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## The PLO and the Rule of Law: A Reply to Dr. Anis Kassim

### Keywords

Rule of Law, Israel, Carriers, Liability, Passengers

# DIALOGUE: THE LEGAL STATUS OF THE PLO

*Editor's note:* The following articles by Messrs. Friedlander, Levine, and Kassim relate back to an earlier article by Dr. Kassim, *The Palestine Liberation Organization's Claim to Status: A Juridical Analysis Under International Law*, 9 DENVER JOURNAL OF INTERNATIONAL LAW AND POLICY 1 (1980).

## The PLO and the Rule of Law: A Reply to Dr. Anis Kassim

ROBERT A. FRIEDLANDER

*When the rule of law is being compromised by expediency in many places of the world, it is crucial . . . to make certain that the United States does not retaliate in kind.<sup>1</sup>*

*The destiny of the Palestinian people is determined by the gun of the Palestinian revolutionary.<sup>2</sup>*

*[T]errorism threatens, endangers or destroys the lives and fundamental freedoms of the innocent. . . .<sup>3</sup>*

On June 13, 1980, the nine heads of state of the European Economic Community, meeting in Venice, issued a unanimous declaration favoring "recognition of the legitimate rights of the Palestinian people" and urging the participation of the Palestinian Liberation Organization in the full exercise of the Palestinian "right to self-determination."<sup>4</sup> This was the

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1. *Narenji v. Civiletti*, 619 F.2d 745 (D.C. Cir. 1980).
2. Statement of Yassir Arafat, *quoted in* N.Y. Times, June 15, 1980, at 5, col. 3.
3. Report of the Sixth Committee of the General Assembly, U.N. Doc. A/C.6/418, Corr. 1, 2 & Add. 1 (1972).
4. The complete text of the Venice Declaration is reprinted in N.Y. Times, June 14, 1980, at 4, col. 3.

first time the major European leaders had specifically and favorably mentioned the PLO in the context of both the Camp David Accords<sup>5</sup> and the Arab-Israeli confrontation, although one could argue that it has been forgotten that the twenty-one members of the Council of Europe voted a similar resolution with no opposition and few abstentions three weeks earlier.<sup>6</sup> The Common Market leaders were not reticent in articulating their meaning. According to British Prime Minister Margaret Thatcher, the Venice agreement "accepts the PLO as one of the participants that must be involved in the talks."<sup>7</sup> This has remained the European position, only slightly softened at the Venice Economic Summit,<sup>8</sup> notwithstanding the fact that the PLO leadership disdainfully rejected the European initiative. In the view of Yassir Arafat, the European heads of state were merely trying to "find a piece of bone that they could throw to us and keep us busy."<sup>9</sup>

Not all outside observers were ready to endorse the EEC Declaration.<sup>10</sup> Although attempting to be conciliatory and even supportive, the editorial writers of London's *The Economist* put it best when they admitted that "[t]he cynical thing to say about the statement is that it will not affect peace one way or another but may put Europe in the Arab oil producers' good books."<sup>11</sup> To paraphrase the late Harold Ickes, the cat is finally out of the bag, and it is a shabby animal indeed. Europe is once again playing power politics, or to use a better term, powerless politics, and the name of the game is oil. This has led to an increased pessimism on the part of Israeli politicians such as the former Israeli Deputy Minister of Finance: "When you make the account between Arab oil and Jewish blood, it's very clear which is heavier."<sup>12</sup> And the threat is not only

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5. For the texts of the Camp David Agreements of Sept. 17, 1978, see 17 INT'L LEGAL MAT. 1463 (1978).

6. Miami Herald, Apr. 23, 1980, at 16, col. 1.

7. The Oregonian (Portland), June 14, 1980, at 4, col. 1. See also N.Y. Times, June 14, 1980, at 1, col. 1.

8. THE ECONOMIST, June 28, 1980, at 13-14; NEWSWEEK, June 30, 1980, at 16-17; TIME, June 30, 1980, at 10-11. A favorable summary is provided by Mosettig, *Europe's Mideast "Initiative": But What's Next?*, EUROPE: MAGAZINE OF THE EUROPEAN COMMUNITY, Sept.-Oct. 1980, at 4.

9. N.Y. Times, June 15, 1980, at 1, col. 3.

10. The United States at first seemed to disassociate itself from the Common Market *démarche*. "Whatever the allies might do about this problem," President Carter observed, "our position is clear." N.Y. Times, June 15, 1980, at 13, col. 1. Actually, the U.S. position was, and is, far from clear.

11. THE ECONOMIST, June 21, 1980, at 13. The fact that the PLO jointly and severally is in continuing violation of the European Convention on the Suppression of Terrorism, opened for signature Jan. 27, 1977, has been carefully ignored. The text of the Convention is reprinted in 15 INT'L LEGAL MAT. 1272 (1976).

12. Quoted in Wall St. J., July 15, 1980, at 14, col. 1. See also Lewis, *France Plays Its Own Game in Wooing the Arab Oil*, N.Y. Times, Mar. 16, 1980, at E2, col. 3; *Europe and the PLO*, *The New Republic*, June 14, 1980, at 7; Kedourie, *Western Defense in the Middle East*, *id.*, June 7, 1980, at 18; THE ARAB OIL WEAPON 4-295 (J. Paust & A. Blaustein eds. 1977); Friedlander, *Problems of the Mediterranean: A Geopolitical Perspective*, 32 Y.B.

one of turning off the spigot, but more importantly (even if only implicitly) that of blowing up the wellhead. The 1979 statement of Saudi Foreign Minister Saud al-Faisal is instructive: "The holy places are protected by God; as for the oil fields, they are protected by man."<sup>13</sup>

Incredibly, the European leaders chose to ignore the proclamation Al-Fatah, allegedly the moderate faction of the PLO, issued on June 2, 1980. This proclamation declared that the goal of the PLO would continue to be "the complete liberation of Palestine [*sic*], the liquidation of the Zionist entity [Israel], politically, militarily, culturally and ideologically, and the establishment of a Palestinian democratic state with Jerusalem as its capital."<sup>14</sup> *The Economist* treated this as an unfortunate *faux pas*, alluding to the PLO's penchant for "linguistic violence,"<sup>15</sup> but the Misgav-Am incident and the Hebron assassination are symptomatic of something more than mere flaming rhetoric. It is hard to avoid the conclusion that "[i]f this document truly reflects a new strategic position of Fatah and the PLO, it terribly endangers regional and even world peace."<sup>16</sup> The former American Secretary of State, Edmund Muskie, did not shrink from raising the quintessential issue: "How do you expect Israel to deal with a group that is bent on its destruction?"<sup>17</sup> Can Israel afford to give diplomatic and legal recognition to an organization which has vowed to destroy its very existence? In a world where terror is the ultimate arbiter, then might indeed makes right.

