



# MOTION REGARDING THE ADOPTION OF THE DIVEST FOR HUMAN RIGHTS POLICY 2021-02-16

Submitted for: 2021-02-16

<b>Submitted to:</b>	SSMU General Assembly	<b>Document no.:</b>	LEG-PUB-MOT-2021-02-25-001 (to be assigned by Steering)
<b>Moved by:</b>	Petition	<b>Current Status:</b>	<input type="checkbox"/> FOR APPROVAL <input checked="" type="checkbox"/> APPROVED <input type="checkbox"/> POSTPONED <input type="checkbox"/> COMMITTED <input type="checkbox"/> NOT APPROVED

**Issue** This motion seeks to expand the SSMU’s commitment to leadership on matters of social justice and human rights by establishing a divestment campaign for human rights.

**Background and Rationale** The SSMU Constitution states that “the SSMU commits to demonstrating leadership in matters of human rights [and] social justice”<sup>1</sup>. In this spirit, student activism has pushed McGill University to divest for moral and political reasons multiple times since the 1980s, including from companies doing business in apartheid South Africa, from corporations doing business in Myanmar under military rule, and from tobacco firms<sup>2</sup>.

Today, McGill University’s investment portfolio<sup>3</sup> includes investments in companies which enable and profit from multiple forms of systemic violence, including settler-colonial land theft, environmental destruction, war crimes, crimes against humanity and genocide.

This Policy seeks to provide the SSMU with a strong mandate to advocate for McGill University’s divestment from, or termination of any other

<sup>1</sup> [The Constitution of the Students’ Society of McGill University](#), 2017, p. 5

<sup>2</sup> [Motion Regarding Divestment from Fossil Fuel. September 12, 2018](#)

<sup>3</sup> [McGill Investment Holdings](#)



relationships with companies or other institutions that pose social injury by being complicit in human rights abuses, violations of international humanitarian law, colonial violence, the military-industrial complex and environmental destruction.

This Policy builds on previous campaigns for demilitarization and fossil fuel divestment, and seeks to provide an overarching framework for the SSMU to challenge McGill's financial entanglements with institutions complicit in human rights abuses in Canada and abroad.

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### Alignment with Mission

This motion aligns with the SSMU's commitment to demonstrating leadership on matters of human rights, social justice, and environmental protection. The Policy appended to this motion also elaborates the SSMU's commitments to equity, social sustainability, and international solidarity, as outlined in the Positions Book, the Equity Policy, and the Sustainability Policy.

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### Consultations Completed

This motion was drafted by a coalition of political and cultural student organizations, which are active in human rights, climate justice and Indigenous sovereignty advocacy, in collaboration with the Vice-President (University Affairs), as well as the Vice-President (External Affairs) and the Political Campaigns Coordinators, who would be the principal actors implicated by the motion.

At the suggestion of the Steering Committee, further consultations were conducted with the Governance Manager, President, and Communications Manager.

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### Risk Factors and Resource Implications

Adopting the Policy appended to this motion would provide a robust basis for university-facing activism with respect to issues of social sustainability and international solidarity. A mandate to support campaigns in line with this Policy would implicate the resources of the SSMU's Campaigns department, primarily to provide institutional access, funds for popular education and mobilisation materials, and other related advocacy resources.



## Sustainability Considerations

The proposed mandates of the appended Policy would establish more concrete directives regarding the SSMU's commitments to sustainability. By approving a mandate to support human rights-based divestment campaigns, the SSMU would be further enabled to promote social, fiscal, and environmental sustainability within the university context, which as defined by the SSMU's Sustainability Policy, endeavours to address systemic power imbalances within Society and foster a culture of anti-oppression.

## Impact of Decision and Next Steps

If approved, this Policy would mandate the SSMU, through the Legislative Council, Executive Committee, and Student Senate Caucus to support human rights-based divestment campaigns.

In particular, the Offices of the President, Vice-President (External Affairs), and Vice-President (University Affairs), have respective mandates under this Policy to be undertaken upon its adoption.

The spirit and the content of this Policy concern the harmful behaviour of McGill University, corporations and state institutions in Turtle Island (Canada) and abroad. This Policy shall not be interpreted as justification for racism or xenophobia of any kind, including but not limited to anti-Asian racism, Sinophobia, or anti-Semitism.

## Motion or Resolution for Approval

Be it resolved, that the Divest for Human Rights Policy, as outlined in Appendix A, be adopted as a Policy of the Students' Society of McGill University.

