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Holding Syria Accountable for its Actions: **Syria Must Pick its Side in the War on Terrorism**

Executive Summary:

- “I’ve said in the past that nations are either with us or against us in the war on terror. To be counted on the side of peace, nations must act. . . . And Syria must choose the right side in the war on terror by closing terrorist camps and expelling terrorist organizations.”
— *President Bush, speaking in the Rose Garden, June 24, 2002.*
- For decades, the United States has engaged the regime in Syria in the hope that Damascus would play a constructive role in bringing about Arab-Israeli peace. The U.S.-Syria relationship has been ongoing despite the fact that Syria has been ruled by dictatorship with an uninterrupted record of support for terrorism, specifically directed at Israel.
- Syria has been able to conduct its policies — which are antithetical to U.S. interests and have resulted in the loss of hundreds of American lives, e.g. the bombing of the U.S. Marine Corps barracks in Beirut in 1983 — with near impunity.
- As Undersecretary of State John Bolton stated in testimony before the House International Relations Committee on September 16, 2003, “Syria remains a security concern on two important counts: terrorism and weapons of mass destruction.”
- Syria’s recent actions in Iraq have led the Bush Administration to publicly criticize Damascus, and have culminated in Congress calling for a redesign of U.S.-Syria policy — the Syria Accountability Act — to align it with the Administration’s War on Terrorism.
- It is overdue for the United States and likeminded nations to hold Syria accountable for its actions. Equally important, it is time for the Syrian leadership to make a tough choice: it is either with the United States completely in the War on Terrorism, or it is not.
- If Syria is not willing to be a partner with the United States and renounce its support for terrorism, halt its WMD program, withdraw from Lebanon, and engage in bilateral peace negotiations with Israel, then Damascus should face the diplomatic and economic consequences as set out in the Syria Accountability Act.

Introduction

For decades, the United States has engaged the regime in Syria in the hope that Damascus would play a constructive role in bringing about Arab-Israeli peace. The U.S.-Syria relationship has been ongoing despite the fact that Syria has been ruled by dictatorship with an uninterrupted record of support for terrorism, specifically directed at Israel. The results of U.S. engagement with Syria have been anything but positive. Throughout the years, Damascus has continued to support international terrorism directed at America and Israel, occupy Lebanon, develop a weapons-of-mass-destruction (WMD) program, acquire ballistic missiles, and pursue policies counter to U.S. interests. And, since the liberation of Iraq, Syria has played a destabilizing role by allowing terrorist fugitives to enter Syria and by allowing mercenaries to cross into Iraq (or at least not stopping them) to engage U.S. troops.

Syria has been able to conduct its policies — which are antithetical to U.S. interests and have resulted in the loss of hundreds of American lives, e.g. bombing on U.S. Marine Corps barracks in Beirut in 1983 — with near impunity. Although Syria is listed (and has been since the 1970s) by the State Department as a state sponsor of terrorism (along with Iran, Libya, Iraq, Cuba, and North Korea), it has not faced the same degree of diplomatic and economic isolation that has been directed at other terrorist states. In fact, Washington maintains full diplomatic relations with Syria, *making Syria the only designated state sponsor of terrorism to have such relations with the United States.*

Syria's special treatment despite its support for terrorism may be over. Syria's recent actions in Iraq have led the Bush Administration to publicly criticize Damascus and have culminated in Congress calling for a redesign of U.S. policy toward Syria to align it with the Administration's War on Terrorism. As State Department Spokesman Richard Boucher stated recently, "Frankly, the Syrians have done so little with regard to terrorism that we don't have a lot to work with."¹

The events of September 11, 2001 have offered a window of opportunity to review many U.S. bilateral relationships and determine whether it is necessary to change the dynamic — and often the status quo — that has characterized these relations. The Administration and Congress have done this most notably with Saudi Arabia in seeking greater cooperation in the elimination of terrorist activities operating from Saudi soil.

Now is also an ideal time to reassess U.S. relations with Damascus and demand accountability in our relationship. Equally important, it is time for the Syrian leadership to make a tough choice: it is either with the United States completely in the War on Terrorism, or it is not. Either way, shielding Syria from the same economic and political isolation directed at other terrorist states is unmerited and runs counter to U.S. principles in the war against terrorism.

¹ *New York Times*, "Panel Approves Sanctions on Syria with White House Support," October 9, 2003.

