

ISSUE BRIEF

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Palestinian Statehood: The Latest Research and Analysis

On Thursday, November 29, the United Nations General Assembly is expected to vote on elevating the U.N. status of the Palestinian Authority (PA) from permanent observer “entity” to “non-member state” permanent observer. Last year, the Obama Administration blocked the PA’s bid for full U.N. membership by threatening to use its Security Council veto and asserting that “efforts to delegitimize Israel will end in failure. Symbolic actions to isolate Israel at the United Nations in September won’t create an independent state.”

If the PA proceeds, the Obama Administration and Congress should respond immediately in a direct and targeted fashion. Specifically, the U.S. should significantly cut direct assistance to the PA and all funding for the United Nations Relief and Works

Agency for Palestine Refugees in the Near East.

Moreover, the U.S. should continue to discourage Palestinian membership efforts in international organizations. This can be done by maintaining and enforcing current law prohibiting funding to organizations that grant membership to the Palestinians in the absence of a peace treaty with Israel.

The U.S. Should Withdraw from UNESCO

Brett D. Schaefer
October 25, 2012

<http://www.nationalreview.com/articles/331566/us-should-withdraw-unesco-brett-d-schaefer>

Last fall, the United Nations Educational, Scientific, and Cultural Organization (UNESCO) granted membership to the Palestinian Authority. President Obama then stopped all U.S. financial contributions to UNESCO, as required by U.S. law.

With American funding to UNESCO frozen, there is no doubt the U.S. will explore alternative ways to support education, culture, and heritage around the world. UNESCO’s exaggerated claims of importance to U.S. interests are likely driven by fear that America, and

possibly other nations, will recognize that the agency is not nearly as vital as it wishes everyone to believe.

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

Brett D. Schaefer and James Phillips
September 28, 2012

<http://www.heritage.org/research/reports/2012/09/palestinian-statehood-effort-at-the-un-us-must-take-a-strong-stance-against>

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

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have ramifications for Palestinian interests and for those international organizations granting them membership by enforcing current financial prohibitions. The U.S. should also inform 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.

ICC Prosecutor Makes Right Call on Palestinian Declaration, but Grave Concerns Remain

Brett D. Schaefer

April 4, 2012

<http://www.heritage.org/research/reports/2012/04/international-criminal-court-refusal-to-investigate-alleged-israeli-crimes>

In an effort to bring international pressure on Israel, the Palestinian Authority declared in 2009 that it would submit to the jurisdiction of the International Criminal Court (ICC) for alleged crimes committed in its territory. Three years later, 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.

This was the correct conclusion, but it does not permanently preclude the possibility of a future ICC investigation. The U.S. should use its influence to discourage actions in the United Nations, its affiliated bodies, and the ICC Assembly of States Parties that could support Palestinian claims of statehood and allow an ICC investigation to proceed in the future.

What Palestinian Membership Means for UNESCO and the Rest of the United Nations

Brett D. Schaefer
December 13, 2011

<http://www.heritage.org/research/reports/2011/12/what-palestine-membership-means-for-unesco-and-the-rest-of-the-united-nations>

Although frustrated by the twin threats of U.S. financial withholding and a U.S. veto in the Security Council, the Palestinians' membership effort is unlikely to stop at UNESCO. There are two likely paths for them to pursue, specifically a General Assembly resolution granting them enhanced status in the body, albeit short of full U.N. membership, and seeking to gain membership in U.N. bodies that are not restricted to member states of the General Assembly even though those organizations would lose U.S. funding if they granted the Palestinians membership.

The most influential means available to the U.S. to convince the U.N.'s specialized agencies and other bodies to eschew Palestinian membership is the threat of ending U.S. financial support. If the U.S. eliminates, modifies, or otherwise weakens its own laws to allow U.S. contributions despite Palestinian membership, the U.S. will effectively encourage these organizations to admit the Palestinians as a member.

Palestinian Authority Membership in UNESCO Should Trigger U.S. Withholding

Brett D. Schaefer

October 4, 2011

<http://www.nationalreview.com/corner/279192/palestinian-authority-membership-unesco-should-trigger-us-withholding-brett-d-schaefer#>

Under U.S. law, Palestine's gaining membership to UNESCO would

be a significant event. U.S. Code Title 22, Section 287e states, "No funds authorized to be appropriated by this Act or any other Act shall be available for the United Nations or any specialized agency thereof which accords the Palestine Liberation Organization the same standing as member states." Ironically for the Obama Administration, which at the time adamantly opposed any withholding to the United Nations, this law (Public Law 101-246) was passed in 1989 by a Democratic Congress.

If the Palestinian delegation is successful in joining UNESCO as a full member, U.S. law should lead the Administration to immediately and indefinitely freeze all U.S. funds going to UNESCO.

How the U.S. Should Respond to the U.N. Vote for Palestinian Statehood

Brett D. Schaefer and James Phillips
July 6, 2011

<http://www.heritage.org/research/reports/2011/07/how-the-us-should-respond-to-the-un-vote-for-palestinian-statehood>

President Obama has strongly implied that the U.S. would veto a recommendation on Palestinian statehood, and that does seem to be the U.S. position. However, the President should remove any doubt by clearly stating that the U.S. will veto any recommendation for Palestinian membership in the U.N. before a permanent peace agreement, including Palestine's official recognition of Israel's right to exist, is negotiated. Moreover, the U.S. should clearly state that it will also veto any negative recommendation on Palestinian statehood lest the General Assembly disingenuously cite it as a "recommendation" sufficient to justify a vote on membership.

For the U.S. to recognize Palestine, the Palestinian Authority must begin to act as a government should act, including exercising a government's legitimate domestic and international responsibilities to protect and provide basic services to its people as opposed to relying on the international community. It must renounce its governing partnership with Hamas, act decisively to end acts of terrorism originating in Palestinian territory and punish those responsible, and agree to a permanent peace agreement, including official recognition of Israel's right to exist.