# Refugees Affirmative

*Most of this evidence was produced at the Cal National Debate Institute. Thank you!

# 1AC

# 1AC – Moral Obligation Advantage

**The refugee crisis is getting worse in scope and severity – it affects every part of the world.**

**Miliband '16** (David is President of the International Rescue Committee. "The Best Ways to Deal with the Refugee Crisis," NY Review of Books, OCTOBER 13, 2016 ISSUE, http://www.nybooks.com/articles/2016/10/13/best-ways-to-deal-with-refugee-crisis/)

Elie Wiesel, who died this past July in New York, told me two years ago: "I am a refugee, but the word 'refugee' is not popular. But everyone likes the idea of refuge. Fight for refuge. We all need refuge." With America and the world now facing what can only be described as a global exodus of people fleeing war, supporting refugees is more necessary than ever. According to the UNHCR, in 2015 there were some 65.3 million people throughout the world who had been uprooted from their homes by conflict and persecution. Over 20 million of these people are refugees, i.e., they have fled from a well-founded fear of persecution, crossed a national border, and received refugee status from either the United Nations or a state. Between three and four million of them are now in the process of claiming asylum outside their home country. The rest are "internally displaced persons" who have not crossed national borders. Such large numbers of displaced people have not been seen since World War II: were they a nation, it would be the twenty-first-largest on earth, the size of California and Texas combined, the same as the United Kingdom. On average, 34,000 people were forced to flee their homes every day of 2015. The violence in Syria, which has rendered homeless half the country's population of 23 million, bears responsibility for a large number of the world's displaced. So do new wars and local fighting in places such as Yemen, South Sudan, Burundi, Iraq, Ukraine, Nigeria, and the Central African Republic. In defiance of international humanitarian law, many of the belligerent governments and rebel forces target civilians and aid workers. In August several aid agencies reported deaths of civilians and medical staff in bombings of hospitals in Syria by the Syrian government and its Russian backers. Shocking acts of cruelty toward civilians have become commonplace, drastically increasing the numbers of people in flight. The more than a dozen conflicts that have broken out or reignited since 2010 are behind much of the growth in global displacement as a result of conflict; the persistence of old wars explains the rest. Today's conflicts burn on for an average of thirty-seven years, making return for the uprooted an ever-distant prospect. Some 2.7 million Afghans and 1.1 million Somalis have been exiled for decades. What is perhaps less known is that the burden of sheltering today's historic numbers of refugees has fallen, with wild disproportion, upon a small number of relatively poor states. According to the UNHCR, 86 percent of all the refugees for whom it is responsible are in low- and middle-income countries close to states in which there is violent conflict. Because of their geographical location, a mere seven countries house more than half of the world's refugees. The exodus from Syria has transformed Turkey into the country with more refugees than any other: over 2.7 million people have sought protection there. Lebanon shelters more refugees compared to its national population than any other state—one uprooted Syrian for every five Lebanese citizens. This would be the equivalent of the United States taking in the whole of the United Kingdom. Jordan, with nearly 660,000 Syrians known to be on its territory, and according to the Jordanian government a similar number who have yet to identify themselves to the UN, ranks third in the number of Syrian refugees. Pakistan and Iran have, respectively, 1.6 million and 950,000 Afghan refugees. A single country, Kenya, provides refuge for almost half of the more than one million people who have fled Somalia since 1991.

**The US is shutting its door on refugees in the status quo – refusing to honor commitments and ensuring continued persecution.**

**Schoenholtz '18** (Andrew is professor from practice at Georgetown Law, "Trump's closed door to refugees is a massive betrayal of American values, and a serious humanitarian failure," NY Daily News, 5-22-2018, http://www.nydailynews.com/opinion/trump-closed-door-refugees-betrayal-american-values-article-1.4004091)

The Trump administration has made it clear: Refugees are no longer welcome in the United States. Earlier this month, Attorney General Sessions announced the U.S. government will not only continue separating children from their parents as they cross the border, but will prosecute adult asylum seekers as criminals rather than let them prove they fear persecution in their home countries. This is but the latest in a series of polices with which the extremists in charge are taking this country back to the shameful history of the 1930s. In 1939, the U.S. President — a Democrat — denied landing to more than 900 Jewish refugees who sailed from Germany on the St. Louis. These asylum seekers were forced to return to Europe. Despite four European nations providing safe haven to many of those excluded from America's shores, at least 254 of these Jews perished at the hands of their persecutors. Unfortunately, the United States is now once again returning the persecuted back to life-threatening circumstances as a matter of policy. Who are today's refugees coming to the U.S.? Most are Central American women and children fleeing from serious violence, including femicide, rape and gang killings of innocent civilians in countries where the rule of law does not exist. Some find safety in neighboring countries; others seek haven in America. There is evidence that some deported home from the U.S. have been killed. Why not give such people a chance to show they deserve our protection? Can Americans, 327 million strong, really feel threatened by the relatively small number of displaced women and children who make it here? In 1939, 83% of Americans opposed admitting refugees. Economic and ethnic fears motivated this opposition. Influential antisemites like Father Charles Coughlin and Henry Ford propagated hatred towards Jews. We are not there yet. But Trump and Sessions — and their media megaphones — are doing everything they can to take us in that direction. The propagandists who run the White House, the Justice Department and the Department of Homeland Security want to scare Americans into believing that rapists and criminal gangs are surging at our borders. Trump calls MS-13 "animals" and is more than happy if people take that to mean asylum-seekers are, too If they succeed, they will have created a security crisis where none exists. This false narrative has already taken root among officials with the power to prevent the arrival of refugees. Some Customs and Border Protection inspectors at land ports of entry have told mothers, fathers and children seeking safety that the United States is no longer giving asylum. "Trump says we don't have to let you in," some of the uprooted were informed. Homeland Security agents have already separated families, like a 6-year-old girl from her mother they detained 2,000 miles apart as they sought asylum from the Democratic Republic of the Congo. In late March, U.S. Immigration and Customs Enforcement issued a new directive to keep pregnant women who are seeking safety locked up while they pursue asylum. Sessions then ordered immigration judges to issue asylum and other immigration decisions more quickly. Starting October 1, the performance of every immigration judge will be evaluated based on the number of cases completed. Sessions wants to deter asylum seekers from having their claims of persecution heard by these judges. Finally, this administration has demolished America's legal refugee admissions program. Until Trump, the United States led the world in rescuing refugees abroad. In FY 2016, our State Department rescued 84,994 refugees and brought them to the U.S. with the aid of the great faith-based and secular agencies (like the one a refugee from Germany named Einstein helped found) that this country should be proud of. In the first half of this fiscal year, this administration has let in only 10,548 refugees. The message is clear. Refugees, don't come to America. We will treat you like criminals. We will do everything we can to deter you from coming and deport you if you make it here. Trump and Sessions are breaching our own laws that reflect the international right to seek asylum. They are abandoning our moral commitment to protect those fleeing for their lives. They are pushing America backwards, cruelly, and not to anything that made us great.

## These restrictions are motivated by xenophobic and racist mindsets.
**UUSC '17** (UNITARIAN UNIVERSALIST SERVICE COMMITTEE, "THE U.S. HAS A MORAL RESPONSIBILITY TO SUPPORT REFUGEES," SEPTEMBER 20, 2017, https://www.uusc.org/us-moral-responsibility-support-refugees/)

UPDATE: On Wednesday, September 27, 2017 the White House officially announced to Congress that it will set the refugee admissions cap to a **historic low of only 45,000** in FY2018. In response, UUSC calls on Congress to do everything in its power to raise the cap to at least 75,000. The administration's efforts to shut the door on refugees as part of its **xenophobic political agenda** do not diminish the **moral responsibility** of the United States to provide refuge for those fleeing violence and persecution. We continue to stand with refugees, their families, and their communities and will continue to fight for their rights. UUSC condemns the White House's threats to cut the refugee admissions quota to a historic low of less than 50,000 and urges the administration to institute a refugee admissions quota of no less than 75,000 in FY2018. At a time when the world is in the midst of the largest

global migration crisis on record, <u>any decision to reduce the refugee admissions cap would be an affront to the moral responsibility of the United States to provide a safe-haven for those fleeing violence and insecurity</u>. <u>Lowering the admissions level is not factually grounded and represents yet another example of the Trump administration's attacks on refugee and immigrant communities</u> that include the Muslim ban, supporting the RAISE Act, and the decisions to end the Central American Minors (CAM) and the Deferred Action on Childhood Arrivals (DACA) programs. Despite what the administration claims, <u>these attacks on refugee and immigrant communities do not promote national security or the economy.</u> They are only designed to further the Administration's nativist political agenda. As recent leaks have revealed, the administration appears to recognize that there is no justification for reducing the quota and has even gone so far as to actively suppress evidence about the contributions refugees make to our economy in order to justify their plans to reduce refugee admissions. It is also important to note that news of the administration's potential cuts to the refugee quota came the same week that the Supreme Court rejected part of a Ninth Circuit decision temporarily halting Trump's executive order commonly called the "Muslim ban." This ruling means that refugees will no longer be protected from the ban, even if they have a preexisting agreement with a resettlement agency. While the lower court ruling regarding extended family members still applies, the Supreme Court will hear arguments on the Muslim ban on October 10. In response, UUSC has signed onto an amicus brief calling on the Supreme Court to affirm the previous holdings of the Ninth and Fourth Circuits and block the ban from being enforced. <u>In recognition of the pattern of attacks on refugee and immigrant communities coming from the White House, **it is critical that we take action in solidarity with refugees** and immigrants</u>. We encourage you to join us in supporting #NoMuslimBanEver, a national month action of online and in person events leading up to the Supreme Court hearing.

**This violence is unique – to be stateless is to experience physical, emotional, and existential suffering. Institutions can reverse this systemic violence.**
**Gotlib '17** (Anna, Assistant Professor of Philosophy at Brooklyn College CUNY, "Refugees, Narratives, or How To Do Bad Things with Words," Kennedy Institute of Ethics Journal, July 20, 2017,  https://kiej.georgetown.edu/refugees-narratives-bad-things-words/)

I began by noting that <u>refugees are fundamentally homeless</u>. While this might seem like an obvious claim to make, I want to clarify what I specifically mean by homelessness here. For this, I turn to Hannah Arendt. Arendt observed in The Origins of Totalitarianism that <u>citizenship</u> (a kind of a social, political, and emotional home) <u>uniquely grants to human beings the "right to have rights"</u>—that it is a prolegomenon to any other discourses about state membership. <u>Homeless, stateless persons, however, are different: they are not merely home-less in the sense of not having a place to call their own, but in the sense of not having the right to demand it</u> (Arendt 1968). In other words, they have lost the possibility of making a claim on others for an opportunity to regain a home. <u>This loss of claim-making is crucial</u>**: Refugees are not only fleeing violence and persecution, but socioeconomic deprivation, racism, sociopolitical ostracism, and many other barriers to a minimally acceptable existence**. Thus, even before they are relegated to the status of non-citizens, they are already one step removed from being fully at home in the land of their origin. Being thus estranged from their home in ways that are independently de-centering and destructive, they are unable to begin again. <u>The rejection by their intended destination is thus not merely social or political</u>—in losing their home without regaining one, <u>they lose their story</u>. And the closing of the door that they hoped would be open also destroys the hope that the story could continue. <u>The self becomes the self-in-exile—physical, emotional, psychological, political, without a reasonable possibility of rebuilding. Thus, homelessness can be understood as a kind of liminality, a state of permanent non-belonging</u>. One is no longer of a rejecting place of origin, and one is not of any other place, either. What remains is an unending process of transition, where uprootedness is a permanent condition. The homelessness of today's Syrian refugee, therefore, is twofold: First, there is the loss of one's home and one's identity as a rightful citizen—a rightful member—of one's community of origin. Second, there is the lack of any reasonable ground on which to re-build one's new identity. Thus, the newly homeless, stateless refugee has lost access to her familiar moral and political spaces in which her agency was once enacted and granted uptake without replacing it even with an ersatz home. In this way, these refugees are liminal not necessarily in that they are deprived of life, liberty, and the pursuit of happiness, or of equality before the law and freedom of opinion…but that they no longer belong to any community whatsoever. . . . They are deprived, not of the right to freedom, but of the right to action; not of the

right to think whatever they please, but of the right to opinion. (Arendt 1968, 295–296) This pariah-like status not only places these newest refugees in physical danger, but also does something else: it renders them homeless in that deep Arendtian sense of being deprived of an appeal—of being existentially disowned not just by a particular nation-state, but by the global community itself. b. Moral Luck Refugee homelessness does not happen in a moral and political vacuum. Sometimes, one's mere presence in particular circumstances tragically seals one's fate. I will now consider what this means for refugees, both lucky and unlucky. People can be lucky, and their luck can also run out due to factors beyond their control. One person trips over a curb while walking and texting, landing on a small child, while another, engaged in exactly the same activity, happens to lift her foot a quarter of an inch higher, thereby stepping over the curb and avoiding harm. And seemingly counter to a Kantian ethic of an unconditioned will, we judge the former harshly, while letting the latter go without much note. When we are speaking of moral luck, then, we usually mean that a particular set of circumstances, one's luck, makes a difference in how we perceive, and evaluate, one's actions—how one is viewed as a person. Thus even though our intuitions might suggest that (good or bad) moral luck ought not make a difference in our judgments of how good, blameworthy, or responsible a person is, the phenomenon of moral luck suggests that it indeed does. Nothing less than a person's moral standing rides on the presence or absence of such luck (Williams 1982; Nagel 1993). But moral luck does not occur in an epistemic or social void, and those whose lives are affected by its vagaries are already located in circumstances that make such luck more or less likely. Or, put more simply, moral luck has a lot to do with what agents can, and cannot, control—and not all agents are situated in the same way in regard to levels of control. As Margaret Walker has noted, when we are talking about moral luck, what we really mean is that our "responsibilities" have "outrun [our] control" (Walker 1991, 247). That is, regardless of our actions and intent, we might still nevertheless be held responsible. Claudia Card, in The Unnatural Lottery, noted that all human beings are vulnerable to moral luck, and the role that moral luck plays in the options available to oppressed moral agents might leave them only with bad ones (Card 1996). Lisa Tessman, in part adopting Card's account, offers another conception of moral luck: "systemic" luck that comes from "circumstances that are systematically arranged and that tend to affect people as members of social groups" (Tessman 2005, 13). In this way, "systemic" luck is distinguished from "natural" or "accidental" luck (Tessman 2005). For my purposes here, I build on Tessman's distinction within the broader moral luck paradigm between "systemic luck" and that which is non-systemic or accidental. I call my version of Tessman's systemic luck refugee systemic luck. This turn to systemic luck as a way to talk about the moral luck of refugees might at first seem odd: After all, if one of my contentions is that refugees are precisely not in control of the unpredictable circumstances that determine their fates, why would I rely on a conception of moral luck that is grounded in an idea of systemic social arrangements that are not at all accidental? The short answer is that the deepest sense of unpredictability and historical accident of their circumstances is experienced by the refugees as an already-oppressed class of people. From their perspective, the chances of success of escape might very well seem to be more like the vagaries of the weather: some get a storm, and some get fair skies. But there is also the other side of the equation—the systemic one. The fate of the refugees has to do with the actions of those empowered to help or to reject them. That is, my claim is that **refugee systemic luck traps refugees in a two-tiered system of oppression**: While an unpredictable and uncontrollable bad-luck force acts on an already-oppressed people by making their flight existentially necessary, a more systematically and deliberately enacted luck-making one takes over once they are homeless and stranded between an impossible home and an uncertain future. This second force is the socio–political and economic circumstances of their intended destination, and how it reacts to its own circumstances. What this means is that on the one hand, no nation to which the refugees flee can be said to systematically arrange and control every policy (for they inevitably inherit the domestic and foreign policies of their predecessors). On the other, these (usually Western, more well-off) nations do have agential control over how they approach the historical circumstances that they have been dealt. And it is in how they respond to the political and moral dilemmas before them that these leaders and government representatives create the systemic luck of those whose lives are bound by their decisions. Thus, refugee systemic luck can be understood in two steps: First, the refugees are thrown into historical, geopolitical circumstances not of their choosing. Second, they must contend with the actions and the powerful master narratives of those who may, or may not, offer them asylum. A system of luck is thus created: some refugees are storied as undeserving and unwanted, and thus experience refugee homelessness via systemic (bad) luck; others are storied as wanted and deserving, and thus can begin again via refugee systemic (good) luck. I argue in the final section of this paper that other choices and responses to the refugee's needs are possible. I now turn to a consideration of what this refugee systemic luck looks like in practice.

**Systemic violence may appear invisible, but is exponential and destructive – you have an ethical duty to challenge it**

**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.


**We have a moral obligation to refugees – change your decision calculus to prioritize the structural injustice of displacement.**

**Parekh '17** (Serena, "Our Moral Obligations to Refugees Go Beyond Giving Them Refuge," News Deeply, Jan. 25, 2017, Edited extract from "Refugees and the Ethics of Forced Displacement," https://www.newsdeeply.com/refugees/community/2017/01/25/our-moral-obligations-to-refugees-go-beyond-giving-them-refuge)

Though a low bar in most other contexts, when it comes to the treatment of refugees and the displaced, many would consider ensuring this basic level of rights, protection and accountability an unaffordable and unnecessary luxury. The reason that the ethical treatment of the displaced during their displacement is often ignored is because displacement is assumed by most people to be exceptional and temporary. I argue that both of these assumptions should be abandoned. Displacement is so much a fact of everyday political life that far from being exceptional, it ought to be seen as a **regular part of global politics**. Far from being temporary, displacement ought to be assumed to be **long term and enduring.** Living outside of a nation-state is no longer an anomaly that can be brushed aside as exceptional to contemporary political life; it has in many ways become a standard way of living for **millions** of people, and will **increasingly** be so in the future. The treatment of people during their displacement, because it is

regular and enduring, not exceptional and temporary, ought to be subject to **rigorous ethical consideration**. Some of the harms of the **refugee regime** must be understood as **structural injustices**, injustices in which Western states can be held remedially **responsible.** Structural injustices are not necessarily the result of deliberate wrongdoing or explicitly unjust policies, but are the unintentional outcome of the actions of different agents each working for their own morally acceptable ends. **This calls for a new understanding of responsibility**. We ought to understand our responsibility for global displacement as "remedial" in the sense that we are responsible for fixing the problem in front of us because of the various ways in which we are connected to the situation, even though we did not cause it. To connect this to the Syrian refugee crisis, in my view the moral obligations of, for example, the United States, to Syrian refugees are not exhausted by resettling 10,000 refugees. We must continue to ask: And what happens to the other 5 million people from Syria who have been displaced by the war? Under what conditions will they be forced to live and for how long? We need to focus on the moral dimension of how the displaced are treated between the time of their exile and when they are finally able to find a permanent durable solution. This period of time is ever growing and more and more people spend their lives here. For the vast majority of people, it is a time characterized by confinement and human rights violations. This should not be the accepted norm. We ought to be promoting policies and practices that treat the forcibly displaced as fully human and with dignity.

# 1AC – International Order Advantage

**Ratifying the Refugee Convention binds the U.S. to international human rights law, but status quo immigration restrictions are in breach.**

**Ayoub & Rondon '17** (Abed A. and Yolanda C., Legal & Policy Directors at the American-Arab Anti-Discrimination Committee. Both JDs. "Willful Blindness or Deliberate Indifference:  The United States' Abdication of Legal Responsibility to Refugees," Barry Law Review: Vol. 22: Iss. 1 , Article 3. Available at: h p://lawpublications.barry.edu/barrylrev/vol22/iss1/3)-mikee

II. **UNITED STATES'S OBLIGATIONS UNDER INTERNATIONAL LAW AND REFUGEE POLICIES** A. Recognition Under International Law The Refugee Convention is derived from the asylum protected status enumerated under the Article 14 of the 1948 Universal Declaration of Human Rights—to provide immediate safe haven to those in danger.75 It may surprise some that the 1951 Refugee Convention (1951 Convention) did not grant refugee status to all those who qualified as refugees by demonstrating 1) a well-founded fear of future persecution based on race, nationality, membership in a particular social group, and religion; 2) a causal nexus; and 3) an unwillingness or inability to return to their home country.76 The 1951 Convention was subject to the geographic and temporal limitations of Europe.77 It may also surprise some that the U.S. did not ratify the 1951 Convention.78 However, we must remember that the 1951 Convention was moved forward in response to the Holocaust and persecution of Jews by the German government and in German-controlled areas.79 Also, remember that the U.S. refused to accept Jewish refugees fleeing to the U.S., classifying Jewish refugees as a "risk" for entry and a "threat."80 Nevertheless, the U.S. is bound by the 1951 Convention and 1967 Protocol because the Convention is recognized as jus cogens,81 and the **U.S. must abide by customary international law**. Jus cogens is defined as a peremptory norm of international law accepted by the international community of states as a whole from which no derogation is ever permitted.82 The 1951 Refugee Convention and 1967 Protocol have been ratified by 142 countries.83 Additionally, the United States did ratify the 1967 Protocol84 and enacted it as law under the Immigration and Nationality Act § 101(a)(42).85 Equally important is the recognition of the principles of **anti-discrimination and non-refoulement as established international norms** rooted in customary international law.86 The five protected grounds under the 1951 Convention and the 1967 Protocol are rooted in the principles of immutability and anti-discrimination.87 Protection is afforded to individuals discriminatorily targeted and/or subject to risk because of who he or she is—an immutable characteristic fundamental to his or her identity or conscience.88 These principles, particularly the principle of anti-discrimination, have been recognized through state domestic courts including, but not limited to, Canada in Attorney General of Canada v. Ward and the United Kingdom in Ex parte Shah v. Secretary of State for the Home Department.89 The principles of anti-discrimination and non-refoulement are not principles in the mere sense of the word. The principles as recognized international norms are rules that impose duties.90 Recognition of anti-discrimination and non-refoulement principles as jus cogens are further supported by international instruments.91 Articles 1 and 2 of the International Convention on the Elimination of all Forms of Racial Discrimination affirm the non-discrimination principle, specifically providing: Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to en sure [sic] that all public authorities and public institutions, national and local, shall act in conformity with this obligation; (b) Each State Party undertakes not to sponsor, defend or support racial discrimination by any persons or organizations.92 Article 4 of the International Covenant on Civil and Political Rights affirms the non- discrimination duty even in times of war or threats to national security. The Covenant provides: In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.93 The Convention on the Elimination of all Forms of Discrimination has 88 signatories and 177 state parties.94 The Covenant on Civil and Political Rights has 74 signatories and 168 state parties.95 The European Charter on Human Rights, American Convention on Human Rights, and African Charter on Human and People's Rights affirmed international recognition of the anti-discrimination principle. However, current refugee legislation, policies, and practices **violate customary international law,** the recognized international norms. Arguably, the actions implemented and/or proposed by the United States government violate the anti- discrimination principle and international law. For the first time in recent history, the United States has set out to discriminate against the admittance of refugees, singling out Arabs (specifically Syrians and Iraqis) and Muslims for no admittance

and heightened screening based on their identity alone.96 This directly contradicts the purpose of the Refugee Convention and the protective status.


**Specifically, current refugee admission levels violate *jus cogens* principles of non-refoulement and non-discrimination in the right to asylum.**

**Coen 18** [Alise Coen, Assistant Professor of Political Science at UW-Sheboygan, Ph.D. in Political Science and International Relations from the University of Delaware, 4-24-2018, "International order, the rule of law, and US departures from refugee protection," The International Journal Of Human Rights, https://www.tandfonline.com/doi/abs/10.1080/13642987.2018.1454910]

As previously discussed, the Refugee Convention allows for the removal and denial of refugee status to individuals who have committed serious crimes and pose a danger to public safety when there are 'reasonable grounds' for establishing this danger. The high standards for determining that a refugee or asylum-seeker is a serious criminal and threat to the host country are intended to ensure states deny or expel only 'truly dangerous refugees'. 66 Deviations from refugee protection principles during the first year of the Trump administration arguably fail to meet these standards, and **perpetuate violations of non-discrimination detrimental to the democratic rule of law.** At the centre of controversial US policy changes were heightened efforts to limit and restrict refugees' right of entry in the January 2017 'Executive Order Protecting the Nation from Foreign Terrorist Entry into the United States'. This order imposed a temporary ban on the entry of all immigrant and non-immigrant nationals from seven Middle Eastern and North African countries and specified an indefinite ban on the entry of all Syrian refugees.67 The executive action arguably violated customary and peremptory legal norms in two ways. First, the policy **undermined the prohibition on non-refoulement.** In considering aspects of the principle that rise to the level of jus cogens, Goodwin-Gill notes that in addition to the obligation not to deny asylum-seekers and refugees access to international protection, 'there is a corresponding obligation on states not to frustrate the exercise of the right of asylum in such a way as to leave individuals at risk of persecution or other relevant harm'. 68 Reports on the detention and expulsion of individuals arriving in US airports in the aftermath of the executive order indicate the United States contravened non-refoulement in failing to uphold the procedural requirement for anyone in US custody or territory – including US airport detention – to be given a fair opportunity to claim credible fear of torture or persecution.69 The US ratification of the CAT obligates asylum officers to provide 'credible fear of torture' screenings to determine whether asylum eligibility exists,70 reiterating the nexus between non-refoulement and the jus cogens prohibition on torture. Second, in denying and frustrating the right of Syrian refugees in particular to seek asylum, the executive action undermined the responsibility to protect refugees fleeing jus cogens crimes. Given that Syrian refugees are fleeing war crimes, acts of genocide and crimes against humanity,71 impeding their escape might violate peremptory norms regarding prohibitions on these severe crimes. As part of a legal obligation to prevent genocide, which is clearly recognised as jus cogens, 72 states arguably have a duty to offer asylum and other forms of protection to individuals fleeing acts of genocide or violent contexts that may expose them to a future risk of genocide if they are unable to find safety. The same holds in the case of individuals seeking escape from war crimes and crimes against humanity since these are also often recognised as jus cogens crimes subject to universal jurisdiction.73 The administration's targeting of Syrian refugees for denial of entry is thus particularly problematic in terms of US compliance with peremptory norms. It is also important to note that the executive order **breached non-discrimination requirements** regarding the application of Article 33 of the Refugee Convention as well as article 26 of the ICCPR by utilising 'sweeping group-based denial of access to protection'. 74 Following a series of

injunctions from US Federal district judges raising concerns about its discriminatory basis – specifically, its disproportionate impact on largely Arab and Muslim immigrants – the policy was modified to incorporate two non-Muslim majority countries: North Korea and Venezuela. Concerns regarding discrimination continued, however, given that the revised version only banned certain Venezuelan government officials and their immediate family members and had little impact on already low levels of immigration from North Korea. Nationals from Muslim-majority countries like Syria, Chad, Yemen, Libya and Iran continued to face large-scale immigrant and nonimmigrant entry suspensions.75 The disproportionate impact on Arab and Muslim migrants not only suggests a US violation of international human rights law vis-à-vis non-discrimination,76 but also indicates further damage to the tenets of equality and non-discrimination foundational to the democratic rule of law at the domestic level. The containment of refugee flows and measures such as border closures have the potential to **undermine the fundamental right to leave and seek asylum**.77 Efforts to block asylum during the first year of the Trump administration resulted in a 37% decrease in total refugee admissions for fiscal year 2017, with the overall admissions figure (53,716) representing the lowest level of US refugee resettlement in 10 years.78 The effect of the administration's attempts to restrict asylum for Syrian refugees in particular is evidenced in their dramatic admission declines. Whereas an average of 1200 Syrian refugees per month were admitted in the final months of the Obama administration, that figure fell below 285 per month during the spring of 2017. In August of 2017, as the number of Syrian refugees registered with the UN reached a record global high of 5.2 million, only 48 were admitted into the United States. Despite court injunctions and domestic legal challenges to its executive actions on immigration, the Trump administration was ultimately successful in curtailing the total annual admission of Syrian refugees by nearly half (6557 down from 12,587).79 In the fall of 2017, the US administration announced it would **further reduce total refugee admissions to no more than 45,000 for 2018, representing the lowest annual ceiling** since the establishment of the US refugee resettlement programme in 1980.80 In terms of international refugee responsibility-sharing, these figures translate to **a commitment from the global hegemon to accept only 0.2 percent** of the world's 22.5 million refugees. The indifference to a responsibility to protect refugees fleeing mass atrocity crimes such as those in Syria is striking not only given the United States' relatively strong capacity to absorb refugees, but also given its culpability in contributing to the conditions shaping humanitarian displacement in Syria.81 The implications for the resettlement of Syrian and other refugees originating from the Middle East and from Muslim-majority polities may be especially dire in the wake of new vetting policies requiring additional security screening and scrutinising of applications for refugees from 11 countries deemed to be 'higher risk' by the administration. These were reported to include Egypt, Iran, Iraq, Libya, Mali, North Korea, Somalia, South Sudan, Sudan, Syria and Yemen.82 Refugee advocates cautioned that the effect of this additional 'vetting' during 2018 would likely pause the security checks and processing of refugees from these states, further slowing already backlogged security advisory opinions and resulting in a 'de facto ban' on refugees from these countries.83 It is noteworthy that the conflicts driving displacement in several of the listed states are characterised by mass atrocity crimes, including acts of genocide and crimes against humanity such as widespread torture. This reiterates the potential for US policy to violate jus cogens and customary legal norms. Violations of non-refoulement during the first year of the Trump administration extend beyond the controversial executive order to encompass wider accounts of increased detention and deportation of asylum-seekers.84 In addition to undermining the international rule of law, changes in the practices of US Customs and Border Protection (CBP) under the Trump administration arguably compromise the domestic rule of law. A 2017 class-action lawsuit on behalf of asylum-seekers from Mexico and Honduras highlights patterns of unlawful practices by CBP officials 'designed to deny individuals their right under the law to apply for asylum'. Allegations include physical abuse, threats and intimidation, and reports of CBP officials falsely telling asylum-seekers that asylum is no longer available in the United States.85 Reports of increased 'family separations' as a new policy to dissuade the illegal entry of immigrants and asylum-seekers additionally raise concerns about inhumane treatment and potential violations of children's rights.86 This underscores the extent to which international order and domestic order are inherently linked, for 'world order is not merely about relations between sovereign states [but] it is also about order within states', including the fulfilment of social compacts and provision of basic rights and welfare.87

**This instance spills over – human rights norms on refugees are critical to the foundation of the international legal order writ large. Violations undermine the core of international law – only the plan prevents the collapse of global governance.**

**Coen 18** [Alise Coen, Assistant Professor of Political Science at UW-Sheboygan, Ph.D. in Political Science and International Relations from the University of Delaware, 4-24-2018, "International order, the rule of law, and US departures from refugee protection," The International Journal Of Human Rights, https://www.tandfonline.com/doi/abs/10.1080/13642987.2018.1454910]

Diverse perspectives within International Relations (IR) theory have converged around the notion that **the global architecture underpinning the contemporary world order is at a crossroads.**1 At the heart of this juncture is the crisis of a distinctly liberal international order built on a rules-based system of multilateralism, democratic solidarity and human rights.2 There are **robust foundations for connecting norm-violating behaviour to this crisis** and its attendant erosions of the rule of law at both domestic and international levels. Much work has focused on the rule of law as a state-level attribute, demonstrating the centrality of fair, impartial and effective institutions for democratic political systems.3 Applied to the international domain, the rule of law anticipates that states and other actors will adhere to a wide range of principles prescribed by legal norms to ensure a sense of fairness, procedural transparency and predictability.4 Violations of customary and peremptory legal norms – universally binding norms of a *jus cogens* nature from which no derogations are permitted – can cripple the expectations associated with these components of international order and justice. Deviations from human rights principles are particularly problematic since the rule of law depends on equally enforced laws 'consistent with international human rights norms and standards'. 5 The responsibility for adhering to these principles arguably rests **first and foremost with powerful states that possess the governance capacity to comply** with them, as weaker states sometimes lack the durable administrative institutions needed to enforce human rights laws within their territories.6 **Strong states espousing a liberal democratic identity are particularly integral** to sustaining the normative and legal power of international human rights instruments since they possess both material and ideational conditions supportive of human rights compliance. What, then, are the implications for global human rights governance when a democratic, hegemonic actor violates core human rights principles? This article focuses on US norm violations in the realm of refugee protection to explore this question. Violations of the principle of non-refoulement and **efforts to shirk refugee responsibility-sharing** in the wake of mass atrocity crimes are highlighted as two important realms in which **US behaviours undermine the rule of law and weaken international order.** International order and the rule of law Member states at the United Nations (UN) World Summit in 2005 committed to 'actively protecting and promoting all human rights, the rule of law and democracy', recognising the 'interlinked and mutually reinforcing' nature of these concepts.7 At the international level, the rule of law provides an important sense of stability and predictability in the absence of a centralised world polity. While definitions of the concept vary, the rule of law might be conceptualised as entailing four main principles: governments and other actors are accountable under the law; laws are just and applied evenly, and protect fundamental rights; the processes by which laws are enacted and enforced are accessible and fair; and the delivery of justice is competent and ethical.8 Accountability under the law and the equal enforcement of laws protecting basic human rights are particularly central in enabling states and other actors to maintain standards of fair behaviour. When states fail to comply with their legal commitments and uphold fundamental human rights protections, the principles of accountability, fairness and equal enforcement underpinning the rule of law are undermined. Moreover, because the efficacy of international law depends on its successful internalisation and enforcement among states, widespread violations of international standards can precipitate a breakdown in global justice.

