

**Carleton University Pension Fund: Complicity in Violations of
Human Rights and International Humanitarian Law in the
Occupied Palestinian Territories**

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Executive Summary

An examination of the current investments held by the Carleton University Pension Fund raises serious concerns regarding the university's stated commitment to human rights and social justice. This report focuses on five companies whose shares are held by the Pension Fund: BAE Systems, L-3 Communications, Motorola, Northrop Grumman, and Tesco. It highlights their probable active involvement in significant violations of international law in the Occupied Palestinian Territories and raises issues of Carleton's possible complicity in the commission of crimes under international law.

Carleton's own responsibilities under international law are examined and its precedents for taking action are detailed, including following through on a previous commitment to pursue ethical investment practices.

These five companies comprise a very small proportion of the pension fund. As such, divesting from them would have very little negative effect on the fund. In fact, based on these companies' recent history, divestment may improve its performance.

Recommendations

Based on the findings of this report, it is recommended that:

- The Carleton University Board of Governors, via the Pension Fund Committee, immediately divest of its stock in BAE Systems, L-3 Communications, Motorola, Northrop Grumman, and Tesco.
- Carleton University refrain from investing in other companies involved in violations of international law (for recommended guidelines see Conclusions/Recommendations section).
- Carleton work with the entire university community to develop, adopt, and implement a broader policy of Socially Responsible Investment (SRI) for its Pension Fund and other investments, through a transparent and effective process.

Introduction

Based on Carleton University's traditions and its identification as being 'engaged in solving real-world problems'¹ as well as its emphasis on the themes of human rights and social justice,² an examination of the current investments held by the Carleton University Pension Fund has been conducted, and it raises serious concerns with the Fund's holdings in the following five companies:

- BAE Systems
- L-3 Communications
- Motorola
- Northrop Grumman
- Tesco

Each of these companies is potentially involved in significant violations of international humanitarian law, including grave breaches of the Fourth Geneva Convention amounting to war crimes. The five companies contribute extensively to some or all of these violations by:

- Manufacturing weapons and weapons components that are used to kill and maim Palestinian civilians;
- Materially supporting and economically developing the illegal Israeli settlements in the occupied West Bank, thereby entrenching the occupation of Palestinian land; and by
- Perpetuating Israel's illegal siege of Gaza and its discriminatory practices and policies against Palestinians, both in the Occupied Palestinian Territories (OPT), and within Israel.

These companies reap profits from the ongoing Israeli occupation of Palestinian land and violations of Palestinian rights. By investing in these firms in spite of their actions, not only does Carleton violate its own ethical principles, but it actually becomes complicit in their breaches of international law and violations of human rights.

Given that, according to the *Implementation Guidelines for the Statement of Investment Policies and Procedures for the Trust Fund Created Under the Carleton University Retirement Plan*, the Board of Governors "retains overall responsibility for the [Pension] Fund," it has the authority and obligation to ensure that the Carleton Pension Fund complies with ethical and legal standards, as outlined below.

Carleton's Pension Fund: Financial Considerations

The Carleton Pension Fund invests in some 550 companies for a total value of about \$766,194,000. The Plan's investments in these five companies amounts to about one-third of one percent of this total. There are only ten corporate investments that constitute more than one percent of the Fund, and none of these firms is among that group. As a group, the

¹ Runte, R. O. (February 2009). *Defining Dreams: A Strategic Plan for Carleton University 2009*. Retrieved from: http://www2.carleton.ca/about/ccms/wp-content/ccms-files/strategic_plan_final.pdf

² *Ibid.*

five companies listed here lost the fund \$119,755.53 over the past year. This suggests that divesting from these companies would not affect the Fund's viability or profitability in any significant way, and in fact might even improve its performance.

<u>Company Name</u>	<u>Market Value</u>	<u>Percent of total fund</u>	<u>Change 2007-2008</u>
BAE Systems	\$214,378.57	.02%	-\$39,841.85
L-3 Communications	\$413,828.86	.05%	+\$2,675.54
Motorola	\$1,077,760.93	.14%	+\$11,097.70
Northrop Grumman	\$422,674.16	.05%	-\$50,572.06
Tesco	\$633,893.15	.08%	-\$43,114.86
TOTALS	\$2,762,535.47	.35%	-\$119,755.53

The Israeli Occupation of Palestine: The Facts

Israeli government policy encompasses a range of violations of international law and human rights, including:

- The post-1967 occupation of the West Bank and Gaza;
- The refusal to recognize the rights of Palestinian refugees and internally displaced Palestinians to return or receive compensation;
- Systematic discrimination against Palestinian citizens of Israel;
- Arbitrary detention, torture, and collective punishment;
- The destruction of infrastructure and the economy of Palestinian people in occupied Palestine, inside Israel and in southern Lebanon;
- The siege of Gaza, which violates the obligation of occupying powers to provide basic necessities of those under their occupation;
- Numerous alleged war crimes committed against the Palestinian people in the occupied West Bank and Lebanon and especially during the bombardment of Gaza last year.

Here we briefly define four key issues: Israeli settlements, checkpoints, the Wall in the occupied West Bank, and the siege and military assaults against the people of Gaza.

Settlements

Since 1967, Israel has established 121 official settlements in the West Bank, along with 12 others in occupied East Jerusalem, and 102 unrecognized settlements or “outposts.”³ Israel offers special incentives to encourage Israelis to settle in the West Bank in order to turn the settlements into permanent “facts on the ground.” Over 462,000 Israelis now live in these settlements. The settlements, in combination with the dozens of Israeli-only bypass roads that link them, as well as the military zones that surround them, have effectively annexed over 40 percent of West Bank land.⁴

Many settlements are built on prime agricultural land confiscated from Palestinians, or over key water resources such as the Western Aquifer basin, springs and wells. Consequently, Israeli settlers consume 350 litres of water per person a day, while Palestinians only consume 76 litres per day.⁵ The World Health Organization defines 100 litres per person as the minimum amount necessary for basic human health. Israel uses 83 percent of Palestinian water in the West Bank, leaving only 17 percent for Palestinians.⁶

³ B’Tselem. The Israeli information centre for Human Rights in the Occupied Territories (2007) *Land Expropriation and Settlements*. Retrieved from: <http://www.btselem.org/English/settlements>

⁴ Factsheet (Dec. 17, 2008) “Settlements” *Palestine Monitor*. Retrieved from: www.palestinemonitor.org/spip.php?article7

⁵ Palestine Hydrology Group. (2006). *Water for Life: The Dilemma of Development Under Occupation*. Water, Sanitation and Hygiene Monitoring Program.

⁶ World Health Organization (May 17, 2005) *Health conditions of, and assistance to, the Arab population in the Occupied Arab Territories including Palestine*. 58th World Health Assembly Agenda Item 15. Retrieved from: http://apps.who.int/gb/ebwha/pdf_files/WHA58/A58_ID5-en.pdf

Additionally, it is now regular practice for untreated sewage from settlements to be dumped into Palestinian wells and agricultural land.⁷ In addition to the obvious health consequences that stem from such water inequality, this vast disparity has a devastating impact on the Palestinian economy.

Settlers also have virtual impunity in the West Bank, regardless of the crime that they commit. They regularly commit violent attacks against Palestinians and their property, without fear of repercussions, often with support from the military itself.⁸

On December 8, 2009, the Israeli government announced a 10 month “freeze” in settlement construction.⁹ However, the freeze did not include East Jerusalem, and extensive construction continues both within previously approved and retroactively approved sites and outposts. In January 2009, Israel announced it would allow settlement municipalities to issue building permits in the West Bank, in defiance of the ostensible freeze. Israel still continues to reject international demands to dismantle settlements, and new construction and expropriation continues.

Checkpoints and Movement Restrictions

Checkpoints and other obstacles to free movement now restrict 74% of the main routes in the occupied West Bank, making travel to school, jobs, trade, or medical care extremely difficult, time-consuming, humiliating, and dangerous for Palestinians.

In October 2009, there were 578 closure obstacles throughout the West Bank. The obstacles include earth mounds, road gates, checkpoints, terminals, road barriers, roadblocks, partial checkpoints, trenches, and “flying” (surprise) checkpoints.¹⁰ The 60 permanent checkpoints “form the most severe restriction on movement of Palestinians, who are subjected to checks that often cause prolonged delays. At some checkpoints, soldiers bar all Palestinians from crossing except for those who have special permits.”¹¹

The barriers have severely damaged the Palestinian economy, farming, tourism, and access to jobs.¹² They also greatly impede Palestinians’ ability to obtain proper medical treatment in

⁷ World Health Organization (May 17, 2005) *Health conditions of, and assistance to, the Arab population in the Occupied Arab Territories including Palestine*. 58th World Health Assembly Agenda Item 15. Retrieved from: http://apps.who.int/gb/ebwha/pdf_files/WHA58/A58_ID5-en.pdf

⁸ Factsheet (Dec. 17, 2008) “Settlements” *Palestine Monitor*. Retrieved from: www.palestinemonitor.org/spip/spip.php?article7

⁹ Ravid, David (Dec. 8, 2009) “Netanyahu declares 10 month freeze ‘to restart peace talks.’” *Haaretz*. Retrieved from: <http://www.haaretz.com/hasen/spages/1130636.html>

¹⁰ UN Office for the Coordination of Humanitarian Affairs occupied Palestine territory (Nov. 2009) *West Bank Movement and Access Update*. Retrieved from: http://www.ochaopt.org/documents/ocha_opt_barrier_report_july_2009_english_low_res.pdf; B’Tselem (2009) *Restrictions on Movement: Information on checkpoints and roadblocks*. Retrieved from: http://www.btselem.org/English/Freedom_of_Movement/Statistics.asp; Palestine Monitor factsheet (December 21, 2008) “Facts @ a glance.” *Palestine Monitor*. Retrieved from: <http://www.palestinemonitor.org/spip/spip.php?article1>

¹¹ B’Tselem (2009) *Restrictions on Movement: Information on checkpoints and roadblocks*. Retrieved from: http://www.btselem.org/English/Freedom_of_Movement/Statistics.asp

¹² B’Tselem (2009) *Restrictions on Movement: Effects of restriction on the economy*. Retrieved from: http://www.btselem.org/english/Freedom_of_Movement/Economy.asp

several ways. For instance, Palestinians, including pregnant women, must get permits (which are valid only for a few days) to get to hospitals in East Jerusalem. In emergencies, this is often impossible. According to the Israeli human rights organization B'tselem, "In many cases, the way to the hospital is blocked, so the sick and injured have to travel on long, winding, and worn roads. These alternate roads often lead to a staffed checkpoint, where they are forced to wait and undergo checks. In other cases, access to medical treatment is prevented, as ill and wounded persons are unable to receive emergency medical treatment when checkpoints are closed at night, and whole Palestinian communities are blocked from entering or leaving by vehicle, including by ambulance."¹³

Although Israel claims these measures are necessary to protect Israeli security, the vast majority of the obstacles are scattered within the West Bank. Most of the 39 checkpoints leading to sovereign Israeli territory "are located well inside the West Bank, up to several kilometers from the Green Line."¹⁴ Furthermore, despite the fact that in late 2009, Israel eliminated some barriers, the United Nations Office for the Coordination of Humanitarian Affairs in the Occupied Palestinian Territories (OPT) concluded that this had not significantly improved Palestinian access to their land.¹⁵

The Wall

In 2002, Israel began constructing a Wall between itself and the occupied West Bank, ostensibly to prevent "uncontrolled entry of Palestinians into Israel."¹⁶ However, critics point out that once completed, 86% of the Wall will be inside the West Bank, expropriating a further 11.8% of West Bank land and directly restricting the lives of almost half a million Palestinians.¹⁷ The Wall will be 723 km long, twice the length of the Green Line, which is the internationally recognized border between the two territories. It is now more than half completed.

