

ACSRI Proposal Submission Overview

Date of Submission to the ACSRI: December 1st 2023

Subject of Review: Divestment from Israeli Apartheid, Occupation, and Genocide

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Requesting on behalf of an organization? [circle one] Yes No

If yes, which organization? Columbia University Apartheid Divest, on behalf of 89 student organizations

Provide a summary of the issue, the action requested, and the rationale:

<p>Columbia University Apartheid Divest calls upon Columbia University to withdraw financial support from Israel. For over 75 years, with no recourse or redress, the State of Israel’s occupation of Palestine has unleashed immeasurable violence on the Palestinian people. United Nations officials, human rights experts, social justice activists, and members of civil society have documented and criticized Israel’s dispossession of Palestinian land, crimes against humanity, war crimes, apartheid, and genocide of Palestinians. Universities, including Columbia, have profited from such violence through their investments in the State of Israel. Columbia’s current investment portfolio enables and lends legitimacy to Israel’s violations of international law. Columbia is both morally obligated and compelled by the overwhelming consensus of the University community to divest from companies that publicly or privately fund or invest in the perpetuation of Israeli apartheid and war crimes.</p>

Please attach in PDF format the following additional required information and supporting evidence **(20 pages max)**:

- 1) State which criteria the proposal is using to make the case (1 paragraph)
- 2) Provide all the critical data with footnotes for any arguments in your proposal
- 3) Provide research on the possible opposite argument against your conclusions
- 4) Conclusion - provide bullet points for the final recommendations to the ACSRI citing the criteria for each one

Email the proposal to the ACSRI Chair and Staff Administrator as posted on the [website](#)

List of organizations comprising Columbia University Apartheid Divest (CUAD)

1. AAPI Interboard
2. African Students Association
3. African Studies Working Group
4. Alianza
5. Asian American Alliance
6. AZINE Asian / American Arts & Zine Collective
7. Barnard Columbia Urban Review
8. BCAC: Barnard Columbia Abolitionist Collective
9. Black Law Students Association at Columbia Law (BLSA)
10. Black Student Organization
11. BOSS: Barnard Organization of Soul and Solidarity
12. Caribbean Students Association
13. CLS Human Rights Association (HRA)
14. Club Bangla
15. Columbia Asian Pacific American Medical Student Association (APAMSA)
16. Columbia Care Access Project (CCAP)
17. Columbia Chicanx Caucus
18. Columbia Humanitarian Organization for Migration and Emergencies (HOME)
19. Columbia Law and Political Economy (LPE)
20. Columbia Law Parole Advocacy Project (PAP)
21. Columbia Law Restorative Justice Collective
22. Columbia Law School Empowering Women of Color (EWOC)
23. Columbia Law Students for Palestine
24. Columbia Middle Eastern Law Association
25. Columbia National Lawyers Guild
26. Columbia Policy Institute
27. Columbia Queer and Asian
28. Columbia Social Workers for Palestine
29. Columbia South Asian Feminisms Alliance (SAFA)
30. Columbia University Asian Pacific American Heritage Month (CU APAHM)
31. Columbia University Black Pre-Professional Society
32. Columbia University Students for Human Rights (CUSHR)
33. Columbia VSA (Vietnamese Students Association)
34. Columbia's New York Small Claims Advisory Service (NY SCAS)
35. CQA: Columbia Queer Alliance
36. CSER SAB: Center for the Study of Ethnicity and Race Student Advisory Board
37. CSSW Queer Caucus
38. CU Afghan Student Alliance

39. CU Amnesty International
40. CURA Collective
41. Dar: the Palestine Student Union
42. Global Learning Exchange
43. Graduate Muslim Student Association
44. GSAS Queer Graduate Collective
45. HEP: Housing Equity Project
46. Hifi Snock Uptown
47. Journal for Criminal Justice
48. JVP: Jewish Voice for Peace
49. Latinx Law Students Association (LaLSA)
50. Law School Coalition for a Free Palestine
51. Mariachi Leones de Columbia
52. Masaha
53. Mixed Heritage Society
54. Mujeres
55. Muslim Law Students Association (MLSA)
56. Muslim Students Association
57. Native American Council
58. Native American Law Students Association (NALSA)
59. Pakistani Students Association
60. Payments for Placements Caucus at Columbia School of Social Work
61. Poetry Slam
62. Proud Colors
63. Raw Elementz
64. Reproductive Justice Collective
65. RightsViews (Human Rights Graduate Journal)
66. Sabor
67. School of Social Work Abolition Caucus
68. Sexual and Reproductive Health Action Group at Mailman School of Public Health (SHAG)
69. SIPA Palestine Working Group
70. SJP: Students for Justice in Palestine
71. South Asian Law Students Association (SALSA)
72. SSA Somali Student Association
73. Student Organization of Latines (SOL)
74. Student Worker Solidarity
75. Student Workers of Columbia
76. Students for Free Tibet
77. Students for Sanctuary

78. Sunrise Columbia
79. Take Back The Night
80. The Columbia Review
81. Turath: CU Arab students Association
82. Union Theological Seminary (UTS) Students for a Free Palestine
83. VP&S Black and Latinx Student Organization
84. VP&S Equity and Justice Fellowship
85. VP&S Global Health Organization
86. VP&S Muslim Students Association
87. WBAR Radio
88. White Coats 4 Black Lives
89. YDSA: Young Democratic Socialists of America

December 1, 2023

A Proposal to the Columbia Advisory Committee on Socially Responsible Investing By Columbia University Apartheid Divest

CUAD calls upon Columbia University to withdraw financial support from Israel. Since October 7, 2023, more than 14,000 people have been killed in Gaza as an act of collective punishment. Of this number, more than 6,000 were children.¹ The United Nations has lost over 100 of its aid workers.² It is in Columbia's financial, academic, and social interests to condemn and withdraw all interests in this campaign.

