



Declaration of the Russian State as a State Sponsor of Terrorism: Pros, Cons, and Realities

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Abstract: The full-scale invasion of Ukraine on February 24, 2022, ignited discussions about ways to curb Russia's ambitions in reshaping the post-WWII world order. This article critically examines the ongoing dialogue surrounding the potential designation of the Russian Federation as a state sponsor of terrorism. We will delve into both the arguments in favor and against this move while also exploring the current political outcomes of this contentious debate. Previously, we conducted a comparative analysis of the criteria for including countries in the U.S. list of state sponsors of terrorism and the activities of the Russian Federation. This article outlines the potential repercussions of such a designation, including restrictions on U.S. foreign assistance, a ban on defense exports and sales, controls over exports of dual-use items, and various financial and other restrictions. Sanctions penalizing countries and individuals for engaging in trade with designated states are of particular significance. The Russian Federation has already been recognized as a state sponsor of terrorism or a terrorist state/regime in Ukraine and the EU; hence, the main emphasis will be on the United States. This is due to the fact that resolutions from other states are often symbolic gestures with limited consequences, whereas inclusion in the U.S. Department of State's list can have a profound impact on Russia.

Keywords: war, conflict, aggression, full-scale invasion, state sponsor of terrorism, terrorist state, terrorism, genocide, Russia, Russian Federation, Ukraine.

Introduction

Since the launch of the full-scale invasion of Ukraine by the Russian Federation on February 24, 2022, Ukrainian officials and opinion leaders have been fervently

advocating for Russia to be recognized as a state sponsor of terrorism. This designation, as defined by the U.S. Department of State, pertains to “countries determined by the Secretary of State to have repeatedly provided support for acts of international terrorism,”¹ with a particular focus on their involvement in assassinations on foreign soil.²

Initially compiled in 1979, now the list includes countries such as Cuba, the Democratic People’s Republic of Korea (North Korea), Iran, and Syria. Several nations, including Iraq, Libya, South Yemen, and Sudan, have been added and later removed from the list.

In this article, our objective is to provide a comprehensive summary of the ongoing discussions regarding the designation of the Russian Federation as a state sponsor of terrorism in Ukraine, the European Union, and the United States. Subsequently, we will explore the potential pros and cons of such a decision, especially if made by the U.S. Government. It is crucial to recognize that such a determination could have far-reaching consequences for Russia and its trade partners in their bilateral relationships with the United States. While Ukraine and many EU countries and institutions have already taken a stance on this matter, the United States has, as of now, deferred making a definitive decision.

Given that the conflict in Ukraine is not confined to a local or regional scale but holds implications for the future global “rules of the geopolitical game,” any decision regarding the designation of the Russian Federation demands meticulous study. Such scrutiny is essential for formulating effective strategies to curb autocratic tendencies and uphold democratic values worldwide.

The Debate around the Designation of the Russian Federation as a State Sponsor of Terrorism

This day has once again underscored the urgent need for Russia to be officially recognized as a terrorist state. No other nation in the world poses as grave a terrorist threat as Russia. No state allows itself the horrifying liberty of daily decimating peaceful cities and jeopardizing ordinary human lives using cruise missiles and rocket artillery.³

With these resolute words, Ukrainian President Volodymyr Zelensky addressed the democratic world on July 14, 2022, the 141st day of the war, following a rocket attack on the city of Vinnytsia. This address was one of many impassioned pleas from Ukrainian leaders to the global community since February 24,

¹ “State Sponsors of Terrorism,” Bureau of Counterterrorism, U.S. Department of State, <https://www.state.gov/state-sponsors-of-terrorism/>.

² “Country Reports on Terrorism 2020: Democratic People’s Republic of Korea,” Bureau of Counterterrorism, U.S. Department of State, <https://www.state.gov/reports/country-reports-on-terrorism-2020/democratic-peoples-republic-of-korea/>.

³ “Address of the President of Ukraine, Volodymyr Zelensky, as of July 14, 2022,” Office of the President of Ukraine, <https://www.youtube.com/watch?v=audu13gxRcc>.

2022. Throughout this period, Ukrainian diplomats, politicians, public opinion leaders, and activists tirelessly campaigned for the maximal isolation of Russia, aiming to undermine its economic and military capabilities and thus halt the ongoing aggression.

How has this discussion unfolded? The assault on Vinnytsia was neither the first nor the last deliberate attack on Ukrainian civilians since 2014.⁴ According to Oleksandr Motyl, an American professor of political science at Rutgers University, such actions qualify Russia as a state sponsor of terrorism.⁵ Efforts to propel the issue of Russia's designation into the global political arena have been ongoing since the annexation of Crimea and the establishment of pseudo-republics in the Donetsk and Luhansk regions of Ukraine. Notably, Deputy Prosecutor General Viktor Shokin submitted a report to the head of the General Prosecutor's Office of Ukraine during that period. This report was subsequently forwarded to the Cabinet of Ministers and the Presidential Administration. Based on this document, the President's Administration crafted a corresponding decision and later presented it for voting in the Verkhovna Rada of Ukraine. However, only in May 2022 the Ukrainian Parliament formally passed the relevant legislation on this matter.⁶

Nonetheless, on January 16, 2017, Ukraine initiated legal action by submitting an appeal to the International Court of Justice, focusing on the application of the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination (Ukraine v. Russian Federation). In this application, Ukraine sought to "hold the Russian Federation accountable for its unlawful actions under the Terrorism Financing Convention and the International Convention on the Elimination of All Forms of Racial Discrimination, and to redress the harm caused to Ukraine and its people by Russia's illegal violations of their rights."⁷ Notably, unlike Georgia's case arising from the 2008 Russia-Georgia war, which was dismissed on jurisdictional grounds, the Court accepted the Ukraine v. Russia case in 2019. However, the Court observed that Ukraine "did not provide a sufficient

⁴ Olena Buchynska et al., *100+ Stories of Women and Girls from Russia's War Against Ukraine* (Friedrich Ebert Foundation Office in Ukraine, May 2022), <https://tinyurl.com/100StoriesGirlsUkraine> (Volume I), <https://tinyurl.com/100storiesWomenUkraine> (Volume II).

⁵ "Russia Has Become a Sponsor of Terrorism – a Review of the Media," *VoA News*, April 15, 2014, <https://ukrainian.voanews.com/a/1894108.html>.

⁶ The Law of Ukraine "On the prohibition of propaganda of the Russian Nazi totalitarian regime, the armed aggression of the Russian Federation as a terrorist state against Ukraine, symbols of the military invasion of the Russian Nazi totalitarian regime in Ukraine," May 22, 2022, <https://zakon.rada.gov.ua/laws/show/2265-IX#Text>.

⁷ International Court of Justice, "Application of the International Convention for the Suppression of the Financing of Terrorism and of the International Convention on the Elimination of all Forms of Racial Discrimination," January 16, 2017, <https://www.icj-cij.org/public/files/case-related/166/166-20170116-APP-01-00-EN.pdf>.

basis to find it plausible that the required *mens rea* elements with respect to the terrorism financing offenses, as well as underlying offenses, were present.”⁸

The political discourse intensified with the revelations of mass graves and testimonies of tortured civilians in places like Bucha, Motyzhyn, and other liberated territories across Ukraine. These distressing findings made it increasingly challenging to sustain the status quo in political discussions. In April 2022, Ukraine’s leadership initiated a systematic campaign to address these atrocities.

