# Biopiracy ac

## fw

#### I affirm.

#### I value morality as the ought in the resolution implies moral obligation.

#### The standard is minimizing structural violence.

Hunt 18

(Dallas Hunt, PhD Candidate, University of British Columbia, Canada., Chapter 10 “Of course they count, but not right now”: Regulating precarity in Lee Maracle’s Ravensong and Celia’s Song, in Biopolitical Disaster Edited by Jennifer L. Lawrence and Sarah Marie Wiebe, 2018 Routledge, JKS)

“There is a hierarchy to care”: theoretical concerns and applications

In Frames of War (an extension and preoccupation with similar issues she outlines in her text Precarious Life), Judith Butler focuses on the ways in which particular, violent perceptions of everyday life are normalized and propagated as legible or granted “intelligibility” (through numbers, statistics, etc.). According to Butler, Frames of War follows on from Precarious Life ... especially its suggestion that specific lives cannot be apprehended as living. If certain lives do not qualify as lives or are, from the start, not conceivable as lives within certain epistemological frames, then these lives are never lived nor lost in the full sense. (2010: 1) For Butler, then, a primary concern is how these intelligibilities allow “a state to wage its wars without instigating a popular revolt” (xvi). Although Butler is writing within the context of the Iraq War and the “War on Terror,” her insights on precarity and modes of state violence exceed their immediate rele- vance. Indeed, as is clear below, the notions of war and settler-colonialism and the biopolitical rationalities they allow are eminently applicable to a local, Canadian context. The frames of war, Butler argues, are not circumscribed to combat zones with the mobilization of weapons. Instead, to Butler, “perceptual weapons” are acting on populations consistently to naturalize violences and enlist citizens to tacitly consent to (and, in some cases, actively participate in) violent forms that authorize dehumanization: “[w]aging war ... begins with the assault on the senses; the senses are the first target of war” (xvi). These perceptual violences resonate with Rob Nixon’s formulation of “slow violence” as well. To Nixon, slow violence is “a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all” (2011: 3). Further, and “[c]rucially, slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded” (4). Conditioning the senses or what is intelligible, then, functions as the way in which state violences are legitimized, as the frames of war dictate the “sensuous parameters of reality itself” (ix). According to Butler, the task at hand is not only to “understand ... these frames, where they come from and what kind of action they perform” (2010: 83), but also to find and articulate “those modes of representation and appearance that allow the claim of life to be made and heard” (81). While Butler is exam- ining conditions of precarity, (in)security, and disposability in the context of “the War on Terror,” and Palestine–Israel, her examination of an imperial/ colonial power exerting force and enacting violence on vulnerable and racialized populations (and in the process producing and reproducing these vulnerable populations) can be fruitfully employed in the Canadian context, though not without some alteration. Although we may not perceive the more mundane, i.e. non-military, violences visited upon Indigenous communities as “war” strictly speaking, Sora Han’s oft-cited phrase that we must think of the United States (and settler-colonial nations more broadly) not “at war” but “as war” is useful here (cited in Simpson 2014: 153, emphasis in original). If we view the biopolitical man- agement of Indigenous populations and Indigenous territories as rationalities rooted in the organizing frame of settler-colonialism, then the states of emer- gency putatively thought to be produced through war are “structural, not eventful” – that is to say, war is the very condition of settler-colonialism and not a by-product of it (154). Indeed, the largest ever domestic deployment of military forces in North America took place within Canada, in the context of the so-called “Oka crisis.” As Audra Simpson writes, the “highest number of troops in the history of Indigenous-settler relations in North America was deployed to Kanehsatà:ke, as this was the most unambiguous form of exceptional relations, that of warfare. There were 2,650 soldiers deployed...” (2014: 152). And, as Roxanne Dunbar-Ortiz and others have noted, Western imperial powers still refer to “enemy territories” abroad as “Indian Country” and to “wanted terrorists” as “Geronimo” (2014: 56). I follow the lineages of these Indigenous theorists who view settler-colonialism as a kind of permanent war, drawing parallels between the so-called everyday violences (displacement, sexual violence) inflicted upon Indigenous peoples in the US and Canada and the death-delivering reaches of empire embodied by the West more globally. Or, to echo Mink, the transformer/shapeshifter narrating the events in Mara- cle’s Celia’s Song: “This is war” (2014: 9). For Butler, there are varying tactics for distributing “precarity” differently, or what she describes as “that politically induced condition in which certain populations suffer from failing social and economic networks of support,” producing a “maximized precariousness for populations ... who often have no other option than to appeal to the very state from which they need protec- tion” (2010: 26). In the depictions provided in her writing, as well as that of Maracle, violence is deployed not only as “an effort to minimize precarious- ness for some and to maximize it for others,” but also as a mode of shaping the perceptions of citizens in order to make such acts legible, and hence, in a sense justifiable (Butler 2010: 54). Ultimately what Butler is advocating for is a new ethico-political orientation, one with the potential to disrupt the violent regimes of the sensible, as well as the ways in which precarity is currently allocated and distributed. Paraphrasing Jacques Rancière, Jeff Derksen also advocates for political movements that disrupt “regimes of the sensible”: “a politics of the aesthetic could ... redistribute and rethink the possibility of the subject (potentially an isolated figure) within the present and within a com- munity to come” (2009: 73). In sum, Butler’s text illustrates the ways in which State-sanctioned (and induced) precarity “perpetuate[s] a way of dividing lives into those that are worth defending, valuing, and grieving when they are lost, and those that are not quite lives” (2010: 42), as well as the resistive practices that might disrupt the naturalization of “differential distribution[s] of pre- carity” (xxv). The remainder of the chapter considers to what extent Mara- cle’s texts offer such a disruption of the mundane frames of settler-colonial war within the context of an exceptional moment (an epidemic), and asks how her work gestures toward the alternatives that might be offered by Indigenous frames.

#### Evaluate “slow violence” first – it is the root cause of larger conflicts and multiplies small threats into serious ones

**Nixon 11** (Rob, Rachel Carson Professor of English, University of Wisconsin-Madison, Slow Violence and the Environmentalism of the Poor, pgs. 2-3)

