

1AC

Framework

The standard is who best overcomes structural violence.

Structural violence is based on moral exclusion, which is fundamentally flawed because the exclusion is based on arbitrarily perceived differences.

Winter and Leighton 01 - Deborah DuNann Winter (professor of psychology at Whitman College) and Dana C. Leighton (Assistant Professor of Psychology at Texas A&M University), "Peace, conflict, and violence: Peace psychology in the 21st century," Pg. 4-5, 2001

Finally, **to recognize** the operation of **structural violence forces us to ask questions about** how and **why we tolerate it**, questions **which** often **have painful answers for the privileged elite** who unconsciously support it. A final question of this section is how and why we allow ourselves to be so oblivious to structural violence. Susan Opatow offers an intriguing set of answers, in her article Social Injustice. She argues that **our normal perceptual** cognitive **processes divide people into in-groups and out-groups. Those outside our group lie outside our scope of justice. Injustice** that would be instantaneously confronted if it occurred to someone we love or know **is barely noticed if it occurs to** strangers or **those who are invisible** or irrelevant. We do not seem to be able to open our minds and our hearts to everyone, so we draw conceptual lines between those who are in and out of our moral circle. **Those who fall outside are morally excluded**, and become either invisible, or demeaned in some way so that we do not have to acknowledge the injustice they suffer. Moral exclusion is a human failing, but Opatow argues convincingly that it is an outcome of everyday social cognition. To reduce its nefarious effects, we must be vigilant in noticing and listening to oppressed, invisible, outsiders. Inclusionary thinking can be fostered by relationships, communication, and appreciation of diversity. Like Opatow, all the authors in this section point out that **structural violence is not inevitable if we become aware of its operation, and build systematic ways to mitigate its effects**. Learning about structural violence may be discouraging, overwhelming, or maddening, but these papers encourage us to step beyond guilt and anger, and begin to think about how to reduce structural violence. All the authors in this section note that the same structures (such as global communication and normal social cognition) which feed structural violence, can also be used to empower citizens to reduce it. In the long run, reducing structural violence by reclaiming neighborhoods, demanding social justice and living wages, providing prenatal care, alleviating sexism, and celebrating local cultures, will be our most surefooted path to building lasting peace.

Advantage 1 - Biopiracy

TRIPS cause monopolies and patents crops and agriculture – Shiva '06

[Shiva, Vandana. "Profiteering from Death: TRIPS and Monopolies on Seeds and Medicines." Revista Brasileira de Direito Internacional - RBDI, vol. 4, no. 4, 31 Dec. 2006, 10.5380/rbdi.v4i4.10421. Accessed 5 Apr. 2020]ZW

The Trade Related Intellectual Property Rights Agreement of WTO is the most far reaching in terms of creating corporate rights and corporate monopolies. During the Uruguay Round of the GATT, **the United States introduced its flawed patent system into the**

WTO, and thus imposed it on the rest of the world. US Corporations have admitted that they drafted and lobbied on behalf of TRIPs. As a Monsanto spokesman said, “The industries and traders of world commerce have played simultaneously the role of patients, the diagnosticians, and prescribing physicians.” **TRIPs** Not only made Intellectual Property Rights (IPR) laws global geographically, but also **removed ethical boundaries by including life forms and biodiversity into patentable subject matter.** Living organisms and life forms that are self-creating were thus redefined as machines and artifacts made and invented by the patentee. Intellectual property rights and **patents** then **give the patent holder a monopolistic right to prevent others from making, using, or selling seeds. Seed saving by farmers has now been redefined from a sacred duty to a criminal offence of stealing “property”.** Article 27.3 (b) of the TRIPs agreement, which relates to patents on living resources, was basically pushed by the “Life Science” companies to establish themselves as Lords of Life. The **chemical companies of the world have bought up seed and biotechnology companies and reorganized themselves as Life Science corporations, claiming patents on genes, seeds, plants and animals.** Ciba Geigy and Sandoz have combined to form Novartis, Hoechst has joined with Rhone Poulenc to form Aventis; Zeneca has merged with Astia; Dupont has bought up Pioneer HiBred; and Monsanto now s Cargill Seeds, DeKalb, Calgene, Agracetus, Delta and Pine Land, Holden and Asgrow, Seminis. **Eighty percent of all genetically engineered seeds planted are Monsanto’s “intellectual property.”** And Monsanto owns broad species patents on cotton, mustard, soyabean – crops that were not “invented” or “created” by Monsanto but have been evolved over centuries of innovation by farmers of India and East Asia working in close partnership with biodiversity gifted by nature.

AND, TRIPS have patented agricultural goods that are 70% of indigenous medicine -Shiva ‘06

[Shiva, Vandana. “Profiteering from Death: TRIPS and Monopolies on Seeds and Medicines.” Revista Brasileira de Direito Internacional - RBDI, vol. 4, no. 4, 31 Dec. 2006, 10.5380/rbdi.v4i4.10421. Accessed 5 Apr. 2020]ZW

