

Contention 1 is support.

a. funding

Bellamy 18 [Alex Bellamy, Professor of Peace and Conflict Studies at The University of Queensland, December 2018, Holding Back the Tide: Genocide Prevention in Our More Violent World, Genocide Studies and Prevention, <https://digitalcommons.usf.edu/cgi/viewcontent.cgi?article=1563&context=gsp>, Willie T.]

But for all the progress that was made in building barriers against genocide - and we should not shy away from acknowledging that significant progress was indeed made - we find ourselves facing a major problem. History is taking its revenge. Since the start of the 'Arab Spring' in early 2011 global trends in mass violence have moved consistently in the wrong direction. The number of armed conflicts has increased. Some reports suggest a six hundredfold increase in the annual number of civilian casualties in war. Atrocity crimes are committed with increasing regularity. Perpetrators exhibit a confidence bred of impunity. Forced displacement - both internal and international - has reached levels not seen since the end of the Second World War. The basic fact of increasing mass violence is not our only problem. Wherever we look, the forces that promoted human rights, human dignity and human protection and the sense of our common humanity that gave rise to mutual aid are in seeming retreat. Meanwhile, the forces of racism, xenophobia, nationalism, and what Martin Ceadal called "warism" - ideas that are the very life blood of genocide - seem to be everywhere on the march.³ Today, we confront a global crisis in which the progress we have made in winding back the tyranny of genocide is being unraveled. Unless urgent action is taken to address the crisis, we risk repeating the mistakes of our more violent past. The stakes could not be higher. If we fail to mount a successful challenge to the march of mass violence, our world will continue to become more unstable, more divided, and more violent. What states, international institutions, and global civil society do next will be, quite literally, a matter of life and death for the world's most vulnerable populations. In this lecture, I want to examine this global crisis and enquire into its causes and consequences. I also want to suggest some steps that can be taken to turn the tide. I want to argue that although the struggle against genocide and mass atrocities is today confronting an acute crisis, there are grounds for thinking that determined action can hold back the tide of hate. This can be done by reinvigorating

global politics based on fundamental human rights, collective action and accountability.

Unfortunately, funding has not kept up --- the ICC has been forced to pick and choose.

The ICC's July Session notes [No Author, 07-24-2024, Assembly of State Parties 23rd Session, International Criminal Court, https://asp.icc-cpi.int/sites/default/files/asp_docs/ICC-ASP-23-10-AV-ENG.pdf, GZR]

The Court's external offices have requested an amount of €353.2 thousand, representing a decrease of €26.8 thousand (7.1 per cent) as compared with the resources approved for 2024. The resources requested by the country offices/field presences are required to purchase consumable items to support day-to-day operations, including fuel for vehicles and generators, office supplies, light IT equipment, air conditioners, drinking water, emergency rations and personal protection equipment (PPE) to be used by field staff. The amount requested by the Country Office (Ukraine) (€75.0 thousand) has increased by €5.5 thousand (7.9 per cent) as compared with the resources approved for 2024 due to increased operational costs for managing a larger fleet of vehicles, fuel consumption and increased in country missions planned by OTP. The Ukrainian electricity infrastructure, power plants and networks have been subject to repeated attack and it is therefore anticipated that the Country Office (Ukraine) will require more fuel for its electricity generator in 2025. The Country Office (Ukraine) also needs to purchase more emergency rations, water and office supplies in 2025 to cover the greater need for operational, logistical and security support. The increase requested by the Country Office (Central African Republic) results from the reintegration of the costs of support (flights, vehicles, internet) by MINUSCA to the missions scheduled by VPRS, CMS, OPCV, SSS, TFV and PIOS outside Bangui. These costs were included in the budgets of Headquarters sections for 2024. The increase requested by the country offices in Ukraine and the CAR has been completely offset by the reductions identified in Côte d'Ivoire, Uganda, the DRC and Sudan resulting from reduced consumption because of a reduction in activity as well as the scaling down of the Court's presence. Furniture and equipment €35.6 thousand 881. The proposed budget for furniture and equipment represents an increase of €15.3 thousand (75.4 per cent) compared to the 2024 approved budget. 882. The amount of €17.0 thousand represents an increase of €9.0 thousand (112.5 per cent) in the resources requested by PIOS for 2025 as compared with the resources approved for 2024. The increase requested by PIOS is required to augment the AV storage capacity (€10 thousand), to replace obsolete audiovisual equipment and to enhance the studio for the production of programmes on the judicial activities and statements of the Spokesperson and the Court's principals. 883. The country offices have requested an amount of €18.6 thousand for 2025 which represents an increase of €6.3 thousand (51.2 per cent) as compared with the resources approved for 2024, mainly due to the increase requested by the Country Office (Central African Republic) to replace end-of-life furniture.

Recent sanctions add fuel to the fire.

Haake 25 Garrett Haake is NBC News' senior White House correspondent. ["Trump signs an executive order sanctioning the International Criminal Court," NBC News, February 2025, accessed 2/12/25

<https://www.nbcnews.com/politics/donald-trump/trump-executive-order-sanctioning-international-criminal-court-rcna191018>] //VS WASHINGTON — President Donald **Trump** on Thursday

signed an executive order **sanctioning** the International Criminal Court, accusing the body of improperly targeting the United States and Israel. The order **includes** both **financial sanctions and visa restrictions against** unspecified **ICC** officials and their family members found to have as

Anderson 25 Janet H Anderson is one of JusticeInfo's correspondents in The Hague. ["Can the ICC survive the U.S. sanctions? (Part 2)," JusticeInfo.Net, January 2025, accessed 2/12/25

<https://www.justiceinfo.net/en/140499-can-the-icc-survive-the-u-s-sanctions-part-2.html>]

//rchen recut VS

Sanctions are officially designed to change behaviour, says Adam Keith, now director for accountability at Human Rights First, an NGO, and previously a senior policy advisor in the Office of Global Justice at the U.S. State Department. For the International Criminal Court (ICC), he says, "among the purposes of pushing the sanctions, is to make the ICC or its officials radioactive".

