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NSC/RMO PROFILE

RECORD ID: 9807337
RECEIVED: 27 OCT 98 12

TO: DAMUS, R

FROM: DAVIES

DOC DATE: 18 NOV 98
SOURCE REF:

KEYWORDS: HUMAN RIGHTS

TREATIES

PERSONS:

SUBJECT: PROPOSED EXECUTIVE ORDER ON IMPLEMENTATION OF HUMAN RIGHTS TREATIES

ACTION: RICE SGD MEMO

DUE DATE: 02 NOV 98 STATUS: C

STAFF OFFICER: BUSBY

LOGREF:

FILES: PA

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BUSBY
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EXECSEC
NSC CHRON

COMMENTS: _____

DISPATCHED BY JP DATE 11/19 BY HAND W/ATTCH

OPENED BY: NSDMK

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DOC 2 OF 2

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ACTION DATA SUMMARY REPORT

RECORD ID: 9807337

DOC ACTION OFFICER

CAO ASSIGNED ACTION REQUIRED

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Z 98111709 FOR DECISION
X 98111907 STEINBERG APPROVED RECOM
X 98111907 RICE SGD MEMO

DISPATCH DATA SUMMARY REPORT

DOC DATE DISPATCH FOR ACTION

DISPATCH FOR INFO

002 981118 DAMUS, R

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**National Security Council
The White House**

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 BYPASSED WW DESK: _____ DOCLOG 73 A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
<i>B</i> Cosgriff			
Rice	<u>1/4</u>	<u>PR 11/13 '18</u>	
Davies			
Kerrick	<u>2</u>	<u>@</u>	
Steinberg	<u>3</u>		
Berger			
Situation Room			
West Wing Desk	<u>4</u>	<u>DMK 11/18</u>	<u>X</u>
Records Mgt.	<u>5</u>		<u>NULLIFIED</u>

A = Action	I = Information	D = Dispatch	R = Retain	N = No Further Action
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cc:

COMMENTS: *Proposed EO re Impl. of Human Rights Treaties*

Exec Sec Office has diskette yes _____

**National Security Council
The White House**

PROOFED BY: _____ LOG # 7337
 URGENT NOT PROOFED: _____ SYSTEM PRS NSC INT ARS
 BYPASSED WW DESK: _____ DOCLOG 13 A/O _____

	SEQUENCE TO	INITIAL/DATE	DISPOSITION
Cosgriff			
Rice	<u>1 / 4</u>	<u>PR 11/13 '18</u>	
Davies			
Kerrick	<u>2</u>	<u>10</u>	
Steinberg	<u>3</u>		
Berger			
Situation Room			
West Wing Desk	<u>4</u>	<u>DMK 11/18</u>	<u>D</u>
Records Mgt.	<u>5</u>		<u>NULLIFIED</u>

A = Action I = Information D = Dispatch R = Retain N = No Further Action

cc:

COMMENTS: Proposed EO re Impl.
of Human Rights Treaties

Exec Sec Office has diskette yes

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

7337

November 18, 1998

ACTION

MEMORANDUM FOR ROBERT DAMUS

FROM: GLYN DAVIES *GJD*

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

EXECUTIVE ORDER NO. **XXXXXX**
(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 Rights 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.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20504

7337

November 13, 1998

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ^{SB h} ERIC SCHWARTZ/^{SB h} JAMES BAKER
FROM: ^{SB} SCOTT BUSBY/^{SB h} 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. 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).

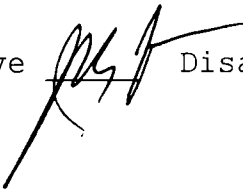
State has drafted the attached Executive Order to address these concerns. It has been cleared by all affected bureaus at State, as well as by Tom Pickering's office.

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 treaties.

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 proposed 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 _____

Attachments

Tab I Memorandum to Robert Damus

Tab A Proposed Executive Order on Implementation of Human Rights Treaties

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.

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

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