RESOLVED: IN RESPONSE TO THE CURRENT CRISIS, A GOVERNMENT SHOULD PRIORITIZE THE HUMANITARIAN NEEDS OF REFUGEES OVER ITS NATIONAL INTERESTS.

The November Public Forum topic will ask debaters to examine the obligations of governments now attempting to deal with the heart-wrenching suffering of the millions of refugees now fleeing Syria, Iraq, and Afghanistan. Some governments are welcoming the refugees with open arms, while others are erecting fences at their borders. The countries closest to the conflict – Turkey, Greece, and Jordan – are now nearly at a breaking point, desperately seeking solutions from the international community. Joseph O’Roarke, editor of the Albany Law Review, recently described the situation in Turkey:

By November 2013, Turkey was hosting an estimated 600,000 refugees; 200,000 sheltered in twenty-one refugee camps and another 400,000 living in Turkish communities. To assist, the Turkish government has already spent more than two billion dollars. Appeals for international assistance have largely gone unanswered, as Turkey has received only thirty-seven percent of the assistance requested. This will continue to create problems as U.N. and Turkish officials predict 1.5 million refugees by the end of 2014. Nearly 800,000 of those refugees will be children, 500,000 of which will be school-aged. This is a substantial dilemma for Turkish political leaders because the nation is running out of resources. (2015, p. 720)

O’Roarke also reports that “Jordan reportedly hosts 600,000 refugees, the equivalent of ten percent of its own population. The timing of the influx of refugees could not be worse considering that the recent financial crisis already hurt the Jordanian economy, as evidenced by the numerous incomplete construction projects throughout the capital city of Amman” (2015, p. 719). Greece, a government already near bankruptcy, is also inundated with hundreds of thousands of refugees. Massive numbers of refugees are desperately seeking entrance into countries in the northern tier of the European Union. The political problems created by these refugee flows were examined by Tom McTague in a September 3, 2015 article:

European leaders were today accused of turning the Mediterranean into a “cemetery for refugees” after the bodies of two young Syrian boys washed up on a Turkish beach. Turkey's president Tayyip Erdogan said EU countries “shared the sin for every refugee who loses their life” trying to escape the Middle East for Europe. Mr Erdogan's intervention came as splits emerged over an emergency Brussels plan to relocate 160,000 refugees around the Continent in a bid to ease the burden on Germany and a handful of other countries. Under the new scheme, refugees who have made it to Italy, Greece and Hungary will be transferred to countries across the EU based on their population and economic wealth. It will see Germany granting asylum to 35,000 refugees, France accepting 26,000 and Spain 16,000. Even poverty-stricken Bulgaria and Romania will be expected to take thousands of families. However, the UK – which refused to join the scheme when it was originally set up in May – will not have to take any refugees despite being one of the largest and wealthiest countries in the EU. (Mail Online, Sept. 3, 2015, Nexis)

The United States is also currently engaged in a debate over the extent of its obligations to address the current refugee crisis. The Obama administration has announced that it will increase the number of Syrian refugees brought to the U.S. for permanent resettlement. This plan was described in the October 1, 2015 issue of the Los Angeles Times:

Obama has pledged to take in at least 10,000 refugees fleeing war-torn Syria for the fiscal year that began Thursday. This week, he ordered the ceiling for the number of total refugee admissions to be raised from 70,000 to 85,000. Barbara Strack, chief of the Refugee Affairs Division at the U.S. Citizenship and Immigration Services, testified that her agency, which conducts security checks of applicants, has met the refugee admission ceiling of 70,000 for three years in a row. “When I meet with new officers joining the refugee corps, I talk with them about the United States’ long-standing tradition of offering protection to those fleeing prosecution,” she said. (http://www.latimes.com/nation/la-na-congress-refugees-20151001-story.html)

Congressional Republicans worry that the refugee resettlement program will cost too much and will expose the country to an influx of ISIS-sympathizers. The same Los Angeles Times article discussed these concerns: “Republican Sen. Jeff Sessions of Alabama, chairman of the subcommittee, criticized plans to increase the number of refugees accepted by the U.S. to at least 100,000 next year. Such an increase, he said, would further stretch public benefits and outpace the security screening process refugees are required to undergo” (http://www.latimes.com/nation/la-na-congress-refugees-20151001-story.html).
ANALYSIS OF THE TOPIC

Debaters will need to carefully consider the wording of the resolution: Resolved: In response to the current crisis, a government should prioritize the humanitarian needs of refugees over its national interests. This resolution suggests several analytical questions:

What is meant by “the current crisis?” The world has dealt with numerous refugee crises over the past half century, but the current crisis involves persons fleeing the violence in Syria, Iraq, and Afghanistan. Zvonimir Mrsic, writing in the Huffington Post, describes this crisis in an October 5, 2015 article: “There is no end in sight to the current refugee crisis. According to a recent UNHCR report, almost 60 million people were forcibly displaced in 2014 from countries such as Syria, Iraq, Eritrea and Afghanistan, out of which 19.5 million were refugees. Among the refugees, half of the 19.5 million are children. Many of these are now finding their ways to Europe. The UN estimates that 700,000 migrants will arrive in Europe this year and the same number in 2016” (http://www.huffingtonpost.com/zvonimir-mrsic/how-corporations-can-help_b_8240238.html).

What is the significance of the term “a government?” Notice that the November resolution is not limited to an examination of what the U.S. government should do; rather it asks what should be the priorities of any government in matters relating to refugees. This allows debaters to examine the priorities of the member nations of the European Union or the Arab League as well as the United States. Importantly, however, the resolution is not asking what the governments of Syria, Iraq, or Afghanistan should do about refugees. Under international law, persons are not categorized as refugees until after they have fled the country where they fear persecution.

Another important phrase in the November resolution is the conditional verb form, “should prioritize.” Oxford Dictionaries defines “prioritize” as to “determine the order for dealing with (a series of items or tasks) according to their relative importance” (http://www.oxforddictionaries.com/us/definition/american_english/prioritize). Simply put, debaters are asked whether “humanitarian needs of refugees” are more important than a government’s “national interests.”

Another term in the resolution requiring definition is “refugees.” Consider the following definitions of the term:

Ashleigh Kasper, (Attorney, Los Angeles), JOURNAL OF THE NATIONAL ASSOCIATION OF ADMINISTRATIVE LAW JUDICIARY, Spr. 2012, 319. The 1980 Refugee Act (Refugee Act) remains the most current refugee legislation. The definition of “refugee” used today comes from the 1980 Refugee Act. The Act defines a refugee as the following: “Any person who is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of well-founded fear of persecution on account of race, religion, nationality, or membership in a particular social group, or political opinion.”

William Worster, (Prof., International Law, The Hague, The Netherlands), BERKELEY JOURNAL OF INTERNATIONAL LAW, 2012, 161. Therefore, the evolving definition of a refugee under conventional and customary international law is: I. A person who, owing to a well-founded fear of being subjected to a situation of (1) persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion; (2) torture, inhuman or degrading treatment and/or punishment; and/or (3) a threat to life, security or liberty due to events seriously disturbing public order; that (a) is so widespread that it exists in all parts of the state of origin where the person could flee and also exists in every state the person reached upon leaving his state of origin; and (b) is unable to be cured by credible, reliable and genuine assurances offered by the state of origin; and any other state that the individual previously reached, of the situation not occurring to that individual; and II. Such person is outside the country of his or her nationality of former habitual residence and is unable or, owing to such fear, unwilling to avail himself of the protection of that country or return to it.

Molly Martin, (JD Candidate), GEORGETOWN IMMIGRATION LAW JOURNAL, Winter 2012, 416. The accepted American definition of refugee is limited to those who have fled their country of origin and who have a well-founded fear of persecution or are being persecuted because of their race, religion, nationality, membership in a particular social group, or political opinion.

Sarah Bidinger, (JD Candidate), BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL, Spr. 2015, 226-227. The 1951 [Refugee] Convention has been signed and ratified by 144 nations, and is the preeminent treaty governing the manner in which host countries receive and treat refugees. The 1951 Convention defines a refugee as an individual who is unable to return to his or her country of prior residence due to a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.” The 1951 Convention particularly guarantees that lawful refugees will be afforded treatment comparable at least to that of “aliens generally” with regards to religious freedom, free association, access to education, and other basic social and political rights. The 1951 Convention particularly requires states to “accord to refugees ... the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage-earning employment.”
William Worster, (Prof., International Law, The Hague, The Netherlands), BERKELEY JOURNAL OF INTERNATIONAL LAW, 2012, 96. The Refugee Convention specifies that a person qualifies as a refugee if (1) the person has already been considered a refugee under prior treaty arrangements or (2) the person is outside the country of his nationality (or not having a nationality) and is unable or unwilling to avail himself of the protection of that country due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion.

A final phrase requiring definition in the November resolution is “national interests.” While not every government would have the same national interests, the “national interests” of the United States could provide a good starting point in understanding this phrase. Harvard University’s Belfer Center for Science and International Affairs has supported a program designed to define the national interests of the United States. This effort brought together a “who’s who” list of leading academic and political figures resulting in the creation of a thirty-item list of America’s “national interests.” They divided the list into “vital” national interests, “extremely important” national interests, “important” national interests, and “less important” national interests. Professor Graham Allison, director of Harvard’s Belfer Center, writes that “vital national interests are conditions that are strictly necessary to safeguard and enhance Americans’ survival and well-being in a free and secure nation” (2010, portals.jhuapl.edu/media/Rethinking_Seminars/021810/Allison_ppt.pdf). So “survival” heads the list of “national interests.” But right behind survival is a list of “extremely important national interests”:

1. Prevent, deter, and reduce the threat of the use of nuclear, biological, or chemical weapons anywhere; 2. Prevent the regional proliferation of WMD and delivery systems; 3. Promote the acceptance of international rules of law and mechanisms for resolving or managing disputes peacefully; 4. Prevent the emergence of a regional hegemon in important regions, especially the Persian Gulf; 5. Promote the well-being of US allies and friends and protect them from external aggression; 6. Promote democracy, prosperity, and stability in the Western Hemisphere; 7. Prevent, manage, and, if possible at reasonable cost, end major conflicts in important geographic regions; 8. Maintain a lead in key military-related and other strategic technologies, particularly information systems; 9. Prevent massive, uncontrolled immigration across US borders; 10. Suppress terrorism (especially state-sponsored terrorism), transnational crime, and drug trafficking; and 11. Prevent genocide. (2010, portals.jhuapl.edu/media/Rethinking_Seminars/021810/Allison_ppt.pdf).

An international perspective on the term, “national interests” is provided by political science professor Alex Battler in the following statement: “The problem of national interests has been debated for almost 100 years now, but no consensus has been reached to this day. Many Russian scholars fail to understand, though, what all the fuss is about. It is quite obvious to them that national interests include the preservation of territorial integrity, independence, survival and, better yet, prosperity of the people” (2013, http://www.alexbattler.com/alexbattler/Interests&security.html).