Simultaneously, most European countries initially exhibited reluctance to broach the matter, with exceptions among ex-Soviet republics or those historically under the influence of the USSR. These nations were the first to recognize the imminent threat to their existence, being considered part of Russia’s so-called “legitimate zones of interest.”⁹ Consequently, discussions at the highest European levels took on a new urgency.

On May 10, 2022, Lithuania made history as the first country, apart from Ukraine, to officially designate the Russian Federation as a sponsor of terrorism while also recognizing the genocide of Ukrainians.¹⁰ Paulius Saudargas, Deputy Speaker of the Seimas of the Republic of Lithuania, emphasized that “if more states recognize Russia’s actions as genocide and Russia as a terrorist state, more political will might emerge to expel Russia from all international formats, political, cultural, sports, etc. The countries that still doubt would be encouraged to adopt tougher sanctions, supply more weapons to Ukraine, etc.”¹¹ Following Lithuania’s lead, Latvia made a similar designation in August.¹²

In June, President Zelensky emphasized that since 2014, Russia had violated 400 international treaties and fundamental European documents.¹³ These included crucial agreements such as the UN Charter, the UN Convention for the Suppression of the Financing of Terrorism, the Convention on the Prevention and

⁸ “Order of the Court of Justice, par.75,” <https://www.icj-cij.org/files/case-related/166/166-20170419-ORD-01-00-EN.pdf>.

⁹ “Vladimir Putin, Address to the Russian Federation State Duma, August 16, 1999,” excerpted from BBC News Magazine; “Vladimir Putin: The Rebuilding of ‘Soviet’ Russia,” March 28, 2014.

¹⁰ “Lithuania Adopts Resolution Calling Russia ‘Terrorist State,’ Accuses Moscow of ‘Genocide,’” *RadioFreeEurope/RadioLiberty*, May 10, 2022, accessed August 8, 2022, <https://www.rferl.org/a/lithuania-resolution-russia-genocide/31842970.html>.

¹¹ Tatiana Vorozhko, “US Lawmakers Push Biden to Designate Russia a State Terror Sponsor,” *The Voice of America*, May 19, 2022, <https://www.voanews.com/a/us-lawmakers-push-biden-to-designate-russia-a-state-terror-sponsor/6580968.html>.

¹² “Latvia Designates Russia a ‘State Sponsor of Terrorism’ over Ukraine War,” *Reuters*, August 11, 2022, <https://www.reuters.com/world/europe/latvia-designates-russia-state-sponsor-terrorism-over-ukraine-war-2022-08-11/>.

¹³ Nadia Sobenko, “Russia Has Violated about 400 International Treaties, of Which Ukraine Is a Party” – Zelensky,” *Suspilne News*, June 10, 2022, <https://suspilne.media/248787-rosia-porusila-blizko-400-miznarodnih-dogovoriv-ucasniceu-akih-e-ukraina-zelenskij/>. – in Ukrainian.

Punishment of the Crime of Genocide, conventions regulating the laws and customs of war, the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Protection of Cultural Property in the Event of Armed Conflict, the UN Convention on the Elimination of All Forms of Racial Discrimination, the UN Convention on the Law of the Sea, the Helsinki Declaration, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Statute of the Council of Europe. President Zelensky's remarks were framed within the context of advocating for the maximal exclusion of Russia on the global stage.

During this period, Estonia, Latvia, Canada, Poland, the Czech Republic, and Ireland followed Lithuania's example by recognizing the genocide against Ukrainians through their national parliaments. Furthermore, on July 13, 2022, the European Commission issued a joint statement expressing support for Ukraine's proceedings at the International Court of Justice against the Russian Federation under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.¹⁴

However, despite these strong stances, achieving a visible consensus on designating Russia as a state sponsor of terrorism remained elusive. Piatras Aushtriavičius, a Member of the European Parliament from Lithuania, described the Vinnytsia attack as an act of state terrorism but acknowledged the difficulty of attaining widespread recognition for Russia as a terrorist state:

There is a risk that must be understood. In Europe, they think that the window for negotiations or for contacts must be kept open despite everything that is happening. This means that after recognizing a country as a terrorist, it will be difficult to negotiate with it. Therefore, it is hard to imagine that support on the part of some states will be enough to grant the status to the Russian Federation... I can't imagine it.¹⁵

The incident in Olenivka on July 29, where a separatist-controlled prison housing hundreds of Ukrainian detainees, including fighters who had surrendered to Russia in May at the Azovstal steel plant in Mariupol, was blown up, resulting in the tragic loss of at least 50 lives. This prompted President Zelensky to address the matter again on July 30, 2022. In his speech, he underscored that the formal legal recognition of Russia as a terrorist state, particularly by the U.S. Department of State, was not merely a political gesture but a crucial step for the effective defense of the free world. Zelensky argued that such recognition would complicate the existence of the terrorist state, disrupting numerous political and business ties that currently sustain it. He emphasized, "It will have to be done –

¹⁴ European Commission, "Joint Statement on Supporting Ukraine in Its Proceeding at the International Court of Justice," July 13, 2022, https://ec.europa.eu/commission/presscorner/detail/e%20n/statement_22_4509.

¹⁵ "Russia's Attack on Vinnytsia Was Named an Act of Terrorism in the European Parliament," *European Pravda (Truth)*, July 14, 2022, <https://www.euointegration.com.ua/news/2022/07/14/7143223/>. – in Ukrainian.

it's only a matter of time and the way of making this decision. And the sooner it happens, the less evil Russia will be able to do.”¹⁶

To demonstrate the seriousness of its intentions, the Ukrainian Parliament initiated the review of a draft law on the status of a terrorist state and a state sponsor of terrorism in September 2022. This legislation provides clear definitions for these terms:

- “A terrorist state is a state whose power is based on the systematic violation of the rights and freedoms of its citizens and citizens of other states on its territory, terror and intimidation, and the use of force against the civilian population of other states in violation of international law;”
- “A state sponsor of terrorism is a state that provides material and other assistance to a terrorist group that poses a threat to the national security of Ukraine or another terrorist state.”¹⁷

This legislative initiative reflects Ukraine's commitment to formalize its stance on state-sponsored terrorism and establishes a legal framework to address these critical issues.

The events in Olenivka prompted Latvian Minister of External Affairs Edgars Rinkevičs to urge the European Union to recognize Russia as a state sponsor of terrorism, drawing a comparison between Russia and ISIS.¹⁸ On August 11, the Latvian parliament officially recognized Russia as a terrorist state.¹⁹ Finally, in October 2022, the Council of Europe's Parliamentary Assembly adopted Resolution 2463 (2022), which calls for the Council Member States to “declare the current Russian regime as a terrorist one.”²⁰ The snowball started an avalanche.

¹⁶ “Recognition of Russia as Terrorist State Needed Not as Political Gesture, but as Effective Defense of Free World – Address of President of Ukraine,” *President of Ukraine Official Site*, July 30, 2022, <https://www.president.gov.ua/news/viznannya-rosiyid-erzhavoyu-terroristom-potribne-ne-yak-polit-76797>.

