**Pingry affirms the resolution**

**Contention 1 is Nigeria**

**The US is currently selling millions of dollars of arms to Nigeria**

**U.S. Bureau of Political-Military Affairs last month** [U.S. Bureau of Political-Military Affairs (The Bureau of the Political-Military Affairs (PM) builds enduring security partnerships to advance U.S. national security objectives. The Bureau of Political-Military Affairs is the Department of State's principal link to the Department of Defense. The PM Bureau provides policy direction in the areas of international security, security assistance, military operations, defense strategy and plans, and defense trade – Senior Bureau Officer: James W. Holtsnider), 1-20-2025, “U.S. Security Cooperation with Nigeria”, U.S. Department of State, <https://www.state.gov/u-s-security-cooperation-with-nigeria/> DOA 1/29/25] // SH

For more than 50 years, the United States and Nigeria have enjoyed a strong security partnership and friendship. The U.S.-Nigeria relationship is among the most important in sub-Saharan Africa, given Nigeria’s status as Africa’s most populous country, largest economy, and our shared democratic values. The United States works closely with Nigeria, both bilaterally and through regional and multilateral fora like the Economic Community of West African States (ECOWAS), the Multinational Joint Task Force (MNJTF), the Global Coalition to Defeat Daesh/ISIS, and the African Union. Our joint efforts are focused on increasing cooperation on maritime and border security, military professionalization, counterterrorism efforts against Boko Haram and ISIS-West Africa, defense trade, and strengthening governance of the security sector. The Department of State provides Nigeria with one of the highest International Military Education and Training (IMET) allocations in sub-Saharan Africa, with approximately $5 million obligated from FY 2019 –2023.. Nigeria is also a partner in the Africa Military Education Program (AMEP) and has benefited from approximately $500,000 since FY 2016 to support instructor and curriculum development at Nigerian military schools. From FY 2016-FY 2020, $1.8 million was obligated for Nigeria in Foreign Military Financing to support maritime security, military professionalization, and counterterrorism efforts. Nigeria is an active member of the Trans-Sahara Counterterrorism Partnership (TSCTP) and has benefitted over $8 million worth of training, equipment, and advisory support for counterterrorism efforts between FY 2019-FY 2023. **The United States has $590 million in active government-to-government sales cases with Nigeria under the Foreign Military Sales** (FMS) **system.** FMS cases notified to Congress are listed on the DSCA website. **Recent** **and significant sales include the 2017 sale of 12 A-29 Super Tucano aircraft worth $497 million** to support Nigerian military operations against Boko Haram and ISIS West Africa. The case included special training on International Humanitarian Law, including an Air-to-Ground Integration (AGI) program designed to provide institutional and technical training to the Armed Forces of Nigeria (AFN) in order to mitigate the risk of civilian harm incidents. **In August** of last year, **Nigeria delivered the first payment for 12 AH-1Z Attack Helicopters worth** a total of **$997 million.** The FMS case includes an additional $25 million of funding allocated for the Nigeria’s AGI program, which continues to train the AFN on developing targeting processes that are legally compliant with International Humanitarian Law; The light attack **and** Intelligence, Surveillance, and Reconnaissance (ISR) capabilities Nigeria is developing will involve more than just airplanes; Nigeria will have the trained personnel and sustainment infrastructure to ensure a robust capability for the aircrafts’ full-service lifetime. **In F[iscal] Y[ears] [From] 2018-22, the United States** also **authorized the permanent export of over $53 million in defense articles to Nigeria via the Direct Commercial Sales** (DCS) **proces**s. **The top** three **categories of** defense **exports to Nigeria were** Fire Control, Laser, Imaging, and Guidance Equipment; **Firearms** and Related Articles; and **Guns and Armament.** Building on the AGI program, the Department of State has obligated $941,000 in Peacekeeping Operations Funds (PKO) since 2021 for advisory services to the AFN to enhance accountability and justice by developing systems and practices on civilian harm mitigation. In 2011 and 2015 Nigeria received $15 million in defense articles granted under the Excess Defense Articles program, to include 24 Mine-Resistant Ambush Protected (MRAP) vehicles and two Hamilton-class U.S. Coast Guard high endurance cutters – the USCGC Chase and USCGC Gallatin – which entered service in the Nigerian Navy as Thunder and Okpabana in 2011 and 2014, respectively.In 2016, the United States and Nigeria signed an Acquisition and Cross-Servicing Agreement to exchange common types of support, including food, fuel, transportation, **ammunition**, and equipment. Since 2000, the United States has had a [Status of Forces](https://www.state.gov/13111) Agreement with Nigeria establishing the legal framework under which U.S. military personnel may operate when present in Nigeria.

**While these sales are meant to support counterterrorism, they instead enable the Nigerian government to commit human rights violations and create a breeding ground for terrorist recruitment**

**Hartung ‘22** [William D. Hartung (William D. Hartung was previously the director of the Arms and Security Program at the Center for International Policy and the co-director of the Center’s Sustainable Defense Task Force. He previously directed programs at the New America Foundation and the World Policy Institute. He also worked as a speechwriter and policy analyst for New York State Attorney General Robert Abrams. Hartung’s articles on security issues have appeared in the New York Times, the Washington Post, the Los Angeles Times, The Nation, and the World Policy Journal. He has been a featured expert on national security issues on CBS 60 Minutes, NBC Nightly News, the PBS Newshour, CNN, Fox News, and scores of local, regional, and international TV and radio outlets), 10-20-2022, “Promoting Stability or Fueling Conflict? The Impact of U.S. Arms Sales on National and Global Security”, Quincy Institute for Responsible Statecraft, https://quincyinst.org/research/promoting-stability-or-fueling-conflict-the-impact-of-u-s-arms-sales-on-national-and-global-security/#executive-summary DOA 1/29/25] // SH

**In April the United States offered AH-1Z attack helicopters for $997 million to Nigeria**, marking the latest stage in a warming of relations between the two countries that began early in the Trump administration. 72 The Biden administration decided to provide attack helicopters to Nigeria despite the fact that there have been no noticeable improvements in the efficacy and conduct of the Nigerian Armed Forces (NAF). **U.S.** counterterrorism **policy** in North Africa and the Sahel **has leaned heavily on arming** and training **local military forces**, accompanied by regular deployments of U.S. special forces. While the value of arms transfers involved in carrying out the strategy is far less than in other major regions, **the security consequences are immense.** U.S. weapons sales to Nigeria are a case in point: U.S. arms and training have not only failed to contribute to a significant reduction in terrorism, but have also helped create the conditions for terrorism to persist, and in some cases even thrive. 73 Even as its military initiative against Boko Haram and Islamic State in West Africa Province (ISWAP) has been ineffectual, the human rights violations by Nigerian security forces, like those described below, have served as a recruiting tool for the terrorist groups and served to delegitimize the anti-terror effort in the eyes of many Nigerians. More U.S. arms at this moment are only likely to make matters worse, to the detriment of the wider U.S. effort to stem terrorism in North Africa and the Sahel region. There are many downsides to **a militarized approach to counter-terrorism** in the Sahel and Africa as a whole, and to the **fail[s]**ure **to address the corruption, human rights abuses, and economic deprivation that set the conditions for current and future internal conflicts.** Stephanie Savell of the Costs of War Project at Brown University has summarized some of the main problems with the current approach: “Many **governments use the U.S. narrative of terrorism and counterterrorism**… **to repress minority groups, justify authoritarianism, and facilitate illicit profiteering**, all while failing to address poverty and other structural problems that lead to widespread frustration with the state. **Thus, in a vicious cycle, what the U.S. calls security assistance** actually accomplishes the opposite… **it has fed insecurity, bolstering the militants that react against the government injustices exacerbated by this aid.**” **Persistent human rights abuses committed by the Nigerian Armed Forces have created an environment in which it is easier for terrorist organizations to recruit**. A few recent examples of these abuses suffice to make the case. **U.S. arms** and training have not only failed to contribute to a significant reduction in terrorism, but have also helped **create the conditions for terrorism to** persist, and in some cases even **thrive**. According to a report compiled jointly by the Security Assistance Monitor at the Center for International Policy, the Brown University Costs of War Project, and Interaction, field–based NGO workers interviewed between February and April 2022, “…cases of civilian casualties resulting from Nigerian airstrikes have increased considerably in recent years, accompanied by a notable lack of accountability and follow up to allegations by NAF.” 74 **The Nigerian military has** also **committed torture on a massive scale and targeted civilians, which they justify as a necessary aspect of their campaign against Boko Haram, a terrorist group,** and its offshoots — such as ISWAP. As Human Rights Watch noted in its World Report covering events that occurred in 2021 and prior, **the International Criminal Court has indicated it has “reasonable basis to believe” that both Boko Haram, other terrorist groups and Nigerian security forces have committed war crimes and crimes against humanity.** 75 Amnesty International reported that **10,000 civilians died between 2011 and 2020 from extreme neglect in prisons run by the Nigerian military**. 76 Amnesty described the imprisonment of civilians as “unlawful detention” because **many individuals were swept up and jailed without any evidence that they had ties to Boko Haram.**

