Negative: Libya Camps

By “Coach Vance” Trefethen

The AFF case stops the EU from funding Libya’s Coast Guard from arresting would-be migrants headed for the EU and dropping them in deplorable migrant internment camps in Libya. Actually very few migrants are even in those camps (less than 1% of all migrants in Libya are in the camps) and the EU and the UN are both already actively working programs to evacuate the camps and relocate the migrants to safer locations. Just telling Libya to release the detainees would be foolhardy: they would be no safer out on the streets than they are in the camps. And Libya is in the middle of a civil war anyway, so there’s no way of controlling what happens there, since we can’t tell from one day to the next who’s really running things. Most of the migrants are economic migrants – people looking for better jobs, not legitimate refugees or asylum seekers, so they do not have a valid claim under the international Refugee Convention. The EU has no moral duty to make the world a safe place for people to pass through other countries, illegally enter Libya and then illegally immigrate into Europe to find better jobs. If they wanted better jobs in Europe, they should have gone to the nearest European nation’s embassy or consulate in their home country and applied for a work visa.

Negative: Libya Camps 3

NEGATIVE PHILOSOPHY 3

No moral duty. If they were genuine asylum seekers, they would have claimed asylum in the first safe country, rather than passing through several countries to get to Libya so they could then go to Europe 3

INHERENCY 3

1. EU evacuation plan already in place 3

EU is already funding UN program to evacuate the Libyan camps 3

14 countries are doing more evacuations, it just takes time: 12 months to process 3

2. The UN / Rwanda program 4

UN High Commission on Refugees has a relocation program from Libya to Rwanda 4

Rwanda plan is evacuating hundreds from the Libyan camps. Example: Norway 4

3. The UN/Libya relocation program 4

UN / Libya cooperative “GDF” program is relocating vulnerable refugees within Libya 4

HARMS / SIGNIFICANCE 5

1. No legal/moral culpability on the EU for abuses in Libya 5

International law assigns blame only if the EU or Member State acts with intent to help them commit wrongful acts, which is not the case with Italy/Libya 5

International Criminal Court says there must be awareness of specific intent to torture, and the EU specifically ruled that out, meaning they have no complicity 5

2. One percent or less … or even less… 5

Only 1% of Libyan refugees are in the camps. 5,000 out of 500,000 5

Less than 1%: Total of 625,600 foreign nationals in Libya 6

But wait, there’s less: Of that 5000, only 1,500 are held by the Libyan government (the rest are held by militias) 6

3. Job seekers, not refugees 6

Most of the “poor struggling refugees” are actually employed and came to Libya to work 6

Job seekers don’t qualify for protection under the 1951 Refugee Convention, nor any who aren’t fleeing specific persecution 7

Most of them are economic migrants (not “refugees”) 7

4. No moral or legal duty to accept the migrants into the EU 7

No country is required to grant asylum-seekers entry to their territory 7

Claim that anyone has a right to migrate from Africa to Europe by sea is a big exaggeration with lots of inconsistencies 7

5. Blame the smugglers, not the EU 8

The UN says: Smugglers are responsible for the deaths of migrants, not the EU governments trying to stop them 8

SOLVENCY 9

1. Libyan ratification of treaties won't solve 9

They've already ratified stuff but don't have any mechanism to implement the policies 9

2. Not safe outside the camps 9

Cutting them loose from the camps won't make them safe: Foreigners are abducted and killed outside the camps 9

3. UN cannot do more than it’s doing now 9

UNHCR (the UN refugee agency) can’t do more for 3 reasons: 1) security situation in Libya (civil war) 2) Libyan restrictions 3) Lack of Libya’s institutional capacity to uphold the rule of law 9

4. Enforcement impossible due to chaos in Libya 10

Libya is in chaos because of civil war – migrants are outside the reach of law 10

No one’s in charge: Militias are out of control and the Ministry of Defense can’t control the armed forces 10

DISADVANTAGES 11

1. Death in the Mediterranean 11

Link: Mediterranean Sea is the only alternative when Libya releases them. =Humanitarian Disaster! 11

Link: Nowhere to go. Italy & Malta closed their ports to new arrivals 11

Link: Italy/Libya deal dramatically reduces attempts to cross the Mediterranean 11

Impact: Exit from Libya = Death in the Mediterranean 11

2. Terrorism in Europe 12

Terrorists infiltrate from Libya to get into Europe posing as refugees 12

Bad guys infiltrating into Europe through Libya (and other places) put them at high risk 12

Impact: Death and destruction in Europe 12

3. Bad precedent for future peace-building operations 13

Link: Italy did the Libya deal to promote the UN’s objective of helping rebuild Libya after its government broke down. Condemning it would deter future outside efforts to restore peace after (or in order to stop) civil war 13

Link: Example. A government may refrain from assisting those using force to prevent genocide if the use of force isn’t “authorized” by international law, and they could be accused of being “complicit” in that use of force 13

Impact: Millions of lives at risk without outside intervention. Good example is… Libya! 14

4. Italy Triggers EU Breakup 14

Link & Brink: Italy is in crisis from migrants arriving across the Mediterranean 14

Link: The wave of migrants into Italy are unskilled, unemployable men from Africa. Libyan navy is key to stopping them 15

Link: Italian politics is firmly anti-immigration 15

Link & Brink: Anti-immigration Italian politicians are gaining popularity, and want to rethink membership in the EU 15

Brink: Italy could be the key to EU breakup – worse than Brexit 16

Brink: EU integration can’t survive without blocking the Mediterranean sea route or letting them drown 16

Impact of EU Breakup #1: Russia gains influence - undermines democracy and human rights 17

Link: Russia uses EU division to advance its agenda and gain influence to accomplish bad things 17

Impact: Russian influence damages democracy, promotes authoritarian rule 17

Impact of EU Breakup #2: Authoritarian / Populist European governments and loss of human rights in Europe 18

Link: Fear, anxiety and skepticism about the EU leads to the rise of populist authoritarian figures 18

Brink & Example: Hungary now has authoritarian government, putting EU at high risk right now 18

Impact: Weak EU leads to rise of dictatorship and loss of freedom for millions more 18

Works Cited 19

Negative: Libya Camps

NEGATIVE PHILOSOPHY

No moral duty. If they were genuine asylum seekers, they would have claimed asylum in the first safe country, rather than passing through several countries to get to Libya so they could then go to Europe

**Analysis: The EU cannot be held morally culpable for turning away people immigrating illegally looking for better jobs. And the fact that these migrants passed through several safe countries on their way to Libya proves they aren’t genuine refugees seeking safety, but illegal immigrants seeking better jobs.**

NBC News 2019 (journalist Saphora Smith) 2 Feb 2019 “Europe grapples with distinction between refugees and economic migrants” <https://www.nbcnews.com/news/world/europe-grapples-distinction-between-refugees-economic-migrants-n965161> (brackets added)

“There is more and more emphasis that those who travel to Europe are economic migrants, as if they were real asylum-seekers they would have stayed in the conflict region and claimed asylum” in the first safe country they arrived in, [Univ. of Birmingham migration researcher Nando] Sigona said. According to the United Nations, a refugee is someone who is “unable or unwilling to return to their country of origin owing to a [well-founded fear of being persecuted](https://www.unhcr.org/uk/what-is-a-refugee.html)” and has the right to asylum in another country. An economic migrant is generally considered to be someone who leaves their country in search of work or a higher standard of living, not to flee persecution.

INHERENCY

1. EU evacuation plan already in place

EU is already funding UN program to evacuate the Libyan camps

NEW YORK TIMES 2019. (journalist [Matina Stevis-Gridneff](https://www.nytimes.com/by/matina-stevis-gridneff)) 8 sept 2019 “Europe Keeps Asylum Seekers at a Distance, This Time in Rwanda” <https://www.nytimes.com/2019/09/08/world/europe/migrants-africa-rwanda.html>

“European countries face a dilemma,” said Camille Le Coz, an expert with the Migration Policy Institute in Brussels. “They do not want to welcome more migrants from Libya and worry about creating pull factors, but at the same time they can’t leave people trapped in detention centers.” The United Nations refugee agency, mostly [using European Union funding](https://www.nytimes.com/2018/08/25/world/africa/niger-migration-crisis.html), has evacuated about 4,000 people to the transit center in Niger over the past two years.

