



Kate Harrison
Councilmember District 4

REVISED AGENDA MATERIAL for Supplemental Packet 1

Meeting Date: September 10, 2019

Item Number: 38

Item Description: Resolution: Oppose U.S. Withdrawal from INF Treaty

Submitted by: Peace and Justice Commission

At the time of submission by the Peace and Justice Commission, the United States had not yet withdrawn from the INF treaty, and this letter was intended to dissuade that outcome. On August 2, 2019, after this resolution was submitted, Secretary of State Pompeo announced that the United States had officially pulled out of the treaty.

After discussion with the Peace and Justice Commission, we are submitting these revisions to clarify our opposition to leaving the INF treaty, despite the Trump Administration's actions.



Peace and Justice Commission

CONSENT CALENDAR
September 10, 2019

To: Honorable Mayor and Members of the City Council
From: Berkeley Peace and Justice Commission
Submitted by: Igor Tregub, Chairperson, Peace and Justice Commission
Subject: Resolution: Oppose U.S. Withdrawal from INF Treaty

RECOMMENDATION

Adopt a resolution that calls on President Trump to rescind the U.S. ~~notice of~~ withdrawal from the Intermediate-Range Nuclear Forces Treaty (INF Treaty) and to continue to comply with and re-enter into the Treaty, calls on Congress to oppose U.S. withdrawal from the Treaty and to support resolution of U.S.-Russian disputes through mechanisms established by the Treaty, and calls on Representative Barbara Lee to support H.R. 1249, the INF Treaty Compliance Act of 2019.

FISCAL IMPACTS OF RECOMMENDATION

None

CURRENT SITUATION AND ITS EFFECTS

The INF Treaty between the U.S. and the Soviet Union was ratified by the U.S. Senate on May 27, 1988. It banned the two nations' land-based intermediate-range ballistic missiles, cruise missiles, and missile launchers with ranges between 310 and 3,420 miles. This Treaty resulted in the destruction within three years of 2,692 United States and Soviet short-, medium-, and intermediate-range missiles.

On February 1, 2019, Secretary of State Michael R. Pompeo announced that the U.S. would withdraw from the Intermediate-Range Nuclear Forces Treaty (INF Treaty) in 6 months, and on August 2, 2019, he announced that the U.S. had withdrawn from the Treaty. in accordance with Article 15 of the treaty.

The Russian Federation (Russia), successor state to the Soviet Union, subsequently made a similar announcement with respect to Russia's withdrawal.

The terms of the Treaty do not provide for withdrawal except for extraordinary events related to the subject matter of the Treaty that jeopardize the supreme interests of one side. The Russian missile deployment that the U.S. claims violates the treaty terms does not constitute such an extraordinary event. Instead, the treaty provides in Article 15 that issues of compliance (a material breach of the treaty provisions) are brought before a Special Verification Commission for resolution, and other avenues for resolution are also provided.

M/S/C: Maran/Meola

Ayes: Askary, al-Bazian, Bohn, Gussman, Lippman, Maran, Meola, Morizawa, Pierce, Pancoast

Noes: None

Abstain: None

Absent: Chen

Excused: Rodriguez, Tregub

BACKGROUND

At its regular meeting on April 8, 2019, the Peace and Justice Commission recommended the Council of the City of Berkeley call on President Trump to rescind the U.S. notice of withdrawal from the INF Treaty, call on Congress to oppose U.S. notice of withdrawal, and on Rep. Barbara Lee to support H.R. 1249, the INF Treaty Compliance Act of 2019.

The U.S. abrogation of the Treaty has caused concern domestically and internationally. The Chairs of the House of Representatives Committees on Foreign Affairs and Armed Services stated that instead of crafting a plan to hold Russia accountable and pressure it into compliance, the Trump administration has offered President Putin an easy way out of the treaty and has played right into his hands. Similarly, European members of NATO urged the United States "to try to bring Russia back into compliance with the treaty rather than quit it, seeking to avoid a split in the alliance that Moscow could exploit." Mikhail Gorbachev, who co-signed the Treaty with President Reagan, warned that "a new arms race has been announced."

ENVIRONMENTAL SUSTAINABILITY

The 1986 Nuclear Free Berkeley Act states that the nuclear arms race "poses an intolerable threat to humanity," and that the entire nuclear fuel cycle "endangers our health and safety." This remains the case in 2019, and nuclear war constitutes an existential threat to the global environment paralleled only by planetary climate change. There are no identifiable environmental impacts or opportunities associated with the subject of this report.

RATIONALE FOR RECOMMENDATION

The City of Berkeley has repeatedly stated a policy priority to eliminate nuclear weapons and end the threat of nuclear war.

