

A Resolution to Divest from Companies Profiting from Violations of International Law and
Human Rights
ASUW 2014

IN the spirit of transparency, ethical investment, a belief in human rights and the power and responsibility of students and educational institutions to effect real change, students of conscience present this resolution:

WHEREAS, the state of Israel, in its ongoing occupation of Palestinian landsⁱ, violates International Law and Human Rights through practices including, but not limited to:

- (a) the construction of a Separation Wallⁱⁱ that annexes Palestinian lands, isolates Palestinian communities and restricts Palestinian access to basic necessities including waterⁱⁱⁱ, healthcare, education, and employment opportunities^{iv};
- (b) the building and maintenance of Israeli settlements as permanent cities and towns on land seized from Palestinians in the occupied West Bank and East Jerusalem, in contradiction of the Fourth Geneva Convention and the Hague Regulations^v,
- (c) the destruction of Palestinian homes^{vi} and the forced relocation of Palestinian families^{vii};
- (d) the disparate and unequal treatment of Palestinian citizens of Israel^{viii},
- (e) the blockade of the Gaza Strip in a manner that completely controls the movement of all people and property into and out of the Gaza Strip, by air, sea, and land and denies the people of Gaza basic shelter, essential medicines, adequate food, clean water, and the normal infrastructure of a civilized society^{ix};
- (f) multiple military offensives including ‘Operation Cast Lead’ in 2008, which violated a negotiated ceasefire^x and killed 1,400 people including 320 Palestinian children^{xi}, and ‘Operation Pillar of Defense’ in 2012 which killed 167 Palestinians, including 32 children and adolescents^{xii}

WHEREAS, international corporations have been complicit in these ongoing human rights violations systematically committed by the Israeli government, as has been documented by human rights organizations including Who Profits, Coalition of Women for Peace, Amnesty International, Al-Haq, Defense for Children International, B'tselem, and the Israeli Coalition Against House Demolitions.

WHEREAS, in 2005, in response to such violations, 171 Palestinian civil society organizations called upon the international community to stand in solidarity with the people of Palestine by supporting Boycotts, Divestment, and Sanctions (BDS)^{xiii} of the state of Israel until the Israeli government complies with International Law by:

1. Ending its occupation and colonization of all Arab lands and dismantling the Wall.
2. Recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and
3. Respecting, protecting and promoting the rights of Palestinian refugees to return to their homes and properties as stipulated in UN resolution 194^{xiv}.

WHEREAS, divestment is a nonviolent strategy employed by universities^{xv}, religious organizations^{xvi}, and civil society^{xvii} organizations around the world to pressure corporations to withdraw from business profiting from violations of International Law and Human Rights^{xviii} by withdrawing our implicit consent granted to such violations by investment in their company.

WHEREAS, in Spring 2010 The Evergreen State College student body passed—by a majority of 79%^{xix}—a resolution calling for divestment from companies complicit in the illegal Israeli occupation of the Palestinian Territories, in part as a response to the killing of Evergreen student, Rachel Corrie, who was crushed to death by a Caterpillar bulldozer operated by the Israeli army in 2003, as she was undertaking non-violent action to protect the home of a Palestinian family from destruction.

WHEREAS, a percentage of The Evergreen State College endowment holdings are housed within the UW Consolidated Endowment Fund, meaning Evergreen is unable to fully act on this call for divestment until the University of Washington also acts.

WHEREAS, Caterpillar knowingly^{xx} sells bulldozers specifically designed for the Israeli Army that are armored and weaponized by the company's sole representative in Israel and are systematically used in the demolition of Palestinian homes and civilian infrastructure and in military attacks on civilians.^{xxi}

WHEREAS, in addition to Caterpillar Inc, the following illustrative and non-exhaustive list of companies are knowingly and directly complicit in ongoing human rights violations: Northrop Grumman^{xxii}, Hewlett-Packard^{xxiii}, Motorola Solutions,^{xxiv} G4S,^{xxv} Elbit Systems,^{xxvi} and Veolia Environnement;^{xxvii}

WHEREAS, the University of Washington's vision states "We are compassionate and committed to the active pursuit of global engagement and connectedness... We embrace our role to foster engaged and responsible citizenship as part of the learning experience of our students, faculty and staff."

WHEREAS, the University of Washington takes pride in a history of student activism against injustice, including divesting from South African Apartheid and genocide in Sudan.

