

Refugees Negative

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

Morality Advantage Answers

1NC Frontline

The “refugee crisis” is misconstrued

Zack **Beauchamp 17**, 1-30-2017, a senior reporter at Vox, where he covers global politics and ideology, and a host of Worldly, Vox's podcast on covering foreign policy and international relations. "9 maps and charts that explain the global refugee crisis," Vox, <https://www.vox.com/world/2017/1/30/14432500/refugee-crisis-trump-muslim-ban-maps-charts>

This terrible situation often gets referred to as “the refugee crisis,” but that’s actually misleading. The majority of people who have been displaced are what’s called “internally displaced people,” or IDPs – people who have been forced from their homes but have not left their countries. Refugees and asylum seekers are people who have been forced from their homes and their countries (though they have slightly different status under international law).

This fact explains, in very simple terms, why the refugees fleeing their countries can’t just “go home.” Huge numbers of them are stuck in their own countries, often in giant camps for displaced persons. The situation in their home country is so unsettled — their country is too violent, too poor, or both — for people to go back to their home towns and cities and live normal lives.

Utilitarianism is good – only rational calculation can preserve the most lives.

Cummiskey 90 [David Cummiskey (Professor of Philosophy @ Bates College, Ph.D., M.A., University of Michigan), “Kantian Consequentialism”, *Ethics* 100.3, p 601-2, p 606]
We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Nozick, for example, argues that “to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.”³⁰ Why, however, is this not equally true of all those that we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, one fails to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? We have a duty to promote the conditions necessary for the existence of rational beings, but both choosing to act and choosing not to act will cost the life of a rational being. Since the basis of Kant's principle is “rational nature exists as an end-in-itself” (GMM, p. 429), the reasonable solution to such a dilemma involves promoting, insofar as one can, the conditions necessary for rational beings. If I sacrifice some for the sake of other rational beings, I do not use them arbitrarily and I do not deny the unconditional value of rational beings. Persons may have “dignity, an unconditional and incomparable value” that transcends any market value (GMM, p. 436), but, as rational beings, persons also have a fundamental equality which dictates that some must sometimes give way for the sake of others. The formula of the end-in-itself thus does not support the view that we may never force another to bear some cost in order to benefit others. If one focuses on the equal value of all rational beings, then equal consideration dictates that one sacrifice some to save many. [continues] According to Kant, the objective end of moral action is the existence of rational beings. Respect for rational beings requires that, in deciding what to do, one give appropriate practical consideration to the unconditional value of rational beings and to the conditional value of happiness. Since agent-

centered constraints require a non-value-based rationale, the most natural interpretation of the demand that one give equal respect to all rational beings lead to a consequentialist normative theory. We have seen that there is no sound Kantian reason for abandoning this natural consequentialist interpretation. In particular, a consequentialist interpretation does not require sacrifices which a Kantian ought to consider unreasonable, and it does not involve doing evil so that good may come of it. It simply requires an uncompromising commitment to the equal value and equal claims of all rational beings and a recognition that, in the moral consideration of conduct, one's own subjective concerns do not have overriding importance.

Moral equality means even a small risk of preventing extinction outweighs structural violence – preserve future generations

Bostrom, 2012 (Mar 6, Nick, director of the Future of Humanity Institute at Oxford, recipient of the 2009 Gannon Award, “We're Underestimating the Risk of Human Extinction,” interview with Ross Andersen, freelance writer in D.C., <http://www.theatlantic.com/technology/archive/2012/03/were-underestimating-the-risk-of-human-extinction/253821/>)

Some have argued that we ought to be directing our resources toward humanity's existing problems, rather than future existential risks, because many of the latter are highly improbable. You have responded by suggesting that existential risk mitigation may in fact be a dominant moral priority over the alleviation of present suffering. Can you explain why? Bostrom: Well suppose you have a moral view that counts future people as being worth as much as present people. You might say that fundamentally it doesn't matter whether someone exists at the current time or at some future time, just as many people think that from a fundamental moral point of view, it doesn't matter where somebody is spatially---somebody isn't automatically worth less because you move them to the moon or to Africa or something. A human life is a human life. If you have that moral point of view that future generations matter in proportion to their population numbers, then you get this very stark implication that existential risk mitigation has a much higher utility than pretty much anything else that you could do. There are so many people that could come into existence in the future if humanity survives this critical period of time---we might live for billions of years, our descendants might colonize billions of solar systems, and there could be billions and billions times more people than exist currently. Therefore, even a very small reduction in the probability of realizing this enormous good will tend to outweigh even immense benefits like eliminating poverty or curing malaria, which would be tremendous under ordinary standards.

The aff is ahistorical and ethically dogmatic – realism in international relations denies the possibly of moral obligations.

Franke 2000 (Mark, University of Northern British Columbia, 2K, European Journal of International Relations, 6(3): 307–333, SAGE Publications, “Refusing an Ethical Approach to World Politics in Favour of Political Ethics”)

It is perhaps already clichéd to acknowledge that the practices of international politics and the perspectives upon which such practices are motivated are always ethically situated. Critical inquiries of the past two decades alone have variously shown that the language of ‘ethics and International Relations’, wherein each term is seen as separable from the other, is both illusory and misleading.¹ In conjunction it is a highly legitimate point of contention, if not a factual necessity, to note how the traditions upon which International Relations, as a discipline, have emerged are themselves anchored to a specific moral universalism.² In these regards, the development of International Relations theory has benefited greatly from the recent efforts of a range of scholars, including David Campbell, Michael Dillon, Jim George, Vivienne Jabri, Patricia Molloy,

Michael J. Shapiro and Daniel Warner, to trace and critically engage the traditionally suppressed moral dogma of the discipline. However, the discipline is not necessarily as well served by the directions in which these endeavours are finally deployed. The ultimate promise of these lines of inquiry also risks serious contradiction with the benefits of the initial points of critique. Inspired generally by recent phenomenology and poststructuralist philosophy, this series of theorists has developed a highly radical and influential set of inquiries into how the ethical may function in international affairs. Consequently, a new and substantial discourse regarding international ethics is emerging across the arguments and debates set forth in their writings. But, this overall discourse, while certainly more attractive than the traditional, provokes acts of ethical situation not wholly different in quality from the conventions against which it is set. Exemplified most pronouncedly in the works of Campbell, the authors to which I refer here excite alternative approaches that appreciate and strive to remain vulnerable towards social change, human difference, and the multiple and incessant moral regroupings which occur in the inevitable and anarchical encounters with others. Paradoxically, though, in pursuing these courses of action, the overwhelming tendency across this literature is to invite the kind of moral singularity they respectively hope, at base, to unseat. And my central point in this respect is that an alternative outcome would be impossible. As I first recount, the very notion of the international itself arises as a total ethics. Framing human politics and society in terms of the international is not simply to invoke ethical conditions that could be read or approached in various manners. Rather, a view to the international inherently conjures a moral universe. It provides the limits in which judgements regarding how human affairs, in a general sense, ought to be understood and judgements regarding how political policy and relations ought to proceed in the world. Thus, as I demonstrate further, through critical evaluation of the works of Campbell and others, even a highly critical approach to questions of international ethics, dedicated to revealing and tending to the heterogeneous, can do little more than broaden and diversify the scope of this universe. Any such endeavour can accomplish only a new description of the universe from which moral action is presumed to be defined.

Extend: Refugee Crisis Improving

The crisis is slowing

Joanne Lu 18, 1-11-2018, Joanne is a freelance journalist dedicated to covering global poverty and inequality. Her work has appeared in Humanosphere, the Guardian and War is Boring "The Number of Refugees and Migrants Coming to Europe is Now Dropping. Here's Why," UN Dispatch, <https://www.undispatch.com/number-refugees-migrants-coming-europe-now-dropping-heres/>

Two years after sparking an unprecedented humanitarian and political crisis, the largest influx of refugees and migrants into Europe since World War II has finally slowed down, according to the International Organization for Migration (IOM). Last week, the IOM reported that the number of people who arrived in Europe by sea in 2017 was less than half as many as the previous year. Less than 172,000 people – mostly fleeing conflict in the Middle East and poverty in Africa – crossed the Mediterranean into Italy, Greece, Cyprus and Spain in 2017, compared to more than 363,000 in 2016. “We can tell you with confidence that the numbers from North Africa to Italy this year are under 120,000,” IOM spokesperson Joel Millman said, according to Reuters. “...That’s the lowest in the last four years for arrivals in Italy.” Greece also experienced its lowest intake in four years, according to Millman.

Extend: Utilitarianism Good

Only utilitarianism can successfully inform policymaking – historically their moral objections have led to mass death.

Gvosdev 5 [Nikolas Gvosdev (Professor of National Security Affairs @ US Naval War College, Senior Fellow of Strategic Studies at The Nixon Center, PhD from Oxford University), "The Value(s) of Realism", *SAIS Review of International Affairs* Volume 25, Number 1, Winter-Spring 2005, <http://muse.jhu.edu/journals/sais/summary/v025/25.1gvosdev.html>]

As the name implies, realists focus on promoting policies that are achievable and sustainable. In turn, the morality of a foreign policy action is judged by its results, not by the intentions of its framers. A foreign policymaker must weigh the consequences of any course of action and assess the resources at hand to carry out the proposed task. As Lippmann warned, Without the controlling principle that the nation must maintain its objectives and its power in equilibrium, its purposes within its means and its means equal to its purposes, its commitments related to its resources and its resources adequate to its commitments, it is impossible to think at all about foreign affairs.⁸ Commenting on this maxim, Owen Harries, founding editor of *The National Interest*, noted, "This is a truth of which Americans—more apt to focus on ends rather than means when it comes to dealing with the rest of the world—need always to be reminded."⁹ In fact, Morgenthau noted that "there can be no political morality without prudence."¹⁰ This virtue of prudence—which Morgenthau identified as the cornerstone of realism—should not be confused with expediency. Rather, it takes as its starting point that it is more moral to fulfill one's commitments than to make "empty" promises, and to seek solutions that minimize harm and produce sustainable results. Morgenthau concluded: [End Page 18] Political realism does not require, nor does it condone, indifference to political ideals and moral principles, but it requires indeed a sharp distinction between the desirable and the possible, between what is desirable everywhere and at all times and what is possible under the concrete circumstances of time and place.¹¹ This is why, prior to the outbreak of fighting in the former Yugoslavia, U.S. and European realists urged that Bosnia be decentralized and partitioned into ethnically based cantons as a way to head off a destructive civil war. Realists felt this would be the best course of action, especially after the country's first free and fair elections had brought nationalist candidates to power at the expense of those calling for inter-ethnic cooperation. They had concluded—correctly, as it turned out—that the United States and Western Europe would be unwilling to invest the blood and treasure that would be required to craft a unitary Bosnian state and give it the wherewithal to function. Indeed, at a diplomatic conference in Lisbon in March 1992, the various factions in Bosnia had, reluctantly, endorsed the broad outlines of such a settlement. For the purveyors of moralpolitik, this was unacceptable. After all, for this plan to work, populations on the "wrong side" of the line would have to be transferred and resettled. Such a plan struck directly at the heart of the concept of multi-ethnicity—that different ethnic and religious groups could find a common political identity and work in common institutions. When the United States signaled it would not accept such a settlement, the fragile consensus collapsed. The United States, of course, cannot be held responsible for the war; this lies squarely on the shoulders of Bosnia's political leaders. Yet Washington fell victim to what Jonathan Clarke called "faux Wilsonianism," the belief that "high-flown words matter more than rational calculation" in formulating effective policy, which led U.S. policymakers to dispense with the equation of "balancing commitments and resources."¹² Indeed, as he notes, the Clinton administration had criticized peace plans calling for decentralized partition in Bosnia "with lofty rhetoric without proposing a practical alternative." The subsequent war led to the deaths of tens of thousands and left more than a million people homeless. After three years of war, the Dayton Accords—hailed as a triumph of American diplomacy—created a complicated arrangement by which the federal union of two ethnic units, the Muslim-Croat Federation, was itself federated to a Bosnian Serb republic. Today, Bosnia requires thousands of foreign troops to patrol its internal borders and billions of dollars in foreign aid to keep its government and economy functioning. Was the aim of U.S. policymakers, academics and journalists—creating a multi-ethnic democracy in Bosnia—not worth pursuing? No, not at all, and this is not what the argument suggests. But aspirations were not matched with capabilities. As a result of holding out for the "most moral" outcome and encouraging the Muslim-led government in Sarajevo to pursue maximalist aims rather than finding a workable compromise that could have avoided bloodshed and produced more stable conditions, the peoples of Bosnia suffered greatly. In the end, the final settlement was very close [End Page 19] to the one that realists had initially proposed—and the one that had also been roundly condemned on moral grounds.

