



## Vermonters for Justice in Palestine

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Peace and Justice Center, 60 Lake Street, 1C, Burlington, VT 05401

April 24, 2018

### Unilever

Corporate Office  
Weena 455  
3013AL Rotterdam  
The Netherlands

To the Kind Attention of:

Paul Polman, Chief Executive Officer  
Strive Masiyiwa, Chair of Unilever's Corporate Responsibility Committee  
Feike Sijbesma, Member of Unilever's Corporate Responsibility Committee  
Amanda Sourry, President North America and Global Head of Customer Development  
Keith Weed, Chief Marketing & Communications Officer

### RE: Ben & Jerry's Complicity with Israel's Occupation and Illegal Settlements

I am writing on behalf of Vermonters for a Justice in Palestine ([www.vtjp.org](http://www.vtjp.org)), an organization in the United States committed to ending Israel's illegal military occupation and settlement regime in the occupied Palestinian territory (oPt) and securing a just peace in conformance with international law. VTJP is based in Burlington, Vermont (USA).

*This letter urges you to intervene immediately and decisively, as **Ben & Jerry's** parent company, to put a stop to your U.S. subsidiary's commerce conducted by its Israeli franchise in Israel's illegal, Jewish-only settlements in the occupied West Bank and East Jerusalem.* This includes marketing and selling the company's iconic "peace & love" ice cream in supermarket chains like Shufersal and catering in fortified, Jewish-only settlements – colonies, really – that are built on stolen Palestinian land and usurp Palestinian water. In respect to the above-cited supermarket conglomerate, the Netherland's-based organization Rights Forum recently called on you to terminate the sale of your products in Shufersal's stores because of its business operations in Israeli settlements.<sup>1</sup>

After nearly seven years, VTJP has yet to succeed in persuading Ben & Jerry's executives in South Burlington, Vermont, or its board of directors to bring an end to its Israeli franchise's business in the oPt. It is our fervent hope that you will exercise your substantial corporate authority to bring Ben & Jerry's to the realization that its internationally respected social mission cannot be reconciled with commerce in an occupied and colonized land.

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<sup>1</sup> <https://rightsforum.org/nieuws/schappen-unilever-producten-omstreden-israelische-supermarkt/>

As Israel's recent and ongoing massacres in besieged Gaza demonstrate, there is no such thing as a socially responsible occupation.<sup>2</sup>

Our request of Unilever to put a stop to Ben & Jerry's complicity with Israel's military occupation, now in its 51<sup>st</sup> year, and its unlawful settlement regime is consistent with a 2013 report to the United Nations' Human Rights Council, which found that

*...[S]ome private entities have enabled, facilitated and profited from the construction and growth of the settlements, either directly or indirectly."<sup>3</sup> The report also states that "private companies must assess the human rights impact of their activities and take all necessary steps – including by terminating their business interests in the settlements – to ensure they are not adversely impacting the human rights of the Palestinian People in conformity with international law as well as the Guiding Principles on Business and Human Rights."<sup>4</sup>*

What we are urging you to do is further buttressed by a 2016 report from Human Rights Watch, which stated that Israel's settlements in the oPt constitute multiple violations of international humanitarian and human rights law, and that businesses should cease all activities in Israeli settlements:

*Based on the findings of this report, it is Human Rights Watch's view that any adequate due diligence would show that business activities taking place in or in contract with Israeli settlements or settlement businesses contribute to rights abuses, and that businesses cannot mitigate or avoid contributing to these abuses so long as they engage in such activities.<sup>5</sup>*

#### **A Brief History of Ben & Jerry's Franchise in Israel**

VTJP learned after considerable research, which began in 2011 and involved a fact-finding mission in 2012 to the occupied West Bank and East Jerusalem by one of our activists, that Ben & Jerry's (USA) oversees a **franchise in Israel** that sells ice cream in settlement markets and privately caters to Jewish settlers.<sup>6</sup> The franchise is owned by **Avi Zinger**, an Israeli with deep ties, personal and professional, to Ben & Jerry's (USA).

*Licensed and under contract with Ben & Jerry's (USA) since 1987*, the franchise operates a factory and scoop shop in Beer Tuvia, Israel, which is adjacent to the town of **Kiryat Malachi**, one of four localities located on the lands of the former Palestinian village of **Quastina**. This village had been allotted to the proposed Arab state by the United Nations under the 1947 Partition Plan for Mandate Palestine. On July 9, 1948, however, after Israel's declaration of independence and the ensuing war, Quastina was conquered and nearly 150 Palestinian houses destroyed by Jewish soldiers of the Givati Brigade. Its land was eventually incorporated into Israel for the benefit of Jews only.<sup>7</sup>

#### **Stolen Water, Ice Cream Distribution, and Catering in the oPt**

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<sup>2</sup> During Israel's savage war against Gaza in 2014, dead Palestinian children had to be placed in ice cream freezers because morgues had exhausted their capacity (<http://www.dailymail.co.uk/news/article-2714575/Humanitarian-crisis-Gaza-half-million-homeless.html>).

