



Susan Wengraf
Councilmember District 6

CONSENT CALENDAR
July 27, 2021

To: Honorable Mayor and Members of the City Council
From: Councilmember Wengraf (Author) and Councilmember Hahn (Co-Sponsor)
Subject: Calling on the U.S. Government to Negotiate the Elimination of Nuclear Weapons

RECOMMENDATION

Adopt a resolution calling on the government of the United States to implement its obligations under international law to negotiate the elimination of nuclear weapons. Send a copy of the resolution to President Biden, Congressmember Barbara Lee, and Senators Dianne Feinstein and Alex Padilla.

FINANCIAL IMPLICATIONS

None

BACKGROUND

The very first United Nations General Assembly resolution, adopted by consensus on January 24, 1946, established a commission of the UN Security Council to ensure “the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction.”

The City of Berkeley has been a Nuclear Free Zone since passage of “The Nuclear Free Berkeley Act” (Ord.5784-NS Section 1, 1986), Berkeley Municipal Code (BMC) 12.90, which states: “The people of Berkeley find that: The nuclear arms race poses an intolerable threat to humanity.”

The City of Berkeley welcomes the June 21, 2021 Joint Statement by President Biden and Russian President Putin in which they “reaffirm the principle that a nuclear war cannot be won and must never be fought,” and calls on the Biden Administration to reduce nuclear tensions through intensive diplomatic efforts with Russia, China, North Korea, and Iran, and to work with Russia to dramatically reduce U.S. and Russian nuclear stockpiles leading to comprehensive disarmament negotiations with the other nuclear-armed state.

Additionally, the City of Berkeley calls on the President and Congress to redirect funds currently allocated to nuclear weapons and unwarranted military spending to address decades of inaction on infrastructure, poverty, the growing climate crisis, and rising inequality.

ENVIRONMENTAL SUSTAINABILITY

Weapons of mass destruction would be devastating to the environment.

CONTACT PERSON

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Council District 6

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Attachments:

1: Resolution

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

CALLING ON THE U.S. TO NEGOTIATE ELIMINATION OF NUCLEAR WEAPONS

WHEREAS, in 1995, then-Hiroshima Mayor Takashi Hiraoka testified before the International Court of Justice (ICJ): “History is written by the victors. Thus, the heinous massacre that was Hiroshima has been handed down to us as a perfectly justified act of war.... It is clear that the use of nuclear weapons, which cause indiscriminate mass murder that leaves survivors to suffer for decades, is a violation of international law”; and

WHEREAS, July 8, 2021, marked the 25th anniversary of the ICJ’s Advisory Opinion on the legal status of nuclear weapons, in which the Court found unanimously: “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”; and

WHEREAS, the very first United Nations General Assembly resolution, adopted by consensus on January 24, 1946, established a commission of the UN Security Council to ensure “the elimination from national armaments of atomic weapons and all other major weapons adaptable to mass destruction”; and

WHEREAS, the 1961 landmark “Declaration on the prohibition of the use of nuclear and thermo-nuclear weapons,” adopted by more than two thirds of the United National General Assembly, but opposed by the United States, stated that the use of nuclear weaponry “would exceed even the scope of war and cause indiscriminate suffering and destruction to mankind and civilization and, as such, is contrary to the rules of international law and to the laws of humanity”; and

WHEREAS, the 1970 Nuclear Nonproliferation Treaty (NPT) includes a legal obligation of nuclear disarmament binding on the five-original nuclear-armed States, the United States, the United Kingdom, Russia, France, and China, stating: “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament....”; and

WHEREAS, the NPT’s disarmament obligations have been reiterated and reinforced by agreements made in connection with the 1995 NPT Extension Decision and the 2000 and 2010 NPT Review Conferences, and by the ICJ’s 1996 Advisory Opinion; and

WHEREAS, the use and threat of use of nuclear weapons is incompatible with multiple rights, including the right to life, enshrined in the International Covenant on Civil and Political Rights ICCPR), to which the United States is a party; and

