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THE USE OF PALESTINIAN CHILDREN IN THE AL-AQSA INTIFADA

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Executive Summary

Watching the television coverage of the daily Palestinian riots, known as the *Al-Aqsa intifada*,¹ one is immediately struck by the near total absence of adults. Indeed, most of those hurling Molotov cocktails and stones are teenagers; many are even younger. Intoxicated by the challenge of becoming a hero, lacking the maturity to calculate the dangers they are assuming, these young people are easily motivated to place themselves in harm's way.

Since the recent disturbances began, media reports have often highlighted instances in which Palestinian children have been killed or injured by Israeli troops or policemen. These reports have generated much criticism of Israeli policies, although few in the Western world have thought through the chaos they see on the news to consider whose interests are served by the violence. Even fewer have access to the information necessary to place in legal and historical context these weeks of death and disorder.

The appearance of Palestinian children in these riots, it will be demonstrated, is not accidental. The Palestinian Authority has intentionally mobilized Palestinian children to man the front line in its struggle against Israel, frequently using them as shields to protect Palestinian gunmen. This mobilization of Palestinian youth has, moreover, been facilitated by the long-term impact of Palestinian Authority (PA) curricula, government-controlled media, and summer camp programs, which indoctrinated the youth for armed confrontation with Israel even prior to the current crisis.

The utilization of children in armed conflicts has been increasingly condemned by the international community. It is barred by the UN Convention on the Rights of the Child and recent UN Security Council Resolution 1261, which specifically described the use of children as soldiers as a "violation of international law."

Moreover, the Palestinian leadership, in a classic case of bad faith, accuses Israel of committing human rights violations for the fatalities while evading its own responsibility for the orchestrated appearance of children at the front lines of the conflict. This constitutes a cynical exploitation of human rights concerns. While the Palestinian Authority is not formally bound by international human rights conventions, it nonetheless is required by the Oslo agreements, which PA Chairman Yasser Arafat signed, to honor "internationally accepted norms of human rights and the rule of law."²

This study examines the causes of this phenomenon and its repercussions. In particular, it offers suggestions to protect Palestinian children from the physical and other dangers inherent in politically and religiously motivated street violence.

Creating Martyrs for the Media

The visuals of a bleeding Palestinian child surrounded by screaming relatives all but obviate the need for most people to consider why and how the child was in harm's way in the first instance. The tragic death of Mohammed Al-Dura, the twelve-year-old from Gaza who was caught in the cross-fire and shot dead in his father's arms,³ mobilized sentiment around the world to condemn Israel for using excessive force.⁴ Claims were made that the besieged Israel Defense Forces (IDF) position from which the shooting likely came had intentionally targeted the boy and his father, even though the soldiers were returning fire at Palestinian gunmen a few meters away from Mohammed and his father.

Whatever the circumstances of Mohammed's death, it is clear that a number of Palestinian children have been killed by Israeli gunfire and many more injured. Estimates of these child casualties, however, have varied. CBS News' "Sixty Minutes" reported on October 24 that 40 Palestinian children had been killed;⁵ an Amnesty International report dated October 19 stated that 27 children had lost their lives.⁶ A Physicians for Human Rights team concluded that 23 Palestinian minors under the age of 17 had been killed through October 29.⁷ Looking only at children under the age of 13, *Ha'aretz* columnist Ze'ev Schiff concluded that 6 to 8 children had died.⁸ The Palestine Red Crescent Society asserted that prior to October 27, 43 Palestinians below the age of 20 had been killed; within that group 13 were below the age of 16.⁹ The loss of a single child is a terrible tragedy, but clearly the divergent claims over the numbers of child casualties is indicative of the politically explosive nature of this aspect of the *Al-Aqsa intifada*.

This data certainly provided an opportunity for Yasser Arafat who, addressing the Emergency Arab Summit in Cairo, appealed for help to stop the "genocide

and massacre' of his people armed with stones."¹⁰ Wielding their political clout at the United Nations, the Palestinians prevailed on the UN Human Rights Commission to condemn Israel for "crimes against humanity."¹¹ Even the UN Security Council approved a completely one-sided resolution condemning Israel.¹² Although these accusations are transparently rhetorical, there is little doubt that, by their deliberate misuse of children, the Palestinian cause has attracted new sympathy.

"Improved" Palestinian Tactics

The current violence has given the Palestinians the opportunity to improve on their widespread use of children in the original intifada of a decade ago and in other organized rioting during the interim years, such as in Hebron.¹³ This time the children act as bait, burning tires and shooting slingshots, to attract the television cameras and distract the IDF, in tandem with well-armed Palestinian gunmen in ambush positions.¹⁴ Since the Palestinian public knows that Israeli soldiers are ordered not to shoot live ammunition at children, they act as shields to protect Palestinian snipers who shoot to kill any exposed members of the IDF. When the youth rush forward throwing stones and Molotov cocktails, Palestinian snipers on rooftops and in alleys take aim at the IDF, on some occasions actually shooting Palestinian children from behind.¹⁵ Alternatively, according to IDF sources, Palestinian gunmen have shot from within a rioting crowd of civilians.¹⁶

The extent of the violence directed at Israel is illustrated by statistics from the month of October 2000. Palestinians perpetrated 599 shooting incidents at military,¹⁷ police, and civilian targets.¹⁸ Twenty-six bombs were detonated with intent to harm or kill Israelis,¹⁹ and 400 Molotov cocktails were thrown at Israelis. In all there were 3,209 violent disturbances including 1,397 stone throwing incidents.²⁰ As a consequence, six Israeli civilians and seven soldiers were killed, and 51 civilians and 139 soldiers were injured.²¹

A cynical use of youngsters and children was repeatedly observed at the Netzarim junction in the Gaza Strip where buildings erected under the pretence of housing members of the PLO naval forces and their families were in fact used as shooting posts against an adjacent Israeli compound. The buildings were also used by the PA to assemble children to throw Molotov cocktails, gas canisters, and stones at IDF soldiers.²²

Even the ambulances that wait to pick up the injured often serve a secondary (illegally under international law²³) role – to transport gunmen, Molotov cocktails, and rocks to the confrontation with the knowledge that Israel will not fire on these "medical vehicles."²⁴ This is a clear violation of one of the fundamental precepts of humanitarian law and places at risk the immunity generally granted to medical services. After Palestinian gunmen inside the Red Crescent Headquarters in Ramallah opened fire on the IDF; and on the same day a Red Crescent ambulance was used in a nearby shooting attack, the IDF Spokesman issued this statement: "The IDF harshly condemns and views seriously shooting attacks toward an Israeli community from a Red Crescent

building and ambulance, a body that is meant to offer humanitarian and medical assistance."²⁵ In both cases the IDF refrained from responding.²⁶