**The ICC has already opened investigations into Nigeria**

**Olugbuo ND** [Benson Chinedu Olugbuo (Benson Chinedu Olugbuo is programs manager with the Centre for Democracy and Development, Abuja, Nigeria and research associate and PhD student at the Public Law Department, University of Cape Town, South Africa), “Acceptance of International Criminal Justice in Nigeria”, Nuremberg Academy, ​<https://www.nurembergacademy.org/fileadmin/publications_images/acceptance-of-international-criminal-justice-in-nigeria-legal-compliance-myth-or-reality/Nigeria.pdf> DOA 1/29/25] // SH

**The** International Criminal Court (**ICC**) recently **announced that it had identified eight** potential **cases of crimes against humanity and war crimes in** the war against insurgency in **Nigeria.**2 This is **in relation to the conflict between the Nigerian military and Boko Haram insurgents** in northeast Nigeria.3 The conflict has caused great suffering to civilians, and strained the relationship between communities and government forces (Badejogbin, 2013: 227; Onuoha, 2010: 54). It has further raised the possibility of an investigation by the ICC in Nigeria, and has heightened fears that the proposed investigation may unravel the military and expose it to international scrutiny. However, the ICC’s possible investigation of the conflict goes beyond the fears of a possible investigation into the actions of the military. It also has to do with the primary purpose of this research, which is to understand the tension between legal compliance and the acceptance of international criminal justice in Nigeria, which is seen both as a myth and as reality depending on the context. The Nigerian military has played a major role in the governance and development of the country. Both serving and retired military officers have continued to hold political roles in Nigeria’s quest for democracy. The role of the military has been further consolidated due to the current engagement between the Nigerian military and Boko Haram insurgents. However, since 1999 there has been an uninterrupted civilian administration, although some of the civilian leaders are former military Heads of State like former President Olusegun Obasanjo and the current President, Mohammadu Buhari

**However, despite concluding the investigation in 2020, the ICC has yet to deliver justice**

**Amnesty ‘24** [Amnesty International (Amnesty International is a global movement of more than 10 million people in over 150 countries and territories who campaign to end abuses of human rights), 12-2-24, “Nigeria: Amnesty International petitions ICC judges to end Prosecutor’s delaying of justice for atrocity crimes”, Amnesty International, <https://www.amnesty.org/en/latest/news/2024/12/nigeria-amnesty-international-petitions-icc-judges-to-end-prosecutors-delaying-of-justice-for-atrocity-crimes/> DOA 1-29-2025] // SH

Amnesty International today submitted a legal filing to the Pre-Trial Judges of the International Criminal Court (ICC) on behalf of several victims’ networks, to request an end to the ICC Prosecutor’s indefinite and unfathomable delay to the start of the court’s investigation into war crimes and crimes against humanity in Nigeria. **In December 2020, the ICC** Prosecutor **concluded that all the criteria had been fulfilled for the opening of an investigation into atrocities committed** since 2010 in the country’s north-east, including **amid the** ongoing **conflict between Boko Haram and the Nigerian army.** Following that conclusion, the clear next step should have been to submit a request to Pre-Trial judges to open the investigation, and then if authorized by the judges, start investigating. **Four years on, the ICC Prosecutor’s Office has yet to even issue the initial request.** Isa Sanusi, Director of Amnesty International Nigeria, said: “Victims of war crimes and crimes against humanity in Nigeria are as entitled to justice as victims of crimes under international law elsewhere. They have already waited too long. Nigeria should not be forgotten by the International Criminal Court.” “Amnesty International has called for an ICC investigation in Nigeria for years. **The Office of the Prosecutor continues to delay, despite its clear legal obligation and its promise to open an investigation.** We urge the ICC judges to exercise their oversight power to ensure the Prosecutor acts in conformity with the Rome Statute’s provisions.” “**The Prosecutor has** also **failed to justify the deprioritization of the Nigeria situation, leaving** victims and **survivors** of the conflict waiting **with no explanation**, nor any certainty, about the Prosecutor’s intended next steps. When is it going to be Nigeria’s turn?” asked Isa Sanusi. The legal filing argues that the Office of the Prosecutor is failing in its legal duty under article 15(3) of the Rome Statute to request the authorization of the opening of the investigation in Nigeria. The complaint also describes how the Prosecutor has created an unprecedented situation in which Nigeria is now neither a preliminary examination nor an investigation, leaving it in legal ‘limbo’ between these two stages of the ICC judicial process. In doing so, the Prosecutor has bypassed due process and he has put victims’ rights to truth, justice and reparations on indefinite hold. “As the ICC’s member states commence their annual Assembly session, we call on them to recognize that all ICC situations, including in Nigeria, must receive the same standard of treatment and attention as others before the Court.”

**Affirming creates peace in two key ways. First is through holding the US accountable. The ICC currently has no jurisdiction over the US as it hasn’t yet ratified the Rome Statute**

**ICC ‘17** [International Criminal Court (The International Criminal Court (“the ICC” or “the Court”) is a permanent international court established to investigate, prosecute and try individuals accused of committing the most serious crimes of concern to the international community as a whole), 12-8-2017, “Statement on Behalf of the United States of America; 16th Session of the Assembly of States Parties; December 8, 2017”, International Criminal Court, <https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP16/ASP-16-USA.pdf> // DOA 1/29/25] // SH

The United States rejects any assertion of ICC jurisdiction over nationals of States that are not parties to the Rome Statute, absent a UN Security Council referral or the consent of that State. Dating back to the 1990s, the United States has consistently objected to any exercise of jurisdiction by the ICC over U.S. personnel. We affirm this continuing position of the United States Government, and object to the request by the Office of the Prosecutor for authorization from the Court to pursue an investigation of alleged actions by U.S. personnel in the context of the conflict in Afghanistan. As the United States has previously stated, we will regard as illegitimate any attempt by the Court to assert the ICC’s jurisdiction over American citizens. I’d like to briefly elaborate on some of the concerns of the United States. As an initial matter, and as we have consistently emphasized, **the United States is not a party to the Rome Statute and has not consented to** any assertion of **ICC jurisdiction,** **nor has the Security Council taken action under Chapter VII of the UN Charter to establish jurisdiction over U.S. personnel**. **It is a fundamental principle of international law that a treaty is binding only on its parties and that it does not create obligations for non-parties without their consent. The Rome Statute cannot be interpreted as disposing of rights of the United States as a non-Party without U.S. consent.** The United States respects the decision of those nations that have chosen to join the ICC, and in turn, we expect that our decision not to join and not to place our citizens under the court’s jurisdiction will also be respected. Additionally, we are concerned about any ICC determination--as required by the Rome Statute’s core principle of complementarity--on, for example, the genuineness of U.S. legal proceedings without United States consent. The principle of complementarity fundamentally limits the ICC’s exercise of jurisdiction to those cases in which a State is genuinely unwilling or unable to comply with its duties, such as those under the Geneva Conventions, to investigate and prosecute war crimes, genocide, and crimes against humanity. **Just as we have not consented to jurisdiction over our personnel, we have not consented to the ICC’s evaluation of our own accountability efforts.**

