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In an unstable world where, thanks to the US, crises are cooling off, the last thing we need is to re-ignite them with our absence.

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Much contemporary commentary favors the first option — reducing commitments — and denounces the third as financially ruinous and perhaps impossible. Yet significantly expanding American capabilities would not be nearly as economically onerous as it may seem. Compared to the alternatives, in fact, this approach represents the best option for sustaining American primacy and preventing a slide into strategic bankruptcy that will eventually be punished. PRIMACY AND POST-COLD WAR GRAND STRATEGY Since World War II, the United States has had a military second to none. Since the Cold War, America has committed to having overwhelming military primacy. The idea, as George W. Bush declared in 2002, that America must possess “strengths beyond challenge” has featured in every major U.S. strategy document for a quarter century; it has also been reflected in concrete terms. From the early 1990s, for example, the United States consistently accounted for around 35 to 45 percent of world defense spending and maintained peerless global power-projection capabilities. Perhaps more important, U.S. primacy was also unrivaled in key overseas strategic regions — Europe, East Asia, the Middle East. From thrashing Saddam Hussein’s million-man Iraqi military during Operation Desert Storm, to deploying — with impunity — two carrier strike groups off Taiwan during the China-Taiwan crisis of 1995–96, Washington has been able to project military power superior to anything a regional rival could employ even on its own geopolitical doorstep. This military dominance has constituted the hard-power backbone of an ambitious global strategy. After the Cold War, U.S. policymakers committed to averting a return to the unstable multipolarity of earlier eras, and to perpetuating the more favorable unipolar order. They committed to building on the successes of the postwar era by further advancing liberal political values and an open international economy, and to suppressing international scourges such as rogue states, nuclear proliferation, and catastrophic terrorism. And because they recognized that military force remained the ultima ratio regum, they understood the centrality of military preponderance. Washington would need the military power necessary to underwrite worldwide alliance commitments. It would have to preserve substantial overmatch versus any potential great-power rival. It must be able to answer the sharpest challenges to the international system, such as Saddam’s invasion of Kuwait in 1990 or jihadist extremism after 9/11. Finally, because prevailing global norms generally reflect hard-power realities, America would need the superiority to assure that its own values remained ascendant. It was impolitic to say that U.S. strategy and the international order required “strengths beyond challenge,” but it was not at all inaccurate. American primacy, moreover, was eminently affordable. At the height of the Cold War, the United States spent over 12 percent of GDP on defense. Since the mid-1990s, the number has usually been between 3 and 4 percent. In a historically favorable international environment, Washington could enjoy primacy — and its geopolitical fruits — on the cheap. Yet U.S. strategy also heeded, at least until recently, the fact that there was a limit to how cheaply that primacy could be had. The American military did shrink significantly during the 1990s, but U.S. officials understood that if Washington cut back too far, its primacy would erode to a point where it ceased to deliver its geopolitical benefits. Alliances would lose credibility; the stability of key regions would be eroded; rivals would be emboldened; international crises would go unaddressed. American

primacy was thus like a reasonably priced insurance policy. It required nontrivial expenditures, but protected against far costlier outcomes. Washington paid its insurance premiums for two decades after the Cold War. But more recently American primacy and strategic solvency have been imperiled.

THE ICC fails – non-signatories and no authority. It is terrible in every check box.

Saddiqui 22 [Alishbah Saddiqui, researcher at the International Affairs Program at The New School, 5-14-2022, “Double Standards, Hypocrisy, and Impunity: The International Criminal Court’s Neocolonial Bias Case Study: Libya and Muammar Gaddafi,” New School, [One of the prominent flaws regarding the ICC is the extent to which its jurisdiction is applicable. Its jurisdiction only extends to offenses that occurred after 2002, meaning all crimes made before this cannot be brought to court. Additionally, the Court can only investigate cases in member states, states that voluntarily ratified the Rome Statute. States can leave their membership at any time. Although there are a few specific cases in which the Court can investigate individuals from non-member states \(mentioned in the previous section\), the fact remains that major states such as the U.S., Israel, Russia, Saudi Arabia, and China are not members of the ICC, despite them being repeat human rights offenders. States can opt out, and numerous have in fear of the ICC infringing on their sovereignty. Due to the anarchic 2 international system, this is expected; there is no central ‘international authority’ that can force every state to join. “Despite the number of signatories to the Rome Statute, there are more than 70 States that have yet to join, including the world’s four most populous countries. This leaves the majority of the globe outside the legal jurisdiction of the Rome Statute” \(Wong, 2019\). Therefore, the Courts authority is insufficient and limited. Aside from the limitations on what the ICC has jurisdiction over, it also lacks the resources to effectively go through with a trial process. While the Court tries the most heinous crimes in the world, it is given a budget that enables it to handle only a handful of prosecutions a year \(Wong, 2019\). Additionally, it has a small number of sitting judges as well, meaning the Court can only hear a small number limited number of cases. According to The Coalition for the International Criminal Court, “international justice costs a fraction of the conflicts that make it necessary. Every year, governments spend \\$14 trillion on conflicts, then squabble over \\$170 million for justice” \(“A sufficient budget.” n.d.\). It really goes to show that while many say they want justice, not many are willing to pay up. Aside from the limited amount of resources, the Court’s power is inherently dependent on its member states. The duty to arrest and transfer the accused individual depends completely on member states, and if they are willing to use their military or police and economic resources to extricate a leader from their country. The ICC itself does not have the institutional resources to ensure that the accused actually shows up to the trial; it does not have a military or police force of its own, nor are member states obliged to cooperate. An illuminating example of this is the ICC’s request to arrest and surrender Sudan’s President Omar Al-Bashir for the commitment of the crimes under Article 5. The arrest warrant, first issued in 2009, was ignored by 19 different countries, 9 of which are signatories of the Rome Statute \(Wong, 2019\). This is the same reason why the prosecution’s gathering of information would be prevented. This makes the prosecution firstly assess whether or not they will receive support from the state in question before deciding to launch an investigation. “The very design of the ICC entrenches a two-pillar system where the Court serves as the judicial pillar while States act as the enforcement pillar. Without State cooperation, the Court is rendered unworkable as it has no enforcement mechanism of its own” \(Wong, 2019\). The Court is highly dependent on the willingness of the state to cooperate. This leads to a lot of functionality challenges due to the complex nature of the crimes the ICC has jurisdiction over. “The sheer size of international](https://d1wqtxts1xzle7.cloudfront.net/95325450/ICC_Libya_copy-libre.pdf?1670313953=&response-content-disposition=inline%3B+filename%3DThe_International_Criminal_Courts_Neocol.pdf&Expires=1733361730&Signature=J38A74gCFASPKX12c1a3bz3Dsii1e53vrSxgiOtZ9TI-sO3XI1V8BntOu70QxT4ngAA-yblGQZduQhgrSlipJ7wyy3RQlg-eW312tLn5FzBt1Gqhl7wTza8Y5-T6~goTO0DSckoAQpX-inzaA-D4rbnjU~h749rYRcxp3hnUtkF6BQ76i3VcHXxpVEW8BHDkfjk~J5Xz45J-97HJollwmLYuv0JNIssoUHnQ6xQMS2VLVWBjJVBUi6PKQKx~IGoGxn7YV8ibpK-2ih~MT9tMOUKeciXWpMQZsX9zIXsbWY4NlvBoYzQMFdC5HbDkBM5t1mb5wuHiWMF4Cujn4xXQ__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA]/Kankeer recut cpsof</p></div><div data-bbox=)

trials with multiple crime sites, a high number of distinct charges', the sheer amount of witnesses and volume of documentation per case all lead to a high degree of legal and factual compliance" (Wong, 2019).

Considering all these design flaws, it is no surprise that only four criminals have been convicted by the ICC in two decades ("ICC in numbers," n.d.). The lack of resources and state's cooperation can give a false impression to leaders that these heinous crimes are permissible and would go unpunished. This severely undermines the Court's credibility and prevents deterrence. "Without States' support and cooperation, the ICC would have no funding, no defendants to prosecute, and no evidence with which to conduct prosecutions, all of which would go against the very purpose of setting up the ICC (Wong, 2019). The main flaw of the court is that it is dependent on the very people its made to hold accountable. CASE STUDY OF LIBYA AND MUAMMAR GADDAFI

The ICC fires up conflict in three ways.

1. Failure

Duursma 20 [Allard Duursma is a professor with a PhD in international relations, "Pursuing justice, obstructing peace: the impact of ICC arrest warrants on resolving civil wars," 03/27/2020, Conflict, Security & Development, Volume 20, Issue 3, pgs. 335-354, DOA: 02/06/2025,

This agreement provided for the formation of a domestic legal framework that would function as viable national alternative for the ICC arrest warrants against the five top-LRA leaders.⁵⁸ The agreement stipulated that the rebel commanders accused of serious crimes would have to face criminal and civil justice proceedings in a special division of the High Court of Uganda, which could impose "alternative penalties and sanctions" that will replace existing penalties. In addition, the agreement stipulated that abuses by the national army were to be pursued in the criminal justice system. However, this agreement was meant to serve as a peace process agreement, with the implementation of it being dependent on the signing of a final agreement that would integrate a series of separate peace process agreements. The different impact of mediation and ICC involvement on the one hand and mediation and no ICC involvement on the other hand becomes particularly pronounced when looking at the impact on durable peace agreements that resolve the conflict. A durable peace agreement was

concluded in only 4.1 percent of the conflict years that experienced both mediation and ICC involvement, as opposed to 24.7 percent when mediation took place without ICC involvement in place. International mediation in a conflict dyad-year with ICC involvement is thus relatively unlikely to lead to an agreement that terminates the conflict.

2. Magnitude

Duursma '20 [Allard; March 27, 2020; PhD in International Relations at the University of Oxford; "Pursuing justice, obstructing peace: the impact of ICC arrest warrants on resolving civil wars," <https://www.tandfonline.com/doi/abs/10.1080/14678802.2020.1741934>] brett recut cpsof

The impact of ICC involvement on peace processes once mediation is underway is quite different. Domestic courts are unlikely to be willing to prosecute government members targeted by the ICC or able to prosecute rebels in practice, in spite of the complementarity principle laid down in the Rome Statute. In countries in which the ICC has targeted individuals, the judicial and the executive branch could be intertwined.³⁴ This means that governments are unlikely to allow domestic courts to prosecute any of its members, let alone domestically prosecute a head of state. Since the domestic prosecution of people on the government and the rebel sides is not a viable route, the only justice mechanism in place is the ICC.³⁵ This undermines the prospect for conflict resolution, since it makes the