Syria's Bad Behavior

As Undersecretary of State John Bolton stated in testimony before the House International Relations Committee on September 16, 2003, "Syria remains a security concern on two important counts: terrorism and weapons of mass destruction." Bolton added:

There is no graver threat to our country today than states that both sponsor terrorism and possess or aspire to possess weapons of mass destruction. Syria, which offers physical sanctuary and political protection to groups such as Hezbollah, Hamas, and Palestinian Jihad, and whose terrorist operations have killed hundreds of innocent people — including Americans — falls into this category of state of potential dual threat.²

Since the 1970s, the U.S. State Department has listed Syria as a state sponsor of terrorism. Specifically, in its "Patterns of Global Terrorism, 2002" report, the State Department found that the Syrian Government "has continued to provide political and limited material support to a number of Palestinian groups, including allowing them to maintain headquarters or offices in Damascus," although the Syrian Government insists that the groups' Damascus offices undertake only political and informational activities, not terrorist operations.³

Syria maintains close relations with Iran, another autocratic regime listed by the State Department as a state sponsor of terrorism and a prominent financial, political, and military backer of these Palestinian terrorist organizations. Moreover, Syria remains the de facto ruler of Lebanon, which it has forcibly and illegally occupied since 1990. Lebanon, the country in which more than 200 U.S. Marines died in 1983 following a terrorist attack on their Beirut barracks, remains a breeding ground and training center for terrorist organizations.

Terrorism has spawned in Syria due largely to Syria's opposition to the existence of Israel and its subsequent objection to an Arab-Israeli peace process. Although the United States has engaged Syria — and given it a prominent place in discussions — during the past few decades, Damascus has long been an unwilling and uncooperative partner in bringing about Middle East peace. In fact, Syria did not endorse President Bush's Middle East "roadmap."

On October 5, Israel launched an attack against an Islamic Jihad training camp operating within Syria. The attack was in response to a terrorist bombing in Haifa, Israel a few days earlier in which 19 people were killed. Syria denied that the attacked site was a terrorist camp, and said that it would fight if Israel attacked again.

Syria also appears to be in the terror financing business. In April 2003, an Italian government study found that Syria "functioned as a hub for an Al Qaeda network that moved Islamic extremists and funds from Italy to northeastern Iraq, where the recruits fought alongside

² Undersecretary of State John Bolton, in testimony before House International Relations Committee, September 16, 2003.

³ U.S. Department of State, "Patterns of Global Terrorism, 2002," April, 2003.

the recently defeated Ansar al Islam terrorist group.”⁴ And, on October 21, it was reported that U.S. Treasury Department investigators have evidence that \$3 billion that belonged to Saddam Hussein’s government is being held in Syria-controlled banks in Syria and Lebanon.⁵ The Syrian government has not yet granted Treasury officials access to these accounts, nor has it been willing to share any information about the account holders.

According to the CIA, Syria maintains a sizable chemical weapons (CW) program, and possibly a bioweapons program. According to its most recent WMD acquisition report, Syria has a “stockpile of the nerve agent sarin, but apparently is trying to develop more toxic and persistent nerve agents.” The report continues: “Syria remained dependent on foreign sources for key elements of its CW program, including precursor chemicals and key production equipment. It is highly probable that Syria also is continuing to develop an offensive BW capability.”⁶ Undersecretary Bolton has stated that “Syria has pursued what is now one of the most advanced Arab state chemical weapons capabilities,” and “is fully committed to expanding and improving its CW programs, which it believes serves as a deterrent to regional adversaries,” namely Israel.⁷

As for a nuclear program, Bolton told the House International Relations Committee that “we are concerned about Syria’s nuclear R&D program and continue to watch for any signs of nuclear weapons activity or foreign assistance that could facilitate a Syrian nuclear weapons capability.”⁸ The CIA has stated that Russia and Syria have approved a draft cooperative program on cooperation on civil nuclear power, which possibly could provide Syria with opportunities to expand its capabilities into nuclear weapons.

Syria and Iraq

In recent months, Syria has been criticized by the Administration and Members of Congress for its actions related to Iraq. Such criticisms of Syria should not be surprising, given its history of recent relations with Saddam Hussein’s Iraq. During the past decade, Syria, which shares a 400-mile border with Iraq, repeatedly defied U.N. Security Council Resolutions banning countries from trading with Iraq, while Iraq was under U.N. sanctions.