<sup>3</sup> "Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem," United Nations Human Rights Council, 7 February 2013, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf), "V. Conclusions," paragraph 110, pg. 22.

<sup>4</sup> "Report of the independent international fact-finding mission to investigate the implications of the Israeli settlements on the civil, political, economic, social and cultural rights of the Palestinian people throughout the Occupied Palestinian Territory, including East Jerusalem," United Nations Human Rights Council, 7 February 2013, [http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63\\_en.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-63_en.pdf), "V. Conclusions," paragraph 117, pg. 23.

<sup>5</sup> "Occupation Inc., How Settlement Businesses Contribute to Israel's Violations of Palestinian Rights," Human Rights Watch, January, 16, 2016, <https://www.hrw.org/report/2016/01/19/occupation-inc/how-settlement-businesses-contribute-israels-violations-palestinian>.

<sup>6</sup> "Peace, Love & Occupation: Ben & Jerry's Economic Complicity in Israel's Military Occupation and Illegal Settlements in the Occupied Palestinian Territory," A Report by VTJP, March 14, 2013, [http://www.vtjp.org/icecream/VTJP\\_Report\\_Peace\\_Love\\_and\\_Occupation.pdf](http://www.vtjp.org/icecream/VTJP_Report_Peace_Love_and_Occupation.pdf).

<sup>7</sup> <http://vtjp.org/icecream/water.html>

VTJP rigorously delved into the question of water and its sources for the Ben & Jerry's factory in Beer Tuvia. An international water consultant we spoke with led us to the tentative conclusion that the factory may be drawing water from the Jordan River system and the Mountain Aquifer in the occupied West Bank, the two highest-quality water sources in the region. Israel diverts immense quantities of water from the oPt, with devastating and long-lasting consequences for Palestinian agriculture and domestic consumption.<sup>8</sup>

*Ice cream and other products produced in Beer Tuvia, according to Ben & Jerry's (USA) CEO Jostein Solheim, is purchased by retail marketers and third-party distributors, and transported by them to supermarkets and other venues in Israeli settlements. The company rejected a proposal from VTJP that it restrict the distribution of its ice cream to markets in Israel alone. Ben & Jerry's executives told VTJP privately, in 2013, after the release of our detailed public report on the company's commercial complicity with Israel's settlements, that its franchise owner in Israel had agreed to cease catering operations in illegal settlements in the oPt, but that it would not declare this publicly. VTJP was subsequently unable to verify that catering in the settlements had indeed ceased, and, to our dismay, information later came to us from a credible Israeli source that suggested it may still be occurring.*<sup>9</sup>

### **Direction through Misdirection**

After VTJP launched a public campaign in 2013 calling on the company to end its Israeli franchise's business and catering operations in Jewish-only settlements in the oPt, Ben & Jerry's (USA) eventually pledged not to "retain" profits from sales in Israeli settlements by its franchise and to contribute "100% of the net licensing fee [from its Israeli franchise] to foster multicultural programs and values-led ingredient sourcing initiatives in the [Israel-Palestine] region."<sup>10</sup>

But the decision to forego profit making and redirect its net licensing fee misses the point entirely. First, the franchise in Israel is still selling to and profiting from commerce with illegal, Jewish-only Israeli settlements. Moreover, it takes advantage of an extensive and integrated Israeli market in the oPt that is sanctioned by the government of Israel, aided by its military, sustained by violence and repression against the indigenous Palestinian population, and committed to satisfying the consumer needs of Jewish settlers while Palestinians are being dispossessed, their farmlands and orchards razed, and their homes destroyed.

Business with Israeli settlements, no matter what is being sold, marketed and traded, enhance the economic viability and social legitimacy of the settlements. It is impossible for a company or franchise based in an occupier's country to conduct its commercial affairs ethically and humanely in an occupied land that, for decades, has been brutally oppressed militarily and subjected to rapacious colonization.

### **Alleged Equipment Purchases from the Occupied Golan Heights by the Franchise in Israel**

We must bring to your attention an allegation of commercial collusion by Ben & Jerry's franchise in Israel with a company that manufactures in the occupied Golan Heights (Syria).

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<sup>8</sup> <http://vtjp.org/icecream/water.html>

<sup>9</sup> VTJP learned from an Israeli source in March, 2014, that catering to Israeli settlers may still be happening and we shared this knowledge with the company. See [http://www.vtjp.org/icecream/Letter%20to%20B&J\\_3-23-14.pdf](http://www.vtjp.org/icecream/Letter%20to%20B&J_3-23-14.pdf). Ben & Jerry's (USA) did not respond to the second catering charge.

