

THE CONVERGENCE OF MILITARY MIGHT AND INTERNATIONAL LAW ON TERRORISM*

Abstract

The International community is yet to have a permanent solution to the devastating threat of terrorism. The international community is still struggling with an accepted international criminal code or an international police mechanism that has the capacity and prowess to efficiently combat these sophisticated, revolutionary and technologically advanced international terrorist groups. What is generally accepted by all and sundry is the fact that international terrorism is a disaster that requires a well-coordinated and collaborative domestic as well as global response. One obvious dilemma faced by the international community is how to deal with the threat of terrorist attacks and still play by the rules in spite of the fact that the terrorist groups themselves do not play by any rules. One obvious response is the use of military force against terrorist threats. This is despite the existence of a body of international law and agencies such as the Charter of the United Nations, United Nations General Assembly, International Court of Justice and the United Nations Security Council that attempt to curtail and modulate the use of armed force by states. This paper seeks to examine the extant international legal framework and its application to the use of military might and coercion against terrorism. This paper will specifically consider the general circumstances, legal restrictions and justifications for the use of military coercion and pressure by states in the fight against terrorist groups, their sponsors and collaborators, including the legal status of such terrorist groups.

Keywords: Terrorism, Military Might, International Law, Use of Force

1. Introduction

International law condemns States that participate in or aid and abet acts of international terrorism.¹ This disapprobation of terrorist attacks is contained in various resolutions of the United Nations General Assembly, which are to the effect that states are under an obligation to avoid arranging, inciting, sponsoring, or getting involved in acts of terrorism in another state.² The United Nations General Assembly also enjoins states not to form, help, aid, condone or indulge in any diabolic, terrorist or armed activities with the intent to violently take over civilian administrations.³ Even though these resolutions are not binding, the point has been successfully made that states are enjoined not to participate in any form of terrorist activities against another state. States are under a more outstanding obligation under customary international law to avoid intentionally allowing terrorist activity to take place within their boundaries.⁴ The sanctity of this obligation against the use of military force by states is demonstrated and compulsory even if a victim state violates any other duty owed to another state under international law.⁵ This was the position of the International Court of Justice in the *Corfu Channel's* case in 1949. The court in the preceding case made two points. First, the actions in Albania were an open violation of its responsibility under international law. Second, even if the actions by Albania were infringements of international law, they did not justify the United Kingdom's use of military force on Albania and its territories. One key fact that needs to be considered is to determine the levels of the legality of the use of military might against terrorist formations and establishments and the support provided by the state under whose domain the terrorists are located.⁶ This kind of support by states is not only imperative but meant to trigger a sense of obligation by the states.⁷ First is the area of sponsorship, which states superintend over the activities of the terrorists. Second, it is in the area of active encouragement by the states, such as the provision of financial

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¹ Mick Tom, 'Terrorism, Crime, the Use of Force and International Criminal Law After 11 September', *International and Comparative Law Quarterly*, (51) (2) (2022) 411

² General Assembly Resolution 2625 un.org <https://digitallibrary.un.org/recordth>

³ General Assembly Resolution 2131 un.org https://legal.un.org/av1/pdf/ga_2131-xx_etr

⁴ Clinton Andrew, 'Terrorism, Counter-Terrorism and The Use of Force in International Law', *International Law Studies Journal*, (79) (6) (2016) 64

⁵ Ibid, 68

⁶ Graham Williams, 'Terrorism, Crime, War and International Law', *Liverpool Law Review*, (31) (3) (2010) 317

⁷ Ibid, 318

support, facilities and pedagogic assistance.⁸ Most states do not make enough effort to arrest or deal with the terrorists.⁹

