

A BILL IN SUPPORT OF UC DIVESTMENT FROM WAR CRIMES

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Sponsored By: Senators Gaurano , Carlton, Kwon, Oatfield

1. WHEREAS, the ASUC notes the complexity of international relations in all cases, including the Middle East, and recognizes the inability of a body such as the ASUC to adjudicate matters of international law and human rights law, or to take sides on final status issues on wars and occupations throughout the world. Yet, we do note the following findings from the United Nations and other leading human rights organizations regarding the Israel/Palestine conflict, and use it as a case study; and,
2. WHEREAS, prior and subsequent to the bombing the Israeli government has engaged in collective punishment of the whole of the Palestinian population, in the view of the human rights community,¹ as exemplified by the ongoing 32 month blockade on Gaza, of which Physicians for Human Rights-Israel has written, “the prolonged siege imposed by the Israeli government on Gaza, the closing of its borders, the tightening of policies regarding permission to exit Gaza for medical purposes, and the severe shortage of medications and other medical supplies all severely damage the Palestinian health system and endanger the lives and health of thousands of Palestinian patients,”² and of which the Red Cross has said “the whole strip is being strangled, economically speaking” making life in Gaza “a nightmare” for the civilian population, with essential supplies, including electricity, water, and fuel, being denied to the 1.5 million inhabitants 90% of whom depend on aid to survive;³ and
3. WHEREAS, within the occupied West Bank (including East Jerusalem), the Israeli government continues a policy of settlement expansion that, in the opinion of the United Nations Security Council, Human Rights Watch, the International Committee of the Red Cross, and numerous other organizations concerned with enforcement of international law, constitutes a direct violation of Article 49, paragraph 6 of the 4th Geneva Convention which declares “an occupying power shall not deport or transfer parts of its own civilian population into territories it occupies.”⁴; and
4. WHEREAS, in the context of this bill, “occupation” refers to the current state of Palestinian life under Israeli’s military control in the West Bank and Gaza; a definition that is consistent to commonly-held international law; and
5. WHEREAS, student research⁵ has revealed that, according to the most recent UC investment report⁶, within the UC Retirement Program fund and the General Endowment Program fund there exist direct investments in American companies materially and militarily supporting the Israeli government's occupation of the Palestinian territories, including American companies General Electric and United Technologies; and
6. WHEREAS, General Electric holds engineering support and testing service contracts with the Israeli military and supplies the Israeli government with the propulsion system for its Apache Assault Helicopter fleet, which, as documented by Amnesty International and Human Rights Watch, has been

1 * Amnesty International: Israeli Military Action is Collective Punishment – <http://www.amnesty.org/en/report/info/MDE15/045/2002>

* United Nations press release - <http://www.unhcr.ch/hurricane/hurricane.nsf/0/183ED1610B2BCB80C125751A002B06B2?opendocument>

* Human Rights Watch 'Israel/Gaza: Donors Should Press Israel to End Blockade' - <http://www.hrw.org/en/news/2009/02/28/israelgaza-donors-should-press-israel-end-blockade>

2 * Physicians for Human Rights; <http://www.phr.org.il/phr/article.asp?articleid=506&catid=55&pcat=45&lang=ENG>

3 * Red Cross Report “Dignity Denied in the Occupied Palestinian Territories” -

http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/13_12_07palestineicrc.pdf

* BBC - “British MPs Granted Gaza Access” - http://news.bbc.co.uk/2/hi/uk_news/7890977.stm

4 * Human Rights Watch “Israel’s Settlements Are on Shaky Ground” - <http://www.hrw.org/en/news/2009/06/28/israels-settlements-are-shaky-ground>

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* International Committee of the Red Cross -

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

5 *The research has been conducted over the past year by a group of Berkeley students. A report of the findings is available from ucbdivest@gmail.com

6 * http://www.ucop.edu/treasurer/report/UCTreasurer_AnnualReport_2009.pdf

used in attacks on Palestinian and Lebanese civilians, including the January 4, 2009 killings of Palestinian medical aid workers⁷; and

7. WHEREAS, United Technologies supplies the Israeli government with Blackhawk helicopters and with F-15 and F-16 aircraft engines and holds an ongoing fleet management contract for these engines, and, Amnesty International has documented the Israeli government's use of these aircraft in the bombing of the American School in Gaza, the killing of Palestinians civilians, and the destruction of hundreds of Palestinian homes;⁸ therefore, be it

RESOLVED, that the ASUC will ensure that its assets, and will advocate that the UC assets, do not include holdings in General Electric and United Technologies because of their military support of the occupation of the Palestinian territories; be it further

RESOLVED, that the ASUC will further examine its assets and UC assets for funds being invested in companies that a) provide military support for or weaponry to support the occupation of the Palestinian territories or b) facilitate the building or maintenance of the illegal wall or the demolition of Palestinian homes, or c) facilitate the building, maintenance, or economic development of illegal Israeli settlements on occupied Palestinian territories; be it further

RESOLVED, that if it is found that ASUC and/or the UC funds are being invested in any of the abovementioned ways, the ASUC will divest, and will advocate that the UC divests, all stocks, securities, or other obligations from such sources with the goal of maintaining the divestment, in the case of said companies, until they cease such practices. Moreover, the ASUC will not make further investments, and will advocate that the UC not make further investments, in any companies materially supporting or profiting from Israel's occupation in the abovementioned ways; be it further

RESOLVED, that this ASUC resolution not be interpreted as the taking of sides in the Palestinian/Israeli conflict, but instead as a principled expression of support for universal human rights and equality; be it further

RESOLVED, that the ASUC Senate engage in education campaigns to publicize the divestment efforts and violation of international human rights law, and that furthermore, a committee of 5 members, 2 senators selected by the senate body as a whole, 2 members of or students selected by the UC Berkeley Divestment Task Force, and the ASUC President or a representative from his/her office, form at the end of this semester to monitor and promote university progress in regards to the above mentioned ethical divestment goals; be it finally

RESOLVED, that this Committee will recommend additional divestment policies to keep university investments out of companies aiding war crimes throughout the world, such as those taking place in Morocco, the Congo, and other places as determined by the resolutions of the United Nations and other leading international human rights organizations

7 * Amnesty International – 'Fuelling Conflict: Foreign Arms Supplies to Israel/Gaza' - <http://www.amnesty.org/en/library/asset/MDE15/012/2009/en/5be86fc2-994e-4eeb-a6e8-3ddf68c28b31/mde150122009en.html#4.0.4.Aircraft%20and%20Helicopters|outline>

* Human Rights Watch – 'Fatal Strikes: Attacks on Civilian Homes' <http://www.hrw.org/en/node/11265/section/5>

* New England Conference of the United Methodist Church Divestment Task Force Report and Recommendations - <http://www.neumc.org/pages/detail/178>

8 * Amnesty International – 'Fuelling Conflict: Foreign Arms Supplies to Israel/Gaza' - <http://www.amnesty.org/en/library/asset/MDE15/012/2009/en/5be86fc2-994e-4eeb-a6e8-3ddf68c28b31/mde150122009en.html#4.0.4.Aircraft%20and%20Helicopters|outline>

* New England Conference of the United Methodist Church Divestment Task Force Report and Recommendations - <http://www.neumc.org/pages/detail/178>

* Israeli Air Force:

<http://www.iaf.org.il/Templates/Aircraft/Aircraft.IN.aspx?lang=EN&lobbyID=69&folderID=82&docfolderID=211&docID=18321¤tPageNumber=5>

* <http://palestineinformation.org/divestment.htm>