

Mr. Secretary-General, Ambassador Diallo, Mr Chairman, your Excellencies.

Thank you for receiving me at this moment of solidarity and crisis. I am a musician, not a diplomat, and so I shall not waste this precious opportunity on niceties of protocol.

I appear before you as a representative of the fourth Russell Tribunal on Palestine and in that capacity I am representing global civil society. By way of preamble I should say my remarks here today are not personal or driven by prejudice or malice, I am looking only to shed some light on the predicament of a beleaguered people. The Russell Tribunal on Palestine was created to shed such light, to seek accountability for the violations of international law and the lack of United Nations resolve that prevent the Palestinian people from achieving their inalienable rights, especially the right of self-determination. One particular stimulus to our convening was the disturbing failure of the international community to implement and enforce the clear judgment of the International Court of Justice in 2004, contained in its advisory opinion on the Israeli Wall, as requested by the UN.

We met here in New York City, six weeks ago, on the 6th and 7th of October, having previously sent out invitations to all interested parties. After listening to exhaustive testimony from many expert witnesses, and after careful deliberation, we arrived at the following judgements.

We found that the State of Israel is guilty of a number of international crimes.

1. Apartheid.

The UN's International Covenant on the Suppression and Punishment of the Crime of Apartheid, defines that crime as inhuman acts by any government that are "committed for the

purpose of establishing and maintaining domination by one racial group of persons over any other racial group of persons and systematically oppressing them.” As you all know, the prohibited acts include arbitrary arrest, legislative measures that discriminate in the political, social, economic and cultural fields; measures that divide the population along racial lines, and the persecution of those opposed to the system of apartheid.

As you are aware this finding by the tribunal was endorsed earlier in the year by the HRC Committee for the Elimination of Racial Discrimination in Geneva after submissions by the Tribunal made both orally and in writing.

2. Ethnic cleansing. In this case that crime includes the systematic eviction of much of the native Palestinian population by force since 1947-48.
3. Collective punishment of a civilian population, explicitly prohibited by the Geneva Convention Article 33. Israel has violated its obligation as Occupying Power throughout the Occupied Palestinian Territory, including the West Bank, Gaza and East Jerusalem. Its most serious violations have occurred recently in Gaza with the blockade and virtual imprisonment of the entire population, the indiscriminate killing of Palestinians during the Israeli offensive, Operation Cast Lead in 2008 and 2009, and now the devastation wrought by the recent attack, ironically named, “Operation Pillar of Defense.”

As I speak, I can hear the tut, tutting of governmental and media tongues trotting out the well worn mantra of the apologists.

“ Hamas started it with their rocket attacks, Israel is only defending itself,”

Let us examine that argument. Did Hamas start It? When did “It” start?

How we understand history is shaped by when we start the clock. If we start the clock at a moment when rockets are fired from Gaza into Israel on a certain afternoon, that is one history. If we start the clock earlier that morning, when a 13-year-old Palestinian boy was shot dead by Israeli soldiers as he played soccer on a Gaza field, history starts to look a little different. If we go back further we see that since 'Operation Cast Lead', according to the Israeli human rights organization B'tselem, 271 Palestinians were killed by Israeli bombs, rockets, drones and warplanes, and during the same period not a single Israeli was killed. A good case can be made that 'It' started in 1967 with the occupation of Gaza and the West Bank. History tells us that the invasion and occupation of a land and the subjugation of its people almost always creates a resistance. Ask the French or the Dutch or the Poles or the Czechs, the list goes on. This crisis in Gaza is a crisis rooted in occupation.

Israel and its allies would contend that Gaza is no longer occupied. Really? The withdrawal of soldiers and settlers in 2005 changed the nature, not the existence, of occupation. Israel still controls Gaza's airspace, coastal waters, borders, land, economy and lives. Gaza is still occupied. The people of Gaza, the 1.6 million Palestinians, half of them children under the age of 16, live in an open-air prison. That is the reality that underlies the current crisis. And until we, not only understand that, and until you, excellencies, your governments, and your General Assembly take responsibility to end that occupation, we cannot even hope that the current crisis is over. In October, on the last occasion jurors from The Russell Tribunal addressed this committee, we were assured that our representations and reports would be advanced on the floor of the GA for general debate. If things go well today we may hope to hold you, Excellencies, to that assurance.

I have diverted briefly, let me return to the Israeli violations which the Russell Tribunal identified.

