

Resolution on the Human Rights of Palestinians

WHEREAS, NYU's Diversity Statement states "NYU's past is not without blemish when it comes to its commitment to diversity and inclusion... Awareness of this history makes us more committed to taking concrete steps to build an institution that truly recognizes the contributions of all its members";¹

WHEREAS, the Code of Ethical Conduct states that NYU "is committed to a policy of equal treatment, opportunity, and respect... Every member of the University is prohibited from discriminating on the basis of race, color, religion, sexual orientation, gender and/or gender identity or expression, marital or parental status, national origin, citizenship status, veteran or military status, age, disability, and any other legally protected status...";²

WHEREAS, the Student Government has identified a commitment to diversity, inclusion, justice, and equity as one of its top priorities for the 2018-2019 academic year;

WHEREAS, NYU must dedicate itself to ethical conduct in its investment practices by divesting from companies that profit from human rights violations in Palestine and other communities globally;

WHEREAS, NYU has a direct responsibility to Palestinian students and students of Palestinian descent to stop funding and maintaining partial ownership in corporations that mistreat or contribute to their mistreatment and the mistreatment of their families and their communities;³

WHEREAS, in 2005, Palestinian civil society, including 170 Palestinian unions, political parties, refugee networks, women's organizations, professional associations, popular resistance committees and other Palestinian civil society bodies, issued a call for the Boycott, Divestment, and Sanction movement (BDS) in response to Israel's ongoing violation of their human rights. BDS calls for "international civil society organizations and people of conscience all over the world to impose broad boycotts and implement divestment initiatives against Israel similar to those applied to South Africa in the apartheid era.";^{4 5 6}

WHEREAS, the goals of the BDS movement are three-fold: ending Israel's occupation and colonization of all Arab lands and dismantling the Separation Wall; recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality; and respecting, protecting and

¹ [Diversity, Equity, and Inclusion at NYU](#)

² [NYU Code of Ethical Conduct](#)

³ [SR-S18-21 The Protection of Palestinian Human Rights Act](#)

⁴ ["Palestinian Civil Society Call for Boycott"](#)

⁵ [ASUO Senate Resolution on Boycotting Israeli Settler Colonialism](#)

⁶ [Tufts Resolution to End Investments in the Israeli Occupation](#)

promoting the inalienable rights of Palestinian refugees to return to the homes and properties from which they were expelled in 1948 as stipulated in UN resolution 194;⁷

WHEREAS, BDS represents an inclusive, anti-racist, and non-violent set of tools to pursue the Palestinian human rights movement that is opposed to all forms of discrimination, including anti-Semitism and Islamophobia;⁸

WHEREAS, on April 11, 1985 the New York University Student Senators Council *unanimously* voted for and called upon the University to divest from all South African businesses during the Apartheid era where South Africa was systematically oppressing and disenfranchising its black citizens;⁹

WHEREAS, Archbishop Desmond Tutu, who won a Nobel Peace Prize in recognition of his efforts to end South African apartheid said, “I go and I visit the Holy Land and I see things that are a mirror image of the sort of things I experienced under the apartheid,”;¹⁰

WHEREAS, Mandla Mandela, the grandson of Nelson Mandela, stated that “[w]hat we have experienced in South Africa is a fraction of what the Palestinians are experiencing” and that “Israel is the worst apartheid regime”;¹¹

WHEREAS, NYU’s investment in the below mentioned companies plays an active role in funding and perpetuating Israel’s illegal occupation and its violation of human rights, making NYU complicit in these crimes;

WHEREAS, Caterpillar Inc. is the world’s largest developer and manufacturer of construction and demolition equipment. Caterpillar Inc. is the Israel Defense Forces’ (IDF) main supplier of machinery, specifically providing the sale of armored excavators and D9 bulldozers;

WHEREAS, Palestinians living in the West Bank must acquire building permits from Israel for any construction or repair project. Between 2010-2014, Israel accepted a mere 1.5% of applications. Palestinians are thus forced to build homes and other infrastructure without permits. These structures are under constant threat of Israeli demolition.¹²

WHEREAS, the 2003 death of US citizen and activist Rachel Corrie was the result of a US manufactured and supplied Caterpillar D9 bulldozer being utilized to demolish a Palestinian home in Gaza. While 23-year old Corrie was wearing a fluorescent orange vest and clearly visible to IDF soldiers, the bulldozer continued to drive over her, crushing Corrie’s body to death;

⁷ [BDS](#)

⁸ [BDS](#)

⁹ [Why NYU Should Divest](#)

¹⁰ [Desmond Tutu: U.S. Christians Must Recognize Israel as Apartheid State](#)

