

PLOCCA Redux:

The State Department's Subtle Swipe at the Concept of Demanding Palestinian Compliance

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Brief Analysis

On July 19 -- less than a month after President George W. Bush's call for Palestinian reform and just two days after the al-Aqsa Martyrs Brigades' latest terrorist attack -- the State Department released its latest Palestine Liberation Organization Commitments Compliance Act (PLOCCA) report. This new report is a mixture of increased truth telling (the good), old formulations (the bad), and irrelevant standards for what constitutes supporting terrorism (the ugly). In total, despite the improvement over past PLOCCA reports, the current report undercuts the Bush administration's nascent policy of pushing the peace process forward by demanding the establishment of consequences for noncompliance with peace commitments.

Background

By congressional mandate, the State Department is required to issue a semiannual report on Palestinian Authority (PA) and PLO compliance with commitments made under the Israeli-Palestinian peace accords for each six-month reporting period. The previous PLOCCA report, released just this May (some four months behind schedule), was roundly criticized by Congressman Tom Lantos and others for glossing over gross violations of PA-PLO peace commitments and failing to account for documentation of PA and PLO violations that the State Department itself deemed "authentic" (see [PeaceWatch no. 384 \(templateC05.php?CID=2075\)](#), May 24, 2002). Ignoring calls for an amended report, the State Department instead made sure that the latest report (covering the reporting period from December 16, 2001, through June 15, 2002) was issued on time. The new report makes reference to seized Palestinian documents and represents a significant improvement over the previous report. Nevertheless, it undermines the administration's stated policy of sidelining Palestinian leaders who are "compromised by terror" by once again neglecting blatant and premeditated violations of PA-PLO peace commitments.

The Good: Increased Truth Telling

The new report describes the Palestinians' record of honoring peace commitments as "mixed as best, with specific serious concerns about their commitment to renounce the use of terrorism and violence, assume responsibility for all PLO elements, and discipline violators." Moreover, the report acknowledges that "some senior PLO and PA leaders

did little to prevent -- and in some cases encouraged -- acts of violence and an atmosphere of incitement to violence." Most significant, the report represents the first serious, public State Department accounting of the Karine-A weapons-smuggling affair. The State Department's Patterns of Global Terrorism 2001 report devoted no more than a single sentence -- in parentheses -- to this incident, while the previous PLOCCA report failed to mention it at all. The new PLOCCA report notes the role of Arafat aide Fuad Shubaki in the attempt to smuggle "a large shipment of firearms, ammunition, rockets, and explosives into Gaza." The report adds: "Shubaki and other PA officials involved work very closely with PA Chairman Arafat, raising serious questions of his involvement and foreknowledge." In a parenthetical but significant comment, the report goes so far as to call the PA to task for recognizing "a distinct 'military wing' and 'political wing' of the PFLP" (the Popular Front for the Liberation of Palestine), and for condemning the European Union's decision to designate the PFLP a terrorist organization.

The Bad: Same Old Formulations

Despite conceding that the PA has funded Fatah terrorists and made no "serious or sustained" efforts to suppress attacks by the Fatah-associated al-Aqsa Martyrs Brigades, the new PLOCCA report hides behind the same semantic formulations of past reports. For example, echoing the previous report, the new report repeatedly uses the phrase "there is no conclusive evidence" to qualify the failure of PA and PLO leaders to rein in or discipline al-Aqsa, Tanzim, and PA security forces whom "they clearly knew were involved in the violence." Such qualification is difficult to justify in light of the report's own conclusion that "it is clear that some members of the PA security forces and Chairman Arafat's Fatah faction with the PLO were deeply involved in the violence."

Similarly, the report maintains that "the renunciation of violence and the pursuit of a negotiated solution to the conflict between Israel and the Palestinians remained the official policy of both the PLO and PA, although their actions often called into question their commitment to these policies." The Palestinians' "questionable" actions include the effort by senior PA officials (including Arafat) to import fifty tons of offensive weapons aboard the Karine-A, the "planning and/or supporting [of] violent attacks on Israelis" by leaders of Palestinian security services, and the funding of Fatah activists involved in terrorism by PA officials who "likely" knew of this involvement.

The Ugly: Irrelevant Standards

Although Arafat apparently knew that individuals under his authority were engaged in terrorist attacks (often using his funding), the State Department qualifies this fact by noting that "there is no conclusive evidence that Chairman Arafat or the senior PA or PLO leadership approved or had advance knowledge of planned attacks." Apparently, it is not enough that, by the report's own accounting, they "clearly knew" Palestinian groups were involved in attacks, and that some PA and PLO members were themselves involved in such attacks ("in some cases in coordination with other Fatah-affiliated groups or with Hamas or Palestinian Islamic Jihad"). In November 2001, President Bush warned: "If you harbor a terrorist, you are a terrorist. If you feed a terrorist or fund a terrorist, you are a terrorist, and you will be held accountable by the United States and our friends." The current PLOCCA report applies a standard all its own, one that includes no accountability whatsoever.

Determining Compliance

Although the report itself is a mixed bag, acknowledging a general fault but assigning no specific culpability, the cover letter to the report -- written by Assistant Secretary of State for Legislative Affairs Paul V. Kelly -- issues a backhanded rebuke of PA-PLO compliance. In noting that the report issues no definitive judgment of PLO compliance during the given reporting period, Kelly stated that "to make such an explicit determination at this time would not serve the national security interests of the United States." In other words, the State Department admitted it could no longer certify that the PLO was in compliance with its contractual obligations. Coming on the heels of President Bush's June 24 speech, a concrete determination of Palestinian compliance would have fit rather nicely

with stated U.S. national security interests such as Palestinian reform and the establishment of a Palestinian state within three years.

Interestingly, PLOCCA requires no such determination, but merely conditions continued U.S. dialogue with the PLO on the organization's "abstention from and renunciation of all acts of terrorism." The determination clause and the national security waiver derive from a stipulation in the Foreign Operations Appropriations Bill of 2001 that the president "should" issue a report and "should" make a determination of Palestinian compliance, based on which he "should" enact one or more sanctions such as ending visa waivers, designating terrorists, and withholding nonhumanitarian funds. The State Department has slipped this requirement into the last few PLOCCA reports.

Conclusion

The State Department's refusal to pass definitive judgment on PA-PLO compliance -- a refusal described by Congressman Lantos as "total disregard of the evidence" -- is nothing less than a swipe at the very idea of demanding Palestinian compliance and assessing whether they have fulfilled their responsibilities. It undermines the president's conclusion that the Palestinian leadership is compromised by terror, undercuts his efforts to gain European support for the policy of reform, and erodes the deterrent effect of the his warning against terrorism sponsorship, not only in Ramallah, but in Damascus, Tehran, and Baghdad as well.

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