# **Harvard Round 5**

# Constructive

## 1NC

# Harvard---Neg vs Robinson MW---Round 5

## 1NC

#### **We negate: The United States should accede to the Rome Statute of the International Criminal Court.**

### **1NC---Prolonging Conflict**

### **Contention 1 is PROLONGING CONFLICT.**

#### **The ICC faces structural issues.**

**Wong 19** [Frankie; Writer @ Access Accountability; September 26; Access Accountability; “Criticisms and Shortcomings of the ICC,” https://accessaccountability.org/index.php/2019/09/26/criticisms-and-shortcomings-of-the-icc/] tristan

Lack of executive/enforcement power: Apart from the post-trial enforcement issue, the **ICC** also **suffers from pre-trial enforcement** problem as it **depends completely on** **member** **states to arrest and transfer defendants**. It is uncertain if States are willing to use their military or economic force to extricate an oppressive leader from their country. The ICC itself lacks the institutional resources to ensure that the defendants actually show up in Court as it has **no police force** of its own and has **no reliably effective means to oblige States 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 with are signatories of the Rome Statute.

#### **Dictators benefit and distort information.**

**Johns 24** [Professor Leslie Johns and Dr Francesca Parente, Professor of Political Science and Law at UCLA, Authors under Cambridge Publications, Ph.D. and Master’s @ New York University, Bachelor’s @ Carnegie Mellon University, 9-24-2024, Dictators and the ICC: The Enemy’s Enemy, International Affairs, https://www.internationalaffairs.org.au/australianoutlook/dictators-and-the-icc-the-enemys-enemy/] AZ + BZ

The International Criminal Court **aspires** to hold all leaders accountable for serious international crimes. But thus far, the Court has only been successful in helping dictators **punish their political opponents**, leading many to ask, what is international justice really for? International justice activists have spent months pleading with the Prosecutor of the International Criminal Court (ICC) to get involved in high-profile international disputes in Gaza and Ukraine. In previous decades, similar efforts led the Prosecutor to pursue cases involving Côte d’Ivoire and Kenya, and caused the UN Security Council to order the Prosecutor to take action against leaders in Libya and Sudan. Yet an overlooked fact is that dictators **self-refer cases** to the ICC, meaning that they welcome the ICC into their state to conduct investigations and **prosecute their political opponents**. In theory, such self-referrals can result in arrest warrants and trials against anyone within the borders of the state. However, as we argue in a recent publication, dictators have **tremendous power to shape investigations** and **prosecutions**. Successful ICC investigations require that investigators identify and locate witnesses. Dictators can **limit the information available to the ICC**, the free movement of ICC staff, and access to local security, translators, and transportation. ICC investigations and trials also often use **digital and documentary evidence** to establish that high-ranking individuals, like military commanders, are responsible for acts committed by subordinates. For example, in the **recent trial of Uganda** rebel leader Dominic Ongwen, this evidence was provided to the ICC by the Ugandan government. And perhaps most importantly, the **ICC relies on its member states to enforce arrest warrants.** Dictators often have the **power to track and arrest their political opponents**, sending them to The Hague for trial. However, rebel groups usually **cannot arrest and surrender a sitting dictator** to the ICC. These powers are apparent in the ICC’s investigations and prosecutions in the **Central African Republic**, the Democratic Republic of the **Congo**, **Mali**, and **Uganda**. A simple glance at the raw data suggests that **dictators are using the ICC to punish their opponents**. Between 2002 and 2021, dictator self-referrals resulted in seventeen total ICC arrest warrants. Of these, **94 percent** were for **opponents** of the sitting government. These are the arrest warrants that have resulted in successful trials for the ICC. In contrast, over the same period, only 25 percent of the ICC’s other twenty arrest warrants were for government opponents. To date, the ICC has not successfully prosecuted a single sitting head of government. These patterns mean that the only people who are in jail after being found guilty by the ICC of committing a serious international crime are individuals who challenged a dictator. So, a dictator knows that if he commits atrocities against rebel forces, there is little chance that the ICC will hold him accountable. However, that same dictator can use the ICC to punish rebel forces when they commit similar atrocities. This asymmetry in punishment suggests that ICC membership can give a dictator a strategic advantage in a civil conflict. A credible threat of ICC referral makes it extremely costly for a rebel group to commit atrocities, while the dictator faces relatively trivial costs for using the same tactics, knowing that they will be shielded from ICC accountability.¶ However, not all dictators choose to use violence. Higher levels of political competition make it more difficult for a dictator to deploy violence to remain in power. For example, multiple political parties allow opponents to publicise and shame a dictator for atrocities more easily. Similarly, a free press, opposition political parties, active civil society, and/or independent bureaucracies increase transparency about actions and policies. Finally, legislatures and domestic courts can have limited powers to sanction a dictator for violence.¶ We believe that domestic political competition helps to explain why dictators choose to join the ICC. Joining the ICC (and using it through self-referral) has complex direct and indirect effects on how both a government and rebel group will behave during a civil conflict. Overall, when political competition is low, violence is cheap for a dictator, and there is little added benefit from joining and using the ICC. However, as domestic political competition increases, violence becomes more costly. In this scenario, there is more strategic advantage to joining the ICC and then trying to control its processes.¶ This indicates that there are key patterns in how dictators behave. For one, dictators who face more political competition are likely to join the ICC than dictators who do not face credible threats to their power. Statistical results show that dictators who face factional competition—that is, competition based on parochial or ethnic-based political factions—are nearly twice as likely to join the ICC compared to dictators who can suppress the opposition from participating in politics.¶ Second, the overall level of violence committed in the state is likely to decrease after a dictator joins the ICC because both the dictator and rebel groups will face higher costs from committing atrocities. This is also supported statistical analyses. We estimate that joining the ICC increases the chance of having a year with zero total violence by twelve percentage points (from 71 percent for dictators before joining the ICC to 83 percent after joining).¶ Finally, if there is a benefit to the dictators for joining the ICC. That is, those dictators who join the ICC will be less likely to be removed from office. In other words, joining the ICC should increase their chances of survival. Again, this is supported by our data. The dictators who join the ICC are **half as likely to lose office** after joining as compared to before joining.

#### **Historically,**

**Arnould 15** [Valerie Arnould; PhD, University of East London; 01-27-2015; "The limits of international criminal justice: Lessons from the Ongwen case"; Egmont; https://www.egmontinstitute.be/the-limits-of-international-criminal-justice-lessons-from-the-ongwen-case/; accessed 02-12-2025] leon

In **Uganda**, the **ICC has restricted its investigations** to LRA crimes on the basis that the crimes committed by the Ugandan army were of a lesser gravity. Such an interpretation of the conflict is **highly political** and **does not** necessarily **align** **with** who the **victims** in northern Uganda see as responsible for their suffering. The Court has demonstrated a similar one-sided interpretation of who ‘those most responsible’ are in its investigations in the DRC, the CAR, and most recently Ivory Coast.

The ICC’s reliance on the notion of ‘those most responsible’ does not reflect the realities of modern-day conflicts. The origin of this concept partly lies in widespread beliefs that political instrumentalisation of ethnicity and grievances are the root cause of conflict. While this is sometimes the case, it mostly **oversimplifies** conflict **dynamics**, particularly in civil wars. It overlooks the fact that individuals are often driven to engage in armed violence and commit atrocities by a **complex mixture of political, economic, ideological, affective and opportunistic reasons**. Agency in armed conflicts, and therefore responsibility, is consequently not adequately captured by the notion of ‘those most responsible’. Violence and atrocities are most often the result of a combination of top-down and vertical processes and actors.

#### **The US only adds fuel to the fire.**

**Whitney 17** [Rich Whiteney, Attorney, actor, radio commentator and disk jockey, Illinois Green Party activist and former Green Party candidate for governor, 9-23-2017, US Provides Military Assistance to 73 Percent of World’s Dictatorships, truthout, https://truthout.org/articles/us-provides-military-assistance-to-73-percent-of-world-s-dictatorships/] AZ

Does the US government actually oppose dictatorships and champion democracy around the world, as we are repeatedly told? The truth is not easy to find, but federal sources do provide an answer: **No.** According to Freedom House’s rating system of political rights around the world, there were 49 nations in the world, as of 2015, that can be fairly categorized as “dictatorships.” As of fiscal year 2015, the last year for which we have publicly available data, the federal government of the United States had been providing military assistance to 36 of them, courtesy of your tax dollars. The **U**nited **S**tates currently supports over **73 percent** of the world’s dictatorships! Most politically aware people know of some of the more highly publicized instances of this, such as the tens of billions of dollars’ worth of US military assistance provided to the beheading capital of the world, the misogynistic monarchy of Saudi Arabia, and the repressive military dictatorship now in power in Egypt. But apologists for our nation’s **imperialistic foreign policy** may try to rationalize such support, arguing that Saudi Arabia and Egypt are exceptions to the rule. They may argue that our broader national interests in the Middle East require temporarily overlooking the oppressive nature of those particular states, in order to serve a broader, pro-democratic endgame. Such hogwash could be critiqued on many counts, of course, beginning with its class-biased presumptions about what **constitutes US “national interests.”** But my survey of US support for dictatorships around the world demonstrates that our government’s support for Saudi Arabia and Egypt are not exceptions to the rule at all. **They are the rule**.

#### **Overall,**

**Prorok 17** [Alyssa K. Prorok; Professor of Political Science at UIUC; 04-03-2017; "The (In)compatibility of Peace and Justice? The International Criminal Court and Civil Conflict Termination"; Cambridge University Press; https://www.cambridge.org/core/journals/international-organization/article/abs/incompatibility-of-peace-and-justice-the-international-criminal-court-and-civil-conflict-termination/2B52BDBADB701F2B6CF1586E417ED2F4; accessed 02-01-2025] leon

Does the International Criminal Court's (ICC) pursuit of justice facilitate peace or prolong conflict? This paper addresses the “peace versus justice” debate by examining the ICC's impact on civil conflict termination. **Active ICC involvement** in a conflict i**ncreases the threat of punishment** for rebel and state leaders, which, under certain conditions, **generates incentives** for these leaders **to continue the conflict** as a way **to avoid capture**, transfer to the Hague, and prosecution. The impact of ICC involvement is **conditional upon the threat of domestic punishment** that leaders face; as the risk of domestic punishment increases, the conflict-prolonging effects of ICC involvement diminish. I test these theoretical expectations on a data set of all civil conflict dyads from **2002 to 2013**. Findings support the hypothesized relationship. Even after addressing potential selection and endogeneity concerns, I find that active **involvement by the ICC significantly decreases the likelihood of conflict termination** when the threat of domestic punishment is relatively low.

