

We negate

Contention 1 Israel

The Rome Statute is the most compromising forum of international law

Mahony 15

Mahony, Chris. THE JUSTICE PIVOT: U.S. INTERNATIONAL CRIMINAL LAW INFLUENCE from OUTSIDE the ROME STATUTE. www.legal-tools.org/doc/4b7144/pdf. Accessed 13 Feb. 2025.

To consider political interaction with the complementarity principle, we must consider the extent to which realist jurisdictional and functional constraints of complementarity are affected by normative pressure to independently investigate and prosecute core international crimes. Critical to considering the interest of governments in prosecuting international crimes cases are the degree of primacy complementarity affords domestic proceedings, the independence complementarity demands of domestic proceedings, and how those variables interact with other pressures upon the ICC. **Rome Statute deference to domestic jurisdictions constitutes, along with Security Council controls over jurisdiction, the most compromising element of** ^{OTP} **case selection** independence. Complementarity provides sophisticated **state actors** the amnesty card instrument of **manipulate** **investigations while enjoying the credible commitment benefits of Rome Statute participation**. To understand the regulatory capture and compromise of independence afforded by complementarity, its technical elements must be considered. Articles 17(1)(a)-(c) of the Statute render a case inadmissible if it has been or is being investigated or prosecuted by a state with jurisdiction over the crimes in question.¹⁸⁷ However, inadmissibility is voided if the investigating or prosecuting state is unwilling or unable genuinely to carry out the investigation or prosecution.¹⁸⁸

Moreover,

Mahony 15

Mahony, Chris. THE JUSTICE PIVOT: U.S. INTERNATIONAL CRIMINAL LAW INFLUENCE from OUTSIDE the ROME STATUTE. www.legal-tools.org/doc/4b7144/pdf. Accessed 13 Feb. 2025.

Remaining outside the Rome Statute disarms the United States of key sources of direct pressure upon the ICC prosecution including fiscal constraints and capacity to insert personnel. It retains the capacity to facilitate pressure via allied State Parties **and** ^{via the threat of state non-cooperation, and establishment of alternative justice institutions.} **Remaining outside the Rome Statute renders the United States less influential over ICC functions than were it to become a State Party**. As a senior U.S. Central Intelligence Agency (CIA) officer attempted to explain to John Bolton in the early years of the George W. Bush administration, "John, we can use [the ICC]."²⁰⁸ Instead, U.S. ICC policy continues to prefer domestic venues for dealing with crimes, and where they fail, mixed international/domestic processes like the SCSL (where the United States has greater design and functional control), over the ICC.²⁰⁹ To that extent,

U.S. policy generally reflects a theme the ICC itself increasingly seeks to emphasize—that the ICC is a court of “last resort.”²¹⁰ It is for this reason that weak states prefer a court where powerful states cede a degree of functional influence diminishing the enthusiasm of weak states for future ad hoc or hybrid tribunals. One potential opening of functional influence is budgetary pressure, **evidenced by 2013 budget reductions causing ICC consideration of Security Council, U.S. government, or voluntary funding for Security Council referred situations.**

The US looks to stop arrest warrants now, but it can't. Only an aff ballot gives them the leverage
Baker 24,

jcookson. "The ICC Has Issued Arrest Warrants in the Israel-Hamas War. Now What?" Atlantic Council, 27 Nov. 2024, www.atlanticcouncil.org/blogs/new-atlanticist/the-icc-has-issued-arrest-warrants-in-the-israel-hamas-war-now-what/. Accessed 13 Feb. 2025.