Be it further resolved, that this Policy shall remain in effect for a period of five (5) years, from February 16, 2021 until May 1, 2026 (inclusive).

## Results of the Vote

In favour	(21)
Opposed	(5)
Abstain	(4)



## Appendix A : Divest for Human Rights Policy

# Divest For Human Rights Policy

### 1. Scope

This Policy will apply to Officers of the Society for the duration of their terms. It will be used as a guide for decision-making and a plan for advocacy concerning the divestment of McGill University from corporations and institutions implicated in human rights abuses and other harmful practices.

### 2. Interpretation

The spirit and the content of this Policy concern the harmful behaviour of McGill University, corporations and state institutions in Turtle Island (Canada) and abroad. This Policy will not be used as a basis or justification for racism or xenophobia of any kind, including but not limited to anti-Asian racism, Sinophobia or anti-Semitism.

### 3. Background and Context

The SSMU Constitution states that “the SSMU commits to demonstrating leadership in matters of human rights [and] social justice.”<sup>4</sup> McGill students have, further, historically campaigned against investments in companies that demonstrate a lack of accountability, ethicality, and respect for the rights and dignity of others.<sup>5</sup>

Throughout its history, McGill University has divested for moral and political (as opposed to purely financial) reasons multiple times since the 1980s, including from companies doing business in apartheid South Africa, from corporations doing business in Myanmar under military rule, and from tobacco firms.<sup>6</sup>

At the time of this Policy’s inception, McGill University’s current investment portfolio,<sup>7</sup> however, includes investments in companies which enable and profit from multiple forms of systemic violence, including settler-colonial land theft, environmental destruction, war crimes, crimes against humanity and genocide. As such, any advocacy or political action undertaken under this Policy will include the

<sup>4</sup> [The Constitution of the Students’ Society of McGill University](#), 2017, p. 5

<sup>5</sup> [Divest McGill celebrates second anniversary of petition submission](#)

<sup>6</sup> [Motion Regarding Divestment from Fossil Fuel, September 12, 2018](#)

<sup>7</sup> [McGill Investment Holdings](#)



following companies, corporations, and institutions outlined below.

### 3.1. TC Energy Corporation and Coastal GasLink Pipeline

McGill University invests \$4,770,450 in [TC Energy Corporation](#), the owner of the Coastal GasLink pipeline, whose construction has provoked the invasion, colonization and destruction of the lands of the Wet'suwet'en Nation. Despite the COVID-19 pandemic, pipeline construction is currently ongoing, while the Canadian government continues to militarize Wet'suwet'en territory, and the expansion of man-camps for pipeline workers continues to exacerbate violence against Indigenous women, children and two-spirited people, as well as the risks of COVID-19 outbreaks within Wet'suwet'en communities.<sup>8</sup> TC Energy has displayed a similar disregard for Indigenous rights in Mexico.<sup>9</sup>

### 3.2. Weapons, War Crimes, and Crimes Against Humanity

#### 3.2.1. Lockheed Martin

\$224,019.33 of McGill's endowment fund is generated by Lockheed Martin, the developer of weapons such as the Black Hawk helicopter<sup>10</sup> and the F-35 fighter jet that have been used in violent conflicts around the world;<sup>11</sup> Sikorsky, a Lockheed Martin subsidiary provides military and rotary-wing aircraft to all five branches of the US armed forces, and provides military services in 40 nations.<sup>12</sup>

In 2018, a Lockheed-made GBU-12 Paveway II bomb was dropped by Saudi forces on a school bus in Yemen, killing 40 children.<sup>13</sup> As of November 2018, 6,872 civilians in Yemen had been killed and 10,768 wounded, the majority by Saudi Arabia-led coalition airstrikes supported by the US, UK and Canada, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR).<sup>14</sup>

#### 3.2.2. Re/Max

McGill University invests \$824,761 in [Re/Max](#), which sells real estate in illegal Israeli settlements on stolen Palestinian land,<sup>15</sup> thereby facilitating and profiting<sup>16</sup> from the transfer of Israeli settlers into occupied Palestinian territory by the Israeli government, in violation of article 49 of the Fourth Geneva

<sup>8</sup> [Coastal GasLink broke B.C. pipeline rules more than 50 times](#)

<sup>9</sup> [How TC Energy \(TransCanada\) treated Indigenous rights in its Mexico projects](#)

