| **Topic** |
| --- |

Resolved: The United States ought to become party to the United Nations Convention on the Law of the Sea and/or the Rome Statute of the International Criminal Court.

LD Topic Overview

The United Nations Convention on the Law of the Sea (UNCLOS) was adopted in 1982. It lays down a comprehensive regime of law and order in the world's oceans and seas establishing rules governing all uses of the oceans and their resources. As of October 2024, 169 sovereign states and the European Union are parties.

Among its many provisions, the Convention limits coastal nations to a 12-mile territorial sea, establishes 200-mile exclusive economic zones, requires nations to work together to conserve high seas fisheries, and establishes a legal regime for the creation of property rights in minerals found beneath the deep ocean floor (ie: deep sea mining).

The Rome Statute of the International Criminal Court (ICC) sets out the Court's jurisdiction over genocide, crimes against humanity, war crimes and – as of an amendment in 2010 – the crime of aggression. As of now, 125 countries are States Parties to the Rome Statute of the International Criminal Court.

Founded in 1998 after nearly a century of major-power wars and conflicts, the ICC was designed to hold individuals accountable for genocide, war crimes, and other serious international crimes. The United States has declined to join or recognize the jurisdiction of the ICC in the 25 years since its founding.

Additional resources:

<https://www.icc-cpi.int/publications/core-legal-texts/rome-statute-international-criminal-court#:~:text=Adopted%20at%20the%20Rome%20Conference,2010%20%E2%80%93%20the%20crime%20of%20aggression>.

<https://www.imo.org/en/ourwork/legal/pages/unitednationsconventiononthelawofthesea.aspx#:~:text=The%20United%20Nations%20Convention%20on,the%20oceans%20and%20their%20resources>.

<https://www.brookings.edu/articles/law-of-the-sea-convention-should-the-u-s-join/>

| Affirmative |
| --- |

The United States ought to become party to the United Nations Convention on the Law of the Sea ***and*** the Rome Statute of the International Criminal Court.

*Definitions*

accede: become a member of a community or organization (Oxford Languages)

Rome Statute: The Rome Statute of the International Criminal Court is the international treaty that founded the Court. The Statute sets out the Court's jurisdiction over genocide, crimes against humanity, war crimes and – as of an amendment in 2010 – the crime of aggression. (ICC, <https://www.icc-cpi.int/publications/core-legal-texts/rome-statute-international-criminal-court>)

*Value-Criterion*

Quality of life: the degree to which an individual is healthy, comfortable, and able to participate in or enjoy life events. Britannica, <https://www.britannica.com/topic/quality-of-life>

Quality of life can be upheld by ensuring human rights protections and sustainability.

**Con 1: Food Sources & Vulnerable Populations**

The United Nations Convention on the Law of the Sea protects food sources and vulnerable populations by requiring collaboration to protect fisheries and regulate deep sea mining.

**Biodiversity Crisis**

**World Bank 2017**

World Bank, 2017, <https://datatopics.worldbank.org/sdgatlas/archive/2017/SDG-14-life-below-water.html>

Almost 90 percent of global marine fish stocks are now fully exploited or overfished, and wild capture fisheries struggle without sound regulatory frameworks and strong enforcement. The status of marine biodiversity is closely connected with ocean pollution and acidification. About two-thirds of the world’s oceans showed signs of increased human impact between 2008 and 2013.

**United Nations**

United Nations, <https://www.un.org/en/global-issues/oceans-and-the-law-of-the-sea>

Marine living resources, including fish, continue to provide an important source of food and nutrition, contribute to livelihoods and economic development, have immeasurable socio-economic and cultural value and are vital for the health and resilience of marine ecosystems. However, the sustainability of global fish stocks is threatened by such factors as overfishing, including as a result of illegal, unreported and unregulated fishing and overcapacity, as well as ecosystem degradation as a result of anthropogenic stressors which undermine the health, resilience and productivity of marine ecosystems. Such stressors include ocean warming, ocean acidification, pollution and destructive fishing practices.

The United Nations Convention on the Law of the Sea provides an overarching international legal framework for the conservation and sustainable use of marine living resources.

