

1 **BILL #**
2 **SESSION**

3
4 **Legislative Action:**

5 Introduced by: American Studies, Students for Justice in Palestine, Red Student Faction,
6 UNM Dream Team, Out Queer Grads, Kiva Club, Students Organizing Actions for Peace,
7 Movimiento Estudiantil Chican@ de Aztlán, Men of Color Alliance, Food Justice Initiative,
8 and Red Nation (S).

9
10 1st Reading: _____ Referred To: _____
11 2nd Reading: _____ Committee Action: _____
12 3rd Reading: _____ Council Action: _____

13
14 **Executive Action:**

15 Approved Vetoed

16
17 _____
18 GPSA President Date

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20 Unsigned by the President on this ____ day of _____ 2015. Bill automatically becomes law.

21
22 **Legislative Response:**

23 Veto override vote taken: _____ Council Action: _____

24
25 Be it enacted by the Graduate and Professional Student Association at the University of New
26 Mexico that the following be amended in (*Article X*) of the GPSA Constitution/Bylaw:

27
28 WHEREAS, the Associated Students of the University of New Mexico (ASUNM) Government
29 is the representative body of the undergraduate students; and

30
31 WHEREAS Dr. Robert G. Frank, UNM’s 21st President states, “A university campus is the ideal
32 place for the complex issues we face in today’s world to be discussed and debated, and the ways
33 in which we express ourselves are just as important as the positions we defend”¹; and

34
35 WHEREAS, in June 1985 the UNM Board of Regents unanimously voted to adopt a resolution
36 to divest stocks in South African gold mining companies. Secretary-Treasurer Dr. Paez followed
37 the vote by urging the University to consider future policies reflecting the UNM’s concern for
38 human rights abuses in other countriesⁱ; and

39
40 WHEREAS, according to paragraph 7 of the same resolution, the committee recommends that
41 UNM create a permanent committee to review, evaluate, and monitor other issues related to
42 socially responsible investmentⁱⁱ; and

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¹ <http://president.unm.edu/documents/weekly-perspective/2013/weekly-perspective-2013-11-18.pdf>

44 WHEREAS, since 1967 Israel has been recognized by international law as an occupying power
45 of the West Bank, East Jerusalem, and Gazaⁱⁱⁱ, hereafter referred to as the Occupied Palestinian
46 Territories; and

47
48 WHEREAS, the illegal Israeli occupation of Palestine infringes upon Palestinian human rights in
49 multiple overlapping ways including (but not limited to) the politically and ethnically motivated
50 demolition of and resulting displacement of Palestinians from their homes and land^{iv}; the
51 restriction of movement via random roadblocks, military checkpoints, and the existence of
52 “Israeli-only” roads^v; the consistent arrest of Palestinian men, women, and children who are held
53 in prison without being charged with a crime or tried in a court^{vi}; the theft of Palestinian land
54 through Israeli settlements in the West Bank that are illegal according to international law^{vii}; the
55 blockade of Gaza which severely restricts the goods that can enter Gaza and prohibits residents
56 from traveling outside of Gaza; and the “confiscation and control of Palestinian water
57 resources”^{viii}; and

58
59 WHEREAS, more Palestinians were killed in 2014 than in any other year since 1967 due in large
60 part to the 50-day military offensive in Gaza called “Operation Protective Edge” which resulted
61 in the death of 2,300 Palestinians^{ix}; and

62
63 WHEREAS, there is a misconception that the strife resulting from the illegal occupation is due to
64 religious conflict, when in fact it is primarily rooted in competing territorial claims; and

65
66 WHEREAS, there are many international bodies and non-governmental organizations, including
67 the International Court of Justice, United Nations Human Rights Council^x, United Nations Office
68 for the Coordination of Humanitarian Affairs^{xi}, Human Rights Watch^{xii}, Amnesty
69 International^{xiii}, the Israeli Committee against House Demolitions^{xiv}, B’Tselem^{xv}, Al-Haq^{xvi}, and
70 Gaza NGO Safety Office^{xvii} that are actively trying to hold Israel accountable for its violations of
71 the human rights of both Palestinians, African asylum seekers^{xviii}, and Bedouins²; and

72
73 WHEREAS, according to the International Court of Justice the construction of the separation
74 wall, a twenty-foot tall concrete barrier that runs around and throughout the West Bank
75 separating Palestinian families and restricting freedom of movement, as well as the establishment
76 and expansion of settlements in the occupied West Bank and East Jerusalem are illegal by
77 international law^{xix}; and