government side determined to gain a victory rather than conclude a peace agreement. The government side will **perceive the conclusion of a peace agreement in which political power is shared** with the armed opposition **as risky because this might lead to a shift in political power** in the future, **paving the way for an arrest** that leads to a trial in The Hague.³⁶ Indeed, **the arrest warrant issued against Sudanese President al-Bashir** was **perceived in Khartoum as a matter of state survival. As US Special Envoy** to Sudan Andrew Natsios **commented** on this arrest warrant, **the regime in Khartoum “will do everything necessary to remain in power and make sure that Bashir is never arrested.”**³⁷ The **arrest warrant issued against Libyan President Muammar Gaddafi had a similar effect.** The International Crisis Group observed with regard Gaddafi in 2011 that “[t]o insist that he both leaves the country and **face trial in the International Criminal Court is virtually to ensure that he will stay in Libya to the bitter end** and go down fighting.”³⁸ The ICC arrest warrant issued against Gaddafi indeed **complicated the mediation effort.**³⁹ Finally, although the ICC had not yet issued an arrest warrant against President Gbagbo of Côte d’Ivoire prior to the end of the civil war on 11 April 2011, the **ICC investigation** regarding his role **in the violence in Côte d’Ivoire** may very well have **motivated Gbagbo to continue to resist stepping down from power** and conclude an agreement aimed at a transition of political power. **The ICC chief prosecutor issued a statement** regarding the situation in Côte d’Ivoire on 21 December 2010 **in which he promised that “those leaders who are planning violence will end up in The Hague.”**⁴⁰ McGovern asserts that with this statement, **the chief prosecutor “ensured that Gbagbo would reject any negotiated solution** and instead fight to the end.”⁴¹ In short, the targeting of individuals on the government side **greatly complicates peace efforts**, since continued fighting is often perceived as the only way to circumvent prosecution by the ICC. In addition, domestic courts could be unable to prosecute rebels who are targeted by the ICC. Notable cases in which domestic courts did have this ability are the Ituri courts in the DRC and the International Crimes Division in Uganda. Although ICC arrest warrants issued against rebels allows for flexibility in terms of decisions about accountability, ICC arrest warrants issued against rebels inhibits the conflict parties from agreeing on an amnesty.⁴² **Rebels are unlikely to lay down their weapons with ICC arrest warrants against some of its members** in place, **even if they anticipate that they could face a domestic trial based on the complementarity principle.** Framing their theoretical argument on the basis of the cost-benefit analyses that conflict parties make, Snyder and Vinjamuri explain how **conflict parties will be reluctant to make peace if** this means **they will have to face trial for any human rights abuses they may have committed.**⁴³ ICC arrest warrants issued against the leadership within rebel parties in civil wars thus means that these leaders are likely to see little reason reach a negotiated settlement if this can result in their detention.⁴⁴ Indeed, **while prospects for the resolution of the LRA rebellion seemed positive at first,**⁴⁵ **when it became clear to Joseph Kony** by January 2008 **that facing a domestic trial would be the only option to circumvent the ICC arrest warrant, he started to** increasingly **show his dissatisfaction with the peace process** and eventually **decided to not sign the final peace agreement.**⁴⁶ In short, **ICC involvement provides strong disincentives** to conflict parties to lay down their weapons and resolve the conflict. The prospect of having to face a trial, even if this a domestic trial based on the complementarity principle, pushes conflict parties away from making peace. A systematic overview of international mediation and ICC involvement in civil wars In order to examine the impact of ICC involvement on international mediation processes, **this article draws on data from the Uppsala Conflict Data Program (UCDP) supplemented with data on international mediation efforts,**⁴⁷ **as well as data on arrest warrants on members of the conflict parties.** The **dataset includes all intrastate conflict dyad-years between 2002 and 2018.** The UCDP defines a civil war, also referred to as an intrastate conflict, as a contested incompatibility that concerns government and/or territory where a government of a state and a rebel group use armed force to fight each other. The chosen time frame of the dataset starts in **2002** since this **is the year in which the ICC was established.**⁴⁸ The **dataset takes conflict dyad-year as the unit of analysis.** A conflict dyad-year is an armed conflict between a government and a rebel group that results in at least 25 battle-related deaths a year. Conflict years rather than entire conflicts are chosen as the unit of analysis because this makes it possible to compare observations from countries before and after the ICC became involved in this country. Dyad years are chosen because in some instances not all dyads of the same conflict were targeted by the ICC. For instance, while, in Sudan, members of the JEM and the SLM/A have been targeted by the ICC, nobody within the SPLM/A-North has been targeted by the ICC. In short, using the conflict dyad-year as the unit of analysis makes it possible to examine the full range of variation of the impact of ICC arrest warrants and mediation on peace

processes The **ICC** continuously **updates a list of individuals against which an arrest warrant** or a summons to appear **has been issued** by the ICC.⁴⁹ These **lists are used to code whether members of conflict parties in civil wars are targeted by the ICC** with an arrest warrant or a summons to appear. In order **to ensure that the analyses capture the impact** of the ICC **on mediation** success in the right temporal order, mediation **processes are only coded as having experienced ICC involvement if the mediation process is ongoing at the time the arrest warrant** or **summon to appear is issued**.

For instance, the mediation effort to end the conflict between the government of Côte d'Ivoire, led by Laurent Gbagbo, and the FDSI-CI in 2011 is coded as mediation without ICC involvement. Indeed, it was only after Laurent Gbagbo had been defeated in April 2011 that the ICC issued an arrest warrant against him in November 2011. Finally, there is one case in which an individual targeted by the ICC changed affiliations, namely former National Congress for the Defence of the People (CNDP) leader Bosco Ntagana switching to become a leading member of the M23. Although Bosco Ntagana was targeted by the ICC for crimes committed in Ituri as part of the Union des patriotes congolais (UPC), this case is coded as the ICC targeting a member of the M23 rebel group. The dataset draws on mediation data from Duursma and Svensson to code mediation efforts and the updated UCDP data on peace agreements is used to determine whether a peace agreement is concluded in a given conflict dyad-year.⁵⁰ The ICC and the start of peace processes This section looks at how ICC arrest warrants and summonses to appear influence the onset of mediation processes. Table 2 below shows a cross-tabulation of ICC involvement and mediation in the 849 conflict dyad-years between 2002 and 2018. Out of the 849 conflict dyad-years included in the dataset, 190 have experienced mediation. This constitutes around 22 percent of the total number of conflict dyad-years, from which it follows that international mediation is a standard approach to end armed violence. International mediation took place in 25 conflict dyad-years out of a total of 43 conflict dyad-years in which a member of the conflict parties was targeted by the ICC, which is around 58.1 percent. Out of a total of 806 conflict dyad-years in which no arrest warrants or summonses to appear were issued against any of the conflict parties, 165 conflict dyad-years experienced mediation, which is around 20.5 percent. This suggests that ICC involvement does not inhibit the occurrence of mediation. Of course, this finding is likely to be at least partly the result of other factors – for example, conflict intensity – associated with both the occurrence of mediation and the ICC issuing an arrest warrant. Armed conflicts in which the ICC becomes involved are likely to be more deadly and receive more international attention than those in which the ICC is not involved. This greater attention by the international community probably also prompts pressure for joining a mediation process. In other words, the correlation between ICC involvement and the occurrence of mediation is probably at least partly spurious. Yet, there are good theoretical reasons to suspect that reasons unrelated to the ICC alone cannot explain why ICC involvement is correlated with mediation processes. Mediation is always based on the consent of the conflict parties, so if the conflict parties would find mediation detrimental to their interest while being targeted by the ICC, then they would probably refuse to participate in the mediation process. Indeed, regardless of the many potential spurious factors, it is quite telling that ICC involvement at least do not seem to undermine the prospects for the start of a mediation process. Conflict dyad-years in which any of the conflict parties are targeted by the ICC seem, in fact, more likely to experience international mediation. Mediation takes place in 58.1 percent of the conflict dyad-years in which the ICC has targeted the conflict parties. This figure is only 20.5 percent for conflict dyad-years in which no conflict parties are targeted with an arrest warrant or a summons to appear. Moreover, examples abound that suggest why mediation is more likely when the ICC becomes involved. A telling example of why ICC involvement make mediation more likely is the start of the Juba peace process aimed at ending the LRA rebellion. Schomerus and Acan Ogwaro assert that peace talks at Juba offered the LRA the chance to neutralise the threat from the ICC arrest warrants and position itself as the voice of all Ugandan opposition.⁵¹ The International Crisis Group reported in April 2007 that “The International Criminal Court investigation – although controversial – has increased pressure on the LRA and created an incentive for its leaders to negotiate their safety.”⁵² Similarly, O'Brien notes that “The threat of prosecution clearly rattled the LRA military leadership, providing pivotal pressure that propelled the rebels to the negotiating table. When I speak to the commanders in the bush or their delegates in Juba, 'ICC' is usually the first and last word out of their mouths. For Joseph Kony and Vincent Otti, the rebel leader and his deputy, the ICC is a crucible of the international community hanging over their heads, and the issuing of arrest warrants in particular created an incentive to talk and to deal.”⁵³ Indeed, part of the reason why the LRA was willing to enter into peace negotiations in Juba in July 2006 was that President Museveni had announced that, in spite of the ICC arrest warrants, he guaranteed the safety of the LRA leadership and that he would even grant amnesties if a peace agreement was signed.⁵⁴ However, the positive effect of ICC arrest warrants on the onset of mediation between the Government of Uganda and the LRA may not hold in later cases. The Uganda case may be unique in that it was the first case with ICC arrest warrants issued. Kony may have believed he could negotiate with the government and in the process remove the ICC arrest warrant since there was not precedent for him to learn from, but this proved to be incorrect (as will be discussed in the next section). Other rebel and state leaders, therefore, may have learned from the Kony experience that the removal of ICC arrest warrants is unlikely. Leaders who subsequently were targeted by the ICC may therefore be less willing to negotiate in the shadow of ICC arrest warrants than Kony was in 2006. To assess whether there might be some learning going on, Table 3 replicates Table 2, except 13 observations on the conflict between the Government of Uganda and the LRA are dropped. As follows from Table 3, the positive correlation between ICC involvement and the onset of mediation remains in spite of dropping all cases related to Uganda. This could suggest that targets of the ICC have not learned from the Kony experience. It is, however, plausible that the motives for participation in mediated peace processes following the failure of the Juba peace talks between the Government of Uganda and the LRA have changed. Rather than trying to circumvent ICC arrest warrants, conflict parties may become involved in mediation because of strategic motives unrelated to peacemaking, such as short-circuiting ICC action.⁵⁵ In other words, targets of the ICC might have learned from the Kony experience, but still engage in mediation. The association between mediation and ICC involvement is therefore still apparent, but perhaps as a result of different motives. A telling example of how conflict parties seek mediation to mitigate external pressure following an ICC arrest warrant is how the Government of Sudan requested the AU to mediate the Darfur conflict. When it became apparent that the UN Security Council would not defer the arrest warrant against al-Bashir, the AU inaugurated the African Union High-Level Panel on Darfur (AUPD) led by former South African President Thabo Mbeki on 18 March 2009 to explore how the issues of accountability and reconciliation could be effectively be addressed.⁵⁶ The AUPD recommended that if the Sudanese people made a sovereign decision to invite the ICC to prosecute the crimes committed in Darfur, then this was within the rights of the people. Yet, since it was not feasible to carry out such a democratic process in Sudan in an effective manner, the AUPD recommended the formation of a hybrid court. This court would be part Sudanese and part African. However, since the AU did not actively pursue the formation of such a hybrid court, the Government of Sudan could participate in the peace process – and thus signal its commitment to justice – without any serious consequences.⁵⁷ In short, ICC arrest warrants and summonses to appear are associated with a greater likelihood of mediation. While it should be noted that this correlation between ICC involvement and mediation might also be a result of factors unrelated to the ICC in the first place, it seems from the examples considered in this article that ICC involvement makes mediation more likely because targeted individuals have incentives to begin peace talks in order to circumvent the ICC by proposing domestic transitional justice mechanisms or because they want to ‘short-circuit’ ICC action. The next section examines how ICC involvement influence the prospects for the conclusion of agreements, as well as the durability of these agreements. The ICC and the conclusion of peace agreements Table 4 below shows how international mediation and the issuing of ICC involvement are associated with the conclusion of peace agreements and conflict resolution. The first thing to note, in the second column, is that not a single peace agreement was concluded in any of the sixteen conflict dyad-years in which no mediation took place but in which ICC involvement were issued. One may think that this is due to the impact of ICC involvement, but comparing these figures with the first column – which shows how the peace process indicators are associated with conflict dyad-years in which neither mediation takes place nor ICC involvement were issued – suggest that this is probably not the case. The number of peace agreements concluded in these type of conflict dyad years is very low, namely 1.1 percent. Only 0.8 percent of these conflict dyad-years experienced the conclusion of a durable peace agreement. Turning to the impact of mediation efforts, one can