**Restoring Fisheries**

**The Nature Conservancy 202**1

The Nature Conservancy 2021, <https://www.nature.org/en-us/what-we-do/our-priorities/provide-food-and-water-sustainably/food-and-water-stories/global-fisheries/>

The health of our ocean and inland waters and the livelihoods of millions of people all depend on well-managed fisheries. Fish and other seafood products provide vital nutrients for more than three billion people around the globe and supply an income for 10 to 12 percent of the world’s population. From small-scale mussel and sea urchin fisheries along the Humboldt Current in South America, to nearshore octopus fisheries in Kenya, to the freshwater fisheries of the U.S. Great Lakes and industrial tuna fisheries in the Western and Central Pacific—these diverse species are essential to healthy ecosystems and resilient communities.

But there is another side of the coin. Unsustainable fishing practices threaten ecosystem resilience by contributing to overfishing and habitat destruction, and fisheries mismanagement leads to an annual economic loss of approximately USD 80 billion globally. Adding to the challenge, climate change amplifies existing stressors to marine ecosystems.

We can still restore the health of our ocean and inland waters and protect sensitive species and habitats, but we must transform the way we interact with our ocean, lakes and rivers— and reforming fisheries management is perhaps the most impactful approach at our disposal.

**Threats of Deep Sea Mining**

**World Resources Institute 2024**

World Resources Institute, Oliver Ashford, Jonathan Baines, Melissa Barbanell and Ke Wang, February 24 2024, <https://www.wri.org/insights/deep-sea-mining-explained>

Direct harm to marine life: There is a high likelihood that less mobile deep-sea organisms would be killed through direct contact with heavy mining equipment deployed on the seabed, and that organisms would be smothered and suffocated by the sediment plumes these machines are likely to create. Warm mining wastewater could also kill marine life through overheating and poisoning.

Long-term species and ecosystem disruption: Mining activities could impair the feeding and reproduction of deep-sea species through the creation of intense noise and light pollution in a naturally dark and silent environment. For example, the sound pollution from these activities could negatively impact large mega-fauna like whales, posing further risk to populations already strained by climate change and other human activities. Because many deep-sea species are rare, long-lived and slow to reproduce, and because polymetallic nodules (which may take millions of years to develop to a harvestable size) are an important habitat for deep-sea species, scientists are fairly certain that some species would face extinction from habitat removal due to mining, and that these ecosystems would require extremely long time periods to recover, if ever.

Possible impacts on fishing and food security: It’s not just the seafloor that’s at risk. Under current designs, waste discharge from mining vessels could spread over large distances, potentially kilometers away from the areas being mined. This may pose a threat to open ocean fish and invertebrates which are crucial to international fisheries — such as tuna stocks that help drive the economies of many small island developing states in the Pacific, including Kiribati, Vanuatu and the Marshall Islands. Effects of this mining waste could include suffocation, damaged respiratory and feeding structures, and disrupted visual communication within and amongst species, alongside changes in the oxygen content, pH, temperature and toxicity of seawater. However, more research is needed on the characteristics of the discharge plumes themselves and the tolerance of ocean species to fully understand these impacts.

**Con 2: U.S. International Leadership**

**The ICC is not legitimized by the U.S.**

**NPR 2022**

NPR, Michel Martin of NPR and John Bellinger III, a former legal adviser for the National Security Council, April 16 2022, <https://www.npr.org/2022/04/16/1093212495/the-u-s-does-not-recognize-the-jurisdiction-of-the-international-criminal-court>

President Biden used the word genocide to describe atrocities committed by Russia in Ukraine. The president had also previously called Russian President Vladimir Putin a war criminal and said evidence should be gathered to put Putin on trial. Now, you might be asking, how or where does such a trial take place? There is a legal body specifically set up to prosecute cases of genocide, war crimes and other serious international crimes. It's the International Criminal Court, or ICC. But… The U.S. does not recognize the jurisdiction of this legal body.

Critics say that this is already hurting U.S. moral authority by not being a member.

It is unfortunate that the United States is not a party to the International Criminal Court. We should be.

**U.S. International Leadership**

**Foreign Policy 2023**

Foreign Policy, Yevgeny Vindman, a former colonel in the U.S. Army JAG Corps who served as deputy legal advisor on the White House National Security Council from 2018 to 2020, April 11, 2023, <https://foreignpolicy.com/2023/04/11/russia-putin-ukraine-war-icc-united-states-crimes-arrest-warrant/>

Since World War II, the United States has helped build, reinforce, and lead an international order in which countries play by predictable rules. Conflicts, at least between major powers, are resolved through negotiation and consensus instead of force. This system of postwar institutions provides a bedrock of stability that has allowed for a climate of relative peace among global powers and economic prosperity for the American public… Supporting institutions of justice and accountability—even those that could potentially hold the United States accountable—would be a much-needed investment in the long-term viability of the U.S.-led international system for generations to come.

