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Book presentation and review

Regulating the Use of Force in Wars of National Liberation Movements - the Need for a New Regime

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Abstract

Noelle Higgins did not stray from her passion for international law when she wrote her book **Regulating the Use of Force in Wars of National Liberation-the Need for a New Regime**. She delves deeply into her study of the provisions for the use of force by national liberation movements, particularly in the context of supporting the rights of minorities and indigenous peoples.

Higgins, originally from Ireland, is a seasoned law lecturer and associate professor at **Maynooth University** in Ireland. She holds an LLM, a Higher Diploma in Education and a Ph.D. specializing in studies of national liberation wars and self-determination.

Higgins has spoken on many cultural, scientific, and academic platforms about the wars of the national liberation movements, expressing her support for the right of independence for these movements. Though these groups and movements are often viewed as rebel and splinter groups

that engage in indiscriminate killing and destruction and seek to undermine existing and legitimate governments, they see themselves as **freedom fighters** waging liberation wars in the name of their people against the repressive regime to demand the right to self-determination.[1]

In her book - which we review in this paper - the author studies the legal framework governing the wars of national liberation movements by highlighting two study cases: the national liberation movements in the Indonesian Maluku Islands or the Moluccas[2] and the island of Aceh[3] against the Indonesian government. At the end of the book, Higgins highlights the need to amend the current legal framework to suit the wars to self-determination in their contemporary form.

The author divides her study into two parts, the first of which (Chapters I, II, and III) examines the legal framework. This includes a discussion of **jus ad bellum rules**, which the states must observe before resorting to war or the use of force as well as the permissibility and legality of entry into war. She also explores **jus in bello**, international humanitarian law or the law of war, which aims to limit war damage by providing protection and assistance to victims of armed conflicts.

In the second section (Chapters IV, V and VI) the writer tested the effectiveness of the aforementioned legal framework by applying it to specific case studies. This is followed by Chapter VII, whichis devoted to laying out the author's findings and recommendations.

We will discuss here some of what Higgins explores in her book, focusing on the points that are relevant to the Palestinian case, especially in the second and third chapters.

Regulating the use of force throughout history

In the first chapter, the writer dealt with the historical background for the emergence of national liberation movements. Higgins explains that they are not a modern creation, as they have accompanied the building of states throughout history and are linked to the development of jus ad bellum rules. In fact, the Church controlled the rules for the use of force until the age of enlightenment in the eighteenth century, when people began demanding the establishment of legal bodies to protect liberation movements. These demands led to subsequent development in

[1]Noelle Higgins, *The Application of International Humanitarian Law to Wars of National Liberation (Journal of Humanitarian Assistance)* 2004.
[2]Moluccas consists of a group of islands located in the northeastern part of Indonesia. Between 1950 and 1999, the islands formed one Indonesian province. However, in 1999 the province was divided into Maluku, which had a Christian majority, and North Maluku, which had a Muslim majority dominated by European colonialism.
[3]Aceh is located in the northern part of the island of Sumatra, where a military conflict erupted between the Muslim movements for self-determination and the government that lasted a quarter of a century until 2005.

self-government and proper authority in light of the theories of modern international law, just war, use of force, as highlighted in 1863 by the International Organization of the Red Cross. However, these limited initiatives to internationalize and legalize the use of force did not prevent the outbreak of the First World War, the results of which called for the holding of the Paris Peace Conference in 1919. The League of Nations was established in light of this in 1920[4] with Articles 12[5], 13 and 15[6] of its charter regulating the use of force without limiting it or preventing it. Rather, the charter restricted the methods of settling disputes through arbitration, the judiciary, or the League Council.

However, the outbreak of World War II in 1939 illustrated the failure of the League of Nations to regulate the rules for the use of force during armed conflicts. This led to the establishment of the Charter of the United Nations in 1945[7] in San Francisco. Article (1) of it provided for the achievement of international peace and security. Article (2), paragraph 4[8] prohibited the use or threat of use of force with an exception laid out in Article (51) that legalized the use of force in the case of self-defense and granted the Security Council the authority to take measures to maintain international peace and security. Additionally, Article 13 provided for the establishment of the General Assembly affiliated with the United Nations, which had an important role in issuing decisions related to the use of force by national liberation movements.