The Palestine Liberation Organization has not changed the nature of its ideological landscape since it was created at the time of the Arab League summit conference at Cairo in January 1964. The real initiative for the establishment of the PLO came not from Palestinian nationalism but from the political ambitions of Egyptian President Gamal Abdel Nasser, who even picked the PLO's first leader, Ahmed Shukairy.<sup>18</sup> Originally

WORLD AFF. 175, 175-86 (1978). See generally OIL, THE ARAB-ISRAELI DISPUTE AND THE INDUSTRIAL WORLD (J. Hurewitz ed. 1976); *Symposium, Oil Crisis in Perspective*, 104 DAEDALUS (R. Vernon ed. 1975).

13. Quoted in Cooley, *Iran, the Palestinians, and the Gulf*, 57 FOREIGN AFF. 1017, 1027 (1979). Henry Kissinger commented: "[O]nce it is accepted that oil is a political weapon, the [Arab] moderates have no excuse for not using it as a political weapon." Kissinger, *Nato—The Next 30 Years*, reprinted in 125 CONG. REC. E4291 (1979).

14. Quoted in *The Oregonian* (Portland), June 7, 1980, at 22, col. 1. The New York Times failed to mention the Al-Fatah manifesto.

15. THE ECONOMIST, June 21, 1980, at 13.

16. *PLO Dogma Renews Mideast Danger*, *The Oregonian* (Portland), June 7, 1980, at 22, col. 1. *The New Republic*, June 14, 1980, at 9, notes that the only European reaction to the unremitting perpetration of political terror is that "Palestinian murderers are called Palestinian moderates." Two weeks later, upon further reflection, the editors of that same journal angrily remarked that the European leaders "endorse the PLO even as the PLO abandons all its petty pretenses to political maturity." *Id.*, June 28, at 7.

17. N.Y. Times, June 15, 1980, at E1, col. 2.

18. See J. BELL, THE MYTH OF THE GUERRILLA: REVOLUTIONARY THEORY AND MALPRACTICE 171 (1971); D. HIRST, THE GUN AND THE OLIVE BRANCH: THE ROOTS OF VIOLENCE IN THE MIDDLE EAST 272-73 (1977); T. KIERNAN, ARAFAT: THE MAN AND THE MYTH 232-34 (1976); B. VALABREGA, LA REVOLUCIÓN ARABE 195-99, 212-14 (1971).

designed as an instrument of Nasserite revenge upon Israel for the 1956 Suez humiliation, the PLO received its formal baptism on May 22, 1964, with the convening of the First Palestinian National Congress. Shukairy's keynote address set the tone of the organizational meeting, containing such memorable phrases as "the liquidation of Israel," and "death to Zionism."<sup>19</sup>

Of even greater significance, the Palestinian National Charter, last amended in 1968, is brutally specific about the necessity for the destruction of Israel.<sup>20</sup> Article 1 declares that Palestine "is an indivisible part of the Arab homeland, and the Palestinian people are an integral part of the Arab nation." Article 9 proclaims that "[a]rmed struggle is the only way to liberate Palestine." Article 10 asserts that "[c]ommando action constitutes the nucleus of the popular liberation war." Article 19 sums up the current PLO position from which historically it has never wavered: "The partition of Palestine in 1947 and the establishment of the state of Israel are entirely illegal, regardless of the passage of time . . . ." Article 20 negates history and the international legal order: "The Balfour Declaration, the mandate for Palestine and everything that has been based upon them, are deemed null and void." Last, and certainly not least, Article 29 arrogates to the PLO the self-proclaimed "right" to determine what is lawful and what is not, and which rules with respect to the operation of the international state system shall be observed and which shall be disregarded: "The Palestinian people possess the fundamental and genuine legal right to liberate and to retrieve their homeland. The Palestinian people determine their attitude towards all states and forces on the basis of the stands they adopt *vis-à-vis* the Palestinian cause . . . ."<sup>21</sup>

On January 14, 1969, the Al-Fatah wing of the PLO, headed by Yasir Arafat, issued a seven point political manifesto. Aside from the ritual denunciation of the "colonialist . . . racist . . . expansionist" state of Israel, the major objective of this declaration was to hold out the vision of an "independent democratic Palestinian state where all citizens, whatever their creed, can enjoy equal rights."<sup>22</sup> The only problem, and one not mentioned by Dr. Anis F. Kassim in his scholarly, civilized, and judicious-minded study of the PLO's claim to juridical status in international law,<sup>23</sup>

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19. T. KIERNAN, *supra* note 18, at 234.

20. The complete text of the Charter is reprinted in *THE ARAB-ISRAELI CONFLICT: READINGS AND DOCUMENTS 1086-91* (J.N. Moore ed. 1977) [hereinafter cited as *ARAB-ISRAELI CONFLICT*]; see also Lewis, *The Palestinians and the PLO: A Historical Approach*, *COMMENTARY*, Jan. 1975, at 46-48.

21. This last claim was expanded upon by Yassir Arafat in his dramatic appearance before the United Nations General Assembly on November 13, 1974. For a critique of the Arafat thesis, see Rostow, *The Illegality of the Arab Attack on Israel of October 6, 1973*, in *ARAB-ISRAELI CONFLICT*, *supra* note 20, at 458-59, 472, 474-75.

22. The text is reproduced in *THE COMING OF THE NEW INTERNATIONAL: A REVOLUTIONARY ANTHOLOGY 233-34* (J. Gerassi ed. 1971) [hereinafter cited as *REVOLUTIONARY ANTHOLOGY*].