CUAD's request meets all three divestment criteria:

1. There is broad consensus within the University community in support of divesting from companies that fund or invest in Israel, as evidenced by the 2018 and 2020 student referenda and recent campus support for Palestine.
2. The merits of the dispute, especially in light of the atrocious war crimes and human rights violations inflicted against Palestinians since October 7, 2023, clearly lie on the side of divesting from companies profiting from Israeli apartheid.
3. Given the urgency of the war and the significance of the ongoing atrocities, divestment is more viable, timely, and ethical than ongoing communication and engagement with company management.

This proposal will (1) supply critical data for the arguments under each criterion; (2) discuss research refuting counter arguments; and (3) provide bullet points for the final recommendations to the ACSRI.

II. Criteria #1: Broad Consensus within the University Community

¹ Salam Faye, Abdel. 2023. "Gaza Death Toll since Oct. 7 Climbs to 14,532, Including More than 6,000 Children." [www.aa.com.tr](https://www.aa.com.tr/en/middle-east/gaza-death-toll-since-oct-7-climbs-to-14-532-including-more-than-6-000-children-/3062137). November 22, 2023. <https://www.aa.com.tr/en/middle-east/gaza-death-toll-since-oct-7-climbs-to-14-532-including-more-than-6-000-children-/3062137>

² Mellen, Ruby, et al. (2023, November 13). "Gaza reports more than 11,100 killed. That's one out of every 200 people," *Washington Post*, <https://www.washingtonpost.com/world/interactive/2023/gaza-rising-death-toll-civilians/>

A. *A Long History of Campus Consensus*

In the past two decades, the Columbia University community has continually affirmed its broad support for divestment from companies profiting from Israeli apartheid. Since at least 2018, the majority of the campus community has supported divestment.

- **2002: Columbia faculty supports divestment.** In 2002, Columbia faculty across various departments presented a proposal calling for an end to our investment in all firms that supplied Israel's military with arms and military hardware.³ This proposal was joined by students, alumni, faculty, and staff hoping that our institution would end their complicity in Israel's use of asymmetric and excessive violence against Palestinian civilians but went ignored by former President Bollinger's administration.
- **2018: Barnard Student Government Association (SGA) votes to divest.** 64.3% of 1,153 students voters in a Barnard SGA election supported divesting from eight companies that "profit from or engage in the State of Israel's treatment of Palestinians."^{4, 5} Nearly half of eligible voters participated in the vote, marking the highest turnout for any SGA election.
- **2020: Columbia College student body votes to divest.** In 2020, Columbia College successfully passed yet another referendum calling on Columbia to "divest its stocks, funds, and endowment from companies that profit from or engage in the State of Israel's acts towards Palestinians." 61.03% of the 1,771 students who participated (1,081) voted in favor, 485 voted against, and 205 abstained. Overall, 39.3% of the Columbia College

³ Demos, Telis. (2002, October 30). "Petition Demands Divestiture From Israel." *Columbia Spectator*, <https://www.columbiaspectator.com/2002/10/30/petition-demands-divestiture-israel/>

⁴ Juhasz, A. (2018, April 18). *Barnard SGA referendum on divestment from companies with ties to Israel passes with 64 percent support*. Columbia Daily Spectator.

<https://www.columbiaspectator.com/news/2018/04/18/barnard-sga-referendum-on-divestment-from-israeli-companies-passes-with-64-support/>

⁵ Ladyzhets, B. (2018, April 18). *SGA elections results released, CUAD referendum passes*. Bwog: Columbia Student News. <https://bwog.com/2018/04/sga-elections-results-released-cuad-referendum-passes/>

student body voted on the referendum, exceeding the baseline 30% required for a valid vote.⁶

- **2023: Protests and re-establishment of Columbia University Apartheid Divest (CUAD).** In response to the intensification of Israel’s oppression of Palestine since October 7th, hundreds of members of the campus community have publicly demonstrated support for apartheid divestment at dozens of protests and other actions.⁷ Undergraduate and graduate student groups joined together to reactivate CUAD, and were further pushed to action following the unjust suppression and suspension of two undergraduate student organizing groups, Students for Justice in Palestine (SJP) and Jewish Voice for Peace (JVP). This coalition represents over 3,000 students, from 89 undergraduate and graduate student groups across Columbia and its affiliate schools.

Opponents of divestment and the University administration have suggested that the referenda are insufficient to reveal campus consensus. Following the 2018 Barnard SGA vote, then-President Sian Beilock⁸ claimed: “Although the referendum did pass by a majority, those who voted to support the referendum represent less than 30% of the student body and thus cannot be considered a general consensus.” Similarly, before the 2020 Columbia College referendum demonstrated campus support for divestment, President Lee C. Bollinger cast doubt on the process entirely, asserting that a successful referendum would “contradict a long-held understanding that the University should not change its investment policies on the basis of particular views about a complex policy issue.”⁹

⁶ The Morningside Post. (2020, October 5). *Columbia College Passes Historic Vote on Divestment from Israel*. The Morningside Post. <https://morningsidepost.com/articles/2020/10/5/columbia-college-passes-historic-vote-on-divestment-from-israel>

⁷ The New Arab Staff (2023). “Columbia University pro-Palestine solidarity march draws hundreds,” *New Arab*, <https://www.newarab.com/news/columbia-pro-palestine-solidarity-march-draws-hundreds>

⁸ Bwog Staff. (2018, April 23). *Barnard president Sian Beilock responds to SGA referendum results, will not move forward with referendum*. Bwog: Columbia Student News.

<https://bwog.com/2018/04/barnard-president-sian-beilock-responds-to-sga-referendum-results-will-not-move-forward-with-referendum/>

⁹ Bollinger, L. C. (2020, March 6). *President Bollinger condemns Anti-Semitism in a statement before the Senate plenary*. Office of the President. <https://president.columbia.edu/news/president-bollinger-condemns-anti-semitism-statement-senate-plenary>

The merits of the dispute lie in favor of upholding the integrity of international human rights and thus ceasing support of Israeli apartheid. In this section, we will provide an overview of the crimes committed by the State of Israel against the Palestinian people. We categorize these crimes into three major categories: (1) ethnic cleansing and the construction of illegal settlements; (2) crimes of apartheid; (3) war crimes and genocide.

