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**BETWEEN THE STATE TERRORISM AND THE  
PEOPLE'S RIGHT OF SELF DETERMIANTION**

Notwithstanding that Terrorism is an old phenomenon as old as history itself, this phenomenon however, was not given in the past the widespread international attention that it is getting today. This attention is mainly due to the widespread of terrorism in different countries of the world. Without exception all countries small and big, developed and developing , in addition to those countries which still suffering from vestiges of colonization such as impoverishment, backwardness in addition to ethnical and regional struggles. Innocent people In all those countries bear the brunt of catastrophes and misery ensuing from terrorism.

All nations of the world suffer from the evil of terrorism irrespective of the diversifications of their politics, religions and ideologies of those nations. Terrorism is perpetuated by people of different religion backgrounds, sects, political and intellectual orientations. Terrorism is being practiced in each country and on international level, therefore it is impossible to relate terrorism to a specific religion . The mission to fight terrorism is the duty of all free people in the world. It is inappropriate to leave such duty to be exploited by those who want to serve their narrow political vested interests.

One of the issues facing scholars from lawyers and state men in the world, is the ambiguity about the concept of terrorism made worse by the lack of a clear and specific definition of terrorism until now. Thus, the distinction between terrorism and legitimate resistance against aggression and occupation is unfortunately blurred.

Despite calls for an international conference to define terrorism, among first nations to make such calls was Syria and despite that the General Assembly of the United Nations has stressed upon the importance of defining terrorism , the superpowers have refused so far to convene such an international conference about the meaning of terrorism , since they wish that the concept of terrorism remain ambiguous in order to be exploited by such powers in accordance with their interests and positions.

Hence, the importance of your conference, as it represents in this respect an important step forward on the right path.

The United States of America consider terrorist, every activity against it and against its protégé Israel even if such activity is mere political , thus the United States consider each state and each organization as terrorist if it is simply adopting policies contrary to the policies of the United States.

It should be noted that the attention is focused so far only on terrorist practices of specific organizations which aims at achieving political or other objectives. While such terrorist activities of those organizations are to be condemned and are categorically rejected and cannot be justified under any pretext or any reason, however, and in contrast some states practice against other states or against civilians especially in war times are being condoned despite that state terrorism is also unjustifiable and shall be condemned as all types of terrorism should be rejected and condemned by the modern human intellect.

Today The international community is aware of the problem of terrorism. if we take international legitimacy as a reference to define terrorism we shall be able to find that state

terrorism, individual and organizations terrorism are condemned alike.

The resolution No. 2625/d/25 issued by the General Assembly of the United Nations on 24/10/1970 states the following : "No state shall organize any armed or sabotage activity, aid and abate, incite or finance such activity destined to topple by violence the regime of any other state or in order to interfere with a civil dispute in another state".

Furthermore, The Resolution No. 42/ 159 of the General Assembly of the United Nations dated 7/12/1987 provides that: "The General Assembly condemns all types of terrorist activity including the acts where states are involved directly or indirectly in perpetuating such activities which lead to propagating terrorism, violence, cause human casualties and material damages in addition to hindering the regular course of international relations".

The clearest example of state terrorism is the terrorism practiced by Israel against the Palestinians people since several long years . It is a matter of fact that the Middle East region is one of the regions in the world suffering the most from the phenomena of terrorism for more than a half century, i.e. since the establishment of the Israeli entity.

It is clear that the Zionist movement was and is still the major responsible for terrorism. The Palestinian people are the victims of such terrorism unprecedented before in the history of mankind in respect of its

2625/d/25

cruelty, intensity and magnitude as it is covering the whole Palestinian nation and is persisting from the past until now.

The establishment of Israel, was based on the activity of Zionist terrorist gangs which perpetuated collective massacres

against the civilian Palestinians in their villages and forced them to move in order to make room for settlers to reside in the place of the Palestinians. The Israeli terrorist activity reached in September 1948 the first United Nations envoy to Palestine Mr. Bernadot and his assistance.

Since 1948, the Israeli occupation authorities have displaced hundred thousands of Palestinians from their homelands where their grandfathers lived for thousands years and have transformed the Palestinian people into refugees in the neighboring Arab countries. The Israeli authority is still today practicing the same aggressive style in displacing the Palestinian people . Thus the Israeli occupation authorities is demolishing the houses of the Palestinians, cutting the trees uprooting the grass, sweeping away the soil , detaining the Palestinians for long periods without trial in contradiction with all international covenants and especially contrary to the Forth Geneva convention of 1949 which protect the civilians under occupation.

Based on this background it becomes necessary to distinguish between terrorism and the people's right of self determination . Each nation has the right to leave in freedom and self determination is a sacred right that can be restricted under any pretext or cause . All International treaties and specially those of the United Nations confirm the importance of such rights and therefore each nations has the right to struggle using all means to achieve the liberation objectives.