2. Brief Analysis of the Use of Military Might and Coercion in International Law

Article 2 (4) and Article 51 of the United Nations Charter

Article 2 (2) of the United Nations forbids the use of military force. The Charter enjoins State parties to avoid any form of threat of force against the territorial and political integrity and independence of any state. Article 51 equally restrains state parties from jeopardizing the inherent right of individual or collective self-defence if an armed attack happens against a United Nations' member but to wait for Security Council to take appropriate measures necessary to maintain peace and security. The provisions of article 51 are clearly an exception to article 2 (2), which allows the use of force only in the circumstances of self-defence by a victim state during an armed attack.¹⁰ From the combined provisions of the foregoing articles, this paper now considers four issues. First is the issue of the Existence of an Armed Attack. It needs to be noted that there is no definition of the term 'armed attack' in the Charter. Unfortunately, there is even no unanimity of definitions or meaning of the term by international law scholars.¹¹ It is unanimously accepted that the mere inability of a state to control terrorist activity within its borders does not by itself constitute an armed attack by that state.¹² The International Court of Justice has generally opined in its many decisions that there has to be a considerable degree of state control over the acts of an individual or individuals before these acts can legally be attributed to the state. This was clearly stated by the court in the case of *Nicaragua v. United States*.¹³ This view may not include a situation where the said state, despite the fact that it has the requisite capacity to control terrorist activity, decides to condone such actions. The fact is that, the mere indulgence does not show sufficient state connection to constitute an armed attack under Article 51 of the U.N. Charter. What the foregoing excludes is a situation where a state decides to deliberately harbour international terrorists without making any attempt to arrest them or when such a state is too vulnerable to take any concrete step.¹⁴

What remains to be said here is whether the international community should lay more emphasis as regards what should constitute an armed attack in a situation where a state gives *active support* for the terrorist group or a trivial tolerance and encouragement. What the international community should bother itself about is under what circumstances such a support can constitute an 'armed attack' in line with article 51.¹⁵ A better proposition would be that under some circumstances, active support to terrorist groups against another state can constitute an 'armed attack'.¹⁶ This proposition is primarily based on the premise that when a government decides to procure destructive weaponry, financial assistance, mobility, and technical motivation to terrorists on a considerable dimension, it is reasonable to conclude that this kind of support can be regarded as an armed attack in accordance with article 51.¹⁷

A further question is if there can be any form of Self-defence that does not include an Armed Attack. What may not be crystal certain is whether the right of self-defence under Article 51 is restricted to situations of armed attack or whether there are other circumstances where self-defence may be available. The point has been made by some scholars that the right to use force in self-defence in accordance with Article 51 is not restricted to

⁸ Grey Travalio, 'Terrorism, State Commitment and the Use of Military force', *Chicago Journal of International Law*, (4) (1) (2003) 110

⁹ Ibid, 117

¹⁰ Clarkson Arendu, 'International Criminal Law and the Use of Military Force', *Washington Quarterly*, (26) (2) (2003) 93

¹¹ Timothy Deeky, 'Use of Force and International Law', *Harvard International Law Journal*, (54) (1) (2013) 37

¹² Ibid, 43

¹³ Wikipedia https://en.wikipedia.org/wiki/Nicaragua_v._United_States

¹⁴ Jasna Ljubicic-Kuzmanovi, 'Neutrality, Law and The Use of Force in the Contemporary System of International Law', *Santa Clara Journal of International Law*, (3) (1) (2016) 179

¹⁵ Jackson Ashly, 'War Crime and International Law on the Use of Force', *New York University Journal of International Law and Politics*, (34) (1) (2001) 67

¹⁶ Ibid, 78

¹⁷ Vanditam Khannar, 'Prohibition on the Use of Force and Counter-Terrorism', *NLIU Law Review*, (6) (20) (2017) 187

situations of armed attack.¹⁸ The argument is that the intention of the makers of the United Nations Charter was to subsume all of the rights of self-defence that existed in customary international law at the time of the Charter into Article 51.¹⁹ A further argument is that the right to self-defence simply acknowledged a pre-existing right of customary international law, as seen in Article 51.²⁰ In other words, the right of self-defence, even though not mentioned in Article 51, comes under customary law.²¹

Customary international law allows the use of force when it is meant to protect the nationals of a state.²² This perhaps is the reason why the United States ensures its nationals are protected by the use of contingents ashore. Some others, as well, have argued that this right survives Article 51. In other words, in a bid to protect its nationals, a state may use military force against terrorists if the terrorists constitute a palpable threat.²³ This is despite the fact that the argument for the right of self-defence in Article 51, which extends beyond an armed attack, is not universally accepted. Another argument is that the right of self-defence should not warrant a state to use force freely in anticipation of an attack or in response to a threat.²⁴ This is in spite of the fact that there may be circumstances where the imminence of an attack is so certain and the danger so monumental that defensive action is the only workable solution.²⁵