One major difference between the current *Al-Aqsa intifada* and its predecessor, the original *intifada* of a decade ago, is the enormous increase in Palestinian firepower, primarily in the form of tens of thousands of assault rifles.²⁷

Among the heavier weaponry in the hands of the Palestinians are shoulder-fired missiles,²⁸ 20 mm anti-aircraft cannon,²⁹ and heavy machine guns. An anti-tank missile was fired at IDF troops at the Karnei crossing point between Israel and Gaza on October 31, 2000.³⁰ New terrorist tactics have also been used, as with the case of the suicide bicycle rider who blew himself up alongside an IDF outpost in Gaza.³¹

The basic tactics of the *intifadists*, however, are not new. During the previous *intifada*, Palestinian journalist Daoud Kuttab extolled the usefulness of children-rioters in the *Journal of Palestine Studies*:

When the danger alarm is sounded the young people of the neighborhood divide into three teams. The first is composed of lookouts...the second team is basically defensive in nature; its main task is to cover the offensive team...the most courageous. After advancing to the Israeli position and throwing stones, the defensive team goes into action to cover the retreating youths. When the offensive team starts to retreat, it is the job of the defensive team to throw a barrage of stones at the soldiers.³²

The similarities of these violent tactics to childhood games like "tag" is not coincidental; the Palestinian leadership discovered a way to channel youthful energy into the uprising.

At that time Professor William V. O'Brien of Georgetown University noted that, "[i]t appears that a substantial number, if not the majority, of troops of the *intifada* are young people, including elementary schoolchildren. They are engaged in throwing stones and Molotov cocktails and other forms of violence."³³ During that uprising a Palestinian leaflet declared, "Every child must carry the stone and throw it at the occupier. The Molotov cocktail heroes of all ages must burn a fire in the face of the enemy and fight him face-to-face."³⁴ This is but one example of the propaganda which has chronically been used to incite Palestinian children to participate in violent and dangerous street battles.

Incitement by Arafat and his Palestinian Authority

Thanks to their empowerment under the Oslo peace process, the Palestinian Authority has new and varied vehicles to motivate their youth to participate in anti-Israeli street violence. Television and radio stations, school textbooks, a

range of newspapers and magazines, and even the summer camp curriculum are all, directly or indirectly, under the control of the PA.

Television broadcasts frequently include what in many Western countries would be deemed "hate speech." On July 2, 1998, in derogation of its commitments to combat incitement under the interim peace agreements (discussed below), a Palestinian television children's show called "The Children's Club," similar in its basic structure to "Sesame Street," aired an episode in which young boys with raised arms chanted "We are ready with our guns; revolution until victory; revolution until victory."³⁵ On the same show, an 8-year-old boy announced to the audience (a group of children), "I come here to say that we will throw them to the quiet sea. Occupiers, your day is near, then we will settle our account. We will settle our claims with stones and bullets."³⁶ Also on the Children's Club program, on February 8, 1998, a girl who could not have been more than ten years old declared that she wanted to "turn into a suicide warrior" in Jerusalem.³⁷

During the past month, the Palestinian electronic media has run near-continuous coverage of riots and funerals. The standard fare on the Voice of Palestine radio station is for programs to open with details of martyrs' deaths and burials sandwiched between patriotic and Islamic songs with martial melodies. A particularly popular song on Voice of Palestine, which is broadcast on television as well, features a father singing about his son as a martyr – the son being Mohammed Al-Dura mentioned above.³⁸

The official media broadcast the sermon of the PA-appointed cleric at the *Al-Aqsa* mosque in Jerusalem who called for his followers to "eradicate the Jews from Palestine."³⁹ Also aired was a live sermon by Dr. Ahmad Abu Halabiya, a member of the PA-appointed Fatwa Council and former acting Rector of the Islamic University in Gaza, who called for Israelis to be humiliated, tortured, and butchered.⁴⁰ He continued: "Have no mercy on the Jews, no matter where they are, in any country. Fight them, wherever you are. Wherever you meet them, kill them. Wherever you are, kill those Americans who are like them -- and those that stand by them."⁴¹

Indicative of the official support the Palestinian Authority is giving to the utilization of children in the struggle against Israel are the words of the PA-appointed Mufti of Jerusalem, Sheik 'Ikrim Sabri, in an October 28 interview with the Egyptian weekly *Al-Ahram Al-Arabi*:

Question: What do you feel when you pray [for the souls of the martyrs]?

Sabri: I feel the martyr is lucky because the angels usher him to his wedding in heaven....

Question: Is it different when the martyr is a child?

Sabri: Yes, it is. It's hard to express it in words. There is no doubt that a child [martyr] suggests that the new generation will carry on the mission with determination. The younger the martyr – the greater and the more I respect him....

Question: Is this why the mothers cry with joy when they hear about their sons' death?

Sabri: They willingly sacrifice their offspring for the sake of freedom. It is a great display of the power of belief. The mother is participating in the great reward of the Jihad to liberate Al-Aqsa.⁴²

Other Palestinian institutions are also imbued with incitement. A *New York Times* reporter observed a PA-run summer camp program where the 25,000 campers stage the kidnapping of Israeli leaders, strip and assemble Kalachnikov assault rifles, and learn the art of ambushing.⁴³ They are given camouflage uniforms and imitation guns.⁴⁴ They parade and practice infiltration, crawling on their stomachs through obstacles. Training children for the armed struggle reminds one of the terrible price children have paid in other Middle Eastern wars. During the Iran-Iraq war, the Iranian government recruited tens of thousands of child soldiers, dubbed "Revolutionary Guards."⁴⁵ Sent to the front to clear minefields and attack fortified Iraqi positions, these usually unarmed children faced near certain death.⁴⁶ They were told that the little plastic key around their neck would open the gates to eternal paradise.