The Wall is a primary means of land theft, as it snakes through Palestinian territory, and cuts deep into the heart of the occupied West Bank to annex land and vital water resources. Together with the settlements, military zones, ditches and bypass roads, it will de facto annex nearly 50% of West Bank land, and divide the territory into six ghettos. Moreover, if the Wall is completed as planned, 32.7% of West Bank residents will be cut off from adequate health care.¹⁸

¹³ B'tselem (2009) *Infringement to the Right to Medical Treatment in the West Bank*. Retrieved from: http://www.btselem.org/english/Medical_Treatment/Index.asp

¹⁴ B'tselem (2009) *Restrictions on Movement: Information on checkpoints and roadblocks*. Retrieved from: http://www.btselem.org/English/Freedom_of_Movement/Statistics.asp

¹⁵ United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian Territory (Nov. 2009) *West Bank Movement and Access Update*. Retrieved from: http://www.ochaopt.org/documents/ocha_opt_barrier_report_july_2009_english_low_res.pdf

¹⁶ B'tselem (2009) *Separation Barrier*. Retrieved from: http://www.btselem.org/English/Separation_Barrier/

¹⁷ B'tselem (2009) *Separation Barrier Statistics*. Retrieved from: http://www.btselem.org/english/Separation_Barrier/Statistics.asp

¹⁸ World Health Organization (May 17, 2005) *Health conditions of, and assistance to, the Arab population in the Occupied Arab Territories including Palestine*. 58th World Health Assembly Agenda Item 15. Retrieved from: http://apps.who.int/gb/ebwha/pdf_files/WHA58/A58_ID5-en.pdf

It also destroys land and trees while isolating thousands of dunums¹⁹ for the use of settlements. In 2007 alone, 3,143 dunums of land were confiscated, and over 2,480 olive trees were uprooted.²⁰ Since October 2003, the land between the Wall and the Green line in the northern part of the West Bank has been declared a closed military area, and the people living there are now required to obtain “permanent resident permits” or leave, and others must get special permits to even enter the area.²¹ In January 2009, additional areas in the central and southern part of the West Bank were declared closed military zones, and farmers have had to request “visitor permits” to access their own olive groves.²²

The Wall also serves as a pretext for home demolitions. Demolition orders can be issued to any family whose home is in the path of the Wall or is deemed to be too close to the Wall, regardless of the fact that most of these homes were build long before the Wall was constructed. Since 2002, some 3,270 military demolitions have been carried out, meaning Palestinian homes were arbitrarily destroyed by Israeli forces for purposes such as clearing a piece of land for the Wall or its associated infrastructure.²³

Gaza Blockade and Operation Cast Lead

Three-quarters of the 1.5 million people in Gaza are refugees from the 1948 and/or the 1967 Israeli wars. Gaza has become one of the most densely populated areas in the world. Before the blockade, Gaza had a vibrant economy and most Gazans were self-supporting. Anger at escalating Israeli settlement construction and military control culminated in the Second Intifada in September 2000.

On September 12, 2005, Israeli PM Ariel Sharon unilaterally removed Israeli settlements and troops from Gaza. However, Israel retained full military control over Gaza’s land borders, air space, and territorial waters.

In an internationally monitored, democratic election in January, 2006, the Change and Reform Party (largely composed of Hamas members) defeated the Fatah party by winning 74 of 134 seats in the Palestinian Legislative Council, and it formed the new Palestinian government. On March 12, 2006, Israel and its Canadian, US, and EU allies imposed a blockade and boycott until the Hamas government agreed to recognize “Israel’s right to exist [as a Jewish state]”, renounce violence, and accept agreements made under the previous Fatah-led administration. Israel characterized Hamas as a “terrorist” organization and

¹⁹ One dunum is equal to one square kilometre.

²⁰ Stop the Wall Campaign. (2008) *2007: Apartheid Wall and Colonial Settlements*. Retrieved from: <http://www.stophthewall.org/downloads/pdf/FS07.pdf>

²¹ B’Tselem (2009) *Separation Barrier*. http://www.btselem.org/English/Separation_Barrier/

²² United Nations Office for the Coordination of Humanitarian Affairs occupied Palestinian Territory (Nov. 2009) *West Bank Movement and Access Update*. Retrieved from: http://www.ochaopt.org/documents/ocha_opt_barrier_report_july_2009_english_low_res.pdf

²³ Israeli Committee Against House Demolitions. (2008) *ICAHHD Statistics on House Demolitions (1967-2007)*. Retrieved from: [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/BB5153683B8162BBC12574E3002FD653/\\$file/House+demolition+statistics+\(2\).doc](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/BB5153683B8162BBC12574E3002FD653/$file/House+demolition+statistics+(2).doc)

illegally withheld all Palestinian tax revenues. On June 26, 2006, Israel launched “Operation Summer Rain,” extensively bombing Gazan civilian infrastructure.

On September 19, 2007, Israel declared Gaza a “hostile territory,” (a term without meaning under international law),²⁴ and severely tightened its blockade of Gaza, creating the world’s largest open air prison. Immediately, the people of Gaza were plunged into a severe humanitarian crisis. Over 70% of the population became dependent on food aid, and the economy, water, and sanitation virtually collapsed.²⁵ Mary Robinson, former UN High Commissioner for Human Rights, said the situation in Gaza was far worse than in towns in the West Bank. “Their whole civilisation has been destroyed, I’m not exaggerating.”²⁶

Then on December 27, 2008, Israel launched “Operation Cast Lead,” an unprovoked 22 day massive military assault on the civilian population of Gaza, which left over 1,400 people dead, more than 5,300 injured (most of whom were civilians), and essential infrastructure, industry, and housing destroyed. This attack was launched despite the fact that “ Hamas had not fired any rockets from Gaza since June 19th (when the ceasefire between Hamas and Israel was finalized), and only resumed following the Israeli attack.”²⁷

Since “Cast Lead,” Israel has continued its stranglehold blockade of Gaza, preventing reconstruction and continuing to impose severe collective punishment on the civilians of Gaza. According to a report released in January 2010 by over 80 humanitarian organizations, including the World Health Organization and UN agencies, the health of 1.4 million people is being put at risk by the continuing siege of Gaza.²⁸ There are indications that Israel is planning a further military assault on the Gaza Strip.²⁹

²⁴ Al-Haq (2008) *Legal Questions and Answers Related to Israeli Policy in the Gaza Strip*. Retrieved from: <http://www.alhaq.org/pdfs/qa-gaza.pdf>

²⁵ Butcher, Tim (Mar. 6, 2008) *Human Crisis in Gaza 'is worst for 40 years'* *Telegraph.co.uk*. <http://www.telegraph.co.uk/news/worldnews/1580933/Human-crisis-in-Gaza-is-worst-for-40-years.html>

²⁶ Gaza Residents ‘terribly trapped’ (Nov. 4, 2008) *BBC News*. Retrieved from: http://news.bbc.co.uk/2/hi/middle_east/7708670.stm

²⁷ Israeli Carnage in Gaza: Quick facts (Jan. 10, 2009) *Canadians for Justice and Peace in the Middle East*

²⁸ James Surcke (January 20, 2010). “Gaza Blockade threatens helath of 1.4 million, aid agencies warn.” *The Guardian*. Retrieved from: <http://www.guardian.co.uk/world/2010/jan/20/gaza-blockade-health-risk-report>

²⁹ Abu Nimah, Hasan (Jan 13, 2010). “A second Gaza war around the corner?” *The Electric Intifada*. Retrieved from: <http://electronicintifada.net/v2/article11005.shtml>

Carleton's Pension Fund: Obligations Under International and Domestic Law

All people and organizations—including Carleton University—are bound by the principles of international law. This report will demonstrate the ways in which five companies that are part of Carleton's Pension Fund are complicit in violations of international law in the Occupied Palestinian Territories (OPT). The following is an overview of the specific laws and legal principles that are being violated by these companies, as well as Carleton's obligations to abide by these principles.

The Nuremberg Principles

The Nuremberg Principles I and II emphasize that individuals and organizations are responsible for complying with the principles of international law. Furthermore, Principle VII states that “complicity in the commission of a crime against peace, a war crime, or a crime against humanity...is a crime under international law.”³⁰

Since Carleton has a responsibility to comply with the principles of international law, it has a legal obligation not to invest in companies or organizations that may be complicit in committing these crimes. Indeed, the current investments held in the five companies listed here strongly suggest that Carleton is in violation of the Nuremberg Principles, thus rendering it potentially complicit in crimes under international law.

