Negative: Mare Nostrum

By “Coach Vance” Trefethen

***Resolved: The European Union should substantially reform its immigration policy.***

Mare Nostrum (“Our Sea”) was a Search & Rescue (SAR) naval operation conducted by the Italian government several years ago. Its mission was to go down to the coast of Libya and search for floundering boats of migrants trying to get to Europe and rescue them from drowning. It was credited with saving thousands of lives, but the program was cancelled after the Italian government got tired of funding it and the Italian voters got tired of all the new migrants showing up in Italy at their expense. The EU replaced it with some scaled down naval operations that did a little bit of SAR along with a lot of interdiction and law enforcement. A lot more migrant boats have been sinking since Mare Nostrum was canceled, and the Affirmative will offer a plan to simply restore Mare Nostrum and fund it at the EU level. This brief argues that the EU is not responsible for leaky boats many miles out of its jurisdiction and that migrants have no moral claim upon the EU taxpayer to rescue them from their own bad decisions.

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MINOR REPAIR – Increase Status Quo policies that are already known to work

To prevent Mediterranean crisis, do more: 1) border surveillance 2) return operations 3) joint law-enforcement with countries of origin

Frontex 2017. (European Union coast guard) Annual Risk Analysis 2017 <https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf>

It is worth noting here that the Western African route – perhaps the most dangerous migration route – was closed thanks to an effective combination of border surveillance, return operations, and joint law-enforcement work with countries of origin/departure. This model represents one of the best ways to prevent a future migratory crisis in the Central Mediterranean.

HARMS / SIGNIFICANCE

1. Increased migrant deaths since cancellation of Mare Nostrum aren’t the fault of the replacement programs

Other factors led to increased migrant deaths – it wasn’t a failure of the replacement programs

Frontex 2017. (European Union coast guard) Annual Risk Analysis 2017 <https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf>

The increasing number of migrant deaths, despite the enhanced EUNAVFOR Med/Frontex surveillance and NGO rescue efforts, seems paradoxical at first glance. The rising death toll mainly results from criminal activities aimed at making profit through the provision of smuggling services at any cost. Libya-based smuggling groups became emboldened organising dangerous crossings on a daily basis using dilapidated vessels. Parallel smuggling operations continued during the winter in bad weather conditions exposing migrants to even greater risks. Ruthless criminal behaviour disregarded even the most basic safety concerns exacerbating the difficulties inherent in conducting rescue operations in the unforgiving maritime environment.

2. No “right” to demand EU rescue from the Mediterranean

**[Anyone who hops in a boat does not have a “right” under any natural or human law to automatically claim that they “must” be allowed to live in Europe or anywhere they want to. But that’s the mindset of the AFF team…]**

1) There is no “right to be rescued.” 2) EU Countries have the right to refuse entry at seaports. 3) Migrants could/should go to Middle East/North African ports instead

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/> (brackets added)

The disembarkation of migrants has to be agreed by the States concerned, which may decide on their resettlement. The[Joint Declaration of Intent on a Controlled Emergency Procedure](https://www.europeansources.info/record/519826/) – Voluntary Commitments by Member States for a Predictable Temporary Solidarity Mechanism (known as the Malta Declaration) of 23 September 2019, taken in accordance with Resolution MSC.167(78) of the International Maritime Organisation (IMO) ([MSC 78/26/Add.2](http://www.imo.org/en/KnowledgeCentre/IndexofIMOResolutions/Maritime-Safety-Committee-%28MSC%29/Pages/MSC-2004-06.aspx)) offers an example of such an international practice, but should preferably include also MENA [Middle East / North Africa] countries, which are close to the areas of rescue. Ultimately, there is no ‘right to be rescued’, taken in a comprehensive sense that includes rescue in a narrow sense, entering into a port and disembarking, either under the law of the sea, or under human rights law, or even under a contextual interpretation (see Proelss, Law of the Sea and Refugee Law in:. Øystein Jensen, Elise Johannsen and Nele Matz-Lück (eds.), Interaction of the Law of the Sea with other fields of International Law, forthcoming 2021; and Papastavridis[here](http://www.qil-qdi.org/is-there-a-right-to-be-rescued-at-sea-a-skeptical-view/%22%20%5Ct%20%22_blank)).

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.

