

A GUIDE ON: **THE LIST OF STATE SPONSORS OF TERRORISM**

The Secretary of State has the responsibility to designate countries as state sponsors of terrorism. This document outlines the legal framework, background, and applications of the State Sponsor of Terrorism (SPOT) List, addressing the following:

- How does a state get added to the SPOT list?
- What are the consequences of being on the SPOT list?
- When is a state removed from the SPOT list?
- SPOT list members and examples of their addition or removal from the list
- Reference list of current U.S. Government-designated foreign terrorist organizations

STATE SPONSORS OF TERRORISM (SPOT)

HOW DOES A STATE GET ADDED TO THE SPOT LIST?

The State Sponsor of Terrorism List began in 1979 under Section 6(j) of the Export Administration Act:

Section 6(j) of the Export Administration Act

(j) Countries supporting international terrorism

(1) A validated license shall be required for the export of goods or technology to a country if the Secretary of State has made the following determinations:

(A) The government of such country has repeatedly provided support for acts of international terrorism.

(B) The export of such goods or technology could make a significant contribution to the military potential of such country, including its military logistics capability, or could enhance the ability of such country to support acts of international terrorism.

(2) The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before issuing any validated license required by paragraph (1).

(3) Each determination of the Secretary of State under paragraph (1)(A), *including each determination in effect on the date of the enactment of the Antiterrorism and Arms Export Amendments Act of 1989* [added Dec. 12, 1989], shall be published in the Federal Register.

The Secretary of State designates states that have “repeatedly provided support for acts of international terrorism” as outlined in 22 U.S.C. §2656f:

(a) Requirement of annual country reports on terrorism

The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by April 30 of each year, a full and complete report providing—

(1)

(A) detailed assessments with respect to each foreign country—

(i) in which acts of international terrorism occurred which were, in the opinion of the Secretary, of major significance;

(ii) about which the Congress was notified during the preceding five years pursuant to section 2405(j) of the Appendix to title 50; and

(iii) which the Secretary determines should be the subject of such report; and

(B) detailed assessments with respect to each foreign country whose territory is being used as a sanctuary for terrorists or terrorist organizations;

(b) Provisions to be included in report

The report required under subsection (a) of this section should to the extent feasible include (but not be limited to)—

(1) with respect to subsection (a)(1)(A) of this section—

(A) a review of major counterterrorism efforts undertaken by countries which are the subject of such report, including, as appropriate, steps taken in international fora;

(B) the response of the judicial system of each country which is the subject of such report with respect to matters relating to terrorism affecting American citizens or

facilities, or which have, in the opinion of the Secretary, a significant impact on United States counterterrorism efforts, including responses to extradition requests; and
(C) significant support, if any, for international terrorism by each country which is the subject of such report, including (but not limited to)—

- (i) political and financial support;
- (ii) diplomatic support through diplomatic recognition and use of the diplomatic pouch;
- (iii) providing sanctuary to terrorists or terrorist groups;
- (iv) providing weapons of mass destruction, or assistance in obtaining or developing such weapons, to terrorists or terrorist groups;
- (v) the positions (including voting records) on matters relating to terrorism in the General Assembly of the United Nations and other international bodies and fora of each country which is the subject of such report;

...

(d) Definitions

As used in this section—

- (1) the term “international terrorism” means terrorism involving citizens or the territory of more than 1 country;
- (2) the term “terrorism” means premeditated, politically motivated violence perpetrated against noncombatant targets by subnational groups or clandestine agents;
- (3) the term “terrorist group” means any group practicing, or which has significant subgroups which practice, international terrorism;
- (4) the terms “territory” and “territory of the country” mean the land, waters, and airspace of the country; and
- (5) the terms “terrorist sanctuary” and “sanctuary” mean an area in the territory of the country—
 - (A) that is used by a terrorist or terrorist organization—
 - (i) to carry out terrorist activities, including training, fundraising, financing, and recruitment; or
 - (ii) as a transit point; and
 - (B) the government of which expressly consents to, or with knowledge, allows, tolerates, or disregards such use of its territory and is not subject to a determination under—
 - (i) section 2405(j)(1)(A) of the Appendix to title 50;
 - (ii) section 2371 (a) of this title; or
 - (iii) section 2780 (d) of this title.

Since 2004, the State Department has published the report described above as *Country Reports on Terrorism*. Prior to 2004, the publication was entitled *Patterns of Global Terrorism*. States designated in these reports as state sponsors of terrorism comprise the State Sponsor of Terrorism List.

North Korea was originally added to the list because of the bombing of KAL 858 in 1987, as well as the Rangoon attack. North Korea remained on the list for selling weapons to other terrorist groups and for harboring members of the Japanese Red Army¹ who hijacked an airplane in 1970.

Other examples of additions:

- Cuba was added to the list in 1982 for supporting revolutionary movements in Latin America.
- Iran was added in 1984 for outwardly funding and supporting various terrorist organizations.
- Syria was added in 1979 for its support of Hizballah.

