# 1NC Doubles

## 1

#### Our interpretation is that the affirmative can only garner offense from the hypothetical implementation of a topical aff.

Violation: they defend piracy

#### Resolved means a legislative policy

Words and Phrases 64 Words and Phrases Permanent Edition. “Resolved”. 1964.

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### "Resolved" requires a policy.

Merriam Webster '18 (Merriam Webster; 2018 Edition; Online dictionary and legal resource; Merriam Webster, "resolve," <https://www.merriam-webster.com/dictionary/resolve;> RP)  
: a legal or official determination especially: a legislative declaration

#### We’ve inserted a list of the 164 members of the WTO

WTO ND. Members and Observers. https://www.wto.org/english/thewto\_e/whatis\_e/tif\_e/org6\_e.htm

Afghanistan — 29 July 2016 Albania — 8 September 2000 Angola — 23 November 1996 Antigua and Barbuda — 1 January 1995 Argentina — 1 January 1995 Armenia — 5 February 2003 Australia — 1 January 1995 Austria — 1 January 1995 B Bahrain, Kingdom of — 1 January 1995 Bangladesh — 1 January 1995 Barbados — 1 January 1995 Belgium — 1 January 1995 Belize — 1 January 1995 Benin — 22 February 1996 Bolivia, Plurinational State of — 12 September 1995 Botswana — 31 May 1995 Brazil — 1 January 1995 Brunei Darussalam — 1 January 1995 Bulgaria — 1 December 1996 Burkina Faso — 3 June 1995 Burundi — 23 July 1995 C Cabo Verde — 23 July 2008 Cambodia — 13 October 2004 Cameroon — 13 December 1995 Canada — 1 January 1995 Central African Republic — 31 May 1995 Chad — 19 October 1996 Chile — 1 January 1995 China — 11 December 2001 Colombia — 30 April 1995 Congo — 27 March 1997 Costa Rica — 1 January 1995 Côte d’Ivoire — 1 January 1995 Croatia — 30 November 2000 Cuba — 20 April 1995 Cyprus — 30 July 1995 Czech Republic — 1 January 1995 D Democratic Republic of the Congo — 1 January 1997 Denmark — 1 January 1995 Djibouti — 31 May 1995 Dominica — 1 January 1995 Dominican Republic — 9 March 1995 E Ecuador — 21 January 1996 Egypt — 30 June 1995 El Salvador — 7 May 1995 Estonia — 13 November 1999 Eswatini — 1 January 1995 European Union (formerly EC) — 1 January 1995 F Fiji — 14 January 1996 Finland — 1 January 1995 France — 1 January 1995 G Gabon — 1 January 1995 Gambia — 23 October 1996 Georgia — 14 June 2000 Germany — 1 January 1995 Ghana — 1 January 1995 Greece — 1 January 1995 Grenada — 22 February 1996 Guatemala — 21 July 1995 Guinea — 25 October 1995 Guinea-Bissau — 31 May 1995 Guyana — 1 January 1995 H Haiti — 30 January 1996 Honduras — 1 January 1995 Hong Kong, China — 1 January 1995 Hungary — 1 January 1995 I Iceland — 1 January 1995 India — 1 January 1995 Indonesia — 1 January 1995 Ireland — 1 January 1995 Israel — 21 April 1995 Italy — 1 January 1995 J Jamaica — 9 March 1995 Japan — 1 January 1995 Jordan — 11 April 2000 K Kazakhstan — 30 November 2015 Kenya — 1 January 1995 Korea, Republic of — 1 January 1995 Kuwait, the State of — 1 January 1995 Kyrgyz Republic — 20 December 1998 L Lao People’s Democratic Republic — 2 February 2013 Latvia — 10 February 1999 Lesotho — 31 May 1995 Liberia — 14 July 2016 Liechtenstein — 1 September 1995 Lithuania — 31 May 2001 Luxembourg — 1 January 1995 M Macao, China — 1 January 1995 Madagascar — 17 November 1995 Malawi — 31 May 1995 Malaysia — 1 January 1995 Maldives — 31 May 1995 Mali — 31 May 1995 Malta — 1 January 1995 Mauritania — 31 May 1995 Mauritius — 1 January 1995 Mexico — 1 January 1995 Moldova, Republic of — 26 July 2001 Mongolia — 29 January 1997 Montenegro — 29 April 2012 Morocco — 1 January 1995 Mozambique — 26 August 1995 Myanmar — 1 January 1995 N Namibia — 1 January 1995 Nepal — 23 April 2004 Netherlands — 1 January 1995 New Zealand — 1 January 1995 Nicaragua — 3 September 1995 Niger — 13 December 1996 Nigeria — 1 January 1995 North Macedonia — 4 April 2003 Norway — 1 January 1995 O Oman — 9 November 2000 P Pakistan — 1 January 1995 Panama — 6 September 1997 Papua New Guinea — 9 June 1996 Paraguay — 1 January 1995 Peru — 1 January 1995 Philippines — 1 January 1995 Poland — 1 July 1995 Portugal — 1 January 1995 Q Qatar — 13 January 1996 R Romania — 1 January 1995 Russian Federation — 22 August 2012 Rwanda — 22 May 1996 S Saint Kitts and Nevis — 21 February 1996 Saint Lucia — 1 January 1995 Saint Vincent and the Grenadines — 1 January 1995 Samoa — 10 May 2012 Saudi Arabia, Kingdom of — 11 December 2005 Senegal — 1 January 1995 Seychelles — 26 April 2015 Sierra Leone — 23 July 1995 Singapore — 1 January 1995 Slovak Republic — 1 January 1995 Slovenia — 30 July 1995 Solomon Islands — 26 July 1996 South Africa — 1 January 1995 Spain — 1 January 1995 Sri Lanka — 1 January 1995 Suriname — 1 January 1995 Sweden — 1 January 1995 Switzerland — 1 July 1995 T Chinese Taipei — 1 January 2002 Tajikistan — 2 March 2013 Tanzania — 1 January 1995 Thailand — 1 January 1995 Togo — 31 May 1995 Tonga — 27 July 2007 Trinidad and Tobago — 1 March 1995 Tunisia — 29 March 1995 Turkey — 26 March 1995 U Uganda — 1 January 1995 Ukraine — 16 May 2008 United Arab Emirates — 10 April 1996 United Kingdom — 1 January 1995 United States — 1 January 1995 Uruguay — 1 January 1995 V Vanuatu — 24 August 2012 Venezuela, Bolivarian Republic of — 1 January 1995 Viet Nam — 11 January 2007 Y Yemen — 26 June 2014 Z Zambia — 1 January 1995 Zimbabwe — 5 March 1995

