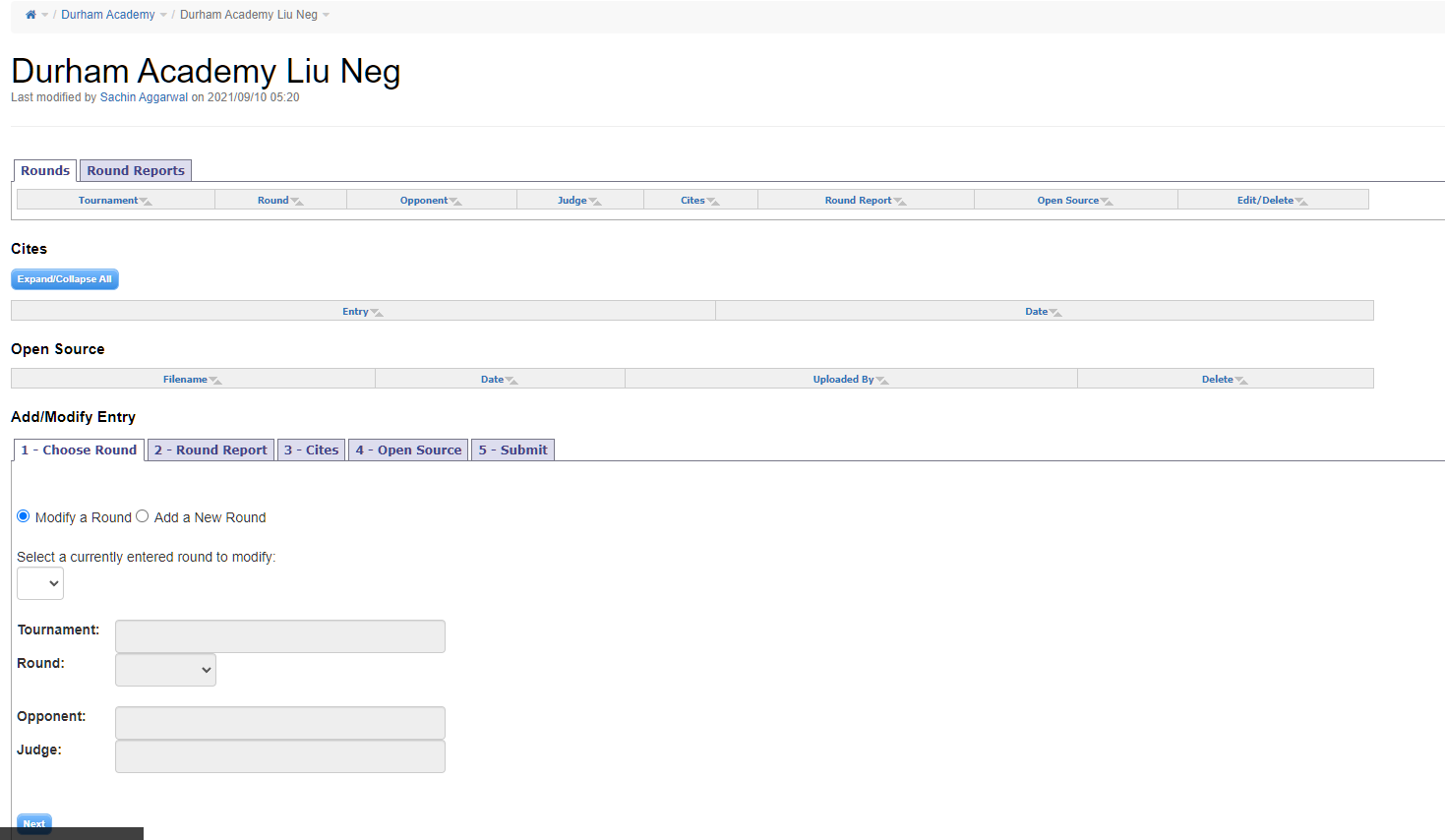
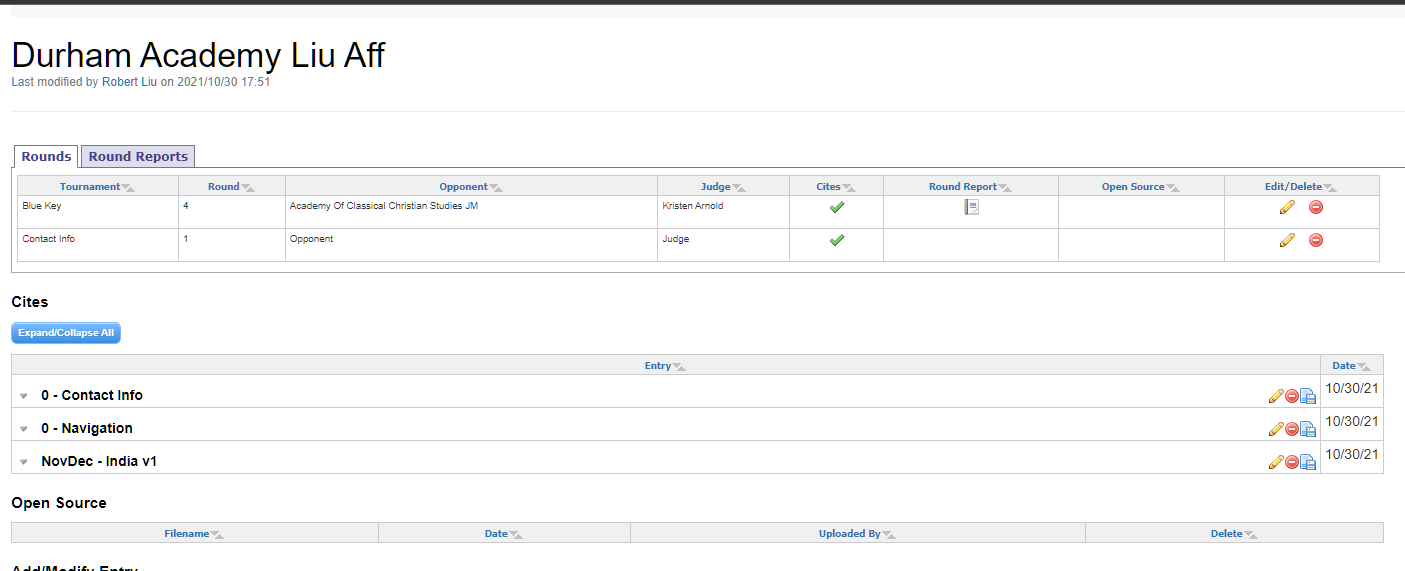
1st off is OS disclo -

