

the Quds Force alone.

That said, under the rule-of-law framework governing the EU, every decision is subject to judicial review. To the best of my recollection, this decision may be challenged within two months of notification by the IRGC itself or by one of its affiliated entities capable of representing it before EU institutions. However, there is a condition: the entity bringing the challenge must demonstrate that it has been adversely affected by the decision. For instance, the IRGC's Khatam al-Anbiya Construction Headquarters, which is a purely economic entity, might be a suitable candidate to challenge the measure.

Despite the deeply unfavorable political climate surrounding Iran, I would recommend pursuing such an appeal. Even though the Iranian government regards this action as contrary to international law, it should make every effort to have it overturned. In the past, the EU has shown that its judicial bodies, on balance, have a respectable track record of reviewing and at times striking down politically motivated decisions. It may therefore be possible to challenge this decision before the Court of Justice of the European Union, which has jurisdiction over appeals against decisions of the EU and the Council. The legal grounds for such a challenge can be grouped into four categories. First, it could be argued that the authority to adopt this decision was lacking or that a fundamental procedural rule was violated—for example, that the IRGC was not afforded an adequate opportunity to present a legal defense. Second, it could be demonstrated that core EU rules or treaties to which the EU is a party were breached. This decision is clearly at odds with the UN Charter, while EU decisions are not supposed to conflict with the Charter, given that all EU member states are UN members and, under Article 103 of the

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Charter, obligations arising from it take precedence over other international commitments. Third, it could be shown that the decision amounted to an abuse of power, driven more by political motives than by sound legal reasoning. And fourth, the applicant could challenge the factual basis of the listing and show that the underlying facts were based on misinterpretation or unfounded allegations.

It appears that this decision is certainly open to challenge and that there are substantial legal grounds for contesting it. In my view, both the government of the Islamic Republic of Iran and the IRGC should make use of the minimum legal avenues available within the EU itself to oppose this decision.

From the perspective of the international responsibility of states, could such an action provide a basis for Iran to bring a claim or seek compensation before international

bodies, or are there serious legal obstacles in this path?

As for the possibility of raising the matter before international bodies such as the International Court of Justice, it must be noted that these institutions do not enjoy compulsory jurisdiction. In each case, the basis of their jurisdiction must be carefully examined. With respect to the EU, such a basis is virtually nonexistent, as it is difficult to identify a treaty to which both the bloc and Iran are parties and that would allow the issue to be brought before the Court. Regarding individual member states—particularly Germany, which provided the initial foundation for this decision—it would need to be assessed whether there exists a treaty between Iran and that country recognizing the ICJ as a dispute-settlement mechanism. Nonetheless, this decision can certainly be raised within United Nations bodies such as the Security Council and the General

Assembly, and it is advisable to pursue that avenue as well, given the serious legal consequences and ramifications of the move.

If such a resolution were to be implemented, what concrete legal effects would it have on diplomatic relations, official missions, and institutional interactions between Iran and EU member states?

Imagine, in a hypothetical scenario, that Iran's armed forces, including the IRGC, were to become engaged with the armed forces of an EU member state. Under classical international law, international humanitarian law would apply in such a situation. But once a state labels part of another state's armed forces as terrorist, complex questions arise about the applicability of humanitarian law. For instance, if in a limited confrontation in the Persian Gulf, members of a French naval vessel were captured by Iranian forces, could

Troopers of the Islamic Revolution Guards Corps stand guard as the IRGC takes delivery of 100 high-speed boats in Bandar Abbas, Iran on May 28, 2020.

IRNA

the state that has designated the IRGC as terrorist reasonably expect its personnel to be treated as prisoners of war?

As you know, when an entity is designated as terrorist, one of the legal consequences is that its members are deprived of prisoner-of-war status if captured. These are just some examples of the serious and complex legal issues that the designation of the IRGC as terrorist could create—not only for the IRGC itself but also for European states. In other words, the consequences of this decision will not remain on paper, and the likelihood of significant legal complications—even for European governments—is very high.

The interview first appeared on IRNA in Persian.