Sanctions from the United States work precisely because it has a lot of financial power: "If you're targeting individuals or the entity, an institution that is based in Western Europe, deeply integrated into Western economies, sanctions can be quite powerful in terms of **convincing banks or other institutions not to do business** with an institution or an institution that has individuals in it that are on the U.S. sanctions list." "If sanctions are imposed against you, all of your assets, **all** of your **financial transactions in US dollars are frozen. And about 90% of all global financial transactions are conducted in dollars.**" notes Milena Sterio, a law professor at Cleveland State University and managing director at the Public International Law and Policy Group (PILPG), a legal NGO. "So when they talk

about **sanctions**, experts on sanctions call it **a civil death** for the individual who's sanctioned because of the burdens imposed on the person," she says. That is part of the intention, according to Todd Buchwald, former U.S. ambassador for global justice in the last year of Obama's presidency and the first six months of Trump's first mandate. "**Financial institutions can be unwilling to conduct business with those subject to**

sanctions, even where doing that business is not actually covered by the sanctions," he explains. "In other words, **financial institutions** - just as a matter of business prudence - have an incentive not to come any place close to the line and to just **cut off relationships with the ICC.**"

Fortunately affirming solves in 2 ways.

1. The US would pay a proportion of their economy, launching funding.

Ferragamo 24 — (Mariel Ferragamo [Mariel Ferragamo covers Africa and global health and edits the Daily News Brief. Her previous experience includes roles at the Energy for Growth Hub and in the U.S. Congress. Mariel holds a bachelor's degree in environmental policy from Colby College and a certification in journalism from New York University.], 11-22-2024, "The Role of the ICC", Council on Foreign Relations, <https://www.cfr.org/background/role-icc>, accessed 2-3-2025) //FK

The ICC's annual **budget** for 2024 stands at roughly \$187 million [PDF], the vast majority of which **comes from member states. Contributions** are determined by the same method the United Nations uses to assess dues, which roughly **correspond to the size of each member's economy.** In 2022, the largest contributions [PDF] came from Japan, Germany, France, and the United Kingdom. Some countries, notably Argentina, Brazil, and Venezuela, have run up millions of dollars in overdue payments.

But even more, Trump would force other countries to follow in suit, just look at NATO.

Ellyatt 25 — (Holly Ellyatt [Holly Ellyatt writes for CNBC.com focusing on European macro-economics and politics. She has led digital coverage of the European financial crisis, U.K. and euro zone politics, Brexit, the Covid-19 pandemic and Russia and the war in Ukraine.],

1-23-2025, "Can Trump force the hand of NATO allies to spend up to 5% of GDP on defense?", CNBC,
<https://www.cnbc.com/2025/01/23/can-trump-get-nato-allies-to-spend-more-on-defense.html>, accessed 2-8-2025) //FK

As U.S. President Donald **Trump** looks to **immediately fix** his greatest political and economic bugbears, the thorny issue of **NATO defense spending** is likely to quickly return to the global fore. Trump's relationship with the Western military alliance was acrimonious during his first presidency, with the Republican leader frequently lambasting NATO member states for not abiding by a 2014 target to spend at least 2% of GDP on defense every year. Ahead of his second term in office, Trump signaled that the debate over military spending — and **Trump's perception that NATO members are over-reliant on the U.S.** for their own security — will be back on the agenda, stating that NATO's 32 member countries should contribute even more toward defense. "I think NATO should have 5% [of their GDP as a NATO contribution target]," he said in January. "They can all afford it, but they should be at 5%, not 2%", he said at a press conference in which he also refused to rule out using military force to seize the Panama Canal or Greenland — a territory that belongs to NATO member Denmark. **There has been a broad increase in defense expenditure among NATO members since Trump** was last in power. In 2018, at the height of the White House leader's irritation with the military bloc, only six member states met even the 2% of GDP target.

2. ending sanctions on the ICC.

Article 48 of the Rome Statute ["Can the ICC survive the U.S. sanctions?

(Part 2)," JusticeInfo.Net, January 2025, accessed 2/12/25

<https://www.justiceinfo.net/en/140499-can-the-icc-survive-the-u-s-sanctions-part-2.html>
] //RKE recut VS

Article 48 Privileges and immunities 1. **The Court** shall **enjoy in** the territory of **each State Party** such privileges and **immunities as are necessary for the fulfilment of its purposes**. 2. The judges, the Prosecutor, the Deputy Prosecutors and the Registrar shall, when engaged on or with respect to the business of the Court, enjoy the same privileges and immunities as are accorded to heads of diplomatic missions and shall, after the expiry of their terms of office, **continue to be accorded immunity from legal process of every kind in respect of words spoken or written and acts performed by them in their official capacity.**

b. Credibility

Sadat 20 Leila Nadya Sadat, Fellow at Yale Law's Schell Center, OSCE Moscow Mechanism expert, leading authority in international law, human rights, and criminal justice, with 170+ publications and key roles in the ILA, ALI, and CFR, 2020-01-01, "Reforming the International Criminal Court: "Lean In" or "Leave"," Washington University Journal of Law and Policy, <https://journals.library.wustl.edu/lawpolicy/article/1021/galley/17856/view/> // [sai]

The hostility of the United States has also posed a major challenge for the Court, as noted above.¹⁰⁰ Although instrumental in the establishment of the ICTY and the International Criminal Tribunal for Rwanda (ICTR) in the 1990s, and relatively supportive in terms of funding, intelligence sharing, and the secondment of personnel, the U.S. government has historically been on the fence about the establishment of a permanent international criminal court.¹⁰¹ While a **lack of U.S. support** may not be fatal to the Court, it **has weakened it. It has jeopardized the ability of countries to cooperate with the Court** (due in part to the Article 98 Agreement campaign, which targeted both State and non-States Parties). It also deprived the Court of financial and logistical support. Some argue that the Court is not evenhanded because it cannot compel U.S. persons to appear before it even though the United States has participated in Security Council referrals to the Court in three cases involving non-States Parties (while exempting or attempting to exempt its own nationals from the Court's jurisdiction): Sudan,¹⁰² Libya¹⁰³ and Syria.¹⁰⁴ This gives rise to the appearance—and perhaps the reality—of double standards, **which erodes the Court's perceived legitimacy**. The Prosecutor's request to open an investigation into the situation in Afghanistan, which implicated U.S. persons and policies, obviated some of the critique directed towards the ICC itself, but led to other difficulties as the Court found itself on the receiving end (again) of blistering attacks from the U.S. government.¹⁰⁵ There is also speculation that the Pretrial Chamber's decision finding that the investigation could not be opened, **"in the interests of justice" was a direct result of U.S. pressure, undermining the Court's legitimacy and independence. The U.S. attacks on the Court harm not only the ICC, but the United Nations more generally, given the Rome Statute's importance within the United Nations system. It also divides the United States from some of its closest allies, nearly all of whom are States Parties.**

including Britain, Canada, France, Japan, and South Korea.