**Three primary concerns animate this book, chief among them my conviction that we urgently need to rethink-politically, imaginatively, and theoretically-what I call "slow violence." By slow violence I mean a violence that occurs gradually and out of sight, a violence of delayed destruction that is dispersed across time and space, an attritional violence that is typically not viewed as violence at all**. Violence is customarily conceived as an event or action that is immediate in time, explosive and spectacular in space, and as erupting into instant sensational visibility. We need, I believe, to engage a different kind of violence, a violence that is neither spectacular nor instantaneous, but rather incremental and accretive, its calamitous repercussions playing out across a range of temporal scales. In so doing, we also need to engage the representational, narrative, and strategic challenges posed by the relative invisibility of slow violence. Climate change, the thawing cryosphere,toxic drift, biomagnification, deforestation, the radioactive aftermaths of wars, acidifying oceans, and a host of other slowly unfolding environmental catastrophes present formidable representational obstacles that can hinder our efforts to mobilize and act decisively. The long dyings-the staggered and staggeringly discounted casualties, both human and ecological that result from war's toxic aftermaths or climate change-are underrepresented in strategic planning as well as in human memory.Had Summers advocated invading Africa with weapons of mass destruction, his proposal would have fallen under conventional definitions of violence and been perceived as a military or even an imperial invasion. Advocating invading countries with mass forms of slow-motion toxicity, however, requires rethinking our accepted assumptions of violence to include slow violence. Such a rethinking requires that we complicate conventional assumptions about violence as a highly visible act that is newsworthy because it is event focused, time bound, and body bound. We need to account for how the temporal dispersion of slow violence affects the way we perceive and respond to a variety of social afflictions-from domestic abuse to posttraumatic stress and, in particular, environmental calamities. A major challenge is representational: how to devise arresting stories, images, and symbols adequate to the pervasive but elusive violence of delayed effects. **Crucially, slow violence is often not just attritional but also exponential, operating as a major threat multiplier; it can fuel long-term, proliferating conflicts in situations where the conditions for sustaining life become increasingly but gradually degraded.**

## the sole adv is biopiracy

#### **Patent protections of the World Trade Organization sustains biopiracy, which allows HICS to exploit LICS and indigenous communities for profit and corporate growth.**

Manaa 20, Skander Manaa, 7-18-2020, "BioPiracy: A Neocolonial Wolf in Sheep’s Clothing," Medium, https://medium.com/@skandermanaa/biopiracy-a-neocolonial-wolf-in-sheeps-clothing-f25c2b4cb547

At its core, the issue of biopiracy is a conflict between the developing world and its industrialised counterpart. Author and environmentalist Vandana Shiva denounces it as “creation of property through the piracy of others’ wealth[4]”, however it could be argued that biopiracy is actually substantially more than this, as the Earth’s shared primary resources often copyrighted are no person’s own, but rather a resource to be owned by the collective species. The North/South divide is pervasive in this issue, and beyond the idea of liberalising the world’s economy, it is actually a form of neo-colonialism. According to Shiva, the 1994 Uruguay Round of the General Agreement on Tariffs and Trade (GATT), as well as the creation of the WTO, have “institutionalized and legalized corporate growth based on harvests stolen from nature and people[5]”. The Uruguay Rounds were a way for the GATT to remove some of the obstinate barriers preventing the industrialised world from trading effortlessly with the South[6]. By incorporating both ideas and commodities into trade, the hope was that more nations could access the free market world. In order for this to happen, patent laws needed to be international, or different nations would be trading with identical patents, thus giving property rights to more than one entity. The resulting TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights) convention therefore established minimum international standards on copyrights and patents[7] as well as new enforcements in Intellectual Property Rights (IPRs) through a multilateral legal framework. The industrialised world had much to gain from this agreement, as its technological supremacy had started to diminish, and countries found themselves wanting to protect their existing advances. However, by adopting the TRIPS, developing countries were forced into recognising the legality of IPRs from industrialised nations, meaning the developed world started the race to occupy the IPR sphere with a head-start, in the form of existing technological and patent progress, an abundance of well-funded companies seeking to capitalise on IPRs and the North’s entire colonial past. Therefore, the TRIPS had begun as an unfair agreement, allowing more developed countries to copyright entities from the developing world that had not yet been patented for economic, technological or cultural reasons, therein effectively stealing them from the South and giving the North a monopoly over the IPRs of biological entities. Unfortunately, the practice of biopiracy can be found in many places throughout the world, and all of them leave behind legal disputes, growing inequalities and most of all: victims. This text will examine the case of basmati rice in great detail, yet the scope of the issue doesn’t simply stop there. Shiva highlights a great number of cases where biopiracy has either happened or is happening. This includes the patenting of Neem’s fungicide properties[8], a tree native to the India whose qualities had been known about for thousands of years. She also points out the case of Indian melons, copyrighted by DeRuiter, and later Monsanto, in 2011[9], for their resistance to vegetal viruses. The breeding of resistant melons had been common practice, but ever since companies patented them, breeding has become illegal, as they are now recognised to be the company’s IPR. Biopiracy is rampant in India, mainly because of its extremely rich biodiversity, but the cases do not stop there. In 1995, University of Wisconsin researchers isolated the “brazzein” protein from an African plant[10], later finding a way to synthesise it to commercially produce a new artificial sweetener. This blatant appropriation of a common-place berry’s DNA means that Gabon’s own companies legally cannot use the protein unless royalties are paid. By colonising part of their intellectual heritage, the researchers are effectively denying the Gabonese control over their own cultural and biological heritage. The gravity of this case can be viewed through the lens of both dependency theory and modernization theory[21], one supporting the rights of developing countries not to see their resources flow into the coffers of the industrial world, and the other advocating for the shedding of cultural traditions in favour of ‘modern’, and usually industrial or capitalist, ways of living. Seen from the angle of modernisation theory, the more developed world wishes to see the developing world modernise and join it in a more liberal, capitalist and wealthy realm. From this perspective, it is precisely the struggle against the WTO, the GATT and IPRs that is slowing down progress in countries like India, when they could bridge the gap that exists by adopting a global, neoliberal market system. By imitating the US in their quest to patent biological entities, India and Pakistan could also earn great wealth. But they refuse and remain stuck in their ways of traditional norms and anti-neoliberal values. On the other hand, the dependency theory world view would reject the modernisation viewpoint on three main grounds. First, by refuting the idea of progress as that of following the North’s path. This linear understanding of history assumes that the industrial world’s endgame is objectively better than that of any other system, thus positioning countries like the USA as the epitome of progress, making it inherently subjective in its qualification of progress. Second, modernisation does nothing to recognise the colonial world’s head-start when it comes to IPRs, and their legacy of ownership throughout the world’s poorer countries, while these nations have no grounds to lay claim to anything their richer neighbours have or make. This innate power dynamic completely disrupts any chance of fair competition. Lastly, allowing for biopiracy, and even legalising it, has shown to and would only further the inequalities between the developing and industrialised worlds. Nations such as India would start behind their more developed competitors, accepting a western approach to modernity, and end up continuing the existing imbalanced dynamic of world trade.

#### **Biopiracy exploits indigenous communities which increase inequality and restricts essential access in the developing world**

Mackey 12, Tim. K. Mackey, and Bryan A. Liang. 2012. "Integrating Biodiversity Management And Indigenous Biopiracy Protection To Promote Environmental Justice And Global Health". American Journal Of Public Health 102 (6): 1091-1095. doi:10.2105/ajph.2011.300408.