According to the Congressional Research Service, bilateral trade between Syria and Iraq increased from \$500 million in 2000 to \$1 billion in 2001, and estimates range from \$1 billion to

⁴ *Los Angeles Times*, “Probe Links Syria, Terror Network,” April 16, 2003.

⁵ *New York Times*, “U.S. Believes Syrian Banks Hold \$3 Billion in Iraqi Funds,” October 21, 2003.

⁶ Central Intelligence Agency, “Unclassified Report to Congress on the Acquisition of Technology Relating to Weapons of Mass Destruction and Advanced Conventional Munitions, 1 January Through 30 June 2002,” April 2003.

⁷ Bolton testimony.

⁸ Bolton testimony.

\$3 billion in 2002.⁹ Most notably, illegal oil shipments were sent from Iraq to Syria from a pipeline that was believed to have opened in 2000, supplying Syria with 150,000-200,000 barrels of oil per day and Hussein with much-needed cash.¹⁰ On April 16, Defense Secretary Rumsfeld announced that the coalition had shut down the pipeline.

As a member of the U.N. Security Council, Syria openly opposed U.S. military action against Iraq. Although it voted for U.N. Security Council Resolution 1441, which called on Hussein to open Iraq to immediate weapons inspections, Damascus made clear that it would not support a second resolution authorizing use of military force against Iraq.

Syria's objection to U.S. policy did not end at the U.N., however. On March 30, Syrian Foreign Minister Shar'a told the Syrian parliament that "Syria has a national interest in the expulsion of the invaders from Iraq."¹¹ In fact, during the opening days of the Operation Iraqi Freedom, Defense Secretary Rumsfeld accused Syria of supplying materials to Iraqi troops: "We have information that shipments of military supplies have been crossing the border from Syria into Iraq, including night-vision goggles. These deliveries pose a direct threat to the lives of coalition forces. We consider such trafficking as hostile acts and will hold the Syrian government accountable for such shipments."¹²

Equally significant, during the war and the post-war period, Syria has been accused of harboring Iraqi fugitives as well as supplying infiltrators to attack coalition troops in Iraq. On April 9, Secretary Rumsfeld, at a Pentagon news conference, said that according to intelligence, "Syria has been cooperative in facilitating the movement of people out of Iraq into Syria, and then in some cases, they stayed there and found safekeeping there."¹³ In other cases, he said, "they are moving from Syria to still other places." Damascus denied the charge that it was *harboring* such individuals but did expel some high-level Iraqis following the U.S. charges.

Undersecretary Bolton recently stated that Syria has taken a "series of hostile actions" against the United States and coalition efforts in Iraq, including "allowing military equipment to flow into Iraq," and permitting "volunteers to pass into Iraq to attack and kill our service members during the war." On October 15, U.S. forces in Iraq engaged "a small number of people who infiltrated from the border" from Syria, according to a U.S. coalition spokesman in Iraq.¹⁴ The infiltrators had shot small-arms fire at a coalition helicopter, forcing the pilot to land the craft. And, on October 17, Joint Chiefs of Staff Chairman General Richard Myers relayed previous calls to tighten its grip on the flow of terrorists crossing into Iraq: "We keep asking the

⁹ Congressional Research Service, "Syria: U.S. Relations and Bilateral Issues," October 20, 2003.

¹⁰ *Washington Post*, "Syria Denies Accusations as U.S. 'Service' to Israel," April 16, 2003.

¹¹ Congressional Research Service, "Syria: U.S. Relations and Bilateral Issues," October 20, 2003.

¹² Donald Rumsfeld at Defense Department Daily Briefing, March 28, 2003.

¹³ AP, "Rumsfeld Accuses Syria of Aiding Saddam Regime," April 9, 2003

¹⁴ *Washington Times*, "U.S. Troops Fight Infiltrators in Syria," October 16, 2003.

Syrians to help, and we get some [but] probably not enough. There's probably more they could do."¹⁵

Past U.S. Policy Toward Damascus

Despite all of Syria's irresponsible and threatening policies, successive U.S. administrations have been willing to engage the Syrian government. For decades, the United States has pursued a policy of engagement with Syria, trying to win Damascus' support for Middle East peace, but to no avail.

