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The U.S. Must Oppose the Palestinian Statehood Effort at the U.N.

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The Palestinians have announced their intent to use the United Nations once again to bolster their claims of statehood. Last year, the Obama Administration blocked their bid for full U.N. membership by threatening to use its Security Council veto. Now the Palestinians are seeking “non-member state” permanent observer status, which does not require Security Council approval. The Palestinians could then exploit U.N. recognition to demand membership in U.N. specialized agencies and organizations.

President Obama and congressional leaders agree that a unilateral assertion of Palestinian statehood absent a negotiated peace treaty with Israel threatens United States and Israeli interests. The U.S. should make it clear that this effort will have ramifications for Palestinian interests and those international

organizations granting them membership by enforcing current financial prohibitions and informing the Palestinians that this path will lead the U.S. to sharply reduce or eliminate funding for the Palestinians and the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

Undermining Peace and Delegitimizing Israel. Last year, Palestinian Authority President Mahmoud Abbas announced that he would seek Palestinian membership in the U.N. as “Palestine.” Under the U.N. Charter, a recommendation from the U.N. Security Council is required before the General Assembly (GA) can admit a new member. The U.S. has a veto in the Security Council and the power to block the Palestinian membership bid unilaterally.

Prior to Abbas’s announcement, President Obama made U.S. opposition clear: “[E]fforts to delegitimize Israel will end in failure. Symbolic actions to isolate Israel at the United Nations in September won’t create an independent state.”¹ The U.S. later stated it would veto the Palestinian membership bid. Despite the veto threat, Abbas submitted a letter requesting U.N. membership and made his case in his speech to the GA.

With the U.S. veto imminent, the Palestinian membership bid faltered. Consequently, the Palestinians cannot gain full membership in most U.N. funds and programs, which typically base their membership on GA membership.

This is not the case for the 16 U.N. specialized agencies, which have individualized processes for admitting new members. The U.S. can block Palestinian membership in some of the specialized agencies (like the International Monetary Fund and World Trade Organization) through voting power or institutional rules, but not all.

On October 31, 2011, the Palestinians gained membership in the U.N. Educational, Scientific, and Cultural Organization (UNESCO).² As required by law, the U.S. suspended all funding for UNESCO.³

Attempts to Change the Law. The threat of losing U.S. funding has made other specialized agencies leery of granting membership to the Palestinians. Nonetheless, the President’s FY 2013 budget states the Administration’s desire to amend the law to permit funding for UNESCO. It also requests funding for 2013 and to reimburse UNESCO for the funds that are being withheld in accordance with current law.

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Representatives Ileana Ros-Lehtinen (R-FL), Chairman of the House Foreign Affairs Committee, and Brad Sherman (D-CA), Ranking Member on the committee's Subcommittee on Terrorism, authored a bipartisan letter of opposition to the Administration's effort to waive or amend the law because it is:

[V]ital in successfully derailing attempts...to seek de facto recognition of a Palestinian state from the UN via the granting of membership to "Palestine" in UN agencies.... A UN body that acts so irresponsibly—a UN body that admits states that do not exist—renders itself unworthy of U.S. taxpayer dollars.... Weakening U.S. law, on the other hand, would undermine our interests and our ally Israel by providing a green light for other UN bodies to admit "Palestine" as a member.⁴

Alternative Strategy. With their initial effort blocked, the Palestinians are pursuing an alternative strategy of seeking an elevation in GA status from a permanent observer "entity" to that of a "non-member state" permanent observer. This does not require Security Council approval and would convey few privileges to the Palestinians

over and above those that they currently possess.

If successful, the Palestinians could exploit U.N. recognition as a "non-member state" to demand membership in international organizations, consistent with other non-U.N. member states. Diplomatically and rhetorically, the Palestinians will portray membership in any U.N. organization as validation of their unilateral declaration of statehood and use it to circumvent bilateral negotiations with Israel.