#### Intellectual property protections

Yinan Wang.2012 HANDLING THE U.S.-CHINA INTELLECTUAL PROPERTY RIGHTS DISPUTE – THE ROLE OF WTO’S DISPUTE SETTLEMENT SYSTEM. https://etd.ohiolink.edu/apexprod/rws\_etd/send\_file/send?accession=miami1336224534&disposition=inline

In short, intellectual property is “information with commercial value.”84 Primo Braga defines intellectual property rights as “a composite of ideas, inventions, and creative expressions and the public willingness to bestow the status of property on them.”85 The WTO has divided intellectual property rights into two broader areas—copyright and rights related to copyright; and industrial property. Copyright protects “[t]he rights of authors of literary and artistic works (such as books and other writings, musical compositions, paintings, sculpture, computer programs and films)… for a minimum period of 50 years after the death of the author.”86 Copyright also covers the rights of performers, such as singers, actors, and musicians, phonograms producers, and broadcasting organizations. Industrial property consists of trademarks (as well as service marks) and patents. Maskus defines trademark as “a symbol or other identifier that conveys information to the consumer about the product.”87 Trademark is the protection of distinctive signs which identify a product, company or service. If consumers believe that the mark is a reliable indicator of desirable characteristics of a good or service, they would be willing to pay a premium for the good or service. Related to trademarks is geographic indications, “which identify a good as originating in a place where a given characteristic of the good is essentially attributable to its geographical origin”.88 Other types of industrial property include primarily patents, but also industrial designs and trade secrets. According to Mertha, “[p]atents provide inventors with the right of exclusion from the use, production, sales, or import of the product or technology in question for a specified period of time”.89 Protection of these types of industrial properties is to “stimulate innovation, design and the creation of technology.”90

#### Reduce

**POPATTANACHAI, 18** – PhD dissertation at Nottingham Trent University (NAPORN, “REGIONAL COOPERATION ADDRESSING MARINE POLLUTION FROM LAND-BASED ACTIVITIES: AN INTERPRETATION OF ARTICLE 207 OF THE LAW OF THE SEA CONVENTION FOCUSING ON MONITORING, ASSESSEMENT, AND SURVEILLANCE OF THE POLLUTION” <http://irep.ntu.ac.uk/id/eprint/33374/1/Naporn%20Popattanachai%202018.pdf>

For the second question, the provision demonstrates that the goal of adoption of such laws and regulations must be to ‘prevent, reduce, and control’ MPLA. In so doing, the LOSC obliges States to ‘taking into account internationally agreed rules, standards, and recommended practices and procedures’.480 Having considered the ordinary meanings of the term ‘prevent, reduce, and control’, ‘prevent’ means ‘to stop something from happening or someone from doing something.’481 The word ‘reduce’ means ‘to make something smaller in size, amount, degree, importance etc.’482 and the word ‘control’ means ‘to order, limit, or rule something or someone's actions or behaviour.’ 483 From the meanings, the term ‘prevent’ suggests an action to stop the future occurrence of something, whereas the terms ‘reduce’ and ‘control’, noting their difference, point to an action dealing with something that has already happened and continues to occur, but needs to be made smaller, limited or regulated. Also, control also applies to future pollution in the sense that it limits the future pollution to be created or emitted not to exceed the specified level. Therefore, the preliminary reading of these terms suggests that laws and regulations adopted to deal with MPLA must yield the result that conforms with these terms. In so doing, the adoption of laws and regulations to prevent, reduce, and control MPLA can be done by legislating primary or secondary regulations with the use of various legal techniques and procedures and are underpinned by some rules and principles of international law discussed in the previous chapter. These legal techniques and procedures can be used to achieve the prevention, reduction and control of MPLA depending on the design and use of them. Noting that the measures outlined below are not exhaustive and not exclusively limited to implement any specific obligation, these are typical legal techniques and procedures used to prevent, reduce, and control pollution and therefore protect the environment. They can be categorised into two groups, that is, (1) substantive and (2) procedural legal techniques and measures. They can be discussed hereunder.