As part of this strategy, the United States has maintained full diplomatic relations with Damascus. It also has allowed U.S. companies to invest in Syria, something that cannot be done in other terrorist-sponsor states such as North Korea, Iran, Cuba, and Libya. According to the Congressional Research Service, in 1999 (the last year there was reliable data available), direct investment of U.S. companies into Syria was \$6 million, with 13 U.S. businesses having offices in Syria. While this may seem miniscule in terms of the dollar amount, it is notable because it is tolerated at all.

Syria has always practiced clever statecraft: undertaking enough action to keep itself from being a target but never giving up anything of substance that would actually undermine its position in the region. A perfect recent example of this occurred in April when, in response to mounting pressure by Administration officials for Damascus to change its policy (including a trip to the country by Secretary Powell, who threatened to impose U.S. sanctions), Syrian officials announced that they had closed their borders to Iraq, were not harboring Iraqi fugitives, and would cooperate with the United States. And while Syria may have deflected U.S. wrath by turning over Al Qaeda suspects, as outlined earlier in this paper, subsequent media reports and U.S. and foreign government studies continue to find Syrian involvement in terrorist activities in and around Iraq.

With the death of Syrian President Hafez Assad in 2000 and the ascendancy of his son, Bashar, to the presidency, there were high expectations that Syria would depart from its anti-Israeli policies and pro-terrorist support of the past and enact political and economic reforms, as well as become a positive influence and player in achieving Middle East peace. Three years into Bashar's term, such developments have not materialized — and without a catalyst to encourage such reform, it appears unlikely that Bashar will proactively change Syria's course.

A New Approach Toward Damascus

Continuation of the current U.S. policy toward Syria must end. For too long, it has been too ineffective and has allowed Syria to pursue with near impunity policies counter to U.S. interests. Moreover, it is unproductive and antithetical to the principles associated with the President's War on Terrorism.

¹⁵ *InsideDefense.com*, "Myers: Syrian Government Could Do More to Combat Infiltration of Terrorists Into Iraq," October 17, 2003.

Washington must pressure Damascus to play by the rules. Given that the government of Syrian President Bashar al-Assad is relatively weak, and recognizing that Bashar *deemed it necessary (or least desirable) to provide some assistance* to the United States in apprehending Al Qaeda (although it arguably was for domestic security reasons and not in the interests of being cooperative toward America), it should be possible to pressure Damascus into changing its policies. That said, Washington must demonstrate that it is serious about having Damascus drop its support of terrorism and its pursuit of policies that endanger peace and stability in the Middle East.

Therefore, to demonstrate American commitment, the United States should adopt the following measures in pressuring Syria:

Enact Syria Accountability Act

A demonstration of the seriousness with which Washington takes the War on Terrorism can be found in the “Syria Accountability Act and Lebanese Sovereignty Restoration Act”, *a.k.a.* the Syria Accountability Act (H.R. 1828), which was passed by the U.S. House of Representatives by a vote of 398-4 on October 15, 2003. The Senate is expected to take up the bill by month’s end. Passage of the Syria Accountability Act would be a good first step in revising U.S. policy toward Damascus because it reflects Bush Administration priorities and principles in the War on Terrorism.

Among the numerous provisions contained in the bill, the most notable include the calls for Syria to immediately and unconditionally ***halt support for terrorism; withdraw from Lebanon*** and provide for Lebanon’s full restoration of sovereignty; ***halt development of certain weapons; halt illegal imports and transshipments of Iraqi oil*** and illegal sales and supplies of weapons and military-related equipment to Iraq; and enter into serious ***unconditional bilateral peace negotiations with Israel***. It also states that Syria will “be held responsible for attacks committed by Hezbollah and other terrorist groups with offices, training camps, or other facilities” in Syria or Lebanon. The bill also states, that being in violation of key United Nations Security Council resolutions and pursuing policies which undermine international peace and security, ***“Syria should not have been permitted to join the United Nations Security Council or serve as the Security Council's President, and should be removed from the Security Council (italics added).”***

The United States is empowered to “impede Syria’s ability to support acts of terrorism and efforts to acquire WMD (italics added).” Also, the United States will not provide any assistance to Syria and will oppose all forms of multilateral assistance to Syria until Damascus withdraws from Lebanon and halts its pursuit of WMD and ballistic missile accumulation.

