

MEMMO

April 17, 2015

Palestinian ICC Effort Undermines Prospects for Peace

On April 1, the Palestinian Authority (PA) became the 123rd member of the International Criminal Court (ICC). The ICC now may attempt to exercise jurisdiction over alleged war crimes committed in the West Bank, Gaza and East Jerusalem. The formal accession to the ICC marks the latest in a series of controversial, unilateral moves by PA President Mahmoud Abbas. Abbas' efforts harm peace by abandoning direct talks with Israel and asking international institutions to impose a non-negotiated solution to the Israeli-Palestinian conflict. The United States should continue to press the Palestinians to return to direct bilateral negotiations with Israel – the only viable path to achieve a two-state solution.

As an ICC member, the PA can bring war crimes charges against Israel.

- Founded in 2002, the ICC is an international tribunal designed to deal with the most serious crimes against humanity.
- In early 2015, the Palestinians initiated steps to pursue charges against Israeli officials. In response, the ICC prosecutor opened a preliminary examination into the charges.
- Although Israel, like the United States, is not a member of the ICC, the court can issue arrest warrants for accused Israeli officials. These officials could face arrest in any ICC member country.

Despite this, and other provocations, Israel has taken key steps to improve the lives of Palestinians.

- In addition to joining the ICC, the PA last year pushed for a one-sided U.N. Security Council resolution in an effort to impose Palestinian terms. The PA has also continued its push to gain statehood status at U.N. bodies, in violation of earlier understandings.
- Despite such harmful unilateral measures taken by the PA, the government of Israel agreed to transfer three months' worth of frozen tax revenue to the Palestinians earlier this month.
- This latest move follows a number of Israeli measures to improve conditions in the West Bank. Last month, Israel announced that it would allow Palestinian men over 55, and women over 50, to enter Israel without a permit. The government also lowered the age restriction on Palestinian men seeking employment in Israel.
- Israel has also eased restrictions on the Gaza Strip, by expanding permitted exports and doubling the amount of water it provides to Gaza.

Direct bilateral talks are the only viable path to achieving peace.

- The United States should continue to strongly discourage the Palestinians from using their new membership in the ICC to conduct diplomatic warfare against Israel and further harm prospects for peace.
- The United States should continue to press the Palestinians to return to direct bilateral negotiations with Israel as the only viable path to sustainable peace and a two-state solution.