled The Romance and the Suffering: Law, Violence, and the Tragic Fate of Radical Industrial Unionism in Twentieth Century America, which will be published by the University of California Press in 2021.)-rahulpenu

The Wagner Act purported, for the first time in American history, to extend a definite, readily enforceable right to strike to most American workers. Not coincidentally, the years surrounding its enactment featured the most intense wave of labor conflict in the country’s history. When the statute became effective in 1937 (having been widely ignored by employers and blocked by hostile courts), the violence of strikes began to diminish, though not so much their frequency. For much of the period after the Second World War, strikes remained common even as they also became less ambitious in their aims and less militant in their conduct. Beginning about forty years ago, things changed again. Strikes suddenly became rare as well, to the point that workers today basically do not strike at all. From 1947 through 1976, the government documented an average of just over 300 “major work stoppages” (strikes and lockouts involving at least 1000 workers) every year; over the last decade, the annual average was only 14.10 Even the much-ballyhooed mini-strike wave of 2018 appears to be largely an illusion built on a combination of wishful thinking and a convenient misconstruction of a string of well-reported, and sometimes impressive, strikes, as a trend.11 In any event, militancy of the sort that was commonplace when Steinbeck wrote his book, along with the open strife and bloodshed that made the novel a work of undeniable realism, are nearly unheard of today. The waning of bloody battles may be a good thing. But there is not much to celebrate about the overall demise of strikes—not if you are a worker or care about the working class. For strikes are the most important mode of working class protest, the best way, it seems, for workers to directly challenge capitalist hegemony by their own hand, to alter the terms of exploitation if not to build a new world. As they have declined, so has the strength of the labor movement and, with this, the ability of workers to contest the power that employers wield over their work lives and economic fortunes. And so it is that with the demise of strikes, union representation has plummeted, wages have stagnated, economic inequality skyrocketed, and the everyday caprices and tyrannies of capitalist management have been entwined in the web of demeaning indignities, patronizing indulgences, and suffocating bureaucratic rules that define the contemporary workplace. Nevertheless, in most quarters the decline in strikes has been taken in stride, if noticed at all. For most people, **strikes** are hardly more than **historical** **relics** or quaint curiosities that seldom affect their daily lives or command much of their attention. Ironically, this is probably one reason the very modest labor conflict of the last year has been so **overcharacterized**. Once a preoccupation of newspaper editorialists, lawyers, and other commentators, a concern of government, and the subject of numerous hearings and reports, abundant litigation, and seemingly endless attempts at legislation, strikes are now **rarely** **of** **any** **interest** in any of these quarters. Where judges, politicians, and editorialists once worried greatly over how to deal with strikes of the kind that Steinbeck fictionalized, how to protect the economy (not to mention the interests of individual capitalists) from the disruptive effects of labor unrest, and sometimes how to preserve the ability of workers to strike in meaningful ways, their successors stand mute in the context of the near extinction of this form of protest. It has been two decades since Congress, which once grappled with these issues on a regular basis, has seriously confronted the question of strikes.12 Its last engagement with the right to strike attempts, in the early 1990s, to enact modest changes in the law relative to employers’ use of replacement workers during strikes. And even this effort, which collapsed in the mid 1990s, hardly seemed possessed of the kind of urgency that characterized earlier forays on these issues.13 Among the few Americans who well remember what strikes are and why they are important are labor scholars. For them, at least, strikes remain a preoccupation. Prominent students of labor like James Atleson, Julius Getman, Karl Klare, and James Pope—to name the most notable of this group—have expended much effort over the past few decades identifying and critiquing **legal** **doctrines** which have **undermined** the **right** **to** **strike**. Important to them in this regard are doctrines that give employers the prerogative to easily replace striking workers; that allow employers to enjoin and even fire strikers on the ground that they have engaged in coercive “misconduct,” or because they have protested the wrong issue or in the wrong way; that prohibit sympathy strikes and general strikes, and spontaneous “wildcat” strikes; and that funnel labor disputes off of picket lines and into legal proceedings and arbitrations.14 These doctrines have eviscerated a once-vital right to strike, these scholars tell us, subverting a prerogative that earlier in the century was central to improving conditions for workers and lending legitimacy to the very idea that workers have rights to claim in the first place. Indeed, in the 1930s and 1940s, especially, a massive and sustained campaign of strikes proved crucial to the formation of the modern labor movement, the political and legal validation of the Wagner Act, and ultimately the survival of the New Deal itself. This was true even as the Wagner Act itself seemed to play a crucial role in conveying to workers, for the first time, an effective right to strike. But the problem as far as the right to strike goes, we are told, is that the statute was later weakened and corrupted by the connivances of judges and Congress, urged on by a business community relentless in its contempt for organized labor, and abetted at times by inept or corrupt union leaders and a weak and politically diffident National Labor Relations Board (NLRB, the entity with primary authority for enforcing the labor law). And so the Wagner Act is said to have had a great potential, only to have been tragically “deradicalized,” as Klare puts it; and workers are said to have “lost” the right to strike, in Pope’s words, with devastating consequences for workers today and ominous portents for generations ahead.15 Critically, these authors argue, an effective **right** **to** **strike** must be **restored** **at** the **expense** **of** these **unjustified** **impositions**.16 Only then will the labor law regain its relevance and the labor movement its ability to improve the lives of workers. Early on, this attempt to defend an effective right to strike was the object of mean-spirited criticism by more conventional scholars who, in the guise of unmasking its interpretative shortcomings, rejected its radicalism and recoiled at its underlying supposition that law is not only malleable and untethered to its formal, elite iterations, but within the province of workers to reshape around their own interests and visions.17 Despite these efforts, which focused on the work of Klare and Katherine Stone, whose critique of post-war “industrial pluralism” shared a similar reasoning—or maybe, to some extent, anyway, because of them—**support for** this campaign to restore **the right to strike seems like a mandate** among scholars and commentators who purport to take seriously the interests of workers.18 And yet **for all its appeal**, **this project** nevertheless **suffers from** a remarkably negligent oversight, one