there were only one or two cases of such false claims to invention on the basis of biopiracy, they could be called an error. However, biopiracy is an epidemic. **Neem, haldi, pepper, harar, bahera, amla, mustar, basmati, ginger, castor, jaramla, amaltas, karela and Jamun have all been patented. The problem is not,** as was made, **out to be in the case of turmeric, an error made by a patent clerk.** The problem is deep and systemic. And it calls for a systemic change, not case-by-case challenges. That is we demand a change in TRIPS and Patent Laws Some have suggested that biopiracy happens because Indian knowledge is not documented. That is far from true. **Indigenous knowledge in India has been systematically documented, and this in fact has made piracy easier.** And even the folk knowledge orally held by local communities deserves to be recognized as collective, cumulative innovation. The ignorance of such knowledge in the United States should not be allowed to treat piracy as invention. The potential costs of biopiracy to the Third World poor are very high since **two thirds of the people in the South depend on free access to biodiversity. for their livelihoods and needs.** Seventy percent of seed in India is saved or share farmers’ seed; **70 percent of healing is based on indigenous medicine using local plants.** If a patent system that is supposed to reward inventiveness and creatively systematically reward piracy, if a patent system fails to honestly apply criteria of novelty and non-obviousness in the granting of patents related to indigenous knowledge, then the system is flawed, and it needs to change. It cannot be the basis of granting patents or establishing exclusive marketing rights. The problem of biopiracy is a result of Western-style IPR systems, not the absence of such IPR systems in India. Therefore, the implementation of TRIPs, which is based on the US style patent regimes, should be immediately stopped and its review started.

AND, TRIPS enable ethical perversion, criminalization of distributing seeds, and biopiracy -Shiva '06

[Shiva, Vandana. "Profiteering from Death: TRIPS and Monopolies on Seeds and Medicines." *Revista Brasileira de Direito Internacional* - RBDI, vol. 4, no. 4, 31 Dec. 2006, 10.5380/rbdi.v4i4.10421] ZW

There are three perversions inherent in patents on living material: 1.1 ETHICAL PERVERSION This refers to the claim that seeds, plants, sheep, cows or human cell lines are nothing but "products of the mind" "created" by Monsanto, Novartis, Ian Wilmut or PPL. **Living organisms have their intrinsic self-organization: they make themselves, and hence cannot be reduced to the status of "inventions" and "creations" of patent holders. They cannot be "owned" as private property because they are our ecological kin, not just "genetic mines."** 1.2 CRIMINALIZATION OF SAVING AND SHARING SEEDS The **recognition of corporations as "owners" or seed through intellectual property rights converts farmers into 'thieves' when they save seed or share it with neighbours.** Monsanto hires detectives to chase farmers who might be engaging in such "theft". 1.3 ENCOURAGES BIOPIRACY "Biopiracy" is the theft of biodiversity and indigenous knowledge through patents. **Biopiracy** deprives the South in three ways: It creates a false claim to novelty and invention, even though the knowledge has evolved since ancient times. Thus, biopiracy is intellectual theft, which **robs Third World people of their creativity and their intellectual resources. It diverts scarce biological resources to monopoly control of corporations, depriving local communities and indigenous practitioners.** Thus, biopiracy is resource theft from the poorest two thirds of humanity who depend on biodiversity for their livelihoods and basic needs. It creates market monopolies and excludes the original innovators from their rightful share of local, national and international markets. **Instead of preventing this organized economic theft, WTO rules protect the powerful and punish the victims.** In a dispute initiated by the United States against India, the WTO forced India to change its patent laws and grant exclusive marketing rights to foreign corporations on the basis of foreign patents. Since many of these patents are based on biopiracy, the WTO is in fact promoting piracy through patents.

AND, The commodification of agriculture risks future medicine and crops from being developed due to monoculture -Thompson '02

Mushita, Andrew T., and Carol B. Thompson. "Patenting Biodiversity? Rejecting WTO/TRIPS in Southern Africa." *Global Environmental Politics*, vol. 2, no. 1, 1 Feb. 2002, pp. 65–82, direct.mit.edu/glep/article/2/1/65/14146/Patenting-Biodiversity-Rejecting-WTO-TRIPS-in, 10.1162/152638002317261472. Accessed 9 Sept. 2021.(ZW).

Using the utilitarian argument that patents provide incentive and rewards for innovations, the WTO gives entitlement to ownership. The exploitation of traditional knowledge systems, without due regard to the original innovators, is not new. What is new is that the WTO legalizes privatization of what has been "borrowed" from "natural" reserves. As Correa notes: "The creation of knowledge by indigenous/traditional farmer communities is characterized and compared to knowledge production in the "science" and "technology" systems. Intellectual property rights are currently applicable to downstream activities, while knowledge generated upstream is deemed to be in the public domain, despite its economic value." 17 Plant breeding, however, cannot exist without access to many diverse varieties; it is a requirement. The so-called "raw materials" are germ plasm, and the narrow genetic composition of improved varieties makes them vulnerable to diseases so the breeder must return to the original parent strain for genetic variability for yet newer strains. However, in promoting adoption of new strains, there is constant danger that the original varieties may be lost, eliminating the essential resource for the new variety.¹⁸ **About 75 percent of active ingredients in pharmaceuticals come from plants in Southern countries.** To give just one example from **Africa, the rosy periwinkle of Madagascar provided two cancer drugs developed by Eli Lilly, which has reduced deaths from testicular cancer and childhood leukemia, making hundreds of millions of dollars**

for the corporation, and none for Madagascar.¹⁹ Today, Zimbabwe has over 50,000 registered traditional healers, using over 500 different types of plants for medicinal purposes. This traditional knowledge is so prized that medicinal plants are the objects of theft by pharmaceutical corporations.

