



## Kriss Worthington

Councilmember, City of Berkeley District 7

2180 Milvia Street, 5<sup>th</sup> Floor, Berkeley, CA 94704

PHONE 510-981-7170 FAX 510-981-7177 kworthington@ci.berkeley.ca.us

### CONSENT CALENDAR

January 30, 2007

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Subject: Resolution to eliminate racial discrimination

#### RECOMMENDATION:

That the Berkeley City Council adopt a resolution in support of enforcement of the Convention on Elimination of all forms of Racial Discrimination (CERD) and refer to the City Manager the polling and reporting of the City's progress in eliminating racial discrimination.

#### BACKGROUND:

In 1994, the US Government ratified a treaty – the Convention on Elimination of all forms of Racial Discrimination (CERD) – after ratification by the Senate, and approval by the President (140 Cong. Res. S. 7634, 1994). This treaty requires every signatory nation to regularly keep and file reports on the nation's progress toward eliminating racial discrimination on a federal, state, and local level. Currently, the United States is late in filing its second report (by ten years), and the City of Berkeley could play an important role in asking its city agencies to perform the necessary reporting about its efforts to enforce the CERD.

On Monday, January 8, 2007, the Peace and Justice Commission formally passed a resolution to urge the City Council to direct the City Manager to poll department directors on how the City is enforcing the CERD, and how it plans to improve compliance with the treaty, including the training of relevant City employees. Attached are a council resolution and the relevant documents passed by the Peace and Justice Commission.

#### FINANCIAL IMPLICATIONS:

Relatively Small

#### CONTACT PERSON:

Councilmember Kriss Worthington 981-7170

#### ATTACHMENTS:

- A. Council Resolution (for Council adoption)
- B. Peace and Justice Resolution and Commission action

RESOLUTION NO. –N.S.

WHEREAS, the City adopted, in 1990, a Human Rights Ordinance based on United Nations (UN) Charter Articles 55 and 56; and

WHEREAS, the US Government ratified a treaty called the "Convention on the Elimination of all forms of Racial Discrimination" (CERD), after signature by the President & ratification by the United States (US) Senate on June 24, 1994 (140 Cong. Res. S. 7634, 1994); a treaty, under the US Constitution, is the supreme law of the land (article 6, clause 2); and

WHEREAS, this treaty requires each signatory nation to file reports every two years, and the second report and all future reports must include information from the state and local levels. Under the treaty, the United States was to file its first report in 1995, and its second report two years later in 1997; in fact the US did not file its first report until 2000; after a report is filed, the Committee meets with the government officials and makes Concluding Observations concerning what each nation should do to enforce the treaty; and

WHEREAS, the US State Department has now announced to a group of concerned non-governmental organizations (NGOs) that it plans to submit its very tardy second report by spring, 2007; and

WHEREAS, the Berkeley City Council on April 20, 1993, voted to ask the Commission on the Status of Women, the Youth Commission, the Commission on Labor, and the Police Review Board to make reports under a similar UN treaty, the International Covenant on Civil and Political Rights to a similar UN Committee, the UN Human Rights Committee, this had the affirmative effect of informing city officials and civil servants about that treaty, and the reports were submitted to the US State Department for inclusion in its report, and were submitted directly to the UN committee via Meiklejohn Civil Liberties Institute, a Berkeley NGO, and the Institute sent representatives to the Committee meeting in New York, where the US report was discussed, and the Committee welcomed this City's participation, in 2006, 120 NGOs worked in a similar way with the second report to that Committee; and

WHEREAS, The Katrina disaster drives home the urgency of addressing racism; Had this treaty been enforced starting in 1994, that disaster would have occurred without rampant racial discrimination; and

WHEREAS, Berkeley could play a major affirmative role by asking all its city agencies to read the CERD and make reports about its efforts to enforce all of the provisions against discrimination, and to study the Concluding Observations of the CERD Committee to the US in 2000;

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley ask the City Manager to poll all city department directors and report to the Council by March 15, 2007 on how the city is enforcing the CERD, and how it plans to improve, including training of relevant city employees; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley submit this report to the Attorney General of California for inclusion in his report for the State of California to the Committee and that the City Report also be submitted directly to the CERD Committee; and

BE IT FURTHER RESOLVED that copies of this resolution shall be sent to Alameda County Supervisor Keith Carson, Attorney General-Elect Jerry Brown, U.S. Representative Barbara Lee, U.S. Representative John Conyers, U.S. Representative Nancy Pelosi, Secretary of State Condoleeza Rice, and United Nations High Commissioner for Human Rights Louise Arbour; and

BE IT FURTHER RESOLVED that the City Council immediately urge the Attorney General of California to seek reports from all cities and counties and state agencies in order to make his State Report accurate and complete and filed timely with the US Department of State and the CERD Committee.

