



## **Oberlin College Student Senate**

# **Oberlin Divestment Resolution**

WHEREAS, Oberlin College proclaims a proud history of student opposition to oppression and injustice;

WHEREAS, the role of student activists in exposing South Africa's apartheid system and supporting equality, freedom, and dignity sets an example for us to follow as students of global conscience;

WHEREAS, the example of South Africa demonstrates that it is imperative for students to stand unequivocally against all forms of racism and bigotry globally and on campus;

WHEREAS, The West Bank, The Gaza Strip, and East Jerusalem, hereafter referred to as the Occupied Palestinian Territory, are controlled through military force by the Israeli government;

WHEREAS, the Separation Wall annexes parts of the West Bank to Israel and restricts access to water supplies and other vital resources for Palestinians;

WHEREAS, according to the International Court of Justice (ICJ), "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";

WHEREAS, according to Article 120, paragraph 4 of the same ICJ opinion, the establishment and expansion of settlements in the West Bank and Eastern Jerusalem is also illegal by international law;

WHEREAS, Article 49, paragraph 6, of the Fourth Geneva Convention states, "the Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies";

WHEREAS, according to the UN General Assembly's application of the Fourth Geneva Convention the establishment and expansion of settlements "in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, especially settlement activities...remain



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contrary to international law and cannot be recognized, irrespective of the passage of time”;

WHEREAS, former US Secretary of State Hillary Clinton asserted that the US policy “on Israeli settlements has not changed and will not change. Like every American administration for decades, we do not accept the legitimacy of continued settlement activity”;

WHEREAS, according to the Hague Convention, the exploitation of natural resources in the Occupied Palestinian Territory is also illegal by international law;

WHEREAS, the international community as represented by the UN Security Council, Human Rights Council Fact-Finding mission in Gaza, the ICJ, the US Department of State, the Special Rapporteur on the situation of human rights in the occupied Palestinian territories, and the UN General Assembly have recognized and condemned Israel's above mentioned violations of human rights and international law. This condemnation is manifested in dozens of resolutions concerning the state of Israel;

WHEREAS, an international independent fact-finding mission established by the UN Human Rights Council asserted, “Private companies must assess the human rights impact of their activities and take all necessary steps – including by terminating their business interests in the settlements – to ensure they are not adversely impacting the human rights of the Palestinian People in conformity with international law as well as the Guiding Principles on Business and Human Rights”;

WHEREAS, the UN Special Rapporteur on the situation of human rights in the occupied Palestinian territories, Richard Falk, concluded in a October 25, 2012 report that “the businesses highlighted in the report – as well as the many other businesses that are profiting from the Israeli settlement enterprise – should be boycotted, until they bring their operations into line with international human rights and humanitarian law and standards”;

WHEREAS, international corporations have been complicit in these severe and ongoing human rights violations systematically committed by the Israeli government, and their involvement has been documented by human rights organizations including Amnesty International, Human Rights Watch, AI-Haq, Defense for Children International,



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Addameer, B'tselem, Adalah, Badil, the Israeli Coalition Against House Demolitions, and the Coalition of Women For Peace through its project WhoProfits;

WHEREAS, Oberlin College has no formal policies of socially responsible investment outlined in its Investment Policy and has minimal investment transparency. Therefore the College may invest in, and thereby profit from, companies which have an active role in the human rights abuses and institutionalized structural violence against the Palestinian people, making it a complicit third-party;

WHEREAS, the following illustrative and non-exhaustive list of companies, which the College may be invested in, play a role in these human rights violations: Caterpillar, Hewlett-Packard, Group 4 Securicor, SodaStream, Elbit Systems, and Veolia;

WHEREAS, Caterpillar has helped sustain the illegal occupation of Palestinian territory by continually providing engineering tools and bulldozers, routinely used in the demolition of Palestinian homes, neighborhoods in refugee camps, water cisterns, and agricultural fields;

WHEREAS, Caterpillar has also provided engineering tools and bulldozers to expand illegal settlements and construct the Separation Wall and checkpoints throughout the West Bank;

WHEREAS, Caterpillar's unmanned D-9 bulldozers were used in Israel's military offensive, "Operation Cast Lead" in 2008, during which 1,400 people, including 13 Israelis and 320 Palestinian children, were killed; the United Nations fact finding mission condemned this action as collective punishment, which is a war crime;

