

*Canadians for Justice and Peace
in the Middle East*
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October 18th, 2010

Mr. Dene L. Rogers
President & CEO
Sears Canada Inc.
290 Yonge St., Suite 700
Toronto, Ontario M5B 2C3
(416) 362-1711

Dear Mr. Rogers,

I am writing to ask you to no longer sell AHAVA Dead Sea Laboratories Ltd. products at Sears outlets. 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' policy for three reasons:

- First, the 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-à-vis the Palestinians and their territory.
- Second, 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). According to both the Fourth Geneva Convention (Art. 49, p. 6) and the Rome Statute of the International Criminal Court, the Israeli colonies in the occupied Palestinian territories are a violation of international law. By buying and selling AHAVA products, Sears is legitimizing AHAVA's illegal colonial operations and profiting from the illegal extraction of Palestinian resources from the Dead Sea. Therefore, Sears is likewise in violation of the UN Human Rights Norms for Business.
- Third, although Canada does not recognize Israel's claim to the occupied Palestinian territories, AHAVA is able to take advantage of the Canada-Israel Free Trade Agreement (CIFTA) by erroneously labelling their products as originating from the "Dead Sea, Israel", and therefore circumventing Canadian import taxes and duty fees.

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.

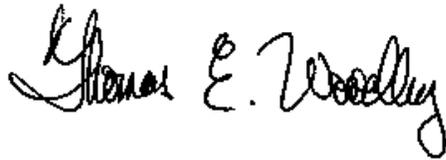
As an advocate for corporate social responsibility, Sears has committed itself to conducting business with integrity and holding its business partners to a similar standard. However, Sears continues to collude with a company whose operations are in direct violation of international law. This is neither an ethically or legally tenable position. Aware of AHAVA'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 cease sourcing products from Israel, such 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 continue to be a leader in corporate social responsibility by being one of the leaders in the current boycott campaign.

Should you have questions about the justification for my organization's campaign, or about specifics of the Israel-Palestine conflict, I would be happy to provide you any information you may desire.

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 changed its policies vis-à-vis its Israeli suppliers.



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