



Peace and Justice Commission

ACTION CALENDAR
October 27, 2009

To: Honorable Mayor and Members of the City Council
 From: Peace and Justice Commission
 Submitted by: Eric Brenman, Secretary, Peace and Justice Commission
 Subject: Withdrawal of United States Armed Forces and Private Mercenary Contractors from Afghanistan and Cessation of United States Military Drone Attacks on Afghanistan and Pakistan

RECOMMENDATION

At its meeting on October 5, 2009, the Peace and Justice Commission approved the following recommendation:

Adopt a Resolution advocating the withdrawal of United States Armed Forces and private mercenary contractors from Afghanistan and the cessation of United States military drone attacks on Afghanistan and Pakistan.

M/S/C: (Meola, B/Lippman, G.)
 Ayes: Bohn, D.; Brody, D.; Kenin, W.; Lippman, G.; Maran, R.; Marley, J.; Meola, B.; Nicely, M.; Sorgen, P.)
 Noes: Wornick, J.
 Abstain: Litman, J.; Sherman, M. (*basis for abstention: while supporting the overall policy goal of the recommendation, both Commissioners support targeted counter-terrorism efforts, where necessary*)

SUMMARY

Following the September 11, 2001 attacks, President George W. Bush sought an authorization from the UN Security Council to use military force in Afghanistan. The UN resolutions that were passed in response—resolutions 1368 and 1373—never actually authorized military force, but rather, authorized the criminalization and prevention of terrorist activities. Contrary to popular perception, the Bush Administration unfolded an

open-ended military operation in Afghanistan with no legal justification for doing so. The administration of Barack Obama is building on this flawed foundation in its continuance and escalation of the war.

According to international law experts, the invasion and ongoing occupation of Afghanistan is as illegal as the U.S. presence in Iraq. The United Nations Charter mandates that military force against another country is only justified when used in self-defense or authorized by the U.N. Security Council.

“The invasion of Afghanistan was not legitimate self-defense under article 51 of the charter because the attacks on Sept. 11 were criminal attacks, not “armed attacks” by another country. Afghanistan did not attack the United States. In fact, 15 of the 19 hijackers came from Saudi Arabia. Furthermore, there was not an imminent threat of an armed attack on the United States after Sept. 11, or Bush would not have waited three weeks before initiating his October 2001 bombing campaign. The necessity for self-defense must be ‘instant, overwhelming, leaving no choice of means, and no moment for deliberation.’ This classic principle of self-defense in international law has been affirmed by the Nuremberg Tribunal and the U.N. General Assembly.” [Marjorie Cohn, president of the National Lawyers Guild]

Afghanistan: The Other Illegal War By Marjorie Cohn; AlterNet
http://www.alternet.org/waroniraq/93473/afghanistan:the_other_illegal_war/?page=1

Representative Barbara Lee, stated on *Democracy Now* in an interview with Juan Gonzalez on October 7, 2009:

“I do have a sense of the President and his deliberative process that he is undertaking, which I think is absolutely correct. And he’s listening to a variety of points of view. And as a member of Congress, not as a member of the executive branch, but as a member of Congress, whose constitutional responsibility is to protect our troops, to make sure that if there are going to be military operations that there is a declaration of war, I cannot support an increase in troop level, because there—first of all, there’s no declaration of war. We have given the authority, I think unconstitutionally, to the administration to wage war, endless war, until in fact the administration decides that it’s no longer needed.”
http://www.democracynow.org/2009/10/7/as_afghan_war_enters_9th_year

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On October 1, 2009, Representative Barbara Lee introduced H.R. 3699 in the House of Representatives. The bill, currently including twenty-one co-sponsors, seeks to prohibit

any increase in the number of members of the United States Armed Forces serving in Afghanistan. (See Attachment I)

Recently, Representative James McGovern introduced H.R. 2404, which is a Resolution calling for an exit strategy from Afghanistan. Prior to that, Senator Russ Feingold introduced a bill calling for a timetable for withdrawal of U.S. forces from Afghanistan.