**PRO STRATEGIES**

There are a large number of strategies available to PRO debaters on this topic. The first strategy argues that justice is the standard that should be used to compare the importance of “humanitarian needs of refugees” and a government’s “national interests.” This case shows that successive U.S. invasions in the Middle East are the proximate cause of the current refugee crisis. A simple and well-accepted rule of justice is “you broke it, you fix it.” The United States and a group of Western allies made the decision to invade Iraq and Afghanistan. Those invasions have created a flood of refugees. Philip Giraldi, director of the Council for the National Interest, has written a recent article entitled “A Refugee Crisis Made in America,” in which he argues for prioritizing assistance to refugees:

It is perhaps past time for Washington to begin to become accountable for what it does. The millions of people living rough or in tents, if they are lucky, need help and it is not satisfactory for the White House to continue with its silence, a posture that suggests that the refugees are somehow somebody else’s problem. They are, in fact, our problem. A modicum of honesty from President Barack Obama would be appreciated, perhaps an admission that things have not exactly worked out as planned by his administration and that of his predecessor. And money is needed. Washington throws billions of dollars to fight wars it doesn’t have to fight and to prop up feeckless allies worldwide. For a change it might be refreshing to see tax money doing some good, working with the most affected states in the Middle East and Europe to resettle the homeless and making an honest effort to come to negotiated settlements to end the fighting in Syria and Yemen, both of which can only have unspeakably bad outcomes if they continue on their current trajectories. (2015, http://www.counclforthenationalinterest.org/new/a-refugee-crisis-made-in-america/#.VhnAAqKNdjl).

The second PRO case focuses on the obligations created under international law for the assistance of refugees. In particular, members of the United Nations have overwhelmingly adopted the “Responsibility to Protect (R2P)” document affirming that the protection of refugees is more important than state sovereignty. Almost every nation is now a party to the 1951 Refugee Convention and the Geneva Convention; these well-established international treaties demand that governments prioritize the humanitarian needs of refugees. Claire Wikstrom, a Swedish representative to the European Parliament, summarizes the meaning of the Geneva Convention in the context of prioritizing the humanitarian treatment of refugees:
All EU member states are bound by the Geneva Convention to give all asylum applicants a fair examination of their asylum claims and to never return a person if they risk persecution or torture. No single person or country can single-handedly solve the horrific situation that characterizes the Syrian refugees’ lives. But together, we can offer a better life for many more of the mothers, fathers, children and friends who are fleeing the horrors of Syria. Together we can bring European solidarity to a new level. Europe must become a humanitarian superpower. (EU Observer, Feb. 12, 2015, Nexis)

The final PRO case argues that preservation of life is be the reason why the humanitarian needs of refugees should be prioritized over national interests. In the current crisis, thousands of refugees are dying despite the fact that governments have the means to save them. This case shows that worries about terrorism and economic inability are poor excuses for denying the humanitarian needs of refugees. In reality, concerns about terrorism and economics should provide all the more justification for proper refugee resettlement. David Mednicoff, professor of public policy at the University of Massachusetts, argues that meeting the humanitarian needs of Syrian refugees should be regarded as a key element of any counter-terrorism strategy:

Yet there is another strong argument to be made that offering temporary or permanent homes to specifically Syrian refugees is in the national interest of countries like the US. In particular, such refugees can be crucial resources in tackling the extremist violence and authoritarian excess that we are now witnessing conflict in the Middle East. They can do this in three specific ways. First, they will no longer be a threat to the problem by escaping the immediate threat of violence or radicalization. Second, their experience can serve as an important example for others. Third, they have the skills and the background that can be put to work in the broader struggle to defeat parochialism and repression in the Middle East.” (Sept. 10, 2015, www.truth-out.org/opinion/item/32727-more-syrian-refugees-good-for-national-security)

Meeting the humanitarian needs of refugees can also pay large dividends for the strength of a nation’s economy. Daniel Altman, professor of economics at NYU, makes such a case in the September 8, 2015 issue of Foreign Policy:

Refugees are some of the best bets for almost any economy. The extraordinary journeys they undertake to flee conflict and insecurity show that they’re motivated, enterprising, and able-bodied. They want to work and support their families — they just prefer to do it somewhere safe. In the United States, a higher share of foreign-born people join the labor force than native-born people, and their unemployment rate is typically lower as well. Moreover, the families fleeing Syria, Yemen, Afghanistan, and other countries — totaling perhaps 20 million people — are unlikely to pose a security risk. They’re trying to escape extremism and violence, not foment it. They couldn’t be further from the stereotypical villains of the global war on terror. (http://foreignpolicy.com/2015/09/09/we-should-all-be-competing-to-take-in-refugees-europe-syria/)

CON STRATEGIES

There are also several excellent strategies available to CON debaters on this topic. The first strategy argues that national security is a national interest that should be prioritized above meeting the humanitarian needs of refugees. The current influx of refugees from Syria and Iraq runs a significant risk of extending ISIS-inspired violence into the countries where refugees are resettled. Mike McCaul, chair of the House Homeland Security Committee has warned that ISIS is using the outflow of refugees as a cover for spreading terrorism into Europe and the U.S.: “Jihadists with the Islamic State group could embed with refugees fleeing the conflict in Syria, creating a jihadi pipeline. From a national security standpoint, I take ISIS at its word when they said, in their own words, ‘We’ll use and exploit the refugee crisis to infiltrate the West’” (Agence Fance Presse, Sept. 13, 2015, Nexis). Elias Bou Saab, the Education Minister of Lebanon, has warned that ISIS is embedding terrorists among the refugees fleeing Syria: “Yes, they bring some people, the smugglers. They organise groups and send them out” (The Independent, Sept. 16, 2015, Nexis). He estimates that 2% of the refugees – about 20,000 – are ISIS sympathizers.

The second CON case focuses on the text of international treaties to show why national interests should be prioritized above meeting the humanitarian needs of refugees. As this case will show, both the 1951 Refugee Convention and the Geneva Convention specifically address the question of what happens when national security concerns conflict with the humanitarian resettlement of refugees. Article 9 of the Refugee Convention clearly states that a government should meet the humanitarian needs of refugees unless by doing so it would threaten its own national security. Similarly, the Geneva Convention contains an exception to the “non-refoulement” rule. Non-refoulement refers to a commitment that refugees not be returned to their country of origin whenever doing so would subject them to persecution. But the Geneva Convention also contains an exception in the event of threats to national security.

The final CON case shows that the governments on the front lines of the current refugee crisis – namely Greece, Turkey, and Jordan – are so inundated by the hundreds of thousands of refugees that they are literally incapable of meeting their humanitarian needs. Since all governments have a vital national interest in their survival and the economic needs of their own people, it cannot be said that the humanitarian needs of refugees should be prioritized above such national interests.
A final comment about strategy for CON teams: None of the above cases require the CON team to argue that the humanitarian needs of refugees should be ignored. Clearly nations should do what they can to meet the humanitarian needs of refugees. But this is NOT what the resolution asks. The resolution asks whether meeting the humanitarian needs should be given priority WHEN IN CONFLICT WITH A GOVERNMENT’S NATIONAL INTERESTS. So in the first CON case, the argument would be that the humanitarian needs of refugees should be met except in those cases where by doing so a government is aiding ISIS terrorist sympathizers. In the second CON case, the argument would be that the humanitarian needs of refugees should be met except when by doing so, a government’s national security is undermined. In the third CON case, the argument would be that the humanitarian needs of refugees should be met so long as a government’s economy is able to sustain such assistance. The PRO teams are likely to try to characterize these CON positions as heartless in the face of obvious human need, but the CON positions DO NOT say that the humanitarian needs of refugees should be neglected. The CON team is simply arguing that a government’s vital national interests have to come first; when a government can provide assistance to refugees without threatening its own national survival, then it should do so.

A FEW WORDS ABOUT THE PROPER USE OF BAYLOR BRIEFS IN PUBLIC FORUM DEBATE

The PRO and CON cases in public forum debate must be presented in only a few minutes. Since the emphasis in public forum debate is on persuasive delivery for the lay person, you would never want to try to speak more rapidly in order to pack more arguments or quotations into the few minutes available in your speeches. Most successful public forum teams won’t use more than six or seven short quotations in the whole debate. Most of the briefs offered in our Public Forum Debate Research Series are much longer – and present much more evidence – than could ever be presented in a single public forum debate. You should consider each brief as a resource and cafeteria of possibilities. Rarely in public forum debate would you ever read more than one or two short pieces of evidence under each heading. In addition, debaters typically underline just the portion of a piece of evidence that they will read in their speech – hopefully the part of the evidence that makes the point most clearly. This is an acceptable practice under NSDA rules of evidence so long as the debater has the whole piece of evidence available for viewing (upon request) by the other team and/or the judge(s).

Why does Baylor Briefs, then, sometimes provide several long pieces of evidence? We want to give you choices, to show you the whole context of the evidence, and also to make backup evidence available to you. You should make the arguments your own by choosing only the arguments and evidence that makes the most sense to you.
1951 Refugee Convention: This is the most important international agreement relating to the Status of Refugees; it defines who is a refugee, their rights, and the legal obligations of states. Article 9 of the Convention does, however, say a country is allowed to adjust its legal obligations to take in refugees if it determines that it must take “provisional measures which it considers to be essential to national security.”

1967 Protocol to the Refugee Convention: Though the United States was not a party to the 1951 Refugee Convention, it did sign the 1967 Protocol, essentially binding it to follow the provisions of the original convention.

Dublin Regulation: This refers to a procedure established by the European Union in 2013 for the management of refugees. The Dublin Regulation dictated that refugees should seek asylum in the first European Union country in which they set foot. This has had the effect of providing unreasonable burdens on Turkey, Greece, and other Southern European countries near Syria and Iraq. But in September of 2015, Germany announced that it would no longer follow the Dublin Regulation, thus allowing refugees to enter Germany even if they first set foot on countries along the Southern tier of the European Union.

Non-Refoulement: The Geneva Convention specifies that countries must respect the principle of “non-refoulement,” meaning that asylum seekers or refugees must not be returned to a country of origin or any territory where he or she has a well-founded fear of persecution.

Refugee Act of 1980: Michele Pistone, (Prof., Law, Villanova U. School of Law), FORDHAM URBAN LAW JOURNAL, Nov. 2010, 248. International law establishing the rights of refugees derives from the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. Nations signing onto these treaties promise to adhere to the policy of non-refoulement, a duty not to return refugees to countries in which they fear persecution. The United States agreed to be bound by the 1951 Convention and its Protocol in 1968. The Refugee Act of 1980 codified the treaty obligations and established a system for adjudicating claims for asylum in the United States. Under the Refugee Act of 1980, a refugee is eligible for asylum if he or she can establish that he or she is “unable or unwilling to avail himself or herself of the protection of [his or her] country [of nationality] because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.”

Refugee: The 1951 Refugee Convention specifies that a person qualifies as a refugee if (1) the person has already been considered a refugee under prior treaty arrangements or (2) the person is outside the country of his nationality (or not having a nationality) and is unable or unwilling to avail himself of the protection of that country due to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion. According to the UN High Commissioner for Refugees, there are currently about 15 million persons in the world who meet the legal definition of a refugee (Columbia Human Rights Law Review, Spr. 2011, p. 616).

Schengen Zone: The Schengen Agreement on the Elimination of Border Controls is a 30-year-old pact among members of the European Union (EU) designed to allow free movement of persons within the Union. Not all members of the EU have signed this agreement, but Belgium, Germany, France, Luxembourg, and the Netherlands have agreed to allow free movement across their borders without the necessity of presenting a passport or other travel documents. Britain is not a party to this agreement.

