

## **Corporate Social Responsibility: Divesting From Apartheid**

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**Abstract** : This study aims to emphasize the importance of companies' Corporate Social Responsibility (CSR) in the fulfillment of their ethical responsibility to the international community with regards to human rights and to highlight the BDS (boycott, divestment, and sanctions) movement in its call for boycotting and divesting from companies operating in Occupied Palestine. The approach used in this study is a literature review of journal articles on CSR and BDS. This research found that in conducting their business, companies must have concern for humanity. Unethical actions by companies can be widely known by the public which can result in damage to companies' reputations which in turn can lead to financial losses. Companies should not ignore the BDS movement. This paper only discusses boycotts of and divestment from companies in occupied Palestine, and earlier in South Africa. There have been limited studies about CSR implementation related to the BDS movement.

**Keywords:** *Corporate Social Responsibility; Ethics; BDS; Divestment; Apartheid*

### **Introduction**

*"I'm a South African who lived through apartheid. I have no hesitation in saying that Israel's crimes are infinitely worse than those committed by the apartheid regime of South Africa." John Dugard, South African Professor of International Law, and former U.N. Special Rapporteur (Dugard, 2015)*

*[The situation in Palestine] "is much worse than apartheid. The Israel measures, the brutality, make apartheid look like a picnic." Ronnie Kasrils, former South African Intelligence Minister (McGreal, 2006)*

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The concept of social responsibility means that a private company has a responsibility to the community that is more than just profits for shareholders. Therefore, the strategic manager should be able to face any conflict of interests to

formulate a viable strategic plan in an ethical manner (Hunger and Wheelen, 2010: 35). CSR is about responsibility to all stakeholders and not just shareholders.

By doing CSR activities, companies are not only reaping the support of stakeholders but in the long run are building the image of the company, strengthening the relationship between company and stakeholders and improving advocacy attitude of stakeholders (Du, et al., 2010). CSR is also extremely useful in corporate identity-building because of its ability to facilitate corporate image attractiveness and thereby increase competitive advantage and overall company performance (Arendt & Brettel, 2010).

CSR has an impact on brand image (Popoli, 2011). The bad news is, the more famous the company, there is a greater chance of negative comments on its CSR activities (Cho & Hong, 2009). One thing to remember, stakeholders will always watch companies, and sustainability of the business strategy has zero tolerance of errors (Crowther and Aras: 2008, p. 88).

Ethics is about morally correct behaviour. Ethical issues experienced by managers cover a broad range of topic that mostly arise from the potential for conflict between the company's objectives, or goals of individual managers, and the fundamental rights of key stakeholders including shareholders, customers, employees, suppliers, competitors, the community and the general public. Stakeholders have basic rights that must be respected, and it is unethical to violate these rights (Hill and Jones: 2011, p 42).

“Ethical components of corporate social responsibility, include: performing in a manner consistent with expectations of societal mores and ethical norms; preventing ethical norms from being compromised in order to achieve corporate goals; defining good corporate citizenship as doing what is expected morally or ethically; recognizing that corporate integrity and ethical behaviour go beyond mere compliance with laws and regulations .” (Carroll, 1991).

### *The Aim of This Research*

The research aim is to show that divestment from apartheid must be part of Corporate Social Responsibility. The problem background is that there is an illegal apartheid regime in the Middle East that proceeds with impunity. The importance of the research is contained in this U.N. statement: “**transnational corporations and other business enterprises shall not engage in nor benefit from war crimes [or] crimes against humanity.**” (United Nations Economic and Social Council, 2003)

Lessons from South Africa will be studied. The study will show how CSR must address apartheid in Palestine. A brief history of the situation in Palestine will be given. The study will show that CSR in regards to Palestine is imperative for company image and reputation.

### **Research Method**

This research approach is qualitative with library research. Data from the relevant literature were studied and analyzed. Data collection comes from a collection of textbooks, scientific articles from scientific journals, virtual resources, and internet access.

