Negative Brief: Russia as State Sponsor of Terrorism

By “Coach Vance” Trefethen

***Resolved: The United States Federal Government should substantially reform its policy towards one or more countries in Europe***

The US State Dept can list nations officially as "State Sponsor of Terrorism" (SST). This brings some measure of shame and additional US sanctions against targeted countries. Only a handful of nations are so listed today: Cuba, Iran, N. Korea and Syria. Sometimes the SST designation is more of a political declaration that "We don't like you" or "we don't like your human rights policies" rather than any actual terrorism being perpetrated (e.g., Cuba). AFF believes Russia's global misdeeds along with its actions in Ukraine qualify it for SST designation. This brief shows why that's unnecessary and bad.

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Delaney Simon and Michael Hanna 2022 (Simon is Senior Analyst and Hanna is Program Director at The International Crisis Group, international research and advocacy group whose goal is preventing war) 4 Aug 2022 "Why the U.S. Should Not Designate Russia as a State Sponsor of Terrorism" (accessed 13 Sept 2022) https://www.crisisgroup.org/united-states/why-us-should-not-designate-russia-state-sponsor-terrorism

Proponents argue that with this track record, Russia should have been designated a long time ago. But the issues presented by the Russian situation are not so straightforward. While Secretary Blinken likely has the ability within the flexible parameters of the relevant authorities to designate Russia, if he did so he would muddy U.S. practice concerning what it does and does not consider to be terrorism, which already suffers from some inconsistency. (The struggle to define terrorism consistently is [not unique](https://www.pbs.org/newshour/nation/defining-terrorism-consensus) to the U.S.) The traditional U.S. approach to terrorism-related designations typically distinguishes terrorism from the conduct of hostilities by state security services – which is at the core of much of the evidence cited above – even when such conduct might violate the laws of war. Such concerns partly explain the [Pentagon’s resistance](https://www.nytimes.com/2019/04/08/world/middleeast/trump-iran-revolutionary-guard-corps.html) to designating Iran’s Islamic Revolutionary Guard Corps, a state organ, as a foreign terrorist organisation under the Trump administration. The concern in this regard is that doing so would establish a precedent and expose the U.S. and its partners to similar kinds of designations by adversaries in the future.

SOLVENCY

1. Russia-SST won't accomplish anything

We're already sanctioning the daylights out of Russia. SST sanctions won't have any additional impact

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There is little to suggest that designating Russia a state sponsor of terrorism will dissuade Moscow from its current course in Ukraine or anywhere else. Russia is already enduring some of the most sweeping sanctions ever imposed – and the [sanctions are still being ratcheted up](https://www.nytimes.com/live/2022/08/03/world/ukraine-russia-news-war#russia-putin-sanctions). Western states have condemned Russia’s actions in Ukraine, multilateral bodies have censured the Kremlin and the International Criminal Court is [investigating](https://www.icc-cpi.int/news/statement-icc-prosecutor-karim-aa-khan-qc-situation-ukraine-i-have-decided-proceed-opening) possible war crimes. While the desire to find new ways to pressure Moscow into ending the war or deter it from committing further atrocities is entirely understandable, there is little to suggest that this move will do either.

SST wouldn't add much because we're already heavily sanctioning Russia in Status Quo

Ingrid Wuerth 2022 (holds the Helen Strong Curry Chair in International Law at Vanderbilt Law School where she directs the Branstetter Litigation and Dispute Resolution Program) 11 July 2022 (accessed 13 Sept 2022) "Russia Should Not be Designated a State Sponsor of Terrorism" https://www.justsecurity.org/82262/russia-should-not-be-designated-a-state-sponsor-of-terrorism/

Countries so designated are sanctioned through restrictions on U.S. foreign assistance, a ban on defense exports and sales, certain controls over exports of dual use items, and miscellaneous financial and other restrictions. It is unclear that these sanctions would have much effect on Russia because Russia is already heavily sanctioned by the United States. For example, Russia receives no foreign assistance from the United States, there is already a ban on defense exports and sales, and Russia has already been subject to significant financial restrictions. As a State Department spokesman has [commented](https://www.cnbc.com/2022/04/19/us-is-taking-a-close-look-at-whether-to-label-russia-a-state-sponsor-of-terrorism-heres-what-that-means.html), “the sanctions we have in place and have taken are the same steps that would be entailed by the designation of a state sponsor of terrorism.”

