

**ASSOCIATED STUDENTS**  
**University of California, Santa Barbara**

**Senate Resolution/Bill**

<b>Title: A Resolution to Divest From Companies that Profit From Human Rights Violations in Israel/Palestine</b>			
<b>Author</b>		<b>Second</b>	
<b>Number</b>		<b>FPP</b>	
<b>Bill Type</b>	Directional	<b>Vote</b>	50%+1

**CONSTITUTION AND BY-LAWS RECOMMENDATION**

<b>Grammatical Recommendations</b>	
<b>Structural Recommendations</b>	
<b>Legal Code Violations</b>	
<b>Pass with Amendments</b>	
<b>Table</b>	

**COMMITTEE RECOMMENDATION**

<b>Pass as Written</b>		<b>Pass with Amendments</b>		<b>Do Not Pass</b>	
<b>Refer to Committee</b>					
<b>Recommended by a Vote of</b>			<b>Chairperson's Initials</b>		

**STUDENT-SPONSORED LEGISLATION**

<b>Student Sponsor</b>	
<i>The Student Sponsored Liaison has ensured that this Student-Sponsored Resolution is correct in its form and adherence to the AS UCSB Legal Code.</i>	

### **FISCAL IMPACT**

<b>Amount</b>	<b>0</b>	<b>Account</b>	
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### **A Resolution to Divest From Companies that Profit From Human Rights Violations in Israel/Palestine**

**WHEREAS:** In September 2014, the University of California (UC) became a signatory on the United Nations-supported Principles for Responsible Investment<sup>1</sup> (PRI), which includes guidelines to incorporate principles of environmental and social responsibility in investment analysis and decision making processes; and,

**WHEREAS:** The Mission Statement of the University of California, Santa Barbara (UCSB) states, “Our commitment to public service is manifested through the creation and distribution of knowledge that advances the well-being of our state, nation, and world;”<sup>2</sup> and,

**WHEREAS:** The University of California remains invested in companies that do not meet the standards of either the United Nations-supported Principles for Responsible Investment or UC Santa Barbara’s Mission Statement; and,

**WHEREAS:** The Associated Students of the University of California Santa Barbara (ASUCSB) Senate passed a “Responsibility in UC Investments” resolution in May 2014 which outlined a process for responsible and ethical investments in line with the UC-wide Principles for Responsible Investment; and,

**WHEREAS:** UC students have used, and continue to use, divestment<sup>3</sup> campaigns to reclaim political agency and to change UC policies that maintain investments in companies that demonstrate a lack of accountability, ethicality, and respect for the rights and dignity of others,

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<sup>1</sup> UC Office of the President, “UC Joins UN-supported Principles for Responsible Investment” (2014).

<sup>2</sup> University of California, Santa Barbara, “Introduction to Our Campus: Mission Statement” *General Catalog 2018-2019*.

<sup>3</sup> Divesting is the process of selling an asset, done for either financial or social goals.

most notably in the context of South Africa<sup>4</sup>, and most recently in the context of Turkey,<sup>5</sup> fossil fuels<sup>6</sup>, the prison industrial complex<sup>7</sup>, and the Deportation Regime; and,

**WHEREAS:** That same commitment to challenge unethical investments and UC policies is reflected in the case of Israel/Palestine, a site of a military occupation and numerous human rights violations and abuses against the Palestinian people; and,

**WHEREAS:** Many companies are complicit in the human rights violations committed by the Israeli government, as documented by human rights organizations including: Amnesty International, Human Rights Watch, B'tselem, Al-Haq, Defense for Children International, Addameer, Adalah, Badil, and the Israeli Coalition Against House Demolitions; and,

**WHEREAS:** These organizations have shown their credibility in a variety of contexts, and data provided by a number of these organizations has been used to make decisions at the highest political levels, including the United Nations, and;

**WHEREAS:** These organizations investigate human rights violations around the world, and do not specifically target a specific country, community, or government in their work, and;

**WHEREAS:** The human rights violations within Israel/Palestine has been recognized within several supranational bodies including by United Nations General Assembly, the United Nations Security Council, and the United Nations Human Rights Council, among others; and,

**WHEREAS:** The ASUCSB has made various decisions based on United Nations findings and United Nations resolutions, specifically in the cases of Divestment from Turkey, the Deportation Regime, Fossil Fuels, and South African apartheid throughout the years; and,

