



*Canadians for Justice and Peace
in the Middle East*

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September 22nd , 2010

Mr. Douglas R. Oberhelman
Vice Chairman and CEO
Caterpillar Inc.
100 North East Adams Street
Peoria, Illinois, USA 61629

Dear Mr. Oberhelman,

I am writing to ask you to no longer supply bulldozers to the Israeli Occupation Forces. As you probably know, the bulldozers sold to the Israeli army are militarized and used as a weapon to destroy Palestinian land and homes. I am urging this action on your part, because it is the appropriate legal and ethical position for your company.

My organization, Canadians for Justice and Peace in the Middle East (CJPME) is considering the imminent launch of a boycott on Caterpillar Inc. The boycott on CAT is justified for three reasons:

- First, CAT bulldozers are used to demolish Palestinian homes, to destroy their land and to build Israel's Wall on Palestinian territory. These actions are illegal under instruments of international law, most notably the Fourth Geneva conventions, and the Hague Regulations of 1907.
- Second, by selling equipment to the Israeli Army, CAT is violating its own Code of conduct on several levels. Described by CAT as the most important document it has ever published, the code of conduct requires CAT to be socially responsible, and to be engaged in the community by promoting the common good. It also requires CAT to be transparent by responding to public inquires with full disclosure. All of these principles are being violated as a result of Caterpillar's export of its bulldozers to Israel.
- Despite being aware of the Israeli military's ongoing violations of international law, CAT is still selling bulldozers that are used to destroy Palestinian property, violating the UN Human Rights Norms for Business, unanimously adopted in 2003. This instrument prohibits transnational corporations and other business entities from profiting from violations of international humanitarian law (Art. C section 3), and also requires them to further seek to ensure that the goods and services they provide will not be used to abuse human rights (Art. E section 11).

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, or 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 63/96 (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.

From its inception, Caterpillar has advocated ethical policies, and accountability on a number of social issues. Nevertheless, I am also aware that Caterpillar has tried to sidestep the issues I raise above by saying that they aren't responsible for how their equipment is being used by the Israeli military. This is neither an ethically or legally tenable position. CAT is aware of the action taken by the Israel's army with their equipment. And according to international law and CAT's own code of conduct; they have the responsibility to make sure the equipment they are providing will not be used to abuse human rights and violate international law. Aware of the overwhelming international consensus that the rights of Palestinians are being violated, CAT 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 Caterpillar. I urge you to cease selling bulldozers to the Israeli Occupation Forces, 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 CAT follow its own code of conduct and pursue its path as a leader in setting ethical standards 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 CAT as an ethical place of business once it has changed its commercial agreement vis-à-vis the Israeli Army.

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