## Contention 1 – Arctic Drilling

#### Oil corporations are thirstier than ever in their pursuit for oil, they are trying to expanding their fields to increase their profits– Sarah Kent explains in 2018:

Sarah Kent, 5-6-2018, "Oil Companies Look to Profit at the Pump," WSJ, https://www.wsj.com/articles/oil-companies-look-to-profit-at-the-pump-1526472000, Date Accessed 8-27-2018 // WS

Main oil corporations are doubling down on gasoline stations, refineries and processing vegetation, betting on a once-unloved a part of the power enterprise to shore up earnings and broaden their buyer bases. BP PLC plans to open 1000’s of gasoline stations in new markets equivalent to Mexico and India over the following three years. Exxon Mobil Corp. is investing closely to broaden its petrochemical operations, which make merchandise like plastics and the fundamental substances for all kinds of family items. In November, Royal Dutch Shell PLC began work on a large petrochemical complicated in Pennsylvania—its first large new plant within the U.S. because the 1960s. Corporations are anticipated so as to add 7.7 million barrels a day of recent refining capability by 2023, in line with the Worldwide Vitality Company. In petrochemicals, it estimates funding within the U.S. alone over the following 5 years will add 13 million tons a yr of recent capability to provide ethylene, the primary element of plastic. American refining, specifically, is booming. Surging shale manufacturing has supplied plentiful, low cost oil near the nation’s petrochemical heartland across the Gulf Coast. Gas demand is anticipated to rise. All these dynamics helped drive Marathon Petroleum Corp.’s settlement to purchase rival Andeavor final month for $23 billion, a deal that might create the nation’s largest refiner. As smaller refiners consolidate, the world’s main oil corporations are promising that funding of their so-called downstream companies—and restructuring efforts they’re concurrently pursuing to enhance effectivity—will add billions of to earnings. The give attention to downstream grew amid a interval of decrease oil costs and issues over long-term oil demand. Cheaper crude—the first feedstock for refining—boosted margins and earnings. Oil corporations’ “upstream,” or oil exploration and improvement, in the meantime, was affected by decrease costs. “Upstream sooner or later was not earning profits,” mentioned Tufan Erginbilgic, head of BP’s refining and retail arm. That gave his unit a recent crucial to “actually considerably contribute to group efficiency, as a result of we have now to.” At the moment, greater crude costs pose a danger that margins from refining gained’t be as robust as they’ve lately. And all the brand new funding in capability may find yourself swamping the market, analysts warned. “It stays to be seen the best way demand goes to form up,” mentioned Jonathan Leitch, analysis director at Edinburgh-based consultancy Wooden Mackenzie. Huge corporations say the downstream funding is price it—irrespective of the place crude costs head. Executives say that integrating the oil they produce with refining and retail companies can maximize earnings, and assist regular funds amid the sometimes-wild swings in crude. Investor strain additionally has mounted on the most important oil corporations to begin positioning for an age when fossil fuels might not energy the world’s fleet of passenger automobiles. Executives are betting their large petrochemical vegetation can supply diversification. In keeping with the IEA, petrochemical manufacturing is anticipated to be the most important driver of oil demand progress within the coming many years. Fuel stations, too, are promising new progress. They provide entry to rising markets, the place demand for gas is anticipated to be particularly strong. A geographically extensive community of branded, shops additionally may create new alternatives the place the business now sees threats—equivalent to electrical charging stations. Final yr, Shell purchased one in every of Europe’s greatest electric-vehicle charging corporations, New Movement. It has teamed up with a bunch of automobile producers to put in greater than 500 fast-charging factors at present Shell stations, throughout 10 international locations in Europe over the following two years. The rise of electrical automobiles is “a actuality, and a chance,” Shell’s downstream director, John Abbott, advised analysts in March. “We’re adjusting our supply to satisfy this new demand.” BP began its push earlier than oil costs collapsed in 2014. The corporate was in search of stability after promoting off billions of in belongings to pay for cleanup charges and authorized prices related to its catastrophic blowout within the Gulf of Mexico in 2010. It offered off a few of its refining companies however resisted investor strain to eliminate its downstream unit altogether. That was regardless of it being an business laggard. Mr. Erginbilgic, the downstream boss, eradicated a layer of administration and ordered up focused enchancment plans at every plant. “At the moment, we had been the worst within the business. Actually the worst,” he mentioned. BP says now it’s on monitor to extend earnings from Mr. Erginbilgic’s division by $three billion between 2017 and 2021, doubling the advance made within the two years from 2014. Over the following three years, BP sees the most important alternative to spice up earnings in gasoline stations. It’s doubling down on partnerships with comfort shops, which has boosted profitability at gasoline stations in mature markets, and is pushing exhausting into new international locations the place demand is anticipated to develop. BP says it’s on monitor to open 500 retail websites in Mexico by the tip of the yr, up from zero at the beginning of 2017. Elsewhere, it’s trying to construct gasoline stations in India, China and Indonesia.

#### Given this profit driven desire, the Arctic becomes a valuable area as Hobson explains in 2013:

Margaret Kriz Hobson, 7/18/13, E&E reporter, “Is Arctic oil exploration dead in the U.S.?”, <http://www.eenews.net/stories/1059984582>, Date Accessed 9-6-2018 // AS

The report estimated that the territory north of the Arctic Circle holds 90 billion barrels of oil and 1,669 trillion cubic feet of natural gas, with a staggering 84 percent of those hydrocarbons located offshore. The vast majority of the oil and gas is located in the West Siberian Basin, Alaska's Arctic and the East Barents Basin. The Bureau of Ocean Energy Management has estimated that Alaska's offshore region contains 23 billion barrels of oil. At the time the USGS assessment was released, the Interior Department had already held several lease sales in the American Arctic, including a record-breaking 2008 sale in the Chukchi Sea that brought in $2.7 billion.

#### **Sorokin indicates that accession grants companies the legal certainty needed to drill. They argue in 2015 that:**

Iosif Sorokin, 3-30-2015, "The UN Convention on the Law of the Sea: Why the U.S. Hasn’t Ratified It and Where It Stands Today," No Publication, http://berkeleytravaux.com/un-convention-law-sea-u-s-hasnt-ratified-stands-today/, Date Accessed 7-10-2018 // WS

UNCLOS is also vital to expanding [conservation efforts](http://www.maritime-executive.com/article/governments-to-expand-unclos-for-conservation) in the oceans and allowing nations with Arctic coastlines to make [legal claims](http://www.military.com/daily-news/2015/03/17/papp-says-us-must-better-prepare-for-melting-arctic.html) to the oil and gas reserves that lie beneath the Arctic waters. Denmark, Norway, Canada, and Russia have already used UNCLOS to make legal claims to the [Arctic Ocean and seabed](http://www.newsweek.com/putins-arctic-ambitions-send-chill-through-neighbors-315089). By abstaining from the treaty, the U.S. lacks official standing in these important initiatives, which are being taken advantage of by other nations.

#### That is vital to investment as Fabio Coelho indicates in 2015 that:

Fábio Ulhoa Coelho, Spring 2015, “Legal certainty and Commercial Law: a comparative perspective”, IALS Student Law Review, Volume 2, Issue 2, pp. 3-7, <http://journals.sas.ac.uk/lawreview/article/download/2173/2102>, Date Accessed 9-20-18 // JM

Global entrepreneurs interested in expanding their businesses do not make only economic calculations. They make legal calculations, as well, based on the laws in force in each jurisdiction. They pay attention to the manner in which the law has been applied by the courts. The legal certainty degree frames the kind of global investment to be attracted. Countries with a high legal uncertainty degree tend to hold back more conservative entrepreneurs and attract the boldest ones. We know a basic equation of investments, adopted millenniums ago: the higher the risk, the higher the return must be. This is a derivation of the law of supply and demand. The number of persons interested in investing in less risky businesses is higher than that of persons interested in investing in more uncertain businesses. In the first case (lower-risk businesses), many investors dispute few alternatives, and the return will be necessarily tiny. In the second case (higher-risk businesses), fewer investors dispute the alternatives, assuring a perspective of a higher return. In countries with a lower legal certainty degree, the risk is higher. As a consequence, bold investors, which seek significant gains, feel more attracted to invest in these jurisdictions. Any entrepreneur wishing to invest in a low legal certainty degree jurisdiction will be required to behave as bold investors, however conservative such entrepreneur’s profile may be in other jurisdictions. The entrepreneur will not be satisfied with tiny returns and will seek more substantial gains for its investment. The consequence will be higher prices for low-quality products or services. After all, all capitalists, even those with a conservative profile, when they invest in countries with a low legal certainty degree, are forced to adopt the logics of the “search for higher returns”. Moreover, because legal uncertainty increases the risk of the investment, there will be fewer agents interested in investing. In other words, there will be less competition. The country with a low legal certainty degree tends to have a uncompetitive economy. And, in uncompetitive economies, prices tend to be higher. The “search for higher returns” and the low competitiveness jeopardize the consumers of the country with a low legal certainty. Entrepreneurs defend themselves, either by transferring their investments to other countries or adjusting themselves to the economic environment of low predictability of judicial decisions. Consumers have no defence. In a globalised economy, entrepreneurs have the whole world to make investments. Countries compete for investments. Legal certainty is one of the most important tools in [driving] this competition. Therefore, countries interested in improving their position in the global economy must be concerned with strategies to increase their legal certainty. These strategies will be even more efficient if they are consistent with the correct diagnosis of the legal certainty matter. This diagnosis requires the previous definition of its most important aspect. Ideology is this most important aspect. When we discuss legal certainty, “ideology matters”.

#### And investment determines profitability. Daniel Spiro indicates in 2017 that as:

Justin Leroux & Daniel Spiro, August 2017, “Leading the Unwilling: Unilateral Strategies to Prevent Arctic Oil Exploration”, CESifo Working Paper No. 6629, , https://www.cesifo-group.de/DocDL/cesifo1\_wp6629.pdf, Date Accessed 8-28-2018 // JM

Extraction of oil in the Arctic requires tailored technologies due to the harsh weather and sea conditions (Wilson Center, 2014). These technologies do not exist today and developing them sufficiently to ensure that extraction costs are lower than the oil price requires large investments (Moe and Vigeland, 2015; Lindholdt and Glomsrud, 2011; Harsem et al., 2011). Thus, as for the development of any technology, market size is important in the Arctic. 2 More buyers of Arctic technologies implies that extraction per barrel will be cheaper (e.g., McDonald and Schrattenholzer, 2001) and the oil industry has expressed that bigger volumes of Arctic extraction will make extraction profitable under a lower oil price (see, e.g., Aftenposten, 2015). What makes this interesting from a perspective of unilateral action is the fact that there is a limited number of countries than can extract in the Arctic. Russia, the U.S., Canada, Greenland and Norway each have jurisdiction over a certain area (see Figure 1).3 Hence, if any one of these countries chooses to stay out of the Arctic, it will imply a smaller market for Arctic exploration and drilling technologies, and higher costs of extraction for the remaining four. These higher costs may then imply that another one of the countries prefers to stay out, thus increasing the costs for the remaining three. 4 This way, there is potential for a chain reaction whereby all countries end up staying out. This is particularly true under conditions – which preside today and are expected to remain for the next decade or two – where the oil price is low.5

#### In fact, McDonald quantifies that:

Justin Leroux & Daniel Spiro quoting McDonald and Schrattenholzer, August 2017, “Leading the Unwilling: Unilateral Strategies to Prevent Arctic Oil Exploration”, CESifo Working Paper No. 6629, , https://www.cesifo-group.de/DocDL/cesifo1\_wp6629.pdf, Date Accessed 9-17-2018 // JM

McDonald and Schrattenholzer (2001) estimate the learning spillovers in terms of reducing production costs in the energy sector. For North-Sea oil (the closest equivalent to Arctic off-shore oil) a doubling of the number of rigs lowers the average cost per rig by 25%. That is, for a current cost of production 𝑘0, average production costs will be (𝑠) = 𝑘00.75𝑠 where 𝑠 = ln(𝑚) /ln(2) and m is the number of multiplications of current market size.

