

Palestinians' use of force to resist foreign oppression 'well founded' in international law: China

written by Riyaz ul Khaliq

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Ma Xinmin, center, of China's Ministry of Foreign Affairs, at the International

Court of Justice in The Hague on February 22.

Addressing the International Court of Justice, China on Thursday said the Palestinians' use of armed struggle to gain independence from foreign and colonial rule was "legitimate" and "well founded" in international law.

"In pursuit of the right to self-determination, Palestinian people's use of force to resist foreign oppression and complete the establishment of an independent state is (an) inalienable right well founded in international law," the Chinese representative told the International Court of Justice in The Hague.

Citing resolutions by the UN General Assembly, Beijing's envoy to the world court said people struggling for self-determination could use "all available means, including armed struggle."

In his address to the ICJ, Ma discussed three areas, including the jurisdiction of the top UN court, the self-determination of the peoples, and international humanitarian law.

"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," he added, citing international conventions.

However, Ma stressed that genuine acts of terrorism are another matter.

For the first time since its establishment in 1948, Israel is currently being tried before the International Court of Justice, the highest judicial body in the UN, on charges of committing the crime of "genocide" against Palestinians in Gaza.

Israel's practices and policies of "oppression have severely undermined and impeded the exercise and full realization of the Palestinian people's right to self-

determination,” said the envoy.

The conflict stems “from Israel’s prolonged occupation of Palestinian territory and Israel’s longstanding oppression of the Palestinian people. The Palestinian peoples’ fight against Israeli oppression and their struggle for completing the establishment of an independent state under occupied territory are essentially just actions,” he added.

Ma stressed that all parties involved in armed conflict “are obliged to comply with international humanitarian law.”

He said that following World War II, various people “freed themselves from foreign occupation, (and) their practices serve as convincing evidence.”

The top UN court is currently hearing oral statements by states on South Africa’s case against Israel over its war on Palestine, where the death toll since Oct. 7 is rapidly approaching 30,000 since Tel Aviv launched attacks on the besieged enclave of Gaza.

Western nations, including the US, the UK, and their allies have condemned the armed wing of the Palestinian Hamas group for launching a “terror” attack inside Israel on the morning of Oct. 7.

Palestine a ‘litmus test of humanity, wisdom of UN’

Calling the question of Palestine a “litmus test to collective conscience of humanity and wisdom of the UN,” Ma said China is committed to respecting the rule of law.

Backing a “comprehensive cease-fire” in Gaza and an early two-state solution through negotiation between Palestine and Israel, the Chinese envoy put Beijing’s weight behind the jurisdiction of the ICJ to rule on the case brought by South Africa against Tel Aviv.

“China submits the court has the jurisdiction over the case (and has) no reason to decline to exercise its jurisdiction,” stressed the Chinese legal advisor.

“Arguments against jurisdiction (of ICJ) are not tangible,” he added.

Noting that the question of Palestine “goes beyond sphere of bilateralism,” the Chinese envoy said: “China supports the court in discharging its jurisdiction, ... upholding the purposes of principles of UN Charter and providing legal guidance to UN.”

On the right to self-determination of Palestinians, Ma said it was because of a “prolonged occupation and oppression of Palestinian” by Israel.

“Their struggle (is) for completing independence (of the Palestinian) state and for restoring the legitimate rights,” he added.

Citing the UN General Assembly Resolution 3707 of 1973, the Chinese legal expert said it reaffirms the “legitimacy of people’s struggle for liberation from colonial and foreign domination and subjugation by all available means including armed struggle.”

“This recognition” of armed struggle, said Ma, “is also reflected in international convention, for example Arab convention for suppressing of terrorism of 1998 (which) affirms the right of peoples to combat foreign occupation, aggression by whatever means, including armed struggle in order to liberate their territories and secure the right to self-determination and independence.”

“Armed struggle, in this context, is distinguished from acts of terrorism. It is grounded in the international law,” he noted.

“This distinction is acknowledged by several international conventions.”

Source: [Anadolu Agency](#)

