

Exchange Mail

DATE-TIME 12/17/97 4:58:40 PM
FROM Ficklin, John W.
CLASSIFICATION UNCLASSIFIED
SUBJECT FYI [UNCLASSIFIED]
TO Leary, William H.

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT

POTUS Correspondence.doc
African Affairs

12/19/97
Wolf, Frank
Executive Order Imposing Sanctions on Sudan
Prendergast
9708267
Congressional
12/02/97
Rothman, Steven
Implementation of Africa Policy
Wilson
9707944
Congressional
12/02/97
McKinney, Cynthia
Microcredit Aid for Africa
Wilson
9707949
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Asian Affairs

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Hatch, Orrin
Commends POTUS for Successful US-China Summit
Bader
9707921
Congressional

Central & Eastern European Affairs

10/07/97
Solomon, Gerald
Baltic Membership in NATO
Flanagan
9706525 (r)
Congressional
12/02/97
Lautenberg, Frank
Inquiries to POTUS re Wallenberg
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9707924
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Narusis, Regina
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9707918
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Annan (UN)
Ratification of Human Rights Treaties
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9708457
Head of State
10/28/97
Berman, Howard
WWII Japanese Internment Camps
Busby
9707036 (r)
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11/08/97
Dewine, Mike
Abduction of Zhang to China
Busby
9707342 (r)
Congressional
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Lugar, Richard
European Approval Process for US Genetically Modified Crops
Ragan
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Wolf, Frank
Appointment of Special Envoy to Indonesia
Schwartz

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Santer (EU)
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UN Convention on Climate Change

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European Affairs

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Gilman, Benjamin

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Congressional

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Bosnia

Covey

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Congressional

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Meeting w/ POTUS re US Policy in Bosnia

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Engel, Eliot

Concern re Situation in Kosova

Dowling

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Congressional

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Inhofe, James

Withdrawal of Troops from Bosnia

Dowling

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Congressional

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Bombing of Ecumenical Church in Istanbul

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Wellstone, Paul

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Simon

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Public

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Anderson, Jane

OMB Proposed Budget Cuts in Function 150 Account

Simon

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Canady, Valerie

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Simon

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Recommends Dr. Spagnolo for GWI Oversight Panel

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Firing of Informants Involved in Human Rights Violations

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DeSouza

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Congressional
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Countryman
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Baer, Tommy
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Countryman
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Bogen, Ernest
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Thurmond, Strom
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Congressional
12/06/97
Barrett, Thomas
Funding of Counternarcotics Programs
ONDACP/Verville
9708044
Congressional

PENDING Presidential Correspondence
as of 12/17/97

DUE CORRESPONDENT SUBJECT STAFFER LOG# TYPE

3

PENDING Presidential Correspondence
as of 12/17/97

DUE CORRESPONDENT SUBJECT STAFFER LOG# TYPE

KEY: interim response has been provided, final action pending
' pending policy review
(r) returned from West Wing for further action

Exchange Mail

DATE-TIME 7/13/98 11:43:54 AM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Human Rights EO [UNCLASSIFIED]
TO Kale, Dora A.

CARBON_COPY

TEXT_BODY

Here it is.

TRANSLATED_ATTACHMENT

Human Rights EO BERGER memo.doc

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

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 implementation of its duties under those human rights treaties to which it is a party. State and we agree with this suggestion. 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. Legal and we have agreed to co-chair the IWG.

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

Concurrence by: Mary DeRosa

RECOMMENDATION

That you approve distribution of the attached Executive Order.

Approve _____ Disapprove _____

Attachment

Tab I Executive Order on Implementation of Human Rights Treaties

2

Exchange Mail

DATE-TIME 8/18/98 6:43:43 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT SB's priorities [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY Bernard, Kenneth W.
Busby, Scott W.
Davis, Mary K.
Hawley, Leonard R.
Hill, Roseanne M.
Kale, Dora A.
Malley, Robert
Metzl, Jamie F.
Moller, Catherine A.
Naplan, Steven J.
Ragan, Richard F.
Schwartz, Eric P.
Wippman, David

TEXT_BODY**TRANSLATED_ATTACHMENT**

Priority Projects for 98-99.doc

August 18, 1998

MEMORANDUM FOR ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Priority Projects for the Upcoming Year