### **Lessons From South Africa**

Because of the anti-apartheid movement, from 1985 to 1990, 200 U.S. companies disinvested from South Africa and U.S. direct investment “declined from \$2.3 billion at the end of 1982 to \$1.3 billion at the end of 1988.” (Edgar, 1990:71)

Starting in “... mid-1984, South Africa [had] suffered considerable capital flight, as a result of corporate disinvestment and because of the repayment of foreign loans. Net capital movement out of South Africa was R9.2 billion in 1985, R6.1 billion in 1986, R3.1 billion in 1987 and R5.5 billion in 1988....One effect of this capital outflow [was] a dramatic decline in the international exchange rate of the rand.” This meant that imports were increasingly expensive. This increased South Africa's inflation rate, which at 12-15% per year, was much higher than its major trading partners. (Ibid., p. 72)

“U.S. firms that made a public announcement of plans to withdraw from South Africa experienced a positive and significant increase in returns in the period immediately surrounding the announcement of disinvestment. Trading volume for the disinvesting portfolio also was significantly higher than historical trends would predict....Thus, one can explain the positive announcement effect as a “public relations” answer with economic backing due to the resolution of uncertainty concerning continued involvement or investment in the deteriorating South African economy. Thus in the 1980s, social and economic forces arguing for withdrawal from South Africa found a receptive audience in corporate management and the market.” (Posnikoff, Judith F. "Disinvestment from South Africa: They did well by doing good." *Contemporary Economic Policy* 15.1 (1997): 76-86.)

Kumar, et al., (2002) found that “firms that continued to resist stockholder pressure to withdraw from South Africa until the end of apartheid were increasingly penalized as the boycott progressed....In short, the cost of remaining in South Africa imposed by the boycott eventually exceeded the costs of withdrawal from South Africa attributable to lost market opportunity and disposal of assets.”

“The impact of social-ethical investing on stock price performance has important legal implications for institutional investors, because most are governed by the “prudent man rule.” This rule requires that managers of an institution’s investments not take any action that a prudent person would view as jeopardizing the security of the capital or the rate of return it provides. An important implication of this research is that it demonstrates why a prudent investment manager should take social performance into account when making investment decisions. Based on the results reported here, it also appears that a firm’s managers can best serve shareholder interests by addressing the concerns of social-ethical investors.

“Honoring the South African boycott became compatible with firms’ enlightened self-interest as public opinion moved toward support of the boycott.” (Kumar, et al., 2002)

## **CSR and Apartheid in Palestine**

This study will research another boycott, divestment movement against apartheid, the BDS (Boycott, Divestment, Sanction) Movement, supporting the Palestinians’ cause and the role of companies’ CSR and ethics for maintaining companies’ reputation and sustainability as the situation in Palestine moves forward. Literature from books and journal articles were analyzed to give important proof on how companies must consider social economic forces that can endanger their reputation and long term sustainability.

### **The BDS Movement for Palestine**

In 2005, the BDS movement was launched by 170 Palestinian organizations that called for boycotts of Israeli products, divestment from Israel and sanctions against Israel by governments and the United Nations as a means to bring an end to Israel’s illegal and criminal aggressions against the indigenous Palestinian people and unlawful theft of Palestinian land.

Omar Barghouti, a co-founder of BDS, writes: “The BDS Call, anchored in international law and universal principles of human rights, adopts a comprehensive rights-based approach, underlining the fact that for the Palestinian people to exercise its right to self-determination, Israel must end its three forms of injustice that infringe international law and Palestinian rights by:

1. ending its occupation and colonization of all Arab land [occupied in 1967] and dismantling the wall.
2. recognizing the fundamental rights of the Arab-Palestinian citizens of Israel to full equality.
3. respecting, protecting, and promoting the rights of Palestinian refugees to return to their homes and properties, as stipulated in UN Resolution 194.” (Barghouti, 2011:6).

## **Roots of the Problem**

Most Jews left Palestine when they were exiled by the Romans after revolts in 70 C.E.(A.D.) and 135 C.E.(A.D.), but large numbers of the descendants of Ishmael and the sons of Keturah, the ancestors of the Arabs, remained (Taylor, 2014: 243) (Schäfer, 2003:32-33).

From 634 A.D.(Kaegi, 1995) until December, 1917 when a British-led Egyptian Expeditionary Force, commanded by Edmund Allenby, captured Jerusalem, Palestine was a predominately Muslim land (Fromkin, 2009).

The Ottoman statistics were studied by Justin McCarthy, and he found that the Arab population of Palestine in 1900 was 94% of the total of about 600,000 people. He found that in 1914, there were 657,000 Muslim Arabs, 81,000 Christian Arabs, and 59,000 Jews in Palestine (McCarthy, 1990).

