

# Withdrawal/Redaction Sheet

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                     | DATE       | RESTRICTION |
|--------------------------|-------------------------------------------------------------------|------------|-------------|
| 001. email               | Kevin Cosgriff to Kevin Cosgriff. Subject: Priorities. (6 pages)  | 11/03/1998 | P1/b(1)     |
| 002. email               | Kevin Cosgriff to Donald Kerrick. Subject: Priorities. (15 pages) | 11/03/1998 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
NSC Emails  
Exchange-Record (Sept 97-Jan 01) ([Executive Order, Human Rights])  
OA/Box Number: 620000

### FOLDER TITLE:

[04/09/1998-11/03/1998]

2011-0168-F

vz3347

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

# Exchange Mail

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**DATE-TIME** 4/9/98 11:55:29 AM  
**FROM** Akers, Dale W.  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** DOC0035.tif [UNCLASSIFIED]  
**TO** Hunerwadel, Joan S.

**CARBON\_COPY**

**TEXT\_BODY**

**TRANSLATED\_ATTACHMENT**

DOC0035\_.doc

EXECUTIVE ORDER NO. xxxxx

(Date), 1997, x F~R. x

Implementation of ~ Tr.~ l~Qt~~iCll ~~~iidl l~ .i ~ ~ .~ ~ Human  
 Rights  
 Treaties

By the authority vested in me as President by the Constitution and laws of the United States, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is ordered as follows:

Section 1. Implementation of Human Rights Obligations.

(a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the

international human rights treaties to which it is a party, including the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

(b) Toward that end, all Departments and Executive Agencies (as defined in 5 U.S.C. §§ 101-105, and including Boards and Commissions) shall maintain a current awareness of United States international human rights obligations which are relevant to their functions and shall perform functions fully respect and implement those obligations. Any significant questions or issues concerning the implementation of this section shall be referred to the Interagency Group established by section 2 below.

(c) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including inter alia those of the United Nations and the Organization of American States.

(d) The head of each Department or Executive Agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this Executive Order

-2-

## Section 2. Responsibility of the Secretary of State.

The Secretary of State shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Developing and ensuring implementation of overall policy with respect to

international human rights matters, including matters concerning refugees and migration, population, extradition, and other matters within the operating and program responsibilities and authorities of the Department of State;

(ii) Coordinating and developing Executive Branch analyses and recommendations regarding the ratification of human rights treaties;

(iii) Developing and managing overall relations and policies with respect to international bodies concerned with human rights, and referring matters within the lead responsibility of other agencies to the agencies concerned; and

(iv) Keeping the Congress informed of relevant developments concerning matters covered by this Order.

### Section 3. Responsibility of the Attorney General.

The Attorney General shall have lead responsibility within the federal government in coordination with other appropriate agencies for:

(i) Domestic implementation of international human rights as a question of federal law, concerning in particular the guarantees and protection established by the federal constitution and laws, including impermissible discrimination and the protection and promotion of civil rights;

(ii) Other international human rights matters related to law enforcement and related subjects including detention in prisons and similar facilities and proceedings regarding and detentions of juveniles in connection with acts which would be criminal if committed by adults;

(iii) Efforts to monitor and promote actions by state and local authorities in connection with the above.

#### Section 4. Responsibility of the Department of the Interior.

The Secretary of the Interior shall have lead responsibility, in coordination with other appropriate agencies, within the federal government for questions concerning the human rights performance of Commonwealths, territories, and human rights matters concerning the treatment of native American and other indigenous populations in the United States and questions concerning compliance with international human rights obligations by Commonwealths, territories, and federally-recognized tribes.

#### Section 5. Responsibility of Other Executive Departments and Agencies

The heads of other Executive Departments and Agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations which fall within their respective operating and program responsibilities and authorities or, to the extent that a matter does not fall within the operating and program responsibilities and authorities of any federal government Executive Department or Agency which most closely relate to their general areas of concern.

#### Section 6. Human Rights. Inquiries and Complaints

Each Executive Department or Agency shall take lead responsibility, in coordination with other appropriate agencies, for investigating and responding to inquiries, requests for information, and complaints about violations of human rights obligations which fall within their areas of responsibility as defined in Sections 2-5 of this Order.

#### Section 7. Interagency Legal Group on Adherence to and Implementation of Human Rights. Treaties

(a) There is hereby established an Interagency Legal Group on Human Rights, for the purpose of providing guidance, oversight and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The Interagency Legal Group shall consist of the Legal Adviser of the Department of State, an equivalent designee of the Department of Justice, the Legal Adviser of the NSC Staff, the General Counsel of the Department of Defense, the JCS,

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Interior, DOE, DOL, etc.) The principal members may designate alternates to attend meetings in their stead. The Departments of State and Justice shall co-chair (or NSC chair?) the Interagency Legal Group.

(c) The principal functions of the Interagency Legal Group shall include:

(i) Coordinating the inter-agency review, analysis and recommendations in connection with pursuing the ratification of human rights treaties, and such questions may from time to time arise;

(ii) Coordinating the preparation of reports which are to be submitted by the United States in fulfillment of treaty obligations, including reports to the Committee on Human Rights under Article 40 and (cite others);

(iii) Coordinating the responses of the United States Government to complaints against it concerning human rights violations, in particular those to be submitted to the United Nations, the Organization of American States and other international organizations;

(iv) Developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity

with  
international human rights obligations, and that these obligations are  
taken into  
account in reviewing legislation proposed by Congress as well.

(v) Developing recommended proposals and mechanisms for  
improving the monitoring  
of implementation by the various states, Commonwealths, and  
territories of the  
United States and, where appropriate, of native Americans and  
federally  
recognized tribes, including the review of state laws for conformity  
with  
relevant obligations, the provision of relevant information for reports  
and other  
monitoring purposes, and the promotion of effective remedial  
mechanisms.

(vi) Developing plans for public outreach and education concerning  
the  
provisions of the ICCPR, CAT, CERD and other relevant treaties, and  
domestic law.

(vii) Coordinating and directing an annual review of reservations and  
understandings to human rights treaties, and matters as to which there  
have been  
non-trivial complaints or allegations of inconsistency with or breach  
of  
international human rights obligations, in order to

-5-

determine whether there should be consideration of any modification  
of relevant  
reservations, understandings, or U.S. practices or laws. The results  
and  
recommendations of this review shall be reviewed by the head of  
each  
participating agency.

(viii) Making such other recommendations as it shall deem  
appropriate to the  
President through the Assistant to the President for National Security  
Affairs,  
concerning U.S. adherence to or implementation of human rights  
treaties and  
related matters.

(ix) Coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

Sec. 8. Cooperation among Executive Departments and Agencies.