4. Contravention of the Fourth Geneva convention's prohibition on settlements – specifically Article 49. The settlements, ALL the settlements, are not simply an obstacle to peace, they are illegal. Period. Full Stop. All of them. You, in the General Assembly, and even the Security Council as well, has over the years identified them as illegal. And yet they stand, a daily reality in which now more than 600,000 Israeli settlers in the West Bank and Occupied East Jerusalem violate the law every morning simply by waking up – because their houses sit on illegally expropriated land. It is not enough to call, as some governments do, for an end to further settlement expansion; if we are to live under the law the entire settlement undertaking must be ended.

5. Use of illegal weapons. During Israel's Cast Lead operation four years ago, international human rights organizations documented Tel Aviv's use of white phosphorous in attacks on Gaza. Human Rights Watch found that, and I quote, "Israel's repeated firing of white phosphorous shells over densely populated areas of Gaza during its recent military campaign was indiscriminate and is evidence of war crimes." White phosphorous burns at up to 1500 degrees Fahrenheit. Imagine what happens when it comes into contact with the skin of a child. Human Rights Watch called for Israel's "senior commanders" to be held accountable. But so far, there has been no such accountability. No governments, nor even you, the United Nations General Assembly, have attempted to hold these Israeli commanders accountable. We hear a great deal about the UN's commitment to the "responsibility to protect" vulnerable populations. Surely the UN's "responsibility to protect" must extend to this most vulnerable of populations, Palestinians, imprisoned in a crowded, besieged open-air prison?

There are more violations, your excellencies, but you know that. Your resolutions trace the history of Israeli violations. You regret, you deplore, you even condemn the violations. But when have your resolutions been implemented? It is not enough to deplore and

condemn. What we need is for the United Nations – for you, excellencies, your governments and the General Assembly in which you serve – to take seriously your Responsibility to Protect Palestinians living under occupation and facing the daily violation of their inalienable rights of self-determination and equality.

The will of “we the people of these United Nations” is that all our brothers and sisters should be free to live in self determination, that the oppressed should be released from their burden, by being given recourse to the law, and that the oppressors should be called to account by that same law.

In 1981 I wrote a song, called ‘The Gunner’s Dream’ it appeared on a Pink Floyd album ‘The Final Cut’, the song purports to express the dying dream of a RAF gunner as he plunges to his death from a stricken aircraft towards the corner of some foreign field. He dreams of the future for which he is giving his life. I quote.

A place to stay
Enough to eat
Somewhere old heroes shuffle safely down the street
Where you can speak out loud about your doubts and fears
And what’s more
No one ever disappears you never hear their standard issue
Kicking in your door.
You can relax on both sides of the tracks
And maniacs, don’t blow holes, in bandsmen by remote control
And everyone has recourse to the law
And no one kills the children anymore
No one, kills the children anymore.

In 1982 and again in 1983, the General Assembly passed resolutions holding Israel accountable for its violations. Those resolutions called for a complete arms embargo and an end to military aid and trade with Israel. Those resolutions were never implemented. We never expected

the United States, or my government, I'm from The UK, by the way, to implement those GA resolutions – the U.S. is giving Israel \$4.1 billion this year to bolster its already bloated military. The IMF says Israel is the 26th wealthiest country in the world, and Israel is the only nuclear weapons state in the Middle East – why would any government be giving them money for more arms? Beats me. But the reality that they are does not excuse other governments from their obligations to implement those arms embargo resolutions.

No such embargo has been imposed. Instead, it has fallen to global civil society to take the lead. Following a 2005 call from Palestinian civil society, social movements, activists, and increasingly church bodies and even some local government authorities around the world have created the campaign for Boycott, Divestment and Sanctions. It aims, as many of you know, to bring non-violent economic pressure to bear on Israel to force an end to its violations, an end to occupation and apartheid, an end to the denial of Palestinians' right of return, and an end to Palestinian citizens of Israel being required to live as second class citizens, discriminated against on racial grounds, and subject to different laws than their Jewish compatriots. The BDS movement is gaining ground hand over fist. Just last week I was happy to write a letter of support to the Student Government of the University of California, Irvine, congratulating them on demanding that their University divest from companies that profit from the Israeli occupation.

Also last summer I was in Pittsburg to witness The Presbyterian Churches of the USA general assembly vote on a resolution to divest from Motorola, Caterpillar and Hewlett Packard, this would have been unthinkable ten years ago. To quote the great Bob Dylan, "The Times They Are a'Changing"

Back to today.