However, with expanded global economies made possible through multilateral agreements combined with international standardization of certain IPRs through TRIPS, serious questions regarding IPR distribution and biopiracy have arisen that relate to global equity and justice.5 Under the current system, WTO member states must implement minimum IPR protections, specifically including patentability of living organisms or their processes.2 However, these IPR processes, and the infrastructure to support them, are often beyond the capabilities of indigenous communities, significantly limiting their access to the legal rights afforded by these systems.11 This has formalized bioprospecting and allowed companies to gain IPRs for biodiversity forms and their chemical structures, including in the formulation of medicines. This process has often involved the exploitation of indigenous knowledge, which may prevent indigenous communities from realizing social and financial benefits.11 Indeed, even if bioprospecting and biopiracy only use small amounts of the biodiverse resource, uncompensated indigenous communities are often precluded from benefits that could underwrite important public health and biodiversity management efforts. Thus, although TRIPS has stimulated bioprospecting by pharmaceutical companies, it has also allowed [pharma companies] them to commercialize and monopolize the use of prospected resources without benefits sharing, which is biopiracy.11 This can have short-term and long-term implications for indigenous communities. Importantly, however, biopiracy activities have not been limited to corporations. They have also included unilateral actions by national governments without the consent of indigenous groups—for example, South Africa's Council for Scientific and Industrial Research's sale of hoodia (a cactus) to the pharmaceutical company Phytopharm while ignoring the indigenous communities’ economic and health access needs.11 Phytopharm later patented and sold it to pharmaceutical giant Pfizer for $21 million.11 Such case studies exemplify inequitable resource transfer for environmentally related resources. They also demonstrate the need to reexamine current global governance structures that magnify health disparities between developed interests and indigenous communities. However, the CBD's broad aims of public actor-led conservation, sustainability, and sharing of biodiversity benefits as state-based resources are in stark contrast to and conflict with the strong TRIPS private IPR incentives.2 Although the CBD establishes commercial value for biodiversity in developing countries, it also relies on state-based actors in these countries. These actors may not honor indigenous community rights or have sufficient institutional knowledge or capacity to protect biodiversity from the efforts of private, well-financed companies from developed countries to gain exclusive rights to these resources.13

#### Current measures fail to protect indigenous communities and biodiversity. Mackey continues,

4 Because of the global nature of bioprospecting, biopiracy, and biodiversity, effective management—including environmental protection and sustainable development approaches—may be best performed through global governance. Global governance, however, has been ineffective in protecting biodiversity from biopiracy. Global IPR rules comprise domestic, multilateral, and supranational systems that establish minimum intellectual property standards. These global IPR systems focus on patent systems and private economic development under the World Trade Organization (WTO) TRIPS regime (Agreement on Trade-Related Aspects of Intellectual Property Rights) and on activities of the World Intellectual Property Organization. However, they [and] have failed to protect indigenous rights, promote access to life-saving drugs, prevent biopiracy, or provide for responsible biodiversity development.5–9 Governance relies on market forces and state entities of independent governments within a defined territory, which preclude the participation and protection of indigenous communities (both in developed and developing countries) that comprise groups of diverse social self-identification. This traditional state-focused governance model has not created incentives for developing countries to invest in adequate conservation, and thus, biodiversity resources in these countries are in danger of being depleted

#### **The impact is 3 fold.**

#### **First is biodiversity loss.**

#### IP laws allow corporations to commodify indigenous knowledge and resources in the name of medicine which kills sustainability and causes ecocide

Breske 18, Ashleigh Breske, 2018, “Biocolonialism: Examining Biopiracy, Inequality, and Power”, <http://doi.org/10.21061/spectra.v6i2.a.6>

Apparatuses of power can be institutional, political, or methodological and are constructed to have multiple effects upon society.xxxvi As stated earlier, biopiracy is merely a new technique of power exploited by rich multinational corporations. The western legal system and international intellectual property law have commodified indigenous knowledge and traditional resources.xxxvii By viewing biopiracy as a form of transnational governmentality, it is possible to see the commodification of biodiversity for the MNCs.xxxviii The constant privilege in the richer western countries alters their view of the world and allows them to perceive indigenous peoples and their resources as commodities. This privileged mentality is how the legitimacy of power is established: We control your resources because we are more capable than you. It is a deeply flawed logic; but it is a profitable logic. The struggle over who owns knowledge and the related economic power is growing for transnational corporations. This stems from the fact that MNCs can continually grow in power and become economic driving forces. As Louis Pojman has pointed out, “unlike powerful people in a democracy, corporations are not accountable to a specific state. They are accountable only to their shareholders, who seldom are involved in day-to-day decisions.” xxxix They are also given protection not afforded ordinary people through their infinite political and legal resources and act as decentralized global forces. xl One might wonder how corporations are able to appropriate traditional knowledge and natural resources without the active participation of the developing countries’ governments. It again comes down to financial resources and political sway of corporations. lxxvi Bioprospecting “commercially valuable genetic and biochemical resources and subsequently patenting them, depend on the knowledge of rural and indigenous communities that have established an intimate relationship with nature since precapitalist times.” lxxvii Biopiracy becomes a political concept because it is “a mechanism for capitalist enrichment, ecocide, and the antithesis of sustainability… capitalist society depends on economic changes in markets (i.e. the profit rate).”lxxviii Corporate power over knowledge is assured because it can exercise hegemony through western legal frameworks and negotiations with developing governments that need to maintain good relationships with corporations.

#### Biodiversity loss causes extinction and turns every impact

Phil **Torres, 16**, Scholar at the Institute for Ethics and Emerging Technologies, 5-20-2016, "Biodiversity Loss: An Existential Risk Comparable to Climate Change," Future of Life Institute, https://futureoflife.org/2016/05/20/biodiversity-loss/

**Catastrophic consequences for civilization**. The consequences of this rapid pruning of the evolutionary tree of life extend beyond the obvious. There could be **surprising effects** of biodiversity loss that scientists are **unable to** fully **anticipate** in advance. For example, prior research has shown that **localized** ecosystems can undergo **abrupt and irreversible shifts** when they reach a tipping point. According to a 2012 paper published in Nature, there are reasons for thinking that **we may be approaching a tipping point** of this sort **in the global ecosystem**, beyond which the consequences could be **catastrophic** for civilization. As the authors write, **a planetary-scale transition could precipitate** “substantial losses of **ecosystem services** **required** to **sustain** the human population.” An ecosystem service is any ecological process that benefits humanity, such as food production and crop pollination. If the global ecosystem were to cross a **tipping point** and substantial **ecosystem services were lost**, the results could be “**widespread social unrest, economic instability, and loss of human life**.” According to Missouri Botanical Garden ecologist Adam Smith, one of the paper’s co-authors, this could occur in a matter of **decades**—**far more quickly** **than** most of the expected consequences of **climate change**, **yet equally destructive**. Biodiversity loss is a “**threat multiplier**” that, by pushing societies to the brink of collapse, **will exacerbate existing conflicts** and introduce entirely **new struggles** between state and non-state actors. Indeed, **it could even fuel the rise of terrorism**. (After all, climate change has been linked to the emergence of ISIS in Syria, and multiple high-ranking US officials, such as former US Defense Secretary Chuck Hagel and CIA director John Brennan, have affirmed that climate change and terrorism are connected.) The reality is that **we are entering the sixth mass extinction** in the 3.8-billion-year history of life on Earth, and **the impact of this event could be felt by civilization** “in as little as three human lifetimes,” as the aforementioned 2012 Nature paper notes. Furthermore, the widespread decline of biological populations could plausibly **initiate a dramatic transformation** **of the global ecosystem** on an even faster timescale: perhaps **a single human lifetime.** The **unavoidable conclusion** is that biodiversity loss constitutes an **existential threat** in its own right. As such, it ought to be considered alongside **climate change** and **nuclear weapons** as one of **the most** **significant contemporary risks** **to human** prosperity and **survival**.