observe that both mediation with ICC involvement and without involvement have led to the conclusion of peace agreements, namely 32.5 and 24.7 percent respectively. Yet, it should be noted that **only one of the peace agreements concluded with an ICC arrest warrant** in place **is categorised by the UCDP as a comprehensive peace agreement**. All other agreements are rather **partial or peace process agreements**. **The 23 March Agreement concluded between the** Government of the **DRC and the National Congress for the Defence of the People (CNDP) is the only comprehensive peace agreement concluded in which a member** of the signatory **is targeted by the ICC**. A closer look at the type of peace agreements that are concluded thus reveals that **international mediation in conflicts in which the ICC is involved mostly lead to the conclusion of peace process agreements or partial agreements**. Table 5 lists all the peace agreements concluded in civil wars with ICC involvement in Africa. An example of peace process agreement is the Agreement on Accountability and Reconciliation concluded on 29 June 2007. This agreement provided for the formation of a domestic legal framework that would function as viable national alternative for the ICC arrest warrants against the five top-LRA leaders.⁵⁸ The agreement stipulated that the rebel commanders accused of serious crimes would have to face criminal and civil justice proceedings in a special division of the High Court of Uganda, which could impose “alternative penalties and sanctions’ that will replace existing penalties. In addition, the agreement stipulated that abuses by the national army were to be pursued in the criminal justice system. However, this agreement was meant to serve as a peace process agreement, with the implementation of it being dependent on the signing of a final agreement that would integrate a series of separate peace process agreements. **The different impact of mediation and ICC involvement** on the one hand **and mediation and no ICC involvement** on the other hand **becomes particularly pronounced when looking at the impact on durable peace agreements that resolve the conflict**. **A durable peace agreement** was **concluded in only 4.1 percent of the conflict**

dyads that experienced both mediation and ICC involvement, as opposed to 24.7 percent when mediation took place without ICC involvement in place. International mediation in a conflict dyad-year with ICC involvement is thus relatively unlikely to lead an agreement that terminates the conflict. The only durable peace agreement, according to the UCDP criteria, which came about in a mediation process with ICC involvement is the 23 March 2009 Agreement. Yet, it should be noted that the CNDP leaders decided to leave their government posts in protest over the lack of implementation and formed the M23 rebel group in 2012 to challenge the government anew. In other words, while the UCDP coding of this peace agreement as terminating the conflict might be technically correct because the new challenge came from a group with a new name, the peace agreement certainly does not constitute a successful peace implementation process. A closer look at why almost no mediation effort in conflicts in which ICC arrest warrants have been issued has led to a durable peace agreement suggest that it is the ICC involvement that is driving this finding rather than that a "reversed causality" effect. That the 23 March Agreement is the only comprehensive agreement and the only agreement that terminated the conflict can be explained by the fact that the Government of the DRC essentially provided a full amnesty to Bosco Ntaganda, the military chief of staff of the CNDP. The ICC issued an arrest warrant against Ntaganda on 22 August 2006 for his role in the military wing of the Union of Congolese Patriots (UPC), though the arrest warrant was not unsealed until 2008. The UPC committed grave human rights abuses in the Ituri region of the DRC between July 2002 and December 2003.⁵⁹ Ntaganda joined the CNDP, which was led by Laurent Nkunda, in 2006, but in early 2009 Ntaganda assumed leadership over the CNDP and declared that the CNDP would stop fighting the Government of the DRC. Instead, the CNDP would join the government forces in fighting the Democratic Forces for the Liberation of Rwanda (FDLR). The Government of the DRC, in return, informally granted Ntaganda immunity from prosecution.⁶⁰ While this is only one case, the willingness of Ntaganda to make peace with the Government of the DRC suggest that a government not complying with the ICC can mitigate concerns of rebels to make peace.

3. Longevity

Alyssa K. Prorok 17, Spring 2017, Associate Professor, Political Science Associate Head of Undergraduate Programs, Political Science "The (In)compatibility of Peace and Justice? The International Criminal Court and Civil Conflict Termination on JSTOR", No Publication, <https://www.jstor.org/stable/44651940>

How do the increased certainty and celerity of punishment resulting from ICC involvement influence leaders' war-termination decisions? Ending the conflict and associated human rights abuses, which once may have seemed a viable strategy to avoid ICC attention, is no longer an effective way to prevent prosecution since the court will not simply end an ongoing examination/investigation because the killing stops. Instead, leaders facing ICC prosecution may view continuing the conflict in the hope of avoiding punishment as their best option.³⁸ To understand why this is the case, consider the ways in which civil wars commonly end and how ICC involvement alters incentives for each outcome. First, ICC involvement reduces the possibilities for peaceful settlement.³⁹ The OTP focuses its prosecutions on high-ranking officials, the very individuals whose cooperation is essential for securing settlement deals.⁴⁰ By threatening key leaders' personal and political fortunes, ICC prosecution makes it more difficult for these individuals to make credible commitments to peace. Specifically, it undermines settlement by making the process of negotiating more difficult and the terms of settlement less favorable for peace. ICC involvement complicates negotiations because leaders facing possible prosecution have incentives to stay entrenched in strongholds and avoid direct contact with their opponents and other outsiders who might act as the court's enforcers. This is because leaving secure bases to attend negotiations increases the risk of capture and transfer to the Hague. Domestic opponents may use the court as a way to punish an adversary when they lack the will or resources to prosecute themselves⁴¹ or when domestic punishment options are limited.⁴² Therefore, ICC involvement incentivizes leaders to avoid negotiations because attending talks increases their vulnerability to capture and prosecution.

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As expected, **ICC involvement** significantly **decreases the likelihood of conflict termination** in Model 1, there **by** lengthening war. Figure 1 demonstrates that this effect is sizeable: the predicted probability of termination without ICC involvement is 21 percent, but drops to 11 percent when the ICC is involved, a **47 percent** decrease in the likelihood of termination. Model 2 tests the conditional hypothesis. ICC involvement is again negative, as is the civilian deaths disparity, while the interaction term is positive. Because this is a nonlinear model with an interaction, I turn to first differences and predicted probabilities to determine the significance and substantive impact of ICC involvement, conditional on the threat of domestic punishment.⁸⁷ Figure 2 presents these post-estimation results graphically. Panel A presents the predicted probability of termination with ICC involvement versus without as the disparity in civilian deaths increases along the x-axis. Panel B presents the change in predicted probabilities when moving from no ICC to active ICC in civilian deaths disparity grows.⁸⁸ As Panel A demonstrates, when the disparity in civilian deaths is 0, there is a 25 percent probability of termination if the ICC is not involved versus just a 9 percent probability if the ICC is involved. As expected, this gap shrinks as the civilian deaths disparity (the risk of domestic punishment) increases: when the difference in civilians killed reaches about 650 (logged value of 6.5), the predicted probability of termination for all conflicts, regardless of ICC involvement, is 13.5 percent.

Thus To keep conflicts from escalating and to foster peace, we negate.

The first reason is Israel.

There's Peace now

Berg 25 --- Raffi Berg (BBC journalist and writer specialising in the Middle East. Author of Red Sea Spies, the true story of an epic Mossad mission behind enemy lines.) What is the Gaza ceasefire deal and how many hostages and prisoners will be freed? BBC 1-29-25 <https://www.bbc.com/news/articles/cy5klgv5zv0o//OJB>

A ceasefire between Israel and Hamas is under way after 15 months of war. The deal **aims to bring a permanent end to the fighting** and free hostages held by Hamas in Gaza in exchange for Palestinian prisoners held by Israel. Getting to this point took months of painstaking indirect negotiations, and the timetable and complexity of the deal mean even a small incident could escalate and threaten to derail the ceasefire. About 1,200 people were killed and 251 taken back to Gaza as hostages when Hamas attacked Israel on 7 October 2023. This triggered a massive Israeli military offensive in Gaza, which has killed more than 47,000 Palestinians, the Hamas-run health ministry says. How does the ceasefire deal between Israel and Hamas work? The ceasefire was announced on 15 January and began four days later, after months of negotiations led by the US, Qatar and Egypt. It is based on a proposal set out by former US President Joe Biden in May 2024. The deal will be carried out in three stages: Stage one This will last 42 days, during which: **There will be a complete ceasefire** Hamas will release a total of 33 hostages - women (including female soldiers), children, some older men and the sick - at regular intervals Israel will release about 1,900 Palestinian prisoners Israeli forces will leave populated areas Displaced Palestinian civilians will be allowed to return to their neighbourhoods Hundreds of aid lorries will be allowed into Gaza each day Israeli troops will remain in Gaza's border areas, including the southern Philadelphi Corridor, but will leave the Netzarim Corridor, a military zone cutting off the north of Gaza from the south Stage two Sixteen days after the start of stage one, negotiations will begin on the second stage, during which: **A permanent ceasefire will be established** Remaining living hostages in Gaza will be exchanged for more Palestinian prisoner Israeli forces will make a complete withdrawal Stage three The final part of the agreement will see: The return of all remaining bodies of dead hostages The reconstruction of Gaza, which is expected to take years

Aljazeera from yesterday

Jazeera 25 [Al Jazeera, "US-Hamas direct talks: What's happening and what comes next", March 6 2025, Aljazeera, <https://www.aljazeera.com/news/2025/3/6/us-hamas-direct-talks-whats-happening-and-what-comes-next>]

The White House has confirmed that the **Trump** administration **engaged in direct talks with Hamas, saying the discussions align with US interests**. Following this, President Donald Trump threatened Palestinians in Gaza with deadly consequences if all captives were not released. Recommended Stories list of 2 items list 1 of 2 Trump threatens Palestinians in Gaza: If you hold captives, 'you are DEAD' list 2 of 2 The Take: Can the Arab plan for Gaza build a future for Palestinians? end of list Here is what we know: What do we know about the US-Hamas direct talks? The **discussions**, facilitated by Qatari intermediaries, have reportedly been ongoing for weeks but became **more evident in early March 2025. This is the first time in decades that the United States negotiated directly with Hamas, a significant departure from US policy**, which ruled out direct engagement with the group that it designated a Foreign Terrorist Organization (FTO) in 1997. Instead, it relied on intermediaries – most recently Qatar and Egypt – to communicate with Hamas. They focused on securing the **release of** 21-year-old Edan Alexander, the only Israeli-American **captive** still believed to be alive, along with the bodies of four other Israeli Americans who were taken to Gaza on October 7. Advertisement Axios, which first reported the talks, also said the discussions included a possible broader agreement to release all remaining captives and establish a long-term truce. The Wall Street Journal reported that talks took place last month in Doha and led to the release of Sagui Dekel Chen, an Israeli-American dual citizen, on February 15.