In 1923, Ze'ev (Vladimir) Jabotinsky, the prominent Zionist, wrote in *The Iron Wall*:

"Zionist colonization must either be terminated or carried out against the wishes of the native population. This colonization can, therefore, be continued and make progress only under the protection of a power independent of the native population - an iron wall, which will be in a position to resist the pressure to the native population. This is our policy towards the Arabs..." (Jabotinsky, 1923)

In 1931, the total population of Palestine was 1,033,314, and there were only 174,606 Jews. (Said, 1979)

"We must expel Arabs and take their places." David Ben Gurion, future Prime Minister of Israel, 1937, (Teveth, 1995).

In 1938, David Ben Gurion, Israel's first Prime Minister, said that "after we become a strong force, as a result of the creation of a state, we shall abolish partitions and expand into the whole of Palestine." (Noam Chomsky, 1999)

"Between ourselves it must be clear that there is no room for both peoples together in this country. We shall not achieve our goal if the Arabs are in this small country. There is no other way than to transfer the Arabs from here to

neighboring countries – all of them. Not one village, not one tribe should be left.” Joseph Weitz, head of the Jewish Agency’s Colonization Department in 1940 (Davis and Mevinsky, 1975:21)

As of April 1, 1943, Jews and Jewish companies owned less than 6% of the land of Palestine. (Anglo-American Committee of Inquiry on Jewish Problems of Palestine and Europe, 1946:566).

The United Nations Special Committee on Palestine Report to the General Assembly on September 3, 1947, stated that the Arabs owned 85% of the land. (United Nations Special Committee on Palestine, 1947) The Jews owned less than 7% of the land. (Khalidi, 1997: 11)

“In gross terms, the partition resolution awarded 55.5 percent of the total area of Palestine to the Jews (most of whom were recent immigrants) who constituted less than a third of the population and who owned less than 7 percent of the land. The Palestinians, on the other hand, who made up over two thirds of the population and who owned the vast bulk of the land, were awarded 45.5 percent of the country of which they had enjoyed continuous possession for centuries.” (Khalidi, 1997, Loc. cit)

[On] “10 March 1948, a group of eleven men, veteran Zionist leaders together with young military Jewish officers, put the final touches on a plan for the ethnic cleansing of Palestine. That same evening, military orders were dispatched to units on the ground to prepare for the systematic expulsion of Palestinians from vast areas of the country. The orders came with a detailed description of the methods to be used to forcibly evict the people: large-scale intimidation; laying siege to and bombarding villages and population centers; setting fire to homes, properties, and goods; expelling residents; demolishing homes; and, finally, planting mines in the rubble to prevent the expelled inhabitants from returning. Each unit was issued its own list of villages and neighborhoods to target in keeping with the master plan. Code-named Plan D (Dalet in Hebrew).” (Pappé, 2006: 6)

“Once the plan was finalized, it took six months to complete the mission. When it was over, more than half of Palestine’s native population, over 750,000 people, had been uprooted, 531 villages had been destroyed, and 11 urban neighborhoods had been emptied of their inhabitants. The plan decided upon on 10 March 1948, and above all its systematic implementation in the following months, was a clear case of what is now known as an ethnic cleansing operation.” (Ibid., p.7)

## **FROM 1948 TO PRESENT**

The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies constitutes a war crime in international armed conflicts as stated in Article 8(2)(b)(viii) of the 1998 International Criminal Court Statute (International Criminal Court, 2011).

All Israeli "settlements" in the West Bank are war crimes under international law.

Geneva Convention IV, Article 49, sixth paragraph, of the 1949 Geneva Convention IV provides: “The Occupying Power shall not deport or transfer parts of its own civilian population into the territory it occupies.” (United Nations, 1949)

Article 85(4)(a) of the 1977 Additional Protocol I provides that “the transfer by the Occupying Power of parts of its own civilian population into the territory it occupies” is a grave breach of the Protocol. (International Committee of the Red Cross, 2010)

“The system of military law imposed on approximately 4.6 million Palestinians who live in the occupied Palestinian territory, 2.7 million of them in the West Bank and 1.9 million in the Gaza Strip...fully meets the definition of apartheid under the Apartheid Convention...Every illustrative “inhuman act” listed in the Convention is routinely and systematically practiced by Israel in the West Bank.” (United Nations Economic and Social Commission for Western Asia, 2017:5)