14 countries are doing more evacuations, it just takes time: 12 months to process

NEW YORK TIMES 2019. (journalist [Matina Stevis-Gridneff](https://www.nytimes.com/by/matina-stevis-gridneff)) 8 sept 2019 “Europe Keeps Asylum Seekers at a Distance, This Time in Rwanda” <https://www.nytimes.com/2019/09/08/world/europe/migrants-africa-rwanda.html>

Fourteen countries — 10 from the European Union, along with Canada, Norway, Switzerland and the United States — have pledged to resettle about 6,600 people either directly from Libya or from the Niger facility, according to the United Nations refugee agency. It has taken two years to fulfill about half of those pledges, with some resettlements taking up to 12 months to process, a spokesman for the agency said.

2. The UN / Rwanda program

UN High Commission on Refugees has a relocation program from Libya to Rwanda

UNHCR 2020. (written by Eugene Sibomana with UN High Commission on Refugees) 2 March 2020 Rwanda: The first large group of refugees evacuated from Libya resettled to Sweden <https://www.unhcr.org/rw/14609-rwanda-the-first-large-group-of-refugees-evacuated-from-libya-resettled-to-sweden.html#:~:text=Kigali%20%E2%80%93%20On%20Monday%2024%20February,60%20km%20from%20Kigali%2C%20Rwanda>.

On Monday 24 February 2020, a group of 27 refugees evacuated from Libya was resettled to Sweden from the Emergency Transit Mechanism (ETM) center located in Gashora, some 60 km from Kigali, Rwanda. This marks the first large group of refugees to be resettled since the start of the ETM programme Rwanda in September 2019 and brings the total number of evacuees resettled so far to 39 persons. A smaller group of resettled evacuees had left for Sweden in December 2019 and while the first resettlement departures to Canada followed on Wednesday 25 February 2020 with a group 5 refugees. This resettlement program, supported by UNHCR, the UN Refugee Agency and IOM, is part of the five durable solutions pursued for all refugees evacuated from Libya during the time they are granted sanctuary in Rwanda. While some may benefit from resettlement to third countries, others are helped to return to countries where asylum had previously been granted, or to return to their home countries if it is safe to do so. Some may be given permission to remain in Rwanda or benefit from complementary pathways, provided through family reunification and work, medical and humanitarian visas. UNHCR undertakes all necessary efforts in order to facilitate the timely search and implementation of durable solutions based on the principle of voluntariness.

Rwanda plan is evacuating hundreds from the Libyan camps. Example: Norway

Kate Hodal 2020 (journalist) 10 Jan 2020. “Norway opens its doors to 600 people evacuated from Libya to Rwanda” <https://www.theguardian.com/global-development/2020/jan/10/norway-opens-its-doors-to-600-people-evacuated-from-libya-to-rwanda>

Hundreds of refugees and asylum seekers evacuated from Libyan detention centres to a transit camp in [Rwanda](https://www.theguardian.com/world/rwanda) are to be resettled this year in Norway, according to Rwanda’s foreign minister. Speaking at a news conference in Kigali on Wednesday, Rwanda’s foreign minister Vincent Biruta said the African nation was currently hosting more than 300 refugees and asylum seekers at the Gashora transit centre south of Kigali, most of whom hail from Somalia, Sudan and Eritrea, [according to CGTN Africa](https://africa.cgtn.com/2020/01/09/norway-offers-to-take-in-500-african-refugees-from-rwanda/).

3. The UN/Libya relocation program

UN / Libya cooperative “GDF” program is relocating vulnerable refugees within Libya

UNHCR 2020. (the UN Refugee Agency) Sept 2020 “UNHCR Position on the Designations of Libya as a Safe Third Country and as a Place of Safety for the Purpose of Disembarkation Following Rescue at Sea” <https://www.refworld.org/publisher,UNHCR,,LBY,5f1edee24,0.html>

In late 2018, UNHCR and the Libyan Ministry of Interior opened a new Gathering and Departure Facility (GDF) as a transit site to host refugees who had been identified for a solution outside of Libya, pending their evacuation. In January 2020, UNHCR announced the suspension of operations at the GDF amid concerns that it could become a military target. UNHCR relocated dozens of highly vulnerable refugees, already identified for resettlement or evacuation to third countries, to an alternate temporary shelter pending departure, while hundreds of others were moved to urban areas. With a high number of refugees and asylum-seekers in urban areas, UNHCR has expanded its urban protection and assistance programmes since late 2019.

HARMS / SIGNIFICANCE

1. No legal/moral culpability on the EU for abuses in Libya

International law assigns blame only if the EU or Member State acts with intent to help them commit wrongful acts, which is not the case with Italy/Libya

*Prof.* [Achilles Skordas](http://jura.ku.dk/english/staff/research/?pure=en/persons/573119) *2018 (Professor of International Law,*[University of Copenhagen](http://www.ku.dk/english/)*) 30 Jan 2018 “*A ‘blind spot’ in the migration debate? International responsibility of the EU and its Member States for cooperating with the Libyan coastguard and militias” <https://eumigrationlawblog.eu/a-blind-spot-in-the-migration-debate-international-responsibility-of-the-eu-and-its-member-states-for-cooperating-with-the-libyan-coastguard-and-militias/> (brackets added)

Responsibility can only be established if the assisting State acts ‘in view to facilitating the commission of the wrongful act’. According to the Commentary, ‘a State is not responsible for aid or assistance under article 16 unless the relevant State organ intended, by the aid or assistance given, to facilitate the occurrence of the wrongful conduct and the internationally wrongful conduct is actually committed by the aided or assisted State’. Therefore, following this line of thought, it has to be proven that the Union and the MS [Member State] had the intention to facilitate the commitment of torture and other similar crimes by Libya or by the Libyan militias and this has obviously not been the case.

International Criminal Court says there must be awareness of specific intent to torture, and the EU specifically ruled that out, meaning they have no complicity

*Prof.* [Achilles Skordas](http://jura.ku.dk/english/staff/research/?pure=en/persons/573119) *2018 (Professor of International Law,*[University of Copenhagen](http://www.ku.dk/english/)*) 30 Jan 2018 “*A ‘blind spot’ in the migration debate? International responsibility of the EU and its Member States for cooperating with the Libyan coastguard and militias” <https://eumigrationlawblog.eu/a-blind-spot-in-the-migration-debate-international-responsibility-of-the-eu-and-its-member-states-for-cooperating-with-the-libyan-coastguard-and-militias/> (brackets in original)

The Court ruled that ‘there [was] no doubt that the conduct of an organ or a person furnishing aid or assistance to a perpetrator of the crime of genocide[could] not be treated as complicity in genocide unless at the least that organ or person acted knowingly, that is to say, in particular, was aware of the specific intent (dolus specialis) of the principal perpetrator (para 412 of the judgment).’Therefore, the Union and the MS would engage their international responsibility for assisting Libya only if they were at least aware that it had specific intent to torture, and still offered assistance. The [Joint Statement on the Migrant Situation in Libya](http://www.consilium.europa.eu/media/31871/33437-pr-libya20statement20283020nov2010.pdf), issued by the African Union-European Union Summit of 29-30 November 2017 constitutes an outright condemnation of the human rights abuses that occurred in that country and is therefore an important indication that there is neither complicity nor intent by the Union, its MS and Libya to facilitate or commit such crimes.

2. One percent or less … or even less…

Only 1% of Libyan refugees are in the camps. 5,000 out of 500,000

NEW YORK TIMES 2019. (journalist [Matina Stevis-Gridneff](https://www.nytimes.com/by/matina-stevis-gridneff)) 8 sept 2019 “Europe Keeps Asylum Seekers at a Distance, This Time in Rwanda” <https://www.nytimes.com/2019/09/08/world/europe/migrants-africa-rwanda.html>

An estimated half a million migrants live in Libya, and just 51,000 are registered with the United Nations refugee agency. Five thousand are held in squalid and unsafe detention centers.