WHEREAS, the Associated Students of the University of Washington passed resolution R-18-19^{xxviii} stating “THAT, the ASUW solely supports the investment of university money in firms that are socially responsible; and THAT, the ASUW take steps to create a position or committee that will work with the UW Treasury office to make recommendations on socially responsible investment activity;”

**** BE IT RESOLVED BY THE ASSOCIATED STUDENTS OF THE UNIVERSITY OF WASHINGTON: ****

THAT, the ASUW requests the University of Washington to examine its financial assets to identify its investments in companies that provide equipment or services used to directly maintain, support, or profit from the Israeli occupation of Palestinian land, including a) the demolition of Palestinian homes and the development of illegal Israeli settlements; b) the building or maintenance of the Separation wall, outposts, and segregated roads and transportation systems on occupied Palestinian territory, and c) illegal use of weaponry and surveillance technology by the Israeli military against Palestinian civilian populations, and that those findings be shared with the ASUW.

THAT, the ASUW requests the University of Washington to instruct its investment managers to divest from those companies meeting such criteria within the bounds of their fiduciary duties until such companies cease the practices identified in this Resolution.

THAT, the ASUW calls on the University of Washington to demonstrate its alignment with the principles of international law, human rights, and student interests by announcing its intent to divest its endowment from CATERPILLAR Inc. as a first measure.

Further, THAT, the ASUW calls on the University of Washington to work with the Evergreen State College to implement the divestment resolution passed in 2010 as it pertains to the Evergreen State College Foundation holdings housed within the UW Consolidated Endowment Fund.

Finally, THAT, a copy of the resolution be forwarded to UW President Michael Young; UW Provost Ana Mari Cauce; Faculty Senate Chair John M Lee; the UW Board of Regents; GPSS President Chris Lizotte; ASUW President Michael Kutz; ASUW Director of University Affairs Jeffrey McNerney; Editor-in-Chief of The Daily Joshua Bessex; and the 2014-2015 ASUW leadership.

ⁱ “Occupation and International Humanitarian Law: Questions and Answers” International Committee of the Red Cross. <http://www.icrc.org/eng/resources/documents/misc/634kfc.htm>

ⁱⁱ “Humanitarian Impact of the Barrier” United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian territory (OCHAoPT). 2012.

http://www.ochaopt.org/documents/ocha_opt_barrier_factsheet_july_2012_english.pdf “The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated régime, are contrary to international law.” Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (Request for advisory opinion).; “Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory” International Court of Justice 2004. <http://www.icj-cij.org/docket/files/131/1671.pdf>

ⁱⁱⁱ Israeli Human Rights Organization B’tselem compiled information on distribution of water resources reports the unequal distribution of water: “Israelis receive an unlimited water supply, Palestinians receive only about 75% of the stipulated quota”; Palestinians currently have access to less than the WHO and USAID recommendation of 100 liters of water per person per day. http://www.btselem.org/water/discrimination_in_water_supply
See also page 17 of “Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem” prepare for presentation to the 22nd Session of the Human Rights Council, March 2013.

<http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/FFMSettlements.pdf>

^{iv} “Movement and Access in the West Bank” OCHAoPT September 2011.

http://www.ochaopt.org/documents/ocha_opt_MovementandAccess_FactSheet_September_2011.pdf

“Question of the Violation of Human Rights in the Occupied Arab Territories, Including Palestine.” United Nations General Assembly, 59th Session. 12 Aug 2004. Page 16. <http://www.refworld.org/docid/4267b5d14.html>

“Freedom of Movement—Gaza blockade and West Bank restrictions” Amnesty International Annual Report 2013 <https://www.amnesty.org/en/region/israel-and-occupied-palestinian-territories/report-2013#section-14-3>

As Btselem explains, “Freedom of movement is also important because it is a prerequisite for the exercise of other rights, which are set forth in the International Covenant on Economic, Social and Cultural Rights. Among these are the right to work (Article 6), the right to an adequate standard of living (Article 11), the right to health (Article 12), the right to education (Article 13), and the right to protection of family life (Article 10).”

http://www.btselem.org/freedom_of_movement; link to the International Covenant cited:

<http://www.refworld.org/cgi-bin/tehis/vtx/rwmain?docid=3ae6b36c0>.

^v Below are links to relevant international law and humanitarian organizations on why settlements are illegal.

International humanitarian law makes clear that occupation must only be temporary. Israeli settlements are in direct violation of this principle in International law: Article 49 of the 4th Geneva Convention forbids an occupier from transferring its own civilians into the territory it occupies; Article 55 of the Hague Regulations states the occupying power must safeguard occupied properties and maintain the status quo; Article 43 of the Hague Regulations states that the occupying power must uphold order and safety while respecting the laws of the occupied country.