23. Kassim, *The Palestine Liberation Organization's Claim to Status: A Juridical*

is that a secular Palestinian state encompassing all parties in interest must by its very nature require the elimination of the state of Israel. Obviously, however, a Palestinian state composed of the West Bank and the Gaza territory presents quite a different issue. The key question here is: What exactly is to be liberated? This point is never reached by Dr. Kassim.<sup>24</sup>

Throughout the 1970's the Palestine Liberation Organization has consistently maintained a radical Arab rejectionist position, refusing to accept U.N. Security Council Resolution 242 and thereby impliedly recognize the existence of the state of Israel,<sup>25</sup> and has constantly gone on record in favor of dismantling the Jewish state. The PLO's Ten Point Program of June 8, 1974,<sup>26</sup> not only denounces Resolution 242 (Point 1), but also threatens the destruction of King Hussein's Hashemite Kingdom of Jordan, which would be merged into a Greater Palestine (Point 5). As always, the fundamental objective is declared to be the complete "liberation of all Palestinian soil," which means, of course, the end of the state of Israel (Point 8). In March 1977, the PLO National Council, in a new Fifteen Point Program,<sup>27</sup> once again rejected Resolution 242 (Point 1), strongly denounced American interference (Point 4), pledged to carry the liberation struggle into every Arab territory (Point 10), and pledged to restore a Palestinian Palestine (Point 11). Most ominous is the assertion that any law, treaty, convention, or agreement that is inimical to PLO interests is unacceptable and non-binding (Point 15 B). Once again the PLO has set itself up as the sole judge of its own actions by declaring that any law which is not in its own interests is null and void. This is an egregious violation of the spirit of the United Nations Charter, which the PLO mentions so piously when it fits its interest to do so, and a blatant refusal to abide by the rules of civilized conduct established by international law. Apparently the only law that the PLO wishes to recognize on a continuing basis is the law of the jungle.

A little more than a decade ago, an interview given by a high-ranking

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*Analysis Under International Law*, 9 DEN. J. INT'L L. & POL'Y 1 (1980). The moderation of tone and dispassionate discourse in this thought-provoking article should be contrasted with the acerbic and unreasoned emotion of E. SAID, *THE QUESTION OF PALESTINE* (1980).

24. See generally Kassim, note 23 *supra*.

25. See, e.g., *TIME*, Apr. 14, 1980, at 50; Interview with Zehdi Labib Terzi (PLO representative to the United Nations), *Another Voice*, WHYY-TV (P.B.S.), Philadelphia (May 24, 1980) [hereinafter cited as Terzi Interview]. Kassim, *supra* note 23, at 29, argues not very persuasively that United States insistence on acceptance of Resolution 242, as a condition precedent to PLO participation in the negotiation process, must fail because "recognition in international law must be complete and not conditional . . ." But his reference is only to state recognition, and nowhere in his article does Dr. Kassim specifically demonstrate that the PLO constitutes a state.

26. Ten Point Program of the Palestine National Council (June 8, 1974), *reprinted in* NEW EAST REPORT, MYTHS AND FACTS 1978: A CONCISE RECORD OF THE ARAB-ISRAELI CONFLICT 70-72 (1978) [hereinafter cited as MYTHS AND FACTS]; Lewis, *supra* note 20, at 48.

27. Fifteen Point Program of the Palestine National Council (Mar. 1977), *reprinted in* MYTHS AND FACTS, *supra* note 26, at 73-76.

member of the Democratic Front for the Liberation of Palestine (PFLP), the radical terrorist wing of the PLO, made it perfectly clear that "the legitimate right of the Hebrew nation to possess and establish its own state" is totally unacceptable to the Palestinian people.<sup>28</sup> During an interview with *Time* magazine in mid-April 1980, Yassir Arafat, as he had done so many times, plainly refused to discuss the subject.<sup>29</sup> The following month, the PLO observer at the United Nations, Zehdi Labib Terzi, left no doubt what the PLO program continues to be when he said that the achievement of Palestinian independence "will be a long process which entails violence, bloodshed, and misery."<sup>30</sup>

The PLO has never ceased to embrace murder and barbarism as the prime means of attaining its goal, even if the battlefield happens to be a grade school (Ma'alot) or a kibbutz nursery (Misgav-Am). National liberation struggles are one thing. World-wide terrorism is something else. It is well established that the PLO has been engaged in a global program of terror-violence with close links to other terrorist groups in disparate foreign countries,<sup>31</sup> that it acts as a training master and supply center<sup>32</sup> (going so far as to instruct the Ayatollah Khomeini's secret police in terrorist techniques),<sup>33</sup> and that it serves, on occasion, as a surrogate ally and disbursement agent for the Soviet Union.<sup>34</sup> The PLO campaign of terror-

28. Hillier, *Democratic Popular Front: We Are Marxist-Leninists*, in *REVOLUTIONARY ANTHOLOGY*, *supra* note 22, at 244.

29. *TIME*, Apr. 14, 1980, at 49.

30. Terzi Interview, note 25 *supra*. Twice in December 1980 Arafat committed himself to supporting Israel's destruction. See Milson, *How to Make Peace with the Palestinians*, *COMMENTARY*, May 1981, at 28.

31. See 1 *POLITICAL TERRORISM* 3-81 (L. Sobel ed. 1975); 2 *POLITICAL TERRORISM* 15-85 (L. Sobel ed. 1978); *PALESTINIAN IMPASSE: ARAB GUERRILLAS AND INTERNATIONAL TERROR* 21-165, 206-63 (L. Sobel ed. 1977). See also J. BECKER, *HITLER'S CHILDREN: THE STORY OF THE BAADER-MEINHOPF TERRORIST GANG* 15-18, 159, 292 (1977); O. DEMARIS, *BROTHERS IN BLOOD: THE INTERNATIONAL TERRORIST NETWORK* 67-180 (1977); C. DOBSON, *BLACK SEPTEMBER: ITS SHORT, VIOLENT HISTORY* 42-171 (1974); A. PERRY, *TERRORISM: FROM ROBESPIERRE TO ARAFAT* 435-40, 447-68, 563-76 (1976); Sterling, *The Terrorist Network*, *THE ATLANTIC*, Nov. 1978, at 37-47.

32. Sterling, *supra* note 31, at 39-46; Tinnin, *Terror, Inc.*, *PLAYBOY*, May 1977, at 152-54, 158, 166-82; Tinnan & Halevy, *Strike Teams*, *PLAYBOY*, Feb. 1979, at 92. See also R. CLUTTERBUCK, *KIDNAP AND RANSOM: THE RESPONSE* 41-42, 49-52, 141-42 (1978); C. DOBSON & R. PAYNE, *THE TERRORISTS: THEIR WEAPONS, LEADERS AND TACTICS* 65-100 (1979); B. HÄGGMAN, *TERRORISM: VÅR TIDS KRIGFÖRING [WARFARE OF OUR TIMES]* 172-73 (1978); A. PERRY, *supra* note 31, at 540-41; Horner, *The Facts About Terrorism*, *COMMENTARY*, June 1980, at 42-43; private information provided the author by the British Metropolitan Police, February 1980. Currently, the PLO is providing training for the Basque terrorist ETA. See *THE ECONOMIST*, July 19, 1980, at 46. The PLO may also have reentered the assassination arena with respect to foreign diplomats. *Id.*, July 26, 1980, at 39; *NEWSWEEK*, Aug. 4, 1980, at 32, 35.