All Executive departments and Agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Legal Group shall facilitate such cooperative measures.

LPO ID:202-647-1037 MfLR 20'97 12:37 No.006 P.03

LEO ID :202-647-1037 M~R 20'97 12:38 No.005 P.05

LFO ID:202-647-1037 MfLR 20'97 12:39 No.006 P.06



# Exchange Mail

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**DATE-TIME** 5/12/98 12:31:32 PM  
**FROM** DeRosa, Mary B.  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** Human Rights EO [UNCLASSIFIED]  
**TO** Busby, Scott W.

**CARBON\_COPY**

**TEXT\_BODY**

**TRANSLATED\_ATTACHMENT**

humanrightseo.doc

EXECUTIVE ORDER NO. xxxxx  
(Date), 1998, x F.R. x  
Implementation of Human Rights Treaties

By the authority vested in me as President by the Constitution and laws of the United States, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is ordered as follows:

## Section 1. Implementation of Human Rights Obligations.

(a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the International

Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

(b) Toward that end, all Departments and Executive Agencies (as defined in 5 U.S.C. §§ 101-105, and including Boards and Commissions) shall maintain a current awareness of United States international human rights obligations that are relevant to their functions and shall perform such functions in a manner that fully respects and implements those obligations. Any significant questions or issues concerning the implementation of this section shall be referred to the Interagency Working Group established by section 7 below.

(c) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, inter alia, those of the United Nations and the Organization of American States.

(d) The head of each Department or Executive Agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this Executive Order.

## Section 2. Responsibility of the Secretary of State.

The Secretary of State shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Developing and ensuring implementation of overall policy with respect to international human rights matters, including matters concerning refugees and migration, population, extradition, and other matters within the operating and program responsibilities and authorities of the Department of State;

(ii) Coordinating and developing executive branch analyses and recommendations regarding the ratification of human rights treaties;

(iii) Developing and managing overall relations and policies with respect to international bodies concerned with human rights, and referring matters within the lead responsibility of other agencies to the agencies concerned; and

(iv) Keeping the Congress informed of relevant developments concerning matters covered by this order.

### Section 3. Responsibility of the Attorney General.

The Attorney General shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Domestic implementation of international human rights as a question of federal law, concerning in particular the guarantees and protections established by the federal constitution and laws, including impermissible discrimination and the protection and promotion of civil rights;

(ii) Other international human rights matters related to law enforcement and related subjects, including detention in prisons and similar facilities and proceedings regarding and detentions of juveniles in connection with acts that would be criminal if committed by adults;

(iii) Efforts to monitor and promote actions by state and local authorities in connection with the above.

### Section 4. Responsibility of the Department of the Interior.

The Secretary of the Interior shall have lead responsibility, in coordination with other appropriate agencies, within the federal government for questions concerning the human rights performance of Commonwealths, territories, and human rights matters concerning the treatment of native Americans and other

indigenous  
populations in the United States and questions concerning compliance  
with  
international human rights obligations by Commonwealths, territories,  
and  
federally recognized tribes.

#### Section 5. Responsibility of Other Executive Departments and Agencies

The heads of other Executive Departments and Agencies shall have  
lead  
responsibility, in coordination with other appropriate agencies, for  
questions  
concerning implementation of human rights obligations that fall  
within their  
respective operating and program responsibilities and authorities or, to  
the  
extent that a matter does not fall within the operating and program  
responsibilities and authorities of any federal government Executive  
Department  
or Agency, that most closely relate to their general areas of concern.

#### Section 6. Human Rights Inquiries and Complaints

Each Executive Department or Agency shall take lead responsibility,  
in  
coordination with other appropriate agencies, for investigating and  
responding to  
inquiries, requests for information, and complaints about violations of  
human  
rights obligations that fall within their areas of responsibility as  
defined in  
sections 2-5 of this order.

#### Section 7. Interagency Working Group on Adherence to and Implementation of Human Right Treaties

(a) There is hereby established an Interagency Working Group on  
Human Rights,  
for the purpose of providing guidance, oversight and coordination  
with respect to  
questions concerning the adherence to and implementation of human  
rights  
obligations and related matters.

(b) The NSC shall chair the Interagency Working Group, which shall  
consist of  
the Legal Adviser of the Department of State, an equivalent designee

of the  
Department of Justice, the General Counsel of the Department of  
Defense, The  
Legal Advisor to the Chairman of the Joint Chiefs of Staff, and  
representatives  
of other agencies as appropriate. The principal members may  
designate alternates  
to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall  
include:

- (i) Coordinating the inter-agency review, analysis and  
recommendations in  
Connection with pursuing the ratification of human rights treaties, as  
such  
questions may from time to time arise;
- (ii) Coordinating the preparation of reports that are to be submitted by  
the  
United States in fulfillment of treaty obligations, including reports to  
the  
Committee on Human Rights under Article 40 and [cite others];
- (iii) Coordinating the responses of the United States Government to  
complaints  
against it concerning human rights violations, in particular those to be  
submitted to the United Nations, the Organization of American States  
and other  
international organizations;
- (iv) Developing effective mechanisms to ensure that legislation  
proposed by the  
Administration is reviewed for conformity with international human  
rights  
obligations, and that these obligations are taken into account in  
reviewing  
legislation proposed by Congress as well;
- (v) Developing recommended proposals and mechanisms for  
improving the  
monitoring of implementation by the various states, Commonwealths,  
and  
territories of the United States and, where appropriate, of native  
Americans and  
federally recognized tribes, including the review of state laws for  
conformity  
with relevant obligations, the provision of relevant information for  
reports and  
other monitoring purposes, and the promotion of effective remedial

mechanisms;

(vi) Developing plans for public outreach and education concerning the provisions of the ICCPR, CAT, CERD and other relevant treaties, and domestic law;

(vii) Coordinating and directing an annual review of reservations and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, understandings, or U.S. practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) Making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning U.S. adherence to or implementation of human right treaties and related matters; and

(ix) Coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

#### Sec. 8. Cooperation among Executive Departments and Agencies.

All Executive departments and Agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Working Group shall facilitate such cooperative measures.

# Exchange Mail

---

**DATE-TIME** 7/15/98 6:02:53 PM

**FROM** Busby, Scott W.

**CLASSIFICATION** UNCLASSIFIED

**SUBJECT** FW: Back to you for Concurrence. [UNCLASSIFIED]

**TO** DeRosa, Mary B.

**CARBON\_COPY** Allen, Charles A.  
Baker, James E.  
DeRosa, Mary B.  
Highsmith, Newell L.  
Hill, Roseanne M.  
Hunerwadel, Joan S.