3. 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.

4. No EU moral responsibility to aid foreign job seekers

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 declining to go out looking for opportunities to rescue people immigrating illegally looking for better jobs. And the fact that these migrants passed through several safe countries on their way to Libya before they got on a boat 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.

They’re crossing the sea from Africa to Europe looking for better jobs

Jesper Bjarnesen 2015 (Senior Researcher at the Nordic Africa Institute) Sept 2015 “Rethinking the Mediterranean crisis: Advice for policy makers facing a humanitarian catastrophe” <https://www.files.ethz.ch/isn/194142/FULLTEXT01.pdf>

It is evident that a considerable number of those arriving as refugees begin their journeys as aspiring labour migrants in Sub-Saharan Africa. Most labour migrants travel from Africa to Europe by air and possess enough resources to settle. Those who cross the sea generally have fewer options, but it is not the poorest or least educated who leave home. A known labour migration strategy consists of a family or a group of families pooling their resources to finance one person, who is selected on the premise that he or she has the best capabilities for succeeding

Most of the “poor struggling refugees” are actually workers and came to Libya to work or to look for work in Europe

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.

No moral or legal duty: 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.

5. No EU responsibility because the deaths aren’t happening in or near the EU

There’s a common misunderstanding that the Affirmative is fueling with their arguments that these people are drowning right off the coast of Italy, and therefore Europe has a responsibility to save people dying in their waters. But that’s not what’s happening.

Most of the boats sink 20-40 miles from Libya and never get close to Europe.

**Zech Campbell generally agrees with the Affirmative position in this debate, and that’s why it’s important when he admits in 2017:**

Zech Campbell 2017. (journalist) “[ABANDONED AT SEA](https://theintercept.com/2017/04/01/europe-keeps-its-rescue-ships-far-from-the-coast-of-libya-where-thousands-of-refugees-have-drowned/)” 1 April 2017 <http://theintercept.com/2017/04/01/europe-keeps-its-rescue-ships-far-from-the-coast-of-libya-where-thousands-of-refugees-have-drowned/>

An average of 3,500 people have died each year while trying to make the journey to Italy from North Africa since 2014. Their vessels are overcrowded, unseaworthy, and have a near-nothing chance of making it to Europe. Most of the boats sink just 20 to 40 miles from the Libyan coast.
**END QUOTE. HE GOES ON TO SAY LATER IN THE SAME ARTICLE QUOTE:**
The following day, Frontex, the European Union’s border agency, took over with an operation called Triton. In a press release at the time, Frontex said its operation followed in the wake of Mare Nostrum and was intended to support the Italian authorities. There was one key difference from Mare Nostrum, however: Frontex would limit its patrols to just 30 miles off Italy’s coast, which was about 130 miles from Libya — at least a 12-hour sail. Frontex was deliberately not patrolling the area where most of the shipwrecks occurred.

**END QUOTE. Judge, you can see the failure of logic as this advocate for the Affirmative position tries to justify a responsibility that doesn’t exist. These boats are sinking off the coast of Libya, not the coast of Italy. He’s critiquing the EU for not sending patrols 130 miles away to another country to look for leaky boats. Since when does any country have a duty to do that? If people are drowning in waters off the coast of Canada, we would never say the US is responsible because we’re not patrolling their coast line as well as our own.**

Though he generally agrees with the Affirmative position, Ithamar Mann admits the truth of this absence of duty in 2016 when he writes:

Itamar Mann 2016 (senior lecturer, Faculty of Law, University of Haifa, Israel) 20 Apr 2016 Killing by Omission <https://www.ejiltalk.org/killing-by-omission/>

At the outset, launching Mare Nostrum was not the fulfillment of a legal duty. It was a discretionary response to the increasing perils that developed in the relevant maritime space. Mare Nostrum thus signaled the temporary displacement of the legal division of labor described above: the Italian state assumed an expanded, essentially public, role of security at sea. When Mare Nostrum ended, the sea was supposedly reinstituted as a space of private reciprocal duties of rescue among seafarers. As Death by Rescue explains, Italy voluntarily tried to help these private actors fulfill their roles, and indeed used them as the privatized arms of its own aborted rescue initiative. But the disaster that unfolded does not point to a human rights violation by any of the European actors involved.