1. Promulgation of Executive Order and Establishment of IWG on Domestic Implementation of International Human Rights Treaties

While the Clinton Administration succeeded in obtaining the ratification of a number of key human rights treaties (e.g., ICCPR, Convention Against Torture and

Race Convention), the Administration has struggled to meet its obligations under these treaties. Compliance reports have run extremely late and implementation efforts by the Executive Branch have been uneven. A working group chaired by NSC would help give these efforts the political backing they need to be effective. It would also help to institutionalize a discourse on international human rights within the USG, which would have beneficial, long-term effects. Such an initiative would also solidify the Administration's commitment to the full and effective implementation of human rights at home as well as overseas.

Timeline

SRB sign-off: September 1

Interagency clearance: November 1

POTUS signature: December 10

2. Establishment of Special Human Rights Unit Within DoJ

Human rights abusers continue to end up in the United States, as the proliferation of civil actions under the Alien Tort Claims Act suggests. The cases of these individuals often raise important and difficult questions in the immigration and criminal contexts. These cases require familiarity with international law, international human rights issues and intelligence matters.

At present, there is no unit within the Department of Justice with appropriate expertise to address these challenging issues. The Office of Special Investigation (OSI) was founded to address these issues in the cases of Nazis.

We think a similar unit (if not OSI itself) should be mandated to carry out the same activities with regard to modern-day Nazis. Such an initiative would also help to signal the Administration's commitment to the full implementation of human rights at home.

August-September: Discussions with DoJ

September-November: get into DoJ 2000 budget

Announce: December 10

3. Refugee and Migration PDD

The Administration has successfully dealt with a number of issues relating to migration. But with the end of the Cold War, the nature of the world's refugee problems have substantially changed. The USG would greatly benefit from a coherent and comprehensive articulation of our refugee and migration policies with a view toward addressing the refugee problems of the future.

Timeline

Labor Day - new draft from PRM

September-October: interagency discussion

November: Deputies Committee (necessary?)

January 1: signature by POTUS

4. Declassification of Human Rights Information

This Administration has done more than any previous one in declassifying information relating to human rights abuses. While FOIA procedures provide an avenue for declassification in individual cases, there continue to be special cases that require treatment outside the FOIA context. There is room for improvement in the way the Administration deals with these special requests. We need criteria and procedures to govern how to process such requests more effectively. Such an effort will help to advance the Administration's commitment to providing maximum access to governmental information relating to international human rights.

Timeline

September 15: Draft Criteria and Procedures to SRB

November 1: Interagency Clearance

Dec 10: Announcement by POTUS?

Exchange Mail

DATE-TIME 8/20/98 6:39:10 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Request clearance on Human Rights EO package
[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.
Davis, Mary K.
Hawley, Leonard R.
Hill, Roseanne M.
Kale, Dora A.
Malley, Robert
Metzl, Jamie F.
Moller, Catherine A.
Naplan, Steven J.
Ragan, Richard F.
Schwartz, Eric P.
Wippman, David

TEXT_BODY Mary -- Still need your clearance on the attached. This is cover memo to Sandy on the human rights EO we discussed with Dave Stewart and Jamie Borek this past spring. We want to get SRB's clearance before we move it out for interagency clearance. Thanks.

-----Original
Message-----
From: Kale, Dora A.
Sent: Monday, July 27, 1998 5:10 PM
To: DeRosa, Mary B.; Baker, James E.
Cc: @LEGAL - Legal Advisor;
Busby, Scott W.; Kale, Dora A.
Subject: Request clearance on Human Rights EO package [UNCLASSIFIED]

Please clear on the attached package. (Please note date is July 13--and if you have already cleared on this please excuse this note--I obviously missed something.) Thanks.

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

From: Busby, Scott W.
Sent: Monday,
July 13, 1998 11:44 AM
To: Kale, Dora A.
Subject: Human Rights
EO [UNCLASSIFIED]

Here it is.

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

DATE-TIME 9/4/98 10:21:15 AM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT UDHR deliverables memo [UNCLASSIFIED]
TO Schwartz, Eric P.
CARBON_COPY Naplan, Steven J.

TEXT_BODY

As discussed.

