



U.S. Governmental Complicity in Supplying Israel with Caterpillar Bulldozers
Testimony of Josh Ruebner, National Advocacy Director, US Campaign to End the Israeli Occupation
Russel Tribunal on Palestine, London Session, November 21, 2010
Session 5: The Arms Trade and the Apparatus of Repression

Since 1949, the United States has provided Israel a total of slightly more than \$109 billion in military and economic aid, according to Congressional Research Service.¹ In August 2007, the United States and Israel signed a Memorandum of Understanding (MOU) for the United States to provide Israel with \$30 billion in additional military aid from FY2009-2018, an annual average increase of 25% above levels prior to the MOU.² Israel is the largest recipient of U.S. foreign aid.

Each year, the President submits a budget request to Congress, which includes a proposed appropriation of military aid to Israel through a program formally titled Foreign Military Financing (FMF). The House and Senate Appropriations Subcommittees on State, Foreign Operations, and Related Programs have jurisdiction over this portion of the U.S. federal budget and have the authority to amend, approve, or deny the President's budget request. Once these subcommittees pass their budget, which includes FMF for Israel, both the entire Appropriations Committees and the full chambers of the House and Senate also have the opportunity to amend, approve, or vote against the budget. After a reconciled budget passes both the House and Senate, the President can either sign into law or veto the budget.

Once Congress appropriates FMF to Israel through this budget process, both the Department of State and the Department of Defense separately administer different programs to contract for and transfer U.S. weapons to recipients of U.S. military aid. The three major U.S. governmental programs that convey military aid to their recipients are: Direct Commercial Sales (DCS)--administered by the Department of State; Foreign Military Sales (FMS) and Excess Defense Articles (EDA)--administered by the Department of Defense.

In *Corrie et. al. v. Caterpillar, Inc.*, a lawsuit filed in U.S. federal court seeking redress against Caterpillar for the deaths of U.S. citizen Rachel Corrie and other Palestinians killed by Israel with Caterpillar products, the corporation's General Manager, Defense and Federal Products, declared that "the Defense Security Cooperation Agency ("DCSA") [an agency within the Department of Defense] gave approval for funding by the United States government under the foreign military financing ("FMF") program and found that the proposed procurement by the State of Israel was consistent with the Arms Export Control Act ("AECA") and the applicable FMF agreements."³

Except for large contracts, Department of State and Defense public reporting on amounts, categories, and corporate origin of arms transfers is opaque. Based on publicly available records, the total quantity and value of Caterpillar bulldozers transferred from the United States to Israel as part of its military aid package is not known since neither department has an explicit category for bulldozers. The bulldozers may be categorized under "other commercial vehicles" in the FMS program, which amounted to \$87.9 million from FY2000-2009.⁴ This figure would appear to be in line with a document submitted by Caterpillar, cited above, in the *Corrie v. Caterpillar* lawsuit, which revealed the approval by DCSA of \$32.6 million in FMF for Israel's purchase of 50 Caterpillar D9R bulldozers in 2001.

Despite Caterpillar providing documentary evidence that the U.S. government has certified that the provision of bulldozers to Israel is "consistent" with the AECA, doubts remain about the legality of U.S. arms transfer to Israel in general, and of Caterpillar bulldozers in particular. All U.S. arms transfers and military aid—without exception—are subject to laws that are intended to prevent these weapons from being misused to commit human rights abuses.

The AECA (P.L. 80-829) stipulates that foreign countries either purchasing U.S. weapons or receiving them as military

1 "U.S. Foreign Aid to Israel," by Jeremy Sharp, Specialist in Middle Eastern Affairs, Congressional Research Service, September 16, 2010, p. 24. Available at: <http://www.fas.org/sgp/crs/mideast/RL33222.pdf>

2 The text of the MOU is available at: <http://endtheoccupation.org/downloads/2007israelusmou.pdf>

3 The text of the declaration is available at: http://ccrjustice.org/files/Corrie_WeinbergDeclaration_10_05.pdf

4 Data compiled from Department of Defense Section 655 Reports, obtained by the Federation of American Scientists through a Freedom of Information Act (FOIA) request. The reports are available at: http://www.fas.org/programs/ssp/asmp/factsandfigures/government_data_index.html#655

aid must use them only for “internal security” and “legitimate self-defense.” The Foreign Assistance Act (P.L. 97-195), which regulates all U.S. military and economic aid programs, provides that “No assistance may be provided...to the government of any country which engages in a consistent pattern of gross violations of internationally recognized human rights.” It also prohibits military aid to “any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights.”