Encroachments on the international rule of law simultaneously encroach on international order. International order encompasses 'the body of rules, norms, and institutions that govern relations among the key players in the international environment'. 10 Contemporary international order depends particularly on adherence to liberal political norms upholding human rights. Noncompliance with such norms is often understood as endangering human rights and international stability writ large.11 For democracies, human rights violations can jeopardise the rule of law and notions of legitimacy at domestic and international levels. States' adherence to human rights norms represents an important signalling of their commitment to democracy12 as well as their membership in a club of nations that adhere to 'laws of universal conscience'. 13 Expectations that democracies fulfil their moral commitments under international law have intensified as notions of international order have increasingly linked democracy with human rights.14 Compliance with human rights norms has become paramount to shared understandings of global governance, justice and accountability, such that states are increasingly willing to prioritise commitments to international human rights law over short-term material interests, even at significant economic costs.15 When such norms have acquired peremptory or jus cogens status, they are especially foundational to preserving the rule of law on which international order depends. Jus cogens status signals acceptance by the international community of states as a whole, and states cannot derogate from or opt out of jus cogens obligations, even by treaty.16 Greater attention to the connection between jus cogens norms and international order is needed within IR, as these binding international standards are arguably central to the ethos of the international community. Conklin posits that violations of these norms call into question the very existence of the international legal order, for 'when a state contravenes the peremptory norm, the legitimacy/authority of the international community in which the preemptory norm is nested is annulled'. 17 Widely accepted examples of jus cogens norms include prohibitions against attacks on civilians, genocide and torture.18 Such prohibitions represent the extent to which core values of the international community surrounding human rights have become 'so fundamental to the system that the law could not survive without them'. 19 Core human rights principles and refugee protection International human rights law provides a fundamental basis for the protection of asylum seekers, refugees and forcibly displaced persons by shielding these individuals from violations of accepted international norms.20 This section of the article outlines two areas of refugee protection that merit attention: the principle of non-refoulement and the responsibility to protect refugees fleeing mass atrocity crimes. Because these realms might be considered intrinsically connected to peremptory human rights norms of a jus cogens nature and to customary international human rights law, state violations of these obligations simultaneously undermine the rule of law, democratic legitimacy and international order.

## International law's key to norm-based multilateralism and global crisis cooperation.

**Herd 10**, Graeme P., Head of the International Security Programme, Co-Director of the International Training Course in Security Policy, Geneva Centre for Security Policy, 2010, "Great Powers: Towards a "cooperative competitive" future world order paradigm?," in Great Powers and Strategic Stability in the 21st Century, p. 197-198

Given the absence of immediate hegemonic challengers to the US (or a global strategic catastrophe that could trigger US precipitous decline), and the need to cooperate to address pressing strategic threats - the real question is what will be the nature of relations between these Great Powers? Will global order be characterized as a predictable interdependent one-world system, in which shared strategic threats create interest-based incentives and functional benefits which drive cooperation between Great Powers? This pathway would be evidenced by the emergence of a global security agenda based on nascent

similarity across national policy agendas. In addition. Great Powers would seek to cooperate by strengthening multilateral partnerships in institutions (such as the UN, G20 and regional variants), regimes (e.g., arms control, climate and trade), and shared global norms, including international law. Alternatively, Great Powers may rely less on institutions, regimes and shared norms, and more on increasing their order-producing managerial role through geopolitical-bloc formation within their near neighborhoods. Under such circumstances, a re-division of the world into a competing mercantilist nineteenth-century regional order emerges 17 World order would be characterized more by hierarchy and balance of power and zero-sum principles than by interdependence.¶ Relative power shifts that allow a return to multipolarity - with three or more evenly matched powers - occur gradually. The transition from a bipolar in the Cold War to a unipolar moment in the post-Cold War has been crowned, according to Haass, by an era of non-polarity, where power is diffuse — "a world dominated not by one or two or even several states but rather by dozens of actors possessing and exercising various kinds of power"18 Multilateralism is on the rise, characterized by a combination of stales and international organizations, both influential and talking shops, formal and informal ("multilateralism light"). A dual system of global governance has evolved. An embryonic division of labor emerges, as groups with no formal rules or permanent structures coordinate policies and immediate reactions to crises, while formal treaty-based institutions then legitimize the results.'9¶ As powerfully advocated by Wolfgang Schauble:¶ Global cooperation is the only way to master the new, asymmetric global challenges of the twenty-first century. No nation can manage these tasks on its own, nor can the entire international community do so without the help of non-state, civil society actors. We must work together to find appropriate security policy responses to the realities of the twenty-first century.20¶ Highlighting the emergence of what he terms an "interpolar" world - defined as "multipolarity in an age of interdependence" — Grevi suggests that managing existential interdependence in an unstable multipolar world is the key.21 Such complex interdependence generates shared interest in cooperative solutions, meanwhile driving convergence, consensus and accommodation between Great Powers.22 As a result, the multilateral system is being adjusted to reflect the realities of a global age - the rise of emerging powers and relative decline of the West: "The new priority is to maintain a complex balance between multiple states."23 The G20 meeting in London in April 2009 suggested that great and rising powers will reform global financial architecture so that it regulates and supervises global markets in a more participative, transparent and responsive manner: all countries have contributed to the crisis; all will be involved in the solution.

## Effective international law facilitates global coordination over public goods – solves multiple existential threats

Gregory **Shaffer 12**, Melvin C. Steen Professor of Law, and Affiliated Professor in the Department of Political Science, University of Minnesota, "International Law and Global Public Goods in a Legal Pluralist World," Eur J Int Law (2012) 23 (3): 669-693, http://ejil.oxfordjournals.org/content/23/3/669.full

We face imminent financial collapse with scant collective will to address it. Power fragments and states holding nuclear weapons destabilize, risking nuclear proliferation and eventual terrorist use. Climate change intensifies while states that are the main contributors dither and politicians with veto power trivialize repeated scientific findings as 'the greatest hoax ever perpetrated'.1 Fisheries deplete, deserts expand, and aquifers diminish. International law scholarship, in the meantime, takes a turn towards celebrating pluralism without sufficiently accounting for institutional variation to address different contexts. Those writing on global public goods challenges, at the same time, tend to come from disciplines other than law.2 ¶ Increased transnational interdependence recasts domestic issues into global ones. To give one mundane example, until 1997, corporate insolvency law in Indonesia was considered a purely local matter. But with the onset of the Asian financial crisis, the World Bank, International Monetary Fund, and Asian Development Bank rethought domestic corporate insolvency law as a global issue in light of the risks of financial contagion, threatening a global public good, financial stability.3 Other examples include domestic banking regulation, tax avoidance (given the impact on state sovereign debt crises), pest control, public health, and civil conflict. In response, states create new international institutions and existing international institutions expand their mandates. The UN Security Council has expanded its mandate for overseeing global peace and security to authorize 'humanitarian intervention', and the World Health Organization has done so to address public health in response to the SARS epidemic and similar threats.4 States and state institutions sometimes create international club-like institutions with limited membership, such as the Financial Action Task Force and the Basel Committee on Banking Supervision, with the express aim of affecting behaviour in non-members, such as over money laundering and bank capital requirements.5 So what is international law's role in the production of global public goods? Where are greater international legal constraints and international institutions needed, and where should international law retain slack? International law both is required to produce global public goods and can potentially impede dynamic processes that are needed to address global public goods challenges. This article provides a framework for addressing these issues in light of variation in the properties of global public goods (section 3), their distributive implications (section 4), and alternative institutional choices for confronting them, as reflected in different theoretical visions for global governance advanced within international law scholarship (section 5). But first we address the rise of the legal pluralist vision (section 1) and the tensions between it and the concept of global public goods (section 2). ¶ 1 The Rise of the Legal Pluralist Vision ¶ Legal pluralism seems a bit of a fad in international law scholarship today, just as dialectical federalism may be a bit of a fad in the United States, and constitutional pluralism in the European Union.6 Legal pluralism is a construct, a way of understanding and envisaging the world, both positively (the way the world is) and normatively (the way it should be). The challenge with the legal pluralist construct is how it takes account of the global public goods challenges confronting us.¶ What has led to the rise of this academic construct, its

proliferation, its catching on, its enticement of our imaginations? In part, the concept resonates with our experience of multiple overlapping orders in tension with each other, with no clear centre. In part, the concept provides a normative vision of restructuring plural orders into pluralist ones – that is, re-envisaging them from fragmented, closed, sovereign legal orders into an open, interacting, interlinked, interdependent, multi-level structure of legal ordering. In part, it particularly resonates with those writing in Europe, reflecting the European experience with supranational law. The European experience, encompassing both economic regulation and human rights protection, is viewed as an experimental model and 'laboratory' for the ordering of a global legal pluralism, one which provides order without centralized hierarchy, hegemony, or the abandonment of public law principles to transnational market forces.7 ¶ Yet the turn to a pluralist vision also has something to do with our disenchantments, our disenchantment with international law, the limits of the European experiment where a constitutional order exists but has been formally rejected by its citizens, and the failure of progressive politics in the US at the national level, spurring a strategic retreat out of political necessity to bottom up progressive initiatives from small municipal activist havens like Berkeley, California, and Madison, Wisconsin. There are good reasons for such disenchantment within the US, with the populist lure of the Tea Party's destructive rhetoric of any sense of collective purpose, its members cheering at Republican debates at the prospect of Americans dying because they do not have health insurance. There are good reasons for this disenchantment in Europe with little sense of solidarity in facing a crisis threatening the Euro, the Union itself, and the world, with the biggest sovereign defaults in history, ones that would dwarf earlier defaults in South America and Asia. It is a crisis which – to play with Hobbes' famous phrase – could be nasty and brutish, but not short. And there are good reasons for such disenchantment globally, with the cynicism of the Bush administration's despising of international law in invading Iraq, its trivializing of torture, and its ordering the freeze of individual assets through Security Council resolutions with no concern for due process. International law failed to constrain power when power chose to belittle and ignore it, and it served to legitimize power when power deigned to deploy it. ¶ The concept of pluralism certainly captures much going on in the world better than its occasional foil, the concept of constitutionalism.8 There is rarely any central hierarchy in international law. And even where there is a glimpse of a shadow of hierarchy, such as decisions by the UN Security Council or of the WTO Appellate Body, there always follows the challenge of implementation. International law depends on national systems and private actors to implement its dictates, and it has little authority to ensure that they do so.¶ We have a fragmented plurality of legal orders spatially in at least three senses.9 First, as international functional organizations proliferate, we have a plurality at the international level – constituting a horizontal plurality. Different semi-autonomous international institutions address common issue areas in different ways. At times actors may strategically create overlap among international institutions to reorient international legal norms when they are unable to trigger such change within an existing institution. The tensions between the rules of the WTO and the Convention on Biodiversity and its Biosafety Protocol are a salient example.10 Institutions with overlapping mandates may also compete for leadership on a legal issue, as the World Bank, International Monetary Fund, and Asian Development Bank did during the Asian financial crisis.11 ¶ Secondly, we have a plurality of legal orders between levels of governance – constituting a vertical plurality. Since considerable power remains at the nation state level, whether for producing detailed law, implementing it, or enforcing it, international law must interact with national law to be effective. In practice, domestic law and institutions will always remain critical parts of a recursive process of resistance, adoption, and adaptation of international legal norms, which in turn can reshape those international norms. ¶ Thirdly, in an economically interdependent world, private actors develop non-public legal orders at the state and international levels. They are sometimes encouraged by public actors that may later codify these private legal norms, or enforce them judicially, or collaborate through forming 'public–private partnerships'. We thus also have a plurality of public and private legal orders.12 ¶ The concept of legal pluralism does not signify disorder – per the international relations trope of anarchy. Legal pluralism, with its account of interacting legal orders, takes the idea of international law seriously. Otherwise, there is nothing with which national legal systems can interact, except with each other or with private legal ordering. The normative vision of legal pluralism rather aims to foster transnational and global legal order out of the plural; it aims to structure out of the many one, but with the one constituted by the interactions of the many.13 ¶ 2 Legal Pluralism and the Challenge of Global Public Goods ¶ Despite the appeal of the legal pluralist vision, one realizes in reading thought-provoking authors on legal pluralism, such as Mireille Delmas-Marty and Nico Krisch, that though they compellingly support their arguments with examples and case studies, their case studies do not focus on the challenges of global public goods. They do not, one might conjecture, because there is a tension between the operation of legal pluralism and the production of global public goods where processes of pluralist interaction will provide too little too late. ¶ What do we mean by a global public good? In economic theory, a public good, in contrast to a private good, is one that is non-excludable (no one can be excluded from the good's consumption) and non-rivalrous (the good's consumption does not reduce its availability to others).14 Clean air, for example, is a public good because it is not depleted by our breathing it, and it cannot be appropriated by a few. The term 'good' refers to a product, and not a normative attribute. A public good may be positive (such as knowledge), or negative, a good that we wish to curtail so that our aim is to produce its absence (such as terrorism).¶ Those promoting international cooperation often broaden the definition of a public good classically used in economic theory, which was statist in its initial focus, to encompass a larger number of issues for global action. On the one hand, the two-fold 'publicness' of a good in practice often lies along a continuum, so that goods may combine public and private attributes, complicating the assessment of how to generate them.15 On the other hand, one reason policy-makers arguably have developed a broader definition of global public goods is to enhance the scope for global governance projects and thus legitimize their pursuit.16 The concept of global public goods, for example, was originated under a project sponsored by the UN Development Programme which seeks funding for projects. Inge Kaul and her collaborators, leading that project, use a relaxed definition of public good as 'goods with benefits that extend to all countries, people, and generations',17 while noting that the concept of public good is a social construction.18 Such expanded definitions, however, risk making the concept of global public goods so malleable that it becomes abused, leading to scepticism and cynicism regarding its relevance.19 As we will see in section 3, we rather need to differentiate among different types of public goods in order meaningfully to address the role of international law and organizations in their production. ¶ The major challenge for the production of many (but not all) global public goods, as well as those public goods that are transnational (but not global) in scope,20 and thus the challenge of celebrating legal pluralism, is collective action and free riding. States and other actors will not invest in global public goods if their independent action will have no impact, or if they can free ride on the investment of others. To produce global public goods often requires a sense of collective purpose based on mutual interests and understandings. To arrive at that collective purpose, we need (for economists) an alignment of incentives, and (for sociologists) socialization processes that lead to a common identity (such as national citizens). We are then more likely to cooperate and create institutions that invest in producing public goods. The creation of nation states with general taxing powers and a monopoly of the legitimate use of force facilitated the production of national public goods. The development of the theory of public goods correspondingly has been statist on account of the existence of centralized decision-making in nation states which produce them.21 ¶ The most salient challenge internationally is that we lack legitimate, centralized institutions with general taxing and regulatory powers. We thus have traditionally depended on cooperation between nation states involving decentralized forms of implementation and enforcement to advance collective goals. International law facilitates this cooperation through creating international institutions and common norms and rules, thereby reducing transaction, monitoring, and enforcement costs and building shared understandings.22 States created the UN and its Security Council to help to ensure the global public good of international peace and security. They created the World Health Organization to protect public health from the spread of infectious diseases, the UN Framework Convention on Climate Change to address climate stabilization, the World Trade Organization to address trade liberalization and help to manage inter-state trade conflicts so that they do not escalate into 1930s beggar-thy-neighbour policies, the Financial Action Task Force to address money laundering of illicit funds, and the International Monetary Fund to stabilize currency and sovereign debt crises. The concerns addressed by these institutions can be viewed in global public goods terms. Yet none of these institutions has a general taxing power to address them. All of them depend on negotiations between states over the amount of 'contributions'. ¶ 3 The Need to Differentiate between Global Public Goods ¶ In order to assess the place and role of international law and institutions to promote and govern the production of global public goods, we need to differentiate among the range of public goods challenges faced, as opposed to speaking of global public goods and international law in the abstract. Global public goods come in different varieties, calling for different institutional responses, sometimes involving greater centralization through international law and institutions, and sometimes not. There is no one size fits all, no one optimal institutional structure. For the production of many global public goods, legal pluralism, in which different legal orders interact with each other, works fine. There may be little need for international law, at least in its hard (mandatory) law variety, much less centralized international institutions. ¶ Since global public goods do not come in one variety, international law plays a variable role in their production. As Scott Barrett conceptualizes in his book Why Cooperate?: The Incentive to Supply Global Public Goods,23 some global public goods raise collective action problems and others do not. Barrett, following other economists, classifies global public goods into three varieties: single best efforts goods, weakest links goods, and aggregate efforts goods.24 An example of a single best efforts public good, on the cover of his book, is the crashing of a giant asteroid into the earth. All countries are affected by this prospect. Scientists do not know when one will hit and what size it will be, but they find that small ones hit the earth about once a month, and estimate that potentially catastrophic ones that could devastate an area the size of Manhattan every 250 years, and one that could cause the extinction of most life forms every 65 million years.25 For this global public good, the US has the incentive to finance research and implement technology to detect and deter such happenings. No international treaty is required for it to do so. Other countries may free ride on the US's research, or may engage in complementary research, but that will not deter the US from investing. ¶ Similarly, countries, companies, and even individual researchers have incentives to invest in basic science on their own which can benefit the world. Joseph Salk's development of the polio vaccine in the US was a gift to the world, as he did not patent the polio vaccine.26 Such a good can be produced by private initiatives (such as those of pharmaceutical companies and of the Gates Foundation), purely national ones (such as those of the National Institutes of Health), or international collaborative ones (such as the UNICEF/UNDP/World Bank/WHO Special Programme in Tropical Diseases).27 ¶ Is there no required role for international law in these cases? Even in the asteroid case, Barrett notes the potential negative externalities of other countries relying on the US. The US may have the incentive to invest in producing the global public good, but in a way that could create a new risk. If an asteroid bears toward the earth, and if the existing technology is such that the asteroid could only be slightly deflected so that it would crash into a different part of the earth, who should make the decision regarding its deflection? Even if it were to be deflected into the ocean, the location of its impact would raise differential risks for countries of a tsunami.28 ¶ Similarly, geoengineering increasingly looks like an important policy option for climate stabilization, given the world's inability to reduce carbon emissions. It thus can be viewed as a global public good, at least to avoid abrupt and catastrophic climate change.29 Since engineering the climate may be relatively cheap, it could be a single best efforts global public good. Yet like climate change itself, geoengineering may benefit some countries and harm others. Climate engineering constitutes a huge experiment that poses unforeseeable, differential risks for countries in light of uncertainties. A wealthy country may decide to invest in geoengineering to assist its own climate situation, but in the process have negative externalities on others. If different countries engage in climate engineering, their plural efforts will interact, potentially undercutting each other. Coordination over climate change thus raises governance challenges. Who should decide whether and how the climate should be engineered? Once again, there is a role for international law and international institutions in coordinating decisions even though only one or a few wealthy countries invest in geoengineering on their own.¶ Eliminating infectious diseases and curtailing the proliferation of weapons of mass destruction are weakest link public goods. A wealthy country can invest in preventing an infectious disease within its borders through financing the vaccination of its population, such as with polio vaccines. Yet it would be much more cost effective to eradicate polio, as the world did for smallpox in the 1970s. The benefit-cost ratio for smallpox eradication is thought to be 159:1, if all costs are included, and 483:1, if only international funds for financing eradication efforts in developing countries are considered.30 That is a remarkable rate of return. Investing in polio eradication could provide another global public good. Yet, in order to eradicate polio, poor and failed states, such as Somalia, are the weakest links. ¶ The World Health Organization, an international institution created under the auspices of the UN and inheriting the mandate of an earlier institution created pursuant to the League of Nations, leads the eradication efforts. The WHO includes distinct voting rules for its regulations on infectious diseases, which facilitate collective action for collective purposes. The general rule of international law of treaties is an 'opt in' rule. A state is not bound unless it consents. Under Articles 21 and 22 of the WHO constitution, however, a majority decision is binding on matters involving 'procedures designed to prevent the international spread of disease', unless a state opts out. The WHO created new International Health Regulations in 2005 pursuant to these provisions, which require states to build institutional capacity toward containing communicable diseases, collaborate with each other, and maintain clear points of contact.31 In parallel, the regulations expand the legal authority of the WHO's Director-General to intervene in response to communicable disease outbreaks, including through a system for convening experts and declaring a public health emergency of international concern. As has been shown experimentally and statistically, opt-out rules generate much broader participation than do opt-in rules.32 No WHO member, in fact, opted out of the 2005 International Health Regulations.33 ¶ Keeping weapons of mass destruction out of terrorist hands is another weakest link global public good. We do not know where or when such weapons will be used, but the fallout of their use will have global repercussions, whether for life and health, civil rights, or the global economy. Countries thus have the incentive to keep these weapons out of terrorist hands, but the result will depend on the weakest links. The weakest links today are Pakistan, Russia, and North Korea. New weakest links may emerge, as more states invest in nuclear technology to gain advantage or parity with their rivals. States in 1968 signed the Nuclear Non-Proliferation Treaty (NPT), which was extended indefinitely in 1995,34 and the Convention on the Physical Protection of Nuclear Material in 1987, amended in 2005.35 In addition, the UN Security Council passed Resolution 1540 in 2004 which enjoins all states to take measures to prevent nuclear weapons materials from being obtained by non-state actors having 'terrorist purposes'.36 The non-proliferation regime, however, has been under some risk of unravelling, as the Bush administration created a special regime for India and reconsidered the US's first strike options and weapons development plans.37 ¶ The severest global public goods challenge today is what Barrett calls an aggregate efforts public good – that is, where the global public good can only be produced through the aggregate efforts of multiple countries. The world appears to have been startlingly successful in addressing the depletion of the ozone layer, starting with a framework convention, then turning to hard law obligations that were progressively enhanced, and then using soft law mechanisms to facilitate compliance, even when formally hard law sanctions were available.38 The Montreal Protocol on Substances that Deplete the Ozone Layer created a variety of sticks and carrots to realign incent ives, including potential trade sanctions and a Multilateral Fund for Implementation for developing countries. In contrast, the world has been completely unsuccessful in addressing climate change mitigation, which is a much more complex and difficult issue that is more susceptible to free riding, undermining collective action. Human-induced climate change is happening and it is not clear what, if anything, effectively will be done to address emissions. ¶ These different goods entail different problem types. That of weakest link public goods involves a holdout problem, whether the holdout is an unwilling one, such as North Korea over nuclear weapons, or an unable one, such as Somalia regarding polio eradication. That of aggregate efforts public goods involves a free rider/collective action problem, resulting in underinvestment in providing a solution. And that of best shot public goods involves a positive externalities problem because the investor does not fully capture the benefits. It is easier to fund best shot public goods, even if the result is overinvestment from the perspective of global efficiency. A technological alternative to chlorofluorocarbons (CFCs) for refrigerants, propellants, and solvents (a best shot problem) appears to have resolved ozone layer depletion by facilitating the phase-out of CFCs (an aggregate efforts problem). Similarly, climate engineering (a best shot problem) has become a default solution for addressing climate change because of the difficulty of agreeing to emissions reductions (an aggregate efforts problem).¶ There is a varying role for international law and international institutions in producing these different global public goods. For best shot global public goods, an international institution is not needed to develop them. Private foundations could provide some of these goods, such as through prizes for the development of new