Even in the public schools, politics seem to be playing a major role in education. For example, the PA's Deputy Minister of Education, Naim Abu Humus, called on school administrators to dedicate the first class for praying for the souls of those killed during the *Al-Aqsa intifada*, saying "Today we glorify *Al-Aqsa* and Palestine, and remember the Palestinian martyrs."⁴⁷

President Clinton, in a speech in late 1998, referred to "education for peace" as "the most important element" to make peace "sustainable."⁴⁸ But Palestinian interest in reconciliation with Israel is notably absent from the Palestinian textbooks, even in the indigenous Palestinian textbooks, which this year partially replaced the old Jordanian textbooks previously used in their public schools. A sixth grade civics book portrays Israel as an aggressor and explains to the children that, "[t]he Palestinian people were expelled from their land as a result of the Israeli occupation of Palestine, and have been subjected to massacres and banishment from their land."⁴⁹ The map in the book makes no reference to the existence of Israel adjoining the PA territories; nor does it include major Israeli cities such as Tel Aviv.⁵⁰ In fact, the only Israeli cities referenced are ones which previously had large Palestinian populations.⁵¹

The message from the top, from PA Chairman Arafat, is unequivocal. Arafat ruthlessly encourages the involvement of Palestinian children in violence, referring to them as "the generals of the rocks"⁵² and boasting after the IDF attack on Fatah offices, "[the attack] cannot shake one eyelash of a Palestinian child holding a stone to defend holy Jerusalem."⁵³ Arafat plays to their pride; he would have them believe they are "generals" and heroes when they are really cannon-fodder in the media campaign to discredit Israel. As a (London) *Times* reporter aptly described:

But can Palestinian leader Yasser Arafat control the children?...Since birth, Palestinian children have been pumped full of religious fundamentalism which promises paradise for those who die for the cause of free Palestine....Approving or not, the Palestinian authorities have done nothing to stop children playing with their lives. Let's face it, dead kids make great telly.⁵⁴

These examples of incitement may explain why a 13-year-old girl from Egypt tried to sneak into Gaza in order to "join the Palestinian children in anything, even throwing stones." The girl's father, Gamel Mabrouk, explains, "[t]his was over-enthusiasm in response to what they have seen on television." A week earlier, a 12-year-old boy was stopped at the Israeli border after attempting the same thing.

A Palestinian mental health official confirmed that Palestinian children are chiefly motivated by what they see on Palestinian television: "the role of information is an additional factor behind the will of children to die the death of a saint, for they see on television their relatives as martyrs or wounded and hear the calls of praise that they receive."⁵⁵ Clearly, PA government-controlled media play a significant role in both the long-term and immediate motivation of children to place themselves in life-threatening situations.

Negating the *Raison D'etre* of the Peace Process

The new Palestinian violence undermines not only the spirit of the Oslo peace process but its *raison d'etre* – to resolve differences through negotiation rather than violence. As Arafat proclaimed in his September 9, 1993, letter to Yitzhak Rabin:

The PLO considers that the signing of the Declaration of Principles constitutes a historic event, inaugurating a new epoch of peaceful coexistence, free from violence and all other acts which endanger peace and stability. Accordingly, the PLO renounces the use of terrorism and all other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance, prevent violations, and discipline violators.⁵⁶

This was his price of admission into the U.S.-brokered and funded peace process. In return, Rabin agreed to recognize the PLO as the representative of the Palestinian people and commence negotiations with what previously had been deemed a terrorist organization.⁵⁷

The problem of incitement to violence has been repeatedly addressed in the interim peace agreements. For example, the Cairo Agreement, signed by Arafat in 1994, obligates the PA to "foster mutual understanding and tolerance" and "abstain from incitement, including hostile propaganda [and]...take legal measures to prevent such incitement by any organizations, groups or individuals."⁵⁸

The Preamble of the Oslo II interim peace agreement, signed by Arafat in 1995, reaffirms the parties' "mutual commitment to act, in accordance with this Agreement, immediately, efficiently and effectively against acts or threats of terrorism, violence or incitement, whether committed by Palestinians or Israelis."⁵⁹ Oslo II also contains provisions which obligate the Palestinian Legislative Council to "foster mutual understanding and tolerance and shall

accordingly abstain from incitement, including hostile propaganda...and...take legal measures to prevent incitement by any organizations, groups or individuals within their jurisdiction."⁶⁰ This is followed by the requirement that "Israel and the Council will ensure that their respective educational systems contribute to the peace between the Israeli and Palestinian peoples and to peace in the entire region, and will refrain from the introduction of any motifs that could adversely affect the process of reconciliation."⁶¹ The Palestinian police's "duties and functions" include "combating terrorism and violence, and preventing incitement to violence."⁶² However, since the *Al-Aqsa intifada* began, the Palestinian police, whose salaries, assault rifles, training, and uniforms were paid for by Western donors, have done absolutely nothing to stop incitement; many have even trained their rifles on the IDF.

Thereafter, article 2(b) of the Note for the Record of the Hebron Protocol, signed by Arafat in 1997, reiterated the obligation of the Palestinians to "preventing incitement and hostile propaganda as specified in Article XXII" of the Oslo II agreement.⁶³

The endemic problem of the PA's use of textbooks that incite to violence prompted the inclusion of a separate article in the Wye Agreement, signed by Arafat in 1998.⁶⁴ Section II, A(3), captioned "Preventing Incitement," states:

a. Drawing on relevant international practice and pursuant to Article XXII(1) of the Interim Agreement and Note for the Record, the Palestinian side will issue a decree prohibiting all forms of incitement to violence or terror, and establishing mechanisms for acting systematically against all expressions or threats of violence or terror. This decree will be comparable to the existing Israeli legislation which deals with the same subject.

b. A US-Palestinian-Israeli committee will meet on a regular basis to monitor cases of possible incitement to violence or terror and to make recommendations and reports on how to prevent such incitement. The Israeli-Palestinian and U.S. sides will each appoint a media specialist, a law enforcement representative, an educational specialist, and a current or former elected official to the committee.⁶⁵

Although the trilateral committee did meet, the Palestinian appointees resisted efforts to edit their textbooks. An editorial in the English language Palestinian newspaper *Jerusalem Times*, entitled "No Apologies for the Curriculum," proclaimed "[t]he children should know their history well, whether or not it pleases the world," and continued defiantly, "[w]e should not care if our curriculum does not please Israel."⁶⁶ In the newspaper *Al-Quds*, a member of the Palestinian Legislative Council denigrated the anti-incitement provisions of the Wye Agreement as "the most dangerous as it touches on the national ideology and national consciousness."⁶⁷

In the most recent Sharm el-Sheikh interim agreement, signed by Arafat in 1999, which intended to implement the outstanding commitments of the previously signed agreements, the PA rededicated itself to: "8(a) ...immediately

and effectively respond to the occurrence or anticipated occurrence of an act of terrorism, violence or incitement and shall take all necessary measures to prevent such an occurrence."⁶⁸ But as demonstrated, none of the anti-incitement provisions in the interim peace agreements, each one signed by Arafat, have been honored in practice.