Israel's misuse of U.S. weapons in general, and Caterpillar bulldozers in particular, would appear to place it in violation of all of these U.S. laws. According to the Israeli human rights organization B'tselem: The Israeli Information Center for Human Rights in the Occupied Territories, since September 29, 2000, Israel has killed more than 3,000 Palestinian non-combatants (civilians and civil police who took no part in hostilities when killed) in the occupied Gaza Strip, West Bank, and East Jerusalem. Of these fatalities, Israel killed 21 innocent Palestinian civilians, including 7 children, through house demolitions.⁵ Most of these fatalities likely resulted from Israel employing Caterpillar bulldozers to demolish these Palestinian houses. Among those innocent Palestinian civilians killed by Israel are:

* Eight members of the al-Sho'bi family in Nablus, who were crushed to death when the Israeli military destroyed their home in April 2002 and did not give them enough time to flee the premises.

* Jamal Fayad, a paralyzed man whose relatives informed Israeli soldiers that he was inside the house about to be demolished and unable to leave, who was crushed to death in April 2002.

* Ibrahim Khalafallah, a man in his seventies who was unable to move without assistance, who was crushed to death in his home in June 2004.

These Palestinian fatalities are exclusive of the case of U.S. citizen Rachel Corrie, who was killed on March 16, 2003 by the Israeli military with a Caterpillar D9 bulldozer as she nonviolently protected a Palestinian home in Rafah, Gaza Strip from being demolished.

In addition to Israel's violation of the most basic and fundamental human right to life, it also misuses Caterpillar bulldozers to commit other grave violations of human rights and international law, including the wanton destruction of personal property, the uprooting of olive trees, and the construction of illegal Israeli settlements and the Apartheid Wall, ruled to be illegal by the International Court of Justice in July 2004.⁶

Israel's use of Caterpillar bulldozers to violate human rights and international law in the course of a foreign military occupation cannot be considered to be for “internal security” or “legitimate self-defense.” According to the U.S. laws cited above, Israel should be sanctioned and ineligible to receive U.S. military aid as a consequence of its systematic human rights abuses of Palestinians. Unfortunately, the U.S. government does not apply its own laws on an impartial basis; their implementation is subject to political calculations.

However, these calculations may be beginning to shift in a positive direction. On October 25, Israel's Channel 2 news program reported that Caterpillar, most likely with U.S. government pressure, has suspended the delivery of tens of D9 bulldozers—valued at \$50 million—to the Israeli military. On November 5, the US Campaign to End the Israeli Occupation delivered to the Department of State an open letter signed by 150 organizations and a petition signed by more than 11,000 individuals, calling on the Obama Administration to make this temporary suspension permanent and to end bulldozer deliveries to the Israeli military.

International civil society in general, and U.S. citizens in particular, must engage in this type of activism to demand that the United States hold Israel accountable for its misuse of U.S. weapons, including Caterpillar bulldozers. Without such a change in U.S. policy, the main conduit of arms transfers to Israel will only continue to increase and thereby vitiate any prospect of a just and lasting Israeli-Palestinian peace.

5 Data compiled from tables available at: <http://www.btselem.org/english/statistics/Index.asp>

6 For more detailed descriptions and legal analysis of human rights abuses committed by Israel with Caterpillar bulldozers, see “Israel's Human Rights Violations Facilitated by the Use of CAT Bulldozers,” available at: <http://www.endtheoccupation.org/article.php?id=1178>