Supporting institutions of justice and accountability—even those that could potentially hold the United States accountable—would be a much-needed investment in the long-term viability of the U.S.-led international system for generations to come.

As is the case of any international treaty, support for the ICC undoubtedly involves a certain sacrifice of sovereignty in pursuit of stability, deterrence, and peace. But even sharp criticisms and great concerns about joining the ICC should not dissuade the United States from entering into a treaty that will support the international rule of law.

**Less Opposition to the ICC In Light of Ukraine**

**Opino Juris 2022**

Opino Juris (associated with the International Commission of Jurists), Dr Caleb H Wheeler, a Lecturer in Law at Cardiff University, August 12 2022

The war in Ukraine has at least temporarily broken down some of the pre-existing opposition to the ICC. On 15 March [2022], the US Senate unanimously passed a resolution calling on the member states of the ICC to petition the Court to investigate war crimes and crimes against humanity being committed by and at the direction of Vladimir Putin… The resolution was sponsored by Senator Lindsey Graham, a self-described ‘conservative problem-solver’. Several weeks later, the House of Representatives passed a bill with overwhelming bi-partisan support that directed the President to report on efforts the United States was making to collect, analyse and preserve evidence of Russian crimes committed in Ukraine for use in any future domestic, foreign or international proceedings. While it did not refer directly to the International Criminal Court, one of the bills’ co-sponsors, Representative Ilhan Omar stated in a Press Release that the Bill would help support proceedings at the ICC.

Following the Russian invasion of Ukraine, Biden very quickly engaged with the idea that Russian President Vladimir Putin was committing crimes for which he should be put on trial. Biden declared Putin a ‘war criminal’ within a month of the start of the invasion. He reiterated that claim several weeks later and also declared the need to gather evidence to be used during a ‘war crimes’ trial. He followed that statement with a declaration that Putin was committing a genocide in Ukraine, and that it would be up to international lawyers to work out whether Putin’s actions legally qualified as genocide. Despite using the terminology of the ICC when calling for Putin’s prosecution, Biden and his administration have been much more hesitant about turning to the ICC as a venue for that trial. One of Biden’s deputy national security advisers, Jon Finer, called holding trial at the ICC ‘a challenging option’, citing jurisdictional and membership issues as roadblocks.

**Now Is Key–Russia In Ukraine**

**Lieber Institute 2023**

Lieber Institute, David Scheffer, he was the U.S. Ambassador at Large for War Crimes Issues (1997-2001) and led the U.S. delegation to U.N. talks to establish the International Criminal Court, July 17 2023, <https://lieber.westpoint.edu/united-states-should-ratify-rome-statute/>

Retired senior officials of the U.S. Government, particularly having held legal positions, have reversed their own positions and believe the United States should abandon the archaic immunity interpretation. Granted, the Russian invasion of Ukraine has proven to be an inflection point on the issue. At some stage the hypocrisy of the matter must be acknowledged. It simply is implausible to keep arguing the immunity interpretation with a straight face when the criminal assault against Ukraine and its people is so blatant, so widespread, so deadly, so destructive, and so persistent and while the U.S. Congress and the Biden Administration have evolved to support efforts, such as the ICC investigations, to hold Russian officials accountable under international criminal law.

**Con 3: International Norms**

**The U.S. Should Abide By International Norms**

**Opino Juris 2022**

Opino Juris (associated with the International Commission of Jurists), Dr Caleb H Wheeler, a Lecturer in Law at Cardiff University, August 12 2022, <https://opiniojuris.org/2022/08/12/should-the-icc-allow-the-united-states-to-become-a-state-party/>

In a recent statement by Linda Thomas-Greenfield, the US Ambassador to the United Nations, [w]hen asked about trying Putin at the ICC, she responded that it remained available as an option and that the United States has always been supportive of the Court taking action ‘when action is required.’ Implicit in this statement is the idea that holding Americans accountable is never required.