While engaging in these investigative and procedural next steps, the Office of the Prosecutor and the ICC as a whole will have to confront what is likely to be increasing pressure from Israel and its allies. Israel has targeted the ICC with a coordinated campaign of intimidation and hacking for the past nine years because of its preliminary

examination and investigation of what the ICC calls "the situation in Palestine." Chances are that these tactics will increase following the arrest warrants. **The ICC**

will also likely **face legal challenges imposed by the United States** and perhaps other countries. In

May, President Joe Biden called the application for arrest warrants "outrageous," and last week used the same language to condemn their issuance. While Biden has not indicated support or opposition to sanctions against the ICC—imposed during the first Trump administration and revoked by Biden—members of Congress are pushing for such

action, which President-elect Donald Trump is expected to support. In June, after arrest warrant applications were filed, **the US House of**

Representatives passed a bill to sanction individuals involved in ICC prosecutions

of American citizens and citizens of allied nations that are not ICC member states, which includes Israel. While the Senate has not yet voted on this bill, senators have indicated their support for sanctions and suggested consequences for the arrest warrants and compliance with them, noting that the incoming Senate Republican majority will bring a bill to the floor next year. The extent to which any sanctions impact the ICC's operations will depend on their scope, but at least some interruptions or challenges would be

expected. **US opposition to ICC action against Israel also raises questions of**

double standards and bias given US support for the ICC's investigation into and arrest warrants issued against Putin and other Russian

officials—backed by those most vociferously opposed to action against Israel—which rely on the same jurisdictional basis that the Court is using to take action against Netanyahu and Gallant.

But warrants are necessary. Ali 24,

are, What. "ICC Arrest Warrants: What Are the Legal Consequences for Netanyahu and Gallant?" Aa.com.tr, 2024, www.aa.com.tr/en/middle-east/icc-arrest-warrants-what-are-the-legal-consequences-for-netanyahu-and-gallant/3400306. Accessed 13 Feb. 2025.

Legal scholar Gerhard Kemp told Anadolu that the ICC's decision to issue warrants is "significant for several reasons" and puts pressure on those nations that have been

supporting Israel despite international backlash over its genocide in Gaza. "It reconfirms that **the** ICC has jurisdiction over the situation in Palestine, it rejected Israel's

jurisdiction challenges, it made important observations regarding the nature of the conflict (international armed conflict and applicability of international humanitarian law and so on), it made important observations about the strength of the evidence," he said. "Perhaps most significantly, it confirms the ICC principle that official capacity is not a bar to the execution of arrest warrants and ultimately trial at the ICC of senior government officials, in this instance including the Prime Minister of Israel." Just like Sudan's Omar Al-Bashir

and Russian President Vladimir Putin, this **arrest warrant for Netanyahu "will pose significant**

diplomatic and political challenges for members of the ICC, especially **states party in the**

West — like Germany and the UK," he continued. "Of course, states party to the Rome Statute have the legal obligation ... but as we have seen with Bashir (when South Africa and Jordan and other states failed to execute the arrest warrant) and more recently Mongolia (when it failed to arrest Putin), member states often find it politically difficult to follow through with their obligations," said Kemp. "I suspect European countries and other traditional allies of Israel in the West will come under pressure to quickly take a position on whether they will execute the arrest warrants if the occasion arises."

In an affirmative world, the US would ensure prosecution goes to Israeli courts. That ensures the ICC can never help

Sharron 24 writes,

"Redirecting." Google.com, 2025, www.google.com/url?q=www.timesofisrael.com/whats-next-after-icc-issued-arrest-warrants-against-israeli-leaders/&sa=D&source=docs&ust=1739491021706668&u sg=AOvVaw3UGr10f8-BAUng0U_cg9X2. Accessed 13 Feb. 2025.

The court's rules allow for the UN Security Council to adopt a resolution that would pause or defer an investigation or a prosecution for a year, with the possibility of renewing that annually. After a warrant is issued, the country involved or a person named in an arrest warrant can also issue a challenge to the jurisdiction of the court or the admissibility of the case. **A case can be deemed inadmissible at the ICC when it is already**

being investigated or prosecuted by a state with jurisdiction over the crimes alleged. But the court has made it clear in the past that this exemption could only apply when a state is investigating or prosecuting the same people for substantially the same alleged crimes. An investigation into corruption charges, such as those featured in Netanyahu's ongoing corruption trial, would not meet that "same person, same conduct" rule. Since an Israeli court is not currently investigating Netanyahu and Gallant for similar charges as the ICC, that rule does not apply, at least in the eyes of the court. **The Netanyahu**

government has resisted relentless pressure from the opposition and others **to launch a state**
commission of inquiry into the failure to prevent the October 7 massacre **and** into the **prosecution of the war**

ever since. If an Israeli court begins a formal investigation against Netanyahu and Gallant and requests that the ICC delay its investigation in favor of a national investigation, court procedure says that the prosecutor will pause the case and review if the state is indeed carrying out a genuine investigation.