SOLVENCY

1. No capacity

Have to build processing centers and improve return (deportation) policies first. Otherwise, where are you going to put all those people you are rescuing? And what will you do with those who don’t qualify for immigration?

Emily Koller 2017 (MA student in European, Russian and Eurasian Studies at the Munk School of Global Affairs, Toronto) Mare Nostrum vs. Triton <https://munkschool.utoronto.ca/ceres/files/2017/10/Paper-Emily-Koller.pdf>

A final option would be for the EU to expand the activities of processing centres in hotspots and return migrants who fail to meet a refugee or subsidiary status. This could be achieved through both monetary and operational assistance from the EU, which would be seen as managing migration and could thus get approval from the EU Parliament and member states. This would allow the EU and member states to regain control of their borders and deter potential economic migrants who would see there prospects for remaining in the EU diminished. This would also allow for a stronger argument to be made to extend search and rescue as Europe would have the capacity to handle a large influx of migrants in hotspots. (European Political Strategy Centre 2017) Two major difficulties with this option are that, up to this point, the EU has failed to integrate a relocation service for refugees in Europe. Without this type of relocation mechanism, hotspots such as Italy, Greece, and Spain will consistently be overburdened by migrants. Secondly, there is currently a lack of return policies for migrant who do not meet refugee or subsidiary protection. For this policy option to work, the EU would first have to greatly improve its return policies prior to scaling up any type of processing. Although this option has flaws, it would be the most beneficial to all parties concerned, member states, EU institutions, and migrants. Member states, especially those situated in hotspots areas, are given both operational and economic support to process migrants. A strengthening of return policies would allow the EU and members states to present the appearance of having regained control of their borders, and would weaken the arguments of the far-right that the asylum process is being abused and proper processing is not occurring. Finally, it would allow the EU to pursue search and rescue operations because it would now be able to process and relocate refugees, resulting in the saving of migrant lives.

DISADVANTAGES

1. More migrant drownings – the “Pull” factor

Search & Rescue operations in the Mediterranean encourage more migrants to cross, leading to more deaths

Joyce Anelay 2014 (Minister of State, Foreign and Commonwealth Office, British government) 14 Oct 2014 “Daily Hansard” (record of proceedings in the House of Lords) <https://publications.parliament.uk/pa/ld201415/ldhansrd/text/141015w0001.htm>

We do not support planned search and rescue operations in the Mediterranean. We believe that they create an unintended “pull factor”, encouraging more migrants to attempt the dangerous sea crossing and thereby leading to more tragic and unnecessary deaths. The Government believes the most effective way to prevent refugees and migrants attempting this dangerous crossing is to focus our attention on countries of origin and transit, as well as taking steps to fight the people smugglers who wilfully put lives at risk by packing migrants into unseaworthy boats.

Statistics confirm: Increased rescue = increased migrant deaths in the Mediterranean

Associated Press 2017. (journalist Raf Casert) 15 Feb 2017 “EU: Migrant deaths in Mediterranean rising despite more aid” <https://apnews.com/article/a9081e7e9943467182ca1792c28a88b>

Migrant deaths have risen to a record level on the Libya-to-Italy Mediterranean Sea smuggling route, and the increasing number of rescue boats trying to prevent mass drownings there might actually be helping the smugglers, the European Union’s border and coast guard chief says. Frontex Executive Director Fabrice Leggeri said Wednesday that authorities face a “sad paradox,” for as the international community increases its efforts to send more rescue ships close to Libya, more people die as smuggling rings pack ever more people onto tiny dinghies and push them out toward the open sea.

Increased rescue makes smugglers bolder, encourages more dangerous crossings on leaky boats

Associated Press 2017. (journalist Raf Casert) 15 Feb 2017 “EU: Migrant deaths in Mediterranean rising despite more aid” <https://apnews.com/article/a9081e7e9943467182ca1792c28a88b1>

The Frontex report “Risk analysis for 2017” said smugglers have grown more bold and reckless, knowing that rescue boats will be right on the edge of Libya’s territorial waters. “Dangerous crossings on unseaworthy and overloaded vessels were organized with the main purpose of being detected” by military, EU or civilian vessels ready to pluck desperate migrants out of the water if necessary. “Apparently, all parties involved in (search and rescue) operations in the Central Mediterranean unintentionally help criminals achieve their objectives at minimum cost, strengthen their business model by increasing the chances of success,” the report said.