United Nations High Commissioner for Refugees (UNCHR): The history and function of this UN office is described in the Spring 2012 issue of the Journal of the National Association of Administrative Law Judiciary: “Concerned with the post-World War II refugee crisis, the United Nations created the United Nations High Commissioner for Refugees (UNHCR) to deal exclusively with refugee issues. In 1951, the Convention on the Status of Refugees was held by the newly created UNHCR. The Convention was a response to the high numbers of refugees who had fled various countries during World War II. In 1967, the Protocol Relating to the Status of Refugees was created, which codified many of the policies and rules created by the Convention. Although the United States was not a signatory to the Convention, it later signed the Protocol, thereby adopting virtually the same provisions as the Convention” (p. 315).
Convention and Protocol Relating to the Status of Refugees. (2011, Nov. 14). http://www.unhcr.org/3b66c2aa10.html. This 56-page document provides the text of the treaty that almost all nations – including the United States – have agreed to concerning the proper treatment of refugees. The treaty says the following: “The Convention is both a status and rights-based instrument and is under-pinned by a number of fundamental principles, most notably non-discrimination, non-penalization and non-refoulement. Convention provisions, for example, are to be applied without discrimination as to race, religion or country of origin. Developments in international human rights law also reinforce the principle that the Convention be applied without discrimination as to sex, age, disability, sexuality, or other prohibited grounds of discrimination. The Convention further stipulates that, subject to specific exceptions, refugees should not be penalized for their illegal entry or stay.”

Council for the National Interest: http://www.councilforthenationalinterest.org/new/a-refugee-crisis-made-in-america/#.Vhg4vKKNf-k. In this article, former CIA officer Philip Giraldi, blames the United States for the current refugee crisis in the Middle East: “I would assign to Washington most of the blame for what is happening right now. Since folks inside the beltway are particularly given to making judgments based on numerical data they might be interested in the toll exacted through America’s global war on terror. By one not unreasonable estimate, as many as four million Muslims have died or been killed as a result of the ongoing conflicts that Washington has either initiated or been party to since 2001.”

David Mednicoff: www.truth-out.org/opinion/item/32727-more-syrian-refugees-good-for-national-security. Mednicoff, professor of public policy at the University of Massachusetts, argues that providing assistance to refugees is in the national interest: “Yet there is another strong argument to be made that offering temporary or permanent homes to specifically Syrian refugees is in the national interest of countries like the US. In particular, such refugees can be crucial resources in tackling the extremist violence and authoritarian excess that we are now witnessing in the Middle East. They can do this in three specific ways. First, they will no longer be part of the problem by escaping the immediate threat of violence or radicalization. Second, their experience can serve as an important example for others. Third, they have the skills and the background that can be put to work in the broader struggle to defeat parochialism and repression in the Middle East.”

Foreign Policy: http://foreignpolicy.com/2015/09/08/we-should-all-be-competing-to-take-in-refugees-europe-syria/. This article is written by economics professor, David Altman. He argues that opening a nation’s doors to refugees actually pays substantial economic dividends: “First, let’s be clear: Countries that refuse refugees are usually damaging their own prospects. Refugees are some of the best bets for almost any economy. The extraordinary journeys they undertake to flee conflict and insecurity show that they’re motivated, enterprising, and able-bodied. They want to work and support their families — they just prefer to do it somewhere safe. In the United States, a higher share of foreign-born people join the labor force than native-born people, and their unemployment rate is typically lower as well. Moreover, the families fleeing Syria, Yemen, Afghanistan, and other countries — totaling perhaps 20 million people — are unlikely to pose a security risk. They’re trying to escape extremism and violence, not foment it. They couldn’t be further from the stereotypical villains of the global war on terror.”

The National Interest: http://nationalinterest.org/blog/the-buzz/madness-the-european-refugee-crisis-13676. This article by Salvadore Balbones describes the scale of the current refugee crisis: “Europe’s refugee crisis has escalated from tragedy to farce. More than 2000 people have died this year trying to enter Europe via the Mediterranean -- on top of unknown numbers who perished in the Sahara Desert on their way to Libya to risk the sea crossing.”
PRO CASE #1: JUSTICE: “YOU BROKE IT, YOU FIX IT”

The thesis of this case is that justice demands that refugees be given priority over national interest. Former U.S. Secretary of State, Colin Powell, once famously warned President George W. Bush on the eve of the Iraqi invasion that “if you break it, you own it.” This “Pottery Barn” rule of justice should apply to the current refugee crisis in the Middle East. The current flood of refugees out of Afghanistan, Iraq, and Syria should be regarded as a direct result of the U.S. decisions to invade these countries. Accordingly, the United States and its Western allies should now fully accept the responsibility to meet the humanitarian needs of refugees.

OBSERVATIONS:

I. JUSTICE IS THE STANDARD THAT DETERMINES WHAT GOVERNMENTS OUGHT TO DO.

A. GOVERNMENTS SHOULD HAVE JUSTICE AS ITS FIRST COMMITMENT.

John Schaar, (Prof., Philosophy, U. California, Santa Cruz), JOHN RAWLS’ THEORY OF SOCIAL JUSTICE, 1980, 162.

“Justice is the first virtue of social institutions, as truth is of systems of thought”. With that assertion, Rawls recalls us to the very origins of political philosophy, reminding errant political theorists and citizens alike that justice is their first concern. Not power, or the GNP, or efficiency, or the endless pursuit of private interest but justice is the proper subject of political thought and action as it is the defining characteristic of the good state.

B. JUSTICE MEANS TO RENDER TO EVERY PERSON WHAT THEY ARE DUE.


According to Aristotle and Cicero, the natural law of justice is summed by the formula, “to do justice is to render to each what is due.” This notion of “what is due” implied what is earned, owed, or otherwise deserved. The word “due” thus carries a moral connotation: to render what is due is to render what is merited, however such merit is determined, whether by actions, contracts, laws, or some other measure.


Justice is giving each what is due to him. So fundamental is the duty of public authority to requite good and evil in deeds that natural law philosophers consider it the paramount function of the state.

C. JUSTICE DEMANDS REDRESS WHEN SOCIETAL WRONGS HAVE BEEN COMMITTED.


Besides the crime which consists in violating the law, and varying from the right rule of reason, whereby a man so far becomes degenerate, and declares himself to quit the principles of human nature, and to be a noxious creature, there is commonly injury done to some person or other, and some other man receives damage by his transgression: in which case he who hath received any damage, has, besides the right of punishment common to him with other men, a particular right to seek reparation from him that has done it: and any other person, who finds it just, may also join with him that is injured, and assist him in recovering from the offender so much as may make satisfaction for the harm he has suffered.

II. JUSTICE DEMANDS THAT THOSE RESPONSIBLE FOR HARM, ACT TO REDRESS THE HARM.

Kathleen Dean Moore, (Prof., Philosophy, Oregon State U.), MORAL GROUND: ETHICAL ACTION FOR A PLANET IN PERIL, 2010, 293.

Rawls says that if you want to know whether a distribution of benefits and burdens is fair, all you have to do is a little thought experiment. Ask yourself, if I didn’t know what position I would have in the world (whether I would be a present person or a future person, whether I would be rich or poor, whether I would be African or Inuit), would I choose a situation in which rich, mostly white people of one or two generations reap great benefits and impose the costs on other people, notably future people and the poor? Or do it this way: Would I approve of this arrangement, if I knew that my worst enemy would have the power to assign me my place in the world? If the answer is no, then the arrangement in question is unfair. And, of course, the answer is no. No one would freely choose to pay, in the currency of their suffering and the suffering of their children, in famine and disease and the risk of human life on Earth, the costs of reckless adventures of the wealthy nations. We have an obligation to remedy a situation that is currently and patently unjust, and one that will only grow more unjust as time goes on and the future unfolds.
CONTENTIONS:

I. THE UNITED STATES AND ITS WESTERN ALLIES CAUSED THE CURRENT REFUGEE CRISIS.

A. MILITARY INVASIONS BY THE UNITED STATES AND ITS ALLIES HAVE CREATED THE CURRENT REFUGEE CRISIS.


Indeed, I would assign to Washington most of the blame for what is happening right now. Since folks inside the beltway are particularly given to making judgments based on numerical data they might be interested in the toll exacted through America’s global war on terror. By one not unreasonable estimate, as many as four million Muslims have died or been killed as a result of the ongoing conflicts that Washington has either initiated or been party to since 2001. There are, in addition, millions of displaced persons who have lost their homes and livelihoods, many of whom are among the human wave currently engulfing Europe. There are currently an estimated 2,590,000 refugees who have fled their homes from Afghanistan, 370,000 from Iraq, 3,880,000 million from Syria, and 1,100,000 from Somalia. The United Nations Refugee Agency is expecting at least130,000 refugees from Yemen as fighting in that country accelerates. Between 600,000 and one million Libyans are living precariously in neighboring Tunisia.

Michele Pistone, (Prof., Law, Villanova School of Law), COLUMBIA HUMAN RIGHTS LAW REVIEW, Spr. 2011, 619.

The conferences underscored the extent of the continuing Iraqi refugee crisis: the aftermath of the 2003 U.S. invasion brought one of the largest refugee movements since World War II. Four million Iraqis were eventually forced to flee their homes, with around half of that population forced to flee the country entirely. The vast majority of the two million persons who left Iraq have remained in the Middle East, and although the numbers are down from their height, Syria still has over a million Iraqi refugees and Jordan has 450,000.


Significantly, the countries that have generated most of the refugees are all places where the United States has invaded, overthrown governments, supported insurgencies, or intervened in a civil war. The invasion of Iraq created a power vacuum that has empowered terrorism in the Arab heartland. Supporting rebels in Syria has piled Pelion on Ossa. Afghanistan continues to bleed 14 years after the United States arrived and decided to create a democracy. Libya, which was relatively stable when the U.S. and its allies intervened, is now in chaos, with its disorder spilling over into sub-Saharan Africa.


Everywhere people are fleeing the violence, which, among other benefits, has virtually obliterated the ancient Christian presence in the Middle East. Though I recognize that the refugee problem cannot be completely blamed on only one party, many of those millions would be alive and the refugees would for the most part be in their homes if it had not been for the catastrophic interventionist policies pursued by both Democratic and Republican administrations in the United States.

B. EVEN BEFORE THE IRAQI INVASION, THE ECONOMIC BLOCKADE WAS RESPONSIBLE FOR CREATING A REFUGEE CRISIS.

Michele Pistone, (Prof., Law, Villanova School of Law), COLUMBIA HUMAN RIGHTS LAW REVIEW, Spr. 2011, 628.

Another immense problem for refugee and other displaced populations concerns disease and its treatment. For several reasons, such populations are particularly likely to require medical treatment. Prolonged stress, sometimes extreme physical hardship, and crowded or unsanitary conditions all play a part, as does the fact that displaced populations—even before their displacement—also typically lack quality medical care. In Iraq, for example, the health system was compromised by 2003 because of pre-war sanctions. In the aftermath of the U.S. invasion, conditions worsened further, with more than half of Iraq’s doctors leaving the country, and with more than one in seven of those remaining killed or kidnapped.
II. GOVERNMENTS RESPONSIBLE FOR THE REFUGEE CRISIS MUST NOW PRIORITIZE THE HUMANITARIAN NEEDS OF REFUGEES OVER THEIR NATIONAL INTERESTS.

A. GOVERNMENTS NOW HAVE A MORAL OBLIGATION TO MEET THE HUMANITARIAN NEEDS OF REFUGEES.

Molly Martin, (JD Candidate), GEORGETOWN IMMIGRATION LAW JOURNAL, Winter 2012, 424.

