

CHAPTER 1

INTRODUCTION

A. Background

The identity of Palestinian people and Palestinian statehood are interesting to be analyzed, seeing that the identity of “Palestine” has been up for debate since the end of World War II. The territories that included modern day Israel and Palestinian Territories has always been up for grabs. People and nations come and goes in the region for centuries, even for millennia. The 20th century and 21st century witnessed the struggle of identity and statehood in the land, as both Jews and Arabs struggled for their self-determination on the same land.

Jews and Palestinian Arabs developed their respective national consciousness and mobilized themselves to achieve their national goals. Both the Zionist movement and Arab nationalism followed the trend of nationalism that emerged in the 19th century. The idea of nationalism stemmed from Europe then inspired people around the world to demand their national rights.

The Jewish people that settled and lived in the region since the foundation of modern Israel in the region called themselves Israeli, meanwhile the Arabs that lived in the region immediately called themselves Palestinian. Both claimed that the land is theirs, often citing the unbreakable bond between their people using secular history or biblical history.

Palestinian’s claim to the land is based on the continuous residence in the country for hundreds of years as well as on the fact that prior to 1948 and the influx of Jews into Palestine, Arabs were the demographical majority. In terms of

statehood, Palestinians were rather hindered by the act of Britain when Britain held the position as the British Mandate of Palestine.

Britain made multiple promises of supporting the establishment of independent Arab states started in World War I. To the Hashemite, Britain promised some lands of the Ottoman Empire provinces if Arabs revolted against the Ottoman Empire; as a result, the state of Transjordan was formed. On the west bank of the Jordan River, Britain held the mandate while at the same time espoused the establishment of Jewish national home in Palestine through the Balfour Declaration. Britain's failure to create an independent Arab state in Palestine and the Balfour Declaration increased the tensions between Jews and Arabs in Palestine.

Conflict then ensued between Jews and Arabs, as illustrated by the major Arab-Israeli wars: Israel War of Independence/"al-Nakba" The Disaster in 1948-1949, The Sinai War (Suez War) in 1956, The Six Days War in 1967, and The Yom Kippur War (Ramadhan War) in 1973¹; and then continued by Palestinian-Israel conflicts: the first and second Palestinian Intifadas (Uprisings), Gaza War (2008-2009), 2014 Israel-Gaza Conflict, and many others.²

Of the multiple standoffs between Israel and Palestine, casualties on either military or civilian have always been heavy on Palestine. The 2014 Gaza Conflict is one case in point. Triggered by the abduction of three Israeli teenagers by Hamas operatives in the West Bank, Israel then initially launched a military

¹ "Arab-Israeli War," *Encyclopaedia Britannica*, accessed November 13, 2016 <https://www.britannica.com/event/Arab-Israeli-wars>.

² Ray Sanchez, "Israel and Its Neighbors: Decades of War," *CNN*, last modified August 13, 2014, <http://edition.cnn.com/interactive/2014/08/world/israel-neighbors/>.

operation to find the teenagers in 13 June 2014. Hamas militants in Gaza responded with rocket attacks.³ Responding the rocket attacks, Israeli military conducted a military operation dubbed as “Operation Protective Edge” that lasted from 5 July 2014 until 26 August 2014.⁴

2014 Gaza Conflict inflicted quite a blow to Palestine. Amnesty International quoting the UN data, stated that about 2251 Palestinians were killed; 1.462 of them were civilians and of the civilians 551 were children. Over 11.200 were injured with 3400 among them were children. Gaza, being the main focus of the military campaign, suffered the most. Almost 500.000 people were displaced and 100.000 of them could not find a permanent home a year after the conflict. 20 schools, kindergartens, and colleges were completely destroyed while hundreds of them were damaged. Meanwhile, in as many as 117 public service buildings of hospital, clinics, and pharmacies were damaged or destroyed.⁵

Despite being the one who received the most damages of the 2014 Gaza Conflict, it does not mean that the Palestinian side was completely innocent. Operation Protective Edge was a military operation that were responded by Palestinians, especially Hamas forces, as a military operation.