The problem with this approach is that the United States’ understanding of when action is required differs from that of the Court. The ICC was founded on the principle of ending the impunity of individuals committing genocide, war crimes, crimes against humanity and the crime of aggression regardless of their official position or national affiliation. From the Court’s perspective, action is required when it can help achieve that purpose.

**Maritime Boundaries Are Complex and Ever-Changing**

**American Public University 2024**

Ilan Fuchs, American Public University, December 9 2024, <https://www.apu.apus.edu/area-of-study/security-and-global-studies/resources/what-is-maritime-law-and-why-does-it-matter-to-nations/>

Maritime boundaries are complex. In general, UNCLOS regulates territorial waters, exclusive economic zones (EEZs), and the high seas, which extend beyond any nation’s jurisdiction. These areas are at the core of international maritime law.

Coastal countries have certain economic rights regarding EEZs. Article 57 of UNCLOS specifies, “The exclusive economic zone shall not extend beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.” This stipulation ensures that nations have exclusive rights to exploit resources within a limited area adjacent to their coastlines, while high seas remain open for international use.

These UNCLOS regulation was designed to provide legal clarity for nations and prevent disputes over territory, fishing rights, and mineral extraction. It also helps to foster cooperation among states while ensuring that no single country monopolizes oceanic resources. This system of clear demarcations and shared usage zones has also helped manage potential conflicts by providing internationally recognized boundaries.

Maritime Law Will Continue to Evolve: As humanity’s reliance on oceans for resources, transportation, and climate regulation grows, so too does the need for an effective, cooperative maritime legal system. Ultimately, maritime law remains essential for promoting sustainable practices and ensuring a balanced, peaceful coexistence on our shared seas.

**States Benefit From Clear, Agreed-Upon Maritime Boundaries**

Journal of Ocean & Coastal Management 2021

Journal of Ocean & Coastal Management, Andreas Østhagen, May 1 2021, <https://www.sciencedirect.com/science/article/pii/S096456912100020X>

Greater utilisation of oceans, or national maritime zones, in domestic politics is a trend likely to increase as ocean space continues to rise on the agenda.

The processes of agreeing on disputed maritime space is, therefore, not as straightforward as one might imagine. This also helps explain why some states actually prefer to keep their dispute unsettled, albeit sufficiently managed, through resource-sharing mechanisms and bilateral cooperation (Beckman et al., 2013a; Byers and Østhagen 2017; VanderZwaag 2010). Still, as several maritime boundary dispute case studies show, states benefit from agreeing on clear lines of jurisdiction at sea before a dormant dispute erupts into an outright conflict, even if that means conceding access to some resources or historic rights.

**Extensions**

Security Is A Concern

**Security of Maritime Borders**

**Levy & Rettig 2024**

The Begin-Sadat Center for Strategic Studies, David Levy and Dr. Elai Rettig, February 6 2024, <https://besacenter.org/confused-seas-the-current-state-of-maritime-affairs/>

In recent months, Houthi attacks have been disruptive to global trade, emphasizing the need for global cooperation to ensure the security of critical maritime straits. Backed by Iran, the Houthis have intensified maritime provocations in the Red Sea and near the Bab-el-Mandeb Strait, conducting drone and missile attacks on both commercial and military ships and engaging in piracy.

The Houthis’ maritime campaign began on November 19, 2023, when their forces captured the commercial vessel M/V GALAXY LEADER, and they have since conducted dozens of similar attacks. These actions led major shipping companies to bypass the Red Sea by rerouting their vessels around the African continent, creating delays of 10-30 days to ongoing shipments.

**Strategic Vulnerabilities**

**The Wilson Center 2024**

Troy Bouffard, The Wilson Center, June 4 2024, <https://www.wilsoncenter.org/blog-post/no-30-strategic-competition-and-case-unclos>

The US lack of membership to UNCLOS leaves Washington at a competitive disadvantage, facing distracting and unnecessary legal vulnerabilities while being outmaneuvered elsewhere on related efforts.

[As an example] critical minerals are the bedrock of current and future geo-economics as well as crucial technology R&D and manufacturing directly involved with US national security priorities. Membership to UNCLOS remains the easiest step to elevate US access and influence over this critical sector.