¹⁷ Parliament of Ukraine, “Draft Law on the Status of a Terrorist State and a State Sponsor of Terrorism,” September 6, 2022, <https://itd.rada.gov.ua/billInfo/Bills/Card/40380>.

¹⁸ Lili Bayer, “‘Call a Spade a Spade’ – Latvia Urges Terror Sponsor Label for Russia,” *Politico*, July 31, 2022, <https://www.politico.eu/article/latvia-russia-ukraine-war-state-sponsor-of-terror-edgars-rinkevics/>.

¹⁹ “Saeima Krieviju atzīst par terorismu atbalstošu valsti [The Saeima Recognizes Russia as a Country Supporting Terrorism],” *Diena*, August 11, 2022, <https://www.diena.lv/raksts/latvija/zinas/saeima-krieviju-atzist-par-terorismu-atbalstosu-valsti-14284320>. – in Latvian

²⁰ Council of Europe's Parliamentary Assembly, Resolution 2463 (2022) “Further Escalation in the Russian Federation's Aggression Against Ukraine,” October 13, 2022, <https://pace.coe.int/en/files/31390/html>.

In October 2022, the Estonian parliament declared the Russian Federation a terrorist state,²¹ and the Polish Senate recognized the Russian regime as a terrorist.²² In November, the Chamber of Deputies of the Parliament of the Czech Republic²³ followed Poland's example; the NATO Parliamentary Assembly unanimously adopted a resolution declaring Russia a terrorist state and calling for a Special International Tribunal to investigate its crimes;²⁴ the European Parliament declared Russia a state sponsor of terrorism;²⁵ and the parliament of the Netherlands²⁶ did the same, followed by the Sejm of the Republic of Poland in December.²⁷ In February 2023, Slovakia's National Council also declared Russia a terrorist state.²⁸ Finally, on July 4, the OSCE Parliamentary Assembly adopted a resolution recognizing the terroristic nature of the Wagner Group and the responsibility of the Russian Federation as the state sponsor of said terrorist organization.²⁹

At the same time, the discussion in the United States was even more vivid (and less productive). In April 2022, the Verkhovna Rada recognized the actions

²¹ Tristan Fiedler, "Estonian Parliament Declares Russia a Terrorist State," *Politico*, October 18, 2022, <https://www.politico.eu/article/as-the-third-country-to-estonia-declares-russia-a-terrorist-state/>.

²² "Polish Senate Recognises Russia as a Terrorist Regime," *Notes from Poland*, October 26, 2022, <https://notesfrompoland.com/2022/10/26/polish-senate-recognises-russia-as-a-terrorist-regime/>.

²³ "Lower House of Czech Parliament Recognises Russian Regime as Terrorist," *European Pravda*, November 16, 2022, <https://www.euointegration.com.ua/eng/news/2022/11/16/7150750/>.

²⁴ Alya Shandra, "NATO Parliamentary Assembly Designates Russia as a Terrorist State, Calls for Tribunal," *Euromaidan*, November 21, 2022, <https://euromaidanpress.com/2022/11/21/nato-parliamentary-assembly-recognizes-russia-as-terrorist-state-calls-for-tribunal/>.

²⁵ "European Parliament Declares Russia to Be a State Sponsor of Terrorism," *European Parliament News*, November 23, 2022, <https://www.europarl.europa.eu/news/en/press-room/20221118IPR55707/european-parliament-declares-russia-to-be-a-state-sponsor-of-terrorism>.

²⁶ "Dutch Parliament Declares Russia State Sponsor of Terrorism," *The New Voice of Ukraine*, November 25, 2022, <https://english.nv.ua/nation/dutch-parliament-declares-russia-state-sponsor-of-terrorism-50286671.html>.

²⁷ "Sejm uznał Rosję za państwo wspierające terroryzm [The Sejm Recognized Russia as a State Supporting Terrorism]," *Sejm Official Website*, December 14, 2022, <https://www.sejm.gov.pl/sejm9.nsf/komunikat.xsp?documentId=4774505381CECC10C1258918007022FA>.

²⁸ "Slovak parliament recognises Russian regime as terrorist and Russia as terrorism sponsor," *Ukrainska Pravda*, February 16, 2023, <https://www.pravda.com.ua/eng/news/2023/02/16/7389647/>.

²⁹ "OSCE Resolution on the Wagner Group's Terroristic Nature and Actions," adopted by the OSCE Parliamentary Assembly at the 30th Annual Session (Vancouver, 30 June – 4 July 2023), <https://www.oscepa.org/ru/dokumenty/ad-hoc-committees-and-working-groups/ad-hoc-committee-on-counterterrorism/4755-osce-pa-resolution-on-the-wagner-group-terroristic-nature-and-actions-30th-annual-session-2023/file>.

of the Russian Federation on the territory of Ukraine as genocide of the Ukrainian people.³⁰ It was then that President Zelensky first asked President Biden to include Russia in the list of the U.S. Department of State's state sponsors of terrorism.³¹ In response, U.S. State Department spokesperson Ned Price noted, "We're taking a close look at the facts."³² Here, it should be noted that recognition of genocide in Ukraine by the U.S. Congress took some time, even though such a step would not demand any additional harsh actions beyond those already taken by the United States in helping Ukraine to protect itself from Russian aggression.³³ In July, Senators Jim Risch, Ben Cardin, Richard Blumenthal, Roger Wicker, Jeanne Shaheen, Rob Portman, and Lindsey Graham introduced a bipartisan resolution passed in December 2022.³⁴ Representative Steven Cohen had earlier introduced a similar resolution.³⁵

However, the discussion regarding the designation of Russia as a state sponsor of terrorism indeed started earlier. On April 23, 2014, shortly after the annexation of Crimea and the commencement of the war in eastern Ukraine, a petition was launched on the White House website urging for Russia to be recognized as a state sponsor of terrorism:

In its unannounced war against Ukraine, Russia relies on covert operations which fall squarely within the definition of "international terrorism" under 18 U.S.C. § 2331. Specifically, armed operatives of Russia, acting under disguise, attempt to influence the policy of Ukrainian government by intimidation or coercion. They also try to affect the conduct of a government by assassinations and kidnapping, taking by force government buildings, police posts and military bases of Ukraine. This activity is being conducted on large scale and over prolonged time period, despite condemnation by the USA, G-7, NATO,

³⁰ Resolution No. 7276 on the Statement of the Verkhovna Rada of Ukraine "On the Commission of Genocide by the Russian Federation in Ukraine," as of April 11, 2022, <https://itd.rada.gov.ua/billinfo/Bills/Card/39411>.

³¹ John Hudson and Jeff Stein, "Zelensky Asks Biden to Designate Russia a State Sponsor of Terrorism," *The Washington Post*, April 15, 2022, www.washingtonpost.com/national-security/2022/04/15/zelensky-biden-russia-terrorism/.

³² Peter McLaren-Kennedy, "US Considering Labelling Russia a State Sponsor of Terrorism," *EuroWeekly News*, April 19, 2022, <https://euoweeklynews.com/2022/04/19/us-considering-labelling-russia-a-state-sponsor-of-terrorism/>.