Thus, Wittner 24 concludes Lawrence S. Wittner is an American historian who has written extensively on peace movements, foreign policy, and economic inequality. ["Resistance to ICC by World's Most Powerful Nations," Foreign Policy in Focus, December 2024, accessed 2/3/25, <https://fpif.org/resistance-to-icc-by-worlds-most-powerful-nations>] //VS
And, indeed, the ICC's actions have started to bear fruit. Invited to South Africa to participate in a BRICS conference, Putin canceled his visit after his hosts explained that, in light of the arrest warrant, he was no longer welcome. Also, later that year, Russian officials returned hundreds of Ukrainian children to their parents. Although the results of the ICC's action against Israeli officials are only starting to unfold, numerous countries have promised to honor the arrest warrants for Netanyahu and Gallant. Even so, the **ICC's** enforcement of international criminal justice **would be considerably more effective if the major powers stopped obstructing its efforts.**

Affirming does just this

Fee 23 (*Martin Fee graduated with LLM in Human Rights and Transitional Justice (2022-2023) from Ulster University and his dissertation was submitted as part of his final year degree programme. As a prize, he was awarded a book voucher and has had details of his winning dissertation published on the NIHRC website. "AND JUSTICE FOR ALL? HOW THE RELATIONSHIP BETWEEN THE US AND THE ICC SINCE 2017 HAS AFFECTED THE LEGITIMACY OF THE ICC AND THE CREDIBILITY OF THE US IN INTERNATIONAL CRIMINAL JUSTICE", TRANSITIONAL JUSTICE INSTITUTE FACULTY OF SOCIAL SCIENCES UNIVERSITY OF ULSTER, xx-xx-2023,*

<https://nihrc.org/assets/uploads/Martin-Fee.-The-US-and-the-ICC.pdf> // DOA 2-18-2025 // [sai]In Bolton's estimation, it is reasonable to assume that the ICC was always considered illegitimate concerning Americans. There is a view among some US officials that the US should not relinquish any autonomy to the ICC over how it conducts its wars and national security tactics, which exhibits an ideological incompatibility with the ICC. Opposition from the US may be damaging to the ICC's legitimacy in a broad sense. However, observers generally recognise that states will oppose the ICC when the ICC attempts to scrutinise state actors without the support of the state's government. In considering the ICC's legitimacy, impartial observers' perceptions may reflect a more balanced view. The increased attention the ICC may get from friction with **the influential US could bolster the ICC's legitimacy**. However, opposition from the US suggests that some elements within the US saw the move as damaging to the ICC's legitimacy.

Nevertheless, most stakeholders' responses suggest that this development positively affected their perceptions of the ICC's legitimacy. The following section analyses stakeholders' responses to Fatou Bensouda's visa revocation.

Boston 22 Sheila S. Boston is a trial lawyer and litigation strategist who defends clients from initiation of the case through trial and/or settlement. ["United States Assistance to the International Criminal Court for Russian War Crimes," NYC Bar, May 2022, accessed 2/12/25 <https://www.nycbar.org/reports/united-states-assistance-to-the-international-criminal-court-for-russian-war-crimes/>] //VS

The ongoing efforts by the ICC and the international community to bring a measure of accountability for the escalating war crimes and crimes against humanity described above require the fullest cooperation and assistance from the United States. That cooperation and support are both limited by current U.S. law, which prohibits the U.S. from joining the ICC or rendering generalized support for the ICC in its war crime investigations and prosecutions. The Foreign

Relations Authorization Act for Fiscal Years 2000 and 2001 (FRAA) specifically prohibits the U.S. from donating funds or materiel to the ICC, and the 2002 American Servicemembers' Protection Act, 22 U.S.C. sections 7421-7433 (ASPA), prohibits, among other things, providing staff training or the loan of personnel to the ICC or the sharing of intelligence with the ICC. There is, however, an important exception to these ASPA limitations - the so-called "Dodd Amendment"

to the statute. The Dodd Amendment, 22 U.S.C. section 7433, provides that "Nothing in [ASPA] shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda [sic], leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity."

(emphasis added). — As the Dodd Amendment makes clear, the U.S. can only assist such international efforts when they involve foreign nationals, reinforcing the widespread view that the U.S. remains committed to a double standard with respect to ICC investigations and trials of U.S. nationals for war crimes. While this may continue to undermine the credibility of the U.S. as it assists war crimes in Ukraine, the Dodd Amendment does appear to provide a legal basis for the U.S. to provide broad-ranging and necessary assistance, including helping uncover and document evidence, to the ICC in connection with those war crimes. Because its work in the Ukraine investigation will involve mass-scale atrocities, it is widely expected that ICC investigators will need to interview hundreds of witnesses.

view extensive video footage, examine thousands of pieces of materiel and otherwise conduct an unprecedented level of forensic investigation. The U.S. can assist this effort with funds, personnel, intelligence information and political support in other countries, all consistent with the Dodd Amendment's authorization to render assistance to "international efforts to bring to justice" alleged war criminals who are not U.S. nationals. While the United States can thus assist the investigation of Russian war crimes in Ukraine, we are hopeful that the need for that assistance will demonstrate, to both the Congress and the Biden Administration, the importance of additional actions to bolster the role of the ICC. As a first step, we believe that the massive scale of war crimes in Ukraine should provide the opportunity for Congress to either repeal ASPA (and the similar provisions of FRAA) entirely, or at least amend those statutes to remove their most counterproductive provisions, including ASPA's authorization for the use of force to "free" any U.S. national held in custody by the ICC. We also continue to urge U.S. to formally join the Rome Statute so that our nation can assume its own role in the ICC and help enforce the international criminal law on which we rely to condemn Russian actions in Ukraine.

Thats key as the ICC is inherently good. Decades of holistic studies prove.