¹ Since 2004, the State Department has not listed the Japanese Red Army as an active terrorist group.

WHAT ARE THE CONSEQUENCES OF BEING ON THE SPOT LIST?

Being designated a state sponsor of terrorism triggers sanctions under three different Acts:

Section 6(j) of the Export Administration Act

(j) Countries supporting international terrorism

(1) A validated license shall be required for the export of goods or technology to a country if the Secretary of State has made the following determinations:

(A) The government of such country has repeatedly provided support for acts of international terrorism.

(B) The export of such goods or technology could make a significant contribution to the military potential of such country, including its military logistics capability, or could enhance the ability of such country to support acts of international terrorism.

(2) The Secretary and the Secretary of State shall notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate at least 30 days before issuing any validated license required by paragraph (1).

(3) Each determination of the Secretary of State under paragraph (1)(A), *including each determination in effect on the date of the enactment of the Antiterrorism and Arms Export Amendments Act of 1989* [added Dec. 12, 1989], shall be published in the Federal Register.

(4) A determination made by the Secretary of State under paragraph (1)(A) may not be rescinded unless the President submits to the Speaker of the House of Representatives and the chairman of the Committee on Banking, Housing, and Urban Affairs and the chairman of the Committee on Foreign Relations of the Senate—

(A) before the proposed rescission would take effect, a report certifying that—

(i) there has been a fundamental change in the leadership and policies of the government of the country concerned;

(ii) that government is not supporting acts of international terrorism; and

(iii) that government has provided assurances that it will not support acts of international terrorism in the future; or

(B) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—

(i) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and

(ii) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

(5)

(A) As used in paragraph (1), the term “repeatedly provided support for acts of international terrorism” shall include the recurring use of any part of the territory of the country as a sanctuary for terrorists or terrorist organizations.

(B) In this paragraph—

(i) the term “territory of a country” means the land, waters, and airspace of the country; and

(ii) the term “sanctuary” means an area in the territory of a country—

(I) that is used by a terrorist or terrorist organization—

(aa) to carry out terrorist activities, including training, financing, and recruitment; or

(bb) as a transit point; and

(II) the government of which expressly consents to, or with knowledge, allows, tolerates, or disregards such use of its territory.

Section 40 of the Arms Export Control Act

(d) COUNTRIES COVERED BY PROHIBITION.—The prohibitions contained in this section apply with respect to a country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism. For purposes of this subsection, such acts shall include all activities that the Secretary determines willfully aid or abet the international proliferation of nuclear explosive devices to individuals or groups or willfully aid or abet an individual or groups in acquiring unsafeguarded special nuclear material.

(e) PUBLICATION OF DETERMINATIONS.—Each determination of the Secretary of State under subsection (d) shall be published in the Federal Register.

Section 620A of the Foreign Assistance Act

(a) PROHIBITION.—The United States shall not provide any assistance under this Act, the Agricultural Trade Development and Assistance Act of 1954, the Peace Corps Act, or the Export-Import Bank Act of 1945 to any country if the Secretary of State determines that the government of that country has repeatedly provided support for acts of international terrorism.

(b) PUBLICATION OF DETERMINATIONS.—Each determination of the Secretary of State under subsection (a), including each determination in effect on the date of the enactment of the Antiterrorism and Arms Export Amendments Act of 1989, shall be published in the Federal Register.

The prohibitions and sanctions outlined in the above Acts result in four main sets of U.S. Government sanctions:

1. A ban on arms-related exports and sales.
2. Controls over exports of dual-use items, requiring 30-day Congressional notification for goods or services that could significantly enhance the terrorist-list country's military capability or ability to support terrorism.
3. Prohibitions on economic assistance.
4. Imposition of miscellaneous financial and other restrictions, including:
 - Requiring the United States to oppose loans by the World Bank and other international financial institutions;
 - Exception from the jurisdictional immunity in U.S. courts of state sponsor countries, and all former state sponsor countries (with the exception of Iraq), with respect to claims for money damages for personal injury or death caused by certain acts of terrorism, torture, or extrajudicial killing, or the provision of material support or resources for such acts;
 - Denying companies and individuals tax credits for income earned in terrorist-list countries;
 - Denial of duty-free treatment of goods exported to the United States;
 - Authority to prohibit any U.S. citizen from engaging in a financial transaction with a terrorist-list government without a Treasury Department license; and
 - Prohibition of Defense Department contracts above \$100,000 with companies in which a state sponsor government owns or controls a significant interest.

WHEN IS A STATE REMOVED FROM THE SPOT LIST?

As described in the Export Administration Act, the Arms Export Control Act, and the Foreign Assistance Act, a country can have its designation as a state sponsor of terrorism removed if the President submits

- (1) before the proposed rescission would take effect, a report certifying that—
 - (A) there has been a fundamental change in the leadership and policies of the government of the country concerned;
 - (B) that government is not supporting acts of international terrorism; and
 - (C) that government has provided assurances that it will not support acts of international terrorism in the future; **or**
- (2) at least 45 days before the proposed rescission would take effect, a report justifying the rescission and certifying that—
 - (A) the government concerned has not provided any support for international terrorism during the preceding 6-month period; and
 - (B) the government concerned has provided assurances that it will not support acts of international terrorism in the future.