Currently, Israel and the US have a good relationship,

Goldenberg from December

(Tia Goldenberg [Associated Press], 12/7/24, "Trump's return may be a boon for Netanyahu, but challenges abound in a changed Middle East", DA: 12/10/24, <https://abcnews.go.com/US/wireStory/trumps-return-boon-netanyahu-challenges-abound-changed-middle-116567476>) ghs-|aak| rc Shiwen

TEL AVIV, Israel -- **Shortly after Donald Trump's win in last month's U.S. election, Israeli Prime Minister Benjamin Netanyahu rushed to congratulate the president-elect: "History's greatest comeback!"** he gushed. **If Trump's staunchly pro-Israel first term and his nominations for top administration positions are any indication**, Netanyahu's glee is justified. But much has transpired since Trump left office in early 2021. The wars in the Middle East, the lofty ambitions of Netanyahu's far-right governing coalition and Netanyahu's personal relationship with him could dampen that enthusiasm and complicate what on the surface looks like a seamless alliance. **"For Bibi, this is his dream. He wanted this,"** said Mazal Mualem, an Israeli journalist and Netanyahu biographer, referring to the Israeli leader by his nickname. **"For Bibi, it's too good to be true."** **With Netanyahu set to testify in his corruption trial and facing an international arrest warrant over the war in Gaza, Trump's backing will be all the more significant.** During Trump's first term, he adopted policies largely favorable to Netanyahu. Trump broke with longstanding U.S. policy to recognize

Jerusalem as Israel's capital, moving the U.S. Embassy to the contested city over Palestinian objections. He recognized Israel's claim to the Golan Heights, which the international community considers occupied Syrian territory. He also turned a blind eye to Israeli settlement construction in the occupied West Bank and presented a peace plan that would leave dozens of settlements intact. The Palestinians seek all of the West Bank, captured in 1967, as the heartland of a future state, with east Jerusalem as its capital. The international community considers settlements in both areas illegal. At Netanyahu's urging, Trump withdrew the U.S. from an Obama-era deal between world powers and Iran over its nuclear program and ramped up sanctions against Iran, while also killing a top Iranian general. And in the final days of his presidency, Trump brokered a series of diplomatic deals between Israel and Arab countries, shattering a longstanding assumption that Arab countries would not normalize ties without progress on Palestinian statehood. The accords marked a major foreign policy achievement for Netanyahu. Likely to top Netanyahu's wish list this time around is for Trump to be tough against Iran or perhaps even provide Israel with the weaponry it needs for an effective strike against Iran's nuclear program. Netanyahu will also want to see progress on normalization with Saudi Arabia, but he will seek to minimize Israeli concessions to the Palestinians in return. And he will likely expect Trump to give Israel a free hand in Gaza and not pressure it to withdraw troops, even under a ceasefire deal. In the weeks since Trump's reelection, Netanyahu and his allies have expressed hope that the good times will return after strained relations with the Biden administration. "The belief for now is that Trump will deliver," said Aviv Bushinsky, a former adviser to Netanyahu. He said Netanyahu's appointment of a hard-line settlement advocate as ambassador to Washington was a sign of the Israeli leader's confidence in the future under Trump. Netanyahu could certainly use the boost, especially after seeing his popularity drop after the Oct. 7, 2023, Hamas attacks. Despite important battlefield gains against Hamas, including the death of its leader in October, and the recent ceasefire that ended nearly 14 months of fighting with the Lebanese militant group Hezbollah, opinion polls have repeatedly predicted that Netanyahu's governing coalition would fall far short of a required majority to stay in power if new elections were held now. Netanyahu is also scheduled to testify in his long-running corruption trial this month, setting the stage for a spectacle that could draw unwelcome attention. And the International Criminal Court warrant, which could complicate his travel to dozens of countries worldwide, is a new blow to the Israeli leader. Some of Netanyahu's aides are also embroiled in a series of scandals over leaked or doctored sensitive wartime documents. But there are no guarantees that Netanyahu will get what he wants from Trump. For starters, it's not clear whether their relationship is as strong as it once was. Netanyahu upset Trump when he congratulated President Joe Biden for his win in 2020, despite Trump's claims that the election was stolen from him. Although Netanyahu visited Trump in Florida earlier this year, it's not clear if Trump will hold a grudge once back in office. Trump also returns to the White House with a Middle East roiled by conflict, potentially scrambling their alignment. Although the ceasefire with Hezbollah appears to be holding, Israel is still fighting in Gaza 14 months after the Hamas attack that triggered the war. Trump has indicated he wants Israel to wrap things up in the war-ravaged Palestinian enclave, but he hasn't said what that might entail. He has demanded that Israeli hostages held in Gaza be freed before he is sworn in in January, warning that if they are not released, there will be "HELL TO PAY," without elaborating. It is far from clear whether Netanyahu's postwar vision of Gaza — which includes an open-ended military presence in the territory — is acceptable to Trump. Trump also may have bigger plans for the region. He has talked in the past of normalizing ties between Israel and Saudi Arabia, the wealthiest and most influential Arab country. His first-term peace plan, while heavily favoring Israel, nonetheless called for the establishment of a Palestinian state, albeit far smaller than what the Palestinians seek. Progress on either of these tracks would require Israel to make concessions to the Palestinians. Saudi Arabia has repeatedly said there will be no normalization with Israel without a clear path to Palestinian independence — an idea that Netanyahu and his hard-line governing partners reject. Even if Netanyahu comes around, his government would almost certainly collapse. "Netanyahu is convinced that he will be able to recruit Trump to his goals, as happened in the past. However, the American president-elect has been sending, as usual, difficult-to-decipher messages since the victory on Nov. 5," wrote Amos Harel, a commentator with the liberal Haaretz daily. Trump's strategy on Iran is also murky. Eytan Gilboa, an expert on U.S.-Israel relations at Israel's Bar-Ilan University, said Netanyahu expects Trump to resume exerting "maximum pressure" on Tehran to rein in its nuclear program, but he might give negotiations a chance in a second term bid to secure a legacy as a peacemaker. Trump's possible positions on any of these issues could force Netanyahu to choose sides, setting him up for a clash with the parties that hold the key to his political survival. "Netanyahu has described Trump as Israel's greatest friend in the White House. And if Trump asks something of him, he won't be able to say no," Gilboa said. "All sorts of problems can arise here"

Netanyahu is scared of the ICC – support for the Court destroys US-Israeli relations.

Balachandran 24 (Vappala Balachandran [is an Indian national security intelligence specialist.], 12/5/24, "Vappala Balachandran is an Indian national security intelligence specialist.", DA: 12/13/24, <https://www.tribuneindia.com/news/comment/israel-scrambles-for-support-to-counter-icc-arrest-warra> nts/) ghs-|aak| rc Shiwen

Contrary to the bravado displayed by Israeli Prime Minister Benjamin Netanyahu and his advisers on the arrest warrants issued by the International Criminal Court (ICC) on November 21, there are indications that they were worried at that possibility even earlier, in April this year, and were trying to prevent it by enlisting other powers' support. On April 19, 2024, The Times of Israel, quoting Channel 12, said that an "emergency discussion" was held at the Prime Minister's Office to decide how to "fend off" the potential warrants. The paper also said that Netanyahu had raised this possibility with visiting Britain Foreign Secretary David Cameron and Germany's Foreign Minister Annalena Baerbock and "sought their help". The same paper said on April 28 that Netanyahu was "under unusual stress" over the prospect of an arrest warrant against him by the ICC "which would constitute a major deterioration in Israel's international status." Hence, steps were taken to give a "rare briefing on Shabbat" to the international media through Israeli Defence Force (IDF) spokesman Nadav Shoshani on the government's support to the American-sponsored temporary humanitarian pier off Gaza. Their worry was heightened when another UN body, the International Court of Justice (ICJ), started hearing the genocide case against Israel, launched by South Africa on December 29, 2023. Two hearings in the case were held on January 11 and 12, 2024. The ICJ, the principal judicial organ of the United Nations (UN), was established in 1945 under the UN charter for adjudicating disputes between states and fixing responsibility of a state under international law after inquiring whether a state party to the case has breached it. It can issue "provisional measures" to preserve those rights until the case proceedings are completed. In this case, provisional orders to prevent and punish incitement to genocide and to allow relief materials were passed on January 26, 2024. On July 19, 2024, the ICJ, in a different context, gave its advisory opinion that Israel's occupation of the Gaza Strip and the West Bank, including East Jerusalem, along with the associated settlement regime, annexation and use of natural resources was unlawful. This was on a reference made by the UN General Assembly in 2022. The ICJ mandated Israel to end its occupation, dismantle its settlements, provide full reparations to Palestinian victims and facilitate the return of displaced people. The ICC, established in 2002 by the "Rome Statute", is different from the ICJ as it seeks to establish individual criminal responsibility for serious international crimes. Through its prosecutor, who has the power to carry out investigations of crimes within the jurisdiction of the ICC, the court can issue arrest warrants for individuals. Israel is in a bind as it had signed the Rome Statute on December 31, 2000, after considerable reluctance, although in the 1940s, the Jews were ardent supporters of such a court, having suffered under the Nazi regime. The procedure is that either the UN Security Council or any of the 124 member states of the Rome Statute can refer a situation to the court, asking the prosecutor to conduct a preliminary investigation. The prosecutor can also launch an investigation on his own initiative. The court does not have a police force, but all states that have signed are obliged to comply with a requested arrest warrant. Hearings are conducted as a criminal trial, with prosecution and defence counsels before a tribunal of judges. Israel complained to the ICC on October 5 that its prosecutor Karim Khan did not give it an opportunity to investigate "his allegations before seeking arrest warrants against its leaders, which was a fundamental principle of the ICC's founding charter." According to it, the prosecutor should have, under Article 18 of the Rome Statute, provided "sufficiently specific information to the state under investigation about the crimes that they are investigating" to examine whether that country was willing to launch prosecutions against the errant individuals. It alleged that Khan relied upon a 2018 notification sent to Israel about alleged crimes "relating to Israeli settlement policy and claims raised in previous hostilities in Gaza" and not on the Israeli operations consequent to the Hamas attack on October 7, 2023. US Secretary of State Antony Blinken and two US senators supported this, saying that Khan "rushed" to get the warrants "to politically target Israel." As things stand, it is not clear what the signatories, especially from Europe of the Rome Statute, would do. America, Israel, Russia, China and India have not ratified the Rome Statute. President Joe Biden has said that America had rejected the ICC decision. Incoming Republican leader John Thune has urged the Senate to pass a Bill that was cleared by the House of Representatives, under which the US would impose sanctions on people "engaged in any effort to investigate, arrest, detain or prosecute any protected person of the United States and its allies." There are many imponderables here. While Britain, supported by EU's foreign policy chief Josep Borrell, originally said that it would honour the treaty obligations, there are reports that France is reconsidering its earlier stand by Prime Minister Michel Barnier that the country was bound to abide by all treaties. On November 27, Israeli newspaper Haaretz quoted the Quai d'Orsay (French foreign office) to reveal that Netanyahu and Yoav Gallant could be entitled to immunity from arrest warrants issued by the ICC. This was after the Israel-Lebanon ceasefire, helped by French President Emmanuel Macron. At the same time, western powers led by America are apprehensive that any dilution of the ICC's powers might boomerang on the ongoing investigations against Argentina and Russia, which they want to pursue. The Haaretz says that Netanyahu is waiting for the Trump administration to pull him out of this morass, along with another domestic scandal on the deliberate leak of an IDF intelligence document on the killing of hostages for 'swaying public opinion against a ceasefire with Hamas.' For this, Eli Feldstein, Netanyahu's close aide, was arrested on November 18. In the deeply polarised Israel, Netanyahu is worried whether Israeli prosecutors would also hold him responsible.

Without US support, Netanyahu will continue to escalate the situation and accelerate the war in Gaza.

McConnell 17 – [Scott, PhD in History from Columbia University, Founding Editor of The American Conservative, Former Editorial Page Editor of The New York Post, and Writer for Fortune, The New Criterion, National Review, and Commentary, “The Special Relationship with Israel: Is It Worth the Costs?”, Middle East Policy Council, Volume XVII, Number 4, <https://mepc.org/special-relationship-israel-it-worth-costs>, Winter 2017] TDI

NO EXIT

So why does the United States stay in the relationship? Surely domestic politics accounts for a good deal of the explanation.