TRANSLATED_ATTACHMENT

UDHR event -- deliverables.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 represents the fiftieth anniversary of the signing of the Universal Declaration of Human Rights. Given the world-wide significance of this document, as well as its centrality to our own human rights efforts, we believe that the President's participation in a public event commemorating this anniversary would be important and worthwhile. In addition, such an event would provide an opportune moment for unveiling a number of significant human rights "deliverables." These would advance significantly the work of the

United States
Government on these issues and concretely confirm this
Administration's
commitment in this area.

The following are the "deliverables" that we believe could be
announced at such
an event:

1. Human Rights Executive Order. This EO, a draft of which has
already been
prepared by State, would make clear that human rights treaties to
which the
United States is a party are binding on Executive Branch agencies and
would
establish a much-needed interagency working group devoted
exclusively to
coordinating USG compliance with these treaties.
2. Refugee PDD. The Administration has devoted considerable time
and effort to
developing policy to respond to particular refugee issues and crises.
However,
we believe that this Administration, as well as future Administrations,
would
greatly benefit from the articulation of an overarching set of principles
and
guidelines in this area.
3. Protecting Torture Victims. Under the Convention Against Torture
(to which
the U.S. recently became party), 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 United
States continues to be a destination for many people around the world
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.

5. Genocide Early Warning Center. This center, which could be located at either State or CIA, would be dedicated to detecting and highlighting impending genocides or mass human rights abuses at early stages of their development. The establishment of such a center would sharpen institutional focus in the intelligence community on these issues and facilitate a more proactive process for acting on such information.

6. 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 permanent relief, and, in other cases, temporary status for victims who come forward to report on such abuses.

7. Annual Report Card on Child Labor Practices. The Labor Department is interested in developing an annual report card, akin to the State Department's annual report on human rights, that would assess compliance with international standards on child labor by all countries of the world.

Recommendation: That you approve our moving forward with plans for a Presidential event to commemorate the fiftieth anniversary of the signing of the Universal Declaration of Human Rights as well as development of the deliverables described above.

Approve _____ Disapprove _____

Exchange Mail

DATE-TIME 9/4/98 6:58:47 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT 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.
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Hawley, Leonard R.
Hill, Roseanne M.
Kale, Dora A.
Malley, Robert
Metzl, Jamie F.
Moller, Catherine A.
Naplan, Steven J.
Ragan, Richard F.
Schwartz, Eric P.
Wippman, David

TEXT_BODY 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 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 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 Rights 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.

Attachment Tab I Memorandum to Robert Damus Tab A Proposed Executive Order on Implementation of Human Rights Treaties 2 "> Attachment Tab A Proposed Executive Order 1 ">

Exchange Mail

DATE-TIME 10/27/98 11:10:10 AM

FROM Busby, Scott W.

CLASSIFICATION UNCLASSIFIED

SUBJECT EO Package [UNCLASSIFIED]

TO Kale, Dora A.

CARBON_COPY Hill, Roseanne M.

TEXT_BODY Pls get number and prepare for Eric's review. Attach this note:

Eric: The draft EO has been cleared by staffers in G and P on the seventh floor at State. Not sure how you want to work this into memo to SRB. SB

TRANSLATED_ATTACHMENT Attachment
Tab I Memorandum to Robert Damus
Tab A Proposed Executive Order on Implementation of Human Rights Treaties
2

TRANSLATED_ATTACHMENT Attachment
Tab A Proposed Executive Order
1

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, 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) 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 Implementation of Human Right Treaties

(a) There is hereby established an Interagency Working Group on
Implementation
of Human Rights Treaties, 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.

Exchange Mail

DATE-TIME 11/12/98 11:53:08 AM

FROM Naplan, Steven J.

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: UDHR deliverables memo [UNCLASSIFIED]

TO Busby, Scott W.

CARBON_COPY Naplan, Steven J.

TEXT_BODY

good memo.

few notes:

- I'd leave Healy off.
- re HR EO, need we note that USG isn't fully compliant with existing treaty obligations?
- I'd leave of child labor report card
- I'm concerned that the patients bill of rights might be too caught up in partisan politics to belong on a UDHR50 list.

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

From: Busby, Scott W.