Extend: Extinction Outweighs

Extinction outweighs – causes suffering and crushes infinite possibility.

Wage et al 13. (Matt Wage, Princeton. Peter Singer, renowned moral philosopher. Nick Beckstead. Preventing human extinction. August 19, 2013. effective-altruism.com/ea/50/preventing_human_extinction/)

Given that there is some risk of humanity going extinct over the next couple of centuries, the next question is whether we can do anything about it. We will first explain what we can do about it, and then ask the deeper ethical question: how bad would human extinction be? The first point to make here is that **if the risks of human extinction turn out to be “small,” this shouldn’t lull us into complacency.** **No sane person would say, “Well, the risk of a nuclear meltdown at this reactor is only 1 in 1000, so we’re not going to worry about it.”** **When there is some risk of a truly catastrophic outcome and we can reduce or eliminate that risk at an acceptable cost, we should do so.** In general, we can measure how bad a particular risk is by multiplying the probability of the bad outcome by how bad the outcome would be. **Since human extinction would, as we shall shortly argue, be extremely bad, reducing the risk of human extinction by even a very small amount would be very good.** Humanity has already done some things that reduce the risk of premature extinction. We’ve made it through the cold war and scaled back our reserves of nuclear weapons. We’ve tracked most of the large asteroids near Earth. We’ve built underground bunkers for “continuity of government” purposes, which might help humanity survive certain catastrophes. We’ve instituted disease surveillance programs that track the spread of diseases, so that the world could respond more quickly in the event of a large-scale pandemic. We’ve identified climate change as a potential risk and developed some plans for responding, even if the actual response so far has been lamentably inadequate. We’ve also built institutions that reduce the risk of extinction in subtler ways, such as decreasing the risk of war or improving the government’s ability to respond to a catastrophe. One reason to think that it is possible to further reduce the risk of human extinction is that all these things we’ve done could probably be improved. We could track more asteroids, build better bunkers, improve our disease surveillance programs, reduce our greenhouse gas emissions, encourage non-proliferation of nuclear weapons, and strengthen world institutions in ways that would probably further decrease the risk of human extinction. There is still a substantial challenge in identifying specific worthy projects to support, but it is likely that such projects exist. So far, surprisingly little work has been put into systematically understanding the risks of human extinction and how best to reduce them. There have been a few books and papers on the topic of low-probability, high-stakes catastrophes, but there has been very little investigation into the most effective methods of reducing these risks. We know of no in-depth, systematic analysis of the different strategies for reducing these risks. A reasonable first step toward reducing the risk of human extinction is to investigate these issues more thoroughly, or support others in doing so. If what we’ve said is correct, then there is some risk of human extinction and we probably have the ability to reduce this risk. There are a lot of important related questions, which are hard to answer: How high a priority should we place on reducing the risk of human extinction? How much should we be prepared to spend on doing so? Where does this fit among the many other things that we can and should be doing, like helping the global poor? (On that, see www.thelifeyoucansave.com) Does the goal of reducing the risk of extinction conflict with ordinary humanitarian goals, or is the best way of reducing the risk of extinction simply to improve the lives of people alive today and empower them to solve the problem themselves? We won’t try to address those questions here. Instead, we’ll focus on this question: **How bad would human extinction be?** One very bad thing about human extinction would be that **billions of people would likely die painful deaths.** But in our view, **this is, by far, not the worst thing about human extinction.** The worst thing about human extinction is that there would be no future generations. We believe that future generations matter just as much as our generation does. Since there could be so many generations in our future, the value of all those generations together greatly exceeds the value of the current generation. Considering a historical example helps to illustrate this point. About 70,000 years ago, there was a supervolcanic eruption known as the Toba eruption. Many scientists believe that this eruption caused a “volcanic winter” which brought our ancestors close to extinction. Suppose that this is true. Now imagine that the Toba eruption had eradicated humans from the earth. How bad would that have been? Some 3000 generations and 100 billion lives later, it is plausible to say that the death and suffering caused by the Toba eruption would have been trivial in comparison with the loss of all the human lives that have been lived from then to now, and everything humanity has achieved since that time. Similarly, **if humanity goes extinct now, the worst aspect of this would be the opportunity cost.** **Civilization began only a few thousand years ago.** Yet **Earth could remain habitable for another billion years. And if it is possible to colonize space, our species may survive much longer than that.** Some people would reject this way of assessing the value of future generations. They may **claim that bringing new people into existence cannot be a benefit, regardless of what kind of life these people have.** On this view, the value of avoiding human extinction is restricted to people alive today and people who are already going to exist, and who may want to have children or grandchildren. Why would someone believe this? One reason might be that if people never exist, then it can’t be bad for them that they don’t exist. Since they don’t exist, there’s no “them” for it to be bad for, so causing people to exist cannot benefit them. We disagree. We think that causing people to exist can benefit them. To see why, first notice that causing people to exist can be bad for those people. For example, suppose some woman knows that if she conceives a child during the next few months, the child will suffer from multiple painful diseases and die very young. It would obviously be bad for her child if she decided to conceive during the next few months. In general, it seems that if a child’s life would be brief and miserable, existence is bad for that child. If you agree that bringing someone into existence can be bad for that person and if you also accept the argument that bringing someone into existence can’t be good for that person, then this leads to a strange conclusion: being born could harm you but it couldn’t help you. If that is right, then it appears that it would be wrong to have children, because there is always a risk that they will be harmed, and no compensating benefit to outweigh the risk of harm. **Pessimists like** the nineteenth-century German philosopher Arthur **Schopenhauer, or** the contemporary South African philosopher David **Benatar accept this conclusion.** But if parents have a reasonable expectation that their children will have happy and fulfilling lives, and having children would not be harmful to others, then it is not bad to have children. **More generally, if our descendants have a reasonable chance of having happy and fulfilling lives, it is good for us to ensure that our descendants exist, rather than not.** Therefore we think that **bringing future**

generations into existence can be a good thing. **The extinction of our species** – and quite possibly, depending on the cause of the extinction, of all life - **would be the end of the extraordinary story of evolution that has already led to (moderately) intelligent life, and which has given us the potential to make much greater progress still.** We have made great progress, both moral and intellectual, over the last couple of centuries, and there is every reason to hope that, if we survive, this progress will continue and accelerate. **If we fail to prevent our extinction, we will have blown the opportunity to create something truly wonderful: an astronomically large number of generations of human beings living rich and fulfilling lives, and reaching heights of knowledge and civilization that are beyond the limits of our imagination.**

Extend: No Moral Obligation

No obligations – Ethics are only a product of political struggles

Franke 2000 (Mark, University of Northern British Columbia, 2K, European Journal of International Relations, 6(3): 307–333, SAGE Publications, “Refusing an Ethical Approach to World Politics in Favour of Political Ethics”)

To turn the validity of a prior sentiment more appropriately on its head, I finally argue that ethics is always politically situated. Ethics is itself an approach to human life that stands upon some form of global outlook, whether that world is seen as heterogeneous or homogeneous. And the worldview to which any particular ethical approach may pertain can never be a fact in itself. If the final limits to possible human experience and social and political life were not contestable, the ethical would not be a question. Rather, the set of international, global or worldly limits expressed in a theory of ethics is determined through prior political struggles through which the principles of human conduct and relations are to be established. An ethical approach rests always on the persuasive quality of one understanding of being human over others. Thus, a full critique of the ethical in terms of the international must direct its attention first and foremost to the unceasing and unsystematic political negotiation through which worldviews are generated and replaced, suspending focus on both the international and ethical. For it is in these processes that the ethical and the international are made thinkable from the start.

We don't have an obligation to others – only to those close to us.

Raziel **Aberson**, Philosophy Professor, THE PHILOSOPHICAL FORUM, Spring 2005, pp. 31-8

Peter Unger, in *Living High and Letting Die*, seems to agree with what he calls “Libertarianism” (and I call “common sense morality”) that we have moral obligations to aid those who are emotionally close to us which take precedence over our obligations to unknown strangers: Very briefly, here's a fallible formulation of a fair bit of Libertarianism's substantive side. Insofar as they need her help to have a decent chance for decent lives, a person must do a great deal for those few people, like her dependent children, to whom she has the most serious sort of special obligation. Insofar as it's compatible with that, which is often very considerable indeed, and sometimes even when it's not so compatible, she must do a lot for other innocent folks in need [. . .]5 Setting aside Unger's tantalizing next-to-last clause: “and sometimes when it's not so compatible,” he does recognize the relevance of emotional closeness to degree of responsibility to aid. Yet throughout his thoughtful study, he argues persuasively for a position very similar to that of Peter Singer, whom he frequently quotes with approval to the effect that, if we do not contribute all we have except the necessities of life to famine relief, we are guilty of severe moral callousness in letting people die whom we could have, and should have saved: [. . .] we can conclude that, if it's needed for there to be as much (sic) as three fewer children dying soon, it's seriously wrong for you (not) to impose a *nonserious* loss on yourself, however large. Now as we all know, by imposing on yourself as large a financial loss as you can, and easily aiming the fund toward efficient vital programs, you will lessen serious suffering to a far greater extent than that. So it's seriously wrong not to send to the likes of Unicef and Oxfam, about as promptly as possible, nearly all your worldly wealth. In drawing these utilitarian conclusions, Unger seems to have overlooked his initial agreement with Libertarianism, as quoted above, to the effect that those emotionally close to us have a prior moral claim on our assistance.

The US isn't alone with moral obligations to allow refugees, other nations are rising to the occasion to fulfill theirs

Kenneth Roth 2015, American Attorney, Executive Director of Human Rights Watch, “Refugee Crisis That Isn't”, 09/03/15, https://www.huffingtonpost.com/kenneth-roth/the-refugee-crisis-that-isnt_b_8079798.html

This is a political challenge, requiring political leadership in response — not a question of capacity to absorb the recent immigrants. Some politicians have risen to the occasion. Merkel, French Foreign Minister Laurent Fabius and European Commission President Jean-Claude Juncker, among others, have spoken out against the demagogues-- and affirmed the European values that they jeopardize. Yet there is more to be said, and more leaders who need to say it.