Less than 1%: Total of 625,600 foreign nationals in Libya

**[Analysis: If only 5000 in Camps, out of 625,600, that’s 0.8%)**

UNHCR 2020. (the UN Refugee Agency) Sept 2020 “UNHCR Position on the Designations of Libya as a Safe Third Country and as a Place of Safety for the Purpose of Disembarkation Following Rescue at Sea” <https://www.refworld.org/publisher,UNHCR,,LBY,5f1edee24,0.html>

As of 1 August 2020, UNHCR in Libya had registered 46,823 asylum-seekers and refugees. In addition to asylum-seekers and refugees officially registered, there are foreign nationals or stateless persons with international protection needs who have not been registered with UNHCR. As of April 2020, the International Organization for Migration (IOM) recorded at least 625,600 foreign nationals, including refugees and asylum-seekers, living in Libya.

But wait, there’s less: Of that 5000, only 1,500 are held by the Libyan government (the rest are held by militias)

**Analysis: That brings the total of migrants AFF can solve for down to 1,500 out of 625,600 = 0.02%. AFF cannot fiat that rebel militias will comply with any enforcement plan nor prove that AFF’s standards or policies will be followed.**

Omer Karasapan 2020 (Middle East and North Africa Region's Knowledge and Learning Coordinator at Brookings Institution; served for 30 years at the World Bank. ) 20 May 2020 “Libya and its migrants confront new threats” <https://www.brookings.edu/blog/future-development/2020/05/20/libya-and-its-migrants-confront-new-threats/>

Sale of migrants for their labor or to militias to extract payments from their families and friends in exchange for release or visiting less violence on them continues. It is estimated that some 1,500 are held in official detention centers run by the U.N.-recognized Tripoli Government of National Accord (GNA) and thousands more in centers controlled by militias. This number appears to be [a decline from previous years](https://www.brookings.edu/blog/future-development/2019/03/18/the-continuing-tragedy-of-migrants-in-libya/) but reliable numbers are hard to come by.

3. Job seekers, not refugees

**Most of them are people who thought they could get better jobs in Libya or Europe. Turns out they were wrong. But that doesn’t make them “refugees” or legitimate “asylum seekers” under international law, and worthy of our sympathy. They’re people who were trying to make more money by illegal immigration and got caught.**

Most of the “poor struggling refugees” are actually employed and came to Libya to work

Omer Karasapan 2020 (Middle East and North Africa Region's Knowledge and Learning Coordinator at Brookings Institution; served for 30 years at the World Bank. ) 20 May 2020 “Libya and its migrants confront new threats” <https://www.brookings.edu/blog/future-development/2020/05/20/libya-and-its-migrants-confront-new-threats/>

Yet Libya continues to act as a magnet for large numbers of migrants who come to work there or go on to Europe. Untold numbers of households from Chad to Egypt to Sudan depend on remittances from Libya. [IOM estimates that in February 2020 there were at least 654,000 migrants in Libya.](https://migration.iom.int/reports/libya-%E2%80%94-migrant-report-29-jan-feb-2020) The [top 5 nationalities](https://migration.iom.int/reports/libya-%E2%80%94-migrant-report-29-jan-feb-2020) were Nigerien (21 percent), Chadian (16 percent), Egyptian (15 percent), Sudanese (12 percent), and Nigerian (8 percent). Men constituted 89 percent of migrants, women 11 percent, and 7 percent were children of which 24 percent were unaccompanied. Of the migrants, 83 percent were employed and it cost them an average of $1,000 to reach Libya. They sent home $160 a month on average with monthly accommodation costs of around $50.

Job seekers don’t qualify for protection under the 1951 Refugee Convention, nor any who aren’t fleeing specific persecution

Ionel Zamfir 2015 (with European Parliamentary Research Service) 27 Oct 2015 “Refugee Status Under International Law” <https://epthinktank.eu/2015/10/27/refugee-status-under-international-law/>

Refugees are a special class of migrants who under international law deserve specific protection by their host state. According to Article 1 of the 1951 UN Convention, as modified by the 1967 Protocol, a refugee is defined as a person who ‘owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.’ This definition implies that several qualifying conditions apply to be considered a refugee: (1) **presence** **outside home country**; (2) **well-founded fear of persecution** (being at risk of harm is insufficient reason in the absence of discriminatory persecution); (3) **incapacity to enjoy the protection of one’s own state** from the persecution feared. The definition of refugees was actually **intended to exclude** internally displaced persons, economic migrants, victims of natural disasters, and persons fleeing violent conflict but not subject to discrimination amounting to persecution.

Most of them are economic migrants (not “refugees”)

**(And no, fleeing Boko Haram doesn’t qualify as “refugee” either. See the last sentence in the card above.)**

Louise Hunt 2019 (journalist) 30 July 2019 “Salvini’s Crackdown on Migrants in Italy Is Creating a Crisis, Not Solving One” <https://www.worldpoliticsreview.com/insights/28080/salvini-s-crackdown-on-migrants-in-italy-is-creating-a-crisis-not-solving-one>

Grinding poverty is the main push factor for migration from West Africa, although some people are also fleeing conflicts, such as the fight against Boko Haram, a terrorist group active across the northern regions of Nigeria, Chad and Cameroon.

4. No moral or legal duty to accept the migrants into the EU

No country is required to grant asylum-seekers entry to their territory

Ionel Zamfir 2015 (with European Parliamentary Research Service) 27 Oct 2015 “Refugee Status Under International Law” <https://epthinktank.eu/2015/10/27/refugee-status-under-international-law/>

Because of their vulnerable situation, asylum-seekers are sometimes forced to enter their country of refuge unlawfully. The Geneva Convention does not stipulate that states are required to grant asylum-seekers entry to their territory.

Claim that anyone has a right to migrate from Africa to Europe by sea is a big exaggeration with lots of inconsistencies

Prof. [Achilles Skordas](https://www.mpil.de/en/pub/institute/personnel/academic-staff/askordas.cfm) 2020 (Professor of International Law, Univ of Bristol; Senior Research Fellow, [Max Planck Institute for Comparative Public Law and International Law](https://www.mpil.de/en/pub/news.cfm), Heidelberg) May 2020 The Twenty-Day Greek-Turkish Border Crisis and Beyond: Geopolitics of Migration and Asylum Law (Part II) <http://eumigrationlawblog.eu/the-twenty-day-greek-turkish-border-crisis-and-beyond-geopolitics-of-migration-and-asylum-law-part-ii/>

Similar questions might arise with regard to the arguments that those coming from Sub-Saharan Africa have a[right to leave Africa by sea in order to attempt to arrive to Europe](https://academic.oup.com/ejil/article/27/3/591/2197244), that they have an expectation to be rescued and be brought to a (European) safe port, and, finally, not be returned, even if they have no right to protection under EU law and the Geneva Convention, because return would allegedly violate their Art. 3 ECHR rights. I do not exclude that there may be situations that fit into this chain of argument. However, it is often ignored that this construction is so heavily fact-dependent, that it constitutes a possible scenario and not a coherent legal principle. Moreover, many of the arguments in the chain are construed in such a way that the gaps and inconsistencies are dressed in a legal language that hides policy objectives.