Analysing an Exception to Article 2(4): The Use of Force

Section 2(4) of the United Nations Charter clearly posits that a state's stand of self-defence is not enough to justify the use of military force. It is equally hazardous to extend the concept of 'armed attack' under Article 51. Article 2(4) restrains states from engaging in any threat of force or the use of force meant to jeopardize the territorial or political integrity of another state. This paper posits that a restricted and stopgap use of force to exterminate members of a terrorist group does not violate the territorial or political integrity of the state, especially in a situation where that same state is harbouring the terrorists.²⁶ In other words, the use of force in the aforementioned circumstances is completely not within the prohibition and ban against the use of force in Article 2(4). This is because the use of force is restricted only to exterminate the terrorist threat, and it is not meant to eliminate the persons or property of the host state. In addition, such a restricted use of force is not meant to invade the territory of the host state or sponsor steps to take over any government. It is, therefore, necessary to argue further that such restricted use of force is not incompatible with the purposes, aims and objectives of the United Nations.²⁷ That is why it is arguable that the air strikes against Osama bin Laden, the Sudanese factory, and the village of Przewodów cannot be said to have endangered the territorial integrity of Afghanistan or Sudan or Poland, respectively, and which is not accordingly a violation of Article 2(4) since the US government had no intention to capture any of those territories. In addition, the operation of the US was not meant to threaten the political or territorial integrity of any of those states mentioned above. That is why the argument that any form of threat by terrorist groups should be carefully analyzed since it is still a novel development; there is the need to allow restricted interventions into the territorial integrity and borders of other

¹⁸ Miloradu Retreski, 'The International Law and the Use of Force by the State Parties', *Journal of Liberty and International Policy*, (1) (1) (2015) 96

¹⁹ Ghafur Hamidu, 'Combating Terrorism and the Use of Force against a State', *Journal of East Asia and International Law*, (8) (1) (2015) 21

²⁰ *Ibid*, 34

²¹ Anders Henriksen, 'Jus and Bellum and Use of Force to Fight Terrorism', *Journal of Conflict and Security Law*, (19) (4) 216

²² Back Mckenna, 'The Discourse of Proportionality and the Use of Force in International Law', *Nordic Journal of International Law*, (89) (4) (2020) 373

²³ Church Bright, 'Legalization and the Lawful Use of force', *Columbia Journal of Transnational Law*, (12) (3) (2018) 45

²⁴ Davidson Howell, 'International Law, Terrorism and the Use of Force' *University of New South Wales Journal*, (27) (2) (2004) 411

²⁵ Loana Ottean, 'Application of Regulations of International Law to the Use of Force against Acts of Contemporary Terrorism', *Columbia Journal of Transnational Law*, (3) (1) (2017) 184

²⁶ Bryan Hehir, 'International Politics, Ethics and the Use of Force', *Georgetown Journal of International Affairs*, (3) (4) (2004) 412

²⁷ Romani Emmanuel, 'The Contemporary World and the Use of Military Might: Legal and Political Dimensions' *Polish Quarterly Journal of International Affairs*, (14) (4) (2019) 64

states, which is a novel and radical exception to the general customary prohibition against the use of force by one state against another. The fact is that terrorist activities all over the world are surely monumental threats which differ significantly and diagrammatically from threats in the past. One critical point is that terrorist groups most times have great resources. They do not subject themselves to any form of diplomacy, and just as they are very fanatical in their belief systems. A more dangerous dimension is the fact that terrorists now have potential access to and operate with horrific weapons of mass destruction. The foregoing accounts are why some form of restricted incursions into the borders of harbouring states is imperative in dealing with the threat of terrorism in this contemporary jet age. This argument has the support of the International Court of Justice in the case of *Nicaragua v. United States*²⁸ which opined that states only have the right to self-defence in the event of an armed attack in line with Article 51.

