

# Draft International Convention for the Prevention of Incitement to Terror



Ambassador Alan Baker



Jerusalem Center for Public Affairs

© 2014 Jerusalem Center for Public Affairs

Jerusalem Center for Public Affairs  
13 Tel Hai Street, Jerusalem, Israel  
Tel. 972-2-561-9281 Fax. 972-2-561-9112  
Email: [jcpa@netvision.net.il](mailto:jcpa@netvision.net.il)  
Photo Credit: AP Photo  
Graphic Design: Darren Goldstein  
[www.jcpa.org](http://www.jcpa.org)

## INTRODUCTION

The draft international convention proposed in this paper represents an effort to move forward from domestic legislation, UN resolutions and regional treaties, with a view to placing before the international community a draft comprehensive instrument that attempts to address the issue of incitement and to criminalize it in international law.

**Alan Baker, Ambassador  
Director, Institute for Contemporary Affairs, Jerusalem Center for Public Affairs**

# DRAFT INTERNATIONAL CONVENTION FOR THE PREVENTION OF INCITEMENT TO TERROR<sup>1</sup>

*Having* in mind the purposes and principles of the Charter of the United Nations concerning the maintenance of international peace and security and the promotion of good-neighborliness and friendly relations and cooperation among States,<sup>2</sup>

*Deeply concerned* by the worldwide escalation of acts of terrorism in all its forms and manifestations, which endanger or take innocent human lives, jeopardize fundamental freedoms and seriously impair the dignity of human beings,<sup>3</sup>

*Reaffirming* that acts, methods and practices of terrorism in all its forms and manifestations are activities aimed at the destruction of human rights, fundamental freedoms and democracy, threatening territorial integrity, security of States and destabilizing legitimately constituted Governments, and that the international community should take the necessary steps to enhance cooperation to prevent and combat terrorism,<sup>4</sup> including incitement thereto,

*Reaffirming* also that terrorism, including any incitement thereto, cannot and should not be associated with any religion, nationality, civilization or ethnic group,<sup>5</sup>

*Noting* that existing multilateral legal provisions do not adequately address incitement to acts of terror,<sup>6</sup>

*Recognizing* that incitement to terror as set forth in this Convention, as well as acts of terror resulting from such incitement, by whomever perpetrated, are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature, and recalling the obligation of all Parties to prevent such offenses and, if not prevented, to prosecute and ensure that they are punishable by penalties that take into account their grave nature,<sup>7</sup>

*Deeply concerned* that incitement of terrorism, as well as acts of terror resulting from such incitement, by whomever perpetrated, motivated by extremism and intolerance pose a serious and growing danger to the enjoyment of human rights, threaten the social and economic development of all States, undermine global stability and prosperity, and must be addressed urgently and proactively by the United Nations and all States, and emphasizing the need to take all necessary and appropriate measures in accordance with international law at the national and international level to protect the right to life,<sup>8</sup>

*Expressing concern* over the rise in recent years of acts of incitement to hatred, which have targeted and severely affected racial and religious communities and persons belonging to racial and religious minorities, whether involving the use of print, audio-visual or electronic media or any other means, and emanating from a variety of sources,<sup>9</sup>

*Reaffirming* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, shall be prohibited by law,<sup>10</sup>

*Recalling* that the Plan of Action adopted as an Annex to the United Nations Global Counter-Terrorism Strategy (A/RES/60/288 dated 20 September 2006), dealing with measures aimed at addressing the conditions conducive to the spread of terrorism, calls upon States “to continue to work to adopt such measures as may be necessary and appropriate and in accordance with our obligations under international law to prohibit by law incitement to commit a terrorist act or acts and prevent such conduct”,<sup>11</sup>

*Recalling* the right to freedom of expression reflected in Article 19 of the Universal Declaration of Human Rights adopted by the General Assembly in 1948 (“the Universal Declaration”), and recalling also the right to freedom of expression in Article 19 of the International Covenant on Civil and Political Rights adopted by the General Assembly in 1966 (“ICCPR”) and that any restrictions thereon shall only be such as are provided by law and are necessary on the grounds set out in paragraph 3 of Article 19 of the ICCPR,<sup>12</sup>

*Recalling* also that the International Covenant on Civil and Political Rights, states inter alia that “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law”,<sup>13</sup>