5. Blame the smugglers, not the EU

The UN says: Smugglers are responsible for the deaths of migrants, not the EU governments trying to stop them

Prof. [Achilles Skordas](https://www.mpil.de/en/pub/institute/personnel/academic-staff/askordas.cfm) 2020 (Professor of International Law, Univ of Bristol; Senior Research Fellow, [Max Planck Institute for Comparative Public Law and International Law](https://www.mpil.de/en/pub/news.cfm), Heidelberg) May 2020 The Twenty-Day Greek-Turkish Border Crisis and Beyond: Geopolitics of Migration and Asylum Law (Part II) <http://eumigrationlawblog.eu/the-twenty-day-greek-turkish-border-crisis-and-beyond-geopolitics-of-migration-and-asylum-law-part-ii/> (ellipses in original)

The main question is not, whether a *pro persona* principle should be applied in cases of normative ambiguity, or whether human rights law is at the top of normative hierarchy, but to whom the loss of life in an irregular mass migration movement is to be attributed: to the State actors that attempt to prevent the movement, or to the smugglers who encourage it. The answer to this question will determine the interpretive approach.   
Systemic integration is a crucial rule of legal interpretation, whereby the relevant rules of international law are taken into account in treaty interpretation (Art. 31(3)(c) Vienna Convention on the Law of Treaties). Among them, the UN Security Council resolutions and practice play a prominent role, because they bind all Member States and prevail over any other treaty obligations (Arts. 25 and 103 UN Charter; see also Skordas, in[Aust/Nolte,](https://global.oup.com/academic/product/the-interpretation-of-international-law-by-domestic-courts-9780198738923?cc=de&lang=en&) pp. 309-314). Since resolution 688/1991, the Security Council has created a consolidated practice, according to which mass irregular movements of migrants and refugees constitute[a threat to the peace](https://brill.com/view/book/edcoll/9789004226166/B9789004226166-s012.xml?language=en). Furthermore, resolution[2240/2015](https://digitallibrary.un.org/record/806095) determined the existence of a Chapter VII situation as the result of mass and irregular migration from Africa to Europe. The Council made here an authoritative determination, by attributing responsibility for the loss of life and for the drowning of migrants in the Mediterranean as follows:  
‘The Security Council, …. affirming the necessity to put an end to the recent proliferation of, and endangerment of lives by, the smuggling of migrants and trafficking of persons in the Mediterranean Sea off the coast of Libya, and, for these specific purposes, acting under Chapter VII of the Charter of the United Nations,’ (last paragraph of the preamble).  
Therefore, the Council determined that the loss of life is attributable to the actions of the smuggling and trafficking networks and not to the deterring action of EU Member States. Therefore, *smuggling and trafficking are legally the proximate causes for the drowning of migrants and deploy their nefarious effects as long as the paths of irregular mass migration remain open.* According to the preamble of the same resolution, States should also (and obviously) comply with their obligations under international law, including human rights law and international refugee law, but within the context of implementing and enforcing the resolution and putting an end to the ‘big business’ of smuggling and trafficking networks. Closing the illegal migration markets puts practically an end to the smuggling and trafficking business.

SOLVENCY

1. Libyan ratification of treaties won't solve

They've already ratified stuff but don't have any mechanism to implement the policies

UN Support Mission in Libya 2015. The situation of migrants in transit through Libya en route to Europe - Briefing Note 08 May 2015 <https://reliefweb.int/report/libya/situation-migrants-transit-through-libya-en-route-europe-briefing-note-08-may-2015>

Libya has not ratified the 1951 Convention Relating to the Status of Refugees (Refugee Covention), but it is party to the 1969 OAU Convention Governing the Specific Aspects of Refugee Problems in Africa,, which in spirit incorporates the 1951 Refugee Convention and its 1967 Protocol. However, Libya’s international obligations are yet to be implemented through national asylum legislation. Currently refugees and asylum-seekers are often considered illegal migrants.

2. Not safe outside the camps

Cutting them loose from the camps won't make them safe: Foreigners are abducted and killed outside the camps

UN Support Mission in Libya 2015. The situation of migrants in transit through Libya en route to Europe - Briefing Note 08 May 2015 <https://reliefweb.int/report/libya/situation-migrants-transit-through-libya-en-route-europe-briefing-note-08-may-2015>

Abuses outside the context of detention for migration related offenses  
Like other civilians in Libya, foreign nationals have been impacted by the ongoing conflicts. In recent months, foreign nationals have been killed including in the shelling of al-Zawiya in western Libya on 29 March and in terrorist bombings in al-Qubbah in eastern Libya on 20 February. Egyptian Copts and other Christians have been abducted and unlawfully killed on account of their religion. The two videos of the killing of 21 and 30 foreign nationals circulated online on 20 February and 19 April , respectively, represent the most horrific, but not the only, incidents. Seven Egyptian Coptic migrant workers were abducted and shot dead in Benghazi, allegedly by Ansar al-Sharia, in February 2014. Another seven Egyptian migrant workers remain missing following their abductions in late 2014. They are believed to be held near Sirte by armed groups. Foreign nationals have also been abducted by armed groups for ransom or on suspicion of engaging in armed hostilities particularly in the east of the country. In the latter case, they are not brought in front of judicial authorities to enable them to challenge the legality of their detention and are subjected to torture or other ill-treatment including in military and other makeshift detention centres.

3. UN cannot do more than it’s doing now

UNHCR (the UN refugee agency) can’t do more for 3 reasons: 1) security situation in Libya (civil war) 2) Libyan restrictions 3) Lack of Libya’s institutional capacity to uphold the rule of law

UNHCR 2020. (the UN Refugee Agency) Sept 2020 “UNHCR Position on the Designations of Libya as a Safe Third Country and as a Place of Safety for the Purpose of Disembarkation Following Rescue at Sea” <https://www.refworld.org/publisher,UNHCR,,LBY,5f1edee24,0.html>

Libya is not party to the 1951 Convention Relating to the Status of Refugees or its Protocol and, in spite of having ratified the 1969 OAU Convention relating to refugees, it does not have a functioning national asylum system. Persons in need of international protection do not enjoy the rights attached to asylum, including legal stay, non-penalisation for irregular entry, access to recognized documentation and basic rights, and protection from refoulement. Furthermore, UNHCR’s ability to exercise its mandate is restricted for various reasons, including, inter alia, a security situation which hampers UNHCR’s access to persons of concern; restrictive governmental policies that only permit persons of designated nationalities to register with UNHCR; and Libya’s limited institutional capacity to uphold the rule of law and prevailing impunity for widespread violations and abuses against asylum-seekers and refugees.

4. Enforcement impossible due to chaos in Libya

Libya is in chaos because of civil war – migrants are outside the reach of law

Katie Kuschminder 2020 (journalist) 6 Aug 2020 “Once a Destination for Migrants, Post-Gaddafi Libya Has Gone from Transit Route to Containment” <https://www.migrationpolicy.org/article/once-destination-migrants-post-gaddafi-libya-has-gone-transit-route-containment>

The experiences of migrants in Libya have changed dramatically in the post-Gaddafi years, as the 2017 Italy agreement transformed the country from one of transition to one of containment. Even within these different periods, however, migrants have encountered different situations depending on which region they traverse. The absence of a central rule of law has created multiple transit spaces of exception that are beyond the reach of international law, and so operate under rules all their own.

No one’s in charge: Militias are out of control and the Ministry of Defense can’t control the armed forces

*Prof.* [Achilles Skordas](http://jura.ku.dk/english/staff/research/?pure=en/persons/573119) *2018 (Professor of International Law,*[University of Copenhagen](http://www.ku.dk/english/)*) 30 Jan 2018 “*A ‘blind spot’ in the migration debate? International responsibility of the EU and its Member States for cooperating with the Libyan coastguard and militias” <https://eumigrationlawblog.eu/a-blind-spot-in-the-migration-debate-international-responsibility-of-the-eu-and-its-member-states-for-cooperating-with-the-libyan-coastguard-and-militias/> (brackets added)

The EUBAM [European Union Border Assistance Mission] Report also describes the lack of authority and control over the militias and other security bodies. The Ministry of Defense, which is also in charge of the coastguards and port security forces, ‘has little or no control over the Armed Forces’, in the formulation of the Report. The border guards in the South are also linked with the local militias, and the Ministry of Interior is infiltrated by ‘militias and religiously motivated stakeholders’.

DISADVANTAGES

1. Death in the Mediterranean

Link: Mediterranean Sea is the only alternative when Libya releases them. =Humanitarian Disaster!