2004 Advisory Opinion of the International Court of Justice

The 2004 advisory opinion of the International Court of Justice (ICJ) on the construction of the Wall in the OPT confirmed that the Wall and its associated regime is contrary to international law. The ICJ ruled that Israel should immediately terminate its construction of the Wall, dismantle those parts that have already been built, and make reparations for all damages caused by its construction.³¹

The ICJ specifically ruled that “all States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction. The Court further finds that it is for all States, while respecting the United Nations Charter and international law, to see to it that any impediment, resulting from the construction of the wall, in the exercise by the Palestinian people of its right to self-determination is brought to an end. In addition, all States parties to the Fourth Geneva Convention are under an obligation, while respecting the Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention.”³²

³⁰ International Committee of the Red Cross. (2005). *Principles of International Law Recognized in the Charter of the Nuremberg Tribunal and in the Judgment of the Tribunal, 1950*. Retrieved from: <http://www.icrc.org/ihl.nsf/full/390>

³¹ International Court of Justice. (July 9, 2004) *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. Retrieved from: <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a>

³² *Ibid.*

Article 49 of the Fourth Geneva Convention

Article 49 of the Fourth Geneva Convention stipulates that the occupying power is not permitted to change the demographic composition of the occupied territory and must not interfere, in an arbitrary manner, in the lives of the occupied civilian population.³³ The construction and development of settlements in the OPT is a clear violation of this law, as the settlements involve the illegal confiscation of Palestinian land as well as a transfer of the Israeli civilian population onto those occupied lands. They also massively impinge on the lives of the Palestinian people.

Israel's settlement enterprise entails not only the settlements themselves (built on confiscated Palestinian land), but also the creation of military zones, buffer zones, checkpoints and permit systems. Together they not only seriously infringe upon the human rights of the Palestinian population, but also contribute to the de-development of the Palestinian economy as a whole, and create an outright humanitarian crisis in certain cases.³⁴

Motorola and Tesco are both involved in maintaining and developing illegal Israeli settlements, and are thus possibly acting in direct violation of Article 49 of the Fourth Geneva Convention.

United Nations Security Council Resolutions 446, 452, 465, and 471

All of the above-noted UN Security Council resolutions condemn Israel's settlement activity in the Occupied Palestinian Territories, including East Jerusalem. They confirm that the settlements have no legal validity and constitute a serious impediment to achieving a just and lasting peace. They also affirm that settlement construction is indeed a flagrant violation of the Fourth Geneva Convention, and they call upon Israel, as the Occupying Power, to comply with the Convention by refraining from changing the demographic composition of the OPT by transferring parts of its population into the Territories.

Article 147 of the Fourth Geneva Convention

Article 147 of the Fourth Geneva Convention defines the acts that are considered to be "grave breaches" of international law, including the "extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly."³⁵ Israel's construction of the Wall and its settlements clearly violates this Article, as they involve both extensive destruction of Palestinian property, as well as the appropriation of vast swaths of Palestinian land.³⁶

³³ International Committee of the Red Cross. (August 12, 1949). *Convention (IV) relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*. Retrieved from: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

³⁴ Stop the Wall Campaign. (n.d.) *Development or Normalization? A Critique of West Bank Development Approaches and Projects*. Retrieved from: <http://www.stopthewall.org/downloads/PRDPCritique.pdf>; Stop the Wall Campaign (n.d.) *Rights Without Remedy*. Retrieved from: <http://www.stopthewall.org/downloads/pdf/ICJReport.pdf>

³⁵ International Committee of the Red Cross. (August 12, 1949). *Convention (IV) relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*. Retrieved from: <http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

³⁶ International Court of Justice. (July 9, 2004) *Legal Consequences of the Construction of a Wall in the Occupied*

In applying Article 147 to the construction of the Wall, it is important to note that:

- i) The Wall's path does not follow the internationally recognized border between Israel and the OPT.
- ii) The Israeli security service Shin Bet itself attributed the main cause for reduced Palestinian attacks in 2006 to the ceasefire unilaterally implemented by the Palestinians.³⁷
- iii) The Wall's main designer confirmed in 2007 that the most important criteria were including as many Israelis inside it and as many Palestinians outside it as possible.³⁸

“Grave breaches” of international law are considered war crimes.³⁹ Tesco, L-3 Communications and Motorola all provide products and services that assist in the fortification and development of the Wall and settlements, thus rendering them complicit in grave breaches of international law, and by extension, possible war crimes.

Other examples of grave breaches of international law include “willful killing, torture or inhuman treatment” and “willfully causing great suffering or serious injury to body or health.”⁴⁰ During the 2008-2009 bombardment of Gaza, Israel was accused by multiple organizations including Amnesty International, Human Rights Watch, and a UN fact finding mission of targeting civilians and committing war crimes.⁴¹ BAE Systems, Northrop Grumman, and Motorola are all extensively involved in manufacturing military equipment that was used in the commission of these alleged crimes in Gaza.

Article 8 of the Rome Statute of the International Criminal Court

In addition to Article 147 of the Fourth Geneva Convention, the prohibition of the transfer of settlers to occupied territory was confirmed as an international crime in 1998 by its inclusion as Article 8(2)(b)(viii) of the Rome Statute of the International Criminal Court.

Palestinian Territory. Retrieved from: [http://www.icj-](http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a)

[cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a](http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a)

³⁷ Harel, Amos (January 2, 2006). “Shin Bet: Palestinian truce main cause for reduced terror.” *Ha'aretz*.

³⁸ Wilson, Scott (August 7, 2007). “Touring Israel's barrier with its main designer.” *Washington Post*. Retrieved from <http://www.washingtonpost.com/wp-dyn/content/article/2007/08/06/AR2007080601661.html>

³⁹ Human Rights Watch. (March 25, 2009) *Rain of Fire: Israel's Unlawful Use of White Phosphorus in Gaza*. Retrieved from: <http://www.hrw.org/en/reports/2009/03/25/rain-fire-0>;

<http://www.hrw.org/en/reports/2009/06/30/precisely-wrong>; Amnesty International. (July 2009)

Israel/Gaza Operation 'Cast Lead': 22 Days of Death and Destruction. Retrieved from:

<http://www.amnesty.org/en/library/asset/MDE15/015/2009/en/8f299083-9a74-4853-860f-0563725e633a/mde150152009en.pdf>; Goldstone, Richard. (September 2009) *Report of the United Nations Fact*

Finding Mission on the Gaza Conflict. Retrieved from:

http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf

⁴⁰ International Committee of the Red Cross. (August 12, 1949). *Convention (IV) relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*. Retrieved from:

<http://www.icrc.org/ihl.nsf/FULL/380?OpenDocument>

⁴¹ *Ibid*.

Article 8(2)(b)(vii) defines “[t]he transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory”⁴² as a war crime.

Israel’s settlement project explicitly involves encouraging the transfer of a significant portion of its civilian population into the occupied West Bank, thus violating Article 8. As previously stated, Motorola and Tesco provide equipment and other support that helps to maintain the settlements, and as such, they aid and abet in committing alleged war crimes.

Report of the UN Fact Finding Mission on the Gaza Conflict: The Goldstone Report

The recently published Goldstone Report concluded that the attack on Gaza “was a deliberately disproportionate attack designed to punish, humiliate and terrorize a civilian population, radically diminish its local economic capacity both to work and to provide for itself, and to force upon it an ever increasing sense of dependency and vulnerability.”⁴³ It found clear evidence that Israel had committed major war crimes in the siege of Gaza and even more during its assault on Gaza during Operation Cast Lead from December 27, 2008 to January, 18 2009. These crimes include:

- Attacks by Israeli forces on civilian government buildings and persons of the Gaza authorities, including police non-combatants;
- Attacks on schools and universities, including the Islamic University of Gaza;
- Indiscriminate attacks by Israeli forces resulting in the loss of life and injury to civilians;
- Deprivation of liberty: Gazans detained during the Israeli operation;
- Deliberate attacks against the civilian population;
- The use of certain [prohibited] weapons;
- Attacks on the foundations of civilian life in Gaza: destruction of industrial infrastructure, food production, water installations, sewage treatment and housing; and
- The use of Palestinian civilians as human shields.

All of these crimes were aided and abetted by the weapons and equipment produced by BAE Systems, Motorola, and Northrup Grumman, companies in which the Carleton Pension Fund currently invests.

Canadian Domestic Law

In June of 2000, Canada passed the Crimes Against Humanity and War Crimes Act, which officially incorporated the Rome Statute of the International Criminal Court into its domestic laws. The Act explicitly states that war crimes, crimes against humanity, and genocide are

⁴² Rome Statute of the International Criminal Court. (July 2002) Retrieved from:
[http://untreaty.un.org/cod/icc/statute/english/rome_statute\(e\).pdf](http://untreaty.un.org/cod/icc/statute/english/rome_statute(e).pdf)

⁴³ Goldstone, Richard. (September 2009) *Report of the United Nations Fact Finding Mission on the Gaza Conflict*. Retrieved from:
http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf

crimes under domestic law, and that a person in Canada may be prosecuted for these crimes even if they were committed outside the country. The Act asserts that its definition of a war crime is the same as Article 8(2) of the Rome Statute,⁴⁴ which, as discussed above, renders Israel's Jewish-only settlements illegal.

Similarly, the 1985 Geneva Conventions Act incorporated the Geneva Conventions into Canadian domestic law.⁴⁵ Thus, not only are violations of the Fourth Geneva Convention – including Articles 49 and 147 – breaches of international law, but they are also crimes under Canadian law as well.

It is therefore incumbent upon Carleton University to end its investments in such companies and also in companies which explicitly support the illegal occupation of Palestinian land and directly benefit from the Wall and Israeli settlements through the exploitation of the land and labour of Palestinians living in the OPT. Therefore, the Carleton pension plan is under a legal and moral obligation to divest from these companies.

Recommendations:

- **That the Carleton University Board of Governors, via the Pension Fund Committee, immediately divest of its stock in BAE Systems, L-3 Communications, Motorola, Northrop Grumman, and Tesco.**
- **That Carleton University refrain from investing in other companies involved in violations of international law (for recommended guidelines see Conclusions/Recommendations section).**

⁴⁴ Minister of Justice. (2000). *Crimes Against Humanity and War Crimes Act*. Retrieved from: <http://laws.justice.gc.ca/PDF/Statute/C/C-45.9.pdf>

⁴⁵ Minister of Justice. (1985) *Geneva Conventions Act*. Retrieved from: <http://laws.justice.gc.ca/PDF/Statute/G/G-3.pdf>

Carleton University's Investment in Motorola: Human Rights and International Humanitarian Law Violations in the Occupied Palestinian Territories

1. The Company

Motorola is one of the largest multinational telecommunications companies in the world, and is based in Schaumburg, Illinois. Motorola's involvement in Israel began in 1948, and in 2008, Motorola Israel's sales totaled \$908.365 million.⁴⁶

2. How Carleton is Invested

The Carleton University Pension Fund has approximately \$1,077,760.93 invested in Motorola. This represents 0.14% of the Pension Fund's total value. During 2007-2008, this investment gained \$11,097.70 for the Pension Fund.