33. Moss, *What Russia Wants*, *THE NEW REPUBLIC* Jan. 19, 1980, at 25. Mr. Moss was foreign editor of *The Economist*. There is also good reason to believe that the Israelis helped train the Shah of Iran's notorious SAVAK. Cooley, *supra* note 13, at 1017. This does not, however, justify the PLO's Iranian activities.

34. Originally, the PLO and its various affiliates allowed themselves to be used as surro-



violence, which violates every human rights declaration and convention in existence,<sup>35</sup> has been totally indiscriminate with respect to its victims.<sup>36</sup> As one Israeli commentator observed, "the PLO may be the only terrorist organization anywhere that does not even recognize the *concept* of innocence among the population it opposes, that in fact seems to prefer attacking civilian targets to military, killing schoolchildren rather than soldiers . . . ."<sup>37</sup>

Throughout modern history, advocates of revolutionary change have argued that the end justifies the means, and that violent means are permissible and indeed desirable in order to attain revolutionary ends.<sup>38</sup> Much of present-day terrorism is political in origin, inextricably intertwined with so-called national liberation movements. National liberation struggles have often adopted techniques of terror-violence as the most expeditious method for achieving self-determination.<sup>39</sup> In modern parlance,

gates for the Red Chinese in the 1960's and then switched over to the Soviet Union at the beginning of the 1970's. See C. DOBSON & R. PAYNE, *THE CARLOS COMPLEX* 36-38, 53-55 (1977); Z. SCHIFF & R. ROTHSTEIN, *FEDAYEEN: GUERRILLAS AGAINST ISRAEL* 210-17 (1972); C. SMITH, *CARLOS: PORTRAIT OF A TERRORIST* 56-67 (1976); Krosney, *The PLO's Moscow Connection*, *NEW YORK MAGAZINE*, Sept. 24, 1979, at 64-72; *The Miami Herald*, Sept. 18, 1979, at 1A, col. 1; *id.* Sept. 20, 1979, at 1A, col. 1. Also, Horner cynically observes that "it is at the point when the Western democracies can no longer deny the facts of the relationship between the PLO and the Soviet Union, that they begin to afford the organization greater respectability." Horner, *supra*, note 32, at 43-44.

35. On the role of international law and the use of terror-violence, see Franck, *International Legal Action Concerning Terrorism*, in 1 *TERRORISM: AN INTERNATIONAL JOURNAL* 187 (1978); Friedlander, *Terrorism and International Law: What Is Being Done?*, 8 *RUT.-CAM. L.J.* 383 (1977); Paust, *A Survey of Possible Legal Responses to International Terrorism: Prevention, Punishment, and Cooperative Action*, 5 *GA. J. INT'L & COMP. L.* 431, 462-69 (1975). The activities of the PLO violate not only the Universal Declaration, the two International Covenants of 1966, and the Genocide Convention, but also the guarantee of human rights and fundamental freedoms set forth in the U.N. Charter in art. 1, paras. 1, 2 and 3, and art. 55, para c.

36. For example, bombs have been placed in pickle jars in market places and in tourist shops in Arab bazaars. See *Chicago Sun-Times*, Jan. 19, 1979, at 6, col. 3; *Chicago Tribune*, Sept. 17, 1978, at 2, col. 5.

37. Halkin, *Whose Palestine? An Open Letter to Edward Said*, *COMMENTARY*, May 1980, at 27. The notorious Palestinian hijacker, Leila Khaled, who in Copenhagen in July 1980 represented the PLO at the United Nations Conference on the Decade of Women, told a *Time* magazine correspondent in October 1970: "If we throw bombs, it is not our responsibility. You may care for the death of a child, but the whole world ignored the death of Palestinian children for 22 years. We are not responsible." *Quoted in* 1 *POLITICAL TERRORISM*, *supra* note 31, at 3. Nobel laureate Albert Camus anticipated this "defense" in his play *Just Assassins* by having his terrorist protagonist exclaim: "I threw the bomb at your tyrant, not at a man." The rejoinder: "There was blood, you know, a lot of blood." A. CAMUS, *CALIGULA AND THREE OTHER PLAYS* 282 (S. Gilbert trans. 1958).

38. Apologists for the PLO argue that "terrorism was a weapon of the weak and of the oppressed, of people who had no other means of fighting." D. HIRST, *supra* note 18, at 316. See also J. SCHREIBER, *THE ULTIMATE WEAPON: TERRORISTS AND WORLD ORDER* 137-38 (1978); G. MCKNIGHT, *TERRORIST MIND* 24-27 (1974). For a legal critique of this self-justificatory rationale, see Friedlander, *Terrorism and Political Violence: Do the Ends Justify the Means?*, 24 *CHITTY'S L.J.* 240 (1976). Dr. Kassim is strangely silent on this issue.

39. See generally *SELF-DETERMINATION: NATIONAL, REGIONAL, AND GLOBAL DIMENSIONS*

self-determination is almost always synonymous with national liberation conflicts. At times the one is used as a code word for the other and also used as a justification for terrorist acts, particularly on the part of so-called guerrilla bands.<sup>40</sup> Dean Rusk's 1962 observation that success in irregular warfare is self-legitimizing still holds true.<sup>41</sup> And the United Nations has continually condoned rather than condemned such measures.