*Recalling* also that the International Convention on the Elimination of All Forms of Racial Discrimination mandates States to “declare an offense punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination as well as all acts of violence and incitement to such acts against any race or group of persons of another color or ethnic origin”,<sup>14</sup>

*Condemning* in the strongest terms the incitement of terrorist acts and repudiating attempts at the justification or glorification (*apologie*) of terrorist acts that may incite further terrorist acts,<sup>15</sup>

*Deeply concerned* by the increasing number of victims, especially among civilians of diverse nationalities and beliefs, caused by terrorism and by incitement to terrorism motivated by intolerance or extremism in various regions of the world, reaffirming its profound solidarity with the victims of terrorism and their families, and stressing the importance of assisting victims of terrorism and providing them and their families with support to cope with their loss and grief,<sup>16</sup>

*Re-emphasizing* that continuing international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent incitement to the indiscriminate targeting of different religions and cultures, and addressing unresolved regional conflicts and the full range of global issues, including development issues, will contribute to strengthening the international fight against terrorism,<sup>17</sup>

*Stressing* the importance of the role of the media, the internet, civil and religious society, the business community and educational institutions in those efforts to enhance dialogue and broaden understanding, and in promoting tolerance and coexistence, and in fostering an environment that is not conducive to incitement of terrorism,<sup>18</sup>

*Recognizing* the importance that, in an increasingly globalized world, States act cooperatively to prevent terrorists from exploiting sophisticated technology, communications, internet and other resources to incite to, and support criminal acts,<sup>19</sup>



*Recalling* that all States must cooperate fully in the fight against terrorism, in accordance with their obligations under international law, in order to find, deny safe haven and bring to justice, on the basis of the principle of extradite or prosecute, any person who supports, facilitates, participates or attempts to participate in the financing, planning, preparation or commission of, and incitement to terrorist acts or provides safe havens,<sup>20</sup>

*Calling* upon all States to take such measures as may be necessary and appropriate and in accordance with their obligations under international law to prohibit by law incitement to commit a terrorist act or acts, and further calling upon all States to continue international efforts to enhance dialogue and broaden understanding among civilizations, in an effort to prevent the indiscriminate targeting of different religions and cultures, and to take all measures as may be necessary and appropriate and in accordance with their obligations under international law to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent the subversion of educational, cultural, and religious institutions by terrorists and their supporters;<sup>21</sup>

Have agreed as follows:

## ARTICLE 1

1. Any person commits an offense within the meaning of this Convention if that person unlawfully and intentionally incites others to commit an act of terror.<sup>22</sup>
2. Direct or indirect incitement to commit an act of terror shall be considered to be an international crime.
3. For the purposes of this convention, “incitement to commit an act of terror” means directly or indirectly calling upon, provoking, urging, instigating, encouraging, advocating, or persuading others, whether groups of persons, members of the population or the public at large, to initiate, organize, participate or engage in an act, or acts of terror against any person, group of persons or members of any religious, national or ethnic group, where such conduct, whether or not directly advocating terrorist offenses, causes a danger that one or more such offenses may be committed.<sup>23</sup>
4. An offense within the meaning of this Convention includes incitement by the following methods:
  - a. speeches, shouting or threats uttered orally in public places or at public gatherings,<sup>24</sup>
  - b. sale or dissemination, offer for sale or display of written material or printed matter in public places or at public gatherings through the public display of placards or posters,
  - c. use of the mass media, television, radio,<sup>25</sup> internet or any other means of communication, including by employing broadcasts, publications, drawings, images, or speeches,<sup>26</sup>
  - d. public vilification or disparagement of a target group with the aim of instigating, causing, bringing about or provoking terror or violence against that group, where such incitement creates a danger that such an act or acts of terror may be committed,
  - e. use of educational materials, text books, posters and the like.
5. Any person also commits an offense if that person attempts or participates as an accomplice in the commission of an act of incitement to terror as set forth in this article.
6. Any person also commits an offense if that person:
  - a. Provides funds or resources, directly or indirectly, to enable, assist, encourage or reward an act of incitement to terror as set forth in this article, or provides financial or other compensation to those involved in the commission of an act of incitement; or
  - b. In any other way contributes to the commission of an act of incitement as set forth in this article.

