

# The Palestinian Authority: En Route to the State Department's Terrorism List?

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Mar 12, 2001

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## Brief Analysis

The U.S. Department of State will shortly issue its semi-annual Palestine Liberation Organization Commitments Compliance Act (PLOCCA) report. This report, now several weeks overdue, details PLO and Palestinian Authority (PA) compliance with their "peace process" commitments. And in April, the State Department will release its annual report about global terrorism. The release of these reports comes just weeks after Israeli chief of staff Shaul Mofaz described the PA as a "terrorist entity."

The content of these reports will be the subject of close scrutiny. How the United States characterizes the PA with regard to terrorist activities is an important signal — both of how the Bush administration will contribute to the lowering of violence as the first step to the resumption of Israeli–Palestinian negotiations, and of what the direction of U.S.–Palestinian relations will be during the George W. Bush/Ariel Sharon era.

Every year, the State Department issues Patterns of Global Terrorism, a report reviewing incidents of terrorism during the previous year. In addition to detailing the rationale behind which governments are listed as "State Sponsors of Terrorism," Patterns lists the groups designated as "Foreign Terrorist Organizations." Patterns 2000 — which covered 1999 — gave high marks to the PA for its counter-terrorism efforts. Indeed, throughout 1999, according to the report, the PA "continued to act against Palestinian perpetrators of violence against Israel."

Pursuant to the PLOCCA, the State Department also submits a semiannual document reporting on Palestinian adherence to the 1993 Oslo Accords and to subsequent agreements with Israel. Continued U.S.–PLO dialogue should be, according to PLOCCA, contingent on the PLO's recognition of Israel's right to exist, its acceptance of UN Security Council Resolutions 242 and 338, and its "abstention from and renunciation of all acts of terrorism." It also specifies that the United States "should seek the prevention of terrorism and other violent activity by the PLO or any of its factions" (emphasis added). The most recent PLOCCA report issued on August 28, 2000 (covering the period through June 15, 2000) praised the PLO and the PA for their performance on security matters, for nullifying PLO charter provisions advocating the Israel's destruction, and for standing against the Arab boycott of Israel.

PLO-PA Report Card Despite the State Department's relatively positive evaluation of the PA in 1999, the PA's recent record — particularly since the start of the Al Aqsa Intifada in late September 2000 — provides numerous reasons why the 2000 report should reach vastly different conclusions. Indeed, PA officials have taken full responsibility for fomenting the past six months of violence. Just ten days ago, PA minister of post and communications Imad Falooji boasted that the intifada was not a spontaneous event, but rather a carefully planned response to the failure of the Camp David peace summit in September 2000. This stunning claim at once undermines six months of PA justifications of violence as a "popular uprising."

Especially troubling have been reports of the central role played by members of the PA security apparatus — including individuals from Chairman Yasir Arafat's Force 17 and Muhammad Dahlan's Gaza Preventative Security Service — in a series of attacks on Israelis. Many of these terrorist acts have been perpetrated by activists of the Tanzim, the strike force of Arafat's own PLO Fatah faction and the driving force behind the violence of the past six months. Many have also been publicly sanctioned and endorsed by Tanzim and other Fatah leaders.

Despite the best efforts of PA officials to maintain a line of separation between the PA and Fatah, the distance between the two does not really exist. Arafat is, of course, the head of Fatah, and half of the PLO Executive Committee are Fatah members, as is roughly 80 percent of the PA cabinet. Indeed, Palestinians themselves believe that there is no real distinction between Fatah and the PA. In a recent survey, 57 percent of Gaza residents said that Fatah and the PA are "one and the same thing."

In addition to its cooperation with the Fatah (Tanzim) strike forces, the PA has been working with Hamas to leverage the gains of the intifada. Since the beginning of the intifada, the PA has coordinated activities with Hamas via the Committee of National and Islamic Political Forces. Not only has the PA released numerous Hamas prisoners from its jails (including reputed killers of American citizens), on March 4 the director of the Israeli Shin Bet (internal security) claimed that PA security forces themselves have been "helping terrorists prepare explosive devices."

And then there is the issue of the PLO, the Palestinians' umbrella political organization. In the context of the blurred lines between Fatah and the PA, recent actions and statements by top PLO officials have raised serious questions about the organization's continued commitment to the renunciation of violence that is at the heart of the original Oslo understanding. Moreover, just last month, Palestinian National Council Speaker Salim Za'anoun made the startling statement that, in his view, the Palestinian covenant was never officially and formally amended to delete the articles calling for the destruction of Israel. (See [PolicyWatch no. 307](#)). (**[templateC05.php?CID=1998](#)**)

Crime and Punishment It is not clear what the penalties would be for the PA should its performance be found lacking in the reports. The PLOCCA report likely will punt on PA security apparatus members' participation in Tanzim terrorist acts, preferring to characterize the acts as those of lone perpetrators. But even if it doesn't, unlike its now defunct forerunner MEPFA (the Middle East Peace Facilitation Act), which expired in 1997, PLOCCA has no teeth. Whereas MEPFA required the U.S. president to "certify" PLO/PA compliance in order for U.S. funds to be disbursed to Palestinians, PLOCCA mandates only "reporting" and specifies no negative sanctions in cases of non-compliance.

There is, of course, some precedent for a stronger interpretation of PLOCCA. In 1990, then President George Bush suspended the pre-Gulf War U.S. dialogue with the PLO after Arafat failed to condemn an attempted Palestinian terrorist attack against Israel. Today, however, it seems unlikely that President George W. Bush would do the same, especially given the fact that he is keen to woo Arab support for a new Iraq policy and that Israeli prime minister Ariel Sharon has offered to cooperate with Arafat in the event that the security situation improves. Funding to the PA could likewise be restricted via the FY 2001 Foreign Appropriations Bill (PL 106-429), in which assistance to the PA is contingent on a semi-annual presidential determination that disbursement of aid is in "the national interest."

U.S. Policy Options More realistic — and probably more productive — than severing all economic and political ties

with the Palestinians is for the Bush administration to utilize the incremental provisions associated with terrorist designations. Based on current evidence, the Department of State could legitimately add the Fatah Tanzim to the list of Designated Foreign Terrorist Organizations or add certain members of the Tanzim and Force 17 to the Terrorism Watch list, which would prevent these individuals' entry into the United States. This type of classification would fall short of an official State Department designation of the PA as a State Sponsor of Terrorism, but it would nonetheless have serious financial and diplomatic implications for the PA, including potentially limiting the travel of senior PA officials to the United States and discouraging direct foreign investment in the PA. It would also no doubt send a clear message as to the gravity with which the administration views the participation of the PA in terrorism.

For Washington, the key is to establish an effective policy geared toward encouraging better Palestinian behavior. Adding the Tanzim to the list of Designated Foreign Terrorist Organizations would signal seriousness of U.S. intent not to permit violence to be used as a feature of negotiations. It would also raise the specter that Arafat's own Fatah organization — and perhaps eventually the PA — could eventually be sanctioned, should circumstances not improve. Here, Washington could exploit the high value that Arafat places on the centrality of the U.S.–Palestinian relationship, which in many ways may be more important to Arafat's long-term objectives than his relationship with Israel. At the end of the day, this type of policy will not only enhance U.S. counter-terrorism policy and regional credibility, it will benefit Israeli–Palestinian peacemaking.

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Policy #311

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