The United Nations definition of aggression, approved by consensus on December 14, 1974, effectively exculpates terror-violence from any liability when employed on behalf of self-determination movements or against colonial and racist regimes.<sup>42</sup> In blunt, non-hyperbolic terminology, the United Nations majority has opted for a philosophy of ends over means when the ends happen to coincide with the desires of the Third World and the Soviet Bloc. Ironically, the Final Act of the often maligned Helsinki declaration pledges the thirty-five signatory states to "refrain from direct or indirect assistance to terrorist activities . . ."<sup>43</sup> The obvious contradiction between these two documents has not been resolved. The effect of the legitimation of terror by the world community, through such resolutions and agreements as the definition of aggression and the 1977 Protocol to the 1949 Geneva Convention on the Protection of Victims of International Armed Conflict,<sup>44</sup> not only encourages third party intervention on behalf of national liberation movements, but literally turns self-determination claims into a license to kill. Has international law, to use the terminology of Lord Simon of Glaisdale, conferred on Yasir Arafat and his terrorist organization "immunity from the criminal law"?<sup>45</sup>

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(Y. Alexander & R. Friedlander eds. 1980) [hereinafter cited as SELF-DETERMINATION]; Tyner, *Wars of National Liberation in Africa and Palestine: Self-Determination for Peoples or for Territories?*, 5 YALE STUD. WORLD PUB. ORDER 234 (1979).

40. See J. BELL, *THE MYTH OF THE GUERRILLA: REVOLUTIONARY THEORY AND MALPRACTICE* (1971); G. CHALIAND, *REVOLUTION IN THE THIRD WORLD: MYTHS AND PROSPECTS* (1977).

41. P. WYDEN, *BAY OF PIGS: THE UNTOLD STORY* 147 (1979).

42. G.A. Res. 3314, 29 U.N. GAOR, Supp. (No. 31) 142, U.N. Doc. A/9631 (1974). For the long, tedious historical record of international negotiations leading to the definition, see B. FERENCZ, *DEFINING AGGRESSION—THE SEARCH FOR WORLD PEACE: A DOCUMENTARY SURVEY AND ANALYSIS* (2 vols. 1975). A decidedly negative analysis is provided in J. STONE, *AGGRESSION AND WORLD ORDER: A CRITIQUE OF UNITED NATIONS THEORIES OF AGGRESSION* (1976).

43. Conference on Security and Cooperation in Europe, Final Act, reprinted in INT'L LEGAL MAT. 1293, 1294-95 (1975); 73 DEP'T STATE BULL. 323, 325 (1975). For a useful legal survey of the Helsinki Final Act, see Comment, *The Conference on Security and Cooperation in Europe: Implications for Soviet-American Détente*, 6 DEN. J. INT'L L. & POL'Y 122 (1976).

44. Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), adopted at Geneva June 8, 1977, opened for signature Dec. 12, 1977, reprinted in 16 INT'L LEGAL MAT. 1391 (1977). For contrasting interpretations of the new Protocol, see Dinstein, *The New Geneva Protocols: A Step Forward or Backward?*, 33 Y.B. WORLD AFF. 265 (1979), and Bassiouni, *Repression of Breaches of the Geneva Convention Under the Draft Additional Protocol to the Geneva Conventions of August 12, 1949*, 8 RUT.-CAM. L.J. 185 (1977).

45. D.P.P. v. Lynch, [1975] A.C. 653, 687 (Lord Simon of Glaisdale, J., dissenting).

The most extreme statement of support by the world community for national liberation struggles is to be found in United Nations General Assembly Resolution 3103 of December 12, 1973, entitled "Basic Principles of the Legal Status of Combatants Struggling Against Colonial and Alien Domination and Racist Regimes."<sup>46</sup> Granting to these rebellions a claim of legitimacy under international law, Resolution 3103 declared that "armed conflicts involving the struggle of peoples against colonial and racist régimes are to be regarded as international armed conflicts . . .," but that "[t]he use of mercenaries by colonial and racist régimes against the national liberation movements struggling for freedom and independence from the yoke of colonialism and alien domination is considered to be a criminal act and the mercenaries should accordingly be punished as criminals."

Under this formula the Mauritians who aided the Moroccans against the Polisario Front were mercenaries, but the Cubans who fought for (and against) the Angolans were legitimate combatants engaged in permissible military intervention. Several years ago, the former Biafran Minister of State remarked: "Biafra made a mistake in not trying terrorism. If we had terrorized, we would be independent today. The PLO has shown how effective the use of terror can be in the international arena."<sup>47</sup> Terrorism is at the core of the current Middle East crisis, and has affected and afflicted the course of history in that unhappy region for the past two generations.<sup>48</sup>

But what of the Palestinians? Do they also have a claim to national legitimacy? The credo of contemporary Arab politics has become "self-determination for the Palestinians," although the nature of that principle is still much debated and much abused.<sup>49</sup> There is no denying that self-determination has been a major force during most of this century. Nonetheless, what has been lacking with reference to international law is a precise, definite, definable standard which may be fairly applied under certain specified conditions.<sup>50</sup> What lies at the heart of the problem is the

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46. G.A. Res. 3103, 28 U.N. GAOR, Supp. (No. 30) 142, U.N. Doc. 9030 (1973), reprinted in 1 R. FRIEDLANDER, *TERRORISM: DOCUMENTS OF INTERNATIONAL AND LOCAL CONTROL* 495-96 (1979).

47. Quoted in Friedlander, *Sowing the Wind: Rebellion and Terror-Violence in Theory and Practice*, 6 DEN. J. INT'L L. & POL'Y 83, 86 (1976). Terrorism was successful in the Palestinian Mandate, Algeria, Cyprus, Kenya, Vietnam, and most recently, in Zimbabwe.

48. Dr. Kassim rationalizes this central, all-embracing issue by refusing "to pass a value judgment on the coercion situations in which the PLO has been involved." He then broadly asserts what he has not sought to explain: "The PLO has been able to exercise what amounts to sovereign power over Palestinians in war situations." Kassim, *supra* note 23, at 22.

49. See generally SELF-DETERMINATION, *supra* note 39; Franck & Hoffman, *The Right of Self-Determination in Very Small Places*, 8 N.Y.U. J. INT'L L. & POL. 331 (1976); Note, *The Logic of Secession*, 89 YALE L.J. 802 (1980).

