

Peace and Justice
Commission

PEACE & JUSTICE COMMISSION MEETING REVISED AGENDA

(New Meeting Room, Added Attachment 4, Revised Attachment 7)

Monday, January 6, 2020 – 7:00 p.m.

Berkeley City Hall,

2180 Milvia, Sequoia Room, 6th Floor, Berkeley, CA

SECTION A. PRELIMINARY MATTERS

1. Roll Call
2. Announcements
3. Comments from the Public (*subject to time limits applicable to all speakers as necessary*)
4. Review and approval of meeting minutes - see attachment 2
5. Commission Updates & Chairperson's Report
6. Secretary's Report (including status of passed items from previous meetings)

SECTION B. ACTION ITEMS

7. Approve the Calendar Year 2020 Peace and Justice Commission Meeting Schedule (Commission Secretary) – see attachment 3
8. Approve Final Fiscal Year 2019-2020 Peace and Justice Commission Work Plan (Tregub) – see attachment 4 (*Item contains additional materials*)
9. Proposal to co-convene a policy conference with other human needs commissions, CBO's, academic partners, and, as appropriate, City staff and leaders in the Spring or Fall of 2020 (Lippman) – see attachment 5
10. Resolution calling on the government of India to retract the revocation of Articles 370 and 35a (al Bazian) - see attachment 6 *continued from November 4, 2019*
11. Discussion and possible action on potential Council proposal to modify role of commissions (Tregub and Lippman) *continued from November 4, 2019*
12. Proposal to sponsor an educational forum regarding the 75th anniversary of the atomic bombings of Hiroshima and Nagasaki and host a rally in support of ending the research and development of nuclear weapons at Livermore National Weapons Lab and all other locations (Meola) - see attachment 7 (*Item contains revised materials*)

SECTION C. SUBCOMMITTEE REPORTS AND OTHER COMMISSION BUSINESS

13. Subcommittee on The Convention on the Rights of Persons with Disabilities discussion and potential appointments (Commissioner Maran)
14. Subcommittee on Socially Responsible Investments and Procurement discussion of interim document (Commissioner Bohn) – see attachment 8 (*Item contains additional materials*)
15. BUSD subcommittee discussion and potential appointments (Commissioner Pancoast)

SECTION D. COMMUNICATIONS

16. Letter dated 11/28/19 from Bill Prince – see attachment 9
17. 2/10/19 email notification being forwarded at the request of Commission Member Diana Bohm – see attachment 10

SECTION E. BACKGROUND INFORMATION

SECTION F. ADJOURNMENT

Attachments:

1. Roster
2. Minutes of November 4, 2019 meeting
3. Calendar Year 2020 Peace and Justice Commission Meeting Schedule
4. Proposed Final Fiscal Year 2019-2020 Peace and Justice Commission Work Plan
5. Proposal to co-convene a policy conference with other human needs commissions, CBO's, academic partners, and as appropriate City staff and leaders in the Spring or Fall of 2020
6. Resolution calling on the government of India to retract the revocation of Articles 370 and 35a
7. Proposal regarding the 75th anniversary of the atomic bombings of Hiroshima and Nagasaki
8. Proposed SRIP Policy for Berkeley
9. Communication from public
10. Communication from public

The next meeting of the Peace & Justice Commission is tentatively scheduled for February 3, 2020. All proposed Commission agenda items should be submitted to the Commission Secretary by or before January 17, 2020. Dates are subject to change, please contact the Commission Secretary by email at ngoldman@cityofberkeley.info to confirm receipt of submitted items.

ADA Disclaimer



"This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting."

Communications Disclaimer

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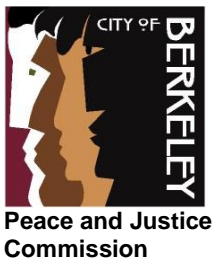
SB 343 Disclaimer

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at Old City Hall located at 2134 Martin Luther King Jr. Way, Berkeley, CA 94704.

Commission Contact Information

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Peace and Justice Commission Roster		
Name	Appointer	District
Omeed Askary	Levy-Cutler	<i>BUSD</i>
Zo Pancoast	Alper	BUSD
Zaira Rodriguez	Student Director	BUSD
Rachel Pierce	Julie Sinai	BUSD
VACANT		BUSD
Grace Morizawa	Appel	BUSD
Igor Tregub (Chair)	Arreguin	Mayor
Rita Maran	Kesarwani	1
Dr. Hatem al-Bazian	Davila	2
J. George Lippman (Vice Chair)	Bartlett	3
Diana Bohn	Harrison	4
Judith Gussmann	Hahn	5
Robert L Meola	Wengraf	6
Vacant	Robinson	7
Vacant	Droste	8



**Peace and Justice Commission Meeting
 Regular Meeting – Monday, November 4, 2019
 City of Berkeley City Hall, 2180 Milvia, Berkeley CA, Cypress Room**

DRAFT MINUTES

The meeting convened at 7:05 pm with Vice Chair Lippman presiding.

1. Roll Call

Present: Askary, Bohn, Lippman, Maran, Meola, Morizawa (7:45), Pancoast, Pierce, Rodriguez,
 Absent: al-Bazian
 Excused: Gussman, Tregub

2. Announcements

3. Comments from the Public

Public Attendance: 2
 Public Comments: 2

Action Items

4. Review and Approval of Meeting Minutes

The Peace and Justice Commission adopted minutes for October 4, 2019 meeting.

M/S/C: Maran, Askary

Ayes: Bohn, Lippman, Maran, Meola, Pancoast, Pierce, Rodriguez

Noes: None

Abstain:

Absent: al-Bazian, Morizawa

Excused: Gussman, Tregub

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5. Commission Updates and Chairperson’s Report (No Action Taken)

6. Secretary’s Report (No Action Taken)

7. Adopt the resolution opposing the new military base in Henoko, Okinawa

The Peace and Justice Commission voted to adopt the resolution opposing the new military base in Henoko, Okinawa

M/S/C: Bohn, Meola

Ayes: Askary, Bohn, Lippman, Maran, Morizawa, Pancoast, Pierce, Rodriguez

Noes: None

Abstain: None

Absent: al-Bazian

Excused: Tregub, Gussman

8. Resolution affirming Berkeley's commitment to our asylum seeking residents

The Peace and Justice Commission voted to adopt the resolution affirming Berkeley's commitment to our asylum-seeking residents.