<sup>10</sup> <http://www.benjerry.com/whats-new/ben-and-jerrys-business-in-israel>

VTJP was informed of this in 2014 by a credible Israeli source, who says he was told of it by a member of **Ben & Jerry's (USA) Board of Directors**. According to this American director, the Israeli franchise in Israel is likely purchasing factory equipment from a facility in the occupied Golan Heights operated by the Israeli company **Beth-El Machinery, Ltd.** (<http://www.bemachinery.com/>).

VTJP raised this matter with Ben & Jerry's (USA) in a letter in March, 2014:

*The Golan Heights, as you know, is occupied Syrian territory, and Israeli settlements and industrial zones there are a violation of international law. If your franchise is buying equipment from a plant in the Golan Heights, its complicity with Israel's occupation and settlement regime runs deeper than we have been led to believe, and, by extension, your complicity with that regime is more egregious. We hope this new revelation is unfounded. Just the same, we must press you to investigate it thoroughly and, once again, let us know what you have learned by the end of the work day, Friday, April 11 [2014].*

*If your franchise is purchasing from Beth-El Machinery in the occupied Golan, we urge you in the strongest terms, consistent with your social mission and international law, to end this business relationship.<sup>11</sup>*

Beth-El Machinery has a plant in the **Bnei Yehuda industrial park**, in the Golan, which is connected to an **Israeli settlement** of the same name. It is a subsidiary of **Beth-El Industries**, which produces nuclear, biological and chemical protection equipment, fuel pumps for military vehicles, and, together with other companies in its field, has **"close ties to military industries and West Bank settlements"**<sup>12</sup> [emphasis added].

Four years on, Ben & Jerry's has not yet responded to the Syrian allegation. And VTJP does not have the resources to verify it. We hope that you will elicit from either the Israeli franchise or its corporate headquarters in the United States a definitive affirmation or denial of the Golan business dealings supported by appropriate documentation. Further, if Ben & Jerry's franchise does have a business relationship with an illegal Israeli company and settlement in occupied Syrian territory, we urge you to put a stop to it as well.

### **Enough is Enough: Peace, Love & Occupation Do Not Mix**

VTJP is not alone in calling on Ben & Jerry's (USA) to do the right thing in occupied Palestine. Since 2013, nearly 260 organizations worldwide have signed a letter urging Ben & Jerry's (USA) to end its franchise's commercial complicity with Israel's occupation.<sup>13</sup> Thousands of individuals have also signed a petition or sent e-mails calling on the company to do the same. Ben & Jerry's (USA) Board chair, **Jeff Furman**, who traveled to the oPt in 2012 on a delegation organized by African-American civil rights' leaders, told VTJP activists in the wake of that experience that Israel's military and settler violence, discriminatory laws, land confiscations, house demolitions, and settlement construction, which he witnessed or learned about while traveling in the oPt, constituted, in his words, a "system of apartheid."

Sadly, Mr. Furman's opinion on this matter has not yet persuaded Ben & Jerry's to put an end to the business practices of its Israeli franchise in the oPt or to terminate its contractual arrangement with that franchise. Respectfully, we hope to receive shortly a thorough response to this letter, inclusive of measures you will take to end your U.S. subsidiary's complicity in Israel's occupation in all its manifestations.

Please contact me if you have questions or require more information. Thank you.

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<sup>11</sup> Letter to Ben & Jerry's CEO Jostein Solheim: [http://www.vtjp.org/icecream/Letter%20to%20B&J\\_3-23-14.pdf](http://www.vtjp.org/icecream/Letter%20to%20B&J_3-23-14.pdf).

<sup>12</sup> The Battle for Justice in Palestine, Ali Abunimah, Haymarket Books, 2014, pg. 146.

<sup>13</sup> <http://www.vtjp.org/icecream/internetletter.html>

Sincerely,

Mark Hage

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**Additional Sources on Ben & Jerry's (USA & Israel) Complicity with Israel's Occupation**

A report on Ben & Jerry's franchise in Israel's can be found at:

[http://www.vtjp.org/icecream/VTJP\\_Report\\_Peace\\_Love\\_and\\_Occupation.pdf](http://www.vtjp.org/icecream/VTJP_Report_Peace_Love_and_Occupation.pdf).

A record of VTJP's correspondence with Ben & Jerry's (USA) can be found at:

<http://vtjp.org/icecream/BJletters.html>.

A summation of VTJP's meetings and interactions with Ben & Jerry's (USA) can be found at:

<http://vtjp.org/icecream/talking.html>.