The Security Council did not have a useful role in serving the wars of the national liberation movements, in contrast to the resolutions of the General Assembly, as the writer showed in the previous chapters of the book. In general, neither the League's Charter nor the Charter of the United Nations served national liberation movements because the legal rules in them address states not individuals or groups in their liberation wars.

The right to Self-Determination and the rules for resorting to war "Jus Ad Bellum"

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[4]Signed on June 28, 1919 as part of the Treaty of Versailles and became effective in 1920.

[5]Article 12 of the Covenant of the League of the United Nations stipulates the necessity for member states to choose one of the two methods for settling disputes, either submitting the dispute to arbitration or the international judiciary or submitting it to the Council as a mediator to bring the two parties to an understanding and reach a settlement, and the war is considered illegal if it has not passed Three months from the date of the issuance of the arbitration decision, the judiciary, or the Council.

[6]Articles 13 and 15 of the Charter prohibit declaring war on a country that has accepted the arbitration or judicial decision or has complied with the council's unanimous decision, even after the time provided.

[7]The Charter of the United Nations was signed on June 26, 1945 and became effective in October 1945.

[8]Article 2, Paragraph 4 of the Charter of the United Nations states: "All Members of the Organization shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the Purposes of the United Nations."

The right to use force is associated with the right to self-determination. Therefore, in the second chapter, the author examines the rules for resorting to war, jus ad bellum, by exploring the legal framework regulating the right to self-determination. The writer starts her study of the right to self-determination with the French and American revolutions of the eighteenth century and what was known as the "right of revolution" recognized by both the Declaration of Causes in 1775 and the American Declaration of Independence in 1776. This right to revolution extended into Europe in the nineteenth and twentieth centuries.

Although international bodies such as the League of Nations and then the United Nations stipulated in their charters the right to self-determination, none of them discussed the right of self-determination for national liberation movements. The General Assembly, however, took the initiative to issue many declarations and resolutions that documented the right to self-determination for national liberation movements. The Universal Declaration of Human Rights in 1948, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in Common Article 1/1 of 1966 affirmed the right to self-determination. Article (1) Paragraph 2, and Article (55) of the Charter of the United Nations provide for the right to self-determination as well.

Higgins added that the General Assembly assumed leadership of the right of self-determination for peoples and national liberation movements by issuing many resolutions and declarations. However, despite the Assembly's endeavor and activity in the service of liberation movements, its decisions suffered from a lack of clarity of language, as well as interventions by the Security Council in voting against their resolutions. This has played an important role in undermining the liberation movements and limiting the development of the right to self-determination in this context.

At the same time, the writer discusses the 1960 General Assembly Declaration No. 1514, known as "The Declaration on the Granting of Independence to Colonial Countries and People," which guarantees the independence to decolonized nations and people. In the fourth paragraph of the Declaration, the General Assembly did not discuss the issue of the legality of the use of force by liberation movements to gain their independence as much as it focused on condemning the use of force against liberation movements.

Higgins also touched on several important decisions in framing the issue under study. In 1964 the General Assembly passed Resolution 2105 in response to the continued colonization of Portugal, South Africa, and Rhodesia. The Resolution recognized the legitimacy of the "struggle" led by the

colonized peoples to exercise their right to self-determination and independence and called on all states to provide material and morale assistance to national liberation movements in the colonial lands. Some countries interpreted the term struggle to mean armed struggle, and therefore saw the "power" of national liberation movements to use force against colonial powers as completely legitimate. Others, like the United States, however, interpreted the term struggle to mean nonviolent struggle. This linguistic ambiguity resulted in a lack of clarity in international attitudes towards the use of force and self-determination by the national liberation movements.

The General Assembly also issued Resolution No. 3070 XXVII of 1973, which, in the second paragraph, reaffirmed the right of peoples to struggle against colonial and foreign domination and oppression by all possible means, including armed struggle. The phrase "by all possible means" led to more chaos within the framework of the adopted interpretations. The General Assembly emphasized the right of peoples to self-determination and independence by all possible means in many resolutions, including Resolution No. 2787 XXVI in 1971 and Resolution No. 2649 XXV in 1970. However, despite reiterating its assertion, Western powers continued to oppose these decisions, resulting in them remaining the subject of questioning and denunciation. This tension is especially potent in the Security Council with the veto because of continued international allegations that these Resolutions contradict the text of Article (2), Paragraph 4 of the United Nations Charter prohibiting the use or threat of use of force.