**TEXT\_BODY** Mary -- Eric would like to SRB's approval before circulating this E.O. for interagency concurrence. Attached memo would go to SRB from both of us laying out reason for E.O. and what it would do. Let us know.

-----Original Message-----  
From: Kale, Dora A.

Sent: Wednesday, July 15, 1998 6:02 PM  
To: Baker, James E.; DeRosa, Mary B.  
Cc: Busby, Scott W.; Kale, Dora A.  
Subject: Back to you for Concurrence. [UNCLASSIFIED]

ES has seen this draft and o.k.s it.

**TRANSLATED\_ATTACHMENT** Human Rights EO BERGER memo\_.doc

July 15, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ/JAMES BAKER

FROM: SCOTT BUSBY/MARY DEROSA

SUBJECT: Proposed Executive Order on Implementation of Human Rights Treaties

During the past several years, the U.N. Human Rights Committee (which oversees compliance with the International Covenant on Civil and Political Rights) and a number of nongovernmental organizations have recommended that the U.S. Government develop an effective mechanism for coordinating implementation of duties under those human rights treaties to which we are a party. State and NSC Staff agree with this recommendation. We also believe that there is value to establishing a mechanism to coordinate interagency action on these issues (e.g., preparing treaty compliance reports and evaluating whether to support ratification of other human rights treaties).

State has drafted the attached Executive Order to address these concerns. The E.O. would first make clear that it is U.S. government policy to respect and implement its international human rights obligations and that all Departments and Executive Branch Agencies should perform their functions in manner consistent with those obligations. Second, the E.O. assigns lead responsibility to various agencies for implementation of human rights obligations within their respective purviews. Finally, and most significantly, the E.O. would establish an NSC-chaired Interagency Working Group on Human Rights. This IWG would coordinate implementation efforts as well as other activities relating to international human rights.

We support such an E.O. and request your approval to circulate it for interagency concurrence.



RECOMMENDATION

That you approve distribution of the attached Executive Order for  
Agency comment.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Attachment

Tab I Executive Order on Implementation of Human Rights Treaties

2

# Exchange Mail

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**DATE-TIME** 9/4/98 5:44:49 PM  
**FROM** Kale, Dora A.  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** FW: Action Memorandum for NSC [UNCLASSIFIED]  
**TO** Kale, Dora A.

**CARBON\_COPY**

**TEXT\_BODY** File saved in Busby's folder as: 6144srbudhr.doc

-----Original  
Message-----  
From: Schwartz, Eric P.  
Sent: Friday, September 04,  
1998 5:07 PM  
To: Kale, Dora A.  
Subject: Action Memorandum for NSC  
[UNCLASSIFIED]

dora: spell check and send forward. make sure  
it stays two pages.

eric

**TRANSLATED\_ATTACHMENT**

udhr.doc

September 4, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Fiftieth Anniversary of Universal Declaration of Human  
Rights

December 10 is the fiftieth anniversary of the adoption of the Universal Declaration of Human Rights and, as Jack Healy has correctly told you, there will be world-wide commemorations.

Some months ago, we sent a "hold the day" Scheduling Proposal to Presidential Scheduling, and will be forwarding to you shortly more precise ideas about the nature of Presidential participation in December 10 events.

More important than the nature of Presidential participation, December 10 provides us with an opportunity to put in place initiatives that would advance our human rights agenda and would clearly demonstrate the Administration's commitments in this area.

Below is a preliminary list of such "deliverables," which include domestic as well as international initiatives. We believe inclusion of domestic initiatives is critical, to demonstrate that we seek to practice at home what we preach abroad. These initiatives are at various stages of development in the interagency, but we believe we can obtain consensus on all of them and make them part of an impressive package for the 10th.

1. Human Rights Executive Order. This EO, a draft of which has already been prepared by State, would reaffirm that human rights treaties to which the United States is a party are binding on Executive Branch agencies. It would also establish a much-needed interagency working group devoted exclusively to coordinating USG compliance with these treaties.

2. Refugee PDD. The Administration has dedicated considerable time and effort to developing policy to respond to particular refugee issues and crises.

However, we have yet to articulate an overarching set of principles and guidelines in this area. In response to a tasker some years ago, the

interagency  
came close to completing a consensus document, and there is strong  
interest at  
State and Justice in finishing the task.

3. Protecting Torture Victims. Under the Convention Against Torture, we are  
obliged not to return people to countries where they would face  
torture.  
However, implementing this duty has been difficult due to a lack of  
statutory  
authority. INS is close to finalizing a regulation that would establish  
procedures for considering such claims.

4. Investigating and Prosecuting Human Rights Abusers in the U.S.  
The U.S.  
continues to be a haven for foreigners who have abused human rights.  
However, at  
present, there is no systematic USG effort to identify or prosecute  
such  
individuals. We would like to explore with Justice the possibility of  
creating  
an entity that would do so. One idea would be to expand the mandate  
of the  
Office of Special Investigation, which looks for Nazis in the United  
States and  
supports appropriate legal action against them, but whose current  
potential  
targets are diminishing rapidly as the years go by.

5. Protecting Abused Aliens in the U.S. Many aliens are the victims of  
serious  
abuse in the U.S. (e.g., slave labor, forced prostitution). However,  
victims are  
disinclined to turn in their abusers because doing so may place the  
victims at  
risk of deportation. INS has been developing a set of administrative  
remedies  
that would, in some cases, provide relief from deportation to victims  
who come  
forward to report abuses.

6. Annual Report on Child Labor Practices. The Labor Department  
would like to  
prepare an annual report that would assess compliance with  
international  
standards on child labor around the world. In addition to the reporting  
value of  
this document, the report may blunt current congressional efforts for  
Wolf-Specter-like legislation (forcing us to designate particular "bad

actors")  
in this area.

Recommendation: That you approve our moving forward on these initiatives in the interagency, in anticipation of a December 10 package.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_  
2

6144

# Exchange Mail

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**DATE-TIME** 10/8/98 3:06:02 PM  
**FROM** DeRosa, Mary B.  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** FW: Human Rights EO [UNCLASSIFIED]  
**TO** Busby, Scott W.

**CARBON\_COPY****TEXT\_BODY**

Just want you to know that I am finally moving on this. As you can see below, I've cleared with WH Counsel's office. I've sent it on to Jamie for his ok. As you know, that won't be immediate, but it should be soon!

-----Original Message-----

From: DeRosa, Mary B.  
Sent: Thursday, October 08, 1998 2:53 PM  
To: Baker, James E.  
Subject: FW: Human Rights EO [UNCLASSIFIED]

Jamie, at long last I have talked with Eddy Correia at WHC about the proposed Human Rights EO. He

is ok with it (he had one minor change, which I have incorporated.) Scott drafted a memo on this to Sandy from him and me, through you and Eric. The idea is to get this out for interagency review. I think this all looks good. Can you take a look, so I can send it back to Scott and finally get this thing moving? Thanks.