Reuters news service 2020. “Malta calls for EU aid to avert Libya humanitarian crisis” 14 Apr 2020 <https://www.reuters.com/article/us-health-coronavirus-libya-eu/malta-calls-for-eu-aid-to-avert-libya-humanitarian-crisis-idUSKCN21W1KP>

Malta is calling for a 100 million euro ($110 million) European Union aid package to avert a humanitarian disaster among people fleeing Libya, where rising violence is worsening the impact of the coronavirus crisis. Malta’s Foreign Minister Evarist Bartolo has written to the EU’s external relations representative Josep Borrell warning that the situation is becoming unsustainable, days after the Mediterranean island closed its ports to migrant boats. “Migrant detention camps are overflowing, and according to a number of credible reports, thousands of migrants are either escaping from, or being allowed to leave these camps,” he said in a televised address on Tuesday. “In this horrific context, there are all the ingredients for a major humanitarian disaster waiting to happen, as desperate people look to the Mediterranean Sea as their only escape.”

Link: Nowhere to go. Italy & Malta closed their ports to new arrivals

Reuters news service 2020. “Malta calls for EU aid to avert Libya humanitarian crisis” 14 Apr 2020 <https://www.reuters.com/article/us-health-coronavirus-libya-eu/malta-calls-for-eu-aid-to-avert-libya-humanitarian-crisis-idUSKCN21W1KP>

Both Italy and Malta, the two EU countries at the frontline of the migrant crisis from North Africa, closed off their ports to new arrivals last week saying the coronavirus pandemic made it impossible to deal with them safely.

Link: Italy/Libya deal dramatically reduces attempts to cross the Mediterranean

Katie Kuschminder 2020 (journalist) 6 Aug 2020 “Once a Destination for Migrants, Post-Gaddafi Libya Has Gone from Transit Route to Containment” <https://www.migrationpolicy.org/article/once-destination-migrants-post-gaddafi-libya-has-gone-transit-route-containment>

In March 2016, the European Union and Turkey signed a deal that, among other things, returned migrants arriving in Greece to Turkey if they did not apply for asylum or if their claim was rejected. Then in 2017, Italy struck a controversial deal with Libya that included outsourcing the containment of migrant boats to the Libyan coast guard, which returns them to Libyan shores. The effort has been effective at halting migrants. From 2014 through 2017, 625,000 migrants arrived in Italy via the sea, primarily departing from Libya, according to UNHCR, with a peak of 181,000 migrants in 2016. By 2018, in the wake of the Italy-Libya deal, this number had plunged to 23,000 arrivals, and last year just 11,000. Through the first six months of 2020, nearly 7,200 migrants of all origins arrived in Europe via the Central Mediterranean route, which is an increase over the same period in 2019 but a fraction from previous years.

Impact: Exit from Libya = Death in the Mediterranean

UN Support Mission in Libya 2015. The situation of migrants in transit through Libya en route to Europe - Briefing Note 08 May 2015 <https://reliefweb.int/report/libya/situation-migrants-transit-through-libya-en-route-europe-briefing-note-08-may-2015>

The deteriorating security situation, coupled with limited access to neighbouring countries by land, has compelled unprecedented numbers of migrants, asylum-seekers and refugees to undertake dangerous and frequently deadly journeys across the Mediterranean Sea in unseaworthy boats. At least 3,000 people lost their lives in 2014 in the Mediterranean, mostly after departing from Libyan shores. In 2015, up to 1,800 people are believed to have perished in the Mediterranean en route to Europe.

2. Terrorism in Europe

Terrorists infiltrate from Libya to get into Europe posing as refugees

Todd Bensman 2019 (senior national security fellow, Center for Immigration Studies) 6 Nov 2019 “What Terrorist Migration Over European Borders Can Teach About American Border Security” <https://cis.org/Report/Terrorist-Migration-Over-European-Borders>

Ben Nasr Mehdi, a 38-year-old Tunisian explosives expert, was arrested in 2008 and sentenced to seven years in prison after he was found to be the head of an al-Qaeda terrorist cell. He was then extradited to Tunisia. In October 2015, he returned to Europe on a migrant boat from Libya and arrived on Italy's Lampedusa island. He used an alias to claim asylum and work as a brick-layer, but his true identity was discovered with a fingerprint check.

Bad guys infiltrating into Europe through Libya (and other places) put them at high risk

Todd Bensman 2019 (senior national security fellow, Center for Immigration Studies) 6 Nov 2019 “What Terrorist Migration Over European Borders Can Teach About American Border Security” <https://cis.org/Report/Terrorist-Migration-Over-European-Borders>

Europe's baseline asylum, security vetting, and refugee systems collapsed under the onslaught of refugees and migrants who often arrived without identity documents, enabling dozens of successful clandestine jihadist entries. But even prior to the crisis, Europe had not oriented its collective attention toward illegal immigration as counterterrorism because border infiltration had not emerged as a terror-travel tactic. In short, it had not happened yet. In contrast, federal legislation after 9/11 did require the United States homeland security enterprise to preemptively recognize border infiltration as a vulnerability and to orient some programs to attenuate it. The degree of effectiveness may well have hinged on that difference in security preparedness and in migration flow volumes. Whereas most of the 2.5 million migrants who entered Europe during the crisis hailed from countries of the Middle East, Africa, and South Asia, only an estimated 3,000 to 4,000 migrants from the same regions annually reach the U.S. southern border. For example, the Department of Homeland Security stated that in 2018 a fractional 3,000 of the 467,000 illegal immigrants apprehended at the southern border were categorized in government parlance as "special interest aliens" (SIAs) based on citizenship in countries where terrorist groups operate. High SIA migration from Muslim-majority countries to an unprepared Europe resulted in terror attacks while low migration to a more prepared United States has resulted in no terror attacks on U.S. soil to date. One reason for lower volumes of SIA migrants at the U.S. border is that distances to reach it are far greater and more cost prohibitive than for them to reach European entry points at Greece, Italy, Spain, and Hungary. Transportation and smuggling fees to staging points in Turkey, Libya, and Morocco, by boat over three main Mediterranean Sea routes, and then internally inside Europe were relatively affordable to the masses.

Impact: Death and destruction in Europe

Todd Bensman 2019 (senior national security fellow, Center for Immigration Studies) 6 Nov 2019 “What Terrorist Migration Over European Borders Can Teach About American Border Security” <https://cis.org/Report/Terrorist-Migration-Over-European-Borders>

In the European theater, the dearth of government preparedness for terrorist border infiltrations led to high casualties and severe, wide-ranging negative societal impacts. In contrast, no migrant who crossed the U.S. southern border had conducted a terror attack after September 2001 except for one Somali who crossed the Mexico-California border in 2011 and went on to allegedly commit a 2017 vehicle-ramming attack while carrying an ISIS flag in Edmonton, Alberta, Canada.

3. Bad precedent for future peace-building operations

Link: Italy did the Libya deal to promote the UN’s objective of helping rebuild Libya after its government broke down. Condemning it would deter future outside efforts to restore peace after (or in order to stop) civil war

**Analysis: Blaming Italy for people suffering in Libya is like blaming the police officer for the suffering at the scene to which he was called where multiple gunshot victims need help. Italy was called to the scene of a civil war and asked to help. Blaming them for the suffering they found upon their arrival will make it unlikely any future country will want to help in similar circumstances.**

*Prof.* [Achilles Skordas](http://jura.ku.dk/english/staff/research/?pure=en/persons/573119) *2018 (Professor of International Law,*[University of Copenhagen](http://www.ku.dk/english/)*) 30 Jan 2018 “*A ‘blind spot’ in the migration debate? International responsibility of the EU and its Member States for cooperating with the Libyan coastguard and militias” <https://eumigrationlawblog.eu/a-blind-spot-in-the-migration-debate-international-responsibility-of-the-eu-and-its-member-states-for-cooperating-with-the-libyan-coastguard-and-militias/>

The main purpose of the cooperation of the EU and the MS with Libya is to manage the migration flows, which is a legitimate objective. The collapse of Libyan statehood has been one of the main factors that facilitated the exodus of migrants towards Europe and it is reasonable that the Union would try to re-establish the capacity of Libya to exercise effective control over its land and maritime borders. This objective was also consistent with the policies of the United Nations for the restoration of peace in Libya after the 2011 war. In fact, an expansive interpretation of Article 16 of the ILC Articles establishing the international responsibility of third States for aiding or assisting the perpetrator would make international cooperation risky (see Georg Nolte/Helmut Philip Aust, [Equivocal Helpers – Complicit States, Mixed Messages and International Law](https://www.cambridge.org/core/services/aop-cambridge-core/content/view/10299B2BBB5D554834F4459CD94C370D/S0020589308000821a.pdf/equivocal_helperscomplicit_states_mixed_messages_and_international_law.pdf), ICLQ 58 (2009), 1-30). In particular, it would complicate post-conflict peace-building, because it would deter States from getting involved in the process of restoration of peace during the fractious, troubled and uncertain period of transition, where international support is necessary more than ever.