Zimbabwe has taken more than one pharmaceutical corporation to court for patenting a local plant and the traditional knowledge of its use, without any reference to Zimbabwe, the source of the plant and the knowledge. The cost to take a corporation to court for stealing traditional knowledge is prohibitive for developing countries, estimated at US\$0.5–1.0 million per case.²⁰ Similarly, traditional cross-breeding of plants has provided seed and germ plasm to agribusiness, saving it millions of dollars. An Ethiopian crossbred barley in the 1950s saved the entire California crop from yellow dwarf virus, providing hundreds of millions of dollars to Californian agribusiness, but nothing for Ethiopia.²¹ A West African berry has a thaumatin plant protein which is 2000 times sweeter than sugar. The gene can already be inserted into fruits and if a sweetener is developed from the protein, it can be produced in genetically modified bacteria, eliminating the need for the berry itself. Not only will the original breeders of the berry not receive any benefit, but the genetically modified bacteria could run the world's sugar cane and beet sugar producers out of business.²² In fact, under the WTO TRIPS law, if extended to plants as planned, the original innovators may be sued by the one who stole the plant if they dare to use their berries as sweeteners. Further, traditional farmers have been innovative breeders for centuries and they classify their seed. Mende farmers in Sierra Leone have long conducted field trials to test new rice seeds for diverse soil types. In Rwanda farmers choose bean seeds that perform best in poor soils. In Zimbabwe and Mozambique, the consumers resist eating imported yellow maize, even in a drought, because they consider it cattle feed: their white maize varieties are bred for taste, not simply for yield. In Kenya it is said that the Bukusus people have a plant classification system superior to that of Carl von Linnaeus. Traditional farmers in breeding and classifying plants have sustained biodiversity, which is the foundation for modern pharmaceuticals and food crops.²³ The market for commercial seed is estimated at US\$45 billion, and growing. Only six corporations control the global commercial seed market: Monsanto, Dupont, Dow Elanco, Novartis, AgrEvo, and Zeneca. Investing in the future provided by creation of the WTO in 1995, Monsanto spent US\$6 billion, from 1996–98, to take control of seed and biotechnology companies. Monsanto currently has a research and development (R&D) budget that is more than twice that of the entire worldwide network of public sector tropical research institutes.²⁴ Biotechnology may prove to be the miracle technology of the 21st century, providing cures and prevention for HIV/AIDS or for devising new foods not yet imagined. However, it also poses many dangers, especially if owned and controlled by the very few. **Those criticizing the WTO are not criticizing biotechnology. They are criticizing the privatization of knowledge, the restriction of free sharing.**²⁵ The argument here is that the **WTO legal regime will privatize biotech discoveries, make them available only if large profits are made—and can threaten biodiversity by promoting** (paying for, valuing) **monoculture.** Loss to biodiversity is not readily documented because no one knows how many plant species there are, and species become extinct in the process of evolution. The Green Revolution is perhaps the best example of how local diversity may give way to corporate monoculture. **In India, over 75 percent of total rice production uses less than 10 percent of the 30,000 varieties of rice available.** In Bangladesh, with 22 percent of the rice areas planted to modern varieties, 62 percent of those are from one maternal parent.²⁶ **The current world food supply is highly vulnerable. Loss of diversity is loss of plant resource by which to improve varieties, either in the field or in the laboratory. Specialization threatens the genetic pool and increases instability of the ecological systems.** In Southern Africa professional plant breeders register their varieties and governments follow internationally recognized plant breeders' rights. However, most of the registered plants are for cash crops. As of 1999, Zimbabwe has 31 genera or species protected, with 70 percent of the applications for cash crops.²⁷ When one considers food crops, the majority of seed is saved and informally exchanged, except for maize seed. Nongovernmental organizations (NGOs) are working with small farmers to increase their seed propagation and improve open pollinated varieties of grain and pulses.²⁸ The serious question is—do improved varieties, whether by plant breeders or small farmers, have to be patented? If not patented, what are alternative means of protection of a nation's indigenous plants? The goal of TRIPS of the WTO is to transform Southern Africa's dual exchange—market place and on farm—into only market purchase. Southern Africa proposes alternatives which would protect plant resources and reward innovation, and not only that which occurs in a laboratory.

Monoculture leads to a litany of impacts i.e. child hunger, disease, and even extinction

-Grant '07

Grant, S. M. (2007). *The Importance of Biodiversity in Crop Sustainability: A Look at Monoculture*. *Journal of Hunger & Environmental*

Nutrition, 1(2), 101–109. doi:10.1300/j477v01n02_07 (ZW)