Simmons 16 – (Hyeran Jo, Beth Simmons, Andrea Mitchell University Professor of Law and Political Science Penn Law, University of Pennsylvania, researches and teaches international relations, international law and international political economy, year working at the International Monetary Fund, directed the Weatherhead Center for International Affairs at Harvards, "Can the International Criminal Court Deter Atrocity?" Cambridge University Press, Summer 2016. https://www-jstor-org.ezproxy.carleton.edu/stable/pdf/24758127.pdf?refreqid=fastly-default%3A0a2c652f507af81c473565a39e1b8363&ab_segments=&initiator=&acceptTC=1, accessed 1-10-25) // BC + DP

Model 2 looks at the effect of ICC actions, the three-year moving average of previous preliminary examinations, investigations, and warrants by the OTP. According to the incidence-rate ratio based on Model 2, one additional investigation each year over the three-year term is estimated to reduce intentional civilian killing by a factor of 0.570. (See Table 1 for an estimate of lives spared, which is substantial.) Note that the significant effect of ICC actions is robust even after including post-ICC regime, a

variable that captures the court's existence, but not its actions. It is therefore quite unlikely that the effect of ICC actions is merely an artifact of some general violence-reducing temporal trend or the result of a passive court. Rather, ICC actions represent new information, available to all actors, demonstrating that the ICC is operational, authoritative, and that the prosecutor means to bring perpetrators to justice

Hortnagl 20 [Maximilian Hortnagl, MSc in Global Politics @ the London School of Economics and Political Science, August 2020, Evaluating the International Criminal Court's performance: an empirical study of the court's deterrence effects in Darfur, Sudan (MSc dissertation), MSc Global Politics at the London School of Economics, 10.13140/RG.2.2.18474.44482, Willie T.]

The results from the negative binomial regression analysis in table 3 indicate that the ICC had a deterrent effect at the beginning of the conflict, but which greatly decreases with regard to the first arrest warrants in the situation in Darfur, Sudan. The UN Security Council referral is associated with a decrease in civilian fatalities across all three models, controlling for the other variables, and statistically significant. As such, the models predict almost three times lower civilian fatalities for the period following the referral. The deterrent effect is expected to be weaker, although not statistically significant, for the second ICC action, the opening of the investigation. Interestingly, the first arrest warrants for Harun and Kushayb are associated with large increases in civilian fatalities and are statistically significant across the three models. The predicted civilian fatalities, holding other variables constant, are at least four times higher for the period following the arrest warrants in the Harun and Kushayb case than for other periods. The first arrest warrant for president Al-Bashir follows a similar pattern, although the effect is weaker and not statistically significant across all models. The second arrest warrant for Al-Bashir is, in fact, associated with a slight decrease in civilian fatalities, holding the other variables constant. The arrest warrant for Mr. Hussein is associated with the largest decrease in civilian fatalities, controlling for the other variables, and statistically significant across all models. As such, the expected civilian fatalities for the period following the Hussein arrest warrant are estimated at just 8.4% the level for other periods. However, the results for the Hussein arrest warrant should be read with caution, given that the conflict had reduced greatly in intensity (see figure 2), most likely for other factors than ICC actions, uncontrolled for in the models. The control variables, non-civilian fatalities and news coverage, are almost perfectly correlated with civilian fatalities across the three models, albeit not statistically significant

Revitalizing the ICC is crucial.

Brauer 19 [Jurgen Brauer, Emeritus Professor @ Augusta University, 1-1-2019, Mass Atrocities and their Prevention, College of the Holy Cross, Mass Atrocities and their Prevention, https://crossworks.holycross.edu/cgi/viewcontent.cgi?article=1169&context=econ_working_papers, Willie T.]

Abstract: Counting conservatively, and ignoring physical injuries and mental trauma, data show about 100 million mass atrocity-related deaths since 1900. Occurring in war- and in peacetime, and of enormous scale, severity, and brutality, they are geographically widespread, occur with surprising frequency, and can be long-lasting in their adverse effects on economic and human development, wellbeing, and wealth. As such, they are a major economic concern. This article synthesizes very diverse and widely dispersed theoretical and empirical literatures, addressing two gaps: a "mass atrocities gap" in the economics literature and an "economics gap" in mass atrocities scholarship. Our goals are, first, for noneconomists to learn how economic inquiry contributes to understanding the causes and conduct of mass atrocities and possibly to their mitigation and prevention and, second, to survey and synthesize for economists a broad sweep of literatures to serve as a common platform on which to base further work in this field.

Watson 23 [Watson, "Civilians Killed & Wounded", 10/07/2023, The Costs of War, <https://watson.brown.edu/costsofwar/costs/human/civilians#:~:text=Civilian%20deaths%20have%20also%20resulted,4.5%2D4.7%20million%20and%20counting.>, Accessed 02/22/2025] [shivank]

People in war zones are killed in their homes, in markets, and on roadways, by bombs, bullets, fire, improvised explosive devices (IEDs), and drones. Civilians die at checkpoints, as they are run off the road by military vehicles, when they step on mines or cluster bombs, as they collect wood or tend to their fields, and when they are kidnapped and executed for purposes of revenge or intimidation. Many times more people die from reverberating effects like the destruction of infrastructure and resulting consequences for population health. For example, war refugees often lose access to a stable food supply, resulting in increased malnutrition and vulnerability to disease. In Israel, Gaza, the West Bank, and elsewhere since October 7, 2023, war costs such as forced displacement and the destruction of hospitals will inevitably lead to far higher numbers of deaths than direct war violence. After one year of war, 96 percent of Gaza's population (2.15 million people) faced acute levels of food insecurity. According to an October 2, 2024 letter to President Biden from a group of U.S. physicians, 62,413 people in Gaza have died of starvation. The U.S. post-9/11 wars in Iraq, Afghanistan, Pakistan, Syria, Yemen, and Somalia have taken a

tremendous human toll. The total death toll in these war zones, including direct and indirect deaths, is at least 4.5-4.7 million and counting.

Of these, an estimated 408,000 civilians died directly from war violence. Precise mortality figures remain unknown. In Afghanistan, even after the withdrawal of U.S. troops in 2021, people continue to die due to the war-induced breakdown of the economy, public health, security, and infrastructure. The majority of the population faces impoverishment and food insecurity. The CIA armed Afghan militia groups to fight Islamist militants and these militias are responsible for serious human rights abuses, including extrajudicial killings of civilians. Unexploded ordnance from this war and landmines from previous wars continue to kill, injure, and maim civilians. Fields, roads, and school buildings are contaminated by ordnance, which often harms children as they go about chores like gathering wood. In Pakistan, the U.S. increased its support of counter-insurgency campaigns by the government through direct military aid and training, and compensation for assistance to the U.S. war in Afghanistan. This increased U.S. support coincided with a dramatic escalation of the conflict between Pakistani insurgents and their government. In Iraq, the U.S. invasion and occupation beginning in 2003, and later military operations against the Islamic State in Iraq and Syria beginning in 2014, have compounded the ill effects of decades of harmful U.S. policy actions towards Iraq since the 1960s, including economic sanctions in the 1990s that were devastating for Iraqis. Despite billions committed to aiding and reconstructing Iraq, many parts of the country still suffer from lack of essential infrastructure.