#### **Second is health.**

IP excludes indigenous communities from accessing legal rights which widens health disparities and precludes access to essential medicines.

Mackey 12, Tim. K. Mackey, and Bryan A. Liang. 2012. "Integrating Biodiversity Management And Indigenous Biopiracy Protection To Promote Environmental Justice And Global Health". American Journal Of Public Health 102 (6): 1091-1095. doi:10.2105/ajph.2011.300408.

Instead, private IPR efforts have predominated, and biopiracy has created a global imbalance of benefits sharing, use, and products between developed and developing countries, especially in access to development of pharmaceuticals.5 Indeed, under exclusivity provisions,7 IPR owners may prevent[ing] local communities from legally using their own indigenous knowledge and ethnomedicine, increasing locally produced medicine costs.7 This is especially dire for developing countries, whose limited resources may preclude access to pharmaceuticals and the health care infrastructures to use them, and it further widens [widening] the gap in health disparities between rich and poor. Developed countries also show a lack of cultural competence regarding indigenous communities’ IPR perspectives and understanding.7 The concept of private commercial rights to intellectual property and medicine is primarily an idea adopted by developed countries and may not be understood by indigenous communities.7 Such cultural nuances are not recognized by the current international IPR system,13 where rights are governed by global legal regimes that do not allow local communities to be represented; consequently, indigenous community needs may not be heard or met.14 BIOMEDICAL RESEARCH AND the discovery and development of medicines often focus on naturally occurring materials for products and applications. Searching for such compounds in diverse environments (e.g., rainforests, deserts, and hot springs) is deemed “bioprospecting.”1,2  However, biopiracy occurs when bioprospecting is used to appropriate knowledge and biodiversity resources to gain exclusive use through intellectual property rights (IPRs) without benefits for indigenous populations.2,3 In addition to raising serious environmental justice issues, biopiracy adversely affects the health of local populations that fail to benefit from economic and medical gains derived from the biodiversity and indigenous knowledge that originated in their communities. The global health consequences of biopiracy include lack of access to medicines, failure to compensate for valuable traditional knowledge, and depletion of biodiversity resources that are needed by indigenous communities for their own ethnomedicine and health care. These impacts [which are] are particularly problematic because the health of these communities can be poor.

#### This ensures that diseases and poverty always disproportionately affect indigenous communities

UN 15, United Nations For Indigenous Peoples | Indigenous Peoples, 2015, "Health," https://www.un.org/development/desa/indigenouspeoples/mandated-areas1/health.html

Alarming levels of diabetes. Worldwide, over 50 per cent of indigenous adults over age 35 have type 2 diabetes and these numbers are predicted to rise. In some indigenous communities, diabetes has reached epidemic proportions and places the very existence of indigenous communities at risk. Life expectancy up to 20 years lower. Indigenous peoples suffer from poorer health, are more likely to experience disability and reduced quality of life and ultimately die younger than their non-indigenous counterparts. The gap in life expectancy between indigenous and non-indigenous people in years is: Guatemala 13; Panama 10; Mexico 6; Nepal 20; Australia 20; Canada 17; New Zealand 11. Poverty, tuberculosis and lack of treatment. Tuberculosis, a disease that primarily affects people living in poverty, affects at least 2 billion people in the world. As a result of poverty, tuberculosis continues to disproportionately affect indigenous peoples around the globe. While programmes have been designed to combat tuberculosis, they often do not reach indigenous peoples because of issues related to poverty, poor housing, a lack of access to medical care and drugs, cultural barriers, language differences and geographic remoteness. Poor levels of health, acutely felt by indigenous women. Indigenous peoples experience disproportionately high levels of maternal and infant mortality, malnutrition, cardiovascular illnesses, HIV/AIDS and other infectious diseases such as malaria and tuberculosis. Indigenous women experience these health problems with particular severity, as they are disproportionately affected by natural disasters and armed conflicts, and are often denied access to education, land, property and other economic resources. And yet they play a primary role in overseeing the health and well-being of their families and communities. In addition, as the incidence of other public health issues such as drug abuse, alcoholism, depression and suicide increases, urgent and concerted efforts are needed to improve the health situation of indigenous peoples. Poverty and malnutrition. Poor nutrition is one of the health issues that most affects indigenous peoples around the world. In addition to circumstances of extreme poverty, indigenous peoples suffer from malnutrition because of environmental degradation and contamination of the ecosystems in which indigenous communities have traditionally lived, loss of land and territory and a decline in abundance or accessibility of traditional food sources. Self-determination, collective rights, crucial to indigenous health. To address the root causes of indigenous peoples’ health problems, there must be full recognition and exercise of indigenous peoples’ collective rights to communal assets and self-determination. Many mental health issues such as depression, substance abuse and suicide have been identified as connected to the historical colonization and dispossession of indigenous peoples, which has resulted in the fragmentation of indigenous social, cultural, economic and political institutions. Health systems appropriate for the indigenous context. Models of health care must take into account the indigenous concept of health and preserve and strengthen indigenous health systems as a strategy to increase access and coverage of health care. This will demand the establishment of clear mechanisms of cooperation among relevant health care personnel, communities, traditional healers, policy makers and government officials.

#### Third is genocide.

#### IP protections are a form of biocolonialism that commodifies and oppresses entire communities, stripping them of legal rights and recognition.

Breske 18, Ashleigh Breske, 2018, “Biocolonialism: Examining Biopiracy, Inequality, and Power”, <http://doi.org/10.21061/spectra.v6i2.a.6>