States across the board should be accepting an affirmative duty to provide relief services to refugees when they contribute to the crisis. In the modern, globalized world with wars fought over ideology as much or more than territory, all States should be looking to address how conflicts affect refugee resettlement and how their models can be modified in anticipation of future challenges.

Thomas Hanna, (JD), CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL, Fall 2011, 196.

Yet, the displacement of nearly five million Iraqis is an indisputable result of Operation Iraqi Freedom - a war most notably sponsored and supported by the United States. The United States must take responsibility for its hasty decision to enter into the war, no matter how "unwitting" the results were. As such, the United States has a moral obligation to help in the resettlement of all Iraqi refugees that it directly or indirectly displaced, regardless if such individuals "aided" the United States in the war effort.

Molly Martin, (JD Candidate), GEORGETOWN IMMIGRATION LAW JOURNAL, Winter 2012, 416.

Although the extent of America's responsibility for the crisis is difficult to ascertain, after more than a decade of presence, America should accept an affirmative duty to protect and resettle qualified Afghan refugees. Because responsibility to protect obligations are not tied to the State causing the humanitarian emergency, the affirmative duty to aid and resettle refugees should be triggered when the State does cause or exacerbate a refugee crisis.


It is perhaps past time for Washington to begin to become accountable for what it does. The millions of people living rough or in tents, if they are lucky, need help and it is not satisfactory for the White House to continue with its silence, a posture that suggests that the refugees are somehow somebody else's problem. They are, in fact, our problem. A modicum of honesty from President Barack Obama would be appreciated, perhaps an admission that things have not exactly worked out as planned by his administration and that of his predecessor. And money is needed. Washington throws billions of dollars to fight wars it doesn't have to fight and to prop up feckless allies worldwide. For a change it might be refreshing to see tax money doing some good, working with the most affected states in the Middle East and Europe to resettle the homeless and making an honest effort to come to negotiated settlements to end the fighting in Syria and Yemen, both of which can only have unspeakably bad outcomes if they continue on their current trajectories.

Molly Martin, (JD Candidate), GEORGETOWN IMMIGRATION LAW JOURNAL, Winter 2012, 415.

Although the United States has not expressly admitted a general affirmative duty to resettle refugees it has helped to create, its programs to resettle Vietnamese, Somali, and Iraqi refugees after military engagements suggests a recognition of some moral imperative and foreign policy benefits to honoring such a duty. This is appropriate and timely, given the growth of recent trends in the responsibility to protect and to prevent mass atrocity.

Molly Martin, (JD Candidate), GEORGETOWN IMMIGRATION LAW JOURNAL, Winter 2012, 415.

If the United States has caused the refugee crisis through its armed engagement in a State, it ought to take steps beyond mere armed intervention to protect those affected.

B. GOVERNMENTS RESPONSIBLE FOR THE REFUGEE CRISIS ARE NOW SHIRKING THEIR RESPONSIBILITIES.

Michele Pistone, (Prof., Law, Villanova School of Law), COLUMBIA HUMAN RIGHTS LAW REVIEW, Spr. 2011, 622.

Even in Iraq, where U.S. responsibility for massive refugee flight is obvious and direct, the plight of Iraqi refugees was for a long time regarded merely as a type of collateral damage, acknowledgement of which was discouraged as politically inconvenient and inimical to the achievement of larger goals.

Thomas Hanna, (JD), CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL, Fall 2011, 213.

During his presidential campaign, Barack Obama promised to "provide at least two billion dollars to expand services to Iraqi refugees in neighboring countries." In 2009, Obama echoed these sentiments, promising to provide "more assistance and [to] take steps to increase international support for countries already hosting [Iraqi] refugees." Although Obama's aspiration of two billion dollars in aid has yet to be reached, it is questionable as to how much of this funding is actually aiding Iraqi refugees in foreign nations.
Of the 4 million Syrians who have fled their country since the war began, including hundreds of thousands who have poured into Europe, the number who have been resettled in Britain could fit on a single London Underground train - with plenty of seats to spare. Just 216 Syrian refugees have qualified for the government’s official relocation program, according to data released last week.

David Miliband has criticized the Government for only agreeing to resettle 20,000 refugees over the next four and a half years ahead of a European Union summit on the migration crisis. The former foreign secretary described David Cameron’s commitment to take in an average of 4,000 Syrian refugees a year as the equivalent of the number arriving on the beaches of Greek island Lesbos every day. Mr Miliband, who now heads up the aid agency International Rescue Committee (IRC), suggested the UK should join other EU countries in sharing the burden in resettling the hundreds of thousands of refugees travelling across Europe, Africa and the Middle East.

Britain received just one in thirty of all asylum claims made across the European Union in the second quarter of this year, new figures have revealed, despite the UK accounting for an eighth of the EU’s population. It has led humanitarian groups to call on the Government to loosen its strict asylum application and visa rules at the same time as rethinking its refusal to share responsibility for taking in the hundreds of thousands of Syrian refugees who have fled to Europe. David Cameron has so far resisted pressure to sign up to the EU-wide quota system to resettle 160,000 refugees, opting instead to run its own relocation programme and offering places to just 20,000 people in Syrian refugee camps.

C. GOVERNMENTS RESPONSIBLE FOR THE REFUGEE CRISIS ARE UNFAIRLY EXPECTING MIDDLE EASTERN COUNTRIES TO MEET THE HUMANITARIAN NEEDS OF REFUGEES.

Developing countries host four-fifths of the world’s refugees, and the 49 least developed countries provided asylum to almost 2 million refugees. Industrial countries are receiving fewer asylum applications, speculatively because of stronger push factors in countries closer to origin, or more restrictive practices and tighter migration controls in industrial countries. At the same time, consensus has emerged among refugee scholars and states that the international refugee regime is in crisis. States have been shirking their responsibilities towards asylum seekers through non-entree regimes consisting of visa policies, carrier sanctions, interdiction practices, and burden shifting policies such as safe third country policies and readmission agreements.

Rather, it has become the policy of wealthy nations to concentrate the effects of refugee crises to within local regions. Even in Iraq, where the U.S. has a heightened interest and a heightened responsibility, the U.S. and other “Western nations have been happy to let host countries cope with the refugee challenge, less than generous in their financial support, and outright resistant to the notion of resettlement in their midst.”

While wealthy states have attempted to deflect those claiming refugee status, poorer states have become the primary hosts of refugees. Under the 1951 convention, the burden of hosting refugees largely falls on states that are geographically proximate to refugee producers. At the end of 2005, of an estimated 8.4 million refugees worldwide, some 6.1 million resided in developing countries, principally in Africa, Central and Southeast Asia, and the Middle East (UNHCR 2005).
PRO CASE #2: RESPONSIBILITY TO PROTECT (R2P)

The thesis of this case is that international agreements on the Responsibility to Protect (R2P) clearly establish that the humanitarian needs of refugees must be valued over state sovereignty. The responsibility to protect human rights falls first on each nation to meet the humanitarian needs of its own citizenry. When national leaders fail in that obligation, all other nations must fill in the gap. The R2P agreement means that the humanitarian needs of refugees must be valued above national interests. Other international agreements, such as the 1951 Refugee Convention and the Geneva Convention also demand that governments prioritize the humanitarian needs of refugees.

OBSERVATIONS:

I. JUSTICE IS THE STANDARD FOR PRIORITIZING GOVERNMENT ACTIONS.

   Helmut Reifeld, (Head of Overseas Offices, Konrad-Adenauer-Stiftung – a German Think Tank), WE HAVE JUSTICE IN COMMON, 2008, 7.

   Justice is a core value not only in the fields of theology, law and political philosophy, but also in politics, social life and economics. It is a value that generates other values.

II. FULFILLING THE “RESPONSIBILITY TO PROTECT” THE HUMAN RIGHTS OF CITIZENS IS THE APPROPRIATE CRITERION FOR JUSTICE.

   A. THE 2005 “RESPONSIBILITY TO PROTECT” (R2P) COMPACT ESTABLISHES THE PRIMACY OF HUMAN RIGHTS OVER STATE SOVEREIGNTY.


      Within this context, the “Responsibility to Protect” doctrine (commonly referred to as R2P) emerged as a means to locate an appropriate legal balance between state sovereignty and human rights. Only recently formulated, the R2P doctrine seeks to ensure that states respond to the human needs of people within their territory or under their control, and to codify international responsibility to protect a state’s citizens in the event the state fails to fulfill its domestic obligations. In doing so, the R2P doctrine makes considerable contributions to defining state responsibilities under both human rights and international law.


      More generally, the development of the responsibility to protect has been hailed by Ramesh Thakur and Thomas Weiss as the most dramatic development of our time – comparable to the Nuremberg trials and the 1948 Convention on Genocide and by historian Martin Gilbert as the most significant adjustment to national sovereignty in 360 years.

   B. THE “RESPONSIBILITY TO PROTECT” COMPACT HAS BEEN UNANIMOUSLY EMBRACED BY THE UNITED NATIONS.


      Less than four years later, “R2P” was formally and unanimously embraced by the UN General Assembly meeting at the head of state and government level at the 2005 World Summit.


      Most notably, at the 2005 UN World Summit (the High-Level Plenary meeting of the 60th session of the General Assembly, with over 160 heads of state and government in attendance), states agreed that there exists a universal responsibility to protect populations.


      Please don't overlook the very important progress the summit did make on other areas of human rights—notably the "responsibility to protect". For the first time the entire UN membership, at the highest level, has accepted clearly that it has a collective responsibility to protect populations from genocide, war crimes, ethnic cleansing and crimes against humanity.
C. STATE SOVEREIGNTY SHOULD NEVER BE USED AS AN EXCUSE TO IGNORE HUMANITARIAN NEED.

Keith Petty, (JD, Case Western Reserve School of Law & Major, Judge Advocate General Corps, U.S. Army), MICHIGAN JOURNAL OF INTERNATIONAL LAW, Summer 2013, 748.

The traditional pillar of world order - state sovereignty - has been eroded since the drafting of the U.N. Charter. A robust human rights framework makes individuals, not just states, proper subjects of international law. Additionally, the concept of Responsibility to Protect (R2P) now places the focus on states and their ability to prevent civilians from being subjected to large-scale atrocities. This concept, adopted by every state at the 2005 World Summit, suggests that sovereignty is now contingent on a state's ability to protect its civilians from these crimes.

CONTENTIONS:

I. INTERNATIONAL LAW CLEARLY PRIORITIZES THE HUMANITARIAN NEEDS OF REFUGEES ABOVE NATIONAL INTERESTS.

A. THE “RESPONSIBILITY TO PROTECT” ACTUALLY SUPPORTS NATIONAL INTERESTS.


The inclusion of R2P in the National Security Strategy is seen by the international community as a signal from the Obama Administration that embracing R2P is in the national interest of the U.S.

B. THE 1951 REFUGEE CONVENTION CREATES A LEGAL OBLIGATION TO MEET THE HUMANITARIAN NEEDS OF REFUGEES.

Thomas Hanna, (JD), CALIFORNIA WESTERN INTERNATIONAL LAW JOURNAL, Fall 2011, 193.