Monoculture is presently associated with the move towards agricultural production for the market rather than consumption.^{10,19} Its strength, in theory, is that farmers, through production of mass quantities of a few crops that are in demand, can exploit all that this market can offer, without having to risk planting other varieties of crops that may not be in demand.⁹ Monoculture and the high-yielding varieties of cash crops released during the Green Revolution have been associated with the increased food production and productivity in South Asian regions during the past few decades. Monoculture has also been connected to the significant growth in the international food market and food assistance during the 1960s.¹³ Between 1970 and 1990, however, almost **half of the world's less developed countries suffered a decline in aggregate food supply and more than a quarter suffered from an increase in child hunger.**¹⁹ In Africa and parts of Asia, **a reduction in traditional agricultural practices has resulted in an increase of food insecurity** at the household level.^{1,7,14,20} Subsistence farmers and near-subsistence farmers, many of whom previously supplemented their income by working for wealthier landowners, have seen their lands confiscated and their jobs replaced by pesticides, herbicides, and machines. These practices, implemented to grasp the opportunity provided by monoculture crops, were adopted by the large growers to eliminate the potential threat posed by trade unions and other farmers.^{9,14} The increased use of pesticides became unavoidable after traditional methods of mixed cropping, or intercropping, were replaced by **genetically uniform crops vulnerable to pests and disease.**^{5,14,21} **Adoption of monoculture** and its associated practices are also **linked to** an increase in the female work burdens and **higher incidence of malnutrition and morbidity**, when compared with practices in neighboring, less commercialized, regions. This significant relationship is observed in spite of an increased Gross National Product (GNP) and improved food security on a national level.^{7,20} The loss of dietary diversity has been widely recognized as a cause of vitamin A deficiency in developing countries. This loss of dietary diversity has also been linked to deficiency in other essential vitamins and minerals. Iron deficiency, for example, is estimated to affect one quarter of the world's population.⁷ In rural areas of India, families have diets that are only sufficient in the cereal and grains category. In all regions of India, diets lack diversity in terms of fruits, green vegetables, and nuts with 8 to 30 percent of all families deficient in vitamin A.²² Dietary diversity is also becoming a major concern among the developed countries, as they are beginning to recognize that although their diets are rich in calories, they lack the diversity that is required to prevent a number of vitamin and mineral deficiencies.^{23,24} With the recent move towards environmental awareness in industrialized countries, those involved in food growth and distribution are recognizing that monoculture and its associated practices are not sustainable.^{25,26} Americans are looking for alternatives to the monoculture that has cultivated a surplus of corn fields and that is responsible for eliminating 80 percent of the over 7,000 apple varieties that were once available.^{10,27} **Under a monocultural system, plants have to compete for nutrients at the same time, in the same proportion, and at the same depth. Plants under the monocultural system cannot help retrieve nutrients or water below their roots to benefit the rest of the crops in the field. Therefore, basic nutrients must be supplied artificially and abundantly for a nutritionally adequate yield.**

If the supply of such nutrients is not sufficient, there is a decreased mineral content in foods cultivated in monoculture, which adds to consumers' risk for mineral deficiencies.²⁸ There has been longstanding concern that modern plant breeding and cultivation reduces genetic and/or species diversity. Such reduction has been linked to an increased vulnerability of crops to changes in pests and diseases and a decrease in their ability to respond to changes in climate and agricultural practices.⁵ Hurricanes in Central America have shown that traditional land management systems are more resilient in the face of natural disasters. In October, 1998, Hurricane Mitch devastated Honduras, Nicaragua, and Guatemala. Conventional farms using the industrial model of chemical-intensive monoculture had 60 to 80 percent more soil erosion, crop damage, and water loss, than those that practiced traditional methods such as crop mixing, biological pest control, and water conservation.¹⁵ For countries with little money for social safety nets, it is essential to give priority to this kind of resilience, protecting people from the loss of their livelihood.^{15,21} Definitions of productivity have been shifting. Recent studies have been measuring the overall farm productivity, rather than the yields of monocrops. Counting the benefits that diverse farm systems offer in terms of nutritional output and sustainability is being stressed.¹⁵ Diverse farm systems may not see the same yield levels that monocultured, high yield crops treated with fertilizers and pesticides can, if you compare crop to crop. Overall productivity, nevertheless, is much greater in the long term and the yield of the land increases significantly with less intensive, diverse cropping.¹⁵ The extensive cultivation of scientifically developed crop varieties has contributed immensely to the world's food production.¹³ Yet, this practice has also led to "genetic erosion" and in turn has hindered efforts to further improve crop varieties.⁹ It is estimated that the introgression of new genes or the incorporation of new gene complexes into some breeding programs will be necessary to overcome the possible inability to further improve crops, to avoid genetic vulnerability to biotic stresses, and to widen crop adaptation to new environments.¹⁸ In spite of impressive achievements in yield and disease resistance, concern about narrowing of the oat gene pool is warranted. Cultivar development in Canada since 1930 has been largely based on a genetic foundation of fewer than ten parental lines.¹⁸ This situation may also be true for the oat breeding programs in the United States, as most oat germplasm used for cultivar development before 1970 traced back to only seven varieties, which originated in Europe.¹⁸ Fu et al.¹⁸ confirmed the narrowness of the Canadian oat gene pool during analysis of data compiled on allelic diversity in 96 cultivars released from 1886 to 2001. The data revealed that the average number of alleles per cultivar was 1.29 for the 1930s, 1.27 for the 1940s, 0.92 for the 1950s, 0.60 for the 1960s, 0.53 for the 1970s, 0.62 for the 1980s and 0.64 for the 1990s. These results indicate that cultivars released before 1960 had more alleles than those released after 1960. Fu et al.¹⁸ reported that the reason the number of alleles increased from 1970 to 1980, was that a number of new alleles were added. These new varieties are attributed to modern selective breeding techniques. Over the past 30 years there has been an increase in the practice of monoculture and the use of growth fertilizer on Asian rice crops. This increase is attributed to the intense competition for survival among farmers unable to afford the high-yielding, pest-resistant "miracle seeds" introduced during the Green Revolution.^{9,14} The annual growth of fertilizer use on Asian rice has been up to 40 times faster than the growth of rice yields.¹⁴ Recently, however, rice farmers have been introduced to the practice of rice-fish farming, where the rice paddy can double as a fish-breeding ground. This cultivation alternative gives farmers access to fish protein without increasing their land holdings.^{9,15} The introduction of fish into the paddy fields has been shown to reduce the need for pesticides, increase the farm household income, and diversify agriculture production. Thus, it is believed that integrating farming systems can help farmers increase their farm incomes and enhance agricultural and rural development.^{9,29} Most farmers recognize that modern agricultural practices have contributed tremendously to the loss of traditional varieties from agroecosystems and that more sustainable alternatives exist. Many, however, feel that they are unable to adopt more sustainable growing techniques due to economic demands.^{15,29} In modern agricultural systems, farmers' decisions are influenced to a large extent by