No net benefits: Russia SST would do no good and possible harm. It's not the right way to punish Russia nor help victims

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Secretary of State Blinken should not designate Russia as a state sponsor of terrorism. And the U.S. Congress should not seek to force his hand. The U.S. government has already imposed crippling sanctions on Russia that have forced the country to [default on its sovereign debt](https://www.bloomberg.com/news/articles/2022-06-26/russia-defaults-on-foreign-debt-for-first-time-since-1918), so the sanctions-related implications of the designation might not be significant. Likely the most significant effect of designating Russia would be to allow litigation against it for acts of terrorism that have harmed U.S. citizens. In light of the ongoing war in Ukraine, the many people who have been harmed by it, and the limited resources available to remedy those harms, such litigation is at the very least premature and might never be a good way to punish Russia or to compensate victims.

DISADVANTAGES

1. Harms Ukraine victims

SST allows lawsuits against Russia that would take assets that ought to go to victims in Ukraine

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Frozen Russian assets might provide important leverage in any post-war settlement negotiations. They might also be used to compensate Ukrainian victims of Russian aggression or to help rebuild the country. As Chiara Giorgetti, Markiyan Kliuchkovsky, and Patrick Pearsall recently [explained](https://www.justsecurity.org/81558/launching-an-international-claims-commission-for-ukraine/), “[t]he Government of Ukraine [recently expressed its intension](https://www.president.gov.ua/en/news/proponuyemo-derzhavam-partneram-viznati-sho-rosiya-povinna-p-75221) to cooperate with interested Parties to establish an international commission… to adjudicate claims for compensation arising out of Russia’s actions.” Such a commission might use frozen Russian assets to provide compensation to war victims – the very same assets that could already be committed to plaintiffs in domestic lawsuits under the FSIA if Russia is designated as a state sponsor of terrorism.

2. Undermines pro-Ukraine/anti-Putin international coalition

Link: SST designation would undercut the anti-Putin coalition supporting Ukraine

Radio Free Europe/Radio Liberty 2022 ([US](https://en.wikipedia.org/wiki/United_States) government funded organization that broadcasts and reports news, information, and analysis to countries in [Eastern Europe](https://en.wikipedia.org/wiki/Eastern_Europe), [Central Asia](https://en.wikipedia.org/wiki/Central_Asia), [Caucasus](https://en.wikipedia.org/wiki/Caucasus), and the [Middle East](https://en.wikipedia.org/wiki/Middle_East) ) 7 Sept 2022 "White House Rejects Branding Russia A State Sponsor Of Terrorism” (accessed 13 Sept 2022) <https://www.rferl.org/a/russia-state-sponsor-terrorism-washington-ukraine/32022075.html> (brackets in original)

The White House says it would be counterproductive to brand Russia a state sponsor of terrorism, rejecting calls from Ukraine and some U.S. lawmakers to take the step. White House spokeswoman Karine Jean-Pierre said a terrorism designation was "not the most effective or strongest path forward" to hold Russia accountable for its ongoing full-scale invasion of Ukraine. "It would also undercut our unprecedented multilateral [coalition] that has been so effective to holding [Russian President Vladimir] Putin accountable and could also undermine our ability to support Ukraine" in negotiations, she told reporters at a briefing on September 6.

Brink: Anti-Putin / Pro-Ukraine coalition unity is on the brink of unraveling

Prof. Robert D. English 2022 (*Associate Professor and Director of Central European Studies at the Univ. of Southern Calif.*) 18 Aug 2022 "Western Unity on Ukraine Is Fragile, and Russia Knows It" (accessed 13 Sept 2022) https://nationalinterest.org/feature/western-unity-ukraine-fragile-and-russia-knows-it-204308

