Negative Brief: HR390 Iraq/Syria

By “Coach Vance” Trefethen

***Resolved: The United States federal government should substantially reform its foreign aid.***

AFF plan has Congress pass HR 390 – the Iraq and Syria Genocide Emergency Relief and Accountability Act of 2017. It attempts to aid Christian and Yazidi victims of attacks in Syria and Iraq and fund investigations and prosecutions of those guilty of genocidal actions in the region. But HR390 contains extra-topical provisions that try to solve some of the problems by means other than foreign aid, which the Affirmative has no right to advocate for. And HR390 has no funding, so it's entirely up to the agency that AFF claims bungled the problem in the first place to decide how much to spend on fixing it. Focusing aid on specific religious groups is a bad idea because it just paints a target on their back and increases the chances they will be persecuted.

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Negative: HR390 Iraq/Syria – bad idea

EXTRA-TOPICALITY

1. Criminal Justice Prosecutions

Link: Affirmative claims advantages from prosecuting genocide offenders if we do their plan

It's in their claims in their 1AC.

Link: Prosecutions in HR390 go beyond foreign aid.

**There are 2 steps in HR390 that lead to prosecutions. The first is US foreign aid to collect evidence**

Text of HR390 2017. <https://www.congress.gov/bill/115th-congress/house-bill/390/text/eh>

The Secretary of State and the Administrator of the United States Agency for International Development are authorized to provide assistance, including financial and technical assistance, as necessary and appropriate to support the efforts of entities, including nongovernmental organizations with expertise in international criminal investigations and law, to undertake the following activities to address crimes of genocide, crimes against humanity, or war crimes, and their constituent crimes, in Iraq since January 2014: (1) The conduct of criminal investigations. (2) The development of indigenous investigative and judicial skills, including by partnering, directly mentoring, and providing equipment and infrastructure where necessary, for the purpose of effectively adjudicating cases consistent with due process and respect for the rule of law. (3) The collection and preservation of evidence and the chain of evidence, including for use in prosecutions in domestic courts, hybrid courts, and internationalized domestic courts, consistent with the activities described in subsection (b).

**The second is "encouraging foreign governments" to prosecute the bad guys**

Text of HR390 2017. <https://www.congress.gov/bill/115th-congress/house-bill/390/text/eh>

(b) Actions By Foreign Governments.—The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall encourage governments of foreign countries— (1) to include in appropriate security databases and security screening procedures of such countries information to identify individuals who are suspected to have committed crimes of genocide, crimes against humanity, or war crimes, and their constituent crimes, in Iraq or Syria, including individuals who are suspected to be members of foreign terrorist organizations operating in Iraq or Syria; and (2) to prosecute such individuals for acts of genocide, crimes against humanity, or war crimes, as appropriate.

Violation: "Encouraging" foreign governments isn't foreign aid

Making suggestions isn't foreign aid. We don't need to affirm this resolution to suggest that other countries should prosecute genocide offenders.

Impact: Solvency fails.

The Affirmative has no right to claim solvency by the actions of foreign governments based on something that has nothing to do with foreign aid. They offer no evidence that foreign governments "would" do these prosecutions if we do their plan, so the Plan fails to solve no matter what. But even if they did, it would be extra-topical because it has nothing to do with foreign aid, so they cannot claim it as an advantage of their Plan.

INHERENCY

1. A/T "US aid going to UN, not to Christians and Yazidis"

Trump changed the policy in 2018: US policy now gives aid directly to Christians and Yazidis

WASHINGTON POST 2018. (journalist Carol Morello) 16 June 2018 "Under pressure from Pence, U.S. aid is directed to Christian, Yazidi communities in Iraq" <https://www.washingtonpost.com/world/national-security/under-pressure-from-pence-us-aid-directed-to-christian-yazidi-communities-in-iraq/2018/06/15/815d8e60-6f4c-11e8-afd5-778aca903bbe_story.html?noredirect=on&utm_term=.16bd0955af4b>

The premier U.S. aid agency is poised to send millions of dollars directly to Christian and Yazidi communities in Iraq under a rarely used, streamlined funding arrangement after coming under pressure from Vice President Pence. The United States Agency for International Development (USAID) will give $10 million to two umbrella groups, including one headed by Catholic Relief Services, said Mark Green, USAID administrator. Later, $25 million will be disbursed to help “persecuted communities” in Iraq, primarily Christians on the Nineveh Plains and Yazidis in Sinjar.