The Parents' Motivations

Stroked by Arafat's speeches lauding the role of children in their struggle, repeatedly encouraged by their leadership to express "rage," many Palestinian parents have come to view the role of the youth in the uprising as useful and honorable. A child killed in a street confrontation becomes a *shaheed* (Arabic for "martyr") of the Palestinian cause, bringing social recognition and a cash payment to his family – \$2,000 per child killed and \$300 per child wounded.⁶⁹

Martyrs, people who die for the sake of the holy *jihad* and Islam, are held in such high regard by the Palestinian people that at times parents accept the death of their children as a badge of pride. Parents of toddlers proudly recount the little children saying they want to become martyrs, and a father of a 13-year-old says "I pray that God will choose them" to be martyrs.⁷⁰ One mother told a journalist from the (London) *Times*, "I am happy that he [her 13-year-old son] has been martyred. I will sacrifice all my sons and daughters (12 in all) to *Al-Aqsa* and Jerusalem."⁷¹ In the Jabalya refugee camp a father said he was proud his young son died with a rock in his hand.⁷² Another mother boasted that she bore her son precisely for the purpose of participating in such Jihad, while the child's father proudly claimed to have provided his son with the training.⁷³ Taman Sabeh, a 50-year-old woman in Nablus, was quoted by an AP reporter, "[i]f I had 20 children I would send them all down (to fight), I wouldn't spare any of them. We're not scared of death."⁷⁴

Thus for many Palestinian children, incitement begins at home.⁷⁵ Yet many Palestinian parents have attempted to hold their children back, and have resisted those who would place them in harm's way.⁷⁶ However, Hafez Bargutti, the editor-in-chief of the Palestinian Authority official daily newspaper, *Al Hayyat Al Jedida*, wrote an editorial condemning parents who forbid their children from joining the riots.⁷⁷

When the international media challenged Palestinian Legislative Councilwoman Hanan Ashrawi, she replied with the accusation of "racism."⁷⁸ Ashrawi asserted, "They're telling us we have no feelings for our children. We're not human beings, we're not parents, we're not mothers and fathers."⁷⁹ Other Palestinians have also faulted those who blamed the Palestinian parents and leadership. George Abu Al-Zulof, Director of a Palestinian NGO, claimed "parents do not send their children to confront soldiers." Al-Zulof asserted, "[s]uch contact is unavoidable due to a military presence in front of schools, homes, and community centers throughout the West Bank and Gaza Strip."⁸⁰

Wouldn't it be wonderful if his claim were true, but since the peace process redeployment of Israeli forces, about 99 percent of Palestinians live under PA

civil administration. Thus, if there are armed individuals in front of their "schools, homes and community centers,"⁸¹ they are most certainly Palestinian police, Hamas terrorists, Tanzim gunmen,⁸² or members of one of Arafat's multiple security forces. The overwhelming majority of Palestinian civilians encounter IDF soldiers only when they reach a checkpoint on the road outside their cities, towns, and villages. If a Palestinian mob attacking an Israeli checkpoint succeeded in overrunning it, the soldiers would likely be lynched and mutilated, as were two reservists who took a wrong turn into Ramallah.⁸³

Identifying Child Abuse and Possessing the Courage to Speak Out

Queen Silvia of Sweden was one of the first public figures to offer insight into the question of responsibility for the deaths of Palestinian children. At a meeting of the World Childhood Foundation at the United Nations, she criticized leaders for "exploiting them [the children] and risking their lives in a political fight."⁸⁴ She continued, "As a mother I'm very worried about this. I'd like to tell them to quit. This is very dangerous. The children should not take part."⁸⁵

One courageous Arab journalist, Huda Al-Hussein, published her condemnation of the tactics of child sacrifice in the London-based newspaper *Al-Sharq Al-Awsat*. She asked:

While UN Organizations save child-soldiers, especially in Africa, from the control of militia leaders who hurl them into the furnace of gang-fighting, some Palestinian leaders... consciously issue orders with the purpose of ending their childhood, even if it means their last breath....If these children have nothing to lose, and they think the training is...a game, are we supposed to continue pushing them with hypocrisy and stupid enthusiasm to actually lose their lives....What kind of independence is built on the blood of children while the leaders are safe and so are their children and grandchildren?...Isn't it sad that a Palestinian mother who loses a child looks around and cannot find other mothers crying nearby because every other mother waits her turn to receive the corpse of a child? They take the children from their mothers and at the same time they strip their mother of any sympathy.⁸⁶

Palestinian legislators and columnists have begun to acknowledge the problem they have with mixing child protesters with Palestinian gunmen in confrontations with the Israeli army; thus Palestinian legislator Ashraf al-Ajrami stated in the Palestinian daily *al-Ayyam*: "[The intifada] is first and foremost a popular intifada that derives its importance from this description. Thus, it is imperative to protect its nature and not mix popular confrontations-- in which all our people are participating and armed with their determination, stones, and the means of popular struggle -- with armed confrontations."⁸⁷ However, PA Minister of Information Yasser Abd Rabbo, perhaps in reaction to the growing criticism of the use of children in armed confrontations, called in early

November for barring participation of children under the age of 16 in demonstrations against Israel.⁸⁸

IDF Brig. Gen. Benny Gantz, a division commander on the West Bank, offered good advice to Palestinian parents:

If the Palestinian people want their kids to be safe, then they should make sure their kids stay in a place where kids should be. And when they are sending their kids forward and they are firing at us and then the kids are in the killing zone, so unfortunately sometimes, really unfortunately, those things happen.⁸⁹

According to a prominent evangelical pastor with excellent contacts in the West Bank, Christian Arab parents in the greater Bethlehem area have come under threats from the PA because "no Christian blood has been spilled, only Moslem blood" and because "Moslems have donated their children to the cause, but Christians haven't." Told that the families and parents of "martyrs" will receive food first, the Christian Arabs, many of whom discourage their children from participating in the *Al-Aqsa intifada*, fear that they will starve.⁹⁰

Israeli Restraint: The IDF Rules of Engagement

According to international law, in particular Article 43 of the Hague Regulations of 1907, Israel is obliged to ensure public order and safety in the areas it occupied in self-defense in the Six-Day War of 1967.⁹¹ This means that Israel must carry out necessary security measures in response to the widespread shooting and stoning that has characterized the *Al-Aqsa intifada*. Were the Palestinian police willing to perform their delegated local police function⁹² in Palestinian-populated areas, Israel would have no reason to intervene. But when just the opposite transpires, and the Palestinian police and security forces turn a blind eye to violence emanating from their areas, or join in the shooting, the IDF has no alternative but to fulfill its international law obligations.

The force employed by the IDF in response to these complex and dangerous confrontations is not indiscriminate. Nor is it intended to harm the Palestinian youths. Rather the goal is to restore safety on the highways and other locations where violence has been instigated. IDF regulations make every effort to avoid incurring unnecessary casualties. Especially strict rules apply to the employment of live ammunition,⁹³ preferring to make due, whenever possible, with loudspeaker warnings, tear gas, stun grenades, and rubber bullets. Soldiers are prohibited from opening fire with live ammunition unless: (1) they are fired upon; (2) they are in a situation where despite verbal warnings there remains an immediate danger to their lives or the lives of Israeli civilians; or (3) they are apprehending an escaping suspect who is believed to have committed a serious crime.⁹⁴ Any soldiers who violate the rules of engagement are subject to investigation, disciplinary trial and, in serious cases, court-martial, as well they should.