The United States is among 147 nations that are signatories to the 1951 Convention or 1967 Protocol; therefore, it must abide by the basic rights and treatment afforded refugees set forth in the documents. The United States is a leader in welcoming the world's most vulnerable individuals and giving them a second chance at life. Refugees have long preferred to resettle in the United States, as the lure of the "American Dream" is an intangible that goes beyond the basic rights owed to them by the Conventions.


Concerned with the post-World War II refugee crisis, the United Nations created the United Nations High Commissioner for Refugees (UNHCR) to deal exclusively with refugee issues. In 1951, the Convention on the Status of Refugees was held by the newly created UNHCR. The Convention was a response to the high numbers of refugees who had fled various countries during World War II. In 1967, the Protocol Relating to the Status of Refugees was created, which codified many of the policies and rules created by the Convention. Although the United States was not a signatory to the Convention, it later signed the Protocol, thereby adopting virtually the same provisions as the Convention. The Convention also bound signatories to the principle of nonrefoulement. Signatories were prohibited from returning any refugee to "territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." When the United States joined the Protocol, it became bound by the Convention's nonrefoulement requirements.

C. THE GENEVA CONVENTION CREATES A LEGAL OBLIGATION TO MEET THE HUMANITARIAN NEEDS OF REFUGEES.


All EU member states are bound by the Geneva Convention to give all asylum applicants a fair examination of their asylum claims and to never return a person if they risk persecution or torture. No single person or country can single-handedly solve the horrific situation that characterizes the Syrian refugees' lives. But together, we can offer a better life for many more of the mothers, fathers, children and friends who are fleeing the horrors of Syria. Together we can bring European solidarity to a new level. Europe must become a humanitarian superpower.

Meher Talib, (JD), GEORGETOWN IMMIGRATION LAW JOURNAL, Winter 2013, 411.

On the other hand, states' discretion in the interpretation of their responsibilities is constrained by the principle of non-refoulement, which is enshrined in Article 33 (1) of the Geneva Convention. It provides that "no one shall expel or return a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom." In addition, the principle of non-refoulement is part of customary international law, so all states, regardless of whether they are party to the Geneva Convention, must respect the principle of non-refoulement. Thus, although states have the right to grant refugee status to asylum seekers, states are constrained by the prohibition of returning an asylum seeker or refugee to her country of origin or any territory where she fears persecution.
II. CLAIMS OF ‘NATIONAL INTEREST’ SHOULD NOT BE AN ACCEPTABLE EXCUSE FOR IGNORING THE HUMANITARIAN NEEDS OF REFUGEES.

A. THE HUMANITARIAN NEEDS OF REFUGEES SHOULD BE VALUED ABOVE FOREIGN POLICY OBJECTIVES.


If America is ever to really help the helpless, humanitarian need should be the primary consideration in refugee admissions, rather than foreign policy.

B. THE LIVES OF REFUGEES SHOULD BE VALUED ABOVE OTHER GOVERNMENT INTERESTS.


Refugees are not seeking merely a better life but rather the chance to have a life. To quote the introduction to the 2011 Human Rights Watch Report, “defending human rights is rarely convenient. It may sometimes interfere with other governmental interests.”

C. THERE IS A MORAL OBLIGATION TO PRIORITIZE THE HUMANITARIAN NEEDS OF REFUGEES.


I, and many others with me, believe that it is a moral obligation for the EU to establish legal and safe routes to Europe for the people who need to escape war and persecution. We can do this for example by issuing humanitarian visas at EU embassies or consular offices in temporary refugee camps around the world. It should also be mandatory for all the 28 member states in the European Union to participate in the UNHCR's resettlement program and thereby increase the number of quota refugees who are admitted to the EU.


Now there are calls for a similar scheme to the Indochina resettlement programme to stop Syrians and others risking their lives on boats in the Mediterranean. FranÇois CrÈpeau, the United Nations Special Rapporteur for migrants’ rights, is calling on countries in Europe, and other rich nations, to find homes for one million refugees over five years through an organised and fair quota system. "We can do it - we did it for the Indochinese 30 years ago, we can do it now," he told The Independent on Sunday. "There is not this eagerness to do the right thing that there was at that time, but states could say that it is our responsibility and have the moral leadership and the political courage... They can make the case, taking the risk of losing [votes], but taking a stand and telling the population, 'It's not necessarily easy, it's not necessarily what you want, but it's what you have to do.'"
PRO CASE #3: LIFE

The thesis of this case is that preserving human life should be regarded as the preeminent goal of government policy. There is little doubt, given the current crisis, that refugees have legitimate humanitarian needs. Those needs should be prioritized above competing national interests, especially since meeting the humanitarian needs of refugees will actually promote national interests in the long run.

OBSERVATIONS:

I. PRESERVING HUMAN LIFE SHOULD BE REGARDED AS THE ULTIMATE VALUE.


Human life is the precondition for all values attributed to human persons. Human life has been referred to as "an almost absolute value in history." The need to protect human life and the more stringent imperative of do not kill are regarded as basic, constitutive elements of the moral life of any society. The relationships embodied in and shaped by humans rest on the inviolability of human life. The inestimable value of human life is based on the consideration that each person has been raised to a sublime dignity.

II. IF IT IS IN OUR POWER TO PREVENT THE DEATH OF OTHERS WITHOUT CAUSING SERIOUS HARM TO OURSELVES, THEN WE HAVE A MORAL OBLIGATION TO DO SO.


In his classic article, "Famine, Affluence, and Morality," Peter Singer claimed that affluent people in the developed world are morally obligated to transfer large amounts of resources to poor people in the developing world. He derived this conclusion from two principles, both of which he believed are backed by the authority of common sense. The first principle is "that suffering and death from lack of food, shelter, and medical care are bad." The second is that "if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought morally to do it."

CONTENTIONS:

I. THE CURRENT REFUGEE CRISIS IS CHARACTERIZED BY MAJOR SUFFERING AND LOSS OF LIFE.

A. THE CURRENT CRISIS HAS CREATED MILLIONS OF REFUGEES.


More than four million people have fled Syria since the war began, according to the UN refugee agency (UNHCR). Another 7.6 million have been internally displaced. These people and others fleeing conflicts in Iraq, Libya and elsewhere are increasingly undertaking dangerous treks overland or across the Mediterranean to reach the European Union, triggering a crisis of historic proportions. More than 380,000 people have arrived in Europe by sea this year, UNHCR said Tuesday. The death of thousands -- including a three-year-old Kurdish boy who washed up dead on a Turkish beach last week -- has led to pleas for the rest of the world to do more.


Today, the world faces its biggest refugee crisis since the Second World War and nearly four million Syrians languish in camps in Turkey, Lebanon and Jordan. They have fled a conflict that has claimed the lives of more than 210,000 people, half of them civilians, according to figures from the UK-based Syrian Observatory for Human Rights. The group, which has a network of activists across Syria, says the figure could be far higher.

B. THE FLIGHT OF REFUGEES HAS TURNED THE MEDITERRANEAN INTO A "SEA OF DEATH."

Louise Calvey, (Director of Operations, Refugee Action), LEICESTER MERCURY, June, 4, 2015, 15.

One month ago, 28 European leaders held a crisis summit. Why? Because this year to date, more than 1,800 people have drowned in the Mediterranean. That's similar to the mortality rate at the height of the Ebola epidemic in West Africa. Over $5.1 billion of funding was pledged to bring Ebola under control. For this crisis, the annual search and rescue budget is around just 9.5 million euros. The outcome of the summit was shameful and inadequate. Yes, increased funding for search and rescue is welcome. But there's no new mandate to make this effective. Nor is there any plan to help refugees in the long-term, beyond a crackdown on smugglers and perhaps military strikes to destroy the often unseaworthy boats that make the trip.
Meanwhile, the UNCHR reports that 3,419 people died on the perilous journey to Europe. It is a tragic record and it is clear that the Mediterranean Sea is now a sea of death, a giant graveyard of anonymous people united by a single desire - to save their lives.

Aylan, the 3-year-old boy from Syria's war-torn town Kobani, was trying to reach Europe with his family, but he drowned along with his 5-year-old brother Galip and their 35-year-old mother Rehan, according to press reports. The haunting images of Aylan's lifeless body on one of the beaches of the famous Aegean resort town Bodrum could be seen on the front pages of almost every Turkish newspaper. Aylan and Galip's father were found semi-conscious and taken to hospital near Bodrum, according to the Sabah daily. The family had fled Kobani when it was overrun by radical terrorist Islamic State in Iraq and the Levant (ISIL) militants but they were drowned along when boats carrying them from the Turkish coast to the Greek island of Kos capsized. Aylan and his family had been trying to emigrate to Canada after fleeing Kobani, one of their relatives told a Canadian newspaper on Thursday.

Canadian Immigration Minister Chris Alexander said the tragic photo of young Aylan Kurdi "broke hearts around the world." Alexander said: "Like all Canadians, I was deeply saddened by that image and of the many other images of the plight of the Syrian and Iraqi migrants fleeing persecution at the hands of ISIS [another acronym for ISIL]." He said Canada has one of the most generous per capita immigration and refugee resettlement programs in the world, and was planning to accept 23,000 Iraqi and 11,300 Syrian refugees.

Speaking at a meeting in Ankara, President Recep Tayyip Erdogan also said on Thursday that the whole of humanity, not just refugees, has drowned in the shores of the Mediterranean and Aegean seas. He also criticized Europe for classifying the Syrian refugees and only taking the qualified ones.

Mr Erdogan, the Turkish president, today insisted Europe had to act to save refugees dying. He said: 'European countries, which have turned the Mediterranean, the cradle of the world's oldest civilisations, into a cemetery for refugees, shares the sin for every refugee who loses their life.'

**Tom McTague, (Staff), MAIL ONLINE, Sept. 18, 2015. Retrieved Sept. 24, 2015 from Nexis.**
UNHCR says more than 442,440 people have crossed the Mediterranean this year, and 2,921 have died trying. But the International Organization for Migration puts those figures at 473,887 and 2,812, respectively. Last night, Croatia announced it had shut almost all road crossings from Serbia, saying it could not take in any more migrants. But the flow continued unabated this morning as migrants arrived by bus in the Serbian border town of Sid and walked through cornfields to cross the border, joining huge crowds controlled by Croatian police.

**Maximilian Popp, (Staff), SPIEGEL ONLINE INTERNATIONAL, Apr. 20, 2015. Retrieved Sept. 28, 2015 from Nexis.**
The mass deaths of refugees like those seen this weekend on the European Union's external borders is not a consequence of politicians looking away. We are in fact causing the problem with our Fortress Europe policies. Workers at the Warsaw headquarters of Frontex, the European border protection agency, track every single irregular boat crossing and every vessel filled with refugees. Since December 2013, the authority has spent hundreds of millions of euros deploying drones and satellites to surveil the borders. The EU registers everything that happens near its borders. In contrast to the claims that are often made, they do not look away when refugees die. They are watching very closely. And what is happening here is not negligent behavior. They are deliberately killing refugees. People have been perishing as they sought to flee to Europe for years now. They drown in the Mediterranean, bleed to death on the border fences of the Spanish North African conclaves of Ceuta and Melilla or freeze to death in the mountains between Hungary and Ukraine. But the European public still doesn't appear to be entirely aware of the dimensions of this humanitarian catastrophe. We have become accomplices to one of the biggest crimes to take place in European postwar history.

