State Responsibility for State Sponsors of Terror

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This article explores the international legal obligations of states to cease trading with state sponsors of terrorism, focusing on Article 16 of the Draft Articles on Responsibility of States for Internationally Wrongful Acts. Using the principles of customary international law, including the prohibition on the use of force and non-intervention, this article evaluates state accountability for aiding terrorism as applied to China. The paper asserts that international trade with state sponsors of terrorism, such as China's trade with Iran, constitutes a breach of international law.

Roadmap

This paper looks at the implications for Iran's trading partners, particularly China, in light of Iran's support for terrorism.[2] It is important first to establish the theoretical framework underpinning this argument by analyzing the mens rea and actus rea elements of state responsibility. Throughout, the paper will apply relevant aspects of the elements of state responsibility to both Iran and China while also exploring international legal concepts on the use of force, non-intervention, and terrorism. In doing so, it will become clear that China's trade with Iran is illegal under international law.

Background

The Islamic Revolutionary Guards Corps (IRGC) is a terrorist organization that supports other terrorist organizations, including Hezbollah, the Houthis, and various additional

[1] Brandeis University, Class of 2026, *Brandeis University Law Journa*l, Copy Editor.

[2] Nader Uskowi, Temperature Rising: Iran's Revolutionary Guards and Wars in the Middle East xiv–xvi (2019).

militias.[3] The Iranian Office of the Supreme Leader controls and aids the IRGC, including subsidiary groups within it.[4] China was one of the largest importers of Iranian goods compared to other countries in 2022, substantially contributing to the Iranian economy.[5] Since the IRGC and the Office of the Supreme Leader control over five hundred businesses, accounting for almost half of the Iranian economy, China's contributions to the Iranian economy undoubtedly assist the IRGC.[6]

Hezbollah causes significant human casualties to civilians and considerable destruction of property across the world. One notable case is the attack on a Jewish community center in Argentina in 1994 that killed eighty-five people, wounded three hundred, and leveled the recreation center.[7] The Inter-American Court of Human Rights — a regional human rights-centered court represented by judges from across the Western Hemisphere — ruled in January 2024 that Hezbollah committed the attack with support from Iran; Iran is also likely to have ordered the attack.[8] Notably, the Court held that this attack was an act of terrorism, likely due to civilians being the target of this attack.[9]

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[3] *Id.*

[4] *See generally* AUGUSTUS R. NORTON, HEZBOLLAH: A SHORT HISTORY (New paperback edition ed. 2014); TREVOR JOHNSTON ET AL., *Could the Houthis Be the Next Hizballah? Iranian Proxy Development in Yemen and the Future of the Houthi Movement*, 51–71 (2020).

[5] World Integrated Trade Solution, *Iran, Islamic Rep. Trade Balance, Exports and Imports by Country 2022*, (2022).

[6] USKOWI *Supra* note 2 at xiv–xvi.

[7] Memoria Activa Vs. Argentina, 43 (2024).

[8] Decisions by the Court are binding on states that accept the American Convention on Human Rights as binding. See American Convention on Human Rights, 33, 61-62 (1969).

[9] Memoria Activa Vs. Argentina, *supra* note 6 at 1; Thomas Buergenthal, *The Inter-American Court of Human Rights*, 76 AM. J. INT. LAW 231, 233–234, 242 (1982).

State Responsibility

Since 1955, the International Law Commission (ILC), a group of thirty-four individuals elected by the United Nations General Assembly (UNGA), has developed the Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries, determining the limits of state responsibility in international law.[10] The Draft Articles, especially Article 16, serve as the backbone for this paper.[11]

Article 16 concerns states aiding or assisting other states in committing internationally illegal acts.[12] Since there is not a substantial contextual difference between "aiding" and "assisting," these terms will be used interchangeably in line with the United Kingdom's opinion.[13] The Commentary sets forth three conditions that limit the scope of responsibility of states in aiding or assisting:

> First, the relevant State organ or agency providing aid or assistance must be aware of the circumstances making the conduct of the assisted State internationally wrongful; secondly, the aid or assistance must be given with a view to facilitating the commission of that act, and must actually do so; thirdly, the completed act must be such that it would have been wrongful had it been committed by the assisting State itself.[14]

There is both a mens rea element and an actus reus element. The first condition and part of the second condition — "the aid or… of that act" — touch on the mens rea element,

[10] James Crawford, *The ILC's Articles on Responsibility of States for Internationally Wrongful Acts: A Retrospect*, 96 The American Journal of International Law 874, 874 (2002); Stephen C. McCaffrey, *The Thirty-Seventh Session of the International Law Commission*, 80 American Journal of International Law 185, 185 (1986).