Higgins explained that in contrast to the attempts of the United Nations system to provide limited and timid support to the wars of national liberation movements through the General Assembly, some regional regimes, mostly in areas that are fertile grounds for wars of national liberation movements, have been active in dealing with the issue of self-determination for national liberation movements. For example, the 1964 Conference of African and Asian countries held in Conakry approved the legality of armed conflicts for peoples claiming independence and the restoration of lands or occupied parts of them.[9] Additionally, the African Charter on Human and Peoples' Rights in 1981 affirmed the right to self-determination for the peoples in both Article

[9]...all struggles undertaken by the peoples for the national independence or for their situation of the territories or occupied parts thereof, including armed struggle, are entirely legal. See: Verwey, W.D., "Decolonization and Jus ad Bellum" in Robert Akkerman et al. (eds.), Declarations on principles. A Quest for Universal Peace (Leiden: A.W. Sijthoff, 1977), pp.121-40,p.121

19[10] and Article 20.[11] Similarly, the Organization of the African Union in 2002 adopted resolutions like to those issued by the United Nations and provided assistance to the national liberation movements in their struggle.

The author's study of the previous legal debate on the issue of the use of force in the wars of national liberation movements illuminates the extent of confusion and doubt in the legal tools that address the issue. The writer deliberately sheds light on this confusion to show the shortcomings and weaknesses of the rules governing the use of force for wars of national liberation movements and the constant fear of openly addressing the issue of the legitimacy of the use of force by them. This analysis indicates that the wars of the liberation movements received greater support outside the framework of the United Nations institutions, as in Africa. However, this support did not reach the scope of international legitimacy. Therefore, the rules for resorting to war, **jus ad bellum**, remained unclear compared to the rules of **jus in bello**, which concerned the victims of armed conflict and the provision of protection provided to them.

Despite the importance of the legal framework regulating the rules of use of force in serving the legitimacy of armed conflict for the wars of national liberation movements, Higgins pointed out the need not to be satisfied with legal tools. She explained that, in her view, the practices of states should be given more weight than the legal tools in analyzing the use of force by peoples. The writer went on to explain that international governments' recognition of liberation movements as the legitimate representative of the people is illustrative of the state's recognition of the justice and legality of use of force in wars of national liberation movements.

In Indonesia, for example, President Sukarno declared national independence in 1945, although Dutch colonialism in the region did not recognize this independence until the signing of the Linggadjati Agreement between the Netherlands and the Indonesian government in 1947.Only then did the position of the Netherlands change and they began to recognize the control of the Indonesian government over some areas allowing the government to sign several agreements with other countries. The Netherlands, however, went on to soon breach their agreement and

[10] Article 19: "All people shall be equal; they shall enjoy the same respect and have the same rights. Nothing shall justify the domination of a people by another."

[11] Article 20: "1- All the peoples have the right to existence. They shall have an absolute and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen. 2- Colonized or oppressed peoples shall have the right to free themselves from the bonds of domination by resorting to any means recognized by the international community."

expand its colonial zone in Indonesia. This resulted in intervention by the Security Council, which declared that the Indonesian issue was an international issue contrary to the Dutch claim that it was a domestic one. This recognition and the intervention of the Security Council contributed to the Indonesian government's entry into UN negotiations as the legitimate representative of the Indonesian people. This finally changed Indonesia's status in international law, despite its lack of complete control over the territory. The Security Council also intervened and issued resolutions prohibiting the use of force against the Indonesian government, though did not address the issue of the Indonesian government's use of force in its exercise of the right to self-determination.

Higgins focused on the fact that the recognition of many liberation movements has contributed to their recognition as legitimate authorities with rights in international law, including the right to resort to the use of force. This recognition of liberation movements of those who have observer status in the United Nations, like Palestine, supports the authority of these groups and illustrates that they possess their own rights. The Palestine Liberation Organization was granted observer status in the United Nations by General Assembly Resolution No. 3237 session 29 on November 22, 1974. This resolution guarantees Palestine the right to participate in General Assembly sessions and work.

Among the most important findings of Higgins in Chapter Two is that the legal recognition of the right to self-determination does not necessarily mean the implementation of peoples' demands for self-determination. States have consistently failed to fulfill their commitment to support and recognize the legitimacy of the use of force by national liberation movements. In fact, often the right to self-determination is transformed into a weapon for political discourse. Some states have refused to recognize the legitimacy of wars of national liberation movements in international law because of the weakness of the legal tools regulating peoples' right to self-determination and use of force. This perception has led many states to instead designate these groups as terrorist movements.

