## 1

#### Interp: The affirmative must only garner offense off of the consequences of hypothetical policy implementation of the resolution: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines. To clarify, affs cannot be extra-T.

#### Violation:

#### 1] Garnering offense from form implies their speech act is an advocacy. CX proves and hold the line – at best, they’re Extra-T which still links to our predictability offense.

#### 2] The 2nd card pretty clearly indicts debate and the entirety of the 1AC is about rhetoric NOT consequences. If I read a DA, they’d claim performative offense.

#### 3] The aff affirms rhetorical decolonization within member states – the topic pretty clearly doesn’t say anything about decol

#### Vote neg—

#### 1] Predictable limits – not affirming the resolution makes debate impossible because they get to affirm anything – literally thousands of aff. Their interp incentivizes affirming uncontestable statements like “2+2=4” or “racism bad” and the lack of a stable mechanism means they can always de-link from the few responsive generics.

#### 2] Strategy skew – the aff is incentivized to solve any disad if they can go beyond a topical action

#### 3] TVAs: There’s a bio colonialism aff– affirm ending IP that derives medicines from indigenous knowledge.

#### It's okay if this doesn't solve their offense—the disads to the TVA are neg ground. This teaches debaters to work within imperfect situations for marginal gains, and forces them to refine their arguments round to round which hijacks their survival arguments.

#### T is drop the debater and competing interps—

#### The round has been irreparably skewed—I had to read T in order to engage the aff and that altered allocation on other issues which means you risk making the incorrect decision on substance especially if they don’t read a counter interp for debate

#### It’s an indict of their advocacy—they don’t defend topical action so if I win T their entire advocacy goes away and you have to default neg

#### No RVIs – you don’t win on being topical

## 2

#### CP Text: We should use rhetorical decolonization to reduce intellectual property protections for medicines in the member nations of the World Trade Organization except for medicines except for those medicines created, discovered, preserved, or primarily used by Indigenous peoples. IP rights for those medicines should be expanded in a flexible and culturally appropriate context according to principles of IP law including but not limited to repression of unfair competition, recognition of rights, equity and benefit-sharing, prior informed consent, full and effective participation of knowledge holders, and an appropriate framework for access as per the Sinjela and Ramcharan card. IP rights should never prevent Indigenous people from taking advantage of their own knowledge.

#### Indigenous people need strong intellectual property rights to traditional medicines – their unique medicinal knowledge is open to appropriation and theft from larger Western pharmaceutical companies without it – Sinela and Ramcharan ‘05

SINJELA, MPAZI, and ROBIN RAMCHARAN. “Protecting Traditional Knowledge and Traditional Medicines of Indigenous Peoples through Intellectual Property Rights: Issues, Challenges and Strategies.” International Journal on Minority and Group Rights, vol. 12, no. 1, 2005, pp. 1–24. LK