“The 1.7 million Palestinians who live in Israel “are subjected to oppression on the basis of not being Jewish. That policy of domination manifests itself in inferior services, restrictive zoning laws and limited budget allocations made to Palestinian communities; in restrictions on jobs and professional opportunities.” (Ibid., p.4)

“Despite the absolute prohibition of torture, Palestinians detained by Israel continue to be subjected to torture and ill-treatment. Methods of torture and ill treatment reportedly include: sleep deprivation; excessive use of handcuffs; beatings; verbal abuse; stress positions; solitary confinement; humiliation; and threats of killing, sexual assault and house demolitions, against the detainee or his or her family.” (United Nations Human Rights Council, 2014:17)

“Israel is a serial human rights international law abuser. The UN Human Rights Commission affirms that it violates nearly all 149 articles of the Fourth Geneva Convention that governs the treatment of civilians in war and under occupation and is guilty of grievous war crimes. Imagine life under these conditions: Living in limbo under a foreign occupier; having no self-determination, no right of return, and no power over your daily life; being in constant fear, economically strangled, and collectively punished; having your free movement denied by enclosed population centers, closed borders, regular curfews, roadblocks, checkpoints, electric fences, and separation walls; having your homes regularly demolished and land systematically stolen to build settlements for encroachers in violation of international law prohibiting an occupier from settling its population on conquered land; having your right to essential services denied – to emergency health care, education, employment, and enough food and clean water; being forced into extreme poverty, having your crops destroyed, and being victimized by punitive taxes; having no right for redress in the occupier’s courts under laws only protecting the occupier; being regularly targeted by incursions and attacks on the ground and from the air; being willfully harassed, ethnically cleansed, arrested, incarcerated, tortured,

and slaughtered on any pretext, including for your right of self-defense; having no rights on your own land in your own country for over six decades and counting; vilified for being Muslims and called terrorists, Jihadists, crazed Arabs, and fundamentalist extremists. Victimized by a slow-motion genocide to destroy you. (Cook, 2010:29-30)

According to Israeli historian Ilan Pappé, Israel has conducted state-sponsored genocide against the Palestinians for decades and intensively in Gaza. (Ibid., 2010:30 )

“In March 1998, international law expert Francis Boyle proposed that "the Provisional Government of (Palestine) and its President institute legal proceedings against Israel before the International Court of Justice (ICJ) in the Hague for violating the" Genocide Convention. He stated that "Israel has indeed perpetrated the international crime of genocide against the Palestinian people (and the) lawsuit would....demonstrate that undeniable fact to the entire world." (Loc. cit.)

“Housing demolitions and displacement of Palestinian communities also kept up with the settlement boom in 2013. From January to October 2013, 533 Palestinian homes and livelihood structures were demolished, including 205 residential structures, displacing 969 people, including 441 children. International donor-funded structures, paid for by taxpayers around the world, were not spared from demolition, and 96 donor-funded structures, including residential, livestock-related and water and sanitation facilities in the West Bank were demolished by Israeli authorities.” (United Nations Human Rights Council, 2014, p. 10).

“The crime of apartheid” means inhumane acts... committed in the context of an institutionalized regime of systematic oppression and domination by one racial group over any other racial group or groups and committed with the intention of maintaining that regime.” (International Criminal Court. Op. cit., p.4)

## **On Company Image and Sustainability of Companies Invested in Israel**

Companies and brands have what is referred to as image/reputation. It was popularized in the United States in the late 1950's. Most of the world's most successful companies invest in their company's image. The image of the company is a valuable marketing asset (Dowling, 1993).

There are three dimensions of corporate reputation: known (how the company is recognized by the general public); known as (a company is known for having a particular attribute, for example, having a good product); and preferably in general (good judgment, attractive and precise control over the company from the public). An organization's reputation is an objective reality (Lange et al., 2010). Improving the company's reputation and giving a positive impression to the public is the main reason for the company to take part in social responsibility activities (Cho and Hong, 2008).

Nowadays, business is no longer just paying attention to the company's financial records (single bottom line), but has also been covering social, and environmental aspects of the so-called triple bottom line. The synergy of these three elements is key to the concept of sustainable development (sustainable development).