$100 million already allocated under new Trump policy

WASHINGTON POST 2018. (journalist Carol Morello) 16 June 2018 "Under pressure from Pence, U.S. aid is directed to Christian, Yazidi communities in Iraq" <https://www.washingtonpost.com/world/national-security/under-pressure-from-pence-us-aid-directed-to-christian-yazidi-communities-in-iraq/2018/06/15/815d8e60-6f4c-11e8-afd5-778aca903bbe_story.html?noredirect=on&utm_term=.16bd0955af4b>

That will bring the total of U.S. aid to the two religious minorities in the current fiscal year to more than $100 million, including more than a third of the money allocated for “stabilization” projects aimed at rebuilding areas liberated from the Islamic State. The fast-tracking of the aid is a victory for religious advocates who had sought help for communities that have been present in Iraq for millennia but have been devastated and are on the verge of vanishing from the region after many of their people fled when the Islamic State took over. The aid push also underscores the priority the Trump administration has placed on helping Christians, even in an era of steep cuts proposed for foreign aid.

Trump is now bypassing the UN, like AFF wants. Money is flowing!

WASHINGTON POST 2018. (journalist Carol Morello) 16 June 2018 "Under pressure from Pence, U.S. aid is directed to Christian, Yazidi communities in Iraq" <https://www.washingtonpost.com/world/national-security/under-pressure-from-pence-us-aid-directed-to-christian-yazidi-communities-in-iraq/2018/06/15/815d8e60-6f4c-11e8-afd5-778aca903bbe_story.html?noredirect=on&utm_term=.16bd0955af4b> (brackets added)

[Vice President] Pence has closely monitored USAID’s efforts since October, when he told the group In Defense of Christians that the administration will bypass “ineffective” programs run by the United Nations and redirect aid to religious minorities in Iraq through USAID and faith-based organizations. Money started flowing.

AFF advocate agrees: New Trump policy solves

WASHINGTON POST 2018. (journalist Carol Morello) 16 June 2018 "Under pressure from Pence, U.S. aid is directed to Christian, Yazidi communities in Iraq" <https://www.washingtonpost.com/world/national-security/under-pressure-from-pence-us-aid-directed-to-christian-yazidi-communities-in-iraq/2018/06/15/815d8e60-6f4c-11e8-afd5-778aca903bbe_story.html?noredirect=on&utm_term=.16bd0955af4b>

“The vice president’s announcement in October made clear the communities targeted for genocide by ISIS would no longer be overlooked by U.S. government aid to the region,” said Andrew Walther, vice president of communications for the fraternal service organization Knights of Columbus.

2. A/T "UN fails to help"

Reason the UN wasn't helping was because they didn't need it: They were getting aid from the Catholic Church

USA TODAY 2017. (journalist Paul Singer) 17 Aug 2017 " Christians in Iraq are ‘on the brink of extinction.’ Here’s what faith groups are doing to fix that" <https://www.usatoday.com/story/news/politics/2017/08/17/christians-iraq-on-brink-extinction-heres-what-faith-groups-doing-fix/560504001/>

Most of the Christian refugees have been living in Irbil, where the local Catholic diocese has provided millions of dollars of rental and food assistance. The church’s charity has been a lifeline for the Christian community, but it also been a barrier to government support. “It essentially ended up that the Christians, having been supported in some fashion by global Christians, were judged to be in a category where they didn’t need any more help from the U.N. and the State Department,” [Catholic Archdiocese of Irbil relief worker, Stephen] Rasche said this week in an interview from Teleskov.

3. A/T "US aid not reaching the needy"

Even before the new Trump policy, US aid (including funding for UN programs) was helping millions, including minority religions

Samuel Smith 2017 (journalist) 27 Sept 2017 " Trump Making Situation 'Worse' for Iraqi Christians by Continuing Obama's Policies: Nina Shea" CHRISTIAN POST <https://www.christianpost.com/news/trump-making-situation-worse-for-iraqi-christians-continuing-obamas-policies-nina-shea-200764/>

In an emailed response to CP, a State Department official said: "Any assertion that the U.S. is not providing support to vulnerable communities in Iraq is false. Since FY 2014, the U.S. government has provided nearly $1.7 billion to address the humanitarian needs of Iraqis both inside Iraq and in the region, including vulnerable members of minority communities, like the Yazidis and Christians. This includes an additional $264 million announced on Sept. 20. In addition, we have provided $115 million, with more pledged, to the successful U.N. DP Funding Facility for Stabilization. This has resulted in 2.2 million Iraqis returning to their homes. A sizable proportion of this assistance is in minority communities. The official added, "U.S. humanitarian assistance is offered on the basis of need, rather than religious affiliation, but minorities are among the principal beneficiaries. Humanitarian assistance is provided to both internally displaced persons (IDPs) in camps, and to IDPs living in communities — often with families."