Until Syria enacts these measures, *the President is required to prohibit*: the sale of defense articles to Syria that require the issuance of an export license (dual-use items); U.S. businesses from investing in Syria; and export of any goods other than food and medicine to Syria. ***Diplomatic relations also must be reduced*** (but the degree of that is not defined). The President *is given waiver* authority for six-month periods for all of these categories, except the

export of dual-use items (as provided in Sec. 5(a)(1) of H.R. 1828) if it is determined that “it is in the vital national security interest” to do so.

The Bush Administration should apply uniformity in its policies toward terrorist-sponsoring states. Therefore, the Administration should not allow U.S. companies to invest in Syria because it sends the signal that Syria is receiving special treatment from Washington. A fairly dramatic reduction of U.S. diplomatic representation would perhaps strongly suggest to Syria that it is *not* an American ally and will not be one until it starts acting like one.

Sending a strong message is key. Traditionally, however, Congress has granted the President increased waiver authority in similar situations. That said, while some have suggested even broader waiver authority beyond that already provided, a very strong case can be made that any additional waiver authority would gut the premise of the bill, weaken the signal America would be sending to Syria, and open the door for continued duplicitous behavior by Damascus.

Apply Proliferation Security Initiative (PSI) and Sanction WMD Suppliers

The Administration has successfully developed and employed a plan, known as the Proliferation Security Initiative (PSI), to interdict illicit weapons shipments and contraband. PSI was announced by President Bush on May 31, 2003. It involves robust cargo inspections and possible interdiction of WMD materials and illegal arms, based on pooled intelligence among participating countries. To date, 11 nations form the core PSI group: Britain, France, Germany, Australia, Japan, Italy, Spain, Portugal, Poland, the Netherlands, and the United States. While most of the initial PSI activities have focused on North Korea, attention should be paid to Syria (and Iran) with the goal of halting the flow of weapons technology both in and out of Syria.

A critical complementary strategy to PSI is using sanctions on countries that supply Syria with weapons and WMD technology. The People’s Republic of China, Pakistan, Russia, Iran, and North Korea are known proliferators of these materials, with Russia and North Korea being key suppliers to Syria.

Washington recognizes the dangerous consequences of countries selling WMD materials to terrorist states, and, as a result, has taken economic steps to help halt this proliferation. In 2003, the United States has imposed economic sanctions five times, including on the Chinese entity, North China Industries Corporation (NORINCO), and the Iranian entity, Shahid Hemmat Industrial Group, for selling WMD materials to rogue states. The sanctions are authorized under Section 4 of Executive Order 12938, as amended in 1998, which authorizes penalties against entities that have “materially contributed or attempted to contribute materially to the efforts of any foreign country, project, or entity of proliferation concern to use, acquire, design, develop, produce, or stockpile weapons of mass destruction or missiles capable of delivering such weapons.” As part of a wider U.S. policy, the Administration should attempt to convince its PSI allies to also use sanctions against WMD suppliers.

Work With European Allies

As one journalist wrote, “Syria is no doubt counting on its good relations with the European Union, including Britain, to deflect pressure from Washington. European governments see constructive engagement with Damascus as a way of encouraging Mr. Assad to adopt more moderate policies.”¹⁶ This may very well be true, but the United States should work with our allies to prevent this deflection of U.S. pressure. For example, in recent months, Turkey and Syria have sought to develop closer ties, politically, economically, and militarily. Given that the United States just extended an \$8 billion loan package to Turkey, Washington should clearly state to Ankara that it expects Turkey to play a positive and cooperative role in helping to bring Syria around.

Conclusion

Syria’s actions in the Middle East — and in Iraq, specifically — pose a clear, near-term threat to regional stability and to the safety and security of American forces serving in the region. With the removal of Saddam Hussein’s regime in Iraq and the defeat of the Taliban regime in Afghanistan, the United States has made clear that state support for terrorism will no longer be tolerated. It is overdue for the United States and likeminded nations to hold Syria accountable for its actions. Syria’s new head of state has had ample time to make the choice whether Damascus is with the United States as a partner or not in fighting the War on Terrorism. If Syria is not, then it should face the diplomatic and economic consequences as set out in the Syria Accountability Act.

¹⁶ *London Financial Times*, “Opposition to the War Has Cost the Damascus Regime Dear,” August 26, 2003.