RECOMMENDATION THAT BERKELEY SUBMIT A REPORT  
UNDER THE CONVENTION ON THE ELIMINATION OF ALL FORMS  
OF RACIAL DISCRIMINATION

WHEREAS, Berkeley Municipal Code § 3.68.070 provides that the Peace and Justice Commission "shall ... advise the Berkeley City Council ... on all matters relating to the City of Berkeley's role in issues of peace and social justice, including ... support for human rights ..."; and the City adopted, in 1990, a Human Rights Ordinance based on United Nations Charter Articles 55 and 56; and

WHEREAS, The United States (US) Government ratified a treaty called the "Convention on the Elimination of All Forms of Racial Discrimination" (CERD), after signature by the President and ratification by the US Senate on June 24, 1994 (140 Cong. Res. S. 7634, 1994); a treaty, under the US Constitution, is the supreme law of the land (article 6, clause 2); and

WHEREAS, This treaty requires each signatory nation to file reports every two years, and the second report and all future reports must include information from the state and local levels; the US should have filed its first report in 1995, and its second report two years later in 1997; in fact the US did not file its first report until 2000; after a report is filed, the Committee meets with the government officials and makes Concluding Observations concerning what each nation should do to enforce the treaty; and

WHEREAS, The US State Department has now announced to a group of concerned non-governmental organizations (NGOs) that it plans to submit its very tardy second report by spring, 2007; and

WHEREAS, The Berkeley City Council on April 20, 1993, voted to ask the Commission on the Status of Women, the Youth Commission, the Commission on Labor, and the Police Review Commission to make reports under a similar United Nations (UN) treaty, the International Covenant on Civil and Political Rights, to a similar UN Committee, the UN Human Rights Committee; this had the affirmative effect of informing city officials and civil servants about that treaty, and the reports were submitted to the US State Department for inclusion in its report, and were submitted directly to the UN committee via Meiklejohn Civil Liberties Institute, a Berkeley NGO, and the Institute sent representatives to the Committee meeting in New York, where the US report was discussed, and the Committee welcomed this City's participation; in 2006, 120 NGOs worked in a similar way with the second report to that Committee; and

WHEREAS, The Katrina disaster drives home the urgency of addressing racism; had this treaty been enforced starting in 1994, that disaster would have occurred without rampant racial discrimination; and

WHEREAS, Berkeley could play a major affirmative role by asking all its city agencies to read the CERD and make reports about its efforts to enforce all of the provisions against discrimination, and to study the Concluding Observations of the CERD Committee to the US in 2000.

NOW THEREFORE, BE IT RESOLVED that the Peace and Justice Commission recommends that

the Council of the City of Berkeley ask the City Manager to poll all city department directors and report to the Council by February 20, 2007 on how the city is enforcing the CERD, and how it plans to improve, including training of relevant city employees.

BE IT FURTHER RESOLVED that the Council submit this report to the Attorney General of California for inclusion in his report for the State of California to the Committee and that the City Report also be submitted directly to the CERD Committee.

BE IT FURTHER RESOLVED that copies of this Resolution shall be sent to Alameda County Supervisor Keith Carson, Attorney General Jerry Brown, US Representatives Barbara Lee, John Conyers, and Nancy Pelosi, Secretary of State Condoleezza Rice, and United Nations High Commissioner for Human Rights Louise Arbour.

BE IT FURTHER RESOLVED that the City Council immediately urges the Attorney General of California to seek reports from all cities and counties and state agencies in order to make his State Report accurate and complete and filed timely with the US Department of State and the CERD Committee.

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At the meeting of January 8, 2007, the Peace & Justice Commission discussed the "Convention on the Elimination of all forms of Racial Discrimination". After much discussion, the Commission approved the following motion:

**M/S/C** (*Bohn/sorgen*) to recommend that the City Council direct the City Manager to poll all Department Directors on how the City is enforcing the "Convention on the Elimination of all forms of Racial Discrimination" and how it plans to improve, including training of relevant City employees, and report back to the Council by February 20, 2007. **Ayes:** Bohn, Freedkin, Litman, Meola, McDonald, sorgen, Wagley, Winkelman; **Noes:** None; **Abstain:** Seaton, Wornick; **Absent:** Sherman.

Commissioner Seaton abstained from the vote for the following reason: "While the United States should abide by reports, this resolution puts undue weight on City departments and is very vague about requirements. I also believe Berkeley continues to single out the United States for critique when far worse conduct occurs around the world."

Commissioner Wornick abstained from the vote for the following reason: "I could not support this resolution nor oppose it. I have concerns about undue burdens on City, especially when the United States government is clearly preparing a report. While I support all anti-discrimination laws, I feel this resolution does not work to advance these lofty goals."