¹¹ [Mandela’s Grandson on Visit: ‘Israel is the Worst Apartheid Regime’](#)

¹² [Planning Policy in the West Bank](#)

WHEREAS, the IDF killed Muhammad al-Faqih in 2016 after he refused to leave his home that was set for demolition. An anti-tank missile was fired at his home, followed by a Caterpillar excavator demolishing what was left of the building. The excavator was also used in carrying al-Faqih's body from the rubble;¹³

WHEREAS, Caterpillar Inc. has been warned by the UN High Commissioner on Human Rights about its sales to the IDF, pointing to their use of demolishing Palestinian villages, actions deemed internationally illegal by the UN Security Council Resolution 2334 in 2016;^{14 15}

WHEREAS, NYU utilizes Caterpillar D399 diesel reciprocating engine generators in its Central Power Plant.¹⁶

WHEREAS, General Electric (GE) engines are used in Israel's primary air and naval military platforms, including the engines in Apache helicopters and F-16 and F-15 fighter jets and the gas turbine for Israel's naval missile ship, the Sa'ar 5;¹⁷

WHEREAS, Lockheed Martin is the world's largest defense contractor and states on its website that it is "proud of the significant role it has fulfilled in the security of the State of Israel";¹⁸

WHEREAS, Lockheed Martin manufactures the F-16 Fighting Falcon Fighter Jet combat aircraft and sells them to Israel;¹⁹

WHEREAS, Lockheed F-16 fighter jets were widely used in Israel's 2006 invasion of Lebanon to spray cluster bombs on civilian populations. According to the Human Rights Watch, Israeli warplanes launched 7,000 bombs and missile strikes in Lebanon, and the conflict resulted in at least 1,109 Lebanese deaths, the majority of whom were civilians;²⁰

WHEREAS, on July 18, 2006, an Israeli warplane attacked the home of Lebanese civilians in a village east of Tyre. The strike killed an 80-year old woman, a disabled 20-year old man, and a seven-year-old Brazilian-Lebanese dual national on summer vacation;²¹

WHEREAS, Lockheed Martin F-16 jets, Apache helicopters, Sa'ar ships, and other weapon systems with engines manufactured by General Electric have been used repeatedly in Israeli attacks on densely populated civilian areas, resulting in thousands of civilian casualties in Lebanon, the West Bank, and Gaza;

¹³ ["Israel uses Caterpillar equipment in apparent extrajudicial killing"](#)

¹⁴ ["The UN vs. Caterpillar"](#)

¹⁵ [UN Security Council Resolution 2334](#)

¹⁶ [PERMIT DESCRIPTION: NYU Central Plant](#)

¹⁷ ["General Electric Co."](#)

¹⁸ [Lockheed Martin Israel](#)

¹⁹ [Ibid.](#)

²⁰ ["Civilian Casualties in Lebanon During the 2006 War"](#)

²¹ [Map: Administrative Divisions of Lebanon](#)

WHEREAS, Sa'ar 5 missile ships were used by the Israeli Navy during the 2006 Lebanon War and Operation Cast Lead and continue to be used to enforce the illegal naval siege of the Gaza Strip. In 2016, United Nations Secretary-General Ban Ki-moon condemned the blockade of the Gaza Strip as “collective punishment” and called for Israel to be held accountable for its actions;

WHEREAS, Amnesty International found that during Operation Cast Lead, Israeli forces used various weapons systems manufactured by General Electric and Lockheed Martin. Nearly 1,400 Palestinians were killed in the assault. Israeli air strikes also carried out “deliberate and premeditated” attacks on civilian infrastructure during the assault, according to a UN report. A study by Defense for Children International determined that 550 children were killed during the attack and that 225 of the deaths directly resulted from Israeli war plane attacks;^{22 23 24 25 26 27}

WHEREAS, according to the Human Rights Watch, on August 3, 2014, an Israeli missile directly hit a UN-run boys’ school in Rafah, Gaza, killing 12 people, including 8 children, and wounding at least 25; about 3,000 people were taking shelter in the school at the time. According to the United Nations, Israel used a *Hellfire Missile* during the attack—a weapon produced in the United States by Lockheed Martin and Boeing;²⁸

WHEREAS, a report by Amnesty International found that Israel used Lockheed Martin F-16 aircrafts and Apache helicopters during Operation Protective Edge of 2014, an assault that killed over 2,251 Palestinians, of whom 1,462 were civilians and 551 were children. Defense for Children International found that at least 13 children were killed from missiles fired directly from Apache helicopters. The AI Mezan Center for Human Rights reported that approximately 47% of civilians killed during Operation Protective Edge were killed by warplanes including the Lockheed Martin F-16;^{29 30 31}