³³ Todd Buchwald, "Genocide Determinations and Ukraine: A Q&A with Fmr. Ambassador Todd Buchwald," *Just Security*, June 14, 2022, <https://www.justsecurity.org/81903/genocide-determinations-and-ukraine-a-qa-with-fmr-ambassador-todd-buchwald/>.

³⁴ "Risch, Cardin Applaud Committee Passage of Ukraine Genocide Resolution," *Foreign Relations Committee*, December 7, 2022, <https://www.foreign.senate.gov/press/rep/release/risch-cardin-applaud-committee-passage-of-ukraine-genocide-resolution>.

³⁵ U.S. Congress, "H.Res.1205 – Recognizing Russian Actions in Ukraine as a Genocide," introduced June 24, 2022, <https://www.congress.gov/bill/117th-congress/house-resolution/1205/>.

EU and UN. Accordingly, Russia must be officially designated as “State sponsor of terrorism.”³⁶

The petition was signed by 105,684 individuals. The response to the petition expressed deep concerns regarding the destabilization of the situation in the region. It emphasized the sanctions that were being imposed on Russia, the importance of maintaining the possibility for dialogue with Russia, and included a warning: “If Russia continues to flout its commitments and continues its dangerous and destabilizing actions, then the costs to Russia will continue to rise.”³⁷

Four years later, on April 19, 2018, Republican Senator Cory Gardner addressed the U.S. State Department with the demand to include the Russian Federation in the list of state sponsors of terrorism for the poisoning of Russian intelligence officer Sergei Skripal.³⁸ However, this effort did not yield any results.

The full-scale invasion of Ukraine brought the question back onto the political agenda. In 2022, senators Richard Blumenthal (D) and Lindsey Graham (R) submitted a bipartisan resolution calling on the Secretary of State to designate Russia as a state sponsor of terrorism (S.Res.623).³⁹ “Putin is a terrorist, and one of the most disruptive forces on the planet is Putin’s Russia,”⁴⁰ explained Sen. Lindsey Graham of South Carolina. The Committee on Foreign Relations reviewed the resolution, and the Senate unanimously approved it.

The House of Representatives also took significant steps. First, congressmen Joe Wilson (R-SC) and Ted Lieu (D-CA) presented a resolution that served “as a companion to the Senate version introduced by Sen. Lindsey Graham (R-SC).”⁴¹ Later, on July 28, 2022, representatives Ted Lieu, Joe Wilson, Jared Golden, Adam

³⁶ “We Petition the Obama Administration to: Designate Russia as ‘State Sponsor of Terrorism,” *The White House*, April 23, 2014, <https://web.archive.org/web/20150323054145/https://petitions.whitehouse.gov/petition/designate-russia-state-sponsor-terrorism/XMjbTltM>.

³⁷ Response to *We the People* Petition on Russia, “We the People Ask the Federal Government to Take or Explain a Position on an Issue or Policy: Designate Russia as ‘State Sponsor of Terrorism,” *The White House*, December 5, 2014, <https://petitions.obama.whitehouse.archives.gov/petition/designate-russia-state-sponsor-terrorism/>.

³⁸ “Putin’s Poisons: 2018 Attack on Sergei Skripal,” *U.S. Embassy & Consulates in Italy*, April 11, 2022, <https://it.usembassy.gov/putins-poisons-2018-attack-on-sergei-skripal/>.

³⁹ “S.Res.623 – A Resolution Calling on the Secretary of State to Designate the Russian Federation as a State Sponsor of Terrorism,” introduced May 9, 2022; July 27, 2022, Resolution agreed to in Senate with an amendment and an amended preamble by Voice Vote, www.congress.gov/bill/117th-congress/senate-resolution/623/text.

⁴⁰ “Graham, Blumenthal Introduce Resolution on Russian State Sponsorship of Terrorism,” *Senator Lindsey Graham Official Website*, May 10, 2022, <https://www.lgraham.senate.gov/public/index.cfm/2022/5/graham-blumenthal-introduce-resolution-on-russian-state-sponsorship-of-terrorism>.

⁴¹ “Wilson and Lieu Introduce Bipartisan Resolution on Designating Russia as a State Sponsor of Terrorism,” *U.S. Congressman Joe Wilson Official Website*, May 12, 2022, <https://joewilson.house.gov/media-center/press-releases/wilson-and-lieu-introduce-bipartisan-resolution-on-designating-russia-as>.

Kinzinger, and Tom Malinowski⁴² introduced a bipartisan bill, H.R. 8568,⁴³ calling to designate Russia as a state sponsor of terrorism. In September, senators Lindsey Graham (R-SC) and Richard Blumenthal (D-CT) introduced a similar bill, S. 4848.⁴⁴

Thus, Congress sent a clear message of its readiness to take matters into its own hands if the State Department remains unwilling to act. This initiative garnered support from Nancy Pelosi, Speaker of the House, who described the designation as “long overdue.”⁴⁵ If enacted, these bills would bypass Secretary of State Antony Blinken and could even circumvent President Biden, should he choose to veto them.⁴⁶

Congress passing legislation [to effectively designate Russia as a state sponsor of terrorism] is obviously a more complicated route than the secretary making the designation, but it would give the administration the political cover it needs to escalate economic pressure and rhetoric against Putin.⁴⁷

The U.S. Constitution grants Congress the power to regulate foreign commerce, which includes imposing sanctions and modifying the rules governing the immunity of foreign state-owned assets. Currently, these aspects are regulated by several federal statutes: 1754(c)(1)(A)(i) of the Export Control Reform Act of 2018 (50 U.S.C. §4813(c)(1)(A)(i)), section 620A(a) of the Foreign Assistance Act of 1961 (22 USC §2371(a)), and section 40(d) of the Arms Export Control Act (22 U.S.C. §2780(d)). In 2023, Congressman Ted Lieu reintroduced the “Russia is a

⁴² “Reps Lieu, Wilson, Golden, Kinzinger and Malinowski Introduce Bill to Designate Russia as a Sponsor of Terrorism,” *U.S. Congressman Ted Lieu Official Website*, July 28, 2022, <https://lieu.house.gov/media-center/press-releases/rep-lieu-wilson-golden-kinzinger-and-malinowski-introduce-bill>.

⁴³ U.S. Congress, “H.R.8568 – Russia Is a State Sponsor of Terrorism Act,” introduced July 28, 2022, <https://www.congress.gov/bill/117th-congress/house-bill/8568/>.

⁴⁴ U.S. Congress, “S.4848 – Russia Is a State Sponsor of Terrorism Act,” introduced September 14, 2022, <https://www.congress.gov/bill/117th-congress/senate-bill/4848/text>.

⁴⁵ Andrew Desiderio, “‘Long Overdue’: Pelosi Affirms Support for Labeling Russia a Sponsor of Terrorism,” *Politico*, July 21, 2022, <https://www.politico.com/news/2022/07/21/pelosi-russia-sponsor-of-terrorism-00047162>.