**Military Operations**

**Brookings 2004**

David B. Sandalow, Brookings, August 19 2004, <https://www.brookings.edu/articles/law-of-the-sea-convention-should-the-u-s-join/>

U.S. military operations depend on naval mobility. By codifying navigational and overflight freedoms long asserted by the United States, the Convention improves access rights in the oceans for our armed forces, reducing operational burdens and helping avert conflict.

Historically, the U.S. Navy was required to contend with widely varying and excessive claims by coastal nations concerning access to the oceans. In the 1940s, for example, Chile asserted the right to control access by all vessels within two hundred miles of its coast. Later, Indonesia asserted a similar right with regard to all waters between its many islands.

These claims and many others are effectively resolved by the Convention, which recognizes navigational and overflight freedoms within 200-mile exclusive economic zones and through key international straits and archipelagoes. The Convention also recognizes rights of passage through territorial seas, without notice and regardless of means of propulsion, as well as navigational and overflight freedoms on the high seas. The results include less need for military assets to maintain maritime access rights and reduced risk of conflict. However, the failure of the United States to join the Law of the Sea Convention puts these gains at risk.

U.S. Hypocrisy Weakens International Influence

**U.S. Hypocrisy with the ICC**

**Brookings, 2024**

Kelebogile Zvobgo, Brookings, December 20 2024, <https://www.brookings.edu/articles/bidens-icc-hypocrisy-undermines-international-law/>

When International Criminal Court (ICC) judges issued arrest warrants for Israeli Prime Minister Benjamin Netanyahu and his former defense minister, Yoav Gallant, last month, U.S. President Joe Biden said the decision was “outrageous” and declared that “We will always stand with Israel.”

What explains Biden’s stance? The evidence suggests that he is engaging in hypocrisy, opposing the ICC because it is scrutinizing the actions of a U.S. ally. Biden (like his predecessors) has supported the ICC—when doing so has served U.S. interests. This uneven approach undermines international law.

**U.S. Hypocrisy with UNCLOS**

**Harvard International Review 2019**

Will Schrepferman, Harvard International Review, October 31 2019, <https://hir.harvard.edu/hypocri-sea-the-united-states-failure-to-join-the-un-convention-on-the-law-of-the-sea-2/>

The United States faces critical issues that fall under the purview of UNCLOS, and its refusal to accede to the treaty undermines its ability to conduct foreign policy… The United States justifies its own actions and seeks to oppose those of Russia in the Arctic and China in the South China Sea on the grounds of international law. On the former issue, UNCLOS explicitly lays out the process and limitations of continental shelf territorial claims and resource extraction. On the latter, it lays out explicitly the process for claiming territory along the basis of islands and historical precedent.

However, the United States cannot claim Russia and China to be in violation of a treaty that it is not a party to. When UNCLOS was initially signed in 1982, the Reagan administration refused to accede based on disagreements regarding deep seabed mining… The United States is unable to have a voice, or at the very least its voice is significantly undermined, by not being a part of that process.

| Negative |
| --- |

*Definitions*

accede: become a member of a community or organization (Oxford Languages)

Rome Statute: The Rome Statute of the International Criminal Court is the international treaty that founded the Court. The Statute sets out the Court's jurisdiction over genocide, crimes against humanity, war crimes and – as of an amendment in 2010 – the crime of aggression. (ICC, <https://www.icc-cpi.int/publications/core-legal-texts/rome-statute-international-criminal-court>)

*Value-Criterion*

Cost Benefit Analysis: The framing for today’s round ought to be cost benefit analysis. If we demonstrate that the AFF creates more harm than good, we win the round.

This is a good criterion because it gives us material ways to evaluate the impacts of the round.

Con 1: Unnecessary

**U.S. Already Abides By UNCLOS Norms**

**American Public University 2024**

American Public University, Ilan Fuchs, December 9 2024, <https://www.apu.apus.edu/area-of-study/security-and-global-studies/resources/what-is-maritime-law-and-why-does-it-matter-to-nations/>

U.S. administrations have adhered to UNCLOS principles, especially regarding navigational freedoms and territorial demarcations, as they align with U.S. interests in maritime mobility and national security.

The U.S. acknowledges UNCLOS as a crucial framework, respecting its rules on freedom of navigation and using it as a basis for diplomatic negotiations with other maritime nations. This ambivalence underlines the balancing act the U.S. performs between its own maritime interests and global cooperation.

