

*Canadians for Justice and Peace
in the Middle East*

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Jan. 17, 2012

Mr. Dene L. Rogers
President & CEO
290 Yonge St., Suite 700
Toronto, Ontario M5B 2C3
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Dear Mr. Rogers,

I am writing to ask you to cease selling products made in Israel or the occupied Palestinian territories, such as Israeli AHAVA Dead Sea Laboratories, Keter Plastic and Stanley Israel, because many of their products are sourced and manufactured in illegal colonies located in the occupied Palestinian territories. I am urging this action on your part, because it is the appropriate legal and ethical position for your company.

I am urging this change of Sears's company policy for the following reasons:

- Palestinian civil society has called for the international community to boycott Israeli products until Israel complies with international law and universal principles of human rights vis-a-vis the Palestinians and their territory. The Palestinian call also asks for a boycott of any business or institution participating directly or indirectly in the Israeli military occupation of Palestinian territories.
- The UN Human Rights Norms for Business, unanimously adopted in 2003, prohibits transnational corporations and other business entities from profiting from violations of international humanitarian law (Art. 3), and requires business to be conducted according to international law in the countries in which they operate (Art. 10). Corporations are also prohibited from engaging in actions that obstruct or impede economic, social, cultural, civil and political rights (Art. 12). AHAVA, Keter Plastics and Stanley Israel violate these Norms by operating their businesses and factories in illegal Israeli colonies. Aware that these suppliers are heavily invested in and profiting from the colonies, Sears becomes legally responsible for its own financial interests in the colonies according to the UN Norms for Business.
- By selling Israeli products, Sears is sending a signal to the Israeli government that apartheid and other war crimes it perpetrates are acceptable. The Norms stipulate that corporations must refrain from any activity which supports, solicits, or encourages states or any other entities to abuse human rights (Art. 11). Accordingly, Sears should not invest in, nor profit from, a state that systematically violates the rights of Arab citizens of Israel, and Palestinian residents of the occupied territories.

The organization I represent, Canadians for Justice and Peace in the Middle East (CJPME), is an organization whose mission is to empower Canadians to promote justice, development and peace in the Middle East. In the coming months and years, we will be promoting a large and growing campaign to get Canadian citizens and organs of civil society to boycott and divest from Israel.

As a grassroots, secular, non-partisan volunteer organization, our policies are founded in 1) respect for international law, 2) a belief in a single standard for all, and 3) the position that violence is not a solution. We have 27,000 adherents across Canada, and active groups in numerous major Canadian cities. Our Website is www.cjpme.org.

The fundamentals of the situation in Israel-Palestine are simple. The UN Partition Plan of 1947 dictated that two states be created in Palestine: an Israeli one, and a Palestinian one. In 1948, the Israeli state was created, but the Palestinian one was not. In 1967, Israel took control of all the land that was to become a Palestinian state (including East Jerusalem, the West Bank, and the Gaza Strip), and continues to effectively control these territories, denying Palestinians their right to self-determination, as well as dozens of civil, human and humanitarian rights. This occupation is recognized as a hostile military occupation – as reflected by the unanimous vote of the Signatories to the Fourth Geneva Convention of Dec. 5, 2001.

The call for a boycott of Israel on the part of the Palestinians because of rights abuses is not a frivolous one. The UN General Assembly votes yearly and decisively on the rights violations of the Palestinians by the Israelis. For illustration, I provide three examples below:

- Resolution 63/98 (adopted Dec. 18, 2008), Israeli practices affecting the human rights of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, **passed by a vote of 165-to-8**. A parallel resolution in 2007 passed by a vote of 156-to-7. A parallel resolution in 2006 passed by a vote of 157-to-9.
- Resolution 63/97 (adopted Dec. 18, 2008), Israeli settlements in the Occupied Palestinian Territory, including East Jerusalem, and the occupied Syrian Golan, **passed by a vote of 171-to-6**. A parallel resolution in 2007 passed by a vote of 165-to-7. A parallel resolution in 2006 passed by a vote of 162-to-8.
- Resolution 63/97 (adopted Dec. 18, 2008), Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Territory, including Jerusalem, and other occupied Arab territories, **passed by a vote of 173-to-6**. A parallel resolution in 2007 passed by a vote of 169-to-6. A parallel resolution in 2006 passed by a vote of 165-to-7.

While the UN General Assembly votes decisively on these issues each year, action from the UN is stymied each year because the UN Security Council – the enforcement arm of the UN – refuses to intervene. This inaction is due to the political relationship between the United States and Israel: the United States typically vetoes Security Council resolutions which would put pressure on Israel to respect the norms of international law.

As an advocate for corporate social responsibility, Sears has committed itself to conducting business with integrity and holding its business partners to a similar standard. However, Sears continues to collude with a company whose operations are in direct violation of international law. This is neither an ethically or legally tenable position. Aware of AHAVA, Keter Plastic and Stanley Israel's involvement in Israel's internationally condemned settlement expansion makes Sears legally responsible according to the UN Human Rights Norms for Business. Aware of the overwhelming international consensus that the rights of Palestinians are being violated, Sears must respond ethically to the boycott call by Palestinian civil society.

For the reasons provided above, my organization is preparing to launch a boycott campaign focusing on Sears. I urge you to stop doing business with Israeli companies, so that my organization and its adherents are not forced to follow this course of action. The action against Apartheid South Africa in the 1970s and 1980s did not begin with states, but with an outcry and action from civil society, and with the most ethical businesses being the first to participate in the boycott. May Sears affirm its ethical commitment by being one of the leaders in the current boycott campaign.



I look forward to your favourable response and to encouraging our adherents to do business with Sears as an ethical place of business once it has ceased operations in Israel.

Sincerely,

Thomas E. Woodley
President, Canadians for Justice and Peace in the Middle East