M/S/C: Bohn, Rodriguez

Ayes: Askary, Bohn, Lippman, Maran, Meola, Morizawa, Pancoast, Pierce,

Noes: None

Abstain: None

Absent: al-Bazian

Excused: Tregub, Gussman

9. Proposal to sponsor an educational forum regarding the 75th anniversary of the atomic bombings of Hiroshima and Nagasaki and host a rally in support of ending research and development of nuclear weapons at Livermore National Weapons Lab and all other locations

The Peace and Justice Commission voted to send a letter to the Berkeley City Council supporting the proposed charter amendment to strengthen police oversight.

M/S/F: Meola, Morizawa

Ayes: Askary, Bohn, Pierce

Noes: Lippman, Maran

Abstain: Rodriguez, Pancoast

Absent: al-Bazian

Excused: Tregub, Gussman

10. Subcommittee on The Convention on the Rights of Persons with Disabilities (No Action Taken)

11. Subcommittee on Socially Responsible Investments and Procurement

(No Action Taken)

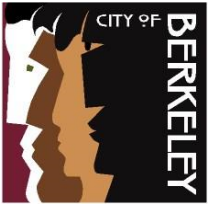
12. BUSD subcommittee discussion and potential appointments (No Action Taken)

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The meeting was adjourned at 9:45 PM.

Respectfully Submitted,

Breanne Slimick, Secretary
Peace and Justice Commission



Peace and Justice
Commission

2020 Meeting Schedule Peace and Justice Commission

**Cypress Room, City Hall
2180 Milvia Street, 1st Floor, Berkeley 94704**

1. Monday, January 6th, 2020 at 7pm
2. Monday, February 3rd, 2020 at 7pm
3. Monday, March 2nd, 2020 at 7pm
4. Monday, April 6th, 2020 at 7pm
5. Monday, May 4th, 2020 at 7pm
6. Monday, June 1st, 2020 at 7pm
7. Monday, July 6th, 2020 at 7pm
8. Monday, September 14th, 2020 at 7pm
9. Monday, October 5th, 2020 at 7pm
10. Monday, November 9th, 2020 at 7pm

Peace and Justice Commission ~~2018-2019~~2020 Annual Work Plan

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Mission Statement:

The Peace and Justice Commission advises the Berkeley City Council and the Berkeley Unified School District Board on all matters relating to the City of Berkeley's role in issues of peace and social justice. (BMC Section 3.68.070.A.) Under its mandate, the Commission also helps create citizen awareness around issues of social justice, holds public hearings and community forums, initiates and encourage research programs, develops ways to resolve conflict which do not involve violence, acts as a liaison between community groups organizing around issues of peace and social justice and City government, and assists the Director of Finance in the evaluation of financial institutions for socially responsible investing.

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I. Resolutions and communications to Council and the Board of Education.

Address homelessness, racial and gender justice, policing policy (including external BPD relationships such as NCRIC and UASI), protection of Ohlone sacred sites, civil liberties, international peace with justice, and other social issues as they arise throughout the year with proposals and communications as appropriate.

II. Other existing responsibilities and subcommittees.

a. Continue the established responsibility for Nuclear Free Berkeley Act oversight and waiver process, as proposals are submitted to the Commission by City staff. Continue to collaborate with the international movement against nuclear weapons.

~~b. Subcommittee on the Convention on the Rights of Persons with Disabilities (CRPD).~~

~~The Subcommittee held a successful forum on the CRPD in 2018, and plans to hold a follow-up forum in 2019.~~

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e.b. Socially Responsible Investing and Procurement Subcommittee (SRIP).

i. Improve and institutionalize the City's commitment to Socially Responsible investing, banking, and procurement.¹

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~~ii. Implement the Commission-generated resolution – passed by the City Council in July 2019 – to develop a Socially Responsible Investment and Procurement Ordinance.~~

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¹ BMC Section 3.68.070.K: "The [Peace and Justice] Commission shall perform the following functions...K. Assist the Director of Finance in the annual evaluation of financial institutions for qualification of City investments...and advise the City Council on matters relating to the responsible

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~~iii. Develop a resolution to propose a mechanism to fulfill the Commission's mandated advisory role.~~

~~iv. Work with the Mayor's Task Force on Banking to strengthen and make effective the SRIP program, especially with regard to Procurement~~

~~v. Work with the Berkeley Unified School District (BUSD) School Board Policy Committee to establish an effective Sweatshop-Free Berkeley Schools Policy.~~

~~iii. c. Through a subcommittee approved in 2019, engage with the BUSD student community on issues of common concern, including but not limited to voter registration, the Berkeley High School (BHS) Stop Harassing Campaign, Berkeley Tech issues, issues of diversity and representation at BHS, support for Students Demand Action, collaboration with the Berkeley Youth Commission on mutual concerns, and expanding resources for unhoused or housing-insecure youth in Berkeley.²~~

III. Ongoing work and proposed expansions of responsibility.

The Commission has proposed two areas in which it could assist the Council in support of its Sanctuary City/City of Refuge declaration. As Berkeley has no Immigrant-immigrant Rights-rights Commission, Peace and Justice Commission functions in that capacity on a *de facto* basis.

a. Regional Sanctuary Community Working Group. The Commission offered to take on coordination with other Sanctuary communities (cities and counties) in a resolution passed July 9, 2018. Mayor Arreguin asked the Commission to do this work through the Mayor's Sanctuary City Task Force.

b. Sanctuary City Contracting Ordinance — Ban ICE-Immigration and Customs Enforcement data brokers from city contracting. The Commission reviewed the ordinance referred to it by Council, and responded with suggested language giving the Commission a role in vetting contracts, patterned after its role in the Nuclear Free Berkeley Act. The Commission's letter appeared in a subsequent Council agenda packet as a communication and is pending Council action.

c. The Commission will continue to support the development of the African American Holistic Resource Center.

d. The Commission will continue to institutionalize the City of Berkeley's long-standing focus on promoting and protecting the legal rights of persons with disabilities. The City has held a leading position in the field of disability rights for many years, and is well-known nationally and internationally as an unusually fruitful breeding ground for grassroots non-profit organizations working in that field. The Commission will continue to partner on this issue with other commissions with overlapping jurisdiction, including the Commission on Disabilities, Commission on Aging, and Mental Health Commission.

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² The BUSD Subcommittee, comprising wholly or largely of commissioners appointed by BUSD Board Members, will be requested to provide a detailed work plan that the Commission can approve in early 2020.

e. The Commission will continue to discuss and, where appropriate, recommend for action resolutions, letters, and other action items on international, federal, state, and local issues that are consistent with BMC Section 3.68.070.A.