## ARTICLE 2

Each State Party shall adopt such measures as may be necessary:

- a. To establish as criminal offenses under its domestic law the offenses set forth in Article 1 of this Convention;
- b. To make those offenses punishable by appropriate penalties which take into account the grave nature of those offenses.<sup>27</sup>

## ARTICLE 3

Each State Party shall ensure that the establishment, implementation and application of the criminalization of incitement to commit an act of terror, provocation and other terrorism-related offenses, are carried out while respecting human rights obligations, in particular the right to freedom of expression, freedom of association and freedom of religion, and other obligations under international law.<sup>28</sup>

## ARTICLE 4

Each State Party shall adopt such measures as may be necessary including, where appropriate, domestic legislation, to ensure that criminal acts within the scope of this Convention are under no circumstances justifiable by considerations of a political, philosophical, ideological, racial, ethnic, religious or other similar nature and are punished by penalties consistent with their grave nature.<sup>29</sup>

## ARTICLE 5

For an act to constitute an offense as set forth in Article 1 of this Convention, it shall not be necessary that a terrorist offense be actually committed.<sup>30</sup>

## ARTICLE 6

1. States Parties shall refrain from organizing, instigating, facilitating, financing, assisting, participating or acquiescing, encouraging or tolerating activities which may involve incitement to terror as set forth in Article 1, in territories under their jurisdiction.
2. States Parties shall also refrain from organizing, instigating, facilitating, financing, assisting participating or actively encouraging activity that may involve incitement to terror that may be carried out in the territory of another state. They shall to this end take all measures within their power, in conformity with the purposes and principles of the Charter of the United Nations and other relevant rules of international law.
3. States Parties shall also refrain from any kind of activities or expressions which condone, glorify, support, reward, or justify acts of incitement to terror as set forth in Article 1, and shall take all measures within their power, including the adopting of necessary criminal legislation, to ensure that educational, religious, media and other public and private bodies, agencies, organizations and persons within their territorial jurisdiction, do not engage in any activity or expression that is tantamount to incitement to terror.<sup>31</sup>
4. States Parties shall withhold any form of economic aid or assistance to States that knowingly allow incitement to terror, as set out in Article 1, to exist unchecked in their territory.



## ARTICLE 7

1. Each State Party shall take such measures as may be necessary to establish its jurisdiction over acts of incitement to terror as set forth in Article 1 when:
  - a. The offense is committed in the territory of that State or on board a vessel flying its flag or an aircraft registered therein; or
  - b. The offense is committed by a national of that State.<sup>32</sup>
2. A State Party may also establish its jurisdiction over any act of incitement to terror when:
  - a. The offense is committed against a national of that State
  - b. The offense is committed against a facility of that State abroad, including an embassy or other diplomatic or consular premises of that State; or
  - c. the offense is committed by a stateless person who has his or her habitual residence in the territory of that State; or
  - d. the offense is committed in an attempt to compel that State to do or abstain from doing any act.
3. Each State Party shall likewise take such measures as may be necessary to establish its jurisdiction over the offenses set forth in Article 1 in cases where the alleged offender is present in its territory and it does not extradite that person to any of the State Parties that have established their jurisdiction in accordance with paragraph 1 or 2.
4. This Convention does not exclude the exercise of any criminal jurisdiction established by a State Party in accordance with its domestic law.

