

General Convention of The Episcopal Church 2024 Archives' Research Report

Resolution No.: 2024-A030
Title: No Investment in Certain Weapons
Proposer: Executive Council Committee on Corporate Social Responsibility
Topic: Socially Responsible Investment, Weapons

Directly Related: (Attached)

2003-D052 On the Topic of Disinvesting from Defense Contractors (Rejected)

Indirectly Related: (Available in the [Acts of Convention](#) database, searchable by resolution number)

2018-B007 Develop a Shareholder Plan to Affect Gun Manufacturers and Retailers
2018-D068 Develop Social Responsible Investment Criteria for Guidance
1994-C023 Call for an International Ban on Antipersonnel Mines

In preparing this report, the Archives researched the resolutions in the Acts of Convention database for the period 1973 through 2022, selecting “direct” resolutions that have a substantive bearing on the proposed legislation. The “direct” resolutions are attached and “indirect” resolutions are available in the Acts of Convention database. Committee members who require other research assistance should contact the Archives through the [Research Request Form](#).

A030 - No Investment in Certain Weapons

Final Status: Not Yet Finalized

Proposed by: Executive Council Committee on Corporate Social Responsibility

Has Budget Implications: No

Cost:

Amends C&C or Rules of Order: No

Requests New Interim Body: No

Changes Mandate Of Existing Ib: No

Directs Dfms Staff: No

Directs Dioceses: Yes

Directs Executive Council: Yes

HiA: No House Assigned

Legislative Committee Currently Assigned: No Committee Assigned

Completion Status: Incomplete

Latest House Action: N/A

Supporting Documents: No

Resolution Text

That the 81st General Convention of The Episcopal Church adopt the following as investment policy for the Domestic and Foreign Missionary Society (DFMS) (hereinafter, the DFMS No Investment in Certain Weapons Policy): That DFMS shall not invest in any company or corporation that is engaged or involved in the production, use, or stockpiling, or the sale, transfer, or export of, any weapon or weapons system, or any key component thereof, whether now existing or developed hereafter, that can cause or lead to mass or indiscriminate injury or death to civilians or widespread destruction of civilian infrastructure, including, without limitation, biological weapons, chemical weapons, nuclear weapons, weapons that injure by fragments which are not detectable in the human body (non-detectable fragment weapons), incendiary weapons, blinding laser weapons, anti-personnel mines, cluster munitions, and lethal autonomous weapons, or any other weapons or weapons systems or key components thereof that are excessively injurious or have indiscriminate effects; and be it further

Resolved, that this Convention direct the Executive Council Committee on Corporate Social Responsibility to create and administer a DFMS Weapons No Buy List based on the DFMS No Investment in Certain Weapons Policy; and be it further

Resolved, that this General Convention recommend the DFMS No Investment in Certain Weapons Policy to each institutional investor in The Episcopal Church for adoption as

investment policy for that institutional investor and direct that this resolution be shared with all institutional investors in The Episcopal Church.