3. Motorola's Violations of Human Rights and International Law

Motorola and its subsidiaries are involved in several different aspects of the Israeli occupation of the West Bank and Gaza. The following is an overview of Motorola's most offensive actions and the ways in which these may contribute to grave breaches of international law and to gross, systematic violations of human rights.

3.1 Perimeter Surveillance Systems around Settlements and Military Camps

Motorola is extensively involved in designing and implementing perimeter surveillance systems around illegal Israeli settlements and military camps in the occupied West Bank. For instance, Motorola has developed the Electronic Fence Radar System (EFRS), which is used as a "virtual fence" around at least 47 settlements in the occupied West Bank. These virtual fences can extend up to 700 meters outside of the settlement, thereby confiscating not only the area upon which the settlement is illegally built, but also a vast swath of land around the settlement itself.⁴⁷

Other examples of Motorola-developed surveillance systems used in the occupied West Bank are: MotoEagle Surveillance, which is used in at least 16 West Bank locations;⁴⁸ the Wide Area Surveillance System (WASS), which is deployed by the Israeli military in several

⁴⁶ Dun's 100. (n.d.) *Dun's 100: Israel's Largest Enterprises 2009*. Retrieved from: http://duns100.dunb.co.il/ts.cgi?tsscript=comp_eng&duns=600020978

⁴⁷ Katz, Yaakov. (2009, September 8). "Millions Spent on 'Virtual' Fences." *Jerusalem Post*. Retrieved from: <http://www.jpost.com/servlet/Satellite?cid=1154526030992&pagename=JPost/JPostArticle/ShowFull>

⁴⁸ Coalition of Women for Peace. (n.d.) *Motorola Israel*. Retrieved from: <http://www.whoprofits.org/Company%20Info.php?id=544>

“sensitive” areas around the country;⁴⁹ and The Stronghold, which is also used by the Israeli Ministry of Defense.⁵⁰

Motorola’s involvement in Israel’s illegal settlements renders it complicit in possible violations of human rights and international law. By providing support for settlements and their related infrastructure, Motorola plays a role in ensuring that settlement expansion will continue, in violation of international law, and to the detriment of the Palestinian population.

3.2 Communications Technology for the Israeli military

Motorola has a substantial history of providing the Israeli military with telecommunications technology that is used to assert control over the occupied West Bank and Gaza Strip.

In 2000, Motorola won a \$100 million contract to design and implement the Vered Harim GSM-900 military cellular network, tailored specifically for Israeli military needs. It has been installed in a wide range of armored vehicles, and is integrated with intercom systems throughout the occupied West Bank.⁵¹

Furthermore, MIRS Communications, a subsidiary of Motorola Israel, has been the exclusive provider of cell phone services to the Israeli military since 2005. As part of its contract, MIRS has set up at least 200 antennae inside military bases, and more than 80 antennae and telecommunications infrastructure facilities inside Israel's illegal settlements in the occupied West Bank.⁵²

Telecommunications is key to maintaining control over the occupied West Bank. Whether the Israeli forces are conducting raids on Palestinian villages, forcefully suppressing non-violent demonstrations, or asserting another form of repressive control, they require a sophisticated system to sustain the occupation. Furthermore, by establishing telecommunications infrastructure inside the occupied West Bank, Motorola and its subsidiaries are effectively entrenching the occupation, and solidifying military bases and illegal settlements as “facts on the ground.”

⁴⁹ Israel Ministry of Defense. (2008). *Motorola Israel Ltd.* Retrieved from: http://www.sibat.mod.gov.il/NR/rdonlyres/46327BB3-3E46-42E7-B459-ACA055C6F97D/0/sod_motorolad_dsd_.pdf; Israel Ministry of Defense (n.d.) *Israeli Defense Sales Directory*. Retrieved from: <http://www.sibat.mod.gov.il/SibatMain/catalog/companies/motorola.html>

⁵⁰ Aeronautics Defense Systems. (n.d.) *Security Arrays*. Retrieved from: <http://www.aeronautics-sys.com/?CategoryID=260&ArticleID=196>

⁵¹ Levi, Ofer. (January 12, 2004). *We Were Here First*. Israel Venture Capital Research Centre. Retrieved from: <http://www2.ivic-online.com/ivicWeeklyItem.asp?articleID=2511>; Israel Ministry of Defense. (2008). *Motorola Israel Ltd.* Retrieved from: http://www.sibat.mod.gov.il/NR/rdonlyres/46327BB3-3E46-42E7-B459-ACA055C6F97D/0/sod_motorolad_dsd_.pdf

⁵² Gabay, Eran. (December 9, 2006). “Wireless Companies Using IDF Bases to Skirt Antenna Regulations.” *Ha’aretz*. Retrieved from: <http://www.haaretz.com/hasen/spages/761827.html>; Coalition of Women for Peace. (n.d.) *MIRS Communications*. Retrieved from: <http://www.whoprofits.org/Company%20Info.php?id=543>

3.3 Checkpoints, Security, and Control Systems

Motorola owns 49% of Taldor Communications, which is a division of Israeli company Taldor. In April of 2008, Taldor Communications signed a deal with Visuals Defense Inc. (VDI), to distribute VDI's "integrated security solutions" in Israel.⁵³ VDI specializes in manufacturing products such as watchtowers, motion sensors, military surveillance and communications systems, public announcement systems, and x-rays. All of these products are used in the illegal Wall, checkpoints, terminals, military bases, and illegal settlements that Israel has established in the occupied West Bank.⁵⁴ Given VDI's focus on homeland security and defense, as well as its recent increased presence in the Israeli market, it is highly likely that its equipment is used to help entrench Israel's regime of control in the occupied West Bank.

Furthermore, Motorola holds a 9% stake in Afcon, one of Israel's largest industrial groups. Afcon manufactures metal detectors and gates which are installed in checkpoints throughout the OPT, including the Patriarch's Cave checkpoint, the Beit Iba checkpoint, Erez Terminal, and in various locations in the Jordan Valley.⁵⁵

On December 1, 2008, Afcon also won a large contract for the supply of the security system for the Jerusalem Light Rail Transport System.⁵⁶ The Jerusalem Light Rail enterprise is one of Israel's more egregious projects, designed to solidify Israeli control of Jerusalem by connecting it with the illegal settlements that surround the city. Other companies involved in the project, in particular the French multinational Veolia, have lost billions of dollars in contracts around the world, in part as a result of their involvement in the project.⁵⁷

The fact that Motorola is involved with companies that manufacture these products means that it is actively contributing to Israel's military occupation and may thereby be implicated in war crimes and gross, systematic violations of international law. These possible violations include land confiscation, home demolitions, forced displacement, and severe restrictions on freedom of movement, all of which arise in part as a result of the network of security and control in which Motorola is involved.

4. Other Divestment Actions

On February 7, 2009, Hampshire College in Western Massachusetts divested from the State Street mutual fund, which holds Motorola. The decision to divest came after an extensive campaign by Students for Justice in Palestine, which recommended that the university divest

⁵³ Visual Defence Inc. (April 29, 2008) *Visual Defence Forms Strategic Partnership with Taldor in Israel*. Retrieved from: http://www.visualdefence.com/042908_PR_Taldor.htm

⁵⁴ International Court of Justice. (July 9, 2004) *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*. Retrieved from: <http://www.icj-cij.org/docket/index.php?pr=71&code=mwp&p1=3&p2=4&p3=6&case=131&k=5a>

⁵⁵ Coalition of Women for Peace. (n.d.) *Afcon Industries Group*. Retrieved from: <http://www.whoprofits.org/Company%20Info.php?id=569>

⁵⁶ Afcon Industries Group. (December 1, 2008). *Breaking News*. Retrieved from <http://www.afcon-ind.co.il/AfconInd/Templates/ShowPage.asp?DBID=1&LNGID=1&TMID=10000&FID=379>

⁵⁷ Barghouti, Omar. "Derailing Injustice: Palestinian Civil Resistance to the 'Jerusalem Light Rail.'" *Jerusalem Quarterly*. Institute of Jerusalem Studies, September 2009 (38)

from six companies, including Motorola, on the grounds of their violations of human rights and international law in Palestine.⁵⁸

In 2008, the US Presbyterian Church's Mission Responsibility Through Investing (MRTI) recommended that the Church's General Assembly divest from Motorola based on its ongoing contributions to and profiting from the illegal Israeli occupation.⁵⁹

Until April 2009, Motorola Israel—a full subsidiary of Motorola Inc.⁶⁰—was the leading Israeli company in developing and manufacturing a wide range of electronic fuses for aircraft bombs and guided munitions, including those that were used during Operation Cast Lead.⁶¹ In April, following a widespread campaign in the US to draw attention to Motorola's possible complicity in these crimes, the company sold its Government Electronics Department (GED), which produced the fuses.

⁵⁸ Students for Justice in Palestine. (n.d.) *Divestment!* Retrieved from: <http://www.hsjp.org/divestment/>

⁵⁹ Presbyterian Divestment. (n.d.) *Renewing our Commitment to a Just and Lasting Peace in the Holy Land*. Retrieved from <http://www.presbyteriandivestment.org/>

⁶⁰ Coalition of Women for Peace. (n.d.) *Motorola Israel*. Retrieved from: <http://www.whoprofits.org/Company%20Info.php?id=544>

⁶¹ Human Rights Watch. (June 2009). *Precisely Wrong: Gaza Civilians Killed by Israeli Drone-Launched Missiles*. p.12 Retrieved from: <http://www.hrw.org/en/reports/2009/06/30/precisely-wrong-0>

Carleton University's Investment in BAE Systems: Violations of Human Rights and International Humanitarian Law in the Occupied Palestinian Territories

1. The company

BAE Systems is registered in the UK but is global in scope, and according to its own website, it “is the premier global defence, security and aerospace company.”⁶² It is the world's third largest arms producer, with its 2008 annual report showing 106,400 employees, £18.5 billion in sales and £1.9 billion in profits. All of its products are geared towards military use. BAE's many product lines include: combat aircraft (including for F-15s and F-16s), seacraft, landcraft and associated components, as well as precision targetting systems. Through its affiliated company, MBDA, BAE has been involved in manufacturing both cluster bombs and nuclear weapons.⁶³ The UK's Serious Fraud Office is currently prosecuting BAE for corruption.⁶⁴

2. How Carleton is invested

Carleton's Pension Fund has approximately \$214,378.57 invested in BAE Systems. This represents 0.02% of the Pension Fund's total value. During 2007-08, this investment lost \$39,841.85 for the Pension Fund.

