



What are the Prospects the U.S. Authorities will Designate Russia a State Sponsor of Terrorism?

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In July, Speaker of the House Nancy Pelosi called on the U.S. Secretary of State to designate the Russian Federation as a state sponsor of terrorism. In response, Secretary Antony Blinken expressed scepticism as to whether such a step was needed, revealing differences between the administration and Congress on the issue. Including Russia on the list would have a number of legal and financial consequences, such as increased restrictions and opening a discussion on possible secondary sanctions against Russia.

Legal Framework. The U.S. list of state sponsors of terrorism is kept by the Department of State and governed by three bills: the Foreign Assistance Act of 1961, the Arms Export Control Act of 1976, and the National Defence Authorization Act of 2019. Currently, it includes Iran, [North Korea](#), Cuba, and Syria (Iraq, Libya, Sudan, and South Yemen were crossed out). A state is listed by the U.S. Secretary of State if it “repeatedly supports acts of international terrorism”. There is no uniform definition of this in the legislation, so the Secretary of State assesses the activity of a given state practically on a discretionary basis. Placing a state on the list results in the imposition of sanctions, including blocking U.S. foreign aid and arms exports, dual-use export controls, and financial restrictions. Violators face criminal and civil liability before U.S. courts. The president and indirectly members of the government, together with their departments are responsible for enforcing the sanctions. After consulting Congress, it is possible to obtain exemptions; for example, the president may consent to the granting of U.S. foreign aid if it is justified by humanitarian reasons or state security interests. In practice, it happens rarely.

Removal from the list is made by the president after reporting to Congress the justification (for example, with evidence that the state has ceased to support terrorist activities). It is a difficult step from a political point of view, and therefore also rarely taken (President Joe Biden still has not removed Cuba from the list, although he criticised the Trump administration for adding it during their term). Congress’ role in this procedure is not clearly stated in the

law, but experts point out that the powers to maintain the list are only delegated to the president and Secretary of State. This suggests that Congress may act on its own and put a country on the list, as well as oppose its deletion (explicitly, only one arms export legislation provides for such de-listing power).

Supporters and Opponents of Including Russia on the List.

In April 2022, Ukrainian President Volodymyr Zelensky appealed to President Biden to name Russia a state sponsor of terrorism. In May 2022, the Ukrainian parliament appealed to Congress with a similar message. Also in May, as part of a bipartisan initiative, U.S. senators and representatives submitted two identical draft resolutions to their respective chambers calling on the Secretary of State to initiate the procedure. The Senate’s draft was unanimously adopted on 28 July. Initially, Secretary of State Blinken did not rule out the possibility of recognising Russia as a sponsor of terrorism; however, after members of Congress submitted the draft resolutions, he stated that the current situation did not require such action and that the sanctions imposed so far went further than the terrorism list demanded.

Actions undertaken by Congress were accompanied by an expert debate in which there are voices supporting and against recognising Russia as a state sponsor of terrorism. Some experts believe that this would discourage companies from third countries from continuing business relations with Russia for fear of possible legal consequences in connection

to the U.S., for example, restrictions on importers of crude oil or agricultural products. This could translate into quickly blocking third countries from importing Russian hydrocarbons or other materials. On the other hand, there are arguments that it would hinder possible peace talks between Russia and Ukraine.

Potential Outcomes. The U.S. naming Russia a state sponsor of terrorism would be an expression of strong support for Ukraine, although it would have a limited practical dimension, primarily because Russia does not receive foreign aid from the U.S. and is already covered by an arms embargo and financial sanctions. Listing it would, however, open up a debate on the application of secondary sanctions imposed on entities outside the U.S. that are economically active in Russia. Such trade is only affected by such sanctions to a limited extent: under the [2017 CAATSA](#) and [2019 PEESA](#) bills, which focus on entities involved in the construction of the TurkStream and Nord Stream 2 gas pipelines. Russia's inclusion on the list also would oblige U.S. representatives in financial organisations such as the International Monetary Fund or the World Bank to vote against lending to Russia. Also, Russian citizens would not be able to obtain visas to the U.S. without an individual waiver from the Secretary of State.

Designating Russia as a state sponsor of terrorism would deprive it of immunity before U.S. courts. This would apply to all Russian actions indicated in the justification for the entry on the list, which, according to the Senate resolution, would include supporting groups committing acts of violence against civilians starting from the second Chechnya war, the armed conflicts in Georgia, Ukraine, Syria, Sudan, and Libya. Under U.S. law, however, Russia could only be sued by American citizens (direct victims of violence, but also relatives of those injured in the war in Ukraine), members of the U.S. armed forces, and federal officials. U.S. authorities could enforce compensation for verdicts unfavourable for Russia, for example, from the currently frozen Russian assets in the U.S.

Recognising Russia as a state sponsor of terrorism does not mean automatically severing diplomatic relations. The decision to lower the rank of relations or severing them will be a political decision, not forced by the enacted regulations. Russia may, however, react to the U.S. step by severing relations with it, which would hinder the already limited communication between the states, and in practical terms would affect, for example, negotiations with the Russian side

on the release of American citizens jailed in Russia. In response, the Russian authorities would most likely also designate the U.S. as a "terrorist state". However, this will not have clear international ramifications.

Conclusions. The likelihood that Russia will be designated by the U.S. as a state sponsor of terrorism is high because of the strong and bipartisan stance of Congress. Should such a step take place, it would be an important gesture of support for Ukraine and would increase the confrontational nature of U.S. policy towards Russia. It also would increase the chances of consolidating U.S. sanctions against Russia in connection with the difficulties with de-listing. It may also revive the debate on the recognition of Russia as a state sponsor of terrorism by the European Union, as called for by the Latvian foreign minister and as already done by the Lithuanian and Latvian national parliaments.

However, the adoption by Congress of the necessary legislation to introduce more serious secondary sanctions could be delayed, in part because of demands by the Biden administration. The disagreement between Congress (especially among its leadership from the Democratic Party) and the administration may point to a deepening discrepancy in the perception of U.S. foreign policy interests, [as was the case with Pelosi's visit to Taiwan](#).

Possible secondary sanctions that could be adopted post-listing would be problematic. They would make it more difficult for third countries to import Russian food products, deepening the food crisis that the U.S. government is trying to counteract. It also would not be in the interest of the Biden administration to interfere with the EU gas market in the short term. New impediments to third-party imports of LNG by European countries would result in increased prices of U.S. exports to the EU market, while an increase in export volumes by American companies would be impossible in the short term due to the lack of capacity for liquefaction and transport, which in turn would deepen the energy crisis in the EU.

The U.S. designating Russia as a state sponsor of terrorism is in Poland's interest, as it would increase the diplomatic isolation of the Russian Federation. In the event of the launch of secondary sanctions, Poland should seek to secure a temporary presidential waiver from the restrictions through the end of 2022 when it is to end the import of hydrocarbons from Russia.