**US arms sales are often used to aid and abet war crimes, violating Article 25 of the Rome Statute**

**Rome Statute ‘98** [Rome Statute of the International Criminal Court (The Rome Statute of the International Criminal Court is the treaty that established the International Criminal Court (ICC). It was adopted at a diplomatic conference in Rome, Italy on 17 July 1998 and it entered into force on 1 July 2002. As of January 2025, 125 states are party to the statute), adopted 7-17-1998, “Rome Statute of the International Criminal Court”, The International Criminal Court, <https://www.icc-cpi.int/sites/default/files/2024-05/Rome-Statute-eng.pdf> DOA 1/29/25] // SH

**Article 25** Individual criminal responsibility 1. **The Court shall have jurisdiction over natural persons pursuant to this Statute**. 2. A person who commits a crime within the jurisdiction of the Court shall be individually responsible and liable for punishment in accordance with this Statute. 3. In accordance with this Statute, a person shall be criminally responsible and liable for punishment for a crime within the jurisdiction of the Court **if that person:** (a) Commits such a crime, whether as an individual, jointly with another or through another person, regardless of whether that other person is criminally responsible; (b) Orders, solicits or induces the commission of such a crime which in fact occurs or is attempted; (c) **For the purpose of facilitating the commission of such a crime,** **aids, abets or otherwise assists in** its commission or its attempted commission, including providing the means for its commission; (d) In any other way contributes to **the commission** or attempted commission **of** such **a crime** by a group of persons acting with a common purpose. Such contribution shall be intentional and shall either: (e) In respect of the crime of genocide, directly and publicly incites others to commit genocide; (f) Attempts to commit such a crime by taking action that commences its execution by means of a substantial step, but the crime does not occur because of circumstances independent of the person's intentions. However, a person who abandons the effort to commit the crime or otherwise prevents the completion of the crime shall not be liable for punishment under this Statute for the attempt to commit that crime if that person completely and voluntarily gave up the criminal purpose. 4. No provision in this Statute relating to individual criminal responsibility shall affect the responsibility of States under international law.

#### **Studies prove ratification reduces war crimes through raising the stakes of such behavior**

**Appel 18** [Benjamin J. Appel, educator at the Department of Political Science at Michigan State University, 2018, “In the Shadow of the International Criminal Court: Does the ICC Deter Human Rights Violations?” Journal of Conflict Resolution, https://unlv-primo.hosted.exlibrisgroup.com/permalink/f/6tvje6/TN\_cdi\_proquest\_journals\_1976095460]/Kankee

The International Criminal Court (ICC) aims to prevent and deter individuals from committing grave violations of international law. According to its proponents, the establishment of the Court has ushered in a new era of international justice. In contrast to other international legal instruments, such as human rights treaties, the Court has the authority to investigate and prosecute individuals suspected of committing genocide, war crimes, and crimes against humanity. As a result, the Court’s supporters claim that the ‘‘culture of impunity’’ that has allowed human rights abusers to freely commit atrocities without fear of sanction has come to an end. Despite its potential to do this, the question remains: has the ICC contributed to the prevention of gross human rights abuses? Scholars and policy makers are divided on this question. Many champion the establishment of the Court and its ability to deter potential perpetrators from committing human rights violations by prosecuting offenders (Akhavan 2009; Schabas 2011; Scharf 1997). Others call into question whether the Court can prevent such crimes, given that it lacks the legal mandate and enforcement capabilities to capture and arrest wanted individuals (Ku and Nzelibe 2006; Drumbl 2007). Despite the arguments made by both sides, the current debate suffers from two major problems that make it difficult to determine whether the Court has improved human rights practices. First, researchers have failed to fully theorize the potential deterrent impact of the Court by underestimating the costs that it can inflict on individuals. Second, there is a lack of empirical research examining whether the Court has fulfilled its mandate and prevented gross human rights abuses. As Simmons and Danner (2010, 226) put it, ‘‘few social scientists have given this innovative institution close scrutiny.’’ In this article, I systematically examine the relationship between the ICC and government respect for human rights. I argue that governments from states that have ratified the Rome Statute commit lower levels of human rights abuses than governments from nonratifier states.1 I posit that the ICC can deter ratifiers from committing violations because it imposes costs on them throughout its involvement in a situation that include imprisonment, but also a variety of domestic and international audience costs. As a result, the threat of ICC’s involvement lowers the expected payoffs for engaging in repression, making other policies more attractive to ratifiers. In this way, while I acknowledge the importance of formal sanctions (i.e., incarceration), recognizing that the ICC inflicts various costs on governments once they start an investigation represents an important advance on existing arguments, given that the primary criticism of the ICC is that it is not a credible deterrent due to its limited ability to arrest wanted suspects. I use the Cingranelli–Richards (CIRI) index of physical integrity rights to test the deterrent impact of the ICC (Cingranelli and Richards 2009). CIRI index consists of four key human rights measures: torture, summary executions, physical disappearances, and political imprisonment. The data is appropriate for the present study because it corresponds to the Court’s jurisdiction to investigate and prosecute individuals suspected of committing crimes against humanity and war crimes. All four types of violations featured in CIRI index are explicitly listed in the Rome Statute as both war crimes and crimes against humanity. Further, while the ICC has investigated rebel groups, it also frequently targets governments, which are the focus of this study. I discuss several cases below, including Colombia, Sudan, Guinea, and Kenya. Other notable cases targeting governments include Mali, Israel, Libya, and the Ivory Coast.2 I find support for my theoretical expectations; leaders from states that have ratified the Rome Statute commit lower levels of human rights violations than leaders from nonratifier states. The results are robust to several alternative explanations of human rights abuses and the determinants of ratification (i.e., regime type, democratization, recent conflict history, independent judiciary, etc.). The results are also consistent when accounting for concerns related to selection effects. Using difference-in-differences (DiD) estimation, the findings indicate that the ICC is associated with a reduction in human rights violations, even after accounting for any unobserved preexisting differences between (eventual) ratifiers and nonratifiers.3 I also directly test the causal mechanisms in my argument and find that ICC’s involvement in a situation is related to a greater probability of both economic sanctions and major domestic government crises. The results suggest that the ICC is associated with both screening and constraining effects on governments. Although governments with better human rights records are more likely to ratify the Rome Statute, their human rights practices still improve after ratification. The practices of nonratifiers, however, change very little across time. This suggests that the ICC appears to be associated with an independent effect on ratifiers that cannot entirely be explained by prior human rights practices, trends across time, or domestic conditions. This article makes several important contributions. To my knowledge, this is the first cross-national analysis to find that the ICC is associated with better human rights practices.4 Finding that the ICC can reduce human rights abuses is important for both policy makers and academics. The ICC is a novel institution with unparalleled power to enforce the law and prevent gross human rights violations. In a significant move, ratifier states sacrificed some of their sovereignty by giving the Court the authority to prosecute individuals from their country. As Bosco (2014, 2) puts it, the ICC ‘‘represents a remarkable transfer of authority from sovereign states to an international institution.’’ The findings in this article provide support for the Court’s backers who argue that the establishment of a permanent ICC with such jurisdictional powers can advance human rights. Along these lines, this article also addresses important debates in the literature. In contrast to realist arguments that maintain that international law and institutions are either irrelevant or epiphenomenal, this article suggests that international organizations such as the Court can alter the behavior of governments. In so doing, it draws on arguments from the larger literature on human rights to suggest that the ICC can alter government behavior even with relatively weak enforcement mechanisms. By imposing various costs throughout the process, I suggest that the ICC can deter individuals even with its limited ability to arrest wanted suspects. As noted, this is an important theoretical insight about the ICC that addresses one of the major concerns of those skeptical of the Court’s impact on human rights abuses. The rest of this article is organized as follows. First, I review the existing literature on the Court and identify the shortcomings in it. Next, I put forward my argument on the effectiveness of the ICC. I then introduce my research design and measurement issues and discuss selection effects and present the statistical findings. I then examine whether ICC’s involvement is associated with greater domestic and international costs. I conclude with the implications of this research and directions for future research. Literature Review