You, the members of the General Assembly are about to have the opportunity to vote on changing Palestine's UN status to that of a non-member State.

Whilst not according full UN membership, it would provide UN recognition to Palestine as a state that would have the right to sign treaties – crucially including the Rome Treaty as a signatory to the International Criminal Court.

This is a momentous occasion which was started here 13 months ago. It is one of those rare instances where you, excellencies, can change the course and the face of history, and at the same time reinforce one of the founding principles of the UN - the right to self determination. The bid implicitly incorporates pre 1967 borders, includes the integrity of East Jerusalem, an autonomous Gaza and the refugee diaspora.

It is momentous because there are already over 132 members who have recognised Palestine as a state and more are appearing every day. And, now, just this week Hamas has lent its support.

I urge you to consider two points. Firstly, please resist pressure from any powerful government to coerce you into defeating or delaying this issue – sadly there is a history of coercion in this hallowed place. No Government, however rich or powerful should be allowed to use its financial or military muscle to set UN policy by bullying other states on this or any other issue.

Secondly, do not take the statehood vote as the end of fulfilling your obligations – General Assembly responsibility goes far beyond UN technicalities, it must include real protection of Palestinians under occupation and real accountability for violations of the law. You have powers you do not use. You do not have to defer to or wait for the Security Council.

In just a few months we will commemorate the tenth anniversary of the killing of Rachel Corrie, the young peace activist killed by an Israeli soldier driving an armored Caterpillar bulldozer as she tried to protect the house of a pharmacist and his family in Rafah, on Gaza's border. International activists like Rachel Corrie, Tom Hurndall and James

Miller took the risks they did, and they, and their families paid the ultimate price, because the international community – your governments and the United Nations itself – had failed to protect the vulnerable Palestinian population living under this prolonged occupation. We are proud, though tears burn our eyes, of the work of these young activists and deeply moved by their sacrifice. But we are angry, too, that our governments and our international institutions, including the General Assembly, have failed to provide the protection that would make Rachel Corrie's sacrifice unnecessary. Also let us not forget the thousands of courageous and anonymous Palestinians and their equally courageous Israeli brothers and sisters in arms (boycott from within) who protest peacefully on a weekly basis for the simple basic right to an ordinary human life. The right to live in dignity and peace, to raise their families, to till the land, to build a just society, to travel abroad, to be free of occupation, to aspire to each and every human goal, just like the rest of us.

Speaking of the rest of us, I live here in New York City. We are a somewhat parochial group, we New Yorkers, to a large extent cut off by propaganda and privilege from the realities of the Palestinians plight. Few of us understand that the government of the United States of America, particularly through its power of veto in the Security Council, protects Israel from the condemnation of the global civil society that I have the honor to represent here today.

Even as bombs rained down on 1.6 million people in Gaza, the President of The United States of America reasserted his position that "Israel has the right to defend itself."

We all know the reach and power of Israel's military capability and the deadly effects of its actions. So what did President Obama mean? Did he mean that Israel has the *right* to indefinitely occupy the whole of the region, that Israel has the *right* to forcibly evict the populations of the occupied territories, house by house, village by village? Did he mean

that in this special case Israel has the *right* to carry out campaigns of ethnic cleansing and apartheid, and that the U.S. will protect Israel's right to do so? Did he mean that Israel has the *right* to build roads, in occupied territory, protected by razor wire and concrete walls and CCTV and machine guns to protect the residents of Jewish-only settlements? Did he mean that in discriminate and deadly bombing attacks, including the use of white phosphorous, on the civilian population of Gaza, by an overwhelmingly superior military force, is justified on the grounds of defense?

The Palestinians are an ancient, intelligent, cultured, hospitable, and generous people. And of course they have pride and will resist the occupation of their land and defend their women and children and their property to the best of their ability. Who would not? Would you? Would I? Would President Obama? One would hope so. It would be his duty. Imagine Washington DC, walled in, a prison, mainly rubble from repeated attacks. No one allowed in or out. Constant power cuts, foreign gunboats on the Potomac killing the fishermen, warplanes launching surgical air strikes from their impunity on high, taking out, not only the resistance but women and children too.

More than a generation ago, the General Assembly passed resolution 2625, dealing with the principle of equal rights and self-determination. It recognized that when a people face "any forcible action" depriving them of those rights, that they have the right to "actions against, and resistance to" such use of force. When the international community does not shoulder its "responsibility to protect," Palestinians will shoulder that responsibility themselves.