Picking up boats closer to the Libyan coast = more migrants and more leaky boats

Patrick Wintour, 2017. (diplomatic editor for the Guardian) “NGO rescues off Libya encourage traffickers, says EU borders chief”27 Feb 2017 <https://www.theguardian.com/world/2017/feb/27/ngo-rescues-off-libya-encourage-traffickers-eu-borders-chief>

In his interview, Leggeri said that under maritime law everyone at sea had a duty to rescue vessels and people in distress. “But we must avoid supporting the business of criminal networks and traffickers in Libya through European vessels picking up migrants ever closer to the Libyan coast. This leads traffickers to force even more migrants on to unseaworthy boats with insufficient water and fuel than in previous years.”

Smugglers intentionally plan the dangerous migrant boats so they will be detected by SAR (Search & Rescue)

Frontex 2017. (European Union coast guard) Annual Risk Analysis 2017 <https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf>

The statistical data show that the criminal networks behind illegal border crossings along the Central Mediterranean route continued to exploit criminal business opportunities by handling a great demand for smuggling services and thus posed formidable challenges for EU border control. Libyan-based smugglers, in particular, heavily relied on the International Convention for the Safety of Life at Sea (SOLAS), and associated SAR as well as humanitarian assistance efforts, turning it into a distinct tactical advantage. This is not a new strategy, but the scope of the problem is alarming. In this context, it transpired that both border surveillance and SAR missions close to, or within, the 12-mile territorial waters of Libya have unintended consequences. Namely, they influence smugglers’ planning and act as a pull factor that compounds the difficulties inherent in border control and saving lives at sea. Dangerous crossings on unseaworthy and overloaded vessels were organised with the main purpose of being detected by EUNAVFOR Med/Frontex and NGO vessels.

SAR operations in the Mediterranean help criminals smuggle immigrants and motivate more dangerous crossings

Frontex 2017. (European Union coast guard) Annual Risk Analysis 2017 <https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf>

Apparently, all parties involved in SAR operations in the Central Mediterranean unintentionally help criminals achieve their objectives at minimum cost, strengthen their business model by increasing the chances of success. Migrants and refugees – encouraged by the stories of those who had successfully made it in the past – attempt the dangerous crossing since they are aware of and rely on humanitarian assistance to reach the EU.

They stopped Mare Nostrum in part because the Italian government believed it was fueling the business of human traffickers

*Isabella Lloyd-Damnjanovic* 2020 (graduate of Princeton University, Communications Junior Fellow with Pacific Council on International Policy) 12 Oct 2020 “Criminalization of Search-and-Rescue Operations in the Mediterranean Has Been Accompanied by Rising Migrant Death Rate” <https://reliefweb.int/report/world/criminalization-search-and-rescue-operations-mediterranean-has-been-accompanied-rising> (Ethical note: This quote is not claiming to represent the views of Isabella Lloyd-Damnjanovic as supporting the Negative position in this debate. It is used only because she is describing the views and quoting the words of Fabrice Leggeri, an Italian official with expertise in this topic, who does agree with the Negative position.)

Fabrice Leggeri, Frontex’s head since January 2015, insisted that Triton had not been designed to replace Mare Nostrum, whose activities he said had bolstered Libya’s smuggling trade. Search-and-rescue operations were “not in Frontex’s mandate, and this is in my understanding not in the mandate of the European Union,” he said in 2015. “We should not support and fuel the business of traffickers.”

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. Masking DA. Focusing on symptoms (leaky boats in the Mediterranean) distracts us from solving the root causes

Efforts to solve deaths in the Mediterranean fail because we focus on the symptom (the dangerous voyage) rather than the root cause of why they are leaving

Jesper Bjarnesen 2015 (Senior Researcher at the Nordic Africa Institute) Sept 2015 “Rethinking the Mediterranean crisis: Advice for policy makers facing a humanitarian catastrophe” <https://www.files.ethz.ch/isn/194142/FULLTEXT01.pdf>

Efforts to reduce the numbers of migrants and deaths on the Mediterranean Sea are failing because of a lack of financial support and, more fundamentally, because of a lack of understanding of the underlying causes of the increased immigration. Current approaches fail to appreciate the reasons why so many people are willing to risk their lives on the perilous journey. A different view of immigration in to the EU is required, in combination with new interventions that target the causes, rather than the symptoms.