#### Unfortunately, Cathleen Kelly explains in 2014 the consequences. She argues that:

Cathleen Kelly, 3-19-2014, "Why a Melting Arctic Could Sink the Global Economy," Center for American Progress, https://www.americanprogress.org/issues/green/reports/2014/03/19/85967/why-a-melting-arctic-could-sink-the-global-economy/, Date Accessed 8-30-2018 // JM

As Arctic sea ice vanishes, companies and countries are scurrying to set in motion plans to exploit natural resources in the region, including through oil and gas development, commercial fishing, and trade via new shipping routes. Of the Arctic’s emerging industrial uses, oil and gas development is the most troubling. The rush to push fossil-fuel production offshore—despite a worrying dearth of oil spill cleanup knowledge, infrastructure, and response capacity in this harsh and remote area—may spell disaster for the region’s sensitive environment and the indigenous communities and others who depend on it for their livelihoods. Widespread fossil-fuel extraction in the Arctic and elsewhere will also exacerbate disruptive climate changes already underway in the region and globally—which have contribut[ing]ed to an increase in destructive storms, flooding, and heat waves—adding fuel to the fire of an already warming planet. Arctic warming is caused by carbon pollution from fossil-fuel-burning power plants, cars, and other sources all over the world. And super pollutants, or short-lived climate forcers—such as black carbon and methane—are driving up Arctic and global temperatures and eroding public health and agricultural productivity. Black carbon from inefficient diesel cars and trucks, shipping, wood-fired stoves, burning agricultural waste, and forest fires is a dangerous air pollutant that coats Arctic snow like a heat-absorbing quilt, accelerating local warming and snow and ice melt. Methane from oil and gas production, agriculture, and landfills is also a major driver of Arctic and global warming.

#### Peter Wadhams quantifies in 2016 that:

Peter Wadhams, 9-26-2016, "The Global Impacts of Rapidly Disappearing Arctic Sea Ice," Yale E360, https://e360.yale.edu/features/as\_arctic\_ocean\_ice\_disappears\_global\_climate\_impacts\_intensify\_wadhams, Date Accessed 8-30-2018 // JM

By my calculations, the terrestrial warming in the Arctic is roughly equivalent to a 25 percent boost in global CO2 emissions. This, combined with the warming caused by the loss of Arctic sea ice, means that the overall ice/snow albedo effect in the Arctic could add[ing] as much as 50 percent to the direct global heating effect of CO2. Scientists can debate the potential magnitude of such increases. But there is no doubt that they will be significant — vividly illustrating how the Arctic can become a driver of, rather than just a responder to, global climate change.

#### That’s extremely problematic because John Moore indicated on Thursday that status quo:

European Geosciences Union citing research from Michael J. Wolovick and John C. Moore, 9-20-2018, "Glacial engineering could limit sea-level rise, if we get our emissions under control," https://www.egu.eu/news/430/glacial-engineering-could-limit-sea-level-rise-if-we-get-our-emissions-under-control/, Date Accessed 9-21-2018 // WS

Doing geoengineering means often considering the unthinkable,” says Moore, a scientist at Beijing Normal University, China, and a professor of climate change at the University of Lapland, Finland. The term ‘geoengineering’ is usually applied to large-scale interventions to combat climate change. But instead of trying to change the entire climate, Wolovick and Moore say we could apply a more targeted approach to limit one of the most drastic consequences of climate change: sea-level rise. Instead of, or in addition to, limiting the effects of rising seas through traditional coastal protection, using glaci[al]er geoengineering to [can] stop [sea-level rise] the flood at the source could be a viable option, as Wolovick and Moore show. “The most important result [of our study] is that a meaningful ice sheet intervention is broadly within the order of magnitude of plausible human achievements,” says Wolovick. A more sophisticated project, going beyond the scale humanity has attempted so far, would have higher chances of success in avoiding a runaway ice-sheet collapse within the next 1000 years (the time the simulations run for), as well as better odds of causing the ice sheet to regain mass. **A small underwater wall blocking about 50% of warm water from reaching the ice shelf base could have 70% chance of succeeding, while larger walls would be even more likely to delay or even stop ice-sheet collapse**. [however] Despite the encouraging results**, the scientists [needs more time] say they don’t advocate starting these ambitious projects any time soon.** While the simplest design would be similar in scale to existing engineering projects, it would be built in one of Earth’s harshest environments. So, the engineering details still need to be worked out. Nonetheless, the team wanted to see whether glacial geoengineering could work in theory, and wanted to get the scientific community to think about, and improve on, the designs. “We all understand that we have an urgent professional obligation to determine how much sea level rise society should expect, and how fast that sea level rise is likely to come. However, we would argue that there is also an obligation to try to come up with ways that society could protect itself against a rapid ice-sheet collapse,” says Wolovick**. Ice physics shows glacial geoengineering could work to hold off ice-sheet collapse**, but both Wolovick and Moore are adamant that reducing greenhouse-gas emissions remains a priority in the fight against climate change. “There are dishonest elements of society that will try to use our research to argue against the necessity of emissions’ reductions. Our research does not in any way support that interpretation,” they say. Engineering glaciers would only limit sea-level rise, while reducing emissions could also limit other harmful consequences of climate change, such as ocean acidification, floods, droughts and heat waves. In addition, the team points out that **[but with] more warming would mean glacial engineering [these] projects** would **become less feasible and would** have **lower chances of success**. After all, their underwater structures might protect the bottom of the ice shelves, but wouldn’t prevent warm air from eating away the ice at the top. “The more carbon we emit, the less likely it becomes that the ice sheets will survive in the long term at anything close to their present volume,” Wolovick concludes.

#### Thus, Josh Gabbatiss contextualizes in 2018 that another refugee crisis would be inevitable:

Josh Gabbatiss, Science Correspondent, 3-19-2018, "Climate change could force more than 140 million people from their homes by 2050," Independent, https://www.independent.co.uk/environment/climate-change-force-140-million-people-from-homes-2050-developing-countries-global-warming-report-a8263741.html, Date Accessed 9-21-2018 // JM

Experts warn of 'looming human crisis' as millions are driven to migrate within national borders due to[this] water scarcity, sea-level rise and storm surges. Analysis of likely outcomes suggests a “looming human crisis” as the inhabitants of at-risk countries move within their national borders to safer areas. These people will be driven by growing problems like water scarcity, crop failure, sea-level rise and storm surges, all of which are linked with the changing climate. The report is the first of its kind to combine socioeconomic data with climate impact analysis to predict likely shifts in populations within countries as a result of climate change. According to the researchers’ analysis, a “worst-case scenario” could see[s] over 143 million people moving within their country's borders by 2050 as the effects of climate change make their homes uninhabitable. As the analysis only explored three developing regions – sub-Saharan Africa, South Asia and Latin America – the worldwide numbers could be far larger. Awareness of “climate refugees” has been growing steadily in recent years, and the scientists behind the new report noted that cross-border migration in particular has been “capturing media attention”. Barack Obama has warned that climate change could creat[ing]e a refugee crisis that is “unprecedented in human history”, and one study predicted global warming could cause asylum applications in Europe to nearly triple. However, [through] internal migration as a result of climate change has received less coverage, despite its potential for severe social and economic disruption. “Internal migration – that is people moving within their borders – is probably three times the level or international migration,” said John Roome, senior director for climate change at the World Bank. World Bank chief executive officer Kristalina Georgieva said the research provides a wake-up call to countries and development institutions. “We have a small window now, before the effects of climate change deepen, to prepare the ground for this new reality,” she said. “Steps cities take to cope with the upward trend of arrivals from rural areas and to improve opportunities for education, training and jobs will pay long-term dividends. “It’s also important to help people make good decisions about whether to stay where they are or move to new locations where they are less vulnerable.” The authors of the report looked at three potential climate change and development paths, ranging from “pessimistic” to “climate friendly”. They noted that certain “hotspots” are likely to experience drastic out and in-migration. As water availability declines in the northern highlands of Ethiopia, for example, people are likely to rapidly evacuate its agricultural regions. Meanwhile, population hubs like Mexico City and Nairobi will see significant influxes of people fleeing regions hit hard by climate change. “Without the right planning and support, people migrating from rural areas into cities could be facing new and even more dangerous risks,” said the report’s team lead Dr Kanta Kumari Rigaud. “We could see increased tensions and conflict as a result of pressure on scarce resources.”

#### This is deadly as Dan Andre concludes in 2017 that:

Dan Andre, 6-6-2017, "Internal Migration and Conflict – D. M. Andre – Medium," Medium, https://medium.com/@Goodsvejk/internal-migration-and-group-conflict-422c1f214dfe, Date Accessed 9-21-2018 // WS

While there has been much discussion surrounding international migration over the past few years, there has been less discussion on a related topic — internal migration. In particular, the relationship between internal migration and group conflict. Internal migration refers to people moving from one region to another, while remaining within their state borders. Group conflict can occur between numerous different types of groups — ethnic, religious, class, but is always underscored by an us against them mentality. Therefore, when internal migration introduces new groups into a region; it has the potential to cause conflict. Conversely, group conflict may cause internal migration as people flee a region to avoid conflict. This correlation between internal migration and group conflict does not imply causation. It does not follow that where there is internal migration, there will be group conflict; nor does group conflict necessarily precede migration. Regardless of which comes first, the relationship between the two makes conflict resolution difficult, because it exacerbates and confuses the underlying issues of a conflict, making it exceedingly difficult to resolve. Unlike immigrants or refugees, internal migrants have not crossed borders, or changed citizenry; they have a right to live in their country. This does not preclude the existence of primordial resentment, though, as ethnic enclaves are often present in multinational countries and ethno nationalist politics may be present.[[1]](https://medium.com/%40Goodsvejk/internal-migration-and-group-conflict-422c1f214dfe#_ftn1) Where strong local identities prevail, internal migrants can be akin to foreigners in their own country, as is the case of the Madhesis in Nepal who, while admitting that some internal migration occurred, “take offence to being called outsiders and see themselves as people who have always lived in the region.”[[2]](https://medium.com/%40Goodsvejk/internal-migration-and-group-conflict-422c1f214dfe#_ftn2) However, since internal migration is usually the result of economic issues, war, or natural disaster, the migrants are motivated by what they feel is an existential threat. Although sometimes, internal migration can be the product of a government agenda, as was the case in Indonesia in twentieth century when populations were moved from the main islands of Java and Bali to the outer islands under the presumption of development.[[3]](https://medium.com/%40Goodsvejk/internal-migration-and-group-conflict-422c1f214dfe#_ftn3)Increasing the difficulty of integration is the likelihood that many internal migrants often keep ties with their original communities, meaning that they may not fully integrate within the community, even if welcomed. In addition to the primordial implications of internal migration, there are constructivist challenges as well. When groups feel they are not being properly cared for or represented by the state’s institutions it may result in conflict. Writing about the Karen in western Thailand, Mikael Gravers details the impact that internal migration had on the moral, social, and culture fabric of a culture. After internal migration intermingled the Thai and Karen, the Thai culture dominated. After a number of years, “schools came to the area, and a new Thai-speaking generation [of Karen] with a modernist view of the world came to see the flaws in their ancestors’ worldview and in their intimate cultural core, which many Thai consider primitive.” In this case, the institutions of the state did not properly represent the Karen culture after internal migration brought them into schools with the dominant Thai culture. In addition to under representing cultures, the limited resources within a state can also lead to group conflict, the study of which was presented by Marie Besancon. If internal migration causes stress on the local institutions, or challenges their methods, it may lead to conflict. Lastly, Unrestricted migration, has the potential to turn ethnic populations into minorities in their own land, this phenomenon often results in inter-communal violence. This is illustrated by the insurgency in the Tripura state of Northeast India that started as a reaction to the unrestricted migration of Hindu Bengali population from East Bengal to the state of Tripura. While the reasons for internal migration vary, it seems apparent that the introduction of new people into a region, when coupled with religious and political differences or limited resources, can cause resentment and conflict. Since internal migration causes and is caused by group conflict, it has significant implication for the resolution of the conflict. Uyghurs in the Xinjiang province provide a good study for how the relationship between internal migration and group conflict impedes conflict resolution. The migration of Han Chinese into the autonomous province, which the Uyghurs see as an existential threat, has only exacerbated the conflict between Uyghurs and the government in Beijing.[[7]](https://medium.com/%40Goodsvejk/internal-migration-and-group-conflict-422c1f214dfe#_ftn7) However, not everyone believes that primordial feelings represent an impediment to conflict resolution. As Donald L. Horowitz writes, “The persistence of group identity, no matter how deeply felt, is not synonymous with antipathy, even well established antipathy, toward particular out groups.”[[8]](https://medium.com/%40Goodsvejk/internal-migration-and-group-conflict-422c1f214dfe#_ftn8) Using examples of European and Chinese immigration, Horowitz shows that conflicts fade over time through mechanisms of social and political integration, which suggests that the primordial challenge to internal migration appears to be temporal. This points to the idea that internal migration does not prevent group conflict resolution. Another result of internal migration that certainly has a negative effect on the prevention or resolution of conflict, is when the internal migration leads to segregation. In Myanmar, after violence caused internal migration, the Rakhine Buddhist and Rohingya communities were essentially segregated, even including separate displacement camps.[[9]](https://medium.com/%40Goodsvejk/internal-migration-and-group-conflict-422c1f214dfe#_ftn9)This separation limits interaction, thereby decreasing the likelihood that either side will enter into agreements to end the conflict. In this case, separation prevents the fading of group resentments because the group’s position hardens through physical separation. The correlation between internal migration and group conflict has a negative impact on conflict prevention and resolution. With new groups, comes new social, cultural, and political dynamics that challenge people’s idea of the state and stresses institutions and resources, which can lead to conflict. When conflict does arise, often times a group’s attitude hardens as they feel an existential threat to their culture. In other cases, groups maintain ties to other regions within the state, which causes mixed loyalties or external pressures, only serving to confuse the underlying issues that caused the conflict. Therefore, internal migration — sometimes a result of group conflict, other time the cause of group conflict — presents a significant impediment to conflict prevention or resolution. This suggests that international migration — despite its difficulties — may provide more sustainable solutions than internal migration. And if the desired end state is conflict prevention versus mere conflict containment this needs to be given serious consideration.