that has nothing to do with morality of its pretense that the law is malleable and that workers can remake it—a proposition that is broadly true and eminently defensible. Instead, it has to do with its **practical feasibility**. In fact, as this Article argues, a critical reflection on this question suggests that the effort to realize **an effective right to strike is** actually quite **impossible** **and** that **attempts to do so**, however earnest and thoughtful they may be, **represent** as **dubious a battle** as the hopeless walkout dramatized in Steinbeck’s book. This doleful conclusion rests on a frank understanding of the legal and political realities in which strikes necessarily play out. There are many kinds of strikes, but those that are apt to be successful in challenging employers’ power and interests entail a level of militancy that sets them against well-entrenched notion of property and public order. This was true in the 1930s and 1940s when these values **contradicted**, at once, **strike** **militancy** and whatever radical potential the Wagner Act may have had. Ironically, it is perhaps even truer today, now that workers do in fact enjoy the right to strike, albeit only in more conventional ways. Seen in this light, those doctrines that have undermined the right to strike are not aberrations or jurisprudential failings—not mistakes in any sense, in fact, nor a retreat from some earlier, truer iteration of the labor law. Rather, they represent a **settling of the labor law** on bedrock precepts of the American life. However **illegitimate** those **precepts** may be from a vantage that **questions capitalism’s essential legitimacy** and **takes the rights of workers seriously**, they reign supreme, **foreclosing** an **effective right to strike**. All of this, as I argue in this Article, is made plainly evident by a critical review of the history of strikes and striking. To anticipate a bit more of the argument that follows, **the strikes most crucial** to the building of the labor movement in the 1930s and 1940s **were not** **built** only **around** **peaceful picketing** **and a withholding of labor**. Rather, they were sit-down strikes and strikes built on mass picketing, as well as, to some extent, secondary boycotts. And **strikes** of this kind were **never considered lawful or politically appropriate**. Ironically, it was these strikes that legitimated the Wagner Act itself and the New Deal. But they could not legitimate themselves. Those who call for resurrecting the right to strike contend that the flourishing of strike militancy reflected, if not the inherent politics of the original Wagner Act before it was “de-radicalized,” then at least its potential. To be sure, it is clear that the Wagner Act was a remarkable document which did more to advance workers’ rights than any statute in American history; and it was at least ambiguous on the question of the legal status of strike militancy. But what seemed like its support for worker militancy was not a product of any particular potential. Rather, it was a reflection of the difficulty that judges, legislators, and other authorities, who dedicated themselves to restraining these strikes even as they flourished, encountered in prosecuting these values amid the unique economic and political conditions of the 1930s and 1940s. These obstructive conditions were quite temporary, though, and the authorities’ efforts culminated soon enough in the near-categorical prohibition of the tactics that had made strikes so effective. It is in this way that the history of strikes shows less in the way of **de-radicalization** than an encounter with the unyielding outer boundaries of what labor protest and labor rights can be in liberal society. As this all played out, it **left** in its wake **a right to strike**, but one **whose power** **consists** almost **entirely of the ability of workers to pressure employers** by withholding labor, while also maybe publicizing the workers’ issues and bolstering their morale. But while publicity and morale are not irrelevant, in the end they are **not effective weapons** in their own right. **Nor are they** generally **advanced when strikes are broken**. Moreover, the withholding of labor, unless it could be managed on a very large scale—something the law also tends to prohibit by its restrictions on secondary boycotts, by barring sympathy strikes and general strikes—is inherently ineffective in all but a small number of cases where workers remain irreplaceable. Of course, **striking in such a conventional way** accords with liberal notions of property and social order; but precisely because of this it **is** simply **not coercive enough to be effective**. And it is bound to remain ineffective, particularly in a context where workers far outnumber decent jobs, where mechanization and automation have steadily eaten away at the centrality of skill, where the perils that employers face in the course of labor disputes are as impersonal as the risks to workers are not, where employers wield overwhelming advantages in wealth and power over workers, where the state’s machinery for enforcing property rights and social order have never been more potent—where, in fact, capital is capital and workers are workers. From this perspective, **the quest for an effective right to strike emerges as a fantasy**—an appealing fantasy for many, but a fantasy no less, steeped in a **misplaced** and exaggerated **faith in the law** and a misreading of the class politics of modern liberalism. The **campaign to resurrect** such **a right appears**, too, not only as a dead-end and **a distraction**, but an undertaking that **risks blinding** those who support viable **unionism** and the interests of the working class **to** the more important and fundamental fact that **liberalism and the legal system** are, in the end, **antithetical to a meaningful system of labor rights**. It is for this reason that **the call for** an effective **right to strike should be set aside** **in favor of more direct endorsement of militancy and** a **turn away from the law** and instead towards a political program that might advance the interests of the working class regardless of what the law might hold. The argument that follows further elaborates these main contentions about the history of striking and the nature of strikes in liberal society, augmented by a discussion of the legal terrain on which all of this has played out. It unfolds in three main parts. Part I describes how the concept of a right to strike developed in concert with the history of striking itself, how both were influenced by the evolving condition of labor, and how this history created the circumstances under which it became possible to conceive of an effective right to strike without making this possible in fact. Part II consists of a critical review of the fate of coercive and disorderly strikes, especially those featuring sit-down tactics and mass picketing. It considers how the courts, the NLRB, and Congress confronted these strikes, and how they moved with increasing vigor to proscribe them as soon as these strikes emerged as effective forms of labor protest. Part III looks more carefully at the underpinnings of this repudiation of strike militancy, finding in court rulings and other pronouncements against the strikes an opposition to coercion and disorder that, even if sometimes invoked disingenuously, is nonetheless firmly anchored in modern liberalism and its conception of the appropriate boundaries of class protest and labor conflict. On this rests the argument that an effective right to strike is impossible and the pursuit of it, problematic. The final part is a brief conclusion that sums up some of the implications of this argument.