**Otherwise, human rights violations continue in two ways. First is through the Nigerian government**

**Amnesty ‘15** [Amnesty International (Amnesty International is a global movement of more than 10 million people in over 150 countries and territories who campaign to end abuses of human rights), 6-2-2015, “Nigeria: Stars on their shoulders: Blood on their hands: War crimes committed by the Nigerian military”, Amnesty International, <https://www.amnesty.org/en/documents/afr44/1657/2015/en/> DOA 1/29/25] // SH

In the course of security operations against Boko Haram in north-east Nigeria, **Nigerian military forces have extrajudicially executed more than 1,200 people**; they have **arbitrarily arrested at least 20,000** people, mostly young men and boys; **and have committed countless acts of torture**. Hundreds, if not **thousands**, **of Nigerians have become victims of enforced disappearance**; **and at least 7,000 people have died in military detention.** Amnesty International has concluded that **these acts**, committed in the context of a non-international armed conflict, **constitute war crimes** for which military commanders bear both individual and command responsibility, **and** may amount to **crimes against humanity.**

**Second is through Boko Haram**

**GCRP ‘24** [Global Centre for the Responsibility to Protect, 12-1-2024 (The Global Centre for the Responsibility to Protect saves lives by mobilizing the international community to act in situations where populations are at risk of mass atrocity crimes. They exist to uphold the norm of the Responsibility to Protect – known as R2P – adopted by the UN in 2005. This principle seeks to ensure that the international community never again fails to halt the mass atrocity crimes of genocide, war crimes, ethnic cleansing and crimes against humanity), “Nigeria”, Global Centre for the Responsibility to Protect, <https://www.globalr2p.org/countries/nigeria/> DOA 1/29/25] // SH

For nearly 15 years, civilians in Nigeria have faced multiple security threats and risk of atrocities due to attacks, kidnappings and extortion by various non-state armed groups. According to the UN Office for the Coordination of Humanitarian Affairs, the security situation has resulted in a humanitarian emergency, with **more than 8.3 million people – approximately 80 percent of whom are women and children – requiring urgent assistance**. Since 2011 recurrent violence between herding and farming communities, rooted in competition over scarce resources, has escalated in central and north-west Nigeria. Largely in response to these growing tensions, **armed groups and gangs,** including so-called “bandits,” have formed. For years such **groups have perpetrated widespread atrocities, including murder, rape, kidnapping, organized cattle-rustling and plunder.** Armed bandits are also occupying vast swaths of farmland, **prompting many farmers to abandon their land out of fear of attack.** In attempts to curb the activities of armed bandits, t**he government has intensified its military operations in affected areas since late 2021, including through indiscriminate airstrikes where such groups operate that have resulted in hundreds of civilian casualties.** In northern Nigeria, armed extremist groups, notably **Boko Haram** and splinter groups like the so-called Islamic State in West Africa Province (ISWAP), **have perpetrated mass atrocities against civilians.** Originating in the early 2000s in the northeast, Boko Haram sought to overthrow Nigeria’s secular government and in 2009 it launched an insurgency to establish an Islamic state, which has **resulted in the deaths of tens of thousands of people and the displacement of over 2 million.** Despite the African Union authorizing the Multinational Joint Task Force in 2015 to combat extremism, the threat persists. **Their tactics include suicide bombings, abductions, torture, rape, forced marriages, recruitment of child soldiers and attacks against government infrastructure, traditional and religious leaders and civilians.** Armed groups like Boko Haram have recently strengthened their position by allying with the bandits. During counterterrorism operations, **Nigerian security forces have reportedly committed human rights violations and used excessive force, including extrajudicial killings, rape, torture and arbitrary detentions against civilians** and suspected Boko Haram and ISWAP members.

**Contention 2 is The US**

**Subpoint A is US Intervention**

**US interventions are out of control**

**Stephenson ‘23** [Heather Stephenson (Heather Stephenson is the editor of Tufts Magazine, the university’s award-winning alumni magazine, and produces stories for all Tufts channels. She holds degrees from Princeton and Harvard universities), 10-16-2023, “U.S. Foreign Policy Increasingly Relies on Military Interventions”, Tufts Now, <https://now.tufts.edu/2023/10/16/us-foreign-policy-increasingly-relies-military-interventions> DOA 2/13/25] // SH

According to the project’s data, **the U.S. has been involved in 393 military interventions** in other nations since 1776. **More than 200 of those have been since 1945, and 114 in the post-Cold War era** (after 1989). Just since the year 2000, the project documents 72 interventions. And in one region of the world, the Middle East and North Africa, the U.S. has been involved in 77 military interventions, mostly since the 1940s. Intervention means more than boots on the ground. The project uses the term military intervention to refer to both the threat of use of force and the actual deployment of troops and materiel into another country. “**More often than not we display the use of force**,” Toft says. That might involve sending a U.S. carrier group to the Mediterranean or the Caribbean, for example. “Actually using force, interstate wars, are quite rare,” according to the analysis, Toft says, although “some academics might say we are under counting, given the way the United States doesn’t officially declare war often.” Over the entire span of U.S. history, the display of force has been more common than the use of force. However, in more recent years, the use of force has become more common than the display, Toft says. The stakes are changing—and so are the odds. Toft also argues that the U.S. is engaging in **military actions** that **are not as central to** its **national interest, with lower odds of winning**, than it did before. Since the start of the twentieth century, the strongest nations in the world—known as major and great powers—have been fighting harder and winning less often, she says. “**In the nineteenth century, they had a 9 in 10 chance of prevailing. And then by 1950, it's 50/50**.” Pointing to U.S. involvements in Vietnam and Afghanistan, neither of which ended in victory, she says, “It's much more difficult today.” That’s another argument for reconsidering the increased reliance on military intervention. T

**Affirming solves – the ICC deters intervention by incentivizing leaders to think more carefully before making a military decision**

**Kuo ‘24 continues** Felisha Kuo, 5-10-2024, "Analyzing the United States in International Law: A Case for U.S. Membership in the International Court of Justice (ICJ) and International Criminal Court (ICC)", Bruin Political Review, <https://bruinpoliticalreview.org/articles?post-slug=analyzing-the-united-states-in-international-law-a-case-for-u-s-membership-in-the-international-court-of-justice-icj-and-international-criminal-court-icc-> //JL