#### Luckily, Gabbatiss concludes:

Josh Gabbatiss, Science Correspondent, 3-19-2018, "Climate change could force more than 140 million people from their homes by 2050," Independent, https://www.independent.co.uk/environment/climate-change-force-140-million-people-from-homes-2050-developing-countries-global-warming-report-a8263741.html, Date Accessed 9-21-2018 // JM

 However, the team behind the research also said the situation is far from hopeless, and there is much that can be done to curtail climate migration and the problems associated with it. “This is the worst case scenario – although there will be some climate migration under any scenario, this does not have to be a crisis,” said Mr Roome “If we can take action now that is significant with respect to both climate change and development planning, this number of 140 million people could be reduced by as much as 80 per cent.” Key actions recommended by the report include cutting greenhouse gas emissions, transforming development planning to account for the reality of climate migration and investing in more analysis to understand migration trends on individual country levels. The report comes ahead of the Global Compact on Migration, which is currently being negotiated in the United Nations (UN) and has the potential to provide protection for climate refugees under international law.

## Contention 2: Immigration Policies

#### Deidre Shesgreen indicated this past week that:

Deirdre Shesgreen, 9-17-2018, "US sets lowest cap ever on admissions of refugees fleeing war, violence and persecution," USA TODAY, https://www.usatoday.com/story/news/world/2018/09/17/state-department-caps-refugee-admissions-lowest-point-ever-30-000/1339114002/, Date Accessed 9-27-2018 // JM

The Trump administration will dramatically restrict the number of refugees allowed to resettle in the United States next year – permitting no more than 30,000 people fleeing war, violence and persecution across the globe to make a new home in America. That's down from the 45,000 refugee cap set last year, which was already the lowest since Congress passed the Refugee Act in 1980. And data from the State Department indicates the administration won't even reach that 45,000. With only two weeks remaining in the 2018 fiscal year, the administration has admitted 20,918 refugees. In making the announcement, Secretary of State Mike Pompeo said the U.S. would also "process" 280,000 asylum seekers attempting to enter the U.S. He did not say the U.S. would accept that many asylum seekers but said the idea they would at least get a shot to claim asylum showed the administration's "commitment to vulnerable people around the world." "These expansive figures continue the United States' longstanding record as the most generous nation in the world when it comes to protection-based immigration and assistance," Pompeo said. The drop immediately drew a rebuke from human rights organizations, who have pleaded with the administration to maintain America's standing as a beacon of hope for oppressed people around the world, especially as European countries are swamped by one of the biggest migrations of displaced people in recorded history. Amnesty International called it "an all-out attack" against refugees around the world. The International Rescue Committee said the administration was "reneging on commitments to allies and vulnerable populations." And Human Rights First called it a "shameful abdication of our humanity." "Our nation was founded on the backs of refugees, and our country has been enriched by these brave individuals who come here to rebuild their lives in safety," said Jennifer Quigley of Human Rights First. "By setting the lowest refugee cap in history, we have turned our backs not only on those in dire circumstances abroad, but on our own American ideals." Democrats in Congress also assailed the announcement, hinting of possible push-back from lawmakers. “Quite simply, this decision will lead to innocent people dying," said Rep. Eliot Engel, the top Democrat on the House Foreign Affairs Committee. He cited Syria's devastating civil war as an example, saying the U.S. is denying "Syrian refugees a safe haven and doing nothing to support other countries to which Syrians are fleeing." Before Trump took office, the U.S. led the world in accepting refugees for decades, resettling more than 3 million people since 1980, according [to the Pew Research Center](http://www.pewresearch.org/fact-tank/2018/07/05/for-the-first-time-u-s-resettles-fewer-refugees-than-the-rest-of-the-world/). Pompeo argued the new refugee ceiling was not an abandonment of that role. “Some will characterize the refugee ceiling as the sole barometer of America’s commitment to vulnerable people around the world. This would be wrong,” Trump’s chief diplomat told reporters at the State Department. “This year’s proposed refugee ceiling must be considered in the context of the many other forms of protection and assistance offered by the United States.” Pompeo said the U.S. provided more than $8 billion in humanitarian assistance worldwide in fiscal year 2017 – “more than any other country.” Pompeo also cast the lower refugee cap as a national security issue. He said the U.S. asylum system is already overwhelmed, with more than 800,000 pending cases that need to be adjudicated. “In consideration of both U.S. national security interests and the urgent need to restore integrity to our overwhelmed asylum system, the United States will focus on addressing the humanitarian protection cases of those already in the country,” Pompeo said. Refugees and asylum seekers must show they have been persecuted in their home country or have a well-founded fear of persecution there on account of their race, religion, nationality, membership in a particular social group, or political opinion. Refugees make their claims from abroad, while asylum seekers make their claims once they've reached the U.S. President Donald Trump made a crackdown against illegal immigration a central theme of his presidential campaign. But Monday's reduction of refugee admissions represents his latest step to curb legal immigration. One of his first moves as president was to institute a controversial travel ban that included a temporary halt to the refugee program. And then the administration started lowering the annual cap. In President Barack Obama's final year in office, the annual cap on refugees was 110,000; Trump first scaled that down to 45,000 for 2018 and now further to 30,000 for next year. In June, Attorney General Jeff Sessions [unveiled strict new limitations](https://www.usatoday.com/story/news/politics/2018/06/11/ag-sessions-unveils-strict-asylum-policy-limits-domestic-violence/691978002/) on asylum applicants, asserting that victims of domestic abuse and gang violence would no longer qualify for such protection. The following month, Sessions [released another set of guidelines](https://www.usatoday.com/story/news/politics/2018/07/12/trump-administration-announces-tougher-asylum-rules-immigrants/780634002/) that allows immigration officials to use an asylum applicants' illegal entry into the United States as a strike against their asylum application. U.S. law and United Nations agreements specifically state that illegal entry should not count against them, since they are fleeing persecution and deserve a chance to have their cases heard.

#### This gets worse with US accession for two reasons. First, codification ensures the strongest legal basis. Leo Galang writes in 2016 that:

Leo Arman P. Galang, 2016, “The Outlaw of the Sea: Balancing Navigational Freedom and Maritime Interdiction Practices in the Context of Transnational Irregular Movement of People by Sea”, Ateneo Law Journal, <http://ateneolawjournal.com/Media/uploads/5f356d1e9d22132d3a3ddfd2ce306124.pdf>, Date Accessed 9-25-2018 // JM

Armed with the obligation to prevent and punish transnational crimes particularly human trafficking and migrant smuggling, States justify their enforcement jurisdiction in the high seas on the basis of their crime prevention obligations under international law. The law of the sea is the definitive normative legal framework to examine and evaluate the validity of the actions of States across adjacent maritime areas. In order to assess these claims, this Note examined the extent of the rights given and the duties imposed on States in different maritime zones. This Note also makes the following findings: (1) First, interdiction practices enjoy the strongest legal basis in the territorial sea and within the internal waters of the interdicting State. Since the jurisdiction in this area is plenary, States are empowered to define appropriate measures against the vessel carrying illegal migrants. The regime in the territorial sea is only subject to one limitation — innocent passage. As discussed, passage for the purposes unloading of persons without the proper legal documents to enter another country is not considered as innocent passage. Thus, States like Australia, U.S., Italy, and Spain can rightfully intercept vessels in their territorial waters and subject such into the force of their internal laws. (2) Second, States are not legally required to wait for vessels to enter into their territorial sea to enforce their immigration laws, subject only to the right of control over the contiguous zone. The contiguous zone is a buffer zone for States to prevent or punish the infringement of a State’s immigration laws. Though this view is not without opposing views, the generic but ambiguous language of the UNCLOS affords the State a certain degree of discretion in deciding the proper course of action with respect to a violation of their immigration laws. Hence, the U.S., Australia, Italy, and Spain may rely on this provision for the legality of their actions. In all of the above-mentioned permissible instances available for States, the course of action is only limited by the reasonable use of force to deter criminal activities in its territorial sea and contiguous zone. Hence, the use of force by States must pass the test of necessity and proportionality under international law.717

#### Second, codification allows expansion of enforcement procedures. Nora Markard indicates in 2016 that:

Nora Markard, 2016, “The Right to Leave by Sea: Legal Limits on EU Migration Control by Third Countries”, EJIL 27 (2016), 591–616, google, Date Accessed 9-25-2018 // JM

As mentioned above, a coastal state may interfere with the departure of foreign ships if their passage is not ‘innocent’ within Article 17 of UNCLOS. According to Article 19(2)(g) of UNCLOS, this includes the loading or unloading of persons contrary to the immigration laws and regulations of the coastal state. However, undocumented departure does not violate the coastal state’s immigration laws. The same is true for the coastal state’s enforcement powers in its contiguous zone ‘to prevent [and punish] infringements of its … immigration … laws and regulations’.137 Other prejudicial activities without ‘a direct bearing’ on the passage are covered by Article 19(2)(l) of UNCLOS. First, though, shipping out undocumented migrants does have a ‘direct bearing’ on the passage and, second, this catch-all clause is meant for very atypical cases and is not supposed to cancel out the limitations on the rights of the coastal state introduced by UNCLOS.13 According to Article 27(1) of UNCLOS, the coastal state can exercise criminal jurisdiction over merchant ships if the consequences of the crime extend to it or if the crime is ‘of a kind to disturb the peace of the country or the good order of the territorial sea’. Unlike drug trafficking, human smuggling or trafficking are not explicitly listed, which militates against subsuming them under the general category of disturbing crimes.139 However, if undocumented departure is criminalized in the coastal state, the consequences requirement will be fulfilled. However, even commercially operated refugee vessels will not usually be registered as ‘merchant ships’,140 except where scrap cargo ships are used.141. Under the Law of the Sea, the location of the vessel is crucial in determining the rights and duties of coastal States, the flag States, and the subject vessel. Many of the interdiction or “push back” practices are carried out in the E.E.Z. or in the high seas.441 Some occur in the straits used for international navigation such as the Strait of Gibraltar.442 In its territorial sea, the jurisdiction of the coastal State is plenary.443 This plenary jurisdiction, as a logical consequence of sovereignty over the territorial sea, allows coastal States to enact laws to intercept and arrest vessels and forcibly return them, and to enforce these laws in their territorial waters.444 The U.S., Australia, and E.U. Member States may use this plenary jurisdiction to justify its actions. Since freedom of the seas does not apply to the territorial sea,445 foreign-flagged vessels are only assured of their nonsuspendable right to innocent passage through the territorial sea.446 Any conduct that is prejudicial to the peace, good order, or security of the coastal State is deemed not innocent.447 The UNCLOS has also specified that the unloading of persons in violation of the State’s immigration law is considered non-innocent. 448 Thus, the American, Australian, and European policies authorizing their officials “to take necessary actions” enjoy strong legal support when they are enforced in their corresponding territorial waters.