Colonialism has for centuries been a driving force for territorial expansion and economic gains. In today’s globalized economy, colonial exploitation continues in areas with great biodiversity through the taking of indigenous knowledge and biodiversity for profit, also colloquially known as biopiracy. Biopiracy is a practice of economic exploitation by powerful multinational corporations (MNCs) that take on the identity and power structures of nationstates, with established laws protecting the corporations that obtain patents or intellectual property rights more readily than the original indigenous knowledge holders. This type of ‘biocolonialism’ has been instituted through neoliberal trade practices and the whittling away of indigenous control over traditional knowledge. This is done on the premise that indigenous knowledge is communal, and not privately ‘owned,’ and therefore available to everyone. This interpretation of intellectual property rights has allowed MNCs to coopt indigenous knowledge for profit. Biopiracy can extend to multiple forms, including drug patents, agricultural gene manipulation, and genetic cell lines. This paper will review literature on biocolonialism and biopiracy examples to critique the practice and examine counterhegemonic praxes. Through examples of epistemic exploitation and a review of current literature on biocolonialism, this paper will highlight issues of indigenous knowledge and resource appropriation and how they relate to neoliberal economic practices. According to Lorenzo Veracini, the least visible types of colonial subjugation, like informal colonialism and trade imperialism, are the most resistant to change.i This is especially true for biocolonialism, which arises through the dominant discourse of neoliberal economic practices around the world. This form of colonialism is based on the exploitation and extraction of traditional resources and knowledge through western conceptions of property ownership. Neoliberalism has created a polarization in the world through conflicts between ethnicities and socio-economic levels, resulting in a dichotomy between the Global North and the Global South. Concepts of western legal practices, intellectual property rights, national property laws, and biotechnology innovations create a system of biocolonialism with the dominant North capitalizing on these policies and practices.ii This has adversely affected the Global South in many ways and acts as an ideology promoting profit and economic growth at the expense of the marginalized. The shift to neoliberalism has increased the divide between the developed and developing world and the “ideology of the market, and the omnipresence of market forces, have left an indelible mark on the western conception of knowledge.”iii Indigenous knowledge is disempowered through its cooption by the MNCs and wealthy nationstates and then legitimized when attached to the legacy of western knowledge and technological advances. It is viewed as primitive, or localized, until MNCs produce wealth with what they have found. Through biopiracy and patents, the global “free” market allows these corporate practices to establish a form of biocolonialism, which becomes a continuation of previous imperialism as a technologically-advanced, biologically-controlled hold on indigenous communities. According to Shiva, “Biodiversity has been redefined as “biotechnological inventions” to make the patenting of life-forms appear less controversial.”xvi Power for transnational colonizers, previously grounded in colonial assumptions of race, gender, domination, etc., is now based in the value of resources and knowledge under biocolonialism. The global demand for medicinal drugs has led to an increase in biopiracy in the Global South. Once companies find something they believe will be profitable, they want to patent it straightaway so that no one else can capitalize off it. Patents are an easily accessible source of income for those able to apply for them. In fact, patents act as an exclusive control on a product, and, when corporations hold patents on biodiversity, they are creating a monopoly on food and health.xxviii In some ways it is impossible for those in developing countries to compete with MNCs due to how patents and intellectual property rights are sustained. Since patents are held nationally instead of internationally, most patent holders tend to be from more developed countries. Because of this divide, it is possible to inflate the price of patented medicines so that corporations can make an even greater profit, which leads to more global inequalities. Rich states can also pay for access to technology for research and resources to control epidemics and infectious diseases more readily than poorer areas of the world. With the establishment of the World Trade Organization in 1994, international trade negotiations opened, and western notions of intellectual property rights took a firm hold in pharmaceutical research and development, increasing the strength of MNCs. This was classified under TRIPS, the Agreement on Trade Related Intellectual Property Rights.xxix TRIPS was negotiated at the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) and set the standard for member states to recognize the same intellectual property rights. This then meant that industries could bypass local patent law by registering their patents in the most favorable jurisdiction.”xxx Before TRIPS, which set consistent requirements, intellectual property was considered a domestic issue with protections set on the national level. However, with TRIPS, transnational corporations are now much more successful at acquiring patents. xxxi For example, looking at the number of patents held at the end of the twentieth century, most were filed by the United States (41.8%) and Europe (41.95%).xxxii The TRIPS agreements and domestic patent laws, specifically US law, shapes international IPRs and show that the legal system is excluding indigenous or marginalized communities.xxxiii There has been a push for TRIPS, predominantly by the pharmaceutical industry, to restrict profit potential by indigenous communities. Corporations make minor genetic or chemical formula changes for their intellectual property claims and patents and can then claim their product is no longer directly linked to the initial source. Debra Harry has claimed that the main problem with biocolonialism is the “manipulation and ownership of life itself, and the ancient knowledge systems held by Indigenous peoples.”xxxiv The problem stems from the belief that indigenous peoples are merely the holders, not owners, of communal knowledge. What are not considered are their territorial rights to the resources on their lands.xxxv Looking at the production of pharmaceuticals, we can see the importance of Intellectual Property Rights (IPRs) in the debate over the accessibility of indigenous knowledge to outside corporations and investors. IPRs impact many different fields: healthcare, biodiversity, technology, human and cultural rights, research and development, and agricultural innovations; but, the international system that established international intellectual property rights was hastily organized and linked to trade agreements.xli Shiva claims IPR laws, under the development of TRIPS and the World Trade Organization (WTO), “have unleashed an epidemic of the piracy of nature’s creativity and millennia of indigenous innovation.”xlii Transnational corporations are taking advantage of slight “innovations” on traditional knowledge to maintain many of their IPRs.xliii Together, IPRs and TRIPS, work to suppress indigenous peoples’ ability to control their traditional way of life. The regulatory system includes domestic laws of developed areas of the world, like the United States, Japan, and Europe, and broader international intellectual property rights agreements. These agreements resemble doctrines promoting colonialism since they are legal documents fostering the idea of ownership by the dominant colonizers.xliv TRIPS and patents, as Western controls over knowledge, are dangerous components of neoliberalism. For the richer developed countries, biocolonialism allows[allowing] them to maintain control over these developing regions. Multinational corporations get caught up in competition for patents and profits to drive the economy. They are constantly seeking new forms of revenue generation, including an interest of some transnational corporations in germplasm collections. These collections are storehouses of genetic material for seeds and represent an expansive variation of biodiversity. Since the governments that have historically maintained them, specifically in the former Soviet Union and other areas hit hard by economic recessions, are no longer able to afford them, prosperous corporations are able to purchase them: “The pharmaceutical industry has benefited from this situation, especially US multinational corporations which are investing in the conservation of such collections on condition that they will be given access to them.”lxxxi This access allows them to manipulate the genetic material and then patent it as being different from the initial source material leading to the greater likelihood of competition with other wealthy transnational corporations. There is a “classical conception and principle that competition, and only competition, can ensure economic rationality… [there is a] formation of prices which, precisely to the extent that there is a full and complete competition, can measure economic magnitudes and thus regulate choices. World biodiversity is currently controlled in two ways: in-situ (Protected Areas and as-yet unprotected regions of great biodiversity) and ex-situ (Botanical Gardens and Germ Plasm Banks).”lxxxii Since national interests do not strictly regulate ex-situ sources, it is easier to use patents and the free market to obtain them. The power still rests with transnational corporations who view indigeneity as a license to treat societies as commodities. Susan Hawthorne makes the claim that indigenous “communities are much more likely to lose not only access to their traditional knowledge but also control over how that knowledge is used, just as when the industrial revolution occurred the value of labor was alienated and the profits passed into the hands of the owners.”xcii The western legal system and international intellectual property law has commodified indigenous knowledge and traditional resources. Biopiracy is an “aggressive instrument of corporate globalizers” who profit from knowledge appropriation and endanger “intergenerational sustainability” for indigenous communities.xciii It is important to understand the barriers that patents and intellectual property rights create for poor areas of the world. Employing theories on biocolonialism allows us to see how biopiracy has commodified traditional resources and indigenous knowledge by transnational corporations under neoliberal economic practices. The patent system seen today is a recreation of the colonial system of extracting resources of a marginalized group by a more powerful (or wealthy) entity.xciv This paper has highlighted issues with current practices and used examples such as the INBio debacle, the Human Genome Diversity Project (HGDP), and the Maya ICBG project, to illustrate the nuanced problems of indigenous rights. The control of indigenous resources and knowledge is wrapped up in colonial language and assumptions in the form of biocolonialism. Until indigenous peoples have greater control of their resources, MNCs and wealthy nations will continue to take advantage of the economic system.