drugs to combat tropical diseases. Yet where decisions over implementation can have negative externalities, international legal obligations and institutions that constrain unilateral action can better ensure fairness and manage conflicts, and possibly produce public goods more efficiently, as in the case of asteroid deflection and climate engineering. For aggregate efforts public goods, in comparison, there is a greater need for centralized institutions to produce them, leading to a relinquishment of some national sovereignty. The opening quotation from Nordhaus reflects his frustration with the global collective failure to address climate change. In contrast, with weakest link public goods, the challenge sometimes lies in building state sovereignty. The challenge for disease eradication, for example, is with 'failed states' that lack functional governing institutions. In other weakest-link situations involving states unwilling to cooperate, such as that of nuclear proliferation, there is greater need for an international institution such as the UN Security Council, combined with financial transfers to secure nuclear materials. Otherwise, pressure for unilateral action will increase.¶ In sum, international law and organizations play varying roles in the production and governance of global public goods. Table 1 summarizes the relationship of different types of global public goods with international law and organizations in a legal pluralist world.¶ 4 The Challenge of Distributive Conflict and the Production of Global Public Goods¶ International law, like all law, has distributive consequences, posing particular challenges for governing the production of global public goods. These distributive issues cannot be elided, although they often are in legal scholarship. At least three distributive issues arise in decisions over the provision of global public goods: the specific terms of cooperation for producing a global public good; choices among producing different global public goods in a world of limited resources; and the potential of actual conflict in the pursuit of different public goods which can act at cross-purposes to each other.¶ It is striking that many of the international legal scholars who incorporate rational international relations theory to explain international cooperation have drawn on the familiar Prisoner's Dilemma (PD) situation from game theory.40 The Prisoner's Dilemma game, however, elides distributive issues. In the classic PD model, states are assumed to have a defined set of preferences and a common interest in reaching a cooperative outcome, and the primary impediment to be overcome is the fear that other states will cheat on their agreements. In PD models, mechanisms for the monitoring of state behaviour and the sanctioning of states that violate the terms of the agreement can be created to address these concerns. International law thus comes to the rescue to facilitate mutually beneficial outcomes. Since concerns over cheating, shirking, and slacking inhibit the production of global public goods through international cooperation, the PD model may seem appropriate.¶ However, the Prisoner's Dilemma game ignores another important obstacle to successful cooperation, namely conflicts among states with different interests over the distribution of the costs and benefits of cooperation.41 When states cooperate in international politics, they do not simply choose between 'cooperation' and 'defection', the binary choices available in PD games. They rather choose among specific terms of cooperation, which raise distributive issues.42 Different states and constituencies within them can have competing preferences for different international rules and standards. States, and especially powerful states, thus jockey to employ different forms of international law in a world of fragmented institutions in an effort to influence the development, meaning, and impact of international law.43 ¶ Secondly, different states and private actors benefit from the production of some global public goods more than others. Since resources are limited, they face opportunity costs when they make choices regarding the production of public goods. They must determine not only which public goods to fund, but also how much to fund each of them.44 Distributive concerns arise in choice and budgeting decisions, given states' and private actors' conflicting views.¶ Thirdly, the pursuit of different public goods can conflict in a more direct sense. One public good may interfere with the pursuit of another. For example, choices over the generation of at least four public goods arise in the debate over the interaction of public health, pharmaceutical patent protection, human rights, and trade policy: knowledge-generation, liberalized trade, public health, and the right to life and human dignity.45 Knowledge has public-good attributes since once knowledge enters the public domain it is no longer excludable and our consumption does not diminish its availability.46 The central issue is how to generate knowledge that facilitates new inventions and understandings most effectively and equitably. International trade law similarly has public good attributes, since all countries benefit not only from the wider variety of products made available at lower prices that trade liberalization facilitates, but also because they benefit from rules constraining mutually harmful beggar-thy-neighbour policies.47 Public health constitutes a third implicated public good since we all benefit from the global eradication of diseases and we do not diminish that good when we benefit from it.48 The right to life and human dignity can be viewed as yet another affected public good to the extent that it affects our moral sensibilities.49 ¶ The production of these public goods, however, can conflict, complicating global decision-making over the terms of international law. The recognition and enforcement of patent rights under the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement) and other conventions can generate incentives for the production of knowledge and new drugs for the protection of human life. But the protection of pharmaceutical patent rights also can diminish the benefits of liberalized trade by reducing the consumption possibilities of citizens, interfere with the provision of public health policies in containing diseases, and raise human rights concerns, as the AIDS epidemic illustrates. Moreover, mandatory vaccination policies to protect public health raise human rights concerns, especially from a libertarian perspective, and in particular given uncertainty regarding the consequences of vaccinations.¶ In sum, choices over global governance policies involve different values, priorities, and perspectives, considerable uncertainty, and rival public goods. As a result, although the definition of a single global public good is one that is non-rivalrous, global public goods are collectively rivalrous because choices must be made among them, including in funding their production. Decisions over producing global public goods thus raise the question of alternative institutional choices in light of trade-offs.¶ 5 Alternative Institutional Choices for the Production of Global Public Goods: Global Constitutional, Administrative Law, and Legal Pluralist Approaches¶ For the efficient production of pure private goods we rely on (imperfect) preference revelation through the market. For the efficient production of pure public goods we rely on (imperfect) preference revelation through democratic voting. The conventional (although not sole) solution is thus to rely on the state for the production of public goods.50 State decisions, in turn, are constrained by constitutionally provided checks and balances involving different state institutions, including democratically elected legislatures and courts which exercise judicial review of legislative and executive decisions. For the production of global public goods, the institutional analogues are international organizations. Since centralizing decision-making within them raises serious legitimacy concerns, institutional choice poses the ultimate question for the production of global public goods.¶ Although economists and law and economic scholars tend to address the production of global public goods in terms of substantive effectiveness, and thus start with an assumption of what is to be measured, we first need agreement over the goal. Priorities and goals are determined through institutional processes. Where choices among institutions affect opportunities to participate, institutional analysis is needed to focus on the relative biases of participation in alternative decision-making processes that may define priorities and goals.¶ Problems of biased participation beset all institutional alternatives on account of informational and resource asymmetries and divergent incentives to participate because of varying per capita stakes in outcomes. A major challenge in relying on national institutions is that they make decisions which affect outsiders who are not represented before them. In the case of many global public goods, moreover, reliance on national decision-making raises collective action problems and free rider concerns which undercut each nation's ability to attain its goals. International institutions can help to overcome collective action problems, as well as to reduce bias in participation in national decision-making. However, the major challenge with international institutions is their remoteness from affected constituencies and local contexts, raising legitimacy concerns when decision-making has distributive implications.¶ A key issue from a public policy perspective is thus the assessment of the relative merits of institutional processes, and different combinations of them, in terms of the relatively unbiased participation of affected parties compared with other (non-idealized) institutional alternatives.51 That is, who decides regarding the production of global public goods? Or, put differently, which institutional process, among alternative national, local, regional, and international levels, should be granted how much authority to decide on the appropriate balancing of different goals in light of their distributive implications? These institutional choices affect how different interests, directly and indirectly, are taken into account. Such an approach is decidedly pragmatist. It recognizes that there is no single best approach to producing global public goods, but rather alternative approaches that involve trade-offs which vary in light of particular global goods problems, and from which we can learn through practice.¶ In current international law scholarship, three analytic frameworks compete for addressing the challenges of global governance, and thus implicitly of the production of global public goods: constitutionalism, global administrative law, and legal pluralism. These frameworks are sometimes put forward as alternatives that better address global governance challenges; yet, for our purposes, they are better viewed as complements that apply differentially to the types of global public goods we have discussed. These frameworks each have attributes and deficiencies that make them more suitable frameworks for some issues compared to others.¶ A The Global Constitutional Approach¶ Global constitutionalism is one of legal pluralism's chief rivals as a contemporary vision for organizing, constraining, and legitimizing international law.52 The constitutional vision of international law comes in different varieties, but, relative to the pluralist vision, one of its major attributes is its framing international law and institutions in constitutional terms that involves centralized international institutions,53 often involving some form of majoritarian or supra-majoritarian decision-making. The global constitutional vision is suitable, in particular, for addressing the production of aggregate efforts global public goods. Centralized institutions operating under international law help to align national incentives and to overcome free rider problems facing the production of aggregate efforts global public goods.¶ For example, if climate change stabilization is to occur, centralized rules and institutions to oversee their application will be required, as occurred successfully in the case of the protection of the ozone layer. Under the Montreal Protocol on Substances that Deplete the Ozone Layer, amendments to emissions limits can be made by a two-thirds vote of the parties representing at least half of the total consumption of the parties of controlled ozone-depleting substances, if there is no consensus.54 Analogous voting arrangements will need to be developed for the international regulation of climate change mitigation that take account of those most implicated.¶ For global public goods challenges that pose imminent threats, existing UN institutions, and in particular the UN Security Council, will need to be reformed and updated. The issue of UN reform was considered in the 1990s and 2000s, but remains needed to reflect today's global context.55 Issues such as asteroid collisions and climate change could even be considered within a reformed Security Council where they pose international security risks. Centralized institutions and regulations have become important for coordinating the monitoring of dangerous diseases and declaring international public health emergencies, as we saw under the WHO's 2005 International Health Regulation.¶ Finally, as we have seen, even the production of best shot global public goods raises distributive concerns that centralized governance can help to address. Centralized institutions, operating under a constitutional frame of checks and balances, can help to keep national decision-makers accountable. We have seen these issues raised in decision-making over geo-engineering and asteroid deflection for national defence.¶ As globalization and technological advance increase the need for centralized international decision-making, a constitutional frame will become of growing importance for critically scrutinizing and checking these institutions' exercise of power. Nonetheless, although the global constitutional vision has certain attributes regarding the governance of centralized institutions needed to provide global public goods, these institutions face major legitimacy challenges. The production by national institutions of public goods is beset by trade-offs, ranging from bureaucratic inefficiencies to political corruption. A vastly greater challenge at the global level is the lack of democratic processes that reveal preferences, reflecting the lack of a global demos.56 To the extent that we rely on states to represent citizens' interests, moreover, many states are not democratic.57 States vary considerably in terms of population, so that decision-making arguably should take into account differences in the size of states (as opposed to generally relying on consensus voting at the international level). Since international institutions are so distant from citizens that it is difficult to conceive of democratic global institutions, we will need to re-conceive or otherwise adapt our concept of democratic checks and balances to the international level,58 and rely on other forms of accountability mechanisms. Curiously, the existing literature on global constitutionalism has been largely silent on the issue of global public goods.59 ¶ B The Global Legal Pluralist Approach¶ Although the concept of global public goods poses challenges for the legal pluralist vision and its focus on decentralized processes, this approach remains extremely relevant. Among legal pluralism's virtues is that pluralism accounts better for divergences in community values, priorities, and perspectives in light of the distributive consequences at stake in the production of global public goods. Enumerating and deliberating over these distributive issues highlights the need for pluralism to contest centralized policies.¶ The legal pluralist vision calls to the forefront the importance of ongoing interaction with state institutions in order for global-public-goods governance to be accountable and effective. From an accountability perspective, the pluralist approach provides a needed check on centralized decision-making at the global level, such as for the production of aggregate efforts public goods. From the perspective of effectiveness, international law is more likely to be implemented if it engages and takes account of state perceptions and concerns through pluralist interaction.¶ Legal pluralists focus on the potential pathologies of centralized international law and the role of pluralism in checking these pathologies. Krisch shows how, in our current socio-political context, the interaction of pluralist legal orders can produce superior ordering to a constitutionalism that is based on hierarchic, centralized decision-making, since mutual accommodation that can result from pluralist interaction will be grounded in greater legitimacy.60 Krisch illustrates, for example, how the UN Security Council reassessed and revised its procedures regarding the freezing of individuals' assets in the 'war on terror' in light of due process concerns, only after states and other actors challenged and resisted implementation of its resolutions.61¶ Delmas-Marty demonstrates how pluralism can also lead to a unification of legal norms based on a 'hybrid' melding of different 'ensembles' of law, rather than on hegemony.62 Such a pluralist hybrid is more legitimate, in that it takes into account, and borrows from, different national legal systems. Because it is more legitimate, it is more likely to be implemented in practice by states.¶ Ultimately, international law depends on national implementation. Concerns over implementation are particularly salient regarding weakest link public goods. If an infectious disease is to be eradicated, for example, then capacity must be built in a weakest link state. Otherwise, centralized decision-making will be ineffective. Weakest link public goods highlight the need for pluralist interaction with states having meaningful capacity to engage with policies, such as disease eradication. Take, for example, the distribution of antiretroviral drugs to combat the AIDS crisis. Their effective use for constraining the epidemic's ravages are enhanced where developing countries have the capacity to provide meaningful input to tailor policies and to carry out such tailored programmes effectively.¶ C The Global Administrative Law Approach¶ The global administrative law approach helps to address the deficiencies of the global constitutional vision through providing other accountability mechanisms, derived from national administrative law, which can be used to check centralized international decision-making.63 As national governments grew during the twentieth century in response to the growing complexity of national public goods challenges, legislatures delegated increasing powers to agencies. States correspondingly developed administrative law accountability mechanisms to apply to agencies, given that legislatures were unable to oversee them sufficiently. International institutions can be viewed analogously to national government agencies, in that both involve a delegation of power to an unelected body.¶ The accountability mechanisms highlighted by the global administrative law project are pragmatically useful for governing the production of global public goods. They include transparency and access to information; engagement with civil society and with national parliaments; monitoring, inspection, reporting, and notice and comment procedures; reason-giving requirements; substantive standards, such as proportionality, that must be met; and judicial review.64 These accountability mechanisms can be developed through international treaties, such as under the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters,65 and through national and international judicial decisions. Decision-making within international institutions must be overseen, in particular, through private groups placing pressure on public representatives. Making international decision-making more transparent facilitates such processes.¶ To give one example of the usefulness of the global administrative law framework in the context of global public health, the WHO is increasingly engaging in public–private partnerships for innovative drug development because of the challenges of obtaining sufficient public financing.66 These partnerships raise conflicts-of-interest concerns that a global administrative law model can help to address through transparency and other administrative law mechanisms. The global administrative law model also offers the advantage of being applicable to national decision-making over the production of global public goods, thus providing checks on decentralization under a legal pluralist model. As we have seen, the deployment of best shot global public goods, such as technologies for asteroid deflection and climate engineering, may not require an international institution. Yet, the externalities involved in their deployment by states calls for accountability checks. Such national decision-making can be subject to due process requirements and to monitoring and review before international administrative bodies and courts. The WTO Shrimp–Turtle case provides an excellent example. The US exercised unilateral action to help preserve an endangered species on the high seas (a global public good). Its efforts, however, had significant implications for developing countries and their traders. The WTO Appellate Body successfully pressed the US to change its administrative law procedures better to assure due process review of the situations and concerns of these countries and their traders.67¶ Nonetheless, despite its many attributes, the global administrative law approach is rather technocratic and

thus lacks ambition regarding larger scale questions of governance requiring political decision-making for the production of global public goods.¶ Each of these three leading analytic frameworks for assessing law's role in global governance focuses in a different way on the issues of accountability and legitimacy. Their relative attributes can be assessed in relation to different global public goods. For the production of aggregate efforts public goods where more centralization is needed, the legal pluralist vision is particularly insufficient. The global constitutionalist perspective, which legal pluralists have criticized, offers a complementary frame for building and critically scrutinizing centralized international institutions to which important secondary rule-making powers are delegated in light of imminent global public goods challenges, such as over international security and climate change. The global administrative law project has been particularly important in providing practical tools drawn from domestic administrative law for enhancing the accountability of decision-making in the production of global public goods, whether at the international or at the national level. The case of best shot public goods, for example, illustrates concerns regarding decision-making at the national level. Finally, the challenges of weakest link public goods highlight the need for ongoing interaction between centralized entities and nation states if international law and policy are to be implemented effectively. Each approach, in short, has attributes and deficiencies, involving trade-offs and potential complementarities. They should be viewed in comparative institutional analytic terms in relation to different global public goods challenges. Table 2 summarizes our discussion.68¶ Although these analytic approaches are sometimes advanced as alternatives, they play important complementary roles for enhancing the legitimacy of the international institutions that we need to produce different types of global public goods.¶ 6 International Law as Facilitator of, and Potential Constraint on, the Production of Global Public Goods¶ Law (in general) and international law (in particular) can be viewed as a public good in providing for order and stability.69 Law (in general) and international law (in particular) also can be viewed as an intermediate public good that facilitates the production of final substantive public goods – such as the avoidance of ozone depletion, the provision of a stable climate through mitigation and geoengineering, financial stability, and peace between nations.70 International law and institutions help to overcome collective action and free rider problems. They facilitate interaction that can produce shared understandings and common purposes. And they help to manage the frictions between pluralist legal orders that govern different public goods. In this way, international law helps to provide for public order.¶ However, international law, in its prescriptive and proscriptive forms, can also constrain the production of global public goods. It may do so by creating positive or negative obligations that interfere with their production. Some contend, for example, that the positive obligations under the WTO TRIPs Agreement and other international intellectual property conventions reduce the supply of knowledge and constrain the protection of public health.71 Others contend that the negative obligations provided in other WTO agreements could constrain needed national action on climate change, such as through carbon taxes, an emissions-trading system, or a product 'life cycle' labelling regime.72 To the extent that decisions under the Convention on Biodiversity limit research on geoengineering, they too are suspect.73¶ Unilateral action is problematic because it can be self-serving and fail to take account of the values and perspectives of affected others. Yet unilateral action may also be an important part of a broader transnational process leading to the production of a global public good over time. In a world of interacting legal orders, certain actors will have to act, sometimes unilaterally, to catalyse international and global action. These actors most likely will exercise some form of power, such as market power wielded by the US and EU. To advance climate change policies globally, the US or EU may need to take unilateral action by creating its own internal system and then imposing some form of a border tax adjustment or penalty applied to applicable imports and cross-border services from countries that do not have a remediation system of comparable effectiveness.74 In a world without centralization and hierarchy, there will often be a need for unilateral action to spur the production of global public goods by inciting reactions and interactions which lead to the emergence of international law and international institutions to govern conflicts and maintain order. In practice, unilateralism may help to produce a global public good where common action fails, especially in light of opt-in rules under international treaties. Although international law can help to produce global public goods, it also can get in the way of their production.¶ The possibility of unilateral action is not available to all, and the results often reflect biases. For example, John Yoo has written of global security as a public good which is not provided by global institutions in order to justify US intervention in Iraq and other unilateral policies.75 The example of Iraq makes clear the need for some form of international constraint on unilateral action so that a nation must justify its acts and take into account their impact on others. The WTO provides such a possibility in the area of regulation. It creates constraints and has a mandatory dispute settlement system to hear legal complaints, backed by sanctions. Its dispute settlement system can press a country to negotiate in good faith with third countries and create internal administrative law mechanisms in which non-citizens' interests are heard. These constraints are less binding in other areas, such as international security, as represented by the US invasion of Iraq, NATO's intervention in Kosovo, and US missile and drone attacks in the territories of other states.¶ In sum, international law represents an important 'constraint on the unilateral definition of a global public good'.76 The stringency of this constraint, however, should vary in light of the objective at stake, the effectiveness of a multilateral alternative, and the possibility that the national measure can take better account of its implications on outsiders in an unbiased manner. There are thus compelling reasons to refocus attention from public international law to processes of transnational legal ordering in which international law is one element in a broader interactive process.¶ 7 Conclusion¶

Globalization pressures transform issues that formerly were national in scope into global ones. With globalization, national decision-making increasingly has externalities on outsiders, and it is increasingly insufficient to attain national goals. International law and institutions thus rise in importance. Choices over the terms of international law, however, have distributive consequences, and the choice among global public goods and their funding involves rivalry. As a result, the key normative question becomes a comparative institutional one: that is, under what conditions are more or less centralization and hierarchy preferable? While the choice among alternatives may be complicated at the national level, the choice becomes much more so at the international level where problems of numbers and complexity multiply.¶ The global public goods framework helps us to see both the attributes and limits of a legal pluralist approach toward international law and institutions. Legal pluralism's starting assumption is about the need for communities to have a voice in shaping their own destinies. It thus distrusts order imposed by hierarchical, centralized institutional authority. The starting assumption for the production of many global public goods, in contrast, is the need for collective action to cooperate for common benefits. These starting points create a tension. There are risks of too much comfort with the legal pluralist framework as an organizing concept for the production of global public goods. But there are parallel risks with legitimizing centralized international decision-making without global democratic checks. Comparative institutional analysis is thus required which is tailored to the particular challenges raised by the production of different global public goods. International law will play a critical role by facilitating the creation, maintenance, oversight, and constraint of centralized international institutions, and the monitoring and review of national institutions, in relation to decision-making implicating the production of global public goods in different contexts. Given the varying contexts of different global public goods, there is no single best, universalist approach. Rather, a pragmatic approach is required in relation to different types of public goods and real world institutional limits. These strategies must include greater international centralization (for which constitutional principles are needed), multi-level institutional interaction (highlighting the key role of pluralism), and hybrids that include public–private partnerships (for which administrative law principles are required).

## U.S. failure to lead on the global refugee crisis fuels European populism and undermines overall U.S. standing---that fractures the liberal world order

Elisa **Massimino 17**, President and Chief Executive Officer of Human Rights First, one of the nation's leading human rights advocacy organizations, 2017, "PROTECTING REFUGEES: A NATIONAL SECURITY IMPERATIVE," http://jnslp.com/wp-content/uploads/2018/05/Protecting_Refugees.pdf

As I've mentioned, even before the Trump presidency, the United States was not living up to its role as a leader in refugee protection. Yet last fiscal year, the Obama administration met its goal of resettling 10,000 Syrian refugees.31 This was a modest but meaningful accomplishment, one not lost on governments in the Middle East. It helped to restore American credibility on this issue — credibility that the U.S. government could have leveraged to press other countries to resettle more refugees and provide more assistance to frontline countries. The Trump approach is doing exactly the opposite. By shutting out refugees, the President is abandoning U.S. allies in the Middle East, letting other countries off the hook, and increasing the chance that the refugee crisis will lead to danger and destabilization in a strategically crucial region of the world. But that's not all. He's also failing our allies in Europe, with potentially serious implications for U.S. national security. All

across Europe today, ultra-right nationalist parties and groups — some of them overtly fascist — have exploited and exacerbated anti-refugee sentiment to gain influence both at the grassroots and in parliament. They're claiming that that E.U. elites are using the refugee crisis to impose their values on ordinary people and the less wealthy nations of Europe. 32 The rise of these far-right groups — along with the power of like-minded politicians such as Hungary's Viktor Orban — poses an existential threat to European democracies, the European Union, and the transatlantic alliance. 33 That's precisely why the Russian government backs many of these groups. If you study Russian propaganda, as my organization has, you'll discover a heavy emphasis on fear-mongering about refugees. State-owned media outlets depict refugees as a threat to the safety and values of Europeans and that western governments are unable to protect citizens from these barbaric invaders. There's an alarming synergy between the anti-refugee rhetoric coming from the White House and that coming from Russia. Let me state it plainly: the liberal international order — which, for all its faults, has helped safeguard relative stability and freedom for decades — is under political attack from Russia and its allies in Europe, and their primary weapon is anxiety about the refugee crisis. By shutting out refugees for supposed security reasons, the White House is bolstering the Russian narrative and undermining U.S. allies in Europe, which need American support as they attempt to manage the crisis and reassure their citizens. I've discussed three reasons why rejecting refugees weakens U.S. national security: One, it bolsters the clash-of-civilizations narrative of extremist groups. Two, it increases instability in the Middle East. And three, it exacerbates the threat to the EU, the transatlantic alliance, and the liberal order. But there's a fourth reason. It's less tangible but arguably more significant than the other three. And that is the effect on America's global standing, which, in turn, affects its national security. The ability of the United States to influence events and pursue its interests — including its security interests — depends not only on its military and economic power but also on its moral power. When it demonstrates fidelity to its ideals and leads on human rights, the U.S. government is better able to persuade other countries to follow, to build strategic coalitions, to negotiate peace deals and other kinds of agreements, to ease tensions, and to pressure repressive governments to reform. When it does the opposite, when it defies its ideals and perpetrates abuses, it undermines faith in the global order and empowers tyrants and dictators. It's no coincidence that repressive governments across the world have defended their crackdowns on activists by saying they're fighting a "War on Terror." The human rights abuses committed by repressive governments not only inflict suffering on people; they help produce violent extremism. The United States cannot lead effectively if it doesn't lead by example. And it can't presume to turn its back on the world one minute, then turn around the next and try to shape events to its liking. I've presented what I hope is a strong pragmatic case for refugee protection. This is important. People are much more likely to support a political position when they believe it to be in their self-interest.

## Breakdown of the liberal order threatens global conflict

Vera **Sistenich 18**, Research Associate at the Department of Global Health and Population at the Harvard T. H. Chan School of Public Health, 1/26/18, "The Global Refugee Crisis — Why it's Critical That We Care," http://www.ica-international.org/2018/01/26/global-refugee-crisis%E2%80%8A-%E2%80%8Awhy-critical-care/

At the heart of the breakdown of our existing refugee processes is a lack of solution for the fundamental dichotomy of the modern migration narrative — how do you determine whether someone is a 'real refugee' in distress, or a 'fake refugee' pursuing economic advancement not available at home? Yet this is a false dichotomy. This breakdown is, I believe, symptomatic of an ever-rising key tension between two deeply held values in our existing liberal world order: human rights and the existence of sovereign nations. In the aftermath of World War II, Western policymakers set out to build a global system that would prevent a repeat of the disastrous failures of international diplomacy during the interwar period. They concluded that achieving both economic development and world peace needed free markets, human rights, the

rule of law, and elected governments held accountable by independent judiciaries, free press and vibrant civil societies. The main institutions created as part of this post-war liberal order — the UN, NATO, WTO, IMF, World Bank and the G-20 — together have influenced almost **every aspect of the modern world** but **now are under attack by countervailing forces**. Rising domestic hostility towards refugees and immigrants is **fuelling resentment towards supranational authorities** and their 'irritating meddling' in the ability of sovereign nations to deal with refugees and migrants as they see fit. Emphasis on the tension between individual rights to seek asylum and self-governance by sovereign nations as seen through the lens of the refugee crisis is, therefore, self-serving in the current political climate. By constantly challenging the legitimacy of refugee claims, governments can delay and **stall meeting their international obligations**, creating the possibility of by-passing them altogether. Increasingly, governments see political advantage in being hard on refugees as citizens priorize their own interests over any moral imperative to help needy foreigners and reward their governments for standing up to supranational authorities. **Our world order's legitimacy is undermined** when leaders consistently seem to interpret the rules as they see fit, **ignoring key norms**. Using the refugee crisis to delegitimize our global authorities and historical agreements slowly but surely **chips away at the foundations of our post-war prosperity, democracy and peace**. While the current world order is by no means perfect, it is **all** that **we have** in terms of fora and structures for **international negotiations** and accountability and we strike it down, consciously or unknowingly, **at our peril**.


## Shoring up the liberal world order's key to avert extinction

Alex **de Waal 16**, Executive Director of the World Peace Foundation at the Fletcher School at Tufts University, 12/5/16, "Garrison America and the Threat of Global War," http://bostonreview.net/war-security-politics-global-justice/alex-de-waal-garrison-america-and-threat-global-war

Polanyi recounts how economic and financial crisis led to global calamity. Something similar could happen today. In fact we are already in a **steady unpicking of the liberal peace** that glowed at the turn of the millennium. Since approximately 2008, the historic decline in the number and lethality of wars appears to have been **reversed**. Today's wars are not like World War I, with formal declarations of war, clear war zones, rules of engagement, and definite endings. But they are wars nonetheless. What does a world in **global, generalized war look like?** We have an unwinnable "war on terror" that is metastasizing with every escalation, and which has blurred the boundaries between war and everything else. We have deep states—built on a new oligarchy of generals, spies, and private-sector suppliers—that are strangling liberalism. We have **emboldened middle powers** (such as Saudi Arabia) and revanchist powers (such as Russia) rearming and taking unilateral military action across borders (Ukraine and Syria). We have massive profiteering from conflicts by the arms industry, as well as through the corruption and organized crime that follow in their wake (Afghanistan). We have impoverishment and starvation through economic warfare, the worst case being Yemen. We have "peacekeeping" forces fighting wars (Somalia). We have regional rivals threatening one another, some with **nuclear weapons** (India and Pakistan) and others with possibilities of acquiring them (Saudi Arabia and Iran). Above all, today's generalized war is a conflict of destabilization, with big powers intervening in the domestic politics of others, buying influence in their security establishments, bribing their way to big commercial contracts and thereby corroding respect for government, and manipulating public opinion through the media. Washington, D.C., and Moscow each does this in its own way. Put the pieces together and a global political market of rival plutocracies comes into view. Add **virulent reactionary populism** to the mix and it resembles a war on democracy. What more might we see? Economic liberalism is a creed of optimism and abundance; reactionary protectionism feeds on pessimistic scarcity. If we see **punitive trade wars** and national leaders taking preemptive action to secure strategic resources within the walls of their garrison states, then old-fashioned territorial disputes along with accelerated state-commercial grabbing of land and

minerals are in prospect. We could see mobilization against immigrants and minorities as a way of enflaming and rewarding a constituency that can police borders, enforce the new political rightness, and even become electoral vigilantes. Liberal multilateralism is a system of **seeking common wins through peaceful negotiation**; case-by-case power dealing is a zero-sum calculus. We may see **regional arms races, nuclear proliferation**, and opportunistic power coalitions to exploit the weak. In such a global political marketplace, we would see middle-ranking and junior states rewarded for the toughness of their bargaining, and foreign policy and security strategy delegated to the CEOs of oil companies, defense contractors, bankers, and real estate magnates. The United Nations system appeals to leaders to live up to the highest standards. The fact that they so often conceal their transgressions is the tribute that vice pays to virtue. A cabal of plutocratic populists would revel in the opposite: applauding one another's readiness to tear up cosmopolitan liberalism and pursue a latter-day mercantilist naked self-interest. **Garrison America** could opportunistically collude with similarly constituted political-military business regimes in Russia, China, Turkey, and elsewhere for a new realpolitik global concert, redolent of the early nineteenth-century era of the Congress of Vienna, bringing a façade of stability for as long as they collude—and **war when they fall out**. And there is a danger that, in response to a terrorist outrage or an international political crisis, President Trump will do something stupid, just as Europe's leaders so unthinkingly strolled into World War I. The multilateral security system is in poor health and may not be able to cope. Underpinning this is a simple truth: the plutocratic populist order is a **future that does not work**. If illustration were needed of the logic of hiding under the blanket rather than facing difficult realities, look no further than Trump's readiness to deny climate change. We have been here before, more or less, and from history we can gather important lessons about what we must do now. The importance of defending civility with democratic deliberation, respecting human rights and values, and maintaining a commitment to public goods and the global commons—**including the future of the planet**—remain evergreen. We need to find our way to a new 1945—and the global political settlement for a tamed and humane capitalism—without having to suffer the **catastrophic traumas** of trying everything else first.

# 1AC – Plan

**Plan: The United States federal government should substantially reduce restrictions to refugee status determinations and substantially increase the cap on the number of refugees accepted into the United States each year.**

# 1AC – Solvency

**Substantially increasing the quota solves – it reverses current stereotypes and renews US leadership on refugees.**

**Welch '17** (Keith, Researcher at the Haas Institute at UC Berkeley, MA in from Georgetown, "A Pivotal Moment for the US Refugee Resettlement Program the United States," June 2017, http://haasinstitute.berkeley.edu/sites/default/files/haasinstitute_usrefugeeresettlment_june2017_publish.pdf)

DESPITE THE BENEFITS of refugee resettlement, the US has steadily decreased its commitment to offering safe refuge to those fleeing violence and persecution. As this report outlined, the US played a key role in the development of the international refugee protection regime, and the US has historically resettled more refugees than all other countries combined. For example, of the 105,200 refugees who were resettled globally in 2014, the United States resettled 73,000.95 However, that commitment is under immense pressure as a result of renewed anti-refugee rhetoric and policies. Instead of curtailing its refugee resettlement program, **the US needs to reaffirm its historical commitment to resettling and welcoming refugees** regardless of their country of origin, their race, or their religion. **Policymakers should consider changes at the federal level that increase the overall number of refugees**, particularly from Syria, resettled in the US. The US can reaffirm its position as a global leader in refugee resettlement by **increasing the annual refugee resettlement ceiling to above 110,000,** devoting more resources and prioritization to the Refugee Resettlement Program, and increasing access to resettlement to particularly vulnerable refugees. In doing so, the US would make a major contribution to widening the circle of human concern by **rejecting negative stereotypes** of refugees and welcoming them as members of our global community who are welcome and truly belong in our country.

**The plan saves the most vulnerable refugees and provides leverage for other countries to take action.**

**Ignatieff et el '16** (Michael,, Juliette Keeley, Betsy Ribble, and Keith Mccammon, 9-12-2016, "The refugee and migration crisis: Propo sals for action, U.N. Summit 2016," Brookings, https://www.brookings.edu/research/the-refugee-and-migration-crisis-proposals-for-action-u-n-summit-2016/)

In October 2015, the Obama administration raised the annual cap on refugee admissions from 70,000 to 85,000—to include at least 10,000 Syrians—with a proposed ceiling of 100,000 in FY2017. Until mid-summer 2016, the United States' limited screening resources restricted admissions to about 200 Syrians each month. Responding to criticism of the slow pace of refugee resettlement, in 2016 the administration scaled up operations in Jordan, Lebanon, and Iraq, which included a "surge" of U.S. Citizenship and Immigration Services (USCIS) interview staff sent to Jordan and Turkey. In February, the Department of State granted Syrians eligibility for priority processing that allows applicants with family members already in the United States to skip the wait for a U.N. High Commissioner for Refugees (UNHCR) referral. By the end of August, the surge had proven successful, with the administration announcing it had reached its 10,000 target. This **successful surge** demonstrates that the administration can scale up operations to meet its goals. While this modest target indicates a sincere commitment, it is dwarfed by the commitments that front-line states have already made and by America's own historic commitment to refugee resettlement. Taken together—the imminent collapse of the Turkey-EU deal, the growing pressure on front-line states such as Lebanon and Jordan, the rising number of drownings in the Mediterranean, and the steady

increase in arrivals to Italy—it is becoming imperative for the United States, Canada, Australia, and countries in Latin America with a record of accepting refugees to respond. If the United States' stated goal is to double the resettlement of refugees among member states, it needs to resettle more refugees itself. Once the United States has demonstrated its own commitment, it will be better positioned to extract commitments from other countries. In addition to the 100,000 refugees from around the world that the United States has committed to accept in 2017, it should commit to select, screen, and accept 65,000 additional Syrian refugees currently in Turkish and Jordanian camps for resettlement in the United States in 2017. The 65,000 in question are those that the UNHCR has identified as among the most vulnerable—women and children in families broken apart by war, together with individuals traumatized by injury, violence, or torture who cannot receive adequate rehabilitation in refugee camps and need to be given a chance at a new start in safety. This would raise the overall total of refugees that the United States accepts per year to 150,000, at an additional estimated cost of about $700 million. By announcing a commitment of this magnitude in New York later this month, the United States would be sending a message of solidarity to the Syrian people, to the front-line states, and to U.N. members who have, so far, failed to shoulder refugee burdens. To build a coalition of resettlement countries, the United States should target states who traditionally have not taken many refugees, including several in South America and the Gulf, and Muslim-majority countries in South Asia. Every refugee that can be resettled outside of Europe by this U.S.-led coalition reduces the drownings in the Mediterranean and the pressure on Europe.

## One of the larges restrictions on refugee status determinations is the Tier III designation for terrorist organizations in the Immigration Naturalization Act.
**Harvard Immigration and Refugee Clinical Program 2018**
"Fulfilling U.S. Commitment to Refugee Resettlement: Protecting Refugees, Preserving National Security, & Building the U.S. Economy Through Refugee Admissions," 5 Tex. A&M L. Rev. 155

D. To Congress 1. Amend the INA As noted above, refugee applications often face delays due to security concerns. In order to ensure that the bars to refugee protection are not applied indiscriminately and too broadly, Congress should consider removing the Tier III designation for terrorist organizations in the INA, which defines terrorist organizations as "a group of two or more individuals, whether organized or not, which engages in, or has a subgroup which engages in, [a terrorist activity]." n356 Tier I and Tier II organizations are designated by the Secretary of State in consultation with the attorney general and Department of Homeland Security and are "subject to public scrutiny" when published in the Federal Register. Tier III determinations, however, are not subject to these checks and balances. n357 As a result of improper application of the material support provision, many bona fide refugees who are not security threats are excluded from protection; calls for the designation's removal from the INA should therefore be heeded. n358 Reducing the breadth of the material support bar - in particular by limiting the scope of "material support" and "terrorist activity" and allowing for a coercion or duress defense - would also be a positive step to properly defining TRIG. n359 2. Amend ORR's Budget To ensure that ORR can provide the services needed by the increasingly diverse population of refugees and others in its care, Congress should stabilize ORR's financing by including funding for a contingency account. n360 Notably, ORR's budget has not experienced an increase equal to that of PRM's budget for the Reception and Placement Program, which doubled in FY 2010. n361 [*234] 3. Realign the Consultation and Presidential Determination Timeline Information provided to resettlement agencies and local community stakeholders needs to be in tune with the process for submitting annual placement plans and budget proposals to the State Department. To achieve this, Congress should realign the timeline for consultation with the President, scheduling the congressional consultation in February or March, concurrent with the budgetary proposal that the President submits to Congress. n362 This modification to the timeline would allow for more accurate budget projections and would afford states better data to plan for refugee arrivals during the upcoming fiscal year.