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US interventions fail its time for new methods.

Kavanagh '23 [Jennifer; Senior Fellow at the Carnegie Endowment for International Peace; March 30; Foreign Affairs; "Why Force Fails," <https://www.foreignaffairs.com/united-states/us-military-why-force-fails>] [sai]

American soldiers have been deployed abroad almost **continuously** since the end of World War II. The best-known foreign **interventions**—in Vietnam, Afghanistan, and Iraq—were **large, long**, and costly. But there have been dozens of other such deployments, many smaller or shorter, for purposes ranging from deterrence to training. Taken as a whole, these operations have had a decidedly mixed record. Some, such as Operation Desert Storm in 1991, which swept the Iraqi dictator Saddam Hussein's forces out of Kuwait, largely succeeded. But others—such as those in Somalia, Haiti, Afghanistan, Iraq, Libya, and elsewhere—were disappointments or outright failures. It is these unsuccessful post-Cold War interventions that have engendered serious doubts among policymakers and the public about the role of force in U.S. foreign policy. Even so, **U.S. decision-making** still **has a strong bias in favor of** military **intervention**. When crises emerge, the pressure for a

U.S. military response is often immediate, on the grounds that it is better to try to control the situation than to do nothing. **But in many cases, the United States could likely have achieved its goals without intervening** militarily. To explore how often U.S. military interventions have advanced U.S. objectives, we built a database of conflicts and crises that involved U.S. interests between 1946 and 2018. Conflict cases were drawn from the Uppsala Conflict Data Project and crisis cases came from the International Crisis Behavior data set. To identify cases involving U.S. interests, we looked for conflicts and crises that posed a direct threat to the U.S. homeland or to a U.S. treaty ally, occurred in a region of high strategic importance for the United States, or involved a large-scale humanitarian crisis. We then identified those conflicts and crises that prompted the deployment of U.S. military forces. To be counted as an intervention, the U.S. forces had to meet certain thresholds (at least 100 personnel for a full year, or a larger presence for a shorter time in the case of ground interventions). For each conflict or crisis, we also collected information on several outcome measures including conflict or crisis duration, intensity, changes in economic development and democratic institutions in the country affected by the conflict or crisis. Of the 222 conflicts and crises from 1946 to 2018 that involved U.S. interests, the United States chose to intervene on 50 occasions and not to intervene on 172. Our findings flip the conventional wisdom on its head: irrespective of whether the United States intervened, the outcomes were largely the same. Across each of the dimensions we considered, there was no statistically significant difference between the cases that prompted an intervention and those that did not. In other words, the evidence that U.S. military interventions are consistently achieving their goals is sparse. But this does not mean that all interventions fail. A closer look suggests that there is a subset of operations that is more likely to advance U.S. interests and achieve U.S. objectives: those that had clear, achievable goals and were informed by accurate assessments of local

conditions. **Washington desperately needs to rethink** its relationship to military force. Above all, it needs to stop regarding military adventures as the go-to solution for all potential threats. At the same time, however, it cannot view every potential **intervention as** an inevitable disaster **that** will divert resources from domestic priorities. The real danger is not military interventions per se but large ones with expansive objectives that are out of touch with the reality on the ground. Those are the ones that **gamble with U.S. blood and treasure**. **WHY FORCE**

FAILS Clearly, some military interventions do advance U.S. interests. Our research shows that small, short interventions with narrow objectives that are well suited to military force can succeed. In the 1980s, for example, U.S. planes and aircraft carriers thwarted Libyan attempts to control the Gulf of Sidra. And in 1998, American cruise missiles struck targets in Afghanistan and Sudan in retaliation for al Qaeda's bombing of the U.S. embassies in Kenya and Tanzania. But when used in the wrong circumstances, interventions can fail disastrously. Large ones are particularly risky. Although massive applications of force can sometimes be the only way to achieve high-stakes U.S. objectives—as in World War II and the Korean War—they are nonetheless a big bet. If not done carefully, large interventions can turn into resource-consuming failures, saddled with expansive political goals that cannot be accomplished by military force alone. **The U.S. military is**

poorly equipped to handle political tasks. Military force can bring down a dictatorship, but it cannot establish an effective and democratic replacement. Nor can it stabilize long-running civil wars or overcome age-old ethnic divides. U.S. military interventions that have sought to accomplish such goals—in Vietnam, Somalia, Afghanistan, and Iraq—have failed. Even the tasks that military forces are well suited for—raising a partner army, for example—can fail when the scope of the task is too large or when the mission does not receive enough support. For evidence of that, look no further than the collapse of local security forces in Afghanistan following the withdrawal of U.S. forces in 2021. Before World War II, the United States intervened primarily to conquer other lands or defend its own. Although there is strong evidence that setting such expansive goals often leads to failure, our analysis shows that the decision to use military intervention to accomplish broad objectives has become increasingly common since World War II. Before the war, the United States intervened primarily to conquer other lands or defend its own. But after, when the Cold War began, American ambitions grew. Washington now sought to enhance regional security, oppose communism, rebuild countries, and promote global norms.

After the Cold War, counterterrorism was added to the list of goals, and although the United States did not intervene more frequently, its aims steadily became more wide-ranging. Not surprisingly, heightened ambitions lowered the success rate of American interventions, and despite having the most powerful military on the planet, the United States often met with failure. Since the early 1990s, then, the share of interventions that failed to achieve their objectives has risen steadily.