The Taliban presently covers 97% of Afghanistan according to a report by international correspondent Virginia M. Moncrieff on September 11, 2009.

“I am deeply troubled by the civilian casualties in Afghanistan, and we should do everything in our power to curb civilian casualties. The best way to do so is to greatly reduce the size of our military footprint in that country.”--Russ Feingold in a recent interview with Tom Hayden.

It is widely acknowledged that currently, seventy percent of Democrats and fifty-seven per cent of Americans favor withdrawal of United States military forces from Afghanistan.

Tom Andrews, former Member of Congress from Maine, reported in the *Huffington Post* on September 24, 2009 that “Embedded in General Stanley McChrystal’s classified assessment of the war in Afghanistan is his conclusion that a successful counterinsurgency will require 500,000 troops over five years.

“This bombshell was dropped by NBC reporter Andrea Mitchell on MSNBC’s *Morning Joe* on Wednesday: ‘The numbers are really pretty horrifying. What they say, embedded in this report by McChrystal, is they would need 500,000 troops—boots on the ground—and five years to do the job. No one expects that the Afghan Army could step up to that. Are we gonna put even half that of U.S. troops, and NATO forces? No way.’ [*Morning Joe*, September 23, 2009]’

According to the constantly ticking counter on Tom Hayden’s website on October 7, 2009, the cost of the war in Afghanistan since 2001 has been \$228,594,000,000 for the United States, \$28,958,000,000 for California, \$82,275,000,000 for Berkeley, \$2,034 per household, \$777 per person, and \$1,714 per taxpayer. These figures all multiply by three to five times if one includes the war in Iraq also.

Current Troop Levels - There are roughly 62,000 U.S. troops currently in Afghanistan. This number is expected to grow to at least 68,000 by December. [Gates Says Additional Local Forces May Be Needed In Afghan War, Bloomberg News, September 1, 2009.]

From Fact Sheet on: <http://www.nationalpriorities.org/2009/09/02/quick-facts-US-military-operations-Afghanistan>

There have been 813 United States casualties so far in Afghanistan. There have been 1446 Afghanistan Coalition military fatalities since 2001. There is no official number of Afghani civilians killed in this war so far. It is estimated in the tens of thousands and has been rising in recent years.

Berkeley should support Barbara Lee's bill to cease funding of the war in Afghanistan and call for an exit strategy and withdrawal of U.S. troops from Afghanistan

BACKGROUND

Zoya is a member of the radical underground organization called RAWA, the Revolutionary Association of the Women of Afghanistan. She was a child during the Soviet invasion of her country. As a teenager, the mujahedeen or warlords killed her activist parents. She fled with her grandmother to a refugee camp in neighboring Pakistan but later returned to her country to document life under Taliban rule. She has been an outspoken critic of the US and NATO invasion of her country. *Democracy Now!*'s Anjali Kamat asked Zoya over the telephone on Tuesday, October 6, 2009, for her thoughts on this eighth anniversary of the US-led bombing of Afghanistan.

Zoya is on a national tour of the United States this month and is speaking at the CUNY Graduate Center in New York today. For her own security inside Afghanistan, she goes by the pseudonym Zoya and does not appear on camera. On October 7, her telephone interview was broadcast on *Democracy Now*. Zoya stated:

Unfortunately, in the past eight years, with thousands of troops, with billions of dollars poured in the country, and with the tens of countries present in Afghanistan, the foreign countries, we see that there's no positive change in Afghanistan. Still our people are suffering from insecurity.

Our people are caught up from different sides by different enemies. From one side, our people are suffering from Taliban, who has almost 70, 80 percent of Afghanistan under their control. From the other side, the warlords and drug lords have a lot of power in different provinces. And from the third side, unfortunately, the US and NATO bombs are killing our civilians. So, the past few years, I think, taught the foreign countries a new lesson, that as long as they are not changing their policy of supporting and compromising with Northern Alliance fundamentalists, there would be no root change in the political situation.