If the Israel-Gaza conflict continues, mass human rights violations will be committed.

Human Rights Watch 24 (Human Rights Watch; November 14, 2024; Human Rights Watch; "Israel's crimes against humanity in Gaza"; <https://www.hrw.org/news/2024/11/14/israels-crimes-against-humanity-gaza>)
Shiwen

Israeli authorities have caused massive, deliberate forced displacement of

Palestinian civilians in Gaza since October 2023 and are responsible for war crimes and crimes against humanity There is no plausible imperative military reason to justify Israel's mass displacement of nearly all of Gaza's population, often multiple times. Rather than ensuring civilians' security, military "evacuation orders" have caused grave harm. Governments should adopt targeted sanctions and other measures, and halt weapons sales to Israel. The International Criminal Court prosecutor should investigate Israel's forced displacement and prevention of the right to return as a crime against humanity. (Jerusalem) — Israeli authorities have caused the massive, deliberate forced displacement of Palestinian civilians in Gaza since October 2023 and are responsible for war crimes and crimes against humanity. Human Rights Watch said in a report released today. The report is being published at the time of an ongoing Israeli military campaign in northern Gaza that has most likely created a new wave of forced displacement of hundreds of thousands of civilians. The 154-page report, "Hopeless, Starving, and Besieged: Israel's Forced

Displacement of Palestinians in Gaza," examines how Israeli authorities' conduct has led to the displacement of **over 90 percent of the**
population of Gaza—1.9 million Palestinians—and the widespread

destruction of much of Gaza over the last 13 months. Israeli forces have carried out deliberate, controlled demolitions of homes and civilian

infrastructure, including in areas where they have apparent aims of creating "buffer zones" and security "corridors," from which Palestinians are likely to be permanently displaced. Contrary to claims by Israeli officials, their actions do not comply with the laws of war. "The Israeli government cannot claim to be keeping
Palestinians safe when it kills them along escape routes, bombs so-called safe zones, and cuts off food,

water, and sanitation," said Nadia Hardman, refugee and migrant rights researcher at Human Rights Watch. "Israel has blatantly violated its obligation to ensure Palestinians can return home, razing virtually everything in large areas." Human Rights Watch interviewed 39 displaced Palestinians in Gaza, analyzed Israel's evacuation system, including 184 evacuation orders and satellite imagery confirming the widespread destruction, and verified videos and photographs of attacks on designated safe zones and evacuation routes. The laws of armed conflict applicable in occupied territory permit displacement of civilians only exceptionally, for imperative military reasons or for the population's security, and require safeguards and proper accommodation to receive displaced civilians. Israeli officials claim that, because Palestinian armed groups are fighting from among the civilian population, the military has lawfully evacuated civilians to attack the groups while limiting civilian harm. Human Rights Watch research shows this claim to be largely false. There is no plausible imperative military reason to justify Israel's mass displacement of nearly all of Gaza's population, often multiple times, Human Rights Watch found. Israel's evacuation system has severely harmed the population and often served only to spread fear and anxiety. Rather than ensure security for displaced civilians, Israeli forces have repeatedly struck designated evacuation routes and safe zones. Evacuation orders have been inconsistent, inaccurate, and frequently not communicated to civilians with enough time to allow evacuations, or at all. The orders did not consider the needs of people with disabilities and others who are unable to leave without assistance. As the occupying power, Israel is obliged to ensure adequate facilities to accommodate displaced civilians, but the authorities have blocked all but a small fraction of the necessary humanitarian aid, water, electricity, and fuel from reaching civilians in need in Gaza. Israeli attacks have damaged and destroyed resources that people need to stay alive, including hospitals, schools, water and energy infrastructure, bakeries, and agricultural land. Israel is also obliged to ensure the return of displaced people to their homes as soon as hostilities in the area have ceased. Instead, it has left swathes of Gaza uninhabitable. Israel's military has intentionally demolished or severely damaged civilian infrastructure, including controlled demolitions of homes, with the apparent aim of creating an extended "buffer zone" along Gaza's perimeter with Israel and a corridor which will bifurcate Gaza. The destruction is so substantial that it indicates the intention to permanently displace many people.