#### Palestinians are already striking as a way to form collective identity and resist Israel

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RAMALLAH, West Bank — Hundreds of thousands of [Palestinian](https://www.nytimes.com/2021/05/19/technology/israeli-clashes-pro-violence-groups-whatsapp.html) citizens of Israel stopped work for the day on Tuesday, as did other Palestinians across the occupied [West Bank](https://www.nytimes.com/2021/09/26/world/middleeast/west-bank-shooting.html) and in Gaza, protesting violence against Arab Israelis, the unfolding Israeli military campaign targeting Hamas militants in Gaza and the looming eviction of several families from their homes in East Jerusalem.

Streets were deserted in Arab areas across both Israel and the occupied territories, as shopkeepers shuttered stores along the waterfront in Jaffa, in central Israel; the steep roads of Umm el-Fahm, an Arab town in northern Israel; and West Bank cities such as Hebron, Jenin, Nablus and Ramallah.

Demonstrators gathered instead in central squares, waving Palestinian flags, listening to speeches and chanting against Israeli policies. Outside Ramallah, a group of Palestinians who had gathered separately from the protesters set fires on a major thoroughfare and later exchanged gunfire with Israeli soldiers, officials said.

Since hundreds of thousands of Palestinians fled or were expelled from their homes in 1948, they have been divided not only by geography, but also by lived experience.

They were scattered across Gaza, the West Bank and the wider Middle East, as well as the state of Israel itself. Some struggled under differing forms of military occupation, while others were given Israeli citizenship — diluting their common identity.

But on Tuesday, they came together in a general strike to protest their shared treatment by Israel, in what many Palestinians described as a rare show of political unity.

#### The presentation of a right to strike as a form of benevolent governance bestowed by the state on Indigenous communities problematizes Indigenous nonconformity as the cause of labor exploitation and shifts the analytical frame of criticism away from the settler state.

Strakosch 17 Elizabeth Strakosch, 10-21-17, Neoliberal Indigenous Policy: Settler Colonialism and the "Post-Welfare" State, <https://books.google.com/books/bout/Neoliberal_Indigenous_Policy.html?id=TPFbrgEACAAJ> mvp

The RPA gives both government and Indigenous parties space to outline their priorities (the Ngaanyatjarra Council in FaCSIA 2005: 1.6, and governments in 1.7). Indigenous priorities include cultural survival, connection to land, securing infrastructure funding and maintaining control over their own affairs. Government objectives reflect the COAG National Framework Principles for Service Delivery to Indigenous Australians (including sharing responsibility, harnessing the mainstream, efficiency and accountability) (Council of Australian Governments 2002), and also indicate specific priority areas. These areas for change in Indigenous lives include early education, substance misuse, family functionality and economic participation (1.7.6). Therefore, the RPA does give Indigenous parties space to articulate their values to governments, and these values do not align with the governments’ own neoliberal principles. However, the following section outlines the common agreement objectives, and these overall objectives are all directed at meeting government goals: In making this Agreement the Ngaanyatjarra Council and the Governments have agreed to work together ... [for the] provision of better coordinated and resourced programs and services to achieve improvements in the priority areas listed in Section 1.7.6. (2.1–2.1.1.1) But as noted above, section 1.7 outlines government priorities, rather than goals agreed upon by both parties. Government priorities have become common priorities, and the key objectives of the partnership. Therefore, while the agreement seeks to harmonise Indigenous and government interests, it requires reform within the Indigenous rather than government parties. The most important priority becomes the commitment by the Indigenous party to share government responsibility and goals. As with all mutual obligation-type compacts, this involves a complex temporal manoeuvre in which the obligations of government become reconfigured as gifts of government, and hence become legitimate consideration in a contractual exchange. In return for this gift, the state makes its own demands for change in its subjects. In the legal and political imaginary of the liberal contract, ‘consideration’ is an objective benefit of legal value which is exchanged by parties to a formal contract (Paterson et al. 2009: 74). It is the ‘price of the promise’: ‘[i]f we need to know whether A’s promise to B can be enforced by B, we must ask whether B ... has given consideration for that promise’ (Paterson et al. 2009: 73, 74). Superficially, the consideration exchanged in an SRA contract seems obvious: Indigenous peoples give the settler state a promise to share responsibility for their own government, and in return, the state offers resources to assist in this government. This is represented in Figure 7.1. However, more careful examination shows that the existence of government consideration relies on a complex temporal movement. Neoliberal Indigenous policy works on the assumption that the proper liberal government of Indigenous lives is the responsibility of Indigenous peoples themselves, but that they need to consciously recognise and accept this responsibility. Thus, while Indigenous governmental responsibility might exist at a theoretical level, there is an important sense in which it does not already exist as an actual fact. This lack is what makes the Indigenous undertaking to share responsibility a benefit to government (as discussed above, the wicked problem of Indigenous disadvantage is a government problem, and the mobilisation of subject responsibility is a government initiative to resolve that problem. This is not to say that this deprivation does cause suffering, or that Indigenous communities do not wish to address it; rather, I suggest that the specific kind of liberal self-government sought by the settler state is not automatically a goal and moral imperative for Indigenous peoples). Until the moment of exchange, in fact, both the responsibility for the full liberal government of Indigenous subjects, and the concrete resources for this government, belong to the government party (see Figure 7.2). The Ngaanyatjarra RPA agreements state that a key purpose of the contract, and therefore a shared interest of Indigenous and government parties, is to ‘share responsibility for achieving measurable and sustainable improvements for people living in the Ngaanyatjarra Lands’ (FaCSIA 2005: 2.1.1). However, ‘sharing responsibility’ is also listed as an objective of the governments, while it is not an interest listed by the Indigenous party (1.6–7). The RPA, therefore, turns an interest of the government party into a mutual interest. It enables government to divest some of the responsibility which would otherwise accrue entirely to it, and this divestment itself is the contractual benefit government seeks. So, in a sense, the major asset or power that Indigenous peoples bring to the contractual table is freedom from the burden of their own liberal/colonial rule, and the ability to take on some of the burden of their own government for the benefit of the state. However, until this responsibility is shared, the concrete resources that the state brings to Indigenous peoples are not recognisable as an item of value to the Indigenous party – they are simply the resources that the state must mobilise to meet its own responsibility to govern. To push this point further, we might even consider the governmental resources, such as unemployment support, community-building projects and adequate education, as rights possessed by Indigenous peoples by virtue of their status as citizens. Neoliberal rationality redefines the goods which the state owes its citizens as voluntary gifts which can legitimately be withheld (Ramia 2002). When governmental responsibility is shared and becomes a common interest with the governed, however, these goods are transformed into contributions to a common cause. They become contractual consideration, and their allocation is seen as an action that requires a reciprocal contribution from Indigenous peoples (Figure 7.3). SRA and RPA quasi-contracts, like the neoliberal SRA program logic which simultaneously recognises and seeks to create Indigenous governance capacity, have a peculiar suspended or circular temporality. Before the moment of contractual agreement, they make no sense. Only in the instant when Indigenous peoples take upon themselves the burden of their own adequate liberal government are government resources removed as a right and regifted as a contractual contribution to a common cause. This is the complex movement by which SRAs attempt to mobilise Indigenous subjects as resources in their own government, and as members of the sovereign community. Conclusion: government and sovereignty in Indigenous capacity building SRAs and RPAs aimed to enact Indigenous governmental consent to multiple, specific and concrete projects. However, this process also worked to generate sovereign consent to the settler state, and to erase Indigenous political difference. Capable Indigenous communities were seen as ‘willing to understand and work with governments’ in the project of addressing their own disadvantage (Morgan Disney 2006: 7). This meant demonstrating acceptance of the neoliberal problematisation of themselves as disadvantaged citizens, and the understanding of this disadvantage as a ‘wicked problem’ requiring Indigenous shared responsibility. In turn, they were asked to accept that their disadvantage was intimately connected to their own behaviour. Within the SRA framework, Indigenous communities could no longer locate the cause of their disadvantage in the action of settler authorities, or refuse to understand their lives as deficient in relation to the settler ‘norm’. Instead, the logic seeks to drive their consent to the settler state’s own framing of itself as the natural and legitimate partner in addressing Indigenous deficiencies. At a deeper level, the liberal settler state is seeking to bind itself to Indigenous communities by asking them to accept their own lives and behaviours as lacking, to request government assistance for change, and to help design the concrete governmental programs for this state intervention. Hindess suggests that liberalism must continually justify its project of rule, given its commitment to the abstract natural freedom of all individuals, and that its sovereign legitimacy therefore constitutes a ‘precarious practical accomplishment’ (Hindess 1997: 261; also Hindess 2005). A liberal polity must show that its (potential) subjects are failing in some way and that sovereign rule is necessary to help them attain their governmental goals. This means that its subjects must identify endless governmental goals, and always understand themselves as failing and in need of state assistance. SRAs aimed to build the capacity of Indigenous communities to identify their ‘needs and priorities’, articulate these to government and advise the government on appropriate interventions (Council of Australian Governments 2002: 1). These communities were being assisted to self-problematise and to provide the settler state with justifications for extending its authority into their lives. If liberal sovereign nation-states constitute a community of mutual governmental responsibility, then SRAs attempt to fully absorb Indigenous subjects into the sovereign state by absorbing them into this governmental community. Simultaneously, the SRA admission that Indigenous peoples were not yet part of such a community of mutual government exposed settler colonial sovereignty as an incomplete project.

