

ASUC Presidential Veto II, dated March 24th, 2010

Preamble to Presidential Veto of Senate Bill 118a, entitled “A Bill to In Support of UC DIVESTMENT FROM WAR CRIMES,” a bill enacted in a meeting of the ASUC Senate on Wednesday, March 17th, 2010.

Whereas, It is the role of the ASUC to maintain the overall health and well being of our entire student body and campus community, and to balance all voices, perspectives, and views in the most fair, honest, ethical, and comprehensive way possible; and

Whereas, When issues of grave consequence that have significant ramifications for diverse members of our campus community and the world at large are being considered, there is no substitute for continued dialogue and open, thorough, and intense debate and deliberation; and

Whereas, As UC Berkeley students, we have a longstanding tradition of examining critical issues of our time thoroughly and honestly, appreciating the complexity and nuances of world affairs, along with a responsibility to place our discussions in a clear and accurate contextual and historical framework; and

Whereas, The goal of achieving responsible investment standards that rightfully insure that ASUC and University of California funds do not go to support weapons, war crimes, violations of human rights, and other similar materials and practices is undeniably noble and good, and the ASUC should continue to strive to achieve those standards in the most positive and effective way possible; and

Whereas, The mission of the ASUC and fundamental purpose of this bill should be to strive for peace, discourse, reconciliation, and responsible investment, and to achieve this, the ASUC must subsequently provide further context, understanding, and discussion; and

Whereas, The bill, as it currently stands, calls for divestment specifically from two companies materially supporting the Israeli government and the occupation of Palestinian territories; and

Whereas, While individuals and organizations have researched and developed various divestment strategies in the past, the ASUC Senate considered this bill for the first time on March 17th, 2010, and it should be noted that truly effective and meaningful divestment strategies of this magnitude are not built, considered, and voted upon in only one week’s time; and

Whereas, Significant policy decisions made in haste fail to allow adequate time for thorough analysis of complex issues and an understanding of the ramifications of the actions being considered; and

Whereas, The act of singling out Israel, a sovereign nation involved in an incredibly complex, intense, and historic conflict over land and borders, without providing adequate context, creates an array of questions and issues that compel the ASUC Senate to thoroughly examine and reconsider features of the bill:

- 1) Major divestment strategies deserve substantial scrutiny and deliberation, for example the consideration of testimony or evidence regarding: (a) the likely or probable impact of mandatory divestment on existing or future ASUC or UC Finances; (b) the likely or probable effect on the safety or security of human beings in Palestine and Israel; and (c) the overall effectiveness of a blanket divestment policy in achieving the aims of peace and security for any human being or group of people
- 2) Given that some ASUC Senators and others have compared the Israel/Palestine conflict with that of South African apartheid in the 1980s, it should be noted that a) the analogy itself is highly contested, and b) the divestment strategies employed against the apartheid government were not introduced and agreed upon after mere hours of discussion, but involved lengthy and serious deliberation and analysis
- 3) To achieve and maintain campus unity and peace, the perception of the bill as a symbolic attack on a specific community of our fellow students and/or fears of the bill being used as a tool to delegitimize the state of Israel cannot be understated; and

Whereas, While the ASUC as a body has stated convincingly that it does not want ASUC and UC dollars going to fund weapons, war crimes, or human rights violations, this veto has to do with the mechanism by which the ASUC achieves its mission of building peace and goodwill in a way that avoids the shortcomings of the bill (a selective, one-sided focus on a specific country that lacks important historical context and understanding); and

Whereas, This veto does not condone, approve of, or deny specific actions taken by any party involved in the Israel/Palestine conflict, and its intended purpose is to communicate the idea that a dichotomous framework only fosters misunderstanding instead of providing a pathway to peaceful progress; and

Whereas, For the purposes of exploring potential options for responsible investment, the ASUC should reject calls for immediate divestment from specific countries or regions, and instead, should initially establish broad resolutions for ethical investment, and create a task force for responsible investing in line with the ASUC's values; and

Whereas, We must insure that any decisions made by the ASUC are fair to *all* people concerned and all sides of an issue, and do not discriminate unfairly against anyone; and

Whereas, It is the overarching ethical and moral obligation of the ASUC student government to maintain a positive campus climate that seeks to promote peace, harmony, honesty, and academic freedom above all else;

Therefore, Pursuant to Article II, Section 2, Paragraph B of the Constitution of the ASUC, It is hereby ordered that:

Senate Bill 118a, a bill enacted in a meeting of the ASUC Senate on Wednesday, March 17th, 2010, and entitled "A Bill to In Support of UC DIVESTMENT FROM WAR CRIMES," is hereby vetoed effective as of this 24th Day of March, 2010.

Respectfully Submitted and Ordered:

DATED: March 24, 2010

BY:



**Will Smelko,
President, Associated Students of the University of California 2009-2010**