3. Some Components of a Right to the Use of Force against Terrorists

The point has been made previously that the requirements in Article 2(4) must be followed for any right to attack terrorist groups located in other states with military force. Accordingly, this paper suggests the following: First, the use of force should be restricted to only that force which must be used to exterminate any threat by the terrorists. Second, the use of force must be proportionate in line with the theory of self-defence. All that is needed is enough force to exterminate the threat, but it cannot be used disproportionately towards the threat presented by the terrorists. The understanding is that this kind of threat must be such a threat that really threatens the loss of life or is meant to cause considerable property damage for it to be justified. Third, there must be a palpable and considerable propensity that the threat will become obvious before it can be exterminated by means other than the use of military force. What this means is that a state using force against terrorists must have deployed other appropriate means to deal with the threat without any form of violence. Ben Saul²⁹ attempts to adumbrate three theories to justify the use of military force to attack terrorist groups located in a foreign state. First, is that any attempt to harbour, aid or support terrorist groups constitutes an 'armed attack' by the state that harbours or supports such a terrorist group in line with Article 51 of the United Nations Charter, which allows the use of force in self-defence. Second, a combined extrapolation of the principles of Customary international law and Article 51 suggests that even in the absence of an 'armed attack,' a state that harbours, aids or supports terrorist groups constitutes a threat to the nationals of the victim state which is allowed to respond in self-defence. Third, the restricted use of force against a state that harbours, aids or supports terrorist groups is not prohibited by Article 2(4) of the United Nations Charter since it is not a threat to the territorial or political integrity of the target state and this does not contravene aims, objectives and the purposes of the United Nations.

Attempts will now be made to give some legal merits and demerits of each of the theories, which are considered as follows: The first theory has to do with Armed Attacks, and this paper considers two merits. First, Article 51 of the United Nations Charter gives some form of power to states in the way they are to respond to any kind of armed attack with military force. Even though the response by the target state has to be proportionate, it has the authority to respond to an armed attack with a greater magnitude of force than under other theories. Second, under the Geneva Conventions, such a response to an 'armed attack' possibly generates an international armed conflict. Under this same theory on armed attack, this paper considers two demerits. First, depending on the magnitude of support by the host states to the terrorists, under Article 51 of the United Nations, this theory potentially extends the classification of armed attack. Second, this theory presents only a little legal support in a situation where the host state decides to tolerate terrorists or provide a paltry level of support to them.

The second theory has to do with self-defence, especially under customary international law, where the use of force for the protection of nationals is well-grounded and settled. Another merit is the fact that Article 2(4) of the United Nations Charter gives a state the right to use force to protect its nation. Some of the demerits include the fact that it is only in the case of armed attack that the United Nations Charter grants states a right to use military force. Also, there is the relevant authority for the protection of other persons that this theory did not

²⁸ https://en.wikipedia.org/wiki/Nicaragua_v._United_States

²⁹ Benson Saul, 'International Terrorism as an International Crime: The Rationale for Criminalization', *European Journal of Crime and Criminal Justice*, (11) (4) (2011) 326

take care of. The last demerit is that the condition that the threat must be imminent is usually very difficult to prove as regards a terrorist threat. The third theory has to do with the use of force to fight terrorism and terrorist groups. One of the merits is that this theory is not rigid and which makes it very easy to be variously defined. Another merit is that the theory has a considerable footing in the many ramifications. The demerits include the fact that this theory does not have clear support in the United Nations Charter as well as the fact that the status of military personnel who fight such wars remains opaque.

4. Further Discussions

Other Forms of Limitations of the Use of Military Force

As previously noted, there are situations where the use of military force is not only practicable but justified under international law to deal with the threat posed by international terrorist groups. There are other forms of limitations on the use of military force. One implication of the use of military force is the possibility of undue intensity. One fallout is the propensity of the collaborators to increase their support for the terrorists. It has been shown that those who are victims of the use of military force can decide to retaliate, which may trigger greater violence between such state parties.³⁰ It is this kind of situation that suggests that none military measures may be better in resolving such disputes. This point is that the use of military force also carries with it the possibility of disastrous consequences.³¹

Terrorists and Their Legal Status

This part of the paper considers the legal status of terrorists who might be apprehended during military operations, which might not relate to the issue of the legal rationale of using military force to deal with the threat occasioned by terrorist activities. Military force transposes the legal status of terrorists such that it hampers any step meant to hold them accountable for their actions.³² There is also the argument that the use of military force changes the status of terrorists from criminals to combatants, which is less problematic than branding them as criminals.³³ One way to determine the legal status of terrorists under international and domestic law is to look at the act perpetrated by the terrorists and the level of support they receive from the state.³⁴ The argument that terrorists are essentially criminals, and should be treated as such, is gaining more ground even though more premium should be laid on how these terrorist groups are funded. Furthermore, the legal status of a terrorist can be determined by looking at the existence of an international armed conflict. Assuming there is an international armed conflict, it is generally the Geneva Conventions that will be inapplicable³⁵. Combatant status upon persons clearly comes under the Geneva Conventions, which are also able to give such persons' immunity for actions which would otherwise be considered criminal offences. The implication is that assuming there is no international armed conflict, such persons will generally be subjected to the criminal law of the state in which the terrorist act was perpetrated.³⁶ Under international law, it is not always clear, even if it depends on the circumstances, to ascertain whether an international armed conflict exists. The issue before a court in the United States in the case of *United States v. Manuel Antonio Noriega*³⁷ was whether there was an international armed conflict between the United States and Panama. The court, in defining an international armed conflict, opined that in accordance with Article 2 of the United Nations Charter, where there is a misunderstanding and disagreement between two states and which compels members of the armed forces to intervene can clearly be considered to be an armed conflict. What is not clear is whether a terrorist activity being sponsored by a state is