[11] United Nations, Draft Articles on Responsibility of States for Internationally Wrongful Acts, with Commentaries 66 (2001).

[12] *Id.*

[13] State Responsibility – Comments and Observations Received from Governments, 53rd Session, 52 (2001).

[14] United Nations, *supra* note 11 at 66.

while part of the second condition — "must actually do so" — and the third condition touch on the actus reus element. As shown below, China meets each of these conditions for state responsibility.

The *Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnian Genocide Case)* further elaborates on the case law surrounding state responsibility. The *Bosnian Genocide Case* was a case in the International Court of Justice (ICJ) that determined that the Bosnian Serb armed forces perpetrated genocide in the town of Srebrenica, Bosnia and Herzegovina, in July 1995.[15] Decisions by the ICJ reflect international law.[16] In this case, the ICJ regards Article 16 as customary international law which is binding, according to the ICJ Statute.[17] The ICJ does not specifically regard the attached commentaries to Article 16 as part of the canon of customary law, but they may still be a source of customary law.

Furthermore, the ICJ's Statute recognizes "judicial decisions and teachings of the most highly qualified publicists" as a source of customary law.[18] In 2001, the final presentation of the Draft Articles included commentaries by numerous respected international lawyers.[19] These include Sir Ian Brownlie, James Crawford, and John Dugard — some of the leading international lawyers in scholarship and practice.[20]

[15] Vojin Dimitrijević & Marko Milanović, *The Strange Story of the Bosnian* Genocide *Case*, 21 Leiden Journal of International Law 65, 65 (2008).
[16] Alain Pellet, Decisions of the ICJ as Sources of International Law? 56–57 (2018), http://crde.unitelmasapienza.it/it/pubblicazioni/gmls-2018 (last visited Jan 20, 2025).
[17] Application of the Convention on the Prevention and Punishment of the Crime of Genocide, International Court of Justice 420 (2007); Statute of the International Court of Justice, 38(b).
[18] *Id.* at 38(1)d.
[19] Summary Records of the First Part of the Fifty-Third Session, 1 (2001).
[20] Philippe Sands, *Sir Ian Brownlie Obituary*, The Guardian, Jan. 11, 2010; Philippe Sands, *James Crawford Obituary*, The Guardian, Jun. 13, 2021; Curriculum Vitae and Publications of John Dugard, 20 Leiden Journal of International Law 983 (2007).

Thus, these individuals fit the requirement of "most highly qualified publicists," and as such, the Commentary to the Draft Articles carries an important weight in determining international law. Crawford suggests reading the Draft Articles with the Commentary and even the preparatory work of the ILC.[21] For this article, the first important part of the Draft Articles is the mens rea element of Article 16.

The Mens Rea Element

In the *Bosnian Genocide Case,* the ICJ determined that for a state's assistance of another state to constitute wrongdoing, the assisting state must do so "in full awareness that the aid supplied would be used to commit" a crime.[22] The assisting state must also be aware of the "specific intent" of the perpetrating state.[23] The International Criminal Tribunal for Rwanda was established by the United Nations Security Council (UNSC) in 1994 to prosecute those responsible for genocide in Rwanda.[24] International legal terms used by the Tribunal clarify the meaning of the same terms because, according to the ICJ Statute, Tribunals help interpret international law.[25] The Tribunal ruled that "specific intent" requires that the perpetrator of a crime intended the result of the crime.[26] The ICJ in the *Bosnian Genocide Case* determined that states must have "at the least" this knowledge of intent, suggesting that the claim of responsibility necessitates some knowledge.[27]

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[21] James Crawford, State Responsibility: The General Part 87 (2013).
[22] Application of the Convention on the Prevention and Punishment of the Crime of Genocide, International Court of Justice 423 (2007).
[23] *Id.* at 421.
[24] Resolution 955 Establishment of an International Tribunal and adoption of the Statute of the Tribunal, (1994).
[25] Statute of the International Court of Justice, *supra* note 17 at 38(1)d.
[26] The Prosecutor Versus Georges Anderson Nderubumwe Rutaganda, 59 (1999).
[27] Georg Nolte & Helmut Philipp Aust, *Equivocal Helpers—Complicit States, Mixed Messages and International Law*, 58 ICLQ 1, 14 (2009).