International Law: Efforts to Protect Children from the Dangers of Armed Conflict

In order to assure that children are not involved in wars and other violent conflicts, it is necessary to keep them out of harm's way both physically and emotionally. International law broadly attempts to protect children from the horrors of armed conflict. For example, the use (by states) of children as shields to impede the adversary's military operations is prohibited. Article 28 of the Fourth Geneva Convention strictly forbids the use of any civilian as a shield. Jean Pictet, in the official Red Cross commentary on article 28, notes that the use of civilians (of any age) as shields has been condemned as cruel and barbaric.⁹⁵

In addition, article 38 of the United Nations Convention on the Rights of the Child (1989) condemns the recruitment and involvement of children under 15 years old in hostilities and armed conflicts. This provision clearly states, "[s]tate parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities."⁹⁶ Current treaty law not only forbids children to participate in combat, but it also proscribes a wide range of other indirect activities.⁹⁷

Article 3 of the UN Convention states that administrative authorities or legislative bodies of a state shall place "the best interest of a child" as their primary consideration⁹⁸ and, with that principle in mind, a number of states have raised the minimum age to 18.⁹⁹ Article 36 asserts that state parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare, which logically includes even their voluntary recruitment to participate in a conflict.¹⁰⁰ Ironically, this standard appears to conform with Islamic law, which prohibits children under 15 from participating in a *jihad*.¹⁰¹ But neither international law nor Islamic law has curtailed the exploitation of children in the *Al-Aqsa intifada*.

While the PA has administrative responsibilities in the West Bank and Gaza Strip, the PA is not a sovereign entity,¹⁰² and therefore is not de jure bound by the above mentioned conventions.¹⁰³ However, it is nothing less than hypocrisy for the PA to continuously pressure the international community to condemn Israel for violating human rights, while it blatantly disregards even the most rudimentary international standards of protection when it comes to its own children. Their misuse of children should set off an alarm for the world community; raising doubts as to whether a future Palestinian state would be a law-abiding member of the international community.

Israel, by contrast, is endeavoring under the most trying circumstances to respect international law as regards Palestinian children. Elaborate laws and regulations govern the treatment of the Palestinian civilian population, even when they engage in hostilities. These principles aim at sparing the innocent civilian population from the dangers of armed conflict. Israel's active and liberal Supreme Court frequently reviews challenges to particular policies and conduct of the IDF, to keep the standards high.

Conclusion and Outlook

It is unquestionably a tragedy when children fall victim to the *Al-Aqsa intifada*, but the blame for this tragedy does not rest with the IDF. The tragic reality is that children, often of primary school age, man the *intifada*'s first line of offense. They are incited by the Palestinian leadership, from Arafat on down, to begin riots, burn tires, throw together roadblocks, toss Molotov cocktails and stones, and function as a smokescreen between armed Palestinian gunmen and the IDF. The Western public must ask why are Palestinian educated to hate and place themselves in harm's way? The answer: many Palestinian activists, such as *Tanzim* leader Hussein a-Sheikh, believe that gains in future negotiations will be greater following the riots, which have made the Palestinians victims in the eyes of the world.¹⁰⁴ In the words of Nobel Peace Prize laureate Elie Weisel:

Those of us who reject hatred and fanaticism as options, who consider peace as the noblest of efforts, finally recognize Yasser Arafat for what he is: ignorant, devious and unworthy of trust. We had hoped for a genuine peace between Israeli and Palestinian children playing together, studying together, laughing together, and discovering each other's worlds. The pain, the agony, the death of any child, Palestinian or Jewish, is a torment to us. But why does Chairman Arafat not protect them but instead uses them as shields for adults throwing stones and worse?¹⁰⁵

Thus it is not the IDF, but rather the Palestinian leadership, which should ultimately be held responsible for the injury and death among their rioting children.

Israeli society revolves around the family. Jews as a people have always placed paramount emphasis on improving the lives of their children, and not only their own children. Israelis and Jews everywhere therefore deeply regret that Palestinian children have been caught up in the recent violence.

Imagine how much less powerful Palestinian propaganda would be without cynically sacrificing children in front of the television cameras.¹⁰⁶ What if Arafat set an example for the Palestinian political and religious leadership by exhorting the youth to press their views via non-violent protest -- candlelight vigils, sit-ins, peaceful marches, petitions, and the like? Regrettably, despite the fact that Israel earnestly sought to reach a final peace agreement with the PLO, he and they chose incitement, blood, smoke and gunfire, bringing on the cataclysm which is swallowing young lives and the peace process whole.¹⁰⁷

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Notes

1. Palestinian sources have dubbed the current disturbances the "*Al-Aqsa intifada*." *Intifada* is the Arabic word for "uprising" or "shaking off" and *Al-Aqsa* is the mosque in Jerusalem which observant Moslems regard as their third holiest site, after Mecca and Medina. See Lamia Lahoud, "Fatah Calls for Intifada Despite Summit," *Jerusalem Post*,