#### Medicine

Google No Date [Google. “medicine”. No Date. Accessed 8/6/21. <https://www.google.com/search?q=medicines+definition&rlz=1C1CHBF_enUS877US877&oq=medicines+&aqs=chrome.1.69i59l3j69i60.2379j0j7&sourceid=chrome&ie=UTF-8> //Xu]

the science or practice of the diagnosis, treatment, and prevention of disease (in technical use often taken to exclude surgery).

#### Redefining every word in the resolution is not a substantial I meet, is as arbitrary as counter interpretation except my aff, the don’t have to establish a link between the aff and the counter interp and creates a limits disaster since there is no check back on an infinite number of definitions.

#### Vote negative

#### 1] Clash --- the resolution serves as a predictable stasis point to enhance accessible research and equitable ground, removing that makes negative preparation impossible since any ground we receive is self-serving and concessionary, ---the impact is resolutional clash---, presume their arguments false from lack of contestation through rounds -- One round does nothing, but over a season’s worth, they’ll fight gut reactions in favor of deeper understanding and will come to learn and agree with true arguments researching arguments they lose to

#### 2] Debate is imperfect, but only our interpretation can harness legal education to understand the law’s strategic reversibility paired with intellectual survival skills.

Archer 18, Deborah N. "Political Lawyering for the 21st Century." Denv. L. Rev. 96 (2018): 399. (Associate Professor of Clinical Law at NYU School of Law)//Elmer

