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H.R. 3202: Analyzing Legislative Efforts to Block Arab Engagement with Syria

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OVERVIEW

The Arab League recently called for normalization of relations with the government of Syria led by Bashar Al-Assad. H.R. 3202 requires the U.S. government to oppose the effort of these 21 countries to re-engage with Syria. Unfortunately, H.R. 3202 creates no viable plan for removing Assad from power or bringing justice to the Syrian people. Instead, by intensifying sanctions on the entire Syrian population it will create additional suffering for innocent Syrian civilians.

H.R. 3202 also forces the United States to oppose the diplomatic efforts of our Arab partners and potentially penalize them for any consequential engagement with Syria. After years of supporting the United States in efforts to overthrow the Assad regime, these countries will resent being punished for seeking their own alternatives to failed U.S. policies. This is likely to reduce U.S. influence in the Middle East and facilitate greater Chinese influence.

Opposition to HR 3202 does not imply support for U.S. normalization with Assad, only a recognition that standing in the way of our regional partners' diplomatic and economic engagement would be counterproductive both to U.S. interests and to the welfare of the Syrian people.

BACKGROUND

In May, the Arab League voted to normalize relations with Bashar Al-Assad's Syria and re-admit Syria to the League. Syria's membership was suspended 12 years ago due to Assad's brutality in the Syrian civil war and the belief that he would be driven from power. Arab League nations which now support normalization, such as Saudi Arabia, were previously strong supporters of efforts to overthrow Assad.

Arab League normalization of relations with Syria conflicts with current U.S. policy toward Assad-controlled Syria. U.S. policy calls for the diplomatic and economic isolation of Syria, including through extensive economic sanctions that prevent the reconstitution of the

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devastated Syrian economy and infrastructure.¹ U.S. efforts to isolate Syria date back to the start of the country's civil war in 2011, but have not removed Assad from power.

Arab league members seem to have concluded that efforts to isolate and overthrow Assad have failed and that the current policy is making things worse. So long as the Syrian economy remains in ruins, more refugees will flow out of the country, the illegal drug trade will increase, and more Syrians will join radical groups. They argue that only engagement and a path for the traumatized Syrian people to rebuild their lives can begin to reverse these trends, and also undercut Assad's dependence on Iran.

The United States has already stated its opposition to normalization. The official U.S. position is that only compliance with U.N. Security Council Resolution 2254 — a 2015 resolution calling for democratic elections in Syria — can end the conflict and make it appropriate to normalize relations with the resulting Syrian government.² However, it also appears that unofficially, the United States is interested in the question of whether diplomatic outreach by neighboring countries could contribute to Assad making concessions on issues like drug trafficking, refugees, and humanitarian needs.³

H.R. 3202: ASSAD REGIME ANTI-NORMALIZATION ACT

H.R. 3202 intensifies economic sanctions on Syria that are currently in place under the 2019 Caesar Act. It also bans U.S. government recognition of Syria and requires U.S. opposition to normalization efforts by neighboring countries.

The bill intensifies existing Caesar Act sanctions in the following ways:

- Extending the sunset date for the end of Caesar sanctions by eight years, from the end of 2024 to the end of 2032.
- Adding to the list of transactions that are singled out as subject to sanctions.
- Requiring the executive branch to respond to requests from congressional committees to place sanctions on specified foreign nationals.

The legislation would also require the U.S. government to compile a list of individuals and entities in 14 neighboring countries who engaged in financial transactions greater than \$500,000

¹ In this video, then co-chair of the Syria Study Group and current Biden administration official Dana Stroul succinctly summarizes the policy. Dana Stroul, "Syria in the Gray Zone," discussion moderated by Melissa Dalton, Center for Strategic and International Studies, October 31, 2019, <https://www.youtube.com/live/MFsFOS5Odn0?feature=share&t=875>.

² "Secretary Blinken's Call with Jordanian Minister of Foreign Affairs Safadi," Office of the Spokesperson, U.S. Department of State, May 4, 2023, <https://www.foreignaffairs.com/articles/syria/2020-08-17/pointless-cruelty-trumps-new-syria-sanctions>.

³ Ali Harb, "Conundrum: How the US is dealing with Assad normalisation," *Al Jazeera*, May 19, 2023, <https://www.aljazeera.com/news/2023/5/19/conundrum-how-the-us-is-dealing-with-assad-normalisation>.

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in Assad-controlled areas of Syria, and provide a determination of whether such transactions should trigger U.S. sanctions.

With respect to neighboring countries' diplomatic relations with Syria, the legislation would:

- Ban U.S. recognition of the Assad regime and require the U.S. government to “actively oppose recognition or normalization of relations by other governments with any Government of Syria that is led by Bashar Al-Assad.”
- Require use of the full range of U.S. government powers to “deter reconstruction activities in any areas under the control of Bashar Al-Assad.”
- Require a U.S. government interagency strategy to oppose “any actions taken or planned by foreign governments to normalize, engage with, or upgrade political, diplomatic, or economic ties” with the Assad regime.

