



## General Assembly Resolution 27-04

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**Sponsor(s):** Rep. Eamon Sheehan

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*A resolution calling on Case Western Reserve University to fully divest its assets from Israel's illegal occupation of the Palestinian territories.*

**Whereas**, the United Nations Partition Plan of 1947 and UN Resolution 181 (II) granted the State of Palestine 43% of the British Palestine Mandate, excluding Jerusalem and Bethlehem which would become an international zone; <sup>i</sup>

**Whereas**, the land divisions specified by Resolution 181 (II) were never adopted; <sup>ii</sup>

**Whereas**, the State of Israel has conducted a military occupation of all Palestinian land since the June 1967 war; <sup>iii</sup>

**Whereas**, the *Geneva Convention IV of 1949*, Article 49(6) states, "The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies";

**Whereas**, in the occupied West Bank and East Jerusalem, Israel has established 145 settlements and 100 outposts housing 560,000 Israelis, displacing Palestinians to do so and in direct violation of international law; <sup>iv</sup>

**Whereas**, the *Rome Statute of the International Criminal Court* Article 7.2.h defines the crime of apartheid as inhumane acts in the context of an institutionalized regime of systematic oppression and domination;

**Whereas**, the United Nations Economic and Social Commission for Western Asia reported that, "Israel has established an apartheid regime that dominates the Palestinian people as a whole"; <sup>v</sup>

**Whereas**, Israel holds a blockade of the Gaza Strip by land, sea, and air, severely limiting the movement of vital goods, leading international observers to liken it to "an open-air prison," and an apartheid state; <sup>vi, vii</sup>

**Whereas**, Israeli military doctrine explicitly allows for the destruction of civilian infrastructure and calls for the use of "disproportionate power" to achieve that end; <sup>viii</sup>

**Whereas**, "[Israeli] military courts have jurisdiction to try [1] Palestinian residents of the territories for crimes committed anywhere...; [2] any crimes committed in the territories...; or [3] crimes committed anywhere that might have an impact on the security situation in the territories"; <sup>ix</sup>



**Whereas**, Israeli military courts have a 99% conviction rate for Palestinians; <sup>x</sup>

**Whereas**, of March 20<sup>th</sup>, 2018, Israeli security forces have detained 6,660 Palestinians, of which 361 are minors; <sup>xi, xii</sup>

**Whereas**, 49% of detained Palestinians report being beaten during interrogation, 33% of detained Palestinians report being held in painful bindings, 34% of detained Palestinians report being subjected to humiliation, and 23% of detained Palestinians report being denied basic needs; <sup>xiii</sup>

**Whereas**, Israel has admitted to engaging in a strategy of targeted killings of Palestinians, a type of assassination in which the State presumes the criminal guilt of the target without a trial; <sup>xiv</sup>

**Whereas**, “Between September 2000 and August 2014, approximately 440 Palestinians, of whom 278 were the targets, were killed during targeted killing operations”; <sup>xv</sup>

**Whereas**, the campaign to boycott goods from South Africa played an instrumental role in the end of South African apartheid; <sup>xvi</sup>

**Whereas**, Case Western Reserve University participated in a boycott of Sudan beginning in 2007 in response to the humanitarian crisis there; <sup>xvii</sup>

**Whereas**, the Case Western Reserve University Undergraduate Student Government has endorsed divestment resolutions in the past, particularly the 2014 Fossil Fuels Divestment Resolution (23-08) and its 2017 renewal;

**Whereas**, President Barbara Snyder and Provost William A. Baeslack wrote in 2013 that, “In keeping with the principle of academic freedom, individual scholars at Case Western Reserve may well choose to embrace the boycott, condemn our opposition to it, or speak in favor of other solutions”; <sup>xviii</sup>

**Whereas**, a number of student governments at peer institutions have endorsed similar divestment resolutions, including the University of Chicago, the University of Michigan, Stanford University, Oberlin College, many schools in the University of California system, including Berkeley and Los Angeles, the University of Minnesota, as well as the American Studies Association,

**Whereas**, through the act of possessing holdings in companies that contribute to the occupation, Case Western Reserve University would be directly culpable for the oppression of the Palestinian people and,



**Whereas**, Dr. Oren Yiftachel, an Israeli professor specializing in political geography, writes that, “concerted and determined international pressure, led by the United States, could still bring about a viable and fully sovereign Palestinian state, with international law implemented, Palestinian rights respected, legitimate Israeli rights protected and the region stabilized.”<sup>xix</sup>