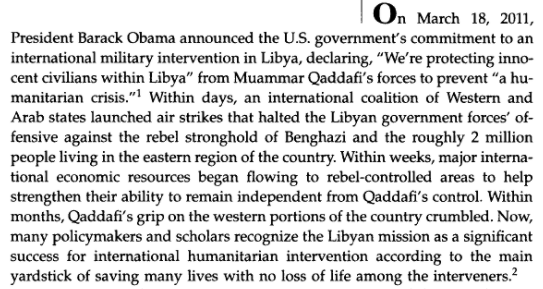
Link: Example. A government may refrain from assisting those using force to prevent genocide if the use of force isn’t “authorized” by international law, and they could be accused of being “complicit” in that use of force

Prof. GEORG NOLTE and HELMUT PHILIPP AUST 2009. (Professor of Law, Humboldt University Berlin; Member of the International Law Commission. Doctoral Candidate and Research Fellow, University of Munich) International and Comparative Law Quarterly, January 2009 <http://nolte.rewi.hu-berlin.de/doc/il/ws0910/ILNolte_Aust_ICLQ.pdf>

Similar considerations may apply in situations in which only one of two peremptory norms can arguably be satisfied: In the face of genocide, for example, a State may choose to side with those who are using force to prevent and stop the genocide. Should the assisting State refrain from doing so in order not to incur the risk of being held complicit in a violation of Article 2, para 4 of the Charter?

Impact: Millions of lives at risk without outside intervention. Good example is… Libya!

Prof. Robert A. Pape 2012 (professor of political science, Univ of Chicago) “When Duty Calls: A Pragmatic Standard of Humanitarian Intervention  
Vol 37 No. 1 - Summer 2012 INTERNATIONAL SECURITY <https://www.jstor.org/stable/23280404>



4. Italy Triggers EU Breakup

Link & Brink: Italy is in crisis from migrants arriving across the Mediterranean

Andrew R. Arthur 2017 (Resident Fellow in Law and Policy for the Center for Immigration Studies; former Assistant General Counsel to the US Immigration & Naturalization Service) 22 Nov 2017 “Continued Migrant Fallout in Europe” <https://cis.org/Arthur/Continued-Migrant-Fallout-Europe> (brackets in original)

Italy is dealing with issues resulting from the migrant crisis of its own. On November 19, 2017, the Wall Street Journal [reported](https://www.wsj.com/articles/italy-labors-to-integrate-refugees-in-weak-economy-1510958768?shareToken=st4f065172d242425289145d5a07fa0e78&reflink=article_email_share):   
*Italy is facing a daunting challenge integrating refugees, even as the pace of seaborne arrivals on its shores shows signs of slowing. Since 2012, 150,000 people have won refugee status in Italy, and another 155,000 asylum applications are pending. Other European countries, such as Germany and Sweden, are wrestling with the same task. But Italy is doing so with a chronically weak economy, high unemployment and a state bureaucracy that often fails to provide a social safety net even for native-born Italians. And many refugees lack marketable skills, officials and aid groups say."It is a challenge that makes your hands shake," said Domenico Manzione, an undersecretary at Italy's Interior Ministry who is in charge of immigration.*That article [states](https://www.wsj.com/articles/italy-labors-to-integrate-refugees-in-weak-economy-1510958768?shareToken=st4f065172d242425289145d5a07fa0e78&reflink=article_email_share) that, although the government has approved Italy's "first-ever plan for integrating refugees in late September," setting out "general priorities such as providing Italian lessons, work training and housing to people who obtain the right to live and work in the country," the plan itself lacks a mechanism for meeting these goals. Part of the problem, [according](https://www.wsj.com/articles/italy-labors-to-integrate-refugees-in-weak-economy-1510958768?shareToken=st4f065172d242425289145d5a07fa0e78&reflink=article_email_share) to the Journal, is that Italy, a country that received few immigrants "until the early 1990s" was overwhelmed by "hundreds of thousands of migrants [who] have arrived in the country in recent years, most of them traveling by boat across the Mediterranean Sea."

Link: The wave of migrants into Italy are unskilled, unemployable men from Africa. Libyan navy is key to stopping them

Andrew R. Arthur 2017 (Resident Fellow in Law and Policy for the Center for Immigration Studies; former Assistant General Counsel to the US Immigration & Naturalization Service) 22 Nov 2017 “Continued Migrant Fallout in Europe” <https://cis.org/Arthur/Continued-Migrant-Fallout-Europe> (brackets in original)

Another issue is that more recent entrants to Italy lack the skills and connections that enabled earlier immigrants to integrate more easily. As the Journal [explains](https://www.wsj.com/articles/italy-labors-to-integrate-refugees-in-weak-economy-1510958768?shareToken=st4f065172d242425289145d5a07fa0e78&reflink=article_email_share):  
Previous waves of migrants to Italy included many individuals — often women — with education and work experience that allowed them to find employment relatively quickly. Those people, many of them from North Africa and Eastern Europe, relied on networks within their national and ethnic groups to find housing, jobs and support, with minimal intervention by the state, aid groups and government officials say. By contrast, only about 16% of migrants in recent years have a high school degree, and 10% are illiterate, according to a 2016 survey by the International Organization for Migration, a United Nations agency. About 80% are African men, and a similar percentage are under 30.  
The demographics of this group present a particular integration challenge to a country that, [according to the CIA](https://www.cia.gov/library/publications/the-world-factbook/geos/it.html), had a high overall unemployment rate in 2016 of 11.7 percent, and a youth unemployment rate of 37.1 percent. The recent decrease in migrants entering Italy, who come primarily seeking entry to that country via Libya, is credited to "tougher actions against smugglers operating in the Mediterranean," [according](https://www.theguardian.com/world/2017/aug/11/number-of-migrants-arriving-in-italy-from-libya-falls-by-half-in-july) to an August 2017 article in the Guardian:  
The fall in numbers making the crossing is likely to be the result of a more aggressive turnaround policy by the Libyan navy and coastguard, backed by improved boats and equipment — funded by the European Union — and Italian-led training.

Link: Italian politics is firmly anti-immigration

Louise Hunt 2019 (journalist) 30 July 2019 “Salvini’s Crackdown on Migrants in Italy Is Creating a Crisis, Not Solving One” <https://www.worldpoliticsreview.com/insights/28080/salvini-s-crackdown-on-migrants-in-italy-is-creating-a-crisis-not-solving-one>

Sadly, other mainstream political parties at the national level have not proposed an alternative to the anti-immigration policies pushed by Salvini and the League. In the past, Italy has responded to high levels of irregular migration through amnesty programs. But today, regularization would come at a huge political cost in terms of public support, and other political parties are reticent to stick their necks out in favor of pro-immigrant policies. Other alternatives, such as greater collaboration with the EU or forging bilateral agreements with other EU countries, also appear unlikely given the political climate and lack of available resources.

Link & Brink: Anti-immigration Italian politicians are gaining popularity, and want to rethink membership in the EU

John Follain and Alessandra Migliaccio 2020 (journalists) 21 April 2020 “Something Has Snapped in Italy’s Stormy Relationship With Europe” <https://www.bloomberg.com/news/articles/2020-04-21/something-has-snapped-in-italy-s-stormy-relationship-with-europe>

Conte governs at the head of an unstable coalition led by the anti-establishment Five Star Movement and the establishment Democratic Party that only came together last year to keep out their mutual foe, Matteo Salvini of the right-wing populist League. The League is the most popular party in Italy, now leading the Democrats by about eight percentage points and Salvini is waiting for another chance to seize power. In the past, he has toyed with the idea of ditching the euro. But as he rose to national prominence he read the mood of the country and went out of his way to play that down. Not any more. “This isn’t a ‘union,’” Salvini said on March 27. “This is a nest of snakes and jackals.” Then he set out his pitch to Italians. “First we defeat the virus, then we have a rethink about Europe,” he said. “If it helps, we say goodbye. Without even a thank you.”