The ICC operates under the principle of complementarity, giving the state of which the accused is a national priority jurisdiction [6]. It is only when states do not have the infrastructure or the willingness to investigate amid blatant human rights violations the ICC can instigate an investigation. Considering the United States’ well-established military court system, an ICC investigation on U.S. nationals is highly unlikely. **Joining the ICC**, then, **will encourage** senior **U.S. officials to make more careful choices when it comes to** decisions that involve **military force.** With 750 military bases across eighty different countries, the United States’ large military presence must be accompanied by thorough decision-making as **any use of military force could further escalate ongoing conflicts.** Reflecting on the history of American military adventurism, whether in Vietnam, Iraq, or Afghanistan, **most are wars of choice.** Given that the choice rests on high-level officials and military personnel, considering the legal liability encourages careful consideration of the **human and financial costs of war. It will also encourage better attempts at trialing and self-enforcing military guidelines when it comes to war crimes.** Take the Iraq War in 2003, where a U.S.-led coalition overthrew the Saddam Hussein government, justifying the intervention by citing evidence for weapons of mass destruction. Seven years and more than $3 trillion U.S. dollars later, the defeat of the Iraqi army signaled the end of the war [7]. However, the U.S.’ supposed evidence of weapons of mass destruction and biological weapons were unfounded. “The Americans lost a lot of credibility from this war,” says Dr. Karin von Hippel, the director-general of the Royal United Services Institute think tank in an interview with BBC. The Americans did not just lose credibility in terms of intelligence. Allegations of gross human rights violations in secret detention centers and the indiscriminate cluster bombings against the U.S. followed. Legal experts of international law concluded that the attacks were disproportionate and indiscriminate, violating international humanitarian law which prohibits “attacks which employ a method or means of combat which cannot be directed at a specific military objective,” [8].

**US interventions kill millions. In just the middle east,**

**Berger 23 quantifies** [Miriam Berger (Berger is a staff writer with The Washington Post's foreign news desk in Washington, D.C. She was previously based in Jerusalem and Cairo and has freelance reported around the Middle East, as well as parts of Africa and Central Asia. She has a master's degree in Modern Middle Eastern Studies from Oxford University and is a former Fulbright research fellow in Egypt.), 5-15-2023, "Post-9/11 wars have contributed to some 4.5 million deaths, report suggests", The Washington Post, https://www.washingtonpost.com/world/2023/05/15/war-on-terror-911-deaths-afghanistan-iraq/ ] //viv

**The** full **death toll of** violence in the **U.S.-led** invasions of Afghanistan and Iraq, let alone of the broader global **war on terrorism**, remains difficult to determine. But it has long been **surpassed** by an even larger and more opaque figure: the indirect count of people who have died as a result of post-9/11 conflicts’ far-reaching ripple effects, such as **ensuing waves of violence, hunger, the devastation of public services and the spread of disease.** Brown University researchers, in a report released Monday, draw on U.N. data and expert analyses to attempt to calculate the minimum number of excess deaths attributable to the war on terrorism, across conflicts **in Afghanistan, Pakistan, Iraq, Syria, Lib ya, Somalia and Yemen** — impacts “so vast and complex that” ultimately, “they are unquantifiable,” the researchers acknowledge. The accounting, so far as it can be measured, puts the toll at 4.5 million to **4.6 million** — a figure that continues to mount as the effects of conflict reverberate. Of those fatalities, the report estimates, some 3.6 million to 3.7 million were “‘indirect **deaths**” caused by the deterioration of economic, environmental, psychological and health conditions. More than 7,000 U.S. troops were killed in Iraq and Afghanistan, along with more than 8,000 contractors, according to Brown’s Costs of War project. And U.S. forces have suffered cascading effects of their own, including rates of suicide among veterans outpacing the general population. But the vast majority of those killed in the fighting were locals**: more than 177,000 uniformed Afghans, Pakistanis and Iraqis and Syrian allies had died as of 2019**, according to the Costs of War project, alongside a vast count of opposing combatants and a disputed civilian toll.

**Subpoint B is Drones**

**Increased drone strikes are imminent with Trump’s second term**

**Khan and Mubarak ‘24** [Aysha Khan (Aysha Khan is the deputy managing editor at Analyst News. Aysha holds degrees from the University of Maryland and Harvard Divinity School) & Shumaila Mubarak (Shumaila Mubarak Sharma is an Analyst News staff writer and video writer based in Toronto), 11-15-2024, “There will be no peace in the Middle East under Trump, either”, Analyst News, <https://www.analystnews.org/posts/trump-no-wars-peace-middle-east-palestine-yemen-saudi-drones> DOA 2/10/25] // SH

One of the darkest stains on Barack Obama’s presidency was his warm embrace of **drone strikes** and targeted killing, which quickly **became [a]** his **signature counterterrorism move.** When Trump was voted in, some commentators hoped that Republican isolationism could offer some relief from this unchecked, remote-controlled mass killing. Yet **in just the first two years of Trump’s previous presidency, he launched 2,243 drone strikes**. **That’s compared with 1,878 during Obama’s entire eight years in office. Trump’s first presidency saw far more drone strikes and even less transparency than Obama’s notoriously drone-happy administration.** To hide these secretive drone campaigns, he revoked an Obama-era rule requiring the U.S. to publicly report the number of civilians killed in drone strikes, calling these laws “superfluous” and distracting. In the first two years of Donald Trump’s previous presidency, he launched 2,243 drone strikes, compared with 1,878 during Obama’s entire eight years in office. “In annual reports under Trump, the U.S. military has claimed that zero civilians were killed in Yemen during operations it carried out in 2018 and 2019,” The Intercept reported in 2020. “Such a claim flies in the face of painstaking reporting by monitoring groups like Airwars. Unsurprisingly, the absurd death toll went unquestioned by an administration that has gone out of its way to encourage and defend individuals accused of killing civilians in combat.” In fact, the **Trump** administration appears to have **dropped more bombs in Yemen than all previous U.S. presidents combined**. Even as Congress pushed through a bipartisan resolution to end U.S. military assistance for Saudi Arabia’s ruthless war on Yemen, he issued an emergency declaration to send Saudi another $8.1 billion worth of precision-guided missiles and other high-tech weapons. The emergency: the need to curb Iran’s “malign influence” in the region. Later, Trump vetoed three joint Congressional resolutions blocking licensing for some arms sales to Saudi, the U.A.E and several European nations. Today, Yemen remains one of the world’s worst man-made humanitarian crises, with millions facing starvation and displacement. **An estimated 154,000 people were killed through military action; at least 8,900 were killed in** Saudi-led **airstrikes directly targeting civilian buildings and gatherings** (including, infamously, weddings). Notably, Trump also dismissed Saudi crown prince Muhammad Bin Salman’s role in the 2018 assassination of U.S. citizen and journalist Jamal Khashoggi in order to continue arms sales. Later, Trump bragged about “saving” MBS from congressional heat.

**These strikes indiscriminately target civilians and violate international law**

**Keenan ‘21** [Keenan, Patrick J. (Professor of Law & Heidi Hurd Faculty Scholar, University of Illinois College of Law) , DRONES AND CIVILIANS: EMERGING EVIDENCE OF THE TERRORIZING EFFECTS OF THE U.S. DRONE PROGRAMS, 20 Santa Clara J. Int'l L. 1 (2021).

