**On the International Battlefield**

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The decision by International Criminal Court judges that the Palestinian Authority is a state and therefore the ICC can launch an investigation against Israel into alleged “war crimes” in the PA adds to the sense that law is part of politics and bolsters Israel’s feeling that it is under siege.

“The country is ready to go on the defensive. There are preparations, there is money, there are experts. We knew that after a new administration took office in Washington that it would happen,” said one government official involved in the issue of The Hague.

On the defensive means that various figures and office holders who are afraid of traveling to certain places have somewhere to turn, and will find a response. Precautions can be taken. The concern is that after the investigations, secret arrest warrants will be issued for former military commanders or political leaders. The three areas toward which the Palestinians and their helpers have managed to turn the ICC’s attention are Operation Protective Edge (2014), the events that resulted in the violent riots at the Gaza border fence (starting in 2018), and the settlements.

For now, no concrete action is expected until the summer, when ICC Chief Prosecutor Fatou Bensouda is slated to step down. It’s not certain that her successor will take the action that Bensouda intended to.

Palestinian affairs analysts Hussein Agha and Ahmad Khalidi claim in article in the latest issue of Foreign Affairs that “international law” in its entirely is a Palestinian delusion.

Agha and Khalidi write that the PLO’s default position when its people don’t know what to do is to turn to international law in the hope that the international community will be able to work in their place, on their behalf. According to Agha and Khalidi, this tactic has become one of the Palestinian leadership’s ongoing delusions ever since diplomacy took the place of armed struggle. In reality, they say, international law has not been a friendly force for the Palestinians, and can make changes only when external forces decided to implement it – especially members of the UN Security Council.

Those who criticize how Israel is handling the ICC say that we have not taken the “offensive” in deterring the leaders of the PA and the PLO. They argue that every time the heat it turned up in the ICC, there is a narrow window of a day or a few days in which Israel can take dramatic action on the settlements. The intention is to lead to wide-ranging steps, such as, for example, major progress in developing E-1, or economic strikes against businesses owned by the families of PA leaders.

In the meantime, Foreign Minister Gabi Ashkenazi has collected condemnations of the ICC decision from important member nations. One tactic that could be effective is a new diplomatic process in which Jordan and Egypt would be involved, or the nations that have signed the Abraham Accords, who could exert their economic influence.