Nevertheless, states do not need complete certainty; near-certain knowledge that assistance provided to one state will perpetuate a crime is sufficient for the assisting state to be responsible under Article 16.[28] Professor John Quigley, a scholar of international law, confirms and further explains this idea in the *European Journal of International Law*.[29] He regards the United States' intervention in Lebanon in 1958 as unlawful and Germany as complicit because Germany intended to assist the United States by sending American airplanes to Lebanon.[30] While Germany was not *entirely* certain that the United States would use these airplanes unlawfully, they were "practically certain" that the United States would use these airplanes unlawfully.[31] The "practically certain" designation insinuates that while Germany was not aware of the United States' "specific intent," they still had significant knowledge of the United States' intentions.

Since the Inter-American Court of Human Rights has addressed Iran's ties to Hezbollah, when applying the above principles to China, it is reasonable to conclude that China is aware of this ruling and its implications for trading with a state sponsor of terror.[32] The challenge is determining whether China knows that the money it uses to buy Iranian goods will go to support terror. Researchers, journalists, and government institutions have all confirmed the IRGC's hegemony over the Iranian economy by controlling about half of the entire

[28] CRAWFORD, *supra* note 21 at 408.
[29] John Quigley, *Karim Khan's Dubious Characterization of the Gaza Hostilities*, EUROPEAN JOURNAL OF INTERNATIONAL LAW: TALK! (May 28, 2024).
[30] The status of the US intervention is unrelated to the purpose of this paper.
[31] J. Quigley, *Complicity in International Law: A New Direction in the Law of State Responsibility*, 57 BRITISH YEARBOOK OF INTERNATIONAL LAW 77, 112–113 (1987).
[32] Cecilia Medina, *The Inter-American Commission on Human Rights and the Inter-American Court of Human Rights: Reflections on a Joint Venture*, 12 HUMAN RIGHTS QUARTERLY 439, 439 (1990).

economy.[33] The wide range of sources confirming this fact reinforces the idea that China knows about the IRGC's control over the Iranian economy. Accordingly, it is "practically certain" that China knows a significant portion of its trade with Iran finances terrorism around the world.

Another example to illustrate the standard for the necessary level of knowledge to hold an assisting state responsible is the *Corfu Channel Case,* where the ICJ issued a ruling after several British ships were damaged and several civilians were injured in 1946. This incident occurred after the British hit mines in Albanian territorial waters.[34] Despite publicly saying it did not know about mines in its territorial waters, Albania "must have known" about this unlawful behavior.[35] The Court considers knowledge as a state's ability to recognize unlawful activities, making it responsible even if it publicly denies awareness. Since, as mentioned earlier, it is "practically certain" that China knows about its unlawful trade with Iran, China cannot avoid responsibility by denying awareness.

There are two additional considerations regarding the legal standards of due diligence and willful ignorance of the assisting state. Article 16 and the Commentaries do not refer to any duty of due diligence to investigate whether assistance might be used unlawfully. In addition, they do not mention how to treat an assisting state that is willfully ignorant. Instead, they stay neutral on both points.[36] The Appeals Chamber of the International Criminal Tribunal for the Former Yugoslavia, in

[33] Uskowi, *supra* note 2 at xvi; Julian Borger & Robert Tait, *The Financial Power of the Revolutionary Guards*, The Guardian, Feb. 15, 2010; Treasury Targets Billion Dollar Foundations Controlled by Iran's Supreme Leader, (2021).
[34] Dafina Buçaj, *The Obligation to Prevent Transboundary Cyber Harm: Expand the Regulatory Regime or Continue Deflecting Responsibility*, 54 The George Washington International Law Review 219, 252 (2023).
[35] The Corfu Channel Case, International Court of Justice 19 (1949).
[36] Harriet Moynihan, *Aiding and Assisting: Challenges in Armed Conflict and Counterterrorism*, 14–15.

