### 1

#### Interpretation: The aff may not defend WTO member nations reducing intellectual property protections for a subset of medicines.

#### Violation – they only defend CRISPR

#### Vote neg:

#### 1] Limits – you can pick anything from COVID vaccines to HIV/AIDS to random biotech to insulin treatments and there’s no universal disad since each one has a different function and implication for health, tech, and relations – explodes neg prep and leads to random medicine of the week affs which makes cutting stable neg links impossible.

FDA 20 [(U.S. Food and Drug Administration, federal agency of the Department of Health and Human Service) “Fact Sheet: FDA at a Glance,” 11/18/2020] JL

There are over 20,000 prescription drug products approved for marketing.

FDA oversees over 6,500 different medical device product categories.

There are over 1,600 FDA-approved animal drug products.

There are about 300 FDA-licensed biologics products.

#### 2] TVA – read the aff as an advantage to a whole rez aff.

#### Voters:

#### Drop the debater – a) they have a 7-6 rebuttal advantage and the 2ar to make args I can’t respond to, b) it deters future abuse and sets a positive norm.

#### Use competing interps – a) reasonability invites arbitrary judge intervention since we don’t know your bs meter, b) collapses to competing interps – we justify 2 brightlines under an offense defense paradigm just like 2 interps.

#### No RVIs – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance, b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms,

#### Evaluate T before 1AR theory – a) norms – we only have a couple months to set T norms but can set 1AR theory norms anytime, b) magnitude – T affects a larger portion of the debate since the aff advocacy determines every speech after it

### 2

#### Interp – “medicines” prevent, diagnose, or treat harms

**MRS 20** [(MAINE REVENUE SERVICE SALES, FUEL & SPECIAL TAX DIVISION) “A REFERENCE GUIDE TO THE SALES AND USE TAX LAW” <https://www.maine.gov/revenue/sites/maine.gov.revenue/files/inline-files/Reference%20Guide%202020.pdf> December 2020] SS

[Medicines](https://www.lawinsider.com/dictionary/medicines) means antibiotics, analgesics, antipyretics, stimulants, sedatives, antitoxins, anesthetics, antipruritics, hormones, antihistamines, certain “dermal fillers” (such as BoTox®), injectable contrast agents, vitamins, oxygen, vaccines and other substances that are used in the prevention, diagnosis or treatment of disease or injury and that either (1) require a prescription in order to be purchased or administered to the retail consumer or patient; or (2) are sold in packaging.

#### Violation – CRISPR is a platform technology, not a medicine.

Editas Medicine [(a clinical-stage biotechnology company which is developing therapies based on CRISPR–Cas9 gene editing technology)., No Date, CRISPR Gene Editing, <https://www.editasmedicine.com/crispr-gene-editing/>] Justin

CRISPR (pronounced “crisper”) is an acronym for “Clustered, Regularly Interspaced, Short Palindromic Repeats,” and refers to a recently developed gene editing technology that can revise, remove, and replace DNA in a highly targeted manner. CRISPR is a dynamic, versatile tool that allows us to get to and edit nearly any location in the genome, and has the potential to help us develop medicines for people with a wide variety of diseases. We view CRISPR as a “platform” technology because of its ability to target DNA in any cell or tissue.

Sfera is wrong – unhiglihged says that crisper tech has potential to treat which is distinct, and CTX001 is a drug resulting FROM crisper not crisper

Even if it can be used in that way not all applicatoins so they cant slve for the aff

#### Negate –

#### 1] Limits – their model explodes it to medical devices, any form of strategy for medical research, databases that are used to create medicines and more – only our definition creates a reasonable caselist for medicines while they make prep impossible and wreck engagement

#### 2] Precision – MRS is a legal definition of medicines from codified law and has intent to define which proves we’re right and consistent with topic lit

### 3

#### **Genocidal settlement is** a structure, not an event meaning ontological logic of elimination is an everyday manifestation that defines settler identity.

