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IRGC AND TERRORISM-RELATED SANCTIONS: WHY THEY FAIL, WHAT THEY ACHIEVE

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In June 2022, negotiations between the five permanent members of the UN Security Council, Germany, and Iran to revive the Iran nuclear agreement, known as the Joint Comprehensive Plan of Action (JCPOA), ended unresolved. A stumbling block during the talks was disagreement between the U.S. and Iran over the U.S. designation in 2019 of the Islamic Revolutionary Guards Corps (IRGC) as a foreign terrorist organization. Since then, motions and resolutions for a similar designation of the IRGC have advanced in the United Kingdom and several European Union countries, and recently Canada classified the IRGC as a terrorist entity. Iran's missile attack on Israel in April 2024, in response to Israel's fatal aerial strike on Iran's embassy in Damascus, has triggered even more demands, especially from Israel, for the IRGC to be designated as a terrorist entity.

Yet, the identification of the IRGC as such by the U.S., along with a range of prior sanctions imposed against the IRGC and against Iran, have done little to curtail the IRGC's extraterritorial behavior, or its ability to inflict casualties on Western allied forces in the Middle East. On the contrary,

the IRGC has been widely implicated in a recent surge in armed activity on the part of so-called Iranian proxies across what is known as the "axis of resistance," including the Hamas attack on Israel on October 7, 2023; the Houthi targeting of cargo ships in the Red Sea; Hezbollah's rekindled conflict with Israel in Southern Lebanon; and Iran's drone exports to Russia, as well as its missile attack on Israel. So, what *have* sanctions imposed on the IRGC accomplished—and what impact will additional sanctions or terrorist designations likely have on the IRGC's domestic and regional prospects, and on Iran as a whole?

A closer analysis reveals that the IRGC's terrorist designation is more complex than it seems on first inspection. This Brief argues that terrorism-related sanctions against the IRGC have failed to curb the IRGC's extraterritorial activity, and that there is no reason to believe that additional unilateral terrorist designations will lead to a change in the behavior of either Iran or the IRGC so far as support for its allies in the region is concerned. The main reason behind this particular failure of sanctions, it contends, is the untransparent and informal nature of the IRGC's extraterritorial activities.

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Sanctions *have* had a negative impact on the IRGC's domestic and mostly civilian business operations, and thereby on Iran's economy as a whole. The resultant economic hardship may encourage Iran to negotiate a more pressing matter for the West—its nuclear program—even as the IRGC's support for Iran's so-called proxies continues in the Middle East and beyond.

To support this argument, the Brief will first discuss the IRGC's evolving role in Iran, from a revolutionary militia to a dominant force in Iran's politics and economy. It then examines the history of sanctions imposed on Iran and the IRGC, and shows how the IRGC has internalized flexibility and informality as together defining its *modus operandi*, enabling its extraterritorial activities to largely avoid sanctions.

Finally, the Brief analyzes the indirect effect of sanctions on the IRGC's domestic business activities and on Iran's economy. Though sanctions have squeezed Iran economically, the Brief concludes that this has not been enough to compel the IRGC or the Iranian state to change course regionally or domestically—which calls into question the utility of a sanctions regime focused on the IRGC. With pressure mounting on other countries and organizations to designate the IRGC as a terrorist organization, it is crucial to better understand what such a move seeks and what, based on past experience, it is likely to achieve.

THE EMERGING ROLE OF THE IRGC

Over the past five decades, the IRGC has evolved from a revolutionary militia into a major political, economic, and military-security force in Iran and across the Middle East.¹ First and foremost, the IRGC is a military organization, which operates alongside Iran's regular army. Like many other so-called "revolutionary institutions" in Iran, it is responsible only to the Supreme Leader. In other words, the elected parts of the Iranian government—i.e., the presidential office and the Parliament—have no control over the IRGC. And in practice, the IRGC is more than just a second army. Beginning as a transitional militia after the Iranian Revolution of 1979, the IRGC transformed into a powerful military during the Iran-Iraq War (1980–88). As the ideologically committed portion of the military, the IRGC surpassed the regular army in prestige during and after that war.