³ "Israeli-Palestinian violence in 2014 – timeline," *The Guardian*, last modified November 18, 2014 <https://www.theguardian.com/world/2014/nov/18/israel-palestinian-violence-timeline>.

⁴ State of Israel, *The 2014 Gaza Conflict: Factual and Legal Aspects* (Jerusalem: Israel Ministry of Foreign Affairs, 2015), 1, <http://mfa.gov.il/ProtectiveEdge/Documents/2014GazaConflictFullReport.pdf>.

⁵ “Justice for victims of war crimes in Gaza,” *Amnesty International*, accessed November 21, 2016, <https://www.amnesty.org/en/latest/campaigns/2015/07/justice-victims-war-crimes-gaza-conflict/>.

Amnesty International, quoting UN data, wrote that 4.881 rockets and 1.753 mortars were fired by Palestinian armed groups during the 2014 Gaza Conflict.⁶ Amnesty International noted that these rocket attacks were an amount to violation of international humanitarian law as those rocket and mortar attacks were indiscriminate, meaning that they did not distinguished between civilians and legitimate military targets. As the result of rocket and mortar attacks, around 224 rockets and mortars hit Israeli residential areas,⁷ meanwhile six Israeli civilians were killed by rockets and mortars.⁸ In another report, Amnesty International described the use of abductions, torture, and summary of Palestinians allegedly collaborating with Israel by Hamas operatives. Amnesty International claimed that there were at least 23 people who were subjected to extrajudicial executions.⁹

United Nations Human Rights Council (UNHCR) was aware of the situations surrounding the 2014 Gaza Conflict. UNHCR dispatched a commission of inquiry on 23 July 2014 by resolution S-21/1 to investigate possible violations of international humanitarian law and international human rights law. The commission through its report felt deeply moved by the sufferings of victims. The commission noted impunity for violations of international humanitarian law and international human rights law committed by Israeli forces, and Israel's failure to

⁶ Amnesty International, *Unlawful and Deadly Rocket and Mortar Attacks by Palestinian Armed Groups during the 2014 Gaza/Israel Conflict*, (London: Amnesty International Ltd, 2015), 14, <https://www.amnesty.org/download/Documents/MDE2111782015ENGLISH.PDF>.

⁷ Ibid., 16.

⁸ Ibid., 19.

⁹ Amnesty International, *'Strangling Necks' Abductions, Torture, and Summary Killings of Palestinians by Hams Forces during the 2014 Gaza/Israel Conflict*, (London: Amnesty International Ltd, 2015), 5, <https://www.amnesty.org/download/Documents/MDE2116432015ENGLISH.PDF>.

revise their policies in Gaza and West Bank.¹⁰ The commission recommends all parties to fully implements previous recommendations on averting conflicts between Israel and Palestine made by previous UN bodies. The commission also calls for all parties to respect international humanitarian law and international human rights law. The commission also calls upon Israel and Palestine to demonstrate political leadership, as wells as to give a list of recommendations for Israel and Palestine respectively.¹¹

The 2014 Gaza Conflict created a momentum for ICC action, as argued by Daoud Kuttab. Fatah's spokesman Fayez Abu Eita said that the Palestinian people desired the responsibilities of Israel for its war crimes.¹² This view is supported by a poll conducted by Khalil Shikaki of the Palestinian Center for Policy and Survey Research that shows 76% of Palestinians favored going to ICC in order to sue Israel.¹³ Amnesty International also urged the jurisdiction of International Criminal Court over international crimes that happened during the conflict.¹⁴

When the issue of statehood is taken into consideration, the Jews in Palestine enjoyed statehood in Palestine in a form Israeli state since its declaration of

¹⁰ United Nations Human Rights Office of the High Commissioner. *Report of the Independent Commission of Inquiry on the 2014 Gaza Conflict*, A/HRC/29/52 (24 June 2015), available from http://www.ohchr.org/Documents/HRBodies/HRCouncil/ColGaza/A-HRC-29-52_en.doc 19-20.

¹¹ *Ibid.*, 20-22.

¹² Daoud Kuttab, "Momentum grows for ICC action in Gaza," *Al-Monitor*, last modified August 12, 2014, <http://www.al-monitor.com/pulse/originals/2014/08/icc-gaza-war-israel-crimes-amnesty-palestine-amas.html>.