But there is another, strategic, reason that is seldom mentioned publicly. It was expounded clearly by Ariel Roth, a professor at Johns Hopkins University and an Israeli army veteran. In an essay in International Studies Perspectives, Roth argued that **the key U.S. interest in the Middle East is stability** and unfettered access to the region’s oil. This is indisputable; it is the point James Forrestal made to President Truman more than 60 years ago. And **what is the greatest threat to stability? Well, says Roth, it is Israel itself. Because of its unique history and the heavy weight of the Holocaust in the consciousness of Israeli leaders, Israel is uniquely terrified of being “alone” in the international arena. As a result, any suspicion on the part of its leaders that the United States is backing away from it might incite Israel to behave more aggressively than it already does.** Those who decry the special relationship “are blinded to how **Israel’s sense of vulnerability causes. . . behaviors that have the potential to undermine American interests.**” **Israel needs constant “reassurance” that it “does not stand alone.” Supporting Israel through “constant affirmation” and generous arms shipments is the best way to pursue American interests “without the fear of a panicked and unrestrained Israel bringing a cataclysm to the Middle East.”**²⁰

This claim is at once alarming and compelling. Roth is asserting that the principal ally of the United States in the twenty-first century — its main source of strategic advice, the nation whose leaders have an unequalled access to American political leadership — is not a rational actor. The United States is in the position of a wife whose spouse is acting erratically. **A “panicked and unrestrained Israel,” armed with an estimated 200 nuclear weapons, could do an extraordinary amount of damage.** The only conclusion one can draw is that the special **relationship would now be very difficult to exit,** even if Israel had no clout whatsoever within the American political system, even if the United States desired emphatically to pursue a more independent course.

I submit that this argument has long been internalized by those U.S. officials who recognize that the special relationship brings the United States far more trouble than benefits. It is the principal reason no major American figure has ever advocated simply walking away from Israel. Even those who argue that America should make its aid conditional on a more forthcoming Israeli attitude towards peace with the Arabs invariably recommend that the necessary Israeli territorial withdrawals be rewarded by iron-clad American defense guarantees and other sweeteners. Most intelligent people understand there is something uniquely evil about the Holocaust and the circumstances under which Israel came into existence, even as they are uneasy with the current special relationship. For those who recommend a U.S. security guarantee following a peace settlement, the overture made by the Arab League — offering full recognition and normalized relations with an Israel that relinquished its 1967 conquests and allowed a viable Palestinian state — is a development of enormous promise. Regrettably Israel has ignored this opening.

Can the costs of America’s special relationship with Israel be quantified? Is it, as A.F.K. Organski put it in his 1990 book, the “\$36 billion dollar bargain?” That figure, derived from military and financial assistance to Israel from 1951 to 1983, led Organski to conclude, not surprisingly, that Israel’s net value as a Cold War ally is blindingly obvious. Or is the figure closer to \$3 trillion, as economist Thomas Stauffer estimated after factoring in the rise in the price of oil, the financial assistance to neighboring states, the cost of the agreements to guarantee Israel’s oil supplies and myriad other factors?²¹ I believe the answer is nearer to Stauffer’s figures, but it is plainly a judgment call. The essence of the relationship is not its dollar cost, but the fact that the United States has come to perceive its interests in the Middle East through Israel’s eyes. This is what renders it special. One can debate how important Israel was in encouraging the United States to invade Iraq, but there is no doubt that, if Israel had opposed the invasion, no American politician would have supported it. The same can be said about the possibility of an attack on Iran.

This is also the case with the outbreak of Islamophobia in the United States. The editor of a major liberal magazine — a high-profile intellectual — has written that he doesn’t feel First Amendment protections should apply to Muslims. Would Martin Peretz have arrived at this independently of his feelings for Israel? It would be hard to find a knowledgeable person who believes so. Peretz is hardly alone. Thus, one can likely chalk up a portion of America’s retreat from its own liberal principles to Israel.

In the coming years, as the prospect of a two-state solution disappears, it is likely that Israel will continue its inexorable march toward becoming a state between the Jordan River and the sea, with one set of laws for Jews, who will have the rights of citizens, and another for Arabs, who will be denied full citizenship. What will it cost America's broader relationship with the Muslim world to maintain a special bond with a state based on this kind of ethnic discrimination? That also would be difficult to quantify. And yet this scenario may be impossible to escape. **The threat of Israel's turning itself into a nuclear-armed desperado striking at will at the oil states in the Gulf cannot, alas, be entirely dismissed. That may be, as Ariel Roth argues, a compelling reason to maintain the special relationship pretty much unchanged.**

Lives

Da Silva 25 — Chantal Da Silva, [Chantal Da Silva reports on world news for NBC News Digital and is based in London.], NBC News, 1-10-2025, ["Gaza death toll may be 41% higher than official figures, study finds,"

<https://www.nbcnews.com/news/world/gaza-death-toll-may-higher-official-figures-study-finds-rcna187100>, Accessed 1-31-2025] // cpsof

The number of people killed in Gaza during Israel's deadly offensive in the Palestinian enclave is significantly higher than the figures reported by local health authorities, researchers at a leading health university in Britain have **found**. **In a peer-reviewed study published Thursday in The Lancet journal, researchers at the London School of Hygiene and Tropical Medicine** said they estimated that as many as 64,260 people were killed in "traumatic injury deaths" in Gaza between Oct. 7, 2023 and June 30, 2024. **The authors of the study estimate that the death toll for the first nine months of the war was around 41% higher than the figure of 37,877 reported** by the Palestinian health ministry. Women, children under the age of 18 and people over 65 accounted for 59.1% of the 28,257 deaths for which age and sex data were available. Researchers did not provide an estimate of the number of Palestinian combatants killed. Health authorities in Gaza also do not publish data on militants killed. The study suggests that the current death toll reported by Palestinian health authorities — at least 46,006 people killed as of Thursday — is also a significant undercount of the number of people killed during Israel's offensive. "Although we only [analyzed] data up to June, 2024, the official [health ministry] estimate from Oct 7, 2023, to Oct 6, 2024, was 41,909," the study says, adding that if that level of under-reporting continued from July to October, 2024, it's possible that **number of Palestinians killed in Gaza now exceeds 70,000.**

The second is Ukraine.

Peace talks are happening right now.

Bose 25(Nandita Bose, 02-13-2025, "Trump says Putin and Zelenskiy want peace; phone calls kick off talks to end Ukraine war", Reuters, <https://www.reuters.com/world/trump-says-he-discussed-ending-ukraine-war-with-russias-putin-2025-02-12/>, DOA: 2-13-2025) //llake-RR

WASHINGTON/MOSCOW/KYIV, Feb 12 (Reuters) - **Donald Trump said both Russian President Vladimir Putin and Ukrainian President Volodymyr Zelenskiy expressed a desire for peace in separate phone calls with him on Wednesday, and Trump ordered top U.S. officials to begin talks on ending the war in Ukraine.**
The conversations came after Trump's defense secretary earlier said Kyiv would have to give up its long-held goals of joining the NATO military

alliance and regaining all of its territory seized by Russia, signaling a dramatic shift in Washington's approach to the conflict. Advertisement · Scroll to continue After speaking with Putin for more than an hour, Trump said the Russian leader, who launched a full-scale invasion of Ukraine in 2022, wants the war to end and they discussed **"getting a ceasefire in the not-too-distant future."** **"He wants it to end. He doesn't want to end it and then go back to fighting six months later," Trump told reporters in the Oval Office. "I think we're on the way to getting peace. I think President Putin wants peace, President Zelenskiy wants peace and I want peace.** I just want to see people stop getting killed," he added. Advertisement · Scroll to continue Trump has long said he would quickly end the war in Ukraine, without spelling out exactly how he would accomplish this. The Kremlin earlier said Putin and Trump had agreed to meet, and Putin had invited Trump to visit Moscow. **Trump said their first meeting would "probably" take place soon in Saudi Arabia.** In a post on his social media platform, he said Secretary of State Marco Rubio, CIA Director John Ratcliffe, national security adviser Michael Waltz and Middle East envoy Steve Witkoff would lead negotiations on ending the war. Trump and Zelenskiy spoke after Trump's call with Putin, and Zelenskiy's office said the conversation lasted for about an hour. "I had a meaningful conversation with @POTUS. We... talked about opportunities to achieve peace, discussed our readiness to work together ...and Ukraine's technological capabilities... including drones and other advanced industries," Zelenskiy wrote on X. No Ukraine peace talks have been held since the early months of the conflict, now approaching its third anniversary. Trump's predecessor, Joe Biden, oversaw billions of dollars of military and other aid to Kyiv and had no direct contact with Putin after Russia's invasion. Russia occupies around a fifth of Ukraine and has demanded Kyiv cede more territory and be rendered permanently neutral under any peace deal. Item 1 of 4 Cars drive along an embankment of the Moskva River near the Kremlin wall in central Moscow, Russia, February 13, 2025. REUTERS/Maxim Shemetov [1/4]Cars drive along an embankment of the Moskva River near the Kremlin wall in central Moscow, Russia, February 13, 2025. REUTERS/Maxim Shemetov Purchase Licensing Rights, opens new tab Ukraine demands Russia withdraw from captured territory and says it must receive NATO membership or equivalent security guarantees to prevent Moscow from attacking again. European powers, including Britain, France and Germany, said on Wednesday they had to be part of any future negotiations on the fate of Ukraine, underscoring that only a fair accord with security guarantees would ensure lasting peace. They said they were ready to enhance support for Ukraine and put it in a position of strength. 'ILLUSIONARY GOAL' Earlier on Wednesday, Defense Secretary Pete Hegseth delivered the new administration's bluntest statement so far on its approach to the war, saying Kyiv could not realistically hope to return to previous borders or join NATO. "We want, like you, a sovereign and prosperous Ukraine. But we must start by recognising that returning to Ukraine's pre-2014 borders is an unrealistic objective," Hegseth told a meeting at NATO headquarters in Brussels. "Chasing this illusionary goal will only prolong the war and cause more suffering." Russia in 2014 annexed Crimea, which Ukraine and many Western countries consider to be occupied Ukrainian territory. Hegseth said any durable peace must include "robust security guarantees to ensure that the war will not begin again". But he said U.S. troops would not be deployed to Ukraine as part of such guarantees. Zelenskiy, hoping to keep Trump interested in continuing to support his country, has lately proposed a deal under which the United States would invest in minerals in Ukraine. Trump's Treasury Secretary Scott Bessent, in Kyiv on Wednesday on the first visit by a member of Trump's cabinet, said such a mineral deal could serve as a "security shield" for Ukraine after the war. Trump also said Rubio and Vice President JD Vance will hold talks about the war on Friday in Munich, where Ukrainian officials were expected to attend an annual security conference. The new diplomacy followed a U.S.-Russia prisoner swap that got under way on Tuesday, which the Kremlin said could help build trust between the two countries. Russia on Tuesday freed American schoolteacher Marc Fogel, who was serving a 14-year sentence in a Russian prison, in exchange for a Russian cybercrime boss imprisoned in the U.S., according to a official.

From less than 24 hours ago, Putin is uniquely looking for peace because of Trump

ABC [ABC, "Trump claims Putin will be more 'generous' in peace talks than 'difficult' Ukraine", 3 Hours ago, MSN,

<https://www.msn.com/en-us/politics/government/trump-claims-putin-will-be-more-generous-in-peace-talks-than-difficult-ukraine/ar-AA1Aswn8?ocid=Bi ngNewsSerp>]

President Donald **Trump** on Friday, after decrying **Russia's** latest strikes on Ukraine and threatening sanctions until it **stopped attacking**, also said he thought Vladimir **Putin would be "generous" in peace talks** and described Ukraine as "difficult." Answering questions from reporters in the Oval Office, Trump, while repeating that sanctions threat he posted earlier in the day, had **positive words about the Russian president. "He wants to end the war and once ended, and I think he's going to be more generous than he has to be. And that's pretty good," Trump said.** Asked whether he still believed **Putin** when he told him he **wanted peace**, Trump replied he did. "Yeah. No, I believe him, I believe him. I think we're doing very well with Russia," he said. "But right now, they're bombing the hell out of Ukraine and Ukraine. I'm -- I'm finding it more difficult, frankly, to deal with Ukraine. They don't have the cards." Hours earlier, after Russian forces launched missiles and drones into Ukraine, Trump on Friday threatened Russia with sanctions and tariffs until it negotiated a ceasefire and peace deal. "Based on the fact that Russia is absolutely 'pounding' Ukraine on the battlefield right now, I am strongly

considering large scale Banking Sanctions, Sanctions, and Tariffs on Russia until a Cease Fire and FINAL SETTLEMENT AGREEMENT ON PEACE IS REACHED. To Russia and Ukraine, get to the table right now, before it is too late. Thank you," Trump posted on Truth Social Friday morning without further details.

