### 1

#### Interpretation: affirmative debaters must delineate what intellectual property they reduce in the 1AC.

#### Four types of IP that are vastly different.

Ackerman 17 [Peter; Founder & CEO, Innovation Asset Group, Inc; “The 4 Main Types of Intellectual Property and Related Costs,” Decipher; 1/6/17; <https://www.innovation-asset.com/blog/the-4-main-types-of-intellectual-property-and-related-costs>] Justin

Intellectual property protection isn’t as simple as declaring ownership of a particular product or asset. In most countries, there are four primary types of intellectual property (IP) that can be legally protected: patents, trademarks, copyrights, and trade secrets. Each has their own attributes, requirements and costs.

Before narrowing your focus on which form of protection to use, know that these forms of protection are not mutually exclusive. Depending on what you’re doing, you might be able to use a “belt & suspenders” approach and apply multiple forms of protection, or one approach might be the most sensible. Read the descriptions below to get some of the basics.

Used to protect inventive ideas or processes – things that are new, useful and nonobvious - patents are what most often come to mind when thinking of IP protection. **Patents** are also used to protect newly engineered plant species or strains, as well.

Procedure For most companies, patents result from the following stages: Conceptualization Typically, innovation teams work to address a common problem facing their organization, industry, or the world at large when developing their idea. When they’ve arrived at a solution or concept, they’ll draw up plans and gather the resources necessary to make it a reality. Prototypes or drawings can be created to provide a more accurate description of the end product or process. Invention Disclosure An internal review process often occurs with every invention. The innovation team consists of internal counsel and an invention review panel of varying disciplines. The reviewers assess, rate, rank, score, and highlight potential flaws in the supporting documents and descriptions for the invention, which are then addressed by the inventor. These reviews can and often do take place multiple times for a single invention. Patent Application If the invention is deemed meritorious enough for the pursuit of patent protection, some organizations prepare their own provisional or nonprovisional patent applications. Others will farm this stage out. There may be more tweaks as an application is prepared, and then submission to the appropriate patent office and the prosecution stage begins (the back & forth with the government patent office). Typically it is outside counsel that manages this process and related docketing activities. Docketing is the overarching name for activities that include management of paperwork and meeting filing deadlines specified by the government patent office. Because the application process is often very complicated, patent offices highly recommend working with experienced patent attorneys to handle this process. Maintenance Once a patent is approved, it has a finite lifetime. Patent holders are responsible for maintaining and tracking the usage of their patents and paying the appropriate periodic government renewal fees. If a given technology or other patented asset is collecting dust, you might not want to renew it. Instead, you can try and sell, license or donate it. Conversely, if a patented asset is performing well through product sales or licensing activities and its life is getting shorter, you might think about innovating ahead and maintaining competitive momentum. Costs Costs will vary depending on the country or countries where you file an application, and can run into tens of thousands of dollars depending on the invention’s complexity, plus attorney fees. Maintenance fees over the lifetime of the patent can run into thousands more per patent, per country where patent rights have been granted. You have to keep your eyes on these costs.

Trademark

A trademark is unlike a patent in that it protects words, phrases, symbols, sounds, smells and color schemes. Trademarks are often considered assets that describe or otherwise identify the source of underlying products or services that a company provides, such as the MGM lion roar, the Home Depot orange color scheme, the Intel Inside logo, and so on.

Procedure Trademarks do not necessarily require government approval to be in effect; they can apply through abundant use in interstate commerce. Still, registration of a trademark affords far superior protection and is gained by filing an application with the proper government office. A trademark application requires the company or user to provide a clear description and representation of the mark and its uses in conjunction with associated products or services. As with patents, it’s a good idea to partner with outside counsel that specializes in trademark applications and/or search services so they can help ensure there is a clear path for your desired mark. Costs Trademarks are generally quite less expensive to obtain. According to the US Patent and Trademark Office, trademark registration currently costs between $225 and $325 for each class code you use per mark. Attorney and search fees are extra. There are also periodic (and relatively inexpensive) government maintenance fees for trademarks.

Copyrights do not protect ideas, but rather the manner in which ideas are expressed (“original works of authorship”) - written works, art, music, architectural drawings, or even programming code for software (most evident nowadays in video game entertainment). With certain exceptions, copyrights allow the owner of the protected materials to control reproduction, performance, new versioning or adaptations, public performance and distribution of the works. Procedure Copyrights in general attach when the original works become fixed in a tangible medium, but should be registered with the government copyright office for optimal protection in the form of damages, injunctions and confiscation. Copyright registration applications are much simpler than patents or trademarks, and typically can be obtained by the author alone. The US Copyright Office encourages use of their online application system, and requires a sample of the work to be protected and some background information about the author. Costs Depending on the type of work being protected, currently fees vary between $25-$100 in the US. The most frequent copyright registration sought is for one work by one author, and costs about $35.

Trade Secret

Trade secrets are proprietary procedures, systems, devices, formulas, strategies or other information that is confidential and exclusive to the company using them. They act as competitive advantages for the business. Procedure There actually isn’t a federally-regulated registration process for trade secrets. Instead, the onus is on the company in possession of the secret to take necessary precautions to maintain it as such. This is an ongoing, proactive process and can include clearly marking relevant documents as “Confidential,” implementing physical and data security measures, keeping logs of visitors and restricting access. The issuance of nondisclosure agreements or other documented assurances of secrecy can also be employed. One of the first defenses typically put up when you assert that someone misappropriated your trade secret is that you failed to adequately treat it as a trade secret. Costs Though there are no official registration costs, there are costs associated with taking appropriate precautions and security measures. You must weigh the competitive significance of your secrets against the cost of protecting them.

#### Violation: they didn’t specify

#### Now Negate:

#### 1] Shiftiness- they can redefine what intellectual properties the 1ac defends in the 1ar which decks strategy and allows them to wriggle out of negative positions by redefining the terms of the conversation which strips the neg of specific IP DAs, IP PICs, and case answers. They will always win on specificity weighing. Independently it allows them to shift out of and K to preserve comfort.

#### CX can’t resolve this and is bad because A] Not flowed B] Skews 6 min of prep C] They can lie and no way to check D] Debaters can be shady.

#### 2] Real World- policy makers will always specify what the object of change is. That outweighs since debate has no value without portable application. It also means zero solvency since the WTO, absent spec, can circumvent aff’s policy since they can say they didn’t know what was affected.

#### This spec shell isn’t regressive- it literally determines what the affirmative implements and who it affects

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation. Outweighs because it’s the only intrinsic part of debate – all other rules can be debated over but rely on some conception of fairness to be justified.