¹³ Tovah Lazaroff, "Poll: Palestinians prefer suing Israel at the ICC rather than starting the third Intifada," *The Jerusalem Post*, last modified June 10, 2014, <http://www.jpost.com/Middle-East/Poll-Palestinians-prefer-suing-Israel-at-the-ICC-rather-than-starting-third-intifada-355893>.

¹⁴ "Palestinian armed groups killed civilians on both sides in attacks amounting to war crimes," *Amnesty International*, accessed November 21, 2016, <https://www.amnesty.org/en/latest/campaigns/2015/07/justice-victims-war-crimes-gaza-conflict/>.

independence on 14 May 1948¹⁵, while the outcome of 1948-1949 did not bring about statehood for Palestinians. As the result of the fighting, over 700.000 Palestinian Arabs became refugees while those who stayed to be Israeli citizens became second class citizens because martial law was enacted on them in Israel until 1966.¹⁶ Only on 15 November 1988 the Palestinians can have their first taste of statehood when Yasser Arafat, then the chairman of Palestine Liberation Organization, proclaimed the declaration of independence of the Palestine State.¹⁷

Palestine had called on the international world to recognize Palestinian self-determination and statehood several times and occasions. Though some were ended successfully, some were not. More recently, Palestine tried to become the member of International Criminal Court in 2009 and 2014. Palestine was finally approved to be a member of International Criminal Court by accession in 2015.

The International Criminal Court was established by the Rome Statute in 1998. The conference that negotiated the Rome Statute was held on 17-18 July 1998, with the conclusion of the statute was adopted by 120 votes.¹⁸ The negotiations itself invited not just state delegations, but also delegations from United Nations programmes and bodies, international organizations, as well as

¹⁵ Colin Shindler, *A History of Modern Israel Second Edition Second Edition* (New York: Cambridge University Press, 2013), 38.

¹⁶ Joel Beinin and Lisa Hajjar, "Palestine, Israel and the Arab-Israeli Conflict A Primer," *Middle East Research Information Project*, accessed November 13, 2016, http://www.merip.org/sites/default/files/Primer_on_Palestine-Israel%28MERIP_February2014%29final.pdf.

¹⁷ Youssef M. Ibrahim, "P.L.O. Proclaims Palestine To Be An Independent State; Hints At Recognizing Israel," *The New York Times*, last modified November 15, 2014, <http://www.nytimes.com/1988/11/15/world/plo-proclaims-palestine-to-be-an-independent-state-hints-at-recognizing-israel.html?pagewanted=all>.

¹⁸ John Washburn, "The Negotiation of the Rome Statute for the International Criminal Court and International Lawmaking in the 21st Century," *Pace International Law Review*, vol. 11(2) (1999): 361.

specialized agencies and related organizations. Palestine was represented, however as an “other organizations” represented by Nimmer Hammad, the general delegate to Italy, and Marwan Jilani, the counsellor of the Permanent Observer Mission in New York.¹⁹ Because Palestine attended the conference not as a state, then it did not vote for the adoption of the Rome Statute.

On 21 January 2009, the Ministry of Justice of Palestinian National Authority issued a declaration to recognize the jurisdiction of International Criminal Court.²⁰ The declaration argued that Palestine was in conform with Article 12 paragraph 3 of the Rome Statute. Through the declaration, the government of Palestine recognized the jurisdiction of ICC in order for the actors and accomplices of acts that committed in Palestine since 1 July 2002 to be identified, prosecuted, and judged.²¹

On 2012 ICC responded the Palestinian declaration, and rejected the Palestinian Authority’s request to recognize ICC’s jurisdiction. The basis for the refusal of ICC’s prosecutor to accept Palestine Authority’s declaration was that Palestine was not a recognized state, and the investigation by ICC would only get the go ahead if UN or its Security Council recognized Palestine as a state.²²

The Office of the Prosecutor of ICC claimed that ICC lacked the jurisdiction to investigate possible crimes committed during the Gaza War (2008-2009) in

¹⁹ United Nations, *United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court*, A/CONF.183/13 (Vol. II) (2002), 44, available from http://legal.un.org/icc/rome/proceedings/E/Rome%20Proceedings_v2_e.pdf.