Europeans leaders should publicly recall how others responded generously during World War II, when Europeans were the ones facing persecution and even becoming refugees. After the war, European nations embraced international law requiring them to welcome any asylum-seekers who could demonstrate they fled persecution. True to that principle, Germany and Sweden have already said they would accept all Syrian refugees who arrive within their borders and not send them back to the first EU country they entered under the bloc's problematic "Dublin" asylum rules. Other European nations should follow suit, and the EU should recognize a larger list of refugee-producing countries and revise the Dublin rules, which can trap asylum-seekers in EU countries that lack capacity to protect them and compel asylum-seekers to pay smugglers to escape those countries

International Order Advantage Answers

1NC Frontline

The Refugee Convention fails as a basis for i-law – can't solve modern crisis

Berg 11 [Chris Berg, research fellow with the Institute of Public Affairs, 10-19-2011, "Why cling on to an outdated refugee convention?," ABC News, <http://www.abc.net.au/news/2011-10-19/berg-why-are-we-clinging-to-an-outdated-refugee-convention/3577538>]

The United Nations 1951 Convention Relating to the Status of Refugees is not fit for purpose. The 60-year-old convention was designed for an era we no longer live in; an era where the causes and trajectories of global migration were quite different to today. Yet the convention still dominates our understanding of migration, with its archaic and artificial distinction between legitimate and illegitimate irregular migrants. The problems go deeper than historical quirks of drafting. The convention deeply distorts our understanding of 21st-century immigration. It makes humanitarian approaches to refugees harder, not easier. Australia should withdraw from it. The refugee convention was developed in response to the World War II refugee crisis. Between 20 to 30 million people were displaced in Europe alone – "one of the greatest population movements of history" as one US State Department report described it at the end of the war. But that was in 1945. Six years later, the idea of coordinated global action on those refugees was already anachronistic. Half a billion (mostly American) dollars had been spent resettling the majority of those who had been displaced, save a problematic 'hard core' of 400,000. The United States did not want sole responsibility for all refugees in the future, so the convention placed the burden on countries which the refugees themselves approached. And by this time, refugee questions had already been subsumed into Cold War politics. The new wave of European migrants was mostly comprised of those fleeing communism. The Soviet Bloc did not help draft the refugee convention. It did not want to help "traitors who are refusing to return home to serve their country". As a consequence, the convention defined a "refugee" as someone who had a "well-founded fear of being persecuted". This is the formula our Immigration Department and Refugee Review Tribunal apply to contemporary asylum cases in 2011. But it's clearly a formula specifically designed for the Cold War. Communist states actively persecuted returning citizens. The consequences of sending such refugees back across the Iron Curtain was unambiguous. While convention was designed to handle those who could not return home for political reasons, our contemporary requirements are vastly different. The bulk of today's refugees are displaced not because of politics, but because of economic hardship or conflict. They do not flee totalitarianism but poverty and insecurity. By any layperson's definition, virtually all those who reside in 21st-century refugee camps would be considered "refugees" but it has been estimated the bulk would not fit the convention's "well-founded fear of being persecuted" standard. The decisions of Australia's Refugee Review Tribunal record the often farcical attempts by migration lawyers and judges to shoehorn the complex reasons someone may migrate into this frame. The convention did not even work as intended during the Cold War. Gil Loescher's The UNHCR And World Politics documents how the USA sidelined the United Nations High Commission on Refugees and built a parallel system to attract refugees from the Soviet bloc. Of the 233,436 refugees admitted into the United States between 1956 and 1968, only 925 were from non-communist countries. They were accepted into the West not because of the dictates of international law but as part of the great geopolitical game. Contrast America's embrace of Cuban refugees with its relatively cold shoulder to those from Haiti. The end of the Cold War undermined the political foundations of the refugee framework. We have now almost no genuinely totalitarian dictatorships persecuting their citizens, but we also have more refugees than at any time in the last half century. The distinction the Refugee Convention makes between political refugees and the rest no longer makes any sense. In fact, it's worse than that. Today even people fleeing totalitarianism typically believe they are doing so for economic reasons, not political ones. North Korea is the most politically repressive state in the modern world. Yet according to a survey of refugees in the recent book Witness To Transformation: Refugee Insights Into North Korea, fully 95 per cent of North Koreans said they left the Hermit Kingdom because of poverty. Only 2 per cent cited political persecution. Absolutely, if a Korean refugee turned up in Australia, they'd change their views after five minutes with a refugee

lawyer. But their initial beliefs are indicative. The convention's archaic distinction badly distorts the popular understanding of refugee issues. The denigration of "economic refugees" - so widespread in the Australian press - is particularly absurd. Few realise the concept of legitimate refugee they rely on was formulated primarily to embarrass Joseph Stalin. Our views on what is a moral approach to refugees also diverge sharply from those implied by the convention. As Michael Pearce pointed out in *The Age* in September, Australians feel obligation to those in the far away refugee camp "queue" more than those who arrive in our country. The Malaysia Solution pivoted on this feeling. But that is an almost exact reversal of the convention's approach, which is silent on the queue, and concerns only those who land on our doorstep. One argument for the convention is that it acts to restrain the political response to asylum seekers - keeping things at least reasonably humane. Yet it's not clear it does. Other signatory countries are no more rigorous than Australia at complying with the convention. Non-signatory countries host the majority of refugees. Here, as around the world, domestic policy is set by domestic politics, not international law. Yet the biggest problem is not merely how it defines "refugee", but how the refugee convention distorts our understanding of the entire immigration issue. Rather than viewing refugees as a subset of general global migration, the convention requires us to see them as a separate thing entirely. It's a false dichotomy. Migration is not either forced or unforced. There are many degrees of voluntariness in modern migration. But it's a dichotomy on which our political parties rely. The Greens support asylum seekers but wish to limit skilled migrants. The Coalition and now Labor want to stop the boats yet invite more foreign workers. Immigration is shaping up to be the big issue of the 21st-century, in the way that trade was the big issue of the 20th. There's nothing wrong with trying to migrate to find work and a better life. We should, indeed, encourage that. However, we will not be able to come to terms with the age of migration if our policymakers cling to the obsolete refugee convention.

I-law fails – can't convince states to cooperate

Eric A. Posner ⁹, Kirkland and Ellis Professor of Law at the University of Chicago Law School. *The Perils of Global Legalism*, 34-6

³⁴ ¶ Most global legalists acknowledge that international law is created and enforced by states. They believe that states are willing to expand international law along legalistic lines because states' long-term interests lie in solving global collective action problems. In the absence of a world govern- ment or other forms of integration, international law seems like the only way for states to solve these problems. The great difficulty for the global legalist is explaining why, if states create and maintain international law, they will also not break it when they prefer to free ride. In the absence of an enforcement mechanism, what ensures that states that create law and legal institutions that are supposed to solve global collective action prob- lems will not ignore them? ¶ For the rational choice theorist, the answer is plain: states cannot solve global collective action problems by creating institutions that themselves depend on global collective action. This is not to say that international law is not possible at all. Certainly, states can cooperate by threatening to retaliate against cheaters, and where international problems are matters of coordination rather than confl ict, international law can go far, indeed.⁷ But if states (or the individuals who control states) cannot create a global government or q uasi-g overnment institutions, then it seems unlikely that they can solve, in spontaneous fashion, the types of problems that, at the national level, require the action of governments. ¶ Global legalists are not enthusiasts for rational choice theory and have ¶ ³⁵ ¶ grappled with this problem in other ways.⁸ I will criticize their attempts in chapter 3. Here I want to focus on one approach, which is to insist that just as individuals can be loyal to government, so too can individuals (and their governments) be loyal to international law and be willing to defer to its requirements even when self-i nterest does not strictly demand that they do so. International law has force because (or to the extent that) it is legitimate. ¶ What makes governance or law legitimate? This is a complicated ques- tion best left to philosophers, but a simple and adequate point for present purposes is that no system of law will be perceived as legitimate unless those governed by that law believe that the law does good - serves their interests or respects and enforces their values. Perhaps more is required than this - such as political participation, for example - but we can treat the fi rst condition as necessary if not suffi cient. If individuals believe that a system of law does not advance their interests and respect their values, that instead it advances the interests of others or is dysfunctional and helps no one at all, they will not believe that the law is legitimate and will not

voluntarily submit to its authority. ¶ Unfortunately, international law does not satisfy this condition, mainly because of its institutional weaknesses; but of course, its institutional weaknesses stem from the state system — states are not willing to tolerate powerful international agencies. In classic international law, states enjoy sovereign equality, which means that international law cannot be created unless all agree, and that international law binds all states equally. What this means is that if nearly everyone in the world agrees that some global legal instrument would be beneficial (a climate treaty, the UN charter), it can be blocked by a tiny country like Iceland (population 300,000) or a dictatorship like North Korea. What is the attraction of a system that puts a tiny country like Iceland on equal footing with China? When then attorney general Robert Jackson tried to justify American aid for Britain at the onset of World War II on the grounds that the Nazi Germany was the aggressor, international lawyers complained that the United States could not claim neutrality while providing aid to a belligerent — there was no such thing as an aggressor in international law. Nazi Germany had not agreed to such a rule of international law; therefore, such a rule could not exist. Only through the destruction of Nazi Germany could international law be changed; East and West Germany could reenter international society only on other people's terms. How could such a system be perceived to be legitimate? ¶ There is, of course, a reason why international law works in this fashion. Because no world government can compel states to comply with international law, states will comply with international law only when doing so is in their interest. In this way, international law always depends on state consent. So international law must take states as they are, which means that little states, big states, good states, and bad states, all exist on a plane of equality.

Human rights diplomacy fails – strategic interests come first

Forsythe 11 (David P. Forsythe, Professor of Political Science at University of Nebraska-Lincoln, held postdoctoral fellowships at Princeton and Yale, former president of the Human Rights Committee of the International Political Science Association, “Diplomacy: Human Rights,” presented at APSA-Seattle, August 1, SSRN)

When noting how non-human rights matters can affect human rights diplomacy by states, one has to face the reality that sometimes state human rights diplomacy is driven primarily by strategic interests rather than concern for human dignity. It is normally the case that in the UN Human Rights Council, state members are more likely to publicly criticize their political adversaries than their political friends. It was certainly the case during the Cold War (in the now-defunct UN Human Rights Commission) that state members of NATO were not hesitant to levy charges of violations of human rights against the communist states making up the Warsaw Pact. For their part, communist members of the Warsaw Pact often criticized NATO members for violations of socioeconomic rights, while maintaining silence about the evident violations of civil-political rights by their allies. As the United States moved to restore normal relations between itself and the Peoples Republic of China, so as to make life more difficult for the Soviet Union, the Carter Administration was much more critical of human rights violations by Moscow than by Beijing. This pattern continues, unfortunately, after the Cold War. In the UN Human Rights Council the United States is more prone to criticize human rights violations in Cuba or Iran rather than in Saudi Arabia or Egypt. The Arab states are more likely to criticize Israel for human rights violations than for those same or worse violations in certain members of the Arab League. The unpleasant fact is that human rights diplomacy can be used as a political weapon to try to delegitimize target governments, rather than to advance the cause of human dignity in a balanced and even handed process. Many if not most states have used human rights diplomacy for political gain at one time or another. After all, from a diplomat's traditional perspective, how wise is it to publicly criticize one's friends and allies? If the diplomat's primary goal is smooth relations with friendly states, engaging in candid public discussion of an ally's human rights defects requires new thinking. This new thinking may seek a balance between protection of personal rights on an even-handed basis, and protection of traditional national interests. One also has to admit that some apparent human rights diplomacy by states is a matter of public posturing and duplicity. A classic example concerns Henry Kissinger and the Western Hemisphere. President Richard Nixon and Kissinger, his principal foreign policy adviser, came under domestic criticism at one point for lack of attention to human rights in foreign policy. The charge was that these realist policy makers were only interested in balance of power diplomacy mainly focused on the Soviet Union. Hence they were criticized for lacking a moral dimension to their foreign policy. In this criticism, U.S. foreign policy was said to ignore human rights violations in those Hemispheric states aligned with the United States in the effort to resist communism. In this context Kissinger gave a speech

in the Organization of American states reaffirming U.S. interest in democracy and human rights in the Hemisphere. But Kissinger then engaged in quiet diplomacy to reassure brutal, authoritarian allies in the region that the speech was for domestic consumption.³ Here we see state diplomacy on human rights as part of domestic politics, and the effort of a government official to placate domestic critics without making a substantive change in foreign policy.