Rifkin 14, Mark. Settler common sense: Queerness and everyday colonialism in the American renaissance. U of Minnesota Press, 2014. (Associate Professor of English & WGS at UNC-Greensboro)//Elmer

If nineteenth-century American literary studies tends to focus on the ways Indians enter the narrative frame and the kinds of meanings and associa- tions they bear, recent **attempts to theorize settler colonialism** have sought to **shift attention from its effects** on Indigenous subjects **to** its **implications for nonnative political attachments**, forms of inhabitance, **and modes of being**, illuminating and tracking the pervasive operation of **settlement as a system**. In Settler Colonialism and the Transformation of Anthropology, Patrick Wolfe argues, “Settler colonies were (are) premised on the elimination of native societies. The split tensing reflects a determinate feature of settler colonization. The colonizers come to stay—invasion is **a structure not an event**” (2).6 He suggests that a “**logic** **of elimination” drives settler** governance and **sociality**, describing “the settler-colonial will” as “a historical force that ultimately derives from the primal drive to expansion that is generally glossed as capitalism” (167), and in “Settler Colonialism and the Elimination of the Native,” he observes that “elimination is an organizing principle of settler-colonial society rather than a one-off (and superceded) occurrence” (388). Rather than being superseded after an initial moment/ period of conquest, colonization persists since “the logic of elimination marks a return whereby the native repressed continues to structure settler- colonial society” (390). In Aileen Moreton-Robinson’s work, whiteness func- tions as the central way of understanding the domination and displacement of Indigenous peoples by nonnatives.7 In “Writing Off Indigenous Sover- eignty,” she argues, “As a regime of power, patriarchal white sovereignty operates ideologically, materially and discursively to reproduce and main- tain its investment in the nation as a white possession” (88), and in “Writ- ing Off Treaties,” she suggests, “**At an ontological level** the **structure of subjective possession** **occurs through** the **imposition of one’s will-to-be on the thing which is perceived to lack will,** thus it is open to being possessed,” such that “possession . . . forms part of **the ontological structure of white subjectivity**” (83–84). For Jodi Byrd, the deployment of Indianness as a mobile figure works as the principal mode of U.S. settler colonialism. She observes that “colonization and racialization . . . have often been conflated,” in ways that “tend to be sited along the axis of inclusion/exclusion” and that “misdirect and cloud attention from the underlying structures of settler colonialism” (xxiii, xvii). She argues that settlement works through the translation of indigeneity as Indianness, casting place-based political collec- tivities as (racialized) populations subject to U.S. jurisdiction and manage- ment: “the Indian is left nowhere and everywhere within the ontological premises through which U.S. empire orients, imagines, and critiques itself ”; “**ideas of** Indians and **Indianness** have **served as the ontological ground through which U.S. settler colonialism enacts itself** ” (xix).

#### Genomic research is predicated off the stigmatization and erasure of native sovereignty. The aff’s removal of IP stands in direct opposite to indigenous mechanism for cultural protection that undergird ethical genomic research.

Garrison et al 19 Annual Review of Genomics and Human Genetics Genomic Research Through an Indigenous Lens: Understanding the Expectations [Nanibaa’ A. Garrison,1,2 Maui Hudson, ¯ 3 Leah L. Ballantyne,4 Ibrahim Garba,5,6 Andrew Martinez,6 Maile Taualii,7 Laura Arbour,4,8 Nadine R. Caron,9,10,11 and Stephanie Carroll Rainie6,12] March 20, 2019 <https://www.annualreviews.org/doi/pdf/10.1146/annurev-genom-083118-015434> SM