³⁰ Theodore Meroni, 'International Crime and Criminalization of internal Atrocities', *American Journal of International Law*, (89) (3) (2010) 557

³¹ *Ibid*, 576

³² Landino Husford, 'Permissive Criminal Law on the International Use of force', *American Journal of International Law*, (2019) (10) (7) 64

³³ *Ibid*, 67

³⁴ David Abraham, 'Legal and Political considerations in Authorizing the use of force against International Terrorism', *Harvard International Law Journal*, (68) (1) (2002) 75

³⁵ except for Common Article 3

³⁶ Anah Limson, 'International Terrorism: Beyond the use of force', *Revista Espanola de Derecho Internacional*, (68) (2) (2016) 34

³⁷ <https://law.justia.com/cases/u-federal/district-courts>

enough to create an international armed conflict between the sponsoring state and the victim state.³⁸ The drafters of the Geneva Conventions did not avert their minds to the present-day dynamics of terrorist activity and the way state governments now get involved in the sponsorship, aiding and abetting of such terrorist activities.

Various Levels of State Involvement in Terrorist Activities

It has been argued that terrorists who carry out terrorist activities with the collaboration and connivance of a state can be described as criminals *simpliciter*.³⁹ It is believed that if a state does not aid, support and collaborate with terrorists, their activity will not be sufficient to generate an international armed conflict between the victim state and the host state.⁴⁰ It is this kind of aid, sponsorship and collaboration that directly bring them under the Geneva Conventions for the purposes of being called combatants. The argument that the mere fact that a State aided and supported the operations of a terrorist group in its territory has, by that action, already generated an international armed conflict may not be a sound proposition.⁴¹ The point is that a mere connivance of criminal activity by a state that impacts another state cannot conclusively be considered as generating an international armed conflict unless the facts are unambiguous to that effect.⁴²

Various Targets of the Terrorist Activity

There have been many assertions that, in most cases, the civilian population is the target of terrorist activity.⁴³ This is because some of the components of the definitions of terrorism require that such attacks must be against the civilian population.⁴⁴ This is not to say that terrorist attacks cannot be directed against military personnel. There have been many attacks against the US military personnel and the military personnel of other countries that have been described as terrorist attacks.

5. Targets against Civilian Population and Military Personnel

The point has been made that whether terrorists are considered combatants or mere criminals, so long as the object of their target is against the civilian population or the civilian population suffers more monumental damage than any military advantage; the offenders will be subjected to criminal law and prosecution.⁴⁵ The Geneva Conventions will be applicable if there is an international armed conflict as a result of the draconian actions of such terrorists. Such an intentional target against the civilian population can be considered a war crime.⁴⁶ Assuming Article 4 of the Geneva Convention III does not cover such terrorists as Prisoners of War, they can be prosecuted for murder and other related offences since their actions will not be covered under any immunity. Conversely, if there is no international armed conflict, the Geneva Conventions cannot be applicable. The absence of an armed conflict will then subject the offenders to be treated as criminals since there will be no other status that will cover them under international law.⁴⁷ This is why these perpetrators can be prosecuted under the domestic law of the state in which the attack occurred. Also, depending on the magnitude of the attack, even though there is no armed conflict, the perpetrators can be prosecuted for a crime against humanity. What this means is that, so long as the attack is against the civilian population, it does not matter whether or not the perpetrators are involved in an international armed conflict; they will be tried accordingly.⁴⁸ Where an attack is targeted against military personnel, there are many ways in which the offenders might be considered to

³⁸ Dustin Lewise, 'Criminalization of Humanitarian Action and Counter Terrorism', *American Journal of International Law*, (1) (4) (2003) 134

³⁹ Email Konstantinor, 'International Law and International Terrorism', *German Yearbook of International Law*, (5) (6) (2018) 298