## ARTICLE 8

1. Upon receiving information that a person who has committed or who is alleged to have committed an act of incitement to terror as set forth in Article 1 may be present in its territory, the State Party concerned shall take such measures as may be necessary under its domestic law to investigate the facts contained in the information.
2. Upon being satisfied that the circumstances so warrant, the State Party in whose territory the offender or alleged offender is present shall take the appropriate measures under its domestic law so as to ensure that person's presence for the purpose of prosecution or extradition.
3. Any person regarding whom the measures referred to in paragraph 2 are being taken shall be entitled to:
  - a. communicate without delay with the nearest appropriate representative of the State of which that person is a national or which is otherwise entitled to protect that person's rights or, if that person is a stateless person, the State in the territory of which that person habitually resides;
  - b. be visited by a representative of that State;
  - c. be informed of that person's rights under subparagraphs (a) and (b).
4. The rights referred to in paragraph 3 shall be exercised in conformity with the laws and regulations of the State in the territory of which the offender or alleged offender is present, subject to the provision that the said laws and regulations must enable full effect to be given to the purposes for which the rights accorded under paragraph 3 are intended.
5. The provisions of paragraphs 3 and 4 shall be without prejudice to the right of any State Party having a claim to jurisdiction in accordance with Article 6, subparagraph 1(c) or 2(c), to invite the International Committee of the Red Cross to communicate with and visit the alleged offender.
6. When a State Party, pursuant to this article, has taken a person into custody, it shall immediately notify, directly or through the Secretary-General of the United Nations, the State Parties which have established jurisdiction in accordance with Article 7, paragraphs 1 and 2, and, if it considers it advisable, any other interested State Parties, of the fact that such person is in custody and of the circumstances which warrant that person's detention. The State that makes the investigation contemplated in paragraph 1 shall promptly inform the said State Parties of its findings and shall indicate whether it intends to exercise jurisdiction.<sup>33</sup>

## ARTICLE 9

1. The State Party in the territory of which the alleged offender is present shall, in cases to which Article 8 applies, if it does not extradite that person, be obliged, without exception whatsoever and whether or not the offense was committed in its territory, to submit the case without undue delay to its competent authorities for the purpose of prosecution, through proceedings in accordance with the laws of that State. Those authorities shall take their decision in the same manner as in the case of any other offense of a grave nature under the law of that State.<sup>34</sup>
2. Whenever a State Party is permitted under its domestic law to extradite or otherwise surrender one of its nationals only upon the condition that the person will be returned to that State to serve the sentence imposed as a result of the trial or proceeding for which the extradition or surrender of that person was sought, and this State and the State seeking the extradition of the person agree with this option and other terms they may deem appropriate, such a conditional extradition or surrender shall be sufficient to discharge the obligation set forth in paragraph 1.

## ARTICLE 10

1. Incitement to acts of terror as set forth in Article 1 shall be deemed to be included as extraditable offenses in any extradition treaty existing between any of the State Parties before the entry into force of this Convention. State Parties undertake to include such offenses as extraditable offenses in every extradition treaty to be subsequently concluded between them.
2. When a State Party which makes extradition conditional on the existence of a treaty receives a request for extradition from another State Party with which it has no extradition treaty, the requested State Party may, at its option, consider this Convention as a legal basis for extradition in respect of the offenses set forth in Article 1. Extradition shall be subject to the other conditions provided by the law of the requested State.
3. State Parties which do not make extradition conditional on the existence of a treaty shall recognize acts of incitement to terror as set forth in Article 1 as extraditable offenses between themselves, subject to the conditions provided by the law of the requested State.
4. If necessary, the offenses set forth in Article 1 shall be treated, for the purposes of extradition between State Parties, as if they had been committed not only in the place in which they occurred but also in the territory of the States that have established jurisdiction in accordance with Article 7, paragraphs 1 and 2.
5. The provisions of all extradition treaties and arrangements between State Parties with regard to offenses set forth in Article 1 shall be deemed to be modified as between State Parties to the extent that they are incompatible with this Convention.<sup>35</sup>

## ARTICLE 11

1. State Parties shall afford one another the greatest measure of assistance in connection with investigations or criminal or extradition proceedings brought in respect of the offenses set forth in Article 1, including assistance in obtaining evidence at their disposal necessary for the proceedings.
2. State Parties shall carry out their obligations under paragraph 1 in conformity with any treaties or other arrangements on mutual legal assistance that may exist between them. In the absence of such treaties or arrangements, State Parties shall afford one another assistance in accordance with their domestic law.<sup>36</sup>

## ARTICLE 12

None of the offenses set forth in Article 1 shall be regarded, for the purposes of extradition or mutual legal assistance, as a political offense inspired by political motives. Accordingly, a request for extradition or for mutual legal assistance based on such an offense may not be refused on the sole ground that it concerns a political offense or an offense connected with a political offense inspired by political motives.<sup>37</sup>

## ARTICLE 13

Nothing in this Convention shall be interpreted as imposing an obligation to extradite or to afford mutual legal assistance, if the requested State Party has substantial grounds for believing that the request for extradition for offenses set forth in Article 1 or for mutual legal assistance with respect to such offenses has been made for the purpose of prosecuting or punishing a person on account of that person's race, religion, nationality, ethnic origin, or political opinion, or that compliance with the request would cause prejudice to that person's position for any of these reasons.<sup>38</sup>