This is not to suggest that I support the launching of missiles into Israel. The internationally recognized legal right of resistance means attacking any military target engaged in illegal occupation. But let us be clear, as we believe in The Law as indispensable and even handed. The launching of unguided rockets into Israel, where the most likely targets will be civilians, is not a legal form of resistance.

Many civil society activists – including many Palestinians and Israelis – are committed to non-violent resistance. The BDS movement, which has spread from Palestinian civil society to activists around the world, is part of that non-violent resistance and I support it whole heartedly, but let us be clear that the disparity of power, and the reality of the occupation, and the response of the occupied is the reality we face unless we find recourse in international law and hold all parties to it. In the meantime let me try to dial back the rhetoric a little and address the “Israel has a right to defend itself” claim from a legal and historical perspective.

Ex injuria non oritur jus.

“a legal right or entitlement cannot arise from injustice”

If we truly oppose all violence, whether by the occupier or violent resistance by the occupied, we must aim to end the root causes of violence. In this conflict, that means ending Israel’s occupation, colonization, ethnic cleansing, and the denial of the right to self determination and other inalienable rights that the Palestinian people is entitled to according to the UN charter and other tenets of international law.

So to the Future.

Hamas, having dropped its original demand for Israel to be dismantled in the run up to the elections was democratically elected in January 2006, in elections deemed free and fair by every international observer present, including former U.S. President Jimmy Carter. The leaders of Hamas have made their position clear over and over again. It is this: Hamas is open to permanent peace with Israel if there is total withdrawal to the 1967 borders (22 per cent of historic Palestine), and the arrangement is supported by a referendum of all Palestinians living under occupation.

Mr. Chairman, excellencies, friends. We are all here for the same reason. We are all committed to human rights, international law, the centrality of the United Nations and equality for all – including for Palestinians. We

are all attending this meeting on 29th November that marks the UN's International Day of Solidarity with The Palestinian People.

But it seems to me, our commemoration of this day is not enough. So, what else to do? The battle-ground is here, at the headquarters of the United Nations, and simultaneously in the middle of New York City, with access to the media. The battle is two pronged:

1. To continue the work of informing the people of the USA about the reality of the Palestinian-Israeli conflict, and most especially, about the role of their government, the host country of the United Nations, using their tax dollars to fund and enable Israel's violations. To remind them of the billions of dollars in military aid every year, the absolute protection of Israel in the United Nations, in the International Criminal Court and elsewhere to assure its impunity for war crimes and potential crimes against humanity – to impress upon them, “the people of the United States of America” that these dubious attachments remain the centre piece of their governments' policy in the Middle East.
2. Just as importantly, we must address, finally, serious reform of the U.N. The UN needs to embrace a new democracy. The veto must be rethought, or the UN will die. The use of the veto as a strategic political tool by one or other of the permanent members of the security council has become outmoded. The power of veto residing in the hands of just five nations makes something of a mockery of the pretence of democracy, of the idea that “The will of the Peoples” is represented here. The system is too open to abuses. The blanket protection afforded to Israel by the United States' use of the veto, is but one example of such abuse. For instance in 1973 it blocked a resolution Re-affirming the rights of Palestinians and demanding withdrawal from the occupied territories, in 1976 another resolution calling for The right of self determination for the Palestinians, and two resolutions in 1997 calling for Cessation

of settlement building in E. Jerusalem and other occupied territories. There are many more.

3. I urge you, the General Assembly, to collectively work towards wresting the power back to the people in order to facilitate progress towards a more democratic body, better able to pursue the high aspirations of this great institution, to represent the will of the peoples of these great United Nations.

You, the General Assembly, represent the largest, most democratic component of the United Nations. The United States, and China and France and Russia and the UK have no veto here. What is needed is political will. You can make decisions, and take actions, that the Security Council cannot, or will not. The United Nations Charter begins with the words “We, the *peoples*, of these United Nations.” Not “We the governments.” I urge you, on behalf of the people of your countries, on behalf of the people of all countries, in fact on behalf of all the peoples, of this, our shared earth, to act.

Seize this historic moment.

Support the vote today for Palestinian enhanced observer statehood status as a step towards full membership.
And declare Israel's continued membership of the UN to be dependent on reform of its illegal apartheid regime.

Thank you.