The Peace and Justice Commission mandate states that the Commission shall perform the following function:

“Advise the Berkeley City Council and the Berkeley Unified School Board on all matters relating to the City of Berkeley's role in issues of peace and social justice, including, but not limited to the issues of ending the arms race, abolishing nuclear weapons, support for human rights and self-determination throughout the world, and the reallocation of our national resources so that money now spent on war and preparation of war is spent on fulfilling human needs and the promotion of peace.”

The Nuclear Free Berkeley Act states that “The nuclear arms race poses an intolerable threat to humanity. ... Since the Nuremberg principles hold individuals accountable for crimes against humanity, and since nuclear weapons cannot be used without indiscriminately killing civilians and violating accepted international rules of war, then nuclear weapons are illegal, and should be prohibited in the City. We will not remain silent while policies of global death and destruction are carried out in our name.”

ALTERNATIVE ACTIONS CONSIDERED

None

CITY MANAGER

CONTACT PERSON

Igor Tregub, Chairperson, Peace and Justice Commission

Breanne Slimick, Commission Secretary, City Manager's Office (510) 981-7018

Attachments:

1: Resolution

RESOLUTION NO. ##-### N.S.

Oppose US withdrawal from the Intermediate-Range Nuclear Forces Treaty (INF)

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.68.070); and

WHEREAS, ~~On February 1~~ August 2, 2019, Secretary of State Michael R. Pompeo announced that the U.S. ~~would had~~ withdrawn from the Intermediate-Range Nuclear Forces Treaty (INF Treaty) ~~in 6 months, in accordance with Article 15 of the treaty~~ (1);¹ and

WHEREAS, ~~t~~The Russian Federation (Russia) subsequently made a similar announcement with respect to Russia's withdrawal; and

WHEREAS, Article 15, paragraph 1, stating that the INF Treaty is of "unlimited duration" is followed by Paragraph 2, thus: "Each Party shall, in exercising its national sovereignty, have the right to withdraw from the Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to withdraw to the other Party six months prior to withdrawal from this Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests;"² and

WHEREAS, the Russian missile deployment that the U.S. claims violates the treaty terms does not constitute an "extraordinary event" that jeopardizes U.S. "supreme interests;" and

WHEREAS, the U.S. deployment of anti-missile missile launchers that Russia claims violates the treaty terms does not constitute an "extraordinary event" that jeopardizes Russian "supreme interests;" and

WHEREAS, nowhere in the INF Treaty is it accepted that one party to the treaty may withdraw on the grounds that they have reason to believe the other party is in material breach of the treaty provisions; the treaty provides instead in Article 15 that issues of compliance are brought before a Special Verification Commission; and

WHEREAS, in addition to the Special Verification Commission, the U.S. and Russia may call upon third-party technical and legal experts to assist in resolution of the dispute; request the UN Security Council pursuant to Article 36 of the UN Charter to recommend a procedure for resolution of the dispute; or refer the matter by special agreement to the International Court of Justice.³

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley calls on President Trump to rescind the U.S. ~~US notice of~~ withdrawal from the INF Treaty, and to confirm that the United States will continue to comply with the said Treaty until such time as extraordinary events

related to the subject matter of this Treaty have demonstrably jeopardized the supreme interests of the United States.

BE IT FURTHER RESOLVED that the City of Berkeley calls on Congress to oppose U.S. withdrawal from the INF Treaty and to support resolution of the dispute through the treaty's Special Verification Commission and other international procedures as needed.

BE IT FURTHER RESOLVED that the City of Berkeley calls on Representative Barbara Lee to support H.R. 1249, the "INF Treaty Compliance Act of 2019," which would prohibit funds being made available for any missile prohibited by the INF Treaty.

BE IT FURTHER RESOLVED that the City of Berkeley send a copy of this resolution to President Donald Trump, Secretary of State Michael R. Pompeo, Senators Dianne Feinstein and Kamala Harris, and Representative Barbara Lee.

BE IT FURTHER RESOLVED that the City of Berkeley send a copy of this resolution to Vladimir Putin, President of the Russian Federation, with a formal request that he, likewise, rescind the Russian ~~notice of~~ withdrawal from the INF Treaty and commit to fully complying with the terms of this Treaty.

¹ "U.S. Intent to Withdraw from the INF Treaty, Mike Pompeo," <https://www.state.gov/u-s-intent-to-withdraw-from-the-inf-treaty-february-2-2019/>

² "Intermediate-Range Nuclear Forces (INF) Treaty," <https://www.acq.osd.mil/tc/inf/INFtext.htm>

³ "Russia, U.S. clash over INF arms treaty at United Nations," Reuters, October 26, 2018, <https://www.reuters.com/article/us-usa-nuclear-russia-un/russia-u-s-clash-over-inf-arms-treaty-at-united-nations-idUSKCN1N02FI>

Also:

"Trump stokes debate about new Cold War arms race," HILL.TV, October 27, 2018, <https://thehill.com/policy/defense/413383-trump-stokes-debate-about-new-cold-war-arms-race>