#### Drop the debater – a] deter future abuse, b] set better norms for debate and c] we indict the entire advocacy – dta makes no sense.

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

#### No RVIs – a] illogical, you don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument, b] RVIs incentivize baiting theory and prepping it out which leads to maximally abusive practices

### 3

#### International law universalizes a settler biopolitics causing inevitable erasure.

Scott Lauria **Morgensen, 11** - Associate Professor in Gender Studies and the Graduate Program in Cultural Studies at Queen’s University, PhD in Anthropology, co-convener of the Queen’s Feminist Ethnography Network

(Scott Lauria Morgensen, Settler Colonial Studies vol 1, https://www.tandfonline.com/doi/pdf/10.1080/2201473X.2011.10648801?needAccess=true, 2011)//iLake-💣🍔

I have argued that settler law presents an apotheosis of Western law by **utilising its consanguinal logic to amalgamate and eliminate Indigenous peoples and thereby enable settler states to performatively universalise the West.** To the extent that they succeed, then **global governance precisely continues, naturalises, and globalises settler colonialism in and as our ‘colonial present’**. 36 The Western law universalised by settler states formed precisely by **incorporating and excising Indigenous peoples** as potentially yet incompletely consanguine with the social body. If settler law as Western law is **projected as liberal governance, it follows a principle that it may arrive and settle anywhere**, as itself. Such **law then encompasses the provisional humanity** of all whom it occupies as racialised and primitive children, whose **capacity for defiance nevertheless invests the West with a paternal authority to act as caretaker or killer of ‘kin’ under its care.** My argument modifies our interest to read Afghanistan or Iraq as sites of settler colonialism, once the United States gathers its allies for occupation. Settler colonialism occurs at these sites not, or **not only because the U.S. or other states occupy Afghani and Iraqi peoples**. It occurs more importantly because **occupation performatively universalises Western governance through the nominal inclusion of Afghanis and Iraqis within its body of law**, only to face elimination of their racialised primitivity: **if not by being summarily placed ‘outside’ the law, then by being educated and contained through amalgamation as a potentially ever-endangering difference**. **Western law attains universality by containing and eliminating differences in the functional extension of settler colonialism as liberal governmentality.**

Yet **even as the West and its governance are liberated from attachment to place, their globalisation naturalises ongoing settler colonisation of Indigenous peoples** in settler states. Indeed, **by permanently remaining in a state of exception to settler law as Western law, Indigenous peoples model this status for all others** who come under Western law’s global reach. **The settler colonial elimination of Indigenous peoples requires them to have existed and to tenuously exist** in settler societies, for **only their perpetual replacement demonstrates settlers’ achievement of Western law where it would not otherwise exist.**

#### Indigenous populations are framed as diseased making the affirmative a redemptive project of erasure

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(Jillian Elizabeth Grisel, UNSETTLING INDIAN HEALTH SERVICES: SECULARISM, MODERN MEDICINE, & THE REPRODUCTION OF THE U.S. SETTLER STATE THROUGH THE 1954 TRANSFER ACT, https://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1090&amp;context=amst\_etds, 7-12-19)//iLake-💣🍔

**The language of “unequal development”**, as employed by the WHO, **masks the violence inflicted on oppressed peoples that both leads to disparities and cultivates the spread of infectious diseases.** Such language **recasts the political crisis around race and land within settler societies** by suggesting deviant populations, and **by focusing on infectious diseases as a security issue** framed through a secular rights-based approach to health. So, while containing infectious disease appeared to be about protecting human agency, **it implicitly scripted those with them as having a dangerous autonomy.** Dian Million describes this pivotal moment for Indigenous peoples as an evolving matrix “reorganized and heralded by a universalism ensconced in “Rights of Man”, or human rights, [that] was not less racist but posed and practiced racialization projects differently.” A totalizing definition of human rights reformulated how race was read –through **biological descriptive statements that replaced color with pathology and medical discourse**. In this way, the WHO definition of health and wellbeing **mandated processes of “development” that in turn required disciplining bodies in the lands Indigenous people lived.** **Health became a settler formation working under the guise of secular rhetoric.** In applying a biocentric universal mode of being that was naturalized by the WHO, the settler state could identify and target those who lacked.

The World Health Organization’s standardization of health was the bridge that extended human rights into medical discourse. As a political resource, the WHO definition of health would be diffused through the practice of biomedicine, where **it could be applied to bodies on a global level.** It **deflected from the structural conditions that created deplorable health outcomes** **by posing biomedical treatment on individuals,** in conjunction with nation-state interventions in the name of “development”, as the solution. Medical professionals in colonial nations like the United States came to read bodies through this lens, and to educate patients, and execute health practice within these parameters. Not only wealth but **health too was to be realized through material conditions of markets, development and consumption**. Meanwhile any spiritual / religious tenants connected to alternative ways of living continued to be relegated to private spheres, flattened out to characteristics of culture or ethnicity, and kept apart from approaches to health and healthcare. A secular definition of health was **the tool needed for settler states to reproduce the conditions necessary to reshape a new global order of capital**. Enforced by policy changes, this shift guided a field of action oriented around one’s personal liberty to redeem their own health, while **eradicating disease through development and market economies.** Secular health demanded the inclusion of marginalized people in its framework, yet **it lifted their struggles of life and death from the historical context** of extractive economies, forced labor, and elimination practices, and **it offered instead the beneficent nation-state.** A rights-based approach translated the health disparities characteristic among such people as a failure in agency– a mode of being that was destructive and threatening, and which required state intervention to remedy.

#### Settler colonialism causes extinction.

**Mitchell 17** Audra currently holds the Canada Research Chair in Global Political Ecology at Wilfrid Laurier University. From 2015-2018, Audra held the CIGI Chair in Global Governance and Ethics at the Balsillie School and Wilfrid Laurier University. Until 2014, Audra was a Senior Lecturer (Associate Professor) at the University of York in the UK. She was a postdoctoral fellow at the University of St. Andrews. “Decolonizing against extinction part I: extinction is violence.” July 28th 2017. || OES-SW