Soldatkin '24 furthers

Vladimir Soldatkin and Andrew Osborn [Orborn, Russia Chief Political Correspondent, and former Moscow bureau chief; part of a Wall Street Journal reporting team short-listed for a Pulitzer Prize for international reporting; Soldatkin,], 12-19-2024, "Putin says Russia is ready to compromise with Trump on Ukraine war," Reuters,

<https://www.reuters.com/world/europe/putin-says-russia-is-getting-closer-achieving-primary-goals-ukraine-2024-12-19/>, accessed 1-22-2025 \ JRS

MOSCOW, Dec 19 (Reuters) - Russian President Vladimir **Putin said** on Thursday that **he was ready to compromise over Ukraine in possible talks with U.S. President-elect Donald Trump on ending the war** and had no conditions for starting talks with the Ukrainian authorities. Trump, a self-styled master of brokering agreements and author of the 1987 book "Trump: the Art of the Deal", has vowed to swiftly end the conflict, but has not yet given any details on how he might achieve that. Putin, fielding questions on state TV during his annual question and answer session with Russians, told a reporter for a U.S. news channel that he was ready to meet Trump, whom he said he had not spoken to for years. Asked what he might be able to offer Trump, Putin dismissed an assertion that Russia was in a weak position, saying that Russia had got much stronger since he ordered troops into Ukraine in 2022. Reuters reported last month that Putin was open to discussing a Ukraine ceasefire deal with Trump. but ruled out making any major territorial concessions and insisted Kyiv abandon its ambitions to join NATO. Putin said on Thursday that Russia had no conditions to start talks with Ukraine and was ready to negotiate with anyone, including President Volodymyr Zelenskyy. But he said any deal could only be signed with Ukraine's legitimate authorities, which for now the Kremlin considered to be only the Ukrainian parliament. Zelenskyy, whose term was due to expire earlier this year but has been extended due to martial law, would need to be re-elected for Moscow to consider him a legitimate signatory to any deal to ensure it was legally watertight, said Putin. Putin dismissed the idea of agreeing a temporary truce with Kyiv, saying only a long-lasting peace deal with Ukraine would suffice. Any talks should take as their starting point a preliminary agreement reached between Russian and Ukrainian negotiators in the early weeks of the war at talks in Istanbul, which was never implemented, he added. Some Ukrainian politicians regard that draft deal as akin to a capitulation which would have neutered Ukraine's military and political ambitions.

Aff reverses this, US joining the ICC kills peace talks with Russia — Russia doesn't negotiate with the ICC states. BBC '16,

BBC News [One and our multi award-winning channels for children, as well as national and regional television programmes and services across England, Northern Ireland, Scotland and Wales], 11-16-2016, "Russia withdraws from International Criminal Court treaty," <https://www.bbc.com/news/world-europe-38005282>, accessed 1-22-2025 \ JRS

Russian President Vladimir **Putin** has **approved** an order to **withdraw** the nation **from** the process of joining the International Criminal Court (**ICC**). Russia signed the Rome statute, which governs the ICC, in 2000 but never ratified the agreement to become a member. The decision came after an ICC ruling that Russia's activity in Crimea amounted to an "ongoing occupation". **Russia** thus **joins the US and other nations which have rejected the court**. The court ruled Russia's 2014 takeover of the Crimea peninsula had been an armed conflict between it and Ukraine. This would mean the annexation fell under the court's jurisdiction. But **Kremlin** spokesman Dmitry Peskov said the wording "contradicts reality", while the foreign ministry **called**

the court "one-sided and inefficient" Russia has found itself the subject of the court's focus on more than one occasion. Earlier this year, the ICC authorised an investigation into the 2008 Russia-Georgia conflict in South Ossetia. In response to Russia's withdrawal, the court's chief prosecutor said: "We owe it to future generations not to abandon the ICC." The ICC was established to pass judgement on four international crimes: genocide, crimes against humanity, war crimes and crimes of aggression. Withdrawals The US initially signed the Rome statute under the Clinton administration but later withdrew, under the leadership of George W Bush. Sudan and Israel have also withdrawn their signatures in the past, while other nations - including China and India - have rejected membership outright. Earlier this year, South Africa, Burundi and The Gambia all decided to withdraw completely. Several other African nations have also **expressed doubt over the court's** future, amid allegations that it is too focused on **countries** within the continent. **In the** court's 14-year history it has only brought charges against Africans. Russia is neither a member of the ICC nor a donor country. There is a sense here that this was a symbolic announcement, designed to undermine the legitimacy of the court at a time of unprecedented uncertainty following the withdrawal of three African nations. And there are rumours more could follow - Kenya, Namibia and Uganda have indicated they are considering joining the exodus. There has been a concerted effort to reassure countries that their concerns regarding the ICC's perceived bias towards African nations have been heard. But it may be too little, too late.

Even if the law destroys this mediation

HRW 23

Human Rights Watch [work has expanded to five continents. We investigated massacres and even genocides, along with government take-overs of media and the baseless arrests of activists and political opposition figures], 5-5-2023, "Russia: Law Targets International Criminal Court,"

<https://www.hrw.org/news/2023/05/05/russia-law-targets-international-criminal-court>, accessed 1-22-2025 \\\

JRS

(Berlin) – **Russia's adoption on April 28, 2023, of a law** criminalizing assistance to foreign and international bodies is an affront to victims of serious crimes, Human Rights Watch said today. **The law prohibits cooperation with international bodies.** "to which Russia is not a party," **such as the International Criminal Court (ICC)** or any ad hoc international tribunals that may be established to prosecute Russian officials and military personnel, as well as foreign courts. Such cooperation is punishable by up to five years in prison. "The new law is apparently aimed at further undermining international efforts to secure accountability for crimes committed by Russian nationals, including in Ukraine," said Balkees Jarrah, associate international justice director at Human Rights Watch. "The law in Russia is a new toxic addition to the growing array of draconian criminal legislation adopted in recent years in the name of 'state security.'" On March 17, **ICC judges issued arrest warrants for** Russian President Vladimir **Putin** and his children's rights commissioner, Maria Lvova-Belova. The judges found reasonable grounds to believe that Putin and Lvova-Belova bear criminal responsibility for the alleged unlawful deportation and transfer of Ukrainian children from occupied areas of Ukraine to Russia. **A Kremlin spokesperson denounced the ICC warrants and indicated that Russia does not recognize the court's authority.** Separately, Russian investigators had also opened criminal cases against the ICC prosecutor and the panel of judges charged with the case. On March 25, the speaker of Russia's lower house of parliament, Vyacheslav Volodin, presented the new law as a response to the ICC's arrest warrants. In addition to the ICC, **the new law refers to foreign state bodies**, such as Ukrainian courts and the District Court of The Hague in the Netherlands, which handed down a long-awaited ruling on November 17, 2022, related to Malaysia Airlines flight MH17, which was shot down over eastern Ukraine in July 2014. The Dutch court convicted two Russian nationals **and** a Ukrainian in absentia of murder for their role in the downing of the plane. Ukrainian authorities have also been conducting their own criminal investigations into serious crimes committed by Russian forces in Ukraine as part of the Russia-Ukraine war. Other laws in Russia also **criminalize** "confidential **cooperation**" **with foreign governments** or international organizations deemed **contrary to Russia's** broadly defined "state **security**," punishable with up to eight years in prison. Repeat offenses of calling for sanctions against Russia are punishable with up to three years. Another bill,

adopted by Russia's lower house of parliament, the State Duma, in its first reading in December, would provide effective immunity for certain crimes committed in Russia-occupied areas of Donetsk, Luhanska, Zaporizka, and Khersonska regions of Ukraine while acting "in the interests of the Russian Federation." The new law, adopted in April, is broad and vaguely worded and appears to be designed for selective implementation, which is typical of repressive Russian legislation, Human Rights Watch said. Russian human rights defenders also expressed concern that the law may be used, among other things, to criminally prosecute calls for or assistance to ensure the enforcement of decisions by international judicial bodies in which Russia is not a member, including the European Court of Human Rights (ECtHR).

Causes an ongoing humanitarian crisis

Roy 23 ROY council on foreign relations 2023 (Diana, "How Bad Is Ukraine's Humanitarian Crisis a Year Later? ", Council on Foreign Relations, June 8, [CORNELL DBT] note://// indicates par. Breaks) [AR SUMMER23]

Since Russian President Vladimir Putin launched a full-scale military invasion of Ukraine in February 2022, more than eight million people have fled the country, triggering Europe's largest refugee crisis since World War II. Nearby countries have taken in millions of displaced people, while international organizations have sent tens of billions of dollars in aid. But as the conflict continues in its second year with no end in sight, experts worry that host countries are growing fatigued. //// What's the current humanitarian crisis in Ukraine? //// According to the UN refugee agency, more than , or nearly a third of Ukraine's prewar population, have been displaced since the invasion. Of that, more than five million are internally displaced, while over eight million are refugees living in neighboring countries. In comparison, the continent saw some one million refugees during the 2015 wave from Africa and the Middle East, and up to four million refugees during the Yugoslav Wars of the 1990s. As of June 2023, at least and 15,442 have been injured. These are only confirmed casualties; the actual figures are likely to be considerably higher. They have been concentrated in the eastern Donetsk and Luhansk regions, collectively known as the Donbas, where fighting has been fiercest. //// Meanwhile, U.S. officials say Russian forces have up to 1.6 million Ukrainian refugees to Russian territory as of July 2022. Rights groups say many were coerced into renouncing their Ukrainian nationality. Forcible transfers are a war crime under international law; Russia characterizes its actions as humanitarian evacuations. //// In addition, the war has taken a tremendous toll on Ukraine's infrastructure. Russian air strikes have hit healthcare facilities, residential neighborhoods, and power plants, during the winter. Ukrainian authorities accuse Russia of , which Russian officials deny. The dam's collapse leaves hundreds of thousands of people without drinking water, threatens the nearby Zaporizhzhia nuclear power plant, and has triggered mass evacuations. Millions more around the country continue to have little to no access to heat, clean water, and other basic supplies. A December 2022 World Bank estimate puts the likely cost of reconstruction at up to \$641 billion. //// Health officials also remain concerned about the spread of infectious diseases given the deterioration in health-care infrastructure. They warn that COVID-19 transmission remains high, with only 38 percent of Ukrainians fully vaccinated against the disease. In the Russia-occupied city of Mariupol, officials imposed a quarantine over fears of cholera and dysentery, while the UN human rights mission in Ukraine expressed concern regarding reports that Ukrainian prisoners of war diseases including hepatitis A and tuberculosis. //// Where are refugees going? //// About 2.9 million people, or 35 percent of Ukrainian refugees in Europe, have headed east to Russia. Poland, already home to an estimated 1.3 million Ukrainians (both naturalized citizens and temporary migrant workers), has welcomed the second-largest amount, at more than 1.6 million. Most of the remaining refugees have fled to the Czech Republic, Moldova, Romania, Slovakia, and , many of which already had sizable

populations of Ukrainian nationals prior to the war. //// The number of refugees leaving Ukraine has slowed somewhat after peaking in March 2022; since then, nearly six million . Even so, migrant experts warn that Russia's planned spring offensives up to four million additional refugees in 2023. ////.