**II. PRIORITIZING THE HUMANITARIAN NEEDS OF REFUGEES IS CONSISTENT WITH NATIONAL INTERESTS.**

**A. NEGLECTING THE HUMANITARIAN NEEDS OF REFUGEES PROMOTES TERRORIST RECRUITMENT.**

**Molly Martin, (JD Candidate), GEORGETOWN IMMIGRATION LAW JOURNAL, Winter 2012, 422.**
Ensuring healthy community engagement, whether in the United States or abroad, is an essential element of preventing refugees from turning against the United States for failing to adequately provide refugee services as promised.
Michele Pistone, (Prof., Law, Villanova School of Law), COLUMBIA HUMAN RIGHTS LAW REVIEW, Spr. 2011, 670.

As noted earlier, the formal U.S. response to humanitarian crises has very often been one of denial, sometimes as to the scope of a disaster and sometimes as to its very existence. Especially in the age of the internet, that policy is now counterproductive. Denial no longer plausibly communicates "we do not see you." The answer to the riddle, "if a tree falls in the forest and no one is around to hear it, does it make any sound?" has been resolved; the answer is, yes, it makes sound; check the video on YouTube. In this environment, denial communicates, loudly and clearly, not that "we do not see you," but that "we do not care to see you." Sending this message undercuts the legitimacy of the constitutional order of states, makes a mockery of its profession of universal human rights, and provides fuel for the propaganda of its enemies and fertile soil for the enemy's recruiting.

B. WHEN NATIONAL INTERESTS ARE PRIORITIZED OVER HUMANITARIAN NEEDS OF REFUGEES, U.S. LEADERSHIP IN THE WORLD IS UNDERMINED.

Michele Pistone, (Prof., Law, Villanova School of Law), COLUMBIA HUMAN RIGHTS LAW REVIEW, Spr. 2011, 671.

As for the content of their argument, the full range of U.S. interests should be articulated, including the security threats stemming from the possession of radical weapons by terrorists. But efforts must be made to transcend pure assertions of self-interest as well. It will not suffice to rely on statements such as former National Security Advisor Brent Scowcroft's response to a query as to why "Third World" opinion mattered: "to be a 'world leader,' you have to convince people it is in their interest to follow. If everyone hates you, it is hard to be a world leader."

Michele Pistone, (Prof., Law, Villanova School of Law), COLUMBIA HUMAN RIGHTS LAW REVIEW, Spr. 2011, 694.

The moral outrage of lives unnecessarily lost and stunted demands the attention of the world. History has shown, however, that for both U.S. policy makers and the general public--as well as for their counterparts in other countries--the suffering of refugees and internally displaced persons rarely rises to an issue of sustained concern. Responses to the crises out of which the global homeless are born, accordingly, typically have been and are tardy, partial, and ad hoc. This is a mistake, on a number of levels; we can and should do more.

C. BY PRIORITIZING HUMANITARIAN OF REFUGEES OVER NATIONAL INTEREST, GOVERNMENTS CAN TURN ENEMIES INTO ALLIES.

Michele Pistone, (Prof., Law, Villanova School of Law), COLUMBIA HUMAN RIGHTS LAW REVIEW, Spr. 2011, 675.

The struggle against terrorism includes the defeat of enemies, but an equally important objective is converting enemies into allies. This will not be possible if we appear notably more generous to those refugees and other displaced persons who are already inclined to favor us. "Unless former adherents of the terrorist network can share in a post-war security regime . . . they will never leave us or themselves in peace." Providing aid to desperate persons without regard to their presumed political views makes a first down payment on the promise of a newly inclusive globalization, and will help to relieve the bitterness that fuels terrorist action. Indeed, it is vital to the legitimacy of states of consent and globalization that we treat equally those who we suspect may least favor us. Failure to do so might turn those suspicions into reality. As Kenneth Roth, the Executive Director of Human Rights Watch has written, "[t]he people whose cooperation is most important to defeat terrorism are the people who live in countries that are generating terrorists. They are needed to report suspicious activities and to dissuade would-be terrorists from embarking on a path of violence."


Yet there is another strong argument to be made that offering temporary or permanent homes to specifically Syrian refugees is in the national interest of countries like the US. In particular, such refugees can be crucial resources in tackling the extremist violence and authoritarian excess that we are now witnessing in the Middle East. They can do this in three specific ways. First, they will no longer be part of the problem by escaping the immediate threat of violence or radicalization. Second, their experience can serve as an important example for others. Third, they have the skills and the background that can be put to work in the broader struggle to defeat parochialism and repression in the Middle East."
For starters, Syrians who are repatriated out of harm’s way are unlikely future contributors to Middle Eastern religious or authoritarian violence. The logic of this is clear: refugees are fleeing Bashar al-Assad, the Islamic State or both. Having experienced the extreme disruption of Syria's brutal civil war caused by the Assad regime’s brutal crackdown on domestic uprisings and the subsequent exploitation of this disruption by ISIS, they are unlikely to entertain illusions about the merits of violence. Indeed, as has been the case for earlier populations of refugees, like Vietnamese-Americans, displaced Syrians should be able to appreciate the societies and people who help them during their time of need, whether or not they return to their country of origin. To assume that many Syrians are would-be jihadists after what they have experienced requires, to my mind, a leap of (paranoid) faith. In any case, if Middle Eastern and Western governments alike fear the radicalization of Syrians, showing them compassion and generosity in their hour of need is a far more obvious strategy to address this fear than forcing them to choose between fighting or capture in Syria and possible death if they leave.

Most Syrian refugees who come to the US will pursue or build on the many interests and careers they developed in preconflict Syria, hopefully bolstered by the best of what America has to offer: generosity and freedom. Some refugees, however, might use their experience and knowledge to be engaged directly in the struggle against Middle Eastern violence. By this, I am not talking of the possibility that they could join the American military or national security agencies, although this is not out of the question. What I want to highlight, rather, is that the refugee crisis in itself reminds us that the scale of the violence in the Middle East is massive and that further violence is unlikely to solve the problem. Middle Eastern conflict in recent decades teaches two lessons: that repeated saber-rattling only produces more and sharper sabers, and that, as a result, the underlying dynamics of conflicts must be addressed.

First, Syrian witnesses to the reality of ISIS could provide a reality check for alienated Muslim-Americans who romanticize, or are drawn by ISIS media handlers to the pseudo Islamic caliphate. Second, and at least as important, the example of hardworking Syrian Muslims and Christians with harrowing stories holds the potential to provide concrete sources of empathy to those Americans inclined to stereotype Middle Easterners and Muslims. This empathy would be a counter to the sort of Western-based Islamophobia that has a role in fueling ongoing conflict between parts of the West and the Middle East.

Refugees are spending thousands of euros to make treacherous journeys over land and sea. As the world has lately been reminded (but too infrequently for my taste), many die along the way. This is an economic problem as well as a moral one. An impoverished refugee will have a harder time making a fresh start, and a dead refugee never gets the chance. That’s why it makes sense for Germany and other host countries to pay for refugees' safe transit; they’ll have to shell out less to support refugees upon arrival, and they’ll likely have more successful refugees paying taxes in the future. So how much would it cost to send trains, planes, buses, and ships to pick up refugees from their most common way stations, such as Turkey, Lebanon, and Jordan? Could it be more than 500 euros per person? Maybe 800 euros? That’s a pitance to pay for someone who will end up generating thousands of euros in tax revenue every year for decades.
CON CASE #1: TERRORIST THREAT

The thesis of this case is that by offering resettlement packages to the hundreds of thousands of refugees now fleeing from Syria and Iraq, governments are dangerously undermining their own national security. The first obligation of any government is to provide for the safety of its own people.

OBSERVATION:

I. PROTECTION OF NATIONAL SECURITY IS THE FIRST RESPONSIBILITY OF ANY GOVERNMENT.

Since the first responsibility of any government is to protect its territory, citizens, and way of life, threats to the homeland need to be ranked at the top.

None of the goods that human beings cherish can flourish without a measure of civic peace and security.

CONTENTIONS:

I. INTERNATIONAL TERRORISM REPRESENTS A SIGNIFICANT THREAT TO NATIONAL SECURITY.

A. ISIS REPRESENTS A SIGNIFICANT TERRORIST THREAT.

The conquest of Iraq and Syria and of a few other countries in the Levant is a big deal as far as the West is concerned, but it pales in comparison to ISIS’ true objectives, which is no less than conquering the entire world and to converting it into an Islamic society. The West has yet to comprehend that.

Dianne Feinstein, (U.S. Senator, California & Chair of the Senate Intelligence Committee), USA TODAY, Sept. 8, 2014, 10A.
In the ghastly video showing the beheading of American journalist Steven Sotloff, an Islamic State in Iraq and Syria terrorist declares to President Obama, “Our knife will continue to strike the necks of your people.” In the earlier video showing the beheading of James Foley, another U.S. journalist, the ISIS executioner says directly into the camera: “You’re no longer fighting an insurgency. We are an Islamic army.” Another recent video, also directed at Americans: “We will drown all of you in blood.”

Dianne Feinstein, (U.S. Senator, California & Chair of the Senate Intelligence Committee), USA TODAY, Sept. 8, 2014, 10A.
The threat ISIS poses cannot be overstated. This is the most vicious, well-funded and militant terrorist organization we have ever seen, and it is very quickly consolidating its power.

Dianne Feinstein, (U.S. Senator, California & Chair of the Senate Intelligence Committee), USA TODAY, Sept. 8, 2014, 10A.
But ISIS’ aspirations don’t stop there. In an audio message, the ISIS leader Abu Bakr al-Baghdadi said, “Our last message is to the Americans. Soon we will be in direct confrontation, and the sons of Islam have prepared for such a day. So watch, for we are with you, watching.”

ISIL is not composed of your average terrorists. They are so extreme that al-Qaida threw them out. Now ISIL seeks to create its own trans-state out of two weakened nations. Their aim is to abolish the centuries-old system of nation-states, and replace it with a super-state, run by themselves. If ISIL succeeds, there will no longer be an Iraq or a Syria – or if they grow very strong, an Egypt, Jordan and who knows what else. The ancient cultures of these states will be gone. There will only be an expanding caliphate.

"This is about psychopathic terrorists that are trying to kill us, and we do have to realize that, whether we like it or not; they have already declared war on us," said British Prime Minister David Cameron. "There isn’t a ‘walk on by’ option. There isn’t an option of just hoping this will go away."

That ISIL has its eyes set on the West is already evident. Law enforcement authorities have traced the group’s ties to terrorist attacks and to attempts that were prevented in recent years in Europe, including the May attack at the Jewish Museum in Brussels that left three people dead.
B. ISIS ACTIVELY SEEKS TO INFILTRATE OTHER NATIONS WITH TERRORIST ACTIVISTS.

Amrose Evans-Pritchard, (Staff), THE DAILY TELEGRAPH, Mar. 31, 2015, 4.
An estimated 6,000 have been recruited by al-Qaeda and a further 3,000 have fought for Isil in Syria and Iraq. While the Saudis have 30,000-strong force guarding the oil infrastructure, the risk of infiltration is high even among clans linked to the royal family. Two al-Qaeda suicide bombers in a pipeline attack in 2006 were scions of the ruling elite, one a close relation of a leading Wahhabi cleric and the chief of the religious police.

ISIS’s leader, Abu Bakr al-Baghdadi, reportedly told his American captors as he was released (we briefly detained him during the Iraq War), “I’ll see you guys in New York.” And now an ISIS spokesman has pledged to raise the black flag of jihad over the White House.