Starting in the early 1990s, the IRGC involved itself in infrastructural development and other for-profit endeavors, expanded its security and policing apparatuses, and gained increasing influence over Iran's politics on both domestic and international levels. Building on the engineering equipment and the financial and human capital it had acquired during the Iran-Iraq War—and, more importantly, activating its already solid ties to the state—the IRGC became the main contractor for development projects all across Iran in the postwar period. Over time, it established large corporations, called "bases" in accordance with its military identity, that bid to take over state-sponsored projects and won those bids with the backing of the state. The IRGC was able to acquire projects easily at times when it

was close to the presidential office, and through lobbying, smear campaigns against private-sector companies, and even military threats otherwise.² Such tactics have given the IRGC near-monopoly control of the Iranian economy across all sectors, which in turn supports its various extraterritorial activities.

In addition to fighting conventional interstate wars and repressing domestic opposition through its Quds Force branch, the IRGC also plays a part in conflicts throughout the Middle East and beyond. Depending on Iran's current political alliances, the Quds Force trains, equips, and assists local militias in numerous countries, including Iraq, Syria, Lebanon, and Yemen, as well as in Gaza. It also has participated in asymmetric warfare in civil and transnational conflicts, such as in opposing the U.S. occupation of Iraq, joining the international alliance against ISIS, and serving with pro-Assad forces in the Syrian civil war. As such, the Quds Force pursues Iranian regional interests, mostly as defined by hardliners and the Supreme Leader's office, through any possible means—including those considered by the U.S. and international entities to be acts of terrorism.

IRAN AND THE IRGC UNDER SANCTIONS

Iran has been under a range of sanctions since shortly after the Iranian Revolution of 1979. Initiated by the United States, the European Union, and the UN Security Council (UNSC), sanctions have targeted Iran's nuclear program, ballistic missile program, and support for terrorism as well as domestic human rights abuses. The U.S. designated Iran a state sponsor of terrorism as early as 1984. In 1996, the U.S. Congress passed the Iran and Libya Sanctions Act in response to the two country's perceived threats to US national security. In the case of Iran, its nuclear ambitions and support of organizations such as Hamas and Hezbollah, which the U.S. considers terrorist organizations, were cited as reasons behind the concern.³ Renamed the Iran Sanctions Act in 2006, it has been renewed several times by successive U.S. administrations, and authorizes the U.S. president to impose a variety of financial sanctions against foreign entities who invest in Iran's oil sector or knowingly contribute to Iran's nuclear, biological, or chemical weapons programs.⁴ Amendments to the same act as well as many other large and small sanctions have been further imposed on Iran by the U.S., by other Western countries, and by international organizations such as the United Nations. Together with domestic corruption and mismanagement, these sanctions have increasingly crippled Iran's economy.

The 2015 Joint Comprehensive Plan of Action (JCPOA), an accord signed between Iran and the five permanent members of the UNSC and Germany to curtail Iran's nuclear

activity, provided some temporary relief when most of the international sanctions related to Iran's nuclear program were lifted. Long-lasting effects did not follow, however, as the U.S. unilaterally exited the JCPOA in May 2018. Despite European parties' continued commitment to the JCPOA, the reinstated U.S. sanctions made trade with U.S. allies around the world close to impossible (again), and Iran turned increasingly to China and, to a lesser extent, Russia as political and financial partners.⁵

In addition to these general sanctions against Iran, the IRGC has been specifically targeted by sanctions several times. The U.S. designation of the IRGC as a foreign terrorist organization (FTO) in 2019 and the subsequent sanctions were directed mainly at the Quds Force, in order to curb its activities against U.S. forces and allies in the Middle East. This was by no means America's first step toward this goal, however. In 2007, the IRGC's Quds Force, many of the IRGC's business operations, and a host of individuals associated with the IRGC were specifically sanctioned by the United States for involvement in either nuclear and ballistic missile programs or in activities supporting terrorist organizations. These rounds of sanctions imposed economic limitations on entities doing business with Iran in general and with the IRGC and its members in particular, if the transaction "knowingly" assisted Iran's alleged terrorist activities. They specifically prohibited U.S. citizens from doing business with the Quds Force and froze Quds Force assets in the U.S.

The main difference between the U.S. sanctions against Iran generally and the sanctions imposed in the wake of the IRGC's terrorist designation is that conducting business with the IRGC is considered criminal according to the latter attribution. Whereas the general, older limitations would deprive violating parties of certain financial benefits, the terrorist designation has added a punitive layer, enabling the U.S. government to prosecute those conducting intentionally harmful transactions with the IRGC, a major business agent in Iran.