Contention 2 is Corruption

Subpoint A: Political Influence

Countries use propaganda warfare to gain influence over the court.

Ochs 21,

Ochs, Sara. "Propaganda Warfare on the International Criminal Court." *Michigan Journal of International Law*, 2021, p. 581, <https://doi.org/10.36642/mjil.42.3.propaganda>.

While propaganda warfare on public opinion was once reserved for military use against state enemies, governments have recently adapted this tactic to target judicial entities seeking to prosecute violations of international criminal laws. State leaders have begun using social media, press statements, and televised conferences to spread disinformation in efforts to demonize entities, like international courts, for investigating and prosecuting their state nationals. And while the precise means of disseminating this propaganda varies by state, the motivation behind the attacks is the same: to convert public opinion against the targeted court to prevent the prosecution of state officials and

military leaders. Within the context of the International Criminal Court ("ICC"), this article defines **propaganda warfare** as states leaders' **[is]**

systematic and highly publicized use of anti-ICC rhetoric and disinformation about the ICC, its

functions, and its jurisdictional reach. The ICC is by no means the only international entity to bear the brunt of propaganda warfare. However, the ICC, as a treaty-based court lacking an enforcement mechanism, is critically dependent on public legitimacy and state support.⁴ Without this support, the ICC bears little chance of satisfactorily completing its mandate to hold individuals accountable "for the most serious crimes of concern to the international community as a whole."⁵ Indeed, a widespread lack of public legitimacy in recent years has repeatedly precluded the ICC from achieving case-specific goals.⁶ As a court founded upon state support, attacks aimed to deprive the ICC of legitimacy in

the eyes of its state supporters are particularly damaging. **In ratifying the Rome Statute,** which established the ICC, states voluntarily forfeited a portion of their state sovereignty and permitted the ICC to hold their nationals, including their government leaders, accountable. Yet, as a direct result of this

consent-based system, **states retain significant involvement and control over ICC**

operations and the ICC is critically dependent on states' cooperation.⁷ Historically, investigations without state support have proven especially challenging for the

ICC, and on a rudimentary level, the ICC's success in any particular case can often be linked to the level of State cooperation it received in investigating that matter.⁸ Successful propaganda wars against the ICC, such as the Kenyan Government's widespread campaign labeling the ICC as a neo-colonialist regime, have proven debilitating for the ICC. What started as a strategy to avoid the prosecution of high-ranking Kenyan state leaders, prompted a widespread anti-ICC movement supported by the African Union that ultimately resulted in the withdrawal of several African states from the Rome Statute. At the time of publication, the ICC is still working to distance itself from claims of discrimination against African nations.⁹ The impact of these propaganda wars runs deeper than mere public image. Often, the use of propaganda and disinformation, combined with the ICC's critical need for state support and cooperation, is sufficient to coerce the ICC to reach a certain ruling or to redirect its limited resources to a different issue. Propaganda wars that are successful in provoking the ICC to dismiss claims against high-profile leaders inject the appearance of bias into ICC operations and inspire other states to act against the Court to prevent investigations into their nationals. The most influential states on the geopolitical stage are also the states with the most influence on global perception. These states include the United States, Russia, and China, all of whom refused to join the ICC out of fear of the infringement of their sovereignty. These states also hold permanent status and veto power on the United Nations Security Council and are therefore influential in situations where the Security Council refers non-States

Parties to the ICC.¹⁰ And, **as seen** recently **by the United States'** vitriolic response to the ICC's opening of an investigation into crimes

committed **in Afghanistan,** which threatens to implicate U.S. officials, **powerful states will aggressively**

utilize propaganda and disinformation **to prevent the ICC from prosecuting their or**

their allies' nationals.¹¹ **These propaganda wars, and the ICC's**

vulnerability to them, thus carry the risk of exacerbating already significant

power disparities in the field of international criminal justice. They further represent the

danger that the ICC will become a court that exclusively tries perpetrators from nations too powerless to fight back, while leaving superpowers, like the United States and China, immune from prosecution for atrocities committed on their soil and by their nationals.

