

[Professor Mark Fowler brought the following proposed resolution to the Faculty Assembly at its November 11, 2003 meeting. After discussion, the Faculty Assembly referred the matter to its Committee on Faculty Affairs for consideration.]

A FACULTY RESOLUTION ON BURMA

FROM THE COLLEGE OF WILLIAM AND MARY

WHEREAS, the military junta of Burma has prevented political participation by its citizens by means of torture, rape, forcible relocation, forced labor, and imprisonment; and has perpetrated widespread and systematic human rights violations;

WHEREAS, the military junta of Burma has ignored the results of the 1990 elections in which many pro-democracy candidates were selected for seats in the government; has imprisoned, killed or exiled many of the candidates who were elected; has failed to convene a constitutional convention as promised in 1990; and has imposed martial law barring freedom of the press, gatherings of more than five people, and labor and trade union organizing;

WHEREAS, the rightfully elected leadership of Burma, exiled Prime Minister Sein Win and Aung San Suu Kyi, the leader of the National League for Democracy, have called upon the world community to impose economic and arms sanctions against the military regime until democracy in Burma is established;

WHEREAS, the system of oppression imposed by the existing military junta is illegal and contrary to international law;

WHEREAS, under Burmese law all foreign corporations hiring more than five employees must hire only from a junta-supplied list, and the International Labour Organization and the United States Department of Labor have reported that forced labor is used on foreign-backed projects;

WHEREAS many corporations have already pulled out of Burma due to human rights and other concerns, and Levi-Strauss stated after its pullout that “it is not possible to do business in [Burma] without directly supporting the military government and its pervasive violations of human rights”;

WHEREAS colleges and universities in Burma have been open for only 30 months since 1988, and high schools, middle schools and even primary schools in Burma have also experienced systematic shutdowns due to fear of a popular uprising;

WHEREAS the Faculty Assembly believes it is contrary to the charter of The College of William and Mary to conduct business that directly supports a military dictatorship;

WHEREAS the Faculty Assembly wishes to educate William and Mary students as to how their tuition dollars may be supporting the military junta in Burma;

WHEREAS the Faculty Assembly opposes William and Mary's current investments in General Motors/Suzuki and Catepillar, corporations which have ignored international calls to cease doing business with the Burmese regime,

WHEREAS the faculty would like to support directly the thousands of students who have fled from Burma to Thailand; and

WHEREAS the faculty at The College of William and Mary wishes to express support for Burmese students in their struggle to regain their fundamental rights to education and to freedom of expression;

NOW, THEREFORE, the Faculty Assembly ordains as follows:

SECTION I: Disclosure

A. The Faculty Assembly calls upon the Board of Visitors of The College of William and Mary to require any corporations that provide goods or services to the University to disclose any ties with Burma.

B. The Faculty Assembly resolves to use the Investor Responsibility Research Center's Report on Burma to determine which companies do business in Burma.

C. The Faculty Assembly endorses the Student Assembly Senate's resolution to direct the appropriate Student Assembly officer to keep a copy of the Investor Responsibility Research Center's Report on Burma on file in the Student Assembly's offices.

SECTION II: Deposit and Investment of William and Mary Funds in Banks and Financial Institutions

A. The Faculty Assembly calls upon the Board of Visitors of William and Mary to remove any funds deposited in any bank or financial institution which has any outstanding loan to:

1. The military regime in Burma, or
2. Any entity organized under the laws of Burma.

B. The Faculty Assembly resolves to avoid investing any funds under its control in banks or financial institutions that are listed on the Investor Responsibility Research Center's Report on Burma.

SECTION III: Investment of William and Mary Funds

A. The Faculty Assembly calls upon the Board of Visitors of William and Mary to refrain from

investing and divest any William and Mary funds from stocks, bonds, securities, or other obligations of any company, bank or financial institution which does business in Burma, including General Motors/Suzuki and Caterpillar.

B. Notwithstanding the provisions of the preceding paragraph, the Faculty Assembly recognizes that sound investment policy may require the Board of Visitors of William and Mary to vote to spread the sale of such investments over no more than one year.

C. The Faculty Assembly encourages the governing boards of William and Mary to vote in favor of shareholder resolutions filed by shareholders of companies listed as doing business in Burma under Section I.B of this resolution when those shareholder resolutions:

1. request that companies report on their activities in Burma;
2. request that companies report on the full costs of doing business in Burma; or
3. address human rights conditions in Burma.

D. This section authorizes only those actions that comply with the relevant rules of the U.S. Securities and Exchange Commission.

E. The Faculty Assembly calls on professors and staff members to inform themselves about TIAA-CREF pension fund's investment in UNOCAL oil corporation, and to consider pressuring TIAA-CREF to divest from UNOCAL.

SECTION IV: Contracting and Purchasing with William and Mary Funds

A. The Faculty Assembly resolves that wherever possible, it shall not knowingly purchase goods and services from corporations that invest in Burma.

B. The Faculty Assembly calls on the Board of Visitors of William and Mary and all departments therein to adopt policies avoiding the purchase of goods and services from corporations identified under Section I.B of this resolution.

SECTION V: Educating William and Mary Students

A. The Faculty Assembly joins the Student Assembly Senate in calling on Swem Library to purchase the Investor Responsibility Research Center's Report on Burma so that the student body may educate itself on the situation in Burma and what roles multinational corporations play in the Burmese economy.

B. The Faculty Assembly commends the Student Assembly Senate for resolving to publish the list of companies doing business in Burma, as it is updated by the Investor Responsibility Research Center in the *William and Mary News*.

C. The Faculty Assembly commends the Student Assembly Senate's for resolving to recognize a Burma committee, composed of interested student leaders, that will periodically inquire into the

measures The College of William and Mary is taking to avoid supporting the Burmese junta.

D. The Faculty Assembly commends the Student Assembly Senate for authorizing the Burma committee to prepare an annual Burma report which will detail how William and Mary monies may be supporting companies doing business in Burma and which shall make recommendations on how to end support of such companies.

E. The Faculty Assembly endorses the Student Assembly Senate's resolution designating March 13th (Human Rights Day in Burma) as Burma Day, and its commitment to sponsor lectures and displays educating William and Mary students on the current situation in Burma.

F. The Faculty Assembly welcomes further initiatives from other faculty groups to encourage the promotion of democracy and human rights in Burma and to urge responsible behavior by foreign investors in Burma.

G. The Burma committee authorized by this section shall inform the U.S. Secretary of State, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate, and the United Nations Secretary General of the passage of this resolution, and shall forward the text of this resolution to them.

H. The Faculty Assembly calls on other faculty assemblies, student governments and universities to pass similar resolutions.