SOLVENCY

1. No dollars

Link: HR390 allocates zero dollars to the plan

Text of HR390 2017. <https://www.congress.gov/bill/115th-congress/house-bill/390/text/eh>

**SEC. 8. PROHIBITION ON ADDITIONAL FUNDING.** No additional funds are authorized to be appropriated to carry out this Act. This Act shall be carried out using amounts otherwise authorized.

Impact: AFF solvency claims unfulfilled

Claiming the plan solves for justice, persecution and suffering is a gross exaggeration. It doesn't even require $1 to be allocated to any of that. It merely allows USAID to spend whatever it wants on the mandates.

2. Failed Agency

Plan uses US Agency for International Development (USAID) to deliver the aid

Text of HR390 2017. https://www.congress.gov/bill/115th-congress/house-bill/390/text/eh

**SEC. 6. IDENTIFICATION OF AND ASSISTANCE TO ADDRESS HUMANITARIAN, STABILIZATION, AND RECOVERY NEEDS OF CERTAIN PERSONS IN IRAQ AND SYRIA.** (a) IDENTIFICATION. —The Secretary of State, in consultation with the Secretary of Defense, the Administrator of the United States Agency for International Development, and Director of National Intelligence

USAID are the ones who messed it up to begin with

Assyrian International News Agency 2018. Vice President Pence Tackles Stalled Iraqi Aid Plan 16 June 2018 <http://www.aina.org/news/20180616111527.htm> (brackets added; ellipses in original)

Further, he [Chaldean Archbishop Bashar Warda of Erbil, Iraq] expressed frustration that two proposals geared to job creation for Iraqi Christians had been rejected by local USAID officials, after drawing initial support in Washington. "The proposals that were put forward by the Nineveh Reconstruction Committee and the Catholic University of Erbil went directly to the core issues of preserving property rights and cultural heritage, and did so in a way which would provide immediate employment and confidence to all our communities in Nineveh," he said. A key issue for displaced Iraqi Christians is the safe return of their abandoned homes and businesses, and one of the applications rejected by USAID noted the vital need for a "program to protect minority ... property rights against illegal seizures in the post-ISIS period.

3. Persecuted Refugees Can't or Won't Go Home

Link: AFF plan promotes aid to Christians in Iraq & Syria

It's all through their evidence and mandates.

Solvency Failure: No one to help. Christians won't return because they'll be targeted again

Gary Lane 2018 (journalist) 30 July 2018 " Iraq's Christians Refuse to Return, Afraid 'They Will Again Be Targeted'" <http://www1.cbn.com/cbnnews/world/2018/july/iraqs-christians-refuse-to-return-afraid-they-will-again-be-targeted>

Tens of thousands of displaced Christians have returned to their cities and villages in the Iraq's Nineveh Plain, but many still refuse to return to Mosul. Before ISIS moved in, 30,000 Christians lived in Iraq's second largest city. Today, maybe no more than several hundred have returned. "People are afraid and it's understandable that they are afraid, but they are afraid because the (jihadi) networks are still there on the ground—especially in Mosul," explained investigative journalist and author Ken Timmerman.

Solvency Failure: Resettlement aid fails. Example: Hungarian government donated money to resettle a Christian community in Iraq… and then it got evacuated again

THE ECONOMIST 2017 (respected British news magazine) 27 Oct 2017 " The politics of helping Middle Eastern Christians" <https://www.economist.com/erasmus/2017/10/27/the-politics-of-helping-middle-eastern-christians>

THESE are roller-coaster days for religious minorities in the Middle East and their energetic advocates in America. From their point of view, this week has brought both dire and potentially welcome news. Bad tidings came from northern Iraq, where the small town of Telskuf was until recently considered a modest success story for resettlement after liberation from the jihadists of Islamic State. It was reported in recent days that 700 Christian families had been forced to evacuate as a result of strife between Iraqi forces and the Kurds. The town had been rebuilt with the help of a $2m grant from the Hungarian government.