Today we see that after eight years—or before, United States occupied Afghanistan under the three banners, under three justifications, which was bringing democracy, liberation of Afghan women, and war, so-called war, on terror. But today we see that terrorism is increasing day by day. The Taliban are much more powerful than before. They are increasing in number. They are getting more stronger.

And we cannot talk even about democracy, because—as election was the proof that we have no democracy. And also, there's no freedom of speech. There's no freedom of expression in the country. The journalists are suffering, and they have very—a tough life and very threatening life, as a single word against the warlords and drug lords can result to their murder.

We see the situation of women, as women liberation was used as a justification to occupy Afghanistan. But today we see that women are suffering from different sides, as I said, from one side from the Taliban and from their rules and laws and from their suicide bombs, and from the other side, the US-NATO bombs. And mostly, as we notice, that during the past eight years, they killed more civilians than Taliban and terrorists. Many children, many innocent women were killed. Many times our—they attacked the wedding ceremonies. They attacked the poor people's houses.

So we see that for the reasons that they occupied Afghanistan, these reasons remain the same, and there's no positive change. And even the situation is getting more worse.... Yeah, RAWA is in favor of withdrawal of the troops. And we think that if the United States government really feels sorry for the people of Afghanistan and really want to help, they can help us in some other ways. For example, they—first of all, they should disempower fundamentalist war criminals from the three organs of the government. They should disarm them, disarm their private armies and private, you know, soldiers that they have. They should change their policy of supporting fundamentalist groups in the past, you know, thirty years in Afghanistan. And still, they are doing the same thing. They should start supporting democratic parties and organizations.

So I think they have other alternatives if they really want to help us. And the troops have proved—there's eight years' proof that it's already failed, and they will be failed. Even if they throw thousands and millions of other troops, the situation will be the same, because we need a change, a radical change, in the system, which is so corrupted. And it cannot be, you know, healed by throwing more troops. So we are in favor of withdrawal of the troops immediately.

http://www.democracynow.org/2009/10/7/voices_from_afghanistan_afghan_womens_activist

While Afghans have their doubts about local forces, they also are not convinced international forces have made things any safer. According to a July survey by the U.S.-funded International Republican Institute, 52 percent of Afghans believe the country was less stable than it was a year ago - up from 43 percent in May, when the new troops had only just begun to arrive. The survey, which interviewed 2,400 Afghan adults, had a margin of error of 2 percentage points.

By JASON STRAZIUSO and RAHIM FAIEZ The Associated Press, Monday, September 21, 2009; 4:39 PM in *The Washington Post*

RATIONALE FOR RECOMMENDATION

This proposed Resolution is recommended to the City Council consistent with the Peace and Justice Commission's mandate to advise the Council on matters of peace and justice. (B.M.C. 3.69.070)

CITY MANAGER

The City Manager takes no position on the content and/or recommendations of the Commission's Report.

CONTACT PERSON

Robert Meola, Chairperson, Peace and Justice Commission, (510) 644-1102

Eric Brenman, Secretary, Peace and Justice Commission, (510) 981-5114

Attachments:

Resolution

- 1: HR 3699 (Lee, B.)
2. Addendum (Additional background materials)

RESOLUTION NO. –N.S.

CALLING FOR THE IMMEDIATE WITHDRAWAL OF UNITED STATES ARMED FORCES AND PRIVATE MERCENARY CONTRACTORS FROM AFGHANISTAN AND CESSATION OF UNITED STATES MILITARY DRONE ATTACKS ON AFGHANISTAN AND PAKISTAN

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code (BMC) Chapter 369.070); and

WHEREAS, the Council of the City of Berkeley, on October 16, 2001 stated in part that it would, "Ask our representatives to help break the cycle of violence, bringing the bombing to a conclusion as soon as possible, avoiding actions that can endanger the lives of innocent people in Afghanistan, and minimizing the risk to American military personnel;" and

WHEREAS, the war in Afghanistan is and has been, since day one, on October 7, 2001, an illegal war under article 51 of the UN Charter amongst other laws, in part because it was purported to be in response to criminal attacks and not "armed attacks" by another country (Afghanistan never attacked the United States); and