Sent: Wednesday, November 11, 1998 5:28 PM

To: Naplan, Steven J.; Metzl, Jamie F.

Subject: UDHR deliverables memo [UNCLASSIFIED]

Appreciate your input before I give to Eric.

Steve -- Where do we stand on child labor report card? Were you going to talk to someone about this or was I?

Jamie -- You'll see that I have folded Genocide Early Warning Center into broader category -- mostly to conserve deliverables. Does my one sentence do it justice?

TRANSLATED_ATTACHMENT UDHR deliverables memo.doc

November 12, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Deliverables for Fiftieth Anniversary of Universal Declaration of Human Rights

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

We have already sent forward a detailed scheduling proposal for the President's participation in an event to mark this important occasion. More important than the nature of Presidential participation, however, 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 proposed list of major "deliverables," which include domestic as well as international initiatives. (There are a number of less significant deliverables, which we intend to announce in press materials issued simultaneous with the event.) We believe inclusion of domestic initiatives is critical, to demonstrate that we seek to practice at home what we preach abroad. Unless otherwise noted, relevant agencies have agreed to the inclusion of these deliverables as part of any UDHR event. We would like your

ratification of these deliverables before finalizing them for inclusion in any December 10 event.

1. Human Rights Executive Order. This Executive Order, a draft of which has 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 and considering ratification of other human rights instruments.

2. Anticipating and Responding to Human Rights Emergencies. CIA and State have agreed to develop a Genocide Early Warning Center that would focus additional intelligence resources on situations that have the potential for resulting in widespread human rights abuses. In addition, USAID has agreed to fund several nongovernmental human rights organizations (up to \$8 million over the next five years) to send NGO monitors into such situations.

3. Enhancing USG Response to Declassification Requests Involving Human Rights. In recent years, we have received an increasing number of requests from governments and intergovernmental organizations (e.g., Truth Commissions from El Salvador and Guatemala, the Honduran Human Rights Ombudsman, etc.) for U.S. government information relating to human rights abuses. NSC staff is preparing a proposal for ensuring timely and thorough responses to such requests.

4. Combatting Child Labor. The Labor Department has agreed to contribute \$30 million this year to the ILO's International Program on the Elimination of Child Labor, a sizeable increase over last year's \$5 million contribution. [Labor is also developing a country-by-country report card on child labor practices around

the world.]

5. Protecting Abused Aliens in the U.S. Many illegal aliens who are the victims of serious abuses in the U.S. (e.g., slave labor, forced prostitution) are disinclined to turn in their abusers because doing so may place the victims at risk of deportation. INS intends to put forward a legislative proposal that would permit such individuals to gain lawful status if they collaborate with authorities in identifying abusers.

6. Tracking Down 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, prosecute or extradite such individuals. Justice is actively exploring but has not yet agreed to the idea of creating a task force that would focus on such cases.

7. Preventing Youth Hate Crime. The Department of Education intends to publish a brief manual for schools and communities on this subject as well as a broader "Anti-Harassment Guide for Schools," which will include a section on hate crimes.

9. Implementing the Patient's Bill of Rights. Consistent with the President's directive in February 1998, the Department of Health and Human Services will publish final regulations in December that will implement the patient's bill of rights for recipients of Medicare and Medicaid.

Recommendation: That you approve the inclusion of these initiatives in a December 10 package.

Approve _____ Disapprove _____

6144

Exchange Mail

DATE-TIME 11/13/98 2:23:22 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Human Rights EO [UNCLASSIFIED]
TO Kale, Dora A.

CARBON_COPY**TEXT_BODY**

Dora -- Please prepare in final; needs to go up today.

-----Original

Message-----

From: Busby, Scott W.

Sent: Tuesday, November 10,
1998 2:49 PM

To: DeRosa, Mary B.

Subject: FW: Human Rights EO [UNCLASSIFIED]

Andre's

number is 647-4065. I told him that you might call him. For what it's worth, I think the sentence in question should remain in.

-----Original

Message-----

From: Busby, Scott W.

Sent: Tuesday, November 10,
1998 2:39 PM

To: DeRosa, Mary B.