C. ISIS HAS EXTENSIVE FINANCIAL RESOURCES.

Dianne Feinstein, (U.S. Senator, California & Chair of the Senate Intelligence Committee), USA TODAY, Sept. 8, 2014, 10A.
Experts estimate that ISIS now has cash and assets worth $2 billion. ISIS adds as much as $1 million per day through extortion, crime, ransom and even the sale of oil on the black market from the several oil fields it controls.

ISIS is now one of the largest, richest terrorist organizations in history. It occupies a growing safe haven the size of Indiana spanning two countries in the heart of the Middle East, and its ranks are filled with thousands of radicals holding Western passports, including some Americans. They require nothing more than a plane ticket to travel to United States cities. This is why the secretary of homeland security has called Syria “a matter of homeland security.” His warnings about ISIS have been echoed by the attorney general, the director of national intelligence and, now, the secretary of defense. Americans need to know that ISIS is not just a problem for Iraq and Syria. It is a threat to the United States. Doing too little to combat ISIS has been a problem. Doing less is certainly not the answer now.

D. TERRORISTS INTEND TO USE WEAPONS OF MASS DESTRUCTION IN FUTURE ATTACKS.

Not only are ISIS leaders and fighters ruthless, but they also have obtained sufficient material assets to support a standing military force. They possess the will to use weapons of mass destruction to carry out their fanatical aims. They’re no longer a terrorist gang, but a terrorist army possessing greater striking power than any terrorist force in the Middle East, greater striking power than al-Qaeda ever possessed.

Richard Clarke et al. (Chair, President’s Review Group on Intelligence and Communications Technologies), LIBERTY AND SECURITY IN A CHANGING WORLD, Dec. 12, 2013, 71.
Second, the scale of damage that 21st century terrorists can inflict is far greater than anything that their predecessors could have imagined. We are no longer dealing with threats from firearms and conventional explosives, but with the possibility of weapons of mass destruction, including nuclear devices and biological and chemical agents. The damage that such attacks could inflict on the nation, measured in terms of loss of life, economic and social disruption, and the consequent sacrifice of civil liberties, is extraordinary. The events of September 11 brought this home with crystal clarity.

Richard Clarke et al. (Chair, President’s Review Group on Intelligence and Communications Technologies), LIBERTY AND SECURITY IN A CHANGING WORLD, Dec. 12, 2013, 14.
The national security threats facing the United States and our allies are numerous and significant, and they will remain so well into the future. These threats include international terrorism, the proliferation of weapons of mass destruction, and cyber espionage and warfare.

Any objective individual who steps back and reviews the series of attempted attacks on the United States in the last fifteen years understands our population is in great danger, and this is especially so if our adversaries obtain some type of WMD. It is folly to hamstring our intelligence services by imposing a criminal law search standard that is neither constitutionally required nor mandated by the recognized human rights principles of the international community.

Michele Pistone, (Prof., Law, Villanova School of Law), COLUMBIA HUMAN RIGHTS LAW REVIEW, Spr. 2011, 651.
We now have entered a new age of globalization, however, which has enabled a new type of terrorism. Moreover, it is our misfortune that this age has coincided with a greatly enhanced risk that the new terrorists will obtain and use nuclear, biological, or chemical weapons to kill on a mass scale. Further challenges are presented by the realization that if terrorists can obtain and use such weapons, there is no reason to think that they will be used only once.
II. RESETTLEMENT PROGRAMS FOR REFUGEES CARRY A SIGNIFICANT RISK OF FURTHERING THE GOALS OF INTERNATIONAL TERRORISM.

A. A DISPROPORTIONATE NUMBER OF REFUGEES IN THE CURRENT CRISIS ARE MEN.


According to UNHCR figures, around 72 per cent of refugees and migrants arriving in Europe across the Mediterranean are men, with 13 per cent women and 15 per cent children.

B. IN THE CURRENT CRISIS, TERRORISTS ARE POSING AS REFUGEES IN ORDER TO FURTHER THE GOALS OF ISIS.


Elias Bou Saab, with David Cameron, warns of ISIS presence among refugees. The warning has come from a Lebanese minister, who says 2-3 per cent of the 1.1 million refugees to have fled to his country have already been radicalised. That means at least 20,000 of the Syrians fleeing their war-torn homeland have been brainwashed already, after being picked on at refugee camps by ISIS recruiters. The news comes as Pope Francis warned of ISIS militants posing as refugees in a bid to infiltrate Europe. Lebanese education minister Elias Bou Saab said: “That is more than enough. We have had that also with our camps here. You find 2-3% of them.


[Lebanese] Education minister Elias Bou Saab said that one in 50, or 2 per cent, of refugees could be ISIS members, and warned that the seemingly small figure was “more than enough” to be a cause for concern.


Mike McCaul, chairman of the House Homeland Security Committee, warned that jihadists with the Islamic State group could embed with refugees fleeing the conflict in Syria, creating a jihadi pipeline. "From a national security standpoint, I take ISIS at its word when they said, in their own words, 'We'll use and exploit the refugee crisis to infiltrate the West.' That concerns me," McCaul told ABC television's "This Week" program.

Darren Hassett, (Staff), IRISH DAILY MAIL, Sept. 10, 2015, 5.

The possibility of an Islamic extremist threat comes as the Taoiseach this week said ISIS 'want to blow up Newgrange and the Rock of Cashel'. With many fleeing the militant group, security and defence analyst Declan Power said that while the vast majority of refugees are genuine, it is not beyond the realms of possibility that ISIS would infiltrate Europe and Ireland using refugees. Almost 500,000 people have made their way to Europe since the beginning of this year. Mr Power said ISIS extremists being embedded amongst the thousands of refugees destined for this country is a viable threat.


[Donald Trump] said, 'We don't know who they are. This could be an ISIS army. This could be brilliant people from ISIS saying let's infiltrate the United States 'I think we're nuts.' Trump said and claimed the US was planning to bring 200,000 refugees from Syria to the US.


Donald Trump says the Syrian refugees who have resettled in the United States could be part of an ISIS army and the current administration is 'nuts' to have allowed them to enter the country in the first place. He made the comments in an interview for Sharyl Attiksson's new show, Full Measure, which debuts Sunday. 'I think it's insanity to take 200,000 people. When you take 200,000 people it's very hard to do anything about it,' he said.


ISIS fanatics - many of which are from the UK - dream of a Muslim caliphate ruling the world and governing via strict Sharia law. Earlier this year a map emerged of the areas ISIS wants to take control of within five years, and it contains parts of southern Europe.


Pope Francis has warned there is a "danger" ISIS fanatics could use the ongoing refugee crisis to infiltrate Europe. Speaking to the Portuguese radio station Radio Renascena, he said: "The truth is that just 400 kilometres from Sicily there is an incredibly cruel terrorist group. So there is a danger of infiltration, this is true."
C. REFUGEE RESETTLEMENT PROGRAMS ENDANGER NATIONAL SECURITY.

Molly Martin, (JD Candidate), GEORGETOWN IMMIGRATION LAW JOURNAL, Winter 2012, 405.

In the wake of September 11, 2001 and the United States’ heightened national security concerns, the United States suspended its refugee resettlement program. Just a few days before the program was suspended and two weeks after 9/11, the United States turned away a plane full of pre-screened and approved Afghan refugees upon their arrival at John F. Kennedy Airport. Upon revival of the refugee resettlement program, which allows high-risk refugees to become citizens of third States after they have fled their home countries as refugees, the United States greatly restricted the number of domestically resettled refugees.


Periods of armed conflict present unique challenges to refugee services and resettlement that do not exist, or are far less pronounced, in peace-time. Most obviously, armed conflict gives rise to (A) logistical complications that affect actual access to and dispersal of refugee services during eligibility screening. The United States further risks that (B) individual refugees present specific security threats to the United States upon resettlement. Finally, refugee resettlement regimes create particular issues for (C) collective national security by triggering international obligations and consequences for international foreign relations and highlighting budget constraints.

Molly Martin, (JD Candidate), GEORGETOWN IMMIGRATION LAW JOURNAL, Winter 2012, 408.

A primary concern during armed conflict is that refugees will seek to subvert the United States upon arrival. Fears of this nature are of course both validated and exaggerated by media coverage of, for example, the recently discovered Russian spy ring installed in New Jersey, prepared to collect intelligence to destroy the United States from the inside.

Jan Ting, (Prof., Law, Temple U.), IMMIGRATION: OPPOSING VIEWPOINTS, 2009, 204.

Europe is now paying the price for open borders, past and present non-enforcement of immigration laws, and overly generous asylum policies. Despite government efforts to integrate Muslims, Europe’s high-tax, high-unemployment, and high-welfare-benefits economic model has led to alienation among Europe’s growing Muslim minority and a lack of economic and cultural integration. With acts of violence from Muslim citizens in Europe increasing in number and scale, many Europeans feel that the Islamist threat needs to be addressed at home, not in Iraq.

Mark Krikorian, (Dir., Center for Immigration Studies), IMMIGRATION: OPPOSING VIEWPOINTS, 2009, 155.

Immigration, secure borders, and terrorism are linked, not because all immigrants are terrorists, but because nearly all terrorists in the West have been immigrants.
CON CASE #2: RULE OF LAW

The thesis of this case is that international law should be the standard to determine whether the humanitarian needs of refugees outweigh national interest. The relevant provisions of international law relating to refugees are the 1951 Refugee Convention and the Geneva Convention. In both instances, international law clearly specifies that the obligation to provide for the humanitarian needs of refugees must bow to national security whenever the two are in conflict.

OBSERVATION:

I. INTERNATIONAL LAW IS THE APPROPRIATE ETHICAL FRAMEWORK FOR DETERMINING GOVERNMENT OBLIGATIONS TO REFUGEES.


Political morality is rooted in binding norms expressed by the formal and informal rules of domestic society, whereas international political morality is rooted in the shared norms embodied in the conventions, informal agreements, and declarations that states accept as obligatory in their international relations. These shared norms are obligatory because they are part of international law and morally obligatory because they specify norms conducive to order, justice, or the perceived common good. Some thinkers have argued that, because it is impossible to derive "ought" from "is," it is similarly impossible to derive international ethical obligations from existing interstate legal conventions. However, scholars such as Terry Nardin have convincingly demonstrated that to the extent that law establishes binding obligations on individuals, groups, and states, it fulfills the criteria of an ethical framework. In her seminal study on twentieth-century international legal and political ethics, Dorothy Jones has illuminated how international law has produced an authoritative and widely accepted framework, or "code," of international peace. This framework, she argues, is a normative system because it prescribes behavior that is conducive to global order and international harmony. Jones's study thus reinforces the claim that international morality can be based on consensual norms and multilateral declarations.

Joseph Boyle (Prof., Phil., U. Toronto), TRADITIONS OF INT'L ETHICS, 95, 129.

"Consequently, to the extent that the peoples and nations of the world are able to unite in cooperative action to address common concerns, the object of the common action and the resolution of the common concerns becomes a common good of humankind, and a basis for genuine authority in the international arena. The existence of such community, at least incipiently, is suggested by the jus gentium, the common customs of humankind, which natural-law theory has always regarded as authoritative. The fuller development of the international community is reflected in the body of international law and in various international organizations such as the United Nations. Such laws and bodies can have moral authority even if they lack mechanisms of enforcement."

Dorothy Jones (Visiting Scholar, History, U. Chicago), TRADITIONS OF INT'L ETHICS, 95, 57-58.