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b.f. The Commission will explore a proposal for a new "2020 Peace and Justice Commission Project" as described in the "Background" section below.

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~~Cooperate with the school board and the BUSD community on social issues of mutual interest affecting students and youth, with special consideration to the problem of the educational opportunity gap and sexual harassment in the schools, in the context of Title IX.~~

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~~IV. — Success of this initiative depends on School Board members fully appointing membership of the Peace and Justice Commission (to its statutory number of six BUSD appointed commissioners from the present two).~~

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~~investment of public funds in accordance with the responsible investment policy established by Resolution No. 55,141A NS.")~~

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~~The Commission will support the development of the African American Holistic Resource Center.~~

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Background:

CRPD

The Peace & Justice Commission established the Subcommittee on the Convention on the Rights of Persons with Disabilities (the Subcommittee) in 2014, in order to institutionalize the City of Berkeley's long-standing focus on promoting and protecting the legal rights of persons with disabilities. The City has held a leading position in the field of disability rights for many years, and is well-known nationally and internationally as an unusually fruitful breeding ground for grassroots non-profit organizations working in that field.

Together with representatives from four other City of Berkeley Commissions: the Commission on the Status of Women, the Commission on Disability, the Commission on Mental Health, and the Commission on Aging, the Subcommittee published its Mission Statement; requested the Peace & Justice Commission to ask the City Council to write to the U.S. Senate urging ratification of the Convention on the Rights of Persons with Disabilities (duly done in 2015); and held ~~a public Forum~~ forums on the issue in the spring of 2018 and 2019. at the Ed Roberts Campus in May 2018.

~~The Subcommittee is working on plans to hold another public Forum in 2019.~~

~~The Honorable Jesse Arreguin, Mayor of the City of Berkeley, welcomed the Forum participants at this successful Subcommittee initiative that extended knowledge and applicability of the international treaty in Berkeley.~~

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Nuclear-Free Berkeley

The Nuclear Free Berkeley Act came into force in 1986 (Chapter 12.90.070 Section 030D). The Peace & Justice Commission established the Subcommittee on The Nuclear Free Berkeley Act (NFBA) to oversee and reinforce compliance with the terms of the Act. The Subcommittee's activities have included:

- recommendation against a waiver for continuation of the Berkeley Public Library's contracts with 3M (2009-2010);
- consideration of a waiver for the City of Berkeley Public Health Division's proposal on medical supplies (2012);
- recommendation of a waiver for the SkyDeck Business Incubator-Accelerator Contract (2012);
- recommendation (February 7, 2013) to the Regents of the University of California that it phase out responsibility for operating the Nuclear Weapons Laboratories in Livermore and Los Alamos;

- a letter from the City of Berkeley to President Obama in 2014 urging support of a ban on nuclear weapons.

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More recently, in light of the Award of the Nobel Peace Prize in 2017 to the International Campaign to Abolish Nuclear Weapons (ICAN), whose goal is international adherence to and full implementation of the Treaty on the Prohibition of Nuclear Weapons (the Treaty), the Peace and Justice Commission will seek to collaborate further with ICAN on activities of mutual concern. We would note that the California State Senate and the California State Assembly voted affirmatively on a bill in September 2018 to urge U.S. Senate adoption of the Treaty. Strong support comes also from the International Red Cross Red Crescent Movement; NuclearBan.US, The City of Los Angeles, California; the City of Takoma Park, Maryland; Physicians for Social Responsibility; and the U.S. Conference of Mayors, among others.

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Indigenous Peoples:

Between December 2015 and January 2016, the Berkeley City Council, upon the recommendation of the Peace and Justice Commission, adopted five important resolutions supporting the treaty rights of indigenous people in Berkeley. The resolutions included: recognition of the Ohlone people as the original inhabitants of Berkeley and the Bay Area, pledging to work in good faith with Ohlone representatives; implementing the UN Declaration on the Rights of Indigenous Peoples as municipal policy; endorsing the upgrading of the Declaration to a Convention; honoring the Berkeley Shellmound indigenous site; and urging the East Bay Regional Parks District to protect the Ohlone place of origin sacred site.

The resolution on the Berkeley Shellmound mandated that “free, prior, and informed consent of the Ohlone and other indigenous peoples of the region should be integral to any alteration planning for the Berkeley Shellmound site, in accordance with the provisions of the United Nations Declaration on the Rights of Indigenous Peoples.”

In ~~2018-2019~~2020 the Peace and Justice Commission will support the implementation of these resolutions with particular attention to proposed development of the Berkeley Shellmound site.

Sweatshop-Free Berkeley:

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The Sweatshop-~~free-Free~~ Berkeley Policy now has a zero dollar threshold per supplier per year for textile products purchased by the City. This threshold is an improvement over the previous minimum of \$1,000 purchase per supplier for the Policy to apply. However, the policy is complaint-driven, so the burden is on community members to research the supply chain for each supplier. The SRIP Subcommittee proposes to establish a mechanism for suppliers to show that they are using Sweatshop Free products for City purchases.

The Policy governs textile purchases only. The goal is to identify sweat-free alternatives for technology purchases so tech can be covered as well.

The BUSD, through the School Board Policy Committee, is in the process of establishing a ~~Sweatshop-Free~~ Schools Policy for athletic supplies. The SRIP Subcommittee and the Commission are supporting the BUSD to ensure the development of an effective policy.

2020 Peace and Justice Commission Project

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Summary: Co-convene (with City Council approval) a conference together with other human needs commissions, organizations, academic partners, and as appropriate City staff and leaders in the spring or fall of 2020.

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Goal: Define social-justice and human rights solutions to human needs crises facing the COB.

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Primary areas of focus: Housing, homelessness, public health, mental health, public education, employment/labor, public safety, disability, environment. Format: ask for one directed presentation on each focus area, encouraging other communityauthored papers.

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Requirements:

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1. Each presentation should highlight how the proposal it will promote "equity," or perhaps liberation, in the spheres of racial justice, feminism, LGBTQ/gender issues, disability justice, youth and elder rights.

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2. The presentation should take an integrated approach, after the transdisciplinary framework of public health. This means that presenters should strive to show the positive effects of their proposal on the other eight areas of focus. Also, they should show the required programmatic changes in the other areas of focus that are required for their areas of focus.

3. Presentations should include these aspects:

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a. a problem definition regarding the current state of the focus area

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b. a transformative vision of the intended state of affairs at a future date, e.g. 2050

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c. a roadmap to the transformation, including quick fixes that could be implemented in the near term

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4. It should reflect the likelihood of a catastrophic direction for the environmental and economic environments, and the resulting ill effects on the politics and social psychology of the country.