Political justice lawyers must be able to break apart a systemic problem **into manageable components**. The complexity of social problems, can cause law students, and even experienced political lawyers, to become overwhelmed. In describing his work challenging United States military and economic interventions abroad, civil rights advocate and law professor Jules Lobel wrote of this process: “Our foreign-policy litigation became a sort of Sisyphean quest as we maneuvered through a hazy maze cluttered with gates. Each gate we unlocked led to yet another that blocked our path, with the elusive goal of judicial relief always shrouded in the twilight mist of the never-ending maze.”144 Pulling apart a larger, systemic problem into its smaller components can help elucidate options for advocacy. An instructive example is the use of excessive force by police officers against people of color. Every week seems to bring a new video featuring graphic police violence against Black men and women. Law students are frequently outraged by these incidents. But the sheer frequency of these videos and lack of repercussions for perpetrators overwhelm those students just as often. What can be done about a problem so big and so pervasive? To move toward justice, advocates must be able to break apart the forces that came together to lead to that moment: intentional discrimination, implicit bias, ineffective training, racial segregation, lack of economic opportunity, the over-policing of minority communities, and the failure to invest in non-criminal justice interventions that adequately respond to homelessness, mental illness, and drug addiction. None of these component problems are easily addressed, but breaking them apart is more manageable—and more realistic—than acting as though there is a single lever that will solve the problem. After identifying the component problems, advocates can select one and repeat the process of breaking down that problem until they get to a point of entry for their advocacy. 2. Identifying Advocacy Alternatives As discussed earlier, political justice lawyering embraces litigation, community organizing, interdisciplinary collaboration, legislative reform, public education, direct action, and other forms of advocacy to achieve social change. After parsing the underlying issues, lawyers need to identify what a lawyer can and should do on behalf of impacted communities and individuals, and this includes determining the most effective advocacy approach. Advocates must also strategize about what can be achieved in the short term versus the long term. The fight for justice is a marathon, not a sprint. Many law students experience frustration with advocacy because they expect immediate justice now. They have read the opinion in Brown v. Board of Education, but forget that the decision was the result of a decades-long advocacy strategy.145 Indeed, the decision itself was no magic wand, as the country continues to work to give full effect to the decision 70 years hence. Advocates cannot only fight for change they will see in their lifetime, they must also fight for the future.146 Change did not happen over night in Brown and lasting change cannot happen over night today. Small victories can be building blocks for systemic reform, and advocates must learn to see the benefit of short-term responsiveness as a component of long-term advocacy. Many lawyers subscribe to the American culture of success, with its uncompromising focus on immediate accomplishments and victories.147 However, those interested in social justice must adjust their expectations. Many pivotal civil rights victories were made possible by the seemingly hopeless cases that were brought, and lost, before them.148 In the fight for justice, “success inheres in the creation of a tradition, of a commitment to struggle, of a narrative of resistance that can inspire others similarly to resist.”149 Again, Professor Lobel’s words are instructive: “the current commitment of civil rights groups, women’s groups, and gay and lesbian groups to a legal discourse to legal activism to protect their rights stems in part from the willingness of activists in political and social movements in the nineteenth century to fight for rights, even when they realized the courts would be unsympathetic.”150 Professor Lobel also wrote about Helmuth James Von Moltke, who served as legal advisor to the German Armed Services until he was executed in 1945 by Nazis: “In battle after losing legal battle to protect the rights of Poles, to save Jews, and to oppose German troops’ war crimes, he made it clear that he struggled not just to win in the moment but to build a future.”151 3. Creating a Hierarchy of Values Advocates challenging complex social justice problems can find it difficult to identify the correct solution when one of their social justice values is in conflict with another. A simple example: a social justice lawyer’s demands for swift justice for the victim of police brutality may conflict with the lawyer’s belief in the officer’s fundamental right to due process and a fair trial. While social justice lawyers regularly face these dilemmas, law students are not often forced to struggle through them to resolution in real world scenarios—to make difficult decisions and manage the fallout from the choices they make in resolving the conflict. Engaging in complex cases can force students to work through conflicts, helping them to articulate and sharpen their beliefs and goals, forcing them to clearly define what justice means broadly and in the specific context presented. Lawyers advocating in the tradition of political lawyering anticipate the inevitable conflict between rights, and must seek to resolve these conflicts through a “hierarchy of values.”152 Moreover, in creating the hierarchy, the perspectives of those directly impacted and marginalized should be elevated “because it is in listening to and standing with the victims of injustice that the need for critical thinking and action become clear.”153 One articulation of a hierarchy of values asserts “people must be valued more than property. Human rights must be valued more than property rights. Minimum standards of living must be valued more than the privileged liberty of accumulated political, social and economic power. Finally, the goal of increasing the political, social, and economic power of those who are left out of the current arrangements must be valued more than the preservation of the existing order that created and maintains unjust privilege.”154 C. Rethinking the Role of the Clinical Law Professor: Moving From Expert to Colleague Law students can learn a new dimension of lawyering by watching their clinical law professor work through innovative social justice challenges alongside them, as colleagues. This is an opportunity not often presented in work on small cases where the clinical professor is so deeply steeped in the doctrine and process, the case is largely routine to her and she can predict what is to come and adjust supervision strategies accordingly.155 However, when engaged in political lawyering on complex and novel legal issues, both the student and the teacher may be on new ground that transforms the nature of the student-teacher relationship. A colleague often speaks about acknowledging the persona professors take on when they teach and how that persona embodies who they want to be in the classroom—essentially, whenever law professors teach they establish a character. The persona that a clinical professor adopts can have a profound effect on the students, because the character is the means by which the teacher subtly models for the student—without necessarily ever saying so— the professional the teacher holds herself to be and the student may yet become. In working on complex matters where the advocacy strategy is unclear, the clinical professor makes himself vulnerable by inviting students to witness his struggles as they work together to develop the most effective strategy. By making clear that he does not have all of the answers, partnering with his students to discover the answers, and sharing his own missteps along the way, a clinical law professor can reclaim opportunities to model how an experienced attorney acquires new knowledge and takes on new challenges that may be lost in smaller case representation.156 Clinical law faculty who wholeheartedly subscribe to the belief that professors fail to optimize student learning if students do not have primary control of a matter from beginning to end may view a decision to work in true partnership with students on a matter as a failure of clinical legal education. Indeed, this partnership model will inevitably impact student autonomy and ownership of the case.157 But, there is a unique value to a professor working with her student as a colleague and partner to navigate subject matter new to both student and professor.158 In this relationship, the professor can model how to exercise judgment and how to learn from practice: to independently learn new areas of law; to consult with outside colleagues, experts in the field, and community members without divulging confidential information; and to advise a client in the midst of ones own learning process.159 III. A Pedagogical Course Correction “If it offends your sense of justice, there’s a cause of action.” - Florence Roisman, Professor, Indiana University School of Law160 In response to the shifts in my students’ perspectives on racism and systemic discrimination, their reluctance to tackle systemic problems, their conditioned belief that strategic litigation should be a tool of last resort, and my own discomfort with reliance on small cases in my clinical teaching, I took a step back in my own practice. How could I better teach my students to be champions for justice even when they are overwhelmed by society’s injustice; to challenge the complex and systemic discrimination strangling minority communities, and to approach their work in the tradition of political lawyering. I reflected not only on my teaching, but also on my experiences as a civil rights litigator, to focus on what has helped me to continue doing the work despite the frustrations and difficulties. I realized I was spending too much time teaching my students foundational lawyering skills, and too little time focused on the broader array of skills I knew to be critical in the fight for racial justice. We regularly discussed systemic racism during my clinic seminars in order to place the students’ work on behalf of their clients within a larger context. But by relying on carefully curated small cases I was inadvertently desensitizing my students to a lawyer’s responsibility to challenge these systemic problems, and sending the message that the law operates independently from this background and context. I have an obligation to move beyond teaching my students to be “good soldiers for the status quo” to ensuring that the next generation is truly prepared to fight for justice.161 And, if my teaching methods are encouraging the reproduction of the status quo it is my obligation to develop new interventions.162 Jane Aiken’s work on “justice readiness” is instructive on this point. To graduate lawyers who better understand their role in advancing justice, Jane Aiken believes clinics should move beyond providing opportunities for students to have a social justice experience to promoting a desire and ability to do justice.163 She suggests creating disorienting moments by selecting cases where students have no outside authority on which to rely, requiring that they draw from their own knowledge base and values to develop a legal theory.164 Disorienting moments give students: experiences that surprise them because they did not expect to experience what they experienced. This can be as simple as learning