



Kriss Worthington

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CONSENT CALENDAR

February 12, 2008

To: Honorable Mayor and Members of the City Council

From: Councilmember Kriss Worthington

Subject: Condemn Construction Border Wall Along The United States-Mexico Border

RECOMMENDATION:

Adopt a Resolution condemning the construction of a border wall along the international boundary zone connecting the United States of Mexico and the United States of America

BACKGROUND:

Last year, the United States Congress appropriated 1.2 billion dollars to construct a wall along the United States (US) -Mexico border. The purpose of the project, as suggested by the US

Department of Homeland Security, is to help eliminate migration and drug trafficking along the border.

Recently the Department of Homeland Security proceeded with its plan to construct the border wall by giving property owners along the US-Mexico border a 30-day notice asking owners to sign waivers allowing Department personnel access to their property or else the federal government will file a lawsuit so that they can have unimpeded access to the land.

The proposed border wall will have devastating consequences on the local environment along the border, and will result in landowners and farmers losing their land and access to river water for irrigation. It will also negatively affect the relationship between the US and Mexico as well as to indigenous nations.

The border wall would also limit access to parks and historical sites, as well as adversely affect the environmental quality of the region.

In order to facilitate the construction of the wall, the Department of Homeland Security has waived a number of important environmental laws. Additionally, it has indicated that it may need to acquire private property through eminent domain to ensure that the wall is built.

Additionally, the billions of dollars in federal funding designated for the border wall project could be better used for a number of domestic needs such as health care, education and housing.

A number of human rights organizations, as well as the Town of Brownsville, Texas, which is along the US-Mexico border have expressed their opposition to the proposed border wall project.

The City of Berkeley should join these organizations in recognizing the impacts that the proposed border wall will have on local economies, the environment and human rights along the US-Mexico border and express its opposition to the project.

FINANCIAL IMPLICATIONS:

NONE

CONTACT PERSON:

Councilmember Kriss Worthington, 981-7170.

Attachments:

1. Resolution

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

CONDEMNING THE CONSTRUCTION OF A BORDER WALL
ALONG THE INTERNATIONAL BOUNDARY ZONE CONNECTING THE UNITED
STATES OF MÉXICO AND THE UNITED STATES OF AMERICA

WHEREAS, the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, as well as the Vienna Declaration and Programme of Action, affirm the fundamental importance of the right to self-determination of all peoples through which they freely determine their political status and freely pursue their economic, social, and cultural development¹, and

WHEREAS, Indigenous peoples are equal to all other peoples, including all peoples residing in the United States of America, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such, and

WHEREAS, there is an urgent need to respect and promote the rights of indigenous peoples which derive from their political, economic and social structures as well as from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories, and resources, and

WHEREAS, there is also an urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,¹ including the Treaty of Guadalupe-Hidalgo, and

WHEREAS, there is a favorable impact of demilitarizing the lands and territories of indigenous peoples, upon peace, economic and social progress, development, understanding, and friendly relations among nations and peoples of the world, and

WHEREAS, last year the United States Congress appropriated 1.2 billion dollars for the construction of a wall along the United States (US)-Mexico border to help eliminate migration and drug trafficking;

WHEREAS, the United States Department of Homeland Security (Department) has recently proceeded with the plan to construct a border wall by giving property owners along the US-Mexico border a 30 day notice asking owners to sign waivers allowing access to Department personnel or else the federal government will file a law suit so that federal employees can have unimpeded access to private land; and,

¹ Draft resolution, United Nations Declaration on the Rights of Indigenous Peoples, recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006, by which the Council adopted the text as contained in the annex presented on 12 September 2007 to the United Nations General Assembly.

WHEREAS, Article 13 of the United Nations Universal Declaration of Human Rights that states “Everyone has the right to freedom of movement and residence within the borders of each state,” and “Everyone has the right to leave any country, including his (or her) own, and to return to his (or her) country,” and

WHEREAS, the border wall represents a human rights crisis for indigenous and other peoples living along the international boundary zone between the United States of México and America and this human rights crisis has resulted in over 4,000 migrant deaths in recent years;² and

WHEREAS, the border wall will have devastating consequences on local economies, the environment, and human rights, and will result in landowners and farmers losing land and critical access to river water irrigation and will adversely affect the relationship between the United States of México and America and indigenous nations; and

WHEREAS, military policies, immigration policies, and United States foreign policy, including economic policies outlined in treaties, agreements and other constructive agreements like the North American Free Trade Agreement, directly impact state and local government policies, including but not limited to, the provision of services to address the migration of individuals into the United States local economies; and

WHEREAS, the City of Berkeley opposes spending tax dollars on the construction of an ineffective border wall where such walls have been shown to be easily breached in as little as seven (7) minutes;³ and

WHEREAS, billions of federal dollars intended for the border wall should be invested in health care, housing, education, job training, and infrastructure that will provide a visible and tangible return to the country, such as increasing opportunities, reducing poverty, diabetes, childhood obesity, and other preventable maladies;⁴ and

WHEREAS, the federal government has reserved for itself “the authority to waive all legal requirements” which, in the sole discretion of the Secretary of Homeland Security, have been deemed “necessary to ensure expeditious construction” of the border wall⁵ and it is prepared to use its powers of eminent domain to supersede the property rights of indigenous peoples and other landowners along the international boundary zone; and

WHEREAS, the federal government, through its power to waive in their entirety the Endangered Species Act, the Migratory Bird Treaty Act, the National Environmental Policy Act, the Coastal Zone Management Act, the Clean Water Act, the Clean Air Act, the National Historic Preservation Act, the Archeological Resources Protection Act, the Safe Drinking Water Act, the Noise Control Act, the Solid Waste Disposal Act, the Wild

² Ibid.

³ Resolution No. 2007 – 071, a resolution of the City Commission of Brownsville expressing opposition to the construction of a border wall along the Brownsville, Texas – Matamoros, Mexico border.

⁴ Ibid.

⁵ 8 USCS § 1103, note: Improvement of barriers at border, (c)(1).

and Scenic Rivers Act, the Farmland Protection Policy Act, the Administrative Procedures Act, the Fish and Wildlife Coordination Act, and countless other democratically established laws, ordinances, statutes, and judicial decisions, would construct a border wall that would slice through the heart of numerous wildlife refuges, parks, sanctuaries and other similar tracts established to protect wildlife in their respective natural environments and other historical sites along the international boundary zone; and

WHEREAS, no region of the United States of America has a greater interest in border security than the communities along the international boundary zone between the United States of México and America.

NOW THEREFORE, BE IT RESOLVED by the Council of the Berkeley of Berkeley that the City of Berkeley hereby expresses its opposition to the United States of America Federal Government funding and construction of the border wall, which would be imposed upon the international boundary zone connecting the United States of México and the United States of America, directly impacting indigenous peoples and other landowners, an infrastructure project that would not coincide with a humane strategy for comprehensive immigration reform and increased security for the United States but would instead cause untold death and damage of historic proportions to human life, wildlife, ecosystems, local and state economies, private properties, land grant entitlements, sacred indigenous burial and ceremonial sites, historical properties and sites, farmland, and international relations between the United States of Mexico, the United States of America, and other indigenous nations and communities.