The ONLY way to stop propaganda warfare is ceding to the will of powerful states

Ochs 21 continues,

Ochs, Sara. "Propaganda Warfare on the International Criminal Court." *Michigan Journal of International Law*, 2021, p. 581, <https://doi.org/10.36642/mjil.42.3.propaganda>.

When asked about his reaction to the U.S. Executive Order authorizing sanctions against the court, ICC President Chile Eboe-Osuji stated, "In any

system in which the rule of law is respected, courts are never coerced. They may be criticized—even robustly. But never coerced."²⁴¹ However, the success of Kenya's propaganda campaign against the ICC throws Judge Eboe-Osuji's statement into question. Kenya and its supporters have shown that it is possible, through prolonged and effective use of anti-ICC sentiment and widespread propaganda, to force the ICC's hand and to dictate its rulings in certain cases. This weakness has translated into the ICC's perceived bias, which has fundamentally "damaged States Parties' understandings of the independence and fairness of the ICC."²⁴² The past success of propaganda also

paves the way for future attacks. **The reality is that the ICC is a court fundamentally subject to**

the will of its States Parties, as well as to the pressures of powerful non-States Parties. Moreover, because those states that carry political influence on the geopolitical stage are the most capable of militarizing widespread public opinion, the ICC is often forced to cater to the most powerful nations, further exacerbating the political influence on the ICC.²⁴³ While greater State Party membership—especially among superpowers—is **a powerful enforcement mechanism** and a less reliant relationship on the U.N. Security Council could significantly increase the ICC's power and ability to defend itself against propaganda wars, these changes are highly unlikely. Not only is the Rome Statute's amendment process quite extensive,²⁴⁴ but these new measures would require states—including those superpowers like the United States, China, and Russia—to surrender even greater sovereignty. In the current political climate, such change is idealistic at best. Another less palatable option **is for the ICC to fully embrace its political nature, with the Prosecutor selecting to investigate only noncontroversial matters** that would not anger powerful states.²⁴⁵ This approach would allow the Prosecutor, and by extension, the ICC, **to** avoid contentious cases in hopes of **pleasing the countries with the loudest voices** while drowning out those who lack the same international platform. And although some strategic case selection by the Prosecutor is necessary, allowing selection to be guided primarily by political motivations runs contrary to the purpose of the Rome Statute. It would allow cases most deserving of prosecution to be met with impunity, simply because the perpetrators come from a nation that holds significant geopolitical power. Impunity is not what was envisioned during the creation of the ICC, nor what should be expected of its future. In the long run, **[however] allowing politics to guide the ICC's direction would do more damage to the ICC's legitimacy**, and would contribute to an image of the ICC as too weak to take on politically controversial cases.

Subpoint B: Financing

Money equals influence

Christiano 15,

By Thomas Christiano Year: 2015 URL: https://www.law.berkeley.edu/files/TChristiano_The_Problem_of_Selective_Prosecution_and_the_Legitimacy_of_the_ICC_2.pdf

There are two other kinds of cause of selective prosecution. **The ICC has very little in the way of resources for pursuing investigations on its own. It is essentially dependent on the cooperation and support of states to pursue these.** It **is dependent on financial support**, intelligence gathering, and gathering of information in conflict zones **by powerful states**. It simply cannot investigate or prosecute crimes without this support. But states, members and non-members, offer support in accordance often with their own interests or the interests of allies. Hence, one cause of selective prosecution is that the prosecutor may have little or no hope of collecting the necessary evidence without the support of one of the major powers. And so it may choose not to investigate a case for that reason alone. A second reason is that one secures the good will of the major powers by not investigating their nationals or those of their allies and by only pursuing cases that the major supporters favor. **This establishes a kind of inherent bias in the process of investigation that systematically explains the lack of proportionate equality in prosecution.**¹⁰ So we have three fundamental causes of the fact that the ICC only investigates parties that are not major powers or their allies and only investigates situations which major powers favor. **The first is that the major powers are not party to the treaty; the second is that the court can only investigate a situation if major powers give it help; the third is that the court must seek the good will of the major powers to do its work and avoiding prosecution of the major powers and their allies is a principal condition of that good will.**