#### The impact is millions of lives. David Hollenback explains in 2016 that:

David Hollenback, “Borders and Duties to the Displaced: Ethical Perspectives on the Refugee Protection System”, Journal on Migration and Human Security by the Center for Migration Studies of New York, 2016, [http://cmsny.org/wp-content/uploads/2018/06/JMHSspecialcoll-Global-Refugee-Protection.pdf,](http://cmsny.org/wp-content/uploads/2018/06/JMHSspecialcoll-Global-Refugee-Protection.pdf%2C) Date Accessed 9-27-2018 // JM

B. Positive Duties Regrettably, we have learned from history and from insight into human moral weakness that threats to human rights will continue to occur. This raises the question of what positive obligations we have to come to the assistance of the displaced when crises in fact occur. To address this issue we can draw on a mode of moral analysis originally developed in the 1970s in the context of debate about who had duties to help eliminate the apartheid regime that separated South African people by race and ethnicity. In that debate, some maintained that only those who had created the apartheid system had a duty to work to overcome it. But a very different ethical approach was proposed by several scholars at Yale University who argued that under certain circumstances persons, communities, institutions, and states can have positive duties to help remedy harms they did not themselves cause. They called their approach the Kew Gardens Principle, for it arose from their reflection on a tragic case that occurred in the Kew Gardens section of New York City in 1964 (Simon, Powers, and Gunnemann 1972). According to press reports, a young woman named Kitty Genovese was viciously assaulted, stabbed, and died a slow death while 38 nearby people watched and did nothing, failing even to call the police. It has since been learned that the initial reports of what happened were not fully accurate (Lemann 2014). But the public outrage stimulated by the press reports points to the fact that most people have a conviction that there can be positive moral duties to aid others in emergency situations. It is not enough to avoid causing harm. In some situations omission can become as morally objectionable as commission. Drawing on this conviction, the Kew Gardens principle argues that an agent has a positive responsibility to help when four conditions are present: (1) there is a critical need; (2) the agent has proximity to the need; (3) the agent has the capability to assist; (4) the agent is likely the last resort from whom help can be expected (Simon, Powers, and Gunnemann 1972, 23-25). Subsequent reflection has added a fifth condition: (5) the action can be taken without disproportionate harm to the one providing assistance. These criteria, of course, cannot be applied mechanically. But they can help us think about the scope of positive responsibilities in the face of the crisis-level suffering that is displacing so many people today. For example, there can be little doubt that large numbers of people are in grave need of protection in Syria and South Sudan today and that this need is driving many from their homes. Those inside the borders of these crisis-torn countries are vulnerable to harms that could lead to their deaths or to violations of other basic rights, and they are in flight because of this vulnerability. The duty to respond to such need falls first upon those whose proximity to the crisis makes them more likely to have knowledge of the need and better understanding of how to respond to it. This means, of course, that the government of the nation where the crisis occurs and local communities within that nation bear the prime responsibility. In South Sudan and Syria, therefore, both the governments and the opposition forces in each country have the negative duty to stop the atrocities that are causing crisis and the positive duty to help lift the burdens of suffering. Duty to take positive action, however, does not end at the national borders of the countries where crisis is present. When people become aware of crisis in a neighboring country or even in a country at a great distance, this awareness leads to what might be called intellectual or psychological proximity. It puts them in moral proximity to those who are suffering. There has been helpful though imperfect response to the duties arising from proximity by the countries neighboring South Sudan. The regional organization of Sudan’s neighboring countries — Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda, and Eritrea — is called the Intergovernmental Authority on Development (IGAD). IGAD has played a diplomatic role in seeking to mediate the conflict within South Sudan that began in 2013, as they did in helping secure the Comprehensive Peace Agreement that ended the earlier conflict between northern and southern Sudan that ultimately led to the independence of South Sudan in 2011. Regrettably, economic and political self-interest has sometimes distorted the mediation efforts of several countries that are part of IGAD, particularly Uganda and Ethiopia. This has in turn led several countries from outside the region to become involved in an effort known as IGAD Plus, which includes the African Union (AU), United Nations, China, United States, United Kingdom, Norway, and the European Union. A sense of moral responsibility arose in these more distant countries because of their proximity through awareness. These combined regional and global mediation efforts have certainly not been perfect. Nevertheless, a fragile peace process is underway (ICG 2015). Both nearby and distant neighbors can have the knowledge that enables them to make a difference. The criterion of capability also sheds light on positive duties to respond to crises that displace large numbers of people. In considering this issue it has become common to point out that someone who cannot swim does not have a duty to come to the aid of a child who is drowning if providing the aid requires swimming, while a good swimmer can have a duty to respond. Lebanon, Turkey, and Jordan are today already massively overburdened with Syrian refugees. They do not possess the economic and other resources to take in many additional refugees. On the other hand, the resources of the wealthy nations of northern Europe, North America, and the oil-producing Gulf states give them the capability to receive many more refugees and to share the burdens being carried by Syria’s already overtaxed proximate neighbors. The assistance being provided to the countries bordering Syria is woefully inadequate. Capability to assist gives many nations in Europe, North America, and the Gulf a duty both to receive many more Syrian refugees than they have and a responsibility to provide more assistance to Syria’s nearby neighbors (Rummery 2015). The duty to share the burden of assistance to displaced people is proportional to the capability of doing so. Countries with greater economic and political capacities to help have proportionally greater responsibilities to do so. These responsibilities may be carried out by granting asylum and refugee status to more of the displaced, and, perhaps most urgently, by providing economic and other forms of assistance to countries like Turkey, Lebanon, and Jordan who are already carrying a disproportionate burden. The existence of duties such as these is a consequence of the fact that the responsibility to assist displaced people reaches across national borders. The fact that state sovereignty is not a moral or political absolute becomes clear in face of the needs of forcibly displaced persons. In his work on response to the needs of internally displaced people, the Sudanese scholar and diplomat Francis Mading Deng argued that sovereignty is such an important value because it secures each country’s ability to protect its own people by preventing external powers from taking harmful action within its national boundaries, for example by invasion or colonial exploitation. Deng called this sovereignty-as-responsibility (Deng 1996). Sovereignty does not mean a government is free to do whatever it will within its own borders, such as taking actions that create large numbers of internally displaced persons or refugees. If a government fails to protect its own people, either because it is unable or unwilling to do so, the duty to assist those who are threatened by this failure can pass to the other nations. Thus the responsibility to assist and to protect the rights of persons threatened with or experiencing displacement falls first on their own government. But if their government is unable or unwilling to secure their rights, the responsibility to do so can move to other countries and their people (Martin 2010, 28-31). Deng’s thinking contributed in an important way to the development of the doctrine of the Responsibility to Protect (R2P), initially proposed by the International Commission on Intervention and State Sovereignty (ICISS) and subsequently affirmed at the 2005 UN General Assembly World Summit (UNGA 2005, nos. 138-39; ICISS 2001).R2P states that the international community can have positive duties “to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” Protective action should come in the first instance from people’s own government. Only if that government is failing to provide this protection should other countries consider action. When violations of human rights reach the level of atrocity and lead to the displacement such violations often cause, action by other countries through “diplomatic, humanitarian and other peaceful means” can become appropriate and even required. The responsibility to protect has been the focus of heated controversy since it was endorsed by heads of state at the UN General Assembly in 2005. Political realists oppose it because they hold that foreign policy should be determined by the interests of one’s own people, not by a supposed moral responsibility to other countries. Others see it as a form of neoimperialism. Still others say that the situation in Libya today in the aftermath of the NATO intervention there shows R2P doesn’t work, and that the current massive crisis in Syria and surrounding countries shows the R2P cannot work. Despite these critiques, it is important to note that the responsibility to protect has in fact been invoked on a number of occasions since 2005 and that it has led to effective protection of people from grave rights violations. For example, when conflict flared in Kenya following the disputed 2007 elections, nonviolent, diplomatic initiatives were taken by numerous international actors to stop the conflict that took several thousand lives and displaced half a million people. Kofi Annan stated that he saw the crisis in Kenya through “the R2P prism” (Cohen 2008). This led to intense diplomatic initiatives by the United Nations, the African Union, and a number of other governments from Africa and around the world, including the United States (International Coalition for R2P, sec. II). A power sharing agreement was reached and the downward spiral into civil war and perhaps even genocide was stopped. The Kenyan case illustrates that the responsibility to protect can be successfully carried out through nonviolent political and diplomatic means. The R2P doctrine has also been invoked on several occasions in the past decade to justify the use of military force to protect people from atrocities, following the UN General Assembly’s affirmation that if diplomatic initiatives do not succeed, the use of armed force can become legitimate as a last resort under chapter VII of the UN Charter. For example, in 2012 France and the Economic Community of West African States took military action with UN approval in the pursuit of peace in Mali, and in 2013, the UN Security Council supported the use of force by French and African Union troops to stop the atrocities that were occurring in the Central African Republic and the displacement of nearly one million refugees and other forced migrants.6 Though these cases are certainly not resolved, they indicate that the doctrine of the responsibility to protect can lead to action that can help prevent grave crisis from becoming much worse and can lead to some improvement in crisis situations that force many people from their homes. Two other cases, however, Libya and Syria, raise questions about whether R2P has any relevance to current efforts to respond to the refugee crisis. In the Libya case, the United Nations authorized action to protect civilians when fears arose that Libya’s leader, Muammar al-Qaddafi, was about to commit atrocities. Qaddafi referred to his adversaries in Benghazi as “cockroaches,” the very epithet Hutu used for Tutsi during the Rwanda genocide (BBC News 2011). As a result, the UN Security Council, with the notable support of the Organization of the Islamic Conference and the League of Arab States, called for the use of “all necessary measures” to protect civilians.7 NATO intervened with airpower, Qaddafi was killed, and his regime was overthrown. Sadly, Libya has since fallen into political chaos, with armed conflicts among several groups, significant violations of human rights on the basis of religion, the displacement of many, and the unsafe flight of migrants across the Mediterranean (Amnesty International 2015, 5-6). These consequences confirm for some observers the conviction that pursuing humanitarian goals not required by national self-interest is likely to do more harm than good (Kuperman 2015, 66-77). I would argue, however, that the intervention in Libya failed not because it was excessive but because it was incomplete. Following the norms that some specialists in the ethics of war are today calling jus post bellum, justice after conflict, NATO and the United States should have followed up their intervention with action to rebuild and to prevent the chaos that developed (Chollet and Fishman 2015, 154-57). What happened in Libya was an incomplete implementation of R2P, not a simple failure. Had the intervention followed through with the peace building and reconstruction efforts that were clearly required, the situation on the ground in Libya would not have disintegrated in the way that it has, and many fewer people would be in flight from the chaos of that tragic situation. Syria has also been invoked to suggest that R2P is dead. The political complexities and moral ambiguities of the Syrian situation go very deep. But these complexities do not discredit the existence of a duty to protect people facing atrocities when protection is possible. Thomas Weiss has argued that the wisdom of the use of military force to protect people from atrocities is governed by three factors: legality, moral legitimacy, and feasibility (Weiss 2014). In Syria it is clear that the legal prohibitions of war crimes and of other atrocities have been massively violated. The moral legitimacy of efforts to stop a conflict that has displaced over half the Syrian population and killed hundreds of thousands of civilians is also evident. The feasibility of military intervention to alleviate the crisis, however, is unclear. This does not undermine the idea that there is a responsibility to protect people from atrocity and from being driven from home by mayhem when it is possible to do so. The apparent lack of presently feasible ways to overcome the crisis in Syria suggests that intervention is not now called for by R2P. I would argue, however, that the duty to protect the Syrian people does call for continuing political and diplomatic initiatives to find a path toward their protection. Not only Assad and the rebels, but also Russia, Iran, some Gulf states, and others are keeping the crisis in Syria alive. The global community, therefore, has a duty to continue engage these powers diplomatically and possibly through other forms of continuing engagement. There is also continuing responsibility to the large number of Syrians presently seeking refuge in Europe and other parts of the developed world. At a minimum, we need to live up to 1951 Refugee Convention’s call for refugees fleeing persecution to be granted protection. Countries in Europe and North America have the capability and resources to grant asylum or refugee protection to a considerably larger number of Syrians than is happening today. The number of Syrians seeking asylum in Europe is not even close to the number already within the borders of Syria’s neighbors (ICG 2016). When in the fall of 2015 UK Prime Minister David Cameron announced that his country would grant refugee protection to 20,000 Syrians over the next five years, he was appropriately reminded that Lebanon had admitted that many Syrians over the past two weekends. Indeed, developing countries today host 86 percent of the world’s refugees, with the very poorest countries hosting 25 percent of the global total (UNHCR 2015, 2-3). The rich nations of the North have the capability and therefore the responsibility to admit a larger number of refugees and asylum seekers and to assist the poorer countries already hosting most of the world’s refugees. A substantial increase in the funds being provided to Syria’s neighbors for this burden sharing by the North should be a priority today. To achieve this, the rich nations of the northern hemisphere will have to overcome tendencies to racially or religiously driven xenophobia and the mistaken fear that terrorists are often refugees. In addition, European powers such as France and the United Kingdom that gained economically from their colonies in Africa and Asia have duties to be open to refugees from these regions. A country with a history of military involvement in another nation can also have special obligations to people in flight from that nation. The United States recognized its particular duty to receive refugees from Vietnam after the Vietnam War. Though the US intervention in Iraq was certainly not the sole cause of the displacement of many Iraqis, it was a significant factor that contributed to the political chaos that led to the huge forced migration of Iraqis that has occurred. Political scientist Stephen Walt recently observed that if the United States and its allies had not invaded Iraq in 2003, there would almost certainly be no Islamic State today (Walt 2015). Thus there would be fewer people from Iraq and Syria seeking asylum and refugee protection. This deepens the duties of the United States and its allies toward those refugees. Finally, it is well known that many observers believe there are good reasons to wonder whether national self-interest may not overshadow the duties and prevent the actions advocated here. Nevertheless, the work of Martha Finnemore and Kathryn Sikkink has shown that advocacy for normative standards in some domains of contemporary international politics has had significant positive impact (Finnemore and Sikkink 1998). The standards of the international law of refugee protection and for the regulation of armed conflict were the result of normative advocacy by groups such as the Red Cross over the past century. More recently, though the ICC is still a developing institution, “normative entrepreneurs” have advanced the effort to hold political leaders accountable for violating normative standards in several international tribunals. This suggests that, contrary to the standard realist argument, ethical standards can come to have real impact on the conduct of nations. There is hope, therefore, that the September 2016 UN Summit on Refugees and Migrants can lead to genuine innovation in the protection of refugees and other victims of war and humanitarian crisis. Normative pressure from nongovernmental bodies, including religious communities and faith-based agencies, can make important normative contributions to action more fully in accord with the responsibilities incompletely sketched in this article. IV. Conclusion The refugee crisis that is occurring today means that the high moral value that has been assigned to national borders and state sovereignty in the modern, Westphalian international system must be reassessed. Human rights have been proclaimed as universal norms, and this universality can be supported by secular philosophies such as that developed by Kant and by the major religious traditions of the world, including Judaism, Christianity, and Islam. These rights require that all political actors, both states and non-state agents, refrain from grave abuses of human rights such as war crimes, crimes against humanity, and other abuses that effectively treat people as if they were not human at all. Atrocities such as these are among the major causes of refugee movement and other forms of forced migration today. Acting to prevent such crimes and holding accountable those who nevertheless commit them will be a crucial step in making the global system of refugee protection more adequate. Doing so should be a main objective at the September 2016 United Nations Summit, and elsewhere as well. Similarly, taking positive steps to come to the aid of those who have been driven from home will be essential to a more effective refugee regime. The duty to provide such assistance to those already displaced falls on neighboring countries, on those in the local region, and on the global community as a whole. The responsibility of countries to provide help is proportional both to their proximity to those in need and, more importantly today, to their capacity to provide effective assistance. The rich nations of Europe, North America, and the oil-rich Gulf states thus have urgent duties to assist the very poor countries who are hosting most of the world’s refugees today. Developing fair and politically effective ways of assigning the share of the responsibility that different developed nations should carry will be essential to the creation of a more effective refugee system. It will be a great disappointment if the September 2016 meeting at the UN General Assembly fails to make substantial progress on this task. But while the leadership of the United Nations and its constituent national governments is essential, the task is not theirs alone. Many humanitarian NGOs, both secular and faith-based, have broad experience in responding to the needs of the displaced across national borders. These organizations are thus well positioned to help in the development of a system that is more effective. Hearing their voices will be important as revisions in the refugee regime are being considered. It can be hoped that all available practical wisdom will be drawn upon to create more adequate ways of responding to the present crisis. Many millions of lives are at stake.