Diplomatic deal still within reach

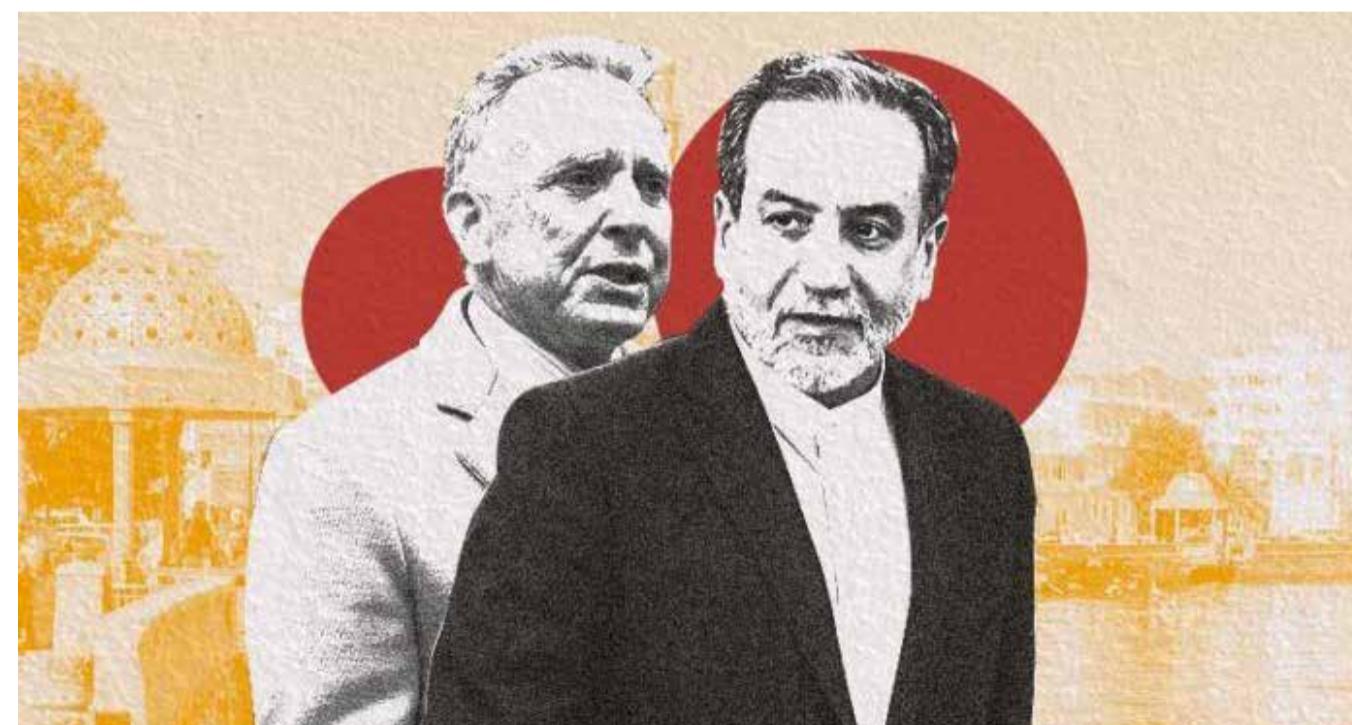


By Rahman Ghahremanpour
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OPINION

The US military buildup in the Persian Gulf serves both diplomacy and the possibility of confrontation with Iran. Under President Donald Trump's coercive diplomacy framework, these two approaches do not clash with each other; rather, they go hand in hand. As seen during Israel's 12-day war against Iran in June, Trump typically starts by calling for talks and a diplomatic deal, and if such an agreement falls through, he then turns to military action. From this perspective, the current US naval presence can be read as having both purposes.

That said, as a global power, the United States would need to secure at least a minimum level of justification in public opinion before launching any military action. In the case of Venezuela, the justification Washington pursued was alleged cocaine trafficking by the government of president Nicolas Maduro to the United States, the resulting threat to US security, and the deaths of American youth due to drug



The illustration shows Iranian Foreign Minister Abbas Araghchi (front) and US special envoy to the Middle East Steve Witkoff.

overdoses. In the case of Iran, it appears that Trump is seeking to follow a similar playbook:

first putting a diplomatic offer on the table and laying out conditions that are unlikely to be accepted by Iran, then telling the international community that Iran refused the deal and that military action has therefore become necessary. However, this does not mean that the diplomatic path has been completely shut down. A

diplomatic agreement remains possible, even though it would be extremely difficult. Achieving it would require, first and foremost, a shift in US policy and positions, followed by changes on the Iranian side. Several regional countries, including Turkey, have made efforts to open diplomatic channels between Tehran and

Washington. Unfortunately, regional states lack the leverage needed to influence White House policies in any meaningful way. At the same time, West Asian countries do not have a strong regional organization such as the European Union or ASEAN that carries significant weight in the global economy and politics. For this reason, I

view these regional diplomatic efforts with caution. Past experience, including the first Persian Gulf War, the invasion of Iraq, and strikes on nuclear facilities in Iran and Syria, as well as the overthrow of the government of Syrian president Bashar al-Assad, has shown that regional organizations in the Middle East unfortunately lack effectiveness and initiative, and are unable to alter Washington's policies.

At present, Sheikh Mohamed bin Zayed, the ruler of the United Arab Emirates, wields more influence in the United States than any other regional leader. This influence can be seen in his role in helping pave the way for peace between Azerbaijan and Armenia, as well as in the fact that, for the first time, trilateral talks between the United States, Russia and Ukraine were held in Abu Dhabi two weeks ago. At the next level, Saudi Arabia also appears to enjoy considerable clout in Washington for now. Therefore, if regional diplomacy is to gain traction, much will depend on the real decisions taken by Riyadh and Abu Dhabi regarding the current situation.

The article first appeared in Persian on IRNA.