Cc: @LEGAL - Legal Advisor; @MULTILAT
- Multilateral and Humanitarian Affairs

Subject: Human Rights EO
[UNCLASSIFIED]

Mary -- Before I was able to move this up to front office, Andre Surena at L/HRR called and asked that I give Harold Koh (new Asst Sec. for DRL) an opportunity to chop before it went to SRB. I did so and they have come back with additional changes. Most are small and to my mind, non-controversial so I have integrated.

The only real problematic one is their wish to re-insert the sentence at the beginning of (c), which you all wanted to delete. Probably best that you talk to Andre about this. Would like to send this up ASAP so that we have adequate time for interagency clearance.

Thx.

TRANSLATED_ATTACHMENT Human Rights EO BERGER memo.doc

November 10, 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. Thus, there is value to establishing a mechanism to coordinate interagency action on these issues (e.g., preparing periodic 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. It has been cleared by all affected bureaus at State, as well as by Tom Pickering's

office.

The E.O. would first make clear that it is U.S. government policy to respect and implement its international human rights 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 Implementation of Human Rights Treaties. 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. We plan to make this E.O. one of the key deliverables for the 50th anniversary commemoration of the signing of the Universal Declaration of Human Rights on December 10.

RECOMMENDATION

That you authorize Glyn Davies to sign the memorandum to Robert Damus.

Approve _____ Disapprove _____

Attachment

Tab I Memorandum to Robert Damus

Tab A Proposed Executive Order on Implementation of Human Rights Treaties

2

(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) [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 U.S. international human rights obligations which are relevant to their functions and shall perform such functions so as to fully respect and implement those obligations.] 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, 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) 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

federal law, concerning in particular coordinating that implementation with the guarantees and protections established by the United States constitution and laws, including the laws concerning 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 consistent with the relevant treaty obligations.

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 and compliance of Commonwealths, territories, and federally recognized tribes, as well as human rights matters concerning the treatment of native Americans and other indigenous populations in the United States.

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 appropriate records of its efforts on these matters.

Section 7. Interagency Working Group on Human Right Treaties

(a) There is hereby established an Interagency Working Group on Human Rights Treaties, 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 policy and legal 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;

(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, commonwealth and territorial 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 human rights related provisions of 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, declarations, 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.

6

TRANSLATED_ATTACHMENT Human Rights EO DAVIES memo.doc

Date

ACTION

MEMORANDUM FOR ROBERT DAMUS

FROM: GLYN DAVIES

SUBJECT: Proposed Executive Order on Implementation of Human Rights Treaties

We are providing the enclosed draft Executive order on Implementation of Human Rights Treaties for your coordination. The order has been cleared with the Department of State. We request that OMB clear the order with other

relevant
agencies and complete its processing by December 1, 1998.

Attachment
Tab A Proposed Executive Order
1

Exchange Mail

DATE-TIME 11/13/98 2:41:24 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT UDHR deliverables memo [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY Naplan, Steven J.
Kale, Dora A.

TEXT_BODY

Eric -- Would like to have Sandy take this with him on trip,
so want to move today.

TRANSLATED_ATTACHMENT

UDHR deliverables memo.doc

November 13, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Deliverables for Fiftieth Anniversary of Universal
Declaration of Human
Rights

As you know, we have already sent forward a detailed scheduling
proposal for the
President's participation in an event to mark this Fiftieth Anniversary
of the
Universal Declaration of Human Rights. More important than the
nature of
Presidential participation, however, the event, if it is scheduled,
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 proposed list of major "deliverables," both domestic and international. (There are a number of less significant deliverables, which we intend to announce in press materials issued simultaneous with the event.) We believe inclusion of domestic initiatives is critical, to demonstrate that we seek to practice at home what we preach abroad. Unless otherwise noted, relevant agencies have agreed to the inclusion of these deliverables as part of any UDHR event. We would like your ratification of these deliverables before finalizing them for inclusion in any December 10 event.

1. Human Rights Executive Order. This Executive Order, a draft of which has 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 and considering ratification of other human rights instruments.

2. Anticipating and Responding to Human Rights Emergencies. CIA and State have agreed to develop a Genocide Early Warning Center that would focus additional intelligence resources on situations that have the potential for resulting in widespread human rights abuses. In addition, USAID has agreed to fund several nongovernmental human rights organizations (up to \$8 million over the next five years) to send monitors into such situations.