### **1NC---Protecting Peace**

### **Contention 2 is PROTECTING PEACE.**

#### **The US military is strong, but continued commitment is key.**

**Blanchette 25** [Jude Blanchette; Director of the China Research Center; Distinguished Tang Chair in China Research; Ryan Hass; Senior Fellow; Director of the John L. Thornton China Center; 01-07-2025; "Know Your Rival, Know Yourself"; Foreign Affairs; https://www.foreignaffairs.com/united-states/know-your-rival-know-yourself-china; accessed 02-09-2025] leon recut zaiden

Even with its many shortcomings and vulnerabilities, the **United States continues to command a strategic depth** that China fundamentally lacks: a unique combination of **economic vitality, global military superiority**, remarkable human capital, and a political system designed to promote the correction of errors. The resilient and adaptable U.S. economy has the world’s deepest and most liquid capital markets and unparalleled influence over the global financial system. The United States continues to attract top global talent, including many Chinese nationals now fleeing their country’s autocratic political environment.

Put plainly, the United States still has a **vital edge over China** in terms of economic dynamism, global influence, and technological innovation. To highlight this fact is neither triumphalism nor complacency. It is the root of good strategy, because **Washington** can **easily squander its asymmetric advantages** if excessive pessimism or panic depletes its will, muddies its focus, or leads it to overindulge nativist and **protectionist impulses** and close America’s doors to the rest of the world. For despite its problems, **China is still making headway** in specific domains that challenge U.S. national security and prosperity, such as quantum computing, renewable energy, and electric vehicle production. A political-economic system such as China’s can remain a fierce rival in key areas even as it groans under the weight of its pathologies.

#### **Affirming limits troop deployments and recruitment.**

**Dunlap 19** [Charlie Dunlap; Former deputy judge advocate general of the US Air Force; 12-05-2019; "Why the case against the International Criminal Court (ICC) is the stronger one"; Lawfire; https://sites.duke.edu/lawfire/2019/12/05/why-the-case-against-the-international-criminal-court-icc-is-the-stronger-one/; accessed 02-09-2025] tristan + leon recut zaiden

Additionally, **ICC trials admit hearsay** and other evidence that would be **barred in U.S. courts.** Even its advocates admit that “the **admissibility threshold in international tribunals is** generally **low** relative to that in common law countries like the United States.” There is also an absence of some of the bedrock principles of American criminal justice jurisprudence. For example, there is no Sixth Amendment right to confrontation within the meaning of Crawford v. Washington. Perhaps most shocking from an American perspective is that prosecutors can – and do – appeal trial acquittals. All of this ought to matter for a nation dependent upon an All-Volunteer Force (AVF). Is it wise, or – more to the point – right to tell the less than .04% of Americans who have stepped up to serve their country in uniform that they will also be subject to a criminal court system that fails to meet the basic groundwork of the Constitution that they are being asked to go into harms’ way to support and defend? If U.S. troops are accused of wrongdoing, shouldn’t they – of all people – be afforded a trial that meets American standards? Sure, there are instances where negotiated Status of Forces Agreements permit foreign courts to take jurisdiction over U.S. personnel in limited circumstances, but these are in no way akin to the sort of expansive jurisdiction contemplated by the ICC’s Rome Statute. Moreover, Department of Defense policy mandates that such agreements “protect, to the maximum extent possible, the rights of United States personnel who may be subject to criminal trial by foreign courts and imprisonment in foreign prisons.” As one scholar puts it: “Implicit in this statement is the desire to protect U.S. persons’ due process rights, which might be infringed if they are subject to trial in an unfair judicial system. In addition, this policy reflects the goal of retaining the right to enforce the military’s own disciplinary standards as part of the chain of command. All told, and in principle, **DOD will not send military personnel abroad** without sufficient status protections such as those found in…SOFAs.” SOFAs can vary from country to country, but typically the **U.S. will not agree to the exercise of foreign jurisdiction** in combat zones or with respect to combatant activity – exactly the circumstances which form the centerpiece of the ICC’s focus. “Sufficient status protections” for U.S. troops are important not just tactically, but strategically. We can’t forget that the AVF is already struggling to fill the ranks because of the booming economy. Additionally, studies show that the “**percentage of** young **people** **who** say they will likely **join the military** is at 11 percent ― the lowest point in nearly 10 years.” How much smaller **would** that pool **shrink if potential recruits were told** it was possible that **they would be handed over to a foreign criminal court** system?

#### **Historically,**

**Miller 02** [John Miller; Coordinator at East Timor; 08-27-2002; "Rights Group “Deeply Disturbed” by East Timor’s Grant of Immunity to U.S. Troops"; ETAN; https://etan.org/news/2002a/08article.htm; accessed 02-12-2025] leon + AZ

Recently, the U.S. has used the UN peacekeeping mission in **East Timor** as a bargaining chip in its campaign to undermine the ICC. Last May, the **Security Council rejected a U.S. proposal to exempt from ICC jurisdiction** peacekeepers with the post-independence UN Mission in East Timor (UNMISET). Although the U.S. voted to establish the mission, it refused to replace three unarmed military observers assigned to UNMISET, apparently to send a warning during the contentious debate over renewal of the peacekeeping mission in Bosnia. ETAN also urged East Timor not to sign additional agreements renouncing jurisdiction over U.S. soldiers. "There are reports the U.S. government has proposed that East Timor sign a Status of Forces Agreement with the U.S. which would exempt U.S. military personnel in East Timor from any criminal prosecution. Although such agreements have provided exemptions for U.S. personnel in the past, many now allow host countries to retain the right of jurisdiction in cases of overriding national interest or of widespread public concern," said Miller.

#### **Fear alone chills military action.**

**Holt 06** [Victoria K. Holt; Senior associate at the Henry L. Stimson Center; Elisabeth W. Dallas; Research Associate at the Henry L. Stimson Center; March 2006; "ON TRIAL: THE US MILITARY AND THE INTERNATIONAL CRIMINAL COURT"; The Henry L. Stimson Center; https://www.stimson.org/wp-content/files/file-attachments/US\_Military\_and\_the\_ICC\_FINAL\_website\_1.pdf; accessed 02-13-2025] leon recut zaiden

The problem, he persisted, is that “**perception is reality**.” **Confusion about the Court** among rank and file military personnel is real, and is not being assuaged on the ground. Another participant pointed out that a vague fear of the Court is the bottom line for many in the military, and until they understand how it functions both operationally and legally, they will continue to feel like their **actions could be second-guessed**. One advocate of the Court pointed out that this situation helped no one, and that the **confidence of those deployed to do their job** was **paramount**. Critics of the Court agreed: no one wants military personnel to carry an additional, unnecessary burden.

#### **Accountability is wrong. The court’s laws are too vague.**

**Groves 09** [Steven Groves; Expert on Democracy and Human Rights; Brett Schaefer; Jay Kingham Senior Research Fellow in International Regulatory Affairs; 08-19-2009; "The U.S. Should Not Join the International Criminal Court"; The Heritage Foundation; https://www.heritage.org/report/the-us-should-not-join-the-international-criminal-court; accessed 01-27-2025] leon

The Undefined Crime of Aggression. It would be irresponsible for the U.S. to expose its military personnel and civilian officials to a **court** that **has yet to define the very crimes over which it claims jurisdiction**. Yet that is the situation the U.S. would face if it ratified the Rome Statute. The Statute includes the crime of aggression as one of its enumerated crimes, but the crime has yet to be defined, despite a special working group that has been debating the issue for more than five years. For instance, **some argue that any military action** conducted without Security Council authorization **violates international law** and is, therefore, an act of aggression that could warrant an ICC indictment. The U.S. has been the aggressor in several recent military actions, including military invasions of the sovereign territories of **Afghanistan and Iraq**, albeit with the U.N. Security Council's blessing in the case of Afghanistan. U.S. forces bombed Serbia in 1999 and launched dozens of cruise missiles at targets in Afghanistan and the Sudan in 1998 without explicit Security Council authorization. While charges of aggression are unlikely to be brought against U.S. officials ex post facto for military actions in Iraq and elsewhere--certainly not for actions before July 2002 as limited by the Rome Statute--submitting to the jurisdiction of an international court that judges undefined crimes would be highly irresponsible and an open invitation to levy such charges against U.S. officials in future conflicts. **If the U.S. becomes an ICC party, every decision by the U.S**. to use force, every civilian death resulting from U.S. military action and every allegedly abused detainee could conceivably **give cause to America's enemies to file charges** against U.S. soldiers and officials. Indeed, any U.S. "failure" to prosecute a high-ranking U.S. official in such instances would give a cause of action at the ICC. For example, the principle of complementarity will not prevent a politicized prosecutor from bringing charges against a sitting U.S. President or Secretary of Defense. That is, the U.S. Department of Justice is unlikely to file criminal charges against such officials for their decisions involving the use of military force. This decision not to prosecute would be a prerequisite for the ICC taking up the case. At best, the **U.S. would find itself defending its military** and civilian officials against **frivolous and politically motivated charges** submitted to the ICC prosecutor. At worst, international political pressure could compel the ICC's prosecutor to file charges against current or former U.S. officials. Until the crime of aggression is defined, U.S. membership in the ICC is premature.

#### **Overall, a strong military is key.**

**Barnett 11** [Thomas Barnett; Former Senior Strategic Researcher & Professor in the Warfare Analysis and Research Department at the US Naval War College; 03-07-2011; "The New Rules: Leadership Fatigue Puts U.S., and Globalization, at Crossroads"; World Politics Review; https://www.worldpoliticsreview.com/the-new-rules-leadership-fatigue-puts-u-s-and-globalization-at-crossroads/; accessed 02-08-2025] leon

But the world did not keep sliding down that path of perpetual war. Instead, **America stepped up** and changed everything by ushering in our now-perpetual **great-power peace**. We introduced the **international liberal trade** order known as globalization and played loyal Leviathan over its spread. What resulted was the collapse of empires, an explosion of democracy, the persistent spread of human rights, the liberation of women, the doubling of life expectancy, a roughly **10-fold increase in** adjusted **global GDP** and a profound and persistent reduction in battle deaths from state-based conflicts. That is what American “hubris” actually delivered. Please remember that the next time some TV pundit sells you the image of “unbridled” American military power as the cause of global disorder instead of its cure. With self-deprecation bordering on self-loathing, we now imagine a post-American world that is anything but. Just watch who scatters and who steps up as the Facebook revolutions erupt across the Arab world. While we might imagine ourselves the status quo power, we remain the world’s most vigorously revisionist force. As for the sheer “evil” that is our military-industrial complex, again, let’s examine what the world looked like before that establishment reared its ugly head. The **last great period of global structural change** was the first half of the 20th century, a period that saw a **death toll of** about **100 million** across two world wars. That comes to an average of 2 million deaths a year in a world of approximately 2 billion souls. Today, with far more comprehensive worldwide reporting, researchers report an average of less than 100,000 battle deaths annually in a world fast approaching 7 billion people. Though admittedly crude, these calculations suggest a 90 percent absolute drop and a **99 percent** relative **drop in deaths** due to war.