### 1NC – OFF

#### Counterplan text – The [] ought to

#### ---enter a prior, binding, and genuine consultation with the International Court of Justice to issue a binding ruling to guarantee a worker’s unconditional right to strike against the government.

#### ---pass a concurrent resolution that non-compliance with the International Court of Justice’s ruling constitutes an enforceable violation of Charter obligations.

#### ICJ says yes and creates a culture of *acculturation* that socializes acceptance of international law – the aff shreds that.

Brudney 21 [James; 2/8/21; Joseph Crowley Chair in Labor and Employment Law, Fordham Law School; “The Right to Strike as Customary International Law,” THE YALE JOURNAL OF INTERNATIONAL LAW, Vol 46, <https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1710&context=yjil>] Justin \*\* Brackets in original

C. FOA and the Right to Strike as Opinio Juris There is also considerable support for the proposition that the general practice of states on FOA and the right to strike stems from acceptance as a matter of legal obligation. Admittedly, while the existence of opinio juris may be inferred from a general practice, the International Court of Justice (ICJ) has at times noted the insufficiency or inconclusiveness of such practice, instead seeking confirmation that "[states'] conduct is 'evidence of a belief that this practice is rendered obligatory by the existence of a rule of law requiring it. ",149 Trade agreements, for instance, may represent treaty law and may qualify as evidence of general practice, but they are typically entered into by States that have specific economic or political objectives rather than from a desire to embrace obligations arising under international law.15° Further, it is possible that even with respect to ILO conventions, widespread ratification is in part a function of acculturation, insofar as endorsements across a region contribute to socialized acceptance of norms on FOA, reassuring peer countries that protecting rights to association including the right to strike will not place them in an inferior competitive position. 151 That said, the ICJ often does infer the existence of opinio juris from a general practice and/or from determinations by national or international tribunals.152 And there are ample reasons to draw such an inference here. To start, FOA is consciously accepted as an obligation by ILO member states not simply through ratification of Convention 87 (covering more than 80 percent of them) but by virtue of membership itself. The ILO Constitution expressly requires support for FOA principles, and these principles are further imbedded through a tripartite governance structure that allocates power-sharing roles to worker organizations alongside governments and employers. 153 Thus, ILO members understand there is an underlying obligation to respect FOA in law and practice.154 A second reason is that domestic law can provide relevant evidence regarding the presence of opinio juris among states. Commitments to FOA expressed in national constitutions, statutes, and court decisions are not necessarily evidence of a state's belief that the principle is international as opposed to domestic law. Nonetheless, the International Law Commission has made clear that evidence of acceptance as law (opinio juris) "may take a wide range of forms," including but not limited to "official publications; government legal opinions; [and] decisions of national courts." 155 In this regard, the CEACR in 2012 identified 92 countries where "the right to strike is explicitly recognized, including at the constitutional level"; the list includes six countries that have not ratified Convention 87.156 Recognition in domestic law of a right to strike alongside a conscious decision not to ratify Convention 87 could give rise to an inference that these six countries are rejecting the right as a principle of international law. However, as explained earlier, national courts for two of the six non-ratifying countries (Brazil and Kenya) expressly invoke ILO membership and/or principles as guidance in their domestic law decisions.157 In addition, Canada—a country not listed among the 92 endorsing the right to strike in the 2012 General Survey—has since recognized a constitutional right to strike under national law, relying in part on international law principles including CEACR and CFA determinations.158 The Canadian Supreme Court had previously been explicit in invoking Convention 87, ICESCR, and ICCPR as "documents [that] reflect not only international consensus but also principles that Canada has committed itself to uphold." 159 Further, a third country in the group of six—South Korea—has affirmed in its trade agreements with the United States and the EU its obligation to "adopt and maintain in its statutes and regulations, and practices" FOA in accordance with the ILO Declaration.16° And in various CFA complaints against South Korea for violating FOA principles, including the right to strike, the Government has disputed the facts of the complaints while at the same time recognizing that such rights are embedded in international law.161 Accordingly, a more relevant reference point in this setting may be that "when States act in conformity with a treaty provision by which they are not bound . . . this may evidence the existence of acceptance as law (opinio juris) in the absence of any explanation to the contrary.3 3162 Stepping back, domestic law on FOA and the right to strike, which for many countries developed after Convention 87 and its initial applications by the CEACR and CFA, may be viewed in part as a window into countries' sense of obligation in law and practice. A state may at times adopt labor provisions of a trade agreement for reasons of comity or relative competitive advantage. These reasons may play a more modest role with respect to adoption of certain human rights treaties or ILO conventions. 163 But evidence of practice and obligation in the domestic law sphere—especially when informed by regard for international instruments—seems almost by definition to be a function of acceptance as law rather than susceptibility to strategic motivations. In this regard, there are numerous instances in recent years where governments have expanded their legislative protections for the right to strike following a period of dialogue with the CEACR, and that committee has recognized and applauded the changes in law. 164 Of particular relevance to the U.S. setting, these expansions have included assuring the right to strike for public sector employees and prohibiting the hiring of replacements for strikers. 165 A third reason to infer opinio juris (in addition to the centrality of FOA principles within the ILO Constitution and the strong evidence of FOA and right-to-strike practice and obligation under domestic law) involves recent statements from high officials in the United Nations indicating that the right to strike is understood by its leaders as CIL. In his 2016 report to the U.N. General Assembly, the U.N. Special Rapporteur on the rights to freedom of peaceful assembly and association explained, "The right to strike has been established in international law for decades, in global and regional instruments, and is also enshrined in the constitutions of at least 90 countries. The right to strike has, in fact, become customary international law.'5166 In 2018, responding to a press briefing on a strike by U.N. employees following announced pay cuts, the Deputy Spokesman for the U.N. Secretary-General reiterated the U.N. view that the right to strike is indeed CIL and did so in the context of the right being asserted by public employees not involved in the administration of the state: Question: Does the Secretary-General believe that U.N. staff have a right to take part in industrial action? Deputy Spokesman: We believe the right to strike is part of customary international law. 167 These statements did not simply materialize in recent times. Two major U.N. Human Rights treaties—the ICESCR and the ICCPR—have been interpreted by their relevant treaty bodies to include a right to strike; these bodies have reaffirmed their joint commitment to the right to strike as part of FOA, and they regularly monitor governments' record of compliance with this right. 168 And as noted earlier, the two treaties—each ratified by over 80 percent of U.N members—include a clause explicitly identifying respect for ILO Convention 87. In sum, the principles of FOA including the right to strike would appear to satisfy both prongs of the CIL test. The widely recognized general practice on strikes has sufficient shape and contours: a basic right, three substantive exceptions (public servants involved in administration of the state, essential services in the strict sense of the term, and acute national emergencies), a recognition that strikers retain their employment relationship during the strike itself, and certain procedural prerequisites or attached conditions.169 There are variations in national practice and also disagreements at the margins about what the right to strike protects, but these aspects are not different in kind from diversity and contests regarding international rights prohibiting child labor, or for that matter domestic constitutional rights involving freedom of expression or the right to bear arms. As for opinio juris, a broad range of sources combine to establish that the general practice stems from a sense of acceptance and obligation: ILO foundation and structure; two widely endorsed United Nations human rights treaties; national constitutions; government representations; domestic legislative and judicial decisions that expressly refer to or impliedly accept international standards and practices; and contemporary U.N. leadership.