Jus in bello

In the third chapter, the writer examined the rules of jus in bello, especially the four Geneva Conventions of 1949, which respectively provide protection for wounded and sick soldiers, survivors of sunken ships, prisoners of war, and civilians. This was followed with two Additional Protocols of 1977on international conflicts and non-international conflicts as well as the

Preparatory Diplomatic Conference for the Confirmation and Development of International Humanitarian Law Applicable in Armed Conflicts 1974-1977.

Higgins argues that although the Geneva Conventions' rules are aimed at addressing the states parties to the conflict, some of their special provisions can be used in the wars of liberation movements. Specifically, the term "powers" in Article (2)[12]may include movements of national liberation, which would render the agreement applicable to them. Further because states not party to the agreement nevertheless remain bound by it in their mutual relations, it is possible that of liberation movements are also committed to it even if they were not a party to it.

The writer also classified the conflict of the liberation movements into international versus non-international in order to determine the amount of protection organized under the protocols annexed to the Geneva Conventions. She noted that both General Assembly Resolution 3103 (XXVII) in 1973[13], the Red Cross, and Additional Protocol I of 1977, had considered the wars of national liberation movements an international conflict. This classification was considered a major step in the history of the development of rules for the use of force in wars of liberation movements.

Higgins believes that Article (1), Paragraph 4 of Additional Protocol I[14], represents a legal basis for the wars of liberation movements, but classifies them as an international armed conflict against colonial regimes, foreign occupation, and racist regimes. This description of national liberation movements, however, may not serve movements that struggle against the government or authority of the ruling state. Contrarily, United Nations resolutions such as General Assembly Resolution No. 2625 regarding the Declaration of Principles of International Law relating to friendly relations and cooperation between states in accordance with The Charter of the United Nations of 1970 referred to ensuring the right to self-determination for all peoples equally, not

[12]Article 2: "...if one of the conflicting states is not a party to this agreement, the states of the conflict that are party to it shall nevertheless remain bound by it in their mutual relations. They are also bound by the agreement with respect to the said state if the latter accepts and applies the provisions of the agreement."

[13]It states: "The armed conflicts involving the struggle of peoples against colonial and alien domination and racist régimes are to be regarded as international armed conflicts in the sense of the 1949 Geneva Conventions, and the legal status envisaged to apply to the combatants in the 1949 Geneva Conventions and other international instruments is to apply to the persons engaged in armed struggle against colonial and alien domination and racist régimes."

[14]It states: "The situations referred to in the preceding paragraph include armed conflicts in which peoples are fighting against colonial domination and alien occupation and against racist régimes in the exercise of their right of self-determination, as enshrined in the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations.."

merely those who struggle against colonialism, foreign occupation, or racist regimes. Therefore, in Higgins' opinion, Article (1), paragraph 4 of the Protocol is unsuccessful as it did not provide the necessary international protection for all peoples.

The writer also criticized Article (96), Paragraph 3 of Additional Protocol I[15], which states that an authority representing people engaged in a conflict may apply the Convention by unilateral declaration. She considers how this does not in fact correspond to reality because willingness of authorities to declare application of the provisions of the Protocol does always result in other States accepting their adherence. This is what happened with the case of Palestine. The Palestinian Liberation Organization declared its commitment to implement the provisions of international humanitarian law through multilateral agreements in 1982. This, however, still did not allow Palestine to become full member and recognized state in the United Nations and by the international community. So, in 1989, when the Permanent Observer of Palestine to the United Nations in Geneva sent a declaration to the Swiss Ministry of Foreign Affairs regarding Palestine's commitment to the Geneva Conventions and Additional Protocols and its desire to accede to the Geneva Conventions, the uncertainty in the international community about the existence of a Palestinian state prevented consideration of whether its declaration constituted accession to the relevant agreements. The difference is clear here: the declaration of the PLO's readiness to abide by international humanitarian was acceptable, in contrast to the inherently impossible request to join the Conventions as a party, which was not accepted.