The Resolution No. 2625/d/25 issued by the United Nations on 24/10/1970 provides that : " Each state shall refrain from using any coercive act which prevent the people from practicing self determination, freedom an independence. Such people have the right to resist any coercive measures and to while looking forward to achieve self determination, shall get

the support in accordance with the objectives of the Untied Nations Charter."

Additionally, the resolution No. 40/61 issued by the General Assembly of the United Nations related to the right of the people in self determination backs up : " the legitimacy of the nations struggle notably, the struggle of the national liberation movement in line with the intentions and the principle of the United Nations Charter." Naturally, people prefer to attain self determination using peaceful means, but in case the people are prevented from using such means, they have the right to resort to all other available means including the resistance in all its forms. It is well known that the United Nations have encouraged such resistance by the national liberation movement in Asia and Africa.

02/01/75

Accordingly, it can be said that the Arab Palestinian people have the right to use all means of resistance to liberate its occupied land and restore all his legitimate rights as recognized by the international legitimacy.

In the course of condemning terrorism, we can not content ourselves with condemning and denouncing and considering security and military means as the sole ideal option to fight the terrorism.

This idea is not only erroneous, but contributes also in preventing from reaching a final solution to defeat terrorism. On the contrary the above incorrect idea exacerbates the problem of terrorism . The violence which we are witnessing in the last years is a proof that can not be rebutted of the incorrectness of the above idea.

The exacerbation of social problems , the increase of political oppression , the exclusion until now of many of the world's nations from attaining their basic human rights in addition to the disparity in the level of development in all fields on the international level between the rich states and the states which were in the past colonized, the deprivation of some nations from the right of self determination ,the continuance of the exploitation of the natural resources of the poor nations and the depletion of those resources in an unfair manner , all that provide a fertile soil to feelings of despair and failure among wide sections of the people in those countries which in turn engender an atmosphere which allows the development of certain forces which are disposed and believe that they can use all means in their possession in order to attain their objectives.

Thus, eliminating aspects of terrorism in our modern world, requires first that we improve the living standard of the citizens , realizing social and political justice in each country on one hand and safeguarding freedom and the right of self determination to all nations of the world.

The events taking place in Irak and Palestine today, move inside us deep feelings of pain and sadness towards the suffering of the Iraki and the Palestinian people who are subjected to killing, displacement of civilians, lack of security , destruction of homes. This requires a clear and strict standoff from all free and brave people in the world to demand the stopping of the American occupation of Irak and to grant the Iraki people the right in its sovereignty over its land, the unity of the Iraki nationhood and the setting up of a democratic regime capable of safeguarding the freedom, security, development and welfare for all Irakis.

Furthermore, eliminating the terrorism requires claiming the stopping of all collective massacres committed against the Palestinian people and bringing to end the Israeli occupation to the Palestinian lands , in addition to granting the Palestinian people the right of self determination over its land and the founding of its independent state with Jerusalem as its capital .

All nations of the world aspire for freedom, security and democracy . They look forward too for justice, equality on international level. It is submitted that each step assist in attaining those objectives is a sound and serious contribution towards a world free of all kinds of terrorism and should therefore guarantee the security and welfare of all people in our planet.

Recommendations :

In the light of the above, the Syrian Bar Association recommends the honorable conference to issue the following :

- 1- The conference confirms its firm commitments to the basic principles settled in the human conscience such as the right of the people of self determination, freedom, democratic principles, respect of human rights, the rule of law in addition to peace and justice.
- 2- The conference clearly differentiates between the phenomena of terrorism as practiced by some of the states and individuals on one side and the lawful right of people under occupation to resist the aggression and occupation in order to achieve self determination on the other side.
- 3- While the conference condemns the phenomena of terrorism in all its aspects and types, the conference refuses any attempt to relate such terrorism to a specific religion or nation.
- 4- The conference confirms the right of the people to self determination and to liberate the occupied land from occupation by all available means and ways.
- 5- In the light of the foregoing, the conference salutes and supports the Arab people of Palestine in his struggle against the Israeli occupation in order to establish its own independent state on the Palestinian soil with Jerusalem its capital.
- 6- The conference salutes the Iraqi people in his confrontation with the American occupation and confirms it support for the resistance of the occupation until the Iraqi people can free its land and set up its own government as its think fit and in accordance with its own national interest.



We wish that the conference adopt the aforementioned recommendations since they are in harmony with noble human values and international legitimacy. Furthermore these recommendations are in line with the principles of justice , the end goal of all those who work in the field of law. The Syrian Bar Association sincerely wishes your conference and the International Association of Democratic Lawyers success and satisfaction in all your endeavors.

~~Beirut 21-22/11/2004~~ Paris 7-11/6/2005

The Syrian Bar Association