Humanitarian missions don’t address the root causes. We need a more sustainable approach

Frontex 2017. (European Union coast guard) Annual Risk Analysis 2017 <https://frontex.europa.eu/assets/Publications/Risk_Analysis/Annual_Risk_Analysis_2017.pdf>

Finally, since the reactive nature of long-range border surveillance and humanitarian missions does not address the causal factors underpinning migratory and refugee movements, the situation calls for more sustainable policies and measures – in African countries of origin and transit (especially Libya) – to provide safer and legal routes to refugees and reduce migratory flows towards the EU.

Impact: Turn the harms

Mediterranean deaths continue forever and get worse if we think we’re “solving the problem” by attacking the symptoms and ignoring the root causes.

Big Links to DA’s 4 through 7 – Fracturing / dividing / weakening the European Union

Big Fracture Link #1: Politically Divisive. The reason EU abandoned Mare Nostrum is that it was controversial and the EU was becoming fragmented

Emily Koller 2017 (MA student in European, Russian and Eurasian Studies at the Munk School of Global Affairs, Toronto) Mare Nostrum vs. Triton <https://munkschool.utoronto.ca/ceres/files/2017/10/Paper-Emily-Koller.pdf>

The EU’s decision to focus on border control rather than on search and rescue can best be explained by the absence of sufficient political will among its member states to push for a largescale humanitarian effort, as well as by the increasing fragmentation of the EU in relation to a common EU asylums system. In the absence of other viable options, the EU chose a Frontex-led initiative focused around border patrol as its response to the migration crisis in the Mediterranean.

Big Fracture Link #2, Card 1: High Cost. Mare Nostrum costs 9 million euros per month

Emily Koller 2017 (MA student in European, Russian and Eurasian Studies at the Munk School of Global Affairs, Toronto) Mare Nostrum vs. Triton <https://munkschool.utoronto.ca/ceres/files/2017/10/Paper-Emily-Koller.pdf>

While the Italian government initially estimated the cost of Mare Nostrum at 1.5 million Euros per month, the actual cost was far higher coming in at approximately 9 million Euros per month (Association Europeenne pour la defense des Droits de l’Homme 2017). Thus, although seen as an effective search and rescue operation, the cost of maintaining Mare Nostrum became too great for the Italian government to carry alone; it viewed Italy as unfairly shouldering the burdensome cost of this mission for all EU member states. This led to Italy’s decision to terminate Mare Nostrum on October 31st 2014 and return to regular operations, while its previously wider role was turned over to the Frontex Plus initiative named Operation Triton and discussed later in this paper.

Big Fracture Link #2, Card 2: Poorer EU countries are upset about paying for EU immigration initiatives

FAISAL AL YAFAI 2019 (Faisal al Yafai is an award-winning journalist and commentator) The EU’s new migration policy is a gift to the far-right 10 April 2019 <https://www.euractiv.com/section/justice-home-affairs/opinion/the-eus-new-migration-policy-is-a-gift-to-the-far-right/>

That will infuriate the eastern bloc, which sees migration as an issue of identity and sovereignty. For them, it is more straightforward: they do not want African and Middle Eastern migrants. They do not believe in the liberal values that offer refuge to such large numbers of them. Not only that, they feel that they, the poorer nations of the EU, are being forced to pay for the liberalism they do not espouse. And if Paris and Rome won’t take the migrants in, why should Budapest or Warsaw?

Big Fracture Brink: EU is on the brink of disintegration over immigration

Bodo Weber 2020 (senior associate of the Democratization Policy Council, based in Berlin) 9 March 2020 “Threat to EU on Greece-Turkey border is EU-made” <https://euobserver.com/opinion/147672> (the “Visegrad” countries are: Poland, Hungary, Czech Republic and Slovakia)

The current narrative's complete avoidance of core questions is astounding. Reasoned, rational discussion seems to now be a collective pan-European taboo. EU leaders evidently fear that just by opening up such discussion, the Union would disintegrate. In September 2015, when some of the Visegrád countries declared they would not implement the EU's legally-binding relocation scheme, the Union collapsed as a legal entity in the area of asylum and migration.