WHEREAS, Lockheed Martin manufactured the laser-guided Mark 82 bomb that the US sold to Saudi Arabia. The Mark 82 bomb was used in a Saudi airstrike on August 9, 2018 on a school bus in Yemen, which killed 51 people, including 40 children;³²

WHEREAS, the Tandon School of Engineering and the NYU Center for Urban Science + Progress identify Lockheed Martin as a corporate partner.^{33 34}

²² [Israel/Gaza: Operation ‘Cast Lead’: 22 Days of Death and Destruction](#)

²³ [Operation Protective Edge: A War Waged on Gaza’s Children](#)

²⁴ [“The Operation in Gaza, Factual and Legal Aspects”](#)

²⁵ [“The Operation in Gaza, Factual and Legal Aspects”](#)

²⁶ [“UN: Israel committed war crimes in Gaza”](#)

²⁷ [Fatalities during Operation Cast Lead](#)

²⁸ [“Israel: In-Depth Look at Gaza School Attacks”](#)

²⁹ [Operation Protective Edge: A War Waged on Gaza’s Children](#)

³⁰ [“Operation Protective Edge in Numbers”](#)

³¹ [‘Black Friday’: Carnage in Rafah During 2014 Israel/Gaza Conflict](#)

³² [“Bomb that killed 40 children in Yemen was supplied by the US”](#)

³³ [Tandon Corporate Partners](#)

WHEREAS, the NYU Langone Medical Center utilizes a General Electric gas firing engine.³⁵

WHEREAS, NYU's specific investments are not public knowledge. However, there is a precedent for divestment in cases of a negative social impact;

WHEREAS, Jeffrey Rathgeber of NYU's Investment Office presented to the Fossil Fuel Divestment Working Group on November 20, 2014 and confirmed that NYU invests in diversified portfolios;³⁶

WHEREAS, Rathgeber's presentation confirms that in May 2008, the University divested from securities issued by entities viewed as providing direct support to the Sudanese government. The Investment Committee approved a Prohibited Investments Policy and a "Prohibited List" was created as an appendix to the Investment Policy;³⁷

WHEREAS, the Presbyterian Church of the United States of America, the United Methodist Church, and several bodies of Quaker churches have voted to divest from Israeli and international companies targeted by the BDS movement;³⁸

WHEREAS, the Movement for Black Lives endorsed BDS in 2016, calling Israel an apartheid state. Furthermore, the Democratic Socialists of America voted to support the BDS movement in August of 2017.^{39 40}

WHEREAS, student councils from colleges all over the country have passed resolutions that call for divestment from corporations that profit on the violation of Palestinian human rights. They include Barnard College, UC Berkeley, UC Davis, UC Los Angeles, Columbia University, University of Chicago, George Washington University, Hampshire College, University of Michigan, Northwestern University, Oberlin College, University of Oregon, Rutgers University, Stanford University, Tufts University, Vassar College, University of Washington, Wesleyan University and University of Wisconsin-Madison;⁴¹

WHEREAS, during the 2017-2018 academic year, 53 NYU student clubs endorsed the Boycott, Divestment, and Sanctions movement.⁴² (See Appendix A)

³⁴ [CUSP Partners](#)

³⁵ [Permit Description: NYU LANGONE MEDICAL CENTER](#)

³⁶ [Presentation to Fossil Fuel Divestment Working Group](#)

³⁷ [Presentation to Fossil Fuel Divestment Working Group](#)

³⁸ ["Major Churches Divest"](#)

³⁹ [Movement for Black Lives Endorses BDS](#)

⁴⁰ ["A BDS Endorsement from a Resurgent DSA"](#)

⁴¹ [Divestment Resolutions](#)

⁴² [50+ NYU Student Groups Endorse Boycott, Divestment, and Sanctions Movement for Palestinian Human Rights](#)

THEREFORE BE IT RESOLVED that, upon passage of this resolution, NYU will communicate to the aforementioned companies, and any other companies complicit in human rights violations, that it shall not divest if, and only if, those companies warrant that they have put in place policies designed to ensure that none of their products are used by the State of Israel in the violation of human rights.

BE IT FURTHER RESOLVED that if Caterpillar, General Electric, and Lockheed Martin, along with any other companies involved in the violation of Palestinian human rights and human rights globally, fail to ensure the ethical use of their products, NYU will immediately divest all capital investments from said corporations;

BE IT FURTHER RESOLVED that NYU includes on its “Prohibited List” all corporations that profit from “the violation of Palestinian human rights, the occupation of Palestine, and the continued spread of settlements declared illegal under international law”,⁴³

BE IT FURTHER RESOLVED that NYU enacts a socially responsible investment policy for the university endowment that implements a screen on ethical investments that uphold human rights for all.

