

Ted van Arkel
Chair
Board of Directors
The Warehouse Group

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James Cone
Corporate Liaison
Aotearoa BDS
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Friday 11 December 2015

Dear Mr van Arkel,

We are human rights activists who are writing with concern that The Warehouse Group is selling SodaStream products. We hope The Warehouse would not want to be associated with a company that is complicit in and profits from Israel's violation of Palestinian human rights.

Until Sept 2015, SodaStream products were produced in an illegal settlement in the Occupied Palestinian Territory of the West Bank¹ in clear violation of international humanitarian law.² We understand that The Warehouse has claimed in the past, based on information from SodaStream, that this production is from 'disputed' land. However, we wish to draw your attention to the International Court of Justice Advisory Opinion (2004), which has clearly stated that the entire West Bank is Palestinian territory which is *occupied* by Israel – not disputed.³

Sodastream machines and carbonating bottles have recently been photographed on the shelves at The Warehouse stores in New Zealand, with no country of origin labelling on the packaging. These products were made in the Occupied Palestinian Territory of the West Bank. Products made in illegal settlements cannot be labelled "made in Israel" under European rules,⁴ but failing to provide *any* country of origin labelling is misleading to consumers and not up to world class standards of fair trading business practices. We ask that you de-shelve these items as an urgent priority.

From October 2015,⁵ in the wake of international pressure and protests, SodaStream has moved its production to Rahat in the Negev Desert. This may bypass some country of origin labelling rules, but it will not make SodaStream an ethical business partner for The Warehouse. As Palestinian human rights activist Rafeef Ziadeh says, "SodaStream will remain implicated in the displacement of Palestinians. Its new Lehavim factory is close to Rahat, a planned township in the Negev Desert, where Bedouin citizens of Israel are being forcefully transferred against their will."⁶

Under Israel's Praver Plan, 35 Bedouin villages were to be demolished, up to 70,000 Bedouin citizens of Israel forcibly displaced from their lands, homes and livelihoods, and relocated to Rahat and six other officially designated towns. Israel has announced that it has rejected the Praver Plan, but it continues to be implemented on the ground and no such halt has taken place: the Israeli military continues to demolish Bedouin homes, villages, barns and other structures in the Negev.⁷

The Praver Plan has been rejected by the Bedouin people,⁸ condemned internationally,^{9 10} and described by some Palestine Solidarity campaigners as Israel's biggest act of ethnic cleansing inside the Green Line since the 1950s.¹¹ South African Bishop Desmond Tutu has compared such policies to the way the apartheid regime in South Africa confiscated

¹ <http://www.whoprofits.org/sites/default/files/WhoProfits-ProductioninSettlements-SodaStream.pdf> page 32

² In particular, of the Fourth Geneva Convention

³ International Court of Justice, page 10 paragraph 4: "The Court concludes that the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law." <http://www.icj-cij.org/docket/files/131/1677.pdf>

⁴ http://eeas.europa.eu/delegations/israel/documents/news/20151111_interpretative_notice_indication_of_origin_of_goods_en.pdf

⁵ <http://www.whoprofits.org/content/soda-stream-completes-withdrawal-its-factory-mishor-adumim-west-bank-and-relocates-naqab>

⁶ <http://www.theguardian.com/business/2014/oct/29/sodastream-move-factory-west-bank-israel-slash-forecast>

⁷ Amnesty International Annual Report 2014, Section on Housing rights – forced evictions and demolitions, in <https://www.amnesty.org/en/countries/middle-east-and-north-africa/israel-and-occupied-palestinian-territories/report-israel-and-occupied-palestinian-territories/>

⁸ <http://www.adalah.org/en/content/view/7589>

⁹ <http://www.un.org/apps/news/story.asp?NewsID=45495>

¹⁰ <http://imeu.org/article/the-praver-plan-ethnic-cleansing-in-the-negev>

¹¹ <http://www.ipsc.ie/press-releases/praver-plan-is-israels-biggest-act-of-ethnic-cleansing-since-1967>

Black people's lands and shifted them into Bantustans.¹² Movement into Bantustans deprives people of their previous livelihood and removes options other than low wage work.^{13 14}

SodaStream benefits from the Israeli government's project of apartheid in two different ways.¹⁵ It has accepted Israeli government money to be the first major tenant in a new industrial park, Idan Hanegev, near one of the forcibly expanded concentrations of impoverished Bedouin, Rahat. SodaStream also employs a limited number of those Bedouin, in conditions imposed by the Israeli government, which minimise their remuneration.¹⁶

In the light of these matters, we regard SodaStream products that are manufactured at Rahat to be products of apartheid. Based on the experience around South Africa, New Zealanders can become quite concerned about this kind of injustice.¹⁷ We take the view that, because of SodaStream's benefit from the injustice, all SodaStream products are tainted, and that ceasing to stock SodaStream altogether would be an appropriate measure, consistent with your principles of early identification and resolution of ethical issues and commitment to world-class business practices.¹⁸ If you decided to do this, you would not be alone. In July 2014, John Lewis the major department store chain in the UK removed all SodaStream products from its shelves.¹⁹ Macy's, a major department store in the USA, has also de-shelved SodaStream products.²⁰

Aotearoa BDS would welcome an early decision regarding its request that The Warehouse cease selling SodaStream products. Please may we have your response by the close of business on Friday 18 December 2015. If, on the way to that decision, you have questions, please feel free to contact us on wellington@aotearoabds.org.

Yours sincerely,

James Cone,

For Aotearoa BDS Network wellington@aotearoabds.org

with

BDS Wellington

Kia Ora Gaza

Billy Hania, Auckland

Martin and Lois Griffiths, Christchurch

Peace Action Wellington

Students for Justice in Palestine, Victoria University of Wellington

BDS South Taranaki

BDS Hawera

¹² <http://www.unjppi.org/open-letter-from-tutu.html>

¹³ <http://www.aljazeera.com/indepth/opinion/2012/04/2012421020291808.html>

¹⁴ <https://www.badil.org/en/publication/periodicals/al-majdal/item/961-the-naqab-negev-under-the-microscope-roots-reality-destiny.html>

¹⁵ <http://www.whoprofits.org/content/soda-stream-completes-withdrawal-its-factory-mishor-adumim-west-bank-and-relocates-naqab>

¹⁶ http://www.ethicalconsumer.org/commentanalysis/humanrights/sodastream_feature_ec155.aspx

¹⁷ <http://www.tepapa.govt.nz/whatson/exhibitions/sliceofheaven/exhibition/Diversity/Pages/1981Springboktour.aspx>

¹⁸ The Warehouse Group Limited ("The Warehouse") Code of General Business Principles, 2 August 2012, page 5.

<http://www.thewarehousegroup.co.nz/corporate-governance>

¹⁹ <http://www.haaretz.com/news/diplomacy-defense/.premium-1.603011>

²⁰ <http://www.alternativenews.org/english/index.php/bds/92-macy-s-stops-stocking-sodastream>