⁴⁶ Ingrid (Wuerth) Brunk, “How Congress Should Designate Russia a State Sponsor of Terrorism,” *Just Security*, September 27, 2022, <https://www.justsecurity.org/83263/how-congress-should-designate-russia-a-state-sponsor-of-terrorism/>.

⁴⁷ Alexander Ward and Betsy Woodruff Swan, “Pelosi to Blinken: Label Russia as Terrorist State, or Else Congress Will,” *Politico*, July 20, 2022, <https://www.politico.com/news/2022/07/20/pelosi-to-blinken-label-russia-as-terrorist-state-or-else-congress-will-00047076>.

State Sponsor of Terrorism Act” H.R.3979,⁴⁸ initially introduced in September 2022.⁴⁹ None of these bills has been voted on yet.

However, the Biden Administration remains hesitant, with Secretary of State Antony J. Blinken considering it a currently irrelevant measure.⁵⁰ Moscow has already warned that such a designation would be a diplomatic “point of no return” in the relations between Russia and the United States.⁵¹ At a press conference in September 2022, President Joe Biden gave a short and clear answer to the question of whether Russia should be designated as a state sponsor of terrorism: “No.”⁵²

Despite the Biden Administration’s reluctance, Ukrainian authorities continue to press the issue. On the symbolic date of September 11, at the YES Conference, the Head of the Office of the President of Ukraine, Andriy Yermak, emphasized that recognizing the Russian Federation as a state sponsor of terrorism would serve as a “so-called silver bullet for the Russian military machine,”⁵³ while Michael McFaul added that this issue must be raised constantly. President Zelensky reiterated the importance of this designation in his speech at the United Nations General Assembly.⁵⁴

A year later, Ukrainian Ambassador to the United States, Oksana Markarova, noted that the specific term—whether “sponsor of terrorism,” “terrorist,” or “aggressor”—is not as important as the recognition itself. She emphasized that

⁴⁸ “Rep Lieu Introduces Bipartisan Bill to Designate Russia as a State Sponsor of Terrorism,” *U.S. Congressman Ted Lieu Official Website*, June 9, 2023, <https://lieu.house.gov/media-center/press-releases/rep-lieu-introduces-bipartisan-bill-designate-russia-state-sponsor>; “Bill to Designate Russia as State Sponsor of Terrorism Reintroduced in U.S. Congress,” *Ukrinform*, <https://www.ukrinform.net/rubric-politics/3720990-bill-to-designate-russia-as-state-sponsor-of-terrorism-reintroduced-in-us-congress.html>.

⁴⁹ “Graham, Blumenthal Introduce Russian State Sponsor of Terrorism Bill,” *U.S. Senator Lindsey Graham Official Webpage*, September 14, 2022, www.lgraham.senate.gov/public/index.cfm/2022/9/graham-blumenthal-introduce-russian-state-sponsor-of-terrorism-bill.

⁵⁰ Michael Crowley and Edward Wong, “Blinken Resists Push to Label Russia a Terrorist State,” *New York Times*, July 29, 2022, <https://www.nytimes.com/2022/07/29/us/politics/russia-terrorism-blinken.html>.

⁵¹ Mark Temnycky, “Will the United States Designate Russia a State Sponsor of Terrorism?” *Atlantic Council*, August 15, 2022, <https://www.atlanticcouncil.org/blogs/ukrainealert/will-america-designate-russia-a-state-sponsor-of-terrorism/>.

⁵² “Biden Does Not Support Designation of Russia as a State Sponsor of Terrorism,” *European Pravda (Truth)*, September 6, 2022, <https://www.eurointegration.com.ua/news/2022/09/6/7146228/>.

⁵³ “Designating Russia a State – Sponsor of Terrorism Will Be a ‘Silver Bullet’ for Its Military Machine – Andriy Yermak,” *President of Ukraine Official Website*, September 11, 2022, <https://www.president.gov.ua/en/news/viznannya-rosiyi-derzhavoyu-sponsorom-terorizmu-stane-sribno-77677>.

⁵⁴ “Ukrainian President Outlines Peace Formula That Punishes Aggression, Restores Security,” *UN News*, September 21, 2022, <https://news.un.org/en/story/2022/09/1127421>.

Ukraine is “actively working with Congress on various wording options, as well as with the administration.”⁵⁵ Secretary Blinken mentioned earlier that the administration is collaborating with Congress on labeling Russia an “aggressor state.” In an interview with CNN in December, Blinken explained, “We’re working with Congress right now on legislation that would help us get around some of the challenges of using the state sponsor of terrorism designation, which ... has some unintended consequences.”⁵⁶ However, Republicans have criticized this approach as being ineffective (toothless) against Moscow.

So, let us examine all the pros and cons voiced by politicians and experts from both camps.

“The Fight for the Right” – Reasoning of Those in Favor of the Decision

First and foremost, designating Russia as a state sponsor of terrorism is viewed as a just response to the numerous violations of international law committed by Russia over the past thirty years. Congressman Adam Kissinger emphasizes that the anticipated decision by the U.S. Department of State “will isolate the government (led by Putin) and its associates from the civilized world, branding Russia as a global pariah – akin to Cuba, Syria, North Korea, and Iran.”⁵⁷ This move is perceived as calling things by their true names, particularly when a nation involved in terrorism positions itself as a leader in countering terrorism. Notably, President Biden has openly referred to Putin as a war criminal,⁵⁸ and the International Criminal Court has already issued arrest warrants against the Russian President and Maria Lvova-Belova,⁵⁹ the Commissioner for Children’s Rights in the Presidential Office. Discussions are also underway regarding the establishment of a tribunal for the Russian leadership.⁶⁰

⁵⁵ “Markarova: Ukraine Is Working with the US Congress to Recognize Russia as a Terrorist State,” *Ukrinform*, February 10, 2023, <https://www.ukrinform.ua/rubric-politics/3668509-markarova-ukraina-pracue-z-kongresom-ssa-sodo-viznanna-rosii-krainoutoristorom.html>.

⁵⁶ Olafimihan Oshin, “Graham: US Should Designate Russia a State Sponsor of Terrorism,” *The Hill*, February 19, 2023, <https://thehill.com/homenews/sunday-talk-shows/3865483-graham-us-should-designate-russia-a-state-sponsor-of-terrorism/>.

⁵⁷ “The US House of Representatives Will Also Consider Recognizing Russia as a Sponsor of Terrorism,” *European Pravda (Truth)*, July 31, 2022, <https://www.euointegration.com.ua/news/2022/07/31/7144167/>. – in Ukrainian

⁵⁸ Myah Ward, “Biden Calls Putin a ‘War Criminal,’” *Politico*, March 16, 2022, <https://www.politico.com/news/2022/03/16/biden-russian-president-vladimir-putin-war-criminal-00017896>.

⁵⁹ “Situation in Ukraine: ICC Judges Issue Arrest Warrants against Vladimir Vladimirovich Putin and Maria Alekseyevna Lvova-Belova,” *International Criminal Court*, March 17, 2023, <https://www.icc-cpi.int/news/situation-ukraine-icc-judges-issue-arrest-warrants-against-vladimir-vladimirovich-putin-and>.