Western scientists\* are proclaiming the start of a ‘sixth mass extinction event’ that may involve the destruction of more than three quarters of earth’s currently-existing life forms. In their attempts to explain this phenomenon, most scientists have converged around four major, interlinked drivers: climate change, habitat destruction, species exchange, and the direct killing of plants and animals. In most cases, these drivers are understood as the unintended consequences of generic ‘human’ activity, and as a result of desirable trends such as development or urbanization (Wilson 2002; Barnosky 2014; Ceballos 2016). A crucial driver is missing from this list: transversal structural violence against Indigenous peoples and their relations, and colonial violence in particular. ‘Structural violence’ involves systemic forms of harm, exclusion and discrimination that disproportionately affect particular groups, and which can take many forms (physical, psychological, economic, gendered and others). They are embedded in and expressed through political, cultural, economic and social structures (Farmer 2009) that can persist across large spans of time and space. I use the term ‘transversal’ to refer to forms of structural violence that extend across multiple boundaries – not only those of nation-states, but also other kinds of nations (human and otherwise), communities or kinship groups, and temporalities. Prime examples of transversal structural violence include: settler colonialism, colonial genocides (Woolford et al 2014); environmental racism or ‘slow violence’, including toxification and pollution; and complexes of sexual, physical, communal, spiritual and land-based violence associated with the extractive industries. Each of these forms of violence is ecologically devastating, and their convergence in European projects of colonisation is even more so. Many formations of transversal structural violence are significant causes of the so-called ‘four horsemen’ of extinction mentioned above. For instance, ‘direct killing’ is carried out to clear land for settlement, and it occurs as a result of ecological damage caused by resource extraction. Settler colonialism, carbon-based economies and regimes of environmental racism also support forms of socio-economic organization (for instance, carbon and energy-intensive urbanized societies) that intensify climate change and increase habitat destruction. Meanwhile, colonization has played a significant role in the ongoing transfer of life forms across the planet – whether unintentionally (e.g. the transfer of fish in the bilge water of ships); as an instrument of agricultural settlement (e.g. cattle ranching), or as a deliberate strategy of violence (e.g. smallpox). However, transversal structural violence is a driver of extinction in itself, with its own distinct manifestations. First, it involves the disruption or severance of relations and kinship structures between humancommunities and other life forms, and the dissolution of Indigenous systems of governance, laws and protocols that have co-created and sustained plural worlds over millennia (Borrows 2010; Atleo 2012; Kimmerer 2013). Second, the destruction of Indigenous knowledges through policies of assimilation, expropriation, cultural appropriation and other strategies undermines these forms of order and the relationships they nurture. Third, the displacement of and/or restricted access to land by Indigenous peoples interferes with practices of caring for land or Country that are necessary for the survival of humans and other life forms (Bawaka Country 2015). Colonial genocides embody all of these forms of destruction by killing or displacing Indigenous communities, undermining Indigenous modes of governance and kinship systems, systematically destroying relationships between life forms and erasing knowledge. All of these modes of violence weaken co-constitutive relationships between Indigenous communities, other life forms and ecosystems that have enabled their collaborative survival. This results in disruptions to ecosystems – and climate – that Potawatomi scholar Kyle Powys Whyte (2016) has recently argued would have been considered a dystopia by his Ancestors. In other words, transversal structural violence, and colonial violence in particular, are fundamental drivers of global patterns of extinction. It stands to reason, then, that responses to extinction that focus on managing endangered species or populations, or ‘backing up’ genetic material, are insufficient: they leave the structures of violence intact and may add to their power. Instead, efforts to address extinction need to focus on identifying, confronting and dismantling these formations of violence, and on restoring or strengthening the relations they sever. Yet responses to global patterns of extinction are overwhelmingly rooted in Western scientific concepts of conservation – a paradigm that emerged within 20th century European colonial government structures (Adams 2004). Contemporary conservation approaches – from the creation of land and marine parks to the archiving of genetic materials – may exacerbate the destruction of relations between Indigenous peoples and their relations. For instance, conservation strategies often involve displacing Indigenous peoples from the land that they care for (Jago 2017, Brockington and Igoe 2006), or curtailing of processes such as subsistence hunting, fishing or burning that have enabled the co-survival of Indigenous groups, plants, animals and land for millennia. Meanwhile, ex situ and genetic forms of conservation (including zoos and gene banks) may violate these relationships by instrumentalizing or commodifying kinship relations. Increasingly popular conservation approaches based on Traditional Ecological Knowledge (TEK) approaches claim to center Indigenous communities and knowledges. However, they ultimately instrumentalize fragments of Indigenous knowledge systems (for instance, data on climatic change) to test or support Western approaches. As such, they leave the structures of colonization and other forms of transversal structural violence untouched, and may even exacerbate them. All of this suggests that confronting global patterns of extinction calls for decolonization and other ethos that work to eliminate transversal structural violence – and I don’t mean this metaphorically. Enabling the restoration of relations that can enable the ongoing flourishing of life on earth will require the transfer of land and power back into plural Indigenous peoples and their distinct modes of sovereignty, law and governance (Tuck and Yang 2012). These relationships and forms of order have enabled plural Indigenous peoples and their multitude of relations to co-flourish for millennia, including through periods of rapid climate change, and they are needed to ensure the continuation of this co-flourishing. This means that decolonization is not simply related to global patterns of extinction: it is necessary to ensuring the ongoingness of plural life forms on earth.

#### The alternative is an ethic of incommensurability.

Tuck and Yang, 12 (Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, “Decolonization is not a metaphor”, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, recut)

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework.

We want to say, first, that decolonization is not obliged to answer those questions - decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary participants in Occupy Oakland and other settlers who want to know what decolonization will require of them. The answers are not fully in view and can’t be as long as decolonization remains punctuated by metaphor. The answers will not emerge from friendly understanding, and indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics - moves that may feel very unfriendly. But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form and content” (Fanon, 1963, p. 36).

To fully enact an ethic of incommensurability means relinquishing settler futurity, abandoning the hope that settlers may one day be commensurable to Native peoples. It means removing the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the lives to be lived once the settler nation is gone - these are the unwritten possibilities made possible by an ethic of incommensurability.

when you take away the punctuation he says of lines lifted from the documents about military-occupied land its acreage and location you take away its finality opening the possibility of other futures

-Craig Santos Perez, Chamoru scholar and poet (as quoted by Voeltz, 2012)

Decolonization offers a different perspective to human and civil rights based approaches to justice, an unsettling one, rather than a complementary one. Decolonization is not an “and”. It is an elsewhere.

#### Repetitive practices of settler engagement disavow internalized violence within debate – decolonial practices are necessary to interrupt.