WHEREAS, the war in Afghanistan is a war of aggression unrelated to the defense of the United States; and

WHEREAS, the people of Afghanistan have continued to suffer and be killed by and not helped by the presence of the United States Armed Forces, and the majority of them want all foreign forces to leave Afghanistan and according to Kavita Ramdas, staff person of the Global Fund for Women, "*Afghan women have had enough. They are tired of broken promises and of living in a land overrun by foreigners and armed militias. Women parliamentarians like Malalai Joya write, 'the longer foreign troops stay in Afghanistan..., the worse the eventual civil war.' They laugh outright at the argument that further militarization of their society will bring them peace and security. They track the rise in insurgent violence with a parallel increase in foreign military troops*"; and

WHEREAS, recent polls show that a majority of the American people oppose American involvement in the war in Afghanistan and want the United States to get out of Afghanistan; and

WHEREAS, the war in Afghanistan continues to cost hundreds of billions of dollars while the United States and particularly the State of California are in an economic crisis without money to fund domestic needs; and

WHEREAS, military analysts state that it is not possible for the United States to win a military victory in Afghanistan, and the few military generals who claim they can win cannot tell us when that would happen and so far the White House has offered no

timetable and no "exit strategy" for Afghanistan and instead, General McChrystal and other military leaders are pressing for the addition of tens of thousands of new American troops and a commitment to remain in Afghanistan for years to come; and

WHEREAS, there are more private military contractors in Afghanistan than there are United States troops in Afghanistan and the United States now has a higher ratio of private contractors to military personnel than in any war in the history of the United States; and

WHEREAS, Blackwater, now known as Xe, is one of the major contractors in Afghanistan (even after its record of violating human rights in Iraq and killing civilians in Afghanistan too); and

WHEREAS, unpersonned Predator drones and other United States drones ("Unmanned Aerial Vehicles") have attacked and killed innocent Afghani citizens in Afghanistan as well as innocent Pakistani citizens in Pakistan and thereby harmed the image of America in the eyes of peoples of the region and elsewhere; and

WHEREAS, the eight years of war since 2001, far from eradicating the threat of the Taliban, has strengthened the reactionary forces and further militarized the country, while investment in human development--the real key to development of a peaceful and democratic Afghanistan--has been sorely lacking.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley unequivocally opposes the introduction and funding of any additional troops into Afghanistan and calls for an exit strategy, commencing immediately.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley call on the Obama administration to commit to a rapid and complete withdrawal of all United States military personnel and private mercenary contractor companies from Afghanistan, commencing immediately and that the Council further call on the Administration to intensify its efforts to resolve the Afghanistan conflict through peaceful means, including unconditional humanitarian aid, economic assistance and timelines for the near-term withdrawal of American and NATO troops.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley call on the United States to cease bombing in Afghanistan and Pakistan, including by unpersonned Predator, Reaper, and other drones.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley send copies of this Resolution to President Barack Obama, Speaker of the House Nancy Pelosi, Senator Barbara Boxer, Senator Dianne Feinstein, and Congresswoman Barbara Lee.

Attachment I

To prohibit any increase in the number of members of the United States Armed Forces serving in Afghanistan. (*Introduced in House—October 1, 2009*)

111th CONGRESS
1st Session
H. R. 3699

To prohibit any increase in the number of members of the United States Armed Forces serving in Afghanistan.

IN THE HOUSE OF REPRESENTATIVES

October 1, 2009

Ms. LEE of California (for herself, Ms. WOOLSEY, Mr. MCGOVERN, Ms. WATERS, Mr. CONYERS, Mr. ELLISON, Mr. LEWIS of Georgia, Ms. WATSON, Mr. TOWNS, Mr. CLEAVER, Ms. JACKSON-LEE of Texas, Mr. COHEN, Mr. HONDA, Mr. GRIJALVA, Mr. MCDERMOTT, Mr. STARK, Mr. HINCHEY, Mr. KUCINICH, Ms. EDWARDS of Maryland, Ms. CLARKE, Mr. FILNER, and Mr. GRAYSON) introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To prohibit any increase in the number of members of the United States Armed Forces serving in Afghanistan.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON INCREASE IN NUMBER OF MEMBERS OF THE UNITED STATES ARMED FORCES SERVING IN AFGHANISTAN.