Available at: <https://digitalcommons.law.scu.edu/scujil/vol20/iss1/1>} // SH

The Biden Administration, in one of its first consequential foreign policy decisions, announced that it would undertake a comprehensive review of the United States drone program. Officials promised that this review would consider all available evidence. This article shows that **the U.S. drone program violates international law because of the ways it terrorizes civilian populations.** U.S. officials from both parties have argued that drones are an effective part of the U.S. counterterrorism strategy. However, effectiveness is not the legal standard. **The law requires that the program not unduly harm civilians**. For as long as the U.S. has been using drones, **communities in targeted countries have contended that the U.S. kills innocent civilians.** The U.S. has typically minimized these claims, even as it has acknowledged some of the deaths. Until recently, this was the state of the argument: the U.S. argued that the drone program was effective, with minimal effects on civilians, while others argued that it caused undue harm to innocent civilians. Neither side found the evidence cited by the other side credible or gave much credence to the other side’s arguments. There is now a growing body of **empirical evidence** that **shows how the U.S. drone program [and] terrorizes civilians in ways that violate the law.** Drawing on research from several disciplines, I show the ways the drone program affects the targeted population, civilian and militants alike. The evidence shows that even if drone strikes kill terrorist leaders—strikes the U.S. would consider successful—militants shift their attacks from military targets to civilians. The evidence also shows that the main reason militant violence goes down is not the strikes themselves, but the monitoring and surveillance apparatus associated with the drone program. Areas in which the U.S. maintains an active drone strike program are typically under persistent surveillance and monitoring. Communications are monitored, movements are tracked by surveillance drones, and intelligence-gathering operations are ongoing. Civilians are terrorized by these practices. Taken together, this evidence shows that **U.S. operations violate international law because they are indiscriminate**: they affect civilians and militants alike, **with little effort made to reduce civilian harms.**

**Indiscriminate drone strikes are illegal under the Rome Statute**

**Alberstadt 14** [(Rachel Alberstadt, Analyst at United States Department of Defense, Civil Servant at U.S. Africa Command.) “Drones under International Law” Open Journal of Political Science, Vol. 4 No. 4, October 2014, https://www.scirp.org/journal/paperinformation?paperid=50570] AE///dd

This next section analyses how the use of **drones** could **constitute war crimes**, which are grave breaches of the Geneva Conventions (Gill & Fleck, 2010) **within** the context of **Article 8 of the Rome Statute**. Article 8 (1) of the Rome Statute reads “The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes” (Rome Statute, 1998). Thus to trigger prima facie requirements under this opening provision, the alleged crimes in question would require a plan or policy or a large scale commission of the acts, although an individual crime can also constitute a war crime (Cryer, Friman, Robinsin, & Wilmshurst, 2007). However, in its analysis of drones fulfilling war crimes criteria, this paper will restrict its evaluation to war crimes falling under Article 8 (2) (a) and 8 (2) (b). These sections specifically pertain to conflicts of an international character.

According to the **Rome Statute**, an additional requirement exists for an act to constitute a war crime. For there to be an act qualifying as a war crime under Article 8 there requires a nexus criteria linking the crime with an armed conflict, either an international armed conflict (IAC) or a non-international armed conflict (NIAC) (Cryer, Friman, Robinsin, & Wilmshurst, 2007). More generally, to trigger jurisdiction of the Court itself, this requires three methods outlined in Article 13 as 1) a State party refers a situation to the Court, 2) the UN Security Council refers a situation to the Court, or 3) for the Prosecutor to act propriomotu. These correspond to Articles 13, 14, and 15bis and 15ter which elaborate on these provisions (Rome Statute, 1998).

Under Article 8 (2) (a) the Statue **incorporates** established **IHL law** taken from the 1949 Geneva Conventions and other relevant established international law (Cryer, Friman, Robinsin, & Wilmshurst, 2007). **Core provisions** of IHL **ban indiscriminate targeting practices**, **including weaponry** which are **incapable of distinction** (Gill & Fleck, 2010). However, this distinction holds an overall caveat in international conflicts, as in these types of conflicts there are two categories of persons: combatants and civilians. Each category are afforded aspects of protections, but under some acts, such as wilful killing, these are crimes only against non-combatants (Cryer, Friman, Robinsin, & Wilmshurst, 2007).

As IHL argues that whoever does not qualify as a combatant automatically qualifies as a civilian (Gill & Fleck, 2010) customary law and State practice exist in a current State of flux regarding non-State armed groups in international conflicts and also terrorist actors. However, this paper will explain how under existing IHL, for which violations under the Rome Statute can arise, terrorists and non-State actors continue to constitute protected civilians. Exceptions to this rule allow for legitimately targeting civilians should the civilians in question actively and directly participate in combat (Kalshoven & Zegveld, 2011). However, lawfulness of targeting these civilians pertains strictly to the duration of their active involvement.

The factual nature of drones—as an instrument capable of but not restricted to purposes of force—provides imperative evaluation for potential allegations of international core crimes, such as war crimes or crimes against humanity. States deploy drones for three interrelated reasons 1) efficiency, 2) accuracy, and 3) prevention or protection of human risk. As indicated in the previous section, these objectives also potentially implicate mens rea elements for judicial hearings. Because of the precision of drones, both from the accuracy of data procured to inform the pilot and the relative accuracy of the targeting itself, any crimes resulting from drone sorties could demonstrate either an intent to disregard the laws of war by means of recklessness or negligence, or a direct culpability for knowingly firing upon unlawful targets.

Regarding liability, actual launching of drones ultimately rests upon a leadership decision. This implicates liability under command responsibility, or liability under Article 28 of the Rome Statute, as it is the commanders who give the final authorization for the order (Air Force Operations, 2009). For example, precautions must be taken when giving orders to exercise drone strikes, thus, if the status of the target is doubted (in terms of being military or combatant), then the assumption is the target is civilian and is protected and must not be attacked (Gill & Fleck, 2010; Kalshoven & Zegveld, 2011; Military Commander, 2012; Cryer, Friman, Robinsin, & Wilmshurst, 2007).

4.1. Drones and Proportionality under the Rome Statute

While this paper has extensively analysed the lawfulness of certain targets, a related issue of lawful drone action is the resulting damage from the strikes. While it is clear that prohibitions on directly targeting civilians exists, **States are** also **prohibited from executing strikes which** would predictably or knowingly **cause** excessive or unnecessary **civilian harm** (Kalshoven & Zegveld, 2011). Thus, **war crimes** may **result** from strikes if the results failed proportionality tests.

Generally the proportionality test weighs potential harm against military benefit (Gill & Fleck, 2010). It is a test decided by the commander prior to the launched sorties and must be decided for each and every attack (Matthews & McNab, 2011). Michael Schmitt clarifies that the weapon used proves irrelevant, but rather the issue is whether “expected civilian casualties or damage were excessive relative to the military gain the attacker reasonably anticipated from the strike” (Schmitt, 2011). The evaluation of proportionality by courts results in inconsistent determinations as proportionality is assessed subjectively by the military apparatus (usually a commander giving a final “go” order) and is difficult to objectively quantify or qualify (Air Force Operations, 2009; Cryer, Friman, Robinsin, & Wilmshurst, 2007).