Henderson, 15 - Professor at the Department of Political Philosophy at the University of Victoria [Phil, “Imagoed communities: the psychosocial space of settler colonialism”, Settler Colonial Studies, p. 12-13] mp

Goeman writes as an explicit challenge to other indigenous peoples, but this holds true to settler-allies as well, that decolonization must include an analysis of the dominant ‘self-disciplining colonial subject’. 73 However, as this discussion of subjective precarity demonstrates, the degree of to which these disciplinary or phenomenological processes are complete should not be overstated. For settler-allies must also examine and cultivate the ways in which settler subjects fail to be totally disciplined. Evidence of this incompletion is apparent in the subject’s arrested state of development. Discovering the instability at the core of the settler subject, indeed of all subjects, is the central conceit of psychoanalysis. This exception of at least partial failure to fully subjectivize the settler is also what sets my account apart from Rifkin’s. His phenomenology falls into the trap that Jacqueline Rose observes within many sociological accounts of the subject: that of assuming a successful internalization of norms. From the psychoanalytical perspective, the ‘unconscious constantly reveals the “failure”’ of internalization.74 As we have seen, within settler subjects this can be expressed as an irrational anxiety that expresses itself whenever a settler is confronted with the facts regarding their colonizing status. Under conditions of total subjectification, such charges ought to be unintelligible to the settler. Thus, the process of subject formation is always in slippage and never totalized as others might suggest.75 Because of this precarity, the settler subject is prone to violence and lashing out; but the subject in slippage also provides an avenue by which the process of settler colonialism can be subverted – creating cracks in a phantasmatic wholeness which can be opened wider. Breakages of this sort offer an opportunity to pursue what Paulette Regan calls a ‘restorying’ of settler colonial history and culture, to decanter settler mythologies built upon and within the dispossession of indigenous peoples.76 The cultivation of these cracks is a necessary part of decolonizing work, as it continues to panic and thus to destabilize settler subjects. Resistance to settler colonialism does not occur only in highly visible moments like the famous conflict at Kanesatake and Kahnawake,77 it also occurs in reiterative and disruptive practices, presences, and speech acts. Goeman correctly observes that the ‘repetitive practices of everyday life’ are what give settler spaces their meaning, as they provide a degree of naturalness to the settler imago and its psychic investments.78 As such, to disrupt the ease of these repetitions is at once to striate radically the otherwise smooth spaces of settler colonialism and also to disrupt the easy (re)production of the settler subject. Goeman calls these subversive acts the ‘micro-politics of resistance’, which historically took the form of ‘moving fences, not cooperating with census enumerators, sometimes disrupting survey parties’ amongst other process.79 These acts panic the subject that is disciplined as a product of settler colonial power, by forcing encounters with the sovereign indigenous peoples that were imagined to be gone. This reveals to the settler, if only fleetingly, the violence that founds and sustains the settler colonial relationship. While such practices may not overthrow the settler colonial system, they do subvert its logics by insistently drawing attention to the ongoing presence of indigenous peoples who refuse erasure. Today, we can draw similar inspiration from the variety of tactics used in movements like Idle No More. From flash mobs in major malls, to round dances that block city streets, and even projects to rename Toronto locations, Idle No More is engaged in a series of micro-political projects across Turtle Island.80 The micro-politics of the movement strengthen indigenous subjects and their spatialities, while leaving an indelible imprint in the settler psyche. Predictably, rage and resentment were provoked in some settlers;81 however, Idle No More also drew thousands of settler-allies into the streets and renewed conversations about the necessity of nation-to-nation relationships. With settler colonial spaces disrupted and a relationship of domination made impossible to ignore, in the tradition of centuries of indigenous resistance, Idle No More put the settler subject into serious flux once more. Settler colonialism has been distinguished from colonialism proper by what Wolfe calls its ‘logic of elimination’, which requires the erasure of indigenous peoples from the colonized territory. This is accomplished through a variety of mechanisms that range from outright violence to policies of gradual elimination. Ultimately, settler colonialism is perpetuated through a double move: to erase indigenous peoples and then to disappear settlers by naturalizing the violence inherent their existence in colonized territory. This is accomplished through the production of spatialities bereft of indigeneity. Out of this spatial logic, an imago of settler society is produced that binds settlers both psychically and socially to each other and to the colonized spaces. The continual (re)production of a settler colonial imago is necessary to secure the psychic horizons of the settler subject; it is also inextricably bound up with an insatiable need to constantly renew the erasure of indigenous peoples. Thus, in order to secure its continued survival as a subject, the settler must always strive to maintain the conditions of settler colonialism. Total erasure of indigeneity is the grotesque desire of the settler that must be constantly disrupted. Where indigenous peoples have persisted as an insurgent presence in the settler imago, they are always already threatening this disruption of the settler subject at its very core. For while the affirmation of indigeneity can induce panic, and subsequently rage, in the settler, it also opens a crack within the imago – that is, within the settler subject itself – through which an ethic of decolonization can emerge. While it seems that settler colonialism is propelled by a tightly circuitous movement of subject formation, projection, and (re)formation, the presence of indigenous peoples in ongoing and sovereign relationship with the land serves as a powerful blockage of to the smoothness of this process.

#### They don’t get to weigh case – the performance of the 1AC naturalizes settler colonial subjects and epistemologies killing resistance – subject formation and epistemology outweigh they’re the only portable impact and result in real world violence – they have infinite prep to be able to defend their model.

### 4

#### The meta ethic is motivationalism – people need to decide on their own any other starting point begs the question of why we follow the framework in the first place.

#### Other frameworks fail. Motivational externalism collapses into internalism.

Joyce Joyce, Richard. “Richard Joyce - The Myth of Morality (Cambridge Studies in Philosophy) (2002).” www.docme.ru/doc/1269345/richard-joyce---the-myth-of-morality--cambridge-studies-i...

Back to the [Suppose] external reason[s]. Suppose it were claimed, instead, that I have a reason to refrain from drinking the coffee because it is tapu and must not be touched. This reason claim will be urged regardless of what I may say about my indifference to tapu, or my citing of nihilistic desires to tempt the hand of fate. [r]egardless of my desires (it is claimed) I ought not drink - l have a reason not to drink. But **how could** that reason ever explain any action of mine? Could the **external reason** even **explain** my **[action]** from drinking**?** Clearly, in order to explain it **the** external **reason must have some causal**ly efficacious **role [in]** among the antecedents of **the action** (in this case, an omission) — l must have. in some manner. "internalized" it. The only possibility, it would seem, consistent with its being an external reason, is that I believe the external reason claim [but] : I believe that the coffee is tapu. There's no doubting that such a belief can play a role in explaining actions - including my refraining from drinking the coffee. The question is whether the **belief alone can[not] produce action**, to which the correct answer is “No.” A very familiar and eminently sensible view says that **in order to explain** an **action** the **belief must couple with desire**s (such that those same desires had in the absence of the belief would not have resulted in the action). And this seems correct: if I believe that the coffee is [bad] tapu but really just don’t care about that, then I will not refrain from drinking it. So in order for the belief to explain action it must couple with [desire] elements - but in that case the putative **external reason collapses into** an **internal** one.3

#### Agents can only be motivated their own desires; not the external desires of another because A) one can’t access the desires of others and B) because there are infinite desires of others that aren’t communicated and thus accounted for.