#### Ruling on the right to strike secures the legitimacy of the ICJ as an international mediation body.

Hofmann and Schuster 16 [Claudia and Norbert; February 2016; Dr. Claudia Hofmann works as a research associate at the Chair for Public Law and Policy at the University of Regensburg. She specializes in public international law (in particular the field of socio-economic human rights and equality-oriented policies), social law, constitutional and administrative law. Norbert Schuster works as a lawyer in Berlin and teaches at the University of Bremen. He specialises in labour law; “It ain’t over ‘til it’s over: the right to strike and the mandate of the ILO Committee of Experts revisited,” <https://global-labour-university.org/fileadmin/GLU_Working_Papers/GLU_WP_No.40.pdf>] Justin

BASES FOR A POTENTIAL RULING BY THE INTERNATIONAL COURT OF JUSTICE The question of whether the Committee has left the area of interpretation and entered the sphere of standard-setting can only be answered on a case by case basis. As has been indicated before, the primary question for an advisory opinion of the ICJ is whether Convention No. 87 contains a right to strike (see Section IV). What follows is, therefore, a cursory glance at the legal bases for an ICJ opinion, so as to sketch the broad outlines of a possible decision. Under Art 37.1 of the ILO Constitution, taken together with Art 36 of the ICJ Statute, the International Court of Justice is responsible for questions or differences of opinion about the interpretation of the ILO Constitution and the ILO Conventions. This reflects the function of the ICJ as an international mediation body inasmuch as cases are to be referred to the ICJ when the parties to a treaty disagree about the interpretation of a norm within the treaty. Let us assume that such a disagreement exists here as to whether, in particular, Art 3 of ILO Convention No. 87 also accords trade unions a right to strike.85 The Committee of Experts and the Committee on Freedom of Association have expressed a legal opinion on this. In the current legal situation, i.e. in the absence of concrete rules explicitly granting the Committee of Experts a corresponding interpretative competence, the competence to decide on this issue rests with the ICJ. Upon what sources of law and which principles will the ICJ base its decision? Two provisions are particularly relevant here. One is Art 38 of the ICJ Statute and the other is Art 31 of the Vienna Convention on the Law of Treaties (VCLT).

#### ICJ legitimacy is key to global multilateralism and crisis stability – it’s declining now.

Kornelios Korneliou 18 [Permanent Representative of Cyprus and Vice-President of the 73rd Session of the UN General assembly, "Report of the International Court of Justice," United Nations, 10-25-2018 <https://www.un.org/pga/73/2018/10/25/report-of-the-international-court-of-justice/>] Recut Justin

In the face of the headwinds against the multilateral system and global institutions, including direct attacks on their legitimacy, the International Court of Justice stands as testament to the principles of peace and justice in a multilateral world. Today’s debate builds on fifty years of exchange between the Court and the General Assembly, allowing Member States the opportunity to debate the work of the Court. This historic exchange is particularly pertinent to the 73rd Session of the General Assembly, which aims to ‘make the UN relevant to all’. The court system serves as a bulwark against arbitrariness and provides the mechanism for peaceful settlement of disputes, guaranteeing the stability so necessary for international cooperation. For the peoples of the world, the court may be far away but its impact is real. Excellencies, I am encouraged by the continued and enhanced confidence in the International Court of Justice. Not only has the Court’s workload increased over the last 20-years but this trend has continued into the period under review, demonstrating unequivocally that there remains a need and desire for a multilateral mechanism to address legal challenges of international concern. The variety of cases addressed by the court, and the fact that these cases stem from four continents, is also testament to the universality of the Court. In fact, as of today a total of 73 Member States have accepted, as compulsory, the jurisdiction of the Court. In addition to the Court’s role in advancing multilateralism, its judgements and advisory opinion directly influence the development and strengthening of the rule of law in countries the world over. As stated by the report: “everything the court does is aimed at promoting and reinforcing the rule of law, through its judgement and advisory opinions, it contributes to developing and clarifying international law.” Finally, at a time when human rights abuses and conflict devastate the lives of millions, and when tensions simmer in regions throughout the world, the adjudication of disputes between states remains an essential role of the Court in preserving peace and security. We welcome the continued readiness by the Court to intervene when other diplomatic or political means have proven unsuccessful. For Member States, respect for the decisions, judgements, advice, and orders of the Court remains critical for the efficacy and longevity of the international Justice System. The General Assembly has thus called upon States that have not yet done so to consider accepting the jurisdiction of the Court in accordance with its Statute. In closing, allow me to reiterate: if we are to preserve the international multilateral system, then adherence and respect for international law remains key.