- Oct. 17, 2000. The current *Al-Aqsa intifada* should be distinguished from the earlier *intifada*, which began in December 1987, had practically disappeared by the time of the Gulf War in January 1991, and ended with the commencement of the Oslo peace process in mid-1993.
2. Wye River Memorandum, Oct. 23, 1998, 37 I.L.M. 1251 [Wye River Memorandum], art. II (C) 4.
 3. Karen Laub, "12 Palestinians Killed in Clashes," AP, Sept. 30, 2000.
 4. Jerusalem Post staff and AP, "UN Condemns Israel's 'Excessive Force,'" *Jerusalem Post*, Oct. 10, 2000, at 2.
 5. Bob Simon (CBS News), "Children on the Front Lines," 60 Minutes II, Oct. 24, 2000, visited Oct. 26, 2000, <http://cbsnews.cbs.com/news/story/0,1597,243723-412,00.shtml>. It is clear that these casualties harm Israeli interests both locally and abroad. Locally, they stoke the calls for revenge and internationally they serve to generate sympathy and support for Palestinian objectives.
 6. Ze'ev Schiff, "Getting the Numbers Straight," *Ha'aretz*, November 3, 2000.
 7. *Evaluation of the Use of Force in Israel, Gaza, and the West Bank: Medical and Forensic Investigation*, A Report by Physicians for Human Rights, November 3, 2000. http://www.phrusa.org/fresearch/forensics/israel/Israel_force_2.html.
 8. Schiff, "Getting the Numbers Straight."
 9. Palestine Red Crescent Society, visited Nov. 5, 2000, <http://www.palestinercs.org/>.
 10. Dale Gavlak, "Arabs Condemn Israel But Still Call for Peace," UPI, Oct. 21, 2000. Ironically, Arafat's frequent calls, directly and indirectly, for the annihilation of Israel violate the Genocide Convention, which criminalize not only acts of genocide but also incitement to commit genocide in articles II, III and IV. Louis Rene Beres, "Arafat, Genocide and International Law," beres@polsci.purdue.edu.
 11. Jack Kelley, "Street Clashes Now Deliberate Warfare," *USA Today*, Oct. 23, 2000.
 12. UN Security Council Res. 1322 (Sep. 28, 2000).
 13. According to two former observers with the peace-keeping force in Hebron, the Palestinians in that city rioted every Friday, after the Muslim prayer service. These riots always took place at "Police Junction." Interview with Daniel Gunderson, observer with the Temporary International Presence in Hebron (TIPH), in Jerusalem (Nov. 6, 1977); interview with Harald Bugge, TIPH observer, in Jerusalem (Nov. 11, 1997). Despite the PA-appointed mayor's repeated claims that he was unable to stop the weekly Friday demonstrations, an unidentified TIPH observer noted that it "has become painfully obvious to TIPH that the mayor is fully capable of stopping things when it is to his advantage to do so."
 14. Jack Kelley, "Street Clashes." Ironically, those very weapons were provided to them to maintain order against terrorism and incitement, under the interim peace agreements that Arafat signed.
 15. Herb Keinon, "Israel to the UN: Keep Palestinians from Using Kids as Shields," *Jerusalem Post*, Nov. 8, 2000 at 1.
 16. IDF Spokesman's Office, Oct. 31, 2000.
 17. See IDF Chief of Staff General Shaul Mofaz, Israel Radio interview, Oct. 25, 2000.
 18. IDF Spokesman's Office, "The 'Ebb and Flow' Conflict Divided According to Incident Characteristic 29/09-29/10/2000," Oct. 31, 2000; Margot Dudkevitch, "3209 Violent Incidents in West Bank in October," *Jerusalem Post*, Nov. 1, 2000 at 3. Another report gave the figure of 780 shooting incidents in the previous month. Arieh O'Sullivan, "Gil Missile Used for First Time Against Beit Jallah," *Jerusalem Post*, Nov. 2, 2000 at 2.
 19. Elsewhere the figure for bombing incidents was given as 52. O'Sullivan, "Gil Missile."
 20. IDF Spokesman, "Ebb and Flow"; Dudkevitch, "3209 Violent Incidents." Some have claimed that stone-throwing is a purely symbolic act. Nothing could be further from the truth. It often causes serious injury and occasionally even death. Thus one of the Israeli fatalities was hit in the chest by a large rock that was thrown at his car near the Arab village of Jisr e-Zarka on the highway between Haifa and Tel Aviv, two of Israel's largest cities. David Rudge, "2 Israeli Arabs Killed in Nazareth Clashes," *Jerusalem Post*, Oct. 10, 2000 at 1.
 21. *Ibid.*
 22. IDF Spokesman's Office, "Netzarim Incident," Oct. 10, 2000; visited Oct. 24, 2000. <http://www.idf.il/english/news/netsar.stm>.
 23. This is a very serious matter indeed, as the protection offered to the wounded and those who tend to them hangs in the balance. Thus article 21 of the Fourth Geneva Convention of 1949 provides: "The protection to which fixed medical establishments and mobile medical units of the Medical Service are entitled shall not cease unless they are used to commit, outside their humanitarian duties, acts harmful to the enemy." The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, August 12, 1949, art. 21.
 24. Jack Kelley, "Street Clashes"; Margot Dudkevitch, "Stepped-up Clashes, Attacks Reported Throughout Territories," *Jerusalem Post*, Nov. 2, 2000 at 2.
 25. Dudkevitch, "3209 Violent Incidents."
 26. *Ibid.*
 27. Clinton Bailey, "Settlements or Security?," *Jerusalem Post*, Oct. 30, 2000 at 8.
 28. Kelley, "Street Clashes."
 29. Lecture by Colonel Raanan Gissin, IDF Spokesman's Office, Jerusalem, Oct. 21, 2000.
 30. Mike Hanna, Jerusalem Bureau Chief, CNN, Oct. 31, 2000.
 31. "Diary," Israel Radio's News Magazine, Oct. 26, 2000.
 32. Daoud Kuttab, "A Profile of the Stonethrowers," 17 *J. of Palestine Studies*, no. 3 (Spring 1988):15, 18.
 33. William V. O'Brien, *Law and Morality in Israel's War With the PLO* (New York: Routledge, 1991), 249.
 34. See Israel Ministry of Foreign Affairs, *Israel's Measures in the Territories and Human Rights* (1990) 29; see also IDF Spokesman, "Ricochets: Children as Instruments of the Intifada," quoting *Intifada Leaflet* (1990), Nov. 16, May 17, 1991 at 1.
 35. Matthew Dorf, "Palestinian Children's Show Sparks Anger in Washington," Jewish Telegraphic Agency, Aug. 17, 1998.
 36. *Ibid.*
 37. *Ibid.*
 38. Michael Widlanski, "Special Report: Voice of Palestine Coverage of Peres-Arafat Agreement and Followup Announcement," Israel Resource News Agency, <http://www.israelbehindtheneews.com>, Jerusalem, Nov. 2, 2000.
 39. George Will, "The Downfall of Israel?," *Jerusalem Post*, Oct. 16, 2000.
 40. IRIS, "The Palestinians in Their Own Words," *Palestinian Quote Sheet #50*, Oct. 16, 2000.
 41. *Ibid.*
 42. "PA Mufti of Jerusalem and Palestine Discusses the Intifada," *Al-Ahram Al-Arabi* (Egypt), Oct. 28, 2000, via MEMRI, Nov. 8, 2000.
 43. John F. Burns, "Palestinian Summer Camp Offers the Games of War," *New York Times*, Aug. 3, 2000 at 1; Steven