The West’s key achievements in confronting Russia—swiftly rallying in solidarity with Ukraine, hitting Moscow with crushing sanctions and supplying Kyiv with billions in armaments—may be at risk. Even as politicians reaffirm Western unity and pundits hail the impact of weapons sent to Ukraine, economic woes are poised to fracture that solidarity where it matters most—in the European Union. Paradoxically, the rising costs of war appear less sustainable for wealthy, democratic EU countries than they do for poor, isolated Russia. The bill is coming due, and Europeans are shocked at the privations they face to pay it: soaring energy costs, rationing, reduced aid for the poor, and looming recession. Disagreement over Ukraine aid triggered the recent [collapse of Italy’s ruling coalition](https://www.france24.com/en/europe/20220626-five-star-movement-split-over-ukraine-unsettles-italy-s-ruling-coalition), a [bad omen](https://www.theguardian.com/world/commentisfree/2022/jul/24/italy-mario-draghi-europe-eu-far-right) for other centrist European governments. The transatlantic unity that diplomats worked so hard to forge might soon unravel.

Impact: More aggression and lost freedom. Breakdown of opposition drops deterrence against more aggression

BBC News 2022 (British Broadcasting Corp.) "Ukraine war: Keep up unity amid war fatigue, says PM" 26 June 2022 (brackets added) (accessed 13 Sept 2022) https://www.bbc.com/news/uk-61938351

The [British] prime minister [Boris Johnson] gave the example of Germany, which is taking [emergency measures after Russia cut gas supplies](https://www.bbc.co.uk/news/business-61908998), saying: "They're making the effort, they're making the sacrifice. That's because they see the price of freedom is worth paying." He said the G7 and Nato were defending the principle that a free, sovereign country should not be "violently invaded and have its boundaries changed by force". "The price of backing down, of allowing President Putin to hack off parts of Ukraine, to continue with his programme of conquest - that price will be far, far higher and everyone here understands that," Mr Johnson said.

3. Dims hope of resolving conflict / Prolongs the war

SST label needlessly escalates tensions and conflict and hurts efforts to resolve

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Proponents of the state sponsor of terrorism designation hope it will further stigmatise and isolate Russia for launching a brutal war on its neighbour. But the concrete implications of a designation could be highly counterproductive – narrowing space for diplomacy if and when the moment for peace talks arrives, driving up already dangerously high tensions and impeding multilateral efforts to address conflict situations and humanitarian crises around the world.

SST designation would complicate efforts to negotiate Ukraine peace settlement

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Stretching U.S. practice to designate Russia as a state sponsor of terrorism could fuel Moscow’s claims of the designation’s illegitimacy and (for the reasons discussed below) could also make it more difficult to defend a rescission of the designation should the U.S. at some stage wish to take that step in order to advance a peace effort. It may also invite future pressure to use the designation authority on a broader range of states, with all the risks that would entail.

SST would hinder a peace settlement in Ukraine. That's what happened when we did it to Iran

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But the designation could still have substantial impact – particularly should the parties reach the point where they are ready for peace talks. Unfortunately, that impact could well be negative. While Western powers will likely be reluctant to rescind all of the sanctions they have applied since the first Ukraine invasion in 2014, Russia will almost certainly insist that some be rolled back, and Crisis Group [has recommended](https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/avoiding-even-worse-catastrophe-ukraine) that Ukraine’s partners be prepared to take some measured steps. Synchronising sanctions relief with the terms of a future peace deal will already be extremely challenging but the state sponsor designation would add a big obstacle. Russia will surely want to see it rescinded as part of any deal both because of its symbolism and because its persistence would make even partial economic normalisation much more difficult. Yet the same symbolism would make rescission very difficult for the U.S., as demonstrated by the controversy over the possibility of dropping Iran’s Revolutionary Guards from the foreign terrorist organisation list. Domestic resistance to the lifting of that designation significantly [complicated](https://www.crisisgroup.org/middle-east-north-africa/gulf-and-arabian-peninsula/iran/open-letter-us-and-iranian-leadership-about-iran-nuclear-deal) negotiations for the U.S. to return to the Iran nuclear deal.