The U.S is not key to the Liberal Order—Doing fine without us

Ikenberry 11 (G. John, theorist of international relations and United States foreign policy, and a professor of Politics and International Affairs, “The future of the liberal world order”, Foreignaffairs, 6/2011, <https://www.foreignaffairs.com/issues/2011/90/3>)

China and the other emerging powers do not face simply an American-led order or a Western system. They face a broader international order that is the product of centuries of struggle and innovation. It is highly developed, expansive, integrated, institutionalized, and deeply rooted in the societies and economies of both advanced capitalist states and developing states. And over the last half century, this order has been unusually capable of assimilating rising powers and reconciling political and cultural diversity. Seen in this light, the modern international order is not really American or Western -- even if, for historical reasons, it initially appeared that way. It is something much wider. In the decades after World War II, the United States stepped forward as the hegemonic leader, taking on the privileges and responsibilities of organizing and running the system. It presided over a far-flung international order organized around multilateral institutions, alliances, special relationships, and client states -- a hierarchical order with liberal characteristics. But now, as this hegemonic organization of the liberal international order starts to change, the hierarchical aspects are fading while the liberal aspects persist. So even as China and other rising states try to contest U.S. leadership -- and there is indeed a struggle over the rights, privileges, and responsibilities of the leading states within the system -- the deeper international order remains intact. Rising powers are finding incentives and opportunities to engage and integrate into this order, doing so to advance their own interests. For these states, the road to modernity runs through -- not away from -- the existing international order.

Extend: I Law Fails

International law solves nothing – no enforcement

Acharya 13 – Associate Professor of Law, Gonzaga University School of Law (Upendra D., May, “GLOBALIZATION, DEREGULATION, POWER, AND AGENCY: GLOBALIZATION AND HEGEMONY SHIFT: ARE STATES MERELY AGENTS OF CORPORATE CAPITALISM?” 36 B.C. Int'l & Comp. L. Rev. 937, Lexis)

I. PROCESS OF HEGEMONY: INTERNATIONAL LAW, POWER, AND DETERRITORIALIZATION ¶ ¶ Discussions of hegemonic international law posit that international law is relatively **weak**, that it is nothing more than epiphenomenal, [*940] merely a production of normative standards that mirror the interests of powerful states. n14 The hegemonic international law theory also posits that hegemons (powerful nations among the many sovereign states) define the course of states' behavior by creating and influencing international law to give effect to the hegemons' interests and condone actions that support those interests. n15 This Part critically observes hegemons' techniques and methods of consolidating power, n16 leading to the next Part's discussion addressing an emerging corporate-centric hegemonic international law, a new form of international law contrasted to Vagts's state-centric hegemonic international law. n17 ¶ ¶ Because international law is based on the mutual consent of sovereign states, each participating state must have common values and interests for international law to be effective. n18 Political, cultural, religious, [*941] and economic traditions were naturally varied among states before the implementation of international law. n19 Because of this variation, the powerful Western states superimposed self-styled Western values such as democracy, a definitive structure of rule of law, industrial development, perception of peace, and eventually capitalism on less-influential or less-powerful states. n20 Western hegemons present these values as though they are prerequisites for stability. n21 In reality, however, formal consent to these values allows (in the creation of international law) the hegemon to disrupt existing value structures--an **inherently destabilizing action**--and take advantage of the less-powerful states' resources. n22 This process of obtaining consent is so sophisticated that it frequently requires engaging lawyers and legal scholars to guide less-powerful states. n23 These scholars typically represent Western education and ideologies within the scope of the broader interests of hegemons, imposing Western legal traditions on non-Western states. n24 ¶ ¶ Despite maintaining consent to superimposed Western norms, international law lacks a formal enforcement and compliance authority. n25 Nevertheless, fragmented informal or non-legal authority has been institutionalized through means controlled by hegemons that can make others comply with the norms. n26 In this **scattered and pseudo-legal compliance mechanism**, hegemons may comply with international law when faced with worldwide pressure and opposition from competing [*942] hegemons. n27 For non-hegemons, a hint of pressure, economic or otherwise, is sometimes sufficient to force compliance with the regime. n28 ¶ ¶ According to Antonio Gramsci: ¶ ¶ [H]egemony presupposes that account be taken of the interests and the tendencies of the groups over which hegemony is to be exercised, and that a certain compromise equilibrium should be formed--in other words, that the leading group [hegemons] should make sacrifices of an economic-corporate kind. But . . . such sacrifices and such a compromise cannot touch the essential . . . [they] must necessarily be based on the decisive function exercised by the leading group in the decisive nucleus of economic activity. n29 ¶ ¶ ¶ B.S. Chimni also noted the current influence of what he terms the "transnational capitalist class," that produces a culture in which "the third world counterparts essentially act as 'transmission belts and filtering devices for the imposition of the transnational agenda.'" n30 ¶ ¶ International law, in its creation and application, has been a victim of the hegemonic power consolidation process. n31 Rather than recognizing and respecting the common goals and values of a pluralistic world, international law deems hegemons' values those of "true" civilization, held in esteem and aspired to by all others at the expense of unique and insightful non-Western thought. n32 Now in the era of globalization, evolving hegemonic international law theory warrants questioning whether states are really the hegemons in today's world. In order to address this question, it is important to analyze the processes of hegemony in the development of international law and to identify when the course of the hegemonic process departed from state-centric to corporate-centric hegemony.

Can't solve – self interest means states ignore it

Tsutsui and Hafner Burton 05 Emilie M. Hafner-Burton, Oxford University, and Kiyoteru Tsutsui, State University of New York, Stony Brook, “Human Rights in a Globalizing World: The Paradox of Empty Promises” http://www.princeton.edu/~ehafner/pdfs/paradox_promises.pdf

For others, international legal regimes can influence state behavior in important ways: regimes facilitate cooperation among sovereign states by providing coordination and commitment mechanisms that identify state obligations and provide a means of enforcement. Nevertheless, states join and comply with regimes only when it is in their rational self-interest to do so (Keohane 1984; Downs et al. 1996). Thus, although the international human rights regime may encourage state cooperation and circumscribe government repression of human rights, the pool of states that commit to these institutions should be rather limited in the first place, and compliance will heavily depend on the design of the regime.

Extend: Human Rights Norms Fail

Human rights norms don't do anything – security interests override

Forsythe 11 (David P. Forsythe, Professor of Political Science at University of Nebraska-Lincoln, held postdoctoral fellowships at Princeton and Yale, former president of the Human Rights Committee of the International Political Science Association, "Diplomacy: Human Rights," presented at APSA-Seattle, August 1, SSRN)

If one believes in the value of the traditional nation- state system of international relations, with strong notions of absolute state sovereignty and a preference for weak intergovernmental organizations to facilitate exchanges at the margins, then human rights diplomacy will remain largely an afterthought to more important undertakings. In such a system which existed until 1945, and elements of which certainly remain thereafter, the most important diplomatic initiatives are undertaken to secure the short term self interests of states. Above all these interests center on protecting the physical security of the state from militant attack and advancing economic interests, as pursued by strictly national decisions. Much state diplomacy, even on human rights, is also expended in behalf of petty state advantages, such as placing citizens in offices in intergovernmental organizations. Concerns about the general welfare and the common good on an international basis are often far down the list of state objectives.¹² In this view, states may pursue human rights diplomacy when it fits with "vital" national interests such as traditional security and economics. Thus the United States during the Nixon-Kissinger era came around to supporting the collective human right to self-determination for the people of Zimbabwe, but this was made possible in the leaders' thinking because they were afraid the Soviet Union might expand its influence in southern Africa by exploiting white minority rule as it existed in Southern Rhodesia at the time of the Ian Smith government. Support for majority rule in a new Zimbabwe fit with the U.S. objective of containing Soviet power. At best, states may press for genuine human rights advances in foreign places when they do not have to sacrifice important expedient concerns. Thus western states can easily criticize human rights violations in Myanmar and even apply sanctions because they do not have important security and economic interests in that small and isolated state. States may very well include human rights in their diplomacy in the easy cases. In this view of world affairs, endorsement of abstract human rights may well occur, but great effort will be made to protect domestic jurisdiction and freedom of national policy making. Hence human rights treaties will be ratified, but reservations will be added preventing their use in national courts or in other ways carving out great loop holes regarding enforcement. Arab states, for example, accept treaties pertaining to women's equality but then negate that formal commitment through various reservations. The United States does essentially the same on civil and political rights and torture, ratifying the treaties but attaching crippling reservations or using carefully worded implementing legislation so that the object and purpose of the treaty is negated within national jurisdiction (the latter, however, is not always crystal clear). The central objective of such maneuvers is to associate the state with human rights norms for purposes of public relations, but then ensure freedom of national policy making at variance with the human rights norms officially accepted. In contemporary international relations scholars have often noted that the plethora of human rights standards is accompanied by generally weak enforcement measures. This is true especially with regard to UN processes, by comparison to European and Inter-American arrangements. It is well to recall that Bernard Kouchner, foreign minister in the Sarkozy government in France, despite—or maybe because of—previously being active in human rights and humanitarian circles, said that states could not do (consistent) human rights diplomacy because of national security (and economic) concerns, given the nation state system of international relations. He regretted advocating a cabinet level minister for humanitarian affairs. In this view structural realists are correct: given the nation state system of danger and competition, states are required to use their diplomacy to elevate national security and economic advantage for the national group over the protection of the human rights of foreigners, except perhaps in easy cases otherwise.

Extend: US Not Key

Even if countries fill the U.S role, they maintain the liberal order.

Ikenberry 11 (G. John, theorist of international relations and United States foreign policy, and a professor of Politics and International Affairs, “The future of the liberal world order”, Foreignaffairs, 6/2011, <https://www.foreignaffairs.com/issues/2011/90/3>)

But this panicked narrative misses a deeper reality: although the United States' position in the global system is changing, the liberal international order is alive and well. The struggle over international order today is not about fundamental principles. China and other emerging great powers do not want to contest the basic rules and principles of the liberal international order; they wish to gain more authority and leadership within it. Indeed, today's power transition represents not the defeat of the liberal order but its ultimate ascendance. Brazil, China, and India have all become more prosperous and capable by operating inside the existing international order – benefiting from its rules, practices, and institutions, including the World Trade Organization (WTO) and the newly organized G-20. Their economic success and growing influence are tied to the liberal internationalist organization of world politics, and they have deep interests in preserving that system.

US not key – tons of violations

Hiken, 12 (Associate Director Institute for Public Accuracy, 7-17-'12 (Luke, “The Impotence of International Law” http://www.fpif.org/blog/the_impotence_of_international_law)

Whenever a lawyer or historian describes how a particular action “violates international law” many people stop listening or reading further. It is a bit alienating to hear the words “this action constitutes a violation of international law” time and time again – and especially at the end of a debate when a speaker has no other arguments available. The statement is inevitably followed by: “...and it is a war crime and it denies people their human rights.” A plethora of international law violations are perpetrated by every major power in the world each day, and thus, the empty invocation of international law does nothing but reinforce our own sense of impotence and helplessness in the face of international lawlessness. The United States, alone, and on a daily basis violates every principle of international law ever envisioned: unprovoked wars of aggression; unmanned drone attacks; tortures and renditions; assassinations of our alleged “enemies”; sales of nuclear weapons; destabilization of unfriendly governments; creating the largest prison population in the world – the list is virtually endless. Obviously one would wish that there existed a body of international law that could put an end to these abuses, but such laws exist in theory, not in practice. Each time a legal scholar points out the particular treaties being ignored by the superpowers (and everyone else) the only appropriate response is “so what!” or “they always say that.” If there is no enforcement mechanism to prevent the violations, and no military force with the power to intervene on behalf of those victimized by the violations, what possible good does it do to invoke principles of “truth and justice” that border on fantasy? The assumption is that by invoking human rights principles, legal scholars hope to reinforce the importance of and need for such a body of law. Yet, in reality, the invocation means nothing at the present time, and goes nowhere. In the real world, it would be nice to focus on suggestions that are enforceable, and have some potential to prevent the atrocities taking place around the globe. Scholars who invoke international law principles would do well to add to their analysis, some form of action or conduct at the present time that might prevent such violations from happening. Alternatively, praying for rain sounds as effective and rational as citing international legal principles to a lawless president, and his ruthless military.