At one stage a desire began to emerge in indigenous circles for a forum in the United Nations that dealt not only with human rights issues but with the broad range of environmental, developmental and cultural issues affecting indigenous populations. This led to calls for the establishment, as a subsidiary body of the ECOSOC, of a permanent forum on indigenous issues. This forum was finally established in 2000 and met for the first time at UN headquarters in New York in the summer of 2002.9 The Permanent Forum has thus far held three sessions. As of the time of writing there is a debate going on whether the buo Commission's Working Group on Indigenous Populations should be continued in the light of the establishment of the Permanent Forum. Some governments have apparently favored the discontinuance of the Working Group while indigenous peoples favor its continuation. At the Summer Session of the ECOSOC in 2004 the Secretary General of the United Nations submitted a report summarizing the views of States and indigenous organizations on this issue, and, as of the time of writing, the issue still remains open. The study by Mr. Martinez Cobo, the Working Group on Indigenous issues, the working group on a draft declaration and the Permanent Forum have thus been the main building blocks within the United Nations in the past four decades to advance the human rights of indigenous peoples. In the course of their work, they have, inter alia, highlighted the need for the protection of the intellectual property rights of indigenous peoples. Following on from the work of Mr. Martinez Cobo, cultural heritage and intellectual property have been issues of interest to the Working Group. In 1992, the Working Group and the World Intellectual Property Organization (WIPO) held a Technical Conference on Indigenous peoples at which participants recommended that the United Nations develop more effective measures to protect the intellectual and cultural property rights of indigenous peoples.10 A 1993 report by Erica Daes, Chairperson of the Working Group, on the protection of cultural and intellectual property, noted that the term "'indigenous' embraces the notion of a distinct and separate culture and way of life, based on long-held traditions and knowledge which are connected, fundamentally, to a specific territory. Indigenous peoples cannot survive, or exercise their fundamental human rights as distinct nations, societies and peoples, without the ability to conserve, revive, develop and teach the wisdom they have inherited from their ancestors."" The Chairperson was "compelled to the conclusion" that the distinction between cultural and intellectual property, from the indigenous viewpoint, was an artificial one. Indeed, "Industrialized societies tend to distinguish between art and science, or between creative inspiration and logical analysis. Indigenous peoples regard all products of the human mind and heart as interrelated, and as flowing from the same source: the relationship between the people and their land, their kinship with other living creatures that share the land, and with the spirit world. Since the ultimate source of knowledge and creativity is the land itself, all of the art and science of a specific people are manifestations of the same underlying relationship, and can be considered as manifestations of the people as a whole."12 It is not a coincidence that Article 8(j) of the 1992 Convention on Biological Diversity (CBD) adopted at the Rio Earth Summit, creates legal obligations for States party to respect, preserve and maintain knowledge, innovations and practices of indigenous people related to the conservation and sustainable use of bio diversity. The protection of cultural and intellectual property "is connected fundamentally with the realization of the territorial rights and self determination of indigenous peoples".13 The Chairpersons' report noted that the Working Group had received news from "indigenous representatives from every continent about the priority and urgency they attach to the protection of their spiritual and cultural life, arts and scientific and medical knowledge".14Consequently, the Draft Declaration prepared by the Sub-Commission, while recognizing in its preamble the "inherent rights and characteristics of indigenous peoples, especially their rights to their lands, territories and resources," provided for the right to fully participate, inter alia, in the cultural life of the State (Article 4), the right to revitalize and practice their cultural traditions (Article 11), the right to revitalize, use, develop and transmit to future generations their language, oral traditions, writing systems and literatures (Article 13) and, more importantly for present purposes, "the right to their traditional medicines and health practices, including the right to the protection of vital medicinal plants, animals and minerals" (Article 22). In this vein, the draft Article 27 provides that "[indigenous peoples have the right to special measures to protect, as intellectual property, their sciences, technologies and cultural manifestations, including genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs and visual performing arts". Moreover, Article 28 provides that States should seek the free and informed consent of indigenous peoples "prior to commencement of any projects on their lands and territories, particularly in connection with natural resource development or exploitation of mineral or other sub-surface resources".15 In December 1995, to give impetus to the Decade for Indigenous People, the UN General Assembly adopted a Program of activities aimed at strengthening international cooperation for the solution of problems faced by indigenous people in such areas as human rights, the environment, development, health, culture and education. Among the specific actions to be taken were: (i) "the promotion and protection of the rights of indigenous people and their empowerment to make choices which enable them to retain their cultural identity while participating in political, economic and social life, with full respect for their cultural values, languages, traditions and forms of social organization" and (ii) a request for specialized