



Palestine wins UNESCO membership

US halts funding and may lose voting rights

Reports of the private conversation between Presidents Obama and Sarkozy during their bilateral meeting at the G20 summit in Cannes on 3 November 2011 focussed on their unflattering remarks about Israeli Prime Minister Netanyahu.

"I cannot bear Netanyahu, he's a liar", Sarkozy told Obama, unaware that the microphones in their meeting room had been switched on. "You're fed up with him, but I have to deal with him even more often than you", Obama replied [\[1\]](#).

Little attention was paid to the other, arguably more significant, parts of the conversation. In these, Obama complained about Sarkozy's unexpected decision to vote in favour of a Palestinian membership of UNESCO (the United Nations Educational, Scientific and Cultural Organisation) a few days earlier, telling Sarkozy:

"I didn't appreciate your way of presenting things over the Palestinian membership of UNESCO. It weakened us. You should have consulted us, but that is now behind us."

On 31 October 2011, Palestine was admitted to full membership of UNESCO in the teeth of fierce opposition from the US and Israel, but with the unexpected backing of France. Of itself, this event would have been of no great consequence, if it wasn't for the fact that there is legislation on the US statute book, enacted at the behest of Israel, which compels the US to halt its funding of UNESCO because of Palestine's admission to membership. As a result, the US could lose its voting rights in UNESCO in two years time.

Obama said that he was worried about the impact if the US had to cease funding other UN bodies, such as the Food and Agriculture Organization (FAO) and the International Atomic Energy Agency (IAEA), if the Palestinians gained membership in these. He told Sarkozy:

"You have to pass the message along to the Palestinians that they must stop this immediately."

Voting in UNESCO General Conference

The 194-member General Conference of UNESCO approved full membership for Palestine by 107 votes to 14 with 52 abstentions. The announcement of the result was greeted with sustained applause in the conference hall. Palestine already had observer status at UNESCO.

Article II(1) of the UNESCO constitution lays down that "states not members of the United Nations Organization may be admitted to membership of the Organization, upon recommendation of the Executive Board, by a two-thirds majority vote of the General Conference" [\[2\]](#). Since Palestine is not a full UN member, this provision applied to Palestine's application for membership. In the event, the total number of votes cast (excluding abstentions) was 121, so a minimum of two-thirds of 121, that is, 81 votes, was required for the admission of Palestine. The 107 votes in favour were well in excess of the required two-thirds majority.

This was a stunning defeat for the US and Israel, only 12 out of the other 192 members of UNESCO siding with them, despite intense US lobbying and in the certain knowledge that the US would have to cease funding UNESCO, if the admission was approved. On 7 October 2011, the Director-General of UNESCO, Irina Bokova, was sent a letter signed by each member of the US House of Representatives Appropriations Subcommittee on State and Foreign Operations, the body responsible for UNESCO's US funding, saying:

“Any recognition of Palestine as a Member State would not only jeopardize the hope for a resumption of direct Israeli-Palestinian negotiations, but would endanger the United States' contribution to UNESCO.” [\[3\]](#)

In addition to the US and Israel, the votes against came from Australia, Canada, Czech Republic, Germany, Lithuania, the Netherlands, Panama and Sweden, plus 4 small states in the South Pacific – Palau, Samoa, Solomon Islands and Vanuatu – which regularly vote with the US and Israel in UN bodies.

The EU states split three ways, 11 voting for (Austria, Belgium, Cyprus, Finland, France, Greece, Ireland, Luxembourg, Malta, Slovenia and Spain), 5 against (Czech Republic, Germany, Lithuania, the Netherlands and Sweden) and 11 abstaining (Bulgaria, Denmark, Estonia, Hungary, Italy, Latvia, Poland, Portugal, Romania, Slovakia and UK).

A complete record of the voting can be found on *The Guardian* website [\[4\]](#).