DISCUSSION AND RECOMMENDATIONS

Current U.S. policies of broad sanctions on the Syrian population and military/diplomatic pressure on Assad have been in place for over a decade, since the Syrian civil war began in 2011. ***These policies have failed to remove Assad from power, and there is no evidence that they will succeed in doing so now or in the foreseeable future.***

If years of war and sanctions could not dislodge Assad, then further sanctions will not do so.⁴ Sanctions are not effective in removing authoritarian regimes; rather they are known to strengthen the authoritarian state and weaken civil society.⁵ Decades of sanctions have failed to remove the regimes in Cuba, North Korea, Iraq, Venezuela, Iran, and Syria.

Even the drafters of H.R. 3202 recognize this. The bill extends the sunset date of the Caesar sanctions by eight years to 2032, indicating that they foresee Assad remaining in power.

While H.R. 3202 will not dislodge Assad, it will plunge Syrians into greater despair and undermine America's regional partnerships:

- By forcing the United States to oppose key regional partners like Saudi Arabia, Jordan, and the UAE, it will reduce U.S. influence in the Middle East and enhance the appeal of China and other alternative powers.
- Preventing economic reconstruction in Syria will prolong the agony of ordinary Syrian civilians, who suffer the major humanitarian impact of sanctions.

⁴ Joshua Landis and Steven Simon, “The Pointless Cruelty of Trump’s New Syria Sanctions,” *Foreign Affairs*, August 17, 2020, <https://www.foreignaffairs.com/articles/syria/2020-08-17/pointless-cruelty-trumps-new-syria-sanctions>.

⁵ Agathe Demarais, “Why Sanctions Don’t Work Against Dictatorships,” *Journal of Democracy*, November 2022, <https://journalofdemocracy.org/why-sanctions-dont-work-against-dictatorships/>.

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- Restricting the ability of neighboring nations to engage with Syria will allow Iranian and Russian influence to go unchecked.
- Without the prospect of engagement with neighboring nations, there will be less incentive for Assad to control cross border criminal activity, such as drug trafficking.

Broad-based economic sanctions such as those intensified by H.R. 3202 have disastrous humanitarian impacts. While ordinary civilians suffer, Assad's inner circle remains largely insulated from their effects.

A recent report by the European Parliament found that Syria is now one of the world's largest humanitarian disasters, with 70 percent of the Syrian people in need of assistance. While sanctions do contain humanitarian exemptions which theoretically permit the transfer of food and medicine, the report found that these humanitarian exemptions are extremely difficult to use and often ineffective due to the complexity and intensity of the sanctions.⁶

Moreover, sanctions exemptions are limited to basic humanitarian items and do not permit broader economic reconstruction. For example, humanitarian assistance does not support the repair or rebuilding of classrooms, hospitals, day care centers, sewage systems, water treatment plants, electrical generation, power transmission grids, road surfaces, or housing. A November 2022 United Nations report found that 90 percent of Syrians are living below the poverty line, food insecurity is widespread, and the impoverishing effects of broad-based sanctions violate the human rights of Syrian civilians.⁷

H.R. 3202 will also likely harm U.S. geopolitical interests in the Middle East. The legislation pressures the U.S. government to levy harsh penalties on citizens and governments in over a dozen of Syria's neighbors, should they engage with Syria.

For example, Section 4(a)(2) of H.R. 3202 requires the U.S. government to effectively audit the affairs of hundreds of millions of individuals and businesses in 14 neighboring countries to determine whether they engaged in any significant economic transactions in Syria, and sanction them if they did so. Alienating our regional partners in this manner will likely increase the attraction of working with China, which has no objection to a policy of engagement with Syria.

Engagement with Syria would permit U.S.-aligned regional powers to offer an alternative to Iranian influence in Syria. Economic engagement could incentivize Assad to cease destructive black-market activities such as drug trafficking. The regional refugee crisis also cannot be addressed if Syria remains isolated.

⁶ Gabija Leclerc, "Impact of sanctions on the humanitarian situation in Syria," European Parliamentary Research Service, June 2023,

[https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/749765/EPRS_BRI\(2023\)749765_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2023/749765/EPRS_BRI(2023)749765_EN.pdf).

⁷ "UN expert calls for lifting of long-lasting unilateral sanctions 'suffocating' Syrian people," Press Release, Office of the High Commissioner for Human Rights, November 10, 2022, <https://www.ohchr.org/en/node/104160>.

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Opposition to H.R. 3202 is not a call for the United States to normalize relations with Assad, recognize his government, or contribute to the reconstruction of Syria. It is simply a recognition that actively blocking our partners from engaging with Syria harms U.S. geopolitical and humanitarian interests. Regional engagement opens the door to improving humanitarian outcomes in Syria and enables Arab states to push back against Iranian influence — all at no cost to U.S. taxpayers. Conversely, by penalizing such engagement, H.R. 3202 damages our relationships with our partners and doubles down on a failed policy of keeping Syria in ruins that harms innocent Syrian civilians trapped under Assad's rule.

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