SST would create lawsuits that could make a peace settlement resolution impossible to work out

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Opening up the U.S. courts to lawsuits against Russia could also have negative implications for the Ukraine conflict. As part of any future peace deal, Russia, if it has any standing to do so, is likely to insist upon the unfreezing of some if not all of its assets. That process would be much more complicated, and potentially impossible, if those assets were to be implicated in judicial awards or ongoing litigation. It is entirely possible that U.S. claimants will find a basis for pursuing legal action in the event Russia loses its sovereign immunity because of designation, not least because [U.S. citizens have been killed in Ukraine](https://www.cbsnews.com/news/ukraine-russia-war-americans-killed-luke-lucyszyn-bryan-young/). Frozen Russian assets could become politicised, with U.S stakeholders lobbying for their disbursement to U.S. victims instead of in service of a potential peace deal or reconstruction plan.

Sanctions on Russia make it harder for Putin to back down

Dr. William Ruger 2022 (Ph.D. in politics specializing in foreign policy, president of the American Institute for Economic Research) 5 May 2022 REASON magazine " William Ruger on Russia's Invasion of Ukraine" <https://reason.com/2022/05/05/william-ruger-on-russias-invasion-of-ukraine/> (accessed 23 June 2022)

The history of sanctions shouldn't leave anyone all that sanguine about their ability to effect the ultimate ends that you're trying to seek. Now, these sanctions may be extreme in many ways. If you impose essentially a financial blockade, they may have more bite. But the question is, do they actually cause what you're trying to achieve or do they make it much harder for Russia to stand down? You can imagine Putin and the Russian state not wanting to appear to cry uncle to this pressure. I think that's a real concern.

4. Dangerous US/Russia escalation

Link: SST designation is insulting and escalates tension with Russia, increasing risk of confrontation

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While designation would be intended to send a bracing signal of condemnation to Moscow, the message it sends could have more troubling dimensions. Moscow will at one level find the designation deeply insulting, not least because it views itself as at the forefront of countering terrorism. Thus, the Russian foreign ministry has [threatened to break off diplomatic relations](https://en.mehrnews.com/news/189831/Moscow-warns-against-complete-cut-of-relations-with-US) with the U.S. if such a decision is taken. Even more worrying is the prospect that President Putin could regard this move as an overt call for a change in Russia’s government – particularly given that one of the two statutory paths to rescission involves a change in the designated country’s leadership. U.S. President Joe Biden has [explicitly said](https://www.nytimes.com/2022/05/31/opinion/biden-ukraine-strategy.html) that the U.S. is not looking to force Putin from power. Yet this designation would give Putin something concrete to point to in disputing that claim, feeding his sense of grievance against the West and the related risk of confrontation.

Impact: Higher risk of war with Russia. Sanctions blur the line between war & peace, and can push us over the brink

Edward Chancellor 2022. (Masters of Philosophy in Modern History) “How sanctions against Russia could backfire” 26 May 2022 <https://www.reuters.com/breakingviews/how-sanctions-against-russia-could-backfire-2022-05-26/> (accessed 22 June 2022)

Early critics of economic restrictions had an even more worrying concern. Sanctions, they said, blur the line between the state of war and that of peace. It’s not clear at what point a sanctioned nation will consider an extra punishment to be an act of war. Billionaire investor George Soros told the Davos audience [this week](https://www.reuters.com/world/davos-soros-says-ukraine-may-be-start-world-war-three-2022-05-24/) that, in his view, World War Three was already under way.

5. Innocent Russians harmed

A. The Link: Sanctions punish ordinary Russian citizens while having no effect on Putin and his allies

Dr. Daniel Larison 2022 (contributing editor at Antiwar.com and former senior editor at The American Conservative magazine. Ph.D. in History from the University of Chicago) “We should’ve known sanctions on Russia wouldn’t work as intended” 17 June 2022 <https://responsiblestatecraft.org/2022/06/17/we-shouldve-known-sanctions-on-russia-wouldnt-work-as-intended/> (accessed 22 June 2022)

A recent Bloomberg [report](https://www.bloomberg.com/news/articles/2022-06-14/corporate-self-sanctioning-of-russia-has-us-fearing-economic-blowback?srnd=premium-middle-east#xj4y7vzkg) called attention to the unwelcome but predictable consequences of broad Russia sanctions: “But some Biden administration officials are now privately expressing concern that rather than dissuading the Kremlin as intended, the penalties are instead exacerbating inflation, worsening food insecurity and punishing ordinary Russians more than Putin or his allies.” These harmful effects of broad sanctions should not come as a surprise to anyone that has followed these issues closely, since this is what almost always happens when a country’s entire economy is targeted for punishment.

