

# Europe's Moment of Decision on Hezbollah

by [Matthew Levitt \(/experts/matthew-levitt\)](/experts/matthew-levitt)

Jul 22, 2013

## ABOUT THE AUTHORS



[Matthew Levitt \(/experts/matthew-levitt\)](/experts/matthew-levitt)

Matthew Levitt is the Fromer-Wexler Fellow and director of the Reinhard Program on Counterterrorism and Intelligence at The Washington Institute.



Brief Analysis

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**By leaping over longstanding technical and political hurdles and announcing a ban, the EU has forced both its member states and Hezbollah to view the group's activities on the continent in a new light.**

**A**fter months of often-acrimonious deliberations, senior European officials gathered today for a ministerial meeting in Brussels and announced that Hezbollah's military wing would be added to the EU's list of banned terrorist groups. The decision comes on the heels of two ambassador-level discussions over the past two weeks, and two previous meetings of the EU's CP 931 technical working group, named for Common Position 931, the union's legal basis for blacklisting terrorist groups. The ban is especially important because Hezbollah has resumed terrorist operations in Europe after years of financial and logistical support activities there. If history is any guide, failure to respond in a meaningful way would almost certainly have invited further Hezbollah attacks.

## THE PROCESS

**O**nce Britain formally proposed an EU ban, the CP 931 committee met to debate whether Hezbollah's military wing hit the threshold for designation, eventually concluding that it did. The committee is technocratic in nature and limited to the specific issue of terrorist activities, not foreign policy considerations -- its mandate lays out very clearly what types of activities are to be considered acts of terrorism and what types of information are to be considered as evidence.

Under Article 1(3) of CP 931, "terrorist acts" are defined as "intentional acts which, given their nature or context, may seriously damage a country or international organization and which are defined as an offence under national law." The text then lists examples, including "attacks upon a person's life which may cause death," the "manufacture, possession, acquisition, transport, supply or use" of weapons or explosives, and "participating in the activities of a terrorist group, including by supplying information or material resources, or by funding its activities in any way, with knowledge of the fact that such participation will contribute to the criminal activities of the group." For these

activities to constitute terrorist acts, "they must be carried out with the aim of seriously intimidating a population, or unduly compelling a government or an international organization to perform or abstain from performing any act, or seriously destabilizing or destroying the fundamental political, constitutional, economic or social structures of a country or an international organization."

The text is also very specific on what may be considered as evidence: "Common Position 2001/931/CFSP applies to persons, groups and entities involved in terrorist acts, when a decision has been taken by a competent authority in respect of the person, group or entity concerned. Such decision may concern the instigation of investigations or prosecution for a terrorist act, an attempt to carry out or facilitate such an act based on serious and credible evidence or clues, or condemnation for such deeds. A competent authority is a judicial authority or, where judicial authorities have no competence in the area, an equivalent competent authority."

The long-awaited results of Bulgaria's investigation into the July 2012 bus bombing in Burgas, partly released in early February, clearly fit the threshold of an investigation by a "competent authority," spurring spirited European debate about proscribing Hezbollah. The investigation determined that the group's military wing was behind the attack, which left six dead and was described as a sophisticated plot led by a cell that included Canadian and Australian citizens.

Some EU officials complained to the media that the Burgas evidence was inconclusive, but the designation was never about just one case. Far more evidence of Hezbollah's recent terrorist activities exists. In late March, for example, 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 EU designation than ever before.

According to some observers, the Bulgaria and Cyprus cases suggest that Hezbollah has returned to the continent after decades of operational hiatus. But Hezbollah never left Europe. For more than thirty years, the group's networks have continuously used the EU as a base to recruit members, raise funds, procure weapons, conduct surveillance, and, when feasible, conduct operations. Evidence of such activities from previous cases -- in Germany, Switzerland, Italy, France, and elsewhere -- was admissible under CP 931 rules, as was the information contained in Britain's previous unilateral proscription of Hezbollah's military wing. There is no statute of limitations under CP 931, nor any requirement that the terrorist activities in question occur in Europe.

Despite the committee's conclusion that Hezbollah's military wing had engaged in acts of terrorism, CP 931 findings do not automatically lead to a mandatory EU ban. Until the past few days, there was still no consensus among member states as to whether listing the group was good policy.

## THE DEBATE

**F**or years, European countries avoided any discussion of designating Hezbollah. 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 EU leaders, targeting Hezbollah's military and terrorist wings would have destabilized Lebanon even if the political wing was left untouched. European governments also worried that the peacekeeping troops they had contributed to the UN Interim Force in Lebanon would be at risk, 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. Still others conceded that there really is no separate military wing and wondered how Europe would be able to enforce a limited ban on one part of a unified organization (though they were loath to support the next logical step of banning Hezbollah in its entirety; [read more on the "wings" issue \(http://www.washingtoninstitute.org/policy-analysis/view/on-a-military-wing-and-a-prayer\)](http://www.washingtoninstitute.org/policy-analysis/view/on-a-military-wing-and-a-prayer)).

Yet a CP 931 designation only authorizes the freezing of a banned group's assets -- it does not preclude contact with the group's members, nor does it include a travel ban. (European officials are prohibited from meeting with Hamas members due to Quartet restrictions, not the CP 931 ban on that group's terrorist wing.)

## LIKELY IMPACT

**D**espite the formal focus on asset freezing, the most significant impact of the EU ban will be felt on other fronts. First, it will enable EU governments to initiate preemptive intelligence investigations into activities that can be tied in any way to Hezbollah's military wing. 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.

Second, the ban is a strong means of communicating to Hezbollah that its current activities are beyond the pale, and that continuing them 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. Today'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 governments become bolder in opening new investigations, and Hezbollah leaders may curtail certain activities on the continent as they assess the ban's full impact.

## CONCLUSION

**O**ver the past few years, Hezbollah has resumed operational terrorist activity in Europe in a manner not witnessed since the 1980s. In addition to Burgas and Cyprus, it 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 EU designation is critical, in terms of both sending Hezbollah a message and giving EU member states the legal basis and motivation to investigate.

*Matthew Levitt is a senior fellow and director of the Stein Program on Counterterrorism and Intelligence at The Washington Institute. Over the past several months, he has visited European capitals to press for a Hezbollah ban and recently testified on the subject before the EU parliament (<http://www.washingtoninstitute.org/policy-analysis/view/hearing-on-the-blacklisting-of-hezbollah-by-the-european-union>). His latest 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>), will be published soon. ❖*

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