#### Multilateralism solves a laundry list of impacts – even a tiny net benefit is enough to o/w the AFF

Esther Brimmer 14 [Assistant Secretary for the Bureau of International Organization Affairs at the United States Department of State from April 2009 to June 2013, “Smart Power” and Multilateral Diplomacy, June, <http://transatlantic.sais-jhu.edu/publications/books/Smarter%20Power/Chapter%204%20brimmer.pdf>] Recut Justin

Over the subsequent decade, the variable definitions of Smart Power have evolved to reflect a rapidly changing foreign affairs landscape – a landscape shaped increasingly by transnational issues and what can only be described as truly global challenges. Nations of the world must now calibrate their foreign policy investments to try to leverage new opportunities while protecting their interests from emerging vulnerabilities. Smart Power is no longer an alternative path; it is a four-lane imperative. ¶ The world in 2014 is fundamentally different from previous periods, growing vastly more interconnected, interdependent, networked, and complex. National economies are in many cases inextricably intertwined, with cross-border imports and exports increasing nearly tenfold over the past forty years, and more than doubling over just the past decade. At the same time, we are all connected – and connected immediately – to news and events that in past generations would have been restricted to their local vicinities.¶ Consider, for example, the 2011 tsunami that devastated parts of Japan. Not only did we know in real time of the earthquake that triggered the tsunami, we had live coverage of some of the tsunami’s most devastating impacts and then round-the-clock coverage of the Fukushima nuclear power plant crisis. Communications technology brings such events to us without delay and in high definition. This communications revolution, headlined by the explosion of social media, carries with it the almost unlimited potential to inform and educate. It also provides people and communities with new ability to influence and advance their causes – both benevolent and otherwise, as the dramatic events of recent years in North Africa and the Middle East have made clear. ¶ At the same time, global power is more diffuse today than in centuries. Although predictions of the nation-state’s demise have gone unrealized, non-state actors – including NGOs, corporations, and international organizations - are more influential today than perhaps at any point in human history. The same might be said for transnational criminal networks and other harmful actors. Concurrently, we are witnessing the rise of new centers of influence – the so-called “emerging” nations – that are seeking and gaining positions of global leadership. These emerging powers bring unique histories and new perspectives to the discussion of current challenges and the future of global governance. Several of these countries are democracies and share many of the core values of the United States; others have sharply different political systems and perspectives. All are gauging how to be more active in the global arena. ¶ It is this new, more diffused global system that must now find means of addressing today’s pressing global challenges – challenges that in many cases demand Smart Power ingenuity. From terrorism to nuclear proliferation, climate change to pandemic disease, transnational crime to cyber attacks, violations of fundamental human rights to natural disasters, today’s most urgent security challenges pay no heed to state borders. ¶ So, just as global power is more diffuse, so too are the opposing threats and challenges, and it is in this new reality that the United States must define and employ its Smart Power resources. That reality demands a definition that must now far exceed the origin parameters of hard and soft. Many of these challenges would be unresponsive to traditional Hard tools (coercion, economic sanctions, military force), while the application of Soft tools (norm advancement, cultural influence, public diplomacy) in customary channels is likely to provide unsatisfactory impact. ¶ Ultimately, the other component necessary in today’s Smart Power alchemy is robust, focused, and sustained international cooperation. In effect, in an increasing number of instances, Smart Power must now feature shared power, and in that context foreign policy choices must follow two related but distinct axes. ¶ First, those policy choices must strengthen a state’s overall stature and influence (rather than diminish it), leaving the state undertaking the action in a position of equal or greater global standing. This is easier said than done. The proliferation in challenges facing all states has created a need for multiple, simultaneous diplomatic transactions among a broadening cast of actors. Given the nature of today’s threats facing states both large and small, those transactions have never been more frequent and at times overlapping – a reality that requires new agility and synchronization within foreign policy hierarchies. States that are less capable of responding to this new reality may experience diminished political capital and international standing by acting on contemporary threats in isolation or without a full appreciation of the reigning international sentiment. Many observers have highlighted U.S. decision-making in advance of the 2003 Iraq invasion as indicative of just this phenomenon. ¶ Alternatively, states applying a new Smart Power approach to their foreign policy recognize the overlapping need to maintain global standing and stature while seeking resolution of individual policy challenges. We see considerable effort on the part of emerging powers to find just that balance, and I would argue that the United States has also made great strides in that regard since 2009. ¶ Second, Smart Power policy choices must contribute to the strength and resilience of the international system. As noted above, the globalization of contemporary challenges and security threats has augmented the need for effective cooperation among states and other international actors, and placed even greater demands on the global network of international institutions, conferences, frameworks, and groupings in which these challenges are more and more frequently addressed. Given this heightened need for structures to facilitate international collaboration, states are more rarely undertaking foreign policy courses of action that entirely lack a multilateral component, or that feature no interaction with or demands upon the international architecture. As recent American history shows, even states with unilateral tendencies have found themselves returning to the multilateral fold to address aspects of a threat or challenge that simply cannot be addressed effectively alone.