Article 49 of the Fourth Geneva Convention:

<http://www.icrc.org/ihl.nsf/c525816bde96b7fd41256739003e636a/77068f12b8857c4dc12563cd0051bdb0?OpenDocument>

Article 55 of the Hague Regulations: <http://www.icrc.org/ihl.nsf/WebART/195-200065?OpenDocument>

Article 43 of the Hague Regulations:

<http://www.icrc.org/ihl.nsf/b0d5f4c1f4b8102041256739003e6366/3741eab8e36e9274c12563cd00516894?OpenDocument>

“The Humanitarian Impact of Israeli Settlement Policies.” OCHAoPT January 2012.

http://www.ochaopt.org/documents/ocha_opt_settlements_FactSheet_January_2012_english.pdf

“On the Brink.” Oxfam Briefing Paper. 2002. Web <[oxfram.org](http://www.oxfam.org)>

http://www.oxfam.org/sites/www.oxfam.org/files/bp160-jordan-valley-settlements-050712-en_1.pdf

^{vi} “As Safe as Houses: Israel’s Demolition of Palestinian Homes” Amnesty International 2010.

<http://www.amnesty.org/en/library/info/MDE15/006/2010>;

Amnesty International’s 2013 Annual Report on Israel and the Occupied Palestinian Territories records the demolition of 604 structures, including approximately 200 homes, and “resulting in the forced eviction of some 870 Palestinians”. <https://www.amnesty.org/en/region/israel-and-occupied-palestinian-territories/report-2013#section-14-4>

<https://www.amnesty.org/en/region/israel-and-occupied-palestinian-territories/report-2013#section-14-4>

“Halper, Jeff. “Appendix 1 House Demolitions in the Occupied Territories since 1967.” *An Israeli in Palestine: Resisting Dispossession, Redeeming Israel*. 2010. 301-3.

^{vii} Convention (IV) relative to the Protection of Civilian Persons in Time of War. Geneva, 12 August 1949.

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>

Data on displacement of Palestinians: “Displacement Trends.” Israeli Committee Against House Demolitions.

Accessed April 12, 2014. <http://www.icahd.org/displacement-trends>.

As of 2013, UNRWA reports 4,976,920 registered refugees in Jordan, Lebanon, Syria, the West Bank, and the Gaza Strip. http://www.unrwa.org/sites/default/files/unrwa_in_figures_new2014_10nov2014.pdf.

^{viii} “The Inequality Report: the Palestinian Arab Minority in Israel.” Adalah: The Legal Center for Arab Minority Rights. March 2011. http://adalah.org/upfiles/2011/Adalah_The_Inequality_Report_March_2011.pdf

2011-12 Israeli legislation codifying discrimination against Arab, Palestinian, and Bedouin citizens of Israel:

http://adalah.org/Public/files/English/Legal_Advocacy/Discriminatory_Laws/Discriminatory-Laws-in-Israel-October-2012-Update.pdf

Identity cards in Israel do not include the category of “Israeli”, but instead list

<http://www.timesofisrael.com/supreme-court-rules-israeli-ethnicity-doesnt-exist/>

^{ix} “Locked In: The Humanitarian Impact of Two Years of Blockade on the Gaza Strip.” Office for the Coordination of Humanitarian Affairs. 2009.

http://www.ochaopt.org/documents/Ocha_opt_Gaza_impact_of_two_years_of_blockade_August_2009_english.pdf

“The Gaza Strip: The Impact of Movement Restrictions on People and Goods” OCHAoPt, July 2013.

http://www.ochaopt.org/documents/ocha_opt_gaza_blockade_factsheet_july_2013_english.pdf

“Israel/OPT:Gaza power crisis has compounded blockade’s assault on human dignity” Amnesty International, 1

December 2013. <http://www.amnesty.org/en/news/israelopt-gaza-power-crisis-has-compounded-blockade-s-assault-human-dignity-2013-11-29>

“The Siege on Gaza” B’Tselem, 1 January 2011. <http://www.btselem.org/printpdf/107944>

“Israel/Occupied Palestinian Territories: The Conflict in Gaza: A Briefing on Applicable Law, Investigations and Accountability.” Amnesty International. January 19, 2009.

<http://www.amnesty.org/en/library/asset/MDE15/007/2009/en/4dd8f595-e64c-11dd-9917-ed717fa5078d/mde150072009en.pdf>

^x The Institute for Middle East Understanding on the end of the cease-fire and the beginning of Operation Cast Lead <http://imeu.net/news/article0021968.shtml>; IMEU cites the Guardian:

<http://www.theguardian.com/world/2008/nov/05/israelandthepalestinians>

^{xi} “Israel/Gaza: Operation ‘Cast Lead’: 22 Days of Death and Destruction” Amnesty International, 2009.