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5. The presenters should engage with stakeholders in their areas of focus, including

experts, practitioners, policy-makers, and advocates, to verify the assumptions in their proposals.

Target audience: City of Berkeley stakeholders and the general public.

Follow-up: Commission representatives and hopefully a steering committee (in accordance with Brown Act requirements and City Clerk guidance) will integrate the presentations into an actionable package.

Outcome: an integrated package of policy outlines for social justice.

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Proposed 2020 Peace and Justice Commission Project
Offered by George Lippman

Summary: Co-convene a conference together with other human needs commissions, CBO's, academic partners, and as appropriate City staff and leaders in the spring or fall of 2020.

Goal: Define social-justice and human rights solutions to human needs crises facing the COB.

Primary areas of focus: Housing, homelessness, public health, mental health, public education, employment/labor, public safety, disability, environment.

Format: ask for one directed presentation on each focus area, encouraging other community-authored papers.

Requirements:

1. Each presentation should highlight how the proposal it will promote "equity," or perhaps liberation, in the spheres of racial justice, feminism, LGBTQ/gender issues, disability justice, youth and elder rights.
2. The presentation should take an integrated approach, after the transdisciplinary framework of public health. This means that presenters should strive to show the positive effects of their proposal on the other eight areas of focus. Also, they should show the required programmatic changes in the other areas of focus that are required for their areas of focus.
3. Presentations should include these aspects:
 - a. a problem definition regarding the current state of the focus area
 - b. a transformative vision of the intended state of affairs at a future date, e.g. 2050
 - c. a roadmap to the transformation, including quick fixes that could be implemented in the near term
4. It should reflect the likelihood of a catastrophic direction for the environmental and economic environments, and the resulting ill effects on the politics and social psychology of the country.
5. The presenters should engage with stakeholders in their areas of focus, including experts, practitioners, policy-makers, and advocates, to verify the assumptions in their proposals.

Target audience: COB stakeholders and the general public

Follow-up: Commission representatives and hopefully a steering committee will integrate the presentations into an actionable package

Outcome: an integrated package of policy outlines for social-justice

Peace and Justice Commission
City of Berkeley
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Resolution Urging the Indian Government to Immediately End the Siege in Kashmir, Protect the Human Rights of Kashmiris, Dismantle the Military Occupation, and Enable the UN Resolved Plebiscites to Take Place

Whereas: In the 72-year-old history of Indian Military Occupation, the unilateral abrogation of Articles 370 and 35A is only the most recent violation of the constitutional autonomy, guaranteed to the people of Jammu & Kashmir, *pending the determination of the peoples' will* -- an autonomy that was already severely diminished via a series of illegal moves and vast military presence.

Whereas: On August 5th, 2019, the government of India abrogated Articles 370 and 35A of its constitution, without consulting the Jammu & Kashmir constituent assembly, as required by law, or by consulting the political or civil society leaders and the people themselves, thereby not just unilaterally revoking the semi-autonomous status of Jammu & Kashmir, but also, very crucially, breaking off *the only legal connection* between Jammu & Kashmir and India, thus making Indian control over the territory *an explicit Annexation*.

Whereas: The abrogation of Articles 370 and 35A of the Indian constitution is a move intended to bring about demographic changes in the disputed territory of Jammu & Kashmir, by opening it up to settlement by outsiders, a possibility that had heretofore been held in check via Article 35A.

Whereas: Jammu & Kashmir is *disputed territory*, according to the United Nations, and *must be* resolved based on the principle of self-determination, as acknowledged by the UN, and *any* engineered demographic change in disputed territories is *manifestly illegal* according to International Law.

Whereas: Jammu & Kashmir is *not* a bilateral issue between India and Pakistan, but instead requires the implementation of the right to self-determination, *which the international community has already promised the people of Jammu & Kashmir via UN Resolution 47(1948)*.

Whereas: India has ruled Jammu & Kashmir through the 'illegal use of force,' committing gross human rights violations, with absolute impunity, which is unacceptable within international law and amounts to a contravention of Jus Cogens norms.

Whereas: The territory Jammu & Kashmir does not belong to India or Pakistan. Currently, India maintains some 900,000 troops in the region -- 700,000 of which have been stationed there since 2010, already making the disputed territory *the most militarized in the world*.

Whereas: The anti-democratic abrogation of Articles 370 & 35A was preceded and followed by a surge of, variously reported, 40,000-180,000 Indian forces to the already *most heavily militarized* Jammu & Kashmir.

Whereas: Starting from August 4, 2019, India imposed a total and unprecedented communications siege across Kashmir Valley and sections of Ladakh, entailing no internet, no cell phones, no landlines, no mail services, no regular television etc, and barricaded entire neighborhoods, effectively cutting off Kashmiris from the world and from each other *even inside*

Kashmir -- people have been unable to inform close relatives living in the same city about death, births, illnesses, and other emergencies.

Whereas: Kashmiris remain cruelly cut off from each other and the outside world while their families across the globe, including Kashmiri Americans in the city of Berkeley, are unable to contact them and ensure their safety and well-being. (Some landlines and a tiny minority of the cell phones have been reopened, the latter on the 72nd day of the siege, October 14.)

Whereas: The communication siege has already caused a loss of more than a \$700 Million USD (~5000 Crore INR) to the Kashmiri economy.

Whereas: The Indian Occupation started a massive detention of local political and social leaders and of Kashmiris citizens at large, sending some to unknown prisons outside Kashmir, and put into place other coercive measures like effective curfews, razor wires, barricades, checkposts, bunkers et al, to *effectively incarcerate* approximately 8 million Kashmiri people in the biggest open-air prison in the world.

Whereas: India continues the arrest and preventive detention of Kashmiri politicians from across the spectrum (the Joint Resistance Leaders have been in custody off and on for decades now); Kashmiris from the civil society, human rights activists, academics, journalists, and *most disturbingly of young boys aged 10-17*, up to 13,000 in number (as of Sept 23, 2019, according to an independent report by some Indian women).

Whereas: The Indian State already has outstanding allegations of widespread torture of Kashmiris, widely documented by the local civil rights organizations and acknowledged by the United Nations in its two reports on Kashmir, released in 2018 and 2019 -- which also mention the more than 6700 unmarked massgraves, the Forcibly Disappeared, fake encounters, massacres, and the incidents of mass rapes by the Occupying forces -- this torture has not just continued but exponentially increased since August 5, 2019.