No funds appropriated or otherwise made available under any provision of law may be obligated or expended to increase the number of members of the United States Armed Forces serving in Afghanistan so that the number of members serving in Afghanistan exceeds the number so serving on the date of the enactment of this Act.

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Attachment II

Addendum to Report:

The head of the UN mission in Afghanistan has been accused by his former deputy of ordering a systematic cover-up to conceal the extent of electoral fraud by President Karzai.

In an attack on the role of the UN in the elections on August 20, Peter Galbraith, who was sacked as Deputy Special Representative to the UN mission in Kabul last week, says that Kai Eide ordered him not to reveal evidence of fraud or to pass it to the authorities.

As a result, he said, the elections had handed the Taliban "its greatest strategic victory in eight years of fighting the United States and its Afghan partners".

He says that the UN collected evidence that a third of Mr. Karzai's votes were fraudulent. If the claim was found to be true it would push Mr. Karzai below the 54 per cent that the preliminary election results give him, necessitating a second round of voting.

<http://www.timesonline.co.uk/tol/news/world/Afghanistan/article6861064.ece>

Fox news: "...First, the history. Not for nothing is Afghanistan called the "graveyard of empires." Its mountainous, treacherous terrain makes it impossible for any foreign power to conquer or occupy. We would be fools to think we could succeed where Alexander the Great, the British, and the Russians could not.

Second, the cost. Again, largely because of the terrain and the difficulty of getting supplies into a remote, rural, land-locked country, the cost of sending troops to Afghanistan far, far exceeds the cost of any other war in our history. According to Greenwald's documentary, it cost \$50,000 a year to support a soldier in Europe in World War II. Supporting the same soldier for a year in Afghanistan costs more than \$750,000 a year. At some point, with the non-war deficit already topping \$1 trillion and growing, we're going to have to say: We've already been in Afghanistan for eight years, with little success. We just can't afford this war anymore.

Third, the impossible mission. As articulated by President Obama in March, our mission in Afghanistan is to "disrupt, dismantle, and defeat" al-Qaida. Yet, in "Rethink Afghanistan," General Petraeus himself confirms what others have reported: al-Qaida is no longer in Afghanistan; they have moved operations into neighboring Pakistan.

So now we're being asked to send more troops, and sacrifice more American lives, in order to chase down an enemy that has long since fled the territory. And plant our soldiers in a country whose government is so corrupt it has lost the support of its own people. Surely, this is pure folly..."

<http://www.fox4kc.com/news/politics/sns-200910011252tmsbpresstt--m-a20091001oct01,0,1212834.story>

A logistics nightmare:

General James T Conway, the Marines Corps Commandant, said he wanted a team of energy experts in place in Afghanistan by the end of the month to find ways to cut back on the fuel bills for the 10,000 strong marine contingent.

US marines in Afghanistan run through some 800,000 gallons of fuel a day. That's a higher burn rate than during an initial invasion, and reflects the logistical challenges of running counter-insurgency and other operations in the extreme weather conditions of Afghanistan....

The costs of shipping water and fuel to the troops are also becoming unsustainable. The price of a gallon of petrol in a war zone can cost up to \$100....

An average marine carries about 9lbs of disposable batteries in their kit to power equipment such as night vision goggles and radios.

One immediate target of the auditors is likely to be climate control. Some 448,000 gallons alone are used to keep tents cool in the Afghan summer, where temperatures reach well over 40C, and warm in the winter, said Michael Boyd, an energy adviser to the Marine Corps.

<http://www.guardian.co.uk/environment/2009/aug/13/us-marines-afghanistan-fuel-efficiency>

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