#### Only contractarianism’s foundation in the empirical fact that individuals have desires provides a non-circular origin for the ability to form a moral obligation.

Gauthier**,** Gauthier, David P. *Morals by Agreement*. Oxford: Clarendon, 1986. Print.

**“A contractarian theory** of morals, developed as part of the theory of rational choice, has evident strengths. It enables us to **demonstrate[s] the rationality of impartial constraints on the pursuit of individual interest to persons who** may **take no interest in others'** interests**.** Morality **is** thus **given a** sure **grounding in a** weak and widely accepted **conception of practical rationality. No alternative account** of morality **accomplishes this. Those who claim that** moral **principles are objects of rational choice in special circumstances fail to establish the rationality of actual compliance** with these principles. Those who claim **to establish the rationality of such compliance appeal[s] to a** strong and controversial **conception of reason that** seems to **incorporate[s] prior** moral **suppositions**. No alternative account generates morals, as a rational constraint on choice and action, from a non-moral, or morally neutral, base.”

#### Thus, the standard is consistency with contractual obligations.

#### Consequences aren’t relevant. Contractual obligations are a question of the inherent action not aggregating violations. If you buy a nice car from a store, and a criminal sees you driving and decides to steal from the store you didn't break the law even though your action consequentially led to more violations.

#### Prefer additionally

#### A] Actor spec: States are formed through contracts. Policymakers have a plurality of changing views, but the only static characteristic of a government it’s legal structure. Absent contracts, it’s impossible to generate obligations since each policymaker has their own view of morality that can’t be resolved.

#### B] Prereq: Only contracts dictate action without begging the question of why actors ought to comply since they brought the expectations upon themselves and can’t justify disobeying.

#### C] Topic Lit: IP rights are created and enforced through contracts most of the literature is on whether actions follow those contracts not whether they create harms.

#### D) Contracts controls all layers, every ballot claim presumes a contractual expectation between the judge and debater to vote on arguments made in round, otherwise the judge has no motivation to not simply intervene however they wish.

-- metaethics a] wighing under bindingness performativity proves its inherent to daily interactions

Vs extinction go for empirical uncertainty – ethical obligations cant be formed using the material world – cant use empirical world to forecast stuff

#### Now negate

#### A] Forwarding a TRIPS waiver without unilateral support breaks WTO rules and there can’t be consensus until the next meeting in November

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**The WTO Agreement enables members to waive an obligation in exceptional circumstances by consensus-based decision-making**; in the past, **members have successfully agreed to waive specific articles of the TRIPS Agreement** with respect to pharmaceutical products and least-developed countries (LDCs). In October 2020, India and South Africa made a landmark proposal to waive several sections of the TRIPS Agreement, to address the prevention, containment and treatment of Covid-19. The waiver would enable members to not grant or enforce patents (section 5) or other IP obligations on copyright (section 1), industrial designs (section 4), and the protection of undisclosed information (section 7) related to Covid-19 products and technologies. The revised proposal of 25 May 2021 was supported by a number of members in Africa, Asia and Latin America (see Figure 1), and specified the scope would apply to health products and technologies. These include diagnostics, therapeutics, vaccines, medical devices and personal protective equipment to tackle Covid19. The waiver would be in force for a minimum of three years, and be reviewed annually. LDC members are exempt from applying most of the TRIPS Agreement until July 2034 or until their graduation from the LDC category

EU position In May 2021, the Council of the EU decided to support the extension of LDCs' transitional period for the implementation of the TRIPS Agreement by another ten years, or until the member graduates from LDC status. **With regard to the temporary TRIPS waiver, notably Germany, Portugal, Estonia and Belgium are reportedly reserved**, while Greece, France and Italy are somewhat supportive. On 4 June, the Commission issued a communication to the WTO on TRIPS and Covid-19, reiterating the alternative proposal that focuses on compulsory licensing, limiting export restrictions and expanding production, rather than on waiving patent rights. On 18 June 2021, the Council adopted conclusions on the role of IP in tackling the Covid-19 pandemic. The Council highlighted the EU’s engagement in the WTO and its readiness to find pragmatic approaches, such as patent pooling, licensing, and knowledge sharing platforms, and that it stands ready to discuss other flexibilities in the TRIPS agreement.

European Parliament position During its June I plenary session, Parliament adopted a resolution on meeting the Covid-19 challenge, calling for support for text-based negotiations of a temporary TRIPS waiver in order to enhance global access to Covid-19 related medical products. In the preceding plenary debate of 19 May, there was a lack of consensusin Parliament over the TRIPS waiver. In the same plenary session, the Parliament also adopted a resolution on the trade-related impacts and implications of Covid-19 (rapporteur: Kathleen Van Brempt, S&D, Belgium), urging the Commission to revisit the global framework for IPR, and open a constructive dialogue on the TRIPS waiver in order to ensure that countries do not face retaliation over Covid-19 related patent infringements during the pandemic. The Parliament's resolution (of 20 May 2021) on accelerating progress and tackling inequalities towards ending AIDS as a public health threat by 2030 also called on the EU to support the TRIPS waiver.

Third countries’ positions **Several WTO members (Australia, Japan, Norway, Singapore, South Korea, Switzerland and Taiwan) hold reservations about starting text-based negotiations on a temporary TRIPS waiver.** The Ottawa Group, including the EU, have **put forward a WTO trade and health initiative, which would include trade facilitation and liberalisation of tariffs for pharmaceutical and medical products**. TheUSA and Chinahaveendorsed the negotiations on the TRIPS waiver on vaccines, but have not mentioned further items of the revised proposal such as health technologies, therapeutics or diagnostics.