This situation of Palestine not being recognized as a state and consequentially not having its accession to the four Geneva Conventions recognized is quite similar to the case of Namibia, however, the international community chandelled that situation notably differently. Before it was a state, the Council of Namibia submitted a request for the accession to the four Geneva Conventions and the two Additional Protocols in 1983. The Parties initially rejected this request because Namibia was not yet considered state nor was its authority stipulated in the common articles of the four Geneva Conventions. However, they later changed their mind and decided to accept Namibia's accession on October 18,1983. The writer believes that the difference in the handling of these two cases lies in the vast difference between the robust international support that existed for Namibia and the lack of that same kind of support for Palestine.

[15]It states: "The authority representing a people engaged against a High Contracting Party in an armed conflict of the type referred to in Article 1, paragraph 4, may undertake to apply the Conventions and this Protocol in relation to that conflict by means of a unilateral declaration addressed to the depositary...".

Many researchers in international law and armed conflicts have worked on interpreting the term "powers" contained in Common Articles (2) and 60/59/139/155 of the four Geneva Conventions and studying their applicability to national liberation movements. Most notably, Dietrich Schlinder advocated the application of these articles to national liberation movements by relying on Article 31 of the 1969 Vienna Convention on the Law of Treaties, which states: "the treaty is interpreted according to the meaning given to its words and within the context of its subject and purpose." Thus, according to Schlinder, if the term "power" is interpreted according to the purpose of the Geneva Conventions, national liberation movements can be included and the laws can be considered applicable to them, especially to those that are widely recognized by states.

But the application of Article 96/3 to liberation movements was not a smooth matter for the trustee or the Secretary-General of the United Nations, to whom national liberation movements direct their individual declarations. While many liberation movements welcomed what was stated in Article 96/3 and directed their declarations to apply the provisions of the Protocol, others were concerned about their countries not having ratified the First Additional Protocol, so they instead resorted to declaring their adherence to international humanitarian law through multilateral agreements.

Thus, the writer considers that recognition is an important issue for the application of the four Geneva Conventions to the Palestinian national liberation movements. She uses Schlinder's analysis, which examines how the national liberation movement proves that it is the power of an authority through its control over certain lands subject to the administration of the colonial or existing mother state, mandate, or trusteeship. Though this may contribute to the internationalization of the conflict and thus the application of the Convention, the national liberation movement must also be recognized by the international community.[16]

Members of liberation movements and the status of prisoners of war

The writer additionally analyzed the impact of Articles (43) and (44) of the first Additional Protocol on the wars of national liberation movements. She began by reviewing the transformation added by the Protocol compared to the criteria specified in Annex I to the Convention on the Laws and Customs of War on Land (The Hague) of 1907. Article (1) of Annex I stipulated that several criteria

[16]Noelle Higgins p 96, Dietrich Schlindler, *"The Different types of armed conflicts According to the Geneva Conventions and Protocols"*, p 135.

must be met by warriors, armies, militia members, and volunteer units. The most important of which are that the warrior possess a fixed distinctive sign that can be recognized from a distance and that he bears arms openly. Though the Geneva Convention affirmed these criteria, national liberation movements considered these criteria almost impossible.

However, both Articles 43 and 44 override these shortcomings. According to the criteria mentioned in The Hague, Article 43 of Additional Protocol I does not differentiate between regular military personnel and irregular combatants. It considers all members of the armed forces to be combatants who have the right to participate directly in hostilities. Article 44/1 considers every combatant to whom Article 43 applies to be a prisoner of war if he falls into the hands of an opponent. The second paragraph of the same Article stipulates combatants must abide by the rules of international law that apply in armed conflicts. The third paragraph states:

“Combatants, in order to protect civilians against the effects of hostilities, are obligated to distinguish themselves from the civilian population while they are engaged in an attack or in a military operation preparing for the attack. As for there are situations of armed conflict in which the armed combatant cannot distinguish himself as desired, it remains He then retains his status as a combatant, provided that he carries his weapon openly in such situations: a) during any military engagement b) for the whole time that he remains visible to the opponent as far as the eye can see while he is busy distributing forces in their positions in preparation for combat before launching an attack in which he must participate".

At the end of the third chapter, Higgins summarized the most important drawbacks to international humanitarian law that prevent serving the wars of national liberation movements. She started with the restriction contained in Article 1/4 of Additional Protocol I, recommending expanding its scope to include all forms of armed conflict because it considered Article 96/3 of the Protocol not satisfactory. This is because declarations issued by national liberation movements to abide by the provisions of Geneva and Additional Protocol I must mean that the conflict falls under one of the Article 1 forms in order for the movement to be recognized and to benefit from the provisions of international humanitarian law.