interpreting the "had reason to know" standard of Article 7(3) of the Statute of the International Tribunal, provides further insight into the principles of due diligence and willful ignorance. [37] The Tribunal indicted Tihomir Blaškić for alleged violations of international law against Bosnian Muslims between May 1992 and January 1994. After being found guilty, Blaškić appealed.[38] The Statute of the ICJ regards tribunals as a source of international law.[39] The Appeals Chamber ruled "that the mental [mens rea] element 'had reason to know' as articulated in the Statute, does not automatically imply a duty to obtain information… [but] responsibility can be imposed for *deliberately* [sic] refraining from finding out but not for negligently failing to find out."[40] This decision indicates that under international law, states do not have an active duty to conduct due diligence on other countries, but if there is publicly recognized evidence and the assisting state intentionally ignores it, then the state should be held responsible. So, China does not have a duty of due diligence to investigate the details of how its trade with Iran aids terrorism. However, China cannot claim willful ignorance, especially if there is substantial and public evidence suggesting that Iranian terror benefits from Chinese trade. Since there is substantial public evidence showing China must be "practically certain" that Iranian terror benefits from Chinese trade, China cannot claim willful ignorance.

The Commentary explicitly mentions the need for intent but does not clearly define it. Moreover, the Commentary's use of the words "with a view to facilitate"

[37] Blaskic Case, The Appeals Chamber of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia Since 1991 406 (2004).
[38] Antonio Cassese, The Oxford Companion to International Criminal Justice 610–611 (2009).
[39] Statute of the International Court of Justice, *supra* note 17 at 38(1)d.
[40] Blaskic Case, *supra* note 37 at 406.

suggests that the assisting state must have intent in aiding.[41] Terms used in the Rome Statute can help elucidate the use of these terms in other circumstances, such as the concept of intent here, since the Statute is a document of international law.[42] The Rome Statute of the International Criminal Court (ICC) concerns itself with crimes committed by individuals, as opposed to states.[43] The Rome Statute defines intent as when "in relation to conduct, that person means to engage in the conduct; in relation to a consequence, that person means to cause that consequence or is aware that it will occur in the ordinary course of event." [44] For China to meet the threshold of intent, it must purposefully trade with Iran while either meaning to support terrorism or knowing that trading with Iran will aid Iran's terrorist activities.

The ICC further developed the concept of intent in the *Bemba Case*. In the case, the ICC initially sentenced Jean-Pierre Bemba, a politician in the Democratic Republic of Congo, in 2016 for crimes against humanity and war crimes, but later acquitted him in 2018.[45] The ICC further explains its definition of intent in two ways: first and second degree. The first degree is when an individual acts in a manner with the desire to bring about the elements of the crime. The second degree is when an individual knows that the elements of the crime will almost inevitably arise by the commission or omission of an act, even if there is no desire for the elements of the crime to arise.[46] China's intent is quite easy to prove based

[41] UNITED NATIONS, *supra* note 11 at 66.
[42] Statute of the International Court of Justice, *supra* note 17 at 38(1)d.
[43] The Rome Statute of the International Criminal Court, , *in* THE HANDBOOK OF COMPARATIVE CRIMINAL LAW 593, 595–596 (Kevin Jon Heller & Markus Dubber eds., 2020).
[44] Rome Statute of the International Criminal Court, 30(2) (1998).
[45] The Prosecutor v. Jean-Pierre Bemba Gombo, 1, 752 (2016); The Prosecutor v. Jean-Pierre Bemba Gombo, 196–198 (2018).
[46] Decision Pursuant to Article 61(7)(a) and (b) of the Rome Statute on the Charges of the Prosecutor Against Jean-Pierre Bemba Gombo, 358–359 (2009).

on the second degree of intent. As explained above, China is "practically certain" that its trade with Iran aids Iran's terror. Regardless of whether China wants to support terror, it still has intent based on the second degree. In summary, China has the requisite level of knowledge, under the mens rea element of Article 16, that its trade with Iran supports terror.