market demand, changes in government policies, and other socioeconomic factors. Furthermore, considerations such as culture, religion, labor, technological skills, and dietary preferences also come into play.^{9,29} Zhu et al.⁹ reported great success among farmers who made use of mixed planting practices (intercropping) of traditional and hybrid rice varieties in Vietnam. Those who adopted these alternative methods recognized them as an ecologically sensitive approach to disease control, due to an apparent yield increase and decrease in fertilizer use. The data displayed that the number of traditional rice varieties in cultivation has increased dramatically, following the adoption of intercropping, and now includes some varieties that were formerly close to extinction. Among farmers, rare and endangered species have become more popular, where over the past decades farmers have reluctantly abandoned many of these varieties. This abandonment was based on their inability to grow them in monoculture, due to susceptibility to rice blast and other diseases.³⁰ Conservation of crop diversity brings substantial economic benefits to farmers. Cultivation techniques associated with conservation, decrease the need for fertilizer, pesticides, and energy input, and produce high outputs.^{9,30} They also meet the demand of the market for some high quality and culturally important traditional rice varieties and improve agricultural ecosystems by significantly reducing pesticide use. Mixed planting of various combinations of crop species, such as wheat and fava beans, potato and maize, and oil rape and fava bean promise conservation and sustainability as well.⁹ Crop diversity management practices, however, are not a perfect solution to all of the world's agricultural problems. It is not effective as a preventative measure for disease for which resistance is species nonspecific, for example.⁹ In addition, this method is easily adopted and popularized only in agricultural systems where manpower operation is still predominant. It would be difficult, at present, to apply the method in agricultural systems that employ industrial equipment.¹⁴ If crop diversity management proves to be practical for pest control, maintenance of high yields, and environmental protection, industrial equipment suitable for its application would have to be designed. An example of a circumstance where this has already been implemented would be the celery and leek intercropping system in Switzerland.⁹ It is

recognized that a threat to the future survival of mankind is loss of biodiversity.³⁻⁵ **Monoculture is a term that can be applied to any instance where a single practice, species or behavior is favored by a population and exploited to the point where other practices, species or behaviors are at the risk of extinction.**^{2,6-9} Monoculture and its associated practices, therefore, run counter to biodiversity. Numerous ecological, agricultural, and economic studies have concluded that loss of variety and diversity makes a system vulnerable to its surrounding environment.^{4-5,12,14,18,21} Recent studies have also reported the negative repercussions of extensive pesticide and fertilizer use on the environment.^{9,14,29} Modern agriculture techniques and technologies are available to support more diverse and sustainable agriculture and only a select few have been presented in this short account. If we as a global community are to move towards a more resilient and viable agricultural economy, the following must be made a reality for future generations: A balance of power among the members of the food chain, open-mindedness to time-tested and new cultivation techniques, an appreciation of the natural diversity that exists, and recognition of ourselves as a small part of a larger ecosystem.

I affirm. I offer the following plan text: the member nations of the WTO ought to remove patent protections on agricultural medicine. I'm willing to specify the definitions during CX.

Merriam-Webster defines medicine as: **a substance or preparation used in treating disease**

"Merriam-Webster Dictionary." *Merriam-Webster.com*, 2021, www.merriam-webster.com/dictionary/medicine. Accessed 30 Sept. 2021.

Removal of the G8 solves for biopiracy -Shiva '06

[Shiva, Vandana. "Profiteering from Death: TRIPS and Monopolies on Seeds and Medicines." *Revista Brasileira de Direito Internacional - RBDI*, vol. 4, no. 4, 31 Dec. 2006, 10.5380/rbdi.v4i4.10421] ZW

Monopolies on medicines and seeds are threatening the lives of millions. What is needed is a completion of the review of TRIPs and implementation of the Doha public health declaration. Article 27.3 (b), which allows the patents on seeds and plants, was to be reviewed in 1999 and by 2000, countries could amend the TRIPs agreement as a whole. However, the **G-8 has systematically blocked the review process.** In 2001, countries signed the Doha Declaration, which states, "The TRIPs agreement can and should be interpreted and implemented in a manner supportive of WTO member's right to protect public health and in particular to promote access to medicine for all." **Yet, instead of promoting access to seed for all farmers and access to medicines for all, the G-8 is promoting access to monopoly markets for those pharmaceutical giants, which are also the seed biotechnology giants.** The priorities for the G-8 submitted as identified by the Personal Advisor to the Chancellor (Berlin, October 10, 2006) repeated refers to stronger IPR rights for corporations, and hence weaker rights to food and medicine for citizens. The note on priorities states, There is no mention of biopiracy. Product patents are assumed to be a right and process patents are defined as "product piracy". This is a trait support to corporate monopolies over seeds and medicines. Instead of making a commitment to the outstanding review of TRIPs, the G-8 priority is to create new agreements to enforce monopolies for corporations. "The ability of knowledge based societies to innovate is increasingly challenged by violations of intellectual property rights. In this context, the German G8 Presidency aims to bring the protection of innovation through international and domestic law onto the G8 agenda. Our particular attention goes to improving the implementation of intellectual property rights. However, we are primarily concerned with developing new initiatives within the G8 framework, for instance few international agreements that are necessary to solve problems with the implementation of existing national and international rules. In particular, we aim to initiate a structured dialogue with emerging countries about the protection of intellectual property. We assume that given the effort to develop their own technological innovations, these countries will also have a growing interest in improving the protection and implementation of intellectual property rights. India and China are resisting another international agreement, to force implementation of the biased TRIPs agreement which needs reform not implementation. This sounds like TRIPs plus. If **TRIPs has killed hundreds of thousands of farmers, by denying them seeds, and threatens to**