History proves that states only fund when they want to

Wiebelhaus-Brahm 23,

Wiebelhaus-Brahm, Eric, and Kirsten Ainley. "The Evolution of Funding for the International Criminal Court: Budgets, Donors and Gender Justice." *Journal of Human Rights*, vol. 22, no. 1, Jan. 2023, pp. 31–46. <https://doi.org/10.1080/14754835.2022.2156276>.

Some of the ICC's biggest funders began pushing for zero budget growth as early as 2008, with the global financial crisis tightening fiscal belts. Some of this policy's strongest proponents were wealthy Western countries. From the

start, the Coalition for the International Criminal Court (CICC) warned that **zero growth “would undermine the effectiveness of the court’s work and would curtail its ability to respond promptly to situations where crimes are committed”** (Corey-Boulet, Citation2011). Initially, Prosecutor Bensouda appeared successful in arguing for more resources. During her first four years in office (2012–2016), the OTP’s budget increased by 63 percent, to €43 million (O’Donohue, Citation2020). Then, things began to change.

In 2016, a group including the ICC’s largest financial backers renewed efforts to curb the Court’s growth, Footnote4 citing internal inefficiencies and the global financial crisis (Evenson & O’Donohue, Citation2016). This “zero nominal growth” (ZNG) model would fix the budget for several years without even adjusting for inflation (CICC, Citation2016).

Some observers have argued that **state parties’ sudden willingness to enforce budget restrictions in 2016 was tied to the contentiousness of the ICC’s activities** at

the time. The move coincided with the OTP’s more provocative moves **to widen its gaze beyond Africa, which threatened the interests of the United States, United Kingdom, and Russia.**

In 2014–2015, Bensouda opened preliminary examinations in Palestine and Ukraine and accelerated the preliminary examination in Afghanistan (O’Donohue,

Citation2020). **At the same time, state parties sought to forestall Burundi and South Africa’s withdrawal from the Rome Statute by placating their criticisms that the Court was too focused on Africa. Thus, while insisting on a zero-growth budget policy, states simultaneously called on the OTP to expand its investigatory reach.** As Elizabeth Evenson and Jonathan O’Donohue (Citation2016) argued, “The hypocrisy here is at a new level—supporting further ICC investigations (importantly, outside of Africa) one day but refusing to fund them the next.”

Pressure from the ASP continued. The Court has been asked to present “sustainable” budget proposals that include increases only after exploring all possible avenues for savings and efficiencies. Footnote5 State parties further requested inclusion of an annex to the program budget documenting the Court’s savings and efficiency accomplishments in the current year and plans for the next. Footnote6 State parties soon went one step further. At its 2019 session, the ASP asked for even more detailed

accounting of savings and efficiencies in future budgets. Footnote7 Thus, **the Assembly has shown increasing willingness to micromanage ICC spending alongside its insistence that the Court reduce spending, with state parties all the while maintaining their rhetoric that the Court should expand its geographical reach.**

Waning financial support has had measurable effects on the ICC’s ability to deliver justice. **The OTP cited budgetary constraints as the reason it “hibernated” preliminary examinations in Nigeria and Ukraine and to justify the selective investigation of crimes in Afghanistan** (Amnesty International, Citation2021; Anderson, Citation2021). An Independent Expert Review (Citation2020) recently commissioned by the ASP

concluded that the OTP’s Investigation Division was “severely under-resourced,” having 87 fewer full-time staff than estimated to be necessary to effectively manage its current workload. It further concluded that the budget process was flawed. Per the report, “it is apparent that the trust relation between the Court and the ASP (including its subsidiary bodies) can and should be improved. ... [T]here seems to be a perception within some quarters of the Court that States Parties are using the budget process to interfere with the Court’s cases” (Independent Expert Review, Citation2020, p. 106).