that the maximum monthly welfare benefit for a family of four is about $350. Or they can read a [ ] Supreme Court case that upheld Charles Carlisle’s conviction because a wyer missed a deadline by one day even though the district court found there was insufficient evidence to prove his guilt. These facts are often disorienting. They require the student to step back and examine why they thought that the benefit amount would be so much more, or that innocence would always result in release. That is an amazing teaching moment. It is at this moment that we can ask students to examine their own privilege, how it has made them assume that the world operated differently, allowing them to be oblivious to the indignities and injustices that occur every day.165 Giving students an opportunity to “face the fact that they cannot rely on ‘the way things are’ and meet the needs of their clients” is a powerful approach to teaching and engaging students.166 But, complex problems call for larger and more sustained disorienting moments. Working with students on impact advocacy in the model of political lawyering provides a range of opportunities to immerse students in disorienting moments. A. Immersing Students in “Disorienting Moments”: Race, Poverty, and Pregnancy Today, I try to immerse my students in disorienting moments to make them justice ready and move them in the direction of political lawyering. My clinic docket has always included a small number of impact litigation matters. However, in the past these cases were carefully screened to ensure that they involved discrete legal issues and client groups. In addition, our representation always began after our outside co-counsel had already conducted an initial factual investigation, identified the core legal issues, and developed an overall advocacy strategy, freeing my students from these responsibilities. Now, my clinic takes on impact matters at earlier stages where the strategies are less clear and the legal questions are multifaceted and ill- defined. This mirrors the experiences of practicing social justice lawyers, who faced with an injustice, must discover the facts, identify the legal claims, develop strategy, cultivate allies, and ultimately determine what can be done—with the knowledge that “nothing” is not an option. This approach provides students with the space to wrestle with larger, systemic issues in a structured and supportive educational environment, taking on cases that seem difficult to resolve and working to bring some justice to that situation. They are also gaining experience in many of the fundamentals of political lawyering advocacy. Recently, my students began work on a new case. Several public and private hospitals in low-income New York City neighborhoods are drug testing pregnant women or new mothers without their knowledge or informed consent. This practice reflects a disturbing convergence between racial and economic disparities, and can have a profound impact on the lives of the poor women of color being tested at precisely the time when they are most in need of support. We began our work when a community organization reached out to the clinic and spoke to us about complaints that hospitals around New York City were regularly testing pregnant women—almost exclusively women of color—for drug use during prenatal check ups, during the chaos and stress of labor and delivery, or during post-delivery. The hospitals report positive test results to the City’s Administration for Children’s Services (“ACS”), which is responsible for protecting children from abuse and neglect, for further action.167 Most of the positive tests are for marijuana use. After a report is made, ACS commences an investigation to determine whether child abuse or neglect has taken place, and these investigations trigger inquiries into every aspect of a family’s life. They can lead to the institution of child neglect proceedings, and potentially to the temporary or permanent removal of children from the household. Even where that extreme result is avoided, an ACS investigation can open the door to the City’s continued, and potentially unwelcome, involvement in the lives of these families. These policies reflect deeply inequitable practices. Investigating a family after a positive drug test is not necessarily a bad thing. After all, ACS offers a number of supportive services that can help stabilize and strengthen vulnerable families. And of course, where children’s safety is at risk, removal may sometimes be the appropriate result. However, hospitals do not conduct regular drug tests of mothers in all New York City communities. Private hospitals in wealthy areas rarely test pregnant women or new mothers for drug misuse. In contrast, at hospitals serving poor women, drug testing is routine. Race and class should not determine whether such testing, and the consequences that result, take place. Investigating the New York City drug-testing program immersed the students in disorienting moments at every stage of their work. During our conversations, the students regularly expressed surprise and discomfort with the hospitals’ practices. They were disturbed that public hospitals— institutions on which poor women and women of color rely for something as essential as health care—would use these women’s pregnancy as a point of entry to control their lives.168 They struggled to explain how the simple act of seeking medical care from a hospital serving predominantly poor communities could deprive patients of the respect, privacy, and legal protections enjoyed by pregnant women in other parts of the City. And, they were shocked by the way institutions conditioned poor women to unquestioningly submit to authority.169 Many of the women did not know that they were drug tested until the hospital told them about the positive result and referred them to ACS. Still, these women were not surprised: that kind of disregard, marginalization, and lack of consent were a regular aspect of their lives as poor women of color. These women were more concerned about not upsetting ACS than they were about the drug testing. That so many of these women could be resigned to such a gross violation of their rights was entirely foreign to most of my students. B. Advocacy in the Face of Systemic Injustice Although the students are still in the early stages of their work, they have already engaged in many aspects of political justice lawyering. They approached their advocacy focused on the essence of political lawyering— enabling poor, pregnant women of color who enjoy little power or respect to claim and enjoy their rights, and altering the allocation of power from government agencies and institutions back into the hands of these women. They questioned whose interests these policies and practices were designed to serve, and have grounded their work in a vision of an alternative societal construct in which their clients and the community are respected and supported. The clinic students were given an opportunity to learn about social, legal, and administrative systems as they simultaneously explored opportunities to change those systems. The students worked to identify the short and long term goals of the impacted women as well the goals of the larger community, and to think strategically about the means best suited to accomplish these goals. And, importantly, while collaborating with partners from the community and legal advocacy organizations, the students always tried to keep these women centered in their advocacy. In breaking down the problem of drug testing poor women of color, the students worked through an issue that lives at the intersection of reproductive freedom, family law, racial justice, economic inequality, access to health care, and the war on drugs. In their factual investigation, which included interviews of impacted women, advocates, and hospital personnel, and the review of records obtained through Freedom of Information Law requests, the students began to break down this complex problem. They explored the disparate treatment of poor women and women of color by health care providers and government entities, implicit and explicit bias in healthcare, the disproportionate referral of women of color to ACS, the challenges of providing medical services to underserved communities, the meaning of informed consent, the diminished rights of people who rely on public services, and the criminalization of poverty. The students found that list almost as overwhelming as the initial problem itself, but identifying the components allowed the students to dig deeper and focus on possible avenues of challenge and advocacy. It was also critically important to make the invisible forces visible, even if the law currently does not provide a remedy. Working on this case also gave the students and me the opportunity to work through more nuanced applications of some of the lawyering concepts that were introduced in their smaller cases, including client-centered lawyering when working on behalf of the community; large-scale fact investigation; transferring their “social justice knowledge” to different contexts; crafting legal and factual narratives that are not only true to the communities’ experience, but can persuade and influence others; and how to develop an integrated advocacy plan. The students frequently asked whether we should even pursue the matter, questioning whether this work was client- centered when it was no longer the most pressing concern for many of the women we met. These doubts opened the door to many rich discussions: can we achieve meaningful social change if we only address immediate crises; can we progress on larger social justice issues without challenging their root causes; how do we recognize and address assumptions advocates may have about what is best for a client; and how can we keep past, present, and future victims centered in our advocacy? The work on the case also forced the clinic students to work through their own understanding of a hierarchy of values. They struggled with their desire to support these community hospitals and the public servants who work there under difficult circumstances on the one hand, and their desire to protect women, potentially through litigation, from discriminatory practices. They also struggled to reconcile their belief that hospitals should take all reasonable steps to protect the health and safety of children, as well as their emotional reaction to pregnant mothers putting their unborn children in harms way by using illegal drugs against the privacy rights of poor and marginalized women. They were forced to pause and think deeply about what justice would look like for those mothers, children, and communities. CONCLUSION America continues to grapple with systemic injustice. Political justice lawyering offers powerful strategies to advance the cause of justice—through integrated advocacy comprising the full array of tools available to social justice advocates, including strategic systemic reform litigation. It is the job of legal education to prepare law students to become effective lawyers. For those aspiring to social justice that should include training students to utilize the tools of political justice lawyers. Clinical legal offers a tremendous opportunity to teach the next generation of racial and social justice advocates how to advance equality in the face of structural inequality, if only it will embrace the full array of available tools to do so. In doing so, clinical legal education will not only prepare lawyers to enact social change, they can inspire lawyers overwhelmed by the challenges of change. In order to provide transformative learning experiences, clinical education must supplement traditional pedagogical tools and should consider political lawyering’s potential to empower law students and communities.