**WHEREAS:** Universities have passed similar resolutions to divest including, but not limited to: UC San Diego, UC Riverside, UC Irvine, UC Santa Cruz, UC Berkeley, UC Los Angeles, UC Davis, UC Merced, Wayne State University, University of Michigan at Dearborn, Hampshire College, Evergreen State College, DePaul University, UMass Boston, Arizona State University, Brown University, Oberlin College, University of New Mexico in Albuquerque, Wesleyan University, Stanford University, Northwestern University, University of Toledo, Loyola University Chicago, Earlham College, Oglethorpe University, San Jose State University, University of South Florida, University of Illinois at Chicago, Vassar College, University of Indianapolis, Rutgers University-Newark, University of Minnesota, University of Chicago, Portland State

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<sup>4</sup> Living History Project: A Collective History of Student Engagement at UC Santa Barbara, "UC Divestment from South Africa."

<sup>5</sup> Gwendolyn, Wu. "Senators Scramble to Pass Legislation as Quarter Ends" March 24, 2016.

<sup>6</sup> Josh Ortiz, "Chancellor Yang Agrees to Endorse \$3 Billion UC Divestment from Fossil Fuels After 72-Hour Sit In" *Daily Nexus*, May 11, 2017.

<sup>7</sup> Revati Thatte, "UC to Divest from Wells Fargo after African Black Coalition Advocacy." *The Daily Californian*, January 31, 2017.

University, Manchester University, De Anza Community College, Sacramento City College, Tufts University, University of Wisconsin, California State University Long Beach, University of Michigan, Barnard College, George Washington University, University of Oregon, California State University East Bay, New York University, Brown University; and,

**WHEREAS:** The University of California Student Association (UCSA), a body that strives to serve as a collective voice of all UC students through advocacy and direct action, passed a resolution calling for “the UC Regents to incorporate student demands in its investment decisions, including demands specifically related to issues of corporate complicity in human rights violations in the Occupied Palestinian Territories and elsewhere;”<sup>8</sup> and,

**WHEREAS:** The UC Student Worker Union, UAW 2865, representing over 13,000 teaching assistants, readers, tutors, and other student workers at the University of California, voted by a 65% margin to support the call for the UC Regents to divest from corporations implicated in the violation of Palestinian human rights<sup>9</sup>; and,

**WHEREAS:** The following illustrative and non-exhaustive list of the corporations in which the UC Regents, through the general endowment<sup>10</sup> and retirement<sup>11</sup> pools, invest, profit from and enable human rights abuses and violence, which the University implicitly condones through its investments; and,

**WHEREAS:** Boeing, CNH Industrial, Caterpillar, Cemex, General Dynamics, General Electric, L-3 Technologies, Lockheed Martin, Northrop Grumman, Raytheon, Siemens, United Technologies Corporation, and Valero Energy, have violated the universal right “to life, liberty, and security of person;” “to education;” to “privacy, family [and] home;” “to own property, and ...[not to] be arbitrarily deprived of property” as stated in the United Nations Declaration of Human Rights<sup>12</sup>; and,

**WHEREAS:** The total amount the University of California Regents have invested in these companies alone totaled over \$127 million for the 2018 fiscal year; and,

**WHEREAS:** ASUCSB Senate has previously voted to divest from Lockheed Martin, Northrop Grumman, and General Electric, however, the we still remain invested within these corporations; and,

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<sup>8</sup> Caitlin Quinn, “Resolution Calling for the UC Regents to Divest from Corporations Violating Palestinian Human Rights” University of California Student Association, 2015.

<sup>9</sup> UAW 2865, “UC Student-Worker Union, Becomes First Major U.S. Labor Union to Support Divestment from Israel by Membership Vote.” December 10, 2014

<sup>10</sup> Chief Investment Officer of the Regents, “GEP Holdings as of June 30, 2018: Equity Investments” Office of the President.

<sup>11</sup> Chief Investment Officer of the Regents, “UCRP Holdings as of June 30, 2018: Equity Investments.” Office of the President.

<sup>12</sup> United Nations, “Universal Declaration of Human Rights” December 10, 1948.