**The ICC Is Ineffective**

**Cambridge 2021**

Cambridge Undergraduate Law Review, <https://www.culawreview.org/roundtable-1/roundtable-discussion-the-promises-and-problems-of-the-international-criminal-court>

When it comes to the initiation and execution of proceedings before the ICC, there are recurring practical issues that hinder the Court’s mission in two ways: by delaying the administration of justice and by preventing the very chance of seeing justice done in the first place.

ICC proceedings are patently slow-moving. Investigations can span years, if not decades; for instance, proceedings in Uganda that began in 2004 have still not concluded.

Beyond these administrative failings, the ICC’s reliance on the cooperation of member states to enforce warrants and surrender fugitives is arguably an even greater threat to the organization’s efficacy. Although such cooperation has often been forthcoming, any Court that must rely on the acquiescence of a third party to bring proceedings cannot truly be considered an effective judicial body. As individual states may simply ignore a warrant or request from the ICC, they have the potential to substantially interfere in the effective administration of justice… Indeed, any effective judicial action by the ICC is heavily limited by administrative and procedural barriers.

**ICC Doesn’t Align With U.S. Democracy**

**Morris, 2022**

Madeline Morris, Professor of Law, Duke University, 2022, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1060&context=faculty_scholarship>

What is ultimately at stake, beneath the heated controversy concerning ICC jurisdiction over non-party nationals, is a tension embodied in the Rome Treaty between the human rights embodied in humanitarian law (rights to freedom from genocide, war crims, and crimes against humanity) and the human right to democratic governance.

The ICC Treaty, insofar as it provides for jurisdiction over non-party nationals, displaces the state as the conduit of democratic representation, and provides no alternative mechanism for democratic governance. Advocates of ICC jurisdiction over non-party nationals might be tempted to suggest that the solution to this democratic dilemma is for all states to become parties to the ICC treaty and, consequently, to participate in the Assembly of States Parties. But this suggestion would not address the fundamental, underlying problem of consent… A system based on the consent of the governed requires that consent be meaningful, that is, that it be optional, that there be the alternative of not consenting.

Con 2: UNCLOS & ICC Lack Legitimacy

**UNCLOS Doesn’t Need U.S. Membership–It Needs An Overhaul**

**World Economic Forum 2022**

World Economic Forum December 12 2022, <https://www.weforum.org/stories/2022/12/here-s-why-un-law-sea-overhaul/>

While developing countries were glad to obtain EEZs, countries with long-distance fishing fleets were fearful of losing access to the best fishing grounds. Therefore UNCLOS required countries deemed unable to exploit fishing grounds fully to allow foreign fisheries to catch the "surplus". This has proven disastrous for African countries, in particular. The Soviet Union (then Russia), the USA, Japan, and European Union countries, joined later by China, drew up 300 Fishing Access Agreements (FAAs) that have given their corporations nearly all the profits and allowed them to overfish with impunity. Fish populations and traditional fishing communities have been devastated.

The business community must now put pressure on the United Nations and others to rectify the most obvious failings of FAAs and related joint ventures. FAAs should all be made transparent – most are not, although the European Union now requires theirs to be. And since long-distance fishing is only feasible because governments provide huge fuel and ‘capacity enhancing’ subsidies, they should be ended.

**ICC’s Illegitimate Focus on Africa & A Biased Veto Power**

**Cambridge 2021**

Cambridge Undergraduate Law Review, <https://www.culawreview.org/roundtable-1/roundtable-discussion-the-promises-and-problems-of-the-international-criminal-court>

Since the inception of the ICC, critics have challenged its legitimacy as a global, unbiased institution for two main reasons. First, the ICC has an apparent focus on the African continent, which has spurred not only criticism but also actual withdrawal from the Rome Statute. Second, there is a perceived Western hegemony over ICC proceedings that arises from the UN Security Council’s referrals.

For the last two decades, the ICC has repeatedly come under fire for primarily prosecuting Africans and turning a blind eye to atrocities that take place outside of Africa. Of the thirteen situations currently under investigation, ten are focused on African countries. [1] Leaders of these countries have condemned this apparent bias for subjecting them to excessive persecution. For example, Burundi, which withdrew from the Rome Statute in 2017, accused the Court of being “a political instrument and weapon used by the West to enslave other States.”