A. Ethnic Cleansing and Illegal Settlements

In 1948, Zionist militias and the Israeli army forcibly displaced over 750,000 Palestinians; claimed their land for Israel; and denied¹⁷ their right to return, in violation of Article 13 of the Universal Declaration of Human Rights.¹⁸ This violent displacement and ethnic cleansing is known today as the “Nakba” (“catastrophe” in Arabic). The Israeli Government’s ongoing violation of the universal human right of return continues to this day.¹⁹

Since 1948, Israel and Israeli citizens have continued to violate international law by stealing land from Palestine and constructing illegal settlements throughout Palestinian territory. Israel’s settlement policy, enshrined as a national value that the state will encourage and promote in the 2018 Jewish Nation-State Law,²⁰ directly contradicts international law. Article 49 of the 1949 Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention)²¹ prohibits mass forcible transfers of population unless warranted by “security concerns,” and that, under no circumstances should the Occupying Power “deport or transfer parts of its own civilian population into the territory it occupies.” Israel’s occupation of

¹⁷ United Nations, The Question of Palestine: About the Nakba, *UN.Org*, <https://www.un.org/unispal/about-the-nakba/#:~:text=The%20Nakba%2C%20which%20means%20%E2%80%9Ccatastrophe,ethnic%20and%20multi%2Dcultural%20society>.

¹⁸ United Nations, Peace Dignity and Equality on a Healthy Planet: Universal Declaration of Human Rights, *UN.Org*, <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

¹⁹ Al Jazeera, “The Nakba did not start or end in 1948.” <https://www.aljazeera.com/features/2017/5/23/the-nakba-did-not-start-or-end-in-1948>

²⁰ I. Jpost.com Staff, “Read the Full Jewish Nation-State Law,” The Jerusalem Post | JPost.com, accessed December 1, 2023, <https://www.jpost.com/Israel-News/Read-the-full-Jewish-Nation-State-Law-562923>.

²¹ The Geneva Conventions of August 12, 1949, International Committee of the Red Cross, Geneva, pp.153-221.

Palestine more than meets the definition of illegal settlement under the 1949 Geneva Convention (which Israel has ratified).²²

Illegal settlements are prevalent throughout Palestine. In Area C of the West Bank (60% of the territory), settlements have uprooted indigenous Bedouins and Palestinian communities.²³ Communities near the illegal Israeli settlement of Ma'ale Adumim destroyed and/or repurposed homes in order to grow illegal settlements in a string of annexed territories connecting them to the City of Jerusalem.²⁴ The Israeli government has further displayed explicit support of illegal settlements through beneficial policies: for example, the Civil Administration refuses to recognize Palestinian villages in the South Hebron Hills.²⁵ “Over 1,000 people, residents of eight of these villages, currently live under the perpetual threat of expulsion on the grounds of residing in a [government-]designated ‘firing zone’.”²⁶ The Eastern portion of Jerusalem belongs to Palestine via international agreement, yet Israelis have forced evictions of Palestinians for their own resettlement. This phenomenon was most notable in 2021 with the “land disputes” in the Sheikh Jarrah neighborhood and the attempted illegal evictions of Palestinians by an Israeli settler organization.²⁷ The international community has condemned Israel’s flagrant disregard for international law on multiple occasions.²⁸ On November 9th, the Special Political and Decolonization Committee of the United Nations voted overwhelmingly (145-7) to move

²² Dau, Corinna. (2019). “Israeli Settlements and Unlawful Population Transfer into Occupied Territory — with Special Focus on ‘Indirect Transfers’ According to Article 8 (2) (b) (Viii) of the ICC Statute.” *Humanitäres Völkerrecht: Journal of International Law of Peace and Armed Conflict* 2(1-2): 67–88. <https://www.jstor.org/stable/48540660?seq=6>

²³ B’tselem: The Israeli Information Center for Human Rights in the Occupied Territories. About: Area C. Btselem.org, https://www.btselem.org/topic/area_c

²⁴ B’tselem joint report with Bimkom. (2009). “The Hidden Agenda: The Establishment and Expansion Plans of Ma’ale Adummim and their Human Rights Ramifications” B’tselem.org, https://www.btselem.org/publications/summaries/200912_maale_adummim

²⁵ Kadman, N. (2023). (publication). (D. Reich, Trans., Y. Stein, Ed.) *Acting the Landlord: Israel’s Policy in Area C, the West Bank*. Jerusalem, Israel: B’tselem. Retrieved November 16, 2023, from http://www.btselem.org/download/201306_area_c_report_eng.pdf.

²⁶ *Id.*

²⁷ BBC News Brasil. (2021, May 17). *Conflito entre Israel e palestinos: O que está acontecendo e mais 5 perguntas sobre a onda de violência*. BBC News Brasil. <https://www.bbc.com/portuguese/internacional-57149552>

²⁸ 2023 UNGA Resolutions on Israel vs. Rest of the World. UN Watch. (2023, November 16). <https://unwatch.org/2023-unga-resolutions-on-israel-vs-rest-of-the-world/>

forward a resolution reaffirming “that the Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and in the occupied Syrian Golan are illegal.”²⁹

U.S.-based and international companies complicit in these acts of ethnic cleansing and forced displacement include: South Korea-based HD Hyundai Co.,³⁰ Sweden/China-based Volvo Group (AB Volvo),³¹ US-based Caterpillar Inc.,³² UK-based JCB (JC Bamford Excavators),³³ and Spanish company CAF (Construcciones y Auxiliar de Ferrocarriles).³⁴ Israel and Israeli settlers have used equipment from these companies to demolish Palestinian homes; destroy water, sanitation, and hygiene infrastructure; destroy and uproot olive trees; and construct settlement infrastructure like (Jewish Israeli-only) roads and light rail between the illegal settlements.³⁵ CAF has aided in the normalization of Israel's illegal settlements in East Jerusalem by building and servicing the Jerusalem Light Rail (JLR) to connect Israeli settlements to West Jerusalem.³⁶ Building the JLR constitutes a violation of Article 49 of the Fourth Geneva Convention, a direct example of illegal population transfer and annexation within Israel's apartheid system in the occupied territories.³⁷