WHEREAS, Hewlett-Packard Company (HP) has restricted the freedom of movement of Palestinians and reinforced a stratification of citizenship by providing biometric identification systems used at Israeli military checkpoints;

WHEREAS, Group 4 Securicor (G4S) provides security equipment for Israeli prisons that hold Palestinian political prisoners and for Israeli military checkpoints, as well as security services to businesses in the illegal settlements;

WHEREAS, Hewlett-Packard Company (HP) and G4S both profit from global mass incarceration; HP provides prisoner data systems for the Department of Homeland



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Security's Immigration and Customs (ICE) Law Enforcement Support Center; G4S operates private prisons around the world and multiple privatized juvenile detention facilities in the U.S., operates transportations services for ICE deportations across the U.S.-Mexico border, and provides control systems and surveillance equipment to three prisons designated for Palestinian political prisoners in Israel;

WHEREAS, SodaStream operates its main manufacturing plant in the illegal settlement of Ma'aleh Adumim, in the West Bank, on land confiscated from its Palestinian owners by the Israeli military, rendering it inaccessible to local residents without a special security permit;

WHEREAS, SodaStream enjoys special benefits awarded to settlement businesses including lax regulation and low taxes, and pays taxes to the Israeli government and to the local settlement municipality rather than to any Palestinian authority, thereby exploiting the local resources of land, water, and labor while strengthening the illegal settlements;

WHEREAS, Elbit Systems (Elbit), a military electronics company, has provided surveillance systems for the Separation Wall which runs through occupied Palestinian land.

WHEREAS, the Israeli military has used Elbit's Unmanned Air Systems, more commonly known as drones, for surveillance and combat actions over the past decade which have resulted in civilian casualties;

WHEREAS Veolia Environnement (Veolia,) profits from bus lines and a light rail system that connect Israeli settlements to Israel, and thus contribute to the infrastructure of these illegal settlements; the buses run on separate roads that are closed for Palestinian use;

WHEREAS, Veolia operates the Tolvan landfill in the West Bank, used by settlements for dumping waste from illegal settlements and Israel on confiscated Palestinian land;

WHEREAS, Veolia operates through its Israeli subsidiaries a wastewater plant providing services to the illegal settlement of Modi'in Illit;

WHEREAS, these six companies have been directly engaged by various public campaigns and concerned investors about their complicit involvement in the previously mentioned human rights violations to no avail;

WHEREAS, divestment is a nonviolent strategy employed by universities, religious



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organizations, and civil society organizations around the world to pressure corporations to withdraw from business resulting in severe violations of international law and human rights;

WHEREAS companies such as Caterpillar, HP, G4S, SodaStream, Elbit, and Veolia directly profit from the ongoing violations of international law and human rights and have an economic stake in the continuation of these violations;

LET IT BE RESOLVED, that Oberlin College examine its financial assets to identify its investments in companies that a) directly provide weaponry, security systems, prisons, or military support for the illegal occupation of the Palestinian territories, or b) directly facilitate the building or maintenance of the illegal Separation Wall or the demolition of Palestinian homes, or c) directly facilitate the building, maintenance, or economic development of illegal Israeli settlements, outposts, and segregated roads and transportation systems on occupied Palestinian territory;

LET IT FURTHER BE RESOLVED, that Oberlin College instruct its investment managers to divest fully from these aforementioned companies, within the bounds of their fiduciary duties, until such companies cease the practices identified in this Resolution;

### **Endorsed by the Oberlin College Student Senate**

[1] Legal Consequences of a Wall in the Occupied Palestinian Territory, Advisory Opinion, ICJ Reports 2004, p. 136, available at [www.icj-cij.org/docket/files/131/1671.pdf](http://www.icj-cij.org/docket/files/131/1671.pdf).

[2] Ibid.

[3] Geneva Convention Relative to the Protection of Civilian Peoples in Times of War, August 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287, available at <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>.

[4] UN General Assembly, A/RES/ES-10/6: Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory, February 9, 1999, available at <http://unispal.un.org/UNISPAL.NSF/0/E29F7195C53CDDA905256729005035E4>.