78
79 WHEREAS, the sixty-ninth session of the United Nations General Assembly expressed its
80 concern “at the widespread destruction caused by Israel, the occupying Power, to vital
81 infrastructure, including water pipelines and sewage networks, in the Occupied Palestinian

² “Israel Stop Demolishing Bedouins Homes” *Human Rights Watch*. August 10, 2010.
<http://www.hrw.org/news/2010/08/18/israel-stop-demolishing-bedouin-homes>

82 Territory, which...pollutes the environment and negatively affects the natural resources of the
83 Palestinian people^{xx}; and

84

85 WHEREAS, the sixty-second session of the United Nations General Assembly expressed its
86 concern “about the continuing deterioration in the humanitarian and security situation in the
87 Gaza Strip, including that resulting from the Israeli military actions against civilian areas, air
88 raids and the prolonged closure of crossings into and out of the Gaza Strip^{xxi}; and

89

90 WHEREAS, the United Nations Relief Work Agency states that due to Israel’s illegal siege of
91 Gaza^{xxii}, the Gaza Strip will not be a “liveable place” by 2020^{xxiii}; and

92

93 WHEREAS, Human Rights Watch has called on Israel to uphold the right of return for
94 Palestinian refugees as part of a comprehensive solution to the Palestinian refugee problem; and

95

96 WHEREAS, Israeli Prime Minister Netanyahu has vowed to continue constructing illegal Israeli
97 settlements in the Occupied Palestinian Territories and declared that there will be no Palestinian
98 State under his watch indicating that, without external pressure, the Israeli government has no
99 intention of changing its policies or working towards a fair resolution with Palestinians; and

100

101 WHEREAS, in 2005, inspired by the South African anti-apartheid movement, over 170
102 Palestinian grassroots organizations that represent Palestinian civil society called on the global
103 community to stand in solidarity with Palestine by joining the Boycott, Divestment, and
104 Sanctions movement (BDS) in order to motivate Israel to stop the systematic violation of human
105 rights of Palestinians to comply with international law^{xxiv}; and

106

107 WHEREAS the call for BDS will stand until Israel: 1.) Ends the occupation and colonization of
108 the Occupied Palestinian Territories; 2.) Recognizes the fundamental rights of Arab-Palestinian
109 citizens of Israel to full equality and; 3.) Agrees to respect, protect, and promote the rights of
110 Palestinian refugees to return to their homes and properties as stipulated in UN resolution
111 194^{xxv} — all of which would ensure Israel is in compliance with international law; and

112

113 WHEREAS, divestment is a nonviolent strategy employed by universities, religious
114 organizations, and civil society organizations around the world to pressure corporations to
115 withdraw from business actions that result in severe violations of international law and human
116 rights; and

117

118 WHEREAS, Arizona State University, Hampshire College, Loyola University, Oberlin College,
119 UC Berkeley, UC Irvine, UC Riverside, UCLA, UC Davis, Northwestern University, Stanford
120 University, and UC San Diego have all successfully passed divestment resolutions, reflecting the
121 growing support from student bodies across the country for justice in Palestine; and

122
123 WHEREAS, unlike many public universities, UNM’s investments are not public knowledge
124 which means that the university could potentially be invested in corporations, such as
125 Caterpillar³, Hewlett-Packard⁴, Group 4 Securicor (G4S)⁵, and Elbit Systems⁶ (an illustrative but
126 non-exhaustive list) all of which are complicit in and profit from the violation of human rights
127 and workers rights around the world; and

128
129 WHEREAS, these corporations help maintain an illegal occupation of the Occupied Palestinian
130 Territories which includes the blockade of Gaza; and

131
132 WHEREAS, these corporations further violence against Palestinians and enable the separation of
133 families in the U.S., both of which directly and profoundly impact students, staff, and faculty at
134 UNM; thus

135
136 WHEREAS, Caterpillar has helped sustain the illegal occupation of Palestinian territories by
137 selling engineering tools and bulldozers to the Israeli army, which have been routinely used in
138 the demolition of Palestinian homes, water storage receptacles, agricultural fields as well as
139 maintaining control of the illegal settlements in the West Bank^{xxvi}; and

140
141 WHEREAS, Hewlett-Packard Company (HP) hinders peace efforts by supplying the Israeli army
142 with technology used at check-points in the Occupied Palestinian Territories, including body
143 scanners, identification systems including ID cards, hand and face recognition to aid with
144 surveillance and to help restrict freedom of movement^{xxvii}; and

145
146 WHEREAS, in addition to enabling Israel’s human rights violations, Hewlett-Packard Company
147 (HP) profits off of mass incarceration by providing prisoner data systems for the Department of
148 Homeland Security's Immigration and Customs (ICE) Law Enforcement Support Center; and

149
150 WHEREAS, G4S provides security equipment to Israel both for prisons reserved for Palestinian
151 political prisoners and for Israeli military checkpoints^{xxviii}; and

152
153 WHEREAS, G4S also profits from mass incarceration as it operates privatized juvenile detention
154 facilities in the U.S., runs transportations services for ICE deportations across the U.S.-Mexico

³ “Facts on the Ground: Heavy Engineering Machinery and the Israeli Occupation,” *Who Profits Research Center*, July 2014. <http://whoprofits.org/bulldozers>.