²⁰ Office of Minister, Ministry of Justice, Palestinian National Authority, *Declaration recognizing the Jurisdiction of the International Criminal Court* (Ramallah, Almasyon: Palestine, 2009).

²¹ Ibid.

²² “ICC prosecutor rejects Palestinian recognition,” *BBC*, last modified April 4, 2012, <http://www.bbc.com/news/world-middle-east-17602425>.

Palestine. The Office said that the Office itself does not have the authority to define a state.²³ Hence, to ICC Palestine was not a state yet within the meaning of Article 12(3) of the Rome Statute. In response to Palestine status as a non-member state with observer at the UN General Assembly, the Office stressed that Palestine only has the “observer” status, not as a “non-member” state. Thus, The Office claimed that it had no jurisdiction on crimes allegedly committed on the Palestinian Territories.²⁴

On 31 December 2014, the Palestinian Authority again issued a declaration signed by Mahmoud Abbas himself. The declaration accepted the jurisdiction of ICC on Palestinian territories. The Palestinian Authority argued that it conforms with Article 12(3) of the Rome Statute. The Palestinian Authority accepted the jurisdiction of ICC in the Occupied Palestinian Territories including East Jerusalem since 13 June 2014.²⁵ ICC Registrar then confirmed on 1 January 2015 that ICC has received the Palestinian declaration.²⁶ Then on 16 January 2015 ICC Prosecutor opened a preliminary examination on Palestine.²⁷

²³ Sung Un Kim, “ICC lacks jurisdiction to investigate Palestine war crimes claims: prosecutor,” *Jurist*, last modified April 3, 2012, <http://jurist.org/paperchase/2012/04/icc-lacks-jurisdiction-to-investigate-palestine-war-crimes-claims-prosecutor.php>.

²⁴ Ibid.

²⁵ Palestinian National Authority, *Declaration Accepting the Jurisdiction of the International Criminal Court* (Ramallah, Almasyon: Palestine, 2014).

²⁶ Nicholas Boeglin, “Palestine Accedes to the International Criminal Court (ICC), Rome Statute and other International Instrument,” *Global Research*, last modified January 9, 2015, <http://www.globalresearch.ca/palestine-accedes-to-the-international-criminal-court-icc-rome-statute-and-other-international-instruments/5423647>.

²⁷ John Cerone, “The ICC and Palestinian Consent,” *American Society of International Law*, last modified March 20, 2015, <http://www.asil.org/insights/volume/19/issue/6/icc-and-palestinian-consent>.

B. Research Question

Based on the research background, the following research question can be made:

“Why did Palestine apply to join the International Criminal Court in 2015?”

C. Theoretical Framework

At a glance, Palestine accession to the International Criminal Court may be easily understood as its attempt as an entity to further its own interests through joining an international regime. However, other dimension could also be analyzed, which is how Palestine tried to reassert its identity as a legitimate nation-state. Hence, a two-pronged theoretical approach perhaps would be more helpful.

1. Rational Choice Theory

One of the dominant approach in conceptualizing human behaviors in social science is rational choice theory. The theory is claimed to be the most structured and effective model on explaining human actions.²⁸ Rational choice theory has a basic assumption that the actor or the decision maker is a rational being that act based on the expectation of future outcome of their action through calculation of alternatives and set of expectations that derived. Another reason that made

²⁸ Tom Burns and Ewa Roszkowska, “Rational Choice Theory: Toward a Psychological, Social, and Material Contextualization of Human Choice Behavior,” *Theoretical Economics Letters*, 6, (2016): 196, <http://dx.doi.org/10.4236/tel.2016.62022>.

rational choice theory is favorable is its wide applicability to many branches of social sciences,²⁹ including International Relations.