### **1NC---Ukraine**

### **Contention 3 is UKRAINE.**

#### **Ukraine and Russia are negotiating.**

**Grove 25** [Thomas Grove; Reporter for the Wall Street Journal specializing in Russia's military and great power competition; 02-05-2025; "Russia Indicates Talks With U.S. Over Ukraine Are Intensifying"; Wall Street Journal; https://www.wsj.com/world/russia/russia-indicates-talks-with-u-s-over-ukraine-are-intensifying-8cee6dc8; accessed 02-06-2025] Aaron recut zaiden

The Kremlin said **contacts between the U.S. and Russia** had taken place and recently **intensified**, the first time Moscow has indicated the two countries are discussing a potential plan to end fighting in Ukraine. “There is indeed contact between certain government agencies and they have intensified recently,” Kremlin Spokesman Dmitry Peskov told journalists in response to a question about Ukraine negotiations. President **Trump** has repeatedly promised to **clinch a deal** between Russian President Vladimir Putin and his Ukrainian counterpart, Volodymyr Zelensky, at the negotiating table. Trump said last week that his administration has already had serious discussions with Russia about the conflict, but has provided little detail. Peskov had previously shrugged off questions about the U.S. initiative, but his comments Wednesday represented the first time he acknowledged that contacts at some level were occurring. Peskov’s remarks come as both countries signal an increased willingness to talk to the other to halt the conflict. The Kremlin has repeatedly called Zelensky illegitimate as president, but Peskov said Moscow was ready to talk to him for the sake of negotiations. **Zelensky**, likewise, said in an interview Tuesday that he was **ready to sit down for direct talks** with Putin. The **Kremlin’s confirmation** of contacts is the first **concrete signal of progress** over negotiations after months of uncertainty over Trump’s ability to make good on his promises. Lack of any confirmed communication between the two leaders or plans for a meeting, for which Trump has publicly called, have kept observers guessing about how quickly any potential negotiations could get off the ground.

#### **Talks are bearing fruit.**

**Birnbaum yesterday** [Michael Birnbaum, BA in History from Yale & national security reporter @ WaPo, 2-12-2025, Trump talks to Putin in first call after taking office, Washington Post, https://www.washingtonpost.com/politics/2025/02/12/trump-putin-talks-ukraine-war/, Willie T.] recut zaiden

President Donald Trump spoke by phone on Wednesday to Russian President Vladimir Putin in their first **publicized call** since Trump returned to the White House, breaking a years-long silence between the Oval Office and the Kremlin as the U.S. leader kicked off a bid to **end Russia’s war in Ukraine**. Trump had warm words for the Russian leader — who has ruled Russia for 25 years and has repeatedly invaded neighboring nations and killed, imprisoned or exiled his most formidable opposition — as he declared that the two men would visit each other’s countries and “agreed to work together, very closely.” The call, which the Kremlin said lasted nearly 90 minutes, came the same day that Defense Secretary Pete Hegseth told NATO allies that Ukraine’s stated goal of reclaiming its full internationally recognized territory was “unrealistic,” and offered a first outline of the Trump administration’s vision for a peace deal. Any deal **must come with** “robust **security guarantees” for Kyiv**, but he ruled out NATO membership and sought to place the bulk of the burden for defending Ukraine on Europe. In the highly charged choreography of diplomacy with an adversarial leader, the Trump-Putin call was likely to upset Kyiv, since former president Joe Biden made a mantra of coordinating closely with Ukrainian leaders before any contacts with Russian officials. This time, Trump spoke first to Putin and said he would then call Ukrainian President Volodymyr Zelensky to loop him in to the conversation. Trump and Zelensky met in Paris in December. Putin has long sought to have a **direct negotiation with Washington** about Ukraine’s future, since he has argued that Ukraine is within Moscow’s sphere of influence and that it has been used as a tool by NATO and the West, something that Ukrainian leaders hotly say ignores their nation’s desire to modernize and integrate more fully with Europe. “I just had a lengthy and highly productive phone call with President Vladimir Putin of Russia,” Trump wrote on Truth Social. “We discussed Ukraine, the Middle East, Energy, Artificial Intelligence, the power of the Dollar, and various other subjects. We both reflected on the Great History of our Nations.” He added that “we want to stop the millions of deaths taking place in the War with Russia/Ukraine. President Putin even used my very strong Campaign motto of, ‘COMMON SENSE.’ We both believe very strongly in it.” The call came a day after Russia **freed a U.S. citizen**, Marc Fogel, who had been imprisoned for 3 1/2 years, into the custody of Steve Witkoff, a close Trump friend, real estate developer and the U.S. leader’s Mideast envoy. Trump said that he had asked Secretary of State Marco Rubio, CIA director John Ratcliffe, National Security Advisor Michael Waltz and Witkoff to lead the discussions. Notably absent from the list was retired general Keith Kellogg, whom Trump appointed during the transition as his special envoy for Ukraine and Russia and has been working on a peace plan. Both Vice President JD Vance and Kellogg are headed to Munich this week to meet with senior European policymakers about the peace efforts. Kremlin spokesman Dmitry Peskov told reporters that Putin “mentioned the **need to eliminate the root cause** of the conflict and agreed with Trump that a long-term settlement can be achieved through **peaceful negotiations**. The Russian President also supported one of the main theses of the American head of state that the time has come for our countries to work together.” Zelensky posted a statement on his Telegram account confirming the conversation, which he said focused on achieving peace, technological capabilities including drone use and the two nations’ ability to work together. “President Trump informed me of the details of his conversation with Putin,” **Zelensky wrote, adding that he was “grateful**” for the call. “Ukraine wants peace more than anyone. We are defining our joint steps with America to stop Russian aggression and guarantee a reliable, lasting peace. As President Trump said, let’s get it done.” Trump has **demanded** that Putin put an end to the war, which started in February 2022, when Russia invaded Ukraine without provocation. But he has offered few concrete indications about how he would foster a breakthrough, and some world leaders are worried he could push Kyiv into a deal that would simply give Russia time to rest, rearm and reinvade. In his first term, Trump often had sharper words for Washington’s friends than for its foes, and at a 2018 meeting with Putin, he sided with the Russian leader over U.S. intelligence agencies’ claim that the Kremlin tried to sway the 2016 election. During the 2024 campaign, Trump declared he would end the Ukraine war in less than 24 hours — worrying Kyiv that he would do so on Putin’s terms. In January, though, Trump warned that he would impose “high levels of Taxes, Tariffs, and Sanctions” on Russia if Putin didn’t agree to a deal, “and soon,” acknowledging for the first time that he would be willing to increase pressure on the Kremlin should Russia refuse to come to terms. Before taking office, Trump appointed Kellogg, a retired general and a senior national security official during his first term, as his envoy to broker a deal. Kellogg has said Ukraine would need security guarantees as part of any deal to end the war, though he has not been specific about what those might be. The phone call marks an **important breakthrough for Putin**, ending nearly three years of near isolation from Western leaders imposed by the Biden administration. The last time Putin met a United States president was at a summit in Geneva with Biden in June 2021, eight months before the Russia leader’s invasion of Ukraine. Biden engaged in a flurry of calls with Putin in late 2021 and early 2022, attempting to dissuade him from invading, at a time when Russia insistently denied plans to do so. But there has been silence since. Trump and Putin also spoke in November, shortly after Trump’s election victory, according to people familiar with the call. During the conversation, Trump warned Putin **not to escalate** the war in Ukraine. The Kremlin later denied that the call took place. Since Jan. 20, Trump has repeatedly been evasive about his contacts with Putin when pressed by reporters, refusing to make clear whether or not he had spoken to Putin. The reasons have been unclear. Putin recently told a Russian journalist that he was **ready to engage**, echoing Trump’s false allegations that the 2020 election was rigged and claiming that he might not have invaded Ukraine had Trump taken the White House back then. The comments seemed calculated to **flatter Trump’s ego.**

#### **Focus is key.**

**EN 25** [Euronews; pan-European television news network; 02-06-2025; “US could reveal Trump's peace plan for Ukraine as early as next week”; Euronews; https://www.euronews.com/2025/02/06/us-could-reveal-trumps-peace-plan-for-ukraine-as-early-as-next-week; accessed 02-09-2025] Aaron

US president Donald **Trump's plan to end** the bloody three-year **war in Ukraine** could be **unveiled** at a security conference next week. US President Donald Trump is expected to present a plan to end Russia’s full-scale invasion of Ukraine at the **Munich Security Conference** in Germany next week, according to people familiar with the matter. Keith Kellogg, Trump’s special envoy for Ukraine and Russia, confirmed his intent to speak at the annual conference. Since Kellogg’s revealed his plans to speak at the conference, which is held next week between **February 14-16**, there has been speculation that he will share Trump’s plan to end Russia's ongoing full-scale invasion of Ukraine. Bloomberg on Wednesday quoted unidentified sources saying Kellogg would do so. Aspects of the yet-to-be-unveiled plan could include potentially **freezing the conflict**, leaving parts of Ukraine occupied by Russia in limbo while providing Ukraine with assurances against Moscow attacking again. Trump has threatened Moscow with further sanctions if they don’t engage in peace talks with Kyiv. Both **Russian President Vladimir Putin and Ukrainian President Volodymr Zelenskyy** have indicated that **previously refusal to talk** to each other has changed. Also on Wednesday, the **Kremlin announced increased contact** with the US discussing an end to the war. Kremlin spokesperson Dmitry Peskov said Moscow was ready to negotiate. **Zelenskyy said he would speak directly with Putin**, but that the **US** and EU **must take part**.