I-Law Bad

International law crushes U.S. hegemony – norms constrain military power.

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Second, as a practical matter, the new international law has the potential to undermine American leadership in the post-Cold War global system. Even more fundamentally, international law may well make the world safe for aggression, by imposing undue constraints on those countries that are willing to use force to deter and punish it. Although, as noted above, the new international law has a number of manifestations, those elements dealing with the use of military force, and the potential consequences for individual American officials who order or implement its use, are the most advanced and pernicious. As the world's pre-eminent military power, with global interests and responsibilities, the United States should be very concerned about any effort to create international judicial institutions capable of prosecuting individual soldiers, officers and elected officials in the chain of command. The international criminal "norms" applied in these courts, both in the ad hoc criminal courts for the former Yugoslavia and Rwanda and in the International Criminal Court, are ambiguous in their meaning and remarkably fluid in their application. For example, one of the "war crimes prosecutable in the ICC is defined as [i]ntentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated. Whether any particular attack causes "excessive" civilian injuries or environmental damage is very much a matter of opinion. This is, in fact, a crime that can be tailored to fit almost any circumstances, as was all but openly acknowledged by the prosecutor's office of the Yugoslav tribunal during its investigation of alleged NATO war crimes. This investigation was undertaken after a number of NGOs complained that NATO's 1999 air campaign against Serbia resulted in too many civilian deaths. As candidly noted in [t]he answers to these questions [regarding allegedly excessive civilian casualties] are not simple. It may be necessary to resolve them on a case by case basis, and the answers may differ depending on the background and values of the decision-maker. It is unlikely that a human rights lawyer and an experienced combat commander would assign the same relative values to military advantage and to injury to noncombatants. Further, it is unlikely that military commanders with different doctrinal backgrounds and differing degrees of combat experience or national military histories would always agree in close cases. [4] The key underlying problem here is that injuries to noncombatants and their property--so-called "collateral damage"--are an endemic consequence of combat. As a result, the traditional law of war, jus in bello, although proscribing certain hostile actions toward civilians, eschewed overly rigid rules on collateral damage. Unfortunately, instead of continuing to rely on the broad, traditional jus in bello principles of proportionality and discrimination, the new norms have come to resemble American domestic regulatory law. These rules are overly prescriptive and proscriptive, to such an extent that ensuring full compliance has become almost impossible. This is particularly the case because the new international law seems to suggest that zero civilian casualties and no collateral damage are not only attainable outcomes in modern combat, but that these should be the norm. The combination of the unrealistic norms and unaccountable judicial bodies that would apply them is particularly problematic. The American military is particularly vulnerable here. This is because U.S. military doctrine has always been attrition-oriented, emphasizing the intensive application of firepower and the use of "decisive force." It is inevitable that damage to civilian sites, and civilian casualties, will result. This is all the more likely given the growing American aversion to combat casualties, which forces our military commanders to rely more and more on air strikes and missile attacks. This raises the real possibility that American soldiers and officials will be considered subject to prosecution, even in situations where the intervention has been "humanitarian" in character, as with the air campaign against Serbia. Significantly, while no prosecutions against NATO officials are currently planned, even the relatively tame Yugoslav tribunal did not give the alliance a clean bill of health. Indeed, the prosecutor's office declined to bring indictments, not because it concluded that no crimes were committed by NATO, but because "[i]n all cases, either the law is not sufficiently clear or investigations are unlikely to result in the acquisition of sufficient evidence to substantiate charges against high level accused or against lower accused for particularly heinous offenses." Future outcomes in the permanent ICC, a court that will be less dependent upon U.S. and NATO largesse than is the Yugoslav tribunal, may be very different. And the fact that the United States has not signed, and would not ratify, the ICC treaty will not prevent the ICC from pursuing Americans. The court claims to exercise a form of "universal jurisdiction" that will allow it to prosecute American citizens when their actions, or the effects of their actions, take place on the territory of a state that has signed the ICC treaty. Moreover, the danger here is not limited to the potential actions of the ICC. Based on the "universal jurisdiction" theory--which suggests that any state can prosecute international humanitarian violations wherever they occur, whether or not that state's own citizens are involved--any state, or even a low-level foreign magistrate, can begin a prosecution against American military or civilian officials. This was, of course, the case with the former Chilean dictator, Augusto Pinochet,

who traveled to England for medical treatment in 1998, and was very nearly extradited to Spain to stand trial for his actions during his rule in Chile. Overall, there is no doubt that, insofar as they can successfully claim the right to prosecute military and civilian leaders for violations of the laws of war and international humanitarian norms, international judicial bodies and interested states will be able **effectively to shape American policy.** An American president would be **far less likely to use force if there were a genuine possibility that** U.S. soldiers or **officials, including himself, would face future prosecution** in a foreign court. Both our **allies and our adversaries fully understand the importance of molding the new international law to fit their needs, and its power as an effective weapon against the United States.** Examples of this phenomenon are not difficult to find. Human **rights activists**, of course, have frequently made **exaggerated claims that** pre-existing international humanitarian **norms require fundamental changes in U.S. foreign and domestic policy.** States are also increasingly **using the language of law as a means of shaping U.S. policy.** In one of the most boldly cynical examples of this phenomenon, the People's Republic of **China--desperate to prevent American deployment of even a limited anti-ballistic missile defense--has asserted that the 1972 Anti-Ballistic Missile Treaty between the United States and the Soviet Union remains in force (even though the Soviet Union disappeared a decade ago), and that it cannot be terminated by the United States because that treaty has assumed the status of "customary" international law.**

Hegemony solves great power war and prolifer – only realism checks nuke war

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A core premise of **deep engagement** is that it **prevents the emergence of a far more dangerous global security environment.** For one thing, as noted above, the **United States’ overseas presence gives it the leverage to restrain partners from taking provocative action.** Perhaps more important, its core **alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas.** The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge **absent the “American Pacifier”** is provided in the works of John **Mearsheimer**, who **forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war.** 72 How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73 Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without the American pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 **The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond** (e.g., a regional conflict akin to the 1990s Balkan wars), **lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers.** What about the other parts of Eurasia where the United States has a substantial military presence? **Regarding the Middle East**, the balance begins to swing toward pessimists concerned that states currently backed by Washington— notably **Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas.** And **concerning East Asia, pessimism**

regarding the region's prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States. 75 The second body of scholarship casting doubt on the bet on defensive realism's sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism's optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences, once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense.

Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices. To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world's key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war). Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world's core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States. Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces. 78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem. 79 Usually carried out in dyadic terms, the debate over the stability of proliferation changes as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse.

Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows. 80 Moreover, the risk of "unforeseen crisis dynamics" that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome. The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and "pass the buck" to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the midtwentieth century. The problem is that China's rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, "The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves." 81 Therefore, unless China's rise stalls, "the United States is likely to act toward China similar to the

way it behaved toward the Soviet Union during the Cold War.”⁸² It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia— just what the United States is doing.⁸³ In sum, the argument that U.S. security commitments are unnecessary for peace is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difficult. Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world’s key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the “focused enmity” of the United States.⁸⁴ All of the world’s most modern militaries are U.S. allies (America’s alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking.⁸⁵

US primacy is a bigger internal link to the liberal-international order than the aff

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History shows that world orders, including our own, are transient. They rise and fall, and the institutions they erect, the beliefs and “norms” that guide them, the economic systems they support—they rise and fall, too. The downfall of the Roman Empire brought an end not just to Roman rule but to Roman government and law and to an entire economic system stretching from Northern Europe to North Africa. Culture, the arts, even progress in science and technology, were set back for centuries. Modern history has followed a similar pattern. After the Napoleonic Wars of the early 19th century, British control of the seas and the balance of great powers on the European continent provided relative security and stability. Prosperity grew, personal freedoms expanded, and the world was knit more closely together by revolutions in commerce and communication. With the outbreak of World War I, the age of settled peace and advancing liberalism—of European civilization approaching its pinnacle—**collapsed into an age of hyper-nationalism, despotism and economic calamity.** The once-promising spread of democracy and liberalism halted and then reversed course, leaving a handful of outnumbered and besieged democracies living nervously in the shadow of fascist and totalitarian neighbors. The collapse of the British and European orders in the 20th century did not produce a new dark age—though if Nazi Germany and imperial Japan had prevailed, it might have—but the horrific conflict that it produced was, in its own way, just as devastating. Would the end of the present American-dominated order have less dire consequences? A surprising number of American intellectuals, politicians and policy makers greet the prospect with equanimity. There is a general sense that the end of the era of American pre-eminence, if and when it comes, need not mean the end of the present international order, with its widespread freedom, unprecedented global prosperity (even amid the current economic crisis) and absence of war among the great powers. American power may diminish, the political scientist G. John **Ikenberry argues**, but “the underlying foundations of the liberal international order will survive and thrive.” The commentator Fareed **Zakaria believes that** even as the balance shifts against the U.S., rising powers like China “will continue to live

within the framework of the current international system." And there are elements across the political spectrum—Republicans who call for retrenchment, Democrats who put their faith in international law and institutions—who don't imagine that a **"post-American world"** would look very different from the American world. If all of this sounds too good to be true, it is. The present world order was largely shaped by American power and reflects American interests and preferences. If the balance of power shifts in the direction of other nations, the world order will change to suit their interests and preferences. Nor can we assume that all the great powers in a post-American world would agree on the benefits of preserving the present order, or have the capacity to preserve it, even if they wanted to. Take the issue of democracy. For several decades, the balance of power in the world has favored democratic governments. In a genuinely post-American world, the balance would shift toward the great-power autocracies. Both Beijing and Moscow already protect dictators like Syria's Bashar al-Assad. If they gain greater relative influence in the future, we will see fewer democratic transitions and more autocrats hanging on to power. The balance in a new, multipolar world might be more favorable to democracy if some of the rising democracies—Brazil, India, Turkey, South Africa—picked up the slack from a declining U.S. Yet not all of them have the desire or the capacity to do it. What about the economic order of free markets and free trade? People assume that China and other rising powers that have benefited so much from the present system would have a stake in preserving it. They wouldn't kill the goose that lays the golden eggs. Unfortunately, they might not be able to help themselves. The creation and survival of a liberal economic order has depended, historically, on great powers that are both **willing and able** to support open trade and free markets, often with naval power. If a declining America is unable to maintain its long-standing hegemony on the high seas, would other nations take on the burdens and the expense of sustaining navies to fill in the gaps? Even if they did, would this produce an open global commons—or rising tension? China and India are building bigger navies, but the result so far has been greater competition, not greater security. As Mohan Malik has noted in this newspaper, their "maritime rivalry could spill into the open in a decade or two," when India deploys an aircraft carrier in the Pacific Ocean and China deploys one in the Indian Ocean. **The move from American-dominated oceans to collective policing** by several great powers **could be a recipe for competition and conflict** rather than for a liberal economic order. And do the Chinese really value an open economic system? The Chinese economy soon may become the largest in the world, but it will be far from the richest. Its size is a product of the country's enormous population, but in per capita terms, China remains relatively poor. The U.S., Germany and Japan have a per capita GDP of over \$40,000. China's is a little over \$4,000, putting it at the same level as Angola, Algeria and Belize. Even if optimistic forecasts are correct, China's per capita GDP by 2030 would still only be half that of the U.S., putting it roughly where Slovenia and Greece are today. As Arvind Subramanian and other economists have pointed out, this will make for a historically unique situation. In the past, the largest and most dominant economies in the world have also been the richest. Nations whose peoples are such obvious winners in a relatively unfettered economic system have less temptation to pursue protectionist measures and have more of an incentive to keep the system open. China's leaders, presiding over a poorer and still developing country, may prove less willing to open their economy. They have already begun closing some sectors to foreign competition and are likely to close others in the future. Even optimists like Mr. Subramanian believe that the liberal economic order will require "some insurance" against a scenario in which "China exercises its dominance by either reversing its previous policies or failing to open areas of the economy that are now highly protected." American economic dominance has been welcomed by much of the world because, like the mobster Hyman Roth in "The Godfather," the U.S. has always made money for its partners. Chinese economic dominance may get a different reception. Another problem is that China's form of capitalism is heavily dominated by the state, with the ultimate goal of preserving the rule of the Communist Party. Unlike the eras of British and American pre-eminence, when the leading economic powers were dominated largely by private individuals or companies,