⁴ “How Hewlett-Packard Lost its Way” <http://fortune.com/2012/05/08/how-hewlett-packard-lost-its-way/>

⁵ “UK-Based Global Giant G4S Keeps its 130,000 Indian Security Workers in Poverty,” *PR Newswire*, May 28, <http://www.prnewswire.com/news-releases/uk-based-global-giant-g4s-keeps-its-130000-indian-security-workers-in-poverty-57308917.html>

⁶ “Elbit Gains as Gaza Conflict Seen Fueling Defense Tech,” *Bloomberg Business*, July 27, 2014, <http://www.bloomberg.com/news/articles/2014-07-27/elbit-gains-as-gaza-conflict-seen-fueling-defense-tech>

155 border, and provides control systems and surveillance equipment to three prisons designated for
156 Palestinian political prisoners in Israel^{xxix}; and

157

158 WHEREAS, Elbit Systems, a company specializing in defense electronics, provides equipment
159 for the electronic detection fence (a surveillance system) that makes up parts of the separation
160 wall and has been “heavily relied upon by the Israeli Army in almost every military operation
161 launched at the Gaza Strip”^{xxx}; and

162

163 WHEREAS, Elbit Systems provides security and surveillance equipment for the US-Mexico
164 border, profiting off of the militarization of the borderlands; and

165

166 WHEREAS, it is imperative to stand against occupation, border militarization, settler
167 colonialism, and imperialism, which tend to disproportionately target communities of color here
168 in the United States and beyond; and

169

170 WHEREAS, it is important to respond proactively to calls for boycott; and

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172 WHEREAS students should not be forced to have their tuition money support and invest in
173 corporations that are complicit in the illegal and deadly occupation of Palestine, nor the violent
174 maintenance of the US-Mexico border, especially those with family and friends who are directly
175 impacted by this occupation and militarization; and

176

177 LET IT BE RESOLVED, that ASUNM calls upon UNM to withdraw investments in securities,
178 endowments, mutual funds, and other monetary instruments with holdings in companies that
179 profit from the illegal occupation of Palestine and the violent policing of immigrant families on
180 the US-Mexico border, including but not limited to the companies mentioned in this resolution,
181 until these companies are no longer engaged in the violation of human rights and other behavior
182 deemed unethical by the UNM community, and at such time and in such manner as fund trustees
183 may determine; and

184

185 LET IT FURTHER BE RESOLVED, that ASUNM calls upon UNM to institute a shift in its
186 investment strategies to incorporate compassionate and socially conscious criteria for all
187 investments so as to prevent the university from investing further in companies engaged in the
188 violation of human rights or international law by forming a permanent committee, with
189 representation from UNM students, faculty, and staff to review, evaluate, and monitor other
190 issues related to socially responsible investment; and

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192 LET IT FURTHER BE RESOLVED, that ASUNM calls upon UNM to take a stand against
193 corporations that commit human rights violations, thereby setting an example for other
194 universities to follow; and

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NOW, THEREFORE LET IT BE FINALLY RESOLVED, that a copy of this resolution be forwarded to the Board of Regents, the President of the University of New Mexico, Provost, Vice President for Student Affairs, the Dean of Students, the University of New Mexico Policy Office, the Faculty Senate, the University of New Mexico Staff Council, Dean's Council, Faculty Senate Operation's Committee, Chartwell Dining Services, UNM Foundation, and the Faculty Senate Policy Committee.

ⁱ UNM Resolution List: <https://facgov.unm.edu/ResolutionsList.html>

ⁱⁱ Ibid.

ⁱⁱⁱ <https://www.amnesty.org/en/articles/news/2014/09/israel-must-scrap-illegal-land-grab-west-bank/>

^{iv} "Get the Facts" *Israeli Committee Against House Demolitions*, <http://www.icahd.org/the-facts>

^v Amhal Bishara, "Driving While Palestinian: The Politics of Disorientation and the Routes of Subaltern Knowledge," *Journal of the American Ethnological Society* vol. 42, no. 1 (2015): 36.