#### **This institutionalizes genocide.**

Havemann 16, Paul Havemann, 2016, “Lessons from indigenous knowledge and culture: learning to live in harmony with nature in an age of ecocide”, State of the World’s Minorities and Indigenous Peoples, [https://minorityrights.org/wp-content/uploads/2016/07/Lessons-from-indigenous-knowledge-and-culture.pdf / Lessons-from-indigenous-knowledge-and-culture.pdf](https://minorityrights.org/wp-content/uploads/2016/07/Lessons-from-indigenous-knowledge-and-culture.pdf%20/%20Lessons-from-indigenous-knowledge-and-culture.pdf) WR TW

Paradoxically, indigenous and traditional communities – the very groups which have contributed least to the imminent threats of catastrophic anthropogenic climate change and biodiversity collapse, and whose practices are actually based on a sustainable bio-cultural paradigm – constitute most of those who are at greatest risk. This is in part due to existing social and economic marginalization: globally the indigenous population, estimated at around 370 million, comprises 5 per cent of the world’s population but 15 per cent of its poorest people. Climate change, [because] colonialism and economic globalization have also left a legacy of other issues, such as environmental damage, land loss and lack of access to basic services, that have not only resulted in ill health and lower life expectancy but also devastated their complex cultural systems. By 2115, it is estimated that between 50 and 90 per cent of the world’s 7,000 mostly indigenous languages will have died out. Many encode unique traditions and environmental knowledge that may disappear with them. The loss of these languages is evidence of a constellation of inter-connected processes of killing and destruction inflicted on indigenous communities for centuries: genocidal violence (killing of peoples), linguicide (death of languages), epistemicide (destruction of knowledge systems), cultural genocide (destruction of cultures) and ecocide (destruction of eco-systems). Despite this repression, indigenous and traditional knowledge remains vital to a large proportion of the world’s population, even if it receives little attention in the mainstream. Eighty per cent of the world’s biological diversity is found in the 22 per cent of global land area still stewarded by indigenous peoples, with modes of subsistence, consumption and care for nature based on their traditional bodies of knowledge. Furthermore, traditional livelihoods produce 10 per cent of the world’s meat and most of the fish that people consume. Small-scale farming based on agro-ecological methods informed by traditional knowledge provides 70 per cent of the world’s food needs. Yet despite the clear contribution of indigenous peoples to food security, biodiversity and other issues, there are many serious obstacles to their ability to secure their rights. Indigenous peoples are principally placebased peoples whose governance paradigm is bio-cultural, meaning they aim to live within the ecological boundaries of their territories through reciprocity and exchange. Since the fifteenth century this has placed indigenous peoples continuously on a collision course with the Euro-American paradigm of continued growth. Territorial and resource accumulation has been a constant feature of capitalism in its many guises – from overly violent conquests by imperial and colonial powers to the more opaque [and the] economic violence of neoliberal globalization. Accumulation by dispossession is needed for ever-more access to cheap land, labour and capital as well as knowledge. Crucially, the beneficiaries of this paradigm – local elites, governments, international corporations – have effectively been subsidized by passing on the ecological costs of this growth elsewhere. As a result, [and] while capitalist actors enjoy the most profit for the least effort and investment, the true cost of their destructive actions is felt by indigenous peoples and their distinctive cultures. During the fifteenth and sixteenth centuries, four genocides and inter-connected epistemicides / linguicides took place that still reverberate and are reproduced in power relations that perpetuate the elimination of the ‘Other’. The beneficiaries have been capitalist institutions of the global north and the European knowledge system. By the seventeenth century this knowledge system, based on a rationalist paradigm often characterized as western scientific knowledge, had become central to the globally hegemonic capitalist economic growth model. Consequently, most other forms of knowledge, denied recognition, became increasingly invisible and applied only in local contexts. Even in the twenty-first century, and all over the world, indigenous peoples are routinely murdered for defending their lands, languages, knowledges and cultures. A comparison between western scientific knowledge and traditional knowledges illustrates how different they are. Western knowledge systems privilege the quantitative and are learned in formal educational settings where knowledge is divided into a multitude of scientific specialisms. Humans are separate from eco-systems. As western scientific knowledge is positivist and results from an empirical methodology claiming to generate objective and replicable scientific truths, it is therefore asserted to be of universal application and is communicated through peer-reviewed publication. Discoveries cannot be owned, but most of the products of western scientific knowledge are susceptible to being commodified – owned and traded by inventors or corporations – as private intellectual property rights. By contrast, traditional knowledges flow from a holistic view in which human and eco-systems are one. Traditional knowledges have co-evolved from fine-grained observation and local experience. They are communicated orally, often through gender-specific communication, in the form of stories, rituals and traditional practices. Traditional knowledges are learned by observation, listening, doing and experience, and are normally shared inter-generationally within particular kin groups as they are encoded in local languages. No one owns this knowledge. Hence traditional knowledges and the cultural property of indigenous peoples are not congruent with the global intellectual property rights [ipr] regime of the capitalist growth paradigm, reflected in the World Intellectual Property Organization (WIPO) and the World Trade Organization (WTO). As a result, the intellectual property rights regime has afforded them little protection. The misappropriation of traditional knowledges-based genetic resources and knowhow without indigenous peoples’ prior informed consent or benefit sharing is well documented. Table 1 gives a glimpse of products derived from biodiversity-rich eco-systems for which local peoples have seen little direct benefit. The spoils of bio-piracy come from a reservoir of traditional knowledges and know-how that is being exploited by modern multinationals. Profits from traditional knowledges thus represent a ‘subsidy’ by indigenous peoples to these corporations. Furthermore, the intellectual property rights regime treats culture and knowledge and nature as commodities or as commodifiable. In spite of the collision of knowledge systems, ‘traditional knowledge’ is referenced with varying degrees of specificity in a patchwork of international law and an even more eclectic array of state law provisions for the recognition of traditional knowledges and customary law, most of which are ‘honoured’ in the breach by states. Yet despite this growing recognition, states and international bodies still seem reluctant to implement these rights in practice – as reflected in the continued loss of traditional knowledges to corporate patents, for example. Indeed, much national and international legislation still appears to support the appropriation of traditional knowledges.