#### **However, affirming signals US intent of regime change which kills diplomacy.**

**Pomper 23** [Stephen Pomper, Chief of Policy at the International Crisis Group, 5-8-2023, Can Ukraine Get Justice Without Thwarting Peace?, Foreign Affairs, https://www.foreignaffairs.com/ukraine/russia-ukraine-justice-thwarting-peace, Willie T.] recut zaiden

References such as this to the Nuremberg military tribunals, which took place after World War II to hold Nazi officials accountable for both aggression and atrocity crimes, are highly resonant, but also misleading. The Nuremberg trials, as well as their counterparts in the Far East, came at the end of a globe-spanning total war that finished with the Axis powers’ defeat, surrender, and occupation, as well as the capture of their leaders. The Allies used these trials to demonstrate their commitment to the rule of law and to expose the defendants’ depravity. Because the Allies were able to impose terms on Germany or Japan, they were also in a position to try their leaders and enforce the sentences the war court passed down. Russia’s unlawful war on Ukraine appears to be on a different trajectory. It is unclear how the conflict will end, but Russian surrender is **not in the cards**. One likely scenario is a negotiated deal; another is a frozen conflict. Moscow’s political leadership will **remain almost certainly ensconced** for the foreseeable future, and international actors will **continue to need to work with them** in forums such as the United Nations. Ukraine’s Western partners are trying to weaken Russia, but they are also trying to steer clear of a **direct conflict**, aware that any confrontation the Kremlin sees as posing an **existential** threat could bring the risk of escalation, including the use of **nuclear weapons.** Plans to stand up a new tribunal do not easily fit into this landscape. Seeking accountability for Russian President Vladimir Putin and other senior Kremlin officials now, while Russia and Ukraine remain **locked in combat**, is hard to reconcile with any realistic Western war aims. A big push to prosecute Russian leaders for starting the war signals a desire to **remove Russia’s leadership**, risks escalation, and would almost surely **complicate diplomacy** to bring the **war to an end**. If establishing such a court ultimately proves futile, it could also weaken rather than strengthen the international criminal justice project. Rather than barreling ahead and risking a full-on collision between the interests of peace and justice, Ukraine and its partners should pursue a sequenced approach in which accountability efforts are better harmonized with the goals of conflict resolution. A LOOPHOLE IN THE LAW There are very **few examples** of war-time leaders being tried on aggression charges, and fewer still of trials that took place while the leaders were still waging war. Most precedents date back to the post–World War II International Military Tribunal, which the victorious Allies created at Nuremberg to prosecute senior German leaders. The other most notable case comes from Nuremberg’s sister tribunal held in Tokyo, which was created to try Japanese officials. There have also been a handful of domestic trials, including those conducted in Ukraine following Russia’s 2014 occupation of Crimea, including one that resulted in the in absentia conviction of Ukraine’s former president, Victor Yanukovych. This sparse record is no accident. The powers driving the creation of the post–Cold War architecture for international criminal law—the United States chief among them—were ambivalent about lumping together the crime of aggression with so-called atrocity offenses (genocide, crimes against humanity, and war crimes). U.S. officials worried about the lack of clarity and consensus around what constitutes aggression. They also feared the exposure they might be creating for themselves and up their chains of command. The U.S. government fretted that these legal changes would hamper Washington’s ability to build coalitions to undertake operations such as NATO’s intervention in Kosovo in 1999, which lacked UN Security Council authorization and which was widely seen as unlawful. (The United States has hewed to the position that its actions in Kosovo were “legitimate,” but it has not argued that they were legal.) Senior U.S. officials were also concerned about the ICC being drawn into political thickets that would undercut its effectiveness. They foresaw that the threat of being prosecuted for aggression could impel leaders to **fight to the last rather than negotiate** for peace. Against this backdrop, the ICC Rome Statute did not cover the crime of aggression when it became effective in 2002. Instead, it bracketed the issue for a later date. When member states eventually did fill in the definitional gap at a conference in Kampala in 2010, the United States quietly insisted on including a loophole that prevented the court from exercising jurisdiction over a charge of aggression against nationals of countries that were not parties to the Rome Statute, a group that includes China, Russia, the United States, and several other significant military powers, such as India, Israel, and Turkey. Moreover, even with this level of protection secured for itself, Washington did not warm to the idea of aggression as an international crime. After the Kampala conference, U.S. officials lobbied ICC member states not to ratify the aggression amendment, hoping to forestall the moment when it would come into effect, and to narrow the scope of its applicability. Ultimately, despite U.S. efforts, the amendment took effect in 2017. But with the ICC already struggling with its caseload, and given political headwinds from the United States and elsewhere, at least some experts expected that the crime of aggression would move to the back of the international legal agenda for the foreseeable future. RUSSIA BREAKS THE RULES AND CHANGES THE GAME Russia’s invasion of Ukraine in February 2022 rocked the international law community. Appalled by Russia’s vast criminality—and seeing both an opportunity and an imperative to reinforce the global norm against illegal war—prominent Western scholars joined former officials (and some current ones) in calling for the creation of a judicial body that could close the international legal gap and punish Russia for its trespasses. These efforts were spurred on by vigorous Ukrainian advocacy. Arguments in support of an aggression tribunal ranged from the moral to the practical. Many have argued that prosecuting Russian officials would be necessary to deter future wars of aggression. Brown invoked the Nuremberg tribunal’s observation that aggression “is the supreme international crime” in that it is the parent of all criminality that happens in war. Law professor Oona Hathaway noted that pursuing Putin and his associates for war crimes and other atrocities (as the ICC is already doing) would fail to account for lives and property lost in actions that may technically be permissible under the laws of war. International lawyer Philippe Sands argued that prosecuting Putin before an international tribunal would further delegitimize him, possibly create an incentive for those in his inner circle to “peel off,” and perhaps offer Ukraine leverage in future negotiations. To date, expert discussion and media coverage have tended to focus mainly on different models for overcoming the technical barriers to prosecution, while glossing over the impracticality of these proposals. The technical issues are significant: although Ukraine’s domestic courts already have the authority to try Russians for aggression, they would almost certainly be required under international law to recognize immunities for Russia’s heads of state and government, as well as its foreign minister. Thus, a Ukrainian prosecution of Putin, at least while he is in office, would not be possible. And it’s unlikely that any prosecution on charges of aggression against Ukraine that excluded the key architect of the war would be seen as legitimate, especially since the Rome Statute definition of aggression applies only to those in a position to control or direct a state’s armed forces. Russian **surrender is not in the cards**. Against this backdrop, Ukraine (together with some of its Eastern European partners and many experts) has pressed for the creation of an international tribunal by means of a UN General Assembly resolution. A tribunal backed by the General Assembly might stand a greater, though not certain, legal chance of being able to prosecute Russia’ top leaders. Unless they came into the tribunal's custody, however, it would have to do so in absentia. By contrast, many of Ukraine’s most important Western partners, initially led by Germany, have instead endorsed the creation of a “hybrid” court within the Ukrainian system that would draw on “international elements.” What this would entail remains vague: it might mean Ukraine’s Western backers lending advisers or financial support to Ukraine; establishing the court outside Ukraine, possibly in the Hague; or even the application of non-Ukrainian law in any prosecution by the tribunal. Germany has conceded that a hybrid tribunal would be unable to prosecute Putin while he remains in office, though such a court might at least prosecute some military leaders and Duma members who voted for the war. Given decades-old U.S. reservations about prosecuting the crime of aggression, it was unclear whether Washington would support any of these models. But in March, after extended deliberations within the Biden administration, the U.S. government announced that it was lining up behind an “internationalized national court” along the lines of the German approach. Weeks later, the G-7 endorsed this approach. Even though this represented a remarkable movement away from the traditional U.S. posture, the reaction from Kyiv was distinctly chilly. Andrii Smyrnov, the deputy head of Ukraine’s Presidential Office, suggested that a hybrid tribunal would be unconstitutional and expressed concern that it would demote the crime of aggression to a bilateral dispute rather than a matter of international concern. Other Ukrainian officials and frustrated scholars worried that an aggression court with no hope of prosecuting Russia’s top leader would not be worth its salt, and they criticized the United States for showing too little ambition at a historic moment. At his speech in The Hague, Zelensky flatly rejected the hybrid model, calling into question the viability of an approach that presupposes Ukrainian buy-in and cooperation. REAL WORLD WORRIES The technical challenges surrounding efforts to set up an aggression tribunal are significant, no matter which model is pursued. But the even bigger—and in our view more consequential—geopolitical costs and practical challenges of creating such a tribunal tend to be overlooked. A fuller reckoning would recognize that to establish an aggression tribunal at this moment in the war would be difficult to reconcile with both global attitudes and battlefield realities. First, states in the so-called global South have been decidedly cool to the idea of aggression prosecutions. With often fragile economies and their own national interests to look after, few want to be put in a position where they must choose between rival great powers squaring off in a war that is for them geographically remote. These countries are also conscious of the extent to which modern global criminal justice efforts have focused on countries such as theirs, particularly those that have been adversaries of the West. By contrast, they consider that Western powers and their partners have been ringfenced from facing accountability for their own abuses in places such as Afghanistan and Iraq. These concerns have started to surface at the UN. Late in 2022, Ukraine unsuccessfully floated a UN General Assembly resolution endorsing the idea of a tribunal and asking Secretary-General António Guterres to set out options for its creation. Some skeptical European officials predict such a proposal to establish a tribunal might get as few as 60 and perhaps no more than 90 votes—out of 193 member states—if a vote is held in the UN General Assembly. At a recent Brookings Institution event, Martin Kimani, Kenya’s ambassador to the UN who forcefully denounced irredentism and the unlawful use of force on the eve of Russia’s invasion, cautioned against “believing that legalism will deliver us from this major conflict and its escalation dangers.” For Western states eager to maintain the most united possible global front against Moscow, these words – from perhaps the United States’ closest partner in East Africa – merit careful consideration. Russia’s invasion of Ukraine rocked the international law community. A second basket of concerns is more practical. Simply put, proceedings that target Russia’s sitting leadership **clash with Western objectives** in a way that the post-World War II prosecutions of German leaders did not. Probably most worrying is what these efforts communicate to Moscow about the West’s designs for **effecting regime change** in Moscow, an end state that Western leaders have taken pains to say they do not seek. Creating a tribunal would signal to the Kremlin that its options are either to **win and remain free** or to **lose and face prosecution**, making the war’s **stakes** existential for leaders that control the **world’s largest nuclear arsenal**. (Arguably arrest warrants that the ICC has issued against Putin and one of his commissioners already do this; creating an aggression tribunal would unhelpfully reinforce that message.) Creating a judicial body to prosecute Russian leaders for the crime of aggression would also complicate future diplomacy. If and when negotiations to end the war get under way, Russia will almost certainly ask for a release from criminal liability as part of any settlement. It is unclear how Western countries would respond this request. The UN Security Council may have powers that would allow it to supersede international obligations relating to the tribunal, and Kyiv might be able drop charges or grant clemency in the case of a hybrid court, but political considerations could make it hard to wield these tools. Standing up a new aggression court could also gum up what little is left of East-West diplomacy on issues such as the Black Sea grain deal as well as priority areas distinct from the war, including humanitarian access in Syria, assistance in Afghanistan, and peacekeeping in Africa. The last area of concern is in the realm of principle. An ad hoc tribunal created to prosecute Russian officials would have no jurisdiction over crimes of aggression being committed outside Ukraine – giving a free pass to Western countries and their partners. This would only reinforce the view of Global South countries that the United States and its allies see international criminal justice institutions as a selective tool that applies only to their adversaries. MOSCOW IS UNLIKELY TO FALL Perhaps these would be risks worth taking if the purported benefits of establishing a new aggression court were certain, but many of the **asserted upsides** seem more rooted in aspiration than a sober assessment of costs and benefits. The reality is that the power wielded by a nuclear-armed Russia is not analogous to Nazi Germany after its defeat, nor to the countries and regions where ad hoc tribunals had some success in the post-Cold War period. Putin and his inner circle are well entrenched. Few analysts see much likelihood of them leaving power either during or at the end of the war. It is no easier to imagine Russia surrendering Putin (or for that matter Duma delegates or Russian flag officers) than it is to imagine the United States surrendering Bush administration officials to a judicial body for invading Iraq. Thus, whatever form an aggression court or tribunal takes, it will have to make a choice. It can conduct trials in absentia, which would hardly make the court a beacon of due process and the rule of law. Or it can pursue no trials at all, and risk perversely amplifying the sense that aggressors can act with impunity. In the meantime, there seems little reason to hope that the **unenforceable threat of prosecution** for aggression will create useful leverage over the Kremlin, or lead to the “peeling away” of his inner circle. So why do proposals for an aggression tribunal continue to enjoy the traction that they do? The prospect of entrenching the norm against aggressive war has enormous appeal. As international lawyers, we are familiar with the stirring speech that Supreme Court Justice Robert Jackson, on loan to the Nuremberg tribunal, offered in his opening remarks on November 21, 1945, when he spoke of the proceedings as “one of the most significant tributes Power has ever paid to Reason.” We also share the fervent wish to see power once again bend the knee to international law in the service of a more peaceful world. Right now, however, that lies outside the realm of the possible, and trying to create legal accountability without adequate consideration of the impact on conflict resolution in Ukraine could well render a horrific situation that much messier.