#### 4] Limits — radically re-contextualizing the resolution lets them defend any method exploding Limits, which erases neg ground via perms and renders research burdens untenable for points of difference for third- and fourth-line testing

#### Fairness is axiomatically good - collapsing fairness makes it impossible to do anything else. It’s an unprovable and intuitive clear axiom intrinsic to this game. They wouldn’t be fine with you flipping a coin to determine the winner which proves they rely on fair evaluation of their arguments so their disads to fairness are non-unique – if they win fairness bad, vote neg on presumption because you have no obligation to fairly vote aff.

#### Fairness it OWs

#### 1] Pre requisite, its an independent impact and prior to the aff intrinsically true in the context of a competitive activity, before you feel comfortable voting aff, you should determine the fair basis to adjudicate substance its contradictory to vote on fairness bad you have no obligation to evaluate their arguments or conclude the aff is a good idea, which proves the lack of fairness renders the activity incoherent, turns the aff, accessibility for argumentation is a prep requisite for subjectivity

#### 2] Scope, it’s the only impact you can solve for, voting for them doesn’t resolve antiblackness in debate but voting for T remedies procedural inequalities caused by their aff

#### 3] consti, only way the game works, undergirds competitive incentive to research and prep engage and clash for argumentative evaluation, OOR and prep solves their education offense, but fairness ensures that this hour is productive, this protects under resourced debaters from impossible research burdens, their version makes debate pay to play, but our model makes that better by forcing large teams to be bound to the topic

#### TVA- Have the aff defend The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines by implementing a one-and-done approach for patent and exclusivity protection.

#### The Plan solves Evergreening.

Feldman 3 Robin Feldman 2-11-2019 "‘One-and-done’ for new drugs could cut patent thickets and boost generic competition" <https://www.statnews.com/2019/02/11/drug-patent-protection-one-done/> (Arthur J. Goldberg Distinguished Professor of Law, Albert Abramson ’54 Distinguished Professor of Law Chair, and Director of the Center for Innovation)//SidK + Elmer