<sup>10</sup> [Seven human rights violators buying Canadian military goods](#)

<sup>11</sup> [Sikorsky Signs 5-year, \\$3.8 Billion Black Hawk Deal With U.S. Army](#)

<sup>12</sup> [Lockheed Martin | About US](#)

<sup>13</sup> [US supplied bomb that killed 40 children on Yemen school bus](#)

<sup>14</sup> [Human Rights Watch: Yemen Events of 2018](#)

<sup>15</sup> [UN rights office issues report on business activities related to settlements in the Occupied Palestinian Territory](#)

<sup>16</sup> [Report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967: Focus on RE/Max and Dexia](#)



Convention<sup>17</sup> <sup>18</sup>. Prohibited under international law,<sup>19</sup> Israeli settlement policies in militarily occupied territory<sup>20</sup> exacerbate the systematic violence inflicted on indigenous Palestinians by Israeli settlers and soldiers.<sup>21</sup>

### 3.2.3 Oshkosh Corporation

McGill University invests \$500,706 in [Oshkosh Corporation](#), an industrial truck company that provides vehicles to over 20 militaries around the world,<sup>22</sup> thereby playing an active role in the global military industrial complex and fueling violent militarism around the world. In particular, Oshkosh Corporation provided vehicles to the U.S. military for its invasion and occupation of Iraq,<sup>23</sup> as well as for the Saudi military's war in Yemen.<sup>24</sup> <sup>25</sup> Oshkosh Corporation's vehicles are also used to transport the soldiers and weapons of the Israeli military,<sup>26</sup> which has killed over 11,000 Palestinians since 1987,<sup>27</sup> and has committed an alarming number of war crimes and crimes against humanity in the past decades, including widespread torture<sup>28</sup> of Palestinian adult and child prisoners,<sup>29</sup> mass forced displacement of Palestinian communities,<sup>30</sup> the deliberate targeting of civilians during the 2014 attack on the Gaza Strip,<sup>31</sup> the massacre of over 190 unarmed civilians during the 2018-2019 Gaza protests,<sup>32, 33</sup> and the enforcement of an apartheid regime throughout the occupied Palestinian territories.<sup>34, 35, 36</sup>

### 3.3. Forced Labour and Genocide

McGill University invests \$665,281 in [Puma](#), and also maintains investments of below \$500,000 in [Foot Locker](#), [Nordstrom](#), and [Kohl's](#), all four of which are complicit in the use of Uyghur forced labour.<sup>37</sup> <sup>38</sup> Since 2017, the government of the People's Republic of China has operated "an intense and

<sup>17</sup> [Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949](#)

<sup>18</sup> [Chapter 3: Israeli Settlements and International Law](#)

<sup>19</sup> [United Nations Security Council, 7853rd Meeting](#)

<sup>20</sup> [Amnesty International: Israel and occupied Palestinian territories](#)

<sup>21</sup> [UN update on Settler Violence in the West Bank, including East Jerusalem](#)

<sup>22</sup> [Oshkosh Defense Customers](#)

<sup>23</sup> [Oshkosh Truck Receives \\$49.4 Million Contract to Remanufacture Defense Trucks Returning from War in Iraq](#)

<sup>24</sup> [Oshkosh, Saudi Arabia's Al Tadrea launch joint venture to make armored vehicles](#)

<sup>25</sup> [Yemen rebels captured Oshkosh M-ATV of Saudi Arabian Army](#)

<sup>26</sup> [Oshkosh Provides Israel with Modified Military Vehicles](#)

<sup>27</sup> [Visualizing Palestine: 101](#)

<sup>28</sup> [Israel/OPT: Legally-sanctioned torture of Palestinian detainee left him in critical condition](#)

<sup>29</sup> [Defenceless: The impact of the Israeli military detention system on Palestinian children](#)

<sup>30</sup> [UN OCHA: West Bank demolitions and displacement | December 2020](#)

<sup>31</sup> [Israeli soldier testimony: 'Most of our shooting was random... we didn't think about civilian casualties'](#)

<sup>32</sup> [Human Rights Watch: Apparent War Crimes in Gaza](#)

<sup>33</sup> [Gaza border protests: 190 killed and 28,000 injured in a year of bloodshed](#)

<sup>34</sup> [B'Tselem report: This is apartheid](#)

<sup>35</sup> [Israel imposes 'apartheid regime' on Palestinians: U.N. report](#)