If it isn’t the US’s agenda, the money will go away. They continue,

Yet, despite the drive to move “out of Africa,” every case to reach trial at the ICC has been drawn from its African investigations. The proprio motu situations and those referred by third-party states (e.g., Venezuela) or on contested territory (e.g., Bangladesh/Myanmar, Palestine, and Ukraine) are vastly more expensive to investigate, as the Court lacks the assistance of the state party concerned, or the state where the alleged crimes originated. The pressure on the ICC budget has had the effect, intended or not, of restricting the actual practice of trying cases to African situations. While establishing intent would be extremely difficult—state parties do not announce that they seek to protect the

interests of the United States, United Kingdom, or Israel in insisting on conservative budgets—the **donations that state parties have attempted to earmark for the Ukraine investigation demonstrate that when state parties support investigations, they are able to back up their support with financing** (Office of the Prosecutor, Citation2022). That **they have rarely ever done this**

in the Court's history, including for UNSC-referred investigations, **and never at this scale,** suggests **that their financial contributions are a reasonable proxy for their interests in international justice.** **Current attempts in the US Congress to find ways to fund the ICC,** the jurisdiction of which the United States refuses to accept, also **make the Court appear to be a tool of the wealthiest states in the international system** (Goodman, Citation2022).

The impact of both subpoints is US imperialism

Bali 22 writes,

Quiroa, M. (2022, November 24). Dirección de marketing Qué es, definición y concepto. Economipedia. <https://economipedia.com/definiciones/direccion-de-marketing.html>

The pessimistic worry is that for all the many flaws of constitutional imagination, **if a future order is premised ideologically on the United States'** or some other state's **raw power, the space for self-constraint and rule-based limitations will continue to recede.** But that is not the only possibility. There may also be new space for alternative orderings to emerge in an international system defined by multipolarity or one in which numerous competing hegemonies dominate their own regional spheres. **As the aspirational ambitions of an American-led liberal international order recede, so too do the legitimating frames that have often served to validate** or obscure **acts of real violence.** Trump's ascendancy has made plain the nature of what has for decades been the American orientation to the world, an orientation guided by neoliberal commitments, national security presumptions, and unilateral coercion. The silver lining may be that in the absence of credible American global leadership, other powers or global civil-society movements, acting singly or in concert, may yet embrace the aspirational potential of a new international order. Although such an order might not speak the language of American constitutionalism, it also might not be weighed down by US geostrategic constraints and coercive imperatives.

Trump will weaponize law

Taft yesterday writes,

Monica Duffy Toft, 2-20-2025, "Trump's threats on Greenland, Gaza, Ukraine and Panama revive old-school US imperialism of dominating other nations by force, after decades of nuclear deterrence", Seattle Post-Intelligencer, <https://www.seattlepi.com/news/article/trump-s-threats-on-greenland-gaza-ukraine-and-20177250.php>

(THE CONVERSATION) **Imperialist rhetoric is becoming a mark of President Donald Trump's second term.** From asserting that the U.S. will "take over" the Gaza Strip, Greenland and the Panama Canal to apparently siding with Russia in its war on

Ukraine, Trump's **comments suggest a return to an old imperialist style** of forcing foreign lands under American control.

Imperialism is when a nation extends its power through territorial acquisition, economic dominance or political influence. Historically, imperialist leaders have used military conquest, economic coercion or diplomatic pressure to expand their dominions, and justified their foreign incursions as civilizing missions, economic opportunities or national security imperatives.

The term "empire" often evokes the Romans, the Mughals or the British, but the U.S. is an imperial power, too. In the 19th and early 20th century, American presidents expanded U.S. territory westward across the continent and, later, overseas, acquiring Puerto Rico and other Caribbean islands, Guam and the Philippines.

After that, outright territorial conquest mostly ceased, but the U.S. did not give up imperialism. As I trace in my 2023 book, "Dying by the Sword," the country instead embraced a subtler, more strategic kind of expansionism. In this veiled imperialism, the U.S. exerted its global influence through economic, political and threatened military means, not direct confrontation.

Embracing traditional U.S. imperialism would upend the rules that have kept the globe relatively stable since World War II. As an expert on U.S. foreign policy, I fear that would unleash fear, chaos – and possibly nuclear war.