**Affirming solves – the ICC encourages nations to reform their penal codes and increase prosecutions for atrocities such as drone strikes**

**Saul 22**, Neil Saul, 1-14-2022, [Before joining Eradicate Hate, he worked as the senior program coordinator for preventing targeted violence at the McCain Institute, where he worked to grow the Prevention Practitioners Network and other preventing targeted violence programs.], "The ICC’s Potential to Check US Warmongering", Inkstick, <https://inkstickmedia.com/the-iccs-potential-to-check-us-warmongering//mattli>

**To restrain the executive and uphold human rights,** the US has two choices: **Join the ICC** or create laws that will hold its officials and armed services accountable to war crimes, crimes against humanity, genocide, and aggression overseas. The best option, however, is to do both. For law to fill its role, there have to be incentives for all to abide by it, including the powerful and the weak, the large and the small, the just and the unjust. International institutions like **the ICC** certainly have their own set of problems, but ultimately **can** serve as tools to **hold states responsible** for their questionable behavior, **especially** **powerful states like the US.** For the US, **joining the ICC** is actually a sound strategy. By cooperating with the ICC, the US **would put in place an incentive structure to rein in lawless behavior,** including overreach on the part of the US executive. Committing the US to international law **and** human rights in our decisions about foreign policy and war, therefore, **create**s **a safeguard against executive overreach, which is essentia**l if we want **to end endless wars**. As a president who has spoken about refocusing US foreign policy several times, President Joe Biden is well-positioned to pivot US foreign policy away from war and more toward restraint. Seeing the ICC as a way to improve US foreign policy and standing in the world, however, requires thinking outside the box and political will, both of which may be lacking in today’s White House. WHY THE ICC? Many have railed against the ICC as an infringement on sovereignty because it restricts power, but that is the point of a constitution: To subject power to law. Not only is accountability for gross atrocity crimes well precedented in international law, but sovereignty is no excuse to shield policymakers from perpetrating these crimes. Popular criticisms of the ICC cover three elements: Jurisdiction, the potential for political power play, and weak enforcement mechanisms. These criticisms, however, are not only overblown but also unreasonable. ICC jurisdiction is narrowly defined and reserved only for the most heinous offenses, such as genocide, war crimes, crimes against humanity, and aggression. The complementarity principle ensures that **the Hague could only investigate** and prosecute **American officials where**, according to Article 17 of the Rome Statute, **the US is either “unable or unwilling**.” More importantly**, a US investigation into its own conduct** essentially **prohibits** any **ICC jurisdiction** over US officials. Unfortunately, these investigations either get swept under the rug, like we’ve seen with recent US drone strikes, or war criminals like Eddie Gallagher are all together commuted. In theory, updating the US legal code to include these atrocity laws is enough to address this concern, but there are significant gaps. The US has already signed and ratified the 1949 Geneva Conventions as well as the 1948 Genocide Convention. Additionally, in 2007, the Genocide Accountability Act was signed into law, further codifying genocide in the US penal code. While there is no international treaty with regards to crimes against humanity, the ICC refers to the “widespread or systematic attack directed against any civilian population,” including murder, extermination, torture, and sexual violence, among other heinous crimes. Yet, those systematic crimes, individually illegal in US law, are not codified in such a way to curtail executive and military abuse overseas. Some may fear that a rogue prosecutor might indict US officials for political purposes. A remote logical possibility should not be an obstacle to embracing lawfulness. After all, rogue prosecutors can go off the rails domestically too, but that is a weak argument against having a criminal justice system. More significantly, it has never happened. While the ICC prosecutor remains independent and can initiate an investigation on their own with the approval of the` Pre-Trial Chamber, the ICC’s previous prosecutors have never done so. Indeed, prosecutors only investigated situations referred to by member states themselves or by the UN Security Council or within states already signed on to the treaty that were “unable or unwilling” to conduct their own investigations. Some may fear that a rogue prosecutor might indict US officials for political purposes. Yet, that has never happened. The Trump administration raised populist fears about the ICC and even imposed sanctions on ICC officials, but the complementarity principle was clearly applied in Afghanistan: The prosecutor initiated an investigation but in March 2020, deferred by request of the Afghan government to investigate any alleged crimes — by all parties — on its own. In other words, the prosecutor has cooperated. Since the US withdrawal, the ICC’s new prosecutor, Karim A. A. Khan QC, has received incredulous pushback for his decision to focus on crimes committed by the Taliban and the Islamic State-Khorasan (ISK), rather than US forces. While this scrutiny bears merit, his justification is due to the reality that the ICC has limited resources and the crimes committed by the ISK “constitute a global threat to international peace and security.” The Taliban and ISK continue to commit gross atrocity crimes and it is therefore more prudent to shift resources to bring these criminals to justice. The final, and probably most common criticism against the ICC is that it does not have the ability to enforce its decisions. Like all international bodies, the ICC is constrained by resources and relies on member-state cooperation. However, a lengthy list of arrests and convictions isn’t necessarily a measure of success either. Human rights scholars Geoff Dancy and Kathryn Sikkink have found evidence that **state parties who sign on to the Rome Statute are** much **more likely to adopt atrocity laws into their own** domestic **penal codes with** the technical **assistance of the ICC, resulting in more domestic prosecutions.** Therefore, individual **states** that are able and willing to conduct their own trials and **hold their own officials accountable** is a better indicator of an effective institution than trials and convictions by the ICC. What’s more**, the ICC only prosecutes** those **top**-level **officials** most responsible for gross atrocity crimes, not low-level offenders who carry out orders. Therefore, it isn’t US soldiers who would be at risk of prosecution, but US administration officials and policymakers. **And those who make decisions** and wield power, in fact, **are the** very **persons who** most **need to be constrained** by law. Furthermore, it would raise the stakes and change the calculations made by the executive when initiating military conflicts. COMMITTING TO ACCOUNTABILITY Those who advocate cooperation with the ICC share the same goals proclaimed by those seeking to constrain US military actions. For instance, **the** unfettered **use of drone strikes through unilateral executive action,** the repeal of both AUMFs, unilateral military intervention and state building, and the use of torture in Guantánamo. Lee Feinstein and Tod Lindberg, scholars on each side of the political spectrum, point out in their book “Means to an End” that cooperation doesn’t entail or require the use of military action. It encompasses intelligence sharing, logistical and security assistance for investigators, judicial assistance and capacity-building for foreign domestic court systems, and more robust domestic laws against gross atrocity crimes, all of which are tools that serve to reinforce US commitment toward accountability and to deter the perpetration of such crimes in the future. That, at least, should be lauded by advocates for military restraint. It is a central tenet of the rule of law that if state officials engage in atrocious crimes and gross human rights abuses, they **should be prosecuted** and held accountable. Impunity to commit these crimes is incompatible with basic principles of constitutional government and is offensive to every principle of the American founding. To take seriously commitments to restrain the executive and to uphold human rights, the US has two choices: **Join the ICC** or create laws that will hold its officials and armed services accountable to war crimes, crimes against humanity, genocide, and aggression overseas. The best option, however, is to do both.

**Otherwise, the impacts are two fold.**

**Firstly, US drone strikes kill thousands**

**Kreps ‘22** [Sarah Kreps (Nonresident Senior Fellow - Foreign Policy, Strobe Talbott Center for Security, Strategy, and Technology), Paul Lushenko (Ph.D. Candidate - Cornell University), and Shyam Raman (Ph.D. Candidate - Cornell University, Associate Health Economist - MITRE), 1-19-2022, “Biden can reduce civilian casualties during US drone strikes. Here’s how.”, Brookings, <https://www.brookings.edu/articles/biden-can-reduce-civilian-casualties-during-us-drone-strikes-heres-how/#:~:text=According%20to%20the%20Bureau%20of,thought%20to%20have%20been%20civilians>. DOA 2/13/25] // SH

A recent report suggests that the botched strike is indicative of a larger trend. Based on 3,000 documents disclosed by the Pentagon, the study alleges to have identified “an institutional acceptance of an inevitable collateral toll” during U.S. strikes. Indeed, widely available data reflects the prevalence of civilian casualties resulting from U.S. strikes against suspected terrorists. According to the Bureau of Investigative Journalism (BIJ), for instance, **U.S. strikes** in Afghanistan, Pakistan, Somalia, and Yemen **from 2002 to 2020 killed** between 10,000 and **17,000 people.** Of these, between 800 and **1,750 are thought to have been civilians.** What the data doesn’t show is variation in the targeting standard for U.S. strikes over time. That is, the data obscures the number of civilian casualties deemed acceptable during any given strike, which is a politically motivated calculation that shapes the overall rate of killing.