Whereas: India has gagged Kashmiri journalists and Kashmiri news publications through heavy restrictions, incarcerations, censorship, and constraints in their reporting, including the embargo on communications.

Whereas: The ongoing blackout has also severely restricted the ability of international press to investigate on the ground in Kashmir, the few reports that have emerged have been uniformly disturbing, entailing: mass detentions of doctors, lawyers, and children as young as 10; use of torture, including sexual torture, and lethal force against civilians; dwindling supplies of life-saving medical treatments, inability of patients to access hospitals, inability to access specialists on time; and the curtailment of religious freedoms.

Whereas: The prohibition of peaceful assembly and the use of military force by the Indian State to quell protests has resulted in deaths and injuries.

Whereas: The Indian State uses the singular lens of "terrorism" to conceal the reality of the Indian Occupation, erases the 100 plus years of struggle for sovereignty led by the people of Kashmir, and ignores the right of Kashmiris to resist any foreign occupation of their land by all means possible: the foundation of all International Laws, as we know them today. "Terrorism," as a discursive, analytical and policy lens for Kashmir, cannot be separated from broader

conversations on Settler-Colonialism, Islamophobia, racism, genocide, and majoritarian nationalism sweeping India and beyond.

Whereas: Genocide Watch has issued a 'Genocide Alert' on the disputed territory of Kashmir.

Therefore, let it be resolved:

That the City of Berkeley's Peace and Justice Commission goes on record as immensely concerned about the developments in Kashmir and the anti-democratic actions and human rights abuses of the Indian government.

Resolved: That Berkeley's Peace and Justice Commission call on the Indian government to work towards a peaceful resolution of the conflict via recognizing the right of self-determination of the people from Jammu & Kashmir, *as fully acknowledged and resolved by the United Nations*.

Resolved: That Berkeley's Peace and Justice Commission support the right of people from Jammu & Kashmir to decide their own political future and exercise the right to build a free, just, and a peaceful society that recognizes the dignity of all people and seeks the welfare of all its citizens.

Resolved: That Berkeley's Peace and Justice Commission call on all city and state elected representatives to urge India's *immediate and complete cessation of the siege of eight million Kashmiris*, and end the communications blackout in Kashmir so that this city's residents may contact their families, and so that reports of human rights abuses may be thoroughly and properly investigated by international press and independent human rights observers.

Resolved: That the Indian government immediately restore the Kashmiris' basic human rights: right to life, mobility, food, education, work, and health.

Resolved: That the Indian government ensure the right of free expression, a free press, free association and free assembly.

Resolved: That the Indian government immediately repeal all discriminatory and colonial laws like AFSPA (Armed Forces Special Powers Act) and PSA (Public Safety Act) -- terrible laws that enable preventive detention, political persecution, arrest without warrants, and give impunity to the Indian soldiers who rape, torture or kill Kashmiris.

Resolved: That the Indian government end the military occupation of Kashmir, and allow free movement of Kashmiris from either side of the Line of Control (LoC) which divides Kashmiris from their kith and kin.

Resolved: That the Indian government immediately end torture, sexual violence, forced disappearances, murder, maiming, intimidation and other crimes and require all perpetrators of such crimes to be duly punished through a transparent and accountable system.

1 Peace and Justice Commission

2 DRAFT

3 **PROPOSAL for a Peace and Justice Commission Sponsored Educational Rally RE the 75th**
4 **Anniversary of the U.S. Atomic Bombings of Hiroshima and Nagasaki and In Support of**
5 **Grassroots Organizing to Stop the Research and Development of Nuclear Weapons at the**
6 **Livermore Nuclear Weapons Lab as Well as the Production or Use of Nuclear Weapons**
7 **Anywhere**

8 From Commissioner Meola, January 6, 2020

9 August 6, 2020 and August 9, 2020 will be the 75th anniversaries of the U.S. atomic bombings of
10 Hiroshima and of Nagasaki, respectively. One of the mandated functions of the Peace and
11 Justice Commission is to hold educational forums on topics within its purview. “Abolishing
12 nuclear weapons” is listed as one of the issues that the Commission was chartered to advise
13 both the Berkeley City Council and the Berkeley Unified School District about in Berkeley
14 Municipal Code 3.68.070 Functions, the enabling legislation of the Commission.

15 Every year, for decades, citizens of Berkeley have joined others in protesting the research,
16 development, production and use of nuclear weapons by rallying at the gates of the Livermore
17 Nuclear Weapons Laboratory, including on August 6th, Hiroshima Day, as well as communicating
18 the wish of “No nukes” to government agencies and representatives.

19 Since the 1970s, the Livermore Conversion Project, consisting of groups including the Livermore
20 Action Group, Tri-Valley CAREs [Communities Against a Radioactive Environment, Western
21 States Legal Foundation and others, has been part of the local and the global anti-nuclear
22 movement.

23 A working group of representatives from these organizations, including members of the PJC, is
24 already planning events to commemorate the 75th Anniversaries of the U.S. atomic bombings of
25 Hiroshima and Nagasaki.

26 July 16, 2020 will be the 75th anniversary of the first atomic bomb test in history. The test was
27 conducted by the United States in New Mexico. This proposal is for a rally in Berkeley on July
28 16, 2020, co-sponsored by the Berkeley Peace and Justice Commission.

29 This proposal is written in hopes of educating people about Hiroshima Day, August 6th, and the
30 continued development of nuclear weapons at the Livermore Nuclear Weapons Laboratory,
31 and inspiring, motivating, and activating them to attend a local rally in Berkeley, on July 16th,
32 2020, outdoors at the new Downtown Berkeley BART Plaza.

33 It is proposed that this plan be put into the form of a resolution that the Council can issue as a
34 Proclamation to mark the 75th Anniversary of the U.S. atomic bombings of Hiroshima and
35 Nagasaki.