Full UN membership off for now

On 11 November 2011, the Palestinian attempt to obtain full UN membership, for which President Abbas applied in September, came to an end, at least for now. It failed without a formal vote being taken in the Security Council – and therefore the US didn't have to use its veto to block membership. Palestinians didn't press the matter to a vote because it was clear that the application wasn't going to receive the 9 votes necessary for a resolution to be carried in the Security Council, in the absence of a veto from a permanent member.

Only 8 Security Council members – Brazil, China, Gabon, India, Lebanon, Nigeria, Russia and South Africa – were prepared to vote in favour of Palestinian membership. Britain and France had announced that they would abstain, along with Portugal and Bosnia. Germany and Colombia were expected to either abstain or vote against alongside the US. The voting could have been 8:1 in favour, but that isn't sufficient to carry a resolution in the Security Council.

(At the beginning of 2012, 5 of the 10 non-permanent members of the Security Council – Bosnia, Brazil, Gabon, Lebanon and Nigeria – will be replaced by 5 others just recently elected by the General Assembly on a regional basis for a two-year term. These are Azerbaijan, Guatemala, Morocco, Pakistan and Togo. Only 3 of these, Azerbaijan, Morocco and Pakistan can be relied upon to support UN membership for Palestine, compared with 4 of those states they replaced. In other words, in 2012 the Security Council is likely to be less favourable to UN membership for Palestine.)

Having failed, at least for now, to gain full UN membership, the Palestinians are going to seek observer rights at the UN as a “non-member state”. This merely requires a simple majority in the General Assembly, which is certain to be achieved. It cannot be blocked by the US.

Palestinians have had observer rights at the UN since 1974, but as a liberation organisation, not as a state. The thumping majority in the UNESCO General Conference augurs well for the outcome on this issue in the General Assembly.

US legislation

As we said above, existing US legislation compels the US to cease funding UNESCO, and other UN related bodies, in the event of Palestine being admitted to full membership. This applies both to membership dues and to other voluntary contributions, if any. And non-payment of dues may eventually lead to the withdrawal of voting rights and a diminution of influence for the US in these bodies, which is clearly contrary to US national interests.

Two pieces of legislation are relevant. The first of these passed in 1989 says:

“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.” (US Public Law 101-246)

The second dating from 1994 says:

“The United States shall not make any voluntary or assessed contribution: (1) to any affiliated organization of the United Nations which grants full membership as a state to any organization or group that does not have the internationally recognized attributes of statehood, or (2) to the United Nations, if the United Nations grants full membership as a state in the United Nations to any organization or group that does not have the internationally recognized attributes of statehood, during any period in which such membership is effective.” (US Public Law 103-236)

These laws give the President no discretion whatsoever about ceasing funding if a UN body admits Palestine to full membership. Usually, laws such as these allow the President to waive provisions, if he determines that it is in the US national interest to do so. But, the Israeli lobby succeeded in excluding such a waiver in these instances.

Under (2) above, it looks as if the US would have to withdraw funding to the UN itself, if Palestine was admitted to full membership. Happily for the US, it has a veto in the Security Council – so it can prevent that.

However, it cannot veto Palestinian applications for full membership of other UN-related bodies (about 20 in all). In some cases, no vote is required – Palestine's UNESCO membership automatically extends to the UN Industrial Development Organization (UNIDO), the World Intellectual Property Organization (WIPO), and the UN Conference on Trade and Development (UNCTAD). Membership of others, for example, the World Health Organisation (WHO), the Food and Agriculture Organisation (FAO) and the International Atomic Energy Agency (IAEA), would require a vote, but there is little doubt that the outcome would be positive for Palestine.

The US normally contributes a significant proportion of total funding to any UN body of which it is a member. So, if Palestine is admitted to membership, that body's functioning will be impaired, unless other states make up the loss. In the case of UNESCO, the proportion contributed by the US is around 22%. That contribution has now been halted. After two years of non-payment the US will lose its voting rights in UNESCO and with that its ability to serve US interests within the organisation. Similar restrictions on voting rights obtain in other bodies.