4. Reduced world stability from fracturing the EU

Example: Disagreement over immigration policy was a major reason Britain left the EU

Max Boot 2016 (leading military historian and foreign policy analyst. Jeane J. Kirkpatrick Senior Fellow in National Security Studies at the Council on Foreign Relations in New York) July 2016 “Brexit: Isolationism or Atlanticism?” <https://www.hoover.org/sites/default/files/issues/resources/strategika_issue_33_web.pdf>

Britons might never have voted to leave the European Union had it not been for the refugee crisis that hit Europe as a result of the Syrian civil war. Even though Britain has accepted only some 5,000 Syrian refugees, German premier Angela Merkel agreed to take in 800,000, thus fueling fears across the continent of an influx of possible terrorists. Those fears were exploited by elements of the “Leave” campaign, principally Nigel Farage and the UK Independence Party, and no doubt contributed crucial momentum to the final outcome.

Brink: EU faces an uncertain future with multiple crises threatening unity and increasing division

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>

Today, Europe faces an uncertain future. The migration crisis, rise in terrorism, economic downturn, mounting external pressures and a responsive populist movement, have threatened the basis of European stability. The major influx of refugees into Europe has placed immense pressure on the EU’s infrastructure and capacity to integrate refugees into the European identity. Europe has experienced a growing number of terrorist attacks, leading to nationalist and xenophobic policies. Additionally, Russia’s encroachment into Eastern Europe has strained Russia and Europe’s relationship. The Euro crisis has furthered the divide between the core and peripheral EU countries, revealing the inequality between European citizens and growing stagnant employment and growth opportunities.

Link: EU stability promotes US ability to maintain global security and stability

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>

Policies that encourage the unity between EU member states should be strongly supported. It is significant that the United States demonstrate support in this ongoing migration crisis, as it will help relieve the pressures member states are experiencing, as well as help mend existing tensions. The cohesion, stability, and cooperation of European Union serve a key interests of the United States. With these aspects, a more unified European Union can strengthen its position as a global actor, as well as strengthen its existing relations with the United States. This can further United States’ objectives of security and stability throughout the international community.

Impact: World peace & prosperity at risk without US influence. US hegemony is key to global peace & prosperity

Capt. M. V. Prato 2009 (United States Marine Corps,Command and Staff College, Marine Corps Combat Development Command,Marine Corps University) “The Need for American Hegemony” Feb 2009 <http://www.dtic.mil/dtic/tr/fulltext/u2/a508040.pdf>

The world witnessed a vast shift in the polarity of geopolitics after the Cold War. The United States became the world’s greatest hegemon with an unequalled ability to globally project cultural, political, economic, and military power in a manner not seen since the days of the Roman Empire. Coined the “unipolar moment” by syndicated columnist Charles Krauthammer, the disparity of power between the U.S. and all other nations allows the U.S. to influence the world for the mutual benefit of all responsible states. Unfortunately, the United States is increasingly forced to act unilaterally as a result of both foreign and domestic resentment to U.S. dominance and the rise of liberal internationalism. The United States must exercise benevolent global hegemony, unilaterally if necessary, to ensure its security and maintain global peace and prosperity.

5. Populism and Authoritarian Government

Link: AFF plan weakens / fractures the EU

Cross-apply the BIG LINK.

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.

Link & 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#](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?

6. Economic recession (from weakening / fracturing the EU)

Link: AFF plan weakens / fractures the EU with greater division

Cross-apply the BIG LINK.

Link: EU unity is necessary for beneficial trade deals

Julian Bonte-Friedheim 2020 (head writer at The Perspective) “IS THE EU BETTER OFF DIVIDED OR TOGETHER?” (month not given in the published article) <https://www.theperspective.com/debates/businessandtechnology/is-the-eu-better-off-divided-or-together/>

Better trade deals can be negotiated from within the EU. For any European nation, negotiating trade deals with other countries is much more advantageous as part of the EU rather than as an independent economy. As one of the world’s [biggest economic unions](https://www.thebalance.com/world-s-largest-economy-3306044), the EU has a lot more leverage when brokering a deal with China or India. Being able to offer (or withhold) access to its many consumers is a strong bargaining tool. Additionally, there is [free trading](https://www.ft.com/content/1688d0e4-15ef-11e6-b197-a4af20d5575e) between members of the EU, as it is a customs union. Individual countries, while able to create their own terms, are unlikely to reach deals as beneficial as the EU does on its own.