**Secondly, drone strikes increase support for terrorists and their ideology, serving as propaganda for radicalization**

**Mahmood 19**, Rafat Mahmood, 4-1-2019, [​I am a Research Fellow at the ARC Centre of Excellence for the Elimination of Violence against Women (CEVAW) at Monash University. Earlier, I was a postdoctoral associate in Economics at New York University Abu Dhabi], "Military Intervention via Drone Strikes", Institute of Labor Economics, https://docs.iza.org/dp12318.pdf//mattli

Nevertheless, the hypothesis that drone strikes curb terrorism has been challenged. A majority of the associated arguments hinges on the **blowback** hypothesis: The violation of state sovereignty along **with civilian casualties could** fan grievances in the general populace, i.e., not just within terrorist groups. The resulting sentiments **could translate to** physical, financial, or **ideological support for terrorists** (Kilcullen and Exum, 2009; Hudson et al., 2011; Cavallaro et al., 2012; Cronin, 2013; Jordan, 2014). In fact, **drone strikes feature** heavily **in** the **propaganda of** several **terrorist groups**. For example, Al-Sahab, the propaganda wing of Al-Qaeda, used video footage of drone strikes **to portray the US as a heartless** **oppressor** that indiscriminately targets Muslims (Cronin, 2013). In their English-language magazine Inspire, Al-Qaeda in the Arabian Peninsula describes drone strikes as resulting in the death of innocent people and oppressing Muslims (Ludvigsen, 2018). In the magazines published by the Tehrike-Taliban Pakistan, drones are projected as weapons against Islam; the Pakistani government and military are repeatedly blamed for letting the US wreak havoc with Muslims in Pakistan. In one of the magazines, Sunnat e Khauwla, the story of a six-year old ‘mujahid’ is published who vows to avenge his family and friends who were killed via drones.4 Numerous public figures and politicians have expressed concerns about **drone strikes**, arguing they weaken democracy, **push people towards extremist groups, and threaten peace** in the region, such as Pakistan’s former High Commissioner to Britain (Woods, 2012), then-Army chief Ashfaq Pervaiz Kayani (BBC, 2011), and Pakistan’s interior minister (Peralta, 2013). All major political parties publicly condemn drone strikes. Imran Khan, the current Prime Minister, participated in a public protest against drone strikes in 2012 (Doble, 2012). The former prime minister, Nawaz Sharif, called for an end to US drone strikes in his first address after coming into power (BBC, 2013). The Pakistan People’s Party (PPP), who lost their chairperson Benazir Bhutto in a terror attack in 2009, terms drone strikes a violation of international laws and national sovereignty (Tribune, 2013a). The Awami National Party (ANP) condemns drone strikes (Dawn, 2012) and the more religiously oriented Jammat-e-Islami (JI) and Jamiat Ulema-e-Islam (JUI) organize protests against drone strikes (Tribune, 2013b; Dawn, 2013). A poll by the New America Foundation and Terror Free Tomorrow reveals that US **drone strikes are highly unpopular in the** FATA **region** (NAF and TFT, 2010). According to a Pew survey in 2012, **97 percent** of the surveyed Pakistanis who heard about drone strikes **hold an unfavorable opinion** about them (Pew Research Center, 2013) and 94 percent think drone strikes kill too many innocent people (Afzal, 2018). In sum, this narrative stands in stark contrast to that proposed by US military leaders and it remains an empirical question to understand which forces dominate.

**19% of ALL terrorist attacks are directly caused by unrestricted US drone strikes**

**Jetter 22 quantifies**, Michael Jetter, 10-7-2022, [Michael works at the University of Western Australia in Perth. Being originally from Germany, he received both his B.A. (2007) and his Ph.D. (2011) in Economics from the University of Memphis (USA). From 2011 to 2015, he worked at the Universidad EAFIT in Medellin, Colombia, first as an Assistant Professor and then as a Full Professor], "Gone with the wind: The consequences of US drone strikes in Pakistan", OUP Academic, https://academic.oup.com/ej/article-abstract/133/650/787/6751902?redirectedFrom=fulltext//mattli

Employing day-to-day wind conditions as an identification strategy, we explore the consequences of the 420 US drone strikes in Pakistan between 2006 and 2016. Results suggest that **drone strikes encourage terrorism** over the upcoming days and weeks, **causing** up to **19% of all** terror **attacks** with more than 3,000 terror deaths in Pakistan during that period. Studying a leading Pakistani newspaper, **we identify a** polarised **response** to **drone strikes as** negative emotions and anger, but also positive emotions, in drone-related articles increase. Finally, anti-**US protests and online searches exhibiting radical Islamist concepts increase** as a consequence of drone strikes.

**Overall, US intervention is devastating for counteterror**

**Turse ‘23** [Nick Turse (Nick Turse is an American investigative journalist, historian, and author. He is the associate editor and research director of The Nation Institute), 11-21-2023, “America’s Forever Wars Have Yielded a 75,000% Increase in Terror Attacks in Africa”, Inkstick, <https://inkstickmedia.com/americas-forever-wars-have-yielded-a-75000-increase-in-terror-attacks-in-africa/#:~:text=Go%C3%AFta%20then%20took%20the%20job,the%20status%20of%20that%20funding> DOA 2/13/25] // SH

To shore up that front, the US began a decades-long effort to provide copious amounts of security assistance, train many thousands of African military officers, set up dozens of outposts, dispatch its own commandos on all manner of missions, create proxy forces, launch drone strikes, and even engage in direct ground combat with militants in Africa. Most Americans, including members of Congress, are unaware of the extent of these operations. As a result, few realize how dramatically **America’s shadow war** there **has failed.** The raw numbers alone speak to the depths of the disaster. As the United States was beginning its Forever Wars in 2002 and 2003, the State Department counted a total of just nine terrorist attacks in Africa. This year, militant Islamist groups on that continent have, according to the Pentagon, already conducted 6,756 attacks. In other words, **since the U**nited **S**tates **ramped up** its **counterterrorism operations** in Africa, **terrorism has spiked 75,000%**. Let that sink in for a moment. 75,000%.

**This creates a multitude of devastating consequences**

**Wellman ‘13** [Wellman, Carl - Carl Wellman is Hortense and Tobias Lewin Distinguished University Professor in the Humanities at Washington University of St. Louis. He teaches and does research in ethics and philosophy of law (January 2013). Why is Terrorism Wrong?. In: Terrorism and Counterterrorism. SpringerBriefs in Law, vol 9. Springer, Dordrecht. <https://doi.org/10.1007/978-94-007-6007-3_2>] // SH

**Terrorism**, as best defined, has four generic wrong-making characteristics. It uses or threatens violence. It typically produces terror. It uses persons as means without respecting them as autonomous moral agents. It attempts to coerce. These make terrorism morally wrong because they involve the **inflicti**on of **serious harm and** the **violat[e]**ion of **human rights.** Political terrorism is also wrong because **it** undermines trust, **generates conflict** within a liberal society, **undermines the** capacity for self-**government and disrupts social order. State terrorism violates the duty of nation states to protect citizens from harm and the violation of their human rights**. International **terrorism threatens peace and security and violates the sovereignty of nations.** **Racial terrorism always violates the moral right to equitable treatment of its victims and often oppresses members of the terrorized race**. Family quasi-**terrorism** violates one’s special moral responsibilities to members of one’s family, **destroys** the **necessary conditions** for intimacy **and often causes p**ost-**t**raumatic **s**tress **d**isorder. None of these wrong-making characteristics is limited to innocent victims; innocence is primarily relevant because it excludes any justification of terrorism as a defense against wrongful aggression.