- Gross, Director of International Child Services, Hadassah Wizo Canada Research Institute, unpublished manuscript, (n.d.).
44. See video entitled "Jihad for Kids," Jerusalem, Peace for Generations, 1998.
 45. Gross, unpublished manuscript.
 46. Shahram Chubin and Charles Tripp, *Iran and Iraq at War* (London: I.B. Tauris, 1988); Robin Wright, *Sacred Rage: The Wrath of Militant Islam* (New York: Simon & Schuster, 1986).
 47. Lamia Awwad, "Ministry Reopens Schools After Week-Long Closure," *Jerusalem Times*, Oct. 13, 2000.
 48. See Center for Monitoring the Impact of Peace, "CMIP Launched in Congress," *CMIP Newsletter*, no.1, Sept. 1998.
 49. Center for Monitoring the Impact of Peace, *CMIP Newsletter*.
 50. Ethan Bronner, "The World: Blueprint; Filling in Peace's Details is the Painful Part," *New York Times*, Oct. 25, 1998 at 1.
 51. *Ibid.*
 52. Alan Baker, Legal Advisor to the Israel Ministry of Foreign Affairs, *Using Children in Conflict* (Melbourne: AIJAC, n.d.).
 53. Margot Dudkevitch, "Arafat: Rocket Attacks Won't Stop Al-Aqsa Intifada," *Jerusalem Post*, Nov. 1, 2000 at 1.
 54. Sam Kiley, "A Deadly Game," *The Times*, Oct. 19, 2000.
 55. *al-Ayyam* October 26, 2000 (MEMRI).
 56. Yasser Arafat, *Letter to Yitzhak Rabin*, Sept. 9, 1993, Judith Wrubel, ed., *Peacewatch: The Arab-Israeli Peace Process and U.S. Policy* (Washington, D.C.: Washington Institute for Near East Policy, 1994) at 77.
 57. Yitzhak Rabin, *Letter to Yasser Arafat*, Sept. 9, 1993. Israel Ministry of Foreign Affairs, *Declaration of Principles on Interim Self-Government Arrangements*, Sep. 1993.
 58. Agreement on the Gaza Strip and the Jericho Area, May 4, 1994, Isr.-Palestinian Liberation Organization, 33 I.L.M. 622, art. XII [Cairo Agreement].
 59. Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip, Sept., 28, 1995, Isr.-Palestinian Liberation Organization, 36 I.L.M. 557 Preamble [Oslo II]. It is interesting that here, as elsewhere in the interim agreements, incitement is grouped with terrorism as an evil to be combated.
 60. Oslo II, art. XXII(1), (2).
 61. *Ibid.*
 62. Oslo II, Annex 1, art. IV(f).
 63. Protocol Concerning the Redeployment in Hebron and Related Documents, Jan. 17, 1997, Isr.-Palestinian Liberation Organization, 36 I.L.M. 650, Note for the Record, art. 2(b) [Hebron Protocol].
 64. Wye River Memorandum; see Justus Reid Weiner, "Wye River Memorandum: A Transition to Final Peace," *Hastings International and Comparative Law Review*, (forthcoming).
 65. Wye River Memorandum, Section II, A(3).
 66. Editorial, "No Apologies for Curriculum," *Jerusalem Times*.
 67. Center for Monitoring the Impact of Peace, *CMIP Newsletter*.
 68. Sharm el-Sheikh Memorandum on Implementation Timeline of Outstanding Commitments of Agreements Signed and the Resumption of Permanent Status Negotiations, Nov. 4, 1999, art. 8(a) [Sharm el-Sheikh Memorandum].
 69. Margot Dudkevitch, "IDF: Palestinians Offer \$2,000 for 'Martyrs,'" *Jerusalem Post*, Oct. 6, 2000 at A3; cf. Tom Zeller, "Sticks and Stones: A Deadly Brand of Child's Play," *New York Times*, Oct. 8, 2000.
 70. Chris Hedges, "The Glamour of Martyrdom," *New York Times*, Oct. 29, 2000.
 71. Kiley, "Deadly Game."
 72. Lamia Lahoud, "Palestinians Disappointed in Results of Cairo Parley," *Jerusalem Post*, Oct. 25, 2000.
 73. Gerald Steinberg, "Child Sacrifice is Palestinian Paganism," *Jerusalem Post*, Oct. 27, 2000 at 10.
 74. Gross, unpublished manuscript.
 75. O'Brien, *Law and Morality*.
 76. *al-Ayyam* October 26, 2000 (MEMRI).
 77. *Al Hayat-Al Jadida*, Oct. 27, 2000, from Palestinian Media Watch, Jerusalem.
 78. Simon, "Children on the Front Lines."
 79. *Ibid.*
 80. George Abu Al-Zulof, "Children Not Put on the Front Line," *Jerusalem Post*, Oct. 31, 2000 at 9.
 81. The absurdity of this claim is readily seen. "Teenagers and younger kids marched off to the Ayosh junction, where territory controlled by the Palestinians meets up with land controlled by Israel....The Ayosh junction is way out of town; youths have to hike to the soldiers." Trudy Rubin, "The Children's Crusade," (Philadelphia) *Inquirer*, Oct. 25, 2000.
 82. The *Tanzim* are an armed militia of Fatah, the largest faction of the PLO. Virtually unknown prior to the *Al-Aqsa intifada* (possibly because Arafat was required to disarm all such militias under the interim peace agreements), they have taken a leading role in the shooting. The *Tanzim* which have been shooting from Beit Jallah into the Jerusalem neighborhood of Gilo (see Margot Dudkevitch, "Foreign Ministry Helps Hundreds of Christian Families Flee PA Areas," *Jerusalem Post*, Oct. 25, 2000 at 1), rejected the Sharm el-Sheikh agreement which President Clinton engineered to stop the violence. Its leader, Marwan Barghouti, defiantly referred to this agreement as "an Israeli agreement" and threatened to "accelerate the *intifada*, not stop it." Barghouti attributed the group's recent use of Hizbullah's yellow flag and photos of Hizbullah Sheikh Nasrallah in demonstrations as displays of admiration for Hizbullah's kidnapping of Israelis. Lamia Lahoud, "*Tanzim* Vow to Continue Intifada," *Jerusalem Post*, Oct. 18, 2000.
 83. Hamas has also thrown in its lot with the statement of Sheikh Ahmed Yassin, its founder and spiritual leader, who told a cheering crowd of thousands, "[w]e will never give up on any part of historic Palestine. Resistance will continue to either victory or martyrdom." Hatem Lutfi, "Yassin: Hamas Forces Ready for Al-Aqsa Intifada," *Jerusalem Times*, Oct. 13, 2000. Yassin praised the release of senior Hamas members from PA jails where they had been held for planning and participating in terrorist attacks against Israeli targets. The PA's sudden release of Hamas senior leaders and bomb-makers prompted warnings that Arafat has given the green light for renewed suicide attacks. David Zev Harris and Herb Keinson, "Hamas Political Leader: All Israelis are Legitimate Targets," *Jerusalem Post*, Oct. 12, 2000; see Jonathan Krashinsky, "IDF: Senior PA Officials Involved with Hamas," *Jerusalem Post*, Oct. 17, 2000 at 4.
 84. Charles Krauthammer, "Fight Back or Die," *Jerusalem Post*, Oct. 30, 2000 at 8.
 85. Steinberg, "Child Sacrifice."
 86. *Ibid.* The utility of child soldiers has been addressed in the media: "Children 'become in a very cynical way the best raw material to fashion into efficient, ruthless, unquestioning tools of war,' Olara Otunnu, the UN special representative for children and armed conflict, said in an interview. 'Because they are impressionable, they're like a vessel. Whatever

you want to shape them into, they'll be shaped." Tina Susman and Geoffrey Mohan, "A Generation Lost to War," *Newsday.com*, <http://www.newsday.com/news/childwar/wchild1.htm>.