<sup>36</sup> [The Inside Story on Our UN Report Calling Israel an Apartheid State](#)

<sup>37</sup> [Uyghurs for sale](#)

<sup>38</sup> [End Uyghur Forced Labour - Brands](#)



unparalleled carceral regime” in East Turkestan (Xinjiang), consisting of over 380 political indoctrination camps for Uyghurs and other Muslim ethnic minorities.<sup>39</sup>

After reviewing testimony and briefs detailing mass detentions<sup>40</sup>, forced labour, pervasive state surveillance<sup>41</sup> and population control,<sup>42</sup> the Subcommittee on International Human Rights of the Government of Canada affirmed that the persecution of Uyghurs in East Turkestan (Xinjiang) meets the definition of genocide as outlined in Article II of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide.<sup>43</sup>

## 4. Mandates

### 4.1. External Advocacy

The Office of the Vice-President (External Affairs), in concert with student activist organizations on campus, will mobilize a campaign of students and McGill community members.

This campaign will advocate for McGill University to divest from, refrain from investing in, or terminate any other relationships with companies or other institutions listed within this Policy.

At the discretion of the Vice-President (External Affairs), in consultation with relevant stakeholders, this campaign will include, but is not limited to:

- a) Meeting with stakeholder student associations;
- b) Holding protests, demonstrations, and other events around campus; and
- c) Making use of the Society’s social media platforms and communication channels to promote divestment.

### 4.2. University Advocacy

#### 4.2.1. Senate

The Offices of the Vice-President (University Affairs) and President will advocate for McGill University to divest from, refrain from investing in, or terminate any other relationships with companies or other institutions listed within this Policy.

In doing so, the Offices of the Vice-President (University Affairs) and President will, among other

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<sup>39</sup> [There is now more evidence than ever that China is imprisoning Uighurs](#)

<sup>40</sup> [“Eradicating Ideological Viruses” China’s Campaign of Repression Against Xinjiang’s Muslims](#)

<sup>41</sup> [How Mass Surveillance Works in Xinjiang](#)

<sup>42</sup> [Chinese government forces birth control on Uighurs and other minority Muslims to suppress population](#)

<sup>43</sup> [Committee News Release - October 21, 2020 - SDIR \(43-2\)](#).



actions, make use of:

- a) Meetings with faculty, staff, and alumni;
- b) Institutional access to committees and governing bodies;
- c) Senate motions, questions, and policy revisions;
- d) Reviewing relevant documents made available to the Senate, and requesting documents from the Secretariat as necessary.

The Office of the Vice-President (University Affairs) will inform the Senate Caucus of the contents of this Policy and, specifically, the Society's position on Divestment from the companies outlined in this Policy.

#### 4.2.2. Board of Governors

The Society, through the Offices of the Vice-President (External Affairs) and Vice-President (University Affairs), will advocate to the Board of Governors on the issue of divesting from or otherwise terminating relationships with the aforementioned companies.

This advocacy will include, but is not limited to:

- a) The submission of an Expression of Concern to the Committee to Advise on Matters of Social Responsibility of the Board of Governors; and
- b) Meetings with members of the Committee to Advise on Matters of Social Responsibility of the Board of Governors and of the Board of Governors, at large.

#### 4.3. Outreach

The Society will strive to conduct outreach and educate members of the McGill community on the contents of this Policy and its stance on divestment from companies complicit in the aforementioned instances of social harm.

- 1.1.1. To that effect, the Offices of the Vice-President (External Affairs) and Vice-President (University Affairs) will promote the advocacy undertaken under this Policy and regularly update members on the progress of McGill's divestment from institutions listed within this Policy;
- 1.1.2. These promotions and updates will be consistent in form with those of the 'Know Your Rights' campaign and the various political campaigns undertaken by the Office of the Vice-President (External Affairs) and will make use of the Society's communications channels, as necessary.





## 5. Accountability

The Office of the Vice-President (External Affairs) will be charged with monitoring and overseeing compliance with this Policy and reporting on its implementation to the Legislative Council.

- 1.2. To that effect, the Vice-President (External Affairs) will consult regularly with the Officers mandated under this Policy on the implementation of their mandates.
- 1.3. The consultations will inform a Report, presented twice annually to the Legislative Council by the Vice-President (External Affairs).
- 1.4. The Accountability Committee will be notified should an Officer fail to promptly report on their mandate and will investigate such infractions in line with the Committee's Terms of References.

APPROVED