**The Trump Administration Is Letting the PLO Wage Lawfare Against Israel**

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President Trump has a growing Palestinian problem. Without steadfast U.S. insistence on Palestinian accountability and the supremacy of American law, it is about to get a whole lot worse for Israel and America.

On Nov. 18, 2017 the Trump administration took the straightforward decision to follow the law. It told the Palestinian Liberation Organization (PLO) to get serious about peace or get out of the PLO’s D.C. office. One week later, on Nov. 24, 2017, the State Department took the notice to vacate off the table. The administration was suddenly “optimistic” about Palestinian peace-seeking, law-respecting, bona fides.

At the heart of this apparent flip-flop stands the International Criminal Court (ICC). Israel’s enemies have tried (and failed) to destroy the country with successive wars and terrorism for over seven decades. Plan B is lawfare, including using the ICC to criminalize, isolate, and devastate the Jewish state. The goal of lawfare is to pursue Israelis as war criminals, not to pursue peaceful coexistence.

For the ICC and the United Nations, the battle cry is “accountability.” In their Orwellian universe, while Palestinian leaders incite and reward violence and terror, it is Israel – governed by the rule of law – that is the allegedly unaccountable party.

Congress has understood this dangerous scam and has, therefore, adopted two rules specifically targeting Palestinian use of the ICC. One relates to permitting PLO offices in the U.S., and the other relates to funding for the Palestinian Authority.

Rule No. 1 is a provision of the Consolidated Appropriations Act, most recently adopted in May 2017. It says that if the Palestinians pursue war crimes charges against Israelis at the ICC, then a long-standing prohibition against PLO offices in the United States will kick in. The prohibition was introduced by Congress decades ago, but has not been applied because of the repeated use of a presidential waiver. The Appropriations Act provision denies the president a waiver when the ICC is brought into play.

According to the rule, with the waiver option gone, the only way to avoid closure of the PLO office is for the president to certify in 90 days “that the Palestinians have entered into direct and meaningful negotiations with Israel.”

Undoubtedly, this rule—and the Nov. 18, 2017, decision of the Trump administration to enforce it—left Palestinians in a bind. They have pursued war crimes charges against Israelis at the ICC. And they don’t want direct and meaningful negotiations with Israel.

So in response, the Palestinians decided to launch a misinformation campaign.

Over the past week, we heard that the American law was “controversial,” a product of a “black box process,” “new,” and “obscure.” An Atlantic story said Palestinian use of the ICC was “a no-brainer” and “a popular campaign.” The story characterized “the timing of this recent announcement” as “perplexing.” The official Palestinian news agency reported that Palestinian leader Abbas “expressed surprise,” and foreign minister Riyad Al-Maliki called it “blackmail” and “extortion.”

All total nonsense.

The rule in the Appropriations Act wasn’t new, but was first adopted in December 2015.

Members of Congress issued press releases about their ICC concerns; the remedy didn’t sneak by the legislative process.

The timing wasn’t perplexing. The law spells out a six-month time limit on the presidential waiver allowing the PLO office to stay open. Since the Appropriations Act was adopted in May, November was the drop date.

The ICC hunt for Israelis may well be popular with Palestinians. But so is terrorism. That doesn’t make popularity the yardstick.

And the only extortion going on here is Palestinian use of the ICC – an unequivocal violation of Palestinian commitments to resolve issues through direct negotiations.

Palestinians weren’t blindsided by the American law. They gave American law the middle finger. The only surprise was the speed at which the State Department backtracked and failed to stand firm on the notice to vacate.

Which brings us to rule No. 2 in the same Consolidated Appropriations Act—a constraint that the Palestinian propaganda operation conveniently omitted. Specifically, it says that Palestinian use of the ICC will hit the Palestinian Authority in the pocketbook. In this context, there are no waivers, no exceptions, no six-months, and no 90 days to pretend that use of the ICC is compatible with the peace process.

Here is the law:

None of the funds appropriated under the heading “Economic Support Fund” in this Act may be made available for assistance for the Palestinian Authority, if after the date of enactment of this Act...the Palestinians initiate an International Criminal Court (ICC) judicially authorized investigation, or actively support such an investigation, that subjects Israeli nationals to an investigation for alleged crimes against Palestinians.

And here is flagrant Palestinian violation of the law: “[W]e have called on the International Criminal Court to open an investigation and to prosecute Israeli officials for their involvement in settlement activities and aggressions against our people.” That’s Abbas at the General Assembly on Sept. 20, 2017.

In fact, Palestinian breaches of the law have been building up for years. In December 2014 and January 2015, the “State of Palestine” purported to recognize ICC jurisdiction over alleged Israeli war crimes. In June 2015 they sent their “first communication” to the ICC prosecutor. In 2015 and 2016 Palestinian foreign minister Riad Malki, and Secretary-General of the PLO Saeb Erekat, submitted files against Israelis to the ICC. And by the time 2017 rolled around, Erekat was openly boasting about submitting information to the ICC and “urging it to open an immediate investigation.”

Palestinian lawfare at the ICC is a shameless in-your-face challenge to U.S. lawmakers. Ducking is not an option.

American law requires the Trump administration to reiterate that the Palestinians have brazenly violated U.S. law and, absent “direct and meaningful negotiations with Israel,” the PLO office will be shuttered in 90 days. It also requires Congress to exact the compulsory financial penalty.

That is real accountability.