

March 5, 2012

The Honorable Hillary Rodham Clinton
United States Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Madam Secretary:

On or about February 13, 2012, President Barack Obama submitted his proposed budget for Fiscal Year 2013. In his budget, President Obama requested \$79 million in U.S. aid for the United Nations Educational, Scientific and Cultural Organization (UNESCO).¹ On October 31, 2011, UNESCO had voted to admit “Palestine” as a full member, a status that only “states” can enjoy, thereby in effect recognizing Palestinian statehood for UNESCO’s purposes.² Following UNESCO’s decision, the United States, acting pursuant to U.S. law, ceased funding the organization.³

According to U.S. law, the United States is prohibited from funding any UN organization or agency that recognizes the Palestine Liberation Organization (PLO) as a state.⁴ The PLO had been granted observer status at the UN since 1974.⁵ In 1988, the UN General Assembly voted to change the PLO designation to “Palestine.”⁶ Hence, the designations “PLO” and “Palestine” are synonymous for purposes of the UN.

¹Thomas Cloud, *Boehner: GOP House Will Consider Obama’s Request for U.S. Aid to UNESCO--Which Recognizes ‘Palestine’*, CNSNEWS.COM, (Feb. 16, 2012) <http://cnsnews.com/news/article/boehner-gop-house-will-consider-obamas-request-us-aid-unesco-which-recognizes-palestine>.

²*UNESCO Votes to Admit Palestine as Full Member*, UN NEWS CENTRE, <http://www.un.org/apps/news/story.asp?NewsID=40253&Cr=Palestin&Cr1=member>.

³Colum Lynch, *UNESCO votes to admit Palestine; U.S. cuts off funding*, WASH. POST, (Oct. 31, 2011) http://www.washingtonpost.com/world/national-security/unesco-votes-to-admit-palestine-over-us-objections/2011/10/31/gIQAMleYZM_story.html.

⁴*See* Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, Pub. L. No. 101-246, tit. IV, § 414, 104 Stat. 15 (1990); Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. No. 103-236, tit. IV, § 410, 108 Stat. 382 (1994).

⁵Observer Status for the Palestine Liberation Organization, G.A. Res. 3237 (XXIX), U.N. Doc A/RES/3237 (Nov. 22, 1974).

⁶G.A. Res. 43/177, U.N. Doc. A/RES/43/177 (Dec. 15, 1988).



In 1990, President Bush signed into law the following funding restriction on United Nations agencies: “(a) PROHIBITION.—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*.”⁷ UNESCO, by choosing to recognize Palestine as a member state, triggered the statutory prohibition on U.S. funding. Hence, consistent with current U.S. law, the President and Congress are prohibited from funding UNESCO.

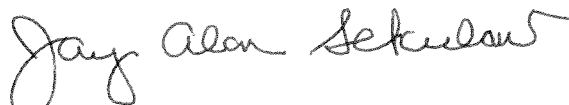
Moreover, in 1994, President Clinton signed another law limiting U.S. contributions to the United Nations:

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.⁸

Palestinian authorities recently attempted, despite solemn agreements made under the auspices of the international community to resolve all outstanding issues with Israel by direct negotiations, to attain UN Security Council recognition of Palestinian statehood. Such attempts have failed. As such, no current Arab Palestinian political entity exists with internationally recognized attributes of statehood. Thus, any plan to provide funds to UNESCO is in violation of existing U.S. law. In light of the foregoing, the President’s request to appropriate funds from the U.S. Treasury for UNESCO is in violation of current U.S. law and must be rejected.

Sincerely,



Jay Alan Sekulow
Chief Counsel

⁷Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, Pub. L. No. 101-246, tit. IV, § 414, 104 Stat. 15 (1990) (emphasis added)

⁸Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, Pub. L. No. 103-236, tit. IV, § 410, 108 Stat. 382 (1994).