# TABLE OF CONTENTS

Foreword V
Acknowledgements VII
Abbreviations XIII

## Chapter 1
Introduction 1

## Chapter 2
**Terrorism: 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

## Chapter 3
**The Due Diligence Principle Under International Law** 53
I. Introduction 55
II. Principles of Responsibility 55
III. 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
Chapter 4
The Due Diligence Obligation of States in the Context of Non-State Actors that Engage in Terrorism
I. Introduction
II. Identifying the Due Diligence Principle in International Legal Rules
III. The Due Diligence Obligation of States in the Context of Non-State Actors that Engage in Terrorism
   A. Treaty Law
      i. International Treaties Related to Terrorism
      ii. Regional Treaties Related to Terrorism
   B. Security Council Resolutions
IV. Conclusion

Chapter 5
Assessing the Due Diligence Obligation of States in the Context of Non-State Actors that Engage in Terrorism: Theoretical Issues
I. Introduction
II. Theoretical Issues
   A. Interpretative Tools
   B. The Limitations of Interpretative Tools and Other Thoughts
III. Conclusion

Chapter 6
Should National Security Trump Human Rights in the Fight Against Terrorism?
I. Introduction
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>II.</td>
<td>The Applicable Legal Framework</td>
<td>164</td>
</tr>
<tr>
<td>III.</td>
<td>Applying International Human Rights Law</td>
<td>173</td>
</tr>
<tr>
<td>IV.</td>
<td>Marketing Human Rights to States Fighting Terrorism</td>
<td>177</td>
</tr>
<tr>
<td>V.</td>
<td>Is Human Rights Observance Necessary to Effectively Fight</td>
<td>182</td>
</tr>
<tr>
<td></td>
<td>Terrorism?</td>
<td></td>
</tr>
<tr>
<td>VI.</td>
<td>Can States Effectively Fight Terrorism While at the Same</td>
<td>187</td>
</tr>
<tr>
<td></td>
<td>Time Not Violating Human Rights?</td>
<td></td>
</tr>
<tr>
<td>VII.</td>
<td>Assessment</td>
<td>199</td>
</tr>
<tr>
<td>VIII.</td>
<td>Conclusion</td>
<td>205</td>
</tr>
<tr>
<td></td>
<td><strong>Chapter 7</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Conclusion</strong></td>
<td>207</td>
</tr>
<tr>
<td></td>
<td><strong>Bibliography</strong></td>
<td>217</td>
</tr>
<tr>
<td></td>
<td><strong>Index</strong></td>
<td>239</td>
</tr>
</tbody>
</table>