**Congress is necessary to divorce the country from Trump's politics and to lift the cap on refugees**

**Lee 2017** - Co-legal Director at the Center for Gender & Refugee Studies @ UC Hastings College of Law

Eunice, "Non-discrimination in Refugee and Asylum Law (Against Travel Ban 1.0 and 2.0)," 31 Geo. Immigr. L.J. 459

So, where do we go from here? It seems unlikely that calls to human rights principles, international treaty obligations, or domestic refugee law will carry much weight for the Administration in this context. The Supreme Court, for one, has never weighed in on the interplay between non-discrimination norms and principles and our domestic and international refugee law, although its prior decisions have unfortunately permitted discriminatory return of Haitian refugees in practice. n373 [*524] Nevertheless, our domestic system does provide some avenues for negotiation. Congress, in particular, should assume its rightful role in the process. It should take a stance, in the strongest possible terms, rejecting unilateral executive action under the Order as unlawful. If and when the President begins to engage in "appropriate consultation," Congress must use that channel to ensure that the refugee admissions process remains open and non-discriminatory. In the coming months, Congress should carefully scrutinize how the new Order, if allowed to take effect, affects refugee flows of individuals from any particular region, country, or religious background. It should also express its desire that the number of refugee admissions be set at its prior figure of 110,000 or higher in light of ongoing global refugee crises around the world. In particular, Congress should push back against attempts to drastically lower refugee admissions, as reflected by the Administration's egregiously low FY 2018 proposal for only 45,000 refugees. n374

# 2AC – Morality Advantage

# Extend: Refugee Crisis Now

## The refugee crisis is not over

Daniel **Trilling 18,** 6-5-2018, editor of New Humanist and author of Lights in the Distance: Exile and Refuge at the Borders of Europe "Five myths about the refugee crisis," Guardian, https://www.theguardian.com/news/2018/jun/05/five-myths-about-the-refugee-crisis

But to see the crisis as an event that began in 2015 and ended the following year is a mistake, because it obscures the fact that the underlying causes have not changed. To see it in those terms only gives the impression of a hitherto unsullied Europe, visited by hordes of foreigners it has little to do with. This is misleading. The disaster of recent years has as much to do with immigration policies drawn up in European capitals as it does with events outside the continent, and the crisis also consists of overreaction and panic, fuelled by a series of misconceptions about who the migrants are, why they come, and what it means for Europe.

After the Arab uprisings of 2011, the number of people coming to Europe to seek asylum – via Turkey, or across the central Mediterranean from north Africa – began to rise. But Europe continued to make security its priority, rather than the protection of vulnerable people. In the same period as it spent €2bn euros on border security, the EU spent only an estimated €700m on reception conditions for refugees. Almost 3 million people claimed asylum in the EU in 2015 and 2016 – still only a small fraction of the EU's total population of 508 million – but the manner of their arrival was chaotic; thousands died in the attempt. Most of the migrants who arrived tried to continue their journeys to north-west Europe, and enforcement of the Dublin regulation temporarily collapsed.

Border defences often produce or exacerbate the very problems they purport to solve, by forcing irregular migrants to take more dangerous routes, often with increasing reliance on people smugglers, which in turn encourages states to crack down even harder. In November 2017, a coalition of human rights groups published a list of 33,293 people who had died since 1993 as a result of "militarisation, asylum laws, detention policies and deportations" in Europe. But Europe has continued to try and push the thousands of uninvited migrants who try to reach European shores further and further away from the continent. A deal with Turkey, launched in March 2016, has reduced the movement of Syrians towards Europe, even though over 12 million Syrians remain displaced by the war – 5 million of these outside their country – and many are still in need of urgent humanitarian assistance. Even as Afghanistan becomes more dangerous, European governments persist in their attempts to deport many Afghans to Kabul. And to stem unwanted migration from sub-Saharan Africa, Europe has tried to strike deals to stop the people-trafficking routes that run across the desert and through north Africa. Italy has cracked down on NGO sea rescues and paid off militias in Libya, even as evidence of torture and abuse in Libyan detention centres trickles out; the EU has explored deals with Sudan's repressive dictatorship; in Niger, one of the world's poorest countries, European money, troops and diplomats have flooded the desert city of Agadez, to try to put a stop to the smuggling trade. Hundreds of thousands of vulnerable individuals will be directly affected by these new policies.

The crisis is not only the movement of refugees, but the border systems designed to keep them out – and it is still happening.

## Refugee demands are increasing, while the US is doing less.

**Campoy '17** (Ana, "The US doesn't have an immigration problem—it has a refugee problem," January 18, 2017, https://qz.com/881275/the-us-has-a-refugee-problem/)

US president-elect Donald Trump says he is committed to enforcing the nation's immigration laws. If he means it, he's going to have to give the surging number of Central American immigrants entering the country illegally a fair chance to stay. The US, both its

institutions and politicians, have long seen the Latin Americans who slip past the Rio Grande without papers as law breakers in search of a job. US regulations are clear on how authorities should respond: by apprehending and deporting international trespassers. But a rapidly growing number of immigrants caught by border patrol agents today are refugees—or at least they claim to be. In that case, American codes call for a much different response. As a signatory to a 1967 international treaty, the "Protocol Relating to the Status of Refugees," the US has committed to protecting people facing persecution in their home country. President Barack Obama wasn't very adept at handling the dramatic switch in the nature of illegal immigration into the US, which has largely happened under his watch. His policies have mostly focused on dissuading people from coming to the US, not figuring out whether they deserve protection. Trump's centerpiece immigration policy, erecting a towering wall between the US and Mexico, doesn't suggest his government will get any closer to meeting US obligations to refugees under both US and international law. A refugee crisis In fact, Trump's fixation with blocking illegal immigration from Mexico, which has plummeted in recent years, obfuscates the problem. Yes, border patrol agents are apprehending thousands of people every month along the US-Mexico line, but many of them—around half, according to Claire McCaskill, a member of the US Senate's homeland security and governmental affairs committee—turn themselves in voluntarily asking for help. Government statistics bear this out. The number of immigrants claiming fear of persecution or torture in their home countries is on the rise, and so are the findings that those claims are credible. In order to be considered for asylum by an immigration judge, immigrants first have to go through a "credible fear" screening, in which an asylum officer determines whether the claims they are making have a "significant possibility" of holding up in court. More than 70% of those who claimed credible fear in the 2016 fiscal year hailed from El Salvador, Honduras, and Guatemala, places beset by rampant violence. Under US law, individuals who are found to have credible fear have the right to due process to determine the validity of their claims in the court. Whether they are Syrians escaping civil war, or El Salvadorans fleeing from criminal gangs, what they have to prove is the same: that they face persecution because of their race, religion, nationality, membership in a particular social group, or political opinion. But US authorities don't always take Central American immigrants' fears seriously, studies suggest. One, released by the American Immigration Lawyers Association in 2016, found that not all border patrol agents are asking immigrants if they're afraid to return to their country, as they are required to do. Other agents refuse to believe them, per the report, which is based on immigrant testimony documented by the group. Another 2016 analysis, by the US Commission on International Religious Freedom, a government advisory body, noted, "outright skepticism, if not hostility, toward asylum claims" by certain officers, among other practices that may be resulting in deportations of refugees with a legitimate right to stay.

# Extend: US Failing

**Trump is trying to destroy the refugee program.**

**Montlake '18** (Simon, Writer for Christian Science Monitor, "US has cut inflow of refugees to a trickle," 4-25-2018, https://www.csmonitor.com/USA/Society/2018/0425/US-has-cut-inflow-of-refugees-to-a-trickle-dousing-hopes-upstream)

His fears are well grounded. Since Mr. Trump took office, **refugee arrivals have slumped to historic lows**. He has capped admissions for the year ending Sept. 30 at 45,000, down from an average of 95,000, and even that official ceiling is almost certain to be missed as a result of what rights groups, UN officials, and refugee agencies say is an unofficial go-slow policy. "This administration doesn't want refugees to come to the United States and are using every red-tape measure they have to slow down the flow of arrivals," says Hans Van de Weerd, vice president of US programs at the International Rescue Committee, a New York-based nonprofit. The throttling of refugee resettlement is part of a broader clampdown on immigrants from mostly Muslim countries via executive orders that have been challenged in federal courts. The Supreme Court begins hearings Wednesday into the latest travel ban that took effect in December, but not the legality of restrictions on refugees, in effect ceding to presidential power. Even if the travel ban is ruled illegal – a verdict is expected by June – Trump can continue to put his America-First stamp on a refugee program that had long enjoyed bipartisan support in Congress and from US defense and diplomatic officials working in war-torn regions. That stamp means far fewer Muslim refugees and a larger proportion of Christians, including from Europe, for whom Trump expressed a preference in a meeting on immigration with lawmakers in January in which he derided migrants from nations in Africa and Central America. As a candidate, Trump called for a total shutdown on Muslims coming to the US.

**Millions of people are displaced and in need of protection – the US isn't meeting its international responsibility to protect global refugees.**

**Camp and Bowman '16** (Charles H. Camp teaches international negotiations at George Washington University Law School. Theresa Bowman is a practicing attorney. "The Responsibility to Participate: The Problem of Global Engagement in Responding to the Syrian Refugee Crisis, February 4, 2016 , CRITICAL ANALYSIS, SPECIAL FEATURES, http://www.worldfinancialreview.com/?p=4989)

That same month, in a report of the United Nations Commission of Inquiry on Syria, U.N. investigators concluded that the responsibility to protect Syrian refugees "is not being adequately shared or shouldered." Indeed, as of January 2016 over 4.6 million people have fled Syria according to United Nations registries, although the true number is likely much higher.[1] Countries in the region, especially Lebanon, Jordan, and Turkey, have hosted the great majority of Syrian refugees. Turkey has hosted over 2 million refugees, Lebanon has taken in nearly 1.1 million, and Jordan has taken over 600,000 refugees.[2] The European Union came under fire in 2014 for offering asylum to so few refugees by comparison, an estimated 124,000, but has since been overwhelmed by a mass migration requiring a greater response.[3] The September 2015 agreement constituted the first major attempt by the EU to coordinate resettlements of the vast migrating populations among EU member states. Meanwhile, Gulf States such as Saudi Arabia, Kuwait, Bahrain, Qatar, Oman and the United Arab Emirates have given millions of dollars to the United Nations in humanitarian aid, but have opened their borders to only extremely low numbers of refugees.[4] International treaties such as the 1951 Refugee Convention encourage, and indeed commit, signatory sovereigns to participate responsibly in the humanitarian aid of refugees fleeing human rights atrocities. Notably, the 1951 Convention gives refugees that have fled the right to not be repatriated except in extreme circumstances. Article 33 of the 1951 Convention prohibits signatory sovereigns from expelling refugees it has accepted or returning them "to the frontiers of territories where [their] life or freedom would be threatened on account of [their] race, religion, [or] nationality."[5] Article 33 creates an exception to this rule for persons a signatory has "reasonable grounds for regarding as a danger to the security of the country."[6] The 1951 Convention does not, however, resolve the issue of how the international community can be encouraged to more evenly respond to a refugee crisis. Interestingly, many of the host countries – especially Lebanon and Jordan – which have so disproportionately accommodated Syrian refugees, are not signatories of the 1951

Convention.7 It is perhaps with this problem of global engagement in mind that the United Nations has, over the past decade, increasingly promoted the idea of a global "Responsibility to Protect" victims of mass atrocities on the part of all United Nations member states, not just those whose borders are easily overwhelmed by proximity to a humanitarian disaster. In theory, the adoption of a "Responsibility to Protect" approach to human rights would obligate sovereigns from all over the world, and not just regionally, to accommodate refugees in greater numbers. At the 2005 United Nations World Summit,8 the international community unanimously agreed that "[e]ach individual State has the responsibility to protect its populations from genocide, war crimes, ethnic cleansing and crimes against humanity" and that "[t]he international community, through the United Nations, also has the responsibility to use appropriate diplomatic, humanitarian and other peaceful means…to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity."9 In 2009, U.N. Secretary-General Ban Ki-moon issued a report articulating the international community's "Responsibility to Protect" as a responsibility to act in a timely and decisive way to prevent and halt human rights atrocities where a sovereign has failed to protect its own population.10 The Responsibility to Protect doctrine is controversial for its perceived potential to justify unilateral state military action in violation of Article 2(4) of the U.N. Charter, which broadly prohibits the use of force. But in the context of the refugee crisis, sovereigns have a larger toolbox for fulfilling a responsibility to protect without impinging upon the sovereignty of other states. These tools include financial aid, refugee education and outreach programs, and perhaps most importantly, asylum. As explained by the United Nations High Commissioner on Refugees, "[t]here may be no easier way for the international community to meet its responsibility to protect than by providing asylum and other international protection on adequate terms."11 However, there is a growing tension between international efforts to commit sovereigns and world leaders to thinking differently about human rights as a global responsibility, and the willingness of sovereigns to carry out those norms when the political cost of unpopular domestic proposals is high. Despite the unanimous agreement of United Nations member states to commit as an international community to global humanitarian relief, many countries are reflecting the discomfort their electorates have with offering asylum. This fear and discomfort has recently led to a number of widely condemned policies: Slovakia has refused to accept refugees from "Muslim countries"12 and Denmark has proposed to seize refugee assets.13 In sharp contrast to the hundreds of thousands of refugees seeking answers and homes in Europe, the Middle East, and North Africa, the United States has admitted only 2,174 Syrian refugees since September 11, 2001. This tension is likewise playing out in dramatic fashion in the United States. The United States has decided to work with the United Nations to accept 10,000 refugees over the next five year,14 but many governors of its states have expressly refused to accept Syrian families.15 To date, thirty-one state governors have refused to resettle Syrian refugees accepted by the United States as a matter of public safety. Indiana, Texas, Alabama and other states have sued the federal government to enforce what they say is a legal requirement that the federal government consult with states "concerning the sponsorship process and the intended distribution of refugees" prior to the refugee's placement.16 The governor of Texas, for example, has sued the federal government for its purported failure to provide Texas with information about the families assigned to Texas for resettlement so Texas can independently determine the acceptability of the federal government's screening procedures to identify terrorists among the refugees.17 The US states' opposition to accepting Syrian refugees appears to have more to do with fear of terrorists masquerading as Syrian refugees than it does the law, or any measurable security threat posed by Syrian refugees. Not a single individual has been arrested or deported on terrorism-related grounds.19 President Obama's recent plan to resettle 10,000 Syrian refugees is likewise dwarfed by the numbers in Europe, North Africa, and the Middle East, where untold numbers seek asylum from within those countries' borders. While the mass movement of so many undocumented refugees into Europe, North Africa, and the Middle East has understandably complicated efforts to track terrorist organisations and heightened security concerns, the United States has the comparative luxury of ensuring that incoming refugees can be screened and vetted before entering the country. The screening process is extensive: sometimes taking up to two years, and involving interviews and background checks by the United Nations High Commissioner for Refugees as well as multiple U.S. intelligence agencies.20 The unpredictable and devastating risks of terrorism cannot, and should not, be downplayed as a general matter. However, the risk posed by the Syrian refugee program in the United States appears disproportionate to the domestic political push back the program has received from US states. United States federal law is likewise clear that a refusal of state governments to accept refugees is illegal, and likely unconstitutional as the United States federal government has exclusive authority to "control immigration – to admit or exclude aliens,"21 and act "in the field of international relations."22 US states are thus pre-empted from interfering with or opposing the federal government's resettlement decisions. The issue of refugee resettlement is "committed to the discretion of the executive branch of the federal government."23 Consistent with this discretion, the federal government exercised its exclusive authority over immigration and international law by enacting the Refugee Act of 1980.24 The Refugee Act, in turn, creates "comprehensive and uniform provisions for effective resettlement"25 and authorised the President to determine the number of refugees the United States will accept annually as "justified by humanitarian concerns or [as] otherwise in the national interest."26 The Syrian refugee crisis constitutes one of the largest movements of displaced populations since World War II. Critics of the 1951 Refugee Convention argue that because, as of 1951, "[n]o one imagined that cross-border escape from persecution would become a global phenomenon," the 1951 Convention has "become outmoded and obsolete."27 Professor Andrew Schoenholtz, director of Human

Rights Institute, responds that the Convention continues to ably address the needs of refugees given its flexibility in applying to evolving definitions of state persecutors and crises, and its clear guiding mandate – to protect individuals when their countries have failed to do so.28 If the Responsibility to Protect doctrine is to find increased relevance as a vehicle for the promotion of global humanitarian cooperation, a similar flexibility must be realised. If the doctrine is to mean anything, the "international community" obliged to protect should be understood to include more than simply the U.N. member states themselves. U.N. engagement of state actors and policymakers in the development of the responsibility to protect doctrine will have to increasingly include internal state and local authorities within sovereign state territories, intergovernmental organisations, and other stakeholders with the power to assist in development of humanitarian aid and combat the inherent fear such aid can inspire. This is becoming increasingly important in light of US state's failure to recognise that they too are a part of the international community with corresponding responsibilities to protect, or at least, to not interfere with the United States' exercise of its actions to protect Syrian refugees. In the words of Senator Dianne Feinstein: "[t]he Syrian people are the ones suffering the most from both ISIL and the Assad regime, and the international community has a responsibility to protect those fleeing the depravity."29

## The US Refugee Program is on the brink of collapse – travel bans and decreasing caps on admissions.

Amos '18 (Deborah, NPR, "The Year The U.S. Refugee Resettlement Program Unraveled," January 1, 2018, https://www.npr.org/sections/parallels/2018/01/01/574658008/the-year-the-u-s-refugee-resettlement-program-unraveled)

It was the harbinger of policies set in motion to unravel the U.S. refugee resettlement program, an issue that defined Trump's election campaign and has shaped much of his first year in office. Attempts to shut down the program, challenged in the courts, have evolved to more calculated bureaucratic challenges that will have long-term consequences, says Ryan Crocker, a former U.S. ambassador to Afghanistan and Iraq. "This is strategic, that's why it's different from previous anti-immigrant mindsets. It is a conscious effort to deconstruct the system," Crocker says. He points to dramatic budget cuts for the nine private, voluntary agencies that for decades have contracted with the State Department to resettle and integrate the refugee population in communities across the U.S. "The damage has already been done. These agencies run on the slimmest of margins. The layoffs are already doing structural damage. It's going to take a long time to rebuild," he says. With Trump's travel ban, plus a scaled back refugee program, 2017 was an assault on immigration by the Trump administration, says Jennifer Quigley, a refugee advocate with Human Rights First, a nongovernmental organization in Washington. "There are multiple avenues by which they are trying to cut off different kinds of legal immigration," she says. In September, President Trump dramatically lowered the cap for refugee admissions in fiscal year 2018 to 45,000. That's well below the annual refugee arrivals under President Barack Obama and even lower than most years during George W. Bush's presidency. Over the course of Trump's first year in office, he's repeatedly said refugee resettlement must be temporarily limited due to national security concerns. When he unveiled his first National Security Strategy on Dec. 18, he cited "chain migration" — meaning any immigration to the U.S. based on family ties to a legal immigrant or refugee — as a security threat and called for Congress to reverse America's family reunification policy. But rights groups say they see a bigger aim, supported by powerful anti-immigrants groups: to vastly restrict refugee resettlement as part of a wider agenda to limit legal immigration. The Trump administration is "trying to dismantle the program piece by piece. It's clear they want a smaller program and not include some populations," says Jen Smyers, the advocacy director of Church World Service, one of the voluntary agencies that resettle refugees and now face severe budget cuts and office closures. Trump's reductions to the refugee program reportedly put him at odds with the National Security Council, the State Department and the Department of Defense. But it's not considered low enough for conservative anti-refugee groups that wanted the cap set at zero. "Donald Trump missed a fabulous opportunity to suspend the entire refugee admissions program," activist Ann Corcoran complained to Breitbart News. Corcoran runs the Refugee Resettlement Watch website that regularly claims the resettlement program is corrupt and a health and security risk for communities that accept the newcomers. Ed Martin, president of the Phyllis Schlafly Eagles, a conservative interest group in St. Louis, gives Trump higher marks. "The conversation is going in the right direction," he says. The president doesn't win

every battle but Martin believes Trump is mostly winning on immigration. "That's the one thing he can't do to his base is to betray them on immigration," he says. "It will be a big deal" – which, according to some right-wing groups, includes holding down the number of refugees admitted into the U.S. The final tally for refugee admissions in fiscal year 2018 is likely to be closer to 20,000 rather than the cap of 45,000, based on the recent pace of resettlements. "We are on the precipice," says Quigley of Human Rights First. Critics accuse the Trump administration of "slowly smothering" the refugee program and point to a recent announcement that the State Department will shutter dozens of resettlement offices run by voluntary agencies across the country. The agencies are a convenient target, says Becca Heller with the International Refugee Assistance Project in New York. "Taking down the [independent contractors] is a means to destroy the refugee program," she says. Heller's organization has been on the front lines of legal challenges to President Trump's immigration policies, including joining a lawsuit against a travel ban rolled out seven days after his inauguration that caused chaos at international airports. By early March, judges across the country had blocked the ban. "We are in a pitched battle for the continued existence of the U.S. refugee resettlement program," says Heller. "The numbers are going to be low for the next few years and it's our job to keep them as high as we can."

# Extend: US Has Obligation

**The current US approach to refugees is hypocritical and callous – the US is partly responsible for the humanitarian disaster in Syrian and has an obligation to increase its refugee intake.**

**Karas '18** (Tania is the Migration Fellow at Young Professionals in Foreign Policy. Tania's work has appeared in Reuters, PRI, Refugees Deeply, IRIN, Foreign Affairs and other outlets. She is a 2011 graduate of Northwestern University's Medill School of Journalism and Master's candidate in international human rights law at the University of Oxford, "If Trump Really Cares About Syria, He Should Let in More Syrian Refugees," Diplomatic Courier, 5-22-2018, https://www.diplomaticcourier.com/2018/05/07/if-trump-really-cares-about-syria-he-should-let-in-more-syrian-refugees/)

Just days after President Donald Trump said he wanted to pull American troops out of Syria, the United States, with the help of France and the United Kingdom, launched airstrikes on three sites in the western side of the country. The operation lasted one night and was meant to both punish Syrian President Bashar al-Assad for a suspected chemical weapons attack on civilians and prevent such attacks from happening again in the future. Trump wasted little time in declaring "mission accomplished," but the reality is that it will have little effect on the outcome of the complex Syrian conflict, now in its seventh year with no end in sight. The airstrikes—and Trump's own justifications for them—exposed the hypocrisy of current U.S. policy toward refugees, specifically those from Syria. Trump blamed "Animal Assad" for the attack, and Russia and Iran for backing the Syrian president in creating a "humanitarian disaster." And in deciding how the United States would respond militarily, Trump said at a Cabinet meeting, "We're talking about humanity. And it can't be allowed to happen." It was a rare acknowledgment by Trump of a humanitarian crisis in Syria at the hands of its president, as well as the vulnerable people dying. But if Trump really cared for their safety—or, as he put it, their humanity—there's another, incredibly easy way to help: he can admit more Syrian refugees into the United States. That's hardly happening right now. Since the start of the year, the United States has resettled just 11 refugees from Syria, according to State Department data. Last year, 3,024 were allowed into the United States. And in 2016, the final year of Barack Obama's presidency, the United States resettled 15,479 Syrian refugees. All of these figures are a drop in the bucket when compared to the 5.6 million Syrians who have fled their country since the start of the war. Most are still in the Middle East with hardly any chance of being resettled to a third country. But still, the United States was just ramping up its Syrian refugee admissions when Trump's travel ban—implemented in the first week of his presidency in January 2017—shut the door on them. The travel ban has been through three iterations, each with varying restrictions for refugees and travelers from select countries, most of them majority Muslim. The third ban, for which the U.S. Supreme Court heard oral arguments on April 25, does not deal with refugees per se; still, it bars nearly all people from six countries, including Syria. (Chad was removed from the list last month.) Separately, in October, Trump implemented new vetting rules, effectively halting the entry of refugees from 11 countries deemed as "high risk." Just what that extra vetting entails is unclear, but refugee resettlement groups have blamed it for the very low arrival figures. Under Trump, the United States has also lowered its annual, overall refugee admissions ceiling from Obama's high of 85,000 in 2016 to just 45,000. Because of the new restrictions, the actual number of admissions will likely come in closer to 21,000, the International Rescue Committee says. It's as if the Trump administration doesn't believe there's a refugee crisis — or doesn't believe the United States has any obligation to take in any refugees. Still, there's at least some acknowledgment by administration officials of their suffering. Defense Secretary James Mattis recently told the House Armed Services Committee, "I've seen refugees from Asia to Europe, Kosovo to Africa. I've never seen refugees as traumatized as coming out of Syria. It's got to end."

**The US is uniquely responsible - the plan holds the US accountable to take care of people its military displaces.**

**Feldstein '17** (Steven, Nonresident Fellow in the Democracy and Rule of Law Program, "How U.S. Policies Are Worsening the Global Refugee Crisis," Carnegie Endowment for International Peace, October 16, 2017, http://carnegieendowment.org/2017/10/16/how-u.s.-policies-are-worsening-global-refugee-crisis-pub-73480)

In August, the Guardian broadcast a video narrating the journey from Raqqa to Europe of a 20-year old Syrian refugee named Rania. The story opens with Rania walking through the ruins of Kobane, Syria, amidst bombed out apartment buildings, gigantic roadside craters, and fallen electrical wire. She intones into the camera: "I always think about how this is a warzone for the rest of the world. But for us it is home. There is misery all over the place. I want to get a future." Under a pitch-black night sky, smugglers sneak Rania into Turkey. Several days later, she boards a perilously overcrowded inflatable rubber boat. It is designed for 15 people but goes to sea carrying over 50. The waves get stormier and the boat capsizes. Fortuitously, a nearby ship spots the drowning party and brings them to Greece. From there, Rania goes to the Macedonia border, intending to move north. She attempts several border crossings. Once, after fording a chilly river, she is beaten back by a line of border police wielding heavy batons. Another time, security guards shoot tear gas canisters into the crowd, leaving many bleeding and unconscious. Weeks later, Rania flies to Vienna via a fake passport. She is caught by the police and registers for asylum. That is where this chapter of Rania's story ends. Everything Rania has experienced – fleeing ISIS in Raqqa, moving among the rubble in Kobane, almost drowning in the Mediterranean Sea, dodging tear gas on the Macedonian border – is inherently preventable. This latest wave of displacement, which has brought staggering levels of disruption, is almost entirely manmade; the result of war and violence. The statistics keep getting worse. At present, one in every 113 people in the world is now displaced, totaling 65.6 million people. Of this number, 22.5 million are officially categorized as refugees – meaning they have fled persecution and violence across international borders. 55% of the total displacement comes from three countries: Syria, Afghanistan, and South Sudan. Each of these countries is engaged in civil conflict and war. The most recent crisis to hit the headlines – with over 519,000 persons fleeing in the last month – is the Rohingya exodus from Myanmar. This situation is also manmade, stemming from actions taken by Myanmar's military that the United Nations describes as a "textbook example of ethnic cleansing." If the majority of these crises are manmade, this means that their perpetuation is needless and unnecessary. Due to lack of political will, insufficient resources, and moral failure, the fighting continues and civilians keep fleeing and dying in record numbers. The United States occupies a paradoxical role when it comes to this crisis. On the one hand, the U.S. is the most generous donor of humanitarian assistance in the world. It has contributed $1.8 billion in foreign aid in the past year to alleviate crises in South Sudan, Nigeria, Somalia, and Yemen. Since the start of the Syrian crisis, U.S. assistance has topped $3.8 billion. On the other hand, U.S. military actions and partnerships are directly contributing to the very crises humanitarians are trying to resolve. U.S. policy choices bear responsibility in three ways: 1) U.S. military operations have caused immense disruption and are intensifying; 2) partner militaries are systematically violating international humanitarian law and exacerbating migration outflows; and 3) consequently, international norms to protect civilians during armed conflict are diminishing worldwide.

# Extend: Restrictions are Racist

**Current restrictions are motivated by Islamophobia – national security is just a guise for bigotry.**

**Ayoub & Rondon '17** (Abed A. and Yolanda C., Legal & Policy Directors at the American-Arab Anti-Discrimination Committee. Both JDs. "Willful Blindness or Deliberate Indifference: The United States' Abdication of Legal Responsibility to Refugees," Barry Law Review: Vol. 22: Iss. 1 , Article 3. Available at: h p://lawpublications.barry.edu/barrylrev/vol22/iss1/3)-mikee

As the worldwide **refugee crisis worsens**, so does the political rhetoric here within the U.S. Over the past year, many politicians have used the refugee crisis to divide the country.51 Many of these politicians are promoting **fear and bigotry**, often linking refugees and immigrants to the worst humanity has to offer.52 The reactionary tactic of federal and state political leaders has been to target Arabs and Muslims under the guise of national security—this is happening with the refugee debate.53 The presidential campaign of Donald J. Trump, the new President of the U.S., was based on promoting fear of refugees and immigrants.54 Many of his statements made headlines55 and proved popular enough to win him the presidency.56 In addition to proposing the building of a wall along the southern border,57 Trump also proposed a complete ban on Muslims entering the U.S.58 He later revised his position to a complete ban on individuals coming from countries with conflict.59 Trump continues to play into the notion that Arabs and Muslims are a threat to national security and that Muslims hate the United States.60 Trump was not alone: other candidates during the 2016 presidential election, realizing the popularity of such absurdity, jumped into the fray and touted the same nonsensical rhetoric. During the GOP Primary, Senator Ted Cruz proposed a complete ban on Syrian refugees who were Muslim, going as far as proposing a bill in the U.S. Senate.61 The anti-refugee voices and positions got louder after the November 2015 attack in Paris, France, which left over 100 dead.62 Both Trump and Cruz used the Paris attacks to push forward the flawed argument that allowing refugees into the country will pose a national security risk.63 On the state level, governors and legislative bodies from many states, including Louisiana, Florida, Arizona, and South Carolina, each proposed refugee bans.64 A total of twenty-six governors put forth efforts to stop the settlement of refugees in their states.65 Many critics were quick to point out that the anti-refugee rhetoric was driven by **anti-Arab sentiment and Islamophobia.**66 One state which adamantly pursued an anti-refugee position was Indiana, with Indiana Governor Mike Pence among those taking the lead.67 Governor Pence was subsequently announced as the running mate of Donald Trump.68 Governor Pence tried to block the resettlement of a Syrian refugee family.69 Governor Pence put forth his refugee policy only days after the terror attack in Paris, France.70 By using the Paris attacks as a backdrop, Governor Pence wrongly framed the refugee issue as a matter of national security. The decision by Governor Pence to refuse refugees was overturned by a federal court judge in the case of Exodus Refugee Immigration, Inc. v. Mike Pence et al.,71 which was brought by the ACLU-Indiana on behalf of Exodus, a refugee resettlement agency.72 The court "order prohibits the State of Indiana from taking any actions to interfere with or attempt to deter the resettlement of Syrian refugees by Exodus in Indiana, including by withholding funds and services due Exodus and the refugees it serves."73 The refugee policy of some politicians, such as Trump and Pence, are clearly driven by anti-Arab sentiment and Islamophobia rhetoric. The position that refugees bring with them an influx of crime and drug use is not supported by any data and is merely a reflection of the flawed policies and positions taken by these politicians.74 By perpetuating on people's fears, politicians are using anti-Arab sentiment and Islamophobia to frame the refugee issue as a national security matter. It is under the guise of national security that these politicians aim to exclude refugees from entering the U.S. based on race, religion, and national origin. **Such exclusionary tactics are not only morally wrong, but also go against international law**, as discussed in Section II.