WHEREAS, in 2018, the United Nations Human Rights Committee found that, “The threat or use of weapons of mass destruction, in particular nuclear weapons, which are indiscriminate in effect and are of a nature to cause destruction of human life on a catastrophic scale, is incompatible with respect for the right to life and may amount to a crime under international law,” and, citing the 1996 Advisory Opinion of the ICJ, that states parties to the ICPPR must “respect their international obligations to pursue in good faith negotiations in order to achieve the aim of nuclear disarmament under strict and effective international control”; and

WHEREAS, the Treaty on the Prohibition of Nuclear Weapons (TPNW) entered into force on January 22, 2021, prohibiting the development, acquisition, possession, use or threat of use of nuclear weapons for those countries that have ratified it; and

WHEREAS, while the TPNW represents the total repudiation of nuclear weapons by most of the states that do not possess them, the United States, the eight other nuclear-armed states and almost all of the countries under the U.S. nuclear umbrella boycotted the negotiations, and in a joint statement following the July 7, 2017 vote to adopt the Treaty, the U.S., France, and the United Kingdom declared: “We do not intend to sign, ratify or ever become party to [the Treaty]”; and

WHEREAS, the pursuit of nuclear arms control and disarmament has diminished as a federal government priority in recent decades; and

WHEREAS, on January 27, 2021, the Bulletin of the Atomic Scientists announced it is keeping the hands of its Doomsday Clock at 100 seconds to midnight, the closest we’ve ever been to global oblivion, stating: “By our estimation, the potential for the world to stumble into nuclear war—an ever-present danger over the last 75 years—increased in 2020.... increasing the likelihood of catastrophe”; and

WHEREAS, tensions between the United States and Russia and the United States and China have increased dangerously, with flashpoints in the Ukraine and Taiwan that could potentially spawn nuclear confrontations; and

WHEREAS, the Biden Administration’s budget request for FY2022 increases military expenditures by some \$11 billion from the Trump years, and extends funding for all nuclear warhead and delivery system upgrades in the Trump budget as well as a massive investment in the nuclear weapons infrastructure, intended to project nuclear weapons research, development, production, and deployment well into the 21st century; and

WHEREAS, the City of Berkeley has been a Nuclear Free Zone since passage of “The Nuclear Free Berkeley Act” (Ord.5784-NS Section 1, 1986), Berkeley Municipal Code (BMC) 12.90, which states: “The people of Berkeley find that: A. The nuclear arms race poses an intolerable threat to humanity”.

Now therefore be it resolved, that that the City of Berkeley welcomes the June 21, 2021 Joint Statement by President Biden and Russian President Putin in which they “reaffirm the principle that a nuclear war cannot be won and must never be fought,” and calls on the Biden Administration to reduce nuclear tensions through intensive diplomatic efforts with Russia, China, North Korea, and Iran, and to work with Russia to dramatically reduce U.S. and Russian nuclear stockpiles leading to comprehensive disarmament negotiations with the other nuclear-armed states; and

Be it further resolved, that the City of Berkeley calls on the Biden Administration to fully incorporate United States disarmament obligations under international law into its forthcoming Nuclear Posture Review; and

Be it further resolved, that the City of Berkeley calls on the President and Congress to redirect funds currently allocated to nuclear weapons and unwarranted military spending to address decades of inaction on infrastructure, poverty, the growing climate crisis, and rising inequality; and

Be it further resolved, that the City of Berkeley calls on the President and Congress to elevate arms control and disarmament as a federal priority and to provide adequate resources; and

Be it further resolved, that the City of Berkeley calls on the United States government to reverse its opposition to the 2021 TPNW and to welcome the Treaty as a positive step towards negotiation of a comprehensive agreement on the achievement and permanent maintenance of a world free of nuclear weapons, in conformity with requirements of international law preceding the TPNW by decades; and

Be it further resolved, that a copy of this resolution be sent to President Biden, Congressman Barbara Lee, and Senators Dianne Feinstein and Alex Padilla.