#### **This is historically proven by the EU.**

**Chorakis 23** [Andreas Chorakis; PhD in International Law; 11-14-2023; "The ICC’s Arrest Warrant Against Putin: A Grenade Against Peace in Ukraine?"; Harvard; https://journals.law.harvard.edu/ilj/2023/11/the-iccs-arrest-warrant-against-putin-a-grenade-against-peace-in-ukraine/; accessed 02-12-2025] //RG

In the case of Ukraine, the EU can be the main negotiator and peacemaker in the Russia-Ukraine War. The EU has played the same role in the past, on certain occasions with great success, such as the Bosnian War, and on other occasions with great failure, such as the situation in Cyprus. As a mainly political organization, the **EU has the capacity**, the skills, and the appropriate means to provide a **peaceful solution** for Ukraine. **However**, under the **pressure of the arrest warrant**, the **EU could not fulfill** its role. Having a fear of being arrested and being transferred to The Hague, the **Russian political authority** would **avoid** any visit to EU countries or any **negotiations** in an **EU Member State’s** territory. Therefore, the EU would lose its main advantage as a neutral negotiation mediator.

#### **Letting the war continue is devastating.**

**Gallone 24** [Guglielmo Gallone; Italian journalist and analyst; 11-18-2024; "Ukraine war: Deep uncertainty about the statistics"; Vatican News; https://www.vaticannews.va/en/world/news/2024-11/ukraine-war-deep-uncertainty-statistics-deaths-displaced.html; accessed 02-12-2025] //RG

It’s been 1,000 days **since the beginning of the war** in Ukraine. Behind that figure lie many other statistics, many deliberately hidden, because war is fought with information as well as with weapons. First and foremost, there is the most difficult figure of them all – the number of victims. In September, The Wall Street Journal, **citing intelligence sources**, wrote that around **a million people** had **died**, both Ukrainians and Russians, since the 24th February 2022.[1] Most of those were soldiers belonging to both sides, followed by Ukrainian civilians.

#### **Thus, acceding would prolong conflict, weaken the military, and ruin the Ukraine ceasefire, and that’s why you should negate.**

#### 

# Rebuttal

## 2NC

### OV---Deterrence Fails

### 1. DICTATORS are IRRATIONAL.

**Philips 16** [Christen Romero Philips, Staff Attorney at Public Defender Service for the District of Columbia and Fellow @ Stanford Law School, 6-xx-2016, “The International Criminal Court & Deterrence”, Stanford Law, https://law.stanford.edu/wp-content/uploads/2016/07/Philips-The-International-Criminal-Court-and-Deterrence-A-Report-to-the-U.S.-Department-of-State.pdf?utm\_source=chatgpt.com] AZ

Individuals who are committing mass atrocities that constitute crimes within the ICC’s jurisdiction **are not rational actors**, which is the presumption underlying any deterrence model, and thus they **will not be deterred by traditional cost-benefit** analyses. **Deterrence depends on a rational actor model**, whereby the individual calculates the perceived benefit from the crime to be lower than the perceived cost (taking into account severity of sentence and certainty of punishment). However, some have argued that individuals who are committing the types of crimes under the ICC jurisdiction are not rational actors, and have a skewed view of the costs and benefits of committing those crimes. Cronin-Furman distinguishes between those leaders who affirmatively order violence against civilians for tactical purposes from those who simply allow subordinates to commit atrocities. Her research suggests that the former category may have **overriding interests that skew the cost-benefit analysis**, preventing them from being deterred as might be expected. On the other hand, she concludes that the latter should be able to be deterred by the threat of ICC prosecution if it is severe and certain enough. Similarly, Smeulers argues that the “most extreme crimes are committed by **ruthless dictators who do not care about the international legal order** or their own legitimacy and they are much less likely to be deterred by the ICC.” When an individual’s primary objective is to secure power by whatever means necessary, “their survival instincts will make them focus on the (alleged) danger to their lives rather than the danger to their reputation or the possibility of at some point being prosecuted for their crimes.” She also points to the fact that some dictators begin to “**suffer from megalomania** once in power,” which skews their cost-benefit analysis away from the rational actor model we would expect.

### A2 Politics

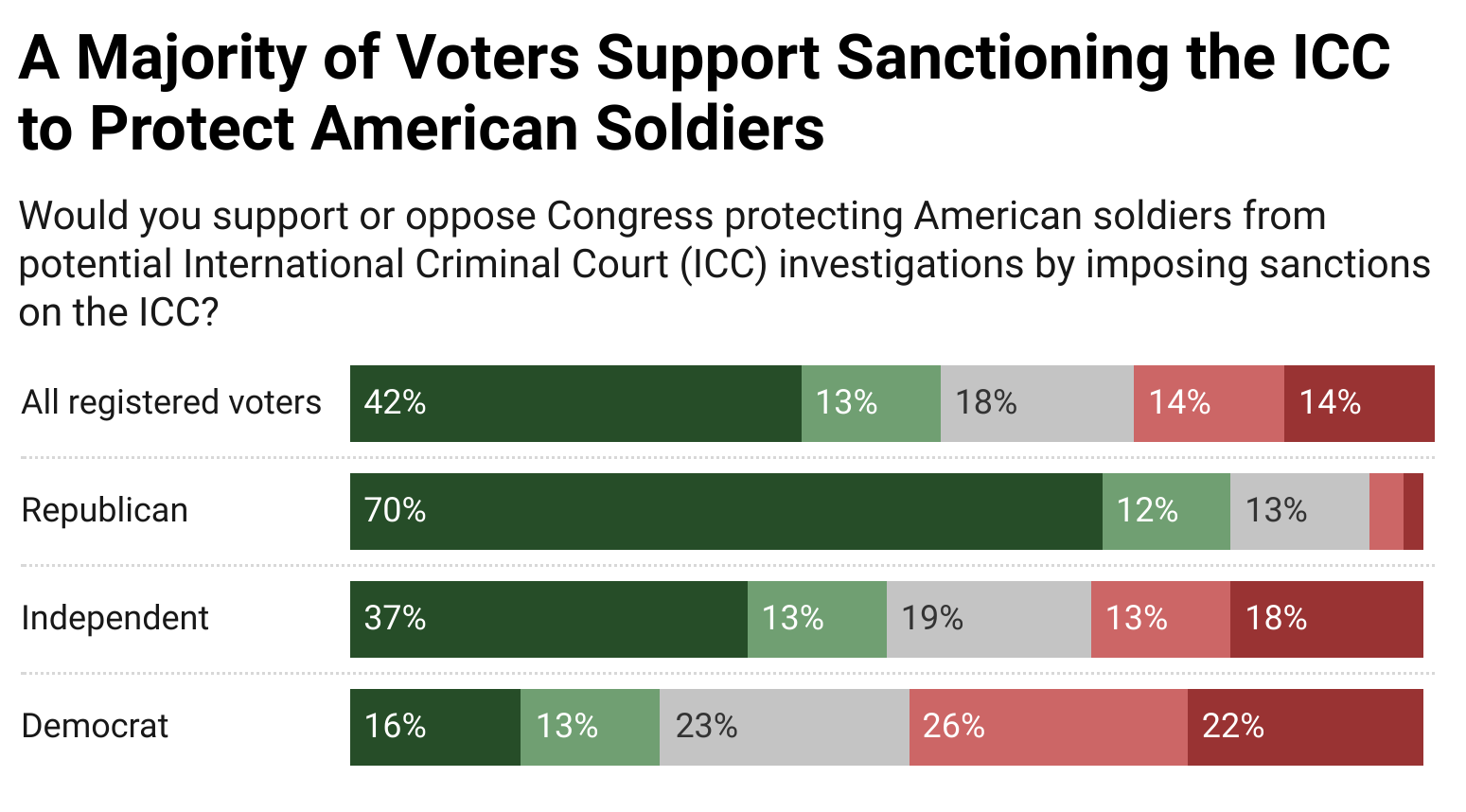
###### **1. [T] Neg’s bipartisan—vastly more popular, postdates their evidence by 5 years.**

**Kredo 25** [Adam Kredo, “American Voters Broadly Support ICC Sanctions Under Senate Consideration, Poll Finds,” 01/22/2025, Washington Free Beacon, DOA: 02/02/2025, https://freebeacon.com/israel/american-voters-broadly-support-icc-sanctions-under-senate-consideration-poll-finds/, Sebastian Engle]

