

Secretary General that if the U.N. continues to fail to effectively sanction illegal acts of terrorism, states and even private groups will utilize force in response.<sup>14</sup> It is already unlawful for states to incite, finance, tolerate, assist or promote acts of illegal terrorism abroad; but will the United Nations act affirmatively to stop the Libyan and Ugandan forms of international law subversion? Will the United Nations only condemn those who respond to terrorism, or will the United Nations participate in a useful effort to counter terrorism through a far more energetic promotion of human rights in every country and an effort to set guidelines for state and private sanction effort? The Israeli response to terrorism has posed the problem; but, with a more realistic, policy-serving deference to customary international law, perhaps Israel has set a useful example.

14. See *supra* note 4, at 465. It should also be noted that the U.S. has an Entebbe-type Ranger unit, the Black Berets, See *Army*, May 1977, at 28. On private responses, see also J. Paust, "Response to Terrorism: A Prologue to Decision Concerning Private Measures of Sanction," 12 *Stanford J. Int'l Studies* 79 (1977); W. M. Reisman, "Private Armies in a Global War System: Prologue to Decision," 14 *Va. J. Int'l L.* 1 (1973).

## A Response to Paust

JEFFREY A. SHEEHAN\*

First, I have a difficult time understanding what is meant, in customary or other international law, by the idea of "self-help" as a legal right in and of itself. While I find precedents for such activities as reprisal and self-defense, nowhere have I been able to find any criteria, accepted by anybody, for a discrete activity called self-help. I have read numerous assertions that self-help is a "well-known" and "accepted" form of activity, but never have I read about Naulilaa- or Caroline-type criteria. My conclusion is that basing an argument on such a term is a risky business. Since it has no foundation, it can mean *anything*.

My worry about the imprecise use of this term was one point of departure in writing my article. The Entebbe raid simply did not fit any of the traditional forms for which there were criteria and a history of acceptance. Therefore, in spite of the potential for "old-wine-in-new-bottle" criticism, I felt that a new label and set of objective criteria were necessary as the first step in dealing with a phenomenon which existed and probably would continue to exist.

\* Jeffrey A. Sheehan received the MALD degree from The Fletcher School in May 1977. He is now Assistant to the Dean of The Fletcher School.