The Palestinian Authority could also use membership in these organizations to launch diplomatic, political, and legal challenges to Israel. For instance, in 2009 the Palestinians asked the International Criminal Court (ICC) to extend its jurisdiction to the Palestinian territories and investigate crimes allegedly committed by Israel. Earlier this year, the ICC prosecutor concluded that he does not have the authority under the Rome Statute to initiate an investigation because the issue of Palestinian statehood is in question.⁵ If the Palestinians used "non-member state" status in the GA as a basis for ICC membership, this situation would change.

Firm Action Necessary. The Palestinian effort to use the U.N. to bolster statehood claims threatens U.S. interests and undermines all internationally accepted frameworks

for peace. To impede this effort, the U.S. should:

- **Reiterate opposition to Palestinian statehood or membership in the U.N. and its affiliated organizations absent a negotiated peace treaty with Israel.** A push for unilateral statehood undermines the prospects for genuine peace, makes an end run around U.S.-brokered negotiations, and encourages Palestinian leaders to cling to unrealistic demands that cannot be realized without Israeli acceptance.
- **Enforce prohibitions in law on funding U.N. organizations that grant membership to the Palestinians.** When a U.N. body threatens key U.S. interests, the U.S. should send a clear signal about the ramifications of such a threat. Ending U.S. financial support to U.N. organizations that grant membership to the Palestinians is an effective tool that will impede the Palestinian campaign for unilateral statehood, deter U.N. bodies from assisting Palestinian efforts to delegitimize Israel, and save money for U.S. taxpayers.
- **Refuse to amend the law to permit a presidential waiver of the funding prohibition or**

1. Barack Obama, "Remarks by the President on the Middle East and North Africa," Remarks at The White House, May 19, 2011, <http://www.whitehouse.gov/the-press-office/2011/05/19/remarks-president-middle-east-and-north-africa> (accessed September 28, 2012).

2. Press release, "General Conference Admits Palestine as UNESCO Member State," UNESCO, October 31, 2011, http://www.unesco.org/new/en/media-services/single-view/news/general_conference_admits_palestine_as_unesco_member_state/?cHash=2e78f9798af62b5766cb64a26ecabd84 (accessed September 28, 2012).

3. See Brett D. Schaefer, "What Palestinian Membership Means for UNESCO and the Rest of the United Nations," Heritage Foundation *Background* No. 2633, December 12, 2011, <http://www.heritage.org/research/reports/2011/12/what-palestine-membership-means-for-unesco-and-the-rest-of-the-united-nations>.

4. Committee on Foreign Affairs, U.S. House of Representatives, letter to Secretary Hillary Rodham Clinton, <http://freebeacon.com/wp-content/uploads/2012/02/UNESCOletter.pdf> (accessed September 28, 2012).

5. Brett D. Schaefer, "ICC Prosecutor Makes Right Call on Palestinian Declaration, but Grave Concerns Remain," Heritage Foundation *Issue Brief* No. 3561, April 4, 2012, <http://www.heritage.org/research/reports/2012/04/international-criminal-court-refusal-to-investigate-alleged-israeli-crimes>.

preemptively insert exemptions into the law. If the U.S. eliminates, modifies, or otherwise weakens its own laws to allow contributions to U.N. bodies despite Palestinian membership, the U.S. would effectively encourage these organizations to admit the Palestinians as a member.

- **Inform the Palestinians that seeking elevated status in the U.N. will lead to reduced assistance.** The funding prohibition will not apply to the U.N. if the Palestinians are granted “non-member state” permanent observer status as opposed to full U.N. membership. Therefore, the Administration should apply more direct pressure on the

Palestinians and make it clear that pursuing this course will result in substantial reductions in U.S. bilateral economic assistance and funding for UNRWA.

The U.S. Must Stand Strong.

The purpose of U.S. membership in international organizations is to advance American interests. If the U.N. admits the Palestinians as a member, key U.S. interests will be threatened. Weakening or eliminating current law that prohibits financial contributions to U.N. organizations that grant membership to the Palestinians would effectively encourage these organizations to admit the Palestinians. Therefore, the U.S. must enforce current law and take further steps to warn the

Palestinians that their actions will have significant negative consequences, both on U.S. relations and on U.S. financial support.

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