4. US hypocrisy blocks genocide prosecution efforts

Link: Plan depends on the US persuading other nations to do genocide prosecutions in Iraq and Syria

**[This is cross applying same card used in the Extra-Topicality argument]**

Text of HR390 2017. <https://www.congress.gov/bill/115th-congress/house-bill/390/text/eh>

(b) Actions By Foreign Governments.—The Secretary of State, in consultation with the Attorney General, the Secretary of Homeland Security, the Director of National Intelligence, and the Director of the Federal Bureau of Investigation, shall encourage governments of foreign countries— (1) to include in appropriate security databases and security screening procedures of such countries information to identify individuals who are suspected to have committed crimes of genocide, crimes against humanity, or war crimes, and their constituent crimes, in Iraq or Syria, including individuals who are suspected to be members of foreign terrorist organizations operating in Iraq or Syria; and (2) to prosecute such individuals for acts of genocide, crimes against humanity, or war crimes, as appropriate.

Link: The US is hypocritical. We declare other nations guilty of things we are also doing, or we selectively advocate prosecuting our enemies but not our friends

Prof. Richard Falk 2012 (professor emeritus of International law at Princeton Univ.) 1 May 2012 [Opening the other Eye: Charles Taylor and Selective Accountability](https://www.globalpolicy.org/international-justice/the-international-criminal-court/us-opposition-to-the-icc/51549-opening-the-other-eye-charles-taylor-and-selective-accountability.html) <https://www.globalpolicy.org/international-justice/the-international-criminal-court/us-opposition-to-the-icc/51549-opening-the-other-eye-charles-taylor-and-selective-accountability.html?itemid=id#164>

There are several observations that follow: If non-Western leaders are supportive of Western interests, their atrocities will be overlooked, but if there is a direct confrontation, then the liberal establishment will be encouraged to start "war crimes talk" - thus Milosevic, Saddam Hussein and Gaddafi (killed before proceedings could be initiated) were charged with crimes, while the crimes of those governing Bahrain, Saudi Arabia and Israel are ignored. The great majority of cases dealing with international crimes have been, up to this point, associated with events and alleged criminality in sub-Saharan Africa, confirming the extent to which this region has been devastated by bitter conflicts, many of which are attributable to the remnants of colonialism (divide and rule; the slave trade; formation of arbitrary boundaries separating tribal and ethnic communities; apartheid; the continuing quest for valuable mineral resources by international business interests etc). The Western mind is trained not to notice, much less acknowledge, either the historical responsibility of the colonial powers or the unwillingness of the West to submit to the same accountability procedures that are being relied upon to impose criminal responsibility on those who are perceived to be blocking Western economic and political interests. The United States is particularly vulnerable from these perspectives. When we hear the names of Guantanamo Bay and Abu Ghraib, the immediate association is with US war crimes. When US leaders openly endorse reliance on interrogation techniques that are generally condemned as "torture", we should be commenting harshly on the wide chasm separating "law" from its consistent implementation.

Impact: No solvency. Since we lack credibility on human rights, other nations won’t listen to us

Prof. John Shattuck 2007 (professor at the Fletcher School of Law and Diplomacy and a senior fellow at the Carr Center for Human Rights Policy at the Harvard Kennedy School) Healing Our Self-Inflicted Wounds 15 Dec 2007 <http://prospect.org/article/healing-our-self-inflicted-wounds>

The U.S. is now seen internationally to be a major violator of human rights. The BBC poll showed that 67 percent of those surveyed in 18 countries disapproved of the U.S. government's handling of detainees in Guantanamo. A survey conducted in June 2006 by coordinated polling organizations in Germany, Great Britain, Poland, and India found that majorities or pluralities in each country believed that the U.S. has tortured terrorist detainees and disregarded international treaties in its treatment of detainees, and that other governments are wrong to cooperate with the U.S. in the secret "rendition" of prisoners. These global opinion trends have reduced the capacity of the United States to carry out its foreign policy and protect national security. The perception of a growing gap between the values the U.S. professes and the way it acts -- particularly in regard to human rights and the rule of law -- has eroded U.S. power and influence around the world.

