

## Opinion – Is Russia a ‘Terrorist State’?

Written by Zachariah Parcels

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# Opinion – Is Russia a ‘Terrorist State’?

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ZACHARIAH PARCELS, FEB 26 2023

Three Baltic national legislatures denounced Russia as a “terrorist state.” Ukraine’s ambassador to the United Nations stated, “Russia has proven once again that this is a terrorist state that must be deterred in the strongest possible ways.” Further denunciations of Russia’s as a “terrorist state” by public officials and media have picked up momentum in recent weeks, with the intentional targeting of civilian infrastructure and reported instances of “murder and rape” by Russia’s infamous Wagner Group. These assertions reference Russia’s blatant targeting of civilians in recent weeks, such as the attack in Dnipro on 14 January that claimed at least 45 lives. However, the White House rejected labelling Russia as a state sponsor of terrorism as “not the most effective or strongest path forward”.

As there is no universal definition of terrorism, definitions of terrorism and terrorist actors vary and, at times, entail political connotations. For instance, the labelling and revoking of a terrorist designations in the case of Yemen’s Houthis reflects exogeneous circumstances and alternative approaches to the crisis. The Trump administration’s designation was in response to their actions against civilian infrastructure, namely the Saudi Aramco facility, while the Biden administration’s revocation reportedly reflects its diplomatic approach to Yemen’s humanitarian crisis. Amid the catastrophic loss of life and destruction inflicted daily on Ukraine by Russian forces, semantic discussions on the use of the word “terrorist” seem frivolous. By labelling Russia’s “terroristic” actions as “terrorism,” however, it conflates state and nonstate action, introducing further obscurity into a conflict and an international community already marred in disinformation.

Bruce Hoffman defines terrorism as “a revolutionary or antigovernment activity undertaken by nonstate or subnational entities...” (Hoffman 2006, 3, 40). He defines terrorism in contrast to the *régime de la terreur* (1793-94), a government instrument used to consolidate the new French regime through fear and intimidation. This definition’s use of nonstate or subnational (the latter is contextually synonymised by Hoffman; Hoffman 2006, 18) aligns with Boaz Ganor’s (2015, 8) definition: “a type of political violence in which a non-state actor makes deliberate use of violence against civilians to achieve political (national, socioeconomic, ideological, or religious) ends.” Daniel Byman (2020) also defines terrorism as a nonstate action.

On the contrary, Assaf Moghadam (2017, 8) defines terrorism as “premeditated, extra-normal violence against civilian or noncombatant targets, which is aimed at influencing a wider audience and achieving political ends through... fear.” Moghadam (2017, 8) adopts a family resemblance approach when defining his “Spectrum of Terrorist Actors” to include “states, formal terrorist and/or insurgent organizations, informal networks, and so-called terrorist entrepreneurs.” For example, Russia’s recent “kamikaze” drone strikes against civilian targets in Ukraine, according to this definition, are terrorism.

Though, this definition might be confusing as many, following Max Weber, legitimise and conceive states by their monopoly of violence or “the legitimate monopoly of physical violence” (Gerth and Mills 1958, 78; Stohl 2006, 4). Notwithstanding, Stohl (2006, 4–5) notes adopting a Weberian perception of the state does not preclude one from demarcating violence conducted by a state as “terroristic”; even “legitimate” (i.e., *de jure* legitimate) states, he posits, might abuse their legitimate means of force and violence by using illegitimate violence such as terrorism or mass killings. This aligns with the United States (US) legal code that incorporates “clandestine state agents” as terrorist actors (Byman 2020, 3). According to this definition, Saudi Arabia’s assassination of Jamal Khashoggi and North Korea’s assassination of Kim Jong Un’s half-brother would be deemed state terrorism. This might blur the lines

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between indirect state action, like proxy warfare or terrorist sponsorship, and direct state action (*i.e.*, acts of war; Byman 2020, 2-3). For example, Iran’s low-end cooperation between Hezbollah and Iran with *al Qaeda* (AQ), including aforementioned knowledge of the 11 September attacks, might be conflated with the Islamic Revolutionary Guard Corps’ (IRGC) unilateral political violence against civilian targets in foreign states (*i.e.*, inter-state action; Moghadam 2017, 195-221; Byman 2020). These are two separate phenomena.

Amidst Russia’s disinformation campaigns, “false flag” operations, and nonstate entities actively participating on the battlefield, this quagmire needs further clarity. First, this question on terrorist actors provokes, as phrased by Moghadam, an ontological and epistemological debate on our social reality and processes that frame international politics. This questions the agency of state and nonstate actors in international politics. Moghadam echoes the “agency diffusion” hypothesis, whereby agency is shifting away from state actors and towards nonstate actors, in other words, the state erosion argument (Moghadam 2017, 46). Nonstate actors are increasingly garnering the ability to exercise power in the international community, denoted by intersecting, eroding, and hybrid governance structures (O’Neill, Jörg Balsiger, and VanDeveer 2004, 149-175; Magen and Parcels 2021, 23-44; Moghadam 2017, 45-7). These structures maintain dispersion of authority among state and nonstate actors, whereby there is “governance without government” or non-Weberian governance (*i.e.*, without “consolidated statehood”) in areas where statehood is limited (Magen and Parcels 2021, 43). However, without denying nonstate actor’s agency and the increasing number of murky governance configurations, it might be a categorical hindrance to conflate “actors and actions of different magnitude” (Byman 2020, 2). Equating state and nonstate political violence is akin and as questionable as equating state and nonstate governance configurations, it is a question of scalability (Magen and Parcels 2021, 44). Further, lumping state and nonstate action might distract literature and policymakers from the agency, specifically the transformative power, terrorist organisations as a nonstate actor must produce to induce change in international politics.