Stakeholder views The WTO TRIPS Agreement has long been criticised by humanitarian organisations for setting an overly stringent level of IPR protection in access to medicines, notably in the context of HIV/AIDS and drugresistant tuberculosis. Science and research institutes have signed a statement urging all WTO members to endorse the TRIPS waiver proposal, including provisions on copyright. Nurses and civil society organisations including trade unions have urged the 'TRIPS Council' to support the waiver. Proponents have argued the TRIPS waiver could spur innovation and competition by prompting the sharing of undisclosed information, while **critics hold that the waiver could disincentivise research and development, and set a precedent that could in the future deter firms from investing in innovation. The American Chamber of Commerce (AmCham) expressed concerns that the waiver could jeopardise vaccine roll-out by diverting raw materials and disrupting supply chains. The biotechnology industry has questioned the breadth, vagueness and feasibility of implementing the waiver in national laws across the world.**

**The revised decision text of the TRIPS waiver proposal and the statement by co-sponsors were presented to the TRIPS Council on 8-9 June 2021**. **The EU would need to adopt a common position in the Council of the EU in the event it decided to support the waiver.** In July 2021, WTO members also discussed the alternative EU proposal for a global trade response for universal vaccination, i.e. limiting export restrictions, support expanding vaccine production and facilitating the use of existing licensing flexibilities in the TRIPS agreement. The **positions remain divergent and the TRIPS waiver will likely be on the agenda of the next WTO Ministerial Conference in late 2021.**

#### B] They haven’t proven a contractual obligation to [Do the aff]

#### C] Individuals do not consent to a reduction in IP rights. Their advocacy gives unilateral control to WTO representatives which is inherently unequal for the businesses and individuals affected most.

### 1AC – Util

#### 7] Util’s relies on colonial narratives – justifies genocide

Mignolo 7 (Walter, argentinian semiotician and prof at Duke, “The De-Colonial Option and the Meaning of Identity in Politics” online)

The rhetoric of modernity (from the Christian mission since the sixteenth century, to the secular Civilizing mission, to development and modernization after WWII) occluded—under its triumphant rhetoric of salvation and the good life for all—the perpetuation of the logic of coloniality, that is, of massive appropriation of land (and today of natural resources), massive exploitation of labor (from open slavery from the sixteenth to the eighteenth century, to disguised slavery, up to the twenty first century), and the dispensability of human livesfrom the massive killing of people in the Inca and Aztec domains to the twenty million plus people from Saint Petersburg to the Ukraine during WWII killed in the so called Eastern Front.4 Unfortunately, not all the massive killings have been recorded with the same value and the same visibility. The unspoken criteria for the value of human lives is an obvious sign (from a de-colonial interpretation) of the hidden imperial identity politics: that is, the value of human lives to which the life of the enunciator belongs becomes the measuring stick to evaluate other human lives who do not have the intellectual option and institutional power to tell the story and to classify events according to a ranking of human lives; that is, according to a racist classification.

#### 8] The Butterfly effect makes utilitarian calc impossible – actions have infinite consequences which we can’t foresee.

Kidder 95 [Rushworth, Founder of institute of global ethics, professor, “How good people make tough choices,” ] lm

How, critics argue, can you possibly foresee all the consequences of any personal action, let alone of actions on a broad social scale? Humans are notoriously poor speculators, these critics argue, routinely missing the most important consequences and stumbling into unforeseen problems of their own making. Did our ancestors really understand consequences when they imported African slaves into the American colonies with little thought to future racial inharmonies? Did they have a clear sense of end results when they built nuclear reactors with little concern for nuclear waste disposal or put CFCs into aerosol cans with no understanding of the ozone layer? Then how can we possibly be entrusted to determine the “greatest good”? Nor, they object, are humans any good at understanding the “greatest number,” since actions have such unforeseen consequences that they may affect vast numbers of people far beyond those first identified. Finally, critics raise serious practical objections. Taking this theory to its logical extreme, they note

#### 9] Util calc opens the door to injecting bias into our moral equations.

Chappell on Mackie 5 “Indirect Utilitarianism” June 11 2005 Philosophy, et cetera <http://www.philosophyetc.net/2005/06/indirect-utilitarianism.html>

J.L. Mackie (p.91) offers six utilitarian reasons for opposing "the direct use of utilitarian calculation as a practical working morality": 1. Shortage of time and energy will in general preclude such calculations. 2. Even if time and energy are available, the relevant information commonly is not. 3. An agent's judgment on particular issues is likely to be distorted by his own interests and special affections. 4. Even if he were intellectually able to determine the right choice, weakness of will would be likely to impair his putting of it into effect. 5. Even decisions that are right in themselves and actions based on them are liable to be misused as precedents, so that they will encourage and seem to legitimate wrong actions that are superficially similar to them. 6. And, human nature being what it is, a practical working morality must not be too demanding: it is worse than useless to set standards so high that there is no real chance that actions will even approximate to them.

### 1AC – Advantage

#### [1] Settler colonialism structurally denies access to healthcare means only the alt can solve mutatuions – and the race-neutral framing of healthcare is settler move to innocence through putting the audience in a position of indigeneity

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(Haim Yacobi, Beyond ‘causes of causes’: Health, stigma and the settler colonial urban territory in the Negev/Naqab, https://journals.sagepub.com/doi/pdf/10.1177/00420980211005679, 5-3-2021)//iLake-💣🍔

In this section we present the findings of studies revealing the relationship between land, (non-)planning, infrastructure and the deteriorated health of the Bedouin population. Despite the recognition of some Bedouin villages and the urbanisation which was accompanied by the supply of infrastructure and services, health disparities between the Bedouins and the general Israeli population still exist (Filc, 2009). A telling illustration lies in the difference in life expectancy between the Arab and Jewish populations in Israel. The Central Bureau of Statistic’s report indicate that **the life expectancy of Jewish women is 85.1 and 81.8 for Jewish men, while in the Arab population this number is 81.9 for women and 78.1 for men** (Koch-Davidovich, 2020: 5).9 Since in Israeli statistics the Bedouins are included in the general Arab population, no exact numbers can be found regarding this specific population. However, their life expectancy is significantly lower even in relation to other Arab communities (Alpasi-Henly, 2016). The statistics regarding the different regions in Israel support this claim, with the southern region of Israel (including the Negev/ Naqab) having the lowest life expectancy in Israel)

We will explore the space-health nexus that emerges from these studies, highlighting the role of infrastructure, environmental (in)justice and health care provision and their effect on everyday life and health. Our main argument here is that the right to land – and hence recognition and the provision of urban infrastructure – is the condition for the right to health, and that inaccessibility to water, electricity, or proximity to environmental hazards, are not neutral facts but rather the results of policy and planning (Yacobi, 2019).