Airbnb, one of the most popular online marketplaces for booking short-term and long-term homestays, is also complicit through their hosting listings in illegal settlements. Their website advertised listings in 39 settlements in the occupied West Bank, promoted as being “in

²⁹ U.N. Resolution A/C.4/78/L.15, <https://unwatch.org/wp-content/uploads/2023/11/Settlementd.pdf>

³⁰ Who Profits. (n.d.). HD Hyundai Co. Who Profits Research Center. <https://www.whoprofits.org/companies/company/3771?hyundai-heavy-industries>

³¹ Who Profits. (n.d.). Volvo Group (AB Volvo). Who Profits Research Center. <https://www.whoprofits.org/companies/company/3644?volvo-group-ab-volvo>

³² Who Profits. (n.d.). Caterpillar Inc. Who Profits Research Center. <https://www.whoprofits.org/companies/company/3772?caterpillar>

³³ Who Profits. (n.d.). JCB (JC Bamford Excavators). Who Profits Research Center. <https://www.whoprofits.org/companies/company/4086?jcb-j-c-bamford-excavators>

³⁴ Who Profits. (n.d.). CAF- Construcciones y Auxiliar de Ferrocarriles . Who Profits Research Center. <https://www.whoprofits.org/companies/company/6541?caf-construcciones-y-auxiliar-de-ferrocarriles>

³⁵ See citations 30-34

³⁶ Palestinian BDS National Committee (BNC). (2020, June 17). “ Pressure Grows on CAF to Quit Construction of Israel’s Illegal Settlement Tramway.” BDSmovement.net, <https://bdsmovement.net/news/pressure-grows-caf-quit-construction-israels-illegal-settlement-tramway>

³⁷ “CAF Get off Israel’s Apartheid Train.” 2020. BDS Movement. February 10, 2020. <https://bdsmovement.net/boycott-caf> .

endowment is going directly to Airbnb and other companies that profit from the displacement of Palestinians and the development of illegal settlements.

B. Crimes of Apartheid

A 2021 report by Human Rights Watch found that:

“Israeli authorities treat Palestinians separately and unequally as compared to Jewish Israeli settlers [whose presence is forbidden under international law]. In the occupied West Bank, Israel subjects Palestinians to draconian military law and enforces segregation, largely prohibiting Palestinians from entering settlements. In the besieged Gaza Strip, Israel imposes a generalized closure, sharply restricting the movement of people and goods—policies that Gaza’s other neighbor, Egypt, often does little to alleviate. In annexed East Jerusalem, which Israel considers part of its sovereign territory but remains occupied territory under international law, Israel provides the vast majority of the hundreds of thousands of Palestinians living there with a legal status that weakens their residency rights by conditioning them on the individual’s connections to the city, among other factors.”⁴⁶

The Israeli government’s systematic discrimination violates Palestinians’ universal human rights.⁴⁷ According to the *Universal Declaration of Human Rights*, every human has the right to be treated as “equal before the law,” “to equal protection of the law” without any discrimination (art. 7), to not be “subjected to arbitrary interference with [their] privacy, family, home or correspondence” (art. 12), to have the “freedom of movement and residence within the borders” of their state, and “to leave any country, including [their] own, and to return to [their] country” (art. 13), among many others.

Israel uses a system of checkpoints and surveillance technology (including facial recognition software⁴⁸) to track and control the movement of everyone in the occupied territories. According to a report by Amnesty International,⁴⁹ these checkpoints and checkpoint officials “not only control all entry and exit points in the Occupied Palestinian Territories (OPT), but also

⁴⁶ Human Rights Watch. (2021). (rep.). A Threshold Crossed: Israeli Authorities and the Crimes of Apartheid and Persecution. Retrieved November 15, 2023, from <https://www.hrw.org/report/2021/04/27/threshold-crossed/israeli-authorities-and-crimes-apartheid-and-persecution>.

⁴⁷ United Nations. (1948). *Universal Declaration of Human Rights*.

⁴⁸ Satariano, Adam and Paul Mozur. (2023, May 1). “Facial Recognition Powers ‘Automated Apartheid’ in Israel, Report Says. *New York Times*, <https://www.nytimes.com/2023/05/01/technology/israel-palestine-facial-recognition.html>

⁴⁹ Amnesty International Ltd. (2023). (rep.). *Automated Apartheid: How Facial Recognition Fragments, Segregates and Controls Palestinians in the OPT*. London, UK. Retrieved November 16, 2023, from <https://www.amnesty.org/en/documents/mde15/6701/2023/en/>.

administer a system of arbitrary checks and restrictions on access to rights and services, affecting Palestinians exclusively. Among other things, these arbitrary restrictions on the freedom of movement reduce the ability of Palestinians to access healthcare, employment, and education, as well as their ability to exercise their right to freedom of peaceful assembly.” The constant surveillance subjects Palestinians to a constant state of insecurity as well as arbitrary arrest, interrogation, and detention.⁵⁰ This repression was especially exacerbated in Hebron, as well as in the Sheikh Jarrah and Silwan neighborhoods of East Jerusalem, in the immediate aftermath of the crackdown on protests in May 2021.⁵¹

Columbia University’s investment in surveillance technology perpetuates the oppression of Palestinian people. Per its 2022 990-PF tax filing form, Columbia is directly invested in Microsoft Corp., with its shares in the company close to \$69,000.⁵² Microsoft provides services to the Israeli Ministry of Defense (IMOD) and other security entities in Israel.⁵³ IMOD uses Azure, a cloud computing platform developed and owned by Microsoft, for Al-Munaseq,⁵⁴ an app that manages work permits for Palestinians in the West Bank and Gaza. Israel requires Palestinians to obtain these permits to work, visit family, and address medical and legal needs. The app requires Palestinians to provide their IP addresses, geographic location, access to the camera and to files stored on the mobile device, and consent to the extraction and storage of the data by the Israeli military and to the sharing of information with third parties such as other government authorities. This invasive surveillance of Palestinians in the West Bank and Gaza is a