Yoshimichi Sato on his article “Rational Choice Theory” in the *Sociopedia.isa* journal noted that there are five elements that exist in the assumption of the actor in rational choice theory: constraints, alternatives, social outcomes, utility and beliefs.³⁰ Constraints affected the choice of an actor by making some alternatives impossible and change the costs and benefits of each alternatives.³¹ When an alternative is chosen, then the social outcome is realized. The outcome is social rather than individual because the act that the actor chose to act on will affect its environment, not just itself.³² The social outcomes of the alternatives then will be judged by the actor based on its utility to the said actor. The five assumptions are based on the actor’s belief, in operating the decision making, that influenced how the actor sees things.³³

Andrew T. Guzman applied the rational choice theory on why states enter international law. According to Guzman, international law matters in a way that states benefited from their engagement with it, and they aimed to gain more than what they invest on it.³⁴ States, as a rational actor, would act based on their expectation of the future outcome of their actions. In relation with international

²⁹ Tom Burns and Ewa Roszkowska, “Rational Choice Theory: Toward a Psychological, Social, and Material Contextualization of Human Choice Behavior,” *Theoretical Economics Letters*, 6, (2016): 196, <http://dx.doi.org/10.4236/tel.2016.62022>.

³⁰ Yoshimichi Sato, “Rational choice theory,” *Sociopedia.isa* DOI: 10.1177/205684601372 (2013): 1.

³¹ *Ibid.*

³² *Ibid.*, 2.

³³ *Ibid.*, 2.

³⁴ Andrew T. Guzman *How International Law Works A Rational Choice Theory*, (New York: Oxford University Press, 2008), 12.

law, states expect that they will benefit from their engagement with it and possibly gain more than what they invest on it.

Other than addressing the state's interest, State engagements with an international law made a state's preferences and view of other states to that state,³⁵ in order to be viewed in a better light. Guzman took the example of a state engagement with human rights agreements. Even though those human rights agreements would not necessarily change the behavior of the agreeing state, that engagement will help the internalization of some norms into that state. Other states and other actors within the state will also set their actions and views of the state in accordance to the state's action of agreeing to human rights agreements.

States will enter an agreement e.g. accede to an international treaty, if the said argument will make the state "better off" as in the ability to do things that is prescribed in the agreement.³⁶ Treaties are like contracts according to states, in which states enter contracts resolve problems of cooperation, committing courses of conduct prescribed in the agreement, and receiving the assurance of other states' actions. Prescriptions and advantages offered by an international treaty will attract states to take part in it.

State as a rational actor dictates the membership size of an international agreement through the calculation of externalities. Externalities affected the decision of a state to enter an agreement as they convey the cost and benefits of entering the said agreement. There are two possible membership scheme of an international agreement: broad membership with weak substance or narrower

³⁵ Ibid.

³⁶ Ibid., 121.

membership with strong substance.³⁷ International agreements with broad membership and weak substance attracted a lot of states because of their few negative externalities that impacted the member states, however the gains from the said agreements might be few. Meanwhile, international agreements with narrower membership with strong substance could attract few states because of its negative externalities that deter states to enter them, or its membership are limited by nature of its agreements.

In the case of Palestine, the main gain of acceding to the Rome Statute is the ability to persecute international crimes. When acceding to the Rome Statute, Palestine expected that formal investigations by ICC can be opened and the persecution of international crimes in Palestine can start by virtue of ICC.

There is an assumption that Palestine cannot constitute as a single actor. That assumption cited the split between West Bank and Gaza Strip. However, on the case of Palestine accession to the International Criminal Court and Palestine's foreign policy in general, Palestine can constitute as a single actor. Palestinian foreign policy is conducted by Palestine Liberation Organization, rather than Palestinian Authority. Also, by 2015, the year of Palestine accession to ICC, Palestine has been accepted as a non-member observer state at the United Nations General Assembly. And specifically, on the case of Palestine accession to ICC, Palestinians in general are supportive on Palestine accession to ICC; evidenced by 2014 poll by Khalil Shalikki that found 76% of Palestinians favored to go to ICC to sue Israel.

³⁷ Ibid., 173.

The Rome Statute is not necessarily a human rights agreement, however, it established a court in which international crimes can be persecuted. International crimes — genocide, crimes against humanity, war crimes, and aggression — already explained in various treaties of international humanitarian law. Hence the roots of the Rome Statute rooted from international humanitarian law. Palestine accession to the Rome Statute is helping the internalization of norms regarding international crimes to Palestinians. In the other hand, Palestine accession will also affect how other states view Palestine.