agencies of the UN system and other international and national agencies, as well as communities and private enterprises, "to devote special attention to development activities of benefit to indigenous peoples".16 WIPO has responded accordingly and the report by the Coordinator of the UN Decade for Indigenous Peoples has noted that WIPO's response "has been dramatic" as there is an entire division as part of the regular budget which is now responsible for traditional knowledge and related issues.17 The Permanent Forum has maintained a keen interest in traditional knowledge, soliciting information from all relevant parts of the UN system, notably WIPO.18 The last three sessions of WIPO have focused on its activities in the areas of intellectual property and genetic resources, traditional knowledge and traditional cultural expressions, and are described in greater detail below. Before proceeding to a consideration of the protection of the intellectual property rights of indigenous peoples, we shall in the next section, examine a major heritage of indigenous peoples - traditional medicine. TM, an important part of TK, refers to medicines used by local, tribal and indigenous communities. Such medicine is often herbal and sometimes combined with spiritual elements, such as those practiced by the shaman in tribal communities.19 TM has been refined over centuries of practice by communities who have inherited knowledge from their ancestors. For example, Felix, a member of the Arawak indigenous community of Guyana who works in the Shanklands resort on the banks of Essequibo River, conveyed his impressive knowledge of his community's medicinal uses of various plants and trees in the tropical rainforest. Using the native names of trees, he related the use of the 'yarula' tree for preventing and curing malaria, the use of the 'kakaballi' tree for treating diarrhea and the use of the 'capadulla' tree as a local viagra.20 While relying on textbooks for the Latin names, Felix's knowledge came from his father, the shaman in his community and from inherited knowledge among his people. Thus, often such knowledge is held communally and does not 'belong' to any single person or entity. Equally often, such knowledge cross-cuts communities as well as territorial boundaries. These aspects have implications for intellectual property protection, which we will consider below. The type of TM differs from community to community depending on the type of healing system that is historically prevalent. Until recently non-western healing systems and medicines were disregarded by western health systems, which insist on the development of medicines and healing techniques based on scientific proof and testing. Centuries-old healing systems of the world, such as Chinese traditional medicine and Indian Ayurveda, were given scant attention as the 'scientific' approach was allegedly missing. In Chinese medicine, for example, "disease is viewed as a disharmony of the various elements of the body and the personality of the patient. Chinese therapeutic thought concerns the entire organism's balance, rather than being devoted to clearly localizing and defining the nature of the illness" as in western medicine.21 The argument that non-western medicine is not based on scientific evidence may well ignore the centuries of trial and error, which has actually gone into making a particular medicine or remedy appropriate to a given community. Western science has grudgingly accepted alternative healing systems. However, they have readily sought after TK/IK, which could lead to the production of new drugs, "especially since the cost of putting new drugs on the market is becoming very high".22 Erica Daes noted in her 1993 report, cited above, that studies found that "using traditional knowledge increased the efficiency of screening plants for medical properties by more than 400 percent".23 Already by 1993, estimates of the total world sales of products derived from traditional medicines ran as high as USD 43 billion.24 However, only a tiny fraction of the profits are returned to the indigenous peoples and local communities. For example, it was estimated in the early 1990s, "that less than 0.001 per cent of profits from drugs developed from natural products and traditional knowledge accrue to the traditional people who provided technical leads for research".25 Attempts by Western governments and drug producing companies to harness such TK and TM for their own benefit have led to phenomena such as 'bio piracy' (theft of genetic resources by 'bioprospectors'). Concern has arisen for the preservation of biological diversity and genetic resources. The United States National Cancer Institute had already, by 1960, began a global program to collect and study naturally occurring substances and had tested some 35,000 plant species and a larger number of micro-organisms by 1981. This process intensified with the advent of research to combat AIDS. Pharmaceutical companies, necessarily driven by profit, have become increasingly aware of the potential economic rewards of TK/TM. Among the major US pharmaceutical companies engaged in screening plant species were Merck and Co., Smithkline Beecham, Monsanto, Sterling and Bristol Meyers. But this creates a conflict with the holders of TK/TM. The problem was stated thus by former Filipino President, Fidel Ramos at a ceremony for the signing of a Traditional and Alternative Health Care Law (R.A. 8423) in Manila on 9 December 1998: "We have looked forward to other nations for new technologies and cures, even for ordinary ailments. Indeed, many other nations have been exploiting the potentials of our own resources, claiming them as their own discoveries without giving due credit to us, and in addition to making tremendous profits at our own expense".26 The problem was recognized by Mrs. Daes in her report in 1993, namely that 'collectors' or bio-prospectors, "do not ordinarily have any formal contractual arrangements ... with the indigenous peoples upon whose knowledge of ecology they may rely. Indigenous people have also objected to alleged appropriation of their bodily substances which is taking place in the context of the Human Genome Diversity Project.28