⁵⁰ Shakir, Omar. (2023, November 29). “Why Does Israel Have So Many Palestinians in Detention and Available to Swap?” *LA Times*, <https://latimes.com/opinion/story/2023-11-29/gaza-palestinian-prisoners-hostage-exchange-detention-israeli-prisons>

⁵¹ *Id.*

⁵² ProPublica: Nonprofit Explorer. (2022). Columbia University Trust U/WE Reussner. ProPublica, <https://projects.propublica.org/nonprofits/organizations/136128728/202311319349101611/full>

⁵³ Katz, Yarden. (2021, March 15). “How Microsoft is Invested in Israeli Settler-Colonialism. *Mondoweiss*. <https://mondoweiss.net/2021/03/how-microsoft-is-invested-in-israeli-settler-colonialism/>

⁵⁴ Middle East Eye and Agencies. (2020, April 8). “‘The Coordinator’: Israel Instructs Palestinians to Download App that Tracks their Phones. *Middle East Eye*, <https://www.middleeasteye.net/news/coordinator-israel-instructs-palestinians-download-app-tracks-their-phones>

categorical attack on basic human dignity. **In other words, Columbia profits from software that aids in the exploitative surveillance of Palestinians.**

Alphabet and Amazon are also complicit in the illegal surveillance of Palestinians. In 2021, Google (an Alphabet Inc subsidiary) and Amazon split a billion dollar contract to develop cloud infrastructure, called Project Nimbus, that serves all units and branches of the Israeli government, including the Israeli military, police, land authorities, and prison services. In a joint statement by employees of Google and Amazon, Project Nimbus “allows for further surveillance of and unlawful data collection on Palestinians, and facilitates expansion of Israel’s illegal settlements on Palestinian land,” making “systematic discrimination and displacement carried out by the Israeli military and government even more cruel and deadly for Palestinians.”⁵⁵ Additionally included in Google and Amazon’s contract is a commitment to “reciprocal procurement and industrial cooperation in Israel at the rate of 20% of the contract value.”⁵⁶ According to the aforementioned 2022 990-PF filing form, Columbia holds \$53,238 worth of shares in Alphabet Inc. and \$42,000 worth of shares in Amazon.com, Inc. **Columbia University’s investments aid the Israeli government's illicit surveillance of Palestinians and illegal occupation of Palestinian territory.**

Other companies that further apartheid and surveillance include Netherlands-based TKH Security and China-based Hikvision—companies that manufacture high-resolution CCTV cameras installed in residential areas for surveillance of Palestinians.⁵⁷

⁵⁵ Anonymous Google and Amazon workers. (2021, October 12). "We are Google and Amazon workers. We condemn Project Nimbus." *The Guardian*, <https://www.theguardian.com/commentisfree/2021/oct/12/google-amazon-workers-condemn-project-nimbus-israeli-military-contract>

⁵⁶ Ministry of Finance. (2021, May 24). "The Israeli Government is Moving to the Cloud – Providers of Cloud Services to the Government in the Nimbus Project are Chosen." [Press Release]. https://www.gov.il/en/departments/news/press_24052021

⁵⁷ Amnesty International Ltd. (2023). (rep.). Automated Apartheid: How Facial Recognition Fragments, Segregates and Controls Palestinians in the OPT. London, UK. Retrieved November 16, 2023, from <https://www.amnesty.org/en/documents/mde15/6701/2023/en/>.

Columbia's planned global center in Tel Aviv is a further testament to the University's complicity in Israeli apartheid.⁵⁸ It is likely that Palestinian students from Gaza and the occupied West Bank, as well as Columbia students of Arab descent, would be denied entry to the Tel Aviv campus.⁵⁹ It is certain that no public student members of Students for Justice in Palestine nor Jewish Voice for Peace would be allowed entry, following Israel's 2015 BDS Blacklist.⁶⁰ Palestinian students at Columbia would be effectively barred from taking classes on the Tel Aviv campus due to Israeli government policies that amount to segregation.⁶¹ Thus, the Tel Aviv Global Center would blatantly violate Columbia's own policies, values, and purported commitments to anti-discrimination. Many Palestinian students at Columbia would be effectively barred from taking classes on the Tel Aviv campus due to Israeli government policies that amount to segregation.⁶²

Columbia's stated commitment in its EOAA policies and procedures is "providing a learning, living, and working environment free from *prohibited discrimination and harassment* and to fostering a nurturing and vibrant community founded upon *the fundamental dignity* and worth of all of its members" [emphasis added].⁶³ It is hard to imagine something more offensive to one's fundamental dignity than being excluded from an educational opportunity for one's race. It is also ironic that an institution that claimed to be "anti-racist" in the wake of the murder of

⁵⁸ Columbia News. (2023, April 3). "Columbia to Launch New Global Center in Tel Aviv." *Columbia News*, <https://news.columbia.edu/news/columbia-launch-new-global-center-tel-aviv>

⁵⁹ Elia, Nada. (2023, April 21). "Columbia University's Centre in Tel Aviv Betrays Academic Integrity." *The New Arab*, <https://www.newarab.com/opinion/columbias-centre-tel-aviv-betrays-academic-integrity>

⁶⁰ Noa Landau, "Israel Publishes BDS Blacklist: These Are the 20 Groups Whose Members Will Be Denied Entry," Haaretz.com, January 7, 2018, <https://www.haaretz.com/israel-news/2018-01-07/ty-article/israel-publishes-bds-blacklist-these-20-groups-will-be-denied-entry/0000017f-e58f-da9b-a1ff-edeffb140000>.