The Actus Reus Element

While the previous section described the mens rea element, this section will evaluate the actus reus element by determining the legality of states aiding terror and ascertaining its universality. First, it is important to establish a definition of terrorism to understand why aid to the IRGC should be ceased immediately. Unfortunately, there is not one clear definition of terrorism under international law.[47] The League of Nations, the UNGA, the Secretary-General of the United Nations (UN), the UNSC, and others have all passed their own, and sometimes contradictory, definitions of terrorism.[48] Due to the variety of definitions, this paper will adopt the view of terrorism espoused by the Special Tribunal for Lebanon. Established by the UNSC in 2007, the Special Tribunal for Lebanon primarily prosecuted those responsible for the assassination of the former Lebanese Prime Minister Rafik Hariri.[49] This definition works best because of the wide-ranging methodology taken by the Appeals Chamber in the Special Tribunal for Lebanon, whereby they consulted international treaties, UN resolutions, and domestic legislative and judicial practices to determine the customary law view of terrorism. The view of terrorism taken by the Special Tribunal has three key elements which must all

[47] Ben Saul, Defining Terrorism in International Law 7 (2008).
[48] Convention for the Prevention and Punishment of Terrorism, (1937); Resolution 49/60 Measures to Eliminate International Terrorism, (1995); Kofi Annan, *Statement to the General Assembly*, (2005); Resolution 1566, (2004).
[49] Jan Erik Wetzel & Yvonne Mitri, *The Special Tribunal for Lebanon: A Court "Off the Shelf" for a Divided Country*, 7 Law Pract Int Courts Trib 81, 81–82 (2008).

be fulfilled: "the perpetration of a criminal act;… the intent to spread fear among the population… or directly or indirectly coerce a national or international authority to take some action, or to refrain from taking it; when the act involved a transnational element."[50] With this definition of terrorism, it is important to further investigate Iran's terrorist actions by looking at the international legal principles of the use of force and non-intervention.

Article 2(4) of the UN Charter expresses the fundamental principle on the use of force in saying: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."[51] According to the ILC in 1966, the Charter's view on using force is consistent with customary international law.[52] UNGA Resolution 2625 further clarifies the principle of the use of force. The ICJ recognized this resolution as customary law in the *Case Concerning the Military and Paramilitary Activities in and Against Nicaragua* (*Nicaragua Case)*. This case was brought to the ICJ by Nicaragua after the United States allegedly used military force against Nicaragua. Based on the principle of the use of force, the Court declared that "every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State."[53] The challenge with employing the principle of the use of force is that in the

[50] The Prosecutor v. Ayyash et al., 85 (2011).
[51] United Nations Charter, 2(4) (1945).
[52] United Nations, Yearbook of the International Law Commission 1966, Vol. II 20 (1966).
[53] Case Concerning Military and Paramilitary Activities in and Against Nicaragua, ICJ 191 (1986); Resolution 2625 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations, (1970); Thomas J. Pax, *Nicaragua v. United States in the International Court of Justice: Compulsory Jurisdiction or Just Compulsion?*, 8 Boston College International and Comparative Law Review 471, 471 (1985).

Nicaragua Case, the ICJ determined that acts must be "classified as an armed attack rather than as a mere frontier incident" to be forbidden based on this approach.[54] According to legal commentators, an armed attack can refer to the use of force when it causes "serious consequences… human casualties, or considerable destruction of property".[55] This limitation by the Court's ruling means that arming and training terrorist forces violates the principle of the use of force, but simply funding these forces does not. Instead, funding may be a problem under the principle of non-intervention.[56] Only a limited number of acts of aggression are considered armed attacks; the remainder are frontier incidents.[57] The high number of civilian casualties and destruction of property in the attack on the Jewish community center show that Hezbollah's attacks can be considered armed attacks. By organizing, assisting, and participating in these attacks through Hezbollah and the IRGC, Iran violates the use of force principle.

Based on the principle of non-intervention, UNGA Resolution 2625 declares that "no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State."[58] The limitation of this principle is that for an entity to violate it, the terrorist activities must be conducted with the intention of bringing about change regarding "matters in which each State is permitted, by the principle of State sovereignty, to decide freely," including "political, economic, social and cultural

[54] Case Concerning Military and Paramilitary Activities in and Against Nicaragua, *supra* note 53 at 195.
[55] YORAM DINSTEIN, WAR, AGGRESSION, AND SELF-DEFENCE 193 (Fourth edition ed. 2005).
[56] Case Concerning Military and Paramilitary Activities in and Against Nicaragua, *supra* note 53 at 228.
[57] JOHN H. CURRIE, PUBLIC INTERNATIONAL LAW 504 (2. ed ed. 2008).
[58] Resolution 2625 Declaration on Principles of International Law Concerning Friendly Relations and Co-operation Among States in Accordance with the Charter of the United Nations, *supra* note 53.