⁶⁰ “Ukraine War: MEPs Push for Special Tribunal to Punish Russian Crimes,” *European Parliament*, January 19, 2023, <https://www.europarl.europa.eu/news/en/press->

Second, the advocacy efforts of the Ukrainian leadership aim to limit Russia's ability to circumvent sanctions through secondary sanctions imposed on its trading partners. Labeling Russia as a state sponsor of terrorism would stigmatize the country. Thus, such a decision may have "a chilling effect on financial institutions that could avoid transactions with Russia that may be technically permitted, but institutions deem too risky to participate in."⁶¹ Currently, it is estimated that Swiss banks are still hiding over \$ 400 billion in illegal money linked to Russia. Bill Browder, head of the Magnitsky Global Justice Campaign, has claimed that Switzerland "wants to be seen as doing something while in reality doing nothing," continuing to profit from Russian assets.⁶²

The "chilling effect" may manifest itself in minimizing sanction avoidance by other economic actors, potentially limiting Russia's ability to finance the war. For example, Russia earned 4 billion pounds from diamond exports in 2021. Although the UK banned Russian diamonds after the full-scale invasion, most Russian diamonds are re-exported from India, making it difficult to establish their origin.⁶³ By prohibiting most trade operations, Russia's revenues from exports would decrease. As of 2023, Russia's oil exports by sea have almost returned to pre-invasion levels, so the designation could significantly cut the flow to primary buyers such as India and China.⁶⁴ Among the indirect impacts of such limitations might be an acceleration of the shift to a green economy. International companies still operating in Russia and seen as latent sponsors of terrorism will be forced to leave. "Adding Russia to the state sponsors of terrorism list would be the nuclear economic option and a precision strike against Putin's ego," said Jason Blazakis, a professor of practice at the Middlebury Institute of International Studies.⁶⁵ Cutting economic ties will affect Russia's technological development in the mid- and long-term, specifically due to the prohibition of access to advanced technologies.

Third, the designation is believed to strengthen Ukraine's negotiating position, "especially with regard to opening up the path to the seizure of substantial

room/20230113IPR66653/ukraine-war-meps-push-for-special-tribunal-to-punish-russian-crimes.

⁶¹ "State Sponsor of Terrorism Designations. Session 23 of the Congressional Study Group," *Brookings*, December 29, 2022, <https://www.brookings.edu/articles/state-sponsor-of-terrorism-designations/>.

⁶² "Hearing – Russia's Alpine Assets: Money Laundering and Sanctions Evasion in Switzerland," *Commission on Security and Cooperation in Europe (CSCE)*, July 18, 2023, <https://www.csce.gov/international-impact/events/russias-alpine-assets-money-laundering-and-sanctions-evasion-switzerland>.

⁶³ "What Are the Sanctions on Russia and Have They Affected Its Economy?" *BBC*, February 23, 2024, <https://www.bbc.com/news/world-europe-60125659>.

⁶⁴ Maria Grazia Attinasi et al., "Trade Flows with Russia since the Start of Its Invasion of Ukraine," *European Central Bank (ECB) Economic Bulletin*, no. 5 (2022), www.ecb.europa.eu/pub/economic-bulletin/focus/2022/html/ecb.ebbox202205_01~9a64e27f6f.en.html.

⁶⁵ Attinasi et al., "Trade Flows with Russia since the Start of Its Invasion of Ukraine."

sovereign assets.”⁶⁶ Delisting could become a valuable bargaining chip if the leadership changes and Russia becomes more open to dialogue with the West. The current government has remained deaf to all U.S. diplomatic efforts. This leverage could be used not only in exchange for reparations but also for democratic reforms in Russia itself, such as de-Putinization, de-oligarchization, denuclearization, demilitarization, restoration of free and fair elections, rule of law, respect for human rights and freedoms, and anti-corruption reforms. Similarly, the return of Russia’s voice in international organizations could be negotiated if it is finally denied its veto right in the UN or its voice in the OSCE due to the implementation of the two-stage penalty mechanism proposed by Ukraine.⁶⁷

The designation serves as “a warning shot to other bad actors,”⁶⁸ such as Pakistan, which has supported groups on the State Department’s list of foreign terrorist organizations. Not adding Russia to the list is a significant omission that sends a signal to global troublemakers, potentially leading to even greater challenges for international security in the long run.

“A Double-edged Sword” – Reasoning of Those Against the Decision

The countries on the list—Cuba, North Korea, Iran, and Syria—have historically not been major global economic or political players. While Russia may not be considered a top-tier economic nation, it distinguishes itself from this list due to its vast territory, substantial population (144 million people), and, notably, extensive natural resources, and the world’s largest stockpile of nuclear warheads. Severing diplomatic relations with such a significant nuclear power will bring a geopolitical shock with unpredictable consequences. However, it is important to note that North Korea, also a nuclear power, shares characteristics of unpredictability and unreliability with Russia.

Russian leadership reacts aggressively to attempts to designate Russia as a state sponsor of terrorism. On August 2, 2022, Russian Foreign Ministry spokeswoman Maria Zakharova stated that such a step could lead to a severance of diplomatic relations with the United States:

American legislators (...) have already begun developing what they consider “powerful weapons,” such as declaring Moscow a state sponsor of terrorism. Such an application of their own legislation, contrary to international law, may be viewed by senators and congressmen as some kind of severe punishment intended to force Russia to conform to the rules of the U.S.-invented

⁶⁶ “Everything You Wanted to Know about State Sponsor of Terrorism Status. A Comprehensive Explanation from the Yermak-McFaul Sanctions Group,” Special Project: Russia Is a Terrorist State, *Ukrainianska Pravda*, 2022, <https://www.pravda.com.ua/cdn/cd1/terroriststate/eng/#a10>.

⁶⁷ “Understanding Ukraine: Artur Gerasymov on How Ukraine Is Shaping Europe’s Security,” *Center for European Policy Analysis*, May 31, 2023, https://www.youtube.com/watch?v=1iA_6VzLuJk.

⁶⁸ Jason M. Blazakis, “Biden Should Swiftly Put Russia on Terror List,” *The Hill*, May 3, 2022, <https://thehill.com/opinion/national-security/3474481-biden-should-swiftly-put-russia-on-terror-list/>.

world order. At the same time, it is somehow forgotten that any action causes a reaction, and the logical result of such an irresponsible step could be a rupture of diplomatic relations, pushing Washington past the point of no return with all the ensuing consequences.⁶⁹

Moreover, the Russian Duma party “Just Russia – For the Truth” submitted a bill aimed at defining the procedure for recognizing states as terrorists and sponsors of terrorism. This bill foresees the limitation or severance of Russia’s diplomatic relations with countries designated as terrorist states and the confiscation of their citizens’ assets.⁷⁰ The criteria for designating a country as a state sponsor of terrorism include: (1) responsibility for organizing explosions or other actions aimed at terrorizing the population and creating a dangerous environment that may lead to human death; (2) causing significant property damage and supporting illegal military groups; and (3) calling for the alienation of part of Russia’s territory or advocating a violation of its territorial integrity. Consequently, in addition to being labeled a Nazi country without grounds, Ukraine (and other Western countries) might be falsely recognized as state sponsors of terrorism by the Russian Federation.