1 Ideas toward an SRIP policy for Berkeley
23 I. INTRODUCTION
4

5 This document is a draft policy for discussion in the Socially Responsible Investment and
6 Procurement Subcommittee of the Berkeley Peace and Justice Commission.
7

8 The Subcommittee was chartered by resolution of the Berkeley City Council on July 16, 2019.
9 Its immediate charge is to develop a proposed policy to “govern the Commission’s advisory role
10 in socially responsible investing and socially responsible procurement.”
11

12 This draft statement addresses both the policy content governing the selection of socially
13 responsible investment targets and procurement partners, and the process of Peace and Justice
14 Commission oversight and advice on Finance Department selection, review, and complaint
15 functions.
16

17 II. Definitions.

- 18 A. Investment refers to the placement of City of Berkeley funds with an outside
19 entity for safeguarding and growth. Investment may utilize checking, savings,
20 money market, certificate, equity, mutual fund, or other instruments.
21 B. Procurement refers to any transactional relationship between the City of Berkeley
22 and another entity to acquire goods or services. Procurement may be
23 accomplished with or without a formal contract or a memorandum of
24 understanding. “Vendor” is a general term for any party from which the City
25 procures goods or services; “contractor” is a subset of vendors with which the
26 City executes a formal contract. Services may include labor, financial/banking,
27 intellectual, management, legal or many other types.
28 C. SRIP stands for Socially Responsible Investment and Procurement. Socially
29 Responsible Investing, or SRI, has a history dating back over a hundred years.
30 SRI has been defined as any investment strategy that seeks to consider both
31 financial return and social/economic good. The City of Berkeley was an SRI
32 trailblazer in the 1970s as it banned investment in racist South Africa. A great
33 part of the Boycott South Africa movement impacted procurement as well as
34 investment, as companies such as Polaroid and Bank of America were directly
35 complicit in the repressive machinery of the apartheid system. Socially
36 Responsible Procurement, or SRP, is the term the Commission has given to the
37 screening of vendors for their practical commitment to the City’s social values.
38

39 III. Policy.

- 40 A. The charge to the SRIP Policy Subcommittee from the Berkeley City Council is
41 to propose to Council a policy to govern the Commission’s advisory role in
42 socially responsible investing and socially responsible procurement.
43
44 B. The Council directed the Subcommittee to “consider ‘the goal of creating a world
45 community in which the relations between people are based on equality, respect
46 for human rights, and the abhorrence of exploitation and all forms of oppression

47 [universal human rights] [BMC section 3.68.030] in its development and
 48 recommendation of policies on socially responsible investment and procurement.”
 49

- 50 C. The City’s current policy for socially responsible investment and procurement is a
 51 collection of policies promulgated over several decades. These include the 1986
 52 Nuclear Free Berkeley Act, the 1990 Socially Responsible Investment Policy, the
 53 Sweat-Free Ordinance, the 1999 Oppressive States Contract Prohibition (Res.
 54 59,853-N.S.), 1998 divestment from gun manufacturers and (date?) from tobacco
 55 companies, 2013 (confirm) divestment from fossil fuel companies and banks that
 56 finance pipeline and fossil fuel infrastructure, the 2017 Socially Responsible
 57 Banking process, the 2017 Border Wall contracting initiative (Res. 67,865-N.S.),
 58 the 2017 Divestment from Prisons (Res. 67,640-N.S.), the 2018 Sanctuary
 59 Contracting Ordinance barring work with entities that act as data brokers or
 60 provide extreme vetting services to ICE, the 2018 (?) Surveillance Ordinance, and
 61 the 2019 weapons investment ban. The 1990 resolution delegates to the Peace
 62 and Justice Commission a role in reviewing changes to investment policy and
 63 refers to “striving [for] socially responsible goals concerning labor, housing,
 64 environment, etc., in addition to the Nuclear Free Berkeley Act.”
 65

66 The current Responsible Investment Policy statement is contained in the City of
 67 Berkeley Investment Policy, effective July 1, 2018,¹ under section B, Investment
 68 Objectives, sub-section 4, Responsible Investing. This section states that
 69 “Investment policies of the City of Berkeley shall comply with the letter of the
 70 following ordinances, resolutions, and [other] directives....” Six such directives
 71 are listed, and five are explained in some depth. The sub-section concludes with
 72 the statement that “These guidelines apply to all cash-equivalent assets included
 73 within the scope of the City’s audited financial statements and held either directly
 74 by the City or held and invested by fiscal agents.” This current Policy focuses
 75 entirely on investing and not on the procurement impact of the City policies.
 76

- 77 D. The numerous Council directives discussed in sub-section B above show that in
 78 the years following the 2016 election Berkeley has had a growing interest in the
 79 social impact of its investments and expenditures. The issues are diverse:
 80 immigrant rights, environmental defense, anti-militarism, corporate behavior.
 81 There is, however, a common thread: concern for human rights and corporate
 82 responsibility. The City Council resolution of July 16, 2019, called for updating
 83 the City’s investment policy to reflect a view of Universal Human Rights and
 84 corporate responsibility informed by the International Bill of Human Rights² and
 85 the rights listed under International Humanitarian Law treaties and the rights in

¹ https://www.cityofberkeley.info/Clerk/City_Council/2018/06_June/Documents/2018-06-26_Item_18_Revisions_to_the_Investment_Policy.aspx

² <http://www.un.org/en/universal-declaration-human-rights/index.html>
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>
<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

86 the International Labor Organization's Declaration on Fundamental Principles and
87 Rights at Work.³

88
89 The creation of a rubric for investment and procurement policy will have several
90 positive effects:

- 91 1. This broader, more open-ended approach, compared to the current one-off
92 approach, will provide a rubric and guidance for future additions to the social
93 screens used in investment and procurement decisions. The rubric will also
94 promote a consistent approach.
- 95 2. Use of international human rights and labor frameworks aligns Berkeley with
96 global standards and social justice movements around the world, signaling our
97 commitment to international coexistence and cooperation.
- 98 3. This approach adds to but does not replace the existing policy commitments of
99 the City.
- 100 4. Transform or incorporate the patchwork nature of SRIP requirements into a
101 meaningful rubric, including social screens and international human rights
102 standards, particularly as appropriate the UN Guiding Principles on Business
103 and Human Rights⁴ and the UN Global Compact.⁵

104
105 E. The Council resolution gives the following examples of concerns that an SRIP
106 policy should cover:

- 107 1. Universal Human Rights: These include but are not limited to concern
108 for:
 - 109 a) Social rights, including racial justice, the rights of indigenous people
110 and LGBTQI people
 - 111 b) Labor rights, including the prohibition of sweat labor and child labor
 - 112 c) The rights of incarcerated people and people under a belligerent
113 occupation
 - 114 d) Rights of women and girls, including equal pay
 - 115 e) Immigrant rights
 - 116 f) Environmental justice
 - 117 g) Civil and political rights
 - 118 h) Rights of persons with disabilities
 - 119 i) Rights of religious minorities
 - 120 j) Health and safety
- 121
122 2. Corporate Responsibility: This includes, but is not limited to concerns
123 about:
 - 124 a) Local banking and presence
 - 125 b) Underserved communities and neighborhoods
 - 126 c) Corporate market behavior
 - 127 d) Corporate good citizenship and tax avoidance
 - 128 e) Corporate ethics and governance

³ <http://www.ilo.org/declaration/lang--en/index.htm>

⁴ <https://www.business-humanrights.org/en/un-guiding-principles>

⁵ <https://www.unglobalcompact.org/what-is-gc/mission/principles>

f) Community investment

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IV. Oversight and Advisory Process.