China's system is more like the mercantilist arrangements of previous centuries. The government amasses wealth in order to secure its continued rule and to pay for armies and navies to compete with other great powers. Although the Chinese have been beneficiaries of an open international economic order, they could end up undermining it simply because, as an autocratic society, their priority is to preserve the state's control of wealth and the power that it brings. They might kill the goose that lays the golden eggs because they can't figure out how to keep both it and themselves alive. Finally, what about the long peace that has held among the great powers for the better part of six decades? Would it survive in a post-American world? Most commentators who welcome this scenario imagine that American predominance would be replaced by some kind of multipolar harmony. But multipolar systems have historically been neither particularly stable nor particularly peaceful. Rough parity among powerful nations is a source of uncertainty that leads to miscalculation. Conflicts erupt as a result of fluctuations in the delicate power equation. **War among the great powers** was a common, if not **constant, occurrence** in the long periods of multipolarity from the 16th to the 18th centuries, culminating in the series of enormously destructive Europe-wide wars that followed the French Revolution and ended with Napoleon's defeat in 1815. The 19th century was notable for two stretches of great-power peace of roughly four decades each, punctuated by major conflicts. The Crimean War (1853-1856) was a mini-world war involving well over a million Russian, French, British and Turkish troops, as well as forces from nine other nations; it produced almost a half-million dead combatants and many more wounded. In the Franco-Prussian War (1870-1871), the two nations together fielded close to two million troops, of whom nearly a half-million were killed or wounded. The peace that followed these conflicts was characterized by increasing tension and competition, numerous war scares and massive increases in armaments on both land and sea. Its climax was World War I, the most destructive and deadly conflict that mankind had known up to that point. As the political scientist Robert W. Tucker has observed, "Such stability and moderation as the balance brought rested ultimately on the threat or use of force. War remained the essential means for maintaining the balance of power." There is little reason to believe that a return to multipolarity in the 21st century would bring greater peace and stability than it has in the past. The era of American predominance has shown that there is no better recipe for great-power peace than certainty about who holds the upper hand. President Bill Clinton left office believing that the key task for America was to "create the world we would like to live in when we are no longer the world's only superpower," to prepare for "a time when we would have to share the stage." It is an eminently sensible-sounding proposal. But can it be done? For particularly in matters of security, the rules and institutions of international order rarely survive the decline of the nations that erected them. They are like scaffolding around a building: They don't hold the building up; the building holds them up. Many foreign-policy experts see the present international order as the inevitable result of human progress, a combination of advancing science and technology, an increasingly global economy, strengthening international institutions, evolving "norms" of international behavior and the gradual but inevitable triumph of liberal democracy over other forms of government—forces of change that transcend the actions of men and nations. Americans certainly like to believe that our preferred order survives because it is right and just—not only for us but for everyone. We assume that the triumph of democracy is the triumph of a better idea, and the victory of market capitalism is the victory of a better system, and that both are irreversible. That is why Francis Fukuyama's thesis about "the end of history" was so attractive at the end of the Cold War and retains its appeal even now, after it has been discredited by events. The idea of inevitable evolution means that there is no requirement to impose a decent order. It will merely happen. **But international order is not an evolution; it is an imposition.** It is the domination of one vision over others—in America's case, the domination of free-market and democratic principles, together with an international system that supports them. The present order will last only as long as those who favor it and benefit from it retain the will and capacity to defend it. There was nothing inevitable about the world that was created after World War II. No divine providence or unfolding Hegelian dialectic required the triumph of democracy and capitalism, and there is no

guarantee that their success will outlast the powerful nations that have fought for them. Democratic progress and liberal economics have been and can be reversed and undone. The ancient democracies of Greece and the republics of Rome and Venice all fell to more powerful forces or through their own failings. The evolving liberal economic order of Europe collapsed in the 1920s and 1930s. The better idea doesn't have to win just because it is a better idea. It requires great powers to champion it. If and when American power declines, the institutions and norms that American power has supported will decline, too. Or more likely, if history is a guide, they may collapse altogether as we make a transition to another kind of world order, or to disorder. We may discover then that the U.S. was essential to keeping the present world order together and that **the alternative to American power was not peace and harmony but chaos and catastrophe**—which is what the world looked like right before the American order came into being.

Multilateralism Bad

Multilateralism fails – global cooperation can't solve existential impacts

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Not only have we seen this movie before, but it seems to be on repeat. Instead of a gradual trend toward global problem solving punctuated by isolated failures, we have seen over the last several years essentially the opposite: **stunningly few** instances of international cooperation on significant issues. Global governance is in a **serious drought**—palpable across the **full range of crucial, mounting international challenges** that include nuclear proliferation, climate change, international development and the global financial crisis.

Where exactly is the liberal world order that so many Western observers talk about? Today we have an international political landscape that is neither orderly nor liberal. It wasn't supposed to be this way. In the envisaged liberal world order, the "rise of the rest" should have been a boost to global governance. A rebalancing of power and influence should have made international politics more democratic and multilateral action more legitimate, while bringing additional resources to bear. Economic integration and security-community enlargement should have started to envelop key players as the system built on itself through network effects—by making the benefits of joining the order (and the costs of opposing it) just a little bit greater for each new decision. Instead, the world has no meaningful deal on climate change; no progress on a decade-old global-trade round and no inclination toward a new one; no coherent response to major security issues around North Korea, Iran and the South China Sea; and no significant coordinated effort to capitalize on what is possibly the best opportunity in a generation for liberal progress—the Arab Spring. It's not particularly controversial to observe that global governance has gone missing. What matters is why. The standard view is that we're seeing an international liberal order under siege, with emerging and established powers caught in a contest for the future of the global system that is blocking progress on global governance. That mental map identifies the central challenge of American foreign policy in the twenty-first century as figuring out how the United States and its allies can best integrate rising

powers like China into the prevailing order while bolstering and reinforcing its foundations. But this narrative and mental map are wrong. **The liberal order can't be under siege in any meaningful way** (or prepped to integrate rising powers) **because it never attained the breadth or depth required to elicit that kind of agenda.** The liberal order is today **still largely an aspiration, not a description of how states actually behave or how global governance actually works.** The rise of a configuration of states that six years ago we called a "World Without the West" is not so much challenging a prevailing order as it is exposing the inherent frailty of the existing framework. This might sound like bad news for American foreign policy and even worse news for the pursuit of global liberalism, but it doesn't have to be so. Advancing a normative liberal agenda in the twenty-first century is possible but will require a new approach. Once strategists acknowledge that the liberal order is more or less a myth, they can let go of the anxious notion that some countries are attacking or challenging it, and the United States can be liberated from the burden of a supposed obligation to defend it. We can instead focus on the necessary task of building a liberal order from the ground up. **Loyalists are quick to defend the concept of a robust liberal order by falling back on outdated metrics of success.** The original de minimis aims of the postwar order achieved what now should be

considered a low bar: preventing a third world war and a race-to-the-bottom closure of the global-trade regime. Beyond that, the last seventy years have certainly seen movement toward globalization of trade and capital as well as some progress on human rights—but less clearly as a consequence of anything like a liberal world order than as a consequence of national power and interest. What would a meaningful liberal world order actually look like if it were operating in practice? Consider an objective-based definition: a world in which most countries most of the time follow rules that contribute to progressively more collective security, shared economic gains and individual human rights. States would gradually downplay the virtues of relative advantage and self-reliance. Most states would recognize that foreign-policy choices are constrained (to their aggregate benefit) by multilateral institutions, global norms and nonstate actors. They would cede meaningful bits of sovereign authority in exchange for proactive collaboration on universal challenges. And they would accept that economic growth is best pursued through integration, not mercantilism, and is in turn the most reliable source of national capacity, advancement and influence. With those ingredients in place, we would expect to see the gradual, steady evolution of something resembling an "international community" bound by rights and responsibilities to protect core liberal values of individual rights and freedoms. No wonder proponents of the liberal-world-order perspective hesitate to offer precise definitions of it. Few of these components can reasonably be said to have been present for any length of time at a global level in the post-World War II world. There may be islands of liberal order, but they are floating in a sea of something quite different. Moreover, the vectors today are mostly pointing away from the direction of a liberal world order. HOW DID we get here? Consider two founding myths of liberal internationalism. The first is that expressions of post-World War II American power and leadership were synonymous with the maturation of a liberal order. The narrative should sound familiar: The United States wins World War II and controls half of global GDP. The United States constructs an international architecture aimed at promoting an open economic system and a semi-institutionalized approach to fostering cooperation on security and political affairs. And the United States provides the essential global public goods—an extended security deterrent and the global reserve currency—to make cooperation work. Some essential elements of the system survive in a posthegemony era because the advantages to other significant powers of sustained institutionalized cooperation exceed the costs and risks of trying to change the game. In the 1990s the narrative gets more interesting, controversial and relevant. This is when the second foundational myth of the liberal world order—that it has an inexorable magnetic attraction—comes to the fore. The end of the Cold War and the attendant rejection of Communism is supposed to benefit the liberal world order in breadth and depth: on the internal front, new capitalist democracies should converge on individuals' market-based economic choice and election-based political choice; on the external front, the relationships among states should become increasingly governed by a set of liberal international norms that privilege and protect the civic and political freedoms that capitalist democracies promise. The liberal order's geography should then expand to encompass the non-Western world. Its multilateral rules, institutions and norms should increase in density across economic, political and security domains. As positive network effects kick in, the system should evolve to be much less dependent on American power. It's supposedly easier—and more beneficial—to join the liberal world order than it is to oppose it (or even to try to modify it substantially). A choice to live outside the system becomes progressively less realistic: few countries can imagine taking on the contradictions of modern governance by themselves, particularly in the face of expanding multilateral free trade and interdependent security institutions. The story culminates in a kind of magnetic liberalism, where countries and foreign-policy decisions are attracted to the liberal world order like iron filings to a magnet. With few exceptions, U.S. foreign policy over the last two decades has been predicated on the assumption that the magnetic field is strong and getting stronger. It's a seductive idea, but it should not be confused with reality. In