-----Original Message-----

From: Busby, Scott W.  
Sent: Friday, September 04, 1998 6:59 PM  
To: DeRosa, Mary B.  
Cc: @LEGAL - Legal Advisor; @MULTILAT - Multilateral and Humanitarian Affairs  
Subject: Human Rights EO [UNCLASSIFIED]

Here's the new package. Like to get this to SRB early next week. If he gives the high sign, then to agencies. Thx.

TRANSLATED\_ATTACHMENT Human Rights EO BERGER memo.doc

July 15, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ/JAMES BAKER

FROM: SCOTT BUSBY/MARY DEROSA

SUBJECT: Proposed Executive Order on Implementation of Human Rights Treaties

During the past several years, the U.N. Human Rights Committee (which oversees compliance with the International Covenant on Civil and Political Rights) and a number of nongovernmental organizations have recommended that the U.S. Government develop an effective mechanism for coordinating implementation of duties under those human rights treaties to which we are a party. State and NSC Staff agree with this recommendation. We also believe that there is value to establishing a mechanism to coordinate interagency action on these issues (e.g., preparing treaty compliance reports and evaluating whether to support ratification of other human rights treaties).

State has drafted the attached Executive Order to address these concerns. The E.O. would first make clear that it is U.S. government policy to respect and implement its international human rights obligations and that all Departments and Executive Branch Agencies should perform their functions in manner consistent

with those obligations. Second, the E.O. assigns lead responsibility to various agencies for implementation of human rights obligations within their respective purviews. Finally, and most significantly, the E.O. would establish an NSC-chaired Interagency Working Group on Human Rights. This IWG would coordinate implementation efforts as well as other activities relating to international human rights.

We support such an E.O. and request your approval to circulate it for interagency concurrence.

#### RECOMMENDATION

That you approve distribution of the attached Executive Order for Agency comment.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Attachment

Tab I Executive Order on Implementation of Human Rights Treaties  
2

**TRANSLATED\_ATTACHMENT** Human Rights EO.doc

EXECUTIVE ORDER NO. xxxxx  
(Date), 1998, x F.R. x  
Implementation of Human Rights Treaties

By the authority vested in me as President by the Constitution and laws of the United States, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights, the



Convention  
Against Torture and Other Cruel, Inhuman or Degrading Treatment or  
Punishment,  
the Convention on the Elimination of All Forms of Racial  
Discrimination, and  
other relevant treaties concerned with the protection and promotion of  
human  
rights to which the United States is now or may become a party in the  
future, it  
is ordered as follows:

Section 1. Implementation of Human Rights Obligations.

(a) It shall be the policy and practice of the Government of the United  
States,  
being committed to the protection and promotion of human rights and  
fundamental  
freedoms, fully to respect and implement its obligations under the  
international  
human rights treaties to which it is a party, including the International  
Covenant on Civil and Political Rights (ICCPR), the Convention  
Against Torture  
and Other Cruel, Inhuman or Degrading Treatment or Punishment  
(CAT), and the  
Convention on the Elimination of All Forms of Racial Discrimination  
(CERD).

(b) Toward that end, all Departments and Executive Agencies (as  
defined in 5  
U.S.C. §§ 101-105, and including Boards and Commissions) shall  
maintain a current  
awareness of United States international human rights obligations that  
are  
relevant to their functions and shall perform such functions in a  
manner that  
fully respects and implements those obligations. Any significant  
questions or  
issues concerning the implementation of this section shall be referred  
to the  
Interagency Working Group established by section 7 below.

(c) It shall also be the policy and practice of the Government of the  
United  
States to promote respect for international human rights, both in our  
relationships with all other countries and by working with and  
strengthening the  
various international mechanisms for the promotion of human rights,  
including,  
inter alia, those of the United Nations and the Organization of

American States.

(d) The head of each Department or Executive Agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this Executive Order.

## Section 2. Responsibility of the Secretary of State.

The Secretary of State shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Developing and ensuring implementation of overall policy with respect to international human rights matters, including matters concerning refugees and migration, population, extradition, and other matters within the operating and program responsibilities and authorities of the Department of State;

(ii) Coordinating and developing executive branch analyses and recommendations regarding the ratification of human rights treaties;

(iii) Developing and managing overall relations and policies with respect to international bodies concerned with human rights, and referring matters within the lead responsibility of other agencies to the agencies concerned;

(iv) Keeping the Congress informed of relevant developments concerning matters covered by this order; and

(v) Preparing all periodic reports required by the relevant treaties.

## Section 3. Responsibility of the Attorney General.

The Attorney General shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Domestic implementation of international human rights as a question of their relationship with federal law, concerning in particular the guarantees and protections established by the federal constitution and laws, including impermissible discrimination and the protection and promotion of civil rights;

(ii) Other international human rights matters related to law

enforcement and  
related subjects, including detention in prisons and similar facilities  
and  
proceedings regarding and detentions of juveniles in connection with  
acts that  
would be criminal if committed by adults; and

(iii) Efforts to monitor and promote actions by state and local  
authorities in  
connection with the above.

#### Section 4. Responsibility of the Department of the Interior.

The Secretary of the Interior shall have lead responsibility, in  
coordination  
with other appropriate agencies, within the federal government for  
questions  
concerning the human rights performance of Commonwealths,  
territories, and human  
rights matters concerning the treatment of native Americans and other  
indigenous  
populations in the United States and questions concerning compliance  
with  
international human rights obligations by Commonwealths, territories,  
and  
federally recognized tribes.

#### Section 5. Responsibility of Other Executive Departments and Agencies

The heads of other Executive Departments and Agencies shall have  
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responsibility, in coordination with other appropriate agencies, for  
questions  
concerning implementation of human rights obligations that fall  
within their  
respective operating and program responsibilities and authorities or, to  
the  
extent that a matter does not fall within the operating and program  
responsibilities and authorities of any federal government Executive  
Department  
or Agency, that most closely relate to their general areas of concern.

#### Section 6. Human Rights Inquiries and Complaints

Each Executive Department or Agency shall take lead responsibility,  
in  
coordination with other appropriate agencies, for investigating and  
responding to  
inquiries, requests for information, and complaints about violations of

human rights obligations that fall within their areas of responsibility as defined in sections 2-5 of this order, or, if the matter does not fall within their area of responsibility, referring it to the appropriate Department or Agency for response. Each Executive Department or Agency shall keep records of its efforts on these matters.

