TABLE OF CONTENTS

For	reword	V		
Acl	Acknowledgements Abbreviations			
Ab				
	apter 1			
Int	roduction	1		
Cha	apter 2			
Ter	rorism: Arriving at an Understanding of a Term	11		
I.	Introduction	13		
II.	A Comprehensive Definition of Terrorism Under International			
	Law?	15		
	A. Treaty Law	18		
	i. International Treaties Related to Terrorism	20		
	ii. Regional Treaties Related to Terrorism	23		
	B. Customary International Law	27		
	C. General Principles	36		
III.	Assessment	39		
	A. State Terrorism	39		
	B. Freedom Fighters or Terrorists?	41		
IV.	Conclusion	50		
Cha	apter 3			
The	e Due Diligence Principle Under International Law	53		
I.	Introduction	55		
II.	Principles of Responsibility	55		
	The International Law Commission and State Responsibility	61		
IV.	State Responsibility, Non-State Actors, and the Due Diligence			
	Principle	68		
	A. The Beginning of a New Century: Arbitral Decisions in			
	the Early Twentieth Century	69		

X TABLE OF CONTENTS

		i. ii.	The Duty to Protect and Apprehend and Punish State Action or Omission in the Context of	70	
			Insurrectional Movements	76	
	B.	The	Second World War and the Post-War Dispensation	79	
	C.	The	Cold War	88	
	D.	The	End of the Cold War and Recent Developments	98	
V.	Cor	nclus	ion	110	
Cha	apte	r 4			
The	e Du	e Dil	igence Obligation of States in the Context of Non-		
Sta	te A	ctors	that Engage in Terrorism	111	
I.	Intr	oduc	tion	113	
II.	Identifying the Due Diligence Principle in International Legal Rules				
III.	The	Due	Diligence Obligation of States in the Context of Non-		
			tors that Engage in Terrorism	115	
			aty Law	116	
		i.	International Treaties Related to Terrorism	116	
		ii.	Regional Treaties Related to Terrorism	123	
	B.	Sec	urity Council Resolutions	128	
IV.	Cor	nclus	ion	133	
Cha	apte	r 5			
		_	e Due Diligence Obligation of States in the Context e Actors that Engage in Terrorism: Theoretical		
Issu	ies			135	
I.	Intr	oduc	tion	137	
II.	The	oreti	cal Issues	138	
	A.	Inte	rpretative Tools	141	
	B.	The	Limitations of Interpretative Tools and Other		
		Tho	ughts	145	
III.	Cor	nclus	ion	158	
	apte				
			onal Security Trump Human Rights in the Fight		
Aga			rorism?	161	
I.	Intr	oduc	tion	163	

TABLE OF CONTENTS XI

II.	The Applicable Legal Framework	164
III.	Applying International Human Rights Law	173
IV.	Marketing Human Rights to States Fighting Terrorism	177
V.	Is Human Rights Observance Necessary to Effectively Fight	
	Terrorism?	182
VI.	Can States Effectively Fight Terrorism While at the Same	
	Time Not Violating Human Rights?	187
VII.	Assessment	199
VIII	Conclusion	205
Cha	pter 7	
Con	Conclusion	
Bibliography		217
Index		239