**A is the Interpretation: Debaters must disclose all positions on open source with highlighting on the 2021-2022 NDCA LD wiki after the round in which they read them**

**Norming o/w scope - better rounds long term end goal of theory**





**C are the standards.**

**1: Prep Sharing: Open source disclosure enables the entire community to access top level prep there are 2 reasons you prefer this standard**

1. **Academic integrity – without disclosure we can’t check proper citations or whether your evidence is miscut, this encourages bad evidence practices that hurt education. If a teacher finds out a student plagiarized, the student gets failed, similarly, you should lose for not having academic integrity so it’s an independent voter.**
2. **It helps novices & small programs. Rightnow these programs are already at a disadvantage because of schools with many coaches and prep groups, we have risk of solvency. o/w on scope because even if a novi watches you lose this round and quits infinitely more can be helped by the resources you post to your wiki. Also your prep reaches teams that don’t debate on the circuit meaning they get the benefits of high level prep with 0 risk of hitting theory.**

**Lawrence Zhou 19**, "A Critique of Full Text Disclosure by Ishan Bhatt and Rex Evans," Briefly, <a class="vglnk" href="https://www.vbriefly.com/2019/02/06/a-critique-of-full-text-disclosure-by-ishan-bhatt-and-rex-evans/" // jc

We think that **debaters’ preoccupation with “evidence stealing” is misplaced because simply cutting a card does not make it someone’s propert**y. Debaters, if reading another debater’s evidence, should indeed keep that debater’s initials at the end. However, **the act of reading another debater’s card is something we should encourage, not prevent.** Our stance does not mandate open source disclosure with highlighting, which means debaters would still have to re-highlight the evidence. **There is no reason to force debaters to jump through extra hoops since the evidence is already out there.** **It’s better to share resources with everybody.** **This model would substantially lower entry barriers since teams without much infrastructure could also rely on a wealth of evidence provided by the wiki. Younger debaters, particularly those without deep coaching or backfiles, already use free internet resources to learn debate. Providing them with easy access to evidence allows to them to keep up with the amount of evidence required to be successful on the circuit.**