# Immigration Impact Modules

### Lives

#### The impact is millions of lives. David Hollenback explains in 2016 that:

David Hollenback, “Borders and Duties to the Displaced: Ethical Perspectives on the Refugee Protection System”, Journal on Migration and Human Security by the Center for Migration Studies of New York, 2016, [http://cmsny.org/wp-content/uploads/2018/06/JMHSspecialcoll-Global-Refugee-Protection.pdf,](http://cmsny.org/wp-content/uploads/2018/06/JMHSspecialcoll-Global-Refugee-Protection.pdf%2C) Date Accessed 9-27-2018 // JM

B. Positive Duties Regrettably, we have learned from history and from insight into human moral weakness that threats to human rights will continue to occur. This raises the question of what positive obligations we have to come to the assistance of the displaced when crises in fact occur. To address this issue we can draw on a mode of moral analysis originally developed in the 1970s in the context of debate about who had duties to help eliminate the apartheid regime that separated South African people by race and ethnicity. In that debate, some maintained that only those who had created the apartheid system had a duty to work to overcome it. But a very different ethical approach was proposed by several scholars at Yale University who argued that under certain circumstances persons, communities, institutions, and states can have positive duties to help remedy harms they did not themselves cause. They called their approach the Kew Gardens Principle, for it arose from their reflection on a tragic case that occurred in the Kew Gardens section of New York City in 1964 (Simon, Powers, and Gunnemann 1972). According to press reports, a young woman named Kitty Genovese was viciously assaulted, stabbed, and died a slow death while 38 nearby people watched and did nothing, failing even to call the police. It has since been learned that the initial reports of what happened were not fully accurate (Lemann 2014). But the public outrage stimulated by the press reports points to the fact that most people have a conviction that there can be positive moral duties to aid others in emergency situations. It is not enough to avoid causing harm. In some situations omission can become as morally objectionable as commission. Drawing on this conviction, the Kew Gardens principle argues that an agent has a positive responsibility to help when four conditions are present: (1) there is a critical need; (2) the agent has proximity to the need; (3) the agent has the capability to assist; (4) the agent is likely the last resort from whom help can be expected (Simon, Powers, and Gunnemann 1972, 23-25). Subsequent reflection has added a fifth condition: (5) the action can be taken without disproportionate harm to the one providing assistance. These criteria, of course, cannot be applied mechanically. But they can help us think about the scope of positive responsibilities in the face of the crisis-level suffering that is displacing so many people today. For example, there can be little doubt that large numbers of people are in grave need of protection in Syria and South Sudan today and that this need is driving many from their homes. Those inside the borders of these crisis-torn countries are vulnerable to harms that could lead to their deaths or to violations of other basic rights, and they are in flight because of this vulnerability. The duty to respond to such need falls first upon those whose proximity to the crisis makes them more likely to have knowledge of the need and better understanding of how to respond to it. This means, of course, that the government of the nation where the crisis occurs and local communities within that nation bear the prime responsibility. In South Sudan and Syria, therefore, both the governments and the opposition forces in each country have the negative duty to stop the atrocities that are causing crisis and the positive duty to help lift the burdens of suffering. Duty to take positive action, however, does not end at the national borders of the countries where crisis is present. When people become aware of crisis in a neighboring country or even in a country at a great distance, this awareness leads to what might be called intellectual or psychological proximity. It puts them in moral proximity to those who are suffering. There has been helpful though imperfect response to the duties arising from proximity by the countries neighboring South Sudan. The regional organization of Sudan’s neighboring countries — Djibouti, Ethiopia, Kenya, Somalia, Sudan, Uganda, and Eritrea — is called the Intergovernmental Authority on Development (IGAD). IGAD has played a diplomatic role in seeking to mediate the conflict within South Sudan that began in 2013, as they did in helping secure the Comprehensive Peace Agreement that ended the earlier conflict between northern and southern Sudan that ultimately led to the independence of South Sudan in 2011. Regrettably, economic and political self-interest has sometimes distorted the mediation efforts of several countries that are part of IGAD, particularly Uganda and Ethiopia. This has in turn led several countries from outside the region to become involved in an effort known as IGAD Plus, which includes the African Union (AU), United Nations, China, United States, United Kingdom, Norway, and the European Union. A sense of moral responsibility arose in these more distant countries because of their proximity through awareness. These combined regional and global mediation efforts have certainly not been perfect. Nevertheless, a fragile peace process is underway (ICG 2015). Both nearby and distant neighbors can have the knowledge that enables them to make a difference. The criterion of capability also sheds light on positive duties to respond to crises that displace large numbers of people. In considering this issue it has become common to point out that someone who cannot swim does not have a duty to come to the aid of a child who is drowning if providing the aid requires swimming, while a good swimmer can have a duty to respond. Lebanon, Turkey, and Jordan are today already massively overburdened with Syrian refugees. They do not possess the economic and other resources to take in many additional refugees. On the other hand, the resources of the wealthy nations of northern Europe, North America, and the oil-producing Gulf states give them the capability to receive many more refugees and to share the burdens being carried by Syria’s already overtaxed proximate neighbors. The assistance being provided to the countries bordering Syria is woefully inadequate. Capability to assist gives many nations in Europe, North America, and the Gulf a duty both to receive many more Syrian refugees than they have and a responsibility to provide more assistance to Syria’s nearby neighbors (Rummery 2015). The duty to share the burden of assistance to displaced people is proportional to the capability of doing so. Countries with greater economic and political capacities to help have proportionally greater responsibilities to do so. These responsibilities may be carried out by granting asylum and refugee status to more of the displaced, and, perhaps most urgently, by providing economic and other forms of assistance to countries like Turkey, Lebanon, and Jordan who are already carrying a disproportionate burden. The existence of duties such as these is a consequence of the fact that the responsibility to assist displaced people reaches across national borders. The fact that state sovereignty is not a moral or political absolute becomes clear in face of the needs of forcibly displaced persons. In his work on response to the needs of internally displaced people, the Sudanese scholar and diplomat Francis Mading Deng argued that sovereignty is such an important value because it secures each country’s ability to protect its own people by preventing external powers from taking harmful action within its national boundaries, for example by invasion or colonial exploitation. Deng called this sovereignty-as-responsibility (Deng 1996). Sovereignty does not mean a government is free to do whatever it will within its own borders, such as taking actions that create large numbers of internally displaced persons or refugees. If a government fails to protect its own people, either because it is unable or unwilling to do so, the duty to assist those who are threatened by this failure can pass to the other nations. Thus the responsibility to assist and to protect the rights of persons threatened with or experiencing displacement falls first on their own government. But if their government is unable or unwilling to secure their rights, the responsibility to do so can move to other countries and their people (Martin 2010, 28-31). Deng’s thinking contributed in an important way to the development of the doctrine of the Responsibility to Protect (R2P), initially proposed by the International Commission on Intervention and State Sovereignty (ICISS) and subsequently affirmed at the 2005 UN General Assembly World Summit (UNGA 2005, nos. 138-39; ICISS 2001).R2P states that the international community can have positive duties “to help protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.” Protective action should come in the first instance from people’s own government. Only if that government is failing to provide this protection should other countries consider action. When violations of human rights reach the level of atrocity and lead to the displacement such violations often cause, action by other countries through “diplomatic, humanitarian and other peaceful means” can become appropriate and even required. The responsibility to protect has been the focus of heated controversy since it was endorsed by heads of state at the UN General Assembly in 2005. Political realists oppose it because they hold that foreign policy should be determined by the interests of one’s own people, not by a supposed moral responsibility to other countries. Others see it as a form of neoimperialism. Still others say that the situation in Libya today in the aftermath of the NATO intervention there shows R2P doesn’t work, and that the current massive crisis in Syria and surrounding countries shows the R2P cannot work. Despite these critiques, it is important to note that the responsibility to protect has in fact been invoked on a number of occasions since 2005 and that it has led to effective protection of people from grave rights violations. For example, when conflict flared in Kenya following the disputed 2007 elections, nonviolent, diplomatic initiatives were taken by numerous international actors to stop the conflict that took several thousand lives and displaced half a million people. Kofi Annan stated that he saw the crisis in Kenya through “the R2P prism” (Cohen 2008). This led to intense diplomatic initiatives by the United Nations, the African Union, and a number of other governments from Africa and around the world, including the United States (International Coalition for R2P, sec. II). A power sharing agreement was reached and the downward spiral into civil war and perhaps even genocide was stopped. The Kenyan case illustrates that the responsibility to protect can be successfully carried out through nonviolent political and diplomatic means. The R2P doctrine has also been invoked on several occasions in the past decade to justify the use of military force to protect people from atrocities, following the UN General Assembly’s affirmation that if diplomatic initiatives do not succeed, the use of armed force can become legitimate as a last resort under chapter VII of the UN Charter. For example, in 2012 France and the Economic Community of West African States took military action with UN approval in the pursuit of peace in Mali, and in 2013, the UN Security Council supported the use of force by French and African Union troops to stop the atrocities that were occurring in the Central African Republic and the displacement of nearly one million refugees and other forced migrants.6 Though these cases are certainly not resolved, they indicate that the doctrine of the responsibility to protect can lead to action that can help prevent grave crisis from becoming much worse and can lead to some improvement in crisis situations that force many people from their homes. Two other cases, however, Libya and Syria, raise questions about whether R2P has any relevance to current efforts to respond to the refugee crisis. In the Libya case, the United Nations authorized action to protect civilians when fears arose that Libya’s leader, Muammar al-Qaddafi, was about to commit atrocities. Qaddafi referred to his adversaries in Benghazi as “cockroaches,” the very epithet Hutu used for Tutsi during the Rwanda genocide (BBC News 2011). As a result, the UN Security Council, with the notable support of the Organization of the Islamic Conference and the League of Arab States, called for the use of “all necessary measures” to protect civilians.7 NATO intervened with airpower, Qaddafi was killed, and his regime was overthrown. Sadly, Libya has since fallen into political chaos, with armed conflicts among several groups, significant violations of human rights on the basis of religion, the displacement of many, and the unsafe flight of migrants across the Mediterranean (Amnesty International 2015, 5-6). These consequences confirm for some observers the conviction that pursuing humanitarian goals not required by national self-interest is likely to do more harm than good (Kuperman 2015, 66-77). I would argue, however, that the intervention in Libya failed not because it was excessive but because it was incomplete. Following the norms that some specialists in