Explanation

The Episcopal Church already has a policy that the Domestic and Foreign Missionary Society (DFMS) shall not invest in any company that makes certain weapons that are excessively injurious or have indiscriminate effects — cluster bombs, anti-personnel land mines, chemical and nuclear weapons—and such companies are placed on a DFMS portfolio screen or “No Buy” list; the latest policy on this topic was passed by Executive Council in June 2023 based on existing General Convention resolutions. This new resolution would clarify that the prohibition should extend to all weapons and weapons systems, whether now existing or developed hereafter, that are excessively injurious or have indiscriminate effects, including those developed in recent decades, such as blinding laser weapons and lethal autonomous weapons and any weapon or weapons system that is designed to cause mass or indiscriminate injury or death to civilians or widespread destruction of civilian infrastructure. By passing this resolution, General Convention would adopt this investment policy for DFMS and recommend the same investment policy for adoption by all other institutional investors in The Episcopal Church. In addition, by this resolution the Executive Council Committee on Corporate Social Responsibility (CSR) would be tasked with reviewing the DFMS investment portfolio and recommending to the Executive Council those companies that should be placed on a comprehensive DFMS “Weapons No Buy List.” Leading socially responsible and faith-based investors in North America and Europe proscribe investment in companies involved in the use, production, stockpiling, sale, transfer, or export of such weapons and/or their key components. Companies involved in such weapons and/or their key components are excluded from investment portfolios because the use of such weapons violates, as a regular matter, fundamental humanitarian principles. Such weapons are prohibited by international treaties, including: - The Ottawa Treaty (1997), which prohibits the use, stockpiling, production, and transfer of anti-personnel mines. - The Convention on Cluster Munitions (2008), which prohibits the use, stockpiling, production, and transfer of cluster munitions. - The Chemical Weapons Convention (1997), which prohibits the use, stockpiling, production, and transfer of chemical weapons. - Biological Weapons Convention (1975), which prohibits the use, stockpiling, production, and transfer of biological weapons.

The Treaty on the Non-Proliferation of Nuclear Weapons (1968), which limits the spread of nuclear weapons to the group of so-called Nuclear Weapons States (i.e., United States, Russia, United Kingdom, France, and China). - Council Regulation (EU) 2018/1542 of 15 October 2018 concerning restrictive measures against the proliferation and use of chemical weapons. Further, in 2019 the Norwegian government appointed a committee to review and make recommendations concerning the Guidelines for Observation and Exclusion of Companies of the Norwegian Government Pension Fund Global, the world’s largest sovereign wealth fund. The Committee proposed that lethal autonomous weapons (LAWs) be added to the list of proscribed weapons, finding: In the Committee’s opinion, it is fundamentally problematic that the critical decisions relating to the use of force are not subject to meaningful human control. Although the future may see the emergence of technological sophistication capable of meeting the requirements of distinction under humanitarian law, i.e., the capacity to distinguish between military objectives and civilians,

such autonomy would still be ethically problematic because of the ensuing erosion and disintegration of accountability implied under humanitarian law.⁵ The Episcopal Church's faith-based investor peers are similarly adopting exclusionary screens for such weapons, including the Presbyterian Church (USA)⁶, The Church of England⁷, Friends Fiduciary⁸, Wespath Benefits & Investments⁹, and United Church Funds.¹⁰ The expanding list of types of weapons that can cause or lead to mass or indiscriminate injury or death to civilians or widespread destruction of civilian infrastructure, and the expanding scope of exclusionary screens, correspond to improved awareness, understanding, and documentation of the ways in which such weapons are used in violations of international humanitarian and human rights law and the devastating consequences of such use for civilian populations and infrastructure in conflict-affected areas around the world. Exclusionary lists vary by investor, but such lists typically exclude biological weapons, chemical weapons, nuclear weapons, non-detectable fragments, incendiary weapons, blinding laser weapons, anti-personnel mines, cluster munitions, and lethal autonomous weapons (LAWs).¹¹ General Convention and Executive Council have adopted positions on four types of weapons that are excessively injurious or have indiscriminate effects: nuclear weapons, chemical weapons, anti personnel mines, and cluster munitions. In addition, Lambeth Conferences since 1930 have continued to affirm that "war as a method of settling international disputes is incompatible with the teaching and example of Our Lord Jesus Christ." The 74th General Convention endorsed study of the criteria and moral standards of "Just War Theory." The fundamental incompatibility of the weapons discussed above with humanitarian principles would necessarily lead to the conclusion that their use conflicts with these criteria and standards, especially the following elements of Just War Theory: - Noncombatant immunity: Civilians may not be the objects of direct attack, and military personnel must take due care to avoid and minimize indirect harm to civilians. - Proportionality: In the conduct of hostilities, efforts must be made to attain military objectives with no more force than is militarily necessary and to avoid disproportionate collateral damage to civilian life and property.¹²

In sum, the use of the types of weapons and weapons systems identified above (and any additional ones with similar effects that may be developed) is fundamentally incompatible with humanitarian principles and the moral standards embodied in Just War Theory. Such weapons and weapons systems are proscribed from use in warfare on moral grounds specifically due to their lack of precision, the user's inability to control, minimize, or avoid harms they cause, their high degree of lethality to civilians, and the widespread destruction they cause to civilian infrastructure. As their use in war is proscribed by international standards, the securities of companies that make and sell them also should be excluded from Church investment portfolios.