⁶¹ Zhou, Li. (2023, October 20). "The Argument that Israel Practices Apartheid, Explained." *Vox*, <https://www.vox.com/23924319/israel-palestine-apartheid-meaning-history-debate>

⁶² Zhou, Li. (2023, October 20). "The Argument that Israel Practices Apartheid, Explained." *Vox*, <https://www.vox.com/23924319/israel-palestine-apartheid-meaning-history-debate>

⁶³ For example, the Israeli Knesset passed legislation in 2017 authorizing the prohibition of supporters of the Boycott, Divest, and Sanctions (BDS) movement; at the time of its passage, Israeli analysts wisely predicted that the law would make it easy for "low-level functionaries to reject foreigners offhand. This could be done by simply looking at someone's Facebook page or Twitter feed and deciding that it is not supportive enough of Israel." One's affiliation with SJP or JVP is already being used to justify barring that person from entering Israel; in fact, what prevented Columbia Law Professor Katherine Franke from entering Israel in 2018 was in part her alleged affiliation with JVP.

George Floyd would, just three years later, announce its intent to build a new campus in an apartheid state that its Palestinian students were effectively barred from entering.⁶⁴

Columbia also states that “[n]othing in University Policy and EOAA Policies & Procedures shall be construed to abridge *academic freedom and inquiry, principles of free speech, or the University’s educational mission*” [emphasis added].⁶⁵ Yet because of their political speech, members of Columbia’s community have already been banned from Columbia’s Tel Aviv campus, including the esteemed Katherine Franke, the James L. Dohr Professor of Law at Columbia Law School.⁶⁶ For those who *are* able to participate in the Tel Aviv Campus, their academic freedom would still be curtailed; they cannot meaningfully engage with important developments in human rights law, critical race studies, post-colonial studies, or any field of scholarship that seeks to interrogate the apartheid state that houses it. In fact, since October 7th, the Israeli government has further tightened restrictions on even the most innocuous forms of pro-Palestine speech⁶⁷ and has neglected to protect its own citizens that engage in such speech from mob harassment.⁶⁸

Columbia’s stated mission is “to link its research and teaching to the vast resources of a great metropolis [...] to attract a *diverse* and international faculty, staff, and student body, to support research and teaching on global issues, and to create academic relationships with many

⁶⁴ Columbia University Life. (2020). Columbia’s Anti-Racism Commitment. *University Life at Columbia*, <https://universitylife.columbia.edu/content/columbias-commitment-anti-racism>

⁶⁵ Equal Opportunity and Affirmative Action at Columbia University. (n.d.) EOAA Policies and Procedures. *Eoaa.Columbia.edu*, <https://eoaa.columbia.edu/content/eoaa-policies-and-procedures-1>

⁶⁶ Michael Arria. (2023, April 17). “Columbia University to Open Learning Center in Israel amid Faculty Backlash.: *Mondoweiss*, <https://mondoweiss.net/2023/04/columbia-university-to-open-learning-center-in-israel-amid-faculty-backlash/>

⁶⁷ Haaretz Editorial. (2023, November 14). “Arresting Arabs and Left-wingers: Israel Intends to Crack Down on Domestic Dissent Over Gaza War. *Haaretz*. <https://www.haaretz.com/opinion/editorial/2023-11-14/ty-article-opinion/israel-is-using-arrests-to-silence-domestic-dissent-over-gaza/0000018b-ca79-d8c7-a59b-df79a2440000;>

Bean, Brian. (2023, October 25). “Israel Is Arming Fascist Militias to Suppress Dissent, Knesset Member Warns.” *Truthout*, <https://truthout.org/articles/israel-is-arming-fascist-militias-to-suppress-dissent-knesset-member-warns/>

⁶⁸ Cohen, Ido David, and Ran Shimoni. (2023, October 15). “Far-right Israelis Threaten, Attack Left-wing Journalist Who Dedicated a Prayer to Gaza Victims.” *Haaretz*. <https://www.haaretz.com/israel-news/2023-10-15/ty-article/premium/far-right-israelis-threaten-attack-journalist-who-dedicated-a-prayer-to-gaza-victims/0000018b-3434-d450-a3af-7d3ccb9d0000>

countries and regions” [emphasis added].⁶⁹ An exchange program with an apartheid state contradicts the principle of diversity by disadvantaging the academic experiences of Palestinian and Arab students and students who oppose Israeli apartheid. Finally, as an educational institution receiving federal funding, Columbia’s investments in the above companies and its plans to build its Tel Aviv campus are antithetical to Title VI’s explicit purpose of prohibiting discrimination on the basis of race and national origin.

C. *War Crimes and Genocide*

By failing to divest from companies profiting from Israeli apartheid, Columbia is complicit in genocide. Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide (the Genocide Convention)⁷⁰ defines *genocide* as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” Such acts may include: killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group. Genocide is neither measured nor qualified by its “success.” In other words, genocide can occur with the death of a significant portion of a population or without any deaths at all, so long as actions carry out the intent to destroy.

The public statements and actions of Israel’s leadership demonstrate intent to commit genocide in line with the international definition.⁷¹ Prime Minister Benjamin Netanyahu declared that the IDF would reduce Gaza, one of the most densely populated civilian areas in the world,

⁶⁹ Columbia University in the City of New York. (n.d). University Mission Statement. Columbia.edu, <https://www.columbia.edu/content/about-columbia>

⁷⁰ UN General Assembly. (1948, December 9). *Convention on the Prevention and Punishment of the Crime of Genocide*. United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html>

⁷¹ Bartov, O. (2023, November 10). What I Believe as a Historian of Genocide. The New York Times.

<https://www.nytimes.com/2023/11/10/opinion/israel-gaza-genocide-war.html> (arguing that genocidal intent is clearly present in Israeli actions and statements).