**The cap disproportionately targets Muslim refugees – the overall numbers are the lowest since the program was created.**

**Connor & Krogstad '18** (Phillip and Jens Manuel, writers at the Pew Research Center, "The number of refugees admitted to the U.S. has fallen, especially among Muslims," May 3, 2018, http://www.pewresearch.org/fact-tank/2018/05/03/the-number-of-refugees-admitted-to-the-u-s-has-fallen-especially-among-muslims/)

The number of Muslim refugees admitted to the United States in the first half of fiscal 2018 has dropped from the previous year more than any other religious group, falling to nearly 1,800 compared with the roughly 22,900 admitted in all of fiscal 2017, according to a Pew Research Center analysis of U.S. State Department data. The low point in Muslim admissions was set in the year after the Sept. 11 terrorist attacks. The reduction in Muslim refugee admissions is part of an overall slowdown in admissions. About 10,500 refugees, including about 6,700 Christians, entered the U.S. from Oct. 1, 2017, to March 31, 2018 – far behind the 39,100 admissions at this point in fiscal 2017 (including 18,500 Muslims and 16,900 Christians). As a result of these changes, Christians account for a far larger share of refugees admitted than Muslims the first half of fiscal 2018 (63% vs. 17%). By comparison, in full fiscal 2017 Christians (47%) and Muslims (43%) were more evenly split, and in fiscal 2016 the Muslim share (46%) slightly exceeded the Christian share (44%). The number of refugees who enter the U.S. in fiscal 2018 is expected to fall below the previous year's total (53,700) because President Donald Trump's administration capped admissions at 45,000 this year, the lowest since Congress created the current refugee program in 1980 for those fleeing persecution in their home countries. The slower pace of U.S. refugee admissions in fiscal 2018 is also due to the fact that the current administration restricted admissions for several months as part of a review that resulted in tougher security screening measures. Refugee admissions fully resumed in late January 2018. The lowered cap is one of several changes to the U.S. immigration system pursued by the Trump administration.

Some immigration proposals, including those involving refugees, have been challenged in court on grounds that they discriminate against Muslims. In an ongoing case, the Supreme Court has heard arguments on travel restrictions issued by Trump that critics say illegally target some prospective U.S. immigrants, including refugees, from certain countries based on religion. The makeup of U.S. refugees can shift within a year due to world events. For example, large numbers of Muslim refugees from Syria entered the U.S. during the latter half of fiscal 2016 due to the country's ongoing civil war. Muslim refugee admissions peaked that fiscal year at 38,900, exceeding the number of Christian refugees (37,500). The low for Muslim refugee admissions (6,100) came in fiscal 2002, when the U.S. largely suspended refugee admissions for several months and tightened security measures following the 9/11 attacks. (Fiscal 2002 is also the first year data on the religious affiliation of refugees became publicly available.) The origins of U.S. refugees in fiscal 2018 align with the shift in religious affiliation. No Muslim-majority countries are represented among the top five nationalities of refugees admitted so far this fiscal year. By contrast, three of the top five origin countries of refugees in fiscal 2017 had Muslim-majority populations – Iraq, Syria and Somalia. U.S. refugee admissions of Muslims stand in contrast to global refugee trends. For each year over the past decade, about two-thirds of refugees living outside of their birth country have come from Muslim-majority countries, according to a Pew Research Center analysis of United Nations High Commissioner for Refugees data. People seeking to enter the U.S. as refugees are processed overseas, where they are asked a series of questions, including their religious affiliation. Upon approval of their application, refugees travel to the U.S. for resettlement. In the U.S., refugees are different from asylum seekers, who claim asylum while in the U.S. or at an airport or land border checkpoint.

# Camps Bad Module

**Refugee camps are dangerous cites of violence and abuse.**

**Miliband '16** (David is President of the International Rescue Committee. "The Best Ways to Deal with the Refugee Crisis," NY Review of Books, OCTOBER 13, 2016 ISSUE, http://www.nybooks.com/articles/2016/10/13/best-ways-to-deal-with-refugee-crisis/)

The danger, however, is that those living in countries affected by the crises of war and homelessness will be left behind because, for them, there are no specific targets of the kind advocated by Ban Ki-moon. I have seen this in practice. Earlier this year I met some of the 150,000 Burundian refugees in Tanzania. An average classroom in Nyragusu camp has 150 children. As women use the camp's unlit paths to collect firewood or use the lavatories, they are often subject to sexual violence. One explanation for such dangerous conditions is that the overall plan to provide humanitarian assistance for Burundian refugees is only 40 percent funded. Another is that the roughly twenty-eight humanitarian agencies working in Tanzania—with over one thousand aid workers—still had not yet agreed on a shared set of measurable objectives for their efforts and how they would achieve them. Specific goals for countries in the midst of crisis would improve global accountability for the world's most vulnerable: those affected by war and disaster. It is high time that the UN and member states agreed on specific targets for safety, health care, education, and income for those directly affected by conflict. As one student in the Nyragusu camp told me, "I don't want my future to end here." For him, and the millions more like him, we must try to make sure it doesn't.

**Refugee camps dehumanize refugees, subject them to horrible conditions and violence, and strip them of basic human rights**

**Esses of the University of Western Ontario et. al 17** (Victoria, "The Global Refugee Crisis: Empirical Evidence and Policy Implications for Improving Public Attitudes and Facilitating Refugee Resettlement", accessed 6-30-18, http://web.b.ebscohost.com/ehost/pdfviewer/pdfviewer?vid=1&sid=b226a2fb-7c94-43d3-83e2-04aa15d3feec%40sessionmgr103, J.B)

At the end of 2015, it was estimated that 3 million of the total 16 million refugees under the UNHCR's mandate were living in planned or managed refugee camps, over 500,000 were living in self-settled camps, and close to 200,000 were living in reception or transit camps (UNHCR, 2016b). Although refugee camps are intended to provide temporary living arrangements for refugees in an emergency situation, the reality is that an increasing number of host nations respond to protracted refugee situations by "containing refugees in isolated and insecure refugee camps, typically in border regions and far from the governing regime" (UNHCR, 2006). Many refugees in camps spend years there and children born in camps may grow up without knowing any other home. Camps may be seen by host nations as providing better control over asylum seekers and as a way of reducing tension and competition between refugees and local communities (UNHCR, 2013). Thus, ironically, refugee camps may improve attitudes toward refugees among members of the host community through the processes known to produce more favorable attitudes (e.g., perceived control, lack of competition), while providing a damaging living environment for refugees. The UNHCR has indicated that, despite their best efforts, extended residence in a refugee camp can have a serious negative impact. Living in a camp typically involves some limitations on the rights and freedoms of refugees and their ability to make choices about their lives (UNHCR, 2013). For example, many host countries place restrictions on those seeking to leave the camps for employment or education (UNHCR, 2006). Thus, "living in camps can engender dependency 108 Esses, Hamilton, and Gaucher and weaken the ability of refugees to manage their own lives, which perpetuates the trauma of displacement and creates barriers to solutions" (Redden, 2013). At times, camps can also reduce the protection and security

offered to refugees, including child refugees; increase the risk of sexual and gender-based exploitation and violence; increase the risk of human trafficking and intergroup violence; and be sites for forced recruitment into military units (Crisp, 2000; Redden, 2013).

**Refugee camps in Bangladesh produce unimaginable suffering – massive environmental deaths and rampant diseases**
**Parry, the Daily Mirror's Special Correspondent 6-20-18** (Parry, Tom Parry is the Daily Mirror's Special Correspondent. He was named Feature Writer of the Year at the British Press Awards 2014. "They fled genocide.. & now the monsoon's killing them: AGONY OF THE FAMILIES IN REFUGEE CAMP HELL Mirror reveals plight of the Rohingya in Bangladesh EXCLUSIVE", https://search.proquest.com/docview/2056909909/124468C0F0EA4A00PQ/12?accountid=1557 , accessed 6-26-18, J.B)


AS the monsoon rains clatter on flimsy canvas roofs, the clay walkways of the world's biggest refugee camp turn into a quagmire. Stood underneath a sagging makeshift shelter, I look on as jagged bolts of lightning streak the black sky and the wind whips up.

This temporary city, cobbled together in less than a year with bamboo poles, scraps of tarpaulin and twine, looks like it will be knocked down any instant.

For the 700,000 Rohingya refugees here in Bangladesh - who have escaped the worst genocide of this century in neighbouring Myanmar - the storms I witness are just the beginning of a threemonth nightmare. Their temporary homes are directly in the path of the cyclones that plague this vulnerable region from now until September.

After being tortured and raped - and seeing their relatives murdered by soldiers in Myanmar who torched their villages - they are now prey to landslides, floods and waterborne diseases. Scores of people have died in recent days, including a two-year-old boy after a mud wall collapsed on him.

At a Red Cross field hospital on the edge of the seemingly never-ending Kutupalong camp is nine-month-old Mohammad Ayas.

The helpless little boy broke his thigh bone when he fell from one of the treacherous slopes between shelters.

Icelandic nurse Hildur Sveinsdottir - here for a one-month secondment from her normal A&E job - tells me such accidents are soon expected to occur daily. "Fractures are very regular for us," Hildur says.

"It's unimaginable what it will be like in a few weeks. The number of people getting injured or being killed will rise a lot if they get a really bad cyclone. Their shelters will not stand up."

Experts say more than 200,000 people are at high risk from landslides and floods in the coming monsoon months.

More than 1,000 shelters have already been destroyed as rivers of brown water surge through the narrow alleys of the camp, an hour from Cox's Bazar city, on the southeast coast of Bangladesh.

Assisted by aid workers, the Rohingya are digging drainage ditches and reinforcing their shelters. Despite the extraordinary hardship they have endured, everyone I come across is determined to make the best of an appalling situation. Trucks bearing stacks of bamboo arrive at temporary depots all day long. Many of those collecting the only building materials on offer are boys, straining to carry their heavy load. In many cases, their fathers were murdered in Myanmar. Their mothers guard their precious scrap of land and look after younger siblings. More than half of the people here are women and at least 60% are under 18. Many of them will be trapped once the paths become impassable. Speaking next to a stagnant pool of fetid brown water, mum Moriom Katu, 35, tells me her eight-month-old son died from dysentery and diarrhoea a few weeks before. "This is our fate," she says. "We were shot at, burned and tortured as we tried to get away, and now we are here in this terrible location. Everything is so dirty. The water is full of diseases. People are getting sick all the time." Now she is concerned that her surviving children, a girl aged seven and a boy aged four, will be struck down by the same illness. There is never a quiet moment for the dedicated Red Cross medics. Hildur "We have respiratory problems, malnutrition cases, dehydration and infections that turn to abscesses because the water they have to clean cuts with is dirty. There has been measles and TB. They want to wash and they want to take care of themselves, but the hygiene is so bad." On the 15-bed paediatric ward is a premature baby so tiny that I inhale sharply when I first see her. Unbelievably, Umme Kulsul is two months old. Her arms and legs are the width of an adult finger, but she has grown. Hildur tells me she was just ten centimetres long when she was born by emergency caesarean when her mother, Annuar Begum, 30, was only seven months pregnant. This was due to serious health problems, exacerbated by the escape from Myanmar to Bangladesh. Since then, Umme has needed 24-hour medical care, yet I am told that in just over a week she will have to go back to the family's shelter in the squalid camp down the road. It is difficult to imagine how her tiny body will withstand the elements. Equally at risk is Abdullah, 22, whose left leg is encased in bandages. He was shot while trying to flee the military's reign of terror in Myanmar. "They surrounded my village," Abdullah tells me. "While some soldiers torched the straw roof of our house, others lay in wait to fire at us. "We were all screaming but they kept shooting. I was shot in the leg. The bullet pierced right through my thigh and came out the other side of my leg. My aunt and uncle were killed in the crossfire." Abdullah's wound became badly infected because of the unsanitary conditions in the camp, and Red Cross nurses are doing their best to save his leg from amputation. Yet when he returns to his shelter, his wound will be exposed again. Meanwhile, it is predicted that up to 16,000 babies could be born during cyclone season, to women who were raped by Burmese soldiers as they ran from their burning villages last year. Pleading for their lives as they fled, exiled from their homes for ever, these desperate people now face fresh hell at the mercy of the elements. The Disasters Emergency Committee brings together 13 leading aid charities, including the Red Cross and Oxfam. To make a donation, visit dec.org.uk or call 0370 60 60 610. tom.parry@mirror.co.uk VOICE OF THE MIRROR: PAGE 8 Driven out by ruthless army The Rohingya are an ethnic group, mostly Muslim, who have lived in majority Buddhist Myanmar since the eighth century. Myanmar has denied citizenship to the Rohingya 1982, effectively rendering them stateless. They are not considered one of the country's 135 official ethnic groups. They have faced military crackdowns since 1978, with many crossing into Bangladesh in the 90s. Last August, hundreds of thousands of Rohingya crossed the river that divides Myanmar and Bangladesh as they fled a savage militarysince backed ethnic cleansing programme. Satellite images released by Human Rights Watch this year showed Rohingya villages inside Myanmar razed to the ground. We were shot at & tortured. Now we are here & it's full of disease. My baby has died moriom katu on losing her son due to filthy conditions

# They Say: "No Moral Obligation"

**The source of value comes from the way we spend our lives rather than their continuation – utilitarian focus on death impact obscures the ability to construct meaningful existences through an irrational fear of death.**

**Nagel 12** [Thomas, University Professor of Philosophy and Law at New York University, "Mortal Questions", Cambridge University Press, Mar 26, 2012, Pg.1-3]

If death is the unequivocal and permanent end of our existence, the question arises whether it is a bad thing to die.

There is conspicuous disagreement about the matter: some people think death is dreadful; others have no objection to death per se, though they hope their own will be neither premature nor painful. Those in the former category tend to think those in the latter are ~~blind~~ [not privy] to the obvious, while the latter suppose the former to be prey to some sort of confusion. On the one hand it can be said that life is all we have and the loss of it is the greatest loss we can sustain. On the other hand it may be objected that death deprives this supposed loss of its subject, and that if we realize that death is not an unimaginable condition of the persisting person, but a mere blank, we will see that it can have no value whatever, positive or negative.

Since I want to leave aside the question whether we are, or might be, immortal in some form, I shall simply use the word 'death' and its cognates in this discussion to mean permanent death, unsupplemented by any form of conscious survival. I want to ask whether death is in itself an evil; and how great an evil, and of what kind, it might be. The question should be of interest even to those who believe in some form of immortality, for one's attitude toward immortality must depend in part on one's attitude toward death.

If death is an evil at all, it cannot be because of its positive features, but only because of what it deprives us of. I shall try to deal with the difficulties surrounding the natural view that death is an evil because it brings to an end all the goods that life contains. We need no: give an account of these goods here, except to observe that some of them, like perception, desire, activity, and thought, are so general as to be constitutive of human life. They are widely regarded as formidable benefits in themselves, despite the fact that they are conditions of misery as well as of happiness, and that a sufficient quantity of more particular evils can perhaps outweigh them. That is what is meant, I think, by the allegation that it is good simply to be alive, even if one is undergoing terrible experiences. The situation is roughly this: There are elements which, if added to one's experience, make life better; there are other elements which, if added to one's experience, make life worse. But what remains when these are set aside is not merely neutral: it is emphatically positive. Therefore life is worth living even when the bad elements of experience are plentiful, and the good ones too meager to outweigh the bad ones on their own. The additional positive weight is supplied by experience itself, rather than by any of its contents.

I shall not discuss the value that one person's life or death may have for others, or its objective value, but only the value it has for the person who is its subject. That seems to me the primary case, and the case which presents the greatest difficulties. Let me add only two observations. First, the value of life and its contents does not attach to mere organic survival: almost everyone would be indifferent (other things equal) between immediate death and immediate coma followed by death twenty years later without reawakening. And second, like most goods, this can be multiplied by time: more is better than less. The added quantities need not be temporally continuous (though continuity has its social advantages). People are attracted to the possibility of long-term suspended animation or freezing, followed by the resumption of conscious life, because they can regard it from within simply as continuation of their present life. If these techniques are ever perfected, what from outside appeared as a dormant interval of three hundred years could be experienced by the subject as nothing more than a sharp discontinuity in the character of his experiences. I do not deny, of course, that this has its own disadvantages. Family and friends may have died in the meantime; the language may have changed; the

comforts of social, geographical, and cultural familiarity would be lacking. Nevertheless these inconveniences would not obliterate the basic advantage of continued, though discontinuous, existence.

If we turn from what is good about life to what is bad about death, the case is completely different. Essentially, though there may be problems about their specification, what we find desirable in life are certain states, conditions, or types of activity. It is being alive, doing certain things, having certain experiences that we consider good. But if death is an evil, it is the loss of life, rather than the state of being dead, or nonexistent, or unconscious, that is objectionable.[1] This asymmetry is important. If it is good to be alive, that advantage can be attributed to a person at each point of his life. It is a good of which Bach had more than Schubert, simply because he lived longer. Death, however, is not an evil of which Shakespeare has so far received a larger portion than Proust. If death is a disadvantage, it is not easy to say when a man suffers it.

## Politics devoid of moral obligations collapses into might makes right failing to preserve the "common good" and legitimizing wide scale atrocity.

Parsons '9 (John-, Accessed 9/14/2009 (the basis for the date), Deconstructing Mr. Farah: The Fallacy of a Utilitarian Ethic)

Utilitarian reasoning will attempt to solve the problem by determining the relative worth of the persons involved, understood in terms of their social utility. In the end, throwing the least desirable person overboard becomes an actual moral imperative, since by this action the greatest good for the greatest number of people will be served... In fact, it would be considered immoral if one of the socially "useful" persons altruistically decided to give up their life for the sake of the undesirable, since this would impugn the supposed calculus for good that the system is predicated upon. Though prima facie this line of thinking may seem to be plausible, in light of recent policies that wink at the torture of "terrorists" in order to serve the "greater good" (i.e., the safekeeping of present-day American culture), I think it is fair to question whether this pragmatic/utilitarian way of thinking is to be accepted in an unreflective manner. This exhortation should especially be heeded by those who profess to serve the Living God, the Father, Creator, and Savior of all mankind. An advocate of a utilitarian ethic claims that an act is right if it is useful; but "useful" for what? Or useful to what end? If someone argues that by "useful" he means "bringing about a desirable or good end," he[they] is[are] merely begging the question, since he[they] has[have] yet to define what he considers to be a "good end." Here we have multiple options, based on the agenda of the one who is arbitrating the meaning of the good.... The Nazis had one view of a "good end," and by means of their odious "Final Solution" rationalized their vision of das Vaterland as the summon bonum to which the individual must be sacrificed. The American ideal of a society that is enabled to pursue personal fulfillment and a hedonistic lifestyle is another vision of a good end. And so on. In a worldview devoid of appeal to transcendental value, all the utilitarian has recourse to is some sort of probability calculus to determine the distribution of perceived good among a given population. This approach is almost absurd in its audacity and foolishness, since it ascribes idealized powers to reason to perform such calculations in a dispassionate way - while it disingenuously pretends to be able to transcend such limitations. In the last analysis, the utilitarian principle is nothing less than a sophistical means to justify the "might makes right" fallacy: If more people prefer some outcome and think that it is useful to their goals, then it is ipso facto right - even if that happens to violates the rights of others who are relegated to minority status (or deemed to be "undesirable"). In practice, utilitarianism becomes a consensus-based "bully ethic" that enjoins a Socrates to quickly quaff the hemlock for the sake of the body politic. The individual, and the individual's passion for the truth, is invariably considered undesirable for the sake of the collective. The LORD Jesus was crucified by a group of craven paleo-utilitarians.... Without the admission of moral absolutes such as "do not torture others," "do not rape women," "do not commit genocide," etc. etc., we do not have an overarching framework for intelligible discussion about the sanctity and worth of

individual human life, and we are therefore confronted with raw appeals to force and to the dishonest appeal to promote the "greater good" at the expense of the sanctity of the individual (i.e., consensus thinking). In practice, this amounts to the "Nazification" of ethical reasoning that is used to justify euthanasia, abortion on demand, and other means of social engineering.

## Morality is the paramount value – competing values reduce thought to political consideration, which are inherently arbitrary and radically violent. A society built on political and utilitarian values will always turn to war to stabilize competing claims.

**Sun**, Professor of Philosophy at Fudan, **2008** (Sun Xiangchen, Professor of Philosophy at Fudan University, China, "Emmanuel Levinas and the Critique of Modern Political Philosophy" http://www3.interscience.wiley.com/cgi-bin/fulltext/121573478/HTMLSTART?CRETRY=1&SRETRY=0)

According to Hobbes's logic, there is initially a natural state of war. In order to escape violent death, people want to enter into political society, and finally **morality** is established to guarantee peace and stability within this political framework. This logic is opposed by Lévinas, who holds to a logic according to which we have no possibility of escaping war. For Lévinas, war is a normal state of the Western world, and the Second World War is the necessary result of the Western political tradition. We can even say that it resulted from traditional Western philosophy, which has a possessive orientation, as the extreme expression of the Western ontological tradition. Even in ancient Greece, Heraclitus had already held that being reveals itself as war. The modern world shows this tendency to war more strongly than ever, but the root of this tendency is still in the ancient ontological tradition, which pursues sameness and totality, implying some kind of violence. I think that this is the ultimate reason why Lévinas is prepared to struggle with the whole Western philosophical tradition. The defect of this tradition is not, as claimed by Heidegger, in the oblivion of Being, but is in the **oblivion of the other**, or rather, in the suppression of the other. Hegel seemed to pay more attention to the other than other philosophers in the Western tradition, but in fact what Hegel does is to transform the other into his own wholeness. Lévinas's position is totally different, opposing this tradition from Greece to Heidegger, including the Hegelian attitude to the other, by placing not ontology but ethics as first philosophy. From this point of view, he also opposes the structure of modern society by claiming that society should be based on the ethical and not the political. If politics is the basis of the whole society, Lévinas's question in the preface to Totality and Infinity, "whether we are not duped by morality"[1] would be crucial. Because war, which is behind modern politics, suspends the strength of morality, Hobbes held that morality could be a cheat. For political reasons, the sovereign could even burn all the books of geometry, which Hobbes regards as the sole gift from God.[2] Because this is precisely what Lévinas cannot accept, he must seek another foundation for society in order to limit the logic of politics and violence within politics. Lévinas wants to establish a **prepolitical ethics,** which can **overturn the logic of war underlying the political**. Lévinas thinks that modern political theory is based on individualism and calculation, by which modern society is built up. If so, there is no chance to avoid violence and war. From the viewpoint of Hobbes, there are only two kinds of peace: Cold peace, in which people are scared of each other and keep a terrible balance, and the peace of sovereignty, in which there is one sovereignty with the rest of the population as subjects. We can imagine that the background of this theory of peace is war. From Hobbes to **utilitarianism**, the inner logic of calculation is same. By this calculation, peace is temporary, utilitarian, and only the interval between wars. Regarding the question of whether the basis of society is political or ethical, **Lévinas's answer is clear: It is definitely ethical**. When Lévinas tries to resolve the tension between the political and the ethical, he does not rest on the political, like modern philosophers. He seeks to justify a prepolitical ethical life-world to serve as the foundation of the political. This is what Lévinas has done in Totality and Infinity. He appeals to other resource of thought in the world, such as Jewish tradition, although he does not refer to it directly. He considers that the only real peace is a kind of messianic peace: **Morality will oppose politics** in history and will have gone beyond the functions of prudence or the canons of the beautiful to proclaim itself **unconditional**

**and universal** when the eschatology of messianic peace will have come to superpose itself upon the ontology of war.[3]

# They Say: "Extinction Outweighs"

**Structural violence outweighs on probability and magnitude – <u>risk assessment is not neutral</u> but is epistemologically biased towards privileged white male elites who discount the severity of everyday violence in destroying marginalized populations.**

**Verchick 96** [Robert, Assistant Professor, University of Missouri -- Kansas City School of Law. J.D., Harvard Law School, 1989, "IN A GREENER VOICE: FEMINIST THEORY AND ENVIRONMENTAL JUSTICE" 19 Harv. Women's L.J. 23]

<u>Because risk assessment is based on statistical measures of risk, policymakers view it as an accurate and objective tool in establishing environmental standards</u>. n275 The scientific process used to assess risk purports to focus single-mindedly on only one feature of a potential injury: the objective probability of its occurrence. n276 Risk assessors, who consider most value judgments irrelevant in determining statistical risk, seek to banish them at every stage. n277 As a result, <u>the language of risk assessment --</u> and of related environmental safety standards -- often carry an air of irrebuttable precision and certainty. The EPA, for example, defines the standard acceptable level of risk under Superfund as "10<-6>" -- that is, the probability that one person in a million would develop cancer due to exposure to site contamination. n278 [*76] Feminism challenges this model of scientific risk assessment on at least three levels. First, feminism questions the assumption that scientific inquiry is value-neutral, that is, free of societal bias or prejudice. n279 Indeed, as many have pointed out, one's perspective unavoidably influences the practice of science. n280 Western science may be infused with its own ideology, perpetuating, in the view of the ecofeminists, cycles of discrimination, domination, and exploitation. n281 Second, even if scientific inquiry by itself were value-neutral, environmental regulation based on such inquiry would still contain subjective elements. Environmental regulation, like any other product of democracy, inevitably reflects elements of subjectivity, compromise, and self-interest. The technocratic language of regulation <u>serves only to "mask, not eliminate, political and social considerations</u>." n282 We have already seen how <u>the subjective decision to prefer white men as subjects for epidemiological study can skew risk assessments against the interests of women and people of color</u>. <u>The focus</u> of many assessments <u>on</u> the risk of <u>cancer deaths, but not, say, the risks of birth defects</u> or miscarriages, <u>is yet another example of how a policymaker's subjective decision of what to look for can influence what is ultimately seen</u>. n283 Once risk data are collected and placed in a statistical form, the ultimate translation of that information into rules and standards of conduct once again reflects value judgments. A safety threshold of one in a million or a preference for "best conventional technology" does not spring from the periodic table, but rather evolves from the application [*77] of human experience and judgment to scientific information. <u>Whose experience? Whose judgment? Which information?</u> These are the questions that feminism prompts, and they will be discussed shortly. Finally, feminists would argue that <u>questions involving the risk of death and disease should not even aspire to value neutrality.</u> <u>Such decisions -- which affect not only today's generations, but those of the future -- should be made with all related political and moral considerations plainly on the table</u>. n284 In addition, <u>policymakers should look to all perspectives, especially those of society's most vulnerable members, to develop as complete a picture of the moral issues as possible</u>.