**2: Plaintext disclosure fails**

**It excludes debaters with disabilities- Inclusion prereqs education and if marginalized groups are disadvantaged that is definitionally unfair.**

**Lawrence Zhou 19, "A Critique of Full Text Disclosure by Ishan Bhatt and Rex Evans," Briefly, <a class="vglnk" href="https://www.vbriefly.com/2019/02/06/a-critique-of-full-text-disclosure-by-ishan-bhatt-and-rex-evans/**

**Massive blocks of text can be difficult for people in the debate community with disabilities such as dyslexia, who have trouble reading through big blocks of text. We personally know a few debaters who can’t manage to look/focus on large blocks of unformatted text hard enough to discern various arguments and have heard similar things from other debaters. It is not acceptable to have a portion of the debate community to be unable to read through disclosure, especially since disclosure is meant to provide equal access to arguments.**

NC theory before 1ar theory A) abuse is self inflicted if I was abusive its because you forced me to B) It’s introduced earlier in the debate which means we have more time for norming C) scope- disclosure impacts very speech starting from the 1AC D) We each have 2 speeches on the shell so its reciprocal, and timeskew isn’t an issue because I spent 1 minute on the shell in the NC so its 7-7

**D are the voters**

**1: Fairness is a voter- Debate is a game and the best team must win**

**2: Education is a voter- Education is also the only thing we take out of a debate round.**

**Thus, Drop the Debater**

**1: norm setting, deters abuse**

**Underview:**

**Yes CIs**

**1: reasonability is arbitrary and encourages interventions since there is no clear or universal rubric for what is reasonable or not.**

**2: reading and engaging with counter interps creates race to the top where we create best norms through debate**

**No RVIs**

**1: illogical- you don't win for proving you are fair- o/w because being logical is a prereq for any argument**

**2: RVIs incentivize baiting theory and prepping it out leading to maximally abusive practices**

**3: debaters wouldn’t check abuse because they’d be scared of losing to a better theory debater**

## 2nd is the CP

### **CP: India’s supreme court ought to recognize a worker’s right to strike following the conditions outlined in Mlungisi, enforced by the government’s court system**

#### **The CP competes and negates, perms are intrinsic - the CP advocates for a CONDITIONAL right to strike whereas the AC advocates for an UNCONDITIONAL right to strike**

#### **Mlungisi 20’s conditions - courts should be allowed to step in and punish offenders if a strike turns violent - but will not interfere otherwise**

Tenza, **Mlungisi**. (2020). The effects of violent strikes on the economy of a developing country: a case of South Africa. Obiter, 41(3), 519-537. Retrieved October 26, 2021, from <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004&lng=en&tlng=en>. //cohn