A. The July 16, 2019 City Council resolution stated that “the Socially Responsible Investment and Procurement Policy Subcommittee will draft and the Peace and Justice Commission will hold hearings on and propose to Council a policy to govern the Commission’s advisory role in socially responsible investing and socially responsible procurement.” This section of the Policy describes the Commission’s advisory role.

B. The City’s current process for socially responsible procurement centers on the requirement that proposed vendors complete a number of forms stating compliance with City policies.⁶ These existing vendor forms include Living Wage, Equal Benefits, Non-Discrimination/Workforce Composition, Nuclear Free Zone, and Oppressive States. A complaint process has been established for alleged Living Wage and Equal Benefits Ordinance non-compliance.⁷ After the Finance Department completes investigation of the complaint, “a written report with the findings will be sent to both the employee and the employer. Based on the findings, appropriate escalating steps will be taken and all parties will be informed.”

If the proposed vendor cannot promise compliance with the Nuclear Free Berkeley Act, City staff must request a waiver recommendation from the Peace and Justice Commission; the Commission recommendation is then considered by the City Council for a final decision.⁸ [Finance will need to provide the subcommittee more detail on the current processes.]

C. The new SRIP process, and the rest of this section, will cover both procurement and investment. (See sub-section E below for investment-related issues.) The process may require new vendor forms or alterations to the existing forms, and a companion process for staff to request a waiver for non-compliance with new or altered forms.

D. The Subcommittee proposes that the Finance Department shall deliver to the Commission and the Council an annual report on investments and procurement from the Department with regard to social responsibility. The report will deliver on a set date each year, the timing of which can be worked out between Department and the Subcommittee.

⁶ https://www.cityofberkeley.info/Finance/Home/Doing_Business_with_the_City.aspx

⁷ [https://www.cityofberkeley.info/uploadedFiles/Finance/Level_3_-_General/Steps%20for%20Filing%20a%20Formal%20Complaint%20LW%20EBO%20NonComp%20\(2\)%20\(2\).pdf](https://www.cityofberkeley.info/uploadedFiles/Finance/Level_3_-_General/Steps%20for%20Filing%20a%20Formal%20Complaint%20LW%20EBO%20NonComp%20(2)%20(2).pdf)

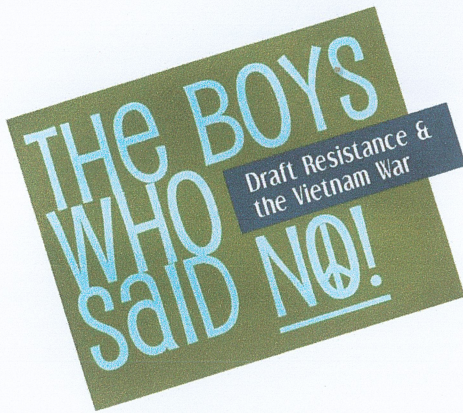
⁸ “NFBA – Request for Waiver Process,” 6/2018, City of Berkeley Finance Department

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The Department's annual Report will detail new vendors the City has engaged, and new entities it has invested in over the preceding year; complaints or issues of non-compliance with the SRIP Policy that have arisen, and their disposition; and changes made or proposed to the SRIP Policy.

- E. It may occasionally come to the attention of the Commission that a company appears out of compliance with Berkeley SRIP policy. In this situation the Subcommittee will conduct an initial assessment to determine whether there is merit to the concern. If the Subcommittee verifies non-compliance, it will make an initial determination whether the issue is confined to the single company, or if there is a broader problem with the City's screening process. The following procedures will be activated in case of an apparent non-compliance:
- a. The Subcommittee and the Finance Department will cooperate to assess alleged non-compliance and to propose mitigation. The Subcommittee will produce evidence of the apparent non-compliance, and Finance will share information about the company at issue, including staff knowledge of the alleged area of non-compliance and any mitigating factors including a lack of alternative suppliers or investment opportunities. [As part of the current policy drafting process, the two parties shall jointly develop a written procedure, detailing their respective responsibilities in non-compliance assessment, and the timelines for sharing information with each other.]
 - b. If a company appears to have either incorrectly claimed compliance with Berkeley SRIP policies, or let its compliance lapse since signing the vendor forms, the Subcommittee and the Department will develop a tailored compliance plan appropriate for the specific company. This plan may provide the opportunity for the company to come into compliance. It may also include a search for alternative suppliers and a timeline for switching to the replacement company. If the Subcommittee and the Department are unable to agree on a compliance plan, the Commission may advise the Council of the deadlock and propose its alternative plan. Once a compliance plan is set in motion, the Department will advise the Subcommittee of its progress at regular intervals.
 - c. If, on the other hand, a concern is surfaced regarding the Department's vetting procedure, or with the definition of the City's SRIP policy, the Subcommittee and the Commission will coordinate with the Department and/or advise the Council, as appropriate, on proposed approaches to remediation.
- F. The Subcommittee and the Commission shall adopt procedures for handling complaints from members of the public alleging non-compliance with the City's SRIP policy by suppliers or institutions with which the City invests, and undertake investigations of complaints as they deem warranted. Complaints may also address concerns about the definition of the City's SRIP policy. The procedures shall include the following:

- 214 a. The process for filing complaints with the Subcommittee
- 215 b. The process for the Subcommittee to investigate a complaint
- 216 c. Communication with the complainant, the Department, and the target of
- 217 the complaint
- 218 d. If the Subcommittee finds the community-generated complaint to have
- 219 merit, it will follow the same procedures for addressing non-compliance as
- 220 laid out in sub-section D above.
- 221
- 222 G. Socially Responsible Investment management will work differently from
- 223 Procurement in some ways. There will be no vendor forms to fill out. There are
- 224 no MOUs or contracts as they are understood in the procurement arena. The
- 225 investment portfolio can be much more dynamic or volatile than the vendor
- 226 portfolio. Still, the concerns of social responsibility remain relevant in the
- 227 investment arena.
- 228
- 229 H. Consider implications for the BUSD, which the Commission also advises per its
- 230 mandate.
- 231
- 232 I. Consider related issues including:
- 233
- 234 a. Review Portland Oregon SR resolution and criteria for helpful ideas.
- 235 Identify professional, academic and other resources nationally to enhance
- 236 the development of Berkeley's SRIP practice.
- 237 b. Consider positive screens as well as negative.
- 238 c. Structure community input including diversity as well as expert
- 239 engagement.



