**How UNESCO breached its own constitution**

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By: David Singer

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UNESCO’s decision to admit “Palestine” as a member state in 2011 in apparent breach of UNESCO’s own Constitution has come back to bite UNESCO with a vengeance – as America and Israel now give formal notice of their intention to quit UNESCO on 31 December 2018.

State Department Spokesperson Heather Nauert asserted America’s decision was not taken lightly and reflected U.S. concerns with mounting arrears at UNESCO, the need for fundamental reform in the organization, and continuing anti-Israel bias at UNESCO.

American arrears owing for UNESCO dues now total US$550 million.

UNESCO anti-Israel decisions since “Palestine” was admitted to UNESCO membership have included:

January 2014 – the cancellation of an exhibition at its Paris headquarters on the Jewish presence in the land of Israel

October 2016 - disregarding any Jewish ties to the Temple Mount - only referring to it by its Muslim names – then several weeks later - passing a softer version of the resolution that referred to the Western Wall by its Jewish name - though still ignoring Judaism's ties to the site.

May 2017 – UNESCO’s executive committee passing a resolution critical of Israeli conduct in Jerusalem and Gaza.

July 2017 - designating Hevron and the two adjoined shrines at its heart — the Jewish Tomb of the Patriarchs and the Muslim Ibrahimi Mosque — as a "Palestinian World Heritage Site in Danger".

UNESCO appears to have acted outside the terms of its own Constitution in admitting “Palestine” to membership.

That decision was open to possible legal challenge for two reasons:

Only states can be admitted to UNESCO under Article II (2) of UNESCO’s Constitution - and “Palestine” was not a state,

129 votes from 193 members were required to admit “Palestine” – not the 107 votes received from those “present and voting”. 14 had voted against, 52 abstained and another 21 were absent from the vote.

UNESCO’s questionable and highly controversial decision should have been referred to the International Court of Justice under Article XIV (2) of UNESCO’s Constitution to determine whether:

“Palestine” was a “State” entitled to membership of UNESCO.

129 votes or 107 votes were required for “Palestine’s” admission to UNESCO

UNESCO did not seek this judicial interpretation - which would have cost it US$100000 – even though I presented it with detailed reasons why it should.

Had the International Court ruled “Palestine’s” admission to UNESCO was unlawful – then the American funding tap would have been turned on again five years ago.

Instead UNESCO lobbied the Americans to cough up what amounted to 22% of UNESCO’s annual budget. That lobbying was never going to succeed – since the chances of Congress backing away from America’s domestic law mandating the suspension of funds to any United Nations Agency that accepted the PLO as a full member – outside of negotiations with Israel – was doomed to failure

Australia’s Head of Mission – Ms Gita Kamath – gave Australia’s reasons for its negative vote at the time:

“Our decision to vote against reflects Australia’s strong concern that consideration of Palestinian membership in UNESCO is premature. The matter of Palestinian membership of the UN has recently been placed before the UN Security Council for its consideration. We should allow the United Nations Security Council process to run its course rather than seek first to address this question in different UN fora. Our decision also reflects our concerns with the possible implications of a successful vote on UNESCO funding.”

UNESCO would not be in the parlous financial straits and ignominious position it finds itself today had its member States heeded Australia’s sage advice.

UNESCO’s foray into the Arab-Jewish conflict has been an unmitigated disaster.