When Palestine acceded to the Rome Statute it is already the 123rd state party, hence the Rome Statute is an agreement with a rather broad membership. The Rome Statute prime objective is the establishment of International Criminal Court that persecute international crimes. Prior to the Rome Statute, agreements regarding international crimes are limited to specific cases, such as the International Criminal Tribunal for Former Yugoslavia and International Criminal Tribunal for Rwanda. With one of the externalities — that is strong substance — and Palestine's specific reasons, Palestine decided to accede to the Rome Statute, an agreement with a broad membership and weak substance or narrow scope.

2. Constructivism Theory

The interests in constructivism in IR started in the 1980s and 1990s, when development in other fields of social sciences namely psychology and sociology has progressed and the world saw one of the most decisive and influential event happened, the end of Cold War by the fall of the Soviet Union. The more fluid and open situation, made prevailing theorist, neorealist and liberals, review their

position, then set the stage for new theories to offer themselves, including constructivism.³⁸

The main contrast between constructivism and traditional international relations theory is constructivism's ideational view of the world, rather than material view. Tannenwald, as cited by Robert Jackson and Georg Sørensen, argued that ideas give the meaning of material power.³⁹ Tannenwald started on the premise that material world is unknown unless it is given meaning through ideas.⁴⁰ Alexander Wendt explained that it does not mean that ideas are more important than power and interest or are independent from them. Power and interests are presupposed ideas, argued Wendt, meaning that they have virtues based on the ideas that made them up.⁴¹

Wendt argued that a social theory that explains identities and interests exists. Wendt identified constructivism, borrowing Nicholas Onuf's term, as that theory.⁴² Wendt notices how the two established theories, realism and liberalism, both rooted their assumption from rationalism. Both realism and liberalism take identities and interests as given, rather than constructed, and focus on behaviors that generates outcomes.⁴³ Realists and liberals also assume that states are the central actors of the system and that they are self-interested. Questions about

³⁸ Robert Jackson and Georg Sørensen, *Introduction to International Relations Theories and Approaches Fifth Edition*, (Oxford: Oxford University Press, 2013), 210.

³⁹ *Ibid.*, 213.

⁴⁰ *Ibid.*, 213.

⁴¹ Alexander Wendt, *Social Theory of International Politics*, (Cambridge: Cambridge University Press, 1999), 135.

⁴² Alexander Wendt, "Anarchy is what States Make of it: The Social Construction of Power Politics," *International Organization*, 46(2), 393.

⁴³ *Ibid.*, 391.

identity and interest formation are deemed not important, as it is assumed by realists that states that failed to be self-interested will be driven from the system.⁴⁴

The fundamental principle of constructivism is that actors' action toward objects, as well as other actors, is based on their meanings toward the actors themselves.⁴⁵ Wendt illustrated this by simulating how states act differently towards their enemies than their friends. Enemies are threatening while friends are not, even with anarchy and different distribution of power. Hence, actions are organized by structures created by collective meaning.

Wendt argued that actors obtained identities by participating in collective meanings through understandings and expectations of the actors themselves.⁴⁶ Identities are relational with actors' institutional roles. For example, someone is a teacher while he is teaching a class, another is a farmer while she is farming a field, and so on. Actors may also have multiple identities in correlation with their many institutional roles. Actors' commitment and salience to their identities may vary, but each actors' identity is defined by how actors define themselves and each other.⁴⁷

Wendt also argued that identities are the basis of interests. In other words, interests, which commonly guided states' behaviors, are based on collective meanings that actors act on and identify with through the states' interactions. Wendt also rejected the notion that actors already have their interests set before they interact. Wendt argued that actors decided upon their interests on the basis of

⁴⁴ Ibid., 392.

⁴⁵ Ibid., 396.

⁴⁶ Ibid., 397.

⁴⁷ Ibid., 398.

changing situations rather than having interests regardless of social context.⁴⁸

Thus actors have their interests set when they interact with other actors.

