

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Kevin Cosgriff to James Baker, Donald Bandler, Robert Bell, et al. Subject: FW: Priorities. (16 pages)	11/03/1998	P1/b(1)
002. email	Kathleen Cooper to June Bartlett, Keirn Brown, Kevin Cosgriff et al. Subject: FW: Priorities. (15 pages)	11/04/1998	P1/b(1)
003. email	Jack Segal to Carlos Pascual. Subject: Final Version of Priorities. (15 pages)	11/05/1998	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:

[11/03/1998-11/18/1998]

2011-0168-F

vz3348

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]
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- 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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Exchange Mail

DATE-TIME 11/11/98 12:41:27 PM
FROM Elkon, Nicole L.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: December 10 [UNCLASSIFIED]
TO @SPEECH - NSC Speechwriters
Blinken, Antony J.
Gobush, Matthew N.
Gray, Wendy E.
Halperin, David E.
Malinowski, Tomasz P.
Widmer, Edward L. (Ted)
Crowley, Philip J.
Leavy, David C.
Wozniak, Natalie S.

CARBON_COPY**TEXT_BODY**

Tony / David / Matt - The Dec 8, NDI speech has been locked in on POTUS schedule. Do you want to try to get this speech as well or deliver Human Rights message on Dec 8 and do a smaller event on the 10th...Sandy seemed in favor of that plan. I think scheduling would give us both speeches just not sure it makes sense.

Thoughts?

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

From: Busby, Scott W.

Sent: Wednesday,

November 11, 1998 12:35 PM

To: Elkon, Nicole L.; @MULTILAT - Multilateral
and Humanitarian Affairs; @PLANNING - Strat Plan & Comm

Subject: RE:

December 10 [UNCLASSIFIED]

Nicole -- Steve's not in today but
I've been working with him on the event and just spoke to him to
formulate a response to your query.

1. Site. As SP notes, we're
inclined toward a large stately site which could not only accomodate

a good chunk of the human rights community but whose aura would resonate with the Universal Declaration on its 50th birthday. We think the National Archives -- home to the Declaration of Independence -- would do both. You should feel free to play up that site in your discussions.

2.

Schools. We're not aware of any events in local schools, but, even if we were, we don't think it a good idea to piggyback on such an event. The event really must include the most prominent members of the human rights community and we don't see that crowd and the message we want to send them mixing especially well with schoolkids. For instance, we are developing a number of deliverables (e.g., establishment of a genocide early warning center, an Executive Order on implementation of human rights treaties in the U.S.) which aren't appropriate (we think) to be unveiled in front of a group of schoolchildren. Moreover, we think significance of the 50th anniversary calls for a more regal setting than a local school would provide.

3. Timing.

FYI, we learned today from FLOTUS office that FLOTUS will be leaving town midday or so on the 10th. That means we need to do event early on the 10th to ensure FLOTUS participation.

Let us know if you
have further questions/concerns.

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

From: Elkon,
Nicole L.

Sent: Wednesday, November 11, 1998 12:01 PM

To: @MULTILAT

- Multilateral and Humanitarian Affairs; @PLANNING - Strat Plan
& Comm

Subject: December 10 [UNCLASSIFIED]

Steve - just saw your
revised scheduling proposal - any ideas on sites for this speech...do
you know of any 50th Anniv events going on at local schools that
we could 'piggy back.' I think schedule is looking for even more
specifics - i.e. - a speech site.

please advise

Exchange Mail

DATE-TIME 11/11/98 1:10:52 PM
FROM Elkon, Nicole L.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: December 10 [UNCLASSIFIED]
TO Blinken, Antony J.

CARBON_COPY**TEXT_BODY**

Could Matt and you find out what the domestic communications folks want to do - I don't want NSC to push two speeches if everyone agrees one would do the trick...POTUS has to do something on Dec 10 but it could be a smaller Oval Office deal.

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

From: Blinken,
Antony J.
Sent: Wednesday, November 11, 1998 12:58 PM
To: Elkon,
Nicole L.
Subject: RE: December 10 [UNCLASSIFIED]

personally,
i'd prefer to combine on Dec. 8 -- but don't tell Eric et al.!

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

From: Elkon, Nicole L.
Sent: Wednesday, November
11, 1998 12:41 PM
To: @PLANNING - Strat Plan & Comm; @PRESS - Public
Affairs
Subject: FW: December 10 [UNCLASSIFIED]

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/ Matt - The Dec 8, NDI speech has been locked in on POTUS schedule.
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& Comm

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please advise

Exchange Mail

DATE-TIME 11/11/98 3:46:01 PM
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: December 10 [UNCLASSIFIED]
TO Busby, Scott W.
Elkon, Nicole L.
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
@SPEECH - NSC Speechwriters
Blinken, Antony J.
Gobush, Matthew N.
Gray, Wendy E.
Halperin, David E.
Malinowski, Tomasz P.
Widmer, Edward L. (Ted)

CARBON_COPY**TEXT_BODY**

Nicole, as I recall, SP speaks of the Archives. If that needs to be more explicit, please feel free to make it so.

Eric

-----Original

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From: Busby, Scott W.

Sent: Wednesday, November 11,
1998 12:35 PM

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Humanitarian Affairs; @PLANNING - Strat Plan & Comm

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FROM Naplan, Steven J.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: December 10 [UNCLASSIFIED]
TO Elkon, Nicole L.

CARBON_COPY @SPEECH - NSC Speechwriters
Blinken, Antony J.
Gobush, Matthew N.
Gray, Wendy E.
Halperin, David E.
Malinowski, Tomasz P.
Widmer, Edward L. (Ted)
Davies, Glyn T.

TEXT_BODY do we know if Ann Lewis, Melanne Verveer and Minyon Moore signed off on the SP?

is the SP with Streett, et al?

-----Original

Message-----

From: Schwartz, Eric P.

Sent: Wednesday, November

11, 1998 3:46 PM

To: Busby, Scott W.; Elkon, Nicole L.; @MULTILAT

- Multilateral and Humanitarian Affairs; @PLANNING - Strat Plan

& Comm

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@PLANNING

- Strat Plan & Comm

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Subject: December 10 [UNCLASSIFIED]

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Exchange Mail

DATE-TIME 11/18/98 11:20:29 AM
FROM Baker, James E.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Human Rights EO [UNCLASSIFIED]
TO DeRosa, Mary B.

CARBON_COPY**TEXT_BODY**

Do you know what this is about?

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

From: Busby,
Scott W.
Sent: Wednesday, November 18, 1998 10:12 AM
To: Baker,
James E.; DeRosa, Mary B.
Cc: @LEGAL - Legal Advisor; @MULTILAT
- Multilateral and Humanitarian Affairs
Subject: FW: Human Rights
EO [UNCLASSIFIED]

Jamie Borek and Harold Koh both have trouble with your deletion of the first sentence in para. 1(b) of the E.O.; they would like to retain. Although Mary and I discussed resolving this during the formal interagency clearance process, Jamie would like to resolve it now so that we don't have to re-circulate a second draft in the interagency if a decision is ultimately made to retain language. I encouraged a Jamie-to-Jamie discussion to resolve this, so expect to hear from her in the near future.

-----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.

-----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 1 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.

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.