In Jumbo Products v NUMSA, **the court held that a strike "is the ultimate good of society and accordingly a court should be slow to interfere with the process of industrial action".**[**81**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn81) **However, a court should interfere when the union fails to show that it had any legitimate interest of [its members] in mind**.[**82**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn82) In South Africa, the Labour Court has exclusive jurisdiction on all matters affecting labour.[**83**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn83) Section 69(12) of the Labour Relations Amendment Act[**84**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn84) (LRAA) gives the Labour Court powers to grant an urgent interim relief if there is a variation on the picketing rule. **A variation on the picketing rule may include instances where picketers commit misconduct such as violence.** To deal with such acts, the article argues that **in addition** to the powers given to the Labour Court in terms of the LRAA, it should be given more powers that will **allow it to intervene where there is a disregard for the rule of law and where strikes become violent or otherwise dysfunctional to collective bargaining.**[**85**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn85) It seems that the legislature has responded to this call by enacting the LRAA. In terms of the LRAA, the Labour Court can suspend industrial action in certain circumstances. The LRAA is not clear on what would constitute grounds for suspending a picket or industrial action. **It is believed that if the strike is accompanied by violence that would constitute a valid ground for suspending a strike or conduct in furtherance of a strike such as a picket. This means that a union will be allowed to remedy a polluted industrial action by suspending a picket and perhaps resume it later. It would be advisable for the union to advise its members about their unlawful behaviour and take action against those responsible for wrongdoing. The union must also put up measures to deal with violence in case it erupts again. It is clear that one of the grounds for ordering the union to suspend a strike or picket is when it becomes violent or cause injury to people or damage to their property.** **The new law makes it easy for affected people to approach the Labour Court for an order to suspend a strike or picket. It is assumed that the court will look at the degree of violence when making a determination to suspend or not suspend a strike.** **In Australia, the Fair Work Commission (FWC) is empowered to stop or terminate a strike that has degenerated into violence or threatens peace and order in society. There is not much evidence that is required for the FWC to act swiftly against violent industrial action as long as proof is offered to the effect that public peace is in danger, it would be sufficient for the FWC to suspend or terminate industrial action. Where an offence is committed, action can be brought against the individual perpetrator(s).**[**86**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn86) **In a situation where the act was committed by a group of people, the issue of identification of the actual wrongdoer is a problem**. To overcome this problem, the Fair Works Act[**87**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn87)(FW Act) put in place measures to prevent industrial action by employees from becoming violent or causing damage to property. The Act empowers the FWC, which is tasked with enforcing these measures, to issue an order to suspend or prevent industrial action that is "happening, or is threatening, impending or probable" in the course of an industrial dispute.[**88**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn88) The FWC is also empowered to terminate a bargaining period involving a protected action on the grounds of significant harm.[**89**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn89) A bargaining period entails a period during which the application to negotiate terms of employment is lodged with the FWC in terms of the law.[**90**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn90) In this regard, a proposal can be made in this article for the Labour Court to intervene and suspend industrial action that is accompanied by violence. When making the order, the Labour Court should take the following factors into account: the extent to which the protected industrial action threatens to damage the ongoing viability of a business carried on by the person; the disruption in the supply of goods or services to an enterprise or business; and the failure of the employees to fulfil their contractual duties in terms of the contract of employment with the employer which result in economic loss. This is echoed by Cheadle when he states that it would be possible where the action is "accompanied by egregious conduct".[**91**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn91) **On the question of how will this work in practice, the article proposes that the affected party may lodge an urgent application to the Labour Court in terms of section 158(1)(a)(iv) to declare a strike or conduct in furtherance or contemplation of a strike not functional to collective bargaining and therefore unprotected as a result of damage and chaos and anarchy it has caused. On the basis of evidence provided before the court, including the degree of violence, the court may exercise its discretion to declare or not declare the strike unprotected. Most importantly, the task of the court will be to determine if the strike is still functional to collective bargaining or not. If the answer is in the negative, chances are that it will grant an order declaring the strike unprotected and the consequences for participating in an unprotected strike will follow. It is believed that if a convening union is held liable for the conduct of members, this will serve as a deterrent for future misconduct by members of the union.** Taking into account the high levels of violent strikes prevailing in South Africa, the effective application by our courts of such liability is necessary. This necessity is further corroborated by the negative impact that violent strikes have on the international image and economy of South Africa as investors may be hesitant to do business in the country.[**92**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn92) In several instances where cases have been brought against unions for damage caused by members during a strike, the Labour Court has found them liable. In SATAWU v Garvas[**93**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn93)a gathering (pursuant to a strike) was held in Cape Town in May 2006 and organised by the South African Trade & Allied Workers Union (SATAWU) in protest against certain issues affecting the security industry. The gathering complied with the initial procedures prescribed by the Regulation of Gatherings Act[**94**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn94) (RGA), in that the union was granted permission by the local authority and that it had appointed about 500 marshals to manage the movement of the crowd. It apparently advised its members to refrain from any unlawful and violent conduct and requested the local authority to clear the roads of vehicles and erect barricades along the prescribed route on the day of the gathering. Despite all these attempts by the union, the demonstration got out of hand. In the union's own words it "descended into chaos" with extensive damage to vehicles and shops along the route.[**95**](http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004#back_fn95) Several people were also injured. The total damage caused to property (private and owned by the City of Cape Town) was estimated at R1.5 million. Consequently, claims for damages were instituted against SATAWU in terms of section 11(1) of the RGA.