## 3

#### Plan Text: Endorse the entirety of the 1AC except for the words “global south”

Re-Design- ("The ‘Global South’ is a terrible term. Don’t use it!," RE-DESIGN, 11-11-2018, http://re-design.dimiter.eu/?p=969)/AK

The ‘Global South‘ and ‘Global North‘ are increasingly popular terms used to categorize the countries of the world. According to Wikipedia, the term ‘Global South’ originated in postcolonial studies, and was first used in 1969. The Google N-gram chart below shows the rise of the ‘Global South’ term from 1980 till 2008, but the rise is even more impressive afterwards.

Nowadays, the Global South is used as a shortcut to anything from poor and less-developed to oppressed and powerless. Despite this vagueness, the term is prominent in serious academic publications, and it even features in the names of otherwise reputable institutions. But, its popularity notwithstanding, the ‘Global South’ is a terrible term. Here is why.

The Global South/Global North terms are inaccurate and misleading. First, they are descriptively inaccurate, even when they refer to general notions such as (economic) development. Second, they are homogenizing, obscuring important differences between countries supposedly part of the Global South and North groups. In this respect, these terms are no better than alternatives that they are trying to replace, such as ‘the West‘ or the ‘Third World‘. Third, the Global South/Global North terms imply a geographic determinism that is wrong and demotivational. Poor countries are not doomed to be poor, because they happen to be in the South, and their geographic position is not a verdict on their developmental prospects.

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Let me show you just how bad these terms are. I focus on human development, broadly defined and measured by the United Nations’ Human Development Index (HDI). The HDI tracks life expectancy, education, and standard of living, so it captures more than purely economic aspects of development.

The chart below plots the geographic latitude of a country’ capital against the country’s HDI score for 2017. (Click on the image for a larger size or download a higher resolution pdf). It is quite clear that a straight line from South to North is a poor description of the relationship between geographic latitude and human development. The correlation between the two is 0.48. A linear regression of HDI on latitude returns a positive coefficient, and the R-squared as 0.23. But, as is obvious from the plot, the relationship is not linear. In fact, some of the southern-most countries on the planet, such as Australia and New Zealand, but also Chile and Argentina, are in the top ranks of human development. The best summary of the relationship between HDI and latitude is curvilinear, as indicated by the Loess (nonparametric local regression) fit.

You can say that we always knew that and the Global South was meant to refer to ‘distance from the equator’ rather than to absolute latitude. But, first, this is rather offensive to people in New Zealand, Australia, South Africa and the southern part of South America. And, second, there is still far from a deterministic relationship between human development and geographic position, as measured by distance from the equator. The next plot (click on the image for a larger size, download a pdf version here) shows exactly that. Now, overall, the relationship is stronger: the correlation is 0.64. And after around the 10th degree, it is also rather linear, as indicated by the match between the linear regression line and the Loess fit. Still, there is important heterogeneity within the South/close to equator and North/far from equator countries. Singapore’ HDI is almost as high as that of Sweden, despite the two being on the opposite ends of the geographic scale. Ecuador’s HDI is just above Ukraine’s, although the former is more than 50 degree closer to the equator than then latter. Gabon’s HDI is higher than Moldova’s, despite Gabon being 46 degrees further south than Moldova.