Disadvantage 3 is Political Capital

Trump needs Democratic votes for his most extreme legislation

Sahil **Kapur**, A reporter for NBC News covering Capitol Hill, elections and the intersection of politics and public policy in Washington."How Democrats can still flex power in Trump's Washington: From the Politics Desk," November 14, 2024 // RKE

<https://www.nbcnews.com/politics/democrats-power-trump-washington-congress-politics-desk-rcna180214>

Republicans have won full control of Washington, but Democrats will retain two key levers of power to shape legislative outcomes in Donald Trump's second term. The first is that they held Republicans to a narrow House majority, which gives the party in charge little room for defections in order to pass major legislation. That margin is slimming further as Trump plucks House members for administration jobs. The last two years showed how chaotic and dysfunctional this GOP-controlled House can be, even when the stakes are low. Now, the stakes are high as Republicans will own the outcomes — or face the blame for paralysis. And Democrats say they intend to stay unified. "The last two years are a good example. They also had narrow majorities. We think we've done a good job of stopping a lot of really bad things. And so I think we're going have to be using that same strategy," Rep. Robert Garcia, D-Calif., said. "I think our leadership is going to do a great job of making sure that we're a good check." The second lever for Democrats is the legislative filibuster in the Senate. Many Republican senators, including their newly elected leader, Sen. John Thune, R-S.D., promise to preserve the 60-vote threshold for most legislation, even if it hinders **Trump's agenda**. While Senate rules allow the party in charge to bypass the filibuster for changes to taxes and spending, other matters **will require** 60 **votes** — including major tasks next year like funding the government, extending the debt ceiling and reauthorizing the farm bill. And Republicans will have 52 or 53 seats next year. "If they really try **to pass extreme stuff**, they're going to have a hell of a fight on their hands," said Sen. Chris Van Hollen, D-Md. "And here in the Senate, obviously, we continue to have a number of tools to exercise." On most legislation, Van Hollen said, **Republicans** are "going to **have to** come to the table" and **negotiate** with Democrats. Or as Sen. Patty Murray, D-Wash., the top Democrat on the Appropriations Committee, put it: "Neither chamber will have an overwhelming majority, and these spending bills will be a bipartisan product." One area where Democrats will have little power is on administration and judicial nominees, which require a simple majority to confirm. On legislative matters, will the GOP be able to transcend party divisions and deliver? Rep. Richard Hudson, R-N.C., the chair of the House Republican campaign arm, said Trump can help keep members on the same page. "The difference here is with unified government, Donald Trump is setting the agenda," he said. "I think it becomes much easier to move that agenda, even with a small majority." But other Republicans warn that it won't be smooth sailing. "The House has always been a chaotic place, will always be a chaotic place. Anyone who thinks it's going to be smooth sailing has never spent one day walking these halls. But it'll be on us as members to actually go out and find a way to deliver," Rep. Tony Gonzales, R-Texas, said in an interview. "And I certainly think the members that helped bring this majority — we have more to gain, more to lose than anyone else."

If Dems don't splinter, they can fight back and refuse to make deals

Julian E. **Zelizer**, Julian Emanuel Zelizer is an American professor of political history and author at Princeton University. Zelizer focuses on the second half of the 20th century and the 21st century, and has authored or co-authored several books about American political history. "Democrats' Congressional Minority: How They Can Still Get Things Done," January 13, 2025 // RKE

<https://foreignpolicy.com/2025/01/13/minority-power-congress-democrats-trump/>

With Republicans controlling the White House and both the House and the Senate, Democrats are feeling despondent about 2025. They **understand** that, since the 1970s, periods of **united government** have been extraordinarily important in moving public policy forward in new directions. Presidents who have a keen understanding of the dynamics of partisan power have deployed control of both branches of government to attempt big legislative agendas—which President Joe Biden succeeded in pushing in 2021 and 2022—before those windows of opportunity close. But in these moments, **the minority party is not powerless**. Under **effective** leaders, the **party** that is out of power has found ways to **block** some of **the most threatening initiatives** and force presidents to retreat from signature legislation. Doing so has not been easy, **requiring leadership that can prevent the minority from splintering** as pressure intensifies to cut some sort of deal. Democrats' own party **history** in the 21st century **offers important models** for the year ahead. **AFTER** PRESIDENT GEORGE W. **Bush won** reelection **in 2004** against Massachusetts Sen. John Kerry—a dispiriting time for Democrats that left many in the party making jokes about moving to another country—he vowed to spend the “political capital” he had earned on reforming Social Security by privatizing it. With reports emerging about problems with Social Security’s long-term solvency, Bush was prepared to defy the conventional wisdom put forward 50 years earlier by fellow Republican President Dwight Eisenhower who said, “Should any political party attempt to abolish Social Security, unemployment insurance, and eliminate labor laws and farm programs, you would not hear of that party again in our political history.” President Ronald Reagan had backed away from his effort to tamper with the so-called third rail of American politics in 1981 and 1982; Bush was the first Republican since then to seriously take on the program. Given that his own approval ratings were only at about 52 percent—despite his reelection—this was a high-risk maneuver. The president’s privatization plans had deep roots in the idea that had been circulated by Republican think tanks such as Cato based on overseas experiments with social insurance (particularly in Chile under the military dictator Augusto Pinochet). “As we fix Social Security, we also have the responsibility to make the system a better deal for younger workers,” Bush said in his 2005 State of the Union address, “and the best way to reach that goal is through voluntary personal retirement accounts.” Although the details were fuzzy, the private accounts would allow individuals to divert a percentage of their payroll tax into a personal fund and to make their own decisions—while accepting the risk—about how to invest the funds. The plan would take money away from the collective pool of payroll funds used to pay for retirees and individualize the risk to retirees rather than guaranteeing standardized benefit levels. The president undertook a “60 stops in 60 days” to sell the plan. Republican Sen. Charles Grassley, chair of the Finance Committee, warned the administration that, in the Senate, “nothing gets done that’s not bipartisan.” In the House, the Republican majority was 232 to 201 (with one independent); in the Senate, 55 to 44 (with one independent). Most Democrats perceived the proposal as a dangerous threat to one of the most consequential social safety net programs, from Franklin Roosevelt’s presidency. Since its establishment during the New Deal, Social Security provides retirement benefits to the elderly paid for by tax contributions from working Americans. The taxes and benefits were universal so that every citizen would become invested in the program in a similar manner. Privatization undermined this foundational structure. After waiting for the president to put forward a legislative proposal that she knew would be unpopular with large portions of the public, Minority Leader Nancy Pelosi (D-Calif.) made it clear that Democrats would not support this initiative. Pelosi understood that party unity would be essential to blocking the Republicans, who had narrow majorities. “House Democrats are focused and united on making sure people know the facts about the Republicans’ proposal and its impact on Americans,” said Pelosi spokeswoman Jennifer Crider. If Democrats stood firm, any breaks within the GOP would undermine the president. **Pelosi leaned on any member who felt pressure to cut a deal** with the Republicans **for fear that Bush had a mandate** after his reelection. In the Senate, Minority Leader Harry Reid did the same. Avoiding the perennial pressure in Washington to embrace bipartisanship, House and Senate Democrats remained true to their party. According to Congressional Quarterly Almanac, House Democrats were more united than at any other time in the previous half century; Senate Democrats had only been as much in unison in 1999 and 2001. As Democrats continued to spread the message that Bush and the GOP were threatening a popular federal program that working Americans depended on, getting specific about benefits that would be lost, some Republicans started to see clearly that the electorate was not with their party. Moreover, the handful of moderate Democrats such as Max Baucus of Montana, who had toyed with the idea of a compromise, saw how deeply unpopular the proposal was among voters. According to an ABC News/Washington Post poll that May, 58% of Americans reported that the more they heard about the plan, the less they liked it. As was often the case, the public might have hated government, but it loved Social Security. In the Senate, the filibuster required Republicans to come up with 60 rather than 50 votes. Social Security is not considered within the normal federal budget so using the reconciliation process—which prevents filibusters—was not feasible. **As long as Democrats were all on the same page**, Bush would not be able to pass the **bill**. While many Democrats did not like the filibuster and saw the process as a tool of obstruction, as long as it was on the books, they would lean on the rule as a wall against GOP success. By the summer, Republicans **were** starting to splinter, and by season’s end, Bush was forced to admit that his program was **dead on arrival**. Twelve years later, Democrats faced another moment of truth when President Donald Trump, along with the Republican

Congress, wanted to repeal—and replace, though never defined with what—the Affordable Care Act. The ACA (aka Obamacare) had constituted a bold expansion of federal health care policy. The program had survived political and legal attacks, including in the Supreme Court, and had slowly become an entrenched component of health care in states red and blue. Trump sensed that going after Barack Obama's signature legislation would constitute a huge legacy-making victory for his administration. "We have to get to business," Trump told the New York Times. "Obamacare has been a catastrophic event." Though deflated and still stunned by Trump's victory, congressional Democrats mobilized. Republican majorities were slim. In the House, Republicans enjoyed 240 seats to the Democrats' 194; in the Senate, the breakdown was 52 to 46 (with two independents, both of whom caucused with the Democrats). Like Bush and Social Security, they sensed that the new president was overplaying his hand by attempting to dismantle a program that had become increasingly popular since its passage in 2010. Once again, Democrats made the decision to stick together. Rather than succumb to the seduction of Washington bipartisanship, Pelosi and Reid kept their members on the same page, echoing a resounding no. After the House Republicans passed the package without Democratic support, Pelosi warned her GOP colleagues: "You have every provision of this bill tattooed on your forehead. You will glow in the dark on this one." Democrats continued to warn voters of the implications of Trump's proposal by speaking of specific benefits that would be taken away should Trump succeed. Americans under 26 would no longer be covered by their parent's health insurance. Companies would be able to discriminate, as they had done in the past, against persons with preexisting conditions. States that were enjoying increased Medicaid funding would see those dollars cut. Healthy people would no longer be required to purchase insurance, which would raise overall costs, and government subsidies for insurance would be gutted. Since Democrats remained united, they forced a showdown in the Senate. Unlike in the case of Bush's Social Security legislation, Senator Majority Leader Mitch McConnell was able to put the ACA repeal proposal into the reconciliation process. This meant that it was filibuster-proof, and lowered the votes that Republicans needed to 51 rather than 60—increasing the vulnerability of the ACA. Yet Democrats succeeded. Since no Democrats would vote for the legislation, the small breaks that emerged among Republicans who were looking at the poll numbers hurt Trump's cause. The most famous moment was when the late Sen. John McCain walked up to the podium in July 2017 and gave the bill a dramatic thumbs down, giving Trump one of his most devastating defeats. On July 18, a defeated Trump complained about his colleagues. "For seven years," the president said, "I've been hearing 'repeal and replace' from Congress, and I've been hearing it loud and strong. And then when we finally get a chance to repeal and replace, they don't take advantage of it. So that's disappointing." IN THE COMING year, Democrats will inevitably suffer some major defeats, since Republicans do have the votes to succeed. But Democrats are not helpless. House Minority Leader Hakeem Jeffries and Senate Minority Leader Chuck Schumer can create effective roadblocks for Trump in his second term, as long as they can keep their members in line and use the procedural and financial tools available to party leaders to prevent defections. In the case of both Social Security and the ACA, the party remained united, with leaders offering a clear and compelling message. The party also used the legitimate legislative process in responsible ways to prevent passage. Democrats can do so again with judicious decisions about timing and priorities. The **Republican**s have power in the House and Senate, but barely. Their majorities are even narrower than those the GOP enjoyed in 2005 or 2017: In the Senate, Republicans have 52 seats Democrats have 45, and there are two independents. In the House, it's even closer: The GOP has 219 seats and Democrats have 215. With numbers like these, any break within the Republican Party has the potential to quickly bring down a Trump proposal—as it did with the nomination of former Rep. Matt Gaetz for attorney general. Since the filibuster remains on the books, to the consternation of many Democrats who still see the rule as a big problem, Republicans will need 60 votes on any measure that remains outside the reconciliation process. Democrats need to embrace the power of responsible partisanship rather than run away from it. Strong parties, operating within the boundaries of legitimate processes and political tactics, have been an enormously effective tool in blocking aggressive presidents making bold moves. Without engaging in the kind of destructive hyper-partisanship that has characterized Republican politics, leaders like Pelosi have demonstrated repeatedly how effective a team that remains united can be even in the most trying of times.