kill millions of people by denying them medicine, how much more violence will a TRIPs plus, driven by the G-8, unleash on the poor of the world? Corporate intellectual property rights have become a threat to the survival of the poor. The G-8 cannot talk about achieving the Millennium Development Goals while **it promotes monopolies on seeds and medicines.** It cannot talk of a knowledge economy if it robs people of access to knowledge. And it cannot talk of equitable globalisation if **it denies the right to food and the right to health through monopolies in agriculture and medicine.** It cannot talk of a knowledge economy if it robs people of access to knowledge. And it cannot talk of equitable globalisation if it denies the right to food and the right to health through monopolies in agriculture and medicine.

TRIPS enabled biopiracy to occur, stealing indigenous knowledge -Tedlock '06

Tedlock, B. (2006). *Indigenous Heritage and Biopiracy in the Age of Intellectual Property Rights*. *EXPLORE: The Journal of Science and Healing*, 2(3), 256–259. doi:10.1016/j.explore.2006.03.010

This changed radically when the CBD was presented at the “Earth Summit” in Rio de Janeiro, Brazil, on June 5, 1992, to 178 nation states and more than 1,000 nongovernmental organizations (NGOs). On December 29, 1993, the international legal agreement, known as the Biodiversity Treaty, was signed by 167 nations and entered into force. The treaty called on each nation state to conserve, to sustainably use, and to share the benefits of biological diversity, broadly defined as the variability among living organisms from all sources including terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part, including diversity within species, between species, and of ecosystems.²⁰ In 1994, the WTO developed a global patent system based on the US legal concept of intellectual property rights. Under this new legal regime, known as the Trade Related Aspects of Intellectual Property Rights Agreement (TRIPS), **individuals and groups who claim to have “discovered” or “invented” something are given a monopoly over the commercial development of their innovation over a limited time period (usually 20 years).** Anything that is not protected by intellectual property rights is considered to be in “the public domain,” which means it can be exploited by anyone without concern for the wishes of the original knowledge holders and without sharing any monetary or other rewards with them. To address this problem, the TRIPS legislation required each nation state to create patents for all life forms found in its territory.²¹ The **TRIPS agreement encouraged the bioprospecting activities of large transnational pharmaceutical firms, who claimed the traditional knowledge they gained from conversations with indigenous peoples about the efficacy of their plants as their own private property, to do with as they pleased.**^{22–24} Scientists took plants hybridized for generations by indigenous peoples, without the knowledge of members of the local community in which it was “discovered” by outsiders, and patented it. In so doing, they claimed ownership of the entire species and received all future profits from it. Universities together with bioprospecting corporations and the governments of various nation states went into the business of transferring knowledge from the public domain— indigenous cultures where it was wellknown—to private domains— university laboratories and transnational pharmacological corporations—where it was unknown.²⁵ Indigenous intellectuals and scientists objected, **noting that the TRIPS legislation focused on the material and commercial aspects of knowledge at the expense of the immaterial cultural and spiritual aspects of knowledge.**^{26,27} Shortly after ratification of the TRIPS agreement, Colorado State University together with the nation state of Peru patented *Apelawa Quinoa*, an Andean cereal grain. *Apelawa* is the name of an indigenous village on Lake Titicaca at which scientists first picked Quinoa seed samples. Because the patent covered a method of hybridizing this cereal crop, it subsumed 43 other traditional varieties of Quinoa, named after other villages stretching from Ecuador to Chile.²⁸ Indigenous leaders became concerned about this and other cases and created activist educational organizations such as the Indigenous Peoples Council on Biocolonialism, the Indigenous Peoples’ Biodiversity Network (IPBN), *Accion Ecologica*, and the Association KechuaAymara for Sustainable Livelihoods, ANDES. They found lawyers to help them to protect their plants and traditional healing knowledge from “biopiracy.”²⁹ The concept of biopiracy was coined by a Canadian NGO known as the Rural Advancement Foundation International (RAFI) to cover the unauthorized and uncompensated expropriation of traditional knowledge. This includes the patenting of seeds and trees, healing herbs, and the selling of human body tissue.^{30–32} In Colombia, the Genetics Institute of the University of Javeriana in Bogotá

gathered tissue samples from hundreds of Colombian indigenous people. In the early 1990s, they sent 2,305 blood samples to the US National Institutes of Health, which “invented” the Hagahai cell line and then patented it in March of 1995.

Advantage 2 - Neo-Colonialism

TRIPS is a form of neocolonialism and was constructed upon white man’s burden, Rahmatian ‘10 says,

Rahmatian, Andreas, Neo-Colonial Aspects of Global Intellectual Property Protection (June 23, 2010). The Journal of World Intellectual Property, Vol. 12, No. 1, pp. 40-74, 2010, Available at SSRN: <https://ssrn.com/abstract=1629228> (A.B.)

