

Abstract

This thesis suggests the presence of some legal and historical developments that affected legitimacy of people resistance to foreign domination to achieve self determination. It adopts the historical methodology when addressing the shift from recognizing legitimacy of resistance, to prefer achieving the resistance's goals through referendums or negotiations. The researcher presents the historical context that lead to categorize resistance movements as terrorist organizations that should be renounced and fought, after the states re-exercised their monopoly to the use of force to secure their national interests.

The first chapter tackles resistance in international law and the development of self determination from a mere notion to an inherent right in international law. It refers to the philosophical roots of self determination in the French revolution, in addition to its ideological background as illustrated in ideas of the Bolshevik revolution leader Vladimir Lenin and the former US president James Monroe who adopted the Monroe Doctrine. It also addresses the concept of self determination as was perceived by Versailles Treaty and League of Nations. Later, the chapter deals with resistance in customary law, through the international practice and juris opinion. Meanwhile, it does not disregard resistance as a right and duty in positive law. The chapter concludes by projecting the developments on the Palestinian resistance.

The second chapter focuses on the historical developments in defining resistance from the aspect of its goal in exercising self determination and resisting foreign occupation; to the transformation that highlights the means that are adopted by resistance movements. It illustrates the most important international developments that caused the resistance to loose what it had previously enjoyed of support, starting from the term of US president Ronald Reagan who fought some of resistance movements, passing by the end of cold war, ending in the control of power in the US by the neoconservatives and the consequent launch of war against terror and their ramifications on the Palestinian resistance. Also, the chapter tackles the failure in ending the domination of the US opinion when the UN failed to

achieve a unified definition of terrorism. Later, it deals with the impacts on the Palestinian movement which resorted to suicide bombings during the second intifada.

The third chapter deals with the various available scenarios before the Palestinian resistance to achieve its goals, however, it demonstrates first the security condition in the Middle East from an Israeli perspective and the retreat of the Israeli deterrent power following the recent wars with Hizbollah, in addition to the strategic dangers posed by the war against terrorism on Israel. It suggests the three available scenarios: the option of negotiations, reproduce Hizbollah experience or adopting non violent resistance, and the complications in achieving their goals. It presents the current status of the influential actors in the Palestinian cause: the Americans, the Israelis and the Palestinians.

It concludes with refuting the assumption that international law has changed to criminalize acts of resistance to foreign occupation, however, the historical developments in the world have contributed in pressuring resistance movements to renounce "terrorism" and embrace means of negotiation and dialogue to achieve their goals. The pressure on resistance movements was triggered by the states' interests and alliances. Finally, the researcher recommends the Palestinian resistance to unite, review its previous experience and set a new strategy that focuses mostly on popular resistance which includes the participation of the entire Palestinians in homeland and diaspora, while adhering to the inalienable recognized rights. Palestinians may begin action with implementing recommendations of the Document of National Consensus and can bet on time to change the balance of power and end US domination over the Palestinian file to implement international legitimacy.