Second, Ludwig Wittgenstein’s family resemblance approach might be applied to the question of what a terrorist actor is. This model does not dogmatically observe the core meaning of a word but implores “a complicated network of similarities overlapping and criss-crossing” (Wittgenstein & Anscombe 1986, 32). This approach permits a parity between the actions of states and nonstate terrorist actors with “transformative capacity” (Moghadam 2017, 46), whose actions exhibit common features albeit possessing relatively limited resources. Namely, states conduct inherently political, fear-inducing, premeditated extraordinary violence against civilians and/or noncombatants to influence a larger audience. Using this approach, the actions of state agents like *Guatemala’s Ejercito Secreto Anticomunista* (ESA) that eliminated government opponents by the thousands or the Bolshevik’s post-1917 use of terror to consolidate power might be characterised under the complex terrorist phenomenon (Stohl 2006, 8-9). However, as noted by Biletzki and Matar (2020), the family resemblance approach illuminates the lack of boundaries and vague implications of a term. This definitional ambiguity does not assist in understanding or combatting terrorism. This brings us to the third point.

Third, in addition to separating indirect and direct state action, Ganor (2002) notes that state violence against civilians is already forbidden under crimes against humanity and war crimes. More specifically, Russia’s intentional strikes against Ukrainian civilians is a violation of the principles of distinction and proportionality under international humanitarian law (IHL), as outlined in the Geneva Conventions and their Additional Protocols. For example, article 51(2) of Additional Protocol I states, “The civilian population as such, as well as individual civilians, shall not be the object of attack.” These principles require that parties to a conflict distinguish between civilian and military targets and limit attacks to military objectives. Additionally, the expected civilian harm must not be excessive in relation to the military advantage anticipated. In addition to what is stated above, the exact articles delineating these actions as war crimes are outlined in article 3 and 27 of Fourth Geneva Convention and article 13 of the Additional Protocol II. These articles provide specific rules for the protection of civilian persons and objects, and prohibit attacks that cause excessive harm to civilians. Lastly, war crimes and crimes against humanity are further enshrined in binding customary international law, namely it is fostered in state behaviour and *opinio juris* or the feeling of obligation.

There are also existing multilateral provisions, such as negative sanctions and the Responsibility to Protect (R2P), to protect populations from these serious IHL violations. This is already incorporated into Ganor’s classification of state involvement in terrorist acts, with states supporting terrorism (e.g., financial aid and military or operational aid) and

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states perpetrating terrorism (i.e., conducting terrorism through official bodies) as bookends. The latter Ganor favours defining as examples of war crimes and/or crimes against humanity, outside the purview of terrorism, denoted by nonstate action; he sees “terrorism” as “superfluous when describing the actions of sovereign states” (Ganor 2002, 289).

Fourth, and last, the role of transformative terrorist actors that manage to consolidate governance over a territory (i.e., a “proto-state; Lia 2015), such as Hamas post-2007 or the Afghan Taliban post-2021, questions Hoffman, Ganor, and Byman’s definitional framework. Once a terrorist organisation has consolidated governance and controls territory and conducts *de facto* state interactions, such as the Gazan government’s workings with Israel and Qatar for humanitarian aid, should their “terroristic” violence against their own civilian population be deemed terrorism? This is a grey zone. It seems theoretically consistent to denounce any consolidated government’s “terroristic” actions towards their civilians, regardless of their international legitimacy, as war crimes or crimes against humanity rather than terrorism. For example, the Afghan Taliban’s domestic “terroristic” actions might be seen as crimes against humanity as they have reached the *de facto* state level by maintaining a monopoly of violence. This, however, is a separate phenomenon to the case of Russia – a *de jure* legitimate state – conducting “terroristic” actions in Ukraine.

Estonia, Latvia and Lithuania’s denunciations of Russia as a “terrorist state” is not categorically helpful. Terrorism is a nonstate action. This distinction enables literature to study nonstate actors’ growing agency in international politics as a distinct phenomenon from state action. The latter point is substantiated by the already entrenched multilateral condemnations of war crimes and crimes against humanity. Thus, state-perpetrated terroristic actions, including Russia’s actions in Ukraine, should remain outside of the purview of terrorism and rather be condemned and prosecuted under IHL.

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### About the author:

**Zachariah Parcels** is a Ross Fellow and doctoral student in political science at Purdue University. He graduated from Reichman University with an MA in Government, specializing in counterterrorism and homeland security. He has authored and co-authored articles on international security topics and co-authored a book chapter on areas of limited statehood and the rule of law.