3. BAE's violations of human rights and international law

BAE Systems' subsidiary in Israel, BAE Rokar International, is located in Jerusalem. Both BAE in the UK and Rokar contribute to Israel's weaponry used to attack Palestinian civilians in the OPT. On 21 April 2009, UK Foreign Secretary David Miliband admitted that Israeli equipment used in the 2008/09 attack on Gaza “almost certainly” contained UK-supplied components. He cited F-16 combat aircraft, Apache attack helicopters, Saar-Class corvettes and armoured personnel carriers.⁶⁵ This statement implicates BAE and Rokar, as they both contribute components to Israel's F-16s and other weaponry,⁶⁶ which were used in the 2008/09 attacks on Gaza.⁶⁷

⁶² BAE Systems. *BAE Systems Homepage*. Retrieved from: <http://www.baesystems.com/>

⁶³ Human Rights Watch. (June 2007). *A Dirty Dozen Cluster Munitions*. Retrieved from: http://www.mineaction.org/downloads/1/HRW_Dirty%20dozen%20CM.pdf; and Norwegian Ministry of Finance. (March 2006.) *Press Release: Exclusions from the Government Pension Fund – Global*. Retrieved from: <http://www.regjeringen.no/en/dep/fin/press-center/Press-releases/2006/Exclusions-from-the-Government-Pension-F.html?pid=419804&epslanguage=EN-GB>

⁶⁴ Leigh, David and Rob Evans. (October 1, 2009) “Fraud office seeks BAE's prosecution over bribery.” *The Guardian*. Retrieved from: <http://www.guardian.co.uk/world/2009/oct/01/bae-serious-fraud-office1>

⁶⁵ Watt, Nicholas. (April 22, 2009). “Military exports to Israel reviewed following Gaza Conflict.” *The Guardian*. Retrieved from: <http://www.guardian.co.uk/world/2009/apr/22/israel-gaza-military-exports>

⁶⁶ Israel Aerospace Industries. (n.d) *F-16*. Retrieved from: http://www.iai.co.il/17866-23270-en/Business_Areas_Military_Aircraft_Upgrades.aspx; Dewitte, Lieven. (February 19, 2004). *First F-16I 'Sufa' jets arrived in Israel. F-16.net*. Retrieved from: http://www.f-16.net/news_article1002.html; State of Israel: Ministry of Industry, Trade & Labor. (n.d) *BAE Systems Rokar International Ltd*. Retrieved from: <http://www.moit.gov.il/CmsTamat/CompanyProfile.aspx?CompanyType=1&Companyid=1360>; Airforce-Technology.Com. (2009) *F-16 Fighting Falcon Multi-Role Fighter Aircraft, USA*. Retrieved from:

It is well documented that F-16s and cluster bombs were used in the possible commission of serious war crimes by the Israeli military in its attack on Gaza during December-January 2008/09. The United Nations Fact Finding Mission on the Gaza Conflict determined that more than 1,400 Palestinians were killed during Operation Cast Lead, more than 1,000 of whom were civilian non-combatants, and about 340 of whom were children, and that there was wide scale destruction of schools, hospitals, houses, mosques, wells and other public buildings in the Gaza Strip. The report concluded that “Israel committed actions amounting to war crimes, and possibly crimes against humanity.”⁶⁸ Many of these attacks are deemed to have been deliberately or disproportionately targeted.⁶⁹

This is not the first time F-16s have been implicated in Israeli violations of international law in the OPT. For instance, on 20 May 2007, an Israeli F-16 jet plane fired a missile towards a family gathered in Gaza City, killing eight people—none of them combatants.⁷⁰ F-16s were also widely used by Israel in its war on Lebanon in 2006, including its attack on Qana on 30 July 2006 that resulted in at least 28 confirmed civilian deaths. Many of Israel’s air attacks on Lebanon were also directed in areas where there was no combatant activity and seemed deliberately targeted at civilians—a violation of the international laws of war.⁷¹

4. Other Divestment Actions

BAE is a prominent target of international divestment movements.⁷² For example, the British University and College Union (UCU), representing approximately 120,000 teaching and related staff in colleges and universities in the UK, passed a motion in May 2009,

<http://www.airforce-technology.com/projects/f16/>; Defense Update: International Online Defense Magazine. (2004). *Israel Air Force F-16I Soufa*. Retrieved from: <http://defense-update.com/products/f/f-16I-details.htm>

⁶⁷ BBC News. (Dec 27, 2008). “Massive Israeli air raids on Gaza.” *BBC News*. Retrieved from: <http://news.bbc.co.uk/2/hi/7800985.stm>

⁶⁸ Goldstone, Richard. (September 2009) *Report of the United Nations Fact Finding Mission on the Gaza Conflict*. Retrieved from: http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/docs/UNFFMGC_Report.pdf

⁶⁹ Ibid; Amnesty International. (July 2009). *Israel/Gaza: Operation ‘Cast Lead’: 22 Days of Death and Destruction*. Retrieved from: <http://www.amnesty.org/en/library/asset/MDE15/015/2009/en/8f299083-9a74-4853-860f-0563725e633a/mde150152009en.pdf>

⁷⁰ Defence for Children International: Palestine Section. (2007). *Israeli Violations of the Right to Life: Palestinian child fatalities in the Occupied Palestinian Territory during the First Half of the Year 2007*. Retrieved from: <http://www.crin.org/docs/DCInov10.pdf>; B’Tselem. (January 2008). *Annual Report 2007*. Retrieved from: http://www.btselem.org/Download/200712_Annual_Report_eng.pdf

⁷¹ Brookes, Andrew. (August 8, 2006). *Air War Over Lebanon*. *The International Institute for Strategic Studies*. Retrieved from: <http://www.iiss.org/programmes/defence-analysis-programme/analysis-archive/air-war-over-lebanon/>; Human Rights Watch. (August 2, 2006). *Lebanon/Israel: IDF fails to explain Qana Bombing*. Retrieved from: <http://www.hrw.org/en/news/2006/08/02/lebanonisrael-idf-fails-explain-qana-bombing>; Human Rights Watch. (August 2006). *Fatal Strikes: Israel’s Indiscriminate Attacks Against Civilians in Lebanon*. Retrieved from: <http://www.hrw.org/sites/default/files/reports/lebanon0806webwcover.pdf>

⁷² Boycott Israeli Good Campaign. (n.d). *Arms Trade Campagin*. Retrieved from: <http://www.bigcampaign.org/index.php?page=arms-trade-campaign>; US Campaign for the Academic and Cultural Boycott of Israel. (n.d) *ABCs of Divestment*. Retrieved from: <http://usacbi.wordpress.com/abcs-of-divestment/>

specifically supporting “disinvestment from arms companies such as BAE.”⁷³ In February 2009, after a major student sit-in demonstration, Strathclyde University’s Student Union passed a motion calling on the university to sever its ties to BAE.⁷⁴

The BC Teachers Federation Executive Committee submitted a resolution for its 2010 BCTF AGM calling for its pension plan to divest from BAE stocks by 2011.

The Norwegian Ministry of Finance has barred the State Pension Fund from investing in BAE Systems since December 31, 2005. This decision was made due to BAE’s production of offensive military technology.⁷⁵

In February 2009, Cardiff University declared that it would fully divest from the arms trade, including divestment from the shares it held in BAE Systems. The decision to divest came after three days of student sit-in demonstrations and demands. At many other UK universities, including the London School of Economics, Plymouth, Nottingham, Glasgow, and Oxford, students have staged demonstrations and taken action to demand divestment from BAE.⁷⁶

⁷³ Action Palestine. (May 28, 2009). *UCU congress endorses boycotts, divestments, and sanctions against Israel*. Retrieved from: <http://www.actionpalestine.org/from-the-movement/ucu-congress-endorses-boycotts-divestment-and-sanctions-against-israel/>

⁷⁴ Bizarri Kim. (February 21, 2009) “Victory for Student Movement: Strathclyde University to end complicity with Gaza Conflict.” *Pulse Media*. Retrieved from: <http://pulsemedia.org/2009/02/21/strathvictory/>

⁷⁵ Norges Bank. (2007) *NBIM Annual Report 2007*. Retrieved from: <http://www.norges-bank.no/upload/nbim/reports/2007%20part4.pdf>

⁷⁶ Occupied Cardiff. (February 26, 2009). *Victory for Cardiff Student Occupiers!* Retrieved from: <http://occupiedcardiff.blogspot.com/2009/02/victory-for-cardiff-student-occupiers.html>

Carleton University's Investment in Northrop Grumman: Human Rights and International Humanitarian Law Violations in the Occupied Palestinian Territories

1. The Company

Northrop Grumman is one of the largest weapons manufacturers in the world. The net sales of this US-based corporation were \$33.9 billion in the 2008 fiscal year. The company has five business sectors: aerospace, electronics, information systems, shipbuilding and technical service.

2. How Carleton is invested

The Carleton University Pension Fund has approximately \$422,674.16 invested in Northrop Grumman. This represents 0.05% of the Pension Fund's total value. During 2007-2008, this investment lost \$50,572.06 for the Pension Fund.