**WHEREAS:** Caterpillar has provided engineering tools routinely used in the demolition of Palestinian homes, refugee camps, water cisterns, and agricultural fields in the West Bank and Gaza<sup>13,14</sup>, and bulldozers used to expand illegal settlements and to construct the Separation Wall and military checkpoints throughout the West Bank, which have been ruled to be in violation of international law in the International Court of Justice's 2004 Advisory Opinion<sup>15</sup>; and,

**WHEREAS:** CNH Industrial provides engineering machinery used for the construction of West Bank settlements and their infrastructure, settlement industrial zones, and the Separation Wall as well as tools that have been used during house demolitions in the West Bank<sup>16</sup>; and,

**WHEREAS:** In 2002, Northrop Grumman signed a 23-year, \$487 million deal to provide the U.S., Israel, and 15 other countries with F-16 fire-control radar engineering services, replacement parts, and technical support<sup>17</sup> - all of which have been used during the 2006 Lebanon War,<sup>18</sup> 2008-9 Gaza War (Operation Cast Lead)<sup>19</sup>, Operation Pillar of Defence<sup>20</sup> in 2012, and Operation Protective Edge<sup>21</sup> in 2014; and,

**WHEREAS:** Lockheed Martin serves as one of the world's largest arms manufacturers and provided the Israeli military with F-16 fighter jets, Longbow Hellfire missiles, and AH-64 Apache Longbow helicopter parts, in collaboration with Northrop Grumman and other weapons companies, along with associated training and maintenance<sup>22</sup> that were then used in the aforementioned military operations that resulted in major loss of life within the Occupied Palestinian Territories; and,

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<sup>13</sup> Human Rights Watch, "Razing Rafah: Mass Home Demolitions in the Gaza Strip." October 2004

<sup>14</sup> Amnesty International, "Under the rubble: House demolition and destruction of land and property." May 2004.

<sup>15</sup> Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, ICJ Report 131, 2004.

<sup>16</sup> Who Profits from the Occupation, "CNH Industrial."

<sup>17</sup> Northrop Grumman, "Northrop Grumman Awarded 'Falcon 2020' Multi-Year F-16 Radar Support Contract." April 17, 2002.

<sup>18</sup> Human Rights Watch, "Why They Died: Civilian Casualties in Lebanon During the 2006 War," Vol. 19, No. 5 (E). September 2007.

<sup>19</sup> United Nations General Assembly, "Human Rights In Palestine and Other Occupied Arab Territories: Report of the United Nations Fact Finding on the Gaza Conflict." 12th Session, Agenda Item 7. September 25, 2009.

<sup>20</sup> Esposito, Michele K. (Spring 2009). "Military Dimensions: The Israeli Arsenal Deployed against Gaza". Journal of Palestine Studies. University of California Press on behalf of the Institute for Palestine Studies. 38 (3): 175–191.

<sup>21</sup> United Nations Office for the Coordination of Humanitarian Affairs, "Data Featured in the Report of the Independent Commission of Inquiry on the 2014 Gaza Conflict." June 23, 2015.

<sup>22</sup> United Nations Human Rights Office of the High Commissioner, "The United Nations Independent Commission of Inquiry on the 2014 Gaza Conflict." United Nations Human Rights Council.

**WHEREAS:** Boeing provided the Israeli military with AH-64 Apache helicopters, F-15 fighter jets<sup>23</sup>, Hellfire missiles<sup>24</sup>, MK-84 2000-lb bombs<sup>25</sup>, MK-82 500-lb bombs<sup>26</sup>, and Joint Direct Attack Munitions (JDAM) kits that turn bombs into “smart” GPS-equipped guided bombs<sup>27</sup> that were then used in the aforementioned military operations that resulted in major loss of life within the Occupied Palestinian Territories; and,

**WHEREAS:** General Dynamics provided the Israeli military with weapon systems and munitions including the BLU-113 5,000-lb “bunker buster bombs”<sup>28</sup>, MK-82 500-lb<sup>29</sup> and MK-84 2000-lb bombs<sup>30</sup>, BLU-109 bomb, the Namer (Leopard) armored personnel carriers (APCs)<sup>31</sup>, and gun systems which arm the F-16<sup>32</sup> and F-35 fighter jets<sup>33</sup> which all have been used in the aforementioned military operations that resulted in major loss of life within the Occupied Palestinian Territories; and,

**WHEREAS:** General Electric supplies T700 turboshaft engines for the AH-64 Apache Longbow<sup>34</sup> helicopter which was used in aerial assaults on the Palestinian people<sup>35</sup>; and,

**WHEREAS:** Having documented serious violations of human rights and potential war crimes, both Amnesty International and Human Rights Watch called upon the United States government and other parties to cease the transfer or sale of arms that would likely be used in the further commission of human rights violations, specifically referencing corporations in which the University of California currently invests; and,

**WHEREAS:** Investment in these companies shows implicit support for the decisions and actions of these companies and the Israeli government, as well as their consequences, which include the killings of civilians; and,

**WHEREAS:** The consequences of these companies’ actions also affect the UCSB community

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<sup>23</sup> US Department of Defence, “Contracts for Sept. 27, 2017.” September 27, 2017.