I believe that one period of protection **should be enough**. We should make the legal changes necessary to prevent companies **from building patent walls** and piling up mountains of rights. This could be accomplished **by a “one-and-done” approach** for patent protection. Under it, a drug would receive just one period of exclusivity, and no more. The choice of which “one” could be left entirely in the hands of the pharmaceutical company, with the election made when the FDA approves the drug. Perhaps development of the drug went swiftly and smoothly, so the remaining life of one of the drug’s patents is of greatest value. Perhaps development languished, so designation as an orphan drug or some other benefit would bring greater reward. The choice would be up to the company itself, based on its own calculation of the maximum benefit. The result, however, is that a pharmaceutical company chooses whether its period of exclusivity would be a patent, an orphan drug designation, a period of data exclusivity (in which no generic is allowed to use the original drug’s safety and effectiveness data), or something else — but **not all of the above** and more. Consider Suboxone, a combination of buprenorphine and naloxone for treating opioid addiction. The drug’s maker has extended its protection cliff eight times, including obtaining an orphan drug designation, which is intended for drugs that serve only a small number of patients. The drug’s first period of exclusivity ended in 2005, but with the additions its protection now lasts until 2024. That makes almost two additional decades in which the public has borne the burden of monopoly pricing, and access to the medicine may have been constrained. Implementing a one-and-done approach in conjunction with FDA approval underscores the fact that these problems and solutions are designed for pharmaceuticals, not for all types of technologies. That way, one-and-done could be implemented through **legislative changes to the FDA’s drug approval system**, and would apply to patents granted going forward. One-and-done would apply to both patents and exclusivities. A more limited approach, a baby step if you will, would be to invigorate the existing patent obviousness doctrine as a way to cut back on patent tinkering. Obviousness, one of the five standards for patent eligibility, says that inventions that are obvious to an expert or the general public can’t be patented. Either by congressional clarification or judicial interpretation, many pile-on patents could be eliminated with a ruling that the core concept of the additional patent is nothing more than the original formulation. Anything else is merely an obvious adaptation of the core invention, modified with existing technology. As such, the patent would fail for being perfectly obvious. Even without congressional action, a more vigorous and robust application of the existing obviousness doctrine could significantly improve the problem of piled-up patents and patent walls. Pharmaceutical companies have become adept at maneuvering through the system of patent and non-patent rights to create mountains of rights that can be applied, one after another. This behavior lets drug companies keep competitors out of the market and beat them back when they get there. We shouldn’t be surprised at this. Pharmaceutical companies are profit-making entities, after all, that face pressure from their shareholders to produce ever-better results. If we want to change the system, we must change the incentives driving the system. And right now, the incentives for creating patent walls are just too great.

#### the TVAs orientation is a sequencing strategy to resistance.

Ahmed 20 A Kavum Ahmed 6-24-2020 "Decolonizing the vaccine" <https://africasacountry.com/2020/06/decolonizing-the-vaccine> (A. Kayum Ahmed is Division Director for Access and Accountability at the Open Society Public Health Program in New York and teaches at Columbia University Law School.)//Duong+Elmer

Reflecting on a potential COVID-19 vaccine trial during a television interview in April, a French doctor stated, “If I can be provocative, shouldn’t we be doing this study in Africa, where there are no masks, no treatments, no resuscitation?” These remarks reflect a colonial view of Africa, reinforcing the idea that Africans are non-humans whose black bodies can be experimented on. This colonial perspective is also clearly articulated in the alliance between France, The Netherlands, Germany and Italy to negotiate priority access to the COVID-19 vaccine for themselves and the rest of Europe. In the Dutch government’s announcement of the European vaccine coalition, they indicate that, “… the alliance is also working to make a portion of vaccines available to low-income countries, including in Africa.” In the collective imagination of these European nations, Africa is portrayed as a site of redemption—a place where you can absolve yourself from the sins of “vaccine sovereignty,” by offering a “portion of the vaccines” to the continent. Vaccine sovereignty reflects how European and American governments use public funding, supported by the pharmaceutical industry and research universities, to obtain priority access to potential COVID-19 vaccines. The concept symbolizes the COVID-19 **vaccine** (when it eventually becomes available) as **an instrument of power deployed to exercise control** **over who will live and who must die**. In order to counter vaccine sovereignty, we must decolonize the vaccine. Africans have a particular role to play in leading this decolonization process as subjects of colonialism and as objects of domination through coloniality. Colonialism, as an expansion of territorial dominance, and coloniality, as the continued expression of Western imperialism after colonization, play out in the vaccine development space, most notably on the African continent. So what does decolonizing the vaccine look like? And how do we decolonize something that does not yet exist? For Frantz Fanon, “**Decolonization**, which sets out to change the order of the world, **is**, obviously, a program of **complete disorder**.” **Acknowledging** **that the** COVID-19 **vaccine has been weaponized** **as an instrument of power** by wealthy nations, **decolonization** **requires** a Fanonian program of **radical re-ordering.** In the context of vaccine sovereignty, this re-ordering **necessitates** the **dismantling** of the **profit-driven biomedical system**. This program starts with **de-linking from** **Euro-American constructions of knowledge and power** that reinforce vaccine sovereignty through the profit-driven biomedical system. Advocacy campaigns such as the “People’s Vaccine”, which calls for guaranteed free access to COVID-19 vaccines, diagnostics and treatments to everyone, everywhere, are a good start. Other mechanisms, such as the World Health Organization’s COVID-19 Technology Access Pool, similarly supports universal access to COVID-19 health technologies as global public goods. Since less than 1% of vaccines consumed in Africa are manufactured on the continent, regional efforts to develop vaccine manufacturing capacity such as those led by the Africa Center for Disease Control and Prevention, as well as the Alliance of African Research Universities, must be supported. These efforts collectively advance delinking and move us closer toward the re-ordering of systems of power. The opportunity for disorder is paradoxically enabled by the COVID-19 pandemic, which has permitted moments of existential reflection in the midst of the crisis. A few months ago, a press release announcing the distribution of “a portion of the vaccines” to Africans, may have been lauded as European benevolence. But in the context of a pandemic that is more likely to kill black people, Africa’s reliance on Europe for vaccine handouts is untenable, necessitating a re-examination of the systems of power that hold this colonial relationship in place. The Black African body appears to be good enough to be experimented on, but not worthy of receiving simultaneous access to the COVID-19 vaccine as Europeans. Consequently, Africans continue to feel the effects of colonialism and white supremacy, and understand the pernicious nature of European altruism. By reinforcing the current system of vaccine research, development and manufacturing, it has become apparent that European governments want to retain their colonial power over life and death in Africa through the COVID-19 vaccine. Resistance to this colonial power requires the decolonization of the vaccine.

