

There Is No Distinct Hezbollah 'Military Wing,' So Why Ban It?

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Focusing on just one facet of Hezbollah is a political distinction of convenience that will limit efforts to target the group's finances, but the EU ban is still a useful step.

By blacklisting Hezbollah's military wing, the E.U. took a long overdue step in the right direction: making clear to Lebanon's Party of God that it will pay a political price for continued acts of terrorism, crime and militancy. For decades, Hezbollah felt a measure of immunity given Europe's hesitancy -- until now -- to hold Hezbollah accountable for its illicit conduct given its political position within the delicately balanced Lebanese political system.

But by listing only Hezbollah's military wing, E.U. member states made a political distinction of convenience. Speaking in October 2012, Hezbollah Deputy Secretary General Naim Qassem was crystal clear on the subject: "We don't have a military wing and a political one; we don't have Hezbollah on one hand and the resistance party on the other...Every element of Hezbollah, from commanders to members as well as our various capabilities, are in the service of the resistance, and we have nothing but the resistance as a priority."

"Resistance" came to European soil last year in the form of a bus bombing in Burgas, Bulgaria, killing six people and injuring many more. The investigation's findings were partly released in early February, spurring a European debate about proscribing Hezbollah in whole or in part. For years, European countries had avoided any discussion on this topic. Some cited the fact that it had not carried out terrorist attacks on the continent since the 1980s, while others highlighted the group's social welfare activities and its status as Lebanon's dominant political party. According to some E.U. leaders, targeting Hezbollah's military and terrorist wings would have destabilized Lebanon even if the political wing were left untouched. European governments also worried that the peacekeeping troops they had

contributed to the U.N. Interim Force in Lebanon would be at risk, or that Hezbollah might retaliate against European interests, and that banning the military wing might somehow preclude political contact with, and leverage over, the group's political leadership.

While the Burgas investigation is ongoing, and some aspects of the case remain unsolved, investigators have definitively determined that Hezbollah carried out the attack based on forensics, telephone communications, and more. Some E.U. officials complained to the media that the evidence as presented to the E.U. was inconclusive, but under the evidentiary rules governing the E.U.'s designation process, the stated investigative conclusion of a country's "competent authority" -- such as that provided by Bulgarian officials -- is evidence enough.

Moreover, the designation was never about just one case. Far more evidence of Hezbollah's recent terrorist activities exists. In late March, a Cypriot court convicted Hossam Taleb Yaacoub -- a Swedish Lebanese citizen arrested just days before the Burgas bombing -- on charges of planning attacks against Israeli tourists. These two cases alone presented a more compelling argument for an E.U. designation than ever before.

Ironically, the designation was passed under the E.U.'s Common Position (CP) 931, which at its core is an asset forfeiture authority authorizing the freezing of a banned entity's assets -- it does not preclude contact with the group's members, nor does it include a travel ban. (Note that the ban on contact with Hamas is a product of the Quartet's restrictions, not the E.U. designation of Hamas as a terrorist group.)

The irony is that by limiting the designation to Hezbollah's "military wing," the E.U. effectively undermined its ability to seize any funds under this asset forfeiture regime. Hezbollah accounts in Europe are not likely to list as account holders "Hezbollah military wing." Legally, any funds tied to Hezbollah but not expressly linked to its military wing remain untouchable in Europe. Money being fungible, Hezbollah will likely continue soliciting funds in Europe but under the rubric of political and social activities. Siphoning off funds for less altruistic activities such as the group's militia or terrorist activities would not be difficult at all.

What then is the utility of blacklisting a "military wing" that is in fact indistinguishable from the rest of the organization?

Despite the formal focus on asset freezing, the most significant impact of the E.U. ban will be felt on other fronts. First, it will enable E.U. governments to initiate preemptive intelligence investigations into activities that can be tied in any way to Hezbollah's military wing, thus acting as a strong deterrent. Germany and a handful of other European countries have already conducted such investigations, but the designation will spur many others to do so. This alone is a tremendous change that should make Europe a far less attractive place for Hezbollah operatives. In fact, the day after the ban was announced, Israeli officials announced that they would begin providing E.U. law enforcement officials with intelligence materials to help with enforcement efforts.

Second, the ban is a strong means of communicating to Hezbollah that its current activities are beyond the pale, and that continuing to engage in acts of violence will exact a high cost. Previously, the group had been permitted to mix its political and social welfare activities with its terrorist and criminal activities, giving it an effective way to raise and launder money along with a measure of immunity for its militant activities. This week's designation makes clear to Hezbollah that international terrorism, organized crime, and militia operations will endanger its legitimacy as a political and social actor.

As for the financial angle, seizing significant amounts of Hezbollah funds is unlikely because the group's accounts are presumably registered under its nonmilitary names. But the ban will probably still curtail Hezbollah fundraising. Some of the group's members may be barred from traveling to Europe as member states become bolder in opening new investigations and consider issuing visa restrictions under their national authorities as a result. And Hezbollah leaders may unilaterally curtail certain activities on the continent as they assess the ban's full impact and try to cut

their losses at a time when the group is under severe international and domestic pressure.

If history is any guide, failure to respond in a meaningful way to Hezbollah terrorist plots in Europe would almost certainly have invited further Hezbollah attacks, and in fact Hezbollah does respond to strong measures. Ironically, in the past Hezbollah was severely constrained by an act of terrorism not of its own making. Al-Qaeda's September 11 attacks proved to be a turning point. Desperate not to be caught in the crosshairs of Washington's "war on terror," Hezbollah appeared to consciously decide to roll back its international operations and keep its efforts to strike at Israeli targets focused and limited. In the past few years however, this has changed. The U.S. State Department's annual terrorism report, released in May 30, noted a "marked resurgence" of Iranian sponsored terrorist activities, adding that "Iran and Hizballah's terrorist activity has reached a tempo unseen since the 1990s."

In addition to plots in Bulgaria and Cyprus, Hezbollah has conducted surveillance, planning, and related activities in Greece and other countries, engaged in a wide array of organized crime across the continent, and increased its military involvement in places where European interests are at stake, such as Syria. This operational uptick is cause for great concern among European law enforcement and intelligence agencies. As the U.S. State Department's coordinator for counterterrorism noted last year, "Hezbollah and Iran will both continue to maintain a heightened level of terrorist activity in operations in the near future, and we assess that Hezbollah could attack in Europe or elsewhere at any time with little or no warning." For these reasons, the E.U. designation is critical, in terms of both sending Hezbollah a message and giving E.U. member states the legal basis and motivation to investigate.

Matthew Levitt directs The Washington Institute's Stein Program on Counterterrorism and Intelligence and is author of the forthcoming book Hezbollah: The Global Footprint of Lebanon's Party of God

(<http://www.washingtoninstitute.org/policy-analysis/view/hezbollah-the-global-footprint-of-lebanons-party-of-god>). Jonathan Prohov is a research assistant at the Institute. ❖

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