The Global War on Terror is a prime example

Bali 22 writes,

Quiroa, M. (2022, November 24). Dirección de marketing Qué es, definición y concepto. Economipedia.
<https://economipedia.com/definiciones/direccion-de-marketing.html>

The Global War on Terror was so broadly conceived that it produced a potentially indefinite armed conflict on what could easily become a global battlefield against a nebulous set of foes comprised of nonstate actors and their alleged state sponsors.⁷³ The combination of the arguments proffered to

authorize the **Iraq intervention and the conduct of the Global War on Terror in Afghanistan led** some to **worry that American exceptionalism and unilateralism had become a threat to a rule-based international order and undermined the legitimacy of international law and international organizations.**⁷⁴

The Global War on Terror brought into focus an international order in which American exceptionalism was no longer tied to a commitment to rule-based presumptions.

International-law scholarship turned to theorizing **the “state of exception” to make[s] sense of the United States’ systematic repudiation of existing legal limits under its new counterterrorism framings.**⁷⁵ While American unilateralism was certainly not unprecedented, the abandonment of the rhetorical commitment

to law signaled a retreat from the defense of the multilateral institutions that had been constitutive of US global governance strategy since the end of World War II. At least one distinguished American scholar of international law read this change as representing a “system abrogation.”⁷⁶

Thus, we negate

US imperialism justifies violence in the name of progress.

McNally 06 (David, Professor of political science at York University “The new imperialists – Ideologies of Empire” Ch 5 Pg 103) JL

This, then, is the end point of our thinking person’s **imperialism. Starting from flowery platitudes about ethics and human rights, it leaves us with banal defences of an empire that practises torture, uses lies and deception to justify war, tramples on human rights, and launches a new arms race. In the process, our imperial apologist fractures logic, evades evidence, claims moral superiority for his kind, and demonizes imperialized Others.** And so we return to Joseph Conrad. For all the shortcomings of Heart of

Darkness, Conrad intuited the metamorphosis of imperial identity that characterizes the likes of Michael Ignatieff. Key to Conrad’s depiction is that the imperialist begins by lying to himself – he spurns reality in favour of his fetish. However much Ignatieff believes his own mutterings about ethics and human rights, his pronouncements must be measured against the murders and the torture carried out by those he nominates as humanity’s benefactors – and whose crimes he both evades and backhandedly defends. Ignatieff’s talk of morality is an exercise in imperial fantasy of a sort with which Conrad was familiar. Describing the conversation among colonial agents in Africa, for instance, Conrad’s protagonist, Marlow, proclaims: “It was as unreal as everything else – as the philanthropic pretence of the whole concern, as their talk, as their government.” In fact, explains Marlow, notwithstanding their soaring proclamations, “there was no more moral purpose at

the back of it than there is in burglars breaking into a safe.”⁶³ The same, of course, is true of **U.S. imperialism today. Its agents too have the morality of burglars breaking into a safe. But their crimes, just like those of an earlier era of colonialists, are of an exponentially higher order.** Of course, they produce reports, make speeches, and utter declarations about civilization, freedom, and democracy. Where they differ from Conrad’s obsessive colonialist, Kurtz, is that they never arrive at the truth. For Kurtz, after devoting seventeen pages to a report on behalf of the International Society for the Suppression of Savage

Customs, finally records a truthful horror. It occurs at the end of his report, his "moving appeal to every altruistic sentiment," as Marlow describes it. Suddenly, the final words appeared and their message "blazed at you, luminous and terrifying, like a flash of lightning in a serene sky: 'Exterminate all the brutes!'"⁶⁴ At the moment when he wrote those

words, shortly before his death, Kurtz finally "looked within himself," to discover that "his soul was mad."⁶⁵ And this Conradian truth might well be applied to Ignatieff.

Defence of empire – of murder, pillage, torture, and deception – transforms the defenders themselves. Whatever values they might have once professed, the reality of what they defend takes possession of them, turns them into something other than what they intended. This is a central theme of Heart of Darkness, which,

as I have noted, is a warning to the Western apologist for empire that he is an accomplice of madness and horror.