#### Section 7. Interagency Working Group on Adherence to and Implementation of Human Right Treaties

(a) There is hereby established an Interagency Working Group on Human Rights, for the purpose of providing guidance, oversight and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The NSC shall chair the Interagency Working Group, which shall consist of the Legal Adviser of the Department of State, an equivalent designee of the Department of Justice, the General Counsel of the Department of Defense, The Legal Advisor to the Chairman of the Joint Chiefs of Staff, and representatives of other agencies as appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

- (i) Coordinating the inter-agency review, analysis and recommendations in Connection with pursuing the ratification of human rights treaties, as such questions may from time to time arise;
- (ii) Coordinating the preparation of reports that are to be submitted by the United States in fulfillment of treaty obligations, including reports to the Committee on Human Rights under Article 40 of the ICCPR;

(iii) Coordinating the responses of the United States Government to complaints against it concerning human rights violations, in particular those to be submitted to the United Nations, the Organization of American States and other international organizations;

(iv) Developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity with international human rights obligations, and that these obligations are taken into account in reviewing legislation proposed by Congress as well;

(v) Developing recommended proposals and mechanisms for improving the monitoring of implementation by the various states, Commonwealths, and territories of the United States and, where appropriate, of native Americans and federally recognized tribes, including the review of state laws for conformity with relevant obligations, the provision of relevant information for reports and other monitoring purposes, and the promotion of effective remedial mechanisms;

(vi) Developing plans for public outreach and education concerning the provisions of the ICCPR, CAT, CERD and other relevant treaties, and domestic law;

(vii) Coordinating and directing an annual review of reservations and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, understandings, or U.S. practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) Making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs,

concerning U.S. adherence to or implementation of human right treaties and related matters; and

(ix) Coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

Sec. 8. Cooperation among Executive Departments and Agencies.

All Executive departments and Agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Working Group shall facilitate such cooperative measures.

# Exchange Mail

---

**DATE-TIME** 10/15/98 9:57:16 AM  
**FROM** DeRosa, Mary B.  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** FW: Human Rights EO [UNCLASSIFIED]  
**TO** Baker, James E.

**CARBON\_COPY****TEXT\_BODY**

Any chance you could take a look at this? I think it's easy. Scott is politely agitating for it because they want to have it as a deliverable for a POTUS human rights event in early December, and it has to be cleared interagency before that. Thanks.

-----Original Message-----

From: DeRosa,  
Mary B.  
Sent: Thursday, October 08, 1998 2:53 PM  
To: Baker, James  
E.  
Subject: FW: Human Rights EO [UNCLASSIFIED]

Jamie, at long  
last I have talked with Eddy Correia at WHC about the proposed  
Human  
Rights EO. He is ok with it (he had one minor change, which I have  
incorporated.) Scott drafted a memo on this to Sandy from him and  
me, through you and Eric. The idea is to get this out for interagency  
review. I think this all looks good. Can you take a look, so I  
can send it back to Scott and finally get this thing moving? Thanks.

-----Original  
Message-----

From: Busby, Scott W.  
Sent: Friday, September 04,  
1998 6:59 PM  
To: DeRosa, Mary B.  
Cc: @LEGAL - Legal Advisor; @MULTILAT  
- Multilateral and Humanitarian Affairs  
Subject: Human Rights EO  
[UNCLASSIFIED]

Here's the new package. Like to get this to SRB  
early next week. If he gives the high sign, then to agencies. Thx.

TRANSLATED\_ATTACHMENT Human Rights EO BERGER memo.doc

July 15, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ/JAMES BAKER

FROM: SCOTT BUSBY/MARY DEROSA

SUBJECT: Proposed Executive Order on Implementation of Human Rights Treaties

During the past several years, the U.N. Human Rights Committee (which oversees compliance with the International Covenant on Civil and Political Rights) and a number of nongovernmental organizations have recommended that the U.S. Government develop an effective mechanism for coordinating implementation of duties under those human rights treaties to which we are a party. State and NSC Staff agree with this recommendation. We also believe that there is value to establishing a mechanism to coordinate interagency action on these issues (e.g., preparing treaty compliance reports and evaluating whether to support ratification of other human rights treaties).

State has drafted the attached Executive Order to address these concerns. The E.O. would first make clear that it is U.S. government policy to respect and implement its international human rights obligations and that all Departments and Executive Branch Agencies should perform their functions in manner consistent



with those obligations. Second, the E.O. assigns lead responsibility to various agencies for implementation of human rights obligations within their respective purviews. Finally, and most significantly, the E.O. would establish an NSC-chaired Interagency Working Group on Human Rights. This IWG would coordinate implementation efforts as well as other activities relating to international human rights.

We support such an E.O. and request your approval to circulate it for interagency concurrence.

#### RECOMMENDATION

That you approve distribution of the attached Executive Order for Agency comment.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Attachment

Tab I Executive Order on Implementation of Human Rights Treaties  
2

**TRANSLATED\_ATTACHMENT** Human Rights EO.doc

EXECUTIVE ORDER NO. xxxxx  
(Date), 1998, x F.R. x  
Implementation of Human Rights Treaties

By the authority vested in me as President by the Constitution and laws of the United States, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights, the

Convention  
Against Torture and Other Cruel, Inhuman or Degrading Treatment or  
Punishment,  
the Convention on the Elimination of All Forms of Racial  
Discrimination, and  
other relevant treaties concerned with the protection and promotion of  
human  
rights to which the United States is now or may become a party in the  
future, it  
is ordered as follows:

Section 1. Implementation of Human Rights Obligations.

(a) It shall be the policy and practice of the Government of the United  
States,  
being committed to the protection and promotion of human rights and  
fundamental  
freedoms, fully to respect and implement its obligations under the  
international  
human rights treaties to which it is a party, including the International  
Covenant on Civil and Political Rights (ICCPR), the Convention  
Against Torture  
and Other Cruel, Inhuman or Degrading Treatment or Punishment  
(CAT), and the  
Convention on the Elimination of All Forms of Racial Discrimination  
(CERD).

(b) Toward that end, all Departments and Executive Agencies (as  
defined in 5  
U.S.C. §§ 101-105, and including Boards and Commissions) shall  
maintain a current  
awareness of United States international human rights obligations that  
are  
relevant to their functions and shall perform such functions in a  
manner that  
fully respects and implements those obligations. Any significant  
questions or  
issues concerning the implementation of this section shall be referred  
to the  
Interagency Working Group established by section 7 below.

(c) It shall also be the policy and practice of the Government of the  
United  
States to promote respect for international human rights, both in our  
relationships with all other countries and by working with and  
strengthening the  
various international mechanisms for the promotion of human rights,  
including,  
inter alia, those of the United Nations and the Organization of

American States.