## Case

### 1NC – AT: Framing

#### Extinction is the only coherent and egalitarian framework – prefer it

Khan 18 (Risalat, activist and entrepreneur from Bangladesh passionate about addressing climate change, biodiversity loss, and other existential challenges. He was featured by The Guardian as one of the “young climate campaigners to watch” (2015). As a campaigner with the global civic movement Avaaz (2014-17), Risalat was part of a small core team that spearheaded the largest climate marches in history with a turnout of over 800,000 across 2,000 cities. After fighting for the Paris Agreement, Risalat led a campaign joined by over a million people to stop the Rampal coal plant in Bangladesh to protect the Sundarbans World Heritage forest, and elicited criticism of the plant from Crédit Agricolé through targeted advocacy. Currently, Risalat is pursuing an MPA in Environmental Science and Policy at Columbia University as a SIPA Environmental Fellow, “5 reasons why we need to start talking about existential risks,” https://www.weforum.org/agenda/2018/01/5-reasons-start-talking-existential-risks-extinction-moriori/)

Infinite future possibilities I find the story of the Moriori profound. It teaches me two lessons. Firstly, that human culture is far from immutable. That we can struggle against our baser instincts. That we can master them and rise to unprecedented challenges. Secondly, that even this does not make us masters of our own destiny. We can make visionary choices, but the future can still surprise us. This is a humbling realization. Because faced with an uncertain future, the only wise thing we can do is prepare for possibilities. Standing at the launch pad of the Fourth Industrial Revolution, the possibilities seem endless. They range from an era of abundance to the end of humanity, and everything in between. How do we navigate such a wide and divergent spectrum? I am an optimist. From my bubble of privilege, life feels like a rollercoaster ride full of ever more impressive wonders, even as I try to fight the many social injustices that still blight us. However, the accelerating pace of change amid uncertainty elicits one fundamental observation. Among the infinite future possibilities, only one outcome is truly irreversible: extinction. Concerns about extinction are often dismissed as apocalyptic alarmism. Sometimes, they are. But repeating that mankind is still here after 70 years of existential warning about nuclear warfare is a straw man argument. The fact that a 1000-year flood has not happened does not negate its possibility. And there have been far too many nuclear near-misses to rest easy. As the World Economic Forum’s Annual Meeting in Davos discusses how to create a shared future in a fractured world, here are five reasons why the possibility of existential risks should raise the stakes of conversation: 1. Extinction is the rule, not the exception More than 99.9% of all the species that ever existed are gone. Deep time is unfathomable to the human brain. But if one cares to take a tour of the billions of years of life’s history, we find a litany of forgotten species. And we have only discovered a mere fraction of the extinct species that once roamed the planet. In the speck of time since the first humans evolved, more than 99.9% of all the distinct human cultures that have ever existed are extinct. Each hunter-gatherer tribe had its own mythologies, traditions and norms. They wiped each other out, or coalesced into larger formations following the agricultural revolution. However, as major civilizations emerged, even those that reached incredible heights, such as the Egyptians and the Romans, eventually collapsed. It is only in the very recent past that we became a truly global civilization. Our interconnectedness continues to grow rapidly. “Stand or fall, we are the last civilization”, as Ricken Patel, the founder of the global civic movement Avaaz, put it. 2. Environmental pressures can drive extinction More than 15,000 scientists just issued a ‘warning to humanity’. They called on us to reduce our impact on the biosphere, 25 years after their first such appeal. The warning notes that we are far outstripping the capacity of our planet in all but one measure of ozone depletion, including emissions, biodiversity, freshwater availability and more. The scientists, not a crowd known to overstate facts, conclude: “soon it will be too late to shift course away from our failing trajectory, and time is running out”. In his 2005 book Collapse, Jared Diamond charts the history of past societies. He makes the case that overpopulation and resource use beyond the carrying capacity have often been important, if not the only, drivers of collapse. Even though we are making important incremental progress in battles such as climate change, we must still achieve tremendous step changes in our response to several major environmental crises. We must do this even while the world’s population continues to grow. These pressures are bound to exert great stress on our global civilization. 3. Superintelligence: unplanned obsolescence? Imagine a monkey society that foresaw the ascendance of humans. Fearing a loss of status and power, it decided to kill the proverbial Adam and Eve. It crafted the most ingenious plan it could: starve the humans by taking away all their bananas. Foolproof plan, right? This story describes the fundamental difficulty with superintelligence. A superintelligent being may always do something entirely different from what we, with our mere mortal intelligence, can foresee. In his 2014 book Superintelligence, Swedish philosopher Nick Bostrom presents the challenge in thought-provoking detail, and advises caution. Bostrom cites a survey of industry experts that projected a 50% chance of the development of artificial superintelligence by 2050, and a 90% chance by 2075. The latter date is within the life expectancy of many alive today. Visionaries like Stephen Hawking and Elon Musk have warned of the existential risks from artificial superintelligence. Their opposite camp includes Larry Page and Mark Zuckerberg. But on an issue that concerns the future of humanity, is it really wise to ignore the guy who explained the nature of space to us and another guy who just put a reusable rocket in it? 4. Technology: known knowns and unknown unknowns Many fundamentally disruptive technologies are coming of age, from bioengineering to quantum computing, 3-D printing, robotics, nanotechnology and more. Lord Martin Rees describes potential existential challenges from some of these technologies, such as a bioengineered pandemic, in his book Our Final Century. Imagine if North Korea, feeling secure in its isolation, could release a virulent strain of Ebola, engineered to be airborne. Would it do it? Would ISIS? Projecting decades forward, we will likely develop capabilities that are unthinkable even now. The unknown unknowns of our technological path are profoundly humbling. 5. 'The Trump Factor' Despite our scientific ingenuity, we are still a confused and confusing species. Think back to two years ago, and how you thought the world worked then. Has that not been upended by the election of Donald Trump as US President, and everything that has happened since? The mix of billions of messy humans will forever be unpredictable. When the combustible forces described above are added to this melee, we find ourselves on a tightrope. What choices must we now make now to create a shared future, in which we are not at perpetual risk of destroying ourselves? Common enemy to common cause Throughout history, we have rallied against the ‘other’. Tribes have overpowered tribes, empires have conquered rivals. Even today, our fiercest displays of unity typically happen at wartime. We give our lives for our motherland and defend nationalistic pride like a wounded lion. But like the early Morioris, we 21st-century citizens find ourselves on an increasingly unstable island. We may have a violent past, but we have no more dangerous enemy than ourselves. Our task is to find our own Nunuku’s Law. Our own shared contract, based on equity, would help us navigate safely. It would ensure a future that unleashes the full potential of our still-budding human civilization, in all its diversity. We cannot do this unless we are humbly grounded in the possibility of our own destruction. Survival is life’s primal instinct. In the absence of a common enemy, we must find common cause in survival. Our future may depend on whether we realize this.

#### 1 – Forecloses future improvement – we can never improve society because our impact is irreversible which proves moral uncertainty

#### 2 – Turns suffering – mass death causes suffering because people can’t get access to resources and basic necessities

#### ROB is to vote for the better debater. Only evaluating the consequences of the plan allows us to determine the practical impacts of politics and preserves the predictability that fosters engagement. Rigorous contestation and third and fourth-line testing are key to generate the self-reflexivity that creates ethical subjects arbitrarily excluding offense is bad and prevents in depth clash and engagement that allows for education which is the unique purpose of debate.