practice, the magnetic field is notable mainly for its weakness. It is simply not the case today that nations feel equally a part of, answerable to or constrained by a liberal order. And nearly a quarter century after 1989, it has become disingenuous to argue that the liberal world order is simply slow in getting off the ground—as if the next gust of democratic transitions or multilateral breakthroughs will offer the needed push to revive those triumphalist moments brought on by the end of World War II and the fall of the Berlin Wall. To the contrary, the aspirational liberal end state is receding into the horizon. THE PICTURE half a century ago looked more promising, with the initial rounds of the General Agreement on Tariffs and Trade and the successful establishment of NATO setting expectations about what multilateral governance could achieve. But international institutions picked off the low-hanging fruit of global cooperation decades ago and have since stalled in their attempts to respond to pressing international challenges. The 1990s served up the best possible set of conditions to advance global liberalism, but subsequent moves toward political and economic liberalization that came with the end of the Cold War were either surprisingly shallow or fragile and short-lived. Ask yourself this: Have developing countries felt and manifested over time the increasing magnetic pull of the liberal world order? A number of vulnerable developing and post-Communist transitional countries adopted a “Washington Consensus” package of liberal economic policies—freer trade, marketization and privatization of state assets—in the 1980s and 1990s. But these adjustments mostly arrived under the shadow of coercive power. They generally placed the burden of adjustment disproportionately on the most disempowered members of society. And, with few exceptions, they left developing countries more, not less, vulnerable to global economic volatility. The structural-adjustment policies imposed in the midst of the Latin American debt crisis and the region’s subsequent “lost decade” of the 1980s bear witness to each of these shortcomings, as do the failed voucher-privatization program and consequent asset stripping and oligarchic wealth concentration experienced by Russians in the 1990s. If these were the gains that were supposed to emerge from a liberal world order, it’s no surprise that liberalism came to have a tarnished brand in much of the developing world. The perception that economic neoliberalism fails to deliver on its trickle-down growth pledge is strong and deep. In contrast, state capitalism and resource nationalism—vulnerable to a different set of contradictions, of course—have for the moment delivered tangible gains for many emerging powers and look like promising alternative development paths. Episodic signs of pushback against some of the excesses of that model, such as anti-Chinese protests in Angola or Zambia, should not be confused with a yearning for a return to liberal prescriptions. And comparative economic performance in the wake of the global financial crisis has done nothing to burnish liberalism’s economic image, certainly not in the minds of those who saw the U.S. investment banking–led model of capital allocation as attractive, and not in the minds of those who held a vision of EU-style, social-welfare capitalism as the next evolutionary stage of liberalism. There’s just as little evidence of sustained liberal magnetism operating in the politics of the developing world, where entrenched autocrats guarding their legitimacy frequently caricature democracy promotion as a not-very-surreptitious strategy to replace existing regimes with either self-serving instability or more servile allies of the West. In practice, the liberal order’s formula for democratic freedom has been mostly diluted down to observing electoral procedures. The results have been almost uniformly disappointing, as the legacy of post-Cold War international interventions from Cambodia to Iraq attests. Even the more organic “color revolutions” of Eastern Europe and Central Asia at the beginning of the twenty-first century have stalled into equilibria Freedom House identifies as only “partly free”—in reality affording average citizens little access to political or economic opportunities. Only two years past the initial euphoria of the Arab Spring a similar disillusionment has set in across the Middle East, where evidence for the magnetic pull of a liberal world order is extremely hard to find. Contemporary developments in Southeast Asia illustrate where the most important magnetic forces of change actually come from. The Association of Southeast Asian Nations (ASEAN) has successfully coordinated moves toward trade liberalization in the region, but this has not been underpinned by a set of liberal principles or collective norms. Instead, the goals have been instrumental—to protect the region from international economic volatility and to cement together some counterweight to the Chinese economy. And ASEAN is explicitly not a force for individual political and economic freedom. Indeed, it acts more like a bulwark against “interference” in internal affairs. The aspirations one occasionally hears for the organization to implement collective-governance measures come from Western observers much more frequently than from the people and states that comprise the group itself. Global globalists will protest that the response to the global financial crisis proves that international economic cooperation is more robust than we acknowledge. In this view, multilateral financial institutions passed the stress test and prevented the world from descending into the economic chaos of beggar-thy-neighbor trade policies and retaliatory currency arbitrage and capital controls. The swift recovery of global trade and capital flows is often cited as proof of the relative success of economic cooperation. The problem with this thesis is that very real fears about how the system could collapse, including the worry that states would retreat behind a mercantilist shell, are no different from what they were a hundred years ago. It’s not especially indicative of liberal progress to be having the same conversation about global economic governance that the world was having at the end of the gold-standard era and the onset of the Great Depression. Global economic governance may have helped to prevent a repeat downward spiral into self-defeating behaviors, but surely in a world order focused on liberal progress the objectives of global economic governance should have moved on by now. And the final chapter here has yet to be written. From the perspective of many outside the United States, the Federal Reserve’s unprecedented “quantitative easing” policies are not far off from monetary warfare on the exchange and inflation rates of others. Astute analysts have observed that as banks have operated more nationalistically and cautiously, the free flow of capital across borders has declined. A global climate that is at serious risk of breeding currency and trade wars is hardly conducive to the health and expansion of any liberal world order. On matters of war and peace, the international community is fighting similar battles and for the most part experiencing similar failures to provide a system of collective security. In Africa’s Great Lakes region, more than five million people have died directly and indirectly from fifteen years of civil war and conflict. Just to the north, the international community stood by and watched a genocide in Sudan. In places more strategically important to leading nations, the outcome—as showcased in Syria—is geopolitical gridlock. The last time the Security Council managed to agree on what seemed like serious collective action was over Libya, but both China and Russia now believe they were intentionally misled and that what was sold as a limited humanitarian mission was really a regime-change operation illegitimately authorized by the UN. This burst of multilateralism has actually made global-security governance down the road less likely. Meanwhile, international cooperation on security matters has been relegated to things like second-tier peacekeeping operations and efforts to ward off pirates equipped with machine guns and speedboats. These are worthy causes but will not move the needle on the issues that dominate the international-security agenda. And on the emerging issues most in need of forward-looking global governance—cybersecurity and unmanned aerial vehicles, for example—there are no rules and institutions in place at all, nor

legitimate and credible mechanisms to devise them. Assessed against its ability to solve global problems, **the current system is falling progressively further behind on** the most important challenges, including financial stability, the “responsibility to protect,” and coordinated action on **climate change, nuclear proliferation, cyberwarfare and maritime security.** **The authority, legitimacy and capacity of multilateral institutions dissolve when the going gets tough—when member countries have meaningfully different interests** (as in currency manipulations), **when the distribution of costs is large enough to matter** (as in humanitarian crises in sub-Saharan Africa) **or when the shadow of future uncertainties looms large** (as in carbon reduction). **Like a sports team that perfects exquisite plays during practice but fails to execute against an actual opponent, global-governance institutions have sputtered precisely when their supposed skills and multilateral capital are needed most.** WHY HAS this happened? The hopeful liberal notion that these failures of global governance are merely reflections of organizational dysfunction that can be fixed by reforming or “reengineering” the institutions themselves, as if this were a job for management consultants fiddling with organization charts, is a costly distraction from the real challenge. **A decade-long effort to revive** the dead-on-arrival **Doha** Development Round in international trade **is the sharpest example of the cost of** such **a tinkering-around-the-edges approach and its ultimate futility.** Equally distracting and wrong is the notion held by neoconservatives and others that global governance is inherently a bad idea and that its institutions are ineffective and undesirable simply by virtue of being supranational. **The root cause of stalled global governance is simpler and more straightforward. “Multipolarization” has come faster and more forcefully than expected.** Relatively authoritarian and postcolonial **emerging powers have become leading voices that undermine anything approaching international consensus and, with that, multilateral institutions.** It’s not just the reasonable demand for more seats at the table. That might have caused something of a decline in effectiveness but also an increase in legitimacy that on balance could have rendered it a net positive. Instead, **global governance has gotten the worst of both worlds: a decline in both effectiveness and legitimacy.** **The problem is not one of a few rogue states acting badly in an otherwise coherent system.** There has been no real breakdown per se. **There just wasn’t all that much liberal world order to break down in the first place.** The new voices are more than just numerous and powerful. They are truly distinct from the voices of an old era, and they approach the global system in a meaningfully different way.

Solvency Answers

1NC Frontline

Circumvention kills solvency – extreme vetting and bureaucratic slowdown

Torbati 17 [Yeganeh Torbati, 12-9-2017, "Trump lifts refugee ban, but admissions still plummet, data shows," Reuters U.S., <https://www.reuters.com/article/us-trump-effect-refugees/trump-lifts-refugee-ban-but-admissions-still-plummet-data-shows-idUSKBN1E21CR>]

In late October, President Donald Trump lifted a temporary ban on most refugee admissions, a move that should have cleared the way for more people fleeing persecution and violence to come to the United States. Instead, the number of refugees admitted to the country has plummeted. In the five weeks after the ban was lifted, 40 percent fewer people were allowed in than in the last five weeks it was in place, according to a Reuters analysis of State Department data. That plunge has gone almost unnoticed. As he lifted the ban, Trump instituted new rules for tougher vetting of applicants and also effectively halted, at least for now, the entry of refugees from 11 countries deemed as high risk. The latter move has contributed significantly to the precipitous drop in the number of refugees being admitted. The data shows that the Trump administration's new restrictions have proven to be a far greater barrier to refugees than even his temporary ban, which was limited in scope by the Supreme Court. The State Department data shows that the kind of refugees being allowed in has also changed. A far smaller portion are Muslim. When the ban was in place they made up a quarter of all refugees. Now that it has been lifted they represent just under 10 percent. Admissions over five weeks is a limited sample from which to draw broad conclusions, and resettlement numbers often pick up later in the fiscal year, which began in October. But the sharp drop has alarmed refugee advocates. "They're pretty much shutting the refugee program down without having to say that's what they're doing," said Eric Schwartz, president of Refugees International. "They've gotten better at using bureaucratic methods and national security arguments to achieve nefarious and unjustifiable objectives." Trump administration officials say the temporary ban on refugees, and the new security procedures that followed, served to protect Americans from potential terrorist attacks. Supporters of the administration's move also argue that the refugee program needed reform and that making it more stringent will ultimately strengthen it. "The program needed to be tightened up," said Joshua Meservey, a senior policy analyst at the Heritage Foundation, a conservative think tank, who formerly worked in refugee resettlement in Africa. "I'm all for strengthening the vetting, cracking down on the fraud, being really intentional on who we select for this, because I think it protects the program ultimately when we do that." A State Department official attributed the drop in refugee admissions to increased vetting, reviews aimed at identifying potential threats, and a smaller annual refugee quota this year of 45,000, the lowest level in decades. "Refugee admissions rarely happen at a steady pace and in many years start out low and increase throughout the year. It would be premature to assess (the 2018 fiscal year's) pace at this point," the official said, speaking on condition of anonymity. Trump has made controlling immigration a centerpiece of his presidency, citing both a desire to protect American jobs and national security. During the 2016 presidential campaign he said Syrian refugees could be aligned with Islamist militants and promised "extreme vetting" of applicants.

Quota increases fail – alternate causes and circumvention prove the total won't be reached.

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)

The number of refugees that the US government resettles is frequently below the ceiling. This discrepancy was particularly wide following the terrorist attacks of 9/11 in 2001. In 2002 the ceiling was 70,000 but only 27,131 refugees entered the country;³⁴ in 2012, the ceiling was 76,000, but only 56,424 refugees were admitted. The reasons for these discrepancies are complex and contextual to the time period. It could be due

to a lack of cooperation in the refugees' country of first asylum, ongoing political complications, or the fact that the US began accepting refugees from a wider range of countries, whereas it has previously admitted them from a smaller set of countries.³⁵ According to Kathleen Newland, an immigration and refugee policy expert, two factors led to the discrepancy after 9/11.³⁶ First, the Bush Administration suspended the refugee resettlement program for two months. Second, the administration put new security protocols in place, reducing the number of refugees who made it through the security screening process.