Infrastructure

As widely discussed, infrastructure connects people and goods and is also a focal element through which we can understand the formation of the political (Annand, 2018). However, infrastructure also has a violent side (Rodgers and O’Neill, 2012), restricting access to essential resources and services to the marginalised. The latter, in our case, is based on the state’s ‘Dead Negev Doctrine’, that is, the use of **Western and colonial land claims by the state to dispossess the Bedouins** (Kedar et al., 2018) and **justifies the state’s withdrawal from any responsibility of providing services**. A telling illustration is reflected in the inaccessibility of clean water and electricity that has a critical influence on the Bedouin population’s health. According to a UN Resolution from 2010, ‘equitable access to safe and clean drinking water and sanitation’ are ‘an integral component of the realisation of all human rights’. The UN therefore ‘recognises the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights’ (United Nations, 2010).

**Water infrastructure is not provided to the unrecognised villages,** which consequently suffer severe water shortages for drinking, cooking and hygiene purposes. A special committee of the Israeli Water Authority is responsible for approving such connections due to ‘humanitarian considerations’. Between 1997 and 2010 only 106 out of 675 submitted requests were approved (Bas Spektor, 2011). The committee usually argues that these connections weaken water pressure in the pipeline, or that **such connections will make it more difficult to evict inhabitants from the unrecognised villages**. Importantly, as of 2015, nine villages were still not connected to any water system (Rotem, 2015: 5).

Water supply is also provided by ‘water centres’, as the one presented in Figures 1 and 2, that consist of central pipes to which families can connect a water metre and a secondary pipe. Water centres operate in the recognised villages of the Abu Basma Regional Council.10

In 2010, a request was submitted to the Parliamentary Finance Committee to order the establishment of ten more such water centres in the Abu Basma localities, stating that water centres will constitute ‘an efficient temporary solution for more than 90% of the unrecognised villages’ residents’ (Physicians for Human Rights, 2010). A common way of transporting water is via plastic or metal tanks, filled outside the village and delivered to houses by trucks. Other than the problems caused by the high price of water and its transportation, these tanks are kept outside, exposed to the sun, and tend to **develop mould, rust, algae and other** **infections that cause gastrointestinal diseases.**

As mentioned at the opening, **electricity is not provided to Bedouin localities (both recognised and unrecognised).** Some residents use generators, which operate between 1 and 4 hours a day, or solar systems that provide low outputs. Both alternatives are expensive and are therefore rare. **Lack of electricity is particularly detrimental to the health of chronic patients**, who receive regular medications but are unable to store them in proper conditions. A survey (Abas and Alon, 2008) found that 21% of the Bedouin population had chronic diseases, out of which 58% were children. The most common diseases were respiratory, diabetes, heart diseases and mental disorders. **Electricity is essential for the treatment of respiratory diseases:** electric oxygen generators are cheap and efficient replacements for expensive oxygen tanks. BIPAP machines, which regulate air pressure in patients’ lungs, do not have a non-electric alternative and their absence causes frequent hospitalisations, deterioration in health and death

**State unrecognition of land ownership means a lack of services such as the collection of waste and sewage disposal facilities,** such as presented in Figure 3, which pose severe risks to the Bedouin’s health.

Improvised septic pits used in unrecognised villages attract pests, constitute a smell hazard and cause the seepage of sewage into water sources. The estimated amount of waste produced in the Bedouin localities (as opposed to the assumptions of the Strategic National Plan) is an average of 0.73kg per person per day: less than half the average in Israel. In spite of this relatively small amount of waste, improvised solutions for its disposal, such as burning, cause both air pollution and intense smell hazards. House demolitions also constitute an environmental risk linked to waste disposal, since the debris is never cleared from such sites (Abu-Ras, 2011)

Environmental (in)justice

Analyses of the influence of environmental conditions on the Bedouins’ lives reveal the devastating effects of environmental injustice on the community’s health and life. The lack of recognition of the villages plays a major role in their increased exposure to environmental hazards and their effect on health. A factor in the Bedouin population’s degraded health is living in desert conditions with no infrastructure, thus exposing the people to extreme temperatures, sandstorms and poisonous animals. These conditions are worsened in many localities by their proximity to industrial plants and chemical waste disposal areas, to quarries and phosphate mining areas and to army training zones.

**Lack of recognition ‘means the failure to consider the location of these populations in the planning process of industrial and military infrastructures’** (Bas Spektor, 2011: 16). The industrial plant (IP) Ramat Hovav, for example, includes about 20 chemical industry facilities. The minimal safety radius around such a plant should be 5km, while the unrecognised village of Wadi al-Na’am is located only 1km away. According to epidemiological researches, Bedouin populations residing up to 20km away from the IP suffer from **increased mortality rates due to symptoms/ill-defined conditions and nonexternal causes** (Karakis et al., 2008; Sarov et al., 2008) (Figure 4).

A study by The Ministry of Health (2011) indicates that living up to 20km from Ramat Hovav is related to significantly higher rates of Bedouin infants suffering from congenital malformations and severe defects in their nervous, heart and skeletal systems. These may cause mental retardation, disability, miscarriage and the death of the infants. **Neighbours of Ramat Hovav also suffer from significantly higher rates of respiratory diseases such as asthma and pneumonia.** These findings include both adults and children, and are characteristic of Bedouin communities as well as Jewish Kibbutzim in the region. Another hazard that is expected to pose severe potential health risks to the residents of Bedouin localities is the planned phosphates mining site in Sde-Barir, to which several objections were submitted. Professional reviews demonstrate that the mining of phosphates at such proximity to villages will expose the population to respirable particles containing radioactive materials, causing respiratory illnesses and lung cancer (Spektor Ben-Ari, 2013). The plan for Sde-Barir will clearly have detrimental effects on the health of the adjacent Bedouin communities such as Al-Furaa’, where the school is located only 1.5km away.

Our discussion above echoes Nixon’s notion of ‘unimagined communities’ presented at the opening of this paper and exemplifies how **the toxic and polluted environment, which is actually an outcome of the state’s policy**, not only risks the health of the Bedouins, but also excludes them from resources such as land that previously offered them livelihood and health.

Health services

Non-recognition also has a major effect on the accessibility of health services. In accordance with the Israeli National Health Insurance Law, most of the Bedouin population is insured in one of the Health Funds operating in Israel (Filc, 2009). The first clinic was established in 1994 in the unrecognised village of Al-Grien. Most other clinics were established following petitions to the Supreme Court by a coalition of human rights NGOs. By 2011 there were 12 clinics in such villages. According to some reports (Abas, 2009, Davidovich, 2020), the clinics operate in temporary structures such as caravans. Though they are connected to water infrastructure and have adequate sanitation, electricity is not regularly supplied, and it is impossible to keep equipment and medication that requires cooling (KochDavidovich, 2020) (Figure 5).