#### **Violent strikes are common when allowed, and hurt Union opinions as innocent people are threatened by union activities - South African empirics**

**Mlungisi 20** (Tenza, **Mlungisi**. (2020). The effects of violent strikes on the economy of a developing country: a case of South Africa. Obiter, 41(3), 519-537. Retrieved October 26, 2021, <http://www.scielo.org.za/scielo.php?script=sci_arttext&pid=S1682-58532020000300004&lng=en&tlng=en>.) //cohn

**The Constitution guarantees every worker the right to join a trade union, participate in the activities and programmes of a trade union, and to strike**.11The Constitution grants these rights to a "worker" as an individual.**12However, the right to strike and any other conduct in contemplation or furtherance of a strike such as a picket13 can only be exercised by workers acting collectively.14** The right to strike and participation in the activities of a trade union were given more effect through the enactment of the Labour Relations Act 66 of 199515 (LRA). The main purpose of the LRA is to "advance economic development, social justice, labour peace and the democratisation of the workplace".16 The advancement of social justice means that the exercise of the right to strike must advance the interests of workers and at the same time workers must refrain from any conduct that can affect those who are not on strike as well members of society. **Even though the right to strike and the right to participate in the activities of a trade union that often flow from a strike 17 are guaranteed in the Constitution and specifically regulated by the LRA, it sometimes happens that the right to strike is exercised for purposes not intended by the Constitution and the LRA, generally.18 For example, it was not the intention of the Constitutional Assembly and the legislature that violence should be used during strikes or pickets. As the Constitution provides, pickets are meant to be peaceful**.19 Contrary to section 17 of the **Constitution, the conduct of workers participating in a strike or picket has changed in recent years with workers trying to emphasise their grievances by causing disharmony and chaos in public. A media report by the South African Institute of Race Relations pointed out that between the years 1999 and 2012 there were 181 strike-related deaths, 313 injuries and 3,058 people were arrested for public violence associated with strikes.20** The question is whether employers succumb easily to workers' demands if a strike is accompanied by violence? In response to this question, one worker remarked as follows**: "[T]here is no sweet strike, there is no Christian strike ... A strike is a strike. [Y]ou want to get back what belongs to you ... you won't win a strike with a Bible. You do not wear high heels and carry an umbrella and say '1992 was under apartheid, 2007 is under ANC'. You won't win a strike like that."**21 **The use of violence during industrial action affects not only the strikers or picketers, the employer and his or her business but it also affects innocent members of the public, non-striking employees, the environment and the economy at large. In addition, striking workers visit non-striking workers' homes, often at night, threaten them and in some cases, assault or even murder workers who are acting as replacement labour.**22 This points to the fact that for many workers and their families' living conditions remain unsafe and vulnerable to damage due to violence. In Security Services Employers Organisation v SA Transport & Allied Workers Union (SATAWU),23 it was reported that about 20 people were thrown out of moving trains in the Gauteng province; most of them were security guards who were not on strike and who were believed to be targeted by their striking colleagues. Two of them died, while others were admitted to hospitals with serious injuries.24In SA Chemical Catering & Allied Workers Union v Check One (Pty) Ltd,25striking employees were carrying various weapons ranging from sticks, pipes, planks and bottles. One of the strikers Mr Nqoko was alleged to have threatened to cut the throats of those employees who had been brought from other branches of the employer's business to help in the branch where employees were on strike. Such conduct was held not to be in line with good conduct of striking.26 These examples from case law show that South Africa is facing a problem that is affecting not only the industrial relations' sector but also the economy at large. For example, in 2012, during a strike by workers employed by Lonmin in Marikana, the then-new union Association of Mine & Construction Workers Union (AMCU) wanted to exert its presence after it appeared that many workers were not happy with the way the majority union, National Union of Mine Workers (NUM), handled negotiations with the employer (Lonmin Mine). AMCU went on an unprotected strike which was violent and resulted in the loss of lives, damage to property and negative economic consequences including a weakened currency, reduced global investment, declining productivity, and increase unemployment in the affected sectors. Further, the unreasonably long time it takes for strikes to get resolved in the Republic has a negative effect on the business of the employer, the economy and employment.

Question of legitimacy and if RTS gets rolled back later or enforced effectively

## Case

On the plan double bind either a) India is Just and will pass the plan on their own or b) they aren’t and the aff is non T

This plan card is terrible and super powers tagged- says resistance is already occurring and nothing about it fizzling out otherwise