[5] The Arab American Institute. "Urge President Obama to Support the UN Resolution Condemning Israeli Settlements." Last modified February 17, 2011. <http://www.aaiusa.org/blog/entry/urge-president-obama-to-support-the-un-resolution-condemning-settlements/> (accessed March 13, 2013).

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[6] Hague Convention Respecting the Laws and Customs of War on Land and Its Annex: Regulations concerning the Laws and Customs of War on Land, October 18, 1907, Article 55, available at <http://www.icrc.org/ihl.nsf/full/195>.

[7] i.e. S/RES/171 (1962) [S/5111], S/RES/228 (1966), S/RES/237 (1967), S/RES/248 (1968), S/RES/250-S/RES/252 (1968), S/RES/256 (1968), S/RES/259 (1968), S/RES/262 (1968), S/RES/265 (1969), S/RES/267 (1969), S/RES/270 (1969), S/RES/271 (1969), S/RES/279 (1970), S/RES/280 (1970), S/RES/285 (1970), S/RES/298 (1971), S/RES/313 (1972), S/RES/316-S/RES/317 (1972), S/RES/332 (1973), S/RES/337 (1973), S/RES/347 (1974), S/RES/425 (1978), S/RES/427 (1978), S/RES/444 (1979), S/RES/446 (1979); "UN independent expert calls for boycott of businesses profiting from Israeli settlements." United Nations News Centre, October 25, 2012.

[8] UN General Assembly, 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, February 7, 2013, A/HRC/22/63.

[9] "UN independent expert calls for boycott of businesses profiting from Israeli settlements." United Nations News Centre, October 25, 2012.

[10] Global Exchange. "Why Caterpillar?" 2011.  
<http://www.globalexchange.org/economicactivism/caterpillar/why> (accessed March 18, 2013).

[11] Richard Goldstone. "Report of the United Nations Fact-Finding Mission on the Gaza Conflict." September 2009.

<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf> (accessed March 18, 2013).

[12] The Coalition of Women for Peace. "Technologies of Control: The Case of Hewlett Packard." Last modified December 2011.

[http://www.whoprofits.org/sites/default/files/hp\\_report\\_final\\_for\\_web.pdf](http://www.whoprofits.org/sites/default/files/hp_report_final_for_web.pdf) (accessed March 13, 2013).

[13] The Coalition of Women for Peace. "The Case of G4S: Private Security Companies and the Israeli Occupation." Last modified March 2011.

<http://whoprofits.org/sites/default/files/WhoProfits-PrivateSecurity-G4S.pdf> (accessed March 13, 2013).

[14] Global Exchange. "Why Hewlett-Packard?"

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<http://www.globalexchange.org/economicactivism/hp/why> (accessed March 18, 2013).

[15] The Coalition of Women for Peace. "The Case of G4S: Private Security Companies and the Israeli Occupation." Last modified March 2011.

<http://whoprofits.org/sites/default/files/WhoProfits-PrivateSecurity-G4S.pdf> (accessed March 13, 2013).

[16] Who Profits. "Sodastream: A Case Study for Corporate Activity in Illegal Israeli Settlements." Last modified January 2011.

<http://www.whoprofits.org/sites/default/files/WhoProfits-ProductioninSettlements-SodaStream.pdf> (accessed March 13, 2013).

[17] Ibid. 4, 6, 7.

[18] Global Exchange. "Why Target Elbit Systems?" Last modified February 26, 2013.

<http://www.globalexchange.org/economicactivism/elbit/why> (accessed March 13, 2013).

[19] The Coalition of Women for Peace. "Veolia Environment Israel."

[http://www.whoprofits.org/sites/default/files/the\\_activities\\_of\\_veolia\\_in\\_israel\\_-\\_an\\_update.pdf](http://www.whoprofits.org/sites/default/files/the_activities_of_veolia_in_israel_-_an_update.pdf) (accessed March 3, 2013).

[20] Ibid, 1.

[21] Ibid, 2.

[22] "BDS Movement Position on the Boycott of Individuals." Last modified February 21, 2013.

<http://www.bdsmovement.net/2013/bds-movement-position-on-boycott-of-individuals-10679#sthash.z5o1svwx.dpuf> (accessed March 13, 2013).

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