Our analysis suggests that before 1945, the **United States** achieved about 80 percent of its **intervention** objectives. During the Cold War, however, it achieved its objectives only about 60 percent of the time, and in the post-Cold War period, the rate of **success** has fallen to just

under 50 percent. Critics might argue that our study has a selection problem, if the crises and conflicts in which the United States intervened were also the ones that were most likely to fail no matter what. But there is little evidence to support that objection. Dozens of case studies suggest that there is no relationship between the difficulty of the underlying circumstances and the likelihood of intervention: there are plenty of hard cases in which the United States intervened and plenty of easy cases in which it chose not to. But as constraints on U.S. military power faded during and after the Cold War, the United States did adopt more and more expansive goals for the interventions it chose to pursue and was consequently less and less able to achieve these goals by relying solely on military force. **WASHINGTON'S RECORD OF FAILURE** Why have so many American interventions gone awry? One of the key findings of our research concerns when a military intervention is likeliest to succeed: when it decisively shifts the local balance of power in favor of the United States and its allies. This means that some of the most important determinants of success are the military strength of U.S. proxies and adversaries, the level of popular support for U.S. aims, and the degree to which third parties can interfere. Yet

Washington tends to consider these factors too late (or even not at all), and it **is prone to rely on inaccurate or insufficient information** when it does. The United States has a

particularly dismal track record when it comes to correctly assessing others' military power. **During the**

Vietnam War, U.S. policymakers vastly underestimated the effectiveness of the Viet Cong and, therefore, misjudged the odds of

success. The United States has often made a similar mistake when evaluating its partners. In Vietnam, Washington was too optimistic about the capabilities and self-sufficiency of its South Vietnamese partner, the Army of the Republic of Vietnam. In 1979, the United States overestimated the ability of its longtime ally in Iran, the shah, Mohammad Reza Pahlavi, to quell domestic unrest and was surprised by his rapid fall from power. More recently, Washington had too much confidence in the skill and commitment of the security forces it had built in Afghanistan, which collapsed quickly in the face of the Taliban's advances. The cost of these errors is high. Overestimating a partner's capabilities or underestimating an adversary's strengths can lead policymakers to start risky or costly interventions that they would have avoided with better information. Such misjudgments can also lead them to justify prolonging interventions that have no plausible route to success. Indeed, a lack of local support has been the undoing of many a U.S. military intervention. When the United States intervened in Haiti in 1994, U.S. policymakers mistakenly equated Haitians' support for removing the military junta with enthusiasm for a U.S.-backed democratic government. Likewise, in Iraq after 2003, the Pentagon's rosy assessments of the public's

enthusiasm for political transformation meant that **U.S. forces** were **unprepared** for the insurgency that followed. U.S. policymakers have also often been surprised by the power of third parties to act as spoilers. Foreign militias, neighboring states, and other rivals have repeatedly ruined the United States' best-laid plans. In 1950, U.S. policymakers failed to predict Chinese intervention in the Korean War. They would repeat the mistake in Iraq after the 2003 invasion, when they were surprised by the swift ascendance of Iranian militias. In both cases, the involvement of the third party should have been foreseeable, and Washington's failure to take it into account was costly. **THE POWER OF THE**

POSSIBLE There will always be situations in which military intervention is the best or only option for the United States.

But **policymakers must** also **recognize** that in many cases, **the best response** to a crisis

or potential threat is to take **no military action** at all and **rely instead on diplomacy** or sanctions—**or** simply learn to **live with** an **elevated threat**. The United States should never deploy its military without first asking whether doing so can rapidly and sufficiently shift the local balance of power to enable U.S. forces or partners to achieve their goals. If the answer is no or maybe, then **policymakers should favor nonmilitary alternatives**. Policymakers should apply especially stringent scrutiny to proposals that involve large interventions. And they should be cautious of setting expansive objectives. Often, such goals conflate objectives that would be nice to have with those that are essential. After the invasion of Afghanistan in 2001, for example, the narrowly defined counterterrorism mission became intertwined with a broad, nation-building project, thus transforming an aspiration into a national security priority, even though no truly vital U.S. interests were at stake. Rather than increasing an intervention's size or duration to take on more ambitious goals, policymakers should instead focus on those goals that are achievable. Policymakers must have accurate information on local conditions to evaluate the chances of a proposed intervention's success. To ensure that policymakers get the information they need, the intelligence services should elevate and weight more heavily the voices of diverse local experts—including those with the stature and inclination to provide candid information that Washington might not welcome—in their briefings and analyses. Such figures can provide more accurate indications of the potential risks that local political attitudes and dynamics could present to U.S. military interventions. These experts should also work with the intelligence and defense leadership in Washington to identify third parties who have the capabilities, interests, and intention to interfere with intervention plans, as well as the conditions that might prompt such interference. If China were to invade Taiwan, for example, North Korea or Russia might become involved. The challenge will be understanding how and when each might intervene. Taking seriously other political leaders' redlines will be an essential part of the planning for any U.S. military intervention. Future U.S. military interventions are likely, but costly failures need not be. Finally, policymakers need more detailed and timely information to assess the military power of the United States' adversaries and partners, which the intelligence services have often struggled to provide. In advance of the 2022 Russian invasion of Ukraine, for example, the U.S. government overestimated Russian military strength and underestimated Ukrainian capabilities. As a result, policymakers expected—and even started planning for—a swift Russian victory. Developing a more reliable understanding of the military capabilities of other adversaries and partners must become a top priority for the intelligence community. Analysts need to do more than count tanks, ships, and aircraft; they also need to take into account more sophisticated assessments of the social, economic, and industrial foundations of a country's military power, the political and strategic culture of that power, and its commitment to fighting. Future **U.S.** military interventions are likely, but costly failures **need** not be. A more effective policy requires Washington **to rethink** its view of military **intervention:** it is **not a hammer for all nails but a specialized tool best used** sparingly and **carefully**.

Al Jazeera 1/7 — (Al Jazeera Staff, an independent news organisation funded in part by the Qatari government, 1-7-2025, "Hell will break out': Trump hints at military moves in Mideast, Americas", Al Jazeera, <https://www.aljazeera.com/news/2025/1/7/hell-will-break-loose-trump-hints-at-military-moves-in-mideast-americas>, accessed 1-29-2025) //FK

United States President-elect Donald Trump has hinted at possible military intervention in the Americas and the Middle East, as well as other items on his foreign policy agenda, during a wide-ranging news conference in Florida. But his most consequential statements concerned foreign policy. Trump expounded on a sweeping expansionist vision, with consequences for countries across the world. He repeated his desire for US control of the Panama Canal, Greenland and Canada, while emphasising that "all hell will break out" if captives held in Gaza are not released before he takes office. Some observers have interpreted Trump's statement as a threat of possible US military intervention in Gaza, a line that outgoing President Joe Biden has refused to cross, despite surging military aid to Israel.