**Be it resolved by the Undergraduate Student Government, acting in full session,**

- I. That Case Western Reserve University 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,
  - b. Directly facilitate the building, maintenance, or economic development of illegal Israeli settlements, outposts, and settler-only roads and transportation systems on occupied Palestinian territory,
- II. That Case Western Reserve University instruct its investment managers to divest fully from the companies found in Be It Resolved Clause I, until said companies cease the practices identified in this Resolution;
- III. That the President and the Board of Trustees of Case Western Reserve University immediately cease any new investments in companies that fall under the specifications of Be It Resolved Clause I;
- IV. That Case Western Reserve University work to ensure that none of its directly held or commingled assets include holdings in the companies specified by Be It Resolved Clause I within two years of the passing of this resolution;
- V. That the President and Board of Trustees release quarterly updates, available to the public, detailing progress made towards full divestment;
- VI. That this Resolution be sent to the following persons or agents in its entirety:
  - a. Every member of the Board of Trustees, including President Barbara Snyder
  - b. Provost William A. Baeslack III and his successor, Provost Ben Vinson III
  - c. Robert Clarke Browne, Treasurer
  - d. Bruce Loessin, Senior Vice President for University Relations and Development
  - e. Patricia Kost, Controller
  - f. Jonathan Carlson, Vice President for Financial Planning
  - g. John Sideras, Senior Vice President for Finance and Chief Financial Officer
  - h. Timothy Milanich, Chief Investment Officer
  - i. Louis Stark, Vice President for Student Affairs



- <sup>i</sup> Beinin, Joel and Lisa Hajjar. "Palestine, Israel, and the Arab-Israeli Conflict: A Primer." *Middle East Research and Information Project* special publications (2014): 4.
- <sup>ii</sup> Beinin, Joel and Lisa Hajjar. "Palestine, Israel, and the Arab-Israeli Conflict: A Primer." *Middle East Research and Information Project* special publications (2014): 5.
- <sup>iii</sup> Beinin, Joel and Lisa Hajjar. "Palestine, Israel, and the Arab-Israeli Conflict: A Primer." *Middle East Research and Information Project* special publications (2014): 5.
- <sup>iv</sup> Beinin, Joel and Lisa Hajjar. "Palestine, Israel, and the Arab-Israeli Conflict: A Primer." *Middle East Research and Information Project* special publications (2014): 7.
- <sup>v</sup> Falk, Richard and Virginia Tilley. "Israeli Practices Towards the Palestinian People and the Question of Apartheid." *UNESCWA 1* (2017): 1.
- <sup>vi</sup> Yiftachel, Oren. "'Creeping Apartheid' in Israel-Palestine." *Middle East Report 253* (2009): 7.
- <sup>vii</sup> Feldman, Ilana. "Gaza as an Open-Air Prison." *Middle East Report 275* (2017): 1.
- <sup>viii</sup> "The Dahiya Doctrine and Israel's Use of Disproportionate Force." Institute for Middle East Understanding. <https://imeu.org/article/the-dahiya-doctrine-and-israels-use-of-disproportionate-force> (accessed March 17, 2018).
- <sup>ix</sup> Hajjar, Lisa. *Courting Conflict: The Israeli Military Court System in the West Bank and Gaza* (London, UK: University of California Press, 2005) 255.
- <sup>x</sup> "Reconsider charges against Palestinian human rights defender, UN experts urge Israel." UN News. <https://news.un.org/en/story/2017/07/561132-reconsider-charges-against-palestinian-human-rights-defender-un-experts-urge> (accessed March 17, 2018).
- <sup>xi</sup> "Statistics on Palestinians in the custody of the Israeli security forces." B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories. [https://www.btselem.org/statistics/detainees\\_and\\_prisoners](https://www.btselem.org/statistics/detainees_and_prisoners) (accessed March 22, 2018).
- <sup>xii</sup> "Statistics on Palestinian minors in the custody of the Israeli security forces." B'Tselem: The Israeli Information Center for Human Rights in the Occupied Territories. [https://www.btselem.org/statistics/minors\\_in\\_custody](https://www.btselem.org/statistics/minors_in_custody) (accessed March 22, 2018).
- <sup>xiii</sup> Tilley, Virginia. *Beyond Occupation: Apartheid, Colonialism & International Law in the Occupied Palestinian Territories* (New York, NY: Pluto Press, 2012) 134-135.
- <sup>xiv</sup> Hajjar, Lisa. "Israel as Innovator in the Attempted Mainstreaming of Extreme Violence." *Middle East Report 279* (2018): 1.
- <sup>xv</sup> Hajjar, Lisa. "Israel as Innovator in the Attempted Mainstreaming of Extreme Violence." *Middle East Report 279* (2018): 2.
- <sup>xvi</sup> Forward to Freedom. "Boycott South African Goods." (<http://www.aamarchives.org/campaigns/boycott.html>) Accessed: 2/26/2018.
- <sup>xvii</sup> "Case adopts divestment policy; anti-genocide events to be held." *The Daily*. <http://blog.case.edu/casedaily/2007/10/12/casedaily> (accessed March 21, 2018).
- <sup>xviii</sup> "Leadership's statement on academic boycotts." *The Daily*. <http://thedaily.case.edu/leaderships-statement-on-academic-boycotts/> (accessed March 21, 2018).
- <sup>xix</sup> Yiftachel, Oren. "'Creeping Apartheid' in Israel-Palestine." *Middle East Report 253* (2009): 9.