However, the ICC decks dem unity

Sharon **Zhang**, Sharon Zhang is a news writer at Truthout covering politics, climate and labor. Before coming to Truthout, Sharon had written stories for Pacific Standard, The New Republic, and more. She has a master's degree in environmental studies. "45 Democrats Vote With GOP to Pass Bill Sanctioning ICC Over Netanyahu Warrant," January 9, 2025 // **ANG recut RKE**

<https://truthout.org/articles/45-democrats-vote-with-gop-to-pass-bill-sanctioning-icc-over-netanyahu-warrant/>

he House has overwhelmingly voted to pass **a bill to sanction the** International Criminal Court (**ICC**) over its issuing of arrest warrants for Israeli leaders for their alleged crimes against humanity in Gaza, as the death toll from Israel's genocide tops 46,000 people, with many more deaths likely going uncounted. The Illegitimate Court Counteraction Act **passed** 243 to 140, **with 45 Democrats voting with nearly all Republicans** to pass the legislation. It has not yet been introduced in the Senate, with Democrats and some Republicans reluctant to advance it when the Senate was under Democratic control, and it is unclear whether it could get the 60 votes it requires to pass.

Due to Israeli implications

Stephen **Neukam**, Stephen covers the U.S. Senate for Axios and was a 2022 fall reporting fellow in Washington, D.C. He is a graduate journalism student at the University of Maryland. "Feud erupts among Senate Democrats ahead of surprise Schumer meeting," January 23, 2025 // RKE

<https://www.axios.com/2025/01/23/schumer-immigration-israel-transgender-rights>

The ICC issue is another which splits Democrats – some believe the court's arrest warrants for top Israeli officials are unjust, while others believe the Israeli government should be held accountable for the war in Gaza.

Independently, it loses political capital

Hoyt 08 Brian Hoyt, With over 25 years of experience, Brian provides tax, investment, and comprehensive financial planning services for individuals, "Rethinking the U.S. Policy on the International Criminal Court," 2008 // RKE

<https://apps.dtic.mil/sti/tr/pdf/ADA518159.pdf>

Ratifying the Rome Statute and **repealing** the associated ASPA and Nethercutt **legislation would** not be without political and financial costs. Domestically, there is not a wide awareness of these issues. Where there is awareness, it appears to be superficial and often subject to xenophobic influences. Changing these policies without also changing American perceptions of the ICC could **be politically damaging to U.S. policymakers** and legislators. The appearance of "softening" is not appealing to Congress, especially while U.S. troops are engaged in Iraq and Afghanistan. While the Bush administration, State Department, and Defense Department continue to oppose changes to current policy, shooting silver bullets in a perceived steep uphill battle is another congressional concern. Internationally, there may be some impact on relationships with those nations that have already signed BIAs. **Many** of these **nations' leaders expended valuable political capital** getting their national legislatures **to ratify the agreement**s, and the United States should acknowledge this by extending some benefit to these countries if sanctions are lifted for all nations without BIAs

Preserving Dem unity and capital saves us from the worst

Jacob **Bogage**, Jacob Bogage covers economic policy in Congress for The Washington Post, where he's worked since 2015. He's previously covered business and technology, "Democrats eye debt ceiling fight to block Trump's agenda," January 28, 2025 // RKE

<https://www.washingtonpost.com/business/2025/01/27/trump-debt-ceiling-democrats/>

On Thursday, House Minority Leader Hakeem Jeffries (D-New York) rejected that approach as a "nonstarter." Now **Democrats** are putting together wish lists for policies they **might trade for** their support. Among the options: **undoing** some of the flurry of **executive orders** Trump signed during his first week in office **that** seek to slash the size and scope of the government, **lay off** civilian **federal workers and enact immigration restrictions.**

Combating these orders is the key to saving democracy

Mike **Bedigan**, Mike Bedigan is a senior US reporter covering social justice issues, crime, politics and climate. His reporting includes coverage of both Republican and Democratic National Conventions, the 2024 presidential election, strange internet trends, and Taylor Swift. He joined The Independent in September

2023., "Senator accuses Trump of executive order 'blitzkrieg' to 'collapse our democracy'," January 29, 2025

// RKE

<https://www.the-independent.com/news/world/americas/us-politics/chris-murphy-trump-executive-order-bli-tzkrieg-b2688046.html>

A Connecticut senator has accused Donald **Trump** of **carrying out a "blitzkrieg" of executive orders** in his first week in office **in an attempt to "collapse our democracy."** Democrat Chris Murphy said that the flurry of orders issued by the president since taking back the Oval Office were designed to help in "seize control." "The **freezing** of federal grants, the **firing** of all **inspector generals**, the **immunization of political violence** - does everybody not see what's happening?" Murphy wrote on X Tuesday. "In a blitzkrieg, Trump is trying to collapse our democracy - and probably our economy - and seize control."

Otherwise extinction

Brown 19—Analyst for the Department of Defense's Nuclear Enterprise, aiding in nuclear strategy research and conducting exercises to verify nuclear surety policy, spent six years in the United States Air Force working in nuclear security operations, Master's of Art in International Relations and intends to pursue a Ph.D., conducting research on nuclear strategy and deterrence [Gerald, 12/16/2019, "Conflict and Competition: Limited Nuclear Warfare and the New Face of Deterrence", Global Security Review,] AMarb

Proliferation to **autocratic states** is a cause for concern, primarily because they are considerably less stable than democratic states and may be more willing to utilize a nuclear weapon. The inherently volatile nature of these regimes poses a significant challenge. North Korea has a very poor and impoverished populace, held under authoritarian rule. Regimes such as these are not known for their longevity and stability. The threat of regime change and revolt from within is a realistic consideration with autocratic states. If this occurred, it could result in the loss of a nuclear weapon, or their domestic use to quell a rebellion.[20] It could also escalate into conflict as Chinese and U.S. forces both seek to secure their nuclear assets and end up in conflict with each other. China would certainly not accept U.S. forces along the Yalu river, and both would want to immediately seek to ensure the stability of Pyongyang's nuclear assets. Autocratic states could also safely assume that Western powers would prefer it if they were a democratic government friendly to the West. With the international liberal orders push for global democracy, autocratic rulers are likely to fear Western interference. After Pyongyang's recent success, a nuclear weapons capability may appear to be an effective way to prevent Western interference and ensure its sovereignty. With smaller autocratic states, the constant external and internal threats to the stability of their regimes breed paranoia and volatility. Leading government officials tend to be promoted based on loyalty rather than competence, and disagreement or discontent with the dictator may be punished harshly, stifling progress and ingenuity. These regimes also tend to have strong military leadership directing the country. Pakistan is notable in this regard, where the military maintains significant control over the government and has a history of instigating a military coup when they dislike civilian leadership. Pakistan has had four separate military coups since its creation, with military dictators constantly consolidating their power into the executive branch.[21] Military leadership is far more likely to see nuclear weapons use as a viable option, which increases the instability of nuclear autocratic regimes even further. Civilian leadership has arguably been a key factor in preventing nuclear use thus far. Military officers often possess a different mindset and attitude on the subject than civilian leadership due to their career path. During the Cold War, there were numerous instances where the Joint Chiefs of Staff were far more willing to utilize nuclear weapons in a preventive war and were reined in by U.S. civilian leadership.[22] Throughout the Cold War, there were numerous false alarms; equipment detected missile

launches that did not exist, drills were confused for real launches, and communication cut-offs and the “fog of war” nearly led to nuclear use.[23] If faced with similar threats, it is less likely that an autocratic state will respond in such a level-headed manner. With shorter-range nuclear weapons, this could be exacerbated. These states are less likely to have a robust, survivable nuclear arsenal. If a state’s nuclear arsenal is threatened, it is likely to take action to ensure its survival or use. Without having the same geographic separation that the U.S. and USSR did, several states today rely on shorter-range weapons, like short-range missiles and multi-role fighter/bomber aircraft. Whether these weapons systems carry nuclear or conventional payloads may be unknown; being forced to make a rapid decision to respond to a potential threat may push a state over the edge to ensure its security.[24] Particularly concerning, at least in regard to stability, is the smaller size and the heightened vulnerability of many arsenals compared to other states. The multipolar nuclear order lacks the same levels of parity both quantitatively and qualitatively that were present in the Cold War. The number of weapons between states varies significantly. While exact numbers are typically classified, experts have estimated a range varying from approximately 20 warheads in North Korea, to around 6,000 for both the U.S. and Russia.[25] Destroying all the nuclear weapons in North Korea is significantly easier to do than performing the same action against the U.S. or Russia, and this may be especially true with an even newer autocratic state that develops a brand-new nuclear capability. The parity dilemma further extends to conventional capabilities. A state with inferior conventional capabilities such as North Korea compared to the U.S. or Pakistan compared to India, may feel pressured into utilizing, or at least threatening, to use its nuclear capabilities to make up for its inferiority. If a nuclear-armed state lacks an effective conventional response option and is faced with a crisis that threatens its security, it may decide to escalate with a limited nuclear strike to preserve its integrity and security

2NC:

ICC is ineffective – 3 warrants – lack of accessibility, transparency, and timeliness

Sabina Grigore, 5-2-2023, "Justice Delayed, Justice Denied: Bias, Opacity and Protracted Case

Resolution at the International Criminal Court," //vivyells,

<https://just-access.de/bias-opacity-and-protracted-case-resolution-at-the-international-criminal-court/>

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The ICC is regarded as a necessary institution for advancing international justice and accountability. However, criticisms have been leveled against it regarding its limited engagement with civil society, and the transparency of its activity has been defective.² On the one hand, the Court is being criticized for not having done enough to raise awareness about its work, because it has not communicated effectively with affected communities, victims, or the general public. Numerous

individuals, particularly those living in conflict-affected zones, are uninformed about the ICC's mandate and do not know how to access its services. This lack of awareness and outreach can prevent[ing] victims from coming forward to report violations of the Statute, undermining by and large the credibility of the ICC's work.³ Another issue is the lack of transparency of the ICC's activities. Trials and investigations at the ICC take place behind closed doors, and the public has little access to information about active cases.⁴ Due to this lack of openness, the ICC may come under criticism for bias and unfairness which lead to suspicions and mistrust regarding the activity of the institution as a whole. Two other main areas of criticism faced by the Court concern its high costs and slow pace of justice. The Court is funded by contributions from its member states, and its budget has been criticized for being too high. In addition, the Court's investigations and trials can take years to complete, leading to delays in justice for victims. One critical case in which both of these points of criticism are illustrated relates to the investigations in Afghanistan. In almost 20 years since the prosecutors of the ICC first considered opening an investigation into the crimes that occurred in Afghanistan, there has been little to no action toward bringing justice to Afghan victims. A month after the ICC authorized the Office of the Prosecutor to launch an investigation, the institution had to stop due to a request of the Afghan government to pursue the investigation themselves. Nonetheless, the conflict is of a protracted nature and crimes of an international nature have continued to occur throughout the whole time since the case came under the attention of the ICC.⁶ As such, limited by its own mandate and by the resource allocation decided upon by the Court, justice has not yet been delivered to the victims affected by the war in Afghanistan.