ICC Requests Palestinians Clarify Whether Oslo Accords Still Stand

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The International Criminal Court at The Hague requested the Palestinian Authority on Tuesday to provide clarification regarding Palestinian President Mahmoud Abbas' recent declaration that he is ending all agreements with Israel and the U.S., which may have ramifications for questions of international jurisdiction in the Palestinian territory.

“The Chamber requests Palestine to provide additional information on this statement, including on the question whether it pertains to any of the Oslo agreements between Palestine and Israel, by no later than 10 June 2020,” the ICC prosecutor wrote.

Abbas said last week that the [PA would end understandings](https://www.haaretz.com/middle-east-news/palestinians/.premium-palestinian-president-abbas-declares-end-to-agreements-with-israel-u-s-1.8858724) signed with Israel and the U.S. in light of the government's [plan to annex parts of the West Bank](https://www.haaretz.com/israel-news/.premium-israeli-annexation-explained-what-is-netanyahu-planning-for-the-west-bank-1.8873260).

The request could prove problematic for the PA, as it would have to break down exactly which clauses remain in effect and what it considers to be no longer valid.

The ICC's request comes as the court takes steps toward [opening a probe into alleged Israeli and Hamas war crimes](https://www.haaretz.com/israel-news/.premium-the-road-to-an-icc-probe-of-israeli-war-crimes-what-happens-next-1.8295148) in the Palestinian territories. The court is currently debating whether it has the jurisdiction to address the matter.

The court asked to know the current status of the agreements, in part because Israel's opposition to the investigation includes the claim that the Oslo Accords established that the PA is not a state and that it therefore is [not under the ICC's jurisdiction](https://www.haaretz.com/israel-news/.premium-israel-s-ag-says-hague-has-no-jurisdiction-in-west-bank-or-gaza-1.8293155).

In the legal opinion delivered to The Hague regarding the court’s jurisdiction over matters related to Israeli actions in the Palestinian territory, Israel wrote: "Existing Israeli-Palestinian agreements make it clear that the Palestinians have no criminal jurisdiction either in law or in fact over Area C, Jerusalem and Israeli nationals – and thus cannot validly delegate such jurisdiction to the Court. It is an elementary legal principle that one cannot delegate that which one does not have, and it would thus take yet another act of implausible “legal gymnastics” to claim that the Palestinians have criminal jurisdiction of any kind over Israeli nationals that they can delegate to the Court… such jurisdiction is explicitly excluded in the very agreements that established the Palestinian Authority."

Last week, Abbas announced that the Palestinian Authority would end all agreements and understandings signed with Israel and the United States, including security agreements, in light of Israel’s annexation plans. Abbas made the announcement at a Palestinian leadership meeting in Ramallah.

However, Palestinian sources told Haaretz that security coordination with Israel continues. A Palestinian official who attended the meeting said the president intends to stop coordination, but had not yet "closed the door." He said the security forces may lower the level of engagement with their counterparts in Israel, but it is not yet possible to determine that coordination will be completely stopped.

Abbas announced his intention to end agreements with Israel [in February](https://www.haaretz.com/middle-east-news/palestinians/arab-foreign-ministers-meet-in-cairo-to-discuss-trump-s-mideast-plan-1.8475812), when U.S. President Donald Trump’s [Middle East peace plan](https://www.haaretz.com/misc/tags/TAG-Trump-Mideast-plan-1.5599155) was revealed and allowed for the possibility of annexation. Despite the declaration, the agreements were not effectively canceled at the time.