Serious matter for the US

This is potentially a serious matter for the US. Here's what former US senator, Tim Wirth, wrote on the issue just after the UNESCO vote:

“With a clear majority of countries around the world prepared to back Palestinian ambitions at the United Nations, the United States is poised to lose its leverage over several UN bodies that advance American interests and promote our ideals.

“The damage to Americans of a forced withdrawal would not stop there. The first UN agency from which the United States could be pushed out is UNESCO, which admitted Palestine as a member today. To Americans, UNESCO is best known for designating World Heritage Sites. It also leads global efforts to bring clean water to the poor, promotes educational and curriculum building in the developing world, and manages a tsunami early warning system in the Pacific, among other important tasks. This critical work would be jeopardized if UNESCO's top funder stops paying its bills.

“The immediate damage would not be limited to UNESCO. The moment Palestine is admitted to UNESCO it will also clear the path for its entry to the World Intellectual Property Organization. This is a lesser known UN agency that serves American businesses and brands by setting global standards for copyrights and adjudicating cross border patent disputes. In the last year alone, dozens of major American companies brought cases before WIPO – the American Automobile Association, Apple, The North Face, Costco and Facebook to name just a few. If Palestine joins WIPO, the United States will have to pull out, limiting its ability to steer policies in ways that advance American economic interests and create jobs here at home.

“The damage would not stop there. The membership of UN agencies like the International Civil Aviation Organization, International Postal Union, and the International Telecommunications Union are also likely to admit Palestine. Each of these agencies performs tasks that American lawmakers probably take for granted. Thanks to the Universal Postal Union, the Chinese will deliver a package with American postage stamps on it and vice versa.

“Air traffic controllers in Dubai and Dulles speak the same language because of the International Civil Aviation Organization. Alas, under the 1990s laws, the USA will lose its voice at those organizations once they admit Palestine. ...

“Next on the list of agencies from which the USA would be forced to withdraw is the International Atomic Energy Agency and the World Health Organization. In recent years the IAEA has been a critical part of American attempts to constrain the nuclear ambitions of Iran and North Korea. In 2006, the Bush administration successfully lobbied other members of the IAEA executive board to refer Iran's nuclear program to the Security Council for sanctions. Should the United States stop paying membership dues to the IAEA – which it could be forced to do under current legislation if Palestine is admitted as a member – the United States would give up our vote on the executive board. It would literally lose a seat at the table during the next nuclear crisis.

“The WHO works closely with the United States – particularly the Centers for Disease Control and Prevention – to keep infectious diseases like the Avian Flu from reaching our shores. If the Palestinians are admitted to the WHO, that cooperation would have to stop under the current law.” [\[5\]](#)

Obama worried

No wonder Obama is worried. The US has got itself into a fine mess – if Palestine applies successfully to join UN related bodies (which the US is powerless to prevent), the possibility arises of the US being deprived of voting rights, and therefore political clout, in these bodies, because of existing US legislation.

The legislation exists, not to serve US interests, but because the US Congress acceded to Israeli demands. But it's certainly not in Israel's interests for the US influence in these bodies to be diminished, since the US can be relied upon to serve Israel's interests in these bodies at least as diligently as it serves its own interests.

Commenting on the UNESCO vote on 31 October 2011, State Department spokesperson, Victoria Nuland, acknowledged the difficulty in which the US found itself, saying:

“The United States also remains strongly committed to robust multilateral engagement across the UN system. However, Palestinian membership as a state in UNESCO triggers longstanding legislative restrictions which will compel the United States to refrain from making contributions to UNESCO. U.S. engagement with UNESCO serves a wide-range of our national interests on education, science, culture, and communications issues. The United States will maintain its membership in and commitment to UNESCO, and we will consult with Congress to ensure that U.S. interests and influence are preserved.” [\[6\]](#)

But, will the present Congress amend the legislation to end this farcical situation? Remember this is the Congress that gave Israeli Prime Minister Netanyahu 29 standing ovations, when he addressed a joint session in May 2011. The Senate, which is controlled by Democrats, may be inclined to do so. But the Republican-controlled House of Representatives is a different matter. In election year, they are in no mood to help Obama out about anything – even when it is manifestly in the national interests of the US to do so.