system, and the formulation of foreign policy" by the victim state.[59] Terrorism, according to the Special Tribunal for Lebanon, includes cases where the terrorist organization intends to alter "matters in which a state is permitted to decide freely." Therefore, the non-intervention principle encompasses most acts of support to a terror organization. The principles on the use of force and non-intervention are customary principles that have their ultimate authority in Article 2 of the UN Charter and are thus incumbent on all states.[60]

The recent Houthi attacks on Israel also demonstrate Iran's violation of international law. In December 2024, the Houthis fired rockets targeting Israel for several nights.[61] These attacks may not be considered armed attacks because the Houthi strikes have only killed one Israeli and have only caused limited damage, thereby not fulfilling the criteria of "human casualties."[62] Therefore, these attacks do not necessarily violate the principle of the use of force but could violate the principle of non-intervention. The Houthis are firing these rockets to try to force Israel to end the war in Gaza, a highly political matter.[63] Because the Houthi rebels are using Iranian funds and weapons to interfere with Israeli political matters, Iran has violated the principle of non-intervention by financing the rebels.[64] Since these attacks are ongoing, Iran is currently in violation of this principle.

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[59] Case Concerning Military and Paramilitary Activities in and Against Nicaragua, *supra* note 53 at 205.
[60] United Nations Charter, *supra* note 51 at 2.
[61] Stuart Winer & Emanuel Fabian, *Houthis Fire Missile at Central Israel for 4th Night in Past Week; IDF Intercepts It*, Dec. 25, 2024.
[62] Greg Myre & Daniel Estrin, *Drone Strikes Tel Aviv, Killing One. Houthis Claim Responsibility*, NPR, Jul. 19, 2024; Tia Goldenberg, *Israel Struggles to Deter Escalating Attacks From Yemen's Houthi Rebels as Other Fronts Calm*, AP News, Jan. 3, 2025.
[63] Yemen's Houthis 'will not stop' Red Sea Attacks Until Israel Ends Gaza War, Al Jazeera, Dec. 19, 2023.
[64] Uskowi *Supra* note 2 at xiv–xvi

Acts that violate both the principles of the use of force and non-intervention violate the key elements of terrorism.[65] However, that does not imply that all acts of terrorism necessarily fall under one of either the principles of the use of force or non-intervention. There could be a case where a state only provides funds to a terrorist organization, thereby possibly violating the principle of non-intervention. If the terrorist organization only commits attacks to spread fear and not to effect change concerning "matters in which each State is permitted," then a state aiding terror would not necessarily be committing a crime. Nevertheless, this is not a concern because of the nature of state sponsors of terror who act with the intent to alter the political and security conditions of the victim state. Therefore, state sponsors of terror support terror organizations that have a goal of changing "matters in which each State is permitted."[66]

Conclusion

As demonstrated, trade with Iran violates international law. The only remedy is for states to cease all trade with Iran or violate international law. Another option would be for the UNSC to pass a resolution imposing economic sanctions on Iran, which would be incumbent on all states.[67] Whether or not the UNSC passes a resolution, trade with Iran and other state sponsors of terror remains illegal, requiring all states to cease such activity. Although international law is not enforceable,

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[65] *See* The Prosecutor v. Ayyash et al. *supra* note 50 at 85 "The perpetration of a criminal act;… the intent to spread fear among the population… or directly or indirectly coerce a national or international authority to take some action, or to refrain from taking it; when the act involved a transnational element"

[66] Magdalena Kirchner, Why States Rebel: Understanding State Sponsorship of Terrorism 239–240 (2016).

[67] Rebecca Barber, *An Exploration of the General Assembly's Troubled Relationship with Unilateral Sanctions*, 70 ICLQ 343, 346–348 (2021); *See Anne Van Aaken & Betül Simsek, Rewarding in International Law, 115 Am. J. Int. Law 195 (2021).*

states may have a desire to comply with it and, therefore, should cease trade with Iran on their own accord.[68] States must not assist other states in committing internationally unlawful acts. There are both mens rea and actus reus elements to this responsibility. Since support for terrorism is illegal under international law, it is illegal for states to support those who aid terrorist organizations or commit terror attacks themselves. Using China and Iran as a case study, this article demonstrates why all states, including China, must halt trade with Iran due to its support for terrorism.

[68] Anthony D'Amato, *Is International Law Really Law*, 79 Nw. U. L. Rev. 1293, 1293 (1984).