Genomic research has long-standing problems with diversity, especially for Indigenous peoples. Indigenous populations face health and socioeconomic inequities and barriers to health care that result in poorer health outcomes compared with those of non-Indigenous groups (3). While genomic research has advanced health outcomes in mainstream populations, the dearth of relevant genomic research for Indigenous peoples stands to increase health and health-care inequities. Indigenous people are underrepresented in genome-wide association studies conducted worldwide, estimated at 0.06% in 2009, 0.05% in 2016, and 0.02% in 2019 (10, 59, 68, 74). Furthermore, there is a lack of reference variant data from these populations for the interpretation of targeted gene panels and genomic sequencing. For example, the Genome Aggregation Database (gnomAD; http://gnomad.broadinstitute.org/about) includes reference exome and genome variant information on more than 141,000 individuals globally (29) and is often utilized to assist in clinical genomic variant analysis, but it lacks information about Indigenous populations. Consequently, the population frequency of variants detected in sequencing is not known for Indigenous populations, resulting in potentially less precise diagnostic results compared with those for well-represented populations. Unequal access to genomic technologies, negative socioeconomic determinants, and lack of relevant population genetic variation data all contribute to the limited relevance and reduced effectiveness of genetic and genomic research for Indigenous peoples.

Indigenous communities have been the subject of western science and research for centuries. Unethical behavior, lack of clear communication, disrespect of cultural and spiritual beliefs, and a failure to address the interests and priorities of particular Indigenous communities and their membership have created an environment of mistrust between researchers and Indigenous communities (101). In addition to mistrust, fatigue from years of being studied with no benefit or return of results, exploitation of potentially patentable genetic material, and co-optation and theft of traditional knowledge (e.g., medicinal plants) and other intellectual property (19, 35) have resulted in Indigenous peoples’ hesitancy to participate in genetic and genomic research and clinical testing when it is available. Harms from research also create a barrier to involvement, as tribes have experienced disrespect and harm to their dignity, lack of community benefits (e.g., health care), and injustices in the misuse of samples and protected information (84). For example, some Indigenous communities have experienced harms from genetic research that traces human origins or interprets results in ways that stigmatize groups. For tribes that have not participated in research, obstacles include limited resources to recruit ethical scientists for their projects, lack of experience with research, and limited health literacy to evaluate risks and benefits of research participation.

How do we bridge between the lessons of past flawed genomic research practices and a future with better practices? Recognition and understanding of sovereignty is fundamental for relationship building and must be reflected in genetic and genomic research frameworks. Sovereignty, or self-determination, is the inherent right and capacity of Indigenous peoples to develop culturally, socially, and economically along lines consistent with their respective histories and values. Through efforts such as community-engaged research, effective guidelines, and policies assuring Indigenous communities that their interests are protected, more Indigenous leaders, communities, and individuals may participate. Resources are emerging to help tribal communities make decisions about genetic research (14, 61, 63, 85), resulting in the establishment of tribal research review boards to evaluate research studies. Systematic efforts to fully engage Indigenous groups can promote equity in genomic research by creating ways for Indigenous peoples and researchers to collaborate in developing ethical research practices and honoring community interests. The emergence of large-scale projects that plan to recruit large numbers of people in order to study genetic diversity and address medical issues, such as the All of Us Research Program in the United States (20) and the UK Biobank resource (11), presents grand challenges for the active inclusion of Indigenous peoples in genomic research.

Indigenous peoples have been subjected to genetic and genomic research for decades. In recent years, they have begun to establish stronger mechanisms for protecting their rights and interests. The issues and concerns that Indigenous peoples have faced in genomic research are strikingly similar around the world. Throughout Canada, New Zealand, Australia, and the United States, Indigenous scholars and policy advocates are leading initiatives to improve access to genetic and genomic research and health care based on their unique cultural context and within governance models acceptable to their peoples. These countries have also endorsed the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). UNDRIP acts as a framework for recognizing and respecting both the human rights and the self-determination of Indigenous communities (94). UNDRIP does not create new rights for Indigenous peoples; rather, it elaborates on existing human rights instruments while clarifying their application to Indigenous peoples to include genetic and genomic research. For example, Article 31 states, “Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, including human and genetic resources” (94). In this article, we aim to identify the common challenges that Indigenous peoples face in genomic research and how to address them.

#### The alternative is to embrace 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, JKS)

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.