Debates about scientific risk assessment and public values often appear as a tug of war between the "technicians," who would apply only value-neutral criteria to set regulatory standards, and the "public," who demand that psychological perceptions and contextual factors also be considered. n285 Environmental justice advocates, strongly concerned with the practical experiences of threatened communities, argue convincingly for the latter position. n286 A feminist critique of the issue, however, suggests that the debate is much richer and more complicated than a bipolar view allows. For feminists, the notion of value neutrality simply does not exist. The debate between technicians and the public, according to feminists, is not merely a contest between science and feelings, but a broader discussion about the sets of methods, values, and attitudes to which each group subscribes. Furthermore, feminists might argue, the parties to this discussion divide into more than two categories. Because one's world view is premised on many things, including personal experience, one might expect that subgroups within either category might differ in significant ways from other subgroups. Therefore, feminists would anticipate a broad spectrum of views concerning scientific risk assessment and public values. Intuitively, this makes sense. Certainly scientists disagree among themselves about the hazards of nuclear waste, ozone depletion, and global warming. n287 Many critics have argued that scientists, despite their allegiance [*78] to rational method, are nonetheless influenced by personal and political views. n288 Similarly, members of the public are a widely divergent group. One would not be surprised to see politicians, land developers, and blue-collar workers disagreeing about environmental standards for essentially non-scientific reasons. <u>Politicians</u> and bureaucrats are two sets of the non-scientific community that affect environmental standards

in fundamental ways. Their adherence to vocal, though not always broadly representative, constituencies may lead them to disfavor less advantaged socioeconomic groups when addressing environmental concerns. n289 In order to understand a diversity of risk perception and to see how attitudes and social status affect the risk assessment process, we must return to the feminist inquiry that explores the relationship between attitudes and identity. 1. The Diversity of Risk Perception A recent national survey, conducted by James Flynn, Paul Slovic, and C.K. Mertz, measured the risk perceptions of a group of 1512 people that included numbers of men, women, whites, and non-whites proportional to their ratios in society. n290 Respondents answered questions about the health risks of twenty-five environmental, technological, and "life-style" hazards, including such hazards as ozone depletion, chemical waste, and cigarette smoking. n291 The researchers asked them to rate each hazard as posing "almost no health risk," a "slight health risk," a "moderate health risk," or a "high health risk." The researchers then analyzed [*79] the responses to determine whether the randomly selected groups of white men, white women, non-white men, and non-white women differed in any way. The researchers found that perceptions of risk generally differed on the lines of gender and race. Women, for instance, perceived greater risk from most hazards than did men. n292 Furthermore, non-whites as a group perceived greater risk from most hazards than did whites. n293 Yet the most striking results appeared when the researchers considered differences in gender and race together. They found that "white males tended to differ from everyone else in their attitudes and perceptions -- on average, they perceived risks as much smaller and much more acceptable than did other people." n294 Indeed, without exception, the pool of white men perceived each of the twenty-five hazards as less risky than did non-white men, white women, or non-white women. n295 Wary that other factors associated with gender or race could be influencing their findings, the researchers later conducted several multiple regression analyses to correct for differences in income, education, political orientation, the presence of children in the home, and age, among others. Yet even after all corrections, "gender, race, and 'white male' [status] remained highly significant predictors" of perceptions of risk. n296 2. Explaining the Diversity From a feminist perspective, these findings are important because they suggest that risk assessors, politicians, and bureaucrats -- the large majority of whom are white men n297 -- may be acting on attitudes about security and risk that women and people of color do not widely share. If this is so, white men, as the "measurers of all things," have crafted a system of environmental protection that is biased toward their subjective understandings of the world. n298 [*80] Flynn, Slovic, and Mertz speculate that white men's perceptions of risk may differ from those of others because in many ways women and people of color are "more vulnerable, because they benefit less from many of [society's] technologies and institutions, and because they have less power and control." n299 Although Flynn, Slovic, and Mertz are careful to acknowledge that they have not yet tested this hypothesis empirically, their explanation appears consistent with the life experiences of less empowered groups and comports with previous understandings about the roles of control and risk perception. n300 Women and people of color, for instance, are more vulnerable to environmental threat in several ways. Such groups are sometimes more biologically vulnerable than are white men. n301 People of color are more likely to live near hazardous waste sites, to breathe dirty air in urban communities, and to be otherwise exposed to environmental harm. n302 Women, because of their traditional role as primary caretakers, are more likely to be aware of the vulnerabilities of their children. n303 It makes sense that such vulnerabilities would give rise to increased fear about risk. It is also very likely that women and people of color believe they benefit less from the technical institutions that create toxic byproducts. n304 Further, people may be more likely to discount risk if they feel somehow compensated for the activity. n305 For this reason, Americans worry relatively little about driving automobiles, an activity with enormous advantages in our large country but one that claims tens of thousands of lives per year. The researchers' final hypothesis -- that differences in perception can be explained by the lack of "power and control" exercised by women and people of color -- suggests the importance that such factors as voluntariness and control over risk play in shaping perceptions. [*81] Risk perception research frequently emphasizes the significance of voluntariness in evaluating risk. Thus, a person may view water-skiing as less risky than breathing polluted air because the former is accepted voluntarily. n306 Voluntary risks are viewed as more acceptable in part because they are products of autonomous choice. n307 A risk accepted voluntarily is also one from which a person is more likely to derive an individual benefit and one over which a person is more likely to retain some kind of control. n308 Some studies have found that people prefer voluntary risks to involuntary risks by a factor of 1000 to 1. n309 Although environmental risks are generally viewed as involuntary risks to a certain degree, choice plays a role in assuming risks. White men are still more likely to exercise some degree of choice in assuming environmental risks than other groups. Communities of color face greater difficulty in avoiding the placement of hazardous facilities in their neighborhoods and are more likely to live in areas with polluted air and lead contamination. n310 Families of color wishing to buy their way out of such polluted neighborhoods often find their mobility limited by housing discrimination, redlining by banks, and residential segregation. n311 The workplace similarly presents workers exposed to toxic hazards (a disproportionate number of whom are

minorities) n312 with impossible choices between health and work, or between sterilization and demotion. n313 Just as marginalized groups have less choice in determining the degree of risk they will assume, they may feel less control over the risks they face. "Whether or not the risk is assumed voluntarily, people have greater [*82] fear of activities with risks that appear to be outside their individual control." n314 For this reason, people often fear flying in an airplane more than driving a car, even though flying is statistically safer. n315 If white men are more complacent about public risks, it is perhaps because they are more likely to have their hands on the steering wheel when such risks are imposed. White men still control the major political and business institutions in this country. n316 They also dominate the sciences n317 and make up the vast majority of management staff at environmental agencies. n318 Women and people of color see this disparity and often lament their back-seat role in shaping environmental policy. n319 Thus, many people of color in the environmental justice movement believe that environmental laws work to their disadvantage by design. n320 [*83] The toxic rivers of Mississippi's "Cancer Alley," n321 the extensive poisoning of rural Indian land, n322 and the mismanaged cleanup of the weapons manufacturing site in Hanford, Washington n323 only promote the feeling that environmental policy in the United States sacrifices the weak for the benefit of the strong. In addition, the catastrophic potential that groups other than white men associate with a risk may explain the perception gap between those groups and white males. Studies of risk perception show that, in general, individuals harbor particularly great fears of catastrophe. n324 For this reason, earthquakes, terrorist bombings, and other disasters in which high concentrations of people are killed or injured prove particularly disturbing to the lay public. Local environmental threats involving toxic dumps, aging smelters, or poisoned wells also produce high concentrations of localized harm that can appear catastrophic to those involved. n325 Some commentators contend that the catastrophic potential of a risk should influence risk assessment in only minimal ways. n326 Considering public fear of catastrophes, they argue, will irrationally lead policymakers to battle more dramatic but statistically less threatening hazards, while accepting more harmful but more mundane hazards. n327 [*84] At least two reasons explain why the catastrophic potential of environmental hazards must be given weight in risk assessment. First, concentrated and localized environmental hazards do not simply harm individuals, they erode family ties and community relationships. An onslaught of miscarriages or birth defects in a neighborhood, for instance, will create community-wide stress that will debilitate the neighborhood in emotional, sociological, and economic ways. n328 To ignore this communal harm is to underestimate severely the true risk involved. n329 Second, because concentrated and localized environmental hazards tend to be unevenly distributed on the basis of race and income level, any resulting mass injury to a threatened population takes on profound moral character. For this reason, Native Americans often characterize the military's poisoning of Indian land as genocide. n330 [*85] 3. Understanding Through Diversity Flynn, Slovic, and Mertz challenge the traditional, static view of statistical risk with a richer, more vibrant image involving relationships of power, status, and trust. n331 "In short, 'riskiness' means more to people than 'expected number of fatalities.'" n332 These findings affirm the feminist claim that public policy must consider both logic and local experience in addressing a problem. n333 Current attempts to "re-educate" fearful communities with only risk assessments and scientific seminars are, therefore, destined to fail. n334 By the same token, even dual approaches that combine science and experience will fall short if the appeal to experience does not track local priorities and values. Cynthia Hamilton illustrates these points in her inspiring account of how a South Central Los Angeles community group, consisting mainly of working-class women, battled a proposed solid waste incinerator. n335 At one point, the state sent out consultants and environmental experts to put the community's fears into perspective. The consultants first appealed to the community's practical, experience-based side, by explaining how the new incinerator would bring needed employment to the area and by offering $ 2 million in community development. n336 But the community group found the promise of "real development" unrealistic and the cash gift insulting. n337 When experts then turned to quantifying the risks "scientifically" their attempts backfired again. Hamilton reports that "expert assurance that health risks associated with dioxin exposure were less than those associated with 'eating peanut butter' unleashed a flurry of dissent. All of the women, young and old, working-class and professional, had made peanut butter sandwiches for years." n338 The sandwich analogy, even assuming its statistical validity, could not convince the women because it did not consider other valid risk factors (voluntariness, dread, and so on) and because it did not appear plausible in the group members' experience. In the end, Hamilton explains that the superficial explanations and sarcastic responses of the male "experts" left the women even more united and convinced that "working-class women's [*86] concerns

cannot be dismissed." n339 Thus even the "science" of risk assessment, if it is to serve effectively, must include the voices of those typically excluded from its practice.

## Existential threats distort moral reasoning and absorb deliberative power of institutions in order to ignore ongoing violence and the urgent body - entrenches hierarchies
## Olson 15 – prof of geography @ UNC Chapel Hill

(Elizabeth, 'Geography and Ethics I: Waiting and Urgency,' *Progress in Human Geography*, vol. 39 no. 4, pp. 517-526)

Though toileting might be thought of as a special case of bodily urgency, geographic research suggests that the body is increasingly set at odds with larger scale ethical concerns, especially **large-scale future events of forecasted suffering**. Emergency planning is a particularly good example in which the large-scale threats of future suffering can **distort moral reasoning**. Žižek (2006) lightly develops this point in the context of the war on terror, where in the presence of fictitious and real ticking clocks and warning systems, the urgent body must be **bypassed** because there are **bigger scales to worry about**:¶ What does this all-pervasive sense of urgency mean ethically? The pressure of events is so overbearing, the stakes are so high, that they nec essitate a suspension of ordinary ethical concerns. After all, displaying moral qualms when the lives of millions are at stake plays into the hands of the enemy. (Žižek, 2006)¶ In the presence of large-scale future emergency, the urgency to secure the state, the citizenry, the economy, or the climate creates new scales and new temporal orders of response (see Anderson, 2010; Baldwin, 2012; Dalby, 2013; Morrissey, 2012), many of which treat the urgent body as impulsive and thus requiring management. McDonald's (2013) analysis of three interconnected discourses of 'climate security' illustrates how bodily urgency in climate change is also recast as a menacing impulse that might require exclusion from moral reckoning. The logics of climate security, especially those related to national security, 'can encourage perverse political responses that not only fail to respond effectively to climate change but may present victims of it as a threat' (McDonald, 2013: 49). **Bodies that are currently suffering cannot be urgent**, because they are **excluded from the potential collectivity** that could be **suffering everywhere in some future time**. Similar bypassing of existing bodily urgency is echoed in writing about violent securitization, such as drone warfare (Shaw and Akhter, 2012), and also in **intimate scales** like the street and the school, especially in relation to race (Mitchell, 2009; Young et al., 2014).¶ As **large-scale urgent concerns are institutionalized**, the urgent body is increasingly **obscured through technical planning and coordination** (Anderson and Adey, 2012). The predominant characteristic of this institutionalization of large-scale emergency is a **'built-in bias for action'** (Wuthnow, 2010: 212) **that circumvents contingencies**. The urgent body is at best an assumed eventuality, one that will likely require another state of waiting, such as **triage** (e.g. Greatbach et al., 2005). Amin (2013) cautions that in much of the West, governmental need to provide evidence of laissez-faire governing on the one hand, and assurance of strength in facing a threatening future on the other, produces 'just-in-case preparedness' (Amin, 2013: 151) of neoliberal risk management policies. In the US, 'personal ingenuity' is built into emergency response at the expense of the poor and vulnerable for whom '[t]he difference between abjection and bearable survival' (Amin, 2013: 153) will not be determined by emergency planning, but in the material infrastructure of the city.¶ In short, the urgencies of the body provide justifications for social exclusion of the most marginalized based on impulse and perceived threat, while **large-scale future emergencies effectively absorb the deliberative power of urgency into the institutions of preparedness and risk avoidance**. Žižek references Arendt's (2006) analysis of the banality of evil to explain the current state of ethical reasoning under the war on terror, noting that people who perform morally reprehensible actions under the conditions of urgency assume a 'tragic-ethic grandeur' (Žižek, 2006) by sacrificing their own morality for the good of the state. But his analysis fails to note that bodies are today so rarely legitimate sites for claiming urgency. In the context of the **assumed priority of the large-scale future emergency**, the urgent body becomes **literally nonsense, a non sequitur** within societies, states and worlds that will **always be more urgent**.¶ If the important

ethical work of urgency has been to identify that which must not wait, then the capture of the power and persuasiveness of urgency by large-scale future emergencies has consequences for the kinds of normative arguments we can raise on behalf of urgent bodies. How, then, might waiting compare as a normative description and critique in our own urgent time? Waiting can be categorized according to its purpose or outcome (see Corbridge, 2004; Gray, 2011), but it also modifies the place of the individual in society and her importance. As Ramdas (2012: 834) writes, 'waiting … produces hierarchies which segregate people and places into those which matter and those which do not'. The segregation of waiting might produce effects that counteract suffering, however, and Jeffery (2008: 957) explains that though the 'politics of waiting' can be repressive, it can also engender creative political engagement. In his research with educated unemployed Jat youth who spend days and years waiting for desired employment, Jeffery finds that 'the temporal suffering and sense of ambivalence experienced by young men can generate cultural and political experiments that, in turn, have marked social and spatial effects' (Jeffery, 2010: 186). Though this is not the same as claiming normative neutrality for waiting, it does suggest that waiting is more ethically ambivalent and open than urgency.¶ In other contexts, however, our descriptions of waiting indicate a strong condemnation of its effects upon the subjects of study. Waiting can demobilize radical reform, depoliticizing 'the insurrectionary possibilities of the present by delaying the revolutionary imperative to a future moment that is forever drifting towards infinity' (Springer, 2014: 407). Yonucu's (2011) analysis of the self-destructive activities of disrespected working-class youth in Istanbul suggests that this sense of infinite waiting can lead not only to depoliticization, but also to a disbelief in the possibility of a future self of any value. Waiting, like urgency, can undermine the possibility of self-care two-fold, first by making people wait for essential needs, and again by reinforcing that waiting is '[s]omething to be ashamed of because it may be noted or taken as evidence of indolence or low status, seen as a symptom of rejection or a signal to exclude' (Bauman, 2004: 109). This is why Auyero (2012) suggests that waiting creates an ideal state subject, providing 'temporal processes in and through which political subordination is produced' (Auyero, 2012: loc. 90; see also Secor, 2007). Furthermore, Auyero notes, it is not only political subordination, but the subjective effect of waiting that secures domination, as citizens and non-citizens find themselves 'waiting hopefully and then frustratedly for others to make decisions, and in effect surrendering to the authority of others' (Auyero, 2012: loc. 123).¶ Waiting can therefore function as a potentially important spatial technology of the elite and powerful, mobilized not only for the purpose of governing individuals, but also to retain claims over moral urgency. But there is growing resistance to the capture of claims of urgency by the elite, and it is important to note that even in cases where the material conditions of containment are currently impenetrable, arguments based on human value are at the forefront of reclaiming urgency for the body. In detention centers, clandestine prisons, state borders and refugee camps, geographers point to ongoing struggles against the ethical impossibility of bodily urgency and a rejection of states of waiting (see Conlon, 2011; Darling, 2009, 2011; Garmany, 2012; Mountz et al., 2013; Schuster, 2011). Ramakrishnan's (2014) analysis of a Delhi resettlement colony and Shewly's (2013) discussion of the enclave between India and Bangladesh describe people who refuse to give up their own status as legitimately urgent, even in the context of larger scale politics. Similarly, Tyler's (2013) account of desperate female detainees stripping off their clothes to expose their humanness and suffering in the Yarl's Wood Immigration Removal Centre in the UK suggests that demands for recognition are not just about politics, but also about the acknowledgement of humanness and the irrevocable possibility of being that which cannot wait. The continued existence of places like Yarl's Wood and similar institutions in the USA nonetheless points to the challenge of exposing the urgent body as a moral priority when it is so easily hidden from view, and also reminds us that our research can help to explain the relationships between normative dimensions and the political and social conditions of struggle.¶ In closing, geographic depictions of waiting do seem to evocatively describe otherwise obscured suffering (e.g. Bennett, 2011), but it is striking how rarely these descriptions also use the language of urgency. Given the discussion above, what might be accomplished – and risked – by incorporating urgency more overtly and deliberately into our discussions of waiting, surplus and abandoned bodies? Urgency can clarify the implicit but understated ethical consequences and normativity associated with waiting, and encourage explicit discussion about harmful suffering. Waiting can be productive or unproductive for radical praxis, but urgency compels and requires response. Geographers could be instrumental in reclaiming the ethical work of urgency in ways that leave it open for critique, clarifying common spatial misunderstandings and representations. There is good reason to be thoughtful in this process, since moral outrage towards inhumanity can itself obscure differentiated experiences of being human, dividing up 'those for whom we feel urgent unreasoned concern and those whose lives and deaths simply do not touch us, or do not appear as lives at all' (Butler, 2009: 50). But when the urgent body is rendered as only waiting, both materially and discursively, it is just as easily cast as impulsive, disgusting, animalistic (see also McKittrick, 2006). Feminist theory insists that the urgent body, whose encounters of violence are 'usually framed as private, apolitical and mundane' (Pain, 2014: 8), are as deeply political, public, and exceptional as other forms of

violence (Phillips, 2008; Pratt, 2005). Insisting that **a suffering body, now, is that which cannot wait**, has the **ethical effect of drawing it into consideration alongside the political, public and exceptional scope of large-scale futures**. It may help us insist on the body, both as a single unit and a plurality, as a legitimate scale of normative priority and social care.¶ In this report, I have explored old and new reflections on the ethical work of urgency and waiting. Geographic research suggests a contemporary popular bias towards the urgency of large-scale futures, institutionalized in ways that further **obscure and discredit the urgencies of the body**. This bias also justifies the production of new **waiting places** in our material landscape, **places like the detention center** and the waiting room. In some cases, waiting is normatively neutral, even providing opportunities for alternative politics. In others, the technologies of waiting serve to manage potentially problematic bodies, leading to suspended suffering and even to extermination (e.g. Wright, 2013). One of my aims has been to suggest that **moral reasoning is important** both because it **exposes normative biases against subjugated people**, and because it potentially **provides routes toward struggle where claims to urgency seem to foreclose** the **possibilities** of alleviation of suffering. **Saving the world still should require a debate about whose world is being saved, when, and at what cost – and this requires a debate about what really cannot wait**. My next report will extend some of these concerns by reviewing how feelings of urgency, as well as hope, fear, and other emotions, have played a role in geography and ethical reasoning.¶ I conclude, however, by pulling together past and present. In 1972, Gilbert White asked why geographers were not engaging 'the truly urgent questions' (1972: 101) such as racial repression, decaying cities, economic inequality, and global environmental destruction. His question highlights just how much the discipline has changed, but it is also unnerving in its echoes of our contemporary problems. Since White's writing, our moral reasoning has been stretched to consider the future body and the more-than-human, alongside the presently urgent body – topics and concerns that I have not taken up in this review but which will provide their own new possibilities for urgent concerns. My own hope presently is drawn from an acknowledgement that the **temporal characteristics of contemporary capitalism** can be interrupted in creative ways (Sharma, 2014), with the possibility of squaring the urgent body with our large-scale future concerns. **Temporal alternatives already exist in ongoing and emerging revolutions** and the disruption of claims of cycles and circular political processes (e.g. Lombard, 2013; Reyes, 2012). Though **calls for urgency will certainly be used to obscure evasion of responsibility** (e.g. Gilmore, 2008: 56, fn 6), they may **also serve as fertile ground for radical critique**, a truly fierce **urgency for now.**

# They Say: "Utilitarianism Good"

## Utilitarian calculations are fundamentally immoral – murder, even to save a life, is an unethical and justifies mass violence.

**Kramer 11** [Nicholas Kramer, former associate investigator for an oversight & investigations committee in the United States Senate, "Murdering Some to Save Others", http://original.antiwar.com/nkramer/2011/04/12/murdering-some-to-save-others/, 4-12-11]

In my ongoing quest to understand how morality and justice apply in a complex society, I have recently been watching a series of lectures on these topics available online from Harvard University's Michael Sandel. Professor Sandel begins the series by posing two scenarios to his audience of Harvard undergraduates. In the first, Sandel suggests that a surgeon has a choice between saving five moderately injured patients at the cost of not saving one severely wounded patient, or saving the one at the cost of the five. When asked which choice they would make, by a show of hands the students almost unanimously indicate their preference for saving the most people possible. In Sandel's second scenario, the choice is the same, but the surgeon must actually kill the one patient in order to save the rest (in this case, to harvest the vital organs necessary to keep the others alive). This time, not a single student supports the principle of saving the many at the cost of the one. Sandel then asks members of his audience to explain the apparent inconsistency in their collective logic; although these future leaders of our political and economic systems seem to have a very difficult time articulating their rationales, the difference between the scenarios is obvious, and the implications should be heartening to us all. Murdering some people to save others is **fundamentally immoral**. When this principle is put before us in a hypothetical example such as Professor Sandel's, it is easy to understand, even instinctual. I believe that, with the possible exceptions of serial killers, psychopaths, narcissists, and other outliers, the vast majority of people left to their own devices would not follow the cold calculations of utilitarianism to the extreme of murdering another person even if that action would benefit many others. I will leave it to the philosophers to determine why this is so, but most of us know such murders to be wrong and would not participate in them. If that is the case, what then explains the recent line of "moral" reasoning expressed by liberals and neoconservatives alike in favor of the "humanitarian" bombing of Libya? There are only two explanations I can imagine: either the interventionists are among the outliers mentioned above, or there is something about murder by the state that allows people to circumvent their own innate moral instincts. During a recent discussion I had with a favorite college professor, he wondered how different our moral view of war would be if we had not developed the technology and mindset that allows for mass murder from afar. For instance, he asked rhetorically, "Would we really have gone into Hiroshima with broadswords and hacked to death 100,000 people of all ages, sizes, and shapes? Yet we dropped a single bomb on them, and those who lose sleep over that fact are considered so far out of the mainstream as to not be taken seriously." The simple and uncomfortable truth is that **murder is murder**, regardless of whether we do it with a 1,000-lb. explosive delivered via cruise missile or with a broadsword. As much as I would like to blame the pro-war liberals and neoconservatives for the horrors they support, the reality is that it is the state that allows and perpetuates the limitless destruction brought about by war in our name. The appeal of this destruction is so powerful that even people (such as Nicholas Kristof) who generally seem not to be mass murderers or overall "bad" folks can be seduced into blind support of absolutely immoral actions. If we accept that otherwise "good" people cannot be relied upon to maintain their moral principles when it comes to the actions of the state, the only way we can hope to inoculate ourselves against the temptations of state violence for "humanitarian" causes is to adopt a strictly non-interventionist foreign policy. I would not want to live in a society that condoned surgeons actively murdering some patients in order to save others; likewise, I despise and regret my implicit support for a government that murders Libyans to theoretically prevent the deaths of other Libyans. As heart-breaking as it is when people on the other side of the world kill each other, it is indeed better to save no one if that is the only way to avoid committing murder.

**Utilitarianism is trapped in self-referential ethics – justifies apartheid.**

**Velasquez et al 12** [Manuel Velasquez, Claire Andre Thomas Shanks Michael J. Meyer, Charles J. Dirksen Professor of Management at Santa Clara University , Applied Ethics Associate Director at Santa Clara University , Senior Associate Dean of Arts and Sciences at Santa Clara University, Professor of Philosophy at Santa Clara University , http://www.scu.edu/ethics/practicing/decision/calculating.html, 2012]

While utilitarianism is currently a very popular ethical theory, there are some difficulties in relying on it as a sole method for moral decision-making. First, the utilitarian calculation requires that we assign values to the benefits and harms resulting from our actions and compare them with the benefits and harms that might result from other actions. But it's often difficult, if not impossible, to measure and compare the values of certain benefits and costs. How do we go about assigning a value to life or to art? And how do we go about comparing the value of money with, for example, the value of life, the value of time, or the value of human dignity? Moreover, can we ever be really certain about all of the consequences of our actions? Our ability to measure and to predict the benefits and harms resulting from a course of action or a moral rule is dubious, to say the least. Perhaps the greatest difficulty with utilitarianism is that it fails to take into account considerations of justice. We can imagine instances where a certain course of action would produce great benefits for society, but they would be clearly unjust. During the apartheid regime in South Africa in the last century, South African whites, for example, sometimes claimed that all South Africans—including blacks—were better off under white rule. These whites claimed that in those African nations that have traded a whites-only government for a black or mixed one, social conditions have rapidly deteriorated. Civil wars, economic decline, famine, and unrest, they predicted, will be the result of allowing the black majority of South Africa to run the government. If such a prediction were true—and the end of apartheid has shown that the prediction was false—then the white government of South Africa would have been morally justified by utilitarianism, in spite of its injustice. If our moral decisions are to take into account considerations of justice, then apparently utilitarianism cannot be the sole principle guiding our decisions. It can, however, play a role in these decisions. The principle of utilitarianism invites us to consider the immediate and the less immediate consequences of our actions. Given its insistence on summing the benefits and harms of all people, utilitarianism asks us to look beyond self-interest to consider impartially the interests of all persons affected by our actions. As John Stuart Mill once wrote: The happiness which forms the utilitarian standard of what is right in conduct, is not...(one's) own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In an era today that some have characterized as "the age of self-interest," utilitarianism is a powerful reminder that morality calls us to look beyond the self to the good of all.

# 2AC – International Order Advantage

# Extend: Status Quo Violates

## International law provides an obligation to the aff to take in more refugees

**Huynh, a J.D. candidate 2017 at the Columbia Law School 16** ("NOTE: TALES OF THE BOAT PEOPLE: COMPARING REFUGEE RESETTLEMENT IN THE VIETNAMESE AND SYRIAN REFUGEE CRISES", http://www.lexisnexis.com/hottopics/lnacademic/?, accessed 6-29-18, J.B)

3. Lack of Political Will to Assist Syrian Refugees <u>One major challenge of the Syrian refugee crisis has been the lack of political will among many destination countries to assist Syrian refugees. This lack of political will is in part due to the socio-political dynamics of the Syrian refugee crisis. The large-scale admittance of refugees into the United States following the Vietnam War may have been partly driven by guilt.</u> During the first wave especially, Americans, feeling guilty over the damage they had caused in the refugees' homeland, freely admitted the Vietnamese and provided them with a wealth of social services in order to facilitate the transition to resettlement. n223 In contrast, this guilt-driven dynamic largely does not exist for Syrians. <u>The West has mostly stood by the sidelines of the Syrian Civil War, and there may be a sense of compassionate distance for the plight of Syria's refugees.</u> Other political, social, and even economic considerations may be at play too. Terrorist attacks throughout 2015 and 2016 sparked furious debate in destination countries about admitting more refugees, many of whom are Muslim. Far right political groups in the EU oppose admitting refugees, and some have called for greater surveillance of Muslims in their countries. n224 The financial struggles of countries like Greece have also raised concerns about the number of refugees entering the country. All of these factors have translated into a noticeable absence in political will among many destination countries, particularly in the EU, that has threatened the availability of asylum for Syrian refugees and acted as an obstacle to a more systematic and coordinated international effort to assist refugees. <u>It is understandable that some want to limit or altogether stop the flow of refugees into their countries, given the many concerns. But refugees are among the most vulnerable people on earth. It is a basic tenet of international law to assist the most vulnerable refugees such as political targets, women, and children. The international law obligations of many destination countries demand that refugees' rights be protected and the principle of non-refoulement honored. For various policy reasons, including the long-term stability of Syria and other countries in the region, it is also important that the refugee crisis be addressed. As such, providing a place for refugees to go remains paramount.</u>

## SQ actions violate the Refugee Protocol.

**Hathaway '17** (James, "Executive (Dis)order and Refugees—The Trump Policy's Blindness to International Law," Just Security, 2-1-2017, https://www.justsecurity.org/37113/executive-disorder-refugees-the-trump-policys-blindness-international-law/)

II. Breach of duties under refugee law Second, <u>the executive order takes no account of our obligations under international refugee law. Specifically, the executive order appears wilfully blind to our commitment under the Refugee Protocol to ensure that we do not expel or return a refugee "in any manner whatsoever" to a place of risk</u>; indeed, several Syrian refugees were in fact sent away from the US last Sunday. While there is interim relief in the form of the order issued by District Court Judge Ann Donnelly, the White House was quick to respond that "[a]ll stopped visas will remain stopped. All halted admissions will remain halted. All restricted travel will remain prohibited… The order remains in place." Not only is <u>it patently illegal under the non-refoulement clause</u> (Art. 33 of the Refugee Convention) for <u>the United States to send back a person who claims to be a refugee until and unless there is a final determination that he or she does not so qualify</u>, Art. 3 of the same treaty expressly forbids discrimination in the application of the Convention on the grounds of "race, religion or country of origin." Neither of these foundational duties can be subject to a reservation. Honoring these obligations does not, as has been

suggested, expose the United States to risk to its safety or security. Not only are terrorists and other serious criminals excluded from refugee status, but refoulement of even someone at risk of persecution is explicitly allowed where clear national security risk or danger to the community is shown. But refugee law requires real attention to due process, and most certainly prohibits any sweeping group-based denial of access to protection, such as this Executive Order. The bottom line is that the executive order was apparently conceived with no regard whatever for the binding legal obligation to shelter refugees arriving in the US.

# Extend: Violations Spill Over

**Noncompliance with international law erodes the credibility of our treaty commitments – binding commitment is key to uphold our leadership and responsibility within the international liberal order – even if there have been past violations, sending a strong signal of reversal solves.**

Amber **Ward**, Spring **2006**, San Diego International Law Journal, "Circumventing the Supremacy Clause? Understanding the Constitutional Implications of the United States' Treatment of Treaty Obligations," 7(491), LexisNexis, mm

The notion that the U.S. Constitution is the "supreme law of the land" is a fundamental tenet of U.S. law, society and history. The Supremacy Clause of the Constitution, found in Article VI, specifically declares that the "Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land." n166 Unlike interpretations of many provisions of the Constitution that are frequently debated because of their vagueness, the text of the Supremacy Clause is rather clear in its meaning: because treaties hold equal weight to the Constitution under the Supremacy Clause, treaties also are the "supreme law of the land." n167 Therefore, the obligation of the federal courts of the United States to uphold international treaties, including the New York Convention, as the supreme law of the land is mandatory, and is a necessary component of our democratic society. Despite this obligation, U.S. treatment of treaties in recent years demonstrates a pattern in which U.S. domestic law overshadows the importance of treaties and international relations. n168 Should the United States follow a path by which it does not uphold the tenets of the New York Convention, the consequences could be detrimental not only to the promulgation of the international arbitration process, but also to the sacred notion that the Constitution is the supreme law of the land. Utilizing the doctrine of the later-in-time rule, as applied in the Head Money Cases, to analyze the recent treatment by the U.S. federal courts of the New York Convention, reflects a danger that the federal courts will avoid upholding international treaty requirements despite the Supremacy Clause. n169 The Head Money Cases and the later-in-time rule [*517] provide a controversial rationale n170 for federal courts to rely on as a basis for justifying the use of domestic law in place of treaty law. The Head Money Cases would dictate that the federal courts have an adequate basis to invoke Article VII of the New York Convention and to employ domestic law where doing so would lead to a more favorable outcome. n171 While use of Article VII may support the policy of enforcing arbitral awards, such action also has the potential to erode Article V's important aims of consistency and predictability. An even greater danger arises if the United States acts in a manner that takes advantage of Article VII of the New York Convention. Under the force of the later-in-time rule, the U.S. Congress could conceivably enact new legislation that is contrary to treaty obligations, and then use Article VII to employ that new domestic law in place of the international law. n172 In fact, Senator Jesse Helms, former Chairman of the Senate Foreign Relations Committee, even stated that the United States' treaty obligations could be superseded by a simple act of Congress. n173 This attitude reflects a growing defiance on the part of the United States that could both offend treaty partners and affect the implementation and drafting of treaties with State parties in the future. The backlash the United States has experienced due to previous breaches of international agreements has not yet been severe; the United [*518] States has not suffered significant punishment or consequences. n174 **But this should not serve as validation that the United States is acting appropriately and prudently.** There is a question that still remains unanswered - where do the Head Money Cases and the later-in-time doctrine leave the United States with respect to the Supremacy Clause and foreign relations? The answer should be a United States that is attentive to its international treaty obligations and that upholds its "interests" with honor. In an advisory opinion by the International Court of Justice, a U.S. judge stated "a State cannot avoid its responsibility by the enactment of domestic legislation which conflicts with its international obligations." n175 In order for the United States to maintain an elevated position in world affairs and

with other world powers, the United States must act with honor by fulfilling the obligations that it represents that it will take on - thereby allowing other countries to keep their faith in the United States. n176 The "interest" of the United States involves a need to be attentive to the reactions that would arise from treaty partners as a result of its noncompliance. n177 While the general response by other treaty participants to U.S. breaches of international obligations has not yet been substantially negative, the full picture may not yet be clear. As the United States continues to commit minor breaches of international agreements, the credibility of the United States **is slowly eroding**, destroying an image of interest and honor that the United States should be striving to uphold. n178 The U.S. Constitution states that treaties are the supreme law of the land and take precedence over conflicting domestic law. However, the Head Money Cases and recent breaches of international obligations have given deference to domestic law, thereby eroding both the Constitution of the United States and our relationships with the rest of the world. The impact of avoiding responsibilities under international agreements goes beyond threatening the strength and power of the Supremacy Clause of the Constitution and treaty obligations with signatory countries. The protectionist practices of the United States will have a detrimental effect on the international arbitration system and on business relationships between the United States and other countries. n179 Pacta sunt servanda is the notion that "every treaty in force is binding upon the parties to it and must be performed by them in good faith." n180 Where good faith is not exercised, both the force of a treaty and the credibility of the breaching party are compromised. Treaties act beneficially as a mechanism for enhancing cooperation. n181 Much like the notion behind the game theory of the Prisoner's Dilemma, n182 a treaty sets out rules for behavior for the parties to the agreement. When one party acts opportunistically and then denies violating the terms of the game, that party's **probability of successful outcomes in future interactions will diminish**. n183 The opposing party will distrust the future behavior of the opportunistic party and may even refuse to engage [*520] in future negotiations. n184 Similarly, the United States' failure to abide by provisions of international agreements creates an unwillingness of countries to interact with the United States because of the increased risk of doing business. n185 This result will spill over to commercial interactions if businesses in other countries conclude that the risk of contracting with U.S. businesses is too high. **In the long run, the United States will suffer from a loss of exporting/importing opportunities, diminished influence in shaping international laws and treaties, and inability to foster positive foreign relations**. Related to the increased risk of doing business with the United States is the increased cost of doing business that will result for the United States. Parties to a contract or treaty will comply with its terms to the extent that doing so is cost-justified. n186 If the United States is non-compliant in its treaty obligations then, as mentioned above, the risk of doing business and engaging in international agreements with the United States escalates. As a result, the United States loses credibility, and convincing other nations to engage in trade or policy agreements will become more costly. Consequently, continuous violations may threaten the ability of the United States to influence foreign policy. n187 In summary, the extent to which the United States upholds or does not uphold treaty obligations, especially with respect to the New York Convention, could have an important effect on both the predictability and fairness of the international arbitration system and the expansion of the arbitration system to mediate international commerce and trade relationships.