(d) The head of each Department or Executive Agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this Executive Order.

## Section 2. Responsibility of the Secretary of State.

The Secretary of State shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Developing and ensuring implementation of overall policy with respect to international human rights matters, including matters concerning refugees and migration, population, extradition, and other matters within the operating and program responsibilities and authorities of the Department of State;

(ii) Coordinating and developing executive branch analyses and recommendations regarding the ratification of human rights treaties;

(iii) Developing and managing overall relations and policies with respect to international bodies concerned with human rights, and referring matters within the lead responsibility of other agencies to the agencies concerned;

(iv) Keeping the Congress informed of relevant developments concerning matters covered by this order; and

(v) Preparing all periodic reports required by the relevant treaties.

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The Attorney General shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Domestic implementation of international human rights as a question of their relationship with federal law, concerning in particular the guarantees and protections established by the federal constitution and laws, including impermissible discrimination and the protection and promotion of civil rights;

(ii) Other international human rights matters related to law

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related subjects, including detention in prisons and similar facilities  
and  
proceedings regarding and detentions of juveniles in connection with  
acts that  
would be criminal if committed by adults; and

(iii) Efforts to monitor and promote actions by state and local  
authorities in  
connection with the above.

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The Secretary of the Interior shall have lead responsibility, in  
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questions  
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territories, and human  
rights matters concerning the treatment of native Americans and other  
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international human rights obligations by Commonwealths, territories,  
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federally recognized tribes.

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The heads of other Executive Departments and Agencies shall have  
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(a) There is hereby established an Interagency Working Group on Human Rights, for the purpose of providing guidance, oversight and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The NSC shall chair the Interagency Working Group, which shall consist of the Legal Adviser of the Department of State, an equivalent designee of the Department of Justice, the General Counsel of the Department of Defense, The Legal Advisor to the Chairman of the Joint Chiefs of Staff, and representatives of other agencies as appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

- (i) Coordinating the inter-agency review, analysis and recommendations in Connection with pursuing the ratification of human rights treaties, as such questions may from time to time arise;
- (ii) Coordinating the preparation of reports that are to be submitted by the United States in fulfillment of treaty obligations, including reports to the Committee on Human Rights under Article 40 of the ICCPR;

(iii) Coordinating the responses of the United States Government to complaints against it concerning human rights violations, in particular those to be submitted to the United Nations, the Organization of American States and other international organizations;

(iv) Developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity with international human rights obligations, and that these obligations are taken into account in reviewing legislation proposed by Congress as well;

(v) Developing recommended proposals and mechanisms for improving the monitoring of implementation by the various states, Commonwealths, and territories of the United States and, where appropriate, of native Americans and federally recognized tribes, including the review of state laws for conformity with relevant obligations, the provision of relevant information for reports and other monitoring purposes, and the promotion of effective remedial mechanisms;

(vi) Developing plans for public outreach and education concerning the provisions of the ICCPR, CAT, CERD and other relevant treaties, and domestic law;

(vii) Coordinating and directing an annual review of reservations and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, understandings, or U.S. practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) Making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs,

concerning U.S. adherence to or implementation of human right treaties and related matters; and

(ix) Coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

Sec. 8. Cooperation among Executive Departments and Agencies.

All Executive departments and Agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Working Group shall facilitate such cooperative measures.

# Exchange Mail

---

**DATE-TIME** 10/20/98 6:16:11 PM

**FROM** DeRosa, Mary B.

**CLASSIFICATION** UNCLASSIFIED

**SUBJECT** FW: Human Rights EO [UNCLASSIFIED]

**TO** Busby, Scott W.

  

**CARBON\_COPY** Allen, Charles A.  
Baker, James E.  
DeRosa, Mary B.  
Highsmith, Newell L.  
Hunerwadel, Joan S.

  

**TEXT\_BODY** Scott, here is the package back (right on time) with our changes.  
Let me know if you have questions about any of the changes.

-----Original  
Message-----  
From: Busby, Scott W.  
Sent: Friday, September 04,  
1998 6:59 PM  
To: DeRosa, Mary B.  
Cc: @LEGAL - Legal Advisor; @MULTILAT  
- Multilateral and Humanitarian Affairs  
Subject: Human Rights EO  
[UNCLASSIFIED]

Here's the new package. Like to get this to SRB  
early next week. If he gives the high sign, then to agencies. Thx.

**TRANSLATED\_ATTACHMENT**

Human Rights EO BERGER memo.doc

July 15, 1998



ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ/JAMES BAKER

FROM: SCOTT BUSBY/MARY DEROSA

SUBJECT: Proposed Executive Order on Implementation of Human Rights Treaties

During the past several years, the Department of State, the U.N. Human Rights Committee (which oversees compliance with the International Covenant on Civil and Political Rights) and a number of nongovernmental organizations have recommended that the U.S. Government develop an effective mechanism for coordinating implementation of duties under those human rights treaties to which we are a party. NSC Staff agree with this recommendation. Coordination is particularly difficult in this area because responsibilities cut across traditional national security and domestic bureaucratic arrangements, so there is value to establishing a mechanism to coordinate interagency action on these issues (e.g., preparing treaty compliance reports and evaluating whether to support ratification of other human rights treaties).

State has drafted the attached Executive Order to address these concerns. The E.O. would first make clear that it is U.S. government policy to respect and implement its international human rights obligations and that all Departments and Executive Branch Agencies should perform their functions in a manner consistent with those obligations. Second, the E.O. assigns lead responsibility to various agencies for implementation of human rights obligations within their respective purviews. Finally, and most significantly, the E.O. would establish an NSC-chaired Interagency Working Group on Human Rights. This IWG would coordinate implementation efforts as well as other activities relating to international human rights.

We support such an E.O. and request your approval to circulate it for interagency concurrence.

#### RECOMMENDATION

That you approve distribution of the attached Executive Order for Agency comment.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Attachment  
Tab I Executive Order on Implementation of Human Rights Treaties  
2

**TRANSLATED\_ATTACHMENT** Human Rights EO.doc

EXECUTIVE ORDER NO. xxxxx  
(Date), 1998, x F.R. x  
Implementation of Human Rights Treaties

By the authority vested in me as President by the Constitution and laws of the United States, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is ordered as follows:

## Section 1. Implementation of Human Rights Obligations.

(a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Any significant questions or issues concerning the implementation of this section shall be referred to the Interagency Working Group established by section 7 below.

(b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, inter alia, those of the United Nations and the Organization of American States.

(c) The head of each Department or Executive Agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this Executive Order.