#### 2 TVA read a Plan that exclude patent applications for medicines based on Indigenous knowledge from patentability.

**IPW ‘06** [Intellectual Property Watch quoting Debra Harry -- executive director of the Indigenous Peoples’ Council on Biocolonialism, and a member of the Paiute tribe in the United States, “Inside Views: Indigenous Groups Tell WIPO, ‘Don’t Patent Our Traditional Knowledge’”, [https://www.ip-watch.org/2006/12/06/inside-views-indigenous-groups-tell-wipo-dont-patent-our-traditional-knowledge/]//pranav](https://www.ip-watch.org/2006/12/06/inside-views-indigenous-groups-tell-wipo-dont-patent-our-traditional-knowledge/%5d//pranav)

* I’ll defend a ceasing of current patents that are based on IK as well as all future patents
* Examples of medicines the plan would affect include reserpine, digitoxin, American ginseng medicines, Qualaquin, Neem, Turmeric, Aspirin, and many others.
* The ev cites an actual joint statement from a tribal group

The joint statement of tribal group says: “**Any attempt to develop IPR-based mechanisms to ‘protect’ IK [indigenous knowledge] actually poses much more threat to our knowledge, as a whole, than it can ever claim to prevent**. **Rather than protect, the imposition of IPRs over IK actually would serve to facilitate the alienation, misappropriation, and commercialization of IK.”** “We believe patent applications that include or are based on IK should be specifically excluded from patentability. **In IP terms, we’re sure you understand that these patent claims would fail to meet the test of innovation, novelty or inventiveness**. But more importantly for Indigenous peoples, **such patent claims should be denied because IK is in the Indigenous domain; that is, it is already under the jurisdiction of Indigenous legal systems, which protect the IK in perpetuity as the inherent and inalienable cultural property of Indigenous peoples.**

#### This invalidates the IPRs of western pharmaceutical companies and *terminates* their ‘*ethical right’* to Indigenous knowledge.

**Breske 4** [Ashleigh, visiting assistant professor of international studies in the global politics and societies (GPS) department @ Hollins University. She earned her Ph.D. in planning, governance, and globalization at Virginia Tech, her M.A.L.S. in social sciences with a focus on Roman history from Hollins University, and her B.S. in biology with a concentration in classical studies and chemistry. Her current research explores how institutions and cultural values mediate changes in repatriation policy for indigenous cultural property, “Biocolonialism: Examining Biopiracy, Inequality, and Power”, Spectra, 6(2), pp.58–73. DOI: http://doi.org/10.21061/spectra.v6i2.a.6]//pranav

Looking at the production of pharmaceuticals, **we can see the importance of Intellectual Property Rights (IPRs) in the debate over the accessibility of indigenous knowledge to outside corporations and investors**. IPRs impact many different fields: healthcare, biodiversity, technology, human and cultural rights, research and development, and agricultural innovations; but, the international system that established international intellectual property rights was hastily organized and linked to trade agreements. xli Shiva claims **IPR laws, under the development of TRIPS and the World Trade Organization (WTO), “have unleashed an epidemic of the piracy of nature’s creativity and millennia of indigenous innovation**.” xlii Transnational corporations are taking advantage of slight “innovations” on traditional knowledge to maintain many of their IPRs. xliii **Together, IPRs and TRIPS, work to suppress indigenous peoples’ ability to control their traditional way of life**. The regulatory system includes domestic laws of developed areas of the world, like the United States, Japan, and Europe, and broader international intellectual property rights agreements. **These agreements resemble doctrines promoting colonialism since they are legal documents fostering the idea of ownership by the dominant colonizers.** Xliv Attempts have been made to establish a declaration that would negate corporate intellectual property rights if public health issues were brought forward by struggling nations’ governments. xlv **But this does not address the issue of restoring indigenous intellectual property rights. Large pharmaceutical corporations in the United States and the European Union have used their vast corporate wealth to prevent the nullification of their IPRs. The inability to invalidate their IPRs means that pharmaceutical companies have ensured rigidity in the trade agreements and prevented generics from being manufactured. This has also ensured their continued legal right to Indigenous knowledge, if not an ethical right**. xlvi Patents are an apparatus of power with universal political and social consequences. Patent policies are developed in western countries but affect poorer, marginalized areas of the world. Unfortunately, there is no international governing body through which all patents are channeled, and they are granted according to individual national domestic laws. These patents are generally established in western countries like Canada, the European Union, and the United States. For all intents and purposes, pharmaceutical companies have more legal rights than people due to trade liberalization.

#### TVA is terminal defense – proves our models aren’t mutually exclusive - any response to the substance of the TVA is offense for us because it proves our model allows for clear contestation. Form over Content doesn’t take it out since we don’t restrict Form, just the substantive burden of the Aff.

#### SSD – their model that allows them to side-step the topic on both the Aff and Neg hurts debate as a site of role experimentation – choosing to individually engage both sides solves argument refinement and self-reflexivity breeding constantly evolving methodology which is key to activist resistance BUT side-stepping it ingrains ideological dogmatism by imposing artificial lines in the sand for what not to experiment replicating imperial ideologies about exclusion.

#### Competing interps – [a] reasonability is arbitrary and encourages judge intervention since there’s no clear model of debate, [b] it creates a race to the top where we create the best possible norms for debate through offense