"What is of interest here is the ethical element, which is one of the most prominent characteristics of modem international law. This element is so prominent that there is no need to postulate morality as an ultimate source for international law, or to attach both law and ethics to primary moral notions as to a common parental stem. The preambular portions of dozens of international instruments and the abundant lists of principles and rules derived from those principles are all the evidence that is needed. These portions of modem international law are strongly philosophical, and are much concerned with the 'oughts' of the international system. When they are abstracted from the routine business of the system, the connections between them and their internal consistency over the years is obvious. Abstracted in this fashion, they can be studied as an explicit ethical tradition. Finally, what difference does it make that such a tradition exists and that the states have been active in its articulation? Obviously, the tradition is not effectively binding on the states, despite their frequent attempts to give it obligatory force by saying that the fundamental principles that underlie the tradition are principles of law. The principles enjoin or call for certain kinds of state behavior, but the appeal is almost always to conscience, not to courts. What then, is the value of this ethical tradition? Most importantly, it provides standards by which the conduct of states can be judged. These standards have not been imposed from the outside. They have been set out and accepted by the states themselves. Moreover, since the mid-1960s, formulation of the tradition has resulted from the efforts and interaction of states of different political systems, ideological commitments, cultural heritages, and levels of economic development. If ever an ethical tradition could be called universal in the sense of encompassing the many varieties of states and peoples on the globe today, this one can."
CONTENTIONS:

I. INTERNATIONAL LAW CLEARLY ESTABLISHES THAT NATIONAL SECURITY CONCERNS TAKE PRECEDENCE OVER HUMANITARIAN OBLIGATIONS TO REFUGEES.

A. ARTICLE 9 OF THE 1951 REFUGEE CONVENTION SPECIFIES THAT NATIONAL SECURITY CONCERNS TAKE PRECEDENCE OVER HUMANITARIAN OBLIGATIONS TO REFUGEES.

Alice Edwards, (Chief of Protection Policy, Office of the UN High Commissioner for Refugees), MELBOURNE JOURNAL OF INTERNATIONAL LAW, Nov. 2012, 622.

Article 9 of the 1951 Refugee Convention: Article 9 ('Provisional Measures') is the second ‘derogation’ clause in the 1951 Refugee Convention. It provides: Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.


In relation to what constitutes a threat to national security for the purposes of Article 9 [of the Refugee Convention], it is generally understood to be broader than armed conflict, and could include threats to overthrow the state by illegal means, terrorism or other serious disturbances to public order. Further, as the United Nations Security Council has noted on a number of occasions that mass displacement can itself constitute a threat to international peace and security, it is arguable that such situations could, where evidence is substantiated, qualify as an ‘emergency’ or ‘national security threat’ justifying derogation under Article 9.

B. THE NON-REFOULEMENT PROVISION OF THE GENEVA CONVENTION CONTAINS AN EXCEPTION WHENEVER THERE IS A THREAT TO NATIONAL SECURITY.

Alice Edwards, (Chief of Protection Policy, Office of the UN High Commissioner for Refugees), MELBOURNE JOURNAL OF INTERNATIONAL LAW, Nov. 2012, 632.

While non-refoulement is accepted as a principle of customary international law, including non-rejection at the frontier, the second paragraph in art 33 allows for an exception to the rule. Article 33(2) permits lawful refoulement in respect of refugees who pose a threat to national security or, having been convicted of a particularly serious crime, a danger to the community.

II. WESTERN GOVERNMENTS ARE DOING THEIR PART TO AID REFUGEES WITHIN THE LIMITS OF NATIONAL SECURITY CONSTRAINTS.

A. THE UNITED STATES IS DOING ITS PART TO MEET THE HUMANITARIAN NEEDS OF REFUGEES.


In 2009, a total number of 74,654 refugees were admitted. What is significant, however, is that the majority of these refugees came from Iraq or Burma (approximately 46% of the total refugees admitted). Apart from Bhutan (13,452 refugees), the refugees from other countries generally ranged from only a couple of individuals to 6,000 at the most. Iran was fourth on the list, with a total of 5,381 refugees; Cuba was fifth, with 4,800 refugees, and the former Soviet Union was seventh, with 1,995 refugees.


During a visit to London, US secretary of state John Kerry said America was looking at what more it could do to help alleviate the refugee crisis in Europe. The US has already ploughed 4.1 billion dollars (£3.6bn) into support for Syrian refugees, he said. "We are committed to try to do more and we are looking at exactly what it will take to do more," he added.

B. BRITAIN IS DOING ITS PART TO MEET THE HUMANITARIAN NEEDS OF REFUGEES.


Former Conservative International Development Secretary Andrew Mitchell said that the UK was providing an ‘immense amount of humanitarian support’ to countries such as Syria. ‘Were Britain not providing that support, there would be yet more hundreds of thousands of people coming out of that part of the world’ He added that the UK had done ‘more than the whole of the EU put together in terms of financial support’.
CON CASE #3: ECONOMIC INCAPABILITY

The thesis of this case is that nations bordering Syria and Iraq are physically incapable of prioritizing the humanitarian needs of refugees over their own national interests. The numbers of refugees fleeing Middle Eastern countries now threaten to overwhelm numerous neighboring governments. The governments of Greece, Turkey, and Jordan provide examples of the need to prioritize national interests over the humanitarian needs of refugees.

OBSERVATION:

I. THE CURRENT REFUGEE CRISIS MAINLY INVOLVES GOVERNMENTS NEIGHBORING SYRIA AND IRAQ.


There is no end in sight to the current refugee crisis. According to a recent UNHCR report, almost 60 million people were forcibly displaced in 2014 from countries such as Syria, Iraq, Eritrea and Afghanistan, out of which 19.5 million were refugees.

CONTENTIONS:

I. GOVERNMENTS NEIGHBORING SYRIA AND IRAQ ARE ECONOMICALLY INCAPABLE OF PRIORITIZING THE NEEDS OF REFUGEES OVER THEIR OWN NATIONAL INTERESTS.

A. GREECE IS ECONOMICALLY INCAPABLE OF MEETING THE HUMANITARIAN NEEDS OF REFUGEES.

1. The current refugee crisis is pouring thousands of refugees into Greece.


The UN has revealed 3,000 migrants are crossing into Macedonia from Greece each day as the region continues wilting under the pressure of its worst refugee crisis since the Second World War. In the past week, the border has been the scene of chaos as groups of hundreds of migrants cross into Macedonia in a bid to make their way towards Serbia and the EU zone.

2. Greece is bankrupt and incapable of prioritizing the humanitarian needs of refugees over its national interests.


[For Greece,] pretending that the nation’s bankruptcy can be dealt with by ever increasing loans on conditions of further income-sapping austerity that undercuts the nation’s capacity to repay. Meanwhile, a Great Depression has taken hold, the political center has imploded, children faint at school from malnutrition and Nazis are coming out of the woodwork.


Syrians and Afghans made up the "lion's share" of migrants traveling from Turkey to Greece (primarily to the Greek islands of Kos, Chios, Lesbos, and Samos) in the first seven months of 2015. This most recent migrant surge coincided with the country's tumultuous debt crisis, which brought down its banking system and government this summer.

B. TURKEY IS ECONOMICALLY INCAPABLE OF MEETING THE HUMANITARIAN NEEDS OF REFUGEES.

1. The current refugee crisis is pouring millions of refugees into Turkey.

Sarah Bidinger, (JD Candidate), BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL, Spr. 2015, 224.

At least 1.3 million Syrians have fled to Turkey since 2011, yet Turkish refugee camps have space for only 220,000 refugees. The remaining refugees, whose numbers exceed one million, legally reside in Turkey through a temporary protection scheme, but do not receive meaningful government assistance and are struggling to survive.

Sarah Bidinger, (JD Candidate), BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL, Spr. 2015, 225.

As of September 2014, at least 2.8 million Syrians have fled to neighboring countries, and the United Nation High Commissioner for Refugees ("UNHCR") estimates that approximately 1.35 million Syrians are living in Turkey.
2. Turkey is physically incapable of prioritizing the humanitarian needs of refugees over its national interests.

Joseph O’Roarke, (Editor), ALBANY LAW REVIEW, 2015, 720.

By November 2013, Turkey was hosting an estimated 600,000 refugees; 200,000 sheltered in twenty-one refugee camps and another 400,000 living in Turkish communities. To assist, the Turkish government has already spent more than two billion dollars. Appeals for international assistance have largely gone unanswered, as Turkey has received only thirty-seven percent of the assistance requested. This will continue to create problems as U.N. and Turkish officials predict 1.5 million refugees by the end of 2014. Nearly 800,000 of those refugees will be children, 500,000 of which will be school-aged. This is a substantial dilemma for Turkish political leaders because the nation is running out of resources.

Sarah Bidinger, (JD Candidate), BOSTON UNIVERSITY INTERNATIONAL LAW JOURNAL, Spr. 2015, 226.

Turkey has spent at least 2.5 billion USD on the refugee camps alone, and is unlikely to shift course and provide non-camp refugees with food or housing services; however, refugees living outside the camps are without resources to support themselves.


Turkey has won international praise for taking in 2 million refugees since the Syrian civil war began in March 2011, spending $6 billion caring for them and receiving only $400 million in outside aid. But it has warned it is reaching capacity, and thousands are now making the perilous journey by boat from Turkey to Greece in a bid to enter Europe.

C. JORDAN IS ECONOMICALLY INCAPABLE OF MEETING THE HUMANITARIAN NEEDS OF REFUGEES.

1. The current refugee crisis is pouring thousands of refugees into Jordan.

Joseph O’Roarke, (Editor), ALBANY LAW REVIEW, 2015, 719.

As of May 2014, Jordan reportedly hosts 600,000 refugees, the equivalent of ten percent of its own population. The timing of the influx of refugees could not be worse considering that the recent financial crisis already hurt the Jordanian economy, as evidenced by the numerous incomplete construction projects throughout the capital city of Amman.


Today, Jordan hosts approximately 1.4 million Syrian refugees, of whom 647,000 are registered with the United Nations High Commission for Refugees. Of these, only 100,000 live in refugee camps, while another 1.3 million are hosted within local communities. In total, Syrians now make up 21 per cent of Jordan’s 6.7 million inhabitants.

2. Jordan is incapable of prioritizing the humanitarian needs of refugees over its national interests.


The refugee crisis has exacerbated many of Jordan’s preexisting problems. The country’s social welfare system was in disrepair even before the arrival of Syrians. Indeed, the public’s frustration with health, education, and sanitation services -- as well as the country’s generally weak economy -- exploded in a series of protests and riots across the country in 2012, triggered by the government’s decision to cut fuel subsidies. As one local observer in Amman told me, “Everything was already collapsing when the Syrians showed up.” The situation has caused steadily increasing tensions within the Jordanian host community -- a sense of frustration that, in the view of some local observers, will eventually destabilize Jordan.


Jordan has reached a point of saturation, as the generosity it has practiced since the beginning of the conflict has taken a toll on internal political and economic realities.


The sheer numbers of refugees crossing the border is now causing serious problems for local Jordanians, whose lives are already strained by a fragile economy -- Jordan is not an oil producing state -- and severe droughts along the northern border with Syria. "It's already a burden for water facilities, for health facilities, for schools and of course for the labor market," says Pierini, who served as the European Union ambassador to Syria, Libya and most recently Turkey.