3. Assisting Victims of Human Rights Abuse. State intends to fund several NGOs assisting survivors of genocide. State is also preparing an additional assistance package for Afghan women. We are also exploring whether State and HHS

would announce increases in funding for victims of torture, as called for by the recently enacted Torture Victims Relief Act.

4. Enhancing USG Response to Declassification Requests Involving Human Rights.

In recent years, we have received an increasing number of requests from governments and intergovernmental organizations (e.g., Truth Commissions from El Salvador and Guatemala, the Honduran Human Rights Ombudsman, etc.) for U.S. government information relating to human rights abuses. NSC staff is preparing a proposal for ensuring timely and thorough responses to such requests.

5. Combatting Child Labor. The Labor Department has agreed to contribute \$30 million this year to the ILO's International Program on the Elimination of Child Labor, a sizeable increase over last year's \$3 million contribution.

6. Protecting Abused Aliens in the U.S. Many illegal aliens who are the victims of serious abuses in the U.S. (e.g., forced labor, forced prostitution) are disinclined to turn in their abusers because doing so may place the victims at risk of deportation. INS intends to put forward a legislative proposal that would permit such individuals to gain lawful status if they collaborate with authorities in identifying abusers.

7. Tracking Down 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, prosecute or extradite such individuals. Justice is actively exploring but has not yet agreed to the idea of creating a task force that would focus on such cases.

8. Preventing Youth Hate Crime. The Department of Education intends to publish in December an "Anti-Harassment Guide for Schools," which will include a section on preventing hate crimes.

9. Implementing the Patient's Bill of Rights. Consistent with the President's directive in February 1998, the Department of Health and Human Services will publish final regulations in December that will implement the patient's bill of rights for recipients of Medicare and Medicaid.

Recommendation: That you approve the inclusion of these initiatives in a December 10 package.

Approve _____ Disapprove _____

3

6144

Exchange Mail

DATE-TIME 11/13/98 4:19:40 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT UDHR Deliverables Part II [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY Naplan, Steven J.
Kale, Dora A.

TEXT_BODY

I made some small changes based on additional developments.

TRANSLATED_ATTACHMENT

UDHR deliverables memo_.doc

November 13, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Deliverables for Fiftieth Anniversary of Universal
Declaration of Human
Rights

As you know, we have already sent forward a detailed scheduling proposal for the President's participation in an event to mark this Fiftieth Anniversary of the Universal Declaration of Human Rights. More important than the nature of Presidential participation, however, the event, if it is scheduled, 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 proposed list of major "deliverables," both domestic and international. (There are a number of less significant deliverables, which we intend to announce in press materials issued simultaneous with the event.) We believe inclusion of domestic initiatives is critical, to demonstrate that we seek to practice at home what we preach abroad. Unless otherwise noted, relevant agencies have agreed to the inclusion of these deliverables as part of any UDHR event. We would like your ratification of these deliverables before finalizing them for inclusion in any December 10 event.

1. Human Rights Executive Order. This Executive Order, a draft of which has 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 and considering ratification of other human rights instruments.

2. Anticipating and Responding to Human Rights Emergencies. CIA, State and USAID have agreed to develop a Genocide Early Warning Center that would focus additional intelligence resources on situations that have the potential for resulting in widespread human rights abuses. In addition, USAID has agreed to fund several nongovernmental organizations (up to \$8 million over the next five years) to respond rapidly to human rights emergencies.

3. Assisting Victims of Human Rights Abuse. State intends to fund several NGOs assisting survivors of genocide. State is also preparing an additional assistance package for Afghan women. State is also willing to increase its contribution to the U.N. Voluntary Fund for Torture to the level called

for by
the recently enacted Torture Victims Relief Act.

4. Enhancing USG Response to Declassification Requests Involving Human Rights.

In recent years, we have received an increasing number of requests from governments and intergovernmental organizations (e.g., Truth Commissions from El Salvador and Guatemala, the Honduran Human Rights Ombudsman, etc.) for U.S. government information relating to human rights abuses. NSC staff is preparing a proposal for ensuring timely and thorough responses to such requests.

5. Combatting Child Labor. The Labor Department has agreed to contribute \$30 million this year to the ILO's International Program on the Elimination of Child Labor, a sizeable increase over last year's \$3 million contribution.