This is not to deny that there is a link between geographic position and human development. By the standards of social science, this is a rather strong correlation and fairly smooth relationship. It is remarkable that no country more the 35 degrees from the equator has an HDI lower than 0.65 (but this excludes North Korea, for which there is no HDI data provided by the UN). But there is still important diversity in human development at different geographic zones. Moreover, the correlation between geographic position and development need to be causal, let alone deterministic.

There are good arguments to be made that geography shapes and constraints the economic and social development of nations. My personal favorite is Jared Diamond’s idea that Eurasia’s continental spread along an East-West axis made it easier for food innovations and agricultural technology to diffuse, compared to America’s continental spread along a North-South axis. But geography is not a verdict for development, as plenty of nations have demonstrated. Yet, the Global South/Global North categories suggest otherwise.

What to use instead?

OK, so the Global South/Global North are bad words, but what to use instead? There is no obvious substitute that is more descriptively accurate, less homogenizing and less suggestive of (geographic) determinism. But then don’t use any categorization that is so general and coarse. There is a good reason why there is no appropriate alternative term: the countries of the world are too diverse to fit into two boxes: one for South and one for North, one for developed and one for non-developed, one for powerful, and one for oppressed.

Be specific about what the term is referring to, and be concrete about the set of countries that is covered. If you mean the 20 poorest countries in the world, say the 20 poor countries in the world, not countries of the Global South. If you mean technologically underdeveloped countries, say that and not countries of the Third World. If you mean rich, former colonial powers from Western Europe, say that and not the Global North. It takes a few more words, but it is more accurate and less misleading.

It is a bit ironic that the Global South/Global North terms are most popular among scholars and activists who are extremely sensitive about the power of words to shape public discourses, homogenize diverse populations, and support narratives that take a life of their own, influencing politics and public policy. If that’s the case, it makes it even more imperative to avoid terms that are inaccurate, homogenizing and misleading on a global scale.

If you want to look at the data yourself, the R script for the figures is here and the datafile is here.

#### They use “global south” multiple times including in their tage line of the Vat 02 tagline and they say it multiple times in cx.

#### 

#### Regardless of whether or not you believe in Word PICs, the entire affirmative is based off of rhetorical precision. That is their solvency mechanism. Their use of the “Global South” in both taglines and cards perpetuates insidious stereotypes about people from different countries and means they can’t solve. They can’t perm out of this because they would sever out of their entire 1AC that predicates itself on rhetorical precision.

## Case

#### The ROTB is to evaluate who did the best debating. Anything else is self serving and arbitrary. They have to win that IPP is bad; they shouldn’t be rewarded for simply meeting an arbitrary standard that shifts with every round.

#### Language arguments trade-off with actions to combat the underlying problem that spurred the language and make such offensive language appealing, especially outside of the debate space where they can be more harmful.

Roskoski and Peabody 91

Matthew Roskoski (J.D., Assistant General Counsel at Latham & Watkins, previously the Assistant Director of Debate at the University of Missouri at Kansas City) and Joe Peabody (debate coach); “A Linguistic and Philosophical Critique of Language “Arguments””; Florida State University; 1991; <http://debate.uvm.edu/Library/DebateTheoryLibrary/Roskoski&Peabody-LangCritiques> SD