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(ii) Coordinating and developing executive branch analyses and recommendations regarding the ratification of human rights treaties;

(iii) Developing and managing overall relations and policies with respect to international bodies concerned with human rights, and referring matters within the lead responsibility of other agencies to the agencies concerned;

(iv) Preparing all periodic reports required by the relevant treaties.

### Section 3. Responsibility of the Department of Justice.

The Department of Justice shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Domestic implementation of international human rights as a question of their relationship with federal law, concerning in particular the guarantees and protections established by the United States constitution and laws, including impermissible discrimination and the protection and promotion of civil rights;

(ii) Other international human rights matters related to law enforcement and related subjects, including detention in prisons and similar facilities and proceedings regarding and detentions of juveniles in connection with acts that would be criminal if committed by adults; and

(iii) Efforts to monitor and promote actions by state and local authorities in connection with the above.

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The Department of the Interior shall have lead responsibility, in coordination with other appropriate agencies, within the federal government for questions concerning the human rights performance of Commonwealths, territories, and human rights matters concerning the treatment of native Americans and other

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respective operating and program responsibilities and authorities or, to  
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extent that a matter does not fall within the operating and program  
responsibilities and authorities of any federal government Executive  
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rights obligations that fall within their areas of responsibility as  
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sections 2-5 of this order, or, if the matter does not fall within their  
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on these matters.

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(a) There is hereby established an Interagency Working Group on  
Human Rights,  
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questions concerning the adherence to and implementation of human

rights  
obligations and related matters.

(b) The NSC shall chair the Interagency Working Group, which shall consist of appropriate representatives at the Assistant Secretary level from the Department of State, the Department of Justice, the Department of Defense, the Joint Chiefs of Staff, and other agencies as appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

(i) Coordinating the inter-agency review, analysis and recommendations in connection with pursuing the ratification of human rights treaties, as such questions may from time to time arise;

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(v) Developing recommended proposals and mechanisms for improving the monitoring of implementation by the various states, Commonwealths, and territories of the United States and, where appropriate, of native Americans and federally recognized tribes, including the review of state laws for

conformity  
with relevant obligations, the provision of relevant information for  
reports and  
other monitoring purposes, and the promotion of effective remedial  
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domestic law;

(vii) Coordinating and directing an annual review of reservations and  
understandings to human rights treaties, and matters as to which there  
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non-trivial complaints or allegations of inconsistency with or breach  
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international human rights obligations, in order to determine whether  
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should be consideration of any modification of relevant reservations,  
understandings, or U.S. practices or laws. The results and  
recommendations of  
this review shall be reviewed by the head of each participating  
agency;

(viii) Making such other recommendations as it shall deem  
appropriate to the  
President, through the Assistant to the President for National Security  
Affairs,  
concerning U.S. adherence to or implementation of human right  
treaties and  
related matters; and

(ix) Coordinating such other significant tasks in connection with  
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# Exchange Mail

---

**DATE-TIME** 10/21/98 12:27:37 PM  
**FROM** Busby, Scott W.  
**CLASSIFICATION** UNCLASSIFIED  
**SUBJECT** FW: Human Rights EO [UNCLASSIFIED]  
**TO** DeRosa, Mary B.

**CARBON\_COPY** Allen, Charles A.  
Baker, James E.  
DeRosa, Mary B.  
Highsmith, Newell L.  
Hunerwadel, Joan S.  
Bernard, Kenneth W.  
Busby, Scott W.  
Guarnieri, Valerie N.  
Hawley, Leonard R.  
Hill, Roseanne M.  
Kale, Dora A.  
Malley, Robert  
Metzl, Jamie F.  
Moller, Catherine A.  
Naplan, Steven J.  
Schwartz, Eric P.  
Wippman, David

**TEXT\_BODY**

Mary --

Thanks. I have a couple of comments/questions about your edits to the EO:

(1) I see value the language in para. 1(b) that makes clear that agencies shall perform their functions consistent with our international HR obligations. I realize this is somewhat redundant of the general language in 1(a), but I think it useful to make plain that agencies need to think about these duties in terms of performing their own functions.

(2) I think the reference to "extradition" in para. 2(i) should remain. I know, for instance, that State carries out certain of our duties under the Torture Convention in the extradition context.

The others are fine. Let me know.

-----Original Message-----

From: DeRosa, Mary B.

Sent: Tuesday,  
October 20, 1998 6:16 PM

To: Busby, Scott W.

Cc: @LEGAL - Legal  
Advisor

Subject: FW: Human Rights EO [UNCLASSIFIED]

Scott, here

is the package back (right on time) with our changes. Let me know if you have questions about any of the changes.

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July 15, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ/JAMES BAKER

FROM: SCOTT BUSBY/MARY DEROSA

SUBJECT: Proposed Executive Order on Implementation of Human Rights Treaties

During the past several years, the Department of State, the U.N. Human Rights Committee (which oversees compliance with the International Covenant on Civil and Political Rights) and a number of nongovernmental organizations have recommended that the U.S. Government develop an effective mechanism for coordinating implementation of duties under those human rights treaties to which we are a party. NSC Staff agree with this recommendation. Coordination is particularly difficult in this area because responsibilities cut across traditional national security and domestic bureaucratic arrangements, so there is value to establishing a mechanism to coordinate interagency action on these issues (e.g., preparing treaty compliance reports and evaluating whether to support ratification of other human rights treaties).

State has drafted the attached Executive Order to address these concerns. The E.O. would first make clear that it is U.S. government policy to respect and implement its international human rights obligations and that all Departments and Executive Branch Agencies should perform their functions in a manner consistent with those obligations. Second, the E.O. assigns lead responsibility to various agencies for implementation of human rights obligations within their respective purviews. Finally, and most significantly, the E.O. would establish an NSC-chaired Interagency Working Group on Human Rights. This IWG would coordinate implementation efforts as well as other activities relating to international human rights.

We support such an E.O. and request your approval to circulate it for interagency concurrence.

## RECOMMENDATION

That you approve distribution of the attached Executive Order for Agency comment.

Approve \_\_\_\_\_ Disapprove \_\_\_\_\_

Attachment

Tab I Executive Order on Implementation of Human Rights Treaties

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TRANSLATED\_ATTACHMENT Human Rights EO.doc

EXECUTIVE ORDER NO. xxxxx

(Date), 1998, x F.R. x

Implementation of Human Rights Treaties

By the authority vested in me as President by the Constitution and laws of the United States, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Elimination of All Forms of Racial Discrimination, and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is ordered as follows:

Section 1. Implementation of Human Rights Obligations.

(a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the

international human rights treaties to which it is a party, including the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the Convention on the Elimination of All Forms of Racial Discrimination (CERD). Any significant questions or issues concerning the implementation of this section shall be referred to the Interagency Working Group established by section 7 below.

