Meeting Date:   February 22, 2022

Item Description:   Adopt a Resolution in Support of Ukraine, Continued Diplomacy, and Adherence to Constitutional Procedure With Respect to Armed Conflict Amidst Ongoing Tensions

This item is submitted pursuant to the provision checked below:

☐ Emergency Situation (54954.2(b)(1) - majority vote required)
   Determination by a majority vote of the legislative body that an emergency situation exists, as defined in Section 54956.5.

☒ Immediate Action Required (54954.2(b)(2) - two-thirds vote required)
   There is a need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.

Once the item is added to the agenda (Consent or Action) it must be passed by the standard required vote threshold (majority, two-thirds, or 7/9).

Facts supporting the addition of the item to the agenda under Section 54954.2(b) and Chapter III.C.5 of the Rules of Procedure:

The conflict between the Russian Federation, Ukraine, and the United States and its NATO allies has escalated significantly in recent weeks. It is in the public interest for the City of Berkeley to urgently communicate with its Congressional delegation.

The need to take immediate action and the need for action came to the attention of the local agency subsequent to the agenda for this meeting being posted.
To: Honorable Mayor and Members of the City Council

From: Vice Mayor Harrison

Subject: Adopt a Resolution in Support of Ukraine, Continued Diplomacy, and Adherence to Constitutional Procedure With Respect to Armed Conflict Amidst Ongoing Tensions

RECOMMENDATION
Adopt a Resolution in support of Ukraine, continued diplomacy, and adherence to constitutional procedure with respect to potential armed conflict amidst ongoing military tensions.

Send copies of the resolution and letters to Senators Feinstein and Padilla, and Congresswoman Lee.

CURRENT SITUATION, EFFECTS, AND RATIONALE FOR RECOMMENDATION
Ukraine is a sovereign, democratic nation-state whose borders and territorial integrity cannot be changed by force and whose citizens have an inherent right to make determine their country's future.

Ongoing tensions between Russian Federation and Ukrainian forces, and the United States and its NATO allies have reached a boiling point, with American officials suggesting that a full-scale Russian invasion of Ukraine may be imminent.

In seeking to preserve the sovereignty of the Ukrainian people, it is critical, especially given that the U.S. and Russia are nuclear powers, that the United States and its allies exhaust and pursue all available diplomatic solutions with the Russian Federation.

In the spirit of the U.S. Constitution, Congresswoman Barbara Lee’s continued leadership with respect to carefully considering the consequences and procedure for declaring war, and the geopolitical complexities of this conflict, it is the public interest to send letters to Berkeley’s congressional delegation standing in solidarity with Ukraine, but also urging continued diplomatic efforts and highlighting that Congress must carefully debate and consider any move towards armed conflict.

BACKGROUND
The Russian Federation in February 2014 initiated an armed conflict in Ukraine in March 2014, violated internationally recognized Ukrainian borders by invading and
annexing the Crimean peninsula, and has continued to destabilize Ukraine through covert operations and funding of paramilitary groups in Eastern Ukraine, contributing to 10,000 civilian casualties and internally displacing at least 1.6 million persons in Eastern Ukraine.

While there is little doubt that the Russian Federation is responsible for armed conflict in Ukraine, it is important to acknowledge that Russia perceives the ongoing expansion of the North Atlantic Treaty Organization (NATO) and U.S. activities in the region as a threat to its own security and sovereignty. None other than the chief architect of the U.S. Cold War strategy of containment, George Kennan, warned in 1998, following Senate ratification of NATO expansion:

"I think it is the beginning of a new cold war. I think the Russians will gradually react quite adversely and it will affect their policies. I think it is a tragic mistake. There was no reason for this whatsoever. No one was threatening anybody else. This expansion would make the founding fathers of this country turn over in their graves.

We have signed up to protect a whole series of countries, even though we have neither the resources nor the intention to do so in any serious way. [NATO expansion] was simply a lighthearted action by a Senate that has no real interest in foreign affairs. What bothers me is how superficial and ill informed the whole Senate debate was. I was particularly bothered by the references to Russia as a country dying to attack Western Europe.

Don’t people understand? Our differences in the Cold War were with the Soviet Communist regime. And now we are turning our backs on the very people who mounted the greatest bloodless revolution in history to remove that Soviet regime. And Russia’s democracy is as far advanced, if not farther, as any of these countries we’ve just signed up to defend from Russia. Of course there is going to be a bad reaction from Russia, and then [the NATO expanders] will say that we always told you that is how the Russians are — but this is just wrong."

After two decades of endless war in the Middle East, it is critical for Congress to exercise discretion and oversight; war has significant consequences in terms of blood and treasure.

While all efforts must be taken to avoid war, as last resort, Article I, Section 8, Clause 11 of the United States Constitution exclusively grants the power to declare war to the United States Congress, and that any move towards war should be carefully considered and debated by elected legislators with regard to the vital national interest of the American people.

This resolution balances each of these objectives

FISCAL IMPACTS OF RECOMMENDATION
Staff time will be necessary for the Clerk to send the letter to the specified elected officials.

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ENVIRONMENTAL SUSTAINABILITY
No discernable impact.