Judith Ehrlich, Director	Kind Earth Productions
Bill Prince, Producer	P. O. Box 14008
Robert Cooney, Advisor	San Francisco, CA 94114
Steve Ladd, Advisor	[415] 812-8703
Barbara Myers, Advisor	sendbillsomenews@yahoo.com
Lee Swenson, Advisor	www.boyswhosaidno.com
Sara Smith, Advisor	www.facebook.com/BoysWhoSaidNo/ #BoysWhoSaidNo

November 28, 2019

Dear Breanne,

Two years ago, the City of Berkeley Peace and Justice Commission very kindly agreed to endorse and be a sponsor of the documentary-in-progress ***The Boys Who Said NO!*** about draft resisters during the Vietnam War, during our Indiegogo fundraising campaign. I am writing to say that we are nearly finished with the film.

Our director tells me that we will “lock picture” this weekend. This marks the end of all editing and the completion of all creative touches like graphics and animation, music, and voice-over. Only six to eight weeks of technical processing remain.

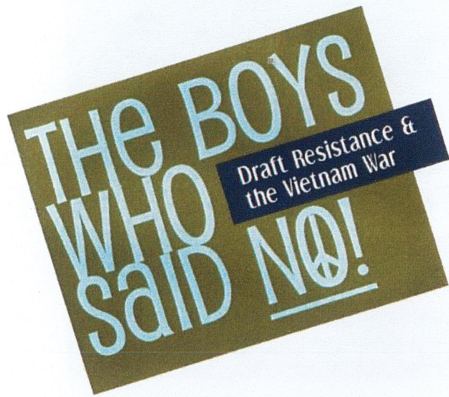
Our plan is to submit the film first to festivals before showing it to other audiences. This weekend, we will enter our third festival, the Tribeca Film Festival in New York. No word back yet from Sundance in Utah nor from South by Southwest in Austin, Texas.

You can see a three-minute trailer for the film at <https://vimeo.com/318885758> or at our website www.boyswhosaidno.com, and the first half of a rough cut of the film is at <https://vimeo.com/321590259> password boys2.

We'll stay in touch in case and be sure your office receives an invitation to our Bay Area premiere.

Thanks for your support,

Bill Prince, Producer
www.boyswhosaidno.com
sendbillsomenews@yahoo.com
 415-812-8703



End of the Year Update

Update for November 2019

Youth Focus Groups...in Paris!



We were able to show the fine cut of the film to two invitation-only youth focus groups in Paris! The responses ranged from positive to enthusiastic, and feedback was sent on to our editors. We promised to return with a finished film...and with subtitles!

We've also shown the cut to raise funds from Santa Monica to Bolinas to Tacoma. Next are Chicago and Park City, UT, both in December.

***BOYS!* Impresses Academic Conference in Washington, DC**

BOYS! received a special invitation to show the fine cut of the film at George Washington University's conference "Waging Peace in Vietnam." This conference focused on GI and veteran opposition to the war and other unknown stories of the antiwar movement...like ours! About fifty people attended the showing and seemed involved, inspired, and impressed.



Could "picture lock" be only days away?

We continue to get reports from our director and editor on progress towards the final cut. With so many moving parts, it's hard to be sure if it's days or weeks...but not more!



More great reviews from viewers

...the film is really, really good.... Lots of stuff I didn't know...I was really impressed by how deftly the scenes and topics were woven together - really seamless and continuous like a good story should be - and how well-chosen and appropriate the music was. Well done! You should be proud!

(recent new viewer)

It's a fine film, likely to increase empathy among broad audiences for those opposed to the war.

(historian and educator)



October appeal raises \$28,000...so far! Thanks to our October donors!

Support today will pay for the last of the rights to archival music, photos, and film, and for the technical processing needed to **get this film out of the studio and to its first stop...our first film festival.**

BOYS! Submitted to Another Film Festival

Last time it was Sundance (no word yet), this time it's the South by Southwest Film Festival, to be held in Austin, Texas next March. **Wish Us Luck!**



On behalf of our Film Team, thank you for your continuing support!

Bill Prince

Bill Prince, Producer, *The Boys Who Said NO!*

www.boyswhosaidno.com

sendbillsomenews@yahoo.com

Email forwarded on 12/16/19 to the Peace and Justice Commission at the request of Diana Bohn

From: Diana [<mailto:nicca@igc.org>]
Sent: Tuesday, December 10, 2019 7:15 AM
To: Steffen, Erin <ESteffen@cityofberkeley.info>
Cc: Igor Tregub <itregub@gmail.com>; george.lippman@gmail.com
Subject: Greetings, Please pass this message to members of the Peace & Justice commission.:Halt the Jeju 2nd airport(air force base) proect!

Dear Erin Steffen: Thank you for being our new Commission Secretary.
I look forward to meeting you in January.
In the meantime, please pass this message - petition - to commission members. It is a follow -up to a resolution opposing the US Naval Base on Jeju Island, south korea.
Thanks very much.
diana bohn

-----Forwarded Message-----
From: Sung-Hee Choi
Sent: Dec 8, 2019 11:56 PM
To: Sung-Hee Choi
Subject: [International petition] Halt the Jeju 2nd airport(air force base) proect!

Dear friends,

As some of you may be aware, the struggle to stop the Jeju 2nd airport project is currently the biggest one in Jeju, Korea. Since the planned 2nd airport will be very likely to be an air force base, it is much related to the subject matter of anti-militarism. We think it is an urgent time to have your support as the government may notify the final decision on the project within this month. Your initial signs may help us to change the course. Please sign on and share this with your networks. It would be helpful if many signs are gathered by around Dec. 15th.

<https://forms.gle/yzBVTnjQq2nXhiNM9>

And you may also sign to this another petition supported by a Korean group. It is focused on the environment aspect of the Jeju 2nd airport project.

<https://docs.google.com/forms/d/16WoygYnsSMliL2z0GVQddv9pazWFnk7r3l4S-rsGPss/edit?usp=drivesdk>

While many details on the Jeju 2nd airport project are provided by both petitions, you may also refer to our latest newsletter for more updates.

<http://savejejunow.org/gangjeong-village-story-september-october-november-2019-issue/>

Thanks so much.