5. Russia will block International Justice Efforts

Inherency: Status Quo is already trying  
 Failure: Russia will block any efforts against Syria

THE GUARDIAN 2017 (British newspaper) The Observer view on the effectiveness of international law 16 Dec 2017 <https://www.theguardian.com/commentisfree/2017/dec/17/observer-view-international-law-criminal-court>

It is shocking that the US, a once proud beacon of liberty and justice, also continues to fail the international community in this regard. And it is unacceptable that notorious malefactors, such as Syria’s Bashar al-Assad, appear beyond the reach of the of the law. A special tribunal set up by the UN has been [compiling reports on Syria for years](https://www.nytimes.com/2017/08/06/world/middleeast/syria-war-crimes-del-ponte-resigns.html?_r=0). There is no shortage of damning evidence. But only the UN security council can refer Assad to the ICC. And it has not done so because Syria’s ally, Russia, would veto any such move.

DISADVANTAGES

1. Sectarian Division in Iraq

Link: AFF plan singles out small groups for special aid

It's all through their evidence and their claims.

Link: Special aid to Christians in the region makes the US look bad: Committed to special interests

Rhys Dubin and Dan De Luce 2018. (Dubin – Editorial Fellow at Foreign Policy. De Luce – national security and global affairs reporter) 17 Jan 2018 FOREIGN POLICY " Pence Plan to Target Aid for Christians in Iraq Sparks Concern" <https://foreignpolicy.com/2018/01/17/pence-plan-to-target-aid-for-christians-in-iraq-sparks-concern-isis-genocide-syria-terrorism/>

“Christians make up a tiny percentage of the population, and if they get a disproportionate percentage of aid, that’s going to look bad,” said Kenneth Pollack, a former CIA officer focused on Iraq and currently a fellow at the American Enterprise Institute. “It looks like the U.S. isn’t committed to the general rebuilding and stabilization of Iraq. It will look like it’s more committed to its own special interests.”

Link: Specially directed aid fuels sectarian divisions and single out already at-risk groups

Rhys Dubin and Dan De Luce 2018. (Dubin – Editorial Fellow at Foreign Policy. De Luce – national security and global affairs reporter) 17 Jan 2018 FOREIGN POLICY " Pence Plan to Target Aid for Christians in Iraq Sparks Concern" <https://foreignpolicy.com/2018/01/17/pence-plan-to-target-aid-for-christians-in-iraq-sparks-concern-isis-genocide-syria-terrorism/>

Even before the recent disagreement with UNDP, proposed aid for religious minorities had sparked a fractious debate inside the administration. Some State Department officials, and others at the U.S. Agency for International Development (USAID), disagreed with the administration’s initial approach, fearing that an increasingly direct and public emphasis on religious minorities, and Christians in particular, could fuel sectarian divisions in the country and single out already at-risk communities.

Link: Sectarian-based aid fuels sectarian division in Iraq

Rhys Dubin and Dan De Luce 2018. (Dubin – Editorial Fellow at Foreign Policy. De Luce – national security and global affairs reporter) 17 Jan 2018 FOREIGN POLICY " Pence Plan to Target Aid for Christians in Iraq Sparks Concern" <https://foreignpolicy.com/2018/01/17/pence-plan-to-target-aid-for-christians-in-iraq-sparks-concern-isis-genocide-syria-terrorism/>

“We best serve our own interests and Iraq’s interests when we don’t engage in accentuating sectarian divisions,” said Jon Alterman, a former State Department official and now director of the Middle East program at the Center for Strategic and International Studies. Alterman said he was not privy to the details of the aid program, but the approach could carry risks. “Explicitly supporting Christian communities in Iraq because they are Christian would accentuate those divisions,” he said.

Impact: Christians targeted. Reverse Advocacy: Christians in Iraq say we need a holistic (help everybody) approach instead, not just focused on Christians

Rhys Dubin and Dan De Luce 2018. (Dubin – Editorial Fellow at Foreign Policy. De Luce – national security and global affairs reporter) 17 Jan 2018 FOREIGN POLICY " Pence Plan to Target Aid for Christians in Iraq Sparks Concern" <https://foreignpolicy.com/2018/01/17/pence-plan-to-target-aid-for-christians-in-iraq-sparks-concern-isis-genocide-syria-terrorism/>

After months of combat in Iraq that razed towns and displaced millions of people, Washington’s aid effort is designed to cover a wide range of needs among civilians and is not focused on only one community, said Thomas Staal, a counselor at USAID. “What we’re seeing is that there is a need for a holistic approach.” Nevertheless, Staal, who traveled to Iraq in December, acknowledged that Christian communities had expressed concern about preferential aid policies. “A significant amount [of aid] is going to Nineveh but not all of it,” he told FP. “If the U.S. focuses all their assistance on Christians, that puts a target on their back.”

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