Brink: Italy could be the key to EU breakup – worse than Brexit

John Follain and Alessandra Migliaccio 2020 (journalists) 21 April 2020 “Something Has Snapped in Italy’s Stormy Relationship With Europe” <https://www.bloomberg.com/news/articles/2020-04-21/something-has-snapped-in-italy-s-stormy-relationship-with-europe>

The foundations for the European Union were laid six decades ago in Rome and some officials in the Eternal City are starting to think they might just be seeing the beginning of its breakup. After Boris Johnson and the Brexiteers laid to rest the carefully cultivated myth of the EU’s irreversibility, europhiles argued that Britain was a special case, an island nation that could never fully commit to the continent. It’s different when Italy turns against you.

Brink: EU integration can’t survive without blocking the Mediterranean sea route or letting them drown

**[Analysis: Thank heavens the Libyan navy is there, paid by the EU, to rescue the ones who would be drowning]**

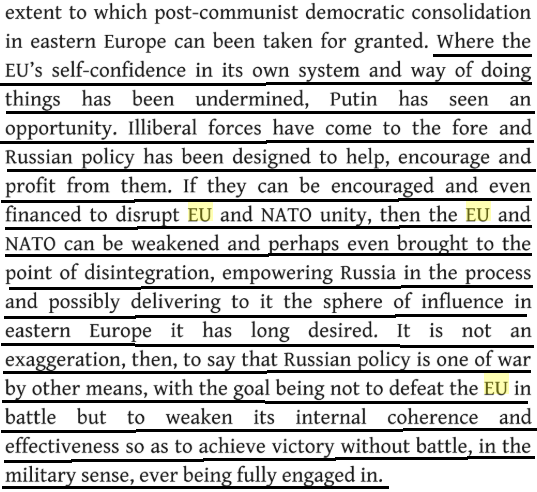
Niall Ferguson 2018 (**Milbank Family senior fellow at the Hoover Institution, Stanford) 18 June 2018 “**Immigrant overload, not Brexit, heralds the end of the European Union” <https://www.scmp.com/comment/insight-opinion/article/2151244/immigrant-overload-not-brexit-heralds-end-european-union>

Finally, Europe's southern border is almost impossible to defend against flotillas of migrants, unless Europe's leaders are prepared to let many people drown. Politically, the migration problem looks fatal to that loose alliance between moderate social democrats and moderate conservatives/Christian democrats on which the past 70 years of European integration has been based.

Impact of EU Breakup #1: Russia gains influence - undermines democracy and human rights

Link: Russia uses EU division to advance its agenda and gain influence to accomplish bad things

Ian Kearns 2018 (co-founder, former director and board member of the European Leadership Network, a pan-European group of senior political, military and diplomatic leaders. Former specialist advisor to the Joint House of Commons/House of Lords Committee on National Security Strategy. Former deputy chair and director of secretariat to former NATO Secretary General George Robertson) Collapse: Europe After The European Union (no month given in the published article) <https://books.google.com/books?id=ZVBSDwAAQBAJ&pg=PT223&lpg=PT223&dq=EU+immigration+reform+hopeless&source=bl&ots=79cHvPH2qu&sig=ACfU3U3diw6xbMj9V9bRAyJPoyV-5N1epA&hl=en&sa=X&ved=2ahUKEwjswYPI-ZrqAhWyneAKHfCQBCE4ChDoATAAegQIChAB#v=onepage&q=EU%20immigration%20reform%20hopeless&f=false>



Impact: Russian influence damages democracy, promotes authoritarian rule

Geir Hagen Karlsen 2019 (Lieutenant Colonel and Lecturer, Norwegian Defence University College) 8 Feb 2019 “Divide and rule: ten lessons about Russian political influence activities in Europe” <https://www.nature.com/articles/s41599-019-0227-8>

Russia is an authoritarian and corrupt state that regards the EU and, more specifically, NATO, as a challenge, a competitor and a threat. Its influence activities are malicious, undermining alliances and creating distrust, weakening what Moscow sees as their opponents and thus ensuring the survival of this authoritarian regime. Their interference is worrisome at several levels. First, Russia is undermining core democratic processes, like elections, and trust in the political system and its institutions. Second, their disinformation and manipulation of media and social media is directly undermining the political discourse, essential to democracy. Third, this is further exacerbated by their malicious attacks on individuals, like the Finnish journalist Jessika Aro, who has been tracked and harassed systematically after exposing Russian trolling of social media (Aro, [2015](https://www.nature.com/articles/s41599-019-0227-8#ref-CR3)). However, the overall Russian approach is simple, divide and rule.

Impact of EU Breakup #2: Authoritarian / Populist European governments and loss of human rights in Europe

Link: Fear, anxiety and skepticism about the EU leads to the rise of populist authoritarian figures

Meagan Araki, Annie Chang, Troy Lindell, Alison Wendler 2017. (members of the “Challenges to European Unity Task Force” at the Henry M. Jackson School of International Studies, Univ. of Washington) March 2017 CHALLENGES TO EUROPEAN UNITY: OPTIONS FOR U.S. POLICYMAKERS <https://jsis.washington.edu/wordpress/wp-content/uploads/2017/12/Task-Force-J-Report-2017_Lorenz.pdf>

Additionally, the complications surrounding EU accession and instability in Turkey and the Balkans present unique challenges to the dynamic of the EU. These real and perceived threats have induced fear and anxiety into the European public. As these security threats have worsened with little to no progress made, Euroscepticism has grown and enabled the populist movement. By capitalizing on this sentiment, populist parties have gained increasing support throughout Europe. Populists promise to take back power from the corrupt and inefficient political elite, and give it back to the general public. Europeans have increasingly turned to strongman figures who value strength and security over tolerance and unity.

Brink & Example: Hungary now has authoritarian government, putting EU at high risk right now

Philippe Dam 2020 (master’s degree in international administration; Human Rights Watch’s advocacy director for Europe and Central Asia) 1 Apr 2020 “Hungary’s Authoritarian Takeover Puts European Union at Risk” <https://www.hrw.org/news/2020/04/01/hungarys-authoritarian-takeover-puts-european-union-risk>

On Monday, under the pretext of addressing the COVID-19 public health emergency, [Hungary's](https://www.hrw.org/europe/central-asia/hungary) parliament gave [green light to the Orban-led government](https://www.hrw.org/news/2020/03/23/hungarys-orban-uses-pandemic-seize-unlimited-power) to rule with unlimited power for an indefinite time. Prime Minister Viktor Orban can now suspend any existing law and implement others by decree, without parliamentary or judicial scrutiny. Elections have been suspended. The law allows for new criminal penalties of five years in prison for publishing vaguely defined “false” or “distorted” facts – another blow to media freedom in the country. With this law, Hungary becomes the first country in the European Union to virtually abolish all democratic checks-and-balances. How has it come to this? In the past [10 years](https://www.hrw.org/report/2013/05/16/wrong-direction-rights/assessing-impact-hungarys-new-constitution-and-laws), the government has spared no efforts to [curb judicial independence](https://www.hrw.org/europe/central-asia/hungary), restrict [civil society](https://www.hrw.org/news/2018/07/17/hungary-determined-silence-any-critics-left-standing) activities, and gain near full [control over the media](https://www.euronews.com/2019/06/12/don-t-be-fooled-hungary-s-government-remains-a-threat-to-european-values-view). Having repeatedly failed to appreciate the gravity of the situation, EU institutions risk making the same mistake again.