The writer noted that members of national liberation movements often were careful to observe Articles 43 and 44 to ensure their applicability and this in fact helped to expand the scope of the conditions contained in the Hague Convention. Nonetheless, the international community not only remained unable to unanimously agree on some of the concepts contained in the texts of international law due to their generality but also continued to fear recognizing the right of self-

determination for national liberation movements. Thus, she calls for further clarification because the ambiguity of the texts in addition to the lack of international political will to recognize the wars of the liberation movements undermines the extent of international protection for these wars.

Case studies

The writer devoted chapters four, five and six of the book to studying the wars of the Moluccas and Aceh peoples. The peoples of the island of Kings or the predominantly Christian Moluccas demanded independence from Indonesia, while the Aceh people practiced repression and confiscated its natural resources leading to separate liberation movements in the fifties and sixties and the early twenty-first century.[17] The Indonesian government denied the legitimacy of both these movements to struggle in the name of their peoples to gain independence and considered it an internal conflict that had nothing to do with the international community or international law, rejecting the application of Article (2), Paragraph 4 of the United Nations Charter. This confirms what Higgins addressed in the first three chapters of the book: the problems faced by the legal framework regulating the wars of the national liberation movements is reflected in their application to many armed conflicts fought by the national liberation movements.

The author's findings and recommendations

The challenges of the legal framework regulating the national liberation movements and the legitimacy of the use of force for self-determination leaves open two important questions: Who has the right to use force? And who has the right to self-determination? These are what the writer addressed in Chapter Seven, where she summarized the most important problems and suggested recommendations. She considered how the willingness of liberation movements to abide by the principles of international humanitarian law necessarily requires addressing the issue of recognizing them as legitimate parties to the conflicts and as having the right to self-determination. This could then result in the legitimization of their conflicts against repressive governments.

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[17]The National Liberation movements in South Moluccas: RMS: Republic Maluku Selatan, FKM: Front Kedaulatan Maluku(Military Operations Area).

Higgins explains that the ambiguity of the provisions governing the wars of the liberation movements has caused the jus ad bellum rules to remain insufficient and fall short in addressing the rights of this type of conflict. International efforts directed towards the development of jus in bello like the first Additional Protocol, although clearer, only limited the scope of their application to types of disputes within the three previously mentioned forms. Therefore, the writer concluded by shifting away from her concern about recognition of the rights of national liberation movements to self-determination and struggle, in order to recommend opening a dialogue between the existing governments and the national liberation movements.

Conclusion: About this book

Although Higgins' book focuses on the wars of liberation movements in the context of the right to internal self-determination, it undoubtedly serves researchers in legal framework governing the wars of national liberation movements in all its contexts because it is a rich source that sheds light on the current legal framework for liberation movements. Higgins draws the attention of her readers to the most important problems and enhances academic efforts towards the search for a more effective legal framework that puts an end to the generality both of legal terms and texts subject to interpretation. She not only seeks to answer questions related to self-determination, the use of force, and the relationship between the international community and the wars of national liberation movements, but also calls for a clear international legal position permitting the use of force by national liberation movements.

The Palestinian case is one of the examples that can be compared to what Higgins showed us in the second section of the book. The writer directs readers to determine the theoretical legal framework that applies to the war of the Palestinian liberation movement and the extent of their legitimacy in the use of force. She does this without doubting that the same problems that the legal framework suffers hinder the service of the Palestinian cause and the legitimacy of the Palestinian struggle against colonialism, especially regarding their use of force.

She also notes that Palestine gaining recognition as a non-member observer at the United Nations reinforced the necessity of international recognition of its right to self-determination, while bypassing the problems faced by the Palestine Liberation Organization in 1982 when it announced its readiness to implement international humanitarian law and Additional Protocol I. This did not negate the problem of its recognition as a state, as Higgins rightly points out.

The study of the wars of liberation movements and their status in international law remains a research priority and needs further research. The experience of the international community dealing with the SWAPO movement and the popular organization of South West Africa in its armed struggle in Namibia should be applied to the Palestinian liberation movement. This started with recognition of the Palestine Liberation Organization in The United Nations in 1974, a time when its charter was still adopting the approach of armed struggle. However, to establish a deeper understanding of the legal status of national liberation movements in modern international law, the case of Palestine requires significantly more solid legal research than has occurred so far.

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