## solvency

#### Patent reforms of the aff are key to reducing biopiracy

Shiva ‘99, Vandana Shiva, 8-5-1999, "Biopiracy," No Publication, https://www.iatp.org/news/biopiracy-us-patent-law-must-change

Biopiracy and patenting of indigenous knowledge is a double theft because first it allows theft of creativity and innovation, and secondly, the exclusive rights established by patents on stolen knowledge and steal economic options of everyday survival on the basis of our indigenous biodiversity and indigenous knowledge. Overtime, the patents can be used to create monopolies and make everyday products highly priced. If a patent system which is supposed to reward inventiveness and creativity systematically rewards 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 be changed. 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 U.S. style patent regimes, should be immediately stopped and its review started. The promotion of piracy is not an aberration in the U.S. patent law. It is intrinsic to it. The U.S. laws [that] were originally designed to pirate or borrow industrial innovations from England. Patents originally functioned as import franchises or import monopolies. Patents were given for salt manufacturers, for operating steamboats even though these were not invented in the U.S. Since patents are granted for new inventions, denial or non-recognition of 'prior art' elsewhere allows patents to be granted for existing knowledge and use in other countries. This is the basis of biopiracy or knowledge of Indian knowledge systems, and indigenous uses of biological resources being patented. The U.S. style patent laws can only pirate indigenous knowledge. They cannot recognise or protect it. The survival of an anachronistic Art. 102 thus enables the U.S. to pirate knowledge freely from other countries, patent it, and then fiercely protect this stolen knowledge as "intellectual property". Knowledge flows freely into the U.S. but is prevented from flowing freely out of the U.S. If biopiracy has to stop, then the U.S. patent laws must change, and Article 102 must be redrafted to recognise prior art of other countries. This is especially important given that the U.S. patent laws have been globalised through the TRIPs agreement of the WTO. In 1999, Article 27.3 (b) of the TRIPs agreement is supposed to come up for review. This is the article that most directly impacts indigenous knowledge, since it relates to living resources and biodiversity. In 2000 A.D. countries can also call for an amendment of TRIPs as a whole. Since TRIPs is based on the assumption that the U.S. style IPR systems are "strong" and should be implemented worldwide, and since in reality the U.S. system is inherently flawed in dealing with indigenous knowledge and is "weak" in the context of biopiracy, the review and amendment of TRIPs should begin with an examination of the deficiencies and weakness of Western style intellectual property rights systems. A globalised IPR regime which denies the knowledge and innovations of the Third World, which allows such innovations to be treated as inventions in the U.S., which legalises monopolistic exclusive rights by granting of patents based on everyday, common place indigenous knowledge is a regime which needs overhaul and amendment.

#### Resistance of IP law, public criticism, and discussions are key to combatting biocolonialism – which means independently the presentation of the AC is justified.

Vats and Keller 17, [Anjali Vats](https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=816077) & Boston College [Deidre A. Keller](https://papers.ssrn.com/sol3/cf_dev/AbsByAuth.cfm?per_id=1502365) Florida A & M University College of Law Critical Race IP Cardozo Arts & Entertainment Law Journal, Vol. 36, 2018 61 Pages Posted: 11 Oct 2017 Last revised: 14 Jul 2018 Date Written: October 10, 2017 -https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3050898

Delinking decoloniality in the context of intellectual property requires the rejection of narratives which categorize Other knowledge as secondary or inferior to that of Westerners, whether implicitly or explicitly. Terms such as “traditional knowledge,” “indigenous knowledge,” and “folklore” are dangerous precisely because they create a bifurcation between that knowledge produced informally, often by non-Westerners, and “real” knowledge. Resisting such narratives, for instance by advancing narratives of bio-piratical theft from the non-Western world and reclaiming memories that might otherwise be erased from the canon, are important first steps in remaking the laws of information. The step, which follows pulling back the curtain on the implications of the modernity/coloniality binary for intellectual property law, however, is a more complicated one. Decolonization requires reconstituting universality in a manner, which, instead of substituting the European for the totality, creates space for the embrace of multiple perspectives, in a manner, which is both democratic and cosmopolitan. While we do not offer a model to supplant that of modernity/coloniality, we note that several nations, such as India,321 Ghana,322 and South Africa,323 are remaking intellectual properties through the embrace of digital databases, local models of intellectual property protection, and rejection of international intellectual property regimes. Moreover, decolonizing practices can unfold at the individual level as well, through resistive performative practices, such as discursive interventions and arts. Our goal in highlighting both the undoing of narratives of modernity/coloniality in intellectual property and practices which supplant Western intellectual property law is to point to further avenues of research for Critical Race IP scholars. Existing scholarship in these areas suggests that attending to decoloniality as a means of interrogating the intersections of race and intellectual property is likely to be a fruitful avenue for further research. CONCLUSION This article endeavors to name and provisionally map the field of Critical Race IP, an area of study which describes that scholarship concerned with the intersections of race and intellectual property law. In doing so, it situates Critical Race IP in a larger socio-cultural context, in which racial capitalism is a constant but evolving feature of the historical landscape. We contend that the emergence of the Information Economy, after the era of Fordism, resulted in a repackaging of familiar racial projects in and through intellectual properties and pushes for intellectual property maximalism. Critical Race IP represents a relatively new and rapidly growing direction in CRT scholarship, it is an exemplar of the ways the latter must constantly evolve to accommodate changing economic and cultural conditions and racial formations. In articulating Critical Race IP as an area of study, our goal is not necessarily to suggest particular methodologies or even fixed unifying questions that define the interdisciplinary movement. Rather, we are concerned with naming and describing prevalent themes and core tenets in a set of scholarly works that interrogate the inequalities which emerge at the intersections of intellectual property and intersectional racial identities. We hope that project can be a generative move for scholars who wish to research, write, and practice in this area. In setting forth a history of post-Fordism and the rise of Critical Race IP, we show that, as a product of modernity/coloniality, intellectual property law is always already invested in whiteness and racial inequality in ways which necessitate both examination and undoing. Scholars in a variety of disciplines have started to undertake such examinations, with their works engaging a set of themes which we have highlighted here. Continuing to examine questions related to defining (intellectual) property, understanding intellectual property’s stories, the public domain, framing and reframing “piracy” and “counterfeiting,” distributive justice, access to knowledge, managing traditional knowledge, and contemplating intellectual properties is an important task, one which we urge scholars to continue to take up in new and innovative ways. We also highlight the significance of personal relationships and public feelings in developing this area of study. One way to facilitate dialogue and scholarship in Critical Race IP is to invest in community building and intimacy making, cornerstones of the growth and development of CRT, both of which play a valuable role in cultivating generative interpersonal connections and structures of feeling through which new ideas can flourish. Conferences and workshops as well as collaborative projects which bring together senior and junior scholars play a significant role in cultivating and retaining Critical Race IP scholars. Finally, in concluding with a discussion of the decolonial turn, we offer a framework for moving beyond the radically unequal systems produced from the vantage point of law and economics, which has been historically complicit in intellectual property law’s theoretical and practical centering of whiteness. Decolonization, a process that began to unfold after World War II, is not only a physical process but an epistemological one, which requires addressing intellectual property’s embeddedness within practices and ideologies of modernity/coloniality as well as the connections between the latter and racism and neocolonialism. Here, we offer decolonization as a means of beginning to contemplate the remaking of intellectual property law, in ways that not only radically embrace Otherness but make space for non-European ways of thinking, making, and owning knowledge. As we imagine it, Critical Race IP is a space for creating models for the politics of reparation—not simply equal rights or distributive justice—through which oppressed groups can heal the wounds of racism and colonialism.

