

MINUTES

The meeting convened at 7:01 pm with Chairperson Anne Wagley presiding.

ROLL CALL

Present: Donald Brody, Leslieann Cachola, Elliot Cohen, Steven Freedkin, Jesse Gabriel, John Lavine, Jane Litman, Rita Maran, Thom Seaton, Michael Sherman, PhoeBe ANNE (sorgen), Anne Wagley, Jamie Wright

Absent: Mark McDonald

COMMENTS FROM THE PUBLIC

1. John Gertz regarding the Geneva Accords Peace Plan.
2. Rebecca Simon regarding the Geneva Accords Peace Plan.
3. Sanne DeWitt regarding the Geneva Accords Peace Plan.
4. Seymour Kessler, Bridge to Israel-Berkeley, regarding the Geneva Accords Peace Plan.
5. Marian Magid regarding the Geneva Accords Peace Plan.

ACTION ON MINUTES

M/S/C (*sorgen, Lavine*) to approve the minutes for the regular meeting of January 12, 2004.
Ayes: Brody, Cachola, Lavine, Litman, Seaton, Sherman, sorgen, Wagley, Wright; **Noes:** None;
Abstain: Cohen, Freedkin, Gabriel, Maran; **Absent:** McDonald.

Commissioners Cohen, Freedkin, Gabriel, and Maran abstained from the vote because they were not present for the January 2004 meeting.

ACTIONS TAKEN

Weapons of Mass Destruction

M/S/F (*Cohen, Freedkin*) to approve the following resolution on weapons of mass destruction possessed by the United States:

WHEREAS, the United States government promoted the idea that weapons of mass destruction formed an adequate basis upon which to declare war against Iraq; and

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WHEREAS, according to this principle weapons of mass destruction are unacceptable; and

WHEREAS, the United States cannot maintain the moral or legal legitimacy to condemn weapons of mass destruction unless the International community itself is confident that we, the United States, adhere to the same standards we seek to insist that other nations adhere to.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley request that the United Nations provide inspectors to determine if any weapons of mass destruction are retained by the United States government and if so to supervise the removal and destruction of all such weapons.

Ayes: Cohen; **Noes:** Brody, Cachola, Gabriel, Litman, Maran, Seaton, Sherman, Wagley, Wright; **Abstain:** Freedkin, Lavine, Sorgen; **Absent:** McDonald.

Non-Defended Localities

M/S/C (*Freedkin, Sherman*) to approve the following resolution on Non-Defended Localities:

WHEREAS, Berkeley Municipal Code (BMC) Section 3.68.070, establishing the Peace and Justice Commission, states that the Commission shall "(A) Advise the Berkeley City Council ... on all matters relating to the City of Berkeley's role in issues of peace and social justice," ... (C) Help develop proposals for the City Council ... for actions in furtherance of the goals of peace and justice, and help publicize such actions in the community, ... (G) Initiate and develop cultural and educational foreign exchange, [and] ... (J) Provide information to other municipalities ... on the work of the commission, and exchange information on actions taken by cities and the School Board in furtherance of the goals of the commission; and

WHEREAS, Additional Protocol 1 of the Geneva Conventionsⁱ defines "Non-Defended Localities" as communities that declare themselves non-combatants, and specifies that any attack on a Non-Defended Locality is a war crime; and

WHEREAS, Citizen peace activists from the City of Osaka, Japan visited Berkeley in October, 2003, described their ongoing campaign to have Osaka declare itself a Non-Defended Locality, and more broadly to encourage communities throughout Japan and the world to do likewise, and have requested our community's support and solidarity; and

WHEREAS, Such a nationwide effort will be launched at a conference in Osaka on 7 March 2004, with a member of the Berkeley Peace and Justice Commission invited to speak at the conference; and

WHEREAS, BMC § 3.68.010, establishing the Peace and Justice Commission, states, "(A) The intentional destruction of cities in war is the rule and not the exception; (B) State, national and international governmental bodies have failed to control war and in fact, have in many cases, been responsible for war and the conditions of war; ... (G) Initiatives are needed to reverse the drift toward war and to remove the causes of war; [and] ... (I) Individual citizens, unless organized, are virtually powerless in confronting and influencing larger governmental bodies"; and

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WHEREAS, the citizens of Berkeley, in the Nuclear Free Berkeley Act, passed in 1986 by the voters, declared that "the nuclear arms race poses an intolerable threat to humanity" (BMC § 12.90.030[A]), and supported "peace conversion" (BMC § 12.90.020[B]), specifically "the conversion of labor, resources and physical plants to peaceful and productive uses" (BMC § 12.90.120); and

WHEREAS, peace conversion and ending the nuclear arms race are among the goals of the Non-Defended Localities movement in Japan; and

WHEREAS, members of the Non-Defended Localities movement said during their visit to Berkeley in October 2003 that they take inspiration and motivation from our community's active concern about global peace and justice, including its expression in the Nuclear Free Berkeley Act;

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley extends greetings on behalf of the people of Berkeley to citizens of Japan who are working for the elimination of war and for peace conversion.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley expresses congratulations to the organizers of and participants in the Non-Defended Localities Movement, and wishes them success at their organizing conference on March 7, 2004 and in their efforts to create a more peaceful community, country, and world.

BE IT FURTHER RESOLVED, that the Council of the City of Berkeley looks forward to hearing about the successes of the community-based Japanese peace and justice movement, so that our community can learn from your experiences and work with our friends across the Pacific in solidarity toward a better world.

Ayes: Brody, Cohen, Freedkin, Lavine, Maran, Sherman, Sorgen, Wagley; **Noes:** Cachola, Seaton, Wright; **Abstain:** Gabriel, Litman; **Absent:** McDonald.

Commissioners Gabriel and Litman abstained from the vote because they lack knowledge of the facts regarding Non-Defended Locality Movement.

Election of Chairperson and Vice-Chairperson

Nominations were opened for the position of Chairperson: Leslieann Cachola was nominated by Commissioner Litman with a second by Commissioner Wright, and Steve Freedkin was nominated by Commissioner Lavine with a second by Commissioner Cohen. Nominations were closed and by a vote of 7 to 6, Leslieann Cachola was elected Chairperson for 2004.

Nominations were opened for the position of Vice-Chairperson: Anne Wagley was nominated by Commissioner Freedkin with a second by Commissioner Litman, and no other nominations were made. Nominations were closed and by a unanimous vote, Anne Wagley was selected Vice-Chairperson for 2004.

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NEXT MEETING

The next regular meeting will be on Monday, March 1, 2004 at 7:00 pm in the North Berkeley Senior Center.

The meeting was adjourned at 10:05 pm.

Respectfully submitted,

Manuel Hector Jr., Secretary

ⁱ Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol 1), Adopted on 8 June 1977 by the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts, entry into force 7 December 1979, in accordance with Article 95 <<http://www.unhchr.ch/html/menu3/b/93.htm>>