50. See Paust, *Self-Determination: A Definitional Focus*, in SELF-DETERMINATION, *supra* note 39, at 3-18; Friedlander, *Self-Determination: A Legal-Political Inquiry*, in *id.*, at 307-31.

curious conundrum that although self-determination is a collective concept, no one has yet adequately defined what constitutes a people or group. The most conspicuous failure to identify the potential parties for whom a self-determination remedy is to be applied has been that of the United Nations to give any precision to its wide-ranging statements of principle.<sup>51</sup> The two major pronouncements on the subject can be found in the well-known General Assembly Declaration on the Granting of Independence to Colonial Countries and Territories (December 14, 1960),<sup>52</sup> and in the Annex of implementing General Assembly Resolution 1541 (December 15, 1960), dealing with non-self-governing territories.<sup>53</sup> In the former, no definition was given for the frequently utilized term "peoples," while the latter resolution generally defines free association but neglects to specify precisely to whom the categories of association and self-government will apply.<sup>54</sup>

Existing legal norms and the historical record offer some definitional means of clarification. A "people" consists of a community of individuals bound together by mutual loyalties, an identifiable tradition, and a common cultural awareness, with historic ties to a given territory. Their collective behavior is based upon the pursuit and implementation of specific goals which give to the community at large a group identity and a shared sense of values. A "nation" is a community of peoples, adhering to a single sovereignty, accepting mutually binding authority structures, and occupying a given territory within ascertainable geographic boundaries. This collective entity, upon exercising political power and establishing social controls, becomes a nation-state, and its peoples are citizens thereof.<sup>55</sup> In law and in fact there must be a positive link or rational nexus between people and territory.<sup>56</sup>

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51. In a careful study, Umozurike argues that self-determination has become "law" through its recognition by international bodies. Actually, custom and arbitrary state practice have prevented self-determination from achieving either the status of a peremptory norm or the claims repeatedly made in its name by pro-liberationists. U. UMOZURIKE, *SELF-DETERMINATION IN INTERNATIONAL LAW* 182-203, 272 (1972).

52. G.A. Res. 1514, 15 U.N. GAOR, Supp. (No. 16) 66, U.N. Doc. A/4684 (1960).

53. G.A. Res. 1541, Annex, *id.*, at 29. See also Murphy, *Self-Determination: United States Perspectives*, in *SELF-DETERMINATION*, *supra* note 39, at 50. G.A. Res. 742, 8 U.N. GAOR, Supp. (No. 17) 21, U.N. Doc. A/2630 (1953), sets out in greater detail, but similar scope, various factors to be considered regarding the transformation of a dependent territory into a self-governing entity.

54. For an incisive analysis of both documents, see Clark, *Self-Determination and Free Association—Should the United Nations Terminate the Pacific Islands Trust?*, 21 *HARV. INT'L L.J.* 1, 41-46 (1980).

55. These definitions are taken from Friedlander, *Proposed Criteria for Testing the Validity of Self-Determination as it Applies to Disaffected Minorities*, 25 *CHITTY'S L.J.* 335, 336 (1977). Anthony D'Amato raises the jurisprudential query: "Who is to be a 'representative' of a 'nation'? . . . If we cannot decide this in an *a priori* fashion, then there appears to be an inconsistency in the 'self' part of the phrase 'self-determination.'" D'Amato, *International Law and Rawls' Theory of Justice*, 5 *DEN. J. INT'L L. & POL'Y* 525, 533 (1975).

56. One must beware of oversimplifications like the comment of Judge Hardy Dillard in

According to United Nations practice, a "people" is any group that august organization wishes to liberate from "colonial and racist regimes." Thus, the Puerto Ricans are a people but the Kurds are not; the Namibians are a people and possess their own state but the population of East Timor (or what remains of it) is without identity and without hope. Palestinian liberation has become a United Nations obsession,<sup>57</sup> but who remembers the Tibetans and who dares to recall Latvia, Lithuania, and Estonia? Military conquest is proscribed and annexation of territory by force of arms is condemned by international law,<sup>58</sup> unless the conqueror happens to be a super-power who is not afraid to use brute force against those who would challenge its methods and their consequences.

The roots of the current Arab-Israeli conflict grow out of two conflicting sets of rights: the right of Israel to exist as a state, first enunciated by the League of Nations, then created by the United Nations; and the right of the Palestinians to secure control of their own future by means of self-determination. For a variety of reasons—some religious, some political, some historical—the rights of both peoples have proved to be mutually incompatible during more than half of this century. Must they continue to be so?

At this point in history no one can deny the validity of the Palestinian claims to self-determination in those territories which remain today uniquely or preponderantly Palestinian. The Israeli government of Menachem Begin and its successors must face up to the hard fact and cold reality that the Palestinian Arabs of the West Bank and Gaza have an international right to express themselves politically and a strong claim of right to constitute themselves into a sovereign political entity. However, the assertion that the PLO is "a territorial public body" and possesses international juridical status<sup>59</sup> has no foundation in international

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his separate advisory opinion on the Western Sahara Case: "It is for the people to determine the destiny of the territory and not the territory the destiny of the people." Advisory Opinion on Western Sahara, [1975] I.C.J. 12, 122 (separate opinion of Dillard, J.). But without "people" and without territory there can be no claim. As with many legal arguments, self-determinative claims of right are a matter of focus. Radley asserts that "the uniqueness of the Palestinian claim is that it finds little support in international law . . . ." Radley, *The Palestinian Refugees: The Right to Return in International Law*, 75 AM. J. INT'L L. 586, 611 (1978).

57. See Mallison & Mallison, *An International Law Analysis of the Major United Nations Resolutions Concerning the Palestine Question*, in U.N. Doc. ST/SG/SER.F/4 (1979) (United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People). The United States has steadfastly opposed both the creation and the existence of this Committee. See the statement of Ambassador Andrew Young, 79 DEP'T STATE BULL. 51 (1979).

58. Gerson makes the interesting argument that Israel is acting as a trustee-occupant of the West Bank Territory. Gerson, *Trustee-Occupant: The Legal Status of Israel's Presence in the West Bank*, 14 HARV. INT'L L.J. 1 (1973). Silverburg, "Uti Possidetis" and "Pax Palestiniana": A Proposal, 16 DUQ. L. REV. 757 (1977-78), is neither practical nor indicative of the weight of authority in the post-Charter era.