Brink: Cracks already being seen in EU unity, and even partial non-cooperation will eventually bleed it to death

Hans Vollaard 2020 ( Lecturer in Dutch and European Politics at Utrecht University, the Netherlands.) “One down, many to go? European disintegration after Brexit” 23 March 2020 <https://blogs.lse.ac.uk/brexit/2020/03/23/one-down-many-to-go-european-disintegration-after-brexit/>

Even though there may not be other instances of European disintegration like Brexit, dissatisfaction may lead to other forms of disintegration. Not by countries leaving the EU entirely, but only partially. These partial exits involve member states not complying with the EU rules, for instance with respect to public finances in the Eurozone (Italy), or the Schengen rules, many member states have introduced “temporary” national border surveillance since the migration crisis of 2015. Another partial exit is the desire to pay less money to ‘Brussels’, such as expressed by the so-called Hanseatic group of EU member states led by the Netherlands. Disintegration can also occur involuntarily, when one member state wants to exclude another member state, such as the calls to push Greece out of the euro or the Schengen area. These partial forms of disintegration undermine the functioning of the EU. Its rules are less respected, and it gets fewer resources to function properly. In such a scenario, the EU would gradually ‘bleed to death’.

Impact: Devastating economic impact. Financial recession

Mauro Guillen 2016 (holder of the Zandman Endowed Professorship in International Management at the Wharton School. He served as Director of the Lauder Institute of Management & International Studies between 2007 and 2019. PhD in sociology from Yale University and a Doctorate in political economy from the University of Oviedo in Spain.) 13 June 2016 “On the Brink: How a Brexit Could Fracture a Fragile Europe” <https://knowledge.wharton.upenn.edu/article/on-the-brink-how-brexit-could-fracture-a-fragile-europe/>

The European Union is the largest economy in the world. It’s not as rich as the U.S., but it is bigger in terms of gross domestic product if you combine those 28 countries. If there is a crisis of confidence that undermines consumer spending and business confidence, then you are going to get into maybe even a third recession. That would be devastating for Europe itself, but it would be really bad for everybody else in the world that has business with Europe, including the United States. Exporters to Europe and American companies that have investments in Europe are going to suffer. Companies such as GE or GM or Boeing, 20% to 30% of their business is in Europe, so it could have a large impact.

Past precedent: Brexit caused serious economic damage

Kimberly Amadeo 2020 (over 20 years of senior-level corporate experience in economic analysis and business strategy. She is a U.S. Economy expert for The Balance and president of WorldMoneyWatch, which produces publications about the global economy) “Brexit Consequences for the U.K., the EU, and the United States” last updated 14 Mar 2020 <https://www.thebalance.com/brexit-consequences-4062999>

The day after the Brexit vote, the currency markets were in turmoil. The [euro fell 2% to $1.11](https://www.thebalance.com/what-is-the-euro-to-dollar-conversion-its-history-3306091).﻿ The pound fell 8% to $1.36.﻿ Both increased the [value of the dollar](https://www.thebalance.com/value-of-us-dollar-3306268). That strength is not good for U.S. [stock markets](https://www.thebalance.com/what-is-the-stock-market-how-it-works-3305893). It makes American shares more expensive for foreign investors. A weak pound also makes U.S. exports to the U.K. more expensive. The United States has an $18.9 billion trade surplus with the U.K. In 2018, it exported $141 billion while importing $122 billion.﻿ Brexit could turn this surplus into a deficit if a weak pound makes U.K. imports more competitive. Brexit dampens business growth for companies that operate in Europe. U.S. companies invested $758 billion in the U.K. in 2018.﻿ Most of this was the finance sector with some manufacturing. These companies use the U.K. as the gateway to free trade with the EU nations. U.K. businesses invested $561 billion in the United States. Brexit puts at risk jobs in both countries. In addition, there were 716,000 U.K. immigrants in the United States and 215,000 U.S. immigrants in the U.K. in 2019.

7. Russia gains influence

Link: AFF divides / weakens the EU

Cross-apply the BIG LINK.

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.

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