#### AT: Giroux – this is not unique to debate and they haven’t articulated why the 1AC is an example of this – debating about extinction allows us to engage in ways to combat extinction of native populations

AT: Surasky – there is no warrant for why education spaces are the reason for ethnic cleansing it just asserts it plus war would cause ethnic cleansing due to different ethnic conflicts escalating across the world

AT: Deloria – no explanation of how the 1AC reimagines or denies western conceptions of the world – you read cards written by western authors, do debate which started in the west, etc all prove the 1ac has no offense here – if anything it’s a reason their framing is impossible to evaluate since there no way to know if someone is effectively rejecting western conceptions of reality

AT: Zahzah – this is just a false equivalency denying someone in a high school debate round is NOT the equivalent of the systematic oppression that Palestinian people have to go through and equating it to that is problematic since it cheapens Palestinian struggles and makes it a tool of debate

#### Their emphasis on a “decolonization of the mind” is a settler move to innocence—this flips the case.

Tuck and Yang, 12 Eve Tuck and K. Wayne Yang, State University of New York at New Paltz; University of California, San Diego; “Decolonization is not a metaphor,” *Decolonization: Indigeneity, Education & Society*, Vol. 1., No. 1, 2012, pg. 19 //bghs-ms

Fanon told us in 1963 that decolonizing the mind is the first step, not the only step toward overthrowing colonial regimes. Yet we wonder whether another settler move to innocence is to focus on decolonizing the mind, or the cultivation of critical consciousness, as if it were the sole activity of decolonization; to allow conscientization to stand in for the more uncomfortable task of relinquishing stolen land. We agree that curricula, literature, and pedagogy can be crafted to aid people in learning to see settler colonialism, to articulate critiques of settler epistemology, and set aside settler histories and values in search of ethics that reject domination and exploitation; this is not unimportant work. However, the front-loading of critical consciousness building can waylay decolonization, even though the experience of teaching and learning to be critical of settler colonialism can be so powerful it can feel like it is indeed making change. Until stolen land is relinquished, critical consciousness does not translate into action that disrupts settler colonialism. So, we respectfully disagree with George Clinton and Funkadelic (1970) and En Vogue (1992) when they assert that if you “free your mind, the rest (your ass) will follow.”

### 1NC – AT: Advantage

#### The aff has 0 reasons for why a right to strike can solve – all of the 1ac evidence is just giving reasons as to why Palestinians are oppressed but has no offense or reason for why they can solve through an unconditional recognition of a right to strike

#### The 1AC divestment evidence is U/Q for us – it proves that squo boycotts have the ability to make change which means any risk of our legality bad offense is sufficient to negate

The 1AC has no spill over claim to any of their solvency mechanisms – the 1ac inherency evidence is about military reacitons

**A right does not guarantee more/better strikes – multiple warrants**

**Waas PhD 12**

Professor Bernard Waas, Sep 2012, "Strike as a Fundamental Right of the Workers and its Risks of Conflicting with other Fundamental Rights of the Citizens " World Congress General Report, [https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf //](https://www.islssl.org/wp-content/uploads/2013/01/Strike-Waas.pdf%20//) AW

No national laws on strike action are alike. Notably, the law on strike action is part of a much broader picture. As strikes are mostly related to collective bargaining, distinct perspectives that may exist in national systems in this regard inevitably influence assessments of strikes. If the room for bargaining is deemed an area in which the state does not interfere, the decision to use strike action may essentially be left to the autonomous decision-making of trade unions. If, on the other hand, the state tightly regulates collective bargaining, then it seems plausible for regulations on strikes to be subject to similar rules. A possible link between collective bargaining and strikes may also have other implications. If the right to conclude collective agreements is, for instance, limited to the most representative unions only, then the case might be that only members from those unions actually enjoy the right to strike. More generally, legal systems differ considerably with respect to who may represent workers´ interests. In many countries, trade unions exercise monopoly power in the representation of workers. In other countries, dual systems are in place. Works councils, for instance, may be the representative bodies at the level of the individual establishment, while trade unions may represent workers´ interests at the company and, in particular, at the branch level. Though collective agreements can be concluded at all these levels, it may very well be that works councils are prevented from staging a strike when the employer is reluctant to conclude an agreement. Instead of calling a strike, the works council may have to take recourse to arbitration as is indeed the case, for instance, in Germany. 2 Second, entirely different attitudes exist towards strikes. In some countries, strikes are considered “a right to self-defence” which is not necessarily directed at the employer; in other countries, the area of admissible industrial action may be necessarily congruent with the relationship between employers and employees. In yet other countries, strikes are seen as acts of “self-empowerment” which have very little to do with a legal order granting certain powers or rights. Finally, in some countries, the right to strike is viewed as being firmly rooted in human dignity, granted to each individual worker and not waivable by him or her, and in others, the perspective may be more “technical” with a considerable power to dispose of the right to strike. Third, as strikes are a means of balancing power between the employer and the workers, socio-economic conditions which influence this relationship may have to be considered when determining the rules on strikes. To give only two examples: Today, many companies are highly dependent on each other. Some of them may even form clusters. A move to reduce in-process inventory and associated carrying costs has made just in time production prevalent among, for instance, car manufacturers. Accordingly, a strike at a supplier will quickly start affecting the customers, a fact that lends additional power to unions and can therefore not be easily disregarded when determining the rules on strikes. Similarly, if employers can move factories beyond borders, which is indeed possible in times of a globalized economy, the question what workers should be able to throw into the balance needs to be addressed. The following comparative overview tries to shed light on the various legal systems and the solutions they provide to the most important issues relating to strikes. It must be noted, however, that **descriptions of the legal situation can only do so much**. As every comparatist knows, **a considerable gap exists between the “law in the books” and reality**. This may, in particular, be true with regard to strikes, because **striking is part of a “fight” which raises the question of power, a question that cannot be answered by simply referring to legal rules**. In some countries, into strike action often takes place outside the scope of the legal framework. Not only are many strikes unofficial, strikers all too often do not care much about the law. Accordingly, to get a clear understanding of what strike action means “on the ground”, one would have to broaden the perspective and take industrial relations as whole account. In this context, many questions would have to be raised, for instance, about the number and structure of the relevant “players”, about trade union democracy, discipline 3 among trade union members, accountability and the feeling of responsibility on the part of unions as well as employers, dependence or independence of trade unions, the scope of inter-union rivalry, etc. Many questions have yet to be answered and the answers may often be disputable. The following section discusses the legal situation of strike law.