Some U.S. experts believe that increasing the gap between the United States and Russia will not benefit Ukraine, especially considering the unprecedented sanctions already imposed on Russia. “If Russia is now declared a sponsor of terrorism, which it is... in diplomatic language, this is a break in diplomatic relations. Russia has always sponsored terrorism, this is old news, it just started the Third World War. Ukraine is fighting for the whole world today,” said retired U.S. Navy Captain First Class Harry Tabach.⁷¹

Already visible war-related disruptions to the production and trade in the energy and agriculture sectors pose a threat to global energy and food supply security. Russia remains one of the top exporters of energy and agricultural commodities,⁷² yet it continues to act as a terrorist by breaching the grain deal.

Given that politics is the art of the possible, the rule that the United States has no formal diplomatic or commercial relations with designated states still leaves some room for communication. This was previously seen with Iran, where there was a carve-out for financial sanctions. Therefore, if cooperation with Russia on certain matters is deemed essential, there may be legal ways to ensure it,

⁶⁹ “The Ministry of Foreign Affairs Admitted the Severance of Relations with the United States When Recognizing the Russian Federation as a Country Sponsor of Terrorism,” *Interfax*, August 2, 2022, <https://www.interfax.ru/russia/854898>. – in Russian.

⁷⁰ “The Socialist-Revolutionaries’ Party Proposed a Project on States Sponsoring Terrorism,” *Ria News*, July 26, 2022, <https://ria.ru/20220726/terrorism-1805024884.html>.

⁷¹ “Press Briefing by Press Secretary Karine Jean-Pierre and Commerce Secretary Gina Raimondo,” *The White House*, September 6, 2022, <https://www.whitehouse.gov/briefing-room/press-briefings/2022/09/06/press-briefing-by-press-secretary-karine-jean-pierre-and-commerce-secretary-gina-raimondo/>.

⁷² Attinasi et al., “Trade Flows with Russia since the Start of Its Invasion of Ukraine.”

even if Russia is designated as a state sponsor of terrorism. For instance, in order to ensure agricultural and humanitarian exceptions, Congressman Lieu's bill provides that "nothing in this Act may be construed to provide for the imposition of sanctions against any person that engages in transactions to export agricultural products from Ukraine or to provide humanitarian assistance in Ukraine."⁷³ In addition, diplomatic contacts may continue within the framework of international organizations. Although Russia has been suspended from the UN Human Rights Council,⁷⁴ it continues to veto resolutions concerning its aggression⁷⁵ as a member of the UN Security Council, even holding the presidency in 2023.⁷⁶ Notably, its prior presidency in February 2022 coincided with the full-scale invasion of Ukraine. It is believed that designating a permanent Security Council member as a state sponsor of terrorism would be an unprecedented decision, potentially hampering international cooperation on global conflict and crisis management.

There is a fear that such a step will further alienate the Russian people from the West. According to a Levada Center opinion poll on the attitudes of Russians towards other countries conducted at the end of 2022, 73 % of respondents expressed a negative attitude towards the United States, 70 % towards Ukraine, and 68 % towards the EU. In contrast, there is a positive attitude towards China (87 %) and Belarus (92 %).⁷⁷ We believe that without profound societal changes, Russia will continue to be a disruptive rather than a constructive force in any such efforts. The current political regime is merely a reflection of deeply rooted problems. These changes necessitate more than formal reforms or ritual elections; they require a comprehensive redefinition of the notion of the "Russian nation" by the Russian people themselves. Presently, this concept is tainted by imperialism, colonial nationalism (rather than anti-colonial nationalism), known as patriotism, unfinished tasks in decommunization, especially destalinization, and a distorted sense of "greatness." In the 21st century, greatness should embody meanings other than engaging in genocidal wars for territories. "For millions of ordinary Russians, this is a badge of shame. We'd like to remind the Russian people that it's within their power to change this label."⁷⁸

⁷³ "Rep Lieu Introduces Bipartisan Bill to Designate Russia as a State Sponsor of Terrorism."

⁷⁴ "UN General Assembly Votes to Suspend Russia from the Human Rights Council," *United Nations*, April 7, 2022, <https://news.un.org/en/story/2022/04/1115782>.

⁷⁵ "Russia Vetoes Security Council Resolution Condemning Attempted Annexation of Ukraine Regions," *United Nations*, September 30, 2022, <https://news.un.org/en/story/2022/09/1129102>.

⁷⁶ George Wright, "Russia Assumes UN Security Council Presidency despite Ukrainian Anger," *BBC*, April 1, 2023, <https://www.bbc.com/news/world-europe-65146557>.

⁷⁷ "Attitude of Russians to Countries: November 2022," *Levada Center*, December 13, 2022, <https://www.levada.ru/2022/12/13/otnoshenie-rossiyan-k-stranam-noyabr-2022-goda/>.

⁷⁸ "What's in the Label of 'Terrorist State'? Everything," *The Group of the European People's Party (EPP Group)*, November 20, 2022, <https://www.eppgroup.eu/newsroom/opinions/what-s-in-the-label-of-terrorist-state-everything>.

The instrument of designating a country as a sponsor of terrorism was developed to exclude and isolate that country from international relations, but economic considerations are also important. The European Union's energy dependence on and trade ties with Russia impeded the designation. Concerns about potential destabilization in other regions and the fear of a new Cold War, which could escalate into the first and possibly last nuclear war in human history, further hinder the process. Despite the ten years that have passed since the Russian invasion of Ukraine in 2014, the EU remains entangled in an "energy trap," making it unable to impose sanctions on Russian gas, as it relies on it for about 40 % of its gas needs. Notably, significant importers of Russian oil, such as India and China, are G20 countries, and their interests must be taken into account. Although the United States considers China a threat, it is hesitant to escalate tensions, given China's current reluctance to support Russia's militaristic endeavors openly. Ultimately, a weakened Russia may align more with U.S. interests than a defeated one. Additionally, countries in Central Asia and Africa depend on Russia and Ukraine for their supply of agricultural commodities, particularly grain. The designation could lead to the collapse of the Eurasian Economic Union, negatively impacting the economies of Armenia, Belarus, Kazakhstan, and Kyrgyzstan. It is worth noting that Ukraine's case illustrates that reorientation to other partners can benefit a country. However, the decision may also harm the provision of humanitarian aid to Ukraine's territories.⁷⁹

White House spokeswoman Karine-Jean Pierre stated that such a step could lead to undesirable consequences for Ukraine and the world. These include weakening support for Ukraine, harming humanitarian efforts to facilitate food exports, and exacerbating the global food crisis. In addition, it could affect the negotiation process when the time for peace talks arrives.⁸⁰ An undesirable consequence of the designation is the overly cautious behavior of entities, where even permissible business operations might be perceived as too risky. This heightened caution could negatively impact agriculture commodities exporters and humanitarian aid providers, leading to increased food prices in countries dependent on these exports and affecting global prices of consumer goods.

As for the frozen assets, U.S. nationals will have the right to sue⁸¹ Russia with regard to cases when U.S. citizens lost their lives as a result of a broad range of crimes committed by the Russian Federation over the last three decades, not

⁷⁹ Anastasiya Gordiychuk, "Ukraine's Fight to Get Russia Designated as State Sponsor of Terrorism, Explained," *The Kyiv Independent*, October 18, 2022, <https://kyivindependent.com/ukraines-fight-to-get-russia-designated-as-state-sponsor-of-terrorism-explained/>.