The doctor-population ratio in Israel is one doctor to every 1200–1400 people, whereas in the Bedouin localities this ratio is one doctor to every 3116.7 people. According to the 2009 survey, clinics operate 13 weekly hours to every 1000 people, while clinics in neighbouring Jewish localities operate 21 weekly hours. The doctors working in the clinics in the Bedouin villages are general practitioners; there are no specialists such as gynaecologists or paediatricians. Research conducted in 2008 found that ‘Bedouin children arrive to the emergency room in critical stages of the disease, due to late diagnosis resulting from the lack of medical services’ (Abu-Sharab, 2008: 8). Furthermore, the lack of pharmacies in the localities limits the medicine inventory available.

The lack of convenient transport infrastructure further affects accessibility to health services. For example, residents of Tal al-Malah, where there is no clinic, use the clinic in Kseifa, located 15–18km from their houses. The average arrival time using public transport is 2.5 hours in each direction. Transportation problems also affect the arrival of the staff to the clinics, causing ‘late arrivals and early departures of some of the staff, thus shortening the clinic’s official reception hours’ (Abas, 2009: 15).

The health crisis in the Bedouin population most prominently affects two vulnerable groups: children and women. For example, mother-child health stations providing antenatal care are essential in a community with high birth rates such as the Bedouin community. However, only after a petition was filed to the Supreme Court (High Court Appeal 7115/97), six stations were established in the villages in 2001. In 2015, there were still only six active stations in the localities. A portable station, which had travelled between the villages, had stopped operating (Rotem, 2015: 11) and the active stations had similar problems to the other clinics. The lack of specific health services for women such as gynaecologists and antenatal care in their communities (given that, as mentioned by Gottlieb et al.(2011), women are dependent on male chaperoning to go outside of their communities), has indeed a critical effects on women’s health.

The physicians of space: Promoting stigmatisation and dispossession

In an attempt to regulate the Bedouin localities, seven townships were built by the state during the 1970s and 1980s: Tal Sheva (Tal al-Saba’, established in 1968), Rahat (1972), Segev Shalom (Shqeib al-Salam, 1979), Kseife (1982), Ar’ara BaNegev (‘Ara’ra alNaqab, 1982), Lakiya (1985) and Hura (1989). The state’s formal narrative for moving the Bedouins to these townships was access to services and infrastructure, which the unrecognised localities lacked. In critically examining the findings reviewed in the previous section, we conclude that the lack of infrastructure, the intensive exposure to environmental hazards and **the lack of accessibility to health services are therefore not the result of negligence or a ‘blind spot’ in the planning of the region. They are inherent to the mobilisation of spatial planning to the settler colonial production of space and the effort to dispossess the Bedouins and push them into the designated, limited area of the new townships.**

The systematic violation of the Bedouins’ right to health, we conclude, has to be understood not solely as public health concerns. They should be contextualised within the **settler colonial planning and urban framework, which is the very ideological and legal basis for the production of informal urban territories.** In their analysis of inequalities in non-communicable diseases between population groups in Israel, Muhsen et al. (2017) conclude that despite universal health coverage and improvements in the overall health of the Israeli population, **substantial inequalities persist. This fact, they suggest, might be explained by gaps in the social determinants of health** (SDoH)-namely people’s ‘access to health care, schools, and education, their conditions of work and leisure, their homes, communities, towns, or cities’ (CSDH, 2008: 1). The SDoH are defined by the World Health Organization (WHO) as ‘the causes of causes’ of health inequality. Reducing health inequalities by improving SDoH is possible, according to the WHO, by tackling ‘Inequitable distribution of power, money, and resources’ (CSDH, 2008: 2). To this end, it is necessary to have ‘a strong public sector that is committed, capable, and adequately financed. [...] legitimacy, space, and support for civil society, for an accountable private sector, and for people across society to agree public interests and reinvest in the value of collective action’ (CSDH, 2008).

SDoH as an explanatory framework for health inequalities and the active approach for their amelioration are therefore defined and understood in the context of liberal socio-political conditions. Applying this approach in analysing health disparities in Israel, specifically in regards to the Bedouin population, fail to consider the very political context in which they are produced. **Settler colonialism is about the erasure and replacement of indigenous communities** based on the devaluation of their claimed rights to the land (Milner, 2020). Providing solutions for the Bedouin health crisis in the spirit of the **WHO’s understanding of SDoH stands, hence, in stark contradiction to the political logic of this project.**

Rather than SDoH as the ‘causes of causes’ of health inequalities in the Negev/ Naqab, we therefore conclude that the **settler colonial logic and ideology is the main cause.** **Access to water, electricity and services, or proximity to environmental hazards, are not neutral facts but rather the results of intentional policy.** As illustrated throughout this article, since health determinants are spatial, the colonial project of appropriating, controlling and ordering space is crucial to understanding the institutional foundations that produce health disparities:

In contrast to the abundant research mapping prevalence of health outcomes and deploying ostensibly definable and quantifiable explanatory variables, there has been little substantive exploration, if any, of what it would mean to incorporate settler colonialism into our models of health. We must stimulate new ways of integrating understandings of settler colonialism’s logics and mechanisms into our public health research and, perhaps to some degree, data. (Qato, 2020: 10)

Furthermore, **planners, policymakers and similar ‘physicians of space’** (Lefebvre, 1996: 99) **play a major role in defining these policies**, and therefore in the settler colonial project as **the ‘cause of causes’ of health inequalities.** Under the guise of professional, benevolent neutrality, **planners use their authority and expertise to promote the goals of the settlers** (Njoh, 2009: 4), clearly exposing the oppressive side of planning.

The systematic production of health inequalities, we further suggest, shape the stigma of Bedouins as invaders and criminals who threaten not only urban residents but also the well-being of the environments in which they live. Israel’s Strategic National Plan frames the Bedouin population as an ‘environmental hazard’, devoting a distinct section to the negative effect of the Bedouins on the environment that results not solely from ‘over-usage’ of resources and the increased production of waste (Abu-Ras, 2011) but also as an outcome of natural growth (The National Development Strategic Plan for the Negev, 2005: 9–10). The health inequality created in the Bedouin community, we suggest, is part and parcel of the work of settler colonialism, aspiring to dispossess the Bedouins and to forcefully relocate them into townships, where conditions are not necessarily better. **Producing health inequalities facilitates the stigmatisation of the Bedouins as backward and unhealthy**, a community that should be contained in designated areas where it can be forced into modernisation and urbanisation. This stigma is then **mobilised for justifying the dispossession of the Bedouins through forced urbanisation** and an attempt to transfer them into the planned townships.