the ethics of war are today calling jus post bellum, justice after conflict, NATO and the United States should have followed up their intervention with action to rebuild and to prevent the chaos that developed (Chollet and Fishman 2015, 154-57). What happened in Libya was an incomplete implementation of R2P, not a simple failure. Had the intervention followed through with the peace building and reconstruction efforts that were clearly required, the situation on the ground in Libya would not have disintegrated in the way that it has, and many fewer people would be in flight from the chaos of that tragic situation. Syria has also been invoked to suggest that R2P is dead. The political complexities and moral ambiguities of the Syrian situation go very deep. But these complexities do not discredit the existence of a duty to protect people facing atrocities when protection is possible. Thomas Weiss has argued that the wisdom of the use of military force to protect people from atrocities is governed by three factors: legality, moral legitimacy, and feasibility (Weiss 2014). In Syria it is clear that the legal prohibitions of war crimes and of other atrocities have been massively violated. The moral legitimacy of efforts to stop a conflict that has displaced over half the Syrian population and killed hundreds of thousands of civilians is also evident. The feasibility of military intervention to alleviate the crisis, however, is unclear. This does not undermine the idea that there is a responsibility to protect people from atrocity and from being driven from home by mayhem when it is possible to do so. The apparent lack of presently feasible ways to overcome the crisis in Syria suggests that intervention is not now called for by R2P. I would argue, however, that the duty to protect the Syrian people does call for continuing political and diplomatic initiatives to find a path toward their protection. Not only Assad and the rebels, but also Russia, Iran, some Gulf states, and others are keeping the crisis in Syria alive. The global community, therefore, has a duty to continue engage these powers diplomatically and possibly through other forms of continuing engagement. There is also continuing responsibility to the large number of Syrians presently seeking refuge in Europe and other parts of the developed world. At a minimum, we need to live up to 1951 Refugee Convention’s call for refugees fleeing persecution to be granted protection. Countries in Europe and North America have the capability and resources to grant asylum or refugee protection to a considerably larger number of Syrians than is happening today. The number of Syrians seeking asylum in Europe is not even close to the number already within the borders of Syria’s neighbors (ICG 2016). When in the fall of 2015 UK Prime Minister David Cameron announced that his country would grant refugee protection to 20,000 Syrians over the next five years, he was appropriately reminded that Lebanon had admitted that many Syrians over the past two weekends. Indeed, developing countries today host 86 percent of the world’s refugees, with the very poorest countries hosting 25 percent of the global total (UNHCR 2015, 2-3). The rich nations of the North have the capability and therefore the responsibility to admit a larger number of refugees and asylum seekers and to assist the poorer countries already hosting most of the world’s refugees. A substantial increase in the funds being provided to Syria’s neighbors for this burden sharing by the North should be a priority today. To achieve this, the rich nations of the northern hemisphere will have to overcome tendencies to racially or religiously driven xenophobia and the mistaken fear that terrorists are often refugees. In addition, European powers such as France and the United Kingdom that gained economically from their colonies in Africa and Asia have duties to be open to refugees from these regions. A country with a history of military involvement in another nation can also have special obligations to people in flight from that nation. The United States recognized its particular duty to receive refugees from Vietnam after the Vietnam War. Though the US intervention in Iraq was certainly not the sole cause of the displacement of many Iraqis, it was a significant factor that contributed to the political chaos that led to the huge forced migration of Iraqis that has occurred. Political scientist Stephen Walt recently observed that if the United States and its allies had not invaded Iraq in 2003, there would almost certainly be no Islamic State today (Walt 2015). Thus there would be fewer people from Iraq and Syria seeking asylum and refugee protection. This deepens the duties of the United States and its allies toward those refugees. Finally, it is well known that many observers believe there are good reasons to wonder whether national self-interest may not overshadow the duties and prevent the actions advocated here. Nevertheless, the work of Martha Finnemore and Kathryn Sikkink has shown that advocacy for normative standards in some domains of contemporary international politics has had significant positive impact (Finnemore and Sikkink 1998). The standards of the international law of refugee protection and for the regulation of armed conflict were the result of normative advocacy by groups such as the Red Cross over the past century. More recently, though the ICC is still a developing institution, “normative entrepreneurs” have advanced the effort to hold political leaders accountable for violating normative standards in several international tribunals. This suggests that, contrary to the standard realist argument, ethical standards can come to have real impact on the conduct of nations. There is hope, therefore, that the September 2016 UN Summit on Refugees and Migrants can lead to genuine innovation in the protection of refugees and other victims of war and humanitarian crisis. Normative pressure from nongovernmental bodies, including religious communities and faith-based agencies, can make important normative contributions to action more fully in accord with the responsibilities incompletely sketched in this article. IV. Conclusion The refugee crisis that is occurring today means that the high moral value that has been assigned to national borders and state sovereignty in the modern, Westphalian international system must be reassessed. Human rights have been proclaimed as universal norms, and this universality can be supported by secular philosophies such as that developed by Kant and by the major religious traditions of the world, including Judaism, Christianity, and Islam. These rights require that all political actors, both states and non-state agents, refrain from grave abuses of human rights such as war crimes, crimes against humanity, and other abuses that effectively treat people as if they were not human at all. Atrocities such as these are among the major causes of refugee movement and other forms of forced migration today. Acting to prevent such crimes and holding accountable those who nevertheless commit them will be a crucial step in making the global system of refugee protection more adequate. Doing so should be a main objective at the September 2016 United Nations Summit, and elsewhere as well. Similarly, taking positive steps to come to the aid of those who have been driven from home will be essential to a more effective refugee regime. The duty to provide such assistance to those already displaced falls on neighboring countries, on those in the local region, and on the global community as a whole. The responsibility of countries to provide help is proportional both to their proximity to those in need and, more importantly today, to their capacity to provide effective assistance. The rich nations of Europe, North America, and the oil-rich Gulf states thus have urgent duties to assist the very poor countries who are hosting most of the world’s refugees today. Developing fair and politically effective ways of assigning the share of the responsibility that different developed nations should carry will be essential to the creation of a more effective refugee system. It will be a great disappointment if the September 2016 meeting at the UN General Assembly fails to make substantial progress on this task. But while the leadership of the United Nations and its constituent national governments is essential, the task is not theirs alone. Many humanitarian NGOs, both secular and faith-based, have broad experience in responding to the needs of the displaced across national borders. These organizations are thus well positioned to help in the development of a system that is more effective. Hearing their voices will be important as revisions in the refugee regime are being considered. It can be hoped that all available practical wisdom will be drawn upon to create more adequate ways of responding to the present crisis. Many millions of lives are at stake.

### Turns Multilateralism

#### The impact is that it breaks down all future negotiations. Michael Mullen indicates that:

Michael G. Mullen, 9-28-2017, “The Wrong Time to Cut Back on Refugees” New York Times, <https://www.nytimes.com/2017/09/29/opinion/refugee-resettlement-trump.html>, Date Accessed 9-27-2018 // JM

Amid the world’s worst migrant crisis on record, the Trump administration is cutting back on refugee resettlement. As part of his travel ban, President Trump capped the number of refugees to be admitted in 2017 at 50,000, the lowest number in decades. Now the administration has proposed lowering the goal even further, to 45,000, next year. Over the years, the United States has lived up to its ideals and brought millions of refugees to safety and freedom. It didn’t become a resettlement leader out of pure altruism. By welcoming refugees, the United States revitalizes its democracy and its economy, helps preserve or restore stability in volatile regions of the world, and builds respect. In slashing resettlement, the president is taking a recklessly narrow view of how best to put America first. Shutting out refugees would not only increase human suffering; it would also weaken the country and undermine its foreign policy. There are more than 22 million refugees in the world, the highest number since World War II. Even before the Trump presidency, the United States response to this crisis was relatively modest. In fiscal year 2016, the United States resettled about 84,000 refugees, the most of any year under President Barack Obama. For comparison’s sake, the country took in roughly 200,000 refugees a year in the early 1980s under President Ronald Reagan. Nonetheless, the resettlement effort under President Obama served American interests. For one thing, it helped the states that host the vast majority of Syrian refugees: Jordan, Turkey and Lebanon. (In fiscal year 2016, 12,500 of the refugees resettled by the United States came from Jordan, a key American ally in a strategically crucial region.) The huge influx of refugees into these nations has strained their resources and infrastructure, becoming a potential source of instability and even conflict. By resettling refugees, the United States helps preserve stability and sends a message of support to countries whose cooperation it needs on a range of issues. The Trump administration’s cuts to resettlement send the exact opposite message. It is a message heard across the region, by enemies as well as friends of the United States. Restricting resettlement, especially in the context of the travel ban, appears to validate the propaganda of the Islamic State and other extremist groups, which claims that the United States is hostile to Muslims. The battle against violent extremism must be fought with guns, but also with ideas. Slamming the door on refugees is a significant strategic blunder. Opponents of refugee resettlement would have you believe that the country’s enemies are exploiting the program. There is no factual basis for this claim. In fact, of all the people who enter the United States, refugees are the most thoroughly vetted. The screening process is exhaustive and lengthy, and involves numerous agencies. Our intelligence and national security professionals can both vet refugees and protect Americans. Indeed, they’ve done just that for years. Refugees are victims of extremist groups and brutal governments. They become patriotic, hard-working Americans. Refugees are us. They are teachers, police officers, doctors, factory workers and soldiers. There are thousands of former refugees and children of refugees in the United States military. I served alongside many who were eager and proud to give back to the country that helped them in their time of need. It’s no wonder that numerous studies have found that refugees are a net benefit to the American economy. The administration’s own study — which the president solicited from the Department of Health and Human Resources — concluded that refugees added $63 billion to the economy between 2005 and 2014. Support for refugees creates another form of currency for the United States. Call it respect or admiration or credibility, this currency accrues when the United States leads by example and champions human rights on the world stage. It’s an invaluable and fungible resource, amassed over many decades. It enables the United States to forge ties with democratic movements. It also helps Washington persuade allies to do difficult things and pressure foes to stop their bad behavior. It is crucial to forging trade pacts, military coalitions and peace deals. More than any other resource — including military and economic might — this accounts for American greatness. We sacrifice it at our peril.