⁸⁰ "Press Briefing by Press Secretary Karine Jean-Pierre and Commerce Secretary Gina Raimondo."

⁸¹ Saraphin Dhanani, "A Cautionary Tale: What Iran and Cuba Can Teach Us About Designating Russia a State Sponsor of Terrorism," *LawFare*, January 20, 2023, <https://www.lawfaremedia.org/article/cautionary-tale-what-iran-and-cuba-can-teach-us-about-designating-russia-state-sponsor-terrorism>.

only in Ukraine but worldwide, including in Chechnya, Georgia, and Syria. This could potentially erode the much-needed pool of frozen assets for Ukraine's reconstruction. It should be noted that Ukrainian claimants are not qualified to sue countries in U.S. federal courts.⁸² The Yermak-McFaul Sanctions Group argues that litigation against Russia under the state sponsor of terrorism exception to the Foreign Sovereign Immunities Act could be disallowed. Frozen funds of the Russian Central Bank and other assets could be excluded from litigation either through a Congressional bill or a decision by the administration to transfer funds to the Federal Reserve account.⁸³ A maximum limit for financial claims may be established. It is important to note that this argument does not withstand moral reasoning. While the American people have been helping Ukraine for decades—not only in its existential fight against Russia but also along its democratization path—mechanisms to secure justice for American victims' families⁸⁴ could be foreseen in the spirit of justice.⁸⁵

The designation may not achieve its intended goal of halting the war; instead, it could escalate the conflict by giving the aggressor nothing to lose. Opponents of the designation view the bargaining chip argument as a significant obstacle to Russia's reintegration into the global economic and political arena. Democratization of Russia is seen more as a wishful thinking symptom than a mid-term prospect. Removing a country from the list requires proving that it no longer meets the expanded criteria of a state sponsor of terrorism, which is "a difficult bar to clear, as the Kremlin is unlikely to radically change its behavior."⁸⁶ Furthermore, to delist Russia in the future, a presidential administration would need to win the support of the American people, who have shown strong support for Ukraine.⁸⁷ Waiving the designation may become a highly politicized process, although some states have been excluded from the list, as described above.

⁸² Ingrid (Wuerth) Brunk, "Russia Should Not Be Designated a State Sponsor of Terrorism," *Just Security*, July 11, 2022, <https://www.justsecurity.org/82262/russia-should-not-be-designated-a-state-sponsor-of-terrorism/>.

⁸³ "Everything You Wanted to Know about State Sponsor of Terrorism Status. A Comprehensive Explanation from the Yermak-McFaul Sanctions Group."

⁸⁴ Emily Mae Czachor, "2 Americans Killed While Fighting Russian Forces in Ukraine Identified," *CBS News*, July 25, 2022, <https://www.cbsnews.com/news/ukraine-russia-war-americans-killed-luke-lucyszyn-bryan-young/>.

⁸⁵ Delaney Simon and Michael Wahid Hanna, "Why the U.S. Should Not Designate Russia as a State Sponsor of Terrorism," *International Crisis Group*, August 4, 2022, <https://www.crisisgroup.org/united-states/why-us-should-not-designate-russia-state-sponsor-terrorism>.

⁸⁶ Simon and Hanna, "Why the U.S. Should Not Designate Russia as a State Sponsor of Terrorism."

⁸⁷ Andrew D'Anieri, "Americans' Support for Helping Ukraine Remains Strong. Just Look at the Polls," *Atlantic Council*, August 22, 2023, <https://www.atlanticcouncil.org/blogs/new-atlanticist/americans-support-for-helping-ukraine-remains-strong-just-look-at-the-polls/>.

The Final Word Is Yet to Be Said

The Minister of Foreign Affairs of Ukraine, Dmytro Kuleba, asserted that Ukraine “demanded, is demanding, and will demand the designation of Russia as a state sponsor of terrorism.”⁸⁸ Increased diplomatic and economic alienation of Russia may be viewed as an investment into Ukraine’s security in the long-term perspective. “Don’t worry about provoking Putin. Worry about beating him,” said Senator Lindsey Graham.⁸⁹

The pros of designating Russia as a state sponsor of terrorism encompass deterrence, heightened international pressure, and a symbolic rebuke. This move could discourage further aggression and disrupt Russia’s strategies, particularly in reshaping the global order. It may also curtail Russia’s economic capacity for military investments, serving as a symbolic stance against rising autocracies globally.

On the flip side, it may lead to an escalation of tensions, repercussions on U.S. allies, and adverse effects on the global economy. Terminating diplomatic relations with a major nuclear power could have unpredictable consequences, impacting nuclear non-proliferation efforts and global food and energy security. Additionally, there is a risk of eroding frozen assets intended for Ukraine’s reconstruction. Critics argue that while designation might be a substantial hurdle, it might not compel Russia to halt the ongoing war. Furthermore, the delisting process in the future would demand evidence of changed behavior and public support.

One should admit that Russia faces heavy sanctions even without its inclusion in the U.S. Department of State’s list. It should also be admitted that the so-called “deadly” sanctions have not stopped the war or severely undermined Russia’s economy as expected. However, the lack of agreement with the Biden Administration at this stage does not mean that Ukraine’s demand will never be met, as Ukrainian diplomacy has overcome many “Nos” in the past nineteen months.⁹⁰ If the resistance is overcome, in addition to political isolation and more severe economic sanctions, Russia will suffer significant reputation loss. Holding Russia accountable and ensuring it pays for damages is essential for

⁸⁸ “Ukraine Will Continue to Demand That the Russian Federation Be Recognized as a State Sponsor of Terrorism – Kuleba,” *Ukrinform*, June 9, 2022, www.ukrinform.ua/rubric-politics/3565928-ukraina-prodovzit-vimagati-sob-rf-viznali-derzavousponsorom-terorizmu-kuleba.html. – in Ukrainian

⁸⁹ Ivana Saric, “Lindsey Graham: U.S. Should Designate Russia State Sponsor of Terrorism,” *Axios*, February 19, 2023, <https://www.axios.com/2023/02/19/lindsey-graham-us-should-designate-russia-state-sponsor-of-terrorism>.

⁹⁰ Valeriya Shipulya, “Why Does the USA Not Recognize Russia as a Terrorist,” *Correspondent*, September 7, 2022, <https://korrespondent.net/articles/4513691-pochemu-ssha-ne-pryznauit-rossyui-terrorystom>. – in Ukrainian

Ukraine's reconstruction, which will require around \$ 1 trillion.⁹¹ Therefore, it is important to call a spade a spade and stand on the right side of history.

Disclaimer

The views expressed are solely those of the author and do not represent official views of the PFP Consortium of Defense Academies and Security Studies Institutes, participating organizations, or the Consortium's editors.

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⁹¹ Daniel Feldman et al., "Ukraine's Reconstruction," *Covington* (Global Policy Watch), July 7, 2023, <https://www.globalpolicywatch.com/2023/07/ukraines-reconstruction/>.