Although the terrorist label provides a strong deterrent to doing business with the IRGC, it does not change the mechanism for pressuring Iran or the IRGC. All sanctions prohibit conducting legitimate business with designated Iranian state-related entities, but there is no way to monitor extralegal transactions. As with general sanctions, the terrorist designation does not effectively restrain IRGC's extraterritorial activity. In fact, many analysts pointed out the redundancy of the FTO designation shortly after its announcement.⁶ In an open letter published in April 2022, when Iran was negotiating with the Biden administration over delisting the IRGC as an FTO, Republican senators warned President Biden of the danger of such action by

pointing out that since the designation, the IRGC “has shown no meaningful change in conduct.”⁷

There is some evidence that before the recent surge in armed activity by so-called Iran proxies across the “axis of resistance” in the Middle East, the IRGC’s influence outside of Iran, particularly in Iraq, Syria, and Yemen, had subsided for a few years.⁸ Owing to the lack of conclusive evidence, however, it is difficult to say whether the change was caused by the decades-old sanctions or by the 2020 assassination of General Qassem Soleimani, the critically instrumental Quds Force commander. Regardless of what caused the decline, the recent and unprecedented surge of Iran-related armed incidents makes clear that the terrorist designations and a sanctions regime focused on the IRGC have not achieved their intended goals of halting Iranian support for its allies in the region.

Recent research argues that sanctions have in fact made Iran bolder and more aggressive toward the U.S. and its allies by fostering a “battlefield” mindset focused mainly on international security and domestic repression.⁹ In terms of extraterritorial armed activity, the IRGC has proved relatively immune to the added layers of sanctions that followed terrorist designation of the organization. Why have sanctions failed on this particular front, and what other effects have they had on the IRGC?

THE IRGC’S FLEXIBILITY IN EVADING COUNTER-TERRORISM SANCTIONS

The history of the IRGC gives us some hints as to why sanctions have not been as effective as their proponents hoped. The IRGC started like many other revolutionary institutions, relying on impromptu planning, local resources, and personal relationships of trust.¹⁰ Whereas most revolutionary institutions eventually grow closer to the ideal sort of rational bureaucracy, however, the IRGC preserved some of its reliance on direct, spontaneous action. Shortly after its formation, the IRGC participated in the new government’s violent crackdown on ethnic uprisings across the country, consolidating its informal method of direct action.

This same flexibility was further validated when Iraq invaded Iran in September 1980. Amidst the political turmoil in Tehran and the Iranian Army’s limited capacity for conducting efficient counteroffensives, the IRGC’s limited, high-casualty operations were embraced as a step forward. These limited operations relied precisely on the assets that a direct-action organization afforded: basic skills, improvisation to deploy unconventional methods and resources, and high motivation for action. Despite the expansion and bureaucratization of the IRGC that

followed the first year of the war, such characteristics were institutionalized in the organization’s modus operandi and continued to be used as needed.

More importantly for the current discussion, the IRGC’s extraterritorial operations—the subject of the U.S. and its allies’ terrorism concerns—resemble its early days of domestic activity. The Quds Force does not equip Iran’s state and non-state allies with billion-dollar aid packages, nor does it sell them high-tech aerial or ground warfare equipment. Rather, it exports its expertise in asymmetrical warfare to Lebanon, Syria, Iraq, Palestine, and Yemen, among other places: the military advice of commanders who have learned to fight flexibly and under cover; engineering skills by means of which rebels can equip themselves with improvised explosive devices; and low-skill combatants recruited through the IRGC’s expansive network, in return for meager sums of money. These activities are not easily preventable through formal monitoring mechanisms supported by sanctions.

Over the years, the IRGC has become adept at operating as a non-expert and hence undetectable force, and it continues to operate as such, especially outside of Iran. And even the most conspicuous and militarily advanced aid exported from Iran—drones and ballistic missiles—remains much smaller in size and simpler in technology compared with mainstream military transactions between, for instance, the United States and its allies across the world. Iranian drones are flying over Ukraine, and missile attacks against U.S. allies in the Middle East have only increased.¹¹ Given this situation, why and how have counter-terrorism sanctions continued as a strategy?