### Terrorism Impact

#### The impact is an increase in terrorism. Eleanor Acer explains in 2017 that: Refugee restrictions are the vital internal link - they reduce counter-terrorism cooperation and intelligence sharing, destabilize vital allies, and make terrorist recruiting more effective

**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>

President Trump has described his refugee ban orders as necessary to protect the country from security threats. However, refugees are already more rigorously vetted than any other population of travelers to the United States, a point that has been confirmed again and again by former U.S. national security and intelligence officials and former military leaders who have served both Democratic and Republican administrations. 81 Refugees are interviewed repeatedly by trained Department of Homeland Security officers and vetted as well by national intelligence agencies, the Department of Defense and by INTERPOL, a process that includes intelligence from foreign intelligence agencies as well. Their fingerprints and other biometric data are checked against terrorist and criminal databases.82 Any necessary enhancements can and should, as former intelligence and national security officials have pointed out, be implemented without halting the program. The Trump refugee bans are not only unnecessary to safeguard U.S. foreign policy and national security interests, but have actually damaged our foreign policy and national security interests as well as U.S. global leadership. As detailed above, the refugee bans and their cuts to resettlement have impacted U.S. allies and undercut U.S. support for nations whose stability is key to U.S. foreign policy and national security interests. For example, refugee resettlement from Jordan fell by 64 percent in the first five months of 2017 and resettlement from Lebanon fell by 35 percent. Resettlement to the United States from Turkey has dropped by 79 percent in recent months. Former national security officials and military leaders who have served both Democratic and Republican administrations have repeatedly expressed concerns that the derailment of resettlement undermines our ability to support the stability of strategically important nations, including U.S. allies.83 For example: n In the wake of the March 6 order, former officials with national security expertise wrote that “resettlement initiatives advance U.S. national security interests by protecting the stability of U.S. allies and partners struggling to host large numbers of refugees,” that the ban is “harmful to U.S. national security” and that “the order’s drastic reduction in the number of refugees to be resettled … weakens this country’s ability to provide global leadership and jeopardizes our national security interests by failing to support the stability of our allies that are struggling to host large numbers of refugees.”84 n These concerns have been raised repeatedly over the last year and half. For example, Former CIA Director Hayden and former NATO Supreme Allied Commander James Stavridis wrote last year in the Miami Herald, “The global refugee crisis is straining the resources and infrastructures of Lebanon, Jordan, and Turkey, which are hosting the vast majority of Syrian refugees. By doing more to host and help refugees, the United States would safeguard the stability of these nations and thereby advance its own national security interests.” In a letter sent to Congress in December 2015, former national security and military leaders, including former CIA Directors General David Petraeus and General Michael V. Hayden; former Secretary of Homeland Security Michael Chertoff; former Secretaries of Defense William S. Cohen, William J. Perry, Chuck Hagel, and Leon Panetta; former Secretary of State Henry Kissinger; and former National Security Advisors Stephen Hadley and General James L. Jones, wrote that accepting refugees “support[s] the stability of our allies and partners that are struggling to host large numbers of refugees,” and warned that restricting acceptance of refugees would “undermine our core objective of combating terrorism.”85 The cuts, suspension, and derailment of U.S. resettlement instigated by the executive orders, along with their targeting of Syrian and Muslim refugees and travelers, has harmed national security interests in other ways as well. Some former national security, intelligence and military officials have reported that the orders are damaging counter-terrorism cooperation and related intelligence sharing: n In a January 30, 2017 letter, former officials, diplomats, military leaders, and intelligence professionals who served in both the G.W. Bush and Obama Administrations wrote that the January 27 order “will harm our national security” and reported that “Partner countries in Europe and the Middle East, on whom we rely for vital counterterrorism cooperation, are already objecting to this action and distancing themselves from the United States, shredding years of effort to bring them close to us.”86 n In early February 2017, a group of former officials with national security expertise concluded that the January 27 order “will disrupt key counterterrorism, foreign policy, and national security partnerships that are critical to our obtaining the necessary information sharing and collaboration in intelligence, law enforcement, military and diplomatic channels to address the threat posed by terrorist groups such as ISIL.” They reported that the executive order “has alienated U.S. allies” and concluded that the order “will strain our relationship with partner countries in Europe and the Middle East, on whom we rely for vital counterterrorism cooperation, undermining years of effort to bring them closer.” 87 n In March 2017, following the March 6 order, a group of former officials with national security expertise who had worked under both Democratic and Republican administrations concluded that “the revised executive order will jeopardize our relationships with allies and partners on whom we rely for vital counterterrorism operation and informationsharing.”88 n In April 2017, a group of former officials reported that the March 6 order would disrupt national security partnerships critical to addressing the ISIL threat and in particular that the order had already “alienated allies and partners” and that “[c]ountries in the Middle East expressed disapproval and even threatened and engaged in reciprocity in response to the January 27 Order, jeopardizing years of diplomatic outreach.”89 Former U.S. national security and intelligence officials have also concluded that the executive orders [refugee resettlement cuts] undermine U.S. national security by feeding into ISIS’s narratives: n The January 27 order “has already sent exactly the wrong message to the Muslim community here at home and all over the world: that the U.S. government is at war with them based on their religion. We may even endanger Christian communities, by handing ISIL a recruiting tool and propaganda victory that spreads their horrific message the United States is engaged in a religious war.”90 n The January 27 order “will aid ISIL’s propaganda effort and serve its recruitment message by feeding into the narrative that the United States is at war with Islam.”91 n The bipartisan group of former officials who wrote to President Trump in March 2017 explained that “To Muslims—including those victimized by or fighting against ISIS—it [the March 6 revised executive order] will send a message that reinforces the propaganda of ISIS and other extremist groups that falsely claim the United States is at war with Islam. Welcoming Muslim refugees and travelers, by contrast exposes the lies of terrorists and counters their warped visions.” n A group of former government officials pointed out that “less than a day after President Trump signed the January 27 Order, jihadist groups began citing its contents in recruiting messages online.”92 Former military leaders, veterans, and former national security officials have detailed concerns that the refugee bans, and the resulting cuts and further delays in resettlement, will endanger U.S. troops in the field: n In early February 2017, a group of former officials with national security expertise concluded that the January 27 order “could do long-term damage to our national security and foreign policy interests” and “endanger U.S. troops in the field.” n In April 2017 a group of former officials stated that the order “will endanger troops in the field.” Pointing to the refugee ban’s impact on the resettlement of interpreters and others who have assisted U.S. troops at great risk to their lives, the former officials concluded that “[b]y discouraging future assistance and cooperation from these and other affected military allies and partners, the Order will jeopardize the safety and effectiveness of our Service Members.”93 n Veterans themselves have explained that the refugee ban harms U.S. national security by abandoning the interpreters the military relies on to successfully carry out its missions around the world, stressing that “our mission, and sometimes our lives, depended on the interpreters, translators, and other local allies.”94 Conclusion In a Statement on America’s Commitment to Refugees, released on World Refugee Day in 2016, a group of former officials and retired military leaders—who had served under both Democratic and Republican administrations— joined together to emphasize this country’s strong commitment to protecting the persecuted: For more than two centuries, the idea of America has pulled toward our shores those seeking liberty, and it has ensured that they arrive in the open arms of our citizens. That is why the Statue of Liberty welcomes the world’s ‘huddled masses yearning to breathe free,’ and why President Reagan stressed the United States as ‘a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness.’ The statement’s signatories included: Former Secretary of Defense and U.S. Senator William S. Cohen; Former Secretary of Defense Chuck Hagel; Former Director of the CIA General Michael V. Hayden, U.S. Air Force (Ret.); Former Director of the National Counterterrorism Center Michael E. Leiter; Former U.S. Senator Carl M. Levin; Former Commander of U.S. Army Europe General David M. Maddox, U.S. Army (Ret.); Former Director of the National Counterterrorism Center Matthew G. Olsen; Former Secretary of Defense William J. Perry; Former NATO Supreme Allied Commander Admiral James G. Stavridis, U.S. Navy (Ret.); Former Homeland Security Advisor Frances F. Townsend; and, Former Secretary of Homeland Security Michael Chertoff. The damage done by President Trump’s refugee bans has been devastating to refugees, to refugee-hosting nations, to American allies and partners, to U.S. national security interests and to U.S. global leadership. The Trump Administration must change course, rescind the bans and launch a renewed and robust effort to lead the world’s nations in assisting, protecting, and resettling refugees. While this country has at times faltered, the U.S. commitment to protecting the persecuted has deep and strong roots. By restoring America’s role as a beacon to those searching for freedom, this country will not only safeguard its own national security and foreign policy interests, it will demonstrate that its guiding ideals are powerful and at the heart of what makes this nation strong. As U.S. Army veteran Adam Babiker, a former refugee who fled the genocide in Darfur, recently wrote: “We are a beacon, a force for good, and a symbol to the rest of the world. We help the oppressed and welcome the victims of war.”95

## Immigration – Modeling Overview

#### The biggest impact in this debate is going to be on the immigration flow.

< Insert Uniqueness scenario >

#### This negative trend is only reinforced by UNCLOS – First, Galang in case tells us that immigration policies are cemented into international law because of Article 33. This means that despite Trump only being president for 2 to 6 more years – his policies on immigration become almost impossible to reverse in any courts.

#### Second, with this substantial power, Article 27 of UNCLOS provides us a strong arm in enforcing immigration policies – we are able to forcibly return refugees to their home countries.

#### This policy is unequivocally the most dangerous thing in the debate because Nahal Toosi indicates that:

Nahal Toosi, 11-13-2016, "Lawmakers fear Trump will undercut America's 'soft power'," POLITICO, <https://www.politico.com/story/2016/11/trump-america-soft-power-231253>, Date Accessed 9-29-2018 // JM