B. The Impact: Tens of millions of innocent people harmed while the guilty go untouched

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Often sold as a “low-cost” alternative to military conflict, broad sanctions in practice are an indiscriminate attack on an entire nation. They inflict punishment on tens of millions of ordinary people while leaving the wealthy and well-connected mostly untouched. In some cases, they create humanitarian crises all on their own, and in others, such as [Venezuela](https://responsiblestatecraft.org/2022/02/17/why-did-a-biden-official-deny-us-sanctions-humanitarian-impact-on-venezuela/), they greatly exacerbate existing crises and make them far deadlier than they would be otherwise. Sanctions are often imposed on countries under the de facto control of abusive authoritarian governments, which means that the people suffer twice over from those that rule them and outside powers that wage economic war in attempts to isolate those rulers. In every case, the people made to suffer for a given policy are in no position to change it, and sanctions tend to tighten the grip that authoritarian leaders have while the leaders’ domestic opponents are forced to scramble just to survive.

6. Global economic damage

Link: Sanctions on Russia cause global economic damage with no possible benefit

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The inability to change the behavior of a targeted government is even less surprising, since it is extremely rare for unfriendly authoritarian states to knuckle under in the face of U.S.-led pressure campaigns. The negative effects of these sanctions on Russia are bound to be greater and more far-reaching than in previous cases because Russia is a much bigger player in the global economy. The harsher the economic warfare becomes, the more it is going to harm the entire world.

Link: SST/Russia would disrupt numerous other national economies, with severe impacts

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Given the size of Russia’s economy, which dramatically exceeds that of the countries now on the state sponsor of terrorism list, the shocks of such a development to an already fragile global economy could be severe. Russia’s partners in the Eurasian Economic Union (Armenia, Belarus, Kazakhstan and Kyrgyzstan) are already concerned that a designation could lead the union, and the free trade zone within it, to collapse. These developments could destabilise Central Asian countries and Armenia and could also shake up Georgia, Türkiye and even some European Union member states whose economies have strong links to the Russian economy.

Impact: Humanitarian catastrophe. Poor countries suffer the side effects

Larry Elliott 2022 (economics editor) GUARDIAN (British newspaper) 2 June 2022 “Russia is winning the economic war - and Putin is no closer to withdrawing troops” <https://www.theguardian.com/commentisfree/2022/jun/02/russia-economic-war-ukraine-food-fuel-price-vladimir-putin> (accessed 23 June 2022)

In every multilateral organisation – the IMF, the World Bank, the World Trade Organization and the United Nations – fears are growing of a humanitarian catastrophe. The position is simple: unless developing nations are energy exporters themselves, they face a triple whammy in which fuel and food crises trigger financial crises. Faced with the choice of feeding their populations or paying their international creditors, governments will opt for the former. Sri Lanka was the first country since the Russian invasion [to default on its debts](https://www.theguardian.com/world/2022/may/19/sri-lanka-defaults-on-debts-for-first-time), but is unlikely to be the last. The world appears closer to a full-blown debt crisis than at any time since the 1990s.

7. Reduced international conflict mediation

SST/Russia would disrupt the working of the OSCE and UN Security Council, jeopardizing settlement of multiple global conflicts

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Security Council dynamics are already strained due to the deterioration of great-power relations and Russia’s invasion of Ukraine. The unprecedented designation of a permanent Security Council member may lead to more and worse complications. Such a move would also likely debilitate the Organization for Security and Co-operation in Europe, a body which has been [instrumental](https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/preserving-osce-time-war) in containing the conflicts that erupted after the Soviet Union dissolved. Multilateral gridlock would also have implications outside the Council, including in peace negotiations where Russia and the West have a common interest in stabilisation or even resolution. Existing processes such as the 5+2 talks in Moldova, the Geneva International Discussions on Georgia, negotiations on Nagorno-Karabakh and UN-led dialogue regarding Libya would be at acute risk. Prospects for negotiations leading to settlements elsewhere, such as in Syria or Mali, would become even bleaker.