INDIRECT EFFECT OF COUNTER-TERRORISM SANCTIONS

After taking office, President Biden attempted to reinstate the JCPOA by restarting nuclear talks with Iran. In May 2022, after more than a year of working on an acceptable new draft, the IRGC’s designation as an FTO emerged as a major obstacle to returning to the deal.¹² Iran initially insisted on the IRGC’s delisting as a terrorist organization, but the Biden administration—under pressure both domestically (mostly from the Republican party) and internationally (from its regional allies, especially Israel)—refused.¹³ The terrorist designation served as a symbolic red line the administration was not willing to cross unless Iran addressed its terrorism concerns. The designation has also been an effective political tool to signal to its domestic and international critics the severity of the administration’s stance against the IRGC’s domestic and extraterritorial armed activity.

In addition to serving this symbolic function for the U.S., however, terrorism-related sanctions might have had a more tangible yet indirect effect, and that has to do with the IRGC's prominence in Iran's domestic economy. Over the years, the IRGC's dominance over Iran's economic sector has expanded, from developmental projects to fields as varied as energy, tourism, entertainment, media, electronics imports, and telecommunications. During the Ahmadinejad presidency (2005–13), for instance, the IRGC was in charge of hundreds of millions of U.S. dollars' worth of projects in the oil and gas sector alone.¹⁴ Many of these businesses required the IRGC to conduct foreign trade so as to import and export technology, expertise, goods, and raw materials.

Various rounds of sanctions targeting Iran's nuclear and ballistic missile programs, however—whether imposed by the U.S. or by the UNSC—significantly reduced oil sales and lowered the governmental income that financed these endeavors. By making business deals with the IRGC and its affiliates illegal, terrorism-related sanctions by the U.S. further deterred international business partners, thus limiting the IRGC's domestic business operations. Nonetheless, this has not closed all doors to Iran's foreign business transactions. For countries that have chosen or been forced to diversify their trade relations away from the U.S. and the West, Iran sanctions have not been a strong deterrent, which is why China and Russia have continued their transactions with Iran.

Some analysts have argued that the IRGC is not only evading sanctions in general, especially those that the JCPOA aimed to remove, but actually benefiting from them.¹⁵ The rationale is as follows: Sanctions have enabled IRGC businessmen and their political patrons to first, replace foreign companies that used to invest in Iran before the tightening of the sanctions, and second, benefit from additional opportunities for corruption that extralegal routes for business create. As civilian entities such as Iran's National Oil Company faced trouble selling oil through conventional channels, for example, powerful individuals within the IRGC were likely to be tasked with deploying IRGC's informal routes and connections throughout the region to export oil instead.¹⁶

Thus, in 2022, the U.S. Department of the Treasury accused one active and one former Quds Force official of deploying an "international oil smuggling and money laundering network," with help from a Turkish shell company "that [had] facilitated the sale of hundreds of millions of dollars' worth of Iranian oil. . . ." and sanctioned them.¹⁷ The income from such transactions, reflecting one of the routes Iran and the IRGC have reverted to under sanctions, is unlikely to land in the country's relatively transparent treasury, and the consequently lowered level of transparency and accountability exponentially increases corruption,

nepotism, and cronyism. This is possibly the reason why many hard-liners, including politicians and elite IRGC members, persistently oppose or even sabotage attempts to revive the JCPOA.

Such benefits continue despite sanctions, as individuals and informal routes are relatively flexible and replaceable. Exactly because these gains are difficult to bring back into the domestic economy, however, they barely assist the IRGC's domestic businesses, which are subject to transparent transactions. While individual Revolutionary Guards might benefit from deals that bypass sanctions with regards to Quds Force activities, the IRGC as a whole does not necessarily benefit from this arrangement.

Under greater than ever economic pressure as a result of intensified general sanctions and added terrorism-related ones, Iran showed a willingness to renegotiate its nuclear program in 2021. Initially, the IRGC's FTO listing was a major point of contention, as mentioned before. But before the 2021 round of negotiations withered in the face of the International Atomic Energy Agency's reports of Iran's increased nuclear activity and the start of the nationwide Woman, Life, Freedom uprising, Iran changed its stance.¹⁸ It dropped its demand that the IRGC be delisted as an FTO, asking instead that the limitations be modified in a way that would allow the IRGC to conduct civilian businesses in the domestic sphere.