^{vi} <http://www.ifamericansknew.org/stat/prisoners.html>

^{vii} The Fourth Geneva Convention forbids occupying powers from moving its own civilian population into the territory it occupies. Fourth Geneva Convention, Article 49, sixth paragraph (cited in Vol. II, Ch. 38, § 334); https://www.icrc.org/customary-ihl/eng/docs/v1_cha_chapter38_rule130#Fn_2_1

^{viii} "The Right to Water in Palestine: A Background," *Center for Economic and Social Rights*, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=10&ved=0CFgQFjAJ&url=http%3A%2F%2Fwww.cesr.org%2Fdownloads%2FPalestine.RighttoWater.Factsheet.pdf&ei=tPAjVdPfc4ewogSJi4HwDg&usg=AFQjCNGS1Iso18L5lz6tr6tfkBzqUTUGTQ&sig2=iPnDxBqH348mC-2P7X_fVg&bvm=bv.89947451,d.cGU

^{ix} "2014 Was Deadliest Year for Palestinians Since 1967" *Democracy Now!*

<http://www.democracynow.org/2015/3/30/headlines>

^x "Occupied Palestinian Territory" *United Nations Human Rights: Office of the High Commissioner for Human Rights*, <http://www.ohchr.org/EN/countries/MENARRegion/Pages/PSIndex.aspx>

^{xi} <http://www.ochaopt.org/content.aspx?id=1010137>

^{xii} "Make Their Lives Miserable," *Human Rights Watch*, <http://www.hrw.org/zh-hans/node/128682/section/6>;
<http://www.hrw.org/world-report/2015/country-chapters/israel-and-palestine>

^{xiii} "Israel: New Detention Law Violates Rights of Asylum Seekers," *Amnesty International*, <https://www.amnesty.org/en/articles/news/2012/01/new-israeli-detention-law-violates-asylum-seekers-rights/>;

"Israel Must Scrap Illegal Land Grab in the West Bank," *Amnesty International*, <https://www.amnesty.org/en/articles/news/2014/09/israel-must-scrap-illegal-land-grab-west-bank>

^{xiv} <http://www.icahd.org/who-we-are>

^{xv} http://www.btselem.org/about_btselem

^{xvi} <http://www.alhaq.org/about-al-haq/about-al-haq>

^{xvii} http://www.gaza-nso.org/includes/ReadPDFFile.php?F=reports/files/01_08_2014_40849.pdf

^{xviii} <http://www.hrw.org/reports/2014/09/09/make-their-lives-miserable-0>

^{xix} <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6>

^{xx} United Nations General Assembly (GA), A/69/475, "Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources." Nov. 24, 2014,

<http://unispal.un.org/UNISPAL.nsf/47D4E277B48D9D3685256DDC00612265/2C681BD621EF970A85257DA300610D09>

^{xxi} United Nations General Assembly (GA), A/C.4/62/L17. "Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem," Nov. 19, 2007.

<http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CB4QFjAA&url=http%3A%2F%2>

Fwww.unwatch.org%2Ffatf%2Fcf%2F%257B6DEB65DA-BE5B-4CAE-8056-8BF0BEDF4D17%257D%2FA-C.4-62-L.17.PDF&ei=xRAkVbW-

J8eusAXR_oHADQ&usg=AFQjCNFU5bohOKxc3RavVw5boSNfi87hxg&sig2=9mItwlLueMY4-316Z4APnQ&bvm=bv.89947451,d.b2w

^{xxii} <http://www.reuters.com/article/2011/09/13/us-un-gaza-rights-idUSTRE78C59R20110913>

^{xxiii} Cite UNRWA's report;

^{xxiv} "Introducing the BDS Movement" *BDS Movement: Freedom, Justice, Equality*.

<http://www.bdsmovement.net/bdsintro>; "Apartheid, Colonization, and Occupation," *BDS Movement: Freedom, Justice, Equality*. <http://www.bdsmovement.net/apartheid-colonisation-occupation>

^{xxv} Ibid.

^{xxvi} "Caterpillar," *Global Exchange*, <http://www.globalexchange.org/economicactivism/campaigns/caterpillar>

^{xxvii} "Hewlett-Packard" *Who Profits* <http://www.whoprofits.org/company/hewlett-packard-hp>

^{xxviii} "The Case of G4S: Private Security Companies and the Israeli Occupation." *Who Profits* Last modified March 2011. http://whoprofits.org/g4s_report

^{xxix} Need Citation--check G4S's website

^{xxx} "Elbit Systems" *Who Profits*. <http://www.whoprofits.org/company/elbit-systems>; "Why Target Elbit Systems?" *Global Exchange*. <http://www.globalexchange.org/economicactivism/elbit/why>