The authority of the UNSC [United Nation Security Council] to issue referrals has come under significant attack as three of its five permanent members--Russia, China and the U.S.--have not signed the Rome Statute. As council states, however, they possess veto powers and thus have the power to decide when the Court may investigate despite not submitting to the ICC’s jurisdiction themselves.

Ultimately, the ICC’s referral system leaves too much room for exploitation and abuse by states. The ability of three states to have such significant control over a third of the ICC’s referral systems when they are not themselves party to the Rome Statute undermines the legitimacy of the Court and its purported impartiality.

**Discriminatory Selection By the ICC**

**Taku 2016**

Charles A. Taku, British Parliament, <https://committees.parliament.uk/writtenevidence/9087/pdf/>

African countries have accused the Court of being selective in the cases brought before the Court. Even in situations referred by the State Parties, the ICC has been criticised for its discriminatory selective process. The investigation and prosecution of one side only in Africa, ICC Situations have not been justified or warranted. I had the opportunity to write in some detail on this matter. I conceded that there are governments and perpetrators in Africa who were riding on the disaffection of the African Union and many people in the continent to attempt to escape from being held accountable at the ICC for atrocity crimes committed in the continent. However, there is overwhelming evidence that the Prosecutor of the ICC has discriminatorily and selectively targeted Africa in the last two decades of the ICC jurisdictional mandate. In all ICC Africa Situations, no matter how activated, the Prosecutor has targeted only one side, often the vanquished and insulated the other, often the victors from investigation and prosecution.

African conflicts and the crimes committed during the conflicts are not necessarily committed by Africans only. The weapons supplied for the perpetration of the crimes are supplied by state and non-state actors who trade the said weapons for African minerals and other natural resources. I named them “arms for minerals merchants of death”. The ICC Prosecutor has failed to investigate and prosecute these category of perpetrators; yet they are the catalysts for a majority of conflicts and crimes on the African continent. Again I cautioned that this discriminatory policy, “far from eradicating the culture of impunity that have fomented conflict and international criminality in Africa, the judicial institution put in place to administer international justice has laid the foundation on which the very laws and values they sought to protect are invoked to perpetuate impunity and strengthen the hand of tyranny.

Con 3: The Opportunity of Deep Seabed Mining

**UNCLOS Inhibits Opportunity**

**American Public University 2024**

American Public University, Ilan Fuchs, December 9 2024, <https://www.apu.apus.edu/area-of-study/security-and-global-studies/resources/what-is-maritime-law-and-why-does-it-matter-to-nations/>

President Ronald Reagan chose not to sign the UNCLOS in 1982, due to concerns about specific provisions in Part XI, which governed deep-seabed mining. Reagan's administration feared that the treaty’s provisions on resource exploitation in international waters would limit the United States' access to valuable resources, such as minerals on the ocean floor, and impede the activities of U.S. private companies.

Part XI of UNCLOS established the International Seabed Authority (ISA), an organization with the power to control mineral-related activities in the international seabed area and redistribute the proceeds to developing countries. Reagan saw the ISA’s work as contrary to U.S. economic interests and free-market principles.

**An Alternative Energy Source**

**World Resources Institute 2024**

World Resources Institute, Oliver Ashford, Jonathan Baines, Melissa Barbanell and Ke Wang, February 24 2024, <https://www.wri.org/insights/deep-sea-mining-explained>

In the race to cut greenhouse gas emissions and rein in climate change, demand for critical minerals is surging. Materials such as lithium, cobalt and graphite are essential components of EV batteries, wind turbines, solar panels and other low-carbon technologies increasingly powering the world’s energy systems. Mining for these materials on land is already underway, but with demand surging, some are now looking to tap the seafloor for its millions of square kilometers of metal ores.

**U.S. Seabed Mining Policy**

**Yozel 2024**

Sally Yozel, The Henry L. Stimson Center, November 19 2024, <https://www.stimson.org/2024/race-to-the-deep/>

The United States needs to get off the sidelines and develop a sensible seabed mining policy that integrates ocean science, geopolitics, economics, and national security. With demand growing for rare earth minerals and global supply chains uncertain, the U.S. should prioritize efforts to engage in designing the rules around deep seabed mining based on science, national security, and the geopolitical implications. China is quickly moving forward and defining the rules of the road for seabed mining. U.S. leadership is needed now more than ever to develop a cohesive policy that balances ocean science and health with U.S. economic, energy, and national security needs.