<sup>24</sup> Defence Industry Daily Staff, “Israel Stocking up on Missiles, Munitions: \$1.33B.” *Defence Industry Daily*, November 1, 2007.

<sup>25</sup> Lieven Dewitte, “First International JDAM Sale: Boeing to Integrate Weapon on Israeli Aircraft.” *F-16 News*. May 31, 2000.

<sup>26</sup> US Defence Security Cooperation Agency, “Israel – Munitions.” December 20, 2012.

<sup>27</sup> Strategy Page, “Air Weapons: Israel Stocks Up On JDAM.” January 8, 2013.

<sup>28</sup> US Defence Security Cooperation Agency, “Israel – Joint Direct Attack Munition Tail Kits and Munitions.” May 19, 2015.

<sup>29</sup> Defence Industry Daily Staff, “Israel Looks to Replenish Bomb Stocks.” *Defence Industry Daily*, August 7, 2007.

<sup>30</sup> Defence Industry Daily Staff, “Israel Requests 3,500 Mk 84 Bombs.” *Defence Industry Daily*, April 24, 2001.

<sup>31</sup> Ran Dagoni, “Israel halves Namer order with General Dynamics.” *Globes*, January 14, 2014.

<sup>32</sup> General Dynamics, “F-16 20mm Gatling Gun System.”

<sup>33</sup> Kris Osborne, “The F-35 Stealth Fighter Has a Super Gun That Can Fire an Insane 3,300 Round Per Minute.” *National Interest*, January 9, 2017.

<sup>34</sup> Air Recognition, “AH-64 Apache Attack Helicopter.” in *Technical Data*.

<sup>35</sup> Human Rights Watch, “Israel: Gaza Airstrikes Violated Laws of War.” February 12, 2013.

directly, including students whose families experience occupation, death, injury, and other forms of human rights violations; and,

**WHEREAS:** Students did not consent to investing in companies that actively engage in violence to others, and;

**WHEREAS:** The only way to achieve financial neutrality in such situations is to end our investment in, and implicit support for, such companies through divestment; and,

**WHEREAS:** The ASUCSB Senate on multiple occasions has called on the university to financially disassociate itself from companies that help commit human rights violations; and,

**WHEREAS:** This resolution aims neither to condemn a country, a people, or a community nor to determine a political solution or cast moral judgement, but is solely aimed at ending our University's support of companies that enable human rights violations; and,

**WHEREAS:** Support for human rights and opposition to investments in companies engaged in violence are principles that have the power to unite members of the UCSB community; and,

**THEREFORE LET IT BE RESOLVED THAT THE ASSOCIATED STUDENTS IN THE 69TH SENATE ASSEMBLED:** direct ASUCSB to examine its assets and UC assets for investments in companies that a) provide military assistance for or weaponry to the occupation of the Palestinian Territories, b) facilitate the building or maintenance of the Separation Wall or the demolition of Palestinian homes, and/or c) facilitate in the building, maintenance, or economic development of Israeli settlements on annexed Palestinian territories; and,

**LET IT FURTHER BE RESOLVED:** That we, the Associated Students of UCSB, direct the ASUCSB Investment Advisory Committee, UCSB, the University of California Treasury, and the UC Regents to withdraw investments in securities, endowments, mutual funds, and other monetary instruments with holdings in any of the aforementioned companies or subsidiaries thereof, at such time and in such manner as fund trustees may determine; and that the University of California maintain the withdrawal of investments, in accordance with trustees' fiduciary duty, until these companies are no longer engaged in the violation of human rights and other behavior that fails to adhere to the University of California-endorsed Principles of Responsible Investment; and,

**LET IT FURTHER BE RESOLVED:** That we, the Associated Students of UCSB, direct the University of California to reaffirm its commitment to transparency and accountability in its investment practices; and,

**LET IT FINALLY BE RESOLVED:** That we, the Associated Students of UCSB, direct our university to financially disassociate itself from companies that help commit human rights

violations, by divesting from companies that participate in, or profit, from human rights violations in Israel/Palestine.



CC:

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