59. Kassim, *supra* note 23, at 26. In December 1975 the U.S. representative in the U.N. Security Council denounced the proposal to allow the PLO to participate in the debate on

law. To compare it with regional or international agencies such as the European Coal and Steel Community, the Organization of American States (a regional group of *nation-states* which is subject to the provisions of Article 52 of the United Nations Charter), the Food and Agriculture Organization, and the International Labor Organization,<sup>60</sup> makes as much sense as comparing apples and artichokes. Private bodies, or public bodies, even if granted international personality (such as corporations), do not take on the attributes of nation-states.<sup>61</sup>

The so-called "diplomatic recognition" granted the PLO by well over 100 different governments<sup>62</sup> is a political recognition. It cannot be a diplomatic recognition since, despite claims to the contrary, the PLO does not constitute a state. To compare the PLO with the Polish Government-in-Exile during either world war, or the Free French Government, or any similar wartime national group,<sup>63</sup> is misleading at best and is an insult to the historic memory of those organizations. They did not violate international law, did not wage war upon the innocent, and did not maintain their claims to public authority by a program of murder and intimidation directed against their national oppositionists. In point of fact, the Free French and all resistance movements operated by a code of honor which sought to protect innocent civilians.<sup>64</sup>

The inexorable dilemma confronting those who seek a just, fair, and equitable Middle East settlement has been the difficulty of separating Palestinian needs, aspirations, and goals from those of the PLO. There are no moderate Palestinian political leaders, either outside or within the PLO, because the radical leadership of that organization has not permitted it. Dissident moderates have been eliminated by an assassination

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Lebanon as an "egregious attempt to use this body to deal with an amorphous terrorist organization as though it were a concrete entity with the attributes of a sovereign Government." Gross, *Voting in the Security Council and the PLO*, 70 AM. J. INT'L L. 470, 477 (1976).

60. Kassim, *supra* note 23, at 7-8.

61. In particular, see the Montevideo Convention on Rights and Duties of States, Dec. 26, 1933, 49 Stat. 3097, T.S. No. 881, 165 U.N.T.S. 19, article 1 of which provides: "The State as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other States." This formulation is generally accepted by most commentators and is "often adopted in substance by jurists." I. BROWNIE, *PRINCIPLES OF PUBLIC INTERNATIONAL LAW* 74 (3d ed. 1979).

62. Kassim, *supra* note 23, at 19 n.101, gives 103 as the number of recognizing governments as of 1974. Yassir Arafat claimed 115 in a meeting with Reverend Jesse Jackson in October 1979. Jackson, *A New Formula for Mideast Peace*, The Chattanooga Times, Oct. 16, 1979, at A8, col. 1. In the Terzi interview, note 25 *supra*, Terzi made the claim in May 1980 that the PLO had between 80 and 90 full diplomatic missions in approximately 120 countries.

63. Kassim, *supra* note 23, at 31-33.

64. See, e.g., 1 R. ARON, *HISTOIRE DE L'ÉPURATION* (1967); H. FRENAY, *THE NIGHT WILL END: MEMOIRS OF A REVOLUTIONARY* (1976); *RESISTANCE IN EUROPE, 1939-1945* (S. HAWES & R. WHITE EDS. 1976).

campaign waged throughout Europe and the Middle East.<sup>65</sup> The Palestinian people are adherents to PLO leadership by way of coercion and intimidation.<sup>66</sup> It is therefore no wonder that President Anwar Sadat has denounced the PLO's "murder for murder's sake" attitude, adding that "[t]he fate of nations is being played with just as children play with toys on the streets."<sup>67</sup> This is exactly what the Israelis fear from a PLO-dominated state.

Before the PLO Charter of 1964 and the Israeli occupation of 1967, the Palestinians neither expressed any nationalistic desires nor evidenced a national consciousness to any meaningful degree.<sup>68</sup> Moreover, the United Nations discerned no Palestinian "right" to self-determination until December 10, 1969.<sup>69</sup> Nevertheless, since those dates, with Israel as the catalyst, a Palestinian national movement has gone on to receive, in countless resolutions and declarations, overwhelming United Nations support for application of the self-determination principle to the Palestinian people.<sup>70</sup>

On November 18, 1979, in a television interview on station WEPC in West Palm Beach, Florida, United Nations Secretary-General Kurt Waldheim referred to the PLO as "the elected representative of the Palestinian people." With this kind of objective detachment it is not surprising that United Nations impartiality and its power of moral suasion have become, to the Israelis if not to world popular opinion, inherently suspect. A similar attitude was clearly implicit on November 22, 1974, when the General Assembly overwhelmingly endorsed the creation of a Palestinian state and granted the PLO permanent observer status at the United Na-

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65. For an introduction to this phenomenon, see *War Among the Terrorists*, NEWSWEEK, Aug. 14, 1978, at 25-27. After the assassination of the former Syrian Prime Minister, Salah Eddin al Bitar, in Paris during late July 1980, the Gaullist publication *La Nation* complained: "If the PLO rents its services to Iranian fanatics . . . should we not reconsider our attitude to the PLO?" *The Hit Men Strike Again*, NEWSWEEK Aug. 4, 1980, at 35.

66. Rashad al Shawa, Mayor of Gaza, at one time the target of several PLO assassination attempts, now makes frequent trips to Beirut to confer with Yassir Arafat. NEWSWEEK, June 9, 1980, at 57. See also Milson, *supra* note 30, at 33-34.

67. Detroit Free Press, Oct. 11, 1978, at 20D, col. 2. The Palestinian internecine strife confused and confounded American policy under the Carter Administration. See the thoughtful observations of Miller, *Morality in Foreign Policy: A Failed Consensus?*, 109 DAEDALUS 143, 151-53 (1980).

68. See Lewis, *supra* note 20, at 32-38. The Palestinian Arabs were, historically, hostile to Palestinian Jews, not nationalistic in their own right. See *Origines et évolution du problème Palestinien, première partie: 1917-1947*, in U.N. Doc. ST/SG/SER.F/1 (1978) (United Nations Committee on the Exercise of the Inalienable Rights of the Palestinian People); J. BELL, *TERROR OUT OF ZION: THE VIOLENT AND DEADLY SHOCK TROOPS OF ISRAELI INDEPENDENCE, 1929-1949*, at 1-59 (1977). A distinguished Hebrew University historian over more than two generations writes: "We [Israeli Jews] educated the Arabs about nationalism. It was our very existence that created Arab national consciousness." Scholem, *The Threat of Messianism*, N.Y. Rev. Books, Aug. 14, 1980, at 22.