86. Huda Al-Husseini, *Al-Sharq Al-Awsat* (London), Oct. 27, 2000, translated by MEMRI, "Arab Journalist Decries Palestinian Child-Soldiers," Special Dispatch no. 146, Nov. 1, 2000.

87. *al-Ayyam* October 26, 2000 (MEMRI).

88. Palestine Ministry of Information, "Daily Press Review," Nov. 7, 2000, citing *Al-Hayat Al-Jadida* http://www.pna.org/mininfo/press/eps_0711.htm.

89. Simon, "Children on the Front Lines."

90. David and Leah Ortiz, "Latest Update," Oct. 25, 2000, ldortiz@attglobal.net.

91. Annex to Hague Convention (IV) Respecting the Laws and Customs of War on Land, Oct. 18, 1907, art. 43, 36 Stat. 2277, T.S. No. 539 [Hague Regulations].

92. See, e.g., Oslo II, art. XIV.

93. Generally live ammunition is aimed below the waist. Kelley, "Street Clashes."

94. Telephone interview with Colonel Raanan Gissin, IDF Spokesman's Office, Jerusalem, Nov. 8, 2000.

95. Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287, art. 28 [Fourth Geneva Convention].

96. UN Convention on the Rights of the Child, Art. 38, (1989). This Convention has been ratified by 191 states, making it the most widely ratified human rights instrument ever. UN Economic and Social Council, Commission on Human Rights, *Rights of the Child: Additional Report of the Special Representative of the Secretary-General for Children and Armed Conflict, Mr. Olara Otunnu, Submitted in Accordance with General Assembly Resolution 53/128, E/CN.4/2000/71*, Feb. 9, 2000, art. 2(6). The UN Security Council has also adopted Resolution 1261 which "strongly condemns...recruitment and use of children in armed conflict in violation of international law." UN Sec. Council Res. 1261 (1999), art. 3, 8, 13.

97. Baker, *Using Children in Conflict*.

98. UN Convention on the Rights of the Child, Art. 38, (1989).

99. Marta Santos Pais, "The Convention on the Rights of the Child," in the United Nations' *Manual on Human Rights Reporting* 292, 414 (1997). The Council of Delegates of the International Committee of the Red Cross has endorsed a plan of action to promote the principles of non-recruitment and non-participation in armed conflicts of children under the age of 18. This plan places blame as follows: "Responsibility for using children as soldiers lies with all of the adults who accept or encourage children to participate in armed conflict. These are parents and other adults from the child's community, local commanders accepting children in their ranks, and peer groups glorifying the 'free lifestyle' of the soldiers." ICRC Council of Delegates, *Plan of Action Concerning Children in Armed Conflict*, Objective 1.1, 1.2, 1.3 (1995), <http://www.icrc.org/icrceng.nsf/8ec4e051a8621595c12564670032d7ef/9bcae5853>.

100. UN Convention on the Rights of the Child, Art. 36, (1989).

101. Baker, *Using Children in Conflict*.

102. The PLO maintains diplomatic relations of various types with over a hundred different governments even though it does not meet the standard indices of state sovereignty as set forth in the Montevideo Convention on the Rights and Duties of States. See James Crawford, "The Creation of the State of Palestine: Too Much Too Soon?," 1 *Eur. J. Int'l L.* 307; Ruth Lapidot and N.K. Calvo-Goller, "Les Elements Constitutifs de L'Etat et la Declaration du Conseil National Palestinien du 15 Novembre 1988" *R.G.D.I.P.* 777 (1992) (French original). But see Francis A. Boyle, "The Creation of the State of Palestine," 1 *Eur. J. Int'l L.* 301; M. Flory, "Naissance d'un Etat Palestinien," *R.G.D.I.P.* 385 (1989) (French original); Tal Becker, *International Recognition of a Unilaterally Declared Palestinian State: Legal and Policy Dilemmas* (Jerusalem: Jerusalem Center for Public Affairs, 2000). This has been recognized by the senior Palestinian peace negotiator and the senior deputy to Arafat, Mahmoud Abbas, who referred to the DOP by stating that, "[W]e do not claim that we signed an agreement that created an independent Palestinian state; none of the provisions of the Declaration of Principals make such a claim." Mahmoud Abbas, *Through Secret Channels* (Redding, UK: Garnet, 1997), 218.

103. Similarly, in response to the PA's declaration that it would adhere to the Geneva conventions of 1949 and the subsequent two protocols, the Swiss Federal Council stated that "it was not in the position to decide whether the letter constituted an instrument of accession," and deferred from making a decision "due to the uncertainty within the international community as to the existence or non-existence of the state of Palestine." Geneva Conventions, Aug. 12, 1949 and additional protocols of June 8, 1977: Ratifications, Accessions and Successions, DD/JUR 98/820-CPS 32 (Dec. 31, 1998).

104. Lamia Lahoud, "Fatah Promises Intifada Against Israeli Settlements," *Jerusalem Post*, Oct. 10, 2000.

105. Elie Weisel, Transcript of Speech, New York, Oct. 27, 2000.

106. The *USA Today* reporter noted that as dusk approached and the television crews left the Ramallah junction where hundreds of children had been hurling rocks and Molotov cocktails at the IDF all day long, the children also dispersed. The Israeli officer on the scene commented, "The kids only want to die when the TV cameras are on so they can get the sympathy of the world....They'll be back tomorrow, as soon as the media arrives." Kelley, "Street Clashes."

107. Prime Minister Barak stated: "there is an understanding in the Arab world that Arafat and the PA, in their decision not to reach an agreement with us that was within reach, but rather to choose the path of violence, have taken upon themselves a heavy responsibility that changes the character of the [peace] process. At the moment the PA and Arafat have chosen the path of conflict in an attempt to make us fold and to get us to surrender our vital interests through force." Herb Keinon and Lamia Lahoud, "Egyptian Foreign Minister Moussa: Current Peace Process Over," *Jerusalem Post*, Oct. 25, 2000. Arafat's violent course even threatens regional stability thanks to his successful appeals for mass protests in Arab countries.

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