1 "For Five Decades, a Faithful Voice for Justice," History of ICCR, <https://www.iccr.org/about-iccr/history-iccr>; retrieved September 19, 2023.

2 2022-C013: <https://2022.vbinder.net/resolutions/126?house=HD&lang=en>

3 <https://www.episcopalchurch.org/wp-content/uploads/sites/2/2023/09/Exhibit-D-No-Buy-List-June-2023.pdf>

4 <https://www.episcopalchurch.org/video/the-ccsr-story>

5 Ola Mestad, "Values and Responsibility: The Ethical Framework for the Norwegian Government Pension Fund Global," June 15, 2020, <https://www.regjeringen.no/contentassets/86dac65c22384dda9584dc2b1a052a91/engb/pdfs/nou202020200007000engpdfs.pdf> (accessed August 2, 2022).

6 Presbyterian Church (USA), "2022 General Assembly Divestment/ Proscription List," October 4, 2021, <https://www.presbyterianmission.org/wp-content/uploads/FINAL-APPROVED-MRTI-2022-GA-Long-FormDivestment-List.pdf> (accessed August 2, 2022).

7 Church of England Ethical Investment Advisory Group, "Defence investments policy," May 2010, <https://www.churchofengland.org/sites/default/files/2017-11/Defence%20Investments%20Policy.pdf> (accessed August 2, 2022).

8 Friends Fiduciary, "Investment Guidelines," June 2020, <https://friendsfiduciary.org/wpcontent/uploads/Investment-Guidelines-June-2020-FINAL.pdf> (accessed August 2, 2022).

9 Wespeth Benefits & Investments, "Investment Exclusions Guidelines," 2022, <https://www.wespeth.org/retirement-investments/investment-information/investment-philosophy/investmentexclusions/investment-exclusions-guidelines> (accessed August 2, 2022).

10 United Church Funds, "Corporate Social Responsibility," https://ucfunds.org/wpcontent/uploads/2019/09/InvEdu_CSR.pdf (accessed August 2, 2022).

11 Ibid.

12 Episcopal Peace Fellowship, "Cross Before Flag: Episcopal Statements on War and Peace," February 2005, https://www.episcopalchurch.org/wp-content/uploads/sites/2/2020/12/cross_before_flag.pdf (accessed August 2, 2022).



Resolution Number: 2003-D052
Title: On the Topic of Disinvesting from Defense Contractors
Legislative Action Taken: Rejected
Text of Resolution:

Resolved, the House of Bishops concurring, That the 74th General Convention of The Episcopal Church reaffirm the resolutions of The Episcopal Church opposing war and support resolutions advocating world peace; and be it further

Resolved, That in order to ensure world peace and the protection of the United States from foreign hostile action, our armed forces must have the benefit of the most advanced research, technology, and production of military weapons, ammunition, and other equipment; and be it further

Resolved, That the 74th General Convention disavow and hold for naught the resolution of the Executive Council of The Episcopal Church at its meeting of April 28–May 1, 2003 adopting a policy of disinvestment from certain categories of U.S. defense contractors; and be it further

Resolved, That copies of this resolution be sent by the Secretary to all parties to whom the above resolution of the Executive Council was sent; and be it further

Resolved, That other church investors including the Church Pension Fund, parishes, and dioceses are urged to refrain from adopting, or to rescind if adopted, any policies in support of the above Executive Council Resolution.