69. G.A. Res. 2535 B, 24 U.N. GAOR, Supp. (No. 30) 25, U.N. Doc. A/7630 (1969).

70. See Mallison & Mallison, *supra* note 57, at 40-48.

tions.<sup>71</sup> Even more significant than the wording of the resolutions was the failure of the Assembly to take cognizance of Security Council Resolution 242, which calls for acknowledgement of the sovereignty, territorial integrity, and political independence of *all* states involved in the 1967 War,<sup>72</sup> or to indicate in any way whatsoever the legitimacy and the right of Israel to exist as an independent entity.<sup>73</sup> Yet, despite a hostile international climate—over two-thirds of the United Nations membership has recognized the PLO in one way or another—Israel has refused to negotiate the modalities of its own demise, relying upon the ancient legal maxim *ex injuria jus non oritur* (rights do not arise from wrongs).<sup>74</sup>

The language of United Nations resolutions and declarations on the Palestinian issue since these events has, if anything, grown more inflammatory. Neither in the General Assembly, nor in its major committees and their subcommittees, nor in the Security Council, the Economic and Social Council, or the Trusteeship Council, nor in any of the specialized and related agencies, has there been any indication of the right of Israel to exist as an independent member of the world community. In fact, at the special emergency session of the General Assembly summoned by Secretary-General Waldheim on July 21, 1980, under provisions of the rarely invoked Uniting for Peace Resolution,<sup>75</sup> the prime purpose was to be the granting of the occupied territories of the West Bank and Gaza to the PLO.<sup>76</sup> Petroleum politics, petrodollar diplomacy, and Third World hostility have combined to undermine and to challenge Israel's rightful place in the community of nations, and by so doing, to strip away her

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71. G.A. Res. 3236, 29 U.N. GAOR, Supp. (No. 31) 4, U.N. Doc. A/9631 (1974); G.A. Res. 3237, *id.* See also G.A. Res. 3375, 30 U.N. GAOR, Supp. (No. 34) 3, U.N. Doc. A/10034 (1975), by which the Assembly called for the invitation of the PLO "to participate in all efforts, deliberations and conferences on the Middle East which are held under the auspices of the United Nations . . . ."

72. S.C. Res. 242, 22 U.N. SCOR, Supp. (Res. & Dec.) 8-9, U.N. Doc. S/INF/22/Rev.2 (1967). A summary of the Security Council debate is provided in the Report of the Security Council, 16 July 1967—15 July 1968, 23 U.N. GAOR, Supp. (No. 2) 9-23, U.N. Doc. A/7202 (1968).

73. Commenting upon past and present U.N. developments, Rubin observes: "The entire peace and security machinery of the United Nations has been degraded." Rubin, *UN Resolutions Too Heavy for Delicate Tasks*, Mar. 28, 1980, at 22, col. 2.

74. Hans Kelsen rejects application of the maxim as a general rule. His is, however, a minority view. H. KELSEN, *PRINCIPLES OF INTERNATIONAL LAW* 215-16 (2nd ed. 1966).

75. G.A. Res. 377, 5 U.N. GAOR, Supp. (No. 20) 10, U.N. Doc. A/1775 (1950).

76. *The Blade* (Toledo), July 22, 1980, at 1, col. 2; *Chicago Tribune*, July 23, 1980, at 16, col. 1. This followed an earlier attempt in the Security Council to pass a resolution, vetoed by the United States, calling for Palestinian statehood. The four West European members of the Council abstained. *The Blade*, May 1, 1980, at 1, col. 1. On July 29, 1980, the General Assembly voted 112-7, with 24 abstentions (including all the Common Market countries), for a resolution sponsored by the Communist and so-called non-aligned blocs which would require Israel to withdraw from occupied Arab territories by November 15, 1980. The United States voted against this resolution on the grounds that it did not recognize Israel's right to exist. *Id.*, July 30, 1980, at 1, col. 4; *Chicago Tribune*, July 30, 1980, at 1 col. 1. See also U.N. CHRON., Sept.-Oct. 1980, at 5-18.



historic and legal foundations.

There are those who somehow remain optimistic that reason will yet prevail, even in the land of the scorpion and the frog. However, there seems to be a growing belief among Western intellectuals and some political leaders that the current phenomenon of hostage-taking is not simply criminal, that its perpetrators are forced to such measures in order "to equalize power in a conflict, and in doing so to publicize a perceived injustice."<sup>77</sup> But what of the greater injustice resulting from the attack upon the innocent?<sup>78</sup> Must the rhetoric of outrage, the ideology of resentment, and the propaganda of the deed become the dominant dialogue of the 1980's?<sup>79</sup> Should every patently aggrieved, ideologically motivated, politically alienated group be able to bomb its way to the negotiating table? In the words of Wieseltier, "the terrorist chooses to kill, not because he is a reasonable man at his rope's end, but because he is an unreasonable man who belongs at the end of a rope."<sup>80</sup>

A guerrilla victory will become as meaningless as last week's oil prices if terror-violence is legitimated merely because it is committed in the name of national liberation. Where does it end? Who benefits by a Darwinian global order?

In the conclusion of his thoughtful and provocative personal odyssey, *To Jerusalem and Back*, Nobel laureate Saul Bellow sadly observed that "the eagerness to kill for political ends—or to justify killing by such ends—is as keen now as it ever was."<sup>81</sup> With the legalization of terror-violence in the name of self-determination, with the use of national liberation struggles as a means of surrogate warfare, the great powers and the Arab rulers are lighting confrontation fires on a very short fuse. To fail to recognize this, and to reject the rule of law for the rule of force, is to fan the flames of mindless passion. The inevitable explosion may well engulf us all.

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77. Stone, *Plebes and Patricians*, N.Y. Rev. Books, May 29, 1980, at 46.

78. See A. CAMUS, *RESISTANCE, REBELLION, AND DEATH* 111-49 (J. O'Brien trans. 1961).

79. According to Yassir Arafat's famous speech before the U.N. General Assembly on November 13, 1974, "[w]hoever stands by a just cause and fights for liberation from invaders and colonialists cannot be called terrorist." U.N. CHRON. Dec. 1974, at 80-81.

80. Wieseltier, *The Sabbath Ambush*, THE NEW REPUBLIC, May 24, 1980, at 23. Khalidi offers the simplistic justification that "Israel and the PLO are at war with one another and war is terror." This is not only feckless argumentation, it is also legal nonsense. Khalidi, *Regiopolitics: Toward a U.S. Policy on the Palestine Problem*, 59 FOREIGN AFF. 1050, 1060 (1981).

81. S. BELLOW, *TO JERUSALEM AND BACK: A PERSONAL ACCOUNT* 182 (1977). Silverburg correctly notes that "nothing in the U.N. Charter suggests that violence is the answer." Silverburg, *The Palestine Liberation Organization in the United Nations: Implications for International Law and Relations*, 12 ISRAEL L. REV. 365, 375 (1977).