An essential instrument in the process of **neo-colonialisation by economic means is** the establishment of a legal framework of international trade which confers legally enforceable rights that support and safeguard economic penetration and control. This includes, as a prerequisite for **the making of an “informal empire” like in colonial times, the creation of property rights** and the guarantee of protection of foreign property rights in dependent regions. However, unlike in the colonial era, the most important property rights, which fulfil this role in the twenty-first century, are intellectual property rights. This is because **intellectual property rights** do not attach to objects of physical substance, like land, raw material or plant and machinery, but **are abstract legal concepts of unlimited flexibility as regards extent and time**. The fairly recent implementation of the Agreement on Trade-related Aspects of Intellectual Property Rights **(TRIPs) is one major device which drives economic neo-colonialism** forward, and the process of the making of TRIPs also demonstrates this development. [...] In return for the protection of their own rights, **Western countries could generously agree to recognise Western Type intellectual property rights originating from developing countries, because these rights were unlikely to arise often and would not pose a real competitive threat**. This is a good example of the liberal ideal of two equal contracting parties that is blind to the real imbalance created by political and economic realities. It could also be seen as a **modern version of constructed savagery of the non-developed world which will be overcome by the gift of intellectual property rights from the developed and civilised nations**. **How Western in nature TRIPs effectively is, can be shown by the fact that Western national legal systems have had to adapt little to TRIPs**,¹⁸ while, for example, Latin American and Caribbean states had to make significant changes in their intellectual property laws to implement the minimum standards

TRIPS prioritize western profit over human rights, Chapman ‘02 says

Chapman, A. R. (2002). The Human Rights Implications of Intellectual Property Protection. Journal of International Economic Law, 5(4), 861–882. <https://doi.org/10.1093/jiel/5.4.861> (A.B.)

There has also been concern with ways in which TRIPS-related requirements complicate medical research into health-related problems prevalent in poor countries. In theory, intellectual property rights act as an incentive for the innovation of new technology, including pharmaceuticals by providing protection for investors, but a system based on commercial motivation does not necessarily work well in producing medicines appropriate for the needs of poor countries. Using World Health Organization data, the High Commissioner’s report points out that **the pharmaceutical industry directs its research first** and foremost **towards ‘profitable’ diseases in markets where the return is likely to be greatest**. As a result, **diseases that predominantly affect people in poorer countries, even when the numbers are very high, such as tuberculosis and malaria, are considered to be bad investments and therefore remain neglected**. It cites the fact that of the 1,223 new chemical entities developed between 1975 and 1996, only 11 of them were directed to the treatment of tropical diseases.

Given this situation, the report suggests that states implementing the articles of the Covenant related to the right to health and the right to the benefits of science may need to use alternative mechanisms to relying on patents to provide incentives. The High Commissioner's report discusses several other problems related to the patenting of pharmaceuticals. One is the tendency of patents to encourage the development of 'me-too' drugs, products that are sufficiently different to be considered novel for the purposes of patent protection but have similar effects as previously patented drugs. The report is concerned that a reliance on patents may result in a concentration of some kinds of essential products and their dissemination in the hands of a few corporations.⁷⁸ It also mentions that the grant and exercise of intellectual property rights, particularly the practice of granting broad patents, can block future research and resulting innovations. Here the report comments that this situation could have implications for states' human rights responsibilities to undertake to respect the freedom indispensable for scientific research and creative activity (Article 15.3 of the Covenant).⁷⁹ Yet another issue detailed in the report is the potentially negative effect of intellectual property protections on the use of traditional medicines within indigenous and local communities; the report notes that up to 80% of the world's population still depends on traditional medications for its health care needs.

TRIPS increases poverty and death in developing countries, Kumar '19 says,

Kumar, Daanyaal R. (2019). United States Patents, Biopiracy, and Cultural Imperialism: The Theft of India's Traditional Knowledge. *Inquiries Journal*, 11(10). Retrieved from

<http://www.inquiriesjournal.com/articles/1769/united-states-patents-biopiracy-and-cultural-imperialism-the-theft-of-indias-traditional-knowledge> (A.B.)

The United States forced India to create stricter patent laws on pharmaceutical products so they could not out-compete U.S pharmaceutical industries. This was done by pressure and lobbying efforts from U.S. PhRMA on the World Trade Organization. In 1994, the World Trade Organization created the TRIPS (Trade-related Aspects of Intellectual Property Rights) agreement which called for the creation of patent law on pharmaceutical and agricultural products (Tomar, 1999, p. 579). India was forced to sign the TRIPS agreement as a member of the World Trade Organization. A ten year grace period was granted to implement the pharmaceutical and agricultural patent laws, and less time to implement other aspects of the TRIPS agreement. One minor technical aspect of the TRIPS agreement was not implemented by the deadline in India and in response, the United States filed a formal investigation into India for violating the TRIPS agreement (Tomar, 1999, p. 580). The U.S. put pressure on India to ensure that India implemented its patent system quickly and followed the TRIPS agreement as it led to economic profit and power for U.S PhRMA. The TRIPS agreement helped the United States garner economic power within India's domestic market; it took money out of India's economy and put it into the U.S economy, causing many Indian citizens to lose money and pharmaceutical jobs that were previously available (Barsh, 2001, p. 159). The full implementation of the TRIPS agreement in India caused an increase in drug prices and negatively affected impoverished Indian communities (Tomar, 1999, p. 582). Additionally, the increase in prices in medicines in India has led to higher mortality rates in the country (Umamaheswari & Prabu & Puratchikody, 2017, p. 1). As a result of the United States using patent law to subjugate and maintain their power over a weaker country such as India, it indirectly caused the death of many Indian people. U.S PhRMA chose economic power over the lives of impoverished Indian citizens.