(b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, inter alia, those of the United Nations and the Organization of American States.

(c) The head of each Department or Executive Agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this Executive Order.

## Section 2. Responsibility of the Department of State.

The Department of State shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

- (i) Developing and ensuring implementation of overall policy with respect to international human rights matters, including matters concerning refugees and migration, population, and other matters within the operating and program responsibilities and authorities of the Department of State;
- (ii) Coordinating and developing executive branch analyses and recommendations regarding the ratification of human rights treaties;
- (iii) Developing and managing overall relations and policies with respect to

international bodies concerned with human rights, and referring matters within the lead responsibility of other agencies to the agencies concerned;

(iv) Preparing all periodic reports required by the relevant treaties.

### Section 3. Responsibility of the Department of Justice.

The Department of Justice shall have lead responsibility within the federal government, in coordination with other appropriate agencies, for:

(i) Domestic implementation of international human rights as a question of their relationship with federal law, concerning in particular the guarantees and protections established by the United States constitution and laws, including impermissible discrimination and the protection and promotion of civil rights;

(ii) Other international human rights matters related to law enforcement and related subjects, including detention in prisons and similar facilities and proceedings regarding and detentions of juveniles in connection with acts that would be criminal if committed by adults; and

(iii) Efforts to monitor and promote actions by state and local authorities in connection with the above.

### Section 4. Responsibility of the Department of the Interior.

The Department of the Interior shall have lead responsibility, in coordination with other appropriate agencies, within the federal government for questions concerning the human rights performance of Commonwealths, territories, and human rights matters concerning the treatment of native Americans and other indigenous populations in the United States and questions concerning compliance with international human rights obligations by Commonwealths, territories, and federally recognized tribes.

### Section 5. Responsibility of Other Executive Departments and

## Agencies

The heads of other Executive Departments and Agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that a matter does not fall within the operating and program responsibilities and authorities of any federal government Executive Department or Agency, that most closely relate to their general areas of concern.

## Section 6. Human Rights Inquiries and Complaints

Each Executive Department or Agency shall take lead responsibility, in coordination with other appropriate agencies, for investigating and responding to inquiries, requests for information, and complaints about violations of human rights obligations that fall within their areas of responsibility as defined in sections 2-5 of this order, or, if the matter does not fall within their area of responsibility, referring it to the appropriate Department or Agency for response. Each Executive Department or Agency shall keep records of its efforts on these matters.

## Section 7. Interagency Working Group on Adherence to and Implementation of Human Right Treaties

(a) There is hereby established an Interagency Working Group on Human Rights, for the purpose of providing guidance, oversight and coordination with respect to questions concerning the adherence to and implementation of human rights obligations and related matters.

(b) The NSC shall chair the Interagency Working Group, which shall consist of appropriate representatives at the Assistant Secretary level from the Department of State, the Department of Justice, the Department of Defense, the

Joint Chiefs of Staff, and other agencies as appropriate. The principal members may designate alternates to attend meetings in their stead.

(c) The principal functions of the Interagency Working Group shall include:

- (i) Coordinating the inter-agency review, analysis and recommendations in connection with pursuing the ratification of human rights treaties, as such questions may from time to time arise;
- (ii) Coordinating the preparation of reports that are to be submitted by the United States in fulfillment of treaty obligations, including reports to the Committee on Human Rights under Article 40 of the ICCPR;
- (iii) Coordinating the responses of the United States Government to complaints against it concerning human rights violations, in particular those to be submitted to the United Nations, the Organization of American States and other international organizations;
- (iv) Developing effective mechanisms to ensure that legislation proposed by the Administration is reviewed for conformity with international human rights obligations, and that these obligations are taken into account in reviewing legislation proposed by Congress as well;
- (v) Developing recommended proposals and mechanisms for improving the monitoring of implementation by the various states, Commonwealths, and territories of the United States and, where appropriate, of native Americans and federally recognized tribes, including the review of state laws for conformity with relevant obligations, the provision of relevant information for reports and other monitoring purposes, and the promotion of effective remedial mechanisms;
- (vi) Developing plans for public outreach and education concerning the



provisions of the ICCPR, CAT, CERD and other relevant treaties, and domestic law;

(vii) Coordinating and directing an annual review of reservations and understandings to human rights treaties, and matters as to which there have been non-trivial complaints or allegations of inconsistency with or breach of international human rights obligations, in order to determine whether there should be consideration of any modification of relevant reservations, understandings, or U.S. practices or laws. The results and recommendations of this review shall be reviewed by the head of each participating agency;

(viii) Making such other recommendations as it shall deem appropriate to the President, through the Assistant to the President for National Security Affairs, concerning U.S. adherence to or implementation of human right treaties and related matters; and

(ix) Coordinating such other significant tasks in connection with human rights treaties or international human rights institutions, including the Inter-American Commission on Human Rights and the Special Rapporteurs and complaints procedures established by the United Nations Human Rights Commission.

#### Sec. 8. Cooperation among Executive Departments and Agencies.

All Executive departments and Agencies shall cooperate in the effectuation of the provisions of this Order. The Interagency Working Group shall facilitate such cooperative measures.

# Withdrawal/Redaction Marker

## Clinton Library

| DOCUMENT NO.<br>AND TYPE | SUBJECT/TITLE                                                    | DATE       | RESTRICTION |
|--------------------------|------------------------------------------------------------------|------------|-------------|
| 001. email               | Kevin Cosgriff to Kevin Cosgriff. Subject: Priorities. (6 pages) | 11/03/1998 | P1/b(1)     |

### COLLECTION:

Clinton Presidential Records  
NSC Emails  
Exchange-Record (Sept 97-Jan 01) ([Executive Order, Human Rights])  
OA/Box Number: 620000

### FOLDER TITLE:

[04/09/1998-11/03/1998]

2011-0168-F  
vz3347

### RESTRICTION CODES

#### Presidential Records Act - [44 U.S.C. 2204(a)]

P1 National Security Classified Information [(a)(1) of the PRA]  
P2 Relating to the appointment to Federal office [(a)(2) of the PRA]  
P3 Release would violate a Federal statute [(a)(3) of the PRA]  
P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]  
P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]  
P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

#### Freedom of Information Act - [5 U.S.C. 552(b)]

b(1) National security classified information [(b)(1) of the FOIA]  
b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]  
b(3) Release would violate a Federal statute [(b)(3) of the FOIA]  
b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]  
b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]  
b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]  
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]  
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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| 002. email               | Kevin Cosgriff to Donald Kerrick. Subject: Priorities. (15 pages) | 11/03/1998 | P1/b(1)     |

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