The likelihood is that Congress will eventually be persuaded to modify the legislation to allow US funding of these bodies. But it won't be persuaded by the Obama administration. It will be persuaded by Israel – when the reduction of US influence in these bodies is detrimental to Israeli interests, it will get Congress to change the legislation to allow US funding to be resumed. But this won't happen until after the 2012 presidential election.

Vacuous excuse

The State Department spokesperson, Victoria Nuland, was given a rough ride in the press conference on 31 October 2011, especially by Matt Lee of the Associated Press. It can be watched at [\[7\]](#).

The US opposition to the Palestinian membership of UNESCO is the latest instance of the US subordinating its interests to the wishes of Israel, and isolating itself internationally.

In February 2011, it was in a minority of one on the Security Council in opposition to a resolution demanding that Israel “completely ceases all settlement activities in the Occupied Palestinian Territory, including East Jerusalem” [\[8\]](#). In other words, the US voted against its own policy, as Susan Rice, the US Ambassador to the United Nations, made clear at the time, saying:

“... we reject in the strongest terms the legitimacy of continued Israeli settlement activity. ... Continued settlement activity violates Israel’s international commitments, devastates trust between the parties and threatens the prospects for peace.” [\[8\]](#)

Yet she cast the US vote against, because, she said:

“...this draft resolution risks hardening the positions of both sides. It could encourage the parties to stay out of negotiations ...”

The real reason for the US voting against was that Israel wanted the US to vote against, so it did. Likewise, the US voted against Palestine’s admission to UNESCO because that’s what Israel wanted. And the US excuse for doing so was equally vacuous – Victoria Nuland told the press that the UNESCO vote “undermines our shared goal of a comprehensive, just, and lasting peace in the Middle East” and “could exacerbate the environment which we’re trying to work through so that the parties will get back to the table”.

As Matt Lee said, “the only thing it does is it upsets Israel”, but “it changes nothing on the ground, unlike say, construction of settlements”.

Ban Ki-Moon

The UN Secretary General, Ban Ki-Moon, expressed concern about the cuts in funding to UN related bodies, as a consequence of Palestine being admitted to membership. His solution is that Palestine cease applying for full membership of these bodies. Such behaviour “is not beneficial for Palestine and not beneficial for anybody”, he said on 3 November 2011 [\[9\]](#).

This is an extraordinary position for the UN Secretary General to adopt, given the obligation on him and his staff in Article 100(1) of the UN Charter to “refrain from any action which might reflect on their position as international officials responsible only to the Organization”. He has no business telling Palestinians what is or is not “beneficial for Palestine”.

The US legislation which has led to the cessation of funding is a blatant attempt by the US Congress to dictate to UN bodies which entities should or should not be admitted to membership. Ban Ki-Moon should be lecturing the US for that highhanded behaviour, and not Palestine, which has been admitted to UNESCO, in accordance with its rules and procedures, with only 14 of its 194 members opposing.

Israel’s “price tag” measures

Israel has also cut off its annual funding to UNESCO and announced a number of “price tag” measures against Palestinians for daring to apply successfully for membership of UNESCO. The construction of around 2,000 homes in Jewish settlements in the West Bank and East Jerusalem is to be expedited; the payment of custom duties to the Palestinian Authority collected on behalf of Authority, under the Paris Economic Protocols, was suspended [\[10\]](#). This revenue amounts to around \$100 million a month and is about two-thirds of the Authority’s revenue, apart from international aid. Payment was resumed a month later.

David Morrison
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