#### Local production is key to accessible medicine and economic independence– that solves the econ leverage

WHO 11, Local Production for Access to Medical Products: Developing a Framework to Improve Public Health, https://www.who.int/phi/publications/Local\_Production\_Policy\_Framework.pdf

Local production offers price-based competition in the market and improve affordability:. Firms in Bangladesh, Argentina and Indonesia demonstrate this well, by catering to between 60% (Argentina) and over 87% (Bangladesh) of the total local market. Clearly, market participation of local firms is not a direct indicator of improved access, and the key question is whether the local firms make a difference in terms of availability and affordability of medical products. This is important for all poor countries, where the majority of the population is unable to afford medicaments imported from developed countries. The Bangladesh study found in this case that local firms make a significant difference in promoting access to medicines for the local populations in both urban and rural areas. In Argentina and Indonesia, there is market segmentation between locally produced generics and branded medicines from multinational companies, offering wide availability of a variety of drugs. To support access, these governments source their public medicine procurement from local companies due to comparative cost advantages. Price comparisons in the diagnostics market are more difficult to interpret, as the quality of goods varies widely, with some products being ineffectual and misleading (e.g. see WHO & Special Programme for Research and Training in Tropical Diseases, 2011). • Local production has catered to local health needs: Firms in all the case studies catered to specific health needs by producing medicines for which there was local demand. These included antibiotics, anti-infectives, vaccines, antimalarials and ARVs. Firms in Bangladesh, Argentina, Indonesia and Uganda produce ARVs and antimalarials. Firms in Bangladesh are beginning to venture into vaccines for rabies, typhoid, tetanus and polio. Indonesian firms are specifically engaged in producing vaccines and heatresistant ARVs. The firms in Jordan and Argentina are expanding into product categories (including diagnostics), which resulted in incremental adaptations and improvements to existing products. • Local firms can produce products for local needs that either are not produced at all by the multinational companies or are in short supply: In these cases, such products [which] address diseases that disproportionately affect developing countries. Examples include production of paediatric ARVs by Indian companies, and production of the meningitis A vaccine by the Serum Institute of India. The Bangladesh firm Beximco is engaged in production of chlorofluorocarbon inhalers, which it also supplies to global procurement agencies. In Brazil, Bio-Manguinhos (Immunobiological Technology Institute), a unit of the Oswaldo Cruz Foundation (Fiocruz), supplies the public sector with diagnostic reagents and kits for HIV, leptospirosis, leishmaniasis, Chagas disease, dengue fever, hepatitis and rubella. • Local firms can be more adept at creating distribution networks that cater to the needs of poor people in remote areas: The existence of distribution networks and pharmaceutical supply chains is a starting point for the development of formulation capabilities in countries and expansion into other niche areas. Quality Chemicals, a Ugandan firm producing ARVs, was a distributor for Cipla’s medicinal products and has extensive distribution networks in rural Uganda. Similarly, most local companies are adept at using context-relevant strengths for distributing their products and in creating newer modes of distribution for their medicinal products. Historical narratives of the pharmaceutical sector show that many pharmaceutical firms in developing countries, including Bangladesh, Kenya and India, are offshoots of distribution companies.

**The aff’s focus on material conditions generates a practical and ideological resistance to racial cap and biocolonialism**

Purdy 20, Jedediah S. Britton-Purdy et al, 20 - ("Building a Law-and-Political-Economy Framework: Beyond the Twentieth-Century Synthesis by Jedediah S. Britton-Purdy, David Singh Grewal, Amy Kapczynski, K. Sabeel Rahman :: SSRN," 3-2-2020, https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3547312

To embrace the possibility of democratic renewal requires rejecting the terms of the Twentieth-Century Synthesis. We believe that the legal realists—and thinkers in a much longer history of political thought—were right in believing that "the economy" is neither self-defining nor self-justifying. The emphasis in these traditions has been the right one: on power, distribution, and the need for legitimacy as the central themes in the organization of economic life. Moreover, precisely because economic ordering is a political and legal artifact, the idea of an "autonomous" economic domain has always been obscurantist and ideological, even when accepted in good faith.' Law does not and never could simply defer to such a realm. Rather, law is perennially involved in creating and enforcing the terms of economic ordering, most particularly through the creation and maintenance of markets. One of its most important roles, indeed, is determining who is subject to market ordering and on what terms, and who is exempted in favor of other kinds of protection or provision.' Thus the program of law, politics, and institution building often called "neoliberalism" is, and can only be, a specific theory of how to use state power, to what ends, and for whose benefit.' The ideological work of the Twentieth-Century Synthesis has been to naturalize and embed in legal institutions from the Supreme Court to the Antitrust Office and World Trade Organization a specific disposition of power. This power represents a deployment of market ordering that produces intense and cross-cutting forms of inequality and democratic erosion. However, Twentieth-Century Synthesis theorists tend not to see this, precisely because the Synthesis makes it so hard to see (or at least so easy to overlook). If it is to succeed, law and political economy will also require something beyond mere critique. It will require a positive agenda. Many new and energized voices, from the legal academy to political candidates to movement activists, are already building in this direction,' calling for and giving shape to programs for more genuine democracy that also takes seriously questions of economic power and racial subordination;171 more equal distribution of resources and life chances;172 more public and shared resources and infrastructues;173 the displacement of concentrated corporate power and rooting of new forms of worker power;174 the end of mass incarceration and broader contestation of the long history of the criminalization and control of poor people and people of color in building capitalism;175 the recognition of finance and money as public infrastructures;176 the challenges posed by emerging forms of power and control arising from new technologies;177 and the need for a radical new emphasis on ecology.178 These are the materials from which a positive agenda, over time, will be built. Political fights interact generatively with scholarly and policy debates in pointing the way toward a more democratic political economy. The emergence of new grassroots movements, campaigns, and proposals seeking to deepen our democracy is no guarantee of success. But their prevalence and influence make clear the dangers and opportunities of this moment of upheaval—and highlight the stakes of building a new legal imaginary. 179 Neoliberal political economy, with its underlying commitments to efficiency, neutrality, and anti-politics, helped animate, shape, and legitimate a twentieth-century consensus that erased power, encased the market, and reinscribed racialized, economic, and gendered inequities. By contrast, a legal imaginary of democratic political economy, that takes seriously underlying concepts of power, equality, and democracy, can inform a wave of legal thought whose critique and policy imagination can amplify and accelerate these movements for structural reform and, if we are lucky, help remake our polity in more deeply democratic ways.

## Underview

#### 1. 1AR theory is cool

#### A~ AFF gets it because otherwise the neg can engage in infinite abuse, making debate impossible

#### B~ Fairness and education are voters – debate’s a game that needs rules to evaluate it and it teaches portable skills that we use lifelong

#### C~ Drop the debater – the short 1AR irreparably skewed from abuse on substance and time investment on theory

#### D~ 1AR theory first – it’s a bigger percentage of the 1AR than neg theory is of the 1NC which means the abuse was probably worse and only the 2NR has time to win multiple layers

A panda bear sitting on a rock

Description automatically generated with low confidence