## ARTICLE 14

1. With a view to enhancing coordination and cooperation between States in order to maximize the effort to deal with and to counter incitement to terror, the State Parties to this Convention hereby agree to transmit information concerning incitement to terror to the United Nations Security Council Committee on Terrorism established and functioning pursuant to the Council's resolution 1373.<sup>39</sup>
2. State Parties shall cooperate in the prevention of incitement to terrorism by providing to the Security Council Committee, and exchanging between themselves, accurate and verified information in accordance with their national law, and coordinating administrative and other measures taken as appropriate to prevent incitement to acts of terror.

## ARTICLE 15

Nothing in this Convention shall affect other rights, obligations and responsibilities of States, including the right of self-defense, under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.<sup>40</sup>

## ARTICLE 16

1. Any dispute between two or more State Parties concerning the interpretation or application of this Convention which cannot be settled through negotiations within a reasonable time shall, at the request of one of them, be submitted to arbitration. If, within six months from the date of the request for arbitration, the parties are unable to agree on the organization of the arbitration, any one of those parties may refer the dispute to the International Court of Justice, by application, in conformity with the Statute of the Court.<sup>41</sup>
2. Each State may at the time of signature, ratification, acceptance or approval of this Convention or accession thereto declare that it does not consider itself bound by paragraph 1 of this article. The other State Parties shall not be bound by paragraph 1 with respect to any State Party which has made such a reservation.
3. Any State which has made a reservation in accordance with paragraph 2 may, at any time, withdraw that reservation by notification to the Secretary-General of the United Nations.

## ARTICLE 17

1. This Convention shall be open for signature by all States from ..... until ..... at the United Nations Headquarters in New York.
2. This Convention is subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations.
3. This Convention shall be open to accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.<sup>42</sup>

## ARTICLE 18

1. This Convention shall enter into force on the thirtieth day following the date of the deposit of the fifteenth instrument of ratification, acceptance, approval or accession with the Secretary-General of the United Nations.
2. For each State ratifying, accepting, approving or acceding to the Convention after the deposit of the fifteenth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification, acceptance, approval or accession.<sup>43</sup>

## ARTICLE 19

1. Any State Party may denounce this Convention by written notification to the Secretary-General of the United Nations.
2. Denunciation shall take effect one year following the date on which notification is received by the Secretary-General of the United Nations.<sup>44</sup>

## ARTICLE 20

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations, who shall send certified copies thereof to all States.<sup>45</sup>

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto by their respective Governments, have signed this Convention, opened for signature at ..... on  
.....