Kuo 24 --- (Felisha Kuo, [researcher @ UCLA], 5-10-2024, "Analyzing the United States in International Law: A Case for U.S. Membership in the International Court of Justice (ICJ) and International Criminal Court (ICC)",

<https://bruinpoliticalreview.org/articles?post-slug=analyzing-the-united-states-in-international-law-a-case-for-u-s-membership-in-the-international-court-of-justice-icj-and-international-criminal-court-icc->

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Considering the United States' well-established military court system, an ICC investigation on U.S. nationals is highly unlikely
Joining the ICC, then, will encourage senior U.S. officials to make more careful choices when it comes to decisions that involve military force. With 750 military bases across eighty different

countries, the United States' large military presence must be accompanied by thorough decision-making as any use of military force could further escalate ongoing conflicts. Reflecting on the history of American military adventurism, whether in Vietnam, Iraq, or Afghanistan, most are wars of choice. Given that the choice rests on high-level officials and military personnel, considering the **legal liability encourages careful consideration of the human and financial costs of war. It will also encourage better attempts at trialing and self-enforcing military guidelines when it comes to war crimes.** Take the Iraq War in 2003, where a U.S.-led coalition overthrew the Saddam Hussein government, justifying the intervention by citing evidence for weapons of mass destruction. Seven years and more than \$3 trillion U.S. dollars later, the defeat of the Iraqi army signaled the end of the war [7]. However, the U.S.' supposed evidence of weapons of mass destruction and biological weapons were unfounded. "The Americans lost a lot of credibility from this war," says Dr. Karin von Hippel, the director-general of the Royal United Services Institute think tank in an interview with BBC. The Americans did not just lose credibility in terms of intelligence. Allegations of gross human rights violations in secret detention centers and the indiscriminate cluster bombings against the U.S. followed. Legal experts of international law concluded that the attacks were disproportionate and indiscriminate, violating international humanitarian law which prohibits "attacks which employ a method or means of combat which cannot be directed at a specific military objective," [8]. Now, 13 years after the end of the war, the United States has shielded its military officers from international law by staunchly opposing investigation attempts by the ICC. Even in domestic courts, the U.S. has failed to instigate an investigation of high-ranking U.S. officials, and no senior U.S. officials have been trialed or brought to justice. **Had the United States**

considered international legal repercussions under pressure from the ICC before deciding to invade Iraq, the outcome could have involved fewer civilian deaths.

ICC membership will also pressure the United States to conduct a more thorough trial of its military officials and learn to avoid fighting another unnecessary war. Contrary to these claims, Congress continues to criticize ICC's legal infrastructure, claiming its unchecked judicial powers infringe upon U.S. sovereignty, making it incompatible with the U.S. Constitution. Some U.S. officials further argue that the ICC is corrupted by increasing politicization against American interests. U.S. membership indeed invites the ICC to second guess the judicial and sovereign decisions made domestically in the United States, even under the principle of complementarity. Under the Rome Statute, the ICC has the ability to investigate and prosecute nationals of member states if they deem the initial investigation by the state "non-genuine." Therefore, it is understandable why current and future administrations refuse membership because part of U.S. national sovereignty is divested to ICC jurisdiction if the U.S. ratifies the Rome Statute. Joining the Court then becomes a question of balancing U.S. national sovereignty against respect for international law. If the United States remains adamant about not playing the legal way, then why should other states? U.S. impunity undermines the legitimacy of international courts, and in doing so, degrades world order. By not signing the Rome Statute, the United States demonstrates that impunity is acceptable for a state with military might, and as John Messing writes, "the unjustifiable uses of force hinder the establishment of a legal order to control international violence and coercion" [9]. Ultimately, the United States must decide if it is willing to give up part of its national sovereignty and military adventurism for the sake of improving world peace and justice.

Watson 24 — (Watson Institute for International & Public Affairs, conducts and publishes research about the ongoing consequences of the United States post-9/11 wars in Afghanistan, Iraq and elsewhere, housed at Brown University's Watson Institute for International and Public Affairs, 10-x-2024, "Civilians Killed & Wounded", Brown University, <https://watson.brown.edu/>

costsofwar/costs/human/civilians#:~:text=The%20U.S.%20post%2D9/11,Pr
ecise%20mortality%20figures%20remain%20unknown., accessed 1-4-2025)
// DP

In Israel, Gaza, the West Bank, and elsewhere since October 7, 2023, war costs such as forced displacement and the destruction of hospitals will inevitably lead to far higher numbers of deaths than direct war violence. After one year of war, 96 percent of Gaza's population (2.15 million people) faced acute levels of food insecurity. According to an October 2, 2024 letter to President Biden from a group of U.S. physicians, 62,413 people in Gaza have died of starvation. **The U.S.**

post-9/11 wars in Iraq, Afghanistan, Pakistan, Syria, Yemen, and

Somalia have taken a tremendous human toll. The total death toll in these war zones, including direct and indirect deaths, is at least 4.5-4.7 million and counting. Of these, an estimated 408,000 civilians died directly from war violence. Precise mortality figures remain unknown. In Afghanistan, even after the withdrawal of U.S. troops in 2021, people continue to die due to the war-induced breakdown of the economy, public health, security, and infrastructure. The majority of the population faces impoverishment and food insecurity. The CIA armed Afghan militia groups to fight Islamist militants and these militias are responsible for serious human rights abuses, including extrajudicial killings of civilians. Unexploded ordnance from this war and landmines from previous wars continue to kill, injure, and maim civilians. Fields, roads, and school buildings are contaminated by ordnance, which often harms children as they go about chores like gathering wood. In Pakistan, the U.S. increased its support of counter-insurgency campaigns by the government through direct military aid and training, and compensation for assistance to the U.S. war in Afghanistan. This increased U.S. support coincided with a dramatic escalation of the conflict between Pakistani insurgents and their government. In Iraq, the U.S. invasion and occupation beginning in 2003, and later military operations against the Islamic State in Iraq and Syria beginning in 2014, have compounded the ill effects of decades of harmful U.S. policy actions towards Iraq since the 1960s, including economic sanctions in the 1990s that were devastating for Iraqis. Despite billions committed to aiding and reconstructing Iraq, many parts of the country still suffer from lack of essential infrastructure. Key Findings At least 408,000 civilians in Afghanistan, Pakistan, Iraq, Syria, and Yemen died as a direct result of the **post-9/11** wars. **Civilian deaths** have also resulted **from U.S.** post-9/11 **military operations** in Somalia and other countries. An estimated additional 3.6-3.8 million people have died indirectly in these war zones, bringing the **total** death toll of the post-9/11 wars to **at least 4.5-4.7 million and counting. More than 7.6 million children under five in post-9/11 war zones are suffering from acute malnutrition. Indirect war deaths from reverberating effects**, like malnutrition and the destruction of healthcare systems and the environment, **far outnumber deaths from combat.**

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1. [NL] Affirming doesn't violate, Scharf gives you 3 reasons.

