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Breaking the Silence on Palestinian Armed Struggle



Image by Dylan Shaw.

On February 22, 2024, China's Ambassador to The Hague, Zhang Jun, uttered the unexpected.

His testimony, like that of a number of others, was meant to help the International Court of Justice (ICJ) formulate a critical and long-overdue legal opinion on the legal consequences of Israel's occupation of Palestine.

Zhang articulated the Chinese position, which, unlike the American envoy's testimony, was entirely aligned with international and humanitarian laws.

But he delved into a tabooed subject—one that even Palestine's closest allies in the Middle East and Global South dared not touch: the right to use armed struggle.

“Palestinian people’s use of force to resist foreign oppression and complete the establishment of an independent state is an inalienable right,” the Chinese Ambassador said, insisting that “the struggle waged by peoples for their liberation, right to self-determination, including armed struggle against colonialism, occupation, aggression, domination against foreign forces should not be considered terror acts”.

Expectedly, Zhang’s comments didn’t reverberate much further: neither governments nor intellectuals, including many on the left, used his remarks as an opportunity to explore the matter further. It’s far more convenient to assign Palestinians the role of the victim or the villain. A resisting Palestinian—one with agency and control over his own fate—is always a dangerous territory.

Zhang’s remarks, however, were situated entirely within international law. Thus, we couldn’t miss the opportunity to discuss the topic in a recent interview we conducted with Professor Richard Falk, a leading scholar in international law and former UN Special Rapporteur for Palestine.

Falk is not merely a legal expert, however accomplished he has been in the field. He is also a profound intellectual and an astute student of history. Though he speaks with great care, he does not hesitate or mince words. His ideas may appear ‘radical’, but only if the term is understood within the limiting intellectual confines of mainstream media and academia.

Falk does not speak ‘common sense’, according to the Gramscian principle, but ‘good sense’—perfectly rational discourse, though often inconsistent with mainstream thinking.

We asked Prof. Falk specifically about the Palestinian people’s right to defend themselves, and, specifically, about armed struggle and its consistency (or lack thereof) with international law.

“Yes, I think that’s a correct understanding of international law—one that the West, by and large, doesn’t want to hear about,” Falk said in response to the February 24 comments by Zhang.

Falk elaborated: “The right of resistance was affirmed during the decolonization process in the 1980s and 1990s, and this included the right to armed resistance. However, this resistance is subject to compliance with international laws of war.”

Even the preamble to the Universal Declaration of Human Rights states that “whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”.

Israel does not comply with international laws of war—for example, the entire situation in Gaza is one of the most flagrant violations of Israel’s complete disregard, not only for the laws of war, but for the entire apparatus of international and humanitarian laws.

Palestinians, on the other hand, who are in a permanent state of self-defense, are driven by a different set of values of Israel. One is that they are fully aware of the need to maintain moral legitimacy in their methods of resistance.

Thus, ‘compliance with the laws of war’ would imply a commitment to protect civilians; respect and protect the “wounded and sick (...) in all circumstances”; “prevent unnecessary suffering” by restricting “the means and methods of warfare”; conduct “proportionate” attacks, among other principles.

This takes us to the events of October 7, 2023, the Al-Aqsa Flood Operation inside what is known as the Gaza Envelope region in southern Israel.

“To the extent that there is real evidence of atrocities accompanying the October 7 attack, those would constitute violations, but the attack itself is something that, in context, appears entirely justifiable and long overdue,” Falk said.

The above statement is earth-shattering, to say the least. It is one of the clearest distinctions between the operation itself and some allegations—many of which have already been proven false—of what may have taken place during the Palestinian resistance assault.

This is why Israel, the US, and their allies in Western governments and media labored greatly to mischaracterize the events that led to the war, resorting to utter lies about mass rape, decapitation of babies, and senseless slaughter of innocent participants in a music festival.

By creating this misleading narrative, Israel succeeded in shifting the conversation away from the events that led to October 7 and placed Palestinians on the defensive, as they stood accused of carrying out unspeakable horrors against innocent civilians.

“One of the tactics used by the West and Israel has been to almost succeed in decontextualizing October 7 so that it appears to have come out of the blue,” according to Falk.

“The UN Secretary-General was even defamed as an antisemite for merely pointing out the most obvious fact—that there had been a long history of abuse of the Palestinian people leading up to it,” he added, referring to Antonio Guterres’ simply stating that October 7 “did not happen in a vacuum”.

The words of Falk, an iconic figure and one of the most influential academics and advocates of international law in our time, must inspire a real discussion on Palestinian resistance.

The history of Palestinian resistance is not a history of armed resistance, per se. The latter is a mere manifestation of a long history of popular resistance that reaches all aspects of societal expression, ranging from culture, spirituality, civil disobedience, general strikes, mass protests, hunger strikes, and more.

However, if Palestinians succeed in placing their armed resistance—as long as it complies with the laws of war—within a legal framework, then attempts at delegitimizing the Palestinian struggle, or large sections of Palestinian society, will be challenged and ultimately defeated.

While Israel continues to enjoy impunity from any meaningful action by international institutions, it is the Palestinians who continue to stand accused, instead of being supported in their legitimate struggle for freedom, justice, and liberation.

Only courageous voices, like Zhang and Falk, among many others, will ultimately correct this skewed discourse of history.

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Listen to Ramzy Baroud on the latest episode of [CounterPunch Radio](#).

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