## Endnotes

1. This draft convention is based on several international conventions and resolutions dealing with various aspects of international terror, as well as on legal articles and drafts regarding terrorism that have been suggested over the years. Where possible, the author has indicated in endnotes the source of the particular provision of this convention. Changes and adaptations have been included in order to meet the needs of incitement to terror in light of technological developments in the era of the internet and electronic information transfer. For ease of reference, the preambular paragraphs are listed as PP...
2. Based on first preambular paragraph (PP1) of the International Convention on the Suppression of Terrorist Bombings [http://www.nti.org/e\\_research/official\\_docs/inventory/pdfs/aptbomb.pdf](http://www.nti.org/e_research/official_docs/inventory/pdfs/aptbomb.pdf); (hereinafter "TB") and PP1 of the International Convention for the Suppression of the Financing of Terrorism (hereinafter "FT").
3. TB PP2, FT PP2, Draft International Convention on the Suppression of Terrorism [ICST] PP4.
4. The United Nations Global Counter-Terrorism Strategy, (A/RES/60/288), PP7.
5. Ibid PP8.
6. Terrorist Bombings Convention (see footnote 1) at PP8.
7. Council of Europe Convention on the Prevention of Terrorism, 2005, PP6.
8. Ibid PP 5.
9. Outcome document of the Durban Review Conference 2009. [http://www.un.org/durbanreview2009/pdf/Durban\\_Review\\_outcome\\_document\\_En.pdf](http://www.un.org/durbanreview2009/pdf/Durban_Review_outcome_document_En.pdf) para. 68.
10. Ibid para. 13.
11. Ibid Article 1, para. 4.
12. Based on UN Security Council Resolution 1624 (2005), PP6.
13. ICCPR Article 20, Section 2.
14. CERD Article 4.
15. UNSC Res 1624 of Sept. 14, 2005, PP4.
16. Ibid PP9.
17. Ibid PP12.
18. Ibid PP13, with the addition of the reference to the internet.
19. Ibid PP14, with the addition of the reference to the internet.
20. Ibid PP15.
21. UNSC Res 1624 of Sept. 14, 2005 operative paragraph 1.
22. Based on Article 2(1) of the Terrorist Bombings Convention.
23. Based inter alia on the crime of "public provocation to commit a terrorist offense" as defined in the 2005 European Framework Convention, Article 5(1), [2].
24. Subparas. a. and b. are based on Article 91(4) of the Rwandan Penal Code as quoted in para. 553 of the AkayesuJudgement, ICTR-96-4-T.
25. Incitement through use of radio or media broadcasts appears in several UN Security Council resolutions including SC Res. 837(1993) of 6 June 1993 preambular para. 10, operative para. 5; Security Council Res1040(1996) of 29 January 1996 operative para. 4 SC Res. 1049(1996) of 5 March 1996 preambular para.5, operative paras.3, 5; SC Res. 1161(1998) of 9 April 1998 operative para.5 SC Res. 1296(2000) of 19 April 2000 operative para.17; SC Res. 1565(2004) of 1 October 2004 operative para.17; SC Res. 1572(2004) of 15 November 2004 preambular para.5; SC Res. 1738(2006) of 23 December 2006 operative para. 4. In all these resolutions, the Security Council referred expressly to "radio broadcasts," "media broadcasts," "incitement by radio stations" and "use of the media." SC Res. 1417 (2002) of 14 June 2002 operative para. 5 refers to the events of 14 May 2002, when a group of soldiers took control of the Kisangani local radio station RTNC and aired declarations inciting the population to insurrection and murder on an ethnic basis, against Rwandans.
26. Based on the definition of incitement in the Encyclopedia of the US Holocaust Memorial Museum, Washington, DC, last updated April 1, 2010 D:/users/alan/documents/incitement to genocide in international law.mht and the discussion on the definition of incitement to terror in Yael Ronen INCITEMENT TO TERRORIST ACTS UNDER INTERNATIONAL LAW Research Paper No. 15-09 August 2009 published by the International Law Forum of the Hebrew University of Jerusalem Law Faculty, at page 20.
27. TB Art 4, ICST Art 3.
28. 2005 European Framework Convention, Article 12(1).
29. Based on Article 5 of the Terrorist Bombings Convention, Article 6 of the Terrorist Financing Convention and the Draft International Convention on the Suppression of Terrorism (DICST).
30. 2005 European Framework Convention, Article 8.
31. ICST Art. 5 with adaptations.
32. TB Art. 6; TF Art.7; ICST Art. 9;
33. TB Art. 7; TF Art.9; ICST Art. 6.

34. TB Art. 8; TF Art 10; ICST Art. 10.
35. TB Art. 8; TF Art.11; ICST Art. 8.
36. TB Art. 9; TF Art.12; ICST Art. 7.
37. TB Art. 11; TF Art. 14.
38. TB Art. 12; TF Art. 15.
39. <http://www.un.org/News/Press/docs/2001/sc7158.doc.htm> and <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>.
40. TB Art. 19; TF Art. 21.
41. TB Art. 20; TF Art. 24.
42. TB Art. 21; TF Art. 25.
43. TB Art. 22; TF Art. 26.
44. TB Art. 23; TF Art. 28.
45. TB Art. 24; TF Art. 28.

## About the Author

Ambassador Alan Baker, director of the Institute for Contemporary Affairs at the Jerusalem Center for Public Affairs, is one of Israel's leading international law experts. He served as the legal adviser and deputy director-general of the Israel Foreign Ministry from 1996 to 2004, followed by four years (2004-2008) as Israel's ambassador to Canada.