# Extend: US Key to I-Law

## U.S. behavior is key to i-law – we set the precedent for other states

**Coen 18** [Alise Coen, Assistant Professor of Political Science at UW-Sheboygan, Ph.D. in Political Science and International Relations from the University of Delaware, 4-24-2018, "International order, the rule of law, and US departures from refugee protection," The International Journal Of Human Rights, https://www.tandfonline.com/doi/abs/10.1080/13642987.2018.1454910]

As a global superpower, the United States is in a **unique position to bolster equitable and effective global governance and affirm core human rights norms undergirding the international rule of law.** Ikenberry casts the foundations of a liberal international order built around rules-based relations as dependent on US hegemony and links the contemporary crisis in this world order to a **crisis of US leadership** and authority.43 For decades, the convergence of its material capabilities and identity as a liberal democracy prompted the United States to pursue democracy and human rights promotion abroad as a means of establishing and imposing its legitimacy and expertise.44 When the United States violates peremptory and customary human rights norms, it compromises its legitimacy and also **carves out important precedents for less powerful states** to follow suit with the understanding that a hegemonic actor has implicitly endorsed such deviations in its own behaviours, **undermining the foundations of the international rule of law**. As Sikkink observes, 'the real test of international law and [human rights] norms is their ability to influence the actions of even the most powerful states'. 45 A consideration of US behaviour is therefore paramount for grappling with human rights norms compliance and its implications for international order.

# They Say: "Refugee Convention Not Key"

## The Refugee Convention is key – foundation of human rights law

**Muller 16** [Natalie Muller, 7-28-2016, "Refugee Convention of 1951 still crucial cornerstone of human rights," DW, http://www.dw.com/en/refugee-convention-of-1951-still-crucial-cornerstone-of-human-rights/a-19429093]

There are currently 65.3 million people worldwide who have been forced to leave their homes. That's the highest level of displacement ever seen, according to <u>the</u> United Nations Refugee Agency (<u>UNHCR</u>). The body <u>is responsible for protecting the rights of refugees</u> and asylum seekers around the world. <u>And the bedrock of its work is the 1951 Convention relating to the Status of Refugees</u>, which was adopted 65 years ago. <u>The landmark treaty defines who is a refugee and spells out the rights they're entitled to receive</u>, as well as the responsibilities of states that grant them asylum. A refugee, it says, is someone who has "a well-founded fear of being persecuted for reasons of race, religion, nationality, (or) membership of a particular social group or political opinion," in their own country. A key part of the treaty makes it clear that refugees have the right not to be sent back to a country where they face threats to their life or freedom. Crucial treaty <u>The Refugee Convention was adopted</u> at a special UN conference <u>on</u> July 28, <u>1951. It was initially limited to protecting the millions of Europeans uprooted by World War II, but was later opened up to all refugees with the 1967 Protocol.</u> "So <u>it's a truly international human rights instrument… and **an absolute foundational building block of international human rights law**</u>," UNHCR Chief Spokesman Adrian Edwards said in an interview with DW. Over the past six decades, <u>142 countries have signed on to both the Convention and the Protocol.</u> The commitment means they're obligated to protect refugees who flee to their territory, as well as provide aid, shelter, and access to education and work. Syria, Afghanistan, Somalia The bulk of today's refugees come from Syria, Iraq, Afghanistan and Somalia. According to the UNHCR, most of them have sought safety in developing countries fairly close to home. Since the start of the war in Syria five years ago, more than 4.5 million Syrians have spilled over the border into neighboring Turkey, Lebanon, Iraq and Jordan. None of the latter three countries has ratified the 1951 Convention, meaning they technically have no obligation to recognize the displaced individuals as refugees. While Turkey has ratified the Convention, it maintains a "geographical limitation," which means it still only recognizes refugees from Europe. "In the Turkish legal system there's no refugee status for non-European refugees," Hendrik Cremer, an expert on asylum at the German Institute for Human Rights in Berlin, told DW. "It doesn't apply to other refugees, for example from Syria, Iraq, Afghanistan…According to the law, there's only weak protection against deportation for those refugees," Cremer added. A number of Gulf states including Saudi Arabia, Kuwait, Bahrain, Qatar and the United Arab Emirates are also absent from the list of signatories. That's the case too for many countries in Southeast Asia like Malaysia and Thailand, which have been dealing with a wave of refugees from Myanmar's Rohingya minority. Refuge in non-member states <u>A number of the Convention's principles, such as not sending someone back to a country where they face persecution, are also **regarded as customary international law**</u>. Additionally, Edwards at the UNHCR says non-signatory countries in most cases still abide by refugee norms. "Of course there are improvements needed in the legislative and practical arrangements for refugees, but for the most part, in most countries, refugees still manage to find asylum," he said. Europe's refugee crisis Refugees from Syria and other countries have also been arriving in record numbers in Europe, creating tensions between EU member states over how to handle the burden of new arrivals. The majority arrived by sea, while others trekked across a land route via Turkey. Most ended up in Germany, which registered more than 1 million asylum seekers in 2015. In an attempt to curb the influx, some countries closed their borders and introduced passport checks. All European Union states are members of the Convention and Protocol, but Cremer has accused the bloc of failing to meet its obligations. "Some countries have, because of nationalist, or you could even say very selfish reasons, resisted taking people in," he said. "Europe is gambling here with its credibility in the field of human rights." Then there's the chaos caused by newer conflicts in countries like South Sudan. Recent clashes there have displaced 2.5 million people. "This morning in Uganda, right on the border with South Sudan, we've been receiving people who have fled across the border from the recent upsurge in fighting," Edwards said. The UNHCR is also on the ground in other African regions like the Lake Chad basin, northeastern Nigeria, Mali, Burundi and the Central African Republic, to make sure displaced people are receiving the rights they're entitled to under the Convention. Edwards says a severe shortage in funding means most of their work has become focused on life-saving aid rather than long-term assistance like getting children back in school and helping refugees find work. Time for an upgrade? The scale of the current global refugee crisis, combined with the changing reasons prompting people to seek refuge, has led critics to call for the Convention to be updated. Questions have been raised over whether the document is still relevant, or whether the obligation of signatory states too great. On the other side, some complain the definition of a refugee is far too narrow at a time when scores of people have been displaced by a number of problems not just limited to persecution - from food insecurity in the Horn of Africa to gang violence Central America and climate change. Although these realities aren't explicitly acknowledged in the text of <u>the Convention</u>, Edwards says <u>it's "a flexible, adaptable instrument" that has saved millions of lives</u> and is capable of taking on new meanings. "Our view is this is something to build on, rather than seek to reconstruct," he said. "<u>It's really essential that we have an international treaty like the Refugee Convention, and that that continues to be upheld</u>, because frankly today the world needs it more than ever."

# They Say: "Refugee Convention Fails"

**Refugee Convention works – their args just prove compliance is key.**

**McAdam 17** [Jane McAdam, BA (Hons) LLB (Hons) (Sydney), DPhil (Oxford); Scientia Professor of Law and Director of the Andrew &amp; Renata Kaldor Centre for International Refugee Law, UNSW Sydney; Editor-in-Chief, International Journal of Refugee Law, 3-1-2017, "Enduring Relevance of the 1951 Refugee Convention," International Journal Of Refugee Law, Volume 29, Issue 1, https://academic-oup-com.ezp-prod1.hul.harvard.edu/ijrl/article/29/1/1/3823527]

So, when returning to the objections levelled at the Refugee Convention, we need to be cautious about misdiagnosis and reaching for 'the treaty equivalent of euthanasia'.10 Many of the alleged deficiencies of the Refugee Convention are misplaced. Those who call for an overhaul of the instrument – whether they think it too restrictive, inflexible, or too generous – commonly misapprehend its historical origins and purpose. The Refugee Convention is 'in many respects a basic statement only' of States' protection obligations.11 It was never intended as a comprehensive document: 'it did not deal with, and was not intended specifically to deal with: large-scale refugee movements, the question of asylum or admission to asylum, the details of international co-operation or the promotion of solutions other than those related to the status of the individual as a refugee'.12 If this is misunderstood, however, then it is easy to see why it gets the blame. So, what are some of the factors behind the messiness we see today? A key one is the lack of political will to tackle the challenges head-on and accept responsibilities (especially in view of the fact that we are experiencing the largest displacement crisis since the Second World War, which necessitates larger commitments). As the UN Secretary-General said in April 2016: 'New lists of recommendations are not necessary. Instead, mobilization of the political will and the resources to implement the decisions of the international community in the General Assembly, the Security Council and other international forums are needed'.13 Secondly, there is a failure to take the forecasting seriously and to plan. Syria did not happen overnight: the writing was on the wall for a good five years before refugees began leaving for Europe, and the lessons of history were there to see … if one only cared to look. Refugees are not setting out on a world tour – most prefer to stay close to home if they can. Thirdly, there is the woeful lack of funding. The UN's Syria appeal is its largest ever, but it remains terribly underfunded. Frontline States also need to be resourced to better support and integrate refugees where possible. A quarter of Lebanon's population is now comprised of refugees, and they need assistance to attend school, to work, to receive proper healthcare, and to live in dignity. Such assistance should be pursued both as a humanitarian and a development strategy, not as a containment strategy. Fourthly, as a former Assistant High Commissioner for Protection once said: 'There are many asylum systems which remain ineffective or unresponsive, with some purposefully in decline, perhaps aimed at serving a deterrent function'.14 Rather than using the Refugee Convention as a blueprint to guide positive action, some States look for the grey areas to confine and restrict their obligations as far as is arguably possible. This brings into question whether some States are implementing their treaty obligations in good faith, which is an autonomous duty under international law. Fifthly, there has always been a 'responsibility deficit' in the refugee protection regime. When the Refugee Convention was drafted in 1950, States rejected a proposal by the then UN Secretary-General to formally cooperate by 'agreeing to receive a certain number of refugees in their territory',15 and for this reason the treaty does not settle the distribution of refugees. The irony, of course, is that this is a policy area that demands collaborative action,16 and until 'we are able to move beyond reactive solutions and deal comprehensively with causes, then we are destined to be locked into ever repeating cycles of population displacement and therefore of displacement crisis'.17 Events in Europe over the past two years have shown the precariousness of protection when States fail to cooperate. 3. WHAT IS TO BE DONE? If we think of the Refugee Convention as our basic guiding framework, which sets out the minimum standards and conditions within which States must operate, then how can we build upon that in good faith to ensure that refugees can access protection within our own country, region, and the world? Senior UNHCR officials, Volker Türk and Madeline Garlick, have argued that creating a more predictable response to large-scale refugee flows 'would ideally be addressed through an additional Protocol to the 1951 Convention in the longer term', but they recognize that 'an incremental approach is more realistic' at the present time.18 Professor Guy S Goodwin-Gill has suggested that current needs demand a 'new or very substantially revised Statute' for UNHCR (and its possible renaming as the UN High Commissioner for Refugees and Displaced Persons); new funding arrangements, including the acquisition of funds for humanitarian assistance from frozen assets of the State responsible for the displacement; reconsideration of the idea of safe or neutral zones; and the creation of truly regional responses to protection, such as a European Migration and Protection Agency competent to implement and fulfil the European Union's protection goals.19 The UN General Assembly's high-level Summit for Refugees and Migrants, held in New York on 19 September 2016, was not quite so ambitious in its aspirations, but was nonetheless a historic gathering which resulted in the important New York Declaration. As Elizabeth Ferris, who was closely engaged in the process, observed, the Declaration's 'reaffirmation of core principles of refugee protection was not a foregone conclusion, especially given the xenophobic climate in which the document was negotiated'.20 At the Summit, States for the first time sought to create a systematic framework to coordinate responses to large influxes of refugees, focusing on the roles and responsibilities of different actors, and

the needs of those in flight over time. They 'underline[d] the centrality of international cooperation to the refugee protection regime' and 'recognise[d] the burdens that large movements of refugees place on national resources, especially in the case of developing countries'.21 States also agreed to begin a series of consultations over the next two years, resulting in the adoption in 2018 of a Global Compact on Refugees, and a Global Compact on Safe, Orderly, and Regular Migration. The Summit's outcome document, the non-binding New York Declaration, emphasizes the importance of international law as the guiding framework in finding 'long-term and sustainable solutions'.22 It commits States to protecting fully 'the human rights of all refugees and migrants, regardless of status; all are rights holders'.23 It notes the importance of tackling the root causes of displacement through preventative diplomacy and the promotion of 'good governance, the rule of law, effective, accountable and inclusive institutions, and sustainable development'.24 In the Declaration, States reaffirm the Refugee Convention and its Protocol 'as the foundation of the international refugee protection regime',25 in conjunction with international human rights law and international humanitarian law.26 In particular, States reaffirm respect for the right to seek asylum and the 'fundamental principle of non-refoulement'.27 The Declaration calls for a multi-stakeholder approach to displacement, involving 'national and local authorities, international organizations, international financial institutions, civil society partners (including faith-based organizations, diaspora organizations and academia), the private sector, the media and refugees themselves'.28 The Declaration commits to ensuring that refugee admission policies align with obligations under international law, and that administrative barriers are eased.29 The Comprehensive Refugee Response Framework, annexed to the Declaration, provides a response blueprint, in that it seeks to set out in detail the steps required by different actors at the outset of a large-scale influx. It draws on lessons learned and practices known to be effective. The Declaration overall has been criticized by academics and civil society groups as lacking vision.30 However, those closely involved in the process have described it as 'nothing short of a miracle' given the 'xenophobic and anti-refugee rhetoric currently on display in many countries around the world'.31 Indeed, States' reaffirmation in the Declaration of their existing commitments under international law is significant, especially at a time when there is a palpable intransigence among States to respond in a truly coordinated and cooperative manner. It is also important given some politicians' suggestions that these rules do not matter. From a legal perspective, States' reiteration of the law in formal declarations forms a vital part of establishing State practice and opinio juris. Still, when States flout their obligations with disturbing regularity, restatements of the law can feel like little more than rhetorical flourish. It is also reassuring to see States indicating that they will increase the 'number and range of legal pathways' for refugees to be admitted or resettled, thereby obviating the need for dangerous travel.32 Those mentioned in the Declaration include measures such as expanded humanitarian admission programmes, temporary evacuation schemes, flexible arrangements to assist family reunification, private individual sponsorship, education pathways (including through targeted scholarships, student visas, and apprenticeships, as in Canada, the Czech Republic, and Germany), as well as labour mobility schemes (including in partnership with the private sector).33 Increasing global resettlement places, creating alternative pathways to protection, and abolishing carrier sanctions on airlines that transport people without visas would result in a huge reduction in the numbers of people making unsafe journeys. Where appropriate, protection might be granted to particular cohorts of refugees on a prima facie basis given the objective country of origin conditions that they have fled. All these approaches would not only provide safe and secure outcomes for refugees, but, in turn, could help to incubate post-war economies by training and skilling people who might one day return. There is ample documented evidence of the long-term economic and social contributions refugees make, whether in developed or developing States.34 In Uganda, for instance, refugees have created jobs for locals through innovative businesses. The International Monetary Fund has emphasized that refugee arrivals in Europe will be a source of long-term benefit in the region, addressing skills gaps, labour shortages, and an ageing population. But this also requires taking the time to listen to people's concerns and address them responsibly and honestly. States have to acknowledge some of the short-term challenges, while emphasizing the longer-term gains. Part of this involves explaining why integration needs to be fostered as quickly as possible, since idleness and isolation are far more likely to breed extremist views than a sense of community and belonging. Canada's experience with private sponsorship of refugees since 1978 has helped the local community to feel directly invested in supporting refugees and more welcoming towards them. This, in turn, can generate more political will to increase government-led resettlement. Any principled and sustainable response to displacement must be founded on certain basic premises. It must comply with the letter and spirit of international law (both substantive obligations, and the duty to implement treaty obligations in good faith). It should be grounded in a holistic, 360-degree approach to addressing the root causes of displacement, development, and humanitarian needs. It should incorporate effective practices, both past and present, from around the world. It should emphasize protection over deterrence (because people who need protection will seek it, however dangerous the journey might be). It should be founded on respect for human dignity, and the premise that every person should be able to live a safe and dignified life. Complexity does not have to mean chaos. Indeed, the more multifaceted and thorny a phenomenon, the greater the need for humble, level-headed, and nuanced responses. How we frame what the challenge is will influence the approaches we choose to address it, and will shape how we measure our success. Policy change does not necessarily signal weakness or indecision, but rather can demonstrate responsiveness to new information and greater understanding of the reasons for flight and the drivers of movement. The drafters of the Refugee Convention were well aware that refugee protection was not a way to short-circuit migration controls – on the contrary, refugee status determination demands the most stringent checks of all. But what the drafters recognized was that never again should the world bear witness to millions of people fleeing for safety and being turned away. International law on its own cannot resolve the displacement we see today. But it does offer a principled, ordered framework for protection, which can 'serve both as the essential premise for international involvement, and as the measure of accountability for the assessment of particular actions or policies'.35 4. CONCLUSION The Refugee Convention remains the most comprehensive statement we have of the rights and obligations of refugees, supplemented by international human rights law more generally. It does not provide a 'blank cheque';36 the needs of refugees and States are carefully balanced. Human rights law bolsters and in some respects offers even more protection than the Refugee Convention, such that renouncing the Convention would not relieve States of its most central requirements. Yet, if politicians, policymakers, and commentators (including academics) do not understand the history of protection principles and institutions, then flawed

assumptions and approaches will inevitably result. This risks not only reinventing the wheel, but misconceiving what the system was designed to do. Nowhere is this more apparent than in States' disavowal of the Refugee Convention as a poor migration management tool, when this was never its function. While the systems and structures for responding to refugee movements could certainly be improved, the Convention itself remains fit for the purpose for which it was created. Without political action to implement and enforce it, however, it cannot do its job. Forced migration is an intractable, global challenge, and unilateral actions will never be able to 'solve' it. We need a system that is accountable, predictable, universal, and solutions-oriented. Protection must be front and centre for everyone involved.

# They Say: "I Law Norms Fail"

**Treaties work – <u>norm development</u>, <u>decrease incentives</u> for defection, provide mechanisms for <u>capacity-building</u> and <u>technical assistance</u>**

**Findlay 6** – PhD, Director, Canadian Centre for Treaty Compliance, Associate Professor, Norman Paterson School of International Affairs (NPSIA) (Trevor, "Presentation to Canadian Institute of International Affairs (CIIA)," Scholar)

So the general question arises: when **treaties work**, why do they work? The short answer is <u>because they embody a norm</u>, an aspiration, a settlement <u>that is valued by</u> all of <u>the parties</u>. The treaty has been well constructed to reflect these elements, the <u>states that become party are happy with the outcome and there are no incentives to defect from the agreement</u>. The best example of this phenomenon that I can think of is the Ottawa Landmine Convention. It embodies the special mix of aspirations of all those who inspired it, notably the International Campaign to Ban Landmines and states parties such as Canada, Belgium and Norway. It is geared to deal not just with disarmament, but with humanitarian and quasi-development issues such as demining. Its <u>focus on **capacity- building** and **technical assistance** has given</u> it a constituency among developing countries that other disarmament agreements favoured by the first world lack. This has not insulated it entirely from violations—Uganda almost certainly has done so—but it ha<u>s surrounded the treaty with a hugely supportive **cacoon of states** and **civil society in genuine partnership**.</u>¶ <u>Another reason why treaties work is that their goals are</u> simply expressed, or at least <u>readily identifiable, and their achievements are measurable. An effective monitoring and verification system can be of enormous help here, providing confidence to all states parties that there are no free-riders and that non-compliance will not threaten them.</u>¶ <u>One of the most successful environmental treaties of our time is the Montreal Protocol</u> which seeks to close the hole in the ozone layer caused by the release of chloroflurocarbons (CFCs) into the atmosphere. <u>The ban on CFCs was relatively simple to envisage, it could be technically monitored with relative ease, developed and</u>¶ 2¶ <u>developing countries were subject to the same requirements and there would be clear evidence that the treaty was working if the ozone hole started to close. It is</u>.

# I-Law Good

**International law's <u>inevitable</u> but U.S. compliance is necessary for <u>effectiveness</u> – that solves <u>global peace</u>**

**Avasarkar 12**, Dr. Daniel Ringuet (PhD) is currently a Sessional Lecturer at Griffith University Australia. The Relevance of **International Law** in **Promoting Global Peace** and Security , http://www.preservearticles.com/2012071033180/the-relevance-of-international-law-in-promoting-global-peace-and-security.html

International Law involves the <u>codification of rules by actors in the international system in a way that sets precedents and normative expectations.</u>¶ That is, it is a rule-based regime which aims at building order within the global community. It is asserted that the post-ontological era of mature and complex <u>international law (IL) provides a sound rationale for normative behaviour and therefore is of</u> **paramount relevance to achieving global peace and security**. The example of the United States' intervention in Iraq will be used to demonstrate the salience of this point.¶ It must first be acknowledged that IL is not always viewed so positively. This is largely due to the perception/reality gap which obscures the fact that military activity is the exception rather than the rule in international affairs.¶ In reality, **most of the time the majority of interactions occur peacefully and efficiently. IL is a key facilitator** of such.¶ Generally <u>speaking a number of factors demonstrate the move towards IL. These include the data collected in UN Treaty archives, the powerful influence of global economic regimes such as the World Trade Organisation, the sociology of the transnational legal process itself, and the growing importance of international institutions</u> and non-government organisations.¶ **Indeed, the USA is itself party to more than 10,000 treaties**. Additionally, the scope of IL is increasingly broad, covering things as diverse as arms control, the use of force, drug trafficking, immigration, human rights, environmental problems, trade and finance, and intellectual property.¶ <u>The USA has been chosen to demonstrate the extreme relevance of IL to the international security environment precisely because it often defies</u> or contravenes IL. This is based on the notion that if a principle of law withstands breaches - even by the USA - then its validity and potential longevity is reinforced. The USA has been highly contemptuous of IL at times, for example in its refusal to sign the Kyoto Protocol, its abandonment of the Anti-Ballistic Missile Treaty, its refusal to join the International Criminal Court (ICC), and its increasingly unilateral and hegemonic behaviours.¶ This emerging character appears to be founded on the presumption that a strong state such as the USA only needs IL as a 'club' to keep weaker states in line. However, as former Soviet Union leader Gorbachev would testify, even superpowers come and go. Consequently, it is argued that **the USA's situation demonstrates that respect for the burgeoning IL regime would likely allow the USA to achieve objectives that even its supreme power is incapable of realising. This indicates the paramount relevance of IL to global security**.¶ At the most fundamental level, the decision to go to war in Iraq, demonstrates IL's importance. This is in part due to the principle of 'stigmatisation'. **If you are an actor that is routinely perceived to be breaching IL, norms and standards in pursuit of national self-interest, then it is likely that stigmatisation will be of significant impact. This is because it makes justification and rationalisation necessary by raising issues of legitimacy and identity**.¶ Accordingly, states often go to great lengths to avoid stigmatisation. The USA demonstrates this clearly; George Bush Jr has regularly attempted to justify intervention in Iraq on the basis of Weapons of Mass Destructions (WMDs), the threat of the capacity to produce WMDs, human rights issues and the involvement of global terrorist networks. This indicates that the **stigmatisation related to breaches of IL affects even the most powerful of states. Clearly, this principle serves to place IL at the very centre of global security relations**.¶ The relevance of IL is also made apparent by the USA's difficulty in engendering support. For example, in 2003 the USA requested that other countries commit more troops to Iraq. However, even those states most likely to do so - France, Germany and India - refused their support unless a UN Security Council Resolution was obtained. That is, they required legal validations. The USA's difficulty in inviting support for its actions, or indeed winning the peace, depicts the importance of international legitimacy in achieving objectives.¶ In theory, only the most powerful of states who do not believe they will ever be weak choose to routinely abuse the principles of IL. In a setting where its strength is superior to any other states' across almost any measure of power, the USA should not be surprised that lesser states cling to the protection and predictability offerred by IL.¶ The importance of IL in global affairs is also demonstrated by the USA's ability (or inability) to engage and cooperate with other international actors. For example, large USA oil companies argued that they could not afford to continue investing heavily in Iraq, toward the goal

of restarting the country's oil productions. They reasoned that this was due to the lack of legitimate political authority in Iraq and their fear that contracts signed would not carry the force of law.¶ Similarly, the USA's refusal to abide by IL has greatly **hampered relations and cooperation with the UN and its respective bodies.**◻With UN support, the USA would have likely had more success with reconstruction and its 'peace-making' activities would have assumed a greater sense of legitimacy. Clearly, accordance with IL aids diplomacy. It is asserted that if - it had the force of IL behind it - the USA would have had far greater success in achieving the goals which even its supreme power is **incapable of bringing within grasp**.

## Robust empirical data confirms, international law solves conflict

**Huth 12**, Prof of Government and Politics @ U Maryland, International Law and the Consolidation of Peace Following Territorial Changes, http://www.princeton.edu/politics/about/file-repository/public/Huth_Prorok_io.pdf

Why are some changes to the territorial status quo consolidated and sustained over time while others are subject to new challenges and ongoing dispute? In this paper, we develop a theoretical argument to explain variation in the sustainability of territorial changes. We argue that under certain conditions, international law can serve as a **focal point**, providing information to disputants and third parties regarding the appropriate distribution of disputed territory. When this legal focal point supports maintenance of the new territorial status quo, it **solves the enforcement problem** associated with international cooperation by generating both reputational and material costs for challenging the new status quo. We test this theoretical argument on a **new dataset of territorial changes within the context of ongoing territorial disputes between 1945 and 2000. Empirical tests support** our theoretical argument: losing states are more likely to accept the loss of territory when a clear legal focal point support's the opponent, while potential challengers are more likely to assert a new claim to lost territory when a legal focal point supports the challenger's position.

## Ilaw solves extinction – global governance key to emerging existential crises

**Goldin 13**, Ian, Director of the Oxford Martin School and Professor of Globalization and Development at the University of Oxford, 7/17/13, "Divided Nations: Why global governance is failing, and what we can do about it," http://blogs.lse.ac.uk/europpblog/2013/07/17/divided-nations-why-global-governance-is-failing-and-what-we-can-do-about-it/

The financial crisis that started in 2008 was the first of the systemic crises of the 21st Century. It will not be the last. The collapse of a relatively small asset market spread with alarming speed and ferocity; the contagion swept across the world, reaching areas only tangentially connected to the financial hubs of New York and London. Shortly after the global financial meltdown, the first case of Swine Flu (H1N1) was recorded in Mexico. A month later, there were confirmed cases in the US, Canada, Spain, the United Kingdom, Israel, and New Zealand. By June 2009, less than three months after the first case, more than 25,000 documented cases were recorded in 74 countries and at least 15,000 deaths were confirmed. The Center for Disease Control in Atlanta estimates that as many as 300,000 people died from the strain worldwide. We were lucky. Had the disease been more like Spanish Influenza of the early 20th Century, millions or hundreds of millions would have perished. These globalised challenges reflect the rising potential for cascading risk. This is the underbelly of globalisation. Climate change, cyber attacks, pandemics, antibiotic resistance and global financial meltdowns—to name a few—are no longer abstract specters, they are the defining challenges of our time. Now, more than ever, we inhabit a global village. Yet we lack competent village elders to guide us. While an alphabet soup of regional and global organisations exists, an effective system of global

governance that is prepared to deal with 21st Century challenges does not. This must change. Such change does not imply the end of national sovereignty or a radical challenge to local autonomy and legitimacy. For local problems that can be confined and dealt with inside borders, the intervention of global entities is unwarranted and unwelcome. But we live in an era that does involve problems that have no regard for national boundaries. Such challenges require coordination and agreements that invariably mean giving up some national sovereignty and ascribing to rules which bind different countries together. Piecemeal national efforts without coordination have been and will continue to be impotent in the face of systemic threats that transcend national borders.¶ As I argue in my book, Divided Nations, the stakes for getting it right have never been so high. But the omens are not good. If past decades provide a guide, new problems will simply be thrown at old institutions, created for other purposes. The UN, IMF, World Bank, and others are overloaded and cannot deliver on their mushrooming mandates. We need to redesign global governance, ensuring that well-defined manageable mandates are applied to existing organisations, that new institutions are established when old ones cannot cope, and that coordination across governing bodies from local to regional or global is both constant and effective. The establishment of a shared system of rules to promote inclusive and sustainable globalisation is urgently needed.¶ The past offers cause for pessimism. Far too often, the push to establish new institutions or reform global governance is born in the wake of tragedy—just as the UN and Bretton Woods institutions rose phoenix-like from the ashes of World War II. In too many instances, global tragedy is the currency paid to invest in global governance reform.¶ I am an optimist and believe that increased physical and virtual connectivity has led to the most rapid economic and social progress humanity has ever known. It provides unprecedented opportunity to collaborate and innovate. From the crumbling of ideological and economic walls could come a century which, for the first time, is characterised by a world free of poverty and disease, resting on a shared commitment to manage our global commons. Without action, however, those same avenues for cooperation and collaboration could prove to be the infrastructure for unprecedented destruction and devastation—not only for the progress of recent centuries, but also the environment that underpins life on our planet. Yesterday's structures are not equipped to deal with today's problems, but thankfully it is not too late. Aggressive action must be taken, and such action would be effective if it incorporates five core principles which I have developed together with my Oxford colleague, Ngaire Woods. First, global action is only required on global problems. Local jurisdictions matter and should continue to address local and national problems on their own terms. Second, while not everyone must be included in global negotiations, inclusion of key actors is essential. It is an obvious point that if the biggest polluters are left out of climate change agreements, the agreement is useless—but this principle must be central to any reform efforts.¶ Third, efficiency is essential. Unwieldy bodies that include everyone are worse than nimble, exclusive bodies that involve the key players. Who are the key players? It depends on the issue. The small island nation of the Maldives, sinking from rising sea levels, should not be included in questions about regulating climate change but must be included on negotiations about mitigating its impacts. If small groups of key countries with much at stake are involved, gridlock can be broken.¶ Fourth, legitimacy is required for effective global governance. A system must be in place wherein countries may disagree with certain rules of the game, but accept the referees. Fifth, enforceability is paramount. None of these principles matter if they cannot be enforced.