6. Protecting Abused Aliens in the U.S. Many illegal aliens who are the victims of serious abuses in the U.S. (e.g., forced labor, forced prostitution) are disinclined to turn in their abusers because doing so may place the victims at risk of deportation. INS intends to put forward a legislative proposal that would permit such individuals to gain lawful status if they collaborate with authorities in identifying abusers.

7. Tracking Down 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, prosecute or extradite such individuals. Justice is actively exploring but has not yet agreed to the idea of creating a task force that would focus on such cases.

8. Preventing Youth Hate Crime. The Department of Education intends to publish in December an "Anti-Harassment Guide for Schools," which will include a section on preventing hate crimes.

9. Implementing the Patient's Bill of Rights. Consistent with the

President's
directive in February 1998, the Department of Health and Human
Services will
publish final regulations in December that will implement the patient's
bill of
rights for recipients of Medicare and Medicaid.

Recommendation: That you approve the inclusion of these initiatives
in a
December 10 package.

Approve _____ Disapprove _____
3

6144

Exchange Mail

DATE-TIME 11/16/98 7:03:07 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Further revised UDHR deliverables memo [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY 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

Here's a further revised UDHR deliverables memo, which includes two additional items (one on worker exploitation from Civil Rights division at DoJ relayed through James Castello).

TRANSLATED_ATTACHMENT

UDHR deliverables memo.doc

November 13, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Deliverables for Fiftieth Anniversary of Universal Declaration of Human

Rights

As you know, we have already sent forward a detailed scheduling proposal for the President's participation in an event to mark this Fiftieth Anniversary of the Universal Declaration of Human Rights. More important than the nature of Presidential participation, however, the event, if it is scheduled, 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 proposed list of major "deliverables," both domestic and international. (There are a number of less significant deliverables, which we intend to announce in press materials issued simultaneous with the event.) We believe inclusion of domestic initiatives is critical, to demonstrate that we seek to practice at home what we preach abroad. Unless otherwise noted, relevant agencies have agreed to the inclusion of these deliverables as part of any UDHR event. We would like your ratification of these deliverables before finalizing them for inclusion in any December 10 event.

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resulting in widespread human rights abuses. In addition, USAID has agreed to fund several nongovernmental organizations (up to \$8 million over the next five years) to respond rapidly to human rights emergencies.

3. Assisting Victims of Human Rights Abuse. State intends to fund several NGOs assisting survivors of genocide. State is also preparing an additional assistance package for Afghan women. State is also willing to increase its contribution to the U.N. Voluntary Fund for Torture to the level called for by the recently enacted Torture Victims Relief Act.

4. Enhancing USG Response to Declassification Requests Involving Human Rights. In recent years, we have received an increasing number of requests from governments and intergovernmental organizations (e.g., Truth Commissions from El Salvador and Guatemala, the Honduran Human Rights Ombudsman, etc.) for U.S. government information relating to human rights abuses. NSC staff is preparing a proposal for ensuring timely and thorough responses to such requests. An interagency working group is also finalizing new guidelines on sharing information with U.S. citizen family members of persons who have suffered human rights abuses abroad.

5. Combatting Child Labor. The Labor Department has agreed to contribute \$30 million this year to the ILO's International Program on the Elimination of Child Labor, a sizeable increase over last year's \$3 million contribution.

6. Protecting Abused Workers in the U.S. Many illegal aliens who are the victims of serious abuses in the U.S. (e.g., forced labor, forced prostitution) are disinclined to turn in their abusers because doing so may place the victims at risk of deportation. INS intends to put forward a legislative proposal that would permit such individuals to gain lawful status if they collaborate with authorities in identifying abusers. In addition, Justice plans

to replicate its recently established national task force on worker exploitation on the regional level.

7. Tracking Down 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, prosecute or extradite such individuals.

Justice is actively exploring but has not yet agreed to the idea of creating a task force that would focus on such cases.

8. Preventing Youth Hate Crime. The Department of Education intends to publish in December an "Anti-Harassment Guide for Schools," which will include a section on preventing hate crimes.

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Recommendation: That you approve the inclusion of these initiatives in a December 10 package.

Approve _____ Disapprove _____

3