In addition to his membership in the Israel Bar, Ambassador Baker is a member of the International Law Association, the International Institute of Humanitarian Law, and the International Association of Jewish Lawyers and Jurists, and serves as a member of Israel's panel of arbitrators at the Permanent Court of Arbitration (The Hague). His website is: [www.ambassadoralanbaker.com](http://www.ambassadoralanbaker.com).



## Jerusalem Center for Public Affairs המרכז הירושלמי לענייני ציבור ומדינה (ע"ר)

The Jerusalem Center for Public Affairs is a leading independent research institute specializing in public diplomacy and foreign policy. Founded in 1976, the Center has produced hundreds of studies and initiatives by leading experts on a wide range of strategic topics. Dr. Dore Gold, Israel's former ambassador to the UN, has headed the Jerusalem Center since 2000.

### Jerusalem Center Programs:

**Institute for Contemporary Affairs (ICA)** – A diplomacy program, founded in 2002 jointly with the Wechsler Family Foundation, that presents Israel's case on current issues through high-level briefings by government and military leaders to the foreign diplomatic corps and foreign press, as well as production and dissemination of information materials.

**Defensible Borders for Israel** – A major security and public diplomacy initiative that analyzes current terror threats and Israel's corresponding territorial requirements, particularly in the strategically vital West Bank, that Israel must maintain to fulfill its existential security and defense needs.

**Jerusalem in International Diplomacy** – Dr. Dore Gold analyzes the legal and historic rights of Israel in Jerusalem and exposes the dangers of compromise that will unleash a new *jihadi* momentum in his book *The Fight for Jerusalem: Radical Islam, the West, and the Future of the Holy City* (Regnery, 2007). Adv. Justus Reid Weiner looks at *Illegal Construction in Jerusalem: A Variation on an Alarming Global Phenomenon* (2003). Veteran Israeli journalist Nadav Shragai documents nearly a century of Arab violence against Jews in Israel triggered by the commonly believed myth that the Jews are seeking to destroy the Al-Aksa Mosque in Jerusalem in "Al-Aksa is in Danger" *Libel: The History of a Lie*.

**Iran and the Threats to the West** – This program features major policy studies by security and academic experts on Iran's use of terror proxies and allies in the regime's war against the West and its race for regional supremacy. It also involved preparation of a legal document jointly with leading Israeli and international scholars and public personalities on the initiation of legal proceedings against former Iranian President Mahmoud Ahmadinejad for incitement to commit genocide and participate in genocide.

**Combating Delegitimization** – A major multilingual public diplomacy program exposing those forces that are questioning Israel's very legitimacy, while carrying out initiatives to strengthen Israel's fundamental right to security and to reinforce the connection between the Jewish people and their historical homeland including Jerusalem. The program also provides resources for commentators and educates students to effectively communicate these messages to promote attitude change in targeted populations. Publications include *Israel's Rights as a Nation-State in International Diplomacy* (2011).

### Jerusalem Center Serial Publications:

**Jerusalem Viewpoints** – providing in-depth analysis of changing events in Israel and the Middle East since 1977.

**Jerusalem Issue Briefs** – insider briefings by top-level Israeli government officials, military experts, and academics, as part of the Center's Institute for Contemporary Affairs.

**Daily Alert** – a daily digest of hyperlinked news and commentary on Israel and the Middle East from the world and Israeli press.

**Jewish Political Studies Review** – a scholarly journal founded in 1989.

### Jerusalem Center Websites:

[www.jcpa.org](http://www.jcpa.org) (English)  
[www.jcpa.org.il](http://www.jcpa.org.il) (Hebrew)  
[www.jcpa-lecape.org](http://www.jcpa-lecape.org) (French)  
[www.jer-zentrum.org](http://www.jer-zentrum.org) (German)  
[www.facebook.com/jerusalemcenter](https://www.facebook.com/jerusalemcenter)  
[www.twitter.com/JerusalemCenter](https://www.twitter.com/JerusalemCenter)  
[www.youtube.com/TheJerusalemCenter](https://www.youtube.com/TheJerusalemCenter)

President – Dr. Dore Gold  
Director General – Chaya Herskovic  
Chairman of the Steering Committee – Prof. Yakir Plessner  
Steering Committee:  
Prof. Rela Mintz Geffen  
Dr. Manfred Gerstenfeld  
Zvi R. Marom  
Prof. Shmuel Sandler  
Prof. Efraim Torgovnik