State governments will backlash – increasing net restrictions 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)

Attempts by US Governors to Limit Resettlement The executive orders from the Trump Administration are occurring in the wake of an increase in anti-refugee rhetoric and policies among US lawmakers. In November 2015, for instance, 30 governors called for a stop to resettlement of Syrian refugees until the federal government addresses security concerns (see Appendix A for a list of each Governor's statement).⁶⁵ Twenty-four of those governors stated they would seek to actively prevent the resettlement of Syrian refugees through executive action or other means.^{66,67} Despite the governors' statements, it appears that only a very limited number of Syrian refugees were diverted from one state to another. One such instance occurred in Indiana when, after Governor Mike Pence issued a statement seeking to ban the resettlement of Syrian refugees, the state Division of Family Resources sent a letter to a national voluntary agency responsible for resettlement in Indiana asking that all Syrian arrivals be "suspended or redirected to another state that is willing to accept Syrian placements until assurances that proper security measures are in place have been provided by the federal government."⁶⁸ In response, the agency worked with a resettlement agency in Connecticut to redirect one Syrian family to New Haven. It is important to note, however, that this case was isolated and multiple Syrian families have been resettled in Indiana since, which illustrates that it is very difficult for states to implement a ban on any specific group of refugees.⁶⁹ A number of legal scholars have asserted that governors do not have the authority to restrict travel into their territories.⁷⁰ Additionally, state and federal officials have actively fought some of the governors' attempts. The state of Texas, for example sought to deny the entry of Syrian refugees.⁷¹ A federal judge struck down the executive order within one day of it being issued because he found the state's evidence that Syrian refugees could have infiltrated the refugee resettlement program to be largely speculative. The same judge again ruled against the state after it amended its application for preliminary injunction. The state claims that it is unlawful that the federal government did not consult with the state regarding each Syrian refugee that PRM resettled in Texas. The judge, however, argues that neither the Refugee Act nor the Administrative Procedure Act creates a cause of action for the state to compel the federal government to consult with the state regarding the resettlement of individual Syrian refugees in Texas.⁷² Government officials in other states have also pushed back against these types of directives. For instance, the Tennessee Office of the Attorney General issued an opinion outlining why a decision to deny entry to refugees would violate the US constitution.⁷³ Specifically, the Attorney General stated that the federal government had already approved the refugees in question for resettlement in the US. Thus, such a decision would conflict with the federal government's authority to regulate the admission of aliens to the country and would therefore violate the Supremacy Clause of the US constitution. Georgia's Attorney General issued a statement with similar reasoning and conclusions in response to its governor's executive order seeking to deny the resettlement of Syrian refugees in the state.⁷⁴ Likely due to the evidence that an outright ban on the admission of Syrian refugees would violate the Constitution, the governor of Indiana issued an executive order that limits the type of services to Syrian refugees for which the state government would reimburse resettlement agencies.⁷⁵ Although the state initially sought to completely deny entry to Syrian refugees, the state then decided to allow Syrian refugees to enter its territory and continued to pay for federal entitlements such as cash assistance, education assistance and Medicaid. However, the state is withholding funds from resettlement agencies for social services such as interpretation, childcare and citizenship and naturalization assistance.⁷⁶ In February of 2016 a federal district court judge held a hearing on this case and ruled against the state of Indiana, basing her ruling on the assessment that there is a strong likelihood that Indiana's policy violates the Equal Protection Clause. The judge made three key arguments in reaching this conclusion.⁷⁷ First, despite the state's stated goal of preventing further resettlement of Syrian refugees in the state by withholding

funds, voluntary agencies have continued to resettle Syrian refugees in Indiana. Thus, the state's policy has been ineffective. Second, even if the state was actually able to deter voluntary agencies from resettling Syrian refugees, it would cause the agencies to stop the resettlement of all Syrians, including young children who pose very little security risk to the state. Third, the state's policy punishes Syrian refugees who are already in Indiana by depriving them of social services, which is unlikely to further the State's interest in improving public safety. Importantly, the judge states that the Court would reach the same conclusion even if it used a rational basis review of the State's policy. This ruling will likely have important implications for state legislatures that attempt to pass legislation that would have similar aims to Indiana's policy. It is unlikely that any policy that specifically targets refugees from one country or a group of countries will survive a constitutional challenge. **Prior to the current backlash against resettling Syrian refugees, states had already taken action to reduce refugee resettlement.** In 2010 Georgia Governor Nathan Deal withheld any state funding earmarked for reimbursing resettlement agencies for English instruction, job training, and academic programs.⁷⁸ Although this directive was very similar to the Indiana Governor's, it differed in the sense that it was targeted at all refugees resettled in the state. **Likely as a result of this policy, the number of refugee arrivals in the state decreased from 3,272 to 2,635 per year** between 2009 and 2011.⁷⁹ However, after pressure from resettlement agencies the governor released the federal funds in December of 2011. This previous state effort demonstrates that **the statements by 30 governors in late 2015 were not entirely unprecedented and that governors have previously attempted to identify mechanisms for curtailing resettlement into their states.** Attempts by State and Federal Legislators to Limit Resettlement Federal and **state legislators have also attempted to curtail refugee resettlement.** One example of state action occurred in 2011 in Tennessee when the state legislature **passed the Refugee Absorptive Capacity Act.** This legislation allowed local governments to submit a request for a one year **moratorium on refugee resettlement** to the Tennessee Office of Refugee Affairs documenting that the community lacks the capacity to host refugees. The state would then forward the request to the federal government and PRM would either approve or deny it.⁸⁰ **State legislators have introduced bills and resolutions that would 1) prohibit their respective state governments from assisting in the resettlement of refugees from Syria and/ or the Middle East, 2) require refugees to register with a government agency, 3) authorize the state to temporarily halt refugee resettlement, or 4) urge the United States Congress to take action limiting the resettlement of Syrian refugees or the resettlement of all refugees** (see Appendix B for a table illustrating these policies). Additionally, members of Congress have introduced a variety of bills at the federal level that seek to curtail resettlement through measures such as increasing the standards governing security checks of refugees, reducing resettlement from Syria and other countries in the Middle East, or reducing overall levels of resettlement. **These lawsuits and legislative attempts by state and federal lawmakers demonstrate that the current administration's restrictive approach to refugee resettlement is a continuation of a trend.** Nearly all aspects of the two executive orders have been proposed before: stopping resettlement from Middle Eastern countries, implementing more rigorous security screening, reducing overall resettlement, and increasing states' authority to accept or deny refugees. Moreover, these attempts at restricting the program come amidst a declining US commitment to resettlement since the 1980s. **These two factors combined threaten to undermine the US commitment to protecting refugees, thereby worsening current and future refugee crises.**

Extend: Circumvention

Vetting causes delay and means we don't reach the ceiling – kills solvency

Solis & Limón 18 [Dianne Solis & Elvia Limón, 2-7-2018, "Donald Trump's refugee policies are dramatically slowing arrivals in the U.S.," Dallas News, <https://www.dallasnews.com/news/immigration/2018/02/07/trumps-refugee-policies-dramatically-slowing-arrivals-us>]

The U.S. is on pace to take in about 20,000 refugees this year — less than half the number President Donald Trump has authorized — at a time when the U.N. says the world's refugee crisis is the worst it has been since World War II. Trump said he'd allow 45,000 refugees into the country in the current fiscal year, about half the 85,000 settled in the final fiscal year of Barack Obama's administration. But with only 6,700 refugees arriving in the first four months of the fiscal year through Jan. 31, it appears the year will close with the total number far below the cap. The International Rescue Committee, one of the nation's nine resettlement agencies with State Department contracts, is among human rights groups and experts critical of the Trump administration's call for temporary refugee suspension and "extreme vetting" of people from certain countries. "These are the most vulnerable of the most vulnerable," said Daley Ryan, deputy director of the Dallas IRC office. "The IRC is in strong favor of vetting." But the increased scrutiny and delays for suffering refugees makes for a drawn-out process that is "just cruel," he said. A spokeswoman for the State Department, which handles some refugee resettlement, defended the increased scrutiny. "Additional vetting procedures are enabling departments and agencies to more thoroughly review applicants to identify threats to public safety and national security," Cheryl Harris said. "Processing time may be slower as we implement additional security vetting procedures." Harris said each refugee's case is different, and processing is affected by security checks and the "operational capacity" of the Department of Homeland Security and its agency, Citizenship and Immigration Services. As for the plunge in refugee arrivals, Harris said, "It is too early to determine what final FY 2018 refugee admissions will be." Trump targeted the United States' refugee policies while running for president in 2016, saying the U.S. didn't know if "these people have love or hate in their hearts." Within a week of taking office in January 2017, Trump issued a multipart executive order that suspended refugee resettlement for 120 days, halted the resettlement of Syrians indefinitely, and slashed admissions to 50,000 from Obama's 110,000 ceiling for the previous fiscal year.

Administrative slowdown prevent solvency.

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>)

Since October, refugee arrivals by region have fallen well short of the administration's quota. Only one region was already close to its cap by the end of March: Europe, capped at 2,000, led by refugees from Ukraine, Russia, and Moldova, mostly white Christian countries. Choking the overall pipeline of refugees means fewer federal dollars for the nonprofit agencies that are tasked with resettling them, which could make it harder to ramp up in the future under a more supportive administration. Local refugee agencies have cut staff and closed offices, nearly half of all resettlement agencies in Florida have shut down due to the drop in caseloads. Before the 2016 election, 351 agencies worked on resettlements. A year later, around 100 had closed, says Jeffrey Thielman, chief executive of the International Institute of New England, which places refugees in Boston, Lowell, and Manchester, N.H. and is working with the Jalhousms. Under Trump, the nativist wing of the Republican Party that wants both to slash legal immigration and expel undocumented residents has become ascendant. But the vexed politics in Congress on immigration reform has so far thwarted major changes. Refugees make an easier target since the president has discretion to set quotas and priorities for who comes to the US. Shutting down the entire refugee program would require Congress to act, and there's no sign of that happening, say refugee agencies. Instead, the administration is trying to gum up the process, a death by a thousand papercuts that is both constitutional and highly effective. "They're dragging their feet. They're deliberately slowing things down," says Mr. Thielman.

Extend: Backlash

States won't improve their resettlement efforts – takes out solvency.

Acer, 17 - director of Human Rights First's Refugee Protection program (Eleanor, "U.S. Leadership Forsaken Six Months of the Trump Refugee Bans" July, Human Rights First, <https://www.humanrightsfirst.org/sites/default/files/HRF-US-Leadership-Forsaken-FINAL.pdf>

In fiscal year 2016, the United States brought 84,994 refugees to safety through resettlement. Given the escalating global refugee crisis, President Obama announced an increase in the U.S. resettlement goal for fiscal year 2017 to 110,000. However, in the wake of President Trump's executive orders and their cut in resettlement: n Only 18,209 refugees have been resettled to the United States in the six months following the January 27 executive order. This number is miniscule when compared to the very large numbers hosted by front-line states, such as Turkey (three million Syrian refugees), Lebanon (over one million Syrian refugees), Jordan (over 660,000 Syrian refugees), Pakistan (1.35 million refugees), Uganda (over one million refugees), and Kenya (about 450,000 refugees). n In these six months, the number of refugees resettled to the United States has fallen by over 52 percent when compared to the same period last year, and will fall by about 41 percent for the full 2017 fiscal year if the administration does not admit significantly more than 50,000 refugees.⁵ n The Trump Administration's 50,000 refugee resettlement limit, which it hit on July 12, represents a historic low for a program that was established 37 years ago in 1980. This limit also constitutes a 55 percent cut from the 110,000 level of resettlement set by President Obama at the beginning of the 2017 fiscal year. n In 2016, the United States ranked fourth in per capita global resettlement behind Canada, Norway and Australia. Even at such levels, a 2016 analysis concluded that the United States had agreed to resettle only seven percent of its fair share of Syrian refugees since 2013.⁶ But by slashing resettlement down to 50,000, the U.S. ranking would decline down to tenth place in per capita global resettlement, falling behind New Zealand, Sweden, Iceland, Finland and Monaco.⁷ n The U.S. resettlement program has essentially ground to a halt. U.S. Citizenship and Immigration Services (USCIS) resettlement interviewing officers returned to the United States in the wake of the January 27 order, and the referral of new resettlement cases to the United States for its consideration has largely stopped.⁸ In addition, U.S. resettlement processing centers overseas have terminated many positions in the wake of the order. Church World Service, for example, which conducts processing in Africa, had to cut 530 overseas jobs. n Resettlement cases that are in the process of being considered for U.S. resettlement will be delayed for years, and in some cases are essentially frozen. As these cases wait, their security checks and other processing steps will expire, requiring parts of the process to be repeated, wasting substantial government resources and leaving refugees stranded even longer. For example, resettlement experts in Africa have reported that as a result of the cuts and resulting delays in U.S. resettlement processing, it will likely as long as five years or more, to process refugee cases for resettlement.⁹