3. Northrop Grumman's Violations of Human Rights and International Law

Northrop Grumman provides technology used by the Israeli military against Palestinian civilians, including technology that was used in Israel's December 2008/January 2009 "Operation Cast Lead" in the Gaza Strip. The United Nations Fact Finding Mission on the Gaza Conflict determined that more than 1,400 Palestinians were killed during Operation Cast Lead, more than 1,000 of whom were civilian non-combatants and about 340 of whom were children, and that there was wide scale destruction of schools, hospitals, houses, wells and other public buildings in the Gaza Strip. The report concluded that "Israel committed actions amounting to war crimes, and possibly crimes against humanity."⁷⁷

Northrop Grumman produces all the fuselages, wings, tail, engine cowlings, canopies and avionics containers, as well as the optional Longbow mast-mounted 360° radar for the Apache AH64D Longbow Helicopter.⁷⁸ Amnesty International has described the Apache AH64 Helicopters as a piece of "key equipment used by the IDF [Israeli military] in the Gaza bombing campaign."⁷⁹

Northrop Grumman also produces the Longbow Hellfire 2 missiles, in a joint venture with Lockheed Martin.⁸⁰ The wide use of Hellfire 2 missiles by the Israeli military against Palestinian civilians during Operation Cast Lead has been clearly documented.⁸¹

⁷⁷ UN Human Rights Council. (September 29, 2009). *United Nations Fact Finding Mission on the Gaza Conflict*. Retrieved from:

<http://www2.ohchr.org/english/bodies/hrcouncil/specialsession/9/FactFindingMission.htm>

⁷⁸ IHS Jane's. (October 13, 2000). *Boeing AH-64 Apache*. Retrieved from:

http://www.janes.com/defence/air_forces/news/jawa/jawa001013_1_n.shtml

⁷⁹ Luban, Daniel. (February 23, 2009). "Politics: Rights Group Calls for Israel/Hamas Arms Embargo." *Inter Press Service News Agency*. Retrieved from: <http://ipsnews.net/news.asp?idnews=45860>

⁸⁰ IHS Jane's. (October 13, 2000). *AGM - 114 Hellfire*. Retrieved from:

http://www.janes.com/defence/air_forces/news/jalw/jalw001013_1_n.shtml

Northrop Grumman is also the sole provider of radars for the F-16 combat aircraft.⁸² The Israeli Air Forces (IAF) has the largest fleet of F-16's outside of the US.⁸³ According to Amnesty International, Israel's F16 combat aircraft played a central role in the killing of Palestinian civilians and the wholesale destruction of Palestinian civilian and economic infrastructure.⁸⁴

4. Other Divestment Actions

On 5 January 2005, the University of Wisconsin at Platteville's Faculty University Senate voted to recommend that the University of Wisconsin "divest from companies that provide the Israeli army with weapons and other supplies," including Northrop Grumman.⁸⁵

On December 31 2005, the Norwegian Ministry of Finance included Northrop Grumman in a list of companies that were excluded from the Government Pension Fund due to violations of its ethical guidelines.⁸⁶

In its June 2007 Report and Recommendations to the United Methodist Church's New England Conference, the United Methodist Church's Divestment Task Force recommended that the Church divest from Northrop Grumman because it was deemed to "support in a significant way the Israeli occupation of Palestinian territories."⁸⁷

⁸¹ Amnesty International. (2009) *Fuelling Conflict: Foreign Arms Supplies to Israel/Gaza*. Retrieved from: <http://www.amnesty.org/en/library/asset/MDE15/012/2009/en/5be86fc2-994e-4ceb-a6e8-3ddf68c28b31/mde150122009en.html>

⁸² Northrop Grumman. (July 23, 2009). *Northrop Grumman Performs Successful SABR Fit-Check Aboard F-16 Fighter At Edwards Air Force Base*. Retrieved from: http://www.irconnect.com/noc/press/pages/news_releases.html?d=169638

⁸³ Airforce-Technology.Com. (2009) *F-16 Fighting Falcon Multi-Role Fighter Aircraft, USA*. Retrieved from: <http://www.airforce-technology.com/projects/f16/>

⁸⁴ Amnesty International. (July 2009). *Israel/Gaza: Operation 'Cast Lead': 22 Days of Death and Destruction*. Retrieved from: <http://www.amnesty.org/en/library/asset/MDE15/015/2009/en/8f299083-9a74-4853-860f-0563725e633a/mde150152009en.pdf>

⁸⁵ The Michigan Daily. (February 4, 2005). *Faculty senate in Wisc. passes divestment bill*. Retrieved from: <http://www.michigandaily.com/content/faculty-senate-wisc-passes-divestment-bill>

⁸⁶ Norges Bank. (2007) *NBIM Annual Report 2007*. Retrieved from: <http://www.norges-bank.no/upload/nbim/reports/2007%20part4.pdf>

⁸⁷ New England Conference of the United Methodist Church Divestment Taskforce. (June 5, 2007) *Report and Recommendations*. Retrieved from: http://neconference.brickriver.com/files/oFiles_Library_XZXLCZ/NEUMC_Divestment_Report_FINAL_060407-img_PM2YX4SR.pdf

Carleton University's Investment in L-3 Communications: Human Rights and International Humanitarian Law Violations in the Occupied Palestinian Territories

1. The Company

L-3 Communications Holdings Inc is a \$15+ billion aerospace and defense industry,⁸⁸ a prime contractor in command, control and communications, intelligence, surveillance and reconnaissance, government services, aircraft modernization and maintenance, as well as a major provider of homeland defence products and services.⁸⁹ Headquartered in New York, it has 65,000 employees worldwide,⁹⁰ including in Canada. L-3 Ottawa Operations acts as a corporate focal point in Canada.⁹¹

2. How Carleton is Invested

The Carleton University Pension Fund has approximately \$413, 829 invested in L-3 Communications. This represents 0.05% of the Pension Fund's total value. During 2007-2008, this investment lost \$2,675.54 for the Pension Fund.

3. L-3 Communications' Violations of Human Rights and International Law

L-3 Communications assists the Israeli military by providing specialized equipment and services, particularly for the Wall and the myriad of checkpoints throughout the OPT. The firm supplies SafeView magnometric scanners for Gaza's Erez checkpoint through Hashmira, an Israeli security company, and personal luggage scanners for occupied West Bank checkpoints through Eltal Technologicals, an Israeli company specializing in military, security and surveillance training and services.⁹²

L-3 Communications is one of many large multinational firms aiding in the construction and maintenance of a system of military checkpoints which have been condemned by human rights organizations as a brutal repressive system, violating basic human rights. The checkpoints constitute a tool of collective punishment, political repression and land annexation.⁹³ Collective punishment is a crime under international law.⁹⁴

⁸⁸ L-3 (2009) *L3 Investor Information September 2009*. Retrieved from: <http://www.l-3com.com/supportfiles/September%20Investor%20Information.pdf> found at <http://www.l-3com.com/>

⁸⁹ L-3 Communications (2009). Retrieved from <http://www.l-3com.com/>

⁹⁰ BusinessWeek (2009, November 19) *L-3 Communications Holdings Inc*. Retrieved from: <http://investing.businessweek.com/research/stocks/snapshot/snapshot.asp?ric=LLL>

⁹¹ Canadian Association of Defence and Security Industries (2009) *L-3 Communications*. Retrieved from: <https://www.defenceandsecurity.ca/index.php?action=mbrProfiles.viewProfile&profileID=185>

⁹² Coalition of Women for Peace (2008) *L-3 Communications*. Retrieved from: <http://www.whoprofits.org/Company%20Info.php?id=629>

⁹³ Gisha: Legal Centre for Freedom of Movement (December 2008). *Gaza Closure Defined: Collective Punishment*. Retrieved from: [http://www.gisha.org/UserFiles/File/publications_english/Publications%20and%20Reports_English/Gaza%20Closure%20Defined%20Eng\(1\).pdf](http://www.gisha.org/UserFiles/File/publications_english/Publications%20and%20Reports_English/Gaza%20Closure%20Defined%20Eng(1).pdf)

4. Other Divestment Actions

On August 31, 2005, the Norwegian Ministry of Finance barred the State Pension Fund from investing in L-3 Communications due to its production of offensive munitions involved in human rights violations.⁹⁵

The Norwegian Government Pension Fund divested in 2009 from Israeli military giant Elbit, supplier of surveillance equipment for the Wall in the occupied West Bank. The recommendation of the Norwegian Council on Ethics on which the decision was based, attached importance to a number of factors including an advisory opinion from the International Court of Justice in the Hague in 2004. This opinion states clearly that the construction of the Wall and its associated control regime along the chosen route must be regarded as being in contravention of international law.

The Wall unacceptably restricts the freedom of movement of the people living in the OPT. The International Court of Justice has pointed out the obligation of all State parties to the Fourth Geneva Convention to prevent breaches of the Convention such as the construction of the barrier and Norwegian authorities acted in accordance with this. The Norwegian Minister of Finance stressed that the decision to exclude the company was not linked to its nationality.⁹⁶

⁹⁴ International Committee of the Red Cross (2005). *International Humanitarian Law - Convention (IV) relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)*. Geneva, 12 August 1949, Article 33

Retrieved from:

<http://www.icrc.org/ihl.nsf/385ec082b509e76c41256739003e636d/6756482d86146898c125641e004aa3c5>

⁹⁵ Norges Bank (2007) NBIM *Annual Report 2007*. Retrieved from:

<http://www.norges-bank.no/upload/nbim/reports/2007%20part4.pdf>

⁹⁶ Global BDS Movement (2007). *Norwegian Pension Fund Divests from Israeli Military Giant Elbit*. Retrieved from:

<http://bdsmovement.net/?q=node/533>

Carleton University's Investment in Tesco Supermarkets: Human Rights and International Humanitarian Law Violations in the Occupied Palestinian Territories

1. The Company

Tesco is a UK-based international grocery and general merchandising retail chain. It is the largest British retailer by both global sales and domestic market share, with profits exceeding £3 billion in the last financial year. It is currently the third largest global retailer based on revenue, behind Wal-Mart and France's Carrefour, and second largest based on profit.⁹⁷

2. How Carleton is invested

The Carleton University Pension Fund has approximately \$633,893.15 invested in Tesco. This represents 0.08% of the Pension Fund's total value. During 2007-2008, this investment lost \$43,114.86 for the Pension Fund.

3. Tesco's complicity in Israeli Human Rights Violations

Tesco supermarkets shelve and sell Israeli products that originate in settlements illegally built in the occupied West Bank. The suppliers of these products, whether through exploitation of Palestinian workers, theft of Palestinian land, or exploitation and theft of resources, are implicated in Israel's violations of international law. Tesco, through choosing to work with these companies despite knowing their complicity in violations of international law, is itself directly implicated in Israel's alleged violations of international law.