“to rubble.”⁷² Retired IDF general Giora Eiland stated: “Creating a severe humanitarian crisis in Gaza is a necessary means to achieving the goal.”⁷³ Since October 7th, Israel has indiscriminately targeted civilians, dropping bombs and chemical weapons such as white phosphorus in dense urban centers in both Gaza and Lebanon.⁷⁴ In addition to attacks on civilians, Israel’s deliberate targeting of vital civilian infrastructure like healthcare facilities,⁷⁵ food supplies, and water, sanitation and hygiene (WASH) infrastructure^{76,77} has created conditions incompatible with human survival.^{78,79} UN Secretary-General António Guterres has described the scope of civilian killing as “unparalleled and unprecedented” in any conflict he had seen.⁸⁰ These actions bear out Raz Segal’s contention that, in its attack on Gaza, “Israel has loudly proclaimed this intent to destroy, making it a ‘textbook case of genocide.’”⁸¹

Furthermore, it is important to define “complicity in genocide” as well. Complicity in genocide indicates that there is a specific intent to act that may or may not result in genocide. However, complicity can be seen as a criminal offense because the perpetrator knowingly acts with cold disregard for the consequences of their actions.⁸²

⁷² Bartov, O. (2023, November 10). What I Believe as a Historian of Genocide. The New York Times. <https://www.nytimes.com/2023/11/10/opinion/israel-gaza-genocide-war.html> (arguing that genocidal intent is clearly present in Israeli actions and statements).

⁷³ *Id.*

⁷⁴ Israel: White phosphorus used in Gaza, Lebanon. Human Rights Watch. (2023, October 12). <https://www.hrw.org/news/2023/10/12/israel-white-phosphorus-used-gaza-lebanon> (“the use of white phosphorus in Gaza, one of the most densely populated areas in the world, magnifies the risk to civilians [because of the way it spreads indiscriminately when airburst] and violates the international humanitarian law prohibition on putting civilians at unnecessary risk.”)

⁷⁵ Gaza: Unlawful Israeli Hospital Strikes Worsen Health Crisis. Human Rights Watch. (2023a, November 14). <https://www.hrw.org/news/2023/11/14/gaza-unlawful-israeli-hospital-strikes-worsen-health-crisis>

⁷⁶ Israeli air strike hits Gaza water tank supplying several neighbourhoods. TRT World. (2023, November 4). <https://www.trtworld.com/middle-east/israeli-air-strike-hits-gaza-water-tank-supplying-several-neighbourhoods-15680488>

⁷⁷ Anadolu Staff. (2023, November 5). Israeli airstrike hits Gaza water reservoir supplying Rafah neighborhoods. Anadolu Agency. <https://www.aa.com.tr/en/middle-east/israeli-airstrike-hits-gaza-water-reservoir-supplying-rafah-neighborhoods/3043167>

⁷⁸ Riash, A. A. (2023, November 2). Gaza bakeries targeted and destroyed by Israeli air attacks. Al Jazeera. <https://www.aljazeera.com/gallery/2023/11/2/gaza-bakeries-destroyed-by-israeli-strikes>

⁷⁹ United Nations Human Rights Office of the High Commissioner. Convention on the Prevention and Punishment of the Crime of Genocide (Adopted 9 December 1948 by General Assembly resolution 250 [III]). Ohchr.org. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-prevention-and-punishment-crime-genocide>

⁸⁰ Gaza: ‘Unprecedented and unparalleled’ civilian death toll: Guterres, United Nations Türkiye. <https://turkiye.un.org/en/253313-gaza-unprecedented-and-unparalleled-civilian-death-toll-guterres>

⁸¹ Segal, R. (2023, October 13). *A Textbook Case of Genocide*. Jewish Currents. <https://jewishcurrents.org/a-textbook-case-of-genocide>

⁸² Greenfield, Daniel. 2007. “Journal of Criminal Law and Criminology the Crime of Complicity in Genocide: How the International Criminal Tribunals for Rwanda and Yugoslavia Got It Wrong, and Why It Matters Recommended Citation the CRIME of COMPLICITY in GENOCIDE: HOW the INTERNATIONAL CRIMINAL TRIBUNALS for RWANDA and YUGOSLAVIA GOT IT WRONG, and WHY IT MATTERS.” *THE JOURNAL of CRIMINAL LAW & CRIMINOLOGY* 98 (3). <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7298&context=jclc>.

Columbia invests in companies complicit in these acts of genocide and war crimes, including Barclays plc, Boeing Co., and Lockheed Martin Corp.^{83, 84} Boeing and Lockheed Martin manufacture weapons sold to Israel to use on the Palestinian people, including Boeing's AH-64 Apache helicopter gunships and over two thousand of Lockheed Martin's Hellfire Laser Guided missiles.⁸⁵ Barclays Bank supports and profits from Israeli war crimes: it owns over £1.3 billion in shares of weapons companies supplying Israel and provides an additional £4 billion in loans and other financial services to these companies." Barclays is only one of numerous financial institutions—such as BlackRock, described above—to invest in defense companies enabling war crimes.

D. Anticipating Counterarguments

1. Divestment from the crimes of the Israeli government is **not** antisemitic.

CUAD is inclusive, anti-racist, and human rights-oriented. It is opposed in principle to all forms of discrimination, including antisemitism and Islamophobia. CUAD urges Columbia University to abide by international law and withdraw its support for entities complicit in:

1. The occupation and colonization of Palestine and subjecting Palestinians to apartheid;
2. The prevention the recognition of the fundamental right of the Arab-Palestinian citizens of Israel to full equality; and
3. The prevention of the full realization of the right of Palestinian refugees to return to their homes and properties as stipulated in UN Resolution 194.

Despite the Palestinian divestment movement's strong support for equal human rights for all, organizations such as the Anti-Defamation League (ADL) routinely describe divestment

⁸³ ProPublica. (2022). Columbia University Trust U/WE Reussner. ProPublica, <https://projects.propublica.org/nonprofits/organizations/136128728/202311319349101611/full> (showing investments in BlackRock ETFs)

⁸⁴ iShares by BlackRock. (n.d.). iShares 5-10 Year Investment Grade Corporate Bond ETF. iShares, <https://www.ishares.com/us/products/239463/ishares-intermediate-credit-bond-etf> (showing ETF investments in Lockheed, Barclays, and Boeing)

⁸⁵ Capaccio, A. (2023, November 14). *Israel gets more ammunition, laser-guided missiles from US*. Bloomberg. <https://www.bloomberg.com/news/articles/2023-11-14/pentagon-is-quietly-sending-israel-ammunition-laser-guided-missiles?embedded-checkout=true>

from companies and products that further Israeli apartheid as antisemitic. The Israeli government purposefully attempts to equate critique of settlers and the Zionist movement with anti-Jewish hate speech.