North Korea was removed from the SPOT list in 2008 under the second option:

“The Democratic People's Republic of Korea (DPRK) was not known to have sponsored any terrorist acts since the bombing of a Korean Airlines flight in 1987” (Country Reports on Terrorism 2007, State Department). “On October 11 [2008], the United States rescinded the designation of the Democratic People's Republic of Korea (DPRK) as a state sponsor of terrorism in accordance with criteria set forth in U.S. law, including a certification that the Government of North Korea had not provided any support for international terrorism during the preceding six-month period and the provision by the government of assurances that it will not support acts of international terrorism in the future” (Country Reports on Terrorism 2008, State Department).

Other examples of removals:

- Iraq was removed in 2004 after the Iraqi Interim Government began to take “law enforcement action to counter terrorist activity” and “worked closely with the Multi-National Forces-Iraq to combat terrorism in Iraq” (Country Reports on Terrorism 2004, State Department).
- Libya was removed in 2006 “as a result of the historic decisions taken by Libya's leadership in 2003 to renounce terrorism and to abandon its WMD programs” (Country Reports on Terrorism 2006, State Department).

SPOT list members:

- South Yemen 1979-1990
- Iraq 1979-1982; 1990-2004
- Lybia 1979-2006
- Syria 1979-present
- Cuba 1982-present
- Iran 1984-present
- North Korea 1988-2008
- Sudan 1993-present

**REFERENCE: U.S. Government Designated Foreign Terrorist Organizations:
(as of January 19, 2010)**

- Abu Nidal Organization (ANO)
- Abu Sayyaf Group
- Al-Aqsa Martyrs Brigade
- Al-Shabaab
- Ansar al-Islam
- Armed Islamic Group (GIA)
- Asbat al-Ansar
- Aum Shinrikyo
- Basque Fatherland and Liberty (ETA)
- Communist Party of the Philippines/New People's Army (CPP/NPA)
- Continuity Irish Republican Army
- Gama'a al-Islamiyya (Islamic Group)
- HAMAS (Islamic Resistance Movement)
- Harakat ul-Jihad-i-Islami/Bangladesh (HUJI-B)
- Harakat ul-Mujahidin (HUM)
- Hizballah (Party of God)
- Islamic Jihad Group
- Islamic Movement of Uzbekistan (IMU)
- Jaish-e-Mohammed (JEM) (Army of Mohammed)
- Jemaah Islamiya organization (JI)
- Kahane Chai (Kach)
- Kata'ib Hizballah
- Kongra-Gel (KGK, formerly Kurdistan Workers' Party, PKK, KADEK)
- Lashkar-e Tayyiba (LT) (Army of the Righteous)
- Lashkar i Jhangvi
- Liberation Tigers of Tamil Eelam (LTTE)
- Libyan Islamic Fighting Group (LIFG)
- Moroccan Islamic Combatant Group (GICM)
- Mujahedin-e Khalq Organization (MEK)
- National Liberation Army (ELN)
- Palestine Liberation Front (PLF)
- Palestinian Islamic Jihad (PIJ)
- Popular Front for the Liberation of Palestine (PFLP)
- PFLP-General Command (PFLP-GC)
- Tanzim Qa'idat al-Jihad fi Bilad al-Rafidayn (QJBR) (al-Qaida in Iraq) (formerly Jama'at al-Tawhid wa'al-Jihad, JTJ, al-Zarqawi Network)
- al-Qa'ida
- al-Qa'ida in the Arabian Peninsula (AQAP)
- al-Qaida in the Islamic Maghreb (formerly GSPC)
- Real IRA
- Revolutionary Armed Forces of Colombia (FARC)
- Revolutionary Organization 17 November
- Revolutionary People's Liberation Party/Front (DHKP/C)
- Revolutionary Struggle
- Shining Path (Sendero Luminoso, SL)
- United Self-Defense Forces of Colombia (AUC)

Legal Criteria for Designation as a Foreign Terrorist Organization:

- It must be a *foreign organization*.
- The organization must *engage in terrorist activity*, as defined in section 212 (a)(3)(B) of the INA (8 U.S.C. § 1182(a)(3)(B)), or *terrorism*, as defined in section 140(d)(2) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. § 2656f(d)(2)), or *retain the capability and intent to engage in terrorist activity or terrorism*.
- The organization's terrorist activity or terrorism must threaten the security of U.S. nationals or the national security (national defense, foreign relations, or the economic interests) of the United States.

Information in this document was compiled by Andrew Selman at the Korea Economic Institute, and drawn primarily from the State Department website, the State Department's Country Reports on Terrorism, Congressional Research Service Reports, and the U.S. Code.