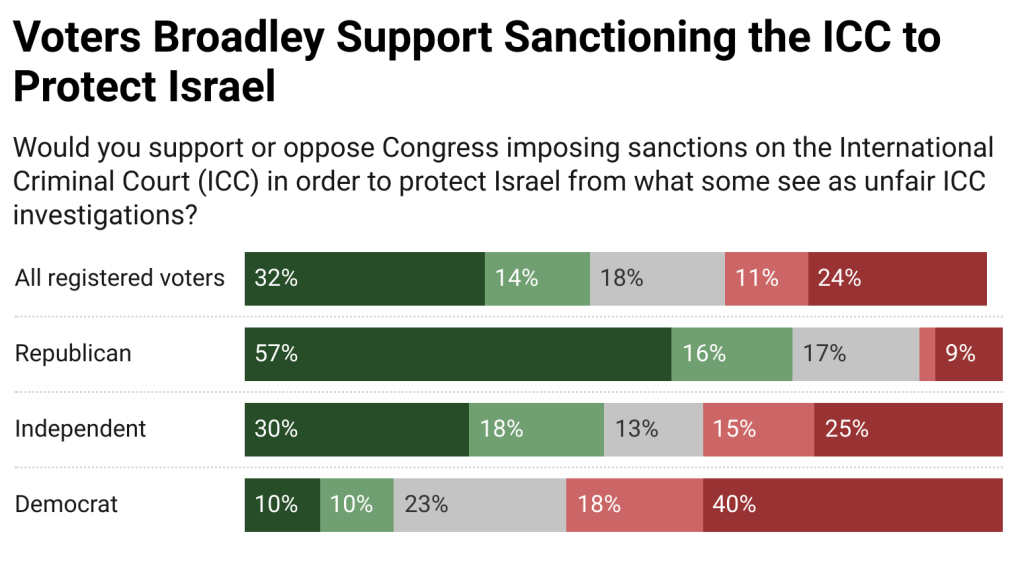
**42 percent of registered voters strongly support the sanctions, compared with 14 percent who strongly oppose**

A majority of American voters support congressional efforts to sanction the International Criminal Court, a new poll shows.

The poll, which **conservative firm GrayHouse conducted last week, surveyed 800 registered voters**. When asked if they would back congressional efforts to protect "American soldiers from potential International Criminal Court (ICC) investigations by imposing sanctions," **55 percent of respondents expressed support** for the move, with 42 percent expressing strong support. **Just 28 percent** said they **opposed** such sanctions.



**A plurality of voters also backed ICC sanctions leveled "in order to protect Israel from what some see as unfair ICC investigations**." In that case, **46 percent** of respondents **expressed support** for the sanctions, **compared with 35 percent who expressed opposition**.



The findings come as Congress eyes a vote to impose wide-ranging sanctions on the ICC and its top prosecutor, Karim Khan. The House [overwhelmingly passed](https://freebeacon.com/israel/house-passes-measure-to-sanction-icc-in-bipartisan-vote-setting-stage-for-senate-approval/) an ICC sanctions bill after reconvening earlier this month, establishing it as **a top policy priority for the GOP-controlled body**. The measure is now working its way through the **Senate**, where it has **staunch Republican support but could fall short of the 60-vote threshold needed to pass**.

**Broad support from the American public could help sway undecided Democratic senators to back the legislation, even though their liberal base largely opposes the effort**. Around 40 percent of the Democratic voters polled said they "strongly oppose" sanctions on the ICC, though **48 percent of registered Independents said otherwise**, according to the poll.

### A2 Ukraine

**1. Focus is key—upcoming negotiations**

**EN 25 continues** [Euronews; pan-European television news network; 02-06-2025; “US could reveal Trump's peace plan for Ukraine as early as next week”; Euronews; https://www.euronews.com/2025/02/06/us-could-reveal-trumps-peace-plan-for-ukraine-as-early-as-next-week; accessed 02-09-2025] Aaron

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**Keith Kellogg**, Trump’s special envoy for Ukraine and Russia, **confirmed his intent to speak at the annual conference**.

S**ince Kellogg’s revealed his plans to speak at the conference, which is held next week between February 14-16, there has been speculation that he will share Trump’s plan** to end Russia's ongoing full-scale invasion of Ukraine. Bloomberg on Wednesday quoted unidentified sources saying Kellogg would do so.

**Aspects of the yet-to-be-unveiled plan could include potentially freezing the conflict**, leaving parts of Ukraine occupied by Russia in limbo while providing Ukraine with assurances against Moscow attacking again.

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**2. [T] Tradesoff local solutions—we prove motives/incentives.**

**Chorakis 23 continues** [Andreas Chorakis; PhD in International Law; 11-14-2023; "The ICC’s Arrest Warrant Against Putin: A Grenade Against Peace in Ukraine?"; Harvard; https://journals.law.harvard.edu/ilj/2023/11/the-iccs-arrest-warrant-against-putin-a-grenade-against-peace-in-ukraine/; accessed 02-12-2025] //RG

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RUSSIA BREAKS THE RULES AND CHANGES THE GAME

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Russian **surrender is not in the cards**.

Against this backdrop, Ukraine (together with some of its Eastern European partners and many experts) has pressed for the creation of an international tribunal by means of a UN General Assembly resolution. A tribunal backed by the General Assembly might stand a greater, though not certain, legal chance of being able to prosecute Russia’ top leaders. Unless they came into the tribunal's custody, however, it would have to do so in absentia.

By contrast, many of Ukraine’s most important Western partners, initially led by Germany, have instead endorsed the creation of a “hybrid” court within the Ukrainian system that would draw on “international elements.” What this would entail remains vague: it might mean Ukraine’s Western backers lending advisers or financial support to Ukraine; establishing the court outside Ukraine, possibly in the Hague; or even the application of non-Ukrainian law in any prosecution by the tribunal. Germany has conceded that a hybrid tribunal would be unable to prosecute Putin while he remains in office, though such a court might at least prosecute some military leaders and Duma members who voted for the war.

Given decades-old U.S. reservations about prosecuting the crime of aggression, it was unclear whether Washington would support any of these models. But in March, after extended deliberations within the Biden administration, the U.S. government announced that it was lining up behind an “internationalized national court” along the lines of the German approach. Weeks later, the G-7 endorsed this approach. Even though this represented a remarkable movement away from the traditional U.S. posture, the reaction from Kyiv was distinctly chilly. Andrii Smyrnov, the deputy head of Ukraine’s Presidential Office, suggested that a hybrid tribunal would be unconstitutional and expressed concern that it would demote the crime of aggression to a bilateral dispute rather than a matter of international concern. Other Ukrainian officials and frustrated scholars worried that an aggression court with no hope of prosecuting Russia’s top leader would not be worth its salt, and they criticized the United States for showing too little ambition at a historic moment. At his speech in The Hague, Zelensky flatly rejected the hybrid model, calling into question the viability of an approach that presupposes Ukrainian buy-in and cooperation.

REAL WORLD WORRIES

The technical challenges surrounding efforts to set up an aggression tribunal are significant, no matter which model is pursued. But the even bigger—and in our view more consequential—geopolitical costs and practical challenges of creating such a tribunal tend to be overlooked. A fuller reckoning would recognize that to establish an aggression tribunal at this moment in the war would be difficult to reconcile with both global attitudes and battlefield realities.

First, states in the so-called global South have been decidedly cool to the idea of aggression prosecutions. With often fragile economies and their own national interests to look after, few want to be put in a position where they must choose between rival great powers squaring off in a war that is for them geographically remote. These countries are also conscious of the extent to which modern global criminal justice efforts have focused on countries such as theirs, particularly those that have been adversaries of the West. By contrast, they consider that Western powers and their partners have been ringfenced from facing accountability for their own abuses in places such as Afghanistan and Iraq.

These concerns have started to surface at the UN. Late in 2022, Ukraine unsuccessfully floated a UN General Assembly resolution endorsing the idea of a tribunal and asking Secretary-General António Guterres to set out options for its creation. Some skeptical European officials predict such a proposal to establish a tribunal might get as few as 60 and perhaps no more than 90 votes—out of 193 member states—if a vote is held in the UN General Assembly. At a recent Brookings Institution event, Martin Kimani, Kenya’s ambassador to the UN who forcefully denounced irredentism and the unlawful use of force on the eve of Russia’s invasion, cautioned against “believing that legalism will deliver us from this major conflict and its escalation dangers.” For Western states eager to maintain the most united possible global front against Moscow, these words – from perhaps the United States’ closest partner in East Africa – merit careful consideration.

Russia’s invasion of Ukraine rocked the international law community.

A second basket of concerns is more practical. Simply put, proceedings that target Russia’s sitting leadership **clash with Western objectives** in a way that the post-World War II prosecutions of German leaders did not. Probably most worrying is what these efforts communicate to Moscow about the West’s designs for **effecting regime change** in Moscow, an end state that Western leaders have taken pains to say they do not seek. Creating a tribunal would signal to the Kremlin that its options are either to **win and remain free** or to **lose and face prosecution**, making the war’s **stakes** existential for leaders that control the **world’s largest nuclear arsenal**. (Arguably arrest warrants that the ICC has issued against Putin and one of his commissioners already do this; creating an aggression tribunal would unhelpfully reinforce that message.)

Creating a judicial body to prosecute Russian leaders for the crime of aggression would also complicate future diplomacy. If and when negotiations to end the war get under way, Russia will almost certainly ask for a release from criminal liability as part of any settlement. It is unclear how Western countries would respond this request. The UN Security Council may have powers that would allow it to supersede international obligations relating to the tribunal, and Kyiv might be able drop charges or grant clemency in the case of a hybrid court, but political considerations could make it hard to wield these tools. Standing up a new aggression court could also gum up what little is left of East-West diplomacy on issues such as the Black Sea grain deal as well as priority areas distinct from the war, including humanitarian access in Syria, assistance in Afghanistan, and peacekeeping in Africa.

The last area of concern is in the realm of principle. An ad hoc tribunal created to prosecute Russian officials would have no jurisdiction over crimes of aggression being committed outside Ukraine – giving a free pass to Western countries and their partners. This would only reinforce the view of Global South countries that the United States and its allies see international criminal justice institutions as a selective tool that applies only to their adversaries.