The call to divest from apartheid has nothing to do with the tenets of the Jewish religion. In fact, many prominent Jewish scholars, activist organizations, and journalists, including Jewish Voice for Peace, Ilan Pappé, Norman Finkelstein, and Miko Peled, have voiced their support for Palestinian liberation and divestment from Israel. Calls to divest from apartheid South Africa were not anti-South African, nor were calls to divest from Sudan anti-Sudanese; rather, they come from the acknowledgement that it is unconscionable to profit off of human rights violations of this extent, regardless of the perpetrator.

2. Although Palestine and Israel have both engaged in violations of international human rights norms, such false equivalency does not justify ongoing genocide and repression in Palestine.

As Sari Bashi, Program Director at Human Rights Watch said on October 25, one war crime does not justify another⁸⁶ This basic principle has been reiterated by multiple prominent institutions, including the Raphael Lemkin Institute and Israeli human rights group B'Tselem.⁸⁷ Additionally, the crimes committed by both sides are not symmetrical. Though Israelis have experienced certain forms of violence from extremist parties within Palestine, they are not experiencing the systemic, wide-scale crimes such as apartheid which Palestinians experience. Palestine does not have a military, nor does it occupy Israeli land—Palestine is not even

⁸⁶ Norval, Stuart. 2023. "Perspective - Israel-Hamas War: 'One War Crime Does Not Justify Another,' Human Rights Watch Says." France 24. October 25, 2023.
<https://www.france24.com/en/tv-shows/perspective/20231025-israel-hamas-war-one-war-crime-does-not-justify-another-human-rights-watch-say>

⁸⁷ Lemkin Institute. October 13, 2023.
<https://www.lemkininstitute.com/active-genocide-alert-1/active-genocide-alert---israel-palestine%3A-there-is-no-justification-for-genocide>;
 B'Tselem, "One crime does not justify another. The attack against civilians in Gaza must end". (19 October 2023)
https://www.btselem.org/gaza_strip/20231019_one_crime_does_not_justify_another_the_attack_against_civilians_in_gaza_must_end

recognized as a state by the United States government. There is no power balance between Israel and Palestine, and therefore it is impossible to draw equivalence between the scale of violations of human rights committed by each party.

IV. Criteria #3: Urgency and Viability of Divestment.

Under Criteria #3, ACSRI proposals must compare divestment to the alternative of engaging with company management. Columbia's existing investments in and history of engagement with companies supporting Israel are not public knowledge. Given the scale and urgency of ongoing atrocities in Gaza, and given the history of Columbia consensus in favor of divestment, engagement with company management is no longer a viable option.

It is the responsibility of the University as a premier academic institution to invest, rather, in a learning environment conducive to the needs of all students, including Palestinian students and Palestinian academic contemporaries in the West Bank. Collaborations and exchanges with Al-Quds University is one such avenue to do so.

CUAD notes the lack of transparency related to Columbia's investments in Israel apartheid and war crimes. Although we have been able to identify specific dollar values in which Columbia invests in companies profiting in Israel, the total value is likely much higher. It is crucial for Columbia to divest so that absolutely nothing is being contributed to that initial capital fund. **This will zero the amount of profits made off of every dollar from Columbia's endowment that is invested. Even a dollar made makes Columbia complicit in genocide.**

The total value is a fraction of the school's \$13.6 billion endowment. By withdrawing from holdings that profit off of Israeli human rights violations, Columbia can invest in other, more worthwhile companies.

If Columbia is, indeed, responding to the 20 years of calls to divest from companies profiting from Israeli apartheid by negotiating and engaging with companies, then it should make those conversations public. Such pressure might make a real difference for companies like Airbnb Inc, in which Columbia has invested \$5 million. However, in the absence of affirmative evidence that Columbia is leveraging its shareholder voice, CUAD must continue to call for divestment.

V. Conclusion & Recommendations

We urge ACSRI to recommend to the Trustees of Columbia University to direct Columbia Investment Management Company (CIMC) to withdraw investments—direct or via ETFs—from companies complicit in Israeli apartheid, illegal occupation, and genocide, cease and refrain from future investments in private or public funds which are involved or invested in Israeli apartheid, and uphold the integrity of international human rights law. We hope the University will close any indirect investment loopholes.

- It is morally imperative, urgent, viable, and, most importantly, widely agreed upon in the University community that Columbia University must divest from and/or refrain from investing in the following companies and all subsidiaries: Microsoft Corp., Amazon.com Inc., Airbnb Inc., Alphabet Inc..
- For the same reasons as above, we urge the University to immediately withdraw assets from BlackRock's iShares ETFs which expose Columbia to Hyundai, Caterpillar Inc., Lockheed Martin Corp., Boeing Co., and Barclays Bank plc.
- Once again, for the same reasons as above, we also call on Columbia to refrain from investing directly and indirectly in: Elbit Systems, Sweden/China-based Volvo, UK-based JC Bamford Excavators, CAF, HikVision, and TKH Security

The three criteria for divestment 1) a broad consensus within the University community regarding the issue at hand, 2) the merits of the dispute must lie clearly on one side, and 3) divestment must be more viable and appropriate than ongoing communication and engagement with company management—have been met.

1. Our proposal submitted by a coalition representing 3000 students and 89 student organizations, ongoing protests and demonstrations, repeated proposals and referendums from other student groups, demonstrate consensus
2. Extreme and vile human rights atrocities have been historically committed against Palestinians by the state of Israel. Highly documented evidence of ethnic cleansing, illegal settlements, establishment of an apartheid system, war crimes, and blatant genocide over 75 years more than demonstrate need for immediate divestment from Israel and its supporting corporations.
3. The Columbia's investments in Israel implicate the University as complicit in genocide. However, due to the nature of ETFs and other indirect investments, they do not offer opportunity for engagement between the university and asset managers regarding its current investments. This makes direct divestment from Columbia critical.