By pledging to block Syrian refugees from U.S. shores, supporting the use of waterboarding and suggesting the U.S. isn't getting enough out of "deals" with its allies, Trump badly hurt America's reputation during the campaign. His victory was so shocking that some stakeholders now wonder whether the Trump era will mark the end of America's "soft power." "Under Donald Trump ... I would be very concerned about the importance of soft power," said Sen. Ben Cardin of Maryland, the ranking Democrat on the Senate Foreign Relations Committee and a top promoter of human rights legislation. "It does affect our national security, and it’s a challenge even under ideal circumstances." "Soft power" is a loosely defined term that covers how a country amasses influence without coercion or payment. It can include promoting pop culture or offering earthquake relief. Some stretch it to include democracy promotion and offering development aid, if the purpose or side effect is to gain goodwill. Proponents argue that, used properly, U.S. soft power can help reduce potential threats facing America. President Barack Obama addresses the media during a news conference at the NATO summit in Warsaw, Poland, Saturday, July 9, 2016. Christian Whiton, an informal adviser to Trump, dismissed worries that the Republican president-elect would undercut America's international influence. Trump, Whiton insisted, would fight for human rights and democratic movements in the face of radical Islamists in countries such as Iran. "I wouldn’t expect to see drastic cuts or elimination of foreign aid, but I would expect to see it redirected toward what the incoming president sees as our key national interests," added Whiton, who stressed that he was not officially speaking on behalf of the president-elect's team. The aid community, for one, has little confidence that Trump will make it a priority. The United States provides more than $30 billion a year to other countries in foreign assistance, much of it in humanitarian aid and on global health efforts. Some in the field worry Trump will gut the U.S. Agency for International Development and other foreign assistance programs in favor of his stated "America First" ideals. Many of the aid programs are concentrated in struggling Muslim-majority countries that Trump has cast as hotbeds of extremism whose citizens should be barred from the United States. "People just don’t know what to expect," said a State Department official familiar with aid programs. He insisted there's some hope, however, because, despite the disdain among many on the right for foreign aid, "there’s a lot of bipartisan support in Congress for a lot of the work that USAID does. That’s been the case for the past two administrations." The mere fact that Trump won the election has already hurt America's ability to promote democracy. Trump's fondness for budding autocrats such as Russia's Vladimir Putin and Egypt's Abdel-Fattah al-Sisi, and some of his statements during the campaign, have enhanced existing perceptions that the U.S. is hypocritical. Trump's win "has exposed and encouraged tendencies the world never used to associate with the U.S.: xenophobia, misogyny, pessimism, and selfishness," Shashi Tharoor, a former U.N. official, wrote in a Friday column titled "The End of U.S. soft power?" "A country that confidently counsels others on democratic practice has elected a president who suggested that, if he lost, he might not recognize the result." In an email to POLITICO, Harvard professor Joseph Nye — who coined the term "soft power" — acknowledged the poisonous effect of the presidential campaign but tried to keep an open mind about the future. "Predicting Trump’s behavior is difficult, but it is worth noting that he has a pragmatic streak and is smart," he wrote. Much will depend on whom Trump appoints to positions such as secretary of state or the director of USAID. Many at the State Department are hoping Trump will appoint as their leader Senate Foreign Relations Committee Chairman Bob Corker, a Tennessee Republican well-versed in the importance of America's non-military foreign initiatives. Trump, however, is so erratic about his views that it's unclear what will happen if he chooses to weigh in on such efforts. He's argued that the U.S. should "take" Iraq's oil as "reimbursement" for ousting dictator Saddam Hussein and helping fight the Islamic State terrorist group. Such a proposal (which some experts say amounts to a war crime) reflects Trump's transactional approach to life. So, some experts ponder, what's to keep Trump from demanding that Afghanistan give the U.S. rights to its minerals and resources in return for ongoing U.S. military and development aid? The fact that Trump's vice president-elect, Mike Pence, has deeply conservative views on women — he's fought against Planned Parenthood and argued that women shouldn't serve in the military — alarms aid workers who deal with family planning and other programs for women and girls around the world. Trump's own derogatory comments on women don't help, either. On the other hand, Trump could be pleased by the fact that so many U.S.-funded initiatives abroad involve partnering with private organizations, noted Larry Sampler, a former USAID official who now serves as president of the One Earth Future foundation in Colorado. "As the stereotypical businessman, this should appeal to him," Sampler said. Development experts said other countries may try to step in to fill a void in American leadership on the humanitarian and aid front, eroding, perhaps ending, the famed notion of "Pax Americana." Those countries could include China, which is eager to grow its influence abroad, even if it is often driven by its own economic interests in other nations. Republican administrations have not uniformly been hostile to foreign assistance, and many members of Congress in the GOP have championed human rights overseas. It was Republicans who spearheaded resolutions earlier this year that accused the Islamic State of committing genocide against religious and ethnic minorities in Iraq and Syria. George W. Bush, for instance, may have tarnished America's standing by invading Iraq, establishing the military prison at Guantánamo Bay and authorizing the torture of terrorism suspects. Eight years later, the United States still hasn't redeemed itself in the minds of many people abroad. But Bush also launched the President’s Emergency Plan for AIDS Relief, a program credited for saving millions of lives in Africa, and his administration helped spearhead international relief efforts following the devastating Asian tsunami of 2004. Perhaps no group is more worried about Trump than advocates for refugees. The Republican has called for a halt to the resettlement of Syrian refugees in the United States, claiming they are a "Trojan horse" for terrorists. He also called for a temporary ban on Muslims entering America, although he has modified that to a ban on entrants from countries affected by terrorism. While in the past both Republicans and Democrats supported the U.S. refugee resettlement program, terrorist attacks in France and California last year have prompted many GOP lawmakers to withdraw their support. Now that Republicans control both chambers of Congress and the White House, refugee advocates fear severe cuts to U.S. funding for their work, especially since it appeared such a hard-line stance was pleasing to the GOP's voting base. The advocates argue that if the U.S. backtracks on its commitment to refugees, other countries may follow its example, deepening humanitarian crises and giving talking points to Muslim militants who argue that the West is hypocritical and incompatible with Islam. Refugee camps could become hotbeds of extremism as a result. "The rest of the world watches what we do. It does decrease our influence if we’re not maintaining our ideals," said Melanie Nezer, chairwoman of Refugee Council USA, a coalition of NGOs. Cardin noted that even with presidents who care deeply about human rights and related ideals, it's hard to make sure such topics get the attention they deserve. That's especially true when it comes to dealing with countries such as Russia, China and Saudi Arabia, whose human rights records are spotty but with whom the U.S. must engage for a variety of economic and security reasons.

#### Several impacts –

#### First, they only increase terrorism – by returning refugees to their home countries or worse, refugee camps – we play into terror groups hands by giving them the narrative to increase recruitment. Refugees are absolutely vital to our fight on terror – Eleanor Acer argues that:

**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>

President Trump has described his refugee ban orders as necessary to protect the country from security threats. However, refugees are already more rigorously vetted than any other population of travelers to the United States, a point that has been confirmed again and again by former U.S. national security and intelligence officials and former military leaders who have served both Democratic and Republican administrations. 81 Refugees are interviewed repeatedly by trained Department of Homeland Security officers and vetted as well by national intelligence agencies, the Department of Defense and by INTERPOL, a process that includes intelligence from foreign intelligence agencies as well. Their fingerprints and other biometric data are checked against terrorist and criminal databases.82 Any necessary enhancements can and should, as former intelligence and national security officials have pointed out, be implemented without halting the program. The Trump refugee bans are not only unnecessary to safeguard U.S. foreign policy and national security interests, but have actually damaged our foreign policy and national security interests as well as U.S. global leadership. As detailed above, the refugee bans and their cuts to resettlement have impacted U.S. allies and undercut U.S. support for nations whose stability is key to U.S. foreign policy and national security interests. For example, refugee resettlement from Jordan fell by 64 percent in the first five months of 2017 and resettlement from Lebanon fell by 35 percent. Resettlement to the United States from Turkey has dropped by 79 percent in recent months. Former national security officials and military leaders who have served both Democratic and Republican administrations have repeatedly expressed concerns that the derailment of resettlement undermines our ability to support the stability of strategically important nations, including U.S. allies.83 For example: n In the wake of the March 6 order, former officials with national security expertise wrote that “resettlement initiatives advance U.S. national security interests by protecting the stability of U.S. allies and partners struggling to host large numbers of refugees,” that the ban is “harmful to U.S. national security” and that “the order’s drastic reduction in the number of refugees to be resettled … weakens this country’s ability to provide global leadership and jeopardizes our national security interests by failing to support the stability of our allies that are struggling to host large numbers of refugees.”84 n These concerns have been raised repeatedly over the last year and half. For example, Former CIA Director Hayden and former NATO Supreme Allied Commander James Stavridis wrote last year in the Miami Herald, “The global refugee crisis is straining the resources and infrastructures of Lebanon, Jordan, and Turkey, which are hosting the vast majority of Syrian refugees. By doing more to host and help refugees, the United States would safeguard the stability of these nations and thereby advance its own national security interests.” In a letter sent to Congress in December 2015, former national security and military leaders, including former CIA Directors General David Petraeus and General Michael V. Hayden; former Secretary of Homeland Security Michael Chertoff; former Secretaries of Defense William S. Cohen, William J. Perry, Chuck Hagel, and Leon Panetta; former Secretary of State Henry Kissinger; and former National Security Advisors Stephen Hadley and General James L. Jones, wrote that accepting refugees “support[s] the stability of our allies and partners that are struggling to host large numbers of refugees,” and warned that restricting acceptance of refugees would “undermine our core objective of combating terrorism.”85 The cuts, suspension, and derailment of U.S. resettlement instigated by the executive orders, along with their targeting of Syrian and Muslim refugees and travelers, has harmed national security interests in other ways as well. Some former national security, intelligence and military officials have reported that the orders are damaging counter-terrorism cooperation and related intelligence sharing: n In a January 30, 2017 letter, former officials, diplomats, military leaders, and intelligence professionals who served in both the G.W. Bush and Obama Administrations wrote that the January 27 order “will harm our national security” and reported that “Partner countries in Europe and the Middle East, on whom we rely for vital counterterrorism cooperation, are already objecting to this action and distancing themselves from the United States, shredding years of effort to bring them close to us.”86 n In early February 2017, a group of former officials with national security expertise concluded that the January 27 order “will disrupt key counterterrorism, foreign policy, and national security partnerships that are critical to our obtaining the necessary information sharing and collaboration in intelligence, law enforcement, military and diplomatic channels to address the threat posed by terrorist groups such as ISIL.” They reported that the executive order “has alienated U.S. allies” and concluded that the order “will strain our relationship with partner countries in Europe and the Middle East, on whom we rely for vital counterterrorism cooperation, undermining years of effort to bring them closer.” 87 n In March 2017, following the March 6 order, a group of former officials with national security expertise who had worked under both Democratic and Republican administrations concluded that “the revised executive order will jeopardize our relationships with allies and partners on whom we rely for vital counterterrorism operation and informationsharing.”88 n In April 2017, a group of former officials reported that the March 6 order would disrupt national security partnerships critical to addressing the ISIL threat and in particular that the order had already “alienated allies and partners” and that “[c]ountries in the Middle East expressed disapproval and even threatened and engaged in reciprocity in response to the January 27 Order, jeopardizing years of diplomatic outreach.”89 Former U.S. national security and intelligence officials have also concluded that the executive orders [refugee resettlement cuts] undermine U.S. national security by feeding into ISIS’s narratives: n The January 27 order “has already sent exactly the wrong message to the Muslim community here at home and all over the world: that the U.S. government is at war with them based on their religion. We may even endanger Christian communities, by handing ISIL a recruiting tool and propaganda victory that spreads their horrific message the United States is engaged in a religious war.”90 n The January 27 order “will aid ISIL’s propaganda effort and serve its recruitment message by feeding into the narrative that the United States is at war with Islam.”91 n The bipartisan group of former officials who wrote to President Trump in March 2017 explained that “To Muslims—including those victimized by or fighting against ISIS—it [the March 6 revised executive order] will send a message that reinforces the propaganda of ISIS and other extremist groups that falsely claim the United States is at war with Islam. Welcoming Muslim refugees and travelers, by contrast exposes the lies of terrorists and counters their warped visions.” n A group of former government officials pointed out that “less than a day after President Trump signed the January 27 Order, jihadist groups began citing its contents in recruiting messages online.”92 Former military leaders, veterans, and former national security officials have detailed concerns that the refugee bans, and the resulting cuts and further delays in resettlement, will endanger U.S. troops in the field: n In early February 2017, a group of former officials with national security expertise concluded that the January 27 order “could do long-term damage to our national security and foreign policy interests” and “endanger U.S. troops in the field.” n In April 2017 a group of former officials stated that the order “will endanger troops in the field.” Pointing to the refugee ban’s impact on the resettlement of interpreters and others who have assisted U.S. troops at great risk to their lives, the former officials concluded that “[b]y discouraging future assistance and cooperation from these and other affected military allies and partners, the Order will jeopardize the safety and effectiveness of our Service Members.”93 n Veterans themselves have explained that the refugee ban harms U.S. national security by abandoning the interpreters the military relies on to successfully carry out its missions around the world, stressing that “our mission, and sometimes our lives, depended on the interpreters, translators, and other local allies.”94 Conclusion In a Statement on America’s Commitment to Refugees, released on World Refugee Day in 2016, a group of former officials and retired military leaders—who had served under both Democratic and Republican administrations— joined together to emphasize this country’s strong commitment to protecting the persecuted: For more than two centuries, the idea of America has pulled toward our shores those seeking liberty, and it has ensured that they arrive in the open arms of our citizens. That is why the Statue of Liberty welcomes the world’s ‘huddled masses yearning to breathe free,’ and why President Reagan stressed the United States as ‘a magnet for all who must have freedom, for all the pilgrims from all the lost places who are hurtling through the darkness.’ The statement’s signatories included: Former Secretary of Defense and U.S. Senator William S. Cohen; Former Secretary of Defense Chuck Hagel; Former Director of the CIA General Michael V. Hayden, U.S. Air Force (Ret.); Former Director of the National Counterterrorism Center Michael E. Leiter; Former U.S. Senator Carl M. Levin; Former Commander of U.S. Army Europe General David M. Maddox, U.S. Army (Ret.); Former Director of the National Counterterrorism Center Matthew G. Olsen; Former Secretary of Defense William J. Perry; Former NATO Supreme Allied Commander Admiral James G. Stavridis, U.S. Navy (Ret.); Former Homeland Security Advisor Frances F. Townsend; and, Former Secretary of Homeland Security Michael Chertoff. The damage done by President Trump’s refugee bans has been devastating to refugees, to refugee-hosting nations, to American allies and partners, to U.S. national security interests and to U.S. global leadership. The Trump Administration must change course, rescind the bans and launch a renewed and robust effort to lead the world’s nations in assisting, protecting, and resettling refugees. While this country has at times faltered, the U.S. commitment to protecting the persecuted has deep and strong roots. By restoring America’s role as a beacon to those searching for freedom, this country will not only safeguard its own national security and foreign policy interests, it will demonstrate that its guiding ideals are powerful and at the heart of what makes this nation strong. As U.S. Army veteran Adam Babiker, a former refugee who fled the genocide in Darfur, recently wrote: “We are a beacon, a force for good, and a symbol to the rest of the world. We help the oppressed and welcome the victims of war.”95

#### Second, it’s the only way to prevent massive loss of life – Hollenback writes that a surging refugee crisis will leave millions with no options besides death.