Wendt's conceptualization of identities and interests that were made along actors' interaction with each other is a response to realist and liberals conception of anarchy and how they respond to anarchy. Rather than merely accepting that identities and interests of actors as given, Wendt argued that identities and interests are exogenous, i.e. made by actors' interactions with each other. Thus, Wendt's famous statement "Anarchy is what states make of it," means that anarchy is created by due process — in which identities and interests are continuously made — and self-help and power politics are not always the feature of anarchy.

Wendt's argument put states as the principal actors. For the purposes of accession to the Rome Statute, as well as this research, Palestine is treated as a state. If Palestine wanted to be identified as a state, it needs to act like one. One of state actions is joining international treaties made by states for states. Palestine did just that when it acceded to the Rome Statute.

Palestine decision to accede to the Rome Statute came out of the defining situations that happened in Palestine. Palestine's struggle for statehood, its conflict with Israel, especially the 2014 Gaza War that happened before Palestine's 2015 accession to the Rome statute. Palestine has also tried before to join International Criminal Court in 2008. Palestinians themselves also support going to ICC to sue Israel, according to 2014 poll by Khalil Shikaki.

⁴⁸ Ibid., 398.

D. Hypothesis

Hypothesis can be understood as the preliminary answer of a research based on the topic background and theoretical framework. Hence, this research hypothesizes that the reason for Palestine accession to the International Criminal Court are:

1. Palestine acceded to the International Criminal Court in order to gain the ability to persecute international crimes happened in Palestine.
2. Palestine gained stronger recognition as a legitimate state by entering an international regime that deals with international crimes.

E. Research Method and Research Preparedness

Earl Babbie simply defines methodology as a “the science of finding out”⁴⁹ i.e. the procedures for a scientific inquiry. Meanwhile Mohtar Mas’oed defines methodology as a “procedures that is used in order to describe, explain, and predict a phenomenon.”⁵⁰ Discussing research methodology shows the importance of compiling and researching the topic in order to scientifically answer the research question.

The method of research in this research used here is the qualitative research method. Qualitative research aims to compile, select, categorize, and then explain the data needed to answer the research question analytically.

The data in this research is mainly taken from literature review. Hence, majority of the data will be secondary data obtained from prevalent books,

⁴⁹ Earl Babbie, *The Practice of Social Research, Twelfth Edition*, (Belmont, CA: Wadsworth, Cengage Learning, 2010), 4.

⁵⁰ Mohtar Mas’oed, *Ilmu Hubungan Internasional: disiplin dan metodologi*. (Jakarta: LP3ES, 1990), 2.

academic journals, news, in form of words and non-numerical data. The compiled data will be analyzed using the prevalent theories.

In preparing this research, preliminary research has been conducted on the topic of Palestinian statehood, International Criminal Court, and International Regimes. Consultation with several senior lecturers has also been done in order to gain better perspectives and directions on the topic of the research and on the research itself. The latest news and literatures regarding the topic will also be closely followed during the course of this research.

F. Research Focus

The focus of the research is to gain a more profound understanding on why Palestine decided to accede to the Rome Statute. Hence, the focus of the research would be the process of Palestine ascension to ICC on 2015. The preceding events leading up to Palestine ascension will also be discussed, focusing on the year 2008 until 2016. The recent progress of ICC's investigation in Palestine will be discussed as well

G. Chapterization

Chapter one: Introduction

Chapter one will consists of the explanation of the topic background, research question, theoretical framework, hypothesis, research methodology, research preparedness, research focus, and chapterization.

Chapter two: History of Palestinian Statehood

Chapter two will discuss about Palestine's history, focusing on the quest of Palestinian statehood and self-determination from the formation of Palestinian Authority until the United Nations General Assembly resolution 67/19.

Chapter three: The Politics of International Criminal Court and Tribunals

Chapter three will discuss International Criminal Law, the Rome Statute, the main treaty regarding international crimes, as well as previous international criminal tribunals and their relative successes and failures.

Chapter four: Reasons for the Palestine Ascension to the International Criminal Court

Chapter four will discuss the process of Palestine's ascension to ICC and analyse the rationale and implications of it. This chapter will also discuss the recent developments of ICC's investigation in Palestine.

Chapter five: Conclusion

Chapter five will wrap up the mini-thesis with conclusion.