⁴⁰ Ibid, 301

⁴¹ Ibid, 304

⁴² Ibid, 307

⁴³ Ring Mark, 'International Law and Modern Terrorism', *Georgia Journal of International and Comparative Law*, (24) (1) (2011) 26

⁴⁴ Ibid, 32

⁴⁵ Victor Bruce, 'Justice, Law and Terrorism', *New Criminal Law Journal*, (10) (1) (2007) 676

⁴⁶ Ibid, 679

⁴⁷ Ibid, 683

⁴⁸ Bright Steven and Joseph John, 'Investigating Crime and Terrorism in the International Legal System', *Journal of Policy and Law*, (10) (1) (2011) 128

be unlawful combatants and may be tried for violating criminal law.⁴⁹ One way is that their failure to abide by the provisions of Article 4 of the Geneva Conventions in carrying out the attack may remove them from any immunity as prisoners of war. Again, such unlawful combatants will not have immunity to crimes perpetrated prior to or after the attack.

From the foregoing analysis, the status of an individual committing a terrorist act shows that when there is no international armed conflict, the terrorists are considered as criminals.⁵⁰ Accordingly, such terrorists will be prosecuted in line with the criminal law of the place in which the attack took place, as well as the criminal law of their state of origin and that of the victims.⁵¹ Assuming the target of the attack and the magnitude of state control over the terrorists is adequate to generate an international armed conflict between the state aiding and abetting the terrorist and the victim state, the offenders may still be considered unlawful combatants, which will then make them liable for trial for war crimes.⁵² This would be the situation assuming such combatants do not abide by the provisions of Article 4 of Geneva Convention III in executing the attack.

6. Conclusion

No doubt, international terrorism is a weighty threat to international peace and security for which a military response is most times imperative and justified.⁵³ What is, however not clear is when international law approves the use of military force in dealing with international terrorism. This paper has attempted to chronicle and analyze various arguments which explain the legal justification for the use of military force against terrorist groups, including states that aid, harbour and encourage them. This paper submits that both the provisions of the United Nations Charter and self-defence under customary international law grant a close-grained basis for the use of military force against terrorists and terrorist groups. What this means is that these countries, including the United States, who resist and fight international terrorism, should do so with the applicable and pertinent limitations under which military force can be deplored to fight international terrorists and terrorist activities.⁵⁴ This paper equally examined issues that have to do with the legal status of terrorists.⁵⁵ The argument that a terrorist needs to be given a status as a prisoner of war, in spite of the clear instances where state-aided, sponsored terrorists, can only be feasible in limited circumstances.⁵⁶ So long as those who are not combatants are the targets of an attack, terrorists will not be accorded any form of immunity from criminal arrest and prosecution.⁵⁷ The criteria under Article 4 of the Geneva Conventions will strictly apply even if the target of the attack is military personnel, with the argument that prisoner of war status should be accorded such persons. No doubt, international terrorists and terrorist activities are cataclysmic and calamitous threats to international peace and security, and only a humongous and concerted effort by all and sundry can destroy their existence.⁵⁸

⁴⁹ Lawson Johnson, 'International Law and Terrorism', *Romanian Journal of International Law*, 910 (2) (2003) 132

⁵⁰ Hania Checkem, 'International Criminalization of International Crimes', *Athens Journal of Law and Policy*, (149) (4) (2022) 476

⁵¹ *Ibid*, 483

⁵² *Ibid*, 488

⁵³ Journal Paul, 'Responding Lawfully to International Terrorism', *Whitter Ball Law Review*, (8) (3) (2016) 721

⁵⁴ Ahmed Musa, 'International Law, Use of force and Human Rights', *Athenson Journal of Law*, (2018) (91) (92) 153

⁵⁵ Lawson Bruce, 'The Use of force in International Law After the Invasion of Iraq', *International and Comparative Law Journal*, (53) (4) (2004) 792

⁵⁶ Emmanuel Robert, 'Re-Assessing the Use of Force and Terrorism under International Law', *American Journal of International Law*, (44) (5) (2013) 82

⁵⁷ Ahmad Luck, 'The Use of Force against Perpetrators of International Terrorism and Terrorist Activities', *Santa Clara Journal of International Review*, (16) (1) (2018) 23

⁵⁸ Jonathan Johnson, 'The Use of Force against Terrorism and International Law', *American Journal of International Law*, (95) (1) (2001) 632