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US 'Terrorist' Labelling of IRGC: A Futile Move?

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SYNOPSIS

On 8 April 2019, US President Donald Trump announced the designation Iran's Islamic Revolutionary Guard Corps (IRGC) as a Foreign Terrorist Organisation (FTO). This labelling is unprecedented and controversial, as IRGC is the first designated FTO that is a part of another government. It aggravates tensions between these two countries as well as creates new problems.

COMMENTARY

PRESIDENT DONALD Trump on 8 April 2019 controversially moved to label Iran's Islamic Revolutionary Guard Corps (IRGC) as a "Foreign Terrorist Organisation" (FTO). The IRGC was described as a proxy of the Iranian government that "actively participates in, finances, and promotes terrorism as a tool of statecraft". Before this designation, IRGC has already appeared on the US Specially Designated Nationals and Blocked Persons List (SDN List) and thus under several sanctions. But the FTO list, maintained by the US Department of State, is the first time Washington has tagged another country's military as a "terrorist group".

This will aggravate the already worsening relations between the US and Iran which immediately retaliated by labelling the US as a "state sponsor of terrorism" and US military forces as "terrorist groups". At present, there are 68 organisations on the FTO list, including Al-Qaeda and ISIS affiliates. IRGC, despite being a government body, is placed by the US government in the same group. Adding IRGC to the FTO list represents the Trump administration's obvious effort to put "maximum pressure on the Iranian regime". But will it work?

Who is IRGC?

IRGC, also known as Guardians of the Islamic Revolution, is Iran's elite military force founded in 1979, after Iran's Islamic Revolution. Its main responsibility is to guard the Islamic Republic and it reports directly to Iran's Supreme Leader. IRGC expanded drastically after Iraq's invasion in 1980 when the then Supreme Leader Ayatollah Khamenei assigned ground, naval and air forces to the group.

At present, IRGC has over 125,000 members, controls the paramilitary Basij militia, a volunteer-based force with around 90,000 active soldiers, and manages the foreign special operations, the Quds forces.

IRGC grew into a giant "military-industrial complex" and shows its presence in both political and economic spheres, covering military operations, intelligence network, construction, automotive, energy, telecommunications, real estate and even cross-board smuggling. It is reported that IRGC also controls Iran's nuclear and ballistic missile programmes.

FTO List and Sanctions Regime

The US Office of Foreign Assets Control (OFAC) maintains a comprehensive database, including the SDN, the master list that contains 14 sanctions regimes dealing with not only terrorism but also other illegal activities such as drug trafficking. The FTO list, as a symbolic way of combating terrorism, together with Specially Designated Terrorists list (SDT), Specially Designated Global Terrorists list (SDGT) and state-sponsors of terrorism list, plays an important role in the SDN sanctions scheme.

To be listed on the FTO list, an entity should be believed as meeting three conditions, including being foreign, engaging in terrorist activities, and threatening US national security or the security of US citizens.

Financial sanctions and immigration controls are legal consequences of the FTO designation. The designation makes it a crime to provide any "material support or resources" to IRGC, including tangible and intangible resources. It is prohibited to offer goods or services to the designated organisation, which include but are not limited to trading, lodging, financing, training, professional advice, facilities, and weapons. Persons from IRGC are banned from entering the United States. Assets of IRGC are required to be frozen by all American financial institutions.

Sanctions may also have a larger global impact. Some countries, such as Honduras, Latvia and Ivory Coast, comply with the US OFAC sanctions regime, while others, such as Malta, advise companies to consult US sanctions. Even non-US citizens who have connections with IRGC outside of the US may be subject to legal liability in the US.

Growing Tensions and Problems

The US designation provoked reciprocal actions from the Iranian government. As a response, Iran's top security council counter-designated US military forces as terrorists. Worries about possible retaliation rose. Iran's Foreign Minister Mohammad

Javad Zarif warned that the US will be responsible for “dire consequences”. He also cautioned that the designation will heighten tensions and instability in the Middle East.

On 21 April 2019, Iran’s Supreme Leader Ali Khamenei replaced the Head of Revolutionary Guards with General Hossein Salami, seen as a hardliner and has expressed Iran’s antipathy toward Israel publicly.

With the aim to push the Iranian government to stop its alleged support for terrorism and militant activities in the Middle East, how effective the designation will be is yet to be seen. But the designation creates additional problems. No waivers or exceptions were announced by President Trump initially, which means that it could be an offence for US troops and diplomats to speak or have any contact with Iranian government officials. This will add difficulties to their working with allies in the region.

Government officials, business executives who do business in Iran, and NGO staff providing humanitarian aid are all subject to travel ban. The US Secretary of State Mike Pompeo, on 24 April 2019, granted exemptions to the sanctions on IRGC, to eliminate factors that may complicate US foreign policy.

Diplomacy Better than War-Mongering

He said in two notices that the travel sanctions “shall not apply to any ministry, department, agency, division, or other group or sub-group within any foreign government” or to any group “solely based on its provision of material support to any foreign government sub-entity that has been designated as a foreign terrorist organisation”.

The waivers may weaken the effectiveness of the sanctions. Neither is there any indication that the Iranian government will succumb to the US pressures any time soon. On 19 May 2019, President Trump tweeted, “If Iran wants to fight, that will be the official end of Iran”. Foreign Minister Zarif responded by slamming Trump’s move as “genocidal taunts” amid the US administration coming across as divided over this policy.

While tensions have flared, apparently both sides do not want a war. The controversial step by the hawks in Trump’s policy team of designating a state actor as an FTO will probably prove fruitless. After all, Iran is far from a weak or fragile state. Dealing with the Iranian regime through diplomatic and multilateral channels is perhaps more effective than unilaterally labelling one of its government branches an FTO.

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