### **Responsibility to Divest from Apartheid**

Because Caterpillar is supplying bulldozers to Israel to demolish Palestinian homes and increasing numbers of citizens are becoming aware of that, in 2012, TIAA-CREF, "a predominant supplier of financial services for those in the academic, governmental, medical and cultural sectors [in the U.S.], removed Caterpillar from its Social Choice Fund, a divestment worth US\$ 72 million. This occurred when the company was removed from Morgan Stanley Capital International Environmental, Social and Governance (MSCI ESG) indexes that TIAA-CREF uses in determining which companies are suitable for investment among their social choice products. MSCI said the company's status

had been downgraded for a number of reasons, including environmental concerns, employee safety issues, a plant closure in Canada and 'an ongoing controversy associated with use of the company's equipment in the occupied Palestinian territories."

"In June 2014, the 221st Presbyterian General Assembly, meeting in Detroit, decided by a vote of 310 to 303 to sell their holdings in three corporations entangled with the Israeli occupation of Palestinian territories." (Stockton, 2015).

[In June 2014] "...the Gates Foundation divested its US \$182 million stake in G4S, the largest security company in the world, over its involvement in human rights violations, including Israeli violations in the OPT. The United Methodist Church, which maintains the largest pension fund of any US church, also divested from G4S. The Presbyterian Church USA, one of the most influential mainline Protestant churches, followed suit, divesting from HP, Caterpillar and Motorola Solutions because of their complicity in the Israeli occupation." (Slovo, 2014)

In January 2016, the United Methodist Church's pension fund in the United States (representing more than 7 million members) included 5 Israeli banks in a 'black list' of corporations it would not invest in, due to...Israeli infringements of human rights." (Munin, 2015).

## **The Importance of CSR Implementation**

Companies' silence on what the host governments do is contrary to human rights. Even worse, the companies that are still working with the oppressive authority can be said to be involved in criminal acts. Companies don't just have moral obligations to not do harm, but more than that, they should be working for the protection of human rights and pressuring the government that is hosting them (Wettstein, 2012).

The United Nations Economic and Social Council, Commission On Human Rights' Norms on the responsibilities of transnational corporations and other business enterprises with regard to human rights C(3) states:

“Transnational corporations and other business enterprises shall not engage in nor benefit from war crimes, crimes against humanity, genocide, torture, forced disappearance, forced or compulsory labour, hostage-taking, extrajudicial, summary or arbitrary executions, other violations of humanitarian law and other international crimes against the human person as defined by international law, in particular human rights and humanitarian law.” (United Nations Economic and Social Council, 2003).

“A corporation can recognizably become involved in violations of human rights law either directly as a private actor; as an actor colored by a connection with a state, state entity, or other public actor, or as participant in a joint venture or complicitous relation with another human rights violators. Decisions and activities of multinational corporations can significantly impact human rights, and one can predict that there will be increasingly scrutiny of corporate deprivations of human rights at the international and regional levels and in domestic fora” (Paust, 2002).

Arnold (2010) quoted The Ten Principles of the United Nations Global Compact of Human Rights which includes: “Principle 1: Businesses should support and respect the protection of internationally proclaimed human rights; and Principle 2: make sure that they are not complicit in human rights abuses.”

Corporations that assume social responsibility and develop and offer products with a societal value can penetrate newmarkets, attract new customers (e.g., Prahalad & Hammond, 2002).

“CSR is linked with the idea of “doing good.” However, beyond “doing good,” corporations also have the responsibility for “avoiding bad” in order to prevent corporate social irresponsibility (CSI), such as cheating customers, violating human rights, or damaging the environment. Thus, CSR entails both “doing good” and “avoiding bad.” (Lin-Hi & Müller, 2013)

“Today the challenges of international competitiveness demand that companies not only know how to manage crises of reputation in the media, but

also gain comparative advantage through their human rights record.” (Mullerat and Brennan, 2005)

## **Conclusions**

This study briefly described the lessons from South Africa. This study gave a short history of the apartheid regime in Palestine and the roots of the problem in Palestine. Divestment from apartheid is a necessary part of corporate social responsibility, and this study detailed some of the divestment that has occurred.

Corporations should not benefit from an apartheid regime that commits war crimes and crimes against humanity constantly. The only responsible action for a company’s long-term reputation is to divest from the criminal apartheid entity in the Middle East.

Much more research is needed to bring greater awareness to this problem and to the absolute necessity that as a part of CSR, companies divest from the illegal apartheid system imposed on Palestine.

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