

# Removing Syria from the List of State Sponsors of Terrorism: Between Peace and Counterterrorism

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## ABOUT THE AUTHORS



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## Brief Analysis

**W**ith Syrian-Israeli peace talks underway in Shepherdstown, W.Va., media attention has focused on the shape of a possible peace agreement and the potential for U.S. financial assistance to the parties. Virtually no attention, however, has been paid to the principal legal obstacle in the way of U.S. aid to one of the two putative peacemakers: Syria's place on the State Department's list of countries recognized as "state sponsors of terrorism." It is generally assumed that Syria will "do what it takes" within the context of making peace with Israel to earn its removal from the State Department's list, or that Washington will, in the framework of peace, find enough in Syrian efforts to merit Damascus's decertification as a terrorist-supporting state. In this environment, the potential rises that U.S. antiterrorism efforts will be blurred to fit an emerging Syria-Israel political reality.

Background Syria is a charter member of the list of "state sponsors of terrorism"--appearing on the first such list in 1979--and it has kept its spot on that list ever since. According to the State Department, the Syrian government has not been directly engaged in terrorism since it was implicated in the attempted bombing of an El Al flight in 1986. Nevertheless, Syria has retained its status as a state-sponsor of terrorism because it meets the criteria outlined in the Arms Export Amendments Act of 1989, which in part defines terrorist states as those that allow their territory to be used as a sanctuary; provide logistical support to terrorists or terrorist organizations; provide safe haven or headquarters for terrorists and their organizations; plan, direct, train, or assist in terrorist activities; and/or provide financial support for terrorist activities.

According to the 1998 edition of the State Department's annual report, *Patterns of Global Terrorism*, Syria provides safe haven and logistical support to terrorists. Specifically, says *Patterns 1998*, Damascus permits numerous terrorist groups-- headed by Hamas, the Palestinian Islamic Jihad (PIJ) and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC)--to maintain their headquarters in Damascus and Syria-controlled territory in Lebanon, and it allows Hizballah to receive military supplies via Syrian territory. In addition, *Patterns 1998* raises questions regarding continued Syrian support to the Kurdistan Workers Party (PKK), even after Syria's expulsion of PKK leader Abdullah Ocalan in October 1998.

Despite its two-decade record of support for terrorism, Syria is not subject to sanctions as extensive as those meted

out to some of its fellow "state sponsors." Whereas U.S. law prohibits Syria from receiving direct economic assistance, U.S. military equipment, and high-tech products made in America, there is no ban on trading with Syria as there is on Iraq and Iran. As a result, Syria received \$161 million in U.S. exports in 1998, down from a high of \$226 million in 1996. Even this low 1998 total made the United States the seventh-largest source of Syria's imports. Syria, of course, has long denied that it ever engaged in terrorism. Whereas the United States has frequently raised the terrorism issue in bilateral contacts with Syria, it has never succeeded in formalizing a discussion on terrorism. U.S. counterterrorism delegations visited Damascus periodically after the Gulf War, but Syria cut off this brief initiative in May 1991 after the Bush administration refused to guarantee Syria's eventual removal from the list. In 1994, President Clinton touted the creation of a bilateral "mechanism" to address terrorism as a major achievement of his visit to Damascus. That "mechanism"--a Syrian-American working group--met once and was never heard of again.

U.S. Law Procedures for removal from the list of state sponsors of terrorism are specified in the Export Administration Act (EAA) of 1979, as amended. According to this statute, prior to a decision on removing a country from the list, the president must send a report to Congress certifying that three criteria have been met: (1) there has been a fundamental change in the leadership and policies of the government of the country concerned; (2) the government in question is not supporting acts of international terrorism; and (3) the government has provided "assurances" that it will not support acts of international terrorism in the future. Alternatively, the president can circumvent the need to certify a "fundamental change in . . . government" by instead submitting to Congress at least forty-five days prior to the proposed removal a report certifying that (1) the government concerned has not provided any support for terrorism in the previous six months, and (2) the government concerned has provided assurances that it will not support international terrorism in the future.

