

Punting on PA/PLO Responsibility for Violence: Assessing the PLO Compliance Report

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Brief Analysis

Last week, President George W. Bush pointedly called upon Palestinian leader Yasir Arafat to "stop the violence," and Assistant Secretary of State Edward Walker testified that Arafat has "made no statements that would indicate that he is opposed to violence or that he even wants to see it stop." Yesterday, however, the State Department issued its semi-annual PLOCCA (PLO Commitments Compliance Act) report that appears to contradict these sentiments by specifically refraining from assigning the PLO, the Palestinian Authority (PA), or any senior Palestinian officials any responsibility for any violence or terrorism that occurred during the first seventy-five days of the al-Aqsa Intifada.

Background Twice a year, in accordance with the Palestine Liberation Organization Commitments Compliance Act, or PLOCCA, (PL 101-246), the Administration submits a report to Congress detailing PLO and PA compliance with their peace process commitments. According to the law, the U.S.-PLO dialogue initiated and then suspended under President Bush père and then re-started just before the September 13, 1993 signing of the Oslo Declaration of Principles should be contingent on Palestinian fulfillment of these commitments, chief among them PLO recognition of Israel's right to exist in peace and security and Arafat's promise to then-Prime Minister Yitzhak Rabin to "assume responsibility over all PLO elements and personnel to assure their compliance, prevent violations, and discipline violators." The main body of the PLOCCA report is a recitation of violent events during the reporting period, June 15-December 15, 2000. To the report's credit, it provides the most detailed account yet of individual acts of violence and incitement perpetrated by Tanzim and members of the PA security forces. It also notes that Tanzim and security force personnel were active drivers of the most violent aspects of the uprising — gunfire and bombings. However, the report creates a firewall that separates the Tanzim and renegade officers from the PLO and the PA, implying that neither the PLO nor PA violated any substantial aspect of their agreements with Israel in the early days of the

uprising. As the report states: "While it is difficult to determine whom [sic], if anyone, planned specific instances of anti-Israeli violence, public statements by leaders of the Tanzim certainly encouraged violence. The degree of responsibility by senior PLO and PA officials was less clear."

Selective Language Every quotation ascribed to the PLO/PA establishment in this report is exculpatory. Other than Arafat, only one Palestinian is named in the main body of the report — Gaza security chief Muhammad Dahlan — and he is quoted praising the security cooperation between Israel and the PA. Every other quotation is unnamed and they all show the PLO/PA in a positive light — e.g., the PA "regrets" the lynching of two Israeli reservists; the PA issues a post-Sharm al-Shaykh statement affirming its commitment to "calm down the situation;" Voice of Palestine criticizes "some reckless people who fire a bullet here or a bullet there . . . to deviate the blessed intifada from its peaceful course." Similarly, in the large majority of direct quotations from Israeli officials and media, Israelis are cited as praising the Palestinians for security cooperation and their generally positive approach to the peace process. Such selective quotation does not include incendiary comments by PLO/PA leaders such as the following, all during the PLOCCA report's reporting period:

- Faysal Hussein, PLO Executive Committee: "This is a war of independence." (Al-Hayat, November 15, 2000)
- Nabil Sha'ath, PA minister for international cooperation: "You cannot leave our people with only one option [i.e., negotiations] when they fight an enemy that is ten times stronger. You cannot exclude the use of any weapon that can be used with international legitimacy in order to end the occupation of our lands . . . President Arafat always said: 'All options are open.' It is [the Palestinians'] fate to fight and negotiate at one and the same time." (Arab News Network, October 7, 2000)
- Imad al-Faluji, PA minister of communications: "The PA had begun to prepare for the outbreak of the current intifada since the return from the Camp David negotiations, by request of President Yasir Arafat." (Al-Ayyam, December 6, 2000).

Furthermore, the report uses language that seems to mitigate some types of terrorism. It differentiates among Israeli civilian victims of Palestinian violence, separating them into categories of settlers and non-settlers, as though the Palestinian commitment to refrain from violence applies to the former and not the latter. One particularly problematic example of this is the reference to the November 20 roadside bombing of a "settler school bus."

Where Are the Americans? All sourcing of factual events in the report comes from Palestinian, Arab, or Israeli media. No judgments are offered as to the veracity of various reports or the credibility or bias of the source. Regrettably, the report makes no use at all of the horde of American and European journalists providing daily reportage on intifada activities and the reporting skills of dozens of U.S. diplomats and intelligence agents. Perhaps more astonishing, the report does not even cite the statements of senior U.S. government officials that are at variance with the conclusions reached in the report. On October 30, for example, Secretary of State Albright told PBS' Jim Lehrer that Arafat "has been saying some things that are very difficult to swallow in terms of kind of wanting to keep fighting, but I hope very much that he will exercise more control — and he should and he can — and that we can get back to a peace process." None of what Albright noted Arafat "has been saying" is included in this PLOCCA report. To the contrary, the report blatantly contradicts the secretary of state during the period under review.

In a paragraph addressing whether the PLO/PA has continued to fulfill its commitments to renounce terrorism, the report noted that the PA did not change its policy opposing terrorism during the reporting period and that it is "not clear if Chairman Arafat or other high level PA officials sanctioned" those Fatah and security officials who participated in anti-Israel violence. What is missing is any indication that any acts of terrorism per se occurred during the reporting period. Although the recitation of events includes the lobbing of hand grenades into civilian areas, the shooting of civilian hikers, the stabbing of numerous civilians, and several roadside bombs and at least

one car bomb, it is unclear whether any of this crosses the threshold into the realm of "terrorism" that would merit clear renunciation by Arafat.

Conclusion: The PLOCCA Punts On the positive side, the PLOCCA report provides a damning assessment of the role of the Fatah Tanzim in the early days of the Palestinian uprising. The wealth of evidence of Tanzim complicity in a wide array of anti-peace activities provides a strong analytical basis for the specific inclusion of the Tanzim among a list of proscribed organizations when the Patterns of Global Terrorism 2000 report is issued later this month by the State Department.

On the negative side, the PLOCCA report regrettably punts on the central issue of Palestinian compliance with the core obligations under which the U.S.-PLO dialogue was re-established in 1993. The bar for PLO responsibility in the peace process is clearly defined, both under law and by agreement between Israel and the PLO, and is summed up in the September 1993 Arafat letter to Rabin in which the PLO chairman assumes responsibility for "all PLO elements and personnel." This report does not respect that threshold — it did not even mention that Arafat serves as ra'is [head] of Fatah, hence supervisor of Fatah Tanzim — and yet it does not offer an alternative threshold by which to judge Arafat's responsibility. While the next PLOCCA report will most likely be more critical of the PLO/PA's actions, this PLOCCA report lost an opportunity to take advantage of U.S. law to chronicle, in a dispassionate way, major PLO violations of its agreements with Israel and, just possibly, to save lives in the process.

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