Scharf '18 [Michael; Professor of Law and Director of the Center for International Law and Policy @ New England School of Law, Former Attorney for the United Nations, Adviser of the US Department of State; August 2; WashU Law; "The Case for Supporting the International Criminal Court,"

<https://law.washu.edu/wp-content/uploads/2018/10/The-Case-For-Supporting-the-International-Criminal-Court.pdf>] DOA 2-12-2025 // [sai]

Much of Lee Casey's argument against the ICC concerns the constitutionality of U.S. participation in the Court. But, as Yale Law School constitutional Law professor Ruth Wedgwood has written, **there are three reasons why** we must conclude **there "is no forbidding constitutional obstacle to U.S. participation in the Rome Treaty."**[26] **First**, the **ICC includes** procedural **protections negotiated by the** U.S. **D**epartment of **J**ustice representatives at Rome **that closely follow the guarantees and safeguards of the** American **Bill of Rights**. These including a Miranda-type warning, the right to defense counsel, reciprocal discovery, the right to exculpatory evidence, the right to speedy and public trial, the right to confront witnesses, and a prohibition on double jeopardy. The only significant departures from U.S. law are that the ICC employs a bench trial before three judges rather than a jury, and it permits the Prosecutor to appeal an acquittal (but not to retry a defendant after the appeals have been decided). There were good reasons for these departures: For grave international crimes, qualified judges who issue detailed written opinions should be preferred over lay persons who issue unwritten verdicts. And if the trial judges misinterpret the applicable international law, whether in favor or to the detriment of the accused, an appeal is important to foster uniform interpretation of international criminal law. Here, I would like to point out that Lee Casey is absolutely wrong in his assertion that the Yugoslavia Tribunal, the Rwanda Tribunal, and the ICC allow anonymous witnesses (which would violate the U.S. Constitution's confrontation clause). Although the Yugoslavia Tribunal ruled in an early case that anonymous witnesses might be permitted under certain circumstances, it has in fact never permitted witnesses to testify anonymously (even in that case), and the use of such testimony is prohibited under the ICC's Rules of Procedure. **Second, the U**nited **S**tates **has** used its treaty power in the past to **participate in** other **international tribunals that have** had **jurisdiction over U.S. nationals, such as the Yugoslavia Tribunal** which was established by the Security Council pursuant to a treaty -- the U.N. Charter. Like the ICC, the Yugoslavia Tribunal employs judges rather than a jury, and permits the Prosecutor to appeal acquittals. **Moreover**, the U.S. **Congress** has **approved legislation authorizing** U.S. **courts to extradite** indicted **persons** (including those **of U.S. nationality**) to the Yugoslavia Tribunal where there exists an order for their arrest and surrender. And **this** legislation **has**

been upheld in a recent federal court case. Third, the offenses within the ICC's jurisdiction would ordinarily be handled through military court martial, which do not permit jury trial, or through extradition of offenders to foreign nations, which often utilize bench trials and do not employ American notions of due process. It should be noted that U.S. federal courts have upheld the extradition of Americans to such foreign jurisdictions for actions that took place on U.S. soil but had an effect abroad.[27] At the conclusion of the Senate Foreign Relations Committee's hearings on the ICC in July 1998, the Committee submitted several questions about the Constitutionality of U.S. participation in the ICC for the Department of Justice to answer for the record. The answers were prepared by Lee Casey's former colleagues in the Department's Office of Legal Counsel. This part of the Committee's published report should be required reading for anyone who has serious concerns about the Constitutionality of the ICC. The Department of Justice specifically found that U.S. ratification of the Rome Treaty and surrender of persons including U.S. nationals to the ICC would not violate article III, section 2 of the Constitution nor any of the provisions of the Bill of Rights.[28] Case closed!

Hadden 24 - Reporter at BBC with a masters in philosophy. (Court'S, "ICC announces investigation into chief prosecutor Karim Khan", No Publication, 11-11-2024,

<https://www.bbc.com/news/articles/c0j8dq235e2o> // DOA 3-8-2025 // [sai]

The International Criminal Court has announced an external investigation into accusations of sexual misconduct against its chief prosecutor. Karim Khan said he would engage in the process and continue in his role while the investigation was ongoing. He denies the allegations. The chief prosecutor had requested an investigation by the court's watchdog, but on Monday the ICC's governing body said it would pursue an "external investigation". The announcement followed media reports about a document outlining accusations against Mr. Khan, understood to include unwanted sexual touching and "abuse".

Scheffer, David "David J. Scheffer is senior fellow at the Council on Foreign Relations (CFR), with a focus on international law and international criminal justice. Scheffer was the Mayer Brown/Robert A. Helman Professor of Law (2006-2020) and is Director Emeritus of the Center for International Human Rights at Northwestern University Pritzker School of Law. He is Professor of Practice at Arizona State University (Washington offices). He was Vice-President of the American Society of International Law (2020-2022) and held the International Francqui Professorship at KU Leuven in Belgium in 2022. From 2012 to 2018 he was the UN Secretary-General's Special Expert on UN Assistance to the Khmer Rouge Trials, and he was the Tom A. Bernstein Genocide Prevention Fellow working with the Ferencz International Justice Initiative at the Simon-Skjoldt Center for the Prevention of Genocide, U.S. Holocaust Memorial Museum (2019-2021). Constitutionality of the Rome Statute of the International Criminal Court." Journal of Criminal Law and Criminology, 2008, <https://scholarlycommons.law.northwestern.edu/jclc/vol98/iss3/7/> //gilly

The authors of this article argue that ratification following adoption of implementing legislation would not violate Article III, Section 1. They propose a ratification strategy that would be grounded in the Article II, Section 2 treaty power and the Article 1, Section 8, Clause 10 Define and Punish Clause of the Constitution. It would also include amendments to the Federal criminal code and military code, so as to ensure the ability of U.S. courts to investigate and prosecute the atrocity crimes that compose the

subject-matter jurisdiction of the Rome Statute. Fundamental due process rights are protected by the Rome Statute and its Rules of Procedure and Evidence, and the absence of jury trials before the ICC does not violate the U.S. Constitution.