Tesco has faced strong criticism on two main fronts: for selling produce originating from illegal Israeli settlements, and for labeling products coming from illegal settlements as "West Bank." Critics say that the labels lead customers to believe they are buying legitimate Palestinian produce.⁹⁸ Recently, the British government made a decision to urge supermarkets to accurately label settlement products.⁹⁹ The following is an overview of Tesco's most offensive actions, and the ways in which the implicated company contributes to grave breaches of international law, and gross systematic violations of human rights.

3.1 Carmel-Agrexco: "Settlement Slavery"¹⁰⁰

Carmel-Agrexco is Israel's largest exporter of agricultural produce.¹⁰¹ In a November 2004 court case, the General Manager of Agrexco UK at that time, Amos Orr, testified that

⁹⁷ Graeme Wearden. (April 21, 2009) *Tesco unveils record profits of £.3bn*. Retrieved from: <http://www.guardian.co.uk/business/2009/apr/21/tesco-record-profits-supermarket>

⁹⁸ This is South Wales. (January 8, 2009) *Pensioner steals packets of dates from Tesco to protest against Israeli action in Gaza*. Retrieved from: <http://www.thisissouthwales.co.uk/news/Pensioner-picks-date-protest/article-594221-detail/article.html>

⁹⁹ Food Standards Agency. (September 4, 2009) *Country of origin labeling guidelines*. Retrieved from: <http://www.food.gov.uk/foodindustry/guidancenotes/labelregsguidance/originlabelling>

¹⁰⁰ Brighton-Tubas Friendship and Solidarity Group. (October 28, 2007) *Settlement Slavery*. Retrieved from: <http://brightonpalestine.org/node/109>

Agrexco markets 60-70% of the agricultural produce grown in Israeli settlements built in the OPT. British supermarkets account for 60% of Carmel-Agrexco's total exports, and the company supplies Tesco supermarkets.¹⁰²

Carmel-Agrexco's picking and packing factories are located in the Jordan Valley, in the Occupied Palestinian Territory.¹⁰³ Approximately 200 Palestinian women, men and children (as young as 9 years old) work in the nearby Agrexco factory in the illegal Israeli settlement of Tomer. Workers in the factory are paid 10 Shekels (less than \$3CAD) per hour, are not allowed breaks during 8 hour shifts, cannot unionize, and are forced to work without contracts.¹⁰⁴ Palestinian workers require 3 hours of traveling time to reach their jobs in nearby Tomer because they are required to cross the Hamra checkpoint—the largest checkpoint in the occupied West Bank. They are often strip-searched and humiliated daily.¹⁰⁵

3.2 Broader Concerns with Settlement Products

The problem with buying settlement products extends beyond the deplorable working conditions faced by Palestinians. The problem lies in the deeper issue of the illegality of the settlements and the resulting monumental challenges faced by Palestinians trying to develop their own agricultural economy. In the immediate vicinity of Carmel-Agrexco's factories are Jordan Valley Palestinians who are denied their right to farm and develop their own lands. According to an October 2009 Amnesty International Report:

Palestinian residents of the Jordan Valley have traditionally been farmers and herders, living off their crops and the dairy products from their sheep and goats. Today, however, they face an increasing challenge to survive due to the restrictions that the Israeli army has imposed on their movement, the demolition of their homes and water cisterns, the confiscation of their property and other measures to deny them access to water and pressure them to leave.¹⁰⁶

In broad terms, the ongoing Israeli occupation of the West Bank has resulted in the decimation of Palestinian agricultural life (and thus the Palestinian economy) while illegal Israeli settlements are allowed to flourish and export their products. The following is an incomplete list of injustices faced by Palestinians in the occupied West Bank, perpetrated systematically by Israel. The purpose of this list is to illustrate why it is morally and legally unjust to support Israeli settlement products.

¹⁰¹ Carmel-Agrexco. (2009). *Vision*. Retrieved from: <http://www.agrexco.co.il/en/home.asp>

¹⁰² Corporate Watch. (January 29, 2009). *Direct Action Against Israel*. Retrieved from: <http://www.corporatewatch.org/?lid=3192>; Boycott Israeli Good Campaign. (2009). *Meeting with Tesco*. Retrieved from: <http://www.bigcampaign.org/index.php?page=meeting-with-tesco>

¹⁰³ B'tselem. (2009). *Land Expropriation and Settlements*. Retrieved from: http://www.btselem.org/english/Settlements/International_Law.asp

¹⁰⁴ Visionontv. (May 23, 2009). *Boycott Carmel Agrexco!* Retrieved from: <http://sclipo.com/videos/view/boycott-carmel-agrexco>

¹⁰⁵ *Ibid.*

¹⁰⁶ Amnesty International. (2009) *Troubled Waters—Palestinians denied fair access to water*. Retrieved from: <http://www.amnesty.org/en/library/asset/MDE15/027/2009/en/e9892ce4-7fba-469b-96b9-c1e1084c620c/mde150272009en.pdf>

- Between 180,000-200,000 Palestinians in rural communities in the occupied West Bank have no access to running water.¹⁰⁷
- Israel uses 83% of the water from the Mountain Aquifer, the main source of underground water in Israel and the OPT, while restricting Palestinian access to a mere 17%. The Mountain Aquifer is the only source of water for Palestinians in the occupied West Bank, but only one of several for Israel, which also takes for itself all the water available from the Jordan River. While Palestinian daily water consumption barely reaches 70 liters a day per person, Israeli daily consumption is more than 300 liters per day, four times as much.¹⁰⁸
- Since 1967, the Israeli military and civilians living in illegal settlements have destroyed more than one million olive trees. In 2007 alone, over 2,480 trees were uprooted.¹⁰⁹
- Israel is building a Wall through the occupied West Bank, which has been deemed illegal by the International Court of Justice. The Wall has 66 gates (as of July 2008) for crossing between severed parts of the occupied West Bank. Of these 66 gates, 27 are closed, leaving only 39 to serve Palestinians. Agricultural gates, which are opened two or three times a day for farmers with crops that require daily care (vegetables and greenhouses, for example), are on the other side of the Wall. To cross, farmers need to obtain a permit from the Civil Administration, which is only valid for a specific gate.¹¹⁰
- In the first phase alone of the construction of the Wall (2003), some 14,680 dunums of land were razed, including the uprooting of 102,320 trees. Of the 51 communities on the Wall's path, 25 reported that residents have no access to their land. As well, approximately 20,000 individuals were located east of the Wall while their agricultural lands were to the west, losing their livelihoods, sustenance, and heritage. Some 10,000 grazing animals lost access to their grazing lands.¹¹¹

Thus, the import and selling of settlement products sustains an economy based on the exploitation, destruction and displacement of the Palestinian West Bank population, and implicates Tesco is in grave breaches of international law. By investing in such a company, Carleton University is itself implicated in grave crimes against the Palestinian people.

4. Other Divestment Actions

On September 17, 2009, the British Trade Union movement (representing 6.5 million UK workers) voted to support Palestinian civil society's call for boycotts, divestments, and sanctions against Israel. The primary target in the UK has been the boycott of fresh produce grown in Israel's illegal West Bank settlements, particularly those sold in British

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ Stop the Wall Campaign. (n.d.) *2007: Apartheid Wall and Colonial Settlements*. Retrieved from: <http://www.stopthewall.org/downloads/pdf/FS07.pdf>

¹¹⁰ B'tselem. (2008). *The Separation Barrier*. Retrieved from: http://www.btselem.org/english/Separation_Barrier/Statistics.asp

¹¹¹ PENGON. (n.d) *Anti-Apartheid Wall Campaign Fact Sheet. The Wall's "First Phase"*. Retrieved from: <http://www.stopthewall.org/downloads/pdf/FS-Firstphase-mr.pdf>

supermarkets such as Tesco.¹¹² Boycott Israeli Goods campaigners have also consistently attended Tesco AGMs to raise the issue of settlement produce and propose a boycott of Israeli goods. During Israel's "Occupation Cast Lead," Tesco was targeted across Britain by campaigners calling for a boycott of Israeli goods.¹¹³

¹¹² War on Want. (September 17, 2009) *Historic TUC vote on Israel Boycott*. Retrieved on:
<http://www.waronwant.org/news/latest-news/16665-historic-tuc-vote-on-israel-boycott>

¹¹³ Boycott Israeli Goods. (2008) *Who Sells Israeli Goods*. Retrieved on:
http://www.bigcampaign.org/index.php?page=who_sells_israeli_goods

Socially Responsible Investment Policy for Carleton's Pension Fund

Carleton needs a Socially Responsible Investment Policy for its Pension Fund

While the primary focus of this report is to call on the Board of Governors to divest from five of the companies that are particularly complicit in possible breaches of international law, another important recommendation is that Carleton adopt a broader policy of Socially Responsible Investment (SRI) for its Pension Fund and other investments.

Carleton's Pension Fund currently has no other mandate than maximizing income. The Fund's portfolio includes many companies specializing in weapons production, oil and gas companies, casinos, and other dubious investments, such as those discussed above, which exploit Palestinian workers, brutally enforce the military occupation of Palestinian land, and are suspects in the commission of possible war crimes in Gaza. This leaves the university open to public censure for colluding in ethical and human rights violations.

To adopt an SRI policy would put Carleton and its employees on the moral high ground, making it attractive for investors, students, and faculty. It can do this by modeling coherence between its ostensible ethical values, and its actions.

What is Socially Responsible Investment (SRI)?

SRI policies seek to achieve both financial return and social good. SRI encourages investment in companies that protect the environment, respect human rights and rights of oppressed groups, and have ethical labour and consumer practices.

They discourage investment in businesses involved in weapons, war, human rights abuses, oppressive regimes, environmental damage, unethical business and labour practices, animal exploitation, pornography, tobacco, gambling, and alcohol.

SRI is a powerful way for the university to promote a better world, by investing its collective funds in sectors that promote social and environmental justice. SRI dates back to 1758, when the Society of Friends (Quakers) prohibited members from investing in the slave trade. John Wesley, one of the founders of Methodism, advocated ethical investment policies. Since the 1960's the SRI movement has blossomed to address a wide variety of issues such as women's rights, civil rights, napalm, auto emissions, South African apartheid, concerns of indigenous peoples, healthy working conditions, fair wages, product safety, and equal opportunity employment.