Underview

1AR Theory – a] the aff gets it because otherwise the 1NC could engage in unchecked, infinite abuse which outweighs anything else, b] it's drop the debater because the 2AR is too short to win a shell AND substance so theory can only check abuse for the aff if it's a win condition, c] no neg RVI because otherwise they could dump in the 2nr for 6 minutes and get away with

anything by sheer brute force, d) competing interps because you have 6 minutes to respond to my 1ar arguments so you should have to prove a better model e) Aff theory first – it's a much larger strategic loss because 1min is ¼ of the 1AR vs 1/7 of the 1NC which means there's more abuse if I'm devoting a larger fraction of time.

DEFENSE

IP is worse for innovation— it favors developed countries and prevents innovation through imitation or innovation in places outside the wealthy nations

Chao and Mody 15 [(Tiffany E, Department of Surgery, Massachusetts General Hospital, Boston, Massachusetts, USA) (Gita N, Program in Global Surgery and Social Change, Harvard Medical School, Boston, Massachusetts, USA) “The impact of intellectual property regulation on global medical technology innovation,” BMJ Journals, 3/5/15.

<https://innovations.bmj.com/content/1/2/49>] ¶

Technology innovation has the potential to expand equitable healthcare to underserved populations in global health. At the same time, **device patents and their legislation can be barriers to innovation for developing countries**.

For example, the WHO has developed a ‘Compendium of innovative health technologies for low-resource settings’.¹ Most of these technologies are inexpensive to develop, inexpensive to manufacture and relatively easy to use. Nevertheless, the WHO clearly states that inclusion in their Compendium does not necessarily mean **“the use of the technologies is...in accordance with the national laws and regulations of any country, including...patent laws.”** Of course, it would be a challenge to innovate in the absence of legislation on trademark laws and trade secrets. Since the profitability of devices depends on leveraging existing pathways for device development, manufacturing and distribution, intellectual property (IP) protection is a major aspect of commercialisation of technologies. Certainly investors in new start-ups look for IP protection as a high priority. Regulation of IP, therefore, is necessary to stimulate invention and new technologies. However, for technologies in low-resource settings, **IP protection has historically been sparse.** The World Intellectual Property Organisation

reports that in 2012, **high-income countries shared 64.5% of the world's total number of patents, while lower-middle-income countries held only 2.9%, with low-income countries owning only 0.4%.**² **This disparity clearly demonstrates limited IP support for frugal innovation emerging from developing countries.** Ironically, **inventors in low-resource settings are presented with an abundance of important clinical needs and fewer established infrastructure constraints,** so that **there is a vast untapped potential for innovations to originate in these settings and move to the more developed world (known as reverse innovation).**³ **Inventors of healthcare devices for the developing world have varying interest in pursuing patent protection of their devices.**⁴ High cost, time and logistics are oft-cited reasons for not pursuing patents. **Factors influencing the cost include not just the expense of filing (which can be thousands of dollars) but also fees for legal counsel and maintenance of the patent.** These costs are a barrier in their own right, and they can also **lead to increases in the price of the end product,** which can be significant in a highly cost-sensitive market. **An additional barrier is limited knowledge of complicated international patent laws with inadequate access to qualified IP lawyers.** In cases where out-of-country universities are involved in patenting the technologies, the bureaucracy involved in dealing with the technology transfer office and their inexperience in executing foreign filings is a barrier (though there are counterexamples of very significant university partnerships in developing bottom-of-the-pyramid technologies). Another major reason for **limited IP protection of technology for low-resource settings is the spirit behind the innovation in the first place;** inventors designing for

low-resource settings are often interested in keeping their device design open source, to maximise spread and impact. Also, consumers of the technologies are highly focused on affordability. Prosecution of infringement of IP laws in low-resource settings is limited, and violating IP laws is a pragmatic way for ‘copycats’ to reduce their investment costs in research and development, and quickly sell products, getting healthcare technology to those who need it. Most countries do operate under patent laws compliant with the Trade-Related Aspects of Intellectual Property Rights (TRIPS) agreement, a framework that requires IP laws to resemble those of developed areas. This agreement applies to all WTO member countries. Therefore, unless a developing country wishes to withdraw from the WTO, its IP laws are required to resemble those in the USA or Europe, leaving little flexibility to tailor to local needs.⁴ This means that international IP laws are often in the economic interests of developed countries rather than in the innovation interests of other countries.⁵ As a result of these issues, the most prevalent strategy among global health technologies has often been to develop without regard for IP protection. A major advantage of this approach is that it can allow for open-source innovation, permitting technological learning through imitation. This approach can also eliminate the many costs of foreign protection or patent enforcement, allowing for a frugal approach to the initial development of the technology itself. Furthermore, this approach is most in line with the collaborative spirit of global health innovation. Nevertheless, there do exist some opportunities for frugal approaches to IP. Simplified legislation or pro bono opportunities for counsel allow an effective system of justice for inventors to take full advantage of legislation to promote innovation.⁶ Grants and other forms of non-dilutive funding enable inventors to develop global health technologies without being overly concerned about licensing or investment opportunities. Some potential legislative changes also could be made, such as creation of public–private partnerships that could facilitate government-funded research to be protected and disseminated at affordable cost in such countries.⁷ Other existing exemptions in international agreements could be implemented, including research exemptions for experimental uses of IP or government imposed non-exclusive or compulsory licensing.⁸ While there remains potential for more imaginative IP legislation in developing countries, original technologies continue to be developed in these settings. On the international stage, forums such as the WHO Global Forum on Medical Devices highlight emerging technologies that “impact the continuum of care ranging from screening to diagnosis, treatment and rehabilitation under the Universal Health Coverage Strategy.”⁹ These platforms demonstrate that despite the hurdles faced by developing economies in capturing the benefits of IP laws, global health technologies can be and will continue to be developed outside of these limitations.