Language "Arguments" Are Counterproductive∂ There are several levels upon which language "arguments" are actually counterproductive. We will discuss the quiescence effect, deacademization, and publicization. The quiescence effect is explained by Strossen when she writes "the censorship approach is diversionary. It makes it easier for communities to avoid coming to grips with less convenient and more expensive, but ultimately more meaningful approaches" (Strossen 561). Essentially, the argument is that allowing the restriction of language we find offensive substitutes for taking actions to check the real problems that generated the language. Previously, we have argued that the language advocates have erroneously reversed the causal relationship between language and reality. We have defended the thesis that reality shapes language, rather than the obverse. Now we will also contend that to attempt to solve a problem by editing the language which is symptomatic of that problem will generally trade off with solving the reality which is the source of the problem. There are several reasons why this is true. The first, and most obvious, is that we may often be fooled into thinking that language "arguments" have generated real change. As Graddol and Swan observe, "when compared with larger social and ideological struggles, linguistic reform may seem quite a trivial concern," further noting "there is also the danger that effective change at this level is mistaken for real social change" (Graddol & Swan 195). The second reason is that the language we find objectionable can serve as a signal or an indicator of the corresponding objectionable reality. The third reason is that restricting language only limits the overt expressions of any objectionable reality, while leaving subtle and hence more dangerous expressions unregulated. Once we drive the objectionable idea underground it will be more difficult to identify, more difficult to root out, more difficult to counteract, and more likely to have its undesirable effect. The fourth reason is that objectionable speech can create a "backlash" effect that raises the consciousness of people exposed to the speech. Strossen observes that "ugly and abominable as these expressions are, they undoubtably have had the beneficial result of raising social consciousness about the underlying societal problem..." (560).∂ The second major reason why language "arguments" are counterproductive is that they contribute to deacademization. In the context of critiquing the Hazelwood decision, Hopkins explains the phenomenon: To escape censorship, therefore, student journalists may eschew school sponsorship in favor of producing their own product. In such a case, the result would almost certainly be lower quality of high school journalism... The purpose of high school journalism, however, is more than learning newsgathering, writing, and editing skills. It is also to learn the role of the press in society; it is to teach responsibility as well as freedom. (Hopkins 536).∂ Hyde & Fishman further explain that to protect students from offensive views, is to deprive them of the experiences through which they "attain intellectual and moral maturity and become self-reliant" (Hyde & Fishman 1485). The application of these notions to the debate round is clear and relevant. If language "arguments" become a dominant trend, debaters will not change their attitudes. Rather they will manifest their attitudes in non-debate contexts. Under these conditions, the debaters will not have the moderating effects of the critic or the other debaters. Simply put, sexism at home or at lunch is worse than sexism in a debate round because in the round there is a critic to provide negative though not punitive feedback.∂ The publicization effects of censorship are well known. "Psychological studies reveal that whenever the government attempts to censor speech, the censored speech - for that very reason - becomes more appealing to many people" (Strossen 559). These studies would suggest that language which is critiqued by language "arguments" becomes more attractive simply because of the critique. Hence language "arguments" are counterproductive.

#### Engagement with the law solves their impacts, even if bottom-up approaches are ultimately better. Andrews ‘03

Andrews, associate professor of law – University of San Francisco, ‘3 (Rhonda V. Magee, 54 Ala. L. Rev. 483)

The following argument relies on a few important assumptions. The first is the assumption that legal rules have consequences that reach far beyond their intended application from the standpoint of legal analysis. Legal rules play an important part in shaping concrete and metaphysical aspects of the world that we know. Thus, the impact of equal protection doctrine on the meta-narrative of race in America is more than merely symbolic. The Supreme Court's pronouncements on race are presumptively to be followed by lower courts, and together these opinions and their consequences influence the representations of race in federal and state social policies, in the media, in literature, and in the arts. n18 As Justice Brennan noted from the bench, every decision of the court has "ripples" which impact society and social processes. n19 Perhaps in no other area is this basic sociological insight more demonstrably true than in the area of race law. In a very real sense, the history of American civil rights law is the history of America's socio-legal construction, deconstruction, and reconstruction of what it means to be a constitutionally protected human being. In the aftermath of the war required to preserve the Union itself, the architects of the

#### The aff claim’s to solve by starting to use words like biopiracy- this DA to your method is that they aren’t actually solving the cultural forces that create anti-blackness. Their failure to solve is offense for me. If they don’t solve, they are merely striking a pose, an impotent gesture that effects a self-congratulatory catharsis among its hyper-privileged proponents. The impact is that it denies responsibility for real change among those who most benefit from colonizer privilege, and replicates the insular logic of academia in which contribution to the discipline is the only goal. This is an independent voter