SRIs are good investments

SRI markets are rapidly expanding. The SRI market in the US is expected to reach \$3 trillion by 2011. European SRI Assets have reached €2.7 trillion as of December 31, 2007 and represent as much as 17.5% of the asset management industry in Europe. This corresponds to a remarkable growth of 102% since December 31, 2005. "Even in a downturn of the

financial markets, Eurosif expects to see growth in European SRI above and beyond the general market in the coming years.”¹¹⁴

Other University and educational pension funds have adopted SRI policies

Yale University adopted an ethical investment policy as early as 1972.¹¹⁵ On March 6, 2009, Queens University adopted a “Statement on Responsible Investing” which sets policy on non-financial factors in its pension fund decisions.¹¹⁶ McGill has adopted an SRI policy,¹¹⁷ and UBC staff and faculty pension funds have adopted an “Investment Philosophy on SRI.”¹¹⁸ On February 7, 2009, Hampshire College in Western Massachusetts divested from the State Street mutual fund.¹¹⁹ The BC Teachers Federation Pension fund has also implemented an ethical investment strategy.¹²⁰

Carleton University already has adopted ethical policies in other areas

For example, Carleton’s policy on apparel supplies and trademark licensees governs in detail the ethics of purchasing clothing and other items that bear the Carleton label.¹²¹ These policies parallel those of SRIs. Its Environmental Health and Safety Policy commits Carleton University “to the protection of the health, safety, and well-being of all members of the University community.”¹²²

Presumably, Carleton’s pension policies should also support the health, safety, and well-being of all people. Its Ethical Conduct of Research policy¹²³ similarly includes principles congruent with SRIs, such as respect for human dignity, justice, inclusiveness, protecting vulnerable populations from abuse, exploitation, and discrimination, minimizing harm, and maximizing benefits to subjects.

Carleton restricts the application of pesticides and herbicides on campus “to uphold the University’s commitment to maintain and improve the quality of its environment, along with

¹¹⁴ European Sustainable Investment Forum. (February 2009). *Eurosif and its role*. Retrieved from: <http://www.sustainabilityreporting.eu/general/downloads/eurosif08.pdf>

¹¹⁵ Marion de Marcillac, Eurosif (April 7, 2009). *Sustainable and responsible investments in Europe*. Forum CRS International. Retrieved from: http://www.nachhaltigwirtschaften.net/scripts/basics/forumcsrE/basics.prg?a_no=342

¹¹⁶ Queen’s University (March 6, 2009) *Queen’s University Statement on Responsible Investing*. Retrieved from: <http://www.queensu.ca/secretariat/trustees/policy/Investing.pdf>

¹¹⁷ *Ibid.*

¹¹⁸ Carleton University (2009). *Canadian University Pension and Endowments*. Retrieved from: http://www.carleton.ca/3ci/3ci_files/Documents/Canadian%20University%20Pension%20and%20Endowments1.pdf

¹¹⁹ Students for Justice in Palestine. (2008) *Divestment!* Retrieved from: <http://www.hsip.org/divestment/>

¹²⁰ BC Teachers’ Federation (March 2006). *Teachers’ Pension Plan: Environmental, Social and Governance: Factors for Investing*. Retrieved from: <http://bctf.ca/publications/NewsmagArticle.aspx?id=7390>

¹²¹ Carleton University (October 2008). *Code of Conduct for Apparel Supplies and Trademark Licensees*. Retrieved from: <http://www2.carleton.ca/secretariat/policies/code-of-conduct-for-apparel-supplies-trademark-licensees/>

¹²² Carleton University (October 2008). *Environmental Health and Safety Policy*. Retrieved from: <http://www2.carleton.ca/secretariat/policies/environmental-health-and-safety-policy/>

¹²³ *Ibid.*

the well-being of its students, faculty and staff.”¹²⁴ Again, presumably its Pension Fund should also encourage protection of the environment and people.

Recommendation: That the Board of Governors work with the entire university community to develop, adopt, and implement a socially responsible investment policy for Carleton’s pension fund and other investments, through a transparent and effective process.

¹²⁴ *Ibid.*

Divestment Case Study: Carleton and South Africa

Context

The mid-1980s saw a wave of activism on university campuses across Canada – and much of the world – in favour of divestment from South African apartheid. Student groups formed to pressure their respective schools to sever all institutional links with South Africa – whether via pension funds, endowment funds, goods and services contracts, or other institutional links. Student groups calling for such action were generally formed in or around 1985 and, by the late 1980s and early 1990s, they largely succeeded in their aims.

Student Activism in Carleton

In the fall of 1985, students created the Carleton Anti-Apartheid Action Group (CAAAG) as part of the Ontario Public Interest Group (OPIRG) to push for the boycott of and divestment from South African products, services and investments by CUSA and Carleton University. One of the group's first successes was convincing CUSA to drop a number of South African products from sale at the Unistore, namely certain fruits, Carling-Okeefe beer and, eventually, Rothmans brand cigarettes. They also rapidly increased lobbying of the Carleton administration for divestment – so quickly, in fact, that *The Charlatan* observed in February 1986 that: “[a]nti-apartheid activism at Carleton surfaced only five months ago but since that time the university... has found itself unexpectedly one of the leading Ontario universities of anti-apartheid activity.”¹²⁵ Later that year, CAAAG succeeded in having CUSA call on university administrators to divest from companies with direct or indirect links to South Africa. By the fall of 1986, with little response from university administrators to this request, which was substantiated by CAAAG with a hefty information dossier, the group organized a student petition with 3,000 student signatures calling for divestment. Despite these and many other efforts, Carleton’s President and the Board of Governors (BoG) mostly ignored the matter.

The issue came to a head at a BoG meeting on January 26, 1987 when governors decided to defer considering the divestment question to a later date. In reaction to this, a large crowd of students – at least 300, according to *The Charlatan* – gathered outside the BoG meeting at Robertson Hall room and a loud protest ensued, cutting short the Board’s activities. When some governors tried to leave the room, chanting students blocked them in the elevators and prevented the doors from closing.¹²⁶ Eventually, police arrived and dragged out the student protesters who purposefully became limp.

The University Divests

The anti-apartheid campus activism of 1985-7, which climaxed in January 1987, appears to have had a profound influence in changing the mind of Carleton President W. E. Beckel. Following the protests, Beckel made a formal submission to the Executive Committee of the BoG in which he acknowledged that student activists were right, that Carleton should sever links with South Africa as much as possible, and that this should be done as soon as was

¹²⁵ Lynn Marchildon. (February 20, 1986). “Canadian universities lead divestment campaign.” *The Charlatan*.

¹²⁶ George Alexander. (January 29, 1987). “Hundreds protest South African links.” *The Charlatan*. p. 3.

practicable. Regarding the students, he noted that “their arguments have merit” and implored: “Let's get out of South Africa as much as we can and stay out on moral and financial grounds.” Additionally, the president stated “I believe that some advice on matters of social responsibility or moral considerations for investment should be sought by the Board of Governors,” and went on to call for the creation of a new BoG committee to advise on such ethical issues.¹²⁷

Combined with ongoing student pressure, this push by the president for the BoG to take a principled stand against apartheid succeeded within weeks. At a March 4, 1987 meeting, the Board agreed to a list of companies with South African links that Carleton would not invest in. Later that month, President Beckel instituted a new contracting policy stipulating that Carleton would not buy goods and services of South African origin.¹²⁸ In a memo outlining the new policy, Beckel explained that he would work “in the interest of giving the signal approved by the Board of Governors that Carleton University abhors apartheid and will do all it can to show its position on apartheid within its business practices.”¹²⁹

Delaying the Inevitable

Carleton was fortunate to have had a president who, initially resistant to the idea of divestment, eventually came to see the wisdom of joining a powerful global movement in support of human rights in South Africa. Not all Canadian university presidents were so enlightened. In the case of the University of Toronto, for example, President George Connell resisted taking action on apartheid for some three years, despite mounting calls from students, staff, faculty and alumni. For some time, he was able to command support of the Governing Council, but eventually, in January 1988, the Council overruled him and ordered the school to proceed with full divestment. Despite this, the administration under Connell delayed full implementation of the Council's decision for another two years.¹³⁰

Apartheid Collapses

Less than three years after Carleton took a firm stand against apartheid, the South African regime began to unravel – first with the release of Nelson Mandela in 1990, and then with the country's first multi-racial elections in 1994. In implementing divestment against South Africa, Carleton joined a global movement that helped force an end to a racist and abusive regime – unfortunately, not the last one in the world – that no one today would dare contemplate defending.

¹²⁷ Beckel, W. E. (n.d.) *Submission by the President to the Board of Governor's Re: Investment Policy*. Box: 213, Fonds: Office of the President, File: S. Africa Divestment.

¹²⁸ Carleton University Memorandum from W. E. Beckel, President, to C. G. Watt, Vice President Administration. (March 23, 1987). *Policy on Carleton University's Business Dealings with South African Companies*. Box: Pfund 06, Fonds: Pension Funds, File: S. Africa Correspondence.

¹²⁹ *Ibid.*

¹³⁰ Linda Freeman. (1997). *The Ambiguous Champion: Canada and South Africa in the Trudeau and Mulroney Years*. Toronto: University of Toronto Press, 145-7.

Conclusions and Recommendations

Based on the findings of this report, it is recommended that:

- 1) **The Carleton University Board of Governors, via the Pension Fund Committee, immediately divest of its stock in BAE Systems, L-3 Communications, Motorola, Northrop Grumman, and Tesco.**
- 2) **Carleton University refrain from investing in other companies involved in violations of international law, based on the following guidelines put forth by Students for Justice in Palestine for the historic divestment by Hampshire College.¹³¹**

Carleton University should refrain from investing in companies that:

- i. Provide products or services that contribute to the maintenance of the Israeli military occupation of Gaza and the West Bank, including East Jerusalem, as well as the Syrian Golan Heights;
 - ii. Provide products or services that contribute to the maintenance and expansion of Israeli settlements in the occupied Palestinian territories;
 - iii. Establish facilities or operations in Israeli settlements in the occupied Palestinian territories;
 - iv. Provide products or services that contribute to the maintenance and construction of the Wall;
 - v. Provide products or services that contribute to violent acts that target either Israeli or Palestinian civilians.
- 3) **Carleton work with the entire university community to develop, adopt, and implement a broader policy of Socially Responsible Investment (SRI) for its Pension Fund and other investments, through a transparent and effective process.**

¹³¹ Students for Justice in Palestine. (2008). *Divestment!* Retrieved from <http://www.hsip.org/divestment/>