# Multilateralism Good

## Multilat leads to power sharing—creates shared framework of interaction with structural incentives for cooperation

**Pouliot 11**—Professor of Poli Sci @ McGill University [Vincent Pouliot, "Multilateralism as an End in Itself," International Studies Perspectives (2011) 12, 18–26]

Because it rests on open, nondiscriminatory debate, and the routine exchange of viewpoints, the multilateral procedure introduces three key advantages that are gained, regardless of the specific policies adopted, and tend to diffuse across all participants. Contrary to the standard viewpoint, according to which a rational preference or functional imperative lead to multilateral cooperation, here it is the systematic practice of multilateralism that creates the drive to cooperate. At the theoretical level, the premise is that it is not only what people think that explains what they do, but also what they do that determines what they think (Pouliot 2010). Everyday multilateralism is a self-fulfilling practice for at least three reasons. First, the joint practice of multilateralism creates mutually recognizable patterns of action among global actors. This process owes to the fact that practices structure social interaction (Adler and Pouliot forthcoming).2 Because they are meaningful, organized, and repeated, practices generally convey a degree of mutual intelligibility that allows people to develop social relations over time. In the field of international security, for example, the practice of deterrence is premised on a limited number of gestures, signals, and linguistic devices that are meant, as Schelling (1966:113) put it, to ''getting the right signal across.'' The same goes with the practice of multilateralism, which rests on a set of political and social patterns that establish the boundaries of action in a mutually intelligible fashion. These structuring effects, in turn, allow for the development of common frameworks for appraising global events. Multilateral dialog serves not only to find joint solutions; it also makes it possible for various actors to zoom in on the definition of the issue at hand—a particularly important step on the global stage. The point is certainly not that the multilateral procedure leads everybody to agree on everything—that would be as impossible as counterproductive. Theoretically speaking, there is room for skepticism that multilateralism may ever allow communicative rationality at the global level (see Risse 2000; Diez and Steans 2005). With such a diverse and uneven playing field, one can doubt that discursive engagement, in and of itself, can lead to common lifeworlds. Instead, what the practice of multilateralism fosters is the emergence of a shared framework of interaction—for example, a common linguistic repertoire—that allows global actors to make sense of world politics in mutually recognizable ways. Of course, they may not agree on the specific actions to be taken, but at least they can build on an established pattern of political interaction to deal with the problem at hand—sometimes even before it emerges in acute form. In today's pluralistic world, that would already be a considerable achievement. In that sense, multilateralism may well be a constitutive practice of what Lu (2009) calls ''political friendship among peoples.'' The axiomatic practice of principled and inclusive dialog is quite apparent in the way she describes this social structure: ''While conflicts, especially over the distribution of goods and burdens, will inevitably arise, under conditions of political friendship among peoples, they will be negotiated within a global background context of norms and institutions based on mutual recognition, equity in the distribution of burdens and benefits of global cooperation, and power-sharing in the institutions of global governance rather than domination by any group'' (2009:54–55). In a world where multilateralism becomes an end in itself, this ideal pattern emerges out of the structuring effects of axiomatic practice: take the case of NATO, for instance, which has recently had to manage, through the multilateral practice, fairly strong internal dissent (Pouliot 2006). while clashing views and interests will never go away in our particularly diverse world, as pessimists are quick to emphasize (for example, Dahl 1999), the management of discord is certainly made easier by shared patterns of dialog based on mutually recognizable frameworks. Second, the multilateral procedure typically ensures a remarkable level of moderation in the global policies adopted. In fact, a quick historical tour d'horizon suggests that actors engaged in multilateralism tend to avoid radical solutions in their joint decision making. Of course, the very process of uniting disparate voices helps explain why multilateralism tends to produce median consensus. This is not to say that the multilateral practice inevitably leads to lowest common denominators. To repeat, because it entails complex and often painstaking debate before any actions are taken, the multilateral procedure forces involved actors to devise and potentially share similar analytical lenses that, in hindsight, make the policies adopted seem

inherently, and seemingly ''naturally,'' moderate. This is because the debate about what a given policy means takes place before its implementation, which makes for a much smoother ride when decisions hit the ground. This joint interpretive work, which constitutes a crucial aspect of multilateralism, creates outcomes that are generally perceived as inherently reasonable. Participation brings inherent benefits to politics, as Bachrach (1975) argued in the context of democratic theory. Going after the conventional liberal view according to which actors enter politics with an already fixed set of preferences, Bachrach observes that most of the time people define their interests in the very process of participation. The argument is not that interests formed in the course of social interaction are in any sense more altruistic. It rather is that the nature and process of political practices, in this case multilateralism, matter a great deal in shaping participants' preferences (Wendt 1999). In this sense, not only does the multilateral practice have structuring effects on global governance, but it is also constitutive of what actors say, want, and do (Adler and Pouliot forthcoming). Third and related, multilateralism lends legitimacy to the policies that it generates by virtue of the debate that the process necessarily entails. There is no need here to explain at length how deliberative processes that are inclusive of all stakeholders tend to produce outcomes that are generally considered more socially and politically acceptable. In the long run, the large ownership also leads to more efficient implementation, because actors feel invested in the enactment of solutions on the ground. Even episodes of political failure, such as the lack of UN reaction to the Rwandan genocide, can generate useful lessons when re-appropriated multilaterally—think of the Responsibility to Protect, for instance.3 From this outlook, there is no contradiction between efficiency and the axiomatic practice of multilateralism, quite the contrary. The more multilateralism becomes the normal or self-evident practice of global governance, the more benefits it yields for the many stakeholders of global governance. In fact, multilateralism as an end in and of itself could generate even more diffuse reciprocity than Ruggie had originally envisioned. Not only do its distributional consequences tend to even out, multilateralism as a global governance routine also creates self-reinforcing dynamics and new focal points for strategic interaction. The axiomatic practice of multilateralism helps define problems in commensurable ways and craft moderate solutions with wide-ranging ownership—three processual benefits that further strengthen the impetus for multilateral dialog. Pg. 21-23

## Unipolarity is worse – best data proves it causes more wars.

Nuno P. **Monteiro 12**, Assistant Professor of Political Science at Yale University, "Unrest Assured: Why Unipolarity is Not Peaceful," International Security, Winter 2012, Vol. 36, No. 3, p. 9-40

How well, then, does the argument that unipolar systems are peaceful account for the first two decades of unipolarity since the end of the Cold War? Table 1 presents a list of great powers divided into three periods: 1816 to 1945, multipolarity; 1946 to 1989, bipolarity; and since 1990, unipolarity.46 Table 2 presents summary data about the incidence of war during each of these periods. **Unipolarity is the most conflict prone of all the systems**, according to at least two important criteria: the percentage of years that great powers spend at war and the incidence of war involving great powers. In multipolarity, 18 percent of great power years were spent at war. In bipolarity, the ratio is 16 percent. In unipolarity, however, a remarkable 59 percent of great power years until now were spent at war. This is by far the highest percentage in all three systems. Furthermore, during periods of multipolarity and bipolarity, the probability that war involving a great power would break out in any given year was, respectively, 4.2 percent and 3.4 percent. Under unipolarity, it is 18.2 percent—or more than four times higher.47 These figures provide **no evidence that unipolarity is peaceful**.48

# 2AC – Solvency

# Extend: Generic Solvency

**Increasing our refugee commitment saves thousands of individuals while strengthening our economy, security, and global image.**

**Schwartz '17** (Eric, former Assistant Secretary of State for Population, Refugees, and Migration, is President of Refugees International. "America Must Maintain Its Commitment to Refugee Resettlement," September 27, 2017, http://nationalinterest.org/feature/america-must-maintain-its-commitment-refugee-resettlement-22483)

In an unfortunate case of evidence-free policy-making, some White House officials seem determined to dramatically diminish, if not dismantle, an American tradition of refugee resettlement that has long reflected U.S. humanitarian values and national security interests. Without consultation with the Congress as prescribed by the U.S. Refugee Act, President Donald Trump's March Executive order suspending the refugee resettlement program effectively slashed the 2017 U.S. refugee admissions ceiling from 110,000 to about 50,000. Based on information from a number of administration sources, it seems unlikely that the president will approve admission of more than 45,000 refugees in 2018, and he may in fact decide on a lower level. This would contrast starkly with the nearly 100,000 that the United States has annually resettled on average over the past three decades. These developments would not be surprising, given the president's statements suggesting that the U.S. refugee resettlement program is a threat to national security. Echoing his campaign commitments promising a ban on Muslim immigration, the president's Executive Order also targeted visa applicants from six predominantly Muslim countries, and stoked fear and hostility toward Muslim refugees in particular. The notion that the U.S. Refugee Admissions program poses a threat to U.S. national security is nonsense. Nobody who enters the United States is subjected to a more rigorous screening than a refugee applicant, and refugee processing involves the active engagement of U.S. law enforcement, security and intelligence agencies. For this reason, it's hardly surprising that while there have been nearly one million refugees resettled in the United States since 9/11, there have been no fatal terrorist attacks in the United States perpetrated by a resettled refugee over this period. Unfortunately, the silly debate about the threats posed by refugees has come at the expense of discussion of the values and interests served by refugee resettlement. The 1980 Refugee Act, passed by overwhelming and bipartisan majorities in the House and Senate in 1980, created the U.S. Refugee Admissions Program. Under the program, the United States resettles a modest number of particularly vulnerable refugees from the countries to which the refugees have first fled, known as countries of first asylum. The Refugee Admissions Program is an expression of a U.S. commitment to meet its humanitarian obligations and exercise leadership in the worldwide effort to assist displaced victims of persecution and conflict, who now number more than 65 million around the world. To be sure, the Refugee Admissions Program can only be the solution for a small percentage of the world's refugees. But for the most vulnerable, the U.S. program can be life-saving. Moreover, refugee resettlement provides the United States access to extraordinary individuals. From Albert Einstein to Madeleine Albright to Sergey Brin to so many others, refugees have benefited the United States enormously. Moreover, as reflected in a recent study from the National Bureau of Economic Research and the bulk of scholarship in this area, the economic benefits provided by refugees—who also help to revitalize local communities—outweigh the financial costs to the United States in supporting their resettlement. Finally, a generous U.S. Refugee Admissions program has significant and substantial foreign policy benefits. The United States is encouraging governments around the world to sustain generous policies toward refugees. In Jordan, Turkey and Lebanon, for example, that has included urging that borders be kept open and that governments provide opportunities for education and employment. Because such approaches promote well-being and stability among displaced populations, they serve U.S. national security interests. But the United States can only promote such approaches most effectively when friends and allies see that we are practicing at home what we preach abroad. For all these reasons, now is not the time for the United States to be walking away from its historic leadership in refugee resettlement. The Refugee Act mandates that the president determine a refugee admissions number by the end of this month, and Trump ought to substantially increase the level for 2018. As we saw most recently in his negotiation on the debt ceiling with Republican and Democratic leaders, this is a president who

enjoys surprising people. <u>Reverting to a refugee admissions level of, say, more than 100,000 would be just such a surprise, and would honor the challenges and sacrifices of the millions of refugees around the world.</u>

## Increasing the quota is possible and desirable.

**Costa '15** (Daniel, director of Immigration Law and Policy Research at the Economic Policy Institute, 9-21-2015, "Here's what the U.S. can do about Europe's migrant crisis, but isn't," Fortune, http://fortune.com/2015/09/21/europe-migrants-syria/)

<u>The United States can and should do more.</u> The Syrian conflict is partly the result of U.S. efforts to destabilize the Assad government. America cared so much, supposedly, about Syrian lives under the Assad dictatorship; the country must also care about them now, when their lives are in far more danger. The <u>United States also bears responsibility for the crisis because its military interventions have left failed states in Afghanistan and Iraq</u>—two other major source countries for migrants and asylum-seekers—as well as in Libya, where U.S. air strikes helped create a global hotspot for human trafficking and smuggling. <u>To date, the United States has</u> given about $4 billion for relief efforts, but has <u>only taken in 1,500 Syrian refugees</u>, and granted temporary protected status to about 2,600 already in the country. On Sunday, U.S. Secretary of State John Kerry announced that the Obama administration will increase the annual limit of refugees that America accepts from around the world over the next two years: <u>In 2016, the current quota of 70,000 will be increased to 85,000, and in 2017, it will increase further to 100,000. This is significant and praiseworthy, but the number of Syrian refugees to be resettled will still remain far lower than Europe's total, despite the United States having a population of roughly the same size</u>. The Obama administration has hinted at a willingness to accept more Syrian refugees, but in order for that to happen, Congress will have to step in and appropriate more funds for resettlement. Unfortunately, the current Republican-controlled Congress is unlikely to do so.

## Increasing our commitment solves – the quota is symbolic of our refugee leadership.

**Acer et. el. '16** (Eleanor Acer, Anwen Hughes, Kara McBride, Adham Elkady and Whitney Viets. Human Rights First is a nonprofit, nonpartisan international organization "The Syrian Refugee Crisis and the Need for U.S. Leadership Foreword by Ambassador Ryan C. Crocker," February 2016, https://www.humanrightsfirst.org/sites/default/files/HRFSyrianRefCrisis.pdf)

While efforts to resolve the Syria conflict continued in early 2016, peace and the potential for safety, security, and rights-respecting conditions in Syria continue to be as elusive as ever. <u>Given the overriding humanitarian, human rights, foreign policy, and national security interests at stake</u>, **the United States should lead,** working closely with European allies and other countries, <u>a **comprehensive response to the Syrian refugee crisis** and the broader global displacement crisis</u>. Both the president and Congress will have multiple opportunities to demonstrate strong U.S. leadership over the coming months. These opportunities include: a March 30 Syrian resettlement pledging conference in Geneva, the World Humanitarian Summit in May, the setting of fiscal year 2017 goals for U.S. resettlement, appropriations and budgeting for fiscal year 2017, and the U.S. and U.N. conferences on the global refugee crisis, and large movements of refugees and migrants respectively, both slated for September 2016 in New York. This leadership will require high-level engagement from the president, the secretary of state, and secretary of Homeland Security, and the support of Congress. In order to effectively lead, to press other states to do more, and to advance U.S. national security and foreign policy interests, the United States must significantly increase its own humanitarian assistance, development investment, and resettlement commitments. <u>U.S. political leaders should work together in a bipartisan manner, restoring this country's long bipartisan tradition of protecting those who flee persecution. The United States has demonstrated strong leadership in the past</u>—launching a comprehensive global effort with other countries to help Vietnamese refugees—<u>and is more than capable of leading by example again.</u> To effectively lead this global initiative, the United States should launch efforts to ensure that: 1. The United States and other donor states work together to fully meet humanitarian appeals, and significantly increase development investment in front-line refugee-hosting communities. • The United States, which recently pledged $925

million USD at the February 4, 2016 donor conference in London, should significantly increase its humanitarian assistance and development aid investments. Congress should support the necessary increases, including through any necessary increases in appropriations. The United States and other donors should emphasize that they expect front-line states to continue to allow refugees to cross their borders to access protection, to continue to host refugees, and to improve refugees' access to employment and other basic rights and services. • In addition, the United States should intensify efforts to encourage other donor countries to increase development investment. U.S. and other development investment should focus on (i) strengthening the key infrastructures of front-line communities that are hosting large numbers of Syrian refugees, including education, health care, and sanitation, and (ii) initiatives that will enable increasing numbers of Syrian and other refugees to work while also benefiting host communities. • While not the subject of this report, the United States should continue to work with other states to press for humanitarian access to Syrian civilians trapped inside Syria in besieged areas and work to increase access to services as well as aid. 2. Protection in the Region— and at borders— is significantly strengthened so that refugees do not face the constant threat of rejection at borders, detention, deportation, lack of work permission and barriers to education. • The president and secretary of state should redouble advocacy and champion the protection of the rights of refugees, including their rights to work, to access education and to cross borders in order to escape persecution and access effective international protection. Compliance with the refugee protection tenets developed in the wake of World War II, including international legal obligations to protect refugees fleeing persecution, is more important than ever, particularly at a time when thousands of families fleeing Russian bombs, Syrian government attacks, and ISIL terror have been blocked from escaping the violence raging within their country. • Building on the recent announcement that Turkey will allow Syrian refugees to apply for work applications, the United States should work with other donor states to advocate for, and support initiatives that expand, the ability of refugees to work and access education in front-line refugee hosting countries. • The United States should also ensure that NATO actions do not violate the human rights of refugees and migrants, including right of refugees to flee persecution and seek asylum. UNHCR has cautioned that NATO's mission—which Secretary Kerry stated is to "close off a key access route" used by refugees and migrants in order to "stem this tide"- should not "undermine the institution of asylum for people in need of international protection." • If any "safe zone," "no fly zone," or similar proposals move ahead, the United States should strongly advocate that states surrounding Syria do not prevent refugees from crossing their borders in violation of customary international law prohibitions on refoulement. Safe zones" in war-torn regions are notoriously unsafe for civilians. <u>Globally, states provide at least 460,000 resettlement and other admission places for Syrian refugees and the United States increases its commitment</u>. • **The United States should increase its pledge for fiscal year 2017 to resettle 100,000 Syrian refugees, in addition to resettling refugees from other countries.** <u>Not only would such a commitment level be more responsive to the global need, but it would also advance U.S. national security, foreign policy, and humanitarian and human rights interests</u>. • The United States and other countries should increase support to UNHCR— through additional PRM funding—so the agency has greater capacity to identify and refer cases for resettlement or other admission consideration.

## US commitment to raise the amount of refugees admitted solves for the most vulnerable populations and spurs global action.

**Miliband '16** (David is President of the International Rescue Committee. "The Best Ways to Deal with the Refugee Crisis," NY Review of Books, OCTOBER 13, 2016 ISSUE, http://www.nybooks.com/articles/2016/10/13/best-ways-to-deal-with-refugee-crisis/)

On September 19, <u>the UN Summit for Refugees and Migrants, called</u> by Secretary-General Ban Ki-moon, will offer <u>UN members</u> the opportunity not only <u>to increase their commitments to collective goals,</u> but to articulate an agenda for improving aid. <u>Alarmingly, however, the draft conclusions of the conference have been watered down by some of the participating nations</u>. <u>Phrases like "We commit to working towards solutions from the outset of a refugee situation" are commonplace in the document but do nothing to concretely improve the situation of refugees.</u> It is therefore even more important that the refugee summit for heads of government called by President Obama for September 20, the day after the UN meeting, have tangible effects. It <u>would be a positive start to secure commitments for an additional two million refugee children to receive education.</u> **We should also call on the US to raise the number of US refugee admissions to 140,000 for next year.** Ask most refugees what they want most and they will likely say: "To go home." The long-standing humanitarian aid system was designed for a world where wars between states displaced refugees for short periods of time into refugee camps before they did go home. Today none of these assumptions hold<u>. Many refugees are</u>

victims of civil wars, not wars between states. They are displaced for long periods. They do not stay in refugee camps. They are unlikely to go home. Fewer than one percent of the world's refugees were able to return to their countries of origin last year. The peacemaking and peacekeeping efforts that have been recently successful in Sierra Leone and Timor-Leste and between Serbia and Kosovo are complex, expensive, risky, and time-consuming—and exceptional. Protracted conflict is the new norm. In these cases, there is every reason radically to change our approach to direct support for the victims. More of the most vulnerable refugees need to be relocated into richer countries. But most displaced people need far better help in the nearby poorer countries to which they flee. As in the 1940s, the longer the delay, the worse the reckoning.

# They Say: "No Modeling/Leadership"

## Refugee resettlement is a key demonstration of our alliance with allies.

**Long '15** (Katy is a refugee and migration expert. She is currently a visiting fellow at Stanford University and an honorary fellow at the University of Edinburgh, "Why America Could—and Should—Admit More Syrian Refugees," Century Foundation, 12-16-2015, https://tcf.org/content/report/why-america-could-and-should-admit-more-syrian-refugees/)

Supporters of the resettlement programs—including President Dwight Eisenhower—underlined that such refugee resettlement was not just a humanitarian act, nor just the demonstration of a commitment to American values and "traditional solidarity with the oppressed." It was also an important means of demonstrating solidarity with Western Europe, and a means of defusing an "economic and political threat of constantly growing magnitude" by ensuring that the displaced were not left in camps for years, at risk of becoming radicalised.29 These three considerations—a humanitarian and moral imperative to help the distressed and demonstrate the strength of liberal values, a show of solidarity with over-burdened allies in Europe, and the need to prevent marginalization leading to extremism—remain relevant today.

## US leadership is key to the global refugee resettlement system.

**Welch '17** (Keith, Researcher at the Haas Institute at UC Berkeley, MA in from Georgetown, "A Pivotal Moment for the US Refugee Resettlement Program the United States," June 2017, http://haasinstitute.berkeley.edu/sites/default/files/haasinstitute_usrefugeeresettlment_june2017_publish.pdf)

Throughout history, the international community has cooperated to resettle large numbers of refugees displaced by major crises. One notable example of this type of cooperation was the response to the Indochinese refugee crises in the late 1970s and early 1980s. Following the US war in Vietnam and the 1975 communist victories in the former French colonies of Indochina (Vietnam, Cambodia, and Laos), hundreds of thousands of individuals sought refuge.17 In response, more than 20 countries, led by the US, Australia, France and Canada, cooperated to resettle 623,800 refugees between 1979 and 1982.18 This effort represented a nearly 200% increase in the international monthly resettlement that had been occurring previously.19 This response to the Indochina refugee crisis demonstrates the power of a multi-country cooperative approach to resettlement, although it's worth noting that **the US played a major role** in creating the refugee conflict in the first place. The international system for protecting refugees originated, in part, from a collective recognition that people fleeing persecution and violence deserve protection, but concern for the safety of displaced persons was not the sole factor—geopolitical strategy played an important role in motivating countries to develop a refugee protection system. And throughout, including up to today, the definition of who has a "right" to receive protection continues to evolve in large part based on social and political currents. (See the Haas Institute's forthcoming report Moving Targets for more on this historical analysis.) Although the motivations for expanding the international refugee protection system have been complicated, the resulting international response has become increasingly structured and multilateral. This process led to the development of the UNHCR, which currently oversees and coordinates the international response. It has become clear throughout history that the refugee protection regime is at its strongest when many countries make major contributions. **The US has historically played a major role in setting an example for other states,** which has helped facilitate the development of the current framework. In order for this international framework to effectively respond to current and future crises, **the US will need to continue to provide strong support.**

# They Say: "Security Risks"

**Admitting more refugees solves security by winning hearts and minds.**

**Shattuck '15** (John, "Why taking in Syrian refugees will be good for Europe's security," World Economic Forum, 12-3-2015, https://www.weforum.org/agenda/2015/12/why-taking-in-syrian-refugees-will-be-good-for-europes-security/)

Europe and the United States should open their doors to Syrian and Iraqi refugees. They are the victims of the Islamic State and Syrian President Bashar al-Assad's brutal regime. Terrorism has destroyed their homelands. Not only is offering them refuge the right thing to do; it is also good for our security. The Islamic State's attacks in Paris in November were designed to produce fear by bringing the group's crimes against humanity into the heart of Europe; and politicians, by equating refugees with terrorists, are pandering to it. Razor-wire fences and political barriers are being erected in the path of asylum-seekers. In the battle for hearts and minds, branding refugees as security threats – as politicians on both sides of the Atlantic are doing – only fuels intolerance and gives terrorists a potent recruitment tool to convince young Muslims that the West has no place for them. This is a battle of values that we should be winning. Modern Europe was built on the ashes of World War II and the Holocaust. Europe's values – and those of its principal postwar sponsor, the US – are tolerance, diversity, and human rights. Europe has vast experience with refugees. Millions of Europeans fled from violence and persecution during and after World War II. In the 1990s, a genocidal conflict in the Balkans forced hundreds of thousands of the region's residents to seek refuge in countries to the north. The massive exodus from the Middle East as hundreds of thousands flee war and terror is just the latest chapter in Europe's long history as a destination for refugees. Meanwhile, for more than a century, the US, in the words of the poet Emma Lazarus, has provided refuge to "huddled masses yearning to breathe free." Security concerns have been addressed as each new wave has arrived. More than a million Vietnamese were resettled in the US during and after the Vietnam War, and nearly 400,000 refugees from Muslim-majority countries have been accepted by the US since the September 11, 2001, attacks. It is this proud history that European and American politicians are ignoring. Hungary and other Central European countries have sealed their borders, and right-wing political parties across Europe have stoked anti-Muslim mania. In the US, Republican politicians – congressmen, governors and presidential candidates – are trying to derail the resettlement of a miniscule number of Syrian refugees (just 10,000) in the US. In short, Western anti-refugee politics are playing directly into the hands of the Islamic State's propagandists. Western leaders cannot simply wish the refugee crisis away by turning their backs on those fleeing terror. Asylum-seekers will continue to pour into Europe in large numbers, with the United Nations Refugee Agency predicting a 44% increase next year. Global management is urgently needed to prevent a humanitarian catastrophe. The European Union and the US must develop a coordinated strategy to address the crisis. First, the international humanitarian relief effort must be scaled up sharply. The UN agencies charged with providing basic necessities to refugees are grossly underfunded and unable to meet more than 40% of the demand. Huge refugee camps in Turkey, Jordan, and Lebanon lack sufficient food, water, sanitation, medical care, and education. It is, in part, these desperate conditions that are pushing refugees to Europe and beyond. Second, the US should lead an international effort to coordinate the resettlement of qualified, security-screened Syrian and Iraqi refugees. German Chancellor Angela Merkel has taken a courageous stance by receiving more than 700,000 asylum-seekers this year – 70 times the number the US has proposed accepting. Prodded by Merkel, the EU has developed a quota system for apportioning refugees. **The US should help shoulder the burden by accepting 100,000 refugees next year and using its influence to persuade other countries to join an international resettlement initiative**. Finally, the US and Europe should step up diplomatic efforts to achieve a ceasefire and negotiated end to the war in Syria. This will involve working with Russia and Iran on the divisive question of who will govern Syria when the war is over, as well as broadening the international coalition to defeat the Islamic State. Terrorists like those who attacked Paris want to destroy our values because they know these are our most effective weapons against them. That is why the US and Europe should open their doors to the victims of terror in the Middle East.

**The aff encompasses the security impact – the refugee crisis is a main driver of global instability.**

**Dempsey '17** (Michael is a research Fellow, "Tackling Global Displacement Is in the U.S. Security Interest," News Deeply, Oct. 10, 2017,

Washington is paying little attention to the global refugee crisis, but ignores this critical trend at its own peril, says the former acting director of national intelligence Michael Dempsey, arguing that addressing forced displacement helps the U.S. stay safe. THE TRUMP ADMINISTRATION is grappling with a series of immediate international challenges ranging from North Korean missile activity to the counter-ISIS campaign. Yet there is an emerging global challenge that is receiving much less focus in Washington but which has potentially far-reaching implications for **U.S. security interests** – human displacement. The international population of forcibly displaced people has doubled in the past two decades, from 33 million in 1997 to **nearly 66 million this year**. That's a population on the move that is roughly the size of that of the entire United Kingdom. U.N. data indicates that 51 percent of the displaced are below the age of 18 years old, and that another **20 people are displaced every minute of every day.** In recent years, the conflicts in Afghanistan, Iraq and Syria have been the primary drivers of refugees, but **emerging crises** in countries from Myanmar (where more than 500,000 Rohingya have fled their homes in recent weeks) to Venezuela are adding to these numbers. I'd like to highlight three reasons why this issue merits near-term focus by U.S. policymakers. First, migrant flows at the current level reflect **global instability**, but also **drive more of it**. If Europe is still struggling to accommodate the 1 million or so migrants it absorbed in 2015, imagine the pressure Lebanon is experiencing with more than 1 million refugees in a population of only 4.5 million. Similarly, countries such as Bangladesh and Ethiopia are absorbing thousands of migrants a month, putting their own stability at risk given the daunting economic and security challenges they already confront. Consider the situation in Colombia, which already hosts several hundred thousand Venezuelans. Will Bogota really be able accommodate another million or so displaced persons from Venezuela within the next year or two, a not implausible scenario given the extent of the economic crisis gripping Caracas? And in Southeast Asia, the crisis has become so acute that U.N. secretary-general Antonio Guterres last month warned that violence in Myanmar and the outflow of Rohingya refugees seeking shelter could **destabilize the broader region.** Second, the displaced communities in countries such as Jordan and Lebanon are attractive targets for exploitation by **extremist groups** such as Hezbollah, al-Qaida and **ISIS**, as well as by criminal groups involved in **drug and human trafficking**. At the Rukban refugee camp along the Syria-Jordan border, for example, nearly 80,000 people, many of whom fled ISIS rule, are now trapped in a barren no man's land. ISIS is widely reported to have established cells within the camp – Jordanian officials estimate that there may be 4,000 militants living there – and last year an ISIS suicide bomber killed Jordanian soldiers less than a mile from the camp. Middle East experts warn of a similar extremist presence (including al-Qaida operatives) inside some Palestinian refugee camps in Lebanon. Of particular concern, the appeal of these groups to segments of the displaced population may increase in the coming years if children remain outside of a formal education process and young adults are cut off from productive employment opportunities. As former deputy national security advisor Avril Haines remarked last year, "If we allow this crisis to fester, we push some of the world's most desperate people into the arms of some of the world's most unscrupulous people, padding criminals' bank accounts and funding activities that threaten our security." And third, U.S. military strategists are already factoring ways to handle the displaced into **battlefield plans**, a requirement that will only grow as the global refugee crisis deepens. In Iraq, the U.S. intelligence community, military and state department have spent considerable time and resources trying to protect at-risk populations and manage population flows in advance of **military operations** in Ramadi, Fallujah and Mosul. U.S. officials have also worked with their Iraqi counterparts to tamp down sectarian divisions in recently liberated areas, and to coordinate the restoration of basic services so the displaced can return home. Similar challenges exist in U.S.-backed military campaigns in Afghanistan and eastern Syria.