<https://www.amnesty.org/en/library/asset/MDE15/015/2009/en/8f299083-9a74-4853-860f-0563725e633a/mde150152009en.pdf>

“Operation Cast Lead, 27 Dec. ’08to 18 Jan. ’09” B’Tselem, 1 January 2011.

http://www.btselem.org/gaza_strip/castlead_operation

^{xii} Human Rights Council Report to the United Nations High Commissioner for Human Rights. 6 March 2013.

http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.35.Add.1_AV.pdf

“Human Rights Violations during Operation Pillar of Defense.” B’tselem report. 9 May 2013.

http://www.btselem.org/download/201305_pillar_of_defense_operation_eng.pdf

^{xiii} The Palestinian Call for BDS: <http://www.bdsmovement.net/call>

^{xiv} Resolution 194. United Nations General Assembly. December 11, 1948.

<http://unispal.un.org/UNISPAL.NSF/0/C758572B78D1CD0085256BCF0077E51A>

^{xv} Universities which divestment from Apartheid South Africa:

http://africanactivist.msu.edu/document_metadata.php?objectid=32-130-E6E (see PDF linked on website).

^{xvi} American Friends Service Committee: <https://afsc.org/resource/afscs-israel-palestine-investment-screen-and-tiaa-cref-divestment-campaign#AFSCScreen>

Friends Fiduciary Committee: <http://quakerpi.org/news/divest.html>

Mennonite Central Committee, US: <http://www.mcc.org/stories/news/mcc-us-board-acts-peace-through-its-investments>

Presbyterian Church, USA: <http://www.pcusa.org/news/2010/7/6/committee-recommends-denouncing-caterpillar-action/>

United Methodist Church: https://www.kairosresponse.org/UMKR_PR_AC_Action2013.html and <http://www.rabbisletter.org/wp-content/uploads/2012/05/CATEPILLAR1.pdf>

^{xvii} Civil and other organizations who have divested from the business supporting and profiting from the occupation: <http://imeu.net/news/article0019584.shtml#KeySuccessesCivil>

^{xviii} “Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem” prepare for presentation to the 22nd Session of the Human Rights Council, March 2013. Page 19.

<http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session19/FFM/FFMSettlements.pdf>

^{xix} The Evergreen State College Divestment Resolution and results <http://tescdivest.blogspot.com/p/resolutions.html>;

^{xx} In May, 2004, Jean Ziegler, UN Special Rapporteur on the right to food addressed a letter to James Own, CEO of Caterpillar Inc. regarding “the actions of the Israeli occupying forces in Rafah and in other locations in Gaza and the West Bank, using armored bulldozers supplied by your company [CAT] to destroy agricultural farms, greenhouses, ancient olive groves and agricultural fields planted with crops, as well as numerous Palestinian homes and sometimes human lives, including that of the American peace activist, Rachel Corrie.”

http://www.catdestroyshomes.org/downloads/Caterpillar_HighCommissioner.pdf.

In a 2004 report on Israel and the Occupied Territories “House Demolition and Destruction of Land and Property” Amnesty International recommends Caterpillar Inc to “take measures that its bulldozers are not used to commit human rights violations” (Recommendation 30) and to take stringent measures to prevent any products or service which they produce or supply from being used to commit violations of international human rights or humanitarian law” in compliance with the UN Human Rights Norms for Business, including the stipulation that business “(Amnesty International Recommendation 31). The full Amnesty International report:

<http://www.amnesty.org/en/library/asset/MDE15/033/2004/en/24cc1bb1-d5f6-11dd-bb24-1fb85fe8fa05/mde150332004en.html>

UN Guidelines on Cooperation between the United Nations and the Business Community, Issued by the Secretary-General of the United Nations 17 July 2000: <http://www.un.org/partners/business/otherpages/guide.htm>

^{xxii} Eden, Paul, ed. "Northrop Grumman E-2 Hawkeye, Eyes of the fleet". Encyclopedia of Modern Military Aircraft. Amber Books, 2004

^{xxiii} “Technologies of Control: The Case of Hewlett Packard (HP). “Who Profits: The Israeli Occupation Industry.” Coalition of Women for Peace, Feb 2010. <http://www.whoprofits.org/HP>

^{xxiv} “Motorola Israel.” Coalition of Women for Peace <http://whoprofits.org/company/motorola-solutions-israel>

^{xxv} “The case of G4S: Private Security Companies and the Israeli Occupation.” Coalition of Women for Peace: The Israeli Occupation Industry. March 2011. http://www.whoprofits.org/g4s_report

^{xxvi} “Elbit Systems.” Who Profits? <http://www.whoprofits.org/company/elbit-systems>

^{xxvii} “Veolia Environnement.” Who Profits? <http://www.whoprofits.org/company/veolia-environnement>

^{xxviii} ASUW Resolution R-18-19, 2012 <http://depts.washington.edu/asuwsen/aero/legislations/view/656>