As Proposed by Senator at-Large for Marginalized Jewish Students, Student Activists, and Students With Mental Health Struggles, Rose Asaf; Senator at-Large for Muslim Students, Bayan Abubakr; and Alternate Senator at-Large for Middle Eastern & North African Students and Documented Noncitizen Students, Leen Dweik.

Appendix A: Supporting Groups (Tentative)

1. Advocate Coalition (Against) Trafficking at NYU (Re-ACT)
2. African Heritage Month
3. African Student Union
4. NYU Aftab Literary Magazine
5. NYU Against Fascism

⁴³ [Presentation to Fossil Fuel Divestment Working Group](#)

6. Arab Students United
7. Asian American Women's Alliance at NYU
8. Asian Heritage Month
9. NYU Asian Pacific American Coalition
10. Bella Quisqueya (BQ)
11. Black and Brown Coalition at NYU
12. NYU Black Muslim Initiative
13. Black Students Union (BSU)
14. Brownstone Publication
15. Campgrrl
16. NYU Coalition on Law & Representation (CoLR)
17. NYU College Libertarians
18. NYU Disorient
19. NYU Divest for Climate Justice
20. NYU Dream Team
21. Gentlemen of Quality (GQ)
22. GSOC-UAW Local 2110—The Union for Graduate Employees at New York University
23. Haitian American Students Association (HASA)
24. Hermandad de Sigma Iota Alpha, Inc.
25. Incarceration to Education Coalition
26. NYU International Socialist Organization
27. NYU Jewish Voice for Peace
28. La Herencia Latina
29. Latinos Unidos Con Honor y Amistad at NYU (LUCHA)
30. NYU Law Students for Justice in Palestine (LSJP)
31. Malaysian Students Association
32. NYU Mexican Student Association (MexSA)
33. Mosaic: The Interfaith Students of Color Coalition at NYU
34. MuCh—Muslim Christian Dialogue at NYU
35. Muslim Graduate Student Group
36. NYU Muslim Students Association
37. National Society of Black Engineers (NSBE) at NYU
38. Native American and Indigenous Student Group at NYU
39. The Omicron Chapter of Phi Iota Alpha
40. Pakistani Students Association at NYU
41. NYU PorColombia
42. NYU Sanctuary Student Taskforce
43. SHADES: For LGBTQ Students of Color and Allies at NYU
44. Shuruq: Islamic Heritage Month
45. NYU Slam! Poetry Club
46. NYU Students Against Gentrification and Expansion
47. NYU Students for Justice in Palestine
48. Student Labor Action Movement at NYU
49. NYU Tandon Muslim Students Association
50. Turkish Student Association at NYU
51. T-Party at NYU
52. NYU ¡Viva Perú!
53. NYU Young Democratic Socialists of America

Appendix B: Faculty Support

1. Andrew Ross, Professor
2. Arang Keshavarzian, Associate Professor
3. Arun Kundani, Visiting Assistant Professor
4. Barbara Weinstein, Silver Professor
5. Bertell Ollman, Professor
6. Diana Taylor, Professor
7. Elaine Freedgood, Professor
8. Fred Moten, Professor
9. Gianpaolo Baiocchi, Professor
10. Greg Grandin, Professor
11. Harty Field, Professor
12. James S. Uleman, Professor and T-FSC Senator
13. Jeff Goodwin, Professor
14. Jini Watson, Associate Professor
15. John Michael Archer, Professor
16. Kathy Engel, Associate Professor
17. Lenora Hanson, Assistant Professor
18. Lisa Duggan, Professor
19. Maria Josefina Saldaña-Portillo, Professor
20. Marie Cruz Soto, Clinical Assistant Professor
21. Marie Monaco, Associate Professor
22. Mark Crispin Miller, Professor
23. Monica Kim, Assistant Professor
24. Nicholas Mirzoeff, Professor
25. Paula Chakravartty, Associate Professor
26. Rebecca E. Karl, Professor
27. Renee Blake, Associate Professor
28. Sonya Posmentier, Associate Professor
29. Thuy Linh Tu, Associate Professor
30. Timothy J. Reiss, Emeritus Professor
31. Valerie Forman, Associate Professor
32. Vasuki Nesiah, Associate Professor of Practice
33. Vivek Chibber, Professor
34. Zachary Lockman, Professor