According to U.S. officials, the latest draft of the agreement stipulated that "Europeans and other non-Americans could conduct business with Iranian entities engaged in 'transactions' with the IRGC without fear of triggering U.S. sanctions, provided that their primary business partner was not on a U.S. sanctions registry."¹⁹ Iran's modified demand shows that although limitations on the IRGC did not significantly change its extraterritorial behavior, the terrorist designation did further weaken Iran's economy, prompting it to renegotiate its nuclear program in exchange for some economic relief.

Terrorism-related sanctions imposed on the IRGC, in other words, strengthened general sanctions against Iran, imposed by the U.S. or the UN Security Council, and thereby induced Iran to renegotiate its nuclear proliferation plans. That is not to say that sanctions necessarily produce optimal results in nuclear negotiations; indeed, Iran rejected the deal offered in 2022 to obtain sanctions relief in exchange for restoring the JCPOA, and Iran is unlikely today to accept the 2015 deal's terms, for reasons that are beyond the scope of this Brief. It is rather to emphasize that the IRGC's terrorist designation has targeted not the IRGC's attributed terrorist activities, but its domestic, relatively transparent, economic activities.

COMPLICATIONS REGARDING WHAT LIES AHEAD

The July 2024 election of a reformist president in Iran, Masoud Pezeshkian, following President Ibrahim Raisi's death in a helicopter crash, has raised the possibility of restarting negotiations between Iran and the U.S. over Iran's nuclear program. But it's important to note that the U.S. terrorist designation, though it indirectly pressured Iran to the negotiation table, has come at the price of complicating diplomatic relations with Iran. In fact, the complications arising from that designation have so far deterred the UK and the EU from moving forward with a similar one.

Designating a country's official military as terrorist was unprecedented before the 2019 IRGC FTO designation. The U.S. Department of State list of FTOs mostly includes rebel groups with various levels of geopolitical ambition, from a sub-branch of the Revolutionary Armed Forces of Colombia (FARC) and the Real Irish Resistance Army to Al-Qaeda and ISIS, as well as state-sponsored, semi-independent militias such as the Palestinian Hamas and the Lebanese Hezbollah.²⁰ The IRGC, including its Quds Force, is different from these groups in that it has a permanent legal status in Iran: The Iranian constitution counts it as an official armed wing of the state, regardless of its repeated and brutal violations of domestic and international law. As a result of this formal status, the terrorist designation creates a host of legal and diplomatic complications when dealing with Iran—complications that are only exacerbated by the IRGC's powerful decision-making status in Iran's political and economic spheres.

Absolute isolation of Iran is not the intention of either the current U.S. administration or of UK and EU authorities, despite pressure from conservative leaders and petitions from Iranian diaspora activists. The EU and the UK, still nominally obliged by the JCPOA and less vulnerable to pressure from regional powers such as Israel and Saudi Arabia, are trying to keep diplomatic possibilities alive, and more straightforwardly so: The British government has explicitly suspended consideration of the IRGC's terrorist designation owing to concerns that proscribing the IRGC would close the door to diplomatic nuclear negotiations with Iran.²¹ The EU, having previously emphasized the legal credibility of the JCPOA despite the United States' exit, cited legal obstacles to designating the IRGC as a terrorist group.²² Its stance has not changed despite renewed pressure from Israel after Iran's missile attack and Canada's recent proscription of the IRGC as a terrorist group.

CONCLUSION

The IRGC's simultaneous roles as a regional armed actor and a corrupt domestic business corporation have

complicated the outcome of terrorism-related sanctions. The IRGC as an institution does not rely on transparent, legal paths of action in the area that sanctions have primarily targeted: namely, extraterritorial asymmetric warfare against Western countries' military forces in the Middle East and beyond. As such, it has been able to evade terrorism-related sanctions and is likely to continue to be able to do so.

It is, rather, the IRGC's domestic business activities that have suffered from sanctions, on top of what the organization has endured as a result of more general sanctions against Iran. Despite widespread corruption, IRGC's domestic businesses largely rely on legal international trade.

Although sanctions have squeezed Iran economically, then, they have not compelled the Iranian state or the IRGC to change their aggressive course of action regionally or domestically. Sanctions have conveyed a hostile stance against the IRGC while pressuring Iran to curb its nuclear activities, but they have failed to meaningfully limit what the sanctions first and foremost targeted: the extraterritorial operations of the IRGC.

ENDNOTES

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