MOSCOW IS UNLIKELY TO FALL

Perhaps these would be risks worth taking if the purported benefits of establishing a new aggression court were certain, but many of the **asserted upsides** seem more rooted in aspiration than a sober assessment of costs and benefits. The reality is that the power wielded by a nuclear-armed Russia is not analogous to Nazi Germany after its defeat, nor to the countries and regions where ad hoc tribunals had some success in the post-Cold War period. Putin and his inner circle are well entrenched. Few analysts see much likelihood of them leaving power either during or at the end of the war. It is no easier to imagine Russia surrendering Putin (or for that matter Duma delegates or Russian flag officers) than it is to imagine the United States surrendering Bush administration officials to a judicial body for invading Iraq.

Thus, whatever form an aggression court or tribunal takes, it will have to make a choice. It can conduct trials in absentia, which would hardly make the court a beacon of due process and the rule of law. Or it can pursue no trials at all, and risk perversely amplifying the sense that aggressors can act with impunity. In the meantime, there seems little reason to hope that the **unenforceable threat of prosecution** for aggression will create useful leverage over the Kremlin, or lead to the “peeling away” of his inner circle.

So why do proposals for an aggression tribunal continue to enjoy the traction that they do? The prospect of entrenching the norm against aggressive war has enormous appeal. As international lawyers, we are familiar with the stirring speech that Supreme Court Justice Robert Jackson, on loan to the Nuremberg tribunal, offered in his opening remarks on November 21, 1945, when he spoke of the proceedings as “one of the most significant tributes Power has ever paid to Reason.” We also share the fervent wish to see power once again bend the knee to international law in the service of a more peaceful world. Right now, however, that lies outside the realm of the possible, and trying to create legal accountability without adequate consideration of the impact on conflict resolution in Ukraine could well render a horrific situation that much messier.

**4. However, joining the ICC sours diplomacy and threatens Russia’s leadership.**

**Finucane explained in ‘23** [Brian Finucane, Senior Adviser in the U.S. Program at the International Crisis Group, Nonresident Senior Fellow at the Reiss Center on Law and Security at NYU School of Law, and former Attorney Adviser in the Office of the Legal Adviser at the U.S. State Department, and Stephen Pomper, Chief of Policy at the International Crisis Group and former Special Assistant to the President and Senior Director for Multilateral Affairs and Human Rights at the National Security Council, and former Assistant Legal Adviser for Political-Military Affairs at the U.S. State Department, 5-8-2023, "Can Ukraine Get Justice Without Thwarting Peace?", Foreign Affairs, https://[www.foreignaffairs.com/ukraine/russia-ukraine-justice-thwarting-peace](http://www.foreignaffairs.com/ukraine/russia-ukraine-justice-thwarting-peace)]/Kankee

References such as this to the Nuremberg military tribunals, which took place after World War II to hold Nazi officials accountable for both aggression and atrocity crimes, are highly resonant, but also misleading. The Nuremberg trials, as well as their counterparts in the Far East, came at the end of a globe-spanning total war that finished with the Axis powers’ defeat, surrender, and occupation, as well as the capture of their leaders. The Allies used these trials to demonstrate their commitment to the rule of law and to expose the defendants’ depravity. Because the Allies were able to impose terms on Germany or Japan, they were also in a position to try their leaders and enforce the sentences the war court passed down. Russia’s unlawful war on Ukraine appears to be on a different trajectory. It is unclear how the conflict will end, but Russian surrender is not in the cards. One likely scenario is a negotiated deal; another is a frozen conflict. Moscow’s political leadership will remain almost certainly ensconced for the foreseeable future, and international actors will continue to need to work with them in forums such as the United Nations. Ukraine’s Western partners are trying to weaken Russia, but they are also trying to steer clear of a direct conflict, aware that any confrontation the Kremlin sees as posing an **existential** threat could bring the risk of **escalation**, including the use of **nuclear** weapons. Plans to stand up a new tribunal do not easily fit into this landscape. Seeking accountability for Russian President Vladimir Putin and other senior Kremlin officials now, while Russia and Ukraine remain locked in combat, is hard to reconcile with any realistic Western war aims. A big push to prosecute Russian leaders for starting the war **signals** a desire to remove Russia’s leadership, risks escalation, and would almost surely complicate diplomacy to bring the war to an end. If establishing such a court ultimately proves futile, it could also weaken rather than strengthen the international criminal justice project. Rather than barreling ahead and risking a full-on collision between the interests of peace and justice, Ukraine and its partners should pursue a sequenced approach in which accountability efforts are better harmonized with the goals of conflict resolution. A LOOPHOLE IN THE LAW There are very few examples of war-time leaders being tried on aggression charges, and fewer still of trials that took place while the leaders were still waging war. Most precedents date back to the post–World War II International Military Tribunal, which the victorious Allies created at Nuremberg to prosecute senior German leaders. The other most notable case comes from Nuremberg’s sister tribunal held in Tokyo, which was created to try Japanese officials. There have also been a handful of domestic trials, including those conducted in Ukraine following Russia’s 2014 occupation of Crimea, including one that resulted in the in absentia conviction of Ukraine’s former president, Victor Yanukovych. This sparse record is no accident. The powers driving the creation of the post–Cold War architecture for international criminal law—the United States chief among them—were ambivalent about lumping together the crime of aggression with so-called atrocity offenses (genocide, crimes against humanity, and war crimes). U.S. officials worried about the lack of clarity and consensus around what constitutes aggression. They also feared the exposure they might be creating for themselves and up their chains of command. The U.S. government fretted that these legal changes would hamper Washington’s ability to build coalitions to undertake operations such as NATO’s intervention in Kosovo in 1999, which lacked UN Security Council authorization and which was widely seen as unlawful. (The United States has hewed to the position that its actions in Kosovo were “legitimate,” but it has not argued that they were legal.) Senior U.S. officials were also concerned about the ICC being drawn into political thickets that would undercut its effectiveness. They foresaw that the threat of being prosecuted for aggression could impel leaders to fight to the last rather than negotiate for peace. Against this backdrop, the ICC Rome Statute did not cover the crime of aggression when it became effective in 2002. Instead, it bracketed the issue for a later date. When member states eventually did fill in the definitional gap at a conference in Kampala in 2010, the United States quietly insisted on including a loophole that prevented the court from exercising jurisdiction over a charge of aggression against nationals of countries that were not parties to the Rome Statute, a group that includes China, Russia, the United States, and several other significant military powers, such as India, Israel, and Turkey. Moreover, even with this level of protection secured for itself, Washington did not warm to the idea of aggression as an international crime. After the Kampala conference, U.S. officials lobbied ICC member states not to ratify the aggression amendment, hoping to forestall the moment when it would come into effect, and to narrow the scope of its applicability. Ultimately, despite U.S. efforts, the amendment took effect in 2017. But with the ICC already struggling with its caseload, and given political headwinds from the United States and elsewhere, at least some experts expected that the crime of aggression would move to the back of the international legal agenda for the foreseeable future. RUSSIA BREAKS THE RULES AND CHANGES THE GAME Russia’s invasion of Ukraine in February 2022 rocked the international law community. Appalled by Russia’s vast criminality—and seeing both an opportunity and an imperative to reinforce the global norm against illegal war—prominent Western scholars joined former officials (and some current ones) in calling for the creation of a judicial body that could close the international legal gap and punish Russia for its trespasses. These efforts were spurred on by vigorous Ukrainian advocacy. Arguments in support of an aggression tribunal ranged from the moral to the practical. Many have argued that prosecuting Russian officials would be necessary to deter future wars of aggression. Brown invoked the Nuremberg tribunal’s observation that aggression “is the supreme international crime” in that it is the parent of all criminality that happens in war. Law professor Oona Hathaway noted that pursuing Putin and his associates for war crimes and other atrocities (as the ICC is already doing) would fail to account for lives and property lost in actions that may technically be permissible under the laws of war. International lawyer Philippe Sands argued that prosecuting Putin before an international tribunal would further delegitimize him, possibly create an incentive for those in his inner circle to “peel off,” and perhaps offer Ukraine leverage in future negotiations. To date, expert discussion and media coverage have tended to focus mainly on different models for overcoming the technical barriers to prosecution, while glossing over the impracticality of these proposals. The technical issues are significant: although Ukraine’s domestic courts already have the authority to try Russians for aggression, they would almost certainly be required under international law to recognize immunities for Russia’s heads of state and government, as well as its foreign minister. Thus, a Ukrainian prosecution of Putin, at least while he is in office, would not be possible. And it’s unlikely that any prosecution on charges of aggression against Ukraine that excluded the key architect of the war would be seen as legitimate, especially since the Rome Statute definition of aggression applies only to those in a position to control or direct a state’s armed forces. Against this backdrop, Ukraine (together with some of its Eastern European partners and many experts) has pressed for the creation of an international tribunal by means of a UN General Assembly resolution. A tribunal backed by the General Assembly might stand a greater, though not certain, legal chance of being able to prosecute Russia’ top leaders. Unless they came into the tribunal's custody, however, it would have to do so in absentia. By contrast, many of Ukraine’s most important Western partners, initially led by Germany, have instead endorsed the creation of a “hybrid” court within the Ukrainian system that would draw on “international elements.” What this would entail remains vague: it might mean Ukraine’s Western backers lending advisers or financial support to Ukraine; establishing the court outside Ukraine, possibly in the Hague; or even the application of non-Ukrainian law in any prosecution by the tribunal. Germany has conceded that a hybrid tribunal would be unable to prosecute Putin while he remains in office, though such a court might at least prosecute some military leaders and Duma members who voted for the war. Given decades-old U.S. reservations about prosecuting the crime of aggression, it was unclear whether Washington would support any of these models. But in March, after extended deliberations within the Biden administration, the U.S. government announced that it was lining up behind an “internationalized national court” along the lines of the German approach. Weeks later, the G-7 endorsed this approach. Even though this represented a remarkable movement away from the traditional U.S. posture, the reaction from Kyiv was distinctly chilly. Andrii Smyrnov, the deputy head of Ukraine’s Presidential Office, suggested that a hybrid tribunal would be unconstitutional and expressed concern that it would demote the crime of aggression to a bilateral dispute rather than a matter of international concern. 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First, states in the so-called global South have been decidedly cool to the idea of aggression prosecutions. With often fragile economies and their own national interests to look after, few want to be put in a position where they must choose between rival great powers squaring off in a war that is for them geographically remote. These countries are also conscious of the extent to which modern global criminal justice efforts have focused on countries such as theirs, particularly those that have been adversaries of the West. By contrast, they consider that Western powers and their partners have been ringfenced from facing accountability for their own abuses in places such as Afghanistan and Iraq. These concerns have started to surface at the UN. Late in 2022, Ukraine unsuccessfully floated a UN General Assembly resolution endorsing the idea of a tribunal and asking Secretary-General António Guterres to set out options for its creation. 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Probably most worrying is what these efforts communicate to Moscow about the West’s designs for effecting regime change in Moscow, an end state that Western leaders have taken pains to say they do not seek. Creating a tribunal would signal to the Kremlin that its options are either to win and remain free or to lose and face prosecution, making the war’s stakes **existential** for leaders that control the world’s largest nuclear arsenal. (Arguably arrest warrants that the ICC has issued against Putin and one of his commissioners already do this; creating an aggression tribunal would unhelpfully reinforce that message.) Creating a judicial body to prosecute Russian leaders for the crime of aggression would also complicate future diplomacy. If and when negotiations to end the war get under way, Russia will almost certainly ask for a release from criminal liability as part of any settlement. It is unclear how Western countries would respond this request. 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This would only reinforce the view of Global South countries that the United States and its allies see international criminal justice institutions as a selective tool that applies only to their adversaries. MOSCOW IS UNLIKELY TO FALL