Impact: Weak EU leads to rise of dictatorship and loss of freedom for millions more

Kenneth Roth 2020 (executive director of Human Rights Watch, one of the world's leading international human rights organizations; former federal prosecutor in New York; graduate of Yale Law School) 27 Apr 2020 “Stopping the Authoritarian Rot in Europe” <https://www.hrw.org/news/2020/04/27/stopping-authoritarian-rot-europe#>

Rot tends to spread when it encounters no resistance. Dictator wannabes prey upon weakness. EU and member state leaders now need to ask themselves: is the EU only a trading bloc or also a club of democracies? The answer to that question used to be obvious. Sadly, it no longer is. Ten million EU citizens now live under authoritarian rule. How many millions more will have to suffer the loss of their freedoms before Europe’s leaders draw the line?

Works Cited

1. NBC News 2019 (journalist Saphora Smith) 2 Feb 2019 “Europe grapples with distinction between refugees and economic migrants” https://www.nbcnews.com/news/world/europe-grapples-distinction-between-refugees-economic-migrants-n965161
2. NEW YORK TIMES 2019. (journalist Matina Stevis-Gridneff) 8 sept 2019 “Europe Keeps Asylum Seekers at a Distance, This Time in Rwanda” https://www.nytimes.com/2019/09/08/world/europe/migrants-africa-rwanda.html
3. UNHCR 2020. (written by Eugene Sibomana with UN High Commission on Refugees) 2 March 2020 Rwanda: The first large group of refugees evacuated from Libya resettled to Sweden https://www.unhcr.org/rw/14609-rwanda-the-first-large-group-of-refugees-evacuated-from-libya-resettled-to-sweden.html#:~:text=Kigali%20%E2%80%93%20On%20Monday%2024%20February,60%20km%20from%20Kigali%2C%20Rwanda.
4. Kate Hodal 2020 (journalist) 10 Jan 2020. “Norway opens its doors to 600 people evacuated from Libya to Rwanda” https://www.theguardian.com/global-development/2020/jan/10/norway-opens-its-doors-to-600-people-evacuated-from-libya-to-rwanda
5. Prof. Achilles Skordas 2018 (Professor of International Law, University of Copenhagen) 30 Jan 2018 “A ‘blind spot’ in the migration debate? International responsibility of the EU and its Member States for cooperating with the Libyan coastguard and militias” https://eumigrationlawblog.eu/a-blind-spot-in-the-migration-debate-international-responsibility-of-the-eu-and-its-member-states-for-cooperating-with-the-libyan-coastguard-and-militias/
6. Omer Karasapan 2020 (Middle East and North Africa Region's Knowledge and Learning Coordinator at Brookings Institution; served for 30 years at the World Bank. ) 20 May 2020 “Libya and its migrants confront new threats” https://www.brookings.edu/blog/future-development/2020/05/20/libya-and-its-migrants-confront-new-threats/
7. Ionel Zamfir 2015 (with European Parliamentary Research Service) 27 Oct 2015 “Refugee Status Under International Law” https://epthinktank.eu/2015/10/27/refugee-status-under-international-law/
8. Louise Hunt 2019 (journalist) 30 July 2019 “Salvini’s Crackdown on Migrants in Italy Is Creating a Crisis, Not Solving One” https://www.worldpoliticsreview.com/insights/28080/salvini-s-crackdown-on-migrants-in-italy-is-creating-a-crisis-not-solving-one
9. UN Support Mission in Libya 2015. The situation of migrants in transit through Libya en route to Europe - Briefing Note 08 May 2015 https://reliefweb.int/report/libya/situation-migrants-transit-through-libya-en-route-europe-briefing-note-08-may-2015
10. Katie Kuschminder 2020 (journalist) 6 Aug 2020 “Once a Destination for Migrants, Post-Gaddafi Libya Has Gone from Transit Route to Containment” https://www.migrationpolicy.org/article/once-destination-migrants-post-gaddafi-libya-has-gone-transit-route-containment
11. Reuters news service 2020. “Malta calls for EU aid to avert Libya humanitarian crisis” 14 Apr 2020 https://www.reuters.com/article/us-health-coronavirus-libya-eu/malta-calls-for-eu-aid-to-avert-libya-humanitarian-crisis-idUSKCN21W1KP
12. Todd Bensman 2019 (senior national security fellow, Center for Immigration Studies) 6 Nov 2019 “What Terrorist Migration Over European Borders Can Teach About American Border Security” https://cis.org/Report/Terrorist-Migration-Over-European-Borders
13. Prof. GEORG NOLTE and HELMUT PHILIPP AUST 2009. (Professor of Law, Humboldt University Berlin; Member of the International Law Commission. Doctoral Candidate and Research Fellow, University of Munich) International and Comparative Law Quarterly, January 2009 http://nolte.rewi.hu-berlin.de/doc/il/ws0910/ILNolte\_Aust\_ICLQ.pdf
14. Prof. Robert A. Pape 2012 (professor of political science, Univ of Chicago) “When Duty Calls: A Pragmatic Standard of Humanitarian Intervention Vol 37 No. 1 - Summer 2012 INTERNATIONAL SECURITY https://www.jstor.org/stable/23280404
15. Andrew R. Arthur 2017 (Resident Fellow in Law and Policy for the Center for Immigration Studies; former Assistant General Counsel to the US Immigration & Naturalization Service) 22 Nov 2017 “Continued Migrant Fallout in Europe” https://cis.org/Arthur/Continued-Migrant-Fallout-Europe
16. John Follain and Alessandra Migliaccio 2020 (journalists) 21 April 2020 “Something Has Snapped in Italy’s Stormy Relationship With Europe” https://www.bloomberg.com/news/articles/2020-04-21/something-has-snapped-in-italy-s-stormy-relationship-with-europe
17. Niall Ferguson 2018 (Milbank Family senior fellow at the Hoover Institution, Stanford) 18 June 2018 “Immigrant overload, not Brexit, heralds the end of the European Union” https://www.scmp.com/comment/insight-opinion/article/2151244/immigrant-overload-not-brexit-heralds-end-european-union
18. Ian Kearns 2018 (co-founder, former director and board member of the European Leadership Network, a pan-European group of senior political, military and diplomatic leaders. Former specialist advisor to the Joint House of Commons/House of Lords Committee on National Security Strategy. Former deputy chair and director of secretariat to former NATO Secretary General George Robertson) Collapse: Europe After The European Union (no month given in the published article) https://books.google.com/books?id=ZVBSDwAAQBAJ&pg=PT223&lpg=PT223&dq=EU+immigration+reform+hopeless&source=bl&ots=79cHvPH2qu&sig=ACfU3U3diw6xbMj9V9bRAyJPoyV-5N1epA&hl=en&sa=X&ved=2ahUKEwjswYPI-ZrqAhWyneAKHfCQBCE4ChDoATAAegQIChAB#v=onepage&q=EU%20immigration%20reform%20hopeless&f=false
19. Geir Hagen Karlsen 2019 (Lieutenant Colonel and Lecturer, Norwegian Defence University College) 8 Feb 2019 “Divide and rule: ten lessons about Russian political influence activities in Europe” https://www.nature.com/articles/s41599-019-0227-8
20. Meagan Araki, Annie Chang, Troy Lindell, Alison Wendler 2017. (members of the “Challenges to European Unity Task Force” at the Henry M. Jackson School of International Studies, Univ. of Washington) March 2017 CHALLENGES TO EUROPEAN UNITY: OPTIONS FOR U.S. POLICYMAKERS https://jsis.washington.edu/wordpress/wp-content/uploads/2017/12/Task-Force-J-Report-2017\_Lorenz.pdf
21. Philippe Dam 2020 (master’s degree in international administration; Human Rights Watch’s advocacy director for Europe and Central Asia) 1 Apr 2020 “Hungary’s Authoritarian Takeover Puts European Union at Risk” https://www.hrw.org/news/2020/04/01/hungarys-authoritarian-takeover-puts-european-union-risk
22. Kenneth Roth 2020 (executive director of Human Rights Watch, one of the world's leading international human rights organizations; former federal prosecutor in New York; graduate of Yale Law School) 27 Apr 2020 “Stopping the Authoritarian Rot in Europe” https://www.hrw.org/news/2020/04/27/stopping-authoritarian-rot-europe#