Iraqi Precedent Over the past two decades, only one country has ever been removed from the list of state-sponsors of terrorism--Iraq. The Iraqi experience is especially instructive as an example of how competing policies got so entangled that both suffered.

Iraq, also a charter member of the terrorism list, was removed in February 1982 at a particularly low point in the Iraq-Iran war. Officially, the decision to decertify Iraq was made "both to recognize Iraq's improved record [on terrorism] and to offer an incentive to continue this positive trend." The real rationale, of course, was based on Washington's desire to assist Iraq in its war effort against the Islamic Republic. To this end, the United States subsequently extended millions of dollars of export credits to Iraq, allowing Baghdad's cash-strapped economy to purchase American wheat and grain. In addition, revocation of "terrorist status" paved the way for Iraq to purchase U.S.-made Bell helicopters (which were, in short order, fitted for combat use), Boeing airplanes, and cutting-edge computer systems.

That Iraq had not truly mended its terrorist ways was well known. As senior counterterrorism officials later told the Washington Post, "No one had any doubts about [Iraqi president Saddam Husayn's] continued involvement with terrorism." Within months of Iraq's removal from the list, for example, Iraqi intelligence was implicated in the June 1982 attempted assassination of the Israeli ambassador in London. Likewise, in October 1985, Abu Abbas, mastermind of the Achille Lauro hijacking, escaped with Iraqi assistance to Baghdad, where he established his new headquarters. Only after Iraq invaded Kuwait in August 1990 was Baghdad reinstated on the terrorism list. (For details, see Bruce W. Jentleson's *With Friends Like These...*, 1994.)

Unanswered Questions In recent months, Syria has taken some positive steps on the terrorism front. Last summer, Vice President Abdel Halim Khaddam reportedly met with Palestinian rejectionist groups based in Damascus and told them to "drop armed struggle." Just today, press reports note a wave of arrests of some anti-peace militants inside Syria. Except for such modest and incremental steps, however, there has been little else positive to point to in

Syria's behavior on terrorism. As State Department Counterterrorism Coordinator Michael Sheehan confirmed to a Washington Institute Policy Forum in November 1999, Syria continues to provide "support and safe haven" to several "key" Palestinian terrorist groups in Syria and in "Syrian-controlled" areas of the Bekaa Valley in Lebanon. Sheehan pledged that Syria would remain on the list "until it ceases to give safe haven" to these groups.

Exactly what would merit Syria's removal remains unclear. Would all terrorist groups in Syria and Syrian-controlled Lebanon have to be dismantled, with their leaders expelled (even extradited) and their weapons decommissioned? Or would a lesser "crackdown" suffice, in which some groups are permitted to transform themselves into political parties while leaders of other groups enter an honorable--but open--"retirement"? What of Syrian officials complicit in past terrorism? What if Syria continues to support anti-Turkish terror but ends its aid to anti-Israel terror? What type of "assurances" would Damascus be required to give Washington regarding its abandonment of terrorism? Would the United States require that Syrian president Hafiz al-Asad make a public renunciation of terrorism?

Conclusion For two decades, U.S. policy has been geared to compel a change in Syrian behavior on terrorism by imposing economic and political penalties (i.e., sanctions). Until now, Syria has decided that resorting to terrorism or, more recently, retaining some terrorist capability--either directly or via proxies--has been more important than the gains to be reaped in a post-sanctions era. It is not yet clear that Syria knows that it cannot reap the gains of a post-peace era without fulfilling longstanding expectations for a fundamental change in the way it does business. It is axiomatic that Asad will try to retain all his assets unless he is forced to give them up; unless required to sacrifice its terrorist capability, Syria will seek to keep it even in an era of peace. For Washington, therefore, it is imperative to define and relay to Damascus, quickly and unambiguously, the prerequisites for removal from the terrorism list.

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