### ID2 Prolif

### Impact Turn---Prolif---Good

#### **No prolif impact**

**Mueller 17** (John Mueller, Professor of Political Science at The Ohio State University & Senior Fellow at the Cato Institute & Senior Research Scientist with the Mershon Center for International Security Studies at Ohio State University "76. Nuclear Weapons: Proliferation and Terrorism" https://object.cato.org/sites/cato.org/files/serials/files/cato-handbook-policymakers/2017/2/cato-handbook-for-policymakers-8th-edition-76\_0.pdf)

Except for their effects on agonies, obsessions, rhetoric, posturing, and spending, the consequences of nuclear proliferation have been largely benign: those who have acquired the weapons have “used” them simply to stoke their egos or to deter real or imagined threats. For the most part, nuclear powers have found the weapons to be a notable waste of time, money, effort, and scientific talent. They have quietly kept the weapons in storage and haven’t even found much benefit in rattling them from time to time. If the recent efforts to keep Iran from obtaining nuclear weapons have been successful, those efforts have done Iran a favor.

There has never been a militarily compelling reason to use nuclear weapons, particularly because it has not been possible to identify suitable targets—or targets that couldn’t be attacked as effectively by conventional munitions. Conceivably, conditions exist under which nuclear weapons could serve a deterrent function, but there is little reason to suspect that they have been necessary to deter war thus far, even during the Cold War. The main Cold War contestants have never believed that a repetition of World War II, whether embellished by nuclear weapons or not, is remotely in their interests.

Moreover, the weapons have not proved to be crucial status symbols. How much more status would Japan have if it possessed nuclear weapons? Would anybody pay a great deal more attention to Britain or France if their arsenals held 5,000 nuclear weapons, or much less if they had none? Did China need nuclear weapons to impress the world with its economic growth or its Olympics?

Those considerations help explain why **alarmists have been wrong for decades about the pace** of nuclear proliferation. Most famously, in the 1960s, President John Kennedy anticipated that in another decade “fifteen or twenty or twenty-five nations may have these weapons.” Yet, of the dozens of technologically capable countries that have considered obtaining nuclear arsenals, very few have done so. Insofar as most leaders of most countries (even rogue ones) have considered acquiring the weapons, they have come to appreciate several drawbacks of doing so: nuclear weapons are dangerous, costly, and likely to rile the neighbors. Moreover, as the University of Southern California’s Jacques Hymans has demonstrated, the weapons have also been exceedingly difficult for administratively dysfunctional countries to obtain—it took decades for North Korea and Pakistan to do so. In consequence, **alarmist predictions about proliferation chains, cascades, dominoes, waves, avalanches, epidemics, and points of no return have proved faulty.**

### Prolif Good

#### **Prolif leads to less war – empirics and models**

**Shellenberger 18** (Michael, cofounder of Breakthrough Institute and founder of Environmental Progress + energy/environment contributor @ Forbes, "Who Are We To Deny Weak Nations The Nuclear Weapons They Need For Self-Defense?," https://www.forbes.com/sites/michaelshellenberger/2018/08/06/who-are-we-to-deny-weak-nations-the-nuclear-weapons-they-need-for-self-defense/#2e81b15b522f)

**The widespread assumption is that the more nations have nuclear weapons, the more dangerous the world will be. But is that really the case?** I don’t ask this question lightly. I come from a long line of Christian pacifists and conscientious objectors and earned a degree in peace studies from a Quaker college. I have had nightmares about nuclear war since I was a boy and today live in California, which is more vulnerable to a North Korean missile than Washington, D.C. — at least for now. But it is impossible not to be struck by these facts: **No nation with a nuclear weapon has ever been invaded by another nation**. **The number of deaths in battle worldwide has declined 95 percent in the 70 years since the invention and spread of nuclear weapons**; **The number of Indian and Pakistani civilian and security forces’ deaths in two disputed territories declined 95 percent after Pakistan’s first nuclear weapons test in 1998.** In 1981, the late political scientist Kenneth Waltz published an essay titled, “The Spread of Nuclear Weapons: More May Be Better.” In it he argued that **nuclear weapons are revolutionary in allowing weaker nations to protect themselves from more powerful ones.** International relations is “a realm of anarchy as opposed to hierarchy… of self-help… you’re on your own,” Waltz explained. How do **nuclear weapons work**? Not “**through the ability to defend but through the ability to punish...The message of a deterrent strategy is this**,” explained Waltz. “‘Although we are defenceless, **if you attack we will punish you to an extent that more than cancels your gains.’”** Does anybody believe France should give up its nuclear weapons? Certainly not the French. After President Barack Obama in 2009 called for eliminating nuclear weapons, not a single other nuclear nation endorsed the idea. All of this raises the question: **if nuclear weapons protect weak nations from foreign invasion, why shouldn’t North Korea and Iran get them?** Why Nuclear Weapons Make Us Peaceful On January 29, 2002, President George W. Bush denounced Iraq, Iran, and North Korea as an “axis of evil.” North Korea was “arming with missiles,” he said. Iran “aggressively pursues these weapons” and the “Iraqi regime has plotted to develop...nuclear weapons for over a decade.” One year later, the U.S. invaded and occupied Iraq. The ensuing conflict resulted in the deaths of over 450,000 people — about four times as many as were killed at Hiroshima — and a five-fold increase in terrorist killings in the Middle East and Africa. It all came at a cost of $2.4 trillion dollars. Now, 16 years later, **U.S. officials insist that North Korea and Iran need not fear a U.S. invasion. But why would any nation — particularly North Korea and Iran — believe them?** Not only did the U.S. overthrow Iraqi leader Saddam Hussein after he gave up his nuclear weapons program, it also helped overthrow Libyan President Muammar Gaddafi in 2011 after he too had given up the pursuit of a nuclear weapon. North Korean President Kim Jong-un may, quite understandably, see his own life at stake: Hussein was hanged and Gaddafi was tortured and killed. Both hawks and doves say North Korea and Iran must not be allowed to have a weapon because both regimes are brutal, but **nuclear weapons make nations more peaceful over time.** **There were three full-scale wars before India and Pakistan acquired the bomb and only far more limited conflicts since. And China became dramatically less bellicose after acquiring the bomb. Why? “History shows that when countries acquire the bomb, they feel increasingly vulnerable**,” notes Waltz, “**and become acutely aware that their nuclear weapons make them a potential target in the eyes of major powers. This awareness discourages nuclear states from bold and aggressive action.” Is it really so difficult to imagine that a nuclear-armed North Korea and Iran might follow the same path toward moderation as China, India, and Pakistan?** Nuclear weapons are revolutionary in that they require the ruling class to have skin in the game. **When facing off against nuclear-armed nations, elites can no longer sacrifice the poor and weak in their own country without risking their lives.**

#### **Horizontal & vertical prolif raises the threshold for conventional wars—those are more probable and deadly.**

**Leah & Lowther 17** (Christine Leah, Former Chauncey Postdoctoral Fellow in Grand Strategy at Yale University and Adam B Lowther, Director, School of Advanced Nuclear Deterrence Studies Spring 2017. “Conventional Arms and Nuclear Peace,” Strategic Studies Quarterly. Volume 11. Issue 1. pg. 14-24. http://www.airuniversity.af.mil/Portals/10/SSQ/documents/Volume-11\_Issue-1/Leah.pdf)

The acquisition of nuclear weapons by a weaker state significantly complicates the decision-making calculus of a militarily superior state. For these reasons, power-projecting states fear nuclear proliferation to both allied and enemy states.5 This is a point worth underscoring and one that is often overlooked when nonproliferation is discussed and its rationale and purposes debated. **These factors demonstrate that the “more may be better” view of nuclear weapons** proffered by political scientist Kenneth Waltz is entirely relevant and accurate.6 Waltz famously argued that **more nuclear weapons in the world would tend to increase deterrence among states**. That logic is turned on its head in a world with far fewer nuclear weapons and a greater reliance on conventional systems, which may actually be **destabilizing**. This was true even before the advent of the atomic bomb. The awesome destructive power of nuclear weapons tended to overshadow the failure of conventional deterrence in the decades and centuries preceding the first use of nuclear weapons.7 Thomas Schelling, an economist and foreign policy scholar, also argued very specifically that **more nuclear weapons might enhance strategic stability by increasing the survivability of a nation’s nuclear forces**.8

Because states might be more risk acceptant with conventional forces and concepts of first and second strikes are much less well defined in the conventional realm, stability was much more fragile in the pre-nuclear age and would likely prove fragile in a world with fewer, or zero, nuclear weapons. Advocates of a world free of nuclear weapons often overlook this point. A world with fewer nuclear, but more conventional, forces is likely to bring forth new dynamics for arms races, **which increase the likelihood of disputes and wars.**9 Reducing or eliminating nuclear weapons does not remove proliferation problems from the agenda. Might we fear arms races in the second conventional age less because of the subnuclear consequences of an advanced conventional missile system, or should we fear it more because of the lower threshold to the use of armed force that might be involved? A world not anxious about nuclear proliferation is more likely to be anxious about the proliferation of advanced conventional systems. In that world, the knowledge that war might escalate to the use of an immediate and devastating nuclear strike is gone. This also raises new issues influencing the extent to which a conventional war may be more controllable than a nuclear one. As Lawrence Freedman, the doyen of British strategic studies, writes, “In principle, denial is a more reliable strategy than punishment because, if the threats have to be implemented, it offers control rather than continuing coercion. With punishment, the [adversary] is left to decide how much more to take. With denial, the choice is removed.”10

#### **Links into Starr—only unchecked war escalates into nuclear=extinction.**