CONTACT PERSON
Vice Mayor Kate Harrison, (510) 981-7140

ATTACHMENTS
1. Resolution
2. Letters
RESOLUTION IN SUPPORT OF UKRAINE, CONTINUED DIPLOMACY, AND
ADHERENCE TO CONSTITUTIONAL PROCEDURE WITH RESPECT TO ARMED
CONFLICT AMIDST ONGOING TENSIONS

WHEREAS, Ukraine is a sovereign, democratic nation-state\(^1\) whose borders and territorial integrity cannot be changed by force and whose citizens have an inherent right to make their country’s decisions and determine their country’s future\(^2\) ; and

WHEREAS, the Russian Federation violated internationally recognized Ukrainian borders by invading and annexing the Crimean peninsula, and continued to destabilize Ukraine through covert operations and funding of paramilitary groups in Eastern Ukraine, engaging in electronic warfare and, in recent months, threatening invasion. Ongoing violence and human rights violations that have already caused over 10,000 civilian casualties and internally displaced at least 1.6 million persons in Eastern Ukraine;\(^4\) and

WHEREAS, per Secretary of State Anthony J. Blinken, it is the position of the Biden Administration that “the United States’ commitment to Ukraine’s independence, sovereignty, and territorial integrity is ironclad;”\(^5\)

WHEREAS, the Russian Federation perceives the ongoing expansion of the North Atlantic Treaty Organization and U.S. activities in the region as a threat to its security and sovereignty;

WHEREAS, in preserving the sovereignty of the Ukrainian people, it is critical, especially given that the U.S. and Russia are nuclear powers, that the United States and its allies exhaust and pursue all available diplomatic solutions with the Russian Federation;

WHEREAS, while all efforts must be taken to avoid war, as last resort, Article I, Section 8, Clause 11 of the United States Constitution exclusively grants the power to declare war to the United States Congress, and that any move towards war should be carefully considered and debated by elected legislators.

\(^1\) [https://www.britannica.com/place/Ukraine/Parliamentary-democracy](https://www.britannica.com/place/Ukraine/Parliamentary-democracy)

\(^2\) [https://www.state.gov/united-with-ukraine/#supporting-ukraine](https://www.state.gov/united-with-ukraine/#supporting-ukraine)


\(^5\) [https://www.state.gov/united-with-ukraine/#supporting-ukraine](https://www.state.gov/united-with-ukraine/#supporting-ukraine)
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley joins the Biden Administration in standing with Ukraine, its democratically elected leaders, and its people, and reaffirms its support for the principles that the borders and territorial integrity of a democratic, sovereign nation-state cannot be changed by force and that citizens in such a democracy have the right to determine their nation’s future.

BE IT FURTHER RESOLVED that in resolving tensions, the U.S. and its allies must vigorously pursue all potential diplomatic solutions to the crisis and that any last resort move towards armed conflict must be carefully debated and declared by the United States Congress.

BE IT FURTHER AND FINALLY RESOLVED that the City clerk send copies of this Resolution to Berkeley’s Congressional delegation.
Re: Support of Ukraine, Continued Diplomacy, and Adherence to Constitutional Procedure With Respect to Armed Conflict Amidst Ongoing Tensions

Dear Senator Feinstein:

The Berkeley City Council would like to convey its urgent support for the sovereignty of Ukraine, continued diplomacy between the Russian Federation, the United States, and NATO allies, and strict adherence to constitutional procedure with respect to armed conflict.

Ongoing tensions between Russian Federation and Ukrainian forces, and the United States and its NATO allies have reached a boiling point, with American officials suggesting that a full-scale Russian invasion of Ukraine may be imminent. Ukraine is a sovereign, democratic nation-state whose borders and territorial integrity cannot be changed by force and whose citizens have an inherent right to make determine their country’s future.

However, in seeking to preserve the sovereignty of the Ukrainian people, it is critical, especially given that the U.S. and Russia are nuclear powers, that the United States and its allies exhaust and pursue all available diplomatic solutions with the Russian Federation. While there is little doubt that the Russian Federation is responsible for armed conflict in Ukraine, it is important to acknowledge that Russia perceives the ongoing expansion of the North Atlantic Treaty Organization (NATO) and U.S. activities in the region as a threat to its own security and sovereignty.

After two decades of endless war in the Middle East, it is critical for Congress to exercise discretion and oversight; war has significant consequences in terms of blood and treasure.

While all efforts must be taken to avoid war, as last resort, Article I, Section 8, Clause 11 of the United States Constitution exclusively grants the power to declare war to the United States Congress, and that any move towards war should be carefully considered and debated by elected legislators with regard to the vital national interest of the American people.
Therefore, in the spirit of the U.S. Constitution, and with respect to the necessity of carefully considering the consequences and procedure for declaring war and the geopolitical complexities of this conflict, we urge you to stand in solidarity with Ukraine, but also to encourage the Biden Administration to pursue continued diplomatic efforts. As a last resort, Congress must carefully debate and consider any move towards armed conflict.

Thank you for your leadership and consideration.

Sincerely,

The Berkeley City Council
The Honorable Senator Padilla  
United States Senate  
112 Hart Senate Office Building  
Washington, DC 20510

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Thank you for your leadership and consideration.

Sincerely